THE EXAMINER:

A Weekly Journal of Politics, Literature, and News.

"This is true Liberty, when Freeborn Men, having to advise the Public, may speak free."—Euripides.

Vol. X. Charlottetown, Prince Edward Island, Tuesday, July 31, 1860. New Series.—No. 29.

SPECIAL NOTICES.

A Toilet Case.—Joseph Burnett & Co., put up their four principal toilet articles, Cocoaine, Kalliston, Tooth Wash and Florimel, in a very neat case for the Toilet, or for convenience in travelling. These preparations are not only of approved usefulness and all that they profess to be, but also remarkable for a delicacy of perfume and healthy purity, very seldom met with in articles which are sold at such moderate prices.—*Boston Commercial Bulletin.*

Holloway's Pills for Indigestion. Stomach and Liver Complaints.—Persons suffering from any derangement of the liver, stomach, or the organs of digestion, should have recourse to Holloway's Pills, as there is no medicine known that acts on these particular complaints with such certain success. They strengthen the tone of the stomach, increase the appetite, purify the blood, and correct depraved secretions. In bowel complaints they remove their primary cause, and soon restore the patient to sound health. Nervous or sick headaches, and depression of spirits, may be speedily relieved by a course of these pills. They are composed of rare balsams, without the admixture of a grain of mercury, or any noxious substance, and are as safe as they are efficacious. 15

Save Your Doctor's Bills.—When Dr. Wistar's Balsam of wild cherry will *cure* coughs, colds, bleeding at the lungs, and arrest the fell destroyer, Consumption, it does more than most physicians can do. A single trial will satisfy the incredulous.

A CARD TO THE SUFFERING.

The Rev. William Cosgrove, while laboring as a missionary in Japan, was cured of consumption, when all other means had failed, by a receipt obtained from a learned physician residing in the great city of Jeddo. This receipt has cured great numbers who were suffering from Consumption, Bronchitis, Sore Throat, Coughs and Colds, and the debility and nervous depression caused by these disorders.

Desirous of benefitting others, I will send this receipt, which I have brought home with me, to all who need it free of charge.

Address

REV. WM. COSGROVE,
429, Fulton Avenue, Brooklyn, N. Y.

July 3.....2m

Barry's Tricopherous is the best and cheapest article for dressing, beautifying, cleansing, curling preserving and restoring the hair. Ladies, try it. Sold by all Druggists & Perfumers.

Arrest of Counterfeiters.—The detective Police have arrested and imprisoned at Buffalo, N. Y., one Andrews and his associates, whom they caught in the act of making a counterfeit of Ayer's Cathartic Pills. Their detection was accomplished at the instance of Messrs. J. C. Ayer & Co., of Lowell, Mass., who have shown a commendable energy and promptitude in protecting the public from imposition through spurious imitations of their invaluable medicines.

Doct. Ayer's Sarsaparilla, Cherry Pectoral and Pills have come to be staple necessities with the community, and the imposition upon the sick of spurious, worthless, if not injurious fabrications of them, is in fact the consummation of villainy. We hope the scoundrels will get their due, and in the keeping they now are, they are pretty sure of it.—*Police Gazette.*

AYER'S CATHARTIC PILLS.

The sciences of Chemistry and Medicine have been taxed their utmost to produce this best, most perfect purgative which is known to man. Innumerable proofs are shown that these Pills have virtues which surpass in excellence the ordinary medicines, and that they win unprecedentedly upon the esteem of all men. They are safe and pleasant to take, but powerful to cure. Their penetrating properties stimulate the vital activities of the body, remove the obstructions of its organs, purify the blood, and expel disease. They purge out the foul humors which breed and grow distemper, stimulate sluggish or disordered organs into their natural action, and impart a healthy tone with strength to the whole system. Not only do they cure the every-day complaints of every body, but also formidable and dangerous diseases that have baffled the best of human skill. While they produce powerful effects, they are at the same time, in diminished doses, the safest and best physic that can be employed for children. Being sugar-coated, they are pleasant to take; and being purely vegetable, are free from any risk of harm. Cures have been made which surpass belief were they not substantiated by men of such exalted position and character as to forbid the suspicion of untruth. Many eminent clergymen and physicians have lent their names to certify to the public the reliability of my remedies, while others have sent me the assurance of their conviction that my preparations contribute immensely to the relief of my afflicted, suffering fellow-men.

