# The Old North State

SALISBURY, FRIDAY, MAR. 19, '69.


## JUDGE BROOKS AND THE BANKRUPT PRINTING.

We stated last week that this functionary had attempted a defease of his course in relation to the bankrupt printing through the columns of the *Standard*. We further stated that this defense of himself by the Judge was simply *driveling—contemptible*. We publish the defense itself elsewhere this week and shall proceed to show that it is what we said it was.

To do this it becomes necessary briefly to review the history of the matter. Among the first publications of notices in bankruptcy in North Carolina were made in the *Old North State* about the 1st of November 1867, in the cases of John F. Butt and P. J. Sinclair, of Charlotte. As soon as Gov. Holden, then editor and proprietor of the *Standard*, saw these notices he announced through his paper, that such notices, to be valid, must be published in the *Standard* or the *Asheville Pioneer*. Whether Gov. Holden was weak enough to believe this, under the promptings [illegible] only intended to obscure the vision of the feeble District Judge we will not now undertake to decide. The only defense, however, which we have ever heard made of the Judge's conduct in the matter is, that he *did* allow Gov. Holden "to pull the wool over his eyes," and deceive him into the belief that the law really required him to issue an order directing the messengers to make such publications only in the papers referred to; and that he did not possess the force of character and strength of intellect necessary to enable him to acknowledge, and to extricate himself from the error when once convinced of it.—"A great Judge," said his defender, "seeks light from every quarter and takes the greatest pleasure in acknowledging and correcting an error, but a weak one generally adheres to his error, when convinced of it, under the mistaken notion that it is an acknowledgement of his conscious weakness to confess and repair it." And the gentlemen who made this defense of the Judge is an able and thorough Republican and his personal friend.

About the same time that Gov. Holden made the above announcement in the *Standard* he also announced that some time during the term of the Circuit Court, then in session, Judge Brooks would make and publish an order directing notices in bankruptcy to be published *only* in the *Standard* and *Pioneer* in accordance with the positive requirements of, not the Bankrupt but, *the Appropriation Law*. We paid no attention to the *Standard's* statements at the time, not believing it *possible* that Judge Brooks could be *gulled* into the belief that the bankrupt printing was controlled by *another* law on a wholly different subject, enacted previous to the Bankrupt Law, which is a code *complete and perfect* within itself. A few days later, however, we received a message from a Republican friend at Raleigh informing us that what the *Standard* had said was really true—that Judge Brooks actually contemplated making such an order on the grounds stated. In behalf of ourself, and other publishers, we employed counsel—Hon. N. Boyden and Hon. A. S. Merrimon—to raise the question and argue it before the Court. We were present during Mr. Boyden's and a part of Judge Merrimon's argument, between whom and his Honor there was considerable colloquy.

No one *seemed* to be more anxious than Judge Brooks that the whole matter of the printing, in all voluntary cases, should be [illegible] with the Registers. He professed to be sorry—to regret exceedingly that the [illegible] confined the Judge and the Registers to two papers selected to publish the laws of the United States in which to have the printing done, but it was nevertheless clear in his mind that it did so confine him. He thought it very wrong that those two papers should have the entire monopoly of the printing [illegible] that the interest of all parties required that it should not be so—that the objects for which the notices were ordered to be published could, in a great number of instances be defeated by it—but the law had left him *no discretion* in the matter. His attention was then called to the enormous rates which the *Standard* was charging for the bankrupt advertising, and he was informed that it could and *would* be done for *one-half* the *Standard's* prices, if that paper was not allowed, in connection with the *Pioneer*, to have a monopoly. His Honor admitted that the *Standard's* rates were too high, and said he would take that matter into consideration, and himself regulate the prices in the order which he contemplated making in relation to the matter.

