, been so forcibly urged against the present Bankruptcy Law. One objection was the great number of persons who had taken the benefit of it during the short time that it had been in operation; this he did not attribute to the Laws themselves, but to the circumstances which had already been stated by an hon. member (Mr. Johnston) The great majority of persons who had taken the benefit of the Act had been in insolvent circumstance for years previous; the want of a previous Bankruptcy Act or of an efficient insolvency law, that had made the number so conspicuous, but the ruin of many of these unfortunate persons originated in the devestating fires which had twice occurred in St. John, which had destroyed many hundred thousand pounds worth of property, and which had not been confined to the merchants of that city but had extended to those who dealt with them in all part of the Province. The depression of trade in Great Britain, the revulsions in business, in commercial prosperity, in the home market—in Liverpool and elsewhere—had been equally extensive and disastrous to the traders of this Province. Another cause which appeared to him to have contributed to the ruin of hundreds, and which was almost entirely attributable to the want of an efficient Bankrupt Law, was, as soon as the circumstances of individuals became doubtful, suit after suit was brought against them by those who were trying to get the first share of their property. This must be apparent to all, when it was remembered that the number of suits set down for trial at the Assizes in St. John had, for the last few years, averaged between one and two hundred each time—double the number of cases for trial at an Assize at Liverpool. A ground of complaint against these acts was that they had given rise to frauds unequalled in number and unparalleled in their enormity; had such been the fact, would there not have been cases to have been cited by the opponents to the Bankruptcy laws, written in such broad characters, marked with such undeniable circumstances as to have been held up to reprobation by our public press, to have been exposed to the whole community. But not a single case of this description existed; some allusions indeed had been made to doubtful cases, but the only real evidence on the subject was that supplid by the Commissioners: that out of 340 cases, three certificates had been refused on the ground of fraud, and that in all the cases only 40 persons had been opposed by their creditors on other grounds. These facts were conclusive on his mind, that frauds had not been committed—at least of any extent in the secreting of property—if little or nothing had been given up to their creditors, it was because they had nothing to give; for in a court so efficient for the detection of frauds as that of the Commissioners of Bankrupt, where the debtor's whole transactions might be exposed, and every entry in his books was to be accounted for, where he was subject to the most rigid and searching examination as to every sale that he had made, every article of goods that he possessed, every debt he had contracted, and where, in short, he was compelled to lay open the whole of his transactions and dealings, could it be supposed that creditors could be so lost to their own interests as to withdraw opposition, unless they felt certain either that the debtor had nothing to give up or that he had given up all that he possessed, and that having so done, they must be satisfied with their fair proportion, and that he was released from their grasp. Nothing more fully convinced him of this than that in all the cases—and they were numerous—where he had been called upon, as the Judge of the Common Pleas, for the relief of insolvent debtors, he did not remember an instance till very lately where the insolvent had not been opposed, though they were known at the time to be in hopeless destitution, and that by keeping them in jail the only means of subsistence or profitable employment was denied them. In these cases the hope of the creditor had been, that some relative or friend could be induced to come forward or make some arrangement. One hon. member had stated that a Bankrupt Law was not applicable to a Colony, especially to one like New Brunswick, but he would ask was no relief to be afforded in Colonies to those who were unfortunate in trade? Were they to be kept for ever within the walls or on the limits of a jail? It might be true that the debts incurred in this Province were far less in amount than those incurred by Bankrupts in Great Britain and that the estates to be divided were also proportionably less, but that appeared to him only a reason why they should reduce the expenses of a proceeeding in Bankruptcy which he considered capable of reduction to at least one-half in ordinary cases. But notwithstanding all that had been said against these expenses which appeared to average from £20 to £30, they were not equal to half the amount of a single contested suit at law. He considered that the operation of the Bankrupt Acts had been most beneficial to the Province at large. It had been stated by an hon. member that several hundred persons had been confined on the limits of the jail at St. John, independently of those who had been incarcerated in its walls. They had had between thirty and forty debtors confined in the old jail at Fredericton in two small rooms—in the hottest season of one of our hottest summers—besides the great numbers on the limits, what was the contrast afforded since the passing of the present laws, that for a period of five or six months they had not had a single debtor in their act, and that the Jail returns showed that the same thing existed throughout the Province. He would ask was it nothing to have affected such a change as this?—to have released several hundred persons from idleness and inactivity, where their energies and labor were equally unavailing, and to have sent them forth to labor for themselves and for the general benefit of the community.—As to the voluntary principle by which a person was enabled to declare himself a Bankrupt; he considered that though it might be liable to some objections, yet that in the main it was beneficial, as it caused a distribution of the debtors estate as soon as his circumstances became involved, and before his assets became dissipated. The hon. member here cited passages from the report from a committee of the House of Commons on the Bankruptcy and Insolvency Act, and the testimony of persons examined before that committee, strongly supporting the policy of voluntary Bankruptcies, and other principles which the hon. member had contended for. As to this principle, however, he was prepared to submit to the decision of the House; but the main features of the Bankruptcy law he would never consent to give up, as he considered that they involved the commercial character of the Province, and the cause of the British merchant in the Province. Whatever amendments that might be introduced which would be for the benefit of both creditor and debtor, he would willingly support.