The Agent is pleased to furnish gratis my American Almanac, containing directions for their use and certificates of their cures, of the following complaints:—

Costiveness, Bilious Complaints, Rheumatism, Dropsy, Heartburn, Headache arising from a foul stomach, Nausea, Indigestion, Morbid Inaction of the Bowels and Pains arising therefrom, Flatulency, Loss of Appetite, all Ulcerous and Cutaneous Diseases which require an evacuant medicine, Scrofula or King's Evil. They also, by purifying the blood and stimulating the system, cure many complaints which it would not be supposed they could reach, such as Deafness, Partial Blindness, Neuralgia and Nervous Irritability, Derangement of the Liver and Kidneys, Gout, and other kindred complaints arising from a low state of the body or obstruction of its functions.

Do not be put off by some unprincipled dealers with some other pill they make more profit on. Ask for Ayer's Pills, and take nothing else. No other they can give you compares with this in its intrinsic value or curative powers. The sick want the best aid there is for them, and they should have it.

Prepared by *Dr. J. C. AYER, Practical and Analytical Chemist, Lowell, Mass.*

Price 25 Cts. per Box. Five Boxes for $1.

J. S. CARVELL,

GENERAL COMMISSION AGENT,
(Tremain's Buildings,)
HEAD OF QUEEN'S WHARF,
CHARLOTTETOWN, - - - P. E. ISLAND.

Highest CASH price paid for WOOL, GRAIN, &c.
June 5 1860. 3m.

ALEXANDER McKINNON,

AUCTIONEER
AND
GENERAL COMMISSION MERCHANT,
WATER STREET,
CHARLOTTETOWN, P. E. ISLAND.

☞ Office in the same Building as the Telegraph Office.

JAMES H. BOURKE,

AUCTIONEER
AND
GENERAL COMMISSION MERCHANT.
GEORGETOWN, P. E. ISLAND.

May 29, 1860. 4w

NOTICE TO THE PUBLIC.

General Post Office,

Charlottetown, June 14, 1860.

Notice is hereby given, that by an Act passed during the last Session of the Legislature, all letters and packets posted in any Post Office within this Island, and addressed to the United Kingdom of Great Britain and Ireland, will, on and after the 20th JUNE instant, be liable to a Fine of Six-pence, if the postage thereon is not fully pre-paid.

L. C. OWEN, Postmaster General.

The Royal Visit.

The COMMITTEE for managing the RECEPTION of His Royal Highness the Prince of Wales give notice, that there will be a PUBLIC ASSEMBLY & BALL at the Colonial Building, of which timely notice will be given.

TICKETS can be obtained until the 12th JULY, inst., from the Committee through the Secretary.

Gentlemen desirous of attending will be expected to appear in full evening dress, Officers in uniform excepted.

By order,

THEOPHILUS DESBRISAY, Hon. Sec'y.

July 10, 1860.

☞ It being ascertained that His Royal Highness the Prince of Wales will be on this Island on or about the 10th of August next, the period for issuing tickets for the Assembly and Ball is extended to the first day of that month.

Order in Council relative to the Granting of Tavern Licenses.

Council Chamber, June 19, 1860.

The Board having had under consideration the Law regulating the granting of Tavern Licenses, was pleased to order, That the Colonial Secretary of this Island shall henceforth require from all persons who shall apply for License to keep a Tavern or Inn, within any School District now established, or hereafter to be established within this Island—the City of Charlottetown excepted—in addition to the Certificate, according to the form marked (C) in the Schedule to the Act of the General Assembly of this Island, passed in the twenty-third year of Her Majesty's reign, and intituled "An Act to alter and amend the Laws regulating the sale by License of Spirituous Liquors," which by such Act is required to be produced to the said Colonial Secretary, an Affidavit to be made by the person or persons who may apply for such License, and to be sworn before any one of her Majesty's Justices of the Peace, which Affidavit shall be annexed to such Certificate, and shall set forth and declare that the Magistrates whose names may be subscribed to such Certificate, are Magistrates resident in the neighborhood of the Inn, Tavern or House of Public Accommodation, for which such Licenses may be required; and also, that the names of the persons, other than such Magistrates, which may be attached to such Certificate, are the names of a majority of the Householders resident in and entitled to vote for Trustees of Schools for the School District within which the proposed Inn or House of Accommodation shall be situate, and also that the names of such persons are of their hand writing, respectively, or were subscribed to such Certificate in their presence, and by their direction.

Civic Elections.—By the Mayor.

In pursuance of an Act of the General Assembly of this Island, made and passed in the eighteenth year of the reign of Her present Majesty, intituled "An Act to Incorporate the Town of Charlottetown," I do hereby give public Notice, that an Election of

MAYOR AND FIVE COUNCILLORS FOR THE CITY OF CHARLOTTETOWN,

will be held on TUESDAY, 7th August next, at the several places following, that is to say:

In ward No. 1.—at the Store of A. H. Yates, Esq., corner of Queen and Water Streets.

