

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.*

**B**E 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.