On the next day, when Mr. Merrimon was arguing the question, the Judge repeated all that he had said the day before, but still insisted that the case was clear to *his* mind—that the law left him no discretion in the matter, and that he would file and publish "a written opinion" to that effect. That "opinion" was not published as promised.—We subsequently called for the "Opinion," but we might as well have "called spirits from the vasty deep"—it was not forth coming, *and never will be*. We again call for the "opinion," and we not only call for it, but we DEFY Judge Brooks to publish any such an "Opinion." There was not a lawyer present in the Circuit Court when the question was argued, Democratic, Conservative or Radical, that did not differ with the Judge. There is not a lawyer of any note in the United States that agrees with him. The author of the law, Mr. Jenckes, is against him, as the Judge knew when he made the order. Every member of the committee on the revisal of the law in the 40th Congress is against him, as we know from a letter from one of its most distinguished members. In fact, with the single exception of Gov. Holden we have never heard of a man of any pretensions who was not against him, and he was largely interested.

The question was argued before the Circuit Court in the latter part of November 1867, and about the middle of December the Judge published in the *Standard* his rules of practice in the Courts of Bankruptcy. From these rules we make the following extract:

"RULE 2. The following newspapers are designated as those in which all publications required by the Act, entitled "An act to establish a uniform system of bankruptcy throughout the United States," or the General Orders in Bankruptcy may be made in the District of North Carolina: The STANDARD, published at Raleigh, and the PIONEER, published at Asheville, N. C."

From the terms of the rule we would be left in doubt as to whether the Judge was acting in pursuance of the requirements of positive law, or whether he "designated" the *Standard* and the *Pioneer* in the exercise of an arbitrary discretion, were it not for his declarations at the time the question was argued before him. Of course if he had become satisfied that he possessed any "discretion" in the matter he would, as he was so anxious to do, have left the whole matter with the Registers in all voluntary cases, would he not? We shall see before we get through with this article. But not one word in his rules or orders concerning or regulating the prices, as promised. He rules that the publications shall be made *only* in *two* papers and then hands the unfortunate bankrupts and their creditors over to the tender mercies of the man who owns one and controls the other [illegible] And we say without fear of contradiction that Gov. Holden, and his successors in the ownership of the *Standard*, have taken advantage of the power placed in their hands by this ruling of Judge Brooks to *extort* from the bankrupts and their creditors the sum of at least $40,000 over and above what it would have cost them to have had the printing done but for said rule.

The very same number of the *Standard* which contained the Judges' rules also contained the prices for which notices in bankruptcy would be published, strictly in advance. Those terms were kept standing in the *Standard* for sometime, and were just twice what it now charges, viz: For notice of petition and first meeting $12.00. Appointment of assignee, $6.00. 2nd and 3d meeting of creditors, $3.00 each. Petition for discharge $3.00.—Total for all the notices in each case in bankruptcy, $42,00. On the 30th of December, '67, we reviewed the Judges ruling in the matter with some severity, in which we specially called his attention to these enormous rates, and informed him that the *Old North State* and the other papers of the State would publish the notices for *just half* the sum. We sent the Judge a copy of the paper containing the article, and we have reason to believe that he received and read it—he informed a friend of ours that he did. But our offer to publish the notices at half the *Standard's* rates was based upon the *then* length of the notices. Since that time they have been made much shorter. That form of the advertisements was retained until the 18th of September 1868, or about nine months, so that in every case published during that time the *Standard* was enabled to *extort* by means of its monopoly just twice as much as the work was worth—twice as much as others would gladly have done it for, or *twenty-one dollars* from every bankrupt in whose case all the notices were given. But suppose the notices for a discharge were not given in most of the cases the bankrupt has still paid $17 more than the work done was worth. Suppose there were one thousand cases up to the time of the change—and there were probably many more—and the *Standard*, it will be seen, *extorted* the nice little sum of $17,000 from those who had gone into bankruptcy up to Sept. 18th, 1868. To this sum may be added a considerable amount for those cases in which the notice of petition for discharge had been given.