Hon. Mr. ROBERTSON was desirous that such a law would pass that would protect both debtor and creditor. At present there was a loud call throughout the Province for the repeal of the present Bankrupt Law. He did not believe there was one single instance in the Province of a person getting through the Bankrupt Court without fraud. He thought they had better fall back on the old Bankrupt Bill, for if it had done no good it was very evident it had done no harm. In the Lower House the repeal of the Bankrupt Law passed 28 for and 4 against; that should be sufficient grounds for them to act accordingly, particularly when they considered the members composing the Lower Branch came from every section of the Province, and it was expected they brought the wishes of the people with them. Under the present law a man can go to the Master of the Rolls and file a fiat with his money in his hand, and take his own time to get through. He (Mr. Robertson) did not think it made a great deal of difference whether the law repealed or not, as no doubt the greater part of the evil was done. He considered when a man had acted honestly and had given up all his property to his creditors, he should then get a discharge in full.

Hon. Mr. CHANDLER never liked to make any personal allusions, but as many hon. members contended no frauds existed, he would just mention two cases that came within his own knowledge, one was a man in Westmorland, who was considerably in debt, bought some cattle and went to St. John and sold them and took the proceeds to pay his expenses to go through the Bankrupt Court; after the man of whom he had bought them found it out, he came to him (hon. Mr. Chandler) to ascertain what could be done, and he told him he might go to St John and prevent the person from getting his certificate. He then wanted to know if by that means he would get his money? *He* (hon. Mr. Chandler) told him no. He then wanted to know what it would cost? and he told him it would cost about £10. He then wished to know if he would be able to get his money back, but when he found that there was no probability of it, he concluded he would not trouble himself about it, but let it all go. The other case was one of a very respectable farmer who had landed property to a considerable extent, and was in rather affluent circumstances; he had several sons who grew up to be respectable young men. After a while the sons wanted to settle themselves in the world and the father gave each of them land, but concluded not to give them deeds of the property, but to hold the title himself as long as he lived; so he said to the oldest "son I will give you a farm, but will not give you a deed, but it will fall to you when I die." So the son settled on the land, raised a family, and to all appearance got on very well. At last he concluded to build a new house, and for which he got in debt, nevertheless he was getting along well, as this was all he owed; but a neighbour came along and said, "how is this?—you ought not to be in debt to such a heavy amount," and advised him to go into the Bankrupt Court; and told him the land was not his own—"to be sure" said he, "you have some stock, but you can make that over to your father, and take the benefit of the act, and it will pay all your debts." The farmer unfortunately took his advice, thinking it was the easier way to pay for his house—In Westmorland, the hon. gentleman said, they have what is called Bankrupt Lawyers, who go around asking persons whom they know is in debt, if they do not want to go into the Bankrupt Court? telling them that it is an easy way to pay their debts, and that it will not cost much; and by that means they frequently beat up a recruit, and he (hon. Mr. Chandler) considered that they were very properly called Bankrupt Lawyers.

