

Bowling, Shriver, Gaither, Biser, Annan, Stephenson, Gwinn, Brent of Baltimore city, Sherwood of Baltimore city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer, and Smith—34.

Negative—Messrs. Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Buchanan, Colston, Cri-field, Dashiell, Hicks, Phelps, Grason, Wright, McMaster, Hearn, Fooks, Jacobs, Sappington, Thawley, Stewart of Baltimore city, and Presstman—22.

So the blank was filled with \$300.

The question then recurred on the amendment.

Mr. BRENT, of Baltimore city, expressed the hope that the amendment would prevail. It seemed to him but a small boon to give to the family of deceased or insolvent persons. He admitted that cases might occur, even under the terms of the proposition, where a family might not obtain relief; but it seemed to him impossible to lay down any other safe rule than this. It would, however, operate upon the major part of the hard cases of insolvency, and would rescue from the grasp of a heartless and griping creditor the small pittance of \$300 for the benefit of his family.

Mr. MITCHELL. It strikes me that if a man owns a house he would be relieved under this proposition, but that if he be a poor devil who only rents one, (laughter,) he would not.

Mr. BRENT, of Baltimore city. The gentleman is entirely mistaken in his construction of the proposition. And Mr. B. explained.

Mr. PRESTMAN expressed his regret that the proposition of his colleague, (Mr. Brent,) was such as could not meet with his. (Mr. P.'s,) concurrence. Far from it. He should be glad if it did so. He did not believe that it would be acceptable to the city of Baltimore, although upon that point a difference of opinion might well be entertained. He referred to the report which he had himself made, providing for the abolishment of imprisonment for debt. This, he thought, would be sufficient relief.

If, in addition to this measure, the Convention should think proper to withdraw from responsibility, the property of a debtor, to the extent of three hundred dollars, it would bear upon the working classes of the city, so as to cripple them to a considerable extent. He referred to the case of the law, of the operation of which, the distinguished gentleman from Anne Arundel, (Mr. Dorsey,) had given his experience. That was one of the most unpopular laws that ever went into operation.

As regarded the proposition to abolish imprisonment for debt, the barbarity of the existing law, although that had undoubtedly had its weight upon his mind, was not the prominent consideration. He was in favor of doing away with credit. He was in favor of permitting an honest mechanic, when he did his work, to be paid for it. He considered the law in its present form, as "keeping the word of promise to the ear, and breaking it to the hope." He was not influenced by considerations, looking to the debtor, so much as he was by the great interests of the creditor, who was now deceived,—who

expected to be paid, but, under the insolvent laws was deluded.

The proposition of his colleague, he thought, was open to many objections. He, [Mr. P.,] proceeded to point out objections to its phraseology. He suggested that it could not be construed by the courts with any degree of certainty—that it was indefinite, and might be construed to mean not the immediate family only, but grand-daughters and grand-sons, and all embraced in the legal term "family." It made no discriminations between meritorious and worthless children; and was open also to other objections.

Desiring to stand right before the community, he should feel constrained to vote against the amendment.

Mr. McMASTER moved to amend the proposition by striking out the words "administration or."

Mr. CHAMBERS rose, to present to the Convention an idea which had not yet been suggested, and but for which, he would not have said a single word. The hypothesis on which this amendment has been defended, is, that when a heartless, griping creditor endeavors to oppress the poor and desolate widow of a deceased debtor, the law should interpose for her protection. On this ground he would be one of the last men in the world to raise an objection to it.

He would always be ready to interfere between the hard and unfeeling creditor, who does not want the money due to him, and the bereaved widow, whom he attempts to oppress.

But he asked gentlemen who took this ground, to look at the case in a more correct point of view. When a poor man dies insolvent, is it to be taken for granted, that his creditors are all wealthy? Not at all. He buys his soap, his candles, his sugar, and all his household necessaries, at some small store in his neighborhood; and the person from whom he buys, is just as poor as he himself is; that person too depends on what is owing to him, as a means of keeping up his supply, and when he suffers a loss, it bears heavily upon him. He thought it was wrong to permit this.

The law can lay its hand on the person, if living, or it can take his property. But here the person of the poor is rescued from the power of the law, and this amendment casts off the poor and suffering creditor from any chance of indemnifying himself from the property. The principle was antagonistic to the policy of our insolvent laws. It would also operate injuriously on the poor, generally, because it would restrain persons from giving credit to those who have but small means.

If the creditor is just as poor as the debtor, the one is as much deserving of legal protection as the other. Why, would you take from a poor man five dollars, and give it to another who is equally poor, perhaps, but not more so than himself. He would willingly agree to any proposition where it could be made to appear that the debt of the deceased insolvent was due to a man of ample means who would not suffer from the loss, to relieve the widow from the oppression of