Now figures don't lie, and of course the reader is anxious to know what Judge Brooks has to say in defense of himself in having allowed the perpetration of such a *swindle* as this. Let them turn to it and read for themselves. He does not pretend to say that he was in total ignorance of what was going on, but that he was not "*officially informed of what the charges demanded really were.*"—The amount of the charges was a matter as notorious as any thing could be. Judge Brooks read the *Standard* and there saw for himself what changes were being made. He was informed at the time he made the rule what the *Standard* was charging, and *promised to see to and regulate the price* so that nothing more than a fair compensation should be allowed. Yet, after admitting his power to remedy the evil, and *promising* to do so, he utterly fails to do any thing of the kind until forced to do it.

In the month of August 1868, Judge Brooks held a term of the District Court in this place, and while here our counsel, Mr. Boyden, approached him and made another effort to get him to amend his rules so as to leave the matter at the discretion of the Registers, the bankrupts and their counsel. He suggested to the Judge that, as the bar was generally against him in the matter, he consult his associate on the Circuit Court bench, Chief Justice Chase, and be governed by his opinion as to the law. The Judge thanked him for the suggestion and readily, nay eagerly, promised to adopt it. He again repeated all that he had said before and manifested much anxiety to turn the matter over to the Registers. If the law had not made it imperative upon him to do so he would have scorned to have interferred in the matter at all—if he were a Judge of our Superior Courts and it were proposed to him to make an order that the Clerk should give notice to non-resident defendants in any particular paper, he would resent it as an insult—he would always leave the matter in the hands of the clerk and the parties or their counsel—and this case he would treat in the same way *if he only had the power*, and he hoped to be convinced that he had it. The matter went on until about the first of October 1868, when, at our suggestion, our counsel wrote to the Judge on the subject. In his reply the Judge said that he had, as yet, received no answer from Judge Chase, but argued that it would be best that the notices be published in *some particular paper, designated for that purpose*, so that those interested might know where to look for such notices. When we read the letter we saw that he was anticipating Judge Chase's decision, and that he was determined that the *Standard* should have the printing in any event and at all hazards. We were firmly convinced of this notwithstanding the Judge was very severe upon the *Standard* in his letter—had no sympathy with it—had discontinued his subscription to it for two months before—was very Conservative, but could not quite vote for Seymour and Blair, &c. (As to Blair we can't say we blamed him.) A short time afterwards—Oct. 7—he wrote another letter to another party in which he admitted his right to take the printing from the *Standard* and give it to another paper, and said he was somewhat disposed, if he concluded to make a change, to select the *Old North State* as one of the papers for the publication of the notices, if he could be assured that it had a *general* circulation in the *State*. Of course the Judge knew that it had no circulation east of Raleigh, hence the condition. But to return to the matter of charges again, the Judge says in his defense that on the 18th of September, 1868, he made an order requiring the Marshalls, Assignees and Clerks to pay no higher rates for the publication of such notices as the law required to be published in newspapers than were charged by the newspapers of the State for publishing State Court advertisements.—This seems at first blush [illegible] all right and fair, but the fact is that [illegible] commences the *grossest abuse* connected with the whole matter. Instead of publishing the notices at the rates charged for the publication of State Court orders the *Standard* very coolly proceeded to charge at least *sixty per cent* more than the price usually charged by the papers of the State for the publication of such advertisements.

The cash rates for publishing Court orders for *six weeks*, vary from $6 to 8. A number of papers, including the Statesville *American*, the Milton *Chronicle*, the *Old North State* and several others, publish them for $7 when the cash accompanies the order. The Asheville papers publish them for $3, and the Greensboro papers for $5. Seven dollars may, therefore, be regarded as the average cash price for such notices. Where payment is not made in advance the price is generally $10. Upon the making of the September order the *Standard* announced the following as the prices, and *exacted* them of the Marshalls, viz: For notice of Petition and first meeting of creditors, $10. Appointment of Assignee, $5; for second and third general meeting of creditors, $6 each; petition for discharge, $6. Total in each case, $33.—This would seem to be a reduction of $9 from former prices, but is, in reality, a large addition. This is so for the reason that after the making of the order the form of the notice was made just *one inch shorter*, taking off about one third of the space required for notices of petition, and nearly or quite one half of that required for the others.

