

proceed by service on the person so acting for the absent or concealed party, it being made to appear by affidavit, and to the satisfaction of the Judge granting such order, that the party is absent or concealed.

5. Upon the hearing on review, if the Judge of the Supreme Court be satisfied by affidavit that the defendant has not been legally served with summons or first process in the cause, or that he has not had a fair and reasonable opportunity of appearing, or defending the same before the Justice, the same shall be a sufficient ground for setting aside the judgment, or ordering a non-suit to be entered, or the Judge may make such order in the matter as to him may seem right, notwithstanding the return of the Justice, which shall be no bar or ground for excluding evidence by affidavit, either of the want of service of summons, or opportunity to appear as above stated; provided always, that copies of the affidavits to be used on such hearing be served on the Justice who tried the cause, with the order for hearing.

6. In case of a Jury being applied for, and a venire issued, the Justice shall not deliver the venire to either party, but to the constable by whom the Jury are to be summoned.

CAP. XLIV.

An Act to explain and amend Chapter 112, Title XXX, of the Revised Statutes, "Of the Registry of Deeds and other Instruments."

Section.

1. Meaning of "grant, bargain, and sell," in Chap. 112.

Section.

2. Meaning of Sec. 7 of Chap. 112, in respect of free execution of instruments by married women.

Passed 1st May 1856.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That nothing in Chapter 112, Title XXX, of the Revised Statutes, "Of the Registry of Deeds and other Instruments," or in the sixteenth Section thereof, shall extend or be construed to extend to prevent the words "grant, bargain, and sell," in any Deed or instrument, amounting to a conveyance, or to prevent such words being as sufficient to convey and transfer all the right and title of the grantor or bargainor executing such conveyance, as if that Chapter had not been passed.

2. Nothing in the seventh Section of the said Chapter 112, of said Title XXX, shall be construed to require the persons authorized by law to take acknowledgments of conveyances, to certify on any conveyance, power of attorney, or other instrument executed by a married woman, that such married woman executed the conveyance freely, but such Section shall mean that the person so certifying shall certify that he has examined such married woman apart from her husband, and she acknowledged that she executed the same freely.

CAP. XLV.

An Act relating to Insurance Companies not incorporated by Act of Assembly in this Province.

Section.

1. Insurance Companies not incorporated in the Province to file a statement of their affairs in the Provincial Secretary's office before transacting business.
2. Annual statements to be filed.
3. Provincial Secretary to grant a certificate of the filing of the required statement.

Section.

4. Certified copies of all papers filed under this Act to be received in evidence.
5. Service of process on a Company's Agent to be valid.
6. Proof of the issue of a Policy.
7. Penalty for violating this Act.
8. Commencement of Act.

Passed 1st May 1856.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. It shall not be lawful for any Insurance Company or Association not incorporated by the Legislature of this Province, to establish or continue any Branch or Agency within this Province, or directly or indirectly to take any risk, or transact any business of insurance in the same, after the day fixed for this Act to come into operation, unless a statement subscribed by the President, Secretary, or principal Manager of such Company or Association, shall be first filed in the Provincial Secretary's Office in this Province; which statement shall specify the aggregate amount of the risks at that time taken by the said Company, the amount of losses incurred during the preceding year, the amount of capital actually paid in, and how the same has been invested and secured; also a particular statement of the manner in which the residue of the capital has been secured, the amount of the dividends for the preceding year and when declared, the amount of cash on hand and in the hands of Agents or other persons, together with the amount of the surplus profits then