Hon. Mr. HATCH asked what the people in England and the United States would say when they heard that the Legislature of New Brunswick had repealed a law of such great importance, that had only been in existence one year? He contended that they should first have taken up that monstrous bill which had been got up for party purposes, called the Insolvent Debtors Bill, and decided upon it; and he would inform the house that such a bill would never answer at all. In the Bankrupt Law they had a good superstructure, and if it required amendments let them be made, and he would give every assistance in his power. He considered when a man found he could not pay his debts, the sooner he went into the Bankrupt Court the better for all parties. As to there being the fraud spoken of, it did not exist, and such statements were made without foundation. As to the man spoken of who bought the cattle, he would give hon. members the facts of the case:—A man in Westmorland bought some cattle for the purpose of taking them to market with the expectation of making something on them to enable him to pay his debts, One of his neighbours whom he was owing heard of the circumstance and followed him to St. John, and told him unless he paid his debt, he would put him in the "Stone Jug." He (hon. Mr. Hatch) would ask what alternative was left the man under the circumstances but to go into the Bankrupt Court? He requested their honors to pause and take up the Insolvent Debtors Bill first and decide upon it, as he was certain it was such a bill as would never meet the views of the Country. He would move that the Chairman report progress, in order that the Insolvent Debtors Bill might be decided upon.—Agreed.

The house then adjourned.

THE LOYALIST.

FREDERICTON, N. B., THURSDAY, APRIL 18, 1844.

THE CONTINGENT BILL—EXTRAORDINARY PROCEEDINGS.

On Friday last, the day before the prorogation, the Committee of contingent expenses met in the Committee Room to "transact business." As it will be necessary to let the country know to whom the *credit* of the disgraceful and unparliamentary scene we are about to describe is justly due, we will in the outset give the names of those who were on this Committee. They are as follows:—Messrs. End (Chairman,) Wilmot, Taylor, Boyd, Hannington, Hazen, and Barberie; but in justice to Mr. Boyd we must state that he had left town before the proceedings took place. Well, the Committee met, and the majority, led by Mr. Wilmot, appeared determined to give Mr. Ward £100 for reporting, out of the contingencies, to add £20 to the grant passed in the House for Mr. Phillips for reporting, and £10 more for his amanuensis Mr. Hogg. Messrs. Hazen and Barberie were the only persons who opposed this method of effecting what in one instance had been rejected by the House and in the other rejected by the Council. Mr. Hazen became so much disgusted that he left the Committee Room, and determined to wash his hands of the matter; but Mr. Barberie remained until they got through, opposing the extraordinary grants which were inserted at every step. When he found his opposition in vain he gave them notice that he would oppose their report when introduced in the House on the following day. (A very unusual course.) This we understand rather startled them for the moment, and they attempted by cajoling to induce him to forego his purpose; but finding this did not avail they hit upon a novel and disgraceful expedient, which will be developed in the sequel. We received a hint on Friday evening of what had taken place, and were early in attendance on Saturday to witness the denouement. After the transacting of the usual routine business which apurtains to the last day of the session, Mr. Wilmot moved for a grant of *two thousand and eight pounds sixteen shillings* to enable the Clerk of the House to pay the contingent expenses of the session! Mr. Barberie said this was an unusual mode of procedure to move for the grant before the Committee had reported. To this a reply was made that it was done in order that the grant might receive the sanction of the Legislative Council before the hour of prorogation arrived,—in fact merely to save time, and that any hon. member would have the power to attack the items in detail *when the report was presented*. On this explanation being given the grant passed without any objection, on the supposition that it was merely to obtain the power to dispose of the amount, not that it authorized the Clerk to pay a single fraction of it away until the Report was brought in and accepted. Immediately on the grant being passed several members, as if by previous concert, left the House, and although it was yet about four hours to the time appointed for the prorogation fourteen members (which constitutes a quorum) could no more be found in the House! They were out walking in the streets, and in the square in front of the building, where the gallant Major was displaying the fine qualities of his *horseflesh!* but into the House they would not go. Indeed if one of them had occasion to cross the floor of the House in his way to the Committee Rooms he first peeped in and counted heads, lest he should be *nailed* by the Speaker's call to "take their seats!"

