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"CHERISH RESPONSIBLE GOVERNMENT, AND BRITISH CONNEXION."

IJAMES P. A. PHILLIPS, Proprietor

PREDERICTON, N. E., FEBRUARY 28, 1946.

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MONTHLY COMMITTEES. DIRCTORS FOR FEBRUARY 1846 :- John S. Coy, and Thomas Stewart.

Brotection Ausurance Company, HARTFORD, CONNETICUT. F. W. HATHEWAY, AGENT, Fredericton

of the Bir to the Honorable William Botsford, late senior Justice of the Supreme Court.

CHARLES I. PETERS, Attorney General,

JAMES J. KAYE, Secretary.

seconded by Mr. Wright-

To the Honorable WILLIAM BOTSFORD, late senior New Brunswick.

The Members of the New Brunswick Bar embrace this, the first occasion of their assembling deeply regret that retirement, they cannot but apprompted an act so generous and disinterested.

ing, and all present were deeply affected by the low taken to be correct; the Register of this Bill went merely to extend the amount which were now caused by the Law limit and rented as in other Parish Churches; a noble sentiments it contains.—New-Brunswicker. Deeds must record that instrument; he had for which they could do so, he could not ling the taking of the acknowledgments of condition being however made, that not less

Provincial Parliament.

Monday, February 23, 1846.

CONVEYANCES BY FEMES COVERT.

Hon. Mr Botsford in the Chair.

Resolved unanimously, That the same be adopt- mode of taking such acknowledgments, that Acts relating to the subject; before long taking the acknowledgment of married for three months. Resolved, That Messieurs the Hon. William B. they might not require the husband to leave those Laws must be consolidated and simpli- women; though he was quite as competent Kinnear, William Wright, John M. R. binson, John the room, while they asked the wife the fied; and to create an additional Act now to do so when merely J. P. as he is now. H. Gray, and William J. Ritchie, be appointed a necessary questions as to her having freely would only be to increase the difficulty and Committee to present the Address.

and voluntarily executed the deed; deeds down. The Flon. Member concurred by acknowledgments under 2200, why were Chairman, might be drawn by persons incompetent to moving the postponement of the Bill for they not fit to do so to any amount? And Justices might not be qualified to detect the Mr Wyer.

To retire from the Bench, where the harmony their own right, as was proposed merely for Justices of C. P.

no power to question its validity, to make see the difficulty to arise from it. Justices married women, in certain cases, to Judges,

Justices might be so lax and easy in their the hegistry Law, there being so many the pleasure of privately examining and rity. The Bill was accordingly postponed

Justice of the Supreme Court of the Province of deficiencies; acknowledgments might be in- Hon. Mr. JOHNSTON would not be in the Deed. GENTLEMEN OF THE COMMITTEE. If seel grate- If such a Bill were required at all, it ought P. But certainly the present practice was bar her right of Dower.

course with the members of the Bar, had been the Jess than £200, before an ordinary Justice a Justice of the C. P., or a Justice of the fraud or imposition. growth of half a century—to commence life as it were anew—were subjects for painful considera—of the Peace, was only an exception to a Peace. It was all nonsense to put the man Hon. Mr Kinnear mentioned, that it till another should be built; pointed out the affairs of men, and so necessary for the protectione an ordinary J. P.; but certainly he if the woman was really under the influence after which, tion and defence of the injured and oppressed, the Members of the New-Brunswick Bar may ever be distinguished for that moral fortitude which is de description and defence of the injured and oppressed, the would not be for altering the present Law of her husband, she would not dare to say the sittings were all declared to be free. But so; as he had nothing to do but to threaten felt some difficulty in expressing an opinion in time Grace Church was found to be too