In Ward No. 2,—at the Fire Engine House, fronting on Great George Street.

In Ward No 3,—at the City Hall.

In Ward No. 4,—at the Fire Engine House, fronting on King's Square.

In Ward No. 5,—at the house of Mr. Edward Needham, fronting on Great George Street.

And at the said Elections the Poll will be opened at 9 o'clock in the forenoon, and shall continue open till 5 o'clock in the afternoon of the same day.

DESCRIPTION OF WARDS.

"Number One shall comprise all that part of Charlottetown which lies south of Dorchester Street. Number Two shall comprise all that part of Charlottetown which lies south of Richmond Street and north of Dorchester Street. Number Three shall comprise all that part of Charlottetown which lies south of Grafton Street and north of Richmond Street. Number Four shall comprise all that part of Charlottetown which lies south of Fitzroy Street and north of Grafton Street. Number Five shall comprise all that part of Charlottetown which lies north of Fitzroy Street, including the Common of the said Town."—*See 18 Vic., cap. 34, intituled "An Act to Incorporate the Town of Charlottetown."*

JOHN. C. BINNS, Presiding Councillor.

Mayor's Office, July 11, 1860.

EDUCATION.

At the Monthly Meeting of the Board of Education, held this day, it was ordered that the following notification be inserted in all the newspapers:—

All Teachers whose terms have expired, or who have entered or may enter into new engagements subsequent to the passing of the amended Education Act (2nd May, 1860,) will be admitted to an examination at the Board Room, on the *last Thursday* of each succeeding month. Candidates are required to attend, as above, on the *day previous*, at ten o'clock, for the purpose of performing preparatory exercises.

JOHN McNEILL,
Secretary of Board of Education.

Charlottetown, June 28, 1860.

Private Training Academy.

The CLASSES in this Institution will be resumed on MONDAY, the 23d instant, at 9 a. m.

W. MONK.

July 17, 1860. 2w.

EXCURSION TRIP.

The Steamer "LORD SEAFORTH" will make an Excursion Trip from Charlottetown and Summerside to TIGNISH, for the occasion of the opening of the new Church lately erected there.

The ceremony of opening will take place on Sunday morning, 19th August next.

The above Steamer will leave Charlottetown, P. E. Island, on FRIDAY, the 17th AUGUST next, at 12 o'clock at night, calling at Summerside for Passengers, and leave Summerside for Tignish on Saturday morning following, at 6 o'clock.

Fares, exclusive of any meals on board the Boat, to be one fare of Three Dollars each, or Eighteen Shillings of Island money, to be paid in advance, by purchasing Tickets from the Agents as named below, at least one week before the time of starting.

There will be Boats from the shore to land the Passengers and put them on board again.

Refreshments will be on the Church grounds to accommodate the public.

W. B. Dean, Esq. }
Hon. D. Brenan, } Charlottetown.
Hon. P. Walker, }
James Reddin, Esq. }
Mr. Wm. McEwen, } Summerside.
Mr. Ronald McDonald, }

C. BOULTENHOUSE.

July 24, 1860. 3w

E. & N. A. RAILWAY.

Shediac and Moncton Railway.

Commencing on TUESDAY, the 10th inst., Trains will run on this division of the Railway, each lawful day, until further notice:—

Leaving Shediac at 8, a. m., and 3 p. m.
" Moncton at 10, a. m., and 5, p. m.

Connecting when practicable with the Steamers arriving at Shediac from Quebec and the Northern Ports and Pictou and Prince Edward Island, and at Moncton with those from Saint John.

By order,

R. C. SCOVIL,
Commissioner.

Shediac, April 17, 1860.

JUST PUBLISHED,

A LECTURE

ON

GALILEO AND THE ROMAN INQUISITION.

Delivered before the Catholic Young Men's Literary Institute,

By the Hon. D. BRENAN.

It is an neat octavo pamphlet of 40 pages. As a large edition has been printed, it will be sold at a low price, the proceeds to go to the funds of the Institute. For sale at the principal Stores in Charlottetown, and by the Committee of the Institute.

July 17, 1860.

PIANO FORTE WANTED.

Wanted to Hire, for a considerable time, a good, well-toned Piano Forte. Application to be made to the Examiner Office. July 3, 1860.

Provincial Parliament.

LEGISLATIVE COUNCIL.

Wednesday, April 18.

AN ACT FOR PREVENTING FRAUD BY SECRET BILLS OF SALE OF PERSONAL CHATTELS.

