

of them, taken before a commissioner of this State to take acknowledgment of deeds, or before any court, judge or justice or other officer of the State or country where such deed, bond, bill or instrument hath been executed, having authority by law to administer an oath, and a certificate under seal from the governor, chief magistrate or a notary public of such State or country, that the court or officer before whom such oath was taken had authority to administer an oath, and that such oath hath been duly made before such court, judge, justice or other officer, or if proved before the commissioner or notary public aforesaid, the same to be certified under his official seal, shall be good and sufficient evidence in any court of this State to prove such deed, bond, bill, note or other instrument.

See secs. 50 and 87.

An. Code, 1924, sec. 48. 1912, sec. 45. 1904, sec. 45. 1888, sec. 40. 1785, ch. 46, sec. 3. 1882, ch. 77.

**53.** If there be no subscribing witnesses to any such deed, bond, bill, note or other instrument of writing, or if all the witnesses thereto shall die before the execution thereof be proved as aforesaid, proof by a credible witness to the handwriting of the party making the same, or to the handwriting of the subscribing witnesses to the same, or any of them, taken and certified as directed in the preceding section, shall be good evidence to prove such deed, bond, bill, note or other instrument of writing.

An. Code, 1924, sec. 49. 1912, sec. 46. 1904, sec. 46. 1888, sec. 41. 1785, ch. 46, sec. 3.

**54.** But if any suit be brought in any court of this State upon any instrument of writing proved as hereinbefore directed to recover any sum of money or other valuable thing specified therein to be due, the party bringing such suit shall at or before the first imparlance court make oath before some judge or justice of this State or before the commissioner aforesaid, or some judge or justice or other officer of the State or country where such instrument of writing hath been executed having authority to administer an oath, and to be certified as aforesaid that such instrument of writing was duly executed by the person therein mentioned to have executed the same and that the debt or other valuable thing appearing to be due by such instrument of writing or any part thereof, except what is credited, is not paid or in any manner satisfied by discount, account in bar or otherwise to his knowledge or belief, but that the whole or such part thereof as shall be stated in such oath to be due remains unpaid to the best of his knowledge and belief.

An. Code, 1924, sec. 50. 1912, sec. 47. 1904, sec. 47. 1888, sec. 42. 1785, ch. 46, sec. 3.

**55.** Nothing contained in this article in relation to the proof of foreign deeds or other instruments of writing shall affect the provisions of this code in relation to the conveyance of real estate within this State by persons residing or being out of this State; nor the provisions thereof in relation to the proof of claims against the estates of deceased persons.

#### **Foreign Laws.**

1939, ch. 131, sec. 50A.

**56.** Every court of this State shall take judicial notice of the common law and statutes of every State, territory and other jurisdiction of the United States, and of every other jurisdiction having a system of law based on the common law of England.