

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1850. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1850.

13 Victoria – Chapter 37

An Act to regulate the proof of certain documents in actions wherein Foreign Corporations doing business in this Province are parties. Passed 26th April 1850.

Whereas and by the sixteenth section of an Act made and passed in the twelfth year of Her present Majesty's Reign, intituled *An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law, it is amongst other things enacted*; "That in the case of a Foreign Corporation, or of any Body Politic or Corporate, not being established or incorporated within this Province, and which may enter into any contract or engagement, or transact any business therein, by their known accredited agent or officer, a Writ of Summons may be served upon such accredited agent or officer within this Province, and that such service should be valid:" And Whereas in actions against such Foreign Corporation or Body Politic or Corporate, upon any contract or engagement entered into by the said Foreign Corporation or Body Politic or Corporate, doing business in this Province, by their agent or other accredited officer as aforesaid, the proof of such contract or engagement is very difficult to be obtained, owing to the necessity of the Seal of such Foreign Corporation or Body Politic or Corporate, and the signatures of the officers of said Foreign Corporation or Body Politic or Corporate, being strictly proved in those cases where the existence of such contract or engagements put in issue: And Whereas a total defeat of justice might be occasioned for want of such strict proof as aforesaid;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, upon any trial of any cause before any Court in this Province, wherein it shall be necessary to prove any contract or engagement entered into by any Foreign Corporation or Body Politic or Corporate, doing business in this Province, it shall only be necessary for the party or parties, plaintiff or plaintiffs, defendant or defendants, seeking to prove such contract or engagement, or to put the same in evidence before such Court to prove that such contract or engagement has been duly signed or issued by the accredited agent or officer of such Foreign Corporation, Body Politic or Corporate in this Province; and upon such proof having been given, the Court before which such trial shall be had shall admit the same in evidence, and the same shall be considered as duly proved without any other or further evidence of the execution thereof by such Foreign Corporation, Body Politic or Corporate, any law, usage or custom to the contrary notwithstanding; provided always, that nothing in this Act contained shall be construed to extend to any contracts or engagements already entered into and now in force in this Province.