House in Committee on said Bill,—Hon. Col. Swabey in the Chair.

Hon. Mr. Palmer—The principle and details of this Bill have, if I mistake not, been more than once previously discussed in this House: indeed I think that the Bill has been twice agreed to by this House, but was, on each occasion, lost in the House of Assembly. I, however, was in favor of it, and I think it a very needful measure. When it was debated in the other House, it was looked upon as a measure of a novel character; and some feared that, should it pass, it would often occasion needless inconvenience to individuals. It has now, however, found acceptance in Great Britain; and, in its operation, it is found satisfactory, as affording certain security to individuals lending money on personal property, and consequently rendering it more easy for individuals to obtain pecuniary loans on such security. Several years ago, in the practice of my profession, I saw the necessity for such a measure; and the first Bill which I introduced in the Assembly was one of the same character as the present; but it was dealt with in a very summary manner, and thrown out as an attempted invasion of private rights. The number of frauds, however, which, by means of sham Bills of Sale, have been committed in this Island, have, at length, convinced the House of Assembly of the propriety of passing such a protective measure; and the one now before us is that which they have sent up to us for our concurrence. By means of these sham Bills of Sale, honest creditors have again and again been defrauded. They have lent money on goods and chattels; but, when the time comes for them to demand payment of the money so lent, they find that some friend or relation of the debtor steps in between them and him, and, by means of a pocket Bill of Sale, succeeds in establishing a prior claim to the goods and chattels on which they have lent their money. Nor, in case the honest creditor prefers his just claim in a Court of Law, it is found difficult to find witnesses, as I can assert on my own experience, who disregarding the solemn obligation of an oath, give such evidence as is often found to sustain the claim of the holder of the fraudulent Bill of Sale.

His Honor the President spoke at some length in favor of the Bill. I am very glad, said His Honor, that the House of Assembly have sent up such a Bill. One of precisely the same nature was introduced in three several sessions, in this House, by the Hon. Joseph Hensley, and, after due discussion, agreed to. But, each time, on its being sent down to the other House, it was rejected by them. I have seen persons holding sham or pocket Bills of Sale who were ready to swear, through thick and thin, that the Bills represented *bona fide* transactions. It is a duty of the Legislature to pass the Bill; and to try, if, in spite of themselves, certain individuals in the community could not be made honest by law, or rather kept within the bounds of honesty by the legal barriers to dishonesty placed in their way.

Their Honors all agreeing as to the necessity and propriety of the measure, it passed through the Committee without much debate: and when the House was resumed, the Hon. Colonel Swabey reported that the Committee had gone through the Bill, and had agreed to the same with two amendments. The said amendments, which merely required that certain certificates, to be granted by the Clerk of the Supreme Court, in order to be made fully authentic, shall bear the impress of the Seal of the Supreme Court. It was then *Ordered*, That the said amendments be engrossed, and that the Bill as amended, be read a third time to-*morrow*.

Thursday, April 19.

RESIGNATION OF HIS SEAT IN THE HOUSE BY THE HON. MR. CRASWELL.

His Honor the President informed the House that the Hon. Mr. Craswell had resigned his seat as a Member of this House, which resignation had been accepted by His Excellency the Lieutenant Governor.

The Bill intituled "An Act for preventing Fraud by secret Bills of Sale of personal Chattels" was read the third time, and passed.

Friday, April 20.

The Bill intituled "An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned." This Bill was read the first time on Thursday the 19th and a second time on Friday the 20th inst.; and the House sat in Committee thereon, on the 20th and 21st instant.—Hon. Colonel Swabey in the chair.

His Honor the President—I am at a loss to know why the whole Act has been re-enacted, since only a few slight alterations have been made in the Law. The courts were originally six: by the Bill there is to be one more. The alterations as to the jurisdiction of the courts, is made in a very short clause; and a short one also would have been sufficient for the introduction of the principle of an insolvent debtors' Act. Two or three printed pages would be sufficient to embrace the whole of the amendments. The re-enacting of the whole Act necessitated much prolonged deliberation on the part of the Legislature; and the printing of it would cause a considerable outlay of money. Were the hon. the Leader of the Government (Mr. Palmer) in his place, I would ask him why this course has been taken. The Bill in itself is, however, I must admit, a good one.

Hon. Mr. Goff—A new Act is required. The people, in many parts of the country, are much dissatisfied with the Small Debts Courts; and a new Act is necessary to enable the Government to appoint new Commissioners. Many of the present Commissioners are men unfit for their judicial appointments,—quite incompetent, in fact, to the proper discharge of their duties on the bench; and, as due regard for the ends of justice requires that such men shall be removed from the judicial bench, the passing of a new Act is necessary, to enable the Government to make the changes so urgently required.

