

THE GLEANER

AND

NORTHUMBERLAND SCHEDIASMA.

VOLUME III.]

"Nec araneorum sane texus ideo melior, quia ex se fila gignunt nec noster vilior quia ex alienis libamus ut apes."

No. 32.

MIRAMICHI, TUESDAY MORNING, APRIL 17, 1832.

THE GLEANER.

NEW-BRUNSWICK.

An Act to improve the law relating to mortgages.
Passed 9th March, 1832.

"Whereas the existing Law relating to mortgages needs amendment in certain respects."

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, any mortgage already registered, or which may hereafter be registered, under the provisions of the Acts in force for the public registering of deeds and conveyances, may be discharged by a certificate under the hand and seal of the mortgagee, his executors, administrators or assigns, declaring that all the Monies due upon the mortgage have been paid, or that the mortgage has been otherwise satisfied and discharged; which certificate shall be duly acknowledged or proved in like manner as a deed or conveyance under the provisions of the said registry Acts, and shall be registered at full length, with the acknowledgment or proof thereof, in the registry Book in the office where the mortgage is registered; and the register shall make an entry in the margin of the Registry of the mortgage, that such mortgage is satisfied and discharged, which entry shall refer to the Book and page where such certificate is registered; and such certificate shall also be filed in the Registry office.

II. And be it declared and enacted, That every discharge of mortgage duly made and entered into the Registry Book according to the Provisions of the seventh section of an Act made and passed in the twenty-sixth year of the Reign of King George the third, intituled *An Act for the public registering of all Deeds, Conveyances, and Wills, and other incumbrances which shall be made of, or that may affect any Lands, Tenements, or Hereditaments within this Province, or according to the Provisions of this Act,* shall be valid and effectual to discharge and release the mortgage to all intents and purposes, as well at law as in Equity, from the time when such entry is made, and to revert the legal estate in the Mortgagor, his Heirs, Executors, Administrators or Assigns, without any reconveyance thereof.

III. And be it further enacted, That where any action shall be brought on any contract or obligation for payment of the money secured by a mortgage, or upon any covenant in the mortgage deed, for a payment of such money, or where any action of Ejectment shall be brought for the recovery of any mortgaged Lands, Tenements, or Hereditaments, and no suit shall be then depending in the Court of Chancery of this Province for or touching the foreclosing or redeeming of such mortgaged Lands, Tenements, or Hereditaments, if the person or persons having right to redeem such mortgage Lands, Tenements, or Hereditaments, and who shall appear and become defendant or defendants in such action, shall at any time pending such action pay unto such mortgagee or mortgagees, or in case of his, her, or their refusal, shall bring into the court where such action shall be dependant, all the principal monies and interest due on such mortgage, and also all such costs as have been expended in any suit or suits at Law or in Equity upon such mortgage (such money for principal, interest, and costs to be ascertained and computed by the court where such action is or shall be dependant, or by the proper officer by such court to be appointed for that purpose), the monies so paid to such mortgagee or mortgagees, or brought into such Court, shall be deemed and taken to be in full satisfaction and discharge of such mortgage; and the Court shall and may discharge every such mortgagor or de-

pendant of and from the same accordingly, and shall and may by rule or rules of the same Court compel such mortgagee or mortgagees at the Costs and charges of such mortgagor or mortgagors, either to discharge the mortgage in the manner and form provided by Act of Assembly for that purpose, or else (at the option of such mortgagor or mortgagors) to assign, surrender or reconvey such mortgaged Lands, Tenements and Hereditaments, and such Estate and interest as such mortgagee or mortgagees have or hath therein, and also in either case to deliver up all deeds, Evidences and writings in his, her, or their custody relating to the title of such mortgaged Land, Tenements, and Hereditaments under such mortgagor or mortgagors who shall have paid or brought such monies into the Court, his, her or their Heir, Executors or Administrators, or to such other person or persons as he, she or they shall for that purpose nominate or appoint.

IV. And be it enacted, That hereafter in any action of Ejectment brought by a mortgagor or mortgagors, his, her or their Heirs, Executors, Administrators or Assigns, to recover possession of any Lands, Tenements, or Hereditaments under mortgage, no defendant other than the mortgagee or mortgagees, his, her or their Heirs, Executors, Administrators or Assigns shall be permitted to set up the mortgage to bar the right of recovery, or to defeat the title of such mortgagor or mortgagors, his, her or their Heirs, Executors, Administrators or Assigns; any Law or usage to the contrary notwithstanding.

An Act further to amend the Laws regulating the Qualifications of Church Wardens and Vestrymen in this Province.

