

to give him the relief which he prays, if he is entitled to it, they therefore recommend that he have leave to withdraw his petition, and that he again apply to the commissioners on insolvent debtors for the city and county of Baltimore. To the petition of Fitz King, an insolvent debtor from the city of Baltimore, your committee have bestowed much time, and from the several different statements which your committee received, they found it necessary to investigate the proceedings which were had before the insolvent commissioners, and the court for Baltimore county; after giving to his application, that attentive investigation, which is due to every prayer that is made for legislative relief, they are of opinion, that the said Fitz King does not come before this house in a situation which entitles him to any special legislative interference.

It does not appear to your committee, that the proceedings before the commissioners were informal, or that they did injustice to the petitioner, but on the contrary, when the law of the land has appointed a tribunal competent to give relief, and the law itself affords a proper remedy, when properly administered, your committee think that it would be travelling out of the pale of their duty to report any special act for relief, unless it manifestly appeared that the commissioners had not properly administered the law, or that the general law of the state did not provide for the particular case in which relief is prayed. Neither of which, are your committee disposed to think in this instance. But from the record of the proceedings in the case of Fitz King, they are of opinion, that the laws of the state will afford him relief, if he asks it with clean hands, and that the commissioners, under their oath, faithfully and impartially to administer the law, could not have made any other report than the one which was made and concurred in by the judges of Baltimore county court. They therefore recommend, that Fitz King have leave to withdraw his petition, and that he be referred back to the commissioners of insolvent debtors, recommending to him, if he wishes to obtain the benefit of the insolvent laws, to put himself in that situation which will entitle him to receive it. The petition of George Davidson, of Cecil county, contains no other ground for the interposition of the legislature, except that he could not obtain the assent in writing of two thirds in amount of his creditors. In most cases which have been submitted to the consideration of your committee, no clue has been furnished to guide them through the labyrinth of difficulties, which from the complaints made, would seem to exist in the insolvent laws of the state. And your committee must regret, that the applicants in all cases, did not state what objections could arise to granting relief to an honest but unfortunate debtor. But your committee have been left to imagine the difficulties under which the insolvents laboured, and in all cases, where it could not conflict with any fixed principle, or established law, they have reported favourably. Your committee beg leave here to express their opinion, inasmuch as many cases have come before them for relief upon no other ground, than a want of the assent in writing of two thirds in amount of the insolvent's creditors, your committee think this assent not necessary, that though under the act of assembly passed at November session 1805, chapter 110, the assent of two thirds in amount of the creditors of an insolvent debtor, is required to obtain a final discharge, yet this section has been taken confessedly to be void and inoperative, under a decision of the supreme court of the United States, in the case of *Sturges vs. Crowninshield*, declaring that no state legislature were competent to enact any law which invalidates or impairs contracts between individuals. It is not deemed that the legislature are competent to pass acts discharging the person from imprisonment, but neither can the legislature exempt the property, which the debtor has in possession, from the operation of his contracts, or deprive his creditors from resorting to any future requisitions to recover their debts. If a contract for the payment of money, had reference only to the property in the possession of the contracting debtor, then a condition might be implied, that upon surrendering the whole of his property to his creditors, he might be discharged from any future liability.

But the obligation of the contract looks further; the mental resources, the habits and the character of the man, constitute a fund, which is more confidently trusted than the property which the debtor has in possession; and not unfrequently does the creditor look to this source alone, for the fulfilment of those engagements, upon which his whole business and maintenance depend. If such parts of our insolvent system, as discharge the property of the debtor, acquired subsequent to his insolvency, from the operation of his previous contracts, were not void and inoperative, the whole commercial system of our country would be convulsed to its centre, and that confidence which is reposed in the enterprise and honest exertions of mercantile men, destroyed. It is no difficult matter to conceive, the disadvantages which would result from this destruction of confidence, which is so important to commercial transactions, and upon which the mercantile concerns of our country depend. Taking this view of that section requiring the assent of the creditors of an insolvent debtor to discharge him from the obligation of his contracts, your committee think it unnecessary further to enlarge upon this section of the act of assembly, inasmuch as it has been generally conceded, that the legislature could not discharge the debtor's property from its liability to his contracts, and being of opinion that the section above mentioned is void and inoperative, they therefore recommend the enacting of the section in the bill herewith reported, entitled An act supplementary to an act, entitled, An act for the relief of sundry insolvent debtors. Your committee further beg leave to report, that many applications have been made during the present session, for special acts of insolvency, upon the ground that the petitioners had not that residence in the state, which is a requisite, among others, to entitle a debtor to the benefit of the insolvent laws of the state; and as your committee are of opinion, that whenever an insolvent debtor, a citizen of another state, has been imprisoned in this state, if there is no other objection, except that of his want of residence, this time of general pecuniary pressure, and when the feelings and asperities of every man are softened at the distresses and misfortunes of his fellows, this should no longer be an objection against extending to him that benefit and relief which is held out and afforded to every citizen in Maryland, who may be overtaken by the hand of misfortune. They therefore recommend the passage of that section of the bill herewith reported, providing for that grievance. It would be travelling beyond the line of duty prescribed to your committee for them to hazard an opinion, upon the expediency and propriety of a total abolition of the laws for imprisonment for debt, but your committee cannot refrain from expressing their most ardent and sanguine hopes, that the day is not far distant, when the doors of our prisons shall be thrown open, and the unfor-

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