Hon. Mr. Hutchinson—That is at the least an honest explanation.

His Honor the President—It is a reason for the course taken by the Government; but not a sufficient one.

Hon. Mr. Goff—I am not in the confidence of the Government. I have merely stated what I think is, very probably, the reason why the Government think it proper that the whole Act should be re-enacted.

His Honor the President—If that is the reason, it would be sufficient to repeal the clause, in the existing Act, for the appointment of Commissioners; and to introduce a new one to the same effect in a short Bill comprising the real change in the law which it is in contemplation to make.

Hon. Mr. Ramsay—What his Honor Mr. Goff has argued as a reason for the Government's seeking to have the whole Act re-enacted, is merely a supposition on his part.

Hon. Mr. Dingwell—If the fact is, as Mr. Goff has stated it to be, that many of the Small Debts Commissioners are incompetent to the proper discharge of their duties on the judicial bench, they ought to be removed from it as speedily as possible. And I think that if either incompetence or corruption can be established, before the Government, against any Small Debts Commissioners, they have the power to supersede him at once. If such a power is not vested in the Government, it ought to be; but I think it is; and, if it is, there can be no necessity for the re enacting of the whole Act, in order that, through such re-enactment, the Government may have it in their power to remove from the Small Debt Courts persons who may have been improperly appointed Commissioners therein, or who, on account of improper conduct or corrupt decisions in their judicial capacity, have been found unworthy to hold such appointments.

Hon. Mr. Bagnall—I have often thought that the practice of the Legislature, in making amendment after amendment of the Small Debt Act is very embarrassing to the Commissioners. When many amendments, in different sessions, have been made to an Act, the best way, I think, is to have them consolidated in one enactment. If this plan had been taken, or were now to be taken with the amendments of the Small Debt Act, a Commissioner would not have occasion to refer back from year to year, but would be able to satisfy himself at once as to the imputation which has been indeterminately cast upon the characters of some of the Small Debt Commissioners. I can only say, that I know of no instance or instances in which it is desired; although I know that some persons are afraid to have their cases determined by certain Commissioners. For myself, I can safely say that in the Court in which I sit as a Commissioner I always act as if I had no previous knowledge of the litigants, and regard nothing but the ends of justice, so far as I can discover or discern them.

His Honor the President—The Small Debt Act, as amended from time to time, is, with the exception of one short amendment, I believe, all contained in the volume of the laws published in 1852; and, therefore, the remarks of his Honor Mr. Bagnall on that head are hardly applicable. However all inconvenience on that score is about to be removed; for it has been agreed, this Session, that the whole of the laws shall be revised and consolidated,—consolidation, therefore, so far as consolidation with respect to any of them is required, will be made.

Hon. Mr. Simpson—His Honor Mr. Goff has reason on his side for what he has said. The law has been re-enacted before to enable the Government to remove Commissioners who were obnoxious to them

Hon. Mr. Bagnall—If it were so, two wrongs do not make one right.

Hon. Mr. Simpson—I do not say that it was wrong.

Hon. Mr. Johnson—The re-enactment of the law will not necessitate the removal of the Commissioners who have been appointed under it as it now stands.

His Honor the President—If the Act under which the present Commissioners have been appointed to be repealed, all such Commissioners as the Government may wish to retain in office must be re-appointed. Such as may not be re-appointed will, in reality, be dismissed.

Hon. Colonel Swabey—The removal of judicial officers from their appointments, unless in cases of serious complaint, and when, after due investigation, the complaints have been proved to be well founded, is contrary to the principles and spirit of the constitution. Otherwise, the Government should have no power to dismiss such officers; and, indeed, they have not.