Passed 9th March, 1832.

"Whereas by an Act passed in the First Year of His present Majesty's Reign, intituled *An Act to repeal an Act passed in the 50th Year of the Reign of His Majesty King George the Third, intituled, An Act to declare the Qualifications of Church Wardens and Vestrymen in the several Parishes in this Province, and of the Persons having voices in their Elections, and to make other and more effectual Enactments in lieu thereof,* Owners or Proprietors of Pews are eligible to the Offices of Church Wardens and Vestrymen of the Church in the Parish only in which they actually reside: And whereas it is desirable and proper that Owners or Proprietors of Pews, although residing in an adjoining Parish, shall be qualified to be elected to the said offices;"

Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, the Inhabitants of the several and respective Parishes in this Province who shall be Owners or Proprietors of Pews in any Church, or Chapel of Ease thereto belonging, situate in the Parish adjoining that in which they reside, shall and may be qualified and capable to be elected and appointed, and to have and hold the Offices or Places of Church Wardens and Vestrymen in such Church; any thing in the said in part recited Act to the contrary in any wise notwithstanding.

THE MECHANICS.—We know of no members of any community in the world, who are intitled to so much praise in this respect as our own laborious mechanics. Toiling from the earliest dawn of day to its close, at their several occupations,—the smith in his foundry, the weaver at his loom, the brick-layer on his scaffold, the glass-blower at his furnace, the compositor at his desk, all at their various occupations for the maintenance of their families,—no sooner is the business of the day over, and the hum of industry subsided, than they very generally turn to some of those excellent publi-

cations, which have been recently circulated in this country for their especial benefit. Thus the long winter-night, formerly spent in idleness, dissipation, or gloom, is now made short, innocent, and cheerful to them, by being turned to their own improvement, and to that of their children, in the most valuable branches of information. Let there be amongst the millions of our population, but a fair proportion of intelligent men like these, and the most despotic of English Kings, even George III., in whose reign more bad laws were passed or continued than during the reign of all his predecessors put together, may sit upon the throne again. He may have for his prime minister a Pitt, a Perceval, or a Sidmouth; for his Chancellor, an Eldon; for his Attorney-General, a Wetherell or a Sugden; he and his minions may put down the press, and silence the unions established throughout the country; but so long as the light of knowledge thus burns at the fire-sides of the uncorrupted and industrious classes of this great community, not all the measures of the worst of kings, and of the most profligate of ministers, could ever succeed in extinguishing the elements of our freedom. These would live amidst the surrounding ruins, and, sooner or later, rise up like the Phoenix, with renovated strength, to renew the conflict between liberty and power.—*Monthly Review.*

IRISH TROTTER.—A gentleman meeting an Irish groom on a very nice mare bearing the signal of sale, demanded her price. "A hundred guineas, *nate,* please your honor," says Pat. "Can she trot well?" "Is it trot high, your honour manes? Faith, and sure haven't I trotted her, as Mich Malony will swear over sixteen six-foot walls, coped and dashed, and glass bottles on the top, and she never supposing but she were on his Majesty's highway, God bless him!" "How many miles can she trot in an hour?" "Sixteen, your honor, and as much more if she were pushed." "Nothing less, Paddy?" "No, and upon my soul not conveniently."

DUELLING.—By the Mexican laws, if a man kills another in a duel, he becomes answerable for all his debts. If we had a similar law for Great Britain and Ireland, "affairs of honour" would be of rare occurrence. A pretty thing it would be, if a gentleman could not give another gentleman *satisfaction*, by killing him, without being liable to satisfy all his creditors also! At this rate "affairs of honour," in nine cases out of ten, would end in affairs of *Banco Regis.*

THE GIGANTIC BOOK.—We translate the following paragraph from *Le Globe* of the 19th ult.:—"The largest book that ever went to press will appear next year in London. It will be entitled 'The Pantheon of English Heroes.' Every page will be twenty-four feet high by twelve broad, and the letters will be half a foot long. It has been necessary to construct a machine expressly for the fabrication of the paper. This gigantic work will be printed by means of a steam-engine, and, instead of black ink, gold varnish will be used. Only one hundred copies will be struck off, intended as the ornaments of the principal English libraries!"—*Literary Gazette.*

POPULATION OF IRELAND.—According to the population returns, a summary of which is inserted on our second page, the population of England and Wales and Scotland was, in 1831, 16,537,398. The total population of Ireland was, in the same year, 7,734,000, making the aggregate population of the United Kingdom 24,271,398. The increase of population in Ireland, since 1821, has been at the rate of about 13 1/2 per cent.—*Liverpool Albion.*