
B I L L .

[As passed by the Legislative Council.]

An Act to amend *An Act to facilitate the proof in Lower Canada of certain Instruments executed without that section of the Province.*

WHEREAS it is expedient to amend the Act passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act to facilitate the proof in Lower Canada of certain Instruments executed without that section of the Province*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. In all cases where any Power of Attorney purporting to be executed out of Lower Canada, in the presence of one or more witnesses, and to be authenticated by or before any Mayor or other Magistrate, Judge of any Court of Record, British Consul or other Public Officer of the country where it bears date, has been or may be produced by any witness or witnesses who decline to part with such original, it shall be the duty of the Prothonotary or Clerk of the Court in which such cases shall or may be pending, forthwith to make a true and exact copy of such Power of Attorney, at the cost and charges of the party or parties requiring the same, and to certify and deposit the same in such cases; and such copy so certified and deposited shall be taken and received by and before all Courts and elsewhere in Lower Canada, as *prima facie* evidence of the original and of the due execution thereof; and such Power of Attorney shall be held and taken to be authentic and duly proved in the manner aforesaid, unless the authenticity thereof be specially put in issue as hereinafter mentioned.

2. It shall be competent for any interested party to deny the authenticity of the original of any such copy by filing an affidavit before the closing of the evidence or *Enquête* of the party or parties producing such copy, or in whose interest it shall or may be filed, to the effect that he has reason to doubt and does not believe that the same was executed or attested by the person or persons, nor in the manner it purports to be, and by entering security to the satisfaction of a Judge, for all costs attending the execution of any commission to be issued to prove such Power of Attorney; it shall then be incumbent on the party wishing to use the copy to prove the original thereof in due form of law, to which end the party having the custody of such