His Honor the President—A new principle—a principle in accordance with the enlightened spirit of the age—has been introduced into the Bill: I mean the abolishment of imprisonment for debt for all sums not exceeding £10 for more than 12 months. This is undoubtedly a step in the right direction; but it is only a short one: it certainly does not go far enough. Twelve months imprisonment for either £10 or £20 through inability to pay the amount,—inability occasioned, perhaps by unavoidable misfortune,—keeping a man separated from his family, and idle by compulsion, was certainly a very serious matter. No man—whatever his trade, calling, or profession—could suffer such imprisonment without deterioration both of bodily and mental powers; and, on his release from incarceration, how strong soever might be his desire to resume and pursue his previous worked employment, he would find himself, to a serious extent, shorn of the strength to do so: and, in some instances, which would be harder still, actually denied employment because through unavoidable misfortune, he had got into debt which he had been unable to pay, and had consequently been imprisoned. I would prefer that the law should be left as it is until after the 1st January, 1861; and that, after that period, imprisonment for debt should be abolished, except in cases in which it should be proved that the contracting of the debt or debts amounted to positive swindling, or, in other words, to premeditated, although indirect and covert, robbery. In some places, it is said, the consequences of imprisonment for debt are, to the parties so imprisoned, generally demoralizing: but, perhaps, it is not so here, although it may not be without much danger to morality; for we all know the truth of the old adage, "evil communications corrupt good manners." I should like none in this Island to be imprisoned for debt; and I hope the dawning of that day is not distant which shall see the law which authorizes such incarceration among us erased for ever from our statute book. I have prepared a Resolution, without having consulted any one concerning it, to the effect that there shall be no imprisonment for debt, under this Act, from and after the First day of January, 1861. I throw this out as a hint to your Honors. You may, if you please, say 1862 instead of 1861.

Hon. Mr. Hutchinson—I will second the Resolution.

Hon. Mr. Anderson—Such an alteration in the law, with respect to debtor and creditor, would be against the poor man. Money is not so plentiful as to enable people to do without credit; and if his Honors' Resolution were to be agreed to, and become law, its effect would be the virtual abolishment of credit, at least so far as respects the poor. A poor man may wish to buy a cow of me. The man may be honest, but I may not have sufficient knowledge of him to believe that he is so; and, therefore, I may think it better to keep my cow in my own stable than to part with her to him on credit.

His Honor the President then read and proposed his Resolution. The Hon. Mr. Hutchinson seconded it.

Hon. Mr. Johnson—I agree with his Honor as to the principle of his proposed Resolution: but it is a principle which, in my opinion, cannot, as yet, with propriety be adopted.

His Honor the President replied: His Hon. Mr. Johnson says the time is not yet come when the principle of my Resolution can with propriety be carried into practice. It is now, however, pretty generally in practice in the United States; and it has found practical acceptance in New Brunswick and in Nova Scotia. I propose that the Resolution shall be prospective; and—should your honors so wish it—that it shall not take effect until 1863. It would not then affect any existing obligations; and I cannot see that its operation would then subject any portion of the community to inconvenience. But, says his Honor Mr. Anderson, if the Resolution be agreed to, and become law, it will be hard upon the poor man, for it will prevent his obtaining credit. With respect to the credit system, my opinion, however—nay, my firm conviction—is that it is very hurtful; and that the general prosperity of this colony would have been much, very much greater than it is, had it never obtained so extensively in it as it has done. Nay, all over the commercial world the credit principle, has, by calling into action the wildest spirit of speculation, occasioned the most disastrous results. The great failures of 1857 and 1858, which, to an almost unprecedented extent, most injuriously affected the commercial world, were all owing to the facilities afforded, by the extensive credit system, for dangerous and unlimited speculation. Look back, your Honors, and you will find that almost every ten years there has been a general failure, both in Great Britain and America; and that it has resulted from nothing but daring, reckless, or unlimited speculation, fostered and encouraged by the credit system. If that system were abolished, both as respects wholesale and retail business, it would, in a short time, I am convinced, be found highly favourable to the pecuniary interests not only of merchants and traders, but also to those of every class of consumers. I have long advocated the abolition of imprisonment for debt; and I hope I shall live to see it effected. I would ask what satisfaction can it afford a man to throw another into jail for a debt of a few pence or of a few pounds? I have been several years in business, and, in the course of it, I have lost thousands and thousands; and yet I have never caused any man to be hauled to prison because he was in my debt; and I trust I never shall do so.

Hon. Mr. Goff—Under the operation of the Small Debt Act, no poor man having no property should be imprisoned for a debt of £10. I would gladly go for the abolition of imprisonment for £10, in any such case, were it, at the same time, provided that, in the event of the debtor's acquiring property afterwards, he or his property should be held liable for the debt. Jails should be only for criminals: still, however, the country is not yet prepared for anything like the general abolition of imprisonment for debt.

Hon. Mr. Bagnall—The credit system may, at times, have been productive of much loss and mischief. I am not prepared to deny that it has; but it has also frequently done much good; and in the hour of need it has certainly very often been of the greatest service to the poor man. I am inclined to move that, if a man lies 12 months in jail for debt—if his creditor be hard-hearted enough to keep him so long incarcerated—that, at the expiration of that term of imprisonment, the debtor shall be freely discharged and absolved from all future liability for debt and costs; and that his unfeeling creditor shall lose both. As to the motion of his Honor the President, which is not opposed by some of your Honors, and which, as to its operation, is prospective, I think it ought to be agreed to.