The first form used in giving notice of petition and first meeting of creditors was about the length of Court orders on an average, and if the *Standard* had retained that form and published it *six* times instead of *three* it would have been entitled, under the Judge's order of the 18th of September, to charge $7 therefor, whereas it, in fact, charged $10 for publishing a form nearly or quite one third shorter *three* times. Was there ever a more audacious imposition practiced upon a weak and over confiding Judge than that presented by this case? We say a *weak* and *over confiding* Judge because we are willing to allow him every defense that can possibly be made for him. If the first form had been retained the *Standard* would have been justifiable in charging $5 for three insertions, just *half* as much as it charged for publishing a *much shorter* one.

For the form now in use it could not, with due regard to the order, have charged more than $4, and the other notices in proportion. We hazard nothing in saying that the papers of the State would gladly do the work for these rates, *it is fully as much as our regular rates* for all kinds of ordinary advertising, and *more* than we get for much that we do. At these rates all the notices required to be given in each case would amount to about $14, but for which the *Standard actually charged* $33, making a difference of $19 in every case. This last order remained in force up to about the 10th of January last, and the probability is that up to that time another thousand cases had been disposed of—certainly there had been more than two thousand from the commencement of the practice up to that time—which adds $19,000 more to the *Standard's* extortions, making a grand total of $36,000. We deduct nothing from the last thousand for the notices for a discharge as they were being made all the time in the first cases. Add to the above sum the extortions which have been made since the 10th of January, and we have no doubt it will increase the amount of the *Standard's* extortions to more than 40,000 dollars. The prices which the *Standard* is now charging would be reasonable if the first forms of notices had been retained, but for the present forms it is charing seven dollars more than the regular rates of the *Old North State* in every case. The notices of petition make two squares—not quite by our rate—the other notices average about a square, those for meeting of creditors are generally a little more, those of Assignees generally a little less, as shown by a number of them now lying before us in various numbers of the *Standard*.

We have shown Judge Brooks how he has been shamefully treated by the *Standard* in its taking advantage of his ignorance and good nature to swindle an unfortunate class with whom he must be supposed sympathise very deeply. Will he now take the printing from that paper and leave it to the papers of the State generally whereby the bankrupts and their creditors may have justice done them? No, never while there is any printing to be done.

About the 1st of January last a paragraph appeared in one of the papers of the State saying that Judge Brooks had rescinded the order requiring the notices in bankruptcy to be published in the *Standard* and *Pioneer*, and that thereafter the matter would be left with the Registers and the parties interested. Upon this statement an eminent attorney of this city approached us, and informed us that the Register of this District, Mr. Broadfield, had about one hundred cases on hand in which the notices would have to be published soon, many of whom were his clients, and asked us to say what was the lowest figures at which we would make the publications. We agreed, if Judge Brooks would give his consent, to publish all the notices required in every case for ten dollars a case, or at corresponding rates if we did not do the whole. This offer, we have reason to believe, and do believe, was communicated to Judge Brooks with no other result than to cause him to make an order authorizing the *Standard* to do it for twenty-one dollars, just eleven dollars more in each case than we offered to do it for. Yes, one hundred men of this Congressional District have, since the 1st day of January, been *compelled* by an arbitrary order of Judge Brooks to pay to the Raleigh *Standard* eleven hundred dollars more than it would have cost them to have had the same work done much more effectually in the *Old North State*.

From the statements which we have made the bankrupts and their creditors can see how outrageously they have been swindled—who has grown rich upon their misfortunes and who is to blame for it. The official conduct of Judge Brooks caused it all—of this there can be no doubt. [illegible]order in relation to the publication, made in December 1867, was made against the opinion of every lawyer who practiced in his Court, as far as known, including the U. S. District Attorney—against the known opinion of the author of the Bankrupt law, and has been continued, and in the face of the fact that Judge Blatchford, of New York, has acted differently in asserting his right to designate whatever papers he chose it which to have the printing done. Since then complaints have been made to the Judge by many "prominent members of the bar," as we learn from letters written by Judge Brooks himself, which lay before us as we write, urging him to take the printing from the *Standard* and assuring him of his right to do so. In the face of all this he has persisted, and still persists, in leaving it with that paper. We shall not characterize his conduct nor speak of his motives, but leave every man to judge of them for himself.