any investigation or enquiry as to the ge- of C. P. did not possess any more know- or Justices of C. P. The question then Legislative Council Chamber. nuineness of signatures; and when once ledge than common Justices; and there came up, whether the present exception, recorded, that Deed was always evidence in was often great inconvenience to parties which allowed such acknowledgments, every Court of Justice in the country. This under the present Law. Justices of C. P. where the value was under £200, to be was certainly a most dangerous anomaly in generally resided in the Shire Town of the taken by common Justices, had been at-The House went into Committee, in con- the law of evidence; and the evils to arise County; yet parties must come from the tended with any inconvenience or injustice. sideration of the Bill, relating to conveyan- from it might hereafter be experienced, to most distant part of the County to acknow- He [Hon. Mr. B.] had heard of none; and at par, at all the Branches and Agencies of the Bank of ces by Femes Covert, for the barring of the dismay and ruin of many who now little ledge a Deed before one of them, although if so, he thought there could be no difficulty dreamed of the danger. Therefore he [Hon. it might just as easily have been done before or impropriety in extending the power of vr. C.] was not disposed to go any further a J. P.; because the man and wife always such Justices, in the manner required by The object of the Bill was, to enable mar- in facilitating such conveyances. Again, came together to make the acknowledgment, this Bill. With regard to the argument, ried women to acknowledge their execu- women might come before Magistrates and there was no disagreement between the par- as to women being under the influence of tion, of conveyances, in which they had acknowledge Deeds as married women; but ties about it, or they would not come at their husbands; and as to the declaration joined for the purpose of barring Dower, they might not be the real parties; the real all; their minds were made up before- to be made by the woman, that she executand wherein the consideration money ex- persons interested might be personated by hand, and if so, why would not an acknow- ed the Deed, without any fear, threat or ceeded £200, before any Justice of the others; the Magistrate might be ignorant of ledgment before a J. P. do as well as be- compulsion of her husband; he [Hon. Mr. Peace, instead of only before a Judge of the all the parties, and unable to detect the fore any body else? It had been urged, that B.] really thought the Laws now in exist-Supreme Court or Justice of the Inferior fraud; and this was another mischief un- the Law might be evaded; but he [Hon. ence must have been made for ancient and Court of Common Pleas, as under the ex- provided against by the present Law. But Mr H.] would ask, if there was any Law barbarous times, and that they could scarcely

the Province, the House could hardly be pre- knowledgments, to make enquiry respect- be evaded? Surely that argument was no to execute a Deed? Surely, nothing of the pared to go so far; and without intending ing the parties, and to satisfy himself as to reason, why the present Law should not be kind took place in these days of refinement At a Meeting of the Bur of New-Brunswick held to cast the least slight on any of the Magistrate of the City of Fredericton, in the Province Build-ing, on Saturday the seventh day of February, A and without intending their being truly what they represented extended, to remedy an inconvenience.

How should not be and gallantry; on the contrary, he thought, themselves to be, before certifying their action, in the Province Build-ing, on Saturday the seventh day of February, A and without intending the present Law should not be and gallantry; on the contrary, he thought, themselves to be, before certifying their action, in the Province Build-ing, on Saturday the seventh day of February, A and without intending the contrary of the Bur of New-Brunswick held to cast the least slight on any of the Magistrate of the country, he thought, the contrary of the Bur of New-Brunswick held to cast the least slight on any of the Magistrate of the country, he thought, the contrary of the Bur of New-Brunswick held to cast the least slight on any of the Magistrate of the country, he thought themselves to be, before certifying their actions of the seventh day of February, A not to interfere with the wholesome provision of the present Law. There might per- Law was such as it is, by confining the tak- were five Magistrates, but no Justice of C. tables were altogether turned now; he beral, William Tyng Peters, the Hon. William B. haps be some little inconvenience felt, in ing of such acknowledgments to fewer in- P.; so that if a person in that Island wanted lieved, that the ladies had too much power Kinnear, Q. C., Daniel Ludlow Robinson, the Hon. certain parts of the country, from the dis-Edward B. Chandler, Q. C., William End, Q. C. tance to be travelled to go before a ludge, of mischief, of fraud and deception, and the be unwell, or about to be confined, or any such occurrence likely: and that hus-Charles Peters Wetmore, Hon. John W. Weldon, William Wright, William Carman, Jr. John M. or a Justice of the C. P.; but he thought Registers of Deeds would run less risk of rethat and deception, and the bed diverged to go defore a Judge, or about to be confined, or about the confined to be confined, or about the confined to be confined, or ab Robinson, Andrew Birberie, James W. Chandler, that much greater inconvenience and even cording forgeries, than if this Bill were al-Hon, Robert L. Hazen, Hon, Lemuel A. Wilmot, injustice might be caused by passing this lowed to pass. For these reasons, as well but he must carry her up to St. Andrews, over to their way of thinking. as for those urged by the Hon. and learned to make her acknowledgment before the [The Hon. Gentleman's gallant remarks s, William Jack, Alexander Campbell, of Dower; to enable married women more Member opposite, he [Hon Mr C.] should Hon. Col. Wyer. But persons who were appeared to have considerable effect, both George F. H. Minchin, Geo. D. Street, David S. Kerr, John H. Gray, Will am J. Ritchie, G. J. easily to convey away their rights in their oppose this Bill. There might be particu-Thomson, George Lee, Jr. John C. Allen, Theo- husbands' property, which perhaps might lar inconveniences at present existing; but made Justices of the C. P. to-day; and Hon. Members; and the Hon. Mr. Chandphilus Desbrisay, lames F. Berton, James J. Kaye, be their whole provision for the remainder the danger to arise from the proposed reme-Colin J. Allan, Andre R. Wetmore, Humphiey of life It was therefore a very important dy would be very much greater. There to do what they could not do before. For tion for postponing the Bill 1 The Hon, the Attorney General in the Chair. Bill, and required serious consideration, was another reason for not passing any such instance; there was Justice Connell at Hon. Mr. Wyer said, he had seconded Rend the draft of an Address from the Members Such a Bill might lead to many evil consequences; breaches of faith reposed in par- to bunt all through the first volume, of promoted to be Justice of C. P; but it was The question was then taken, and carried

formally taken, or informally certified on the such haste to postpone the Bill He thought Hon Mr. CHANDLER replied that this Chair.

