

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.	Section.
1. Meaning of "grant, bargain, and sell," in Chap. 112.	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.	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.	4. Certified copies of all papers filed under this Act to be received in evidence.
2. Annual statements to be filed.	5. Service of process on a Company's Agent to be valid.
3. Provincial Secretary to grant a certificate of the filing of the required statement.	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 belonging to the said Company, and how the same have been invested and secured, and the amount of real estate owned by the said Company; which statement shall be accompanied by an affidavit of the Secretary or principal Manager of said Company, that such statement is true and correct according to the best of his knowledge and belief; which affidavit shall be made before any Mayor or Chief Magistrate of any Borough, City, or Corporate Town of the State, Province, or Kingdom, where the said Company has its principal place of business, or before any person authorized to take the proof of acknowledgment of the execution of Deeds for Registry in this Province.

2. The authorized Agent of every such Company shall, during the continuance of such Branch or Agency within this Province, cause to be made and filed in the Provincial Secretary's Office in this Province, between the first day of January and the first day of August in each and every year, a copy of the Balance Sheet as made up by the said Company, to the end of the fiscal year of the said Company then next preceding, with a statement of the assets of the said Company to and at the time when such Balance Sheet was made up, and also with the affidavit of the Secretary or principal Manager, to be made before the Mayor or Chief Magistrate of any Borough, City, or Corporate Town of the State, Province, or Kingdom where the said Company has its principal place of business, or before any person authorized to take the proof or acknowledgment of the execution of Deeds for Registry in this Province, that he believes the said statement to be true and correct.

3. On the production to the said Provincial Secretary of any such statement, by or on the behalf of any such Insurance Company as aforesaid, purporting to be subscribed by any such President, Secretary, or Manager, with the affidavit of any person resident in this Province that he is the authorized Agent of the Company by whom such statement is made, and that to the best of his knowledge and belief such statement is correct and true, and that the parties subscribing such statement is the President, Secretary, or Manager of such Company, it shall be the duty of the said Provincial Secretary to furnish such Agent with a certificate of the said statement having been duly filed in his office.

4. Copies of all papers required by this Act to be filed or deposited in the office of the said Provincial Secretary, certified under his hand to be true and correct copies of papers so filed or deposited, shall be received in evidence in all Courts and places in this Province, and shall have the same force and effect as the original would have if produced and proved.

5. For the purpose of commencing any action or suit at law or in equity against any such Company, service of process on any such Agent shall be good service of process on such Com-