His Honor the President—What I mean to do, with respect to the Resolution which I have proposed, is to submit the principle to the judgment of the committee; and, afterwards, should your Honors in committee agree to it, to draw up an enactment to be embodied in the Bill; but, otherwise, it will fall to the ground.

Hon. Mr. Palmer—His Honor's proposition doubtless seems, at the first view, to be very charitable and generous; but we should remember that it is our duty to be just before we are generous. I agree that none should be imprisoned unless for crime. But, as respects the principles now under discussion, a great difficulty arises,—a difficulty by which many wise and philanthropic men, anxious to abolish imprisonment for debt, have been arrested in their benevolent endeavour,—the difficulty of distinguishing between misfortune and fraud. Whilst protecting the unfortunate, we should take care not to allow the guilty to escape the punishment due to their fraudulent practices. The English Bankruptcy Laws have been in operation for hundreds of years, and they have not yet been made perfect. It would surely, therefore, be presumptuous in us at once to set aside a practice which yet obtains in the Mother Country, in the law respecting debtor and creditor. I will, for the present, content myself by giving my negative to the broad principle of his Honor the President's proposed Resolution. I am not prepared to go into the question abstractedly. I will wait to see the measure in all its details before I venture to give a decided opinion concerning it. The House of Assembly have, I believe, fully canvassed the matter; and they have not been able to agree to more than that after the first of April, 1861, in all cases where execution shall issue, and where the levy marked on the execution shall exceed £10, then in such case only the body of the debtor may be arrested, and placed in jail, there to remain, if the amount of levy shall not exceed £12, for the space of eight months; and if above £12 for the space of nine months; and if above £16 and not exceeding £16 for the space of ten months; and if above £16 and not exceeding £18, for the space of eleven months; and if above £18, for the space of twelve months; and, after enduring any of the said terms of imprisonment, the person of the debtor shall be freed and discharged from prison, and also from £10 of the debt and costs for which imprisonment shall have taken place; but, nevertheless, the goods and chattels of such debtor, whether acquired before or after his discharge from imprisonment, shall be liable to be taken in execution for the same. And, further, it repeals so much of the Act 14th Vic., for the Relief of Insolvent Debtors, as prohibits persons imprisoned under any Small Debt Act from taking the benefit thereof. This is one step towards the abolition of imprisonment for debt. By and by we shall, most likely, make a further advance towards it. The best way is to proceed by degrees. The observation made by his Honor Mr. Anderson, that cash is by no means abundant in the colony, is too true; and his conclusion that, therefore, the time is not yet arrived for our abolishing imprisonment for debt, because, were that step taken, it would involve a virtual abolition of credit also, is quite correct. It is said, and truly, that credit is the life and soul of trade. If, therefore, we would not destroy our trade, we must do nothing that, in its consequences, would annihilate credit. I move that his Honor the President have leave to withdraw his proposed Resolution.

Hon. Mr. Johnson—I second the motion.

Hon. Mr. Dingwell—I cannot see that we should make any difference between a debt of £10 and one of £20. If as respects £10, the amelioration of the law is a step in the right direction, I cannot see that it would be wrong to extend it to £20. In fact, I think that imprisonment under the Small Debt Act should be wholly abolished.

Hon. Mr. Anderson—As it is not intended that his Honor the President's proposition should take effect until after the expiration of three years, I think it would be best to allow it to lie over so long.

Hon. Mr. Johnson—The amelioration of the law, proposed by the Bill, as respects a debt of £10, is a step in the right direction, and quite as far as we can now go. Let us, therefore, be satisfied with it; and—since we cannot foresee coming events or changes—not unwisely pledge ourselves for the future.

His Honor the President—If the principle of amelioration is sound as respects £10, why, I should like to know, is it not sound as respects £30. I hope, as I have said before, to live to see imprisonment for debt altogether abolished. But now, whilst this measure, which may with much propriety be called the poor man's Act, is before us, let us endeavour to render it as mild and as little oppressive as possible in its future operation. For my own part, I will never give my consent to the imprisonment of a poor and unfortunate man for twelve months for a debt of any amount. Imprisonment for debt is demoralizing in its effects, and it unfits a man for the prosecution of his business after his liberation, whatever that business may be. There is neither mercy nor justice in the law which provides that a poor and unfortunate man shall be imprisoned for twelve months for a debt over £10 or any amount whatever which he is unable to pay, and that at the expiration of that period of imprisonment he shall be discharged, but, that his goods and chattels, whether acquired before or after his discharge from imprisonment, shall still remain liable to be taken in execution on account of the original debt and costs, such imprisonment being barbarous and inhuman, ought at least completely to free the unfortunate debtor from all claims whatsoever on account of the debt for which he had been imprisoned.

