

Court, shall thereupon draw up a judgment accordingly for the amount claimed by the plaintiff, and appearing to be due by any such *acte authentique*, account or agreement as aforesaid whereon the demand is founded,--which judgment shall be held to be the judgment of the Court and shall be recorded and executed accordingly, subject to the provisions hereinafter made :

Affidavit required and to what effect, and by whom.

But no plaintiff in any such case, either in the Superior or in the Circuit Court, founded upon an account stated or upon a verbal agreement, shall be entitled to inscribe the same for judgment as aforesaid, unless such plaintiff do at the time of so inscribing the case, file an affidavit in the form of the Schedule A or B (as the case may be) to this Act, wherein such plaintiff or one of the Plaintiffs (if there be more than one,) or some other credible person cognizant of the fact, (whether competent or not as a witness in the case,) shall swear that the amount demanded is due by the defendant to the plaintiff;--the affidavit of one person that the whole amount is due to his knowledge shall be sufficient, but several affidavits of several persons, each of whom shall swear that a certain part of such amount is due to his knowledge, shall also be sufficient, provided the total amount of the sums so sworn to be equal to that for which judgment is prayed :--

May be made by more than one person in certain cases.

Before whom to be made.

Any affidavit under this section may be made before a Judge of the Superior Court, or before the Prothonotary or Clerk of the Superior or Circuit Court at the place where the case is pending, or before any Commissioner for receiving affidavits to be used in the Superior or Circuit Court.

Judgment to be served on defendant.

XI. Every judgment recorded under the next preceding section shall be served upon the defendant personally or at his domicile, by a Bailiff of the Superior Court, and the Bailiff's return of such service shall be filed and remain of record as part of the proceedings in the case;--and the Prothonotary or Clerk of the Court shall enter and register as part of the said proceedings, the date at which such return shall be filed.

Opposition may be filed to any such judgment.

XII. The defendant in any such case may contest the judgment (*se pourvoir contre le jugement*) recorded as aforesaid, by opposition or *simple requête afin d'opposition*, to be filed in the office of the Prothonotary or Clerk of the Court in which the judgment was rendered, within the periods hereinafter limited respectively, that is to say :

And within what delay.

If the place where such service is made be not more than five leagues from that where the judgment was rendered, then--

Within ten days after the service of the judgment, if the case be in the Superior Court, and--