knowledge and integrity of my successors. Inust be before a Judge of the Supreme ted the Deed; she would do it just as soon an oath to any person who was a witness that Parish; the parties being required to In my intercorse with the Members of the Bar, Court or a Justice of C. P.; and if the Le- before one of those Justices as before ano- to a Deed. That could be done by the be resident Subscribers to the funds of the deeply interested in their honor and prosperity. de novo, to begin to legislate on this sub- whether the woman spoke truly or falsely? or by the Court of C P.; but it could not ants at the Church, instead of being Pew From them I have always received the kindest ject, he [Hon. Mr. C.] would be disposed There was no oath taken in the case, and be done by a Justice of the C. P. The Holders as in other Parishes; and declared My fervent wishes are, that in the pursuit of to go against even that exception, and to the matter was always settled between the Hon. Member added a few other observa- that the same principle and mode of formour honorable profession, so mixed up, as it is, with allow of no acknowledgment; whatever be- parties before they came to the Justice; and tions, in support of his former argument; ing a Church Corporation should be applied

ie [Hon. Mr. C.] thought, that before long that ever was made that might not be eva- be considered as applicable to modern days. Hon. Mr KINNEAR objected to the Bill, there must be a Law enacted, to require ded; if there was any Law that the inge- For who ever heard of such a thing now. as he thought that, in the present state of the Magistrate or Judge, taking these ac- nuity of man could frame, that might not as a husband thrashing his wife, to get her

Upon motion of the Hon. William B. Kinnear, ties by the law might occur, in various ways, the Statutes, to ascertain what really was only since his promotion that he could have in the affirmative, by a considerable majo-

Tuesday, February 24, 1846.

The Bill to provide for the man, draw them properly and effectually, and the three months, which was seconded by Hon. the present Law might easily be evaded, of the temporalities of the Church of Engby putting down a sum less than £200 in land in this Province, in certain cases, was committed .- Hon. Mr. Saunders in the

Deeds; the thing intended to be done might all the difficulties suggested by the Hon. was not a question as to the ability of Jus- Hon. Mr. ATTORNEY GENERAL stated. together since your Honor's retirement from the be so carelessly and badly done, that even Member who had just spoken, might arise tices of the Peace; but the question was, that this Act had become necessary, from Bench, to convey to your Honor a cordial and uni- where in truth the wife had freely and vo- under the present Law; and that this Bill whether it was not necessary, in order to an inadvertency of the Legislature. The ted expression of their respect; and while they luntarily executed the conveyance, yet from would not add to those difficulties. Suppose prevent individuals from making fraudulent foundation of all Church Corporations, [of deeply regret that retirement, they cannot but appreciate the high and honorable feelings which some informality or deficiency in the acknowledgment, a purchaser might, after the what was to prevent the parties stating the the number of persons who should be au- was the Act 29 Geo. 3. c. 1., which first The Bar recall with pride and satisfaction your death of the husband, be subject to a claim consideration money in the Deed at less thorised to take the acknowledgments of erected the Parish of the City of St. John, long and honorable career as a distinguished Member of their Body,—as Speaker for many years of the form of the House of Assembly of this Province, and as a experse of a suit in Chancery, to defeat the knowledge its execution before any Justice vent fraud; and the fewer the number of wardens and Vestries in the Province. That bright ornament of that Bench which so pistly claim and to maintain his just title. For of the Peace. He [Hon. Mr J.] did not authorised persons, the less danger there Act provided, that the Parishioners in St. commands the esteem and veneration of all classes, these reasons, and because he [Hon. Mr. K.] think there could be so much danger as had would be of fraud. But if the argument John should elect Church Wardens and Nor c in they, in thus noticing your Honor's just thought that Justices of the C P. were been suggested. If the Law made it in- were good for anything, that any J. P. was Vestrynien; and so the practice was for a urbanity and kindness which have ever marked generally persons of such acquirements and cumbent on the Judge or Justice of the C. quite as competent as a Justice of C. P., long time. But at length it was found, that your private intercourse with the Members of the habits, as to have a sufficiently clear percep- P., to read over to the woman the contents then why not extend the principle to the ac- the word "Parishioners" was too gener | a Bir, and which, added to the active benevolence of tion of what the law required, and that they of the Deed, to explain to her, knowledgments of married women convey- term; there was no discrimination or defiyour whole life, have secured an attachment on their part which previous years have only served would take care to see the law properly comto strengthen, and which future years cannot dis- plied with; while the same acquirements and strictly formal, it might be all very well Dower? But the Bill would not authorise eligible to be elected; and so it happened and perception could not always be expec- to confine such duties to those Justices; that, and if it were to pass at all, he [Hon. that Dissenters of all Denominations woted Tuesday, the 17th instant, being the day ap- ted in Justices of the Peace, he thought that but all that was now required by the Law Mr. C.] would not confine it merely to cases at elections of Church Wardens and Vespointed by Juge Botsford to receive the foregoing in such an important matter, the Province was, that the woman should be asked of barring of Dower. A person in Grand trymen. To remedy this, another Act Address, the Committee, together with a large body of the other Members of the Bir, assembled was not yet prepared to make such an alat the St. John Hotel, where his Honor had re- teration as this Bill proposed; and he should luntarily and without compulsion; and if own right; and if this Bill should pass, she voters at Church Elections, from "Parishquested their attendance, at 2 o'clock in the after- therefore be against passing it at present. she said she did, there was an end of it; and would just be as badly off as she was be- ioners" to "Pew Holders;" and so it stood, noon, and the Address having been read and presented by Mr. Kinnear, his Honor was plased to opposed this Bill last year, and he had seen could quite as well be put by a common from going to St. Andrews, though it would pened, that the Parish of Portland, having nothing since to induce him to alter his mind. Justice of the Peace as by a Justice of C. relieve the woman who merely wanted to no Parish Church, had erected a small