Hon. Mr. Ramsay—If his Honor the President's proposed Resolution were agreed to, to take effect, either at the expiration of one year, of two years, or of three years from the commencement of the present year, it would, during the intermediate time, fill our courts with law and our prisons with debtors; for all who had debts outstanding would sue for them. If the poor man had a longer time allowed him, he might work himself free.

Hon. Mr. Goff—I shall oppose the Resolution. I am willing to agree to the amelioration of the law, so far as is proposed by the Bill; but I am not willing to go beyond that. A man who obtains a credit to the amount of £20, must have property; and his property ought to be liable for the debt. As I understand the Bill, it provides that a man possessed of no property, after having been kept in jail for a debt of £10 for twelve months, shall, in consequence of having suffered such imprisonment, be freed from all future personal liability for the debt and costs, but, if for £20, that such imprisonment shall free him from personal liability for no more than £10 of the debt, leaving his property, if he have any, or shall afterwards acquire any, liable for the balance and costs.

Hon. Mr. Anderson—The danger, in that case, would be that the debtor might make a fraudulent conveyance of the property.

Hon. Mr. Palmer—The discretion of his Honor the President is, as it appears to me, overwhelmed by his philanthropy. I can see no necessity for moving such a Resolution as he has submitted. Let us take what is now offered by the House of Assembly; and, perhaps, we may get more another time. His Honor may give notice, either in the Order Book or through the newspapers, that he will move his Resolution next Session; but to persist in making it at the present time is to depart from the usual course. There is no precedent for the legislature's pledging themselves that, at the expiration of three years, they will incorporate a certain new provision or principle in any law. We know not what may be the state of affairs at the end of three years. If, however, in the meanwhile it be thought necessary to arouse the energies of the public mind in favour of the principle of the proposed Resolution, there are ample ways and means of doing so. If the proposition be approved of by the public generally, they will petition for it; and, three years hence, the Legislature may be enabled to decide the question in accordance with public opinion respecting it. If his Honor wishes to have the honor of being the father of the liberal measure of the abolition of imprisonment for debt in this Colony, the course is open to him; and, if he proceed with due deliberation, he may, perhaps, happily attain his object. It will not do, however, to attempt the incorporation of the principle with this Act, for doing so would occasion the alteration of a great number of clauses in the Bill; nay, in fact, it would require an alteration or modification of almost the whole of it.

His Honor the President—Not at all: it might be effected by the introduction of a single new clause.

Hon. Mr. Palmer—If his Honor means to move for the abolition of imprisonment for debt from and after the first day of January, 1863, I think he had better take it up upon a separate principle.

His Honor the President—I will, for the present, withdraw my motion, giving 24 hours' notice that I will to-morrow submit it again, either in the same or some other form.

The Resolution was then withdrawn accordingly. The question being about to be put on the Clause of the Bill under consideration,—

Hon. the President said, I should like to put the question whether imprisonment for 12 months ought not to free the debtor altogether from future liability, both as respects debt and costs. After 12 months imprisonment for debt under this Act I think it would be nothing but just that not only should the liberated debtor be free from liability to personal arrest for the debt and costs, but also that any goods and chattels which he might afterwards acquire should be free from attachment on account of the same debt and costs. He then made a motion to this effect, which was seconded by Mr. Dingwell.

Hon. Mr. Simpson—I think it is the intention of his Honor the President to defeat the Bill, and to cause it to be thrown out, if, by any means, it be possible for him to do so.

Hon. Mr. Hutchinson briefly supported the motion of the President.

The question having been put on the motion of amendment proposed by the President, the committee divided thereon:

Contents.—Hon. the President, Hon. Messrs. Dingwell, Bagnall, Hutchinson—4.

Non-Contents.—Hon. Messrs. Palmer, Walker, Johnson, Forgan, Simpson, Gardiner, Ramsay, McLaren, Goff—9.

So it passed in the negative.

Saturday, 21st April.

House in Committee on the Bill for the Amendment of the Small Debt Act. Hon. Col. Swabey in the chair. The committee having, with little discussion thereon, gone through the Schedule, the House was resumed; and the Bill reported agreed to with one amendment.

It having been *Ordered*, That the report be received, the said amendment was read by the Clerk, as follows:

Before the "Table of Laws," insert the following section:—"Whenever two or more persons shall be jointly sued on any joint or joint and several contract or obligation, and all of