

he most certainly would be ashamed to record his name with those who sought to smother the enquiry.

Mr. COLES then moved that the hon. member leave to withdraw his motion; and the question being put thereon, the House divided:

Ayes—Messrs. Coles, Warburton, Whelan, Mooney, Lord, Flynn, Laird, Jardine, Davies, McNeill, Clark, Beaton—12.

Nays—Messrs. Pope, Fraser, Montgomery, Haviland, McDonald, Thornton, Palmer.

Mr. LE LACHEUR then expressed his willingness to produce his qualification, since in doing so he would not consider himself yielding to the arbitrary demand of the hon. member for Charlottetown. If the hon. member was still desirous for its production, he might procure it by sending for it to Mr. Edward Jordan's, which was only seven miles from town.

SATURDAY, 9th March.

HOUSE IN COMMITTEE ON THE INSOLVENT DEBTORS' BILL.

The first, and only alteration made by this Bill, in the expiring Act, was in the Seventh Clause, limiting the period during which the incarceration or detaining Creditor shall have it in his power to detain his Debtor in jail upon weekly aliment or allowance. By the Act yet in operation the period extends to twelve months; but, by this Bill it is limited to three months.

Mr. SPEAKER stated that, in Great Britain when an imprisoned Insolvent Debtor had satisfactorily shown that he had made a full surrender of all his property, for the benefit of his Creditor or Creditors; the Creditor or Creditors had no longer any power over his person, and he received his discharge from jail forthwith; but any property which he might subsequently acquire was, by the Law, to be subject to the claims established against him before his release from Jail. But were fraud proved against him, he was liable to be punished by further imprisonment according to the discretion of the Commissioner in the case. By the Insolvent Debtors' Act still in operation here, the incarcerating Creditor had it in his power to detain his Debtor in jail for twelve months, even after he had surrendered all his property in part liquidation of his debt, and had every thing taken from him except his wearing apparel. Such a law was unjust in principle and cruel in its operation. The Insolvent Debtors' Act of Nova Scotia was by no means so severe. There should a farmer unfortunately become embarrassed with debt, and, after being imprisoned on account of it, take the benefit of the Insolvent Debtors' Act, he had neither his last cow taken from him, nor the hay necessary to feed her through the winter; and, besides his wearing apparel, he had left for the use of himself and family, a certain quantity of household furniture. Compassion was not the only motive which had operated with the Legislature of that Province in their enactment of such a Law; a consideration of the evil consequences which would result to society, from the operation of a Law of a contrary nature, by the breaking up of families and throwing them upon the public without any resources or means of support, had, no doubt, been allowed its proper weight with the framers of the Act. He was prepared to give to Creditors and Commissioners the most ample means and fullest power to make search and investigation concerning any property which they might have reason to think was fraudulently concealed. He would even stake at the validity of all conveyances of property which had been made, by an Insolvent Debtor, within a certain period preceding the declaration of his Insolvency. With respect to the arrangement which might, by the expiring Law, be made between the incarcerating Creditor and his Debtor, by which the latter might give up all he possessed to the former, to the evident prejudice of any other Creditor or Creditors he might have; (he Mr. Speaker) thought the power to give such preference was wrong, and that all the Creditors should be placed upon an equal footing, with respect to the property of the Insolvent, and each receive a dividend in proportion to his claim. The only preference which he would be inclined to allow, would be with respect to the legal expenses incurred by the incarcerating Creditor. These he (Mr. Speaker) thought he ought to be reimbursed, and that then a dividend of as much in the pound, as it should be found the Insolvent's estate could pay, should be declared for the equal benefit of all the Creditors who had proved or substantiated their claims against it. What he (Mr. Speaker) advanced was not mere speculation, it had long been acted upon in several countries. In Scotland, an Insolvent Debtor had it in his power to procure his discharge after an imprisonment of six weeks. The course which, to that end, the Insolvent had to pursue, was merely to cause it to be notified to all his Creditors that he was ready to surrender all the property he possessed for the equal benefit of them all; who, if they could not show that he had made any fraudulent conveyance or concealment of property, were obliged to accept of whatever composition the Insolvent's estate could afford—and let him go. The Law as he (Mr. Speaker) had explained it, had been in operation in Scotland for 200 years. Mr. Speaker also explained that he was not seeking to extend the advantages experienced by the Traders under the Bankrupt Laws, to men who were not Traders. The advantages and operation of the Insolvent Laws of Great Britain extended to men who were not engaged in trade, such as the mere Farmer, the Surgeon, the

half-pay Officer, or the man dependent upon an annual income; but the benefits of the Bankrupt Laws were confined to actual Traders.