Finding the game was up Messrs. Barberie and Scoullar protested loudly and vehemently against the proceedings, and gave notice that they would hold the Clerk accountable for the grant just passed, and which he had no order from the *House* to pay over. The former gentleman also read the following preamble and resolutions, which he said he would move if there should be a quorum present before the hour of prorogation arrived:—

"Whereas the Select Committee on the Contingent expenses of this session have reported £100 to Edmund Ward for his services in reporting and publishing the debates of this House, and the sum of £20 also, to J. P. A. Phillips, in addition to the amount of £50 already granted for a similar service in Committee of Supply; and whereas the first mentioned grant of £100 passed this House in supply but has been rejected by the Legislative Council:—

Thereupon resolved, that although this House cannot entertain any objection to a grant of £50 to Mr. Ward, for the services rendered, thereby placing him upon an equal footing with the other reporters provided for by the Legislature; yet they cannot sanction such an irregular and unparliamentary proceeding by a vote of money in such a way after its rejection in the proper course by the second branch. And further resolved, that the additional grant thus made of £20 to Mr. Phillips, is subject to objections, because it places him in a better position for his services than another reporter.

Also Resolved, that the Clerk of the House do withhold the payment of the above amounts of £50 to Edmund Ward, and £20 to J. P. A. Phillips, and that he account for the same to the Legislature."

The following protest was also drawn out (there not being a quorum of course it was not offered) and signed, as we have since had reason to believe, by Messrs. Partelow, Scoullar, Barberie, J. A. Street, Allen, and Botsford:—

DISSENTIENT.

"Because the Select Committee appointed to report upon the above subject have not submitted the same to the House.

"Because it is understood that the account contains an item of One Hundred Pounds to be paid to Edmund Ward, for reporting and publishing the debates of this House; which item previously passed the House in Committee of Supply, but was rejected by the Legislative Council after a deliberate consideration.

"Because such appropriation (after such rejection) under the head of contingencies is an unwarrantable and unparliamentary application of the public money, and would sanction the alarming practice of giving to this branch of the Legislature the sole right not only of organising but of disposing of all public monies.

"Because an appropriation of Twenty Pounds in addition to the amount already legally granted, has been made to James P. A. Phillips for reporting and publishing the debates after the House had solemnly decided that fifty pounds were the utmost that should be provided for such services, which procedure is not only subject to the objection taken by the third reason, but is a manifest injustice to other parties, who have performed similar services with equal ability, and are not thus or otherwise additionally remunerated.

"Because such a departure from constitutional principles must have the inevitable and at the same time just tendency of degrading this House in the estimation of the loyal people of this Province and the surrounding Colonies."

Of all the disgraceful acts of which the Assembly has ever been guilty this one caps the climax. They have accomplished many a dark deed during the late session, but nothing so barefaced as this If one of the "old stagers" has a grant he is particularly interested in carrying, he manages to get on the Committee of Contingent Expenses, and in he slips it whether the House is willing or not. If a particular claim is adjudicated upon by a full House, and the amount fixed is not sufficient to gratify the grasping disposition of one of these knowing gentlemen, in behalf of some cringing dependant, *nil disperandum!* the Contingent Bill makes up the deficiency, and the country is plundered and the majority of the House bullied in spite of their teeth.

It is now high time that a remedy should be found for this crying evil; and we know of but one:—*The Initiation of Money Grants must be given up to the Executive!!* We opposed this measure some time ago, and our reasons for so doing were briefly these: first, because it was brought forward by Government as part of a series of innovations, Municipal Corporations and the establishment of a Board of Works forming other parts; second, because we feared all local grants would be withheld and that the balance, after paying the Civil List and ordinary expenses, would be recommended to be applied to some great public work which perhaps would be visionary, and consequently much of what is now provided for would then have to be paid by local taxation: and thirdly because we had strong hopes that the stringent rules by which the House bound themselves at the last session would have been found sufficient to keep them *honest* for the future. In the last hope we were deceived, as every person must now be aware of. The second objection is the most difficult to surmount, the first chiefly depending on it, for if the local wants of the people are provided for there will be no need of Municipal Corporations, &c. until the Colony is in a more advanced state of cultivation, and prepared to receive them—and which at some time or other must inevitably take place. We would not now advocate the measure did we not believe that such a compromise might be effected as would obviate all the difficulties of our second objection. Let the Government pledge itself to sustain the annual grants for schools, for the repair of the public roads and bridges, for the encouragement of Agricultural Societies, for the bounty to fishermen, for the opening of roads when required by a certain influx of settlers into a new district, and for the payment of pensions to old soldiers, &c.—let this be done and then in the name of all that is *honest* let the Initiation of Money Grants be given up, for long and bitter experience has taught us that until this is done the popular branch of the Legislature will be dishonest, and their acts disgraceful in the extreme. In following up the subject we have much more to urge in its favour, which the length of this article precludes the possibility of giving at present: meantime we hope the motion will be responded to by every person who has a spark of patriotism in his bosom.

