

vince, whether now existing or hereafter to be constituted; and every Oath, Affidavit, Declaration or Affirmation taken or made as aforesaid, shall be as valid and effectual, and shall be of the like force and effect to all intents and purposes as if such Oath, Affidavit, Declaration or Affirmation had been administered, taken, sworn, made or affirmed before a Commissioner for taking Affidavits therein, or other competent authority of the like nature.

2. The Commissioners so to be appointed shall be styled Commissioners for taking Affidavits in and for the Courts in the Province of New Brunswick.

3. Oaths, Affirmations, Affidavits or Declarations administered; sworn, affirmed or made out of the Province of New Brunswick, before any Commissioner authorized by the Lord Chancellor to administer oaths in Chancery in England, or before any Notary Public certified under his hand and official seal, or before the Mayor or Chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, or in any Colony of Her Majesty, or in any Foreign State or Country, and certified under the Common Seal of such City, Borough or Town Corporate, or before a Judge of any Court of Supreme jurisdiction in any Colony belonging to the Crown of Great Britain and Ireland, or any Dependency thereof, or before any Consul, Vice-Consul, Acting Consul, Pro-Consul, or Consular Agent of Her Majesty, exercising his functions in any foreign place, for the purposes of, and in or concerning any cause, matter or thing depending or in any wise concerning any of the proceedings to be had in any of the said Courts of this Province, shall be as good, valid, and effectual, and shall be of like force and effect to all intents and purposes, as if such Oath, Affirmation, Affidavit or Declaration had been administered, sworn, affirmed or made in this Province, before a Commissioner for taking Affidavits therein, or other competent authority of like nature.

4. Any document purporting to have affixed, impressed or subscribed thereon or thereto, the signature of any such Commissioner, or the signature and official seal of any such Notary Public, or the seal of the Corporation, and the signature of any such Mayor or Chief Magistrate as aforesaid, or the seal and signature of any such Judge, Consul, Vice Consul, Acting Consul, Pro-Consul, or Consular Agent, in testimony of any such Oath, Affidavit, Affirmation or Declaration having been administered, sworn, or affirmed, or made by or before him, shall be admitted in evidence without proof of any such signature, or seal and signature, being the signature, or the seal and signature of the person whose signature, seal and signature the same purport to be, or of the official character of such person.

5. Any Affidavit, Declaration or Affirmation proving the

execution of any Deed, power of Attorney, Will, or Probate, or memorial thereof, for the purpose of registration in this Province, may be made before the Commissioner appointed under this Act, or other person authorized hereby to administer or take Oaths, Affidavits, Declarations and Affirmations.

6. No informality in the entitling or heading, or other formal requisites of any Affidavit, Declaration or Affirmation made or taken before any Commissioner or other person under this Act, shall be any objection to its reception in evidence, if the Court or Judge before whom it is tendered think proper to receive it.

7. If any person shall tender in evidence any such document as aforesaid, with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall be subject to the punishment by law provided for felony.

8. Nothing herein contained shall affect or be construed in anywise to affect the provisions of the seventh Section of an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law*.

9. Nothing in this Act contained shall affect or be construed to affect or make good any Affidavit, Affirmation, Oath, or Declaration, or any other act, matter or thing heretofore made or done, but the same shall have the same and no other effect than they have or could have, had this Act not been passed.

CAP. XLI.

An Act relating to Foreign Judgments.

Passed 13th April, 1864.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—

That in any action now pending or hereafter to be instituted in any Court in this Province on a Foreign Judgment, where the defendant was not personally served with the original process or first proceeding in the suit, within the jurisdiction of the Court where the said judgment may be obtained, it shall be competent for the defendant to enter into the subject matter of such Foreign Judgment and to avail himself of any matter of law or fact which would have been available as a defence, had the action on which such judgment was had and obtained been originally brought and prosecuted in any of the Courts of this Province; provided always, that notice of such defence shall be given in like manner as is required by the course and practice of the said Courts, any law, usage or custom to the contrary notwithstanding.