

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 Lands, Tenements and Hereditaments, unto such Mortgagor or Mortgagors who shall have paid or brought such Monies into the Court, his, her or their Heirs, 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.

In Actions of Ejectment by a Mortgagor, no Defendant other than Mortgagee to set up the Mortgage to bar Right of Recovery, or defeat Title of Mortgagor.

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#### CAP. XXIV.

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

Passed 9th March 1832.

**W**HEREAS by an Act passed in the First Year of His present Majesty's Reign, intituled *An Act to repeal an Act passed in the Fiftieth 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 severall Parishes in this Province,*

Repealable.

1 W. 4, C. 23.

vince, 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;

Owners of Pews in a Church in the Parish adjoining that in which they reside, may be Church Wardens and Vestrymen.

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.

### CAP. XXV.

An Act to establish and regulate a Ferry and public Landing at Indian Town in the County of Saint John.

Passed 9th March 1832.

Justices of the City and County of Saint John may make Regulations for the Landing at Indian Town, establish a Ferry and fix the Fares.

BE it enacted by the Lieutenant Governor, Council, and Assembly, That the Justices of the General Sessions of the Peace for the City and County of Saint John, be and they are hereby authorized and empowered to make Regulations for the public Landing at Indian Town in the Parish of Portland, and to establish a Ferry from that Place to the opposite Shore near to Lovet's Point, and to fix the Rates and Fares to be