We have not been governed by any partizan feelings in making this exposure. We would have made it just as readily had Judge Brooks been a Conservative and the *Standard* a Democratic paper. We are not regarded by those who know us as a strong partizan, but as one who can do justice to men of all parties.

## THE CABINET.

We stated last week that Mr. Stewart had resigned the port-folio of the Treasury, since then Mr. Washburne has vacated the office of Secretary of State for the purpose of becoming Minister to France, and Gen. Schofield has retired from the War Department.

Hon. Hamilton Fish, of New York succeeds Mr. Washburne in the State Department. Mr. Fish is a gentleman of the highest character and much more ability than Mr. Washburne. He was formerly an old Whig, and was elected Governor of New York and United States Senator by that party in the days of its ascendency. In politics he may fairly be called a Conservative. Many men have filled the office of foreign Secretary who were less competent to the proper discharge of its duties than Mr. Fish.

Mr. Stewart has been succeeded by Gov. Boutwell, of Massachusetts. Mr. Boutwell may be set down among the class usually denominated *politicians*.—His political changes have been considerable, and he may now be classed among the ultra Radicals. He favored all the extreme measures towards the South, and was one of the managers of the impeachment of Andrew Johnson. Whether he has any special talent as a financier that caused his selection for the Treasury Department we do not know.

Gen Schofield's place has been supplied by the appointment of Gen. Rawlins, late Gen. Grant's chief of staff. This appointment seems to be well received by men of all parties.

## THE HOMESTEAD.

Is the Homestead provision of our new Constitution valid as against old debts? This is a question in which all are interested, and it is important that all should be well informed in relation to it. With that view we publish on our first page this week a learned opinion of Judge Carpenter, of South Carolina, in which he holds that it is not so valid. We do not claim any weight for our opinion, but we believe that Judge Carpenter is right—Our Supreme Court may possibly hold otherwise, but the question will almost certainly be carried up to the Supreme Court of the United States, which court of final jurisdiction will, we believe, sustain the opinion of Judge Carpenter.

We would advise debtors not to rely upon the homestead with too much certainty, but to take advantage of the present condition of things to make the best terms with their creditors they possibly can—to compromise as best they may be able to do.

## THE NEW STAY LAW.

As a matter of more general interest than any thing else with which we could fill our columns we publish the new Stay Law which was received just in time for this issue. Every relief against old debts should be given which can be given without violation of the Constitution, and it is probable that the most essential provisions of this Act will stand the test. But by making the same rules apply to all suits, for new as well as old debts, it will have a tendency to impair confidence and destroy credit. But this provision was necessary to save the law, we suppose, as it would have been held to be unconstitutional had any discrimination been made.

The tenth section of the Bill, preventing the sale of property under deeds of trust or mortgages, unless the debts secured in said deeds of trust or mortgages are reduced to judgments, seems to us to have been wholly unnecessary, as it is certainly unconstitutional. But as the subject matter of that section can be separated from the other parts of the Act, it may be declared unconstitutional without affecting the other provisions of the law.

## MESSRS BOYDEN AND SHOBER.

We have convincing reasons for believing that the contest between these gentlemen will be decided by the exclusion of both and the ordering of a new [illegible] There is no probability that, in [illegible]ten per of the House, any member will be admitted who cannot take the [illegible]th, unless he is a Republican. The [illegible]ling will of course, exclude Mr. Shober, and we feel justified now in saying, what we have believed all the time, that Mr. Boyden does not desire to be admitted to a seat in consequence of the late election. He believes that the election was illegally held, and that in consequence of the *manner* of holding it, and of certain frauds, which he believes were perpetrated, he was defeated against the actual wishes of a majority of the people of the district. He simply desires, so we feel justified in saying, a free and fair election by the result of which he will be willing to abide.