PROROGATION OF THE LEGISLATURE.

The prorogation of the Provincial Legislature took place on Saturday last at two o'clock, the Members attending at Government House for that purpose, His Excellency having met with a slight accident which prevented him from receiving them in the Council Chamber. On their arrival at Government House his Excellency was pleased to deliver the following

SPEECH:

"*Mr. President and Gentlemen of the Legislative Council,*

"*Mr. Speaker and Gentlemen of the Assembly,*

"The termination of the business which has engaged you, enables me to relieve you from your further attendance.

"The unremitted attention which you have given to the Public Interests, has amply realized the expectations which I was encouraged to form at the opening of the Session; and I congratulate you on the accomplishment of several highly important measures which I had recommended to your consideration, and which I confidently hope will be productive of lasting benefit to the Province.

"*Mr. Speaker and Gentlemen of the Assembly,*

"I thank you for the Supplies which you have granted for the Public Service, and also for the confidence which you have reposed in the Government, by liberally placing at my disposal the Funds which are urgently required for various important objects.

"The encouragement which you have afforded by Bounty to the Fisheries of the Province, will revive an important Branch of its resources.

"*Mr President and Gentlemen of the Council,*

"*Mr. Speaker and Gentlemen of the Assembly,*

"It is gratifying to me to reflect that the pospects of the Province are such as to hold out reasonable hope of an early relief from the embarrassments which for the last three years have tended so much to depress the energies of the people, and to retard the general improvement; and it is with the utmost satisfaction, in relieving you from your labours, that I recur to the spirit of unanimity and devotion to the Public welfare, which have characterized your proceedings at such a period, and in the continuence of which, under Providence, we must rely for surmounting the difficulties with which the Province may still have to contend."

This is a novel made of procedure, and one which we never recollect to have read or heard of as happening in a British Colony. In England the practice is either for the Sovereign to prorogue the House in person, or by commission, but at all events the ceremony is performed in the House of Lords, whither the Members of the House of Commons are summoned to attend: and we had imagined that in a Colony the Parliamentary rule could not be dispensed with, and that the Legislature could only be prorogued in the Council Chamber. However, it seems we were mistaken.

The "Prorogation" was the most undignified affair we have ever witnessed. Not a bugle was blown. Not a gun was fired. Then let the reader imagine three or four Stage Coaches, and half a dozen Stage Waggons, just from the road, covered with dirt, and little better than so many dung carts, with half a dozen members stuck in each, proceeding to and returning from Government House, and he will have a correct idea of the whole affair. What would the Cockneys say were they to see a similar procession of the Peers and Commoners driving through Hyde Park to Kensington Palace to be prorogued! Some of the members on the present occasion, who are very tenacious of their privileges, must have felt their importance somewhat lowered: and we are half-inclined to suspect His Excellency's "accident" was a mere *ruse*, he having been annoyed at the nine or ten days spent on the privilege question, and taken this method—certainly a most effectual one—to lower their self created *dignity*.

☞ We are certainly very much gratified at the conduct of a few of our Fredericton subscribers, as well as convinced of the *sincerity of their friendship*, when they request us to remain passive under the scurrilous, slanderous, and unprovoked attacks which have week after week been levelled against us in the columns of the *Head Quarters*; and when they also express displeasure at our adoption of rehaliatory measures—it was certainly very *modest* of them! We have no desire to engage in, and are always determined if possible to avoid, personal attacks, but we cannot always resist the pleasure of returning "a Rowland for an Oliver." As to the song which appeared in our last we have circumstantial evidence of the strongest nature to prove that the person against whom its satire was directed is the writer of the scurrilous articles alluded to; but could we be convinced that we have fixed the authorship on the wrong person, we possess not only the spirit of fairness, but a sufficient quantum of moral courage, to offer an apology; but from the discontinuance of the anonymous letters in the last *Head Quarters*, and other corroborating circumstances, we are more than ever convinced that "Ginger" has hit the mark.