building for that purpose; but, being enful for this Address, and gratified, that the motives to go further, and apply the same provision attended with very great inconvenience, to Hon. Mr. Wyer briefly opposed the Bill, tirely a free Church, where all the sittings which induced my resignation, have been appre-ciated by the members of the New-Brunswick Bur. to go further, and apply the same provision attended with very great inconvenience, to Hon. Mr. Wyen briefly opposed the Bill, tirely a free Church, where all the sittings observing, that Justices of the C. P. were were open and free, there were no Pew generally persons who had for many years Holders; and no means, therefore, under was uninterrupted, and attached as I was, to my the barring of Dower. But he objected to Hon. Mr. Attorney General thought previously been Magistrates; and who the Law, of electing or constituting a Church Brethern not merely form the ties formed by official the Bill altogether. The provision in the duties, but by the bond of friendship and profound the Bill altogether. The provision in the lit a mere matter of moonshine, whether the would take care to be satisfied by reading Corporation. In 1836, therefore, an Act esteem—to interrupt, I will not say to sever, the existing Law, allowing married women to acknowledgment of Femes Covert was over Deeds before taking acknowledgments was passed, [6 Will, 4, c, 3.] to remedy associations and friendships which in my inter- acknowledge deeds, where the value was made before a Judge of the Supreme Court, of them, and would protect women from this difficulty; that Act declared Grace Church to be the Parish Church of Portland,

tion and reflection. A sense of public duty com- general rule. The general principle was, to all this trouble, merely to get the decla- was a singular thing, that at this moment no who should be qualified to choose and to be pelled me to make the sacrifice; and I rejoice that that acknowledgments by Femes Covert ration of the woman, that she freely execu- Judge of the C. P. had power to administer chosen Church Wardens and Vestrymen in the public good will be promoted by the ability, must be before a Judge of the Supreme ted the Deed; she would do it just as soon an oath to any person who was a witness that Parish; the parties being required to I ever wish to be considered as one, who was gislature were now called upon to commence ther; and how was either of them to tell Supreme Court or by the Registrar of Deeds, Church, communicants and stated attendto all other Churches in the Province, where

ived from religion.

Having passed the age allotted to man, my life it was an anomaly in our Law, that a relog just what he wanted her to do. The been all on one side on the question; but as built in the Parish of Portland, principally must be drawing to a close; -whatever the continuance may be, it will be cheered by the recoltinuance may be, it will be cheered by the recolgistered deed, purporting on its face to be whole thing was a mere matter of moonthey differed in opinion, he would briefly by means of liberal donations and subscriptinuance may be, it will be cheered by the recollection that when I retired from the Bench, I car. signed by a Magistrate on the endorsement shine, without doing one particle of good. state his own ideas. It appeared that the tions of the Parishoners; but it was found ried with me the esteem and attachment of the of an acknowledgment, though leaving no- Hon. Mr. HATCH said, that all J. P's. object of this Bill was, to remedy an exist-necessary, in order to complete the building W. BOTSFORD. thing to shew whether that Magistrate's sig- could now take such acknowledgments ing difficulty'; to remove obstructions in the and to support the Clergyman, that it should His Honor delivered this reply with great feel. nature was genuine or a forgery, yet must where the value was under £200; and if way of conveying property subject to Dower, be fitted up with pews, and the pews sold

C ARCHIVER OF NOVA SCOTI