## JUDGE BROOK'S LETTER.

We give the following extract from the letter of Judge Brooks as an act of Justice to him. It embraces all the parts upon which we have commented.

In regard to the subject of costs in bankruptcy cases I have this to say: The first complaint made by those who were likely to have these costs to pay were made against the charges made by the publishers of the notices required by the law—and these complaints were all informally made and many of them purporting to be founded upon rumor. I insisted that I was prepared to hear and determine that or any other question of costs which might be properly brought before me. When the question was brought before me by exceptions, and notice to the party interested, there was a hearing. I was then informed officially what the charges demanded really were—and being unauthorized—they were, by order, reduced. It was not believed by me to be right to refuse to allow to the officers the prices heretofore paid by them for these publication when parties interested were not disposed to object in the only proper way to such charges.—And to remedy this evil in future I made an order on the 18th day of September, 1868, directing Marshals, Assignees and Clerks to pay for publishing such notices as the act required to be published in newspapers, no higher rates than were charged by the newspapers of the State for the publication of the State Court advertisements—and that order related to all bills of publishers not paid on the date of said order. This was all I then thought I could properly do, and I am still of the same opinion

There has been some informal complaints made to me that some of the officers did not regard the order last referred to, but that they were still paying and charging the same high rates for advertising forbidden by the order. Now, in answer to such complaints, I have simply to say that I cannot cite an officer to show cause, upon any such loose and vague charges, when the case or cases are not even stated in which such disregard of duty has been shown.

I think the fees allowable by the order last referred to are not oppressive but reasonable. I have never heard much complaint of the charges made by printers for publishing State Court notices.

If officers have paid the first rates charged after the order referred to, parties against whom such payments are charged can except, and if they do not see proper to do that, I know of no other Way by which I can officially know of the error. The prices now charged for the first notice by the Marshal is 10 instead [illegible] as at first charged; for the Assignee of his appointment, $3 instead of $5, and the clerks, for final discharge, $4 instead of $8. Officers are required to furnish short forms for publication, and if they do not, thereby causing greater expense, they must bear it, if exceptions are made. Now I do not regard these prices unreasonable, and think there is no just cause of complaint, when the rules are complied with, and if they are not, there is a plain remedy for such as may be injured.

Next in turn came complainsts against the charges of Assignees, Clerks and Registers, and almost every charge made by these officers has been alleged to be entirely unauthorized by the laws or overcharged. And with one single exception, these complaints have been made to me, and are still being daily made to me by letter, many of them neither naming the officer or officers against whom they complain or the cases in which the alleged improper charges have been made. And none of them in that formal manner which will authorize an examination on my part so as to make any decision of mine a judgment of the court.

I have never refused to entertain any exceptions properly taken, to any item of costs. On the other hand, I have expressed it as my opinion that solicitors ought to except, whenever in their opinion too much costs were charged against their clients, and that the same duty devolved upon solicitors representing creditors, when costs were taxed against funds in which creditors are interested. While I will say in behalf of these officers, that it is but reasonable to expect that they will look liberally upon their own side of these questions, and should desire to have settled in their favor the charges about which there is doubt, it is a clear duty devolving upon the attorney to protect his client from the payment of any more cost than the law requires him to pay.

If these charges demanded are in their opinion unauthorized, the remedy is clear. It is by excepting to the items, either unauthorized or too large, and in that way obtaining the opinion of the Court. The law makes it the duty of the Register to tax the costs, and upon his certificate that the law has been conformed to, the Judge discharges or refuses a discharge. The Judge cannot question the truth of the matters stated in the certificate, unless upon exceptions. If it was otherwise, he would be involved in interminable confusion, and have thrown upon him a task he might not reasonably expect to perform. It would be a lighter task than handling and inspecting every paper in every Bankruptcy case with a view to see whether the Bankrupt Register and other officers had, in all things, conformed to their duty.

