

Governor in Council empowered to make Orders to give effect to this Act.

4th. The Governor in Council may from time to time make such Orders as are necessary for carrying this Act into full effect; and may also make such other Orders as may be requisite for the transmission through the Post of Printed Books, Magazines, Reviews and Pamphlets, to and from other British Colonies and the United States without passing through the United Kingdom, in conformity, as far as may be, with the foregoing charges and scale of weights.

Orders published in the Royal Gazette to be deemed part of this Act.

5th. All Orders made by the Governor in Council and published in the Royal Gazette under the provisions of this Act, shall be deemed and taken as part of the same, and have the authority of law.

How Post Office Acts to be referred to.

6th. In all Orders made by the Governor in Council in pursuance of this or the first recited Act, or in contracts, legal proceedings, or otherwise however, it shall in all cases be sufficient to refer to and designate the said recited Act as "The Post Office Act of 1850," and this Act as "The Post Office Act of 1851."

Commencement and interpretation of this Act.

7th. This Act shall come into operation at the same time as "The Post Office Act of 1850," and all words used in this Act shall be interpreted in the same manner as in that Act prescribed.

This Act may be altered.

8th. This Act may be altered or amended during the present Session of the Legislature.

SCHEDULE.

Regulations for the transmission of Printed Books.

Regulations as to the transmission of Printed Books referred to in Section 3 of the foregoing Act :

1st. The charge shall be the same, whether the Printed Book, Magazine, Review or Pamphlet be posted or delivered at a Post Town on the Frontier or Sea Coast of the Province, or at a Post Office in the interior of the same.

2d. The postage shall in all cases be pre-paid; one third of the charge being considered as paid for British Inland rate; one third for Sea rate; and one third for Inland Colonial rate.

3rd. To prevent the inconvenience which might arise from a large quantity of Books being sent by one Mail, Postmasters shall have authority in cases of necessity to delay the dispatch of such Books until the dispatch of the next Mail after that by which they would have been sent in the usual course, at their option, for a period not exceeding one week.

4th. No Printed Book, Magazine, Review or Pamphlet shall be sent by any route which will entail the expense of transit postage on the Post Office Department.

5th. All Printed Books, Magazines, Reviews and Pamphlets sent through the Post, shall be subject in all respects to the same conditions and restrictions to which Newspapers are liable by "The Post Office Act of 1850."

CAP. II.

An Act to make further provision for the service of Non-Bailable Process.

Passed 15th March 1851.

Preamble.

‘ **W**HEREAS in and by the several Acts of Assembly regulating the service of Non-Bailable Process issuing out of the several Courts of Law in this Province, no sufficient provision is made for the case of persons carrying on business therein, who may have a place of business but no place of residence in this Province, or for persons who may have temporarily left the Province for the purpose of avoiding the service of Process;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases where, after the passing of this Act, Non-Bailable Process shall be issued out of the Supreme Court of this Province, or any of the Inferior Courts of Common Pleas, against any person or persons carrying on business in this Province, who may have a place of business but no place of residence therein, the service of such Process may be effected by leaving a copy of the same, with the ordinary English notice thereunder written of the purport and effect of such Process, at the place of business of said defendant or defendants, with some Agent or Clerk or adult person in the employment of the defendant or defendants in such business, and known to the person serving the same as being an Agent, Clerk or person in the employment of the defendant or defendants in such business.

Service of Non-Bailable Process against persons carrying on business but having no residence in the Province.

II. And be it enacted, That the service of any Process issued out of the Supreme Court, or of any Inferior Court of Common Pleas, after the passing of this Act, against any person or persons who may have temporarily left or who may temporarily leave this Province for the purpose of avoiding the service of Process, may be made as provided in and by the first section of this Act, and as provided in and by the several Acts of Assembly making provision in lieu of personal service.

Service of Process against persons who have temporarily left the Province.

III. Provided always, and be it enacted, That no service of any Process made by virtue of this Act shall be deemed good service, unless the same shall have been made by the Sheriff of the County to whom the same shall have been directed, or his Deputy, nor without an affidavit by the party so serving the same, setting forth the facts, time and place of such service, and if under the second section of this Act, the reasons for believing that such defendant or defendants had left the Province to avoid service of Process, and an order of a Judge of the Court out of which such Process issued, thereupon made, ordering such service to be deemed and taken as good service; and provided further, that nothing herein contained shall be construed to repeal any of the Acts of Assembly regulating the service of Process or any parts thereof otherwise than as the same may be inconsistent herewith.

Service under this Act to be made by the Sheriff or his Deputy, and affidavit made.

CAP. III.

An Act relating to the competency of Witnesses in certain cases.

Passed 15th March, 1851.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person by reason of being rated, or liable to be rated, or otherwise, for rates and taxes in any City, County, Town or Parish within this Province, shall be deemed and taken thereby to be an incompetent witness in any case in which the Officers of such City, County, Town or Parish, or any one or more of them, acting for and on behalf of such City, County, Town or Parish, shall be a party, or where the said City, County, Town or Parish may in any manner be affected, nor in any case wherein a pecuniary penalty or any part thereof shall be given to the use of the Poor of such City, County, Town or Parish, or otherwise for the benefit or exoneration of such City, County, Town or Parish, or the inhabitants thereof.

No person to be an incompetent witness in certain public Suits by reason of his being rateable for taxes.