

in point: In Missouri an order had been issued that no clergyman should attempt to preach until he had taken the oath of allegiance. No man disputed the oath, but the case was this: A General acting for the State had taken the right to license parties to preach after administering the oath of allegiance to them; but many respectable clergymen submitted to imprisonment sooner than accept of such terms; and several clergymen of Catholic and other denominations took the same view. They said they were commissioned to perform certain functions by authority supreme to the State, and they claimed the right to preach the Word of God, and administer the Sacraments, without interference from the State. They takethis ground, they would take the oath at once, but when you tell them they cannot preach without taking the oath; then they say you attempt to stand between us and the person we think we are commissioned from. Therefore, he thought if any person did not choose to hand over the 50 cents the clergyman should not be prohibited from marrying him if he chooses to do it out of kindness or charity. He did not think they ought to reduce the license fee at all, and before they touched what might be a difficult matter, they had better let the present law stand, although it was not exactly what it ought to be.

Mr. HILL would go for the reduction of the fees, for he considered them far too high. It appeared to him that that section which requires a certificate of registration from the Clerk of the Peace, before a clergyman is entitled to solemnize marriage, will cause inconvenience. In one-third of the marriages in his County the parties come from the State of Maine, in some instances they come one hundred miles and are married at St. Stephens, and having to get a certificate would put them to a great inconvenience. It should be provided in the Bill that they could get a certificate from the Issuer of Marriage Licenses.

Progress was then reported.

AFTERNOON SESSION.

ADJOURNED DEBATE.

Mr. GILBERT said the hon. member from St. John (Mr. Wilnot) had expressed a wish not to speak upon this debate, until the Leader, and members of the Government, were in their places, as he considered his veracity was attacked by the Government; therefore, as he claimed the privilege of addressing the House in the presence of the Leader of the Government, and it would be an act of courtesy to the hon. member to adjourn the debate under these circumstances.

Hon. Mr. HATHEWAY stated that it was very doubtful if the Attorney General would be able to be in the House for two or three days, as he was very ill. There was no necessity for adjourning the debate, for any other hon. gentleman could speak upon it.

Mr. GILBERT said he was in the same situation as the hon. member for St. John, and he did not wish to go on with the debate when the Leader of the Government was not in his place.

Mr. NEEDHAM moved that the debate be adjourned until 11 A. M., tomorrow.

Mr. CORAM remarked that he supposed their ammunition had run out; he hoped they would come prepared tomorrow to carry it out.

Mr. WETMORE said their ammunition was quite sufficient to storm the Government, and there was no difficulty about firing at all. The Hon. Mr. Wilnot declining to address the House in the absence of the Attorney General was an honorable proposition, as he had matters to discuss with him.

The motion for adjournment was then carried.

A BILL TO ABOLISH IMPRISONMENT FOR DEBT.

Mr. NEEDHAM in moving that the House go into Committee on the above Bill said, I will endeavor to explain to the House the nature of the Bill, and the reasons that induced me to spend time in endeavoring to frame it. In doing which I do not pretend that that Bill is perfect in all its parts, for it is almost impossible for one man, engaged in a matter of such vast moment, to perfect a Bill in which, when it comes to be carried, there will not be found some imperfections. I have been perfecting this Bill from the time we last met here down to within a few weeks of the present Session; this being the tenth copy from the original draft. I have also submitted it to two or three Judges of the land, and those Judges approved of it in almost every particular. In reference to the guards I have thrown around the Bill, I asked them to make any suggestions which they thought would be a benefit to it. They replied they did not see that anything more was required, but we all know that when a case is to be tried before a court of adjudication they would see errors, which they do not see in reading the Bill. The Bill does not provide against imprisonment for debt in cases where they have been already contracted, for these debts have been incurred under certain restrictions, providing certain rights for the creditor, and these rights are not to be disturbed at all. This question of imprisonment for debt is a subject which has occupied the attention of great statesmen. The abstract principle is, that it is a barbarian custom which has too long disgraced the statute book of a civilized country, and ought not to exist. You imprison a man for felony, and for debt, thereby making the debtor a felon by turning the Jailor's key upon him. While I admit there are a great number of people in the world who have run into debt recklessly, and have failed when they ought not to have failed, I have yet to learn that there is more evil than good in the world. Honesty and wrong are comparative. It is not every man who runs in debt and does not pay is a rogue, but the rogue is the man who runs in debt and will not pay. When a man gets trusted for goods by falsely stating he is worth so much property, he should be dealt with as a felon, you should not jail him, but you should put him in the Penitentiary. Why should the unfortunate poor man suffer for rogues. (Mr. Hatheway, did you ever know an instance of the kind?) The same law is made for both. This Bill is made to

protect creditors and honest debtors, and to punish dishonest debtors. If the hon. gentleman will suggest any improvement I shall be glad, for I want to make it as perfect as possible. It has been conceded by the statesmen of England, and acknowledged by the United States, that imprisonment for debt is at variance with the principles of the day, and had its origin in the dark ages of antiquity. Unless we are only fit to live in those times we will adopt the principles of that Bill. I purpose in this Bill to abolish imprisonment for all debts that may be contracted after a time to be fixed by this House. Some people may fancy that by doing so the whole credit system of the country will be abolished, and the lawyers will not have so much to do. I do not believe it will have this effect at all. In a great number of instances when a debtor is incarcerated, he not only loses, but the creditor also. I am not willing to take away any privileges from the creditor without giving something in lieu of it. In lieu of imprisonment for debt, I substitute an attachment law. Some have said this was of American origin, so it is; but that is no reason why it is not good, or why we should not adopt it. Americanism is itself of British origin, and their common law is the same as our law. This principle of attachment, if it works well in America, will work as well here as there. Some men are afraid of it, because they think it will give one man the power to come down and take all the debtor has got, and the other creditors get nothing. This is not the case, for the very moment all the man's property is attached, his business is subject to investigation by a Jury who shall have power to compel the debtor to produce his books, and any documents relating to his business transactions, and to examine witnesses under oath, to see if he has conducted his business in a fair way, and that his failure has not been occasioned by fraud, but has been by acts over which he had no control, in which case the verdict of the Jury sets the man free, and his property goes to his creditors; but if it is shown that the debtor has been guilty of fraud, the law provides he is deemed guilty of fraud, and on conviction, is liable to punishment. It is a very extraordinary thing that we should be the only Province or State on the whole North American Continent that has not a Bankrupt Law. (A member.—We have had three, and they have been repealed.) Those Bankrupt Laws were made for the occasion; they were made to swindle creditors, and as soon as they had accomplished their object they were repealed. All the debtor had to do was to get two-thirds of his creditors to accept a penny in the pound. I have put a good gany through that law. A man once came to me, and wanted me to put him through the "Unfortunate Debtor's Law." I put him through the operation, although, at the same time, he owed me £50. I got his creditors to consent to take a penny in a pound, and for that the man got clear of all his debts. The cost of putting him through was £10, and he turned round and offered me ten pence for my cost. Served me right. He did not even think to offer me the half-dollar for the £50 he owed me. That is the way you left us lawyers with your Bankrupt Bills. This was a lot the only instance of the kind that