☞ Since the commencement of the present month the weather has been of the most delightful nature. The ice in the river commenced running on Sunday last, and from the large quantity which has since floated by, it must have broken up to a considerable extent up the river—probably as far as the Grand Falls or Madawaska. The steamboats are daily expected from St. John.

☞ Our Legislative Reports being concluded in this number, our readers may expect to be supplied again in future with a good selection of news, and something of a literary nature. Correspondents will also be attended to.

In another place will be found the reply of Sir Charles Metcalfe to the address voted to his Excellency by the House of Assembly of New Brunswick. It is couched with Sir Charles' usual felicity and vigour. The address appeared in the Albion a few weeks since.

The debate in the New Brunswick Assembly on this Address was one of much unanimity; Mr. Wilmot being almost the only grumbler on the occasion. That honourable gentleman indeed, did not content himself with mere grumbling, but assaulted the Governor General with coarse remarks—remarks so coarse, indecorous, and offensive, that we abstain from repeating them. The *Fredericton Loyalist* in commenting upon the unmannerly language of this Mr. Wilmot, indulged itself in using very severe expressions; so much so that the editor and the publisher were called before the House, and committed to gaol for a breach of Privilege. They were, however, soon liberated by a writ of habeas corpus, issued by Judge Carter. It is, of course, to be understood, that the House in acting thus harshly towards the editor and publisher, were moved thereto from a conviction of the propriety of protecting an individual member, and not from any participation in the sentiments uttered by that member.—*New York Albion.*

PROVINCIAL PARLIAMENT.

VOTE OF WANT OF CONFIDENCE.

The crisis is past the struggle is over. The members of Government have passed nobly through the fiery ordeal—unscathed and undismayed. The debate on Mr. Howe's motion of want of Confidence was renewed on Thursday, and was met by by an amendment moved by Mr. Marshall, to the effect that the House having implicit confidence in the determination of Lord Falkland to administer the Government of the Colony in accordance with the principles avowed in his opening speech, believed that His Excellency would proceed to fill up his Council, as soon as circumstances would permit, with men representing the general interests of the country.

The subject having been debated with a manifestly better spirit than animated the opposing political elements for the two days previous, was brought finally to a close last evening by the adoption of Mr. Marshall's amendment by a majority of 26 to 23.

We are glad to observe that a feeling of somewhat more deference to each others' opinions appears to pervade both parties in the House. The debate is pregnant with interest to the whole Province; and we shall use our efforts to furnish it as early as possible.

In the mean time, we protest against the disgraceful attempts made by some friends of the "Liberal Party" in this city, to controul, threaten, and insult the Country Members of the House who have dared to judge for themselves. On both Wednesday and last evening, the Hall of the People of Nova Scotia was made the scene of gross personal outrage, for the purpose of intimidating non-resident members from the independent action of their opinions.

We much mistake if these high-handed proceedings will not be condemned by the Country with a voice of thunder—aye, a voice that will overwhelm with confusion any Members who openly abet or silently encourage such outbursts of frantic ebullition by a fraction of the populace of this city.—*Halifax Morning Post of April 11.*

Yesterday, Captain Sir James Alexander, of the 14th Regiment, left this place on special service to assist in the exploration and survey of a new line for a Grand Military Road to connect the three Provinces, Canada, New Brunswick and Nova Scotia. The well known scientific acquirements of Sir James Alexander, render him particularly fitted to aid in a great undertaking of this description.—*Kingston Chronicle of April 6.*

TO LET,

THE HOUSE and PREMISES belonging to the Estate of the late Henry G. Clopper, Esquire. This place is situate immediately on the Bank of the River, a short distance below the residence of His Honor the Master of Rolls, and is a very desirable residence for a gentleman with a small family.

Possession can be given immediately.

☞ Application to be made to JOSEPH BEEK, Esquire, or the subscriber. CHARLES P. WETMORE.

Fredericton, March 25, 1844.