Mr. WARBURTON was in favour of such a distribution of an Insolvent's Estate, as would place all his creditors upon an equal footing.

Mr. POPE observed that he remembered the time when in this Colony, a man who owed upwards of £100, might have been imprisoned for life. Under the operation of the Law, as it then stood, individuals had been kept in jail for debt for fourteen or fifteen years. The want of Bankrupt Laws in this Colony he regarded as a very injurious defect in its legislative code. The absence of such Laws kept fair speculation and laudable enterprise within the very narrowest limits; for, how could it be expected that any man of prudence or foresight would embark his capital in any scheme, however promising and inviting, which might possibly, in spite of every effort of care, diligence, and wisdom, prove a complete failure, and consign him and his family, for the remainder of his days, to an ineffectual struggle, not only for a livelihood, but even for personal liberty. But the evil was not confined, in such a case, to the individual Insolvent and his family, but injuriously affected the progress of the Colony in the road to wealth and consideration, by driving altogether from the field of commercial enterprise a man who, whilst securing a competent provision for the support of himself and his family might, in no immaterial degree, have contributed to the general prosperity of the community, by the free and fair exercise of a sound judgment, just calculations, and an enterprising spirit, might improve the resources of the country, and beneficially extend its commercial transactions.

Mr. LORD said his own views of the subject perfectly coincided with those of his hon. colleague, (Mr. Pope). He thought the operation of the existing Insolvent Debtors' Act was injurious both to the Creditor and the Debtor. In the first place, even although the Debtor had surrendered all his effects, or had none to surrender, the incarcerating Creditor could keep him in jail, upon a weekly allowance, for twelve months; and if he did so, besides the suffering which he thereby inflicted upon his Debtor and his family—that Debtor perhaps an honest, although an unfortunate man—the extreme course was attended by serious expense to himself. And, in the second place, was the injury done to the country at large, as pointed out by his honorable colleague. He (Mr. Lord) was disposed to extend the same consideration and privilege to the Insolvent Debtor, as those granted to a man imprisoned under the operation of the Small Debts Law; and that, after having surrendered all his property and suffered imprisonment for what was, perhaps, not his crime, but his misfortune, he should be released from all responsibility on account of the Debt for which he had been imprisoned. He hoped the time was not far distant when imprisonment for Debt would be altogether abolished. In entertaining and expressing such sentiments, he was, perhaps, running counter to his own interests, for he had a large amount of debts at stake in the country; but he wished to consult the interests of unfortunate Debtors and their families, as well as those of their creditors. The general agreement which he had expressed with the views of his honorable colleague (Mr. Pope), he (Mr. Lord), however, ought perhaps to qualify. It was indeed most true that the want of Bankrupt Laws in the Colony, such as were in operation in other countries, was a serious check to laudable enterprise. The field of enterprise, however, to a certain extent, was here open to every one who chose to enter upon it; but he regretted to say, that he thought there was a great deficiency amongst our young men of that active spirit of enterprise, which was so observable in the neighbouring Republic, and which tended so materially to individual and public property.

Hon. Mr. THORNTON had always regarded the exercise of the power given by the Law, to an incarcerating Creditor, to detain his Debtor in jail after a surrender of all his known effects, was something like the thumb-screw formerly in use under arbitrary government in Great Britain. The aim of the Creditor in prolonging the imprisonment of his Debtor, was if possible to screw out something more, either from him, his suffering family, friends, or relations. He was decidedly of opinion, that the imprisonment of an Insolvent Debtor should cease with the day on which he passed his examination before the Commissioners; unless matter of fraudulent concealment, or unlawful retention, was established against him or reasonably suspected. Considering the state of the Island trade and enterprise, he thought it was high time for the Legislature to take into their serious consideration the propriety of introducing Bankrupt Laws into the Colony. The operation of such Laws would, he was persuaded, benefit both Debtors and Creditors, and tend greatly to promote our general prosperity.

