

119. – A declaration of intention is void if made under a mistake as to an essential element of the juristic act, but if the mistake was due to the gross negligence of person making such declaration he cannot avail himself of such invalidity.

(J. 95).

120. – A declaration of intention is voidable if made under a mistake as to a quality of the person or the thing which is considered as essential in the ordinary dealings.

(Walton Vol. I; p. 215).

~~121. – A declaration of intention procured by fraud or duress is voidable.~~

~~When a third person has committed a fraud in respect to a declaration of intention made to some persons, it is voidable only if the other party knew or ought to have known of the fraud.~~

~~The avoidance of a declaration of intention procured by fraud cannot be set up against a third person acting in good faith.~~

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122. – An act is voidable on account of fraud only when it is such that without it the act would not have been made.

(Old text 136)

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