Gentlemen of the Bar complain that they are not furnished with bills of costs fully itemized, after request by the officers, so that they can draw their exceptions. In this there is error on the part of such officers as do not comply with such requests and the officers of the Court will be instructed, each, to furnish a copy of his bill so itemized; upon request of the Counsel of the Bankrupt, when the costs have been paid or are to be paid by him; and to Attorneys of Creditors, where costs are to be taxed against a creditor's fund.

In conclusion I will state that I will entertain any question upon the subject of costs upon exceptions properly filed at Chambers on five days notice being given the officers whose costs from the subject of exceptions, and the time for the hearing may be fixed by the parties excepting. I will hear oral or written argument or decide the questions presented without either, as the parties may prefer. These exceptions may apply as well to cases in which the costs have been paid, as cases in which the costs are still due in which the discharge has not been granted. In such cases in which the costs have been paid, if it shall be determined that too much has been paid such excess will be ordered to be refunded.

I have now before me over one hundred certificates of conformity, which appear to be regular in all respects, except in some of them the Registers' and Clerks costs appear, to me, to be taxed higher than the law authorizes, and for this reason the cases are suspended.

It my be that extraordinary services rendered in these cases may authorize the amount charged. Apparently they are unauthorized, but I am not disposed to enter upon any investigation of these cases, thereby denying the truth and correctness of the Registers' certificate, unless parties whose interes are involved will suggest by way of exceptions what the [illegible] may be wrong in the certificate.

As to the costs of the Assignees, they are so entirely dependent upon the character of the duties performed, and these are essentially different in estates, that it would be impossible, without a special investigation in each case, to determined whether the charges were proper or otherwise. Very respectfully,

G. W. BROOKS.

Elizabeth City, March 2, 1869.

## THE BANKRUPT BILL.

The following is the amended bill as it passed both Houses of Congress last July:

"Be it enacted, &c, That the provisions of the second clause of the thirty-third section of said act shall not apply to the cases of proceedings in bankruptcy commenced prior to the first days of January eighteen hundred and sixty-nine, and the time during which the operation of the provisions of said clause is postponed shall be extended until said first day of January eighteen hundred and sixty-nine. And said clause is hereby so amended as to read as follows: In all proceedings in bankruptcy commenced after the first day of January eighteen hundred and sixty-nine, no discharge shall be granted to a debtor whose assets shall not be equal to fifty per cent of the claims proved against the estate, upon which he shall be liable as the principal debtor, unless the assent in writing of a majority in number and value of his creditors to whom he shall have become liable as principal debtor and who shall have proved their claims, be filed in the case at or before the time of the hearing of the application for discharge.

Sec. 2. And be it further enacted, That said act be further amended as follows: The phrase 'presented or defended,' in the fourteenth section of said act, shall read, 'prosecuted or defended; the phrase, non-resident debtors, in line five, section twenty-two of the act as printed in the Statutes at Large, shall read 'non-resident creditors'; that the word 'or' in next to the last line of the thirty-ninth section of the act shall read 'and'; that the phrase 'section thirteenth,' in the forty-second section of said act, shall read 'section eleven'; and the phrase 'or spends any part thereof in gaming,' in the forty-fourth section of said act, shall read, 'or shall spend any part thereof in gaming; and the words 'with the senior register, or, and the phrase 'to be delivered to the register,' in the forty-seventh section of said act, be stricken out.

"Sec. 3. And be it further enacted, That registers in bankruptcy shall have power to administer oaths in all cases, and in relation to all matters in which oaths may be administered by commissioners may take proof of debts in bankruptcy in all cases, subject to the revision of such proofs by the register and by the court, according to the provisions of said act."

*Assault.*—We learn that yesterday a white man named James Thompson attempted to commit an assault with a knife upon Mr. James H. Philyaw. Thompson was prevented from carrying his purpose into execution by officer Sellars, who got between the two parties and caught Thompson.—*Wil. Journal.*