Mr. COLES contrasted the operation of our existing Insolvent Debtors Law with that of those of Great Britain. The hon. member dwelt, in strong condemnatory language, upon the severity, injustice and impolicy of our Law, by which an honest, but unfortunate man might be kept in jail, on account of debt which he had no power to discharge, on no better than a felon's allowance, if as good, for twelve months; whereas, in Great Britain and other countries, the Insolvent—on showing to the satisfaction of the Insolvent Debtors' Court, that he had given up his all for the benefit of his

Creditors—was ordered to be forthwith discharged, although any property which he might subsequently acquire was to be held liable for the Debts, or balance of debts, for which he had been imprisoned. Such a Law was certainly much better than that in operation here; still, in his opinion, it was, in one particular, impolitic and severe: he meant on account of the liability of subsequently acquired property. He thought he would be merely acting in accordance with the principles of sound policy and justice, to grant the discharged Insolvent such a release from all the Debts included in his schedule thereof as was granted to a certificated Bankrupt. The hon. member also spoke strongly in favor of the introduction of Bankrupt Laws; and, in alluding to the commercial prosperity of the United States, attributed much of that prosperity to the encouragement given to honorable speculation and enterprise, by their Bankrupt Laws; and he thought the expediency of introducing Bankrupt Laws into this Colony should be taken up, by the Legislature, at the first convenient season.

COMMISSIONERS' FEES.—Messrs. Lord, Fraser, Le Lacheur, and Mooney, expressed themselves as the advocates of all reasonable retrenchment—in favor of a reduction of the Commissioners' Fees. The majority of the House, however, decided that any reduction in the Fees hitherto allowed under the Insolvent Debtors Act, would be for the present inexpedient. The old Scale of Fees was therefore retained.

CORRESPONDENCE.

FOR THE EXAMINER.

SAYINGS AND DOINGS.

CHAPTER II.

There dwelt in the Island of the Gulf a man whose name was John, and he was a setter of Type and a Publisher; a man of great self-esteem, and a native of Sillery.

And John the Publisher, surnamed Nincum, was enveloped in mental darkness; his opacity no man could fathom; yea, the depth of eternal night rested upon him, and his mind was in his stomach, for John was a gourmand.

Yet, I say unto you, Nincum was puffed up with vanity, yea, the Bubble strutted as a Turkey, and he carried a yellow cane in his big hands which turned obliquely outwards as the flippers of a Seal, and he waggled to and fro in his gait, and the tracks of his great feet were terrible in the mud.

Yea, I say unto you, John found great favour in his own eyes; he was a toy among the daughters of the land, the delight of children whom he cherished with sweets, and John was a Hog Reeve.

But John the Publisher had no brain to guide his Journal, for it was lean as the arm of Death, and barren as sterile rock; and John was a Pauper in the land on the minds of men.

And it came to pass when the twenty and four persons were chosen by the people from among them, and Duncan the rejected had hid himself in New London, and the Sons of Liberty were exalted, then the mighty of the land were smitten with great fear, because of the chosen of the people.

And they gathered themselves together in secret, and said, lo! we have no voice in the Assembly of the people—the plume of our power is shorn; yea, the strong men encompass us, and the enemy tread upon our hearth stones, and we have no voice against them. Yea, even our Press is naught, for James and John are feeble.

Then it came to pass, that the mighty fallen drew from their bags of gold, and said each unto other, this will I give of my substance to buy Duncan and put him in the Office of John the Publisher for ninety and three days; and when the gold was counted it numbered twenty and ten pounds.

Now, a messenger was sent unto Duncan in New London, and he said unto the rejected, come forth from thy hiding place and journey with me unto the great City of the Isle and be a Scribe unto the fallen, a protector of the remnant of the people. But Duncan looked cadaverously at the messenger, and said unto him, wherefore should I go with thee?

Then the messenger answered, and said, Duncan thou knowest already the great of the land ask thee for a bulwark in this day of their discomfiture. But Duncan again answered and said unto the messenger, wherefore should I go with thee?

Then the messenger said unto him, O! thou of little patriotism, why stand you idle when the fabric crumbles and the EXAMINER is in the land. But Duncan said, wherefore should I go with thee?

Now, the messenger answered and said unto him: Know, O Duncan, the great of the City of the Gulf have numbered twenty and ten pounds for thee, to sit in the Office of John the Publisher ninety and three days and smite our enemies. Then Duncan's eye brightened, and his rough visage knew a smile, and he made himself ready and came rejoicing into the City of the Isle.

And Duncan was installed in the Office of John the Publisher, as the Battering Ram of the remnant of the people. And on that day Duncan's face was washed clean, and his beard was shorn, and white linen was at his bosom and a collar on his Dickey, and he was arrayed in an aged blue garment decked with buttons