

Magistrate of any City or Municipality, under the Corporate Seal; and if in any Foreign State or Kingdom, under the hand and seal of office of any British Minister, Ambassador, Consul General, Vice Consul, or Consular Agent, resident there; and every affidavit so sworn by virtue of this Act, may be used and shall be admitted in evidence, saving all just exceptions, provided it purport to be sworn, signed, and verified as aforesaid: provided always, that if any person shall forge the signature of any such affidavit, or shall use or tender in evidence any such affidavit with a false or counterfeit signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to imprisonment for any term not exceeding three years nor less than one year, with hard labour, in the Provincial Penitentiary; and every person who shall be charged with committing any felony under this Act, may be dealt with, indicted, and tried, and if convicted, sentenced, and his offence may be laid and charged to have been committed in the County or place in which he shall be apprehended or be in custody; and every accessory before or after the fact to any such offence, may be dealt with, indicted, tried, and if convicted, sentenced, and his offence may be laid and charged to have been committed in any County or place in which the principal offender may be tried: provided also, that if any person shall wilfully and corruptly make a false affidavit before any person herein authorized to take such affidavit, every person so offending shall be deemed and taken to be guilty of perjury in like manner as if such false affidavit had been made in New Brunswick, before competent authority, and shall and may be dealt with, indicted, tried, and if convicted, sentenced; and his offence may be laid and charged to have been committed in any County or place in which he shall be apprehended, or be in custody, as if his offence had been actually committed in that County or place.

SCHEDULE.

(A)

Writ when the defendant, being a British subject, resides out of the jurisdiction.

Victoria, by the Grace of God, &c.

To C. D. of

We command you, that within [*here insert a sufficient number of days within which the defendant might appear, with reference to the distance he may be from New Brunswick*] days after the service of this Writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in our Supreme Court of the Province of New Brunswick, in an action at the suit of A. B.; and take notice that in default of your so doing, the said A. B. may by leave of the Court or a Judge, proceed therein to judgment and execution.—Witness, &c.

Memorandum to be subscribed on the Writ.

N. B.—This Writ is to be served within (*six*) calendar months from the date thereof, (*or if renewed, from the date of*

such renewal), including the day of such date, and not afterwards.

Indorsement to be made on the Writ before service thereof.

This Writ is for service out of the jurisdiction of the Court, and was issued by E. F. of , Attorney for the plaintiff; or This Writ was issued in person by A. B., who resides at [*mention the City, Town, or Parish where plaintiff resides.*]

Indorsement to be made on the Writ after service thereof.

This Writ was served by X. Y. on L. M. the defendant (one of the defendants) on (*Monday*) the day of 18 . Served. X. Y.

(B)

Writ where the defendant, not being a British subject, resides out of the jurisdiction.

Victoria, by the Grace of God, &c.

To C. D. of

We command you, that within [*here insert a sufficient number of days within which the defendant might appear, with reference to the distance he may be at from New Brunswick*] days after notice of this Writ is served on you, inclusive of the day of such service, you do cause an appearance to be entered for you in our Supreme Court of the Province of New Brunswick, in an action at the suit of A. B.; and take notice that in default of your so doing, the said A. B. may by leave of the Court or of a Judge, proceed therein to judgment and execution.—Witness, &c.

N. B.—Notice of this Writ to be served within six calendar months from the date thereof, including the day of such date, and not afterwards.

[*Indorsement as in last.*]

Notice of the foregoing Writ.

To C. D. late of , or now residing at .

Take notice, that A. B. of , in the County of New Brunswick, has commenced an action at law against you C. D. in Her Majesty's Supreme Court of New Brunswick, by a Writ of that Court, dated the day of 18 ; and you are required within days after the receipt of this notice, inclusive of the day of such receipt, to defend the said action by causing an appearance to be entered for you in the said Court to the said action, and in default of your so doing, the said A. B. may, by leave of the Court or a Judge, proceed therein to judgment and execution.

Indorsement to be made on the Writ after service thereof.

This Writ was served by O. P. on C. D. the defendant (or one of the defendants,) on the day of 18 . Served. O. P.