

the creditor; but, as he had before stated, in these cases it generally occurred, that the creditor was just as poor, and as deserving of protection, as the debtor himself.

He thought it better to leave it for the legislature to act as occasion might require, than to place this broad, unqualified provision in the Constitution.

Mr. GRASON would prefer leaving the subject to the legislature, but as it appeared to be the general wish to insert some provision of this kind into the Constitution, he would make no objection. In his opinion, the family of a deceased debtor ought to have something secured to them as a means of temporary subsistence. It is not merely harsh creditors, but the law itself which leaves families in the most destitute condition. Administrators are compelled to take an inventory of every thing; and every article of furniture, and even the provisions are sold for the benefit of creditors.

It had been said, that laws exempting property from execution, operated to the injury of the very persons they were intended to benefit, because they deprived them of credit. But credit was generally given to laboring men on account of their industry and good conduct, and not on account of a few articles of furniture and provisions, which no family could dispense with. He would like to know if a merchant, or any other person, trusted a poor man with the view of selling his bed from under him, or of depriving his family, as soon as he was dead, of the few articles which their immediate necessities required. Credits which were to be followed by such sacrifices, were of no benefit to any one, and if creditors expected to secure the collection of their debts by such means, it was necessary that some legal provision should be made to keep them within the bounds of humanity.

Mr. HICKS expressed his belief that gentlemen who were advocating this amendment, were proceeding under a mistake. He thought the mover of the amendment, who he did not recollect, was influenced by the best motives, but would find it did not affect the object he desired. By an existing law, the family of a deceased debtor is already protected against his creditors. Property to a certain extent is now reserved for the benefit of a family, and other provisions have been made, all to the injury of honest creditors. He thought this was all wrong. He referred to a case which occurred while he was at home. An insolvent person died, possessing but little property, and leaving two children. His whole estate would not pay twenty-five cents in the dollar. A short time before his death, the grandfather of the children had died, and by his death, they had become possessed of some thousands of dollars, and they were well provided for whilst the honest mechanic and merchant suffered. The father had been trusted on the faith of his industrious habits, but owing to his death the creditors lost three-fourths of their honest due, and the children had ample means, and at that he felt much gratified. He did not doubt that there were heartless creditors in Queen Ann's, as well as in Dorchester. In fact he knew of a case of *ca. sc.* which

occurred in that county, of great hardship. There were indeed hard cases every where. He was very willing to vote to abolish imprisonment for debt. But while we were making these provisions for the benefit of the insolvents, we are injuring honest creditors. He knew that, after the bill which had formerly passed on the subject, there were numerous petitions sent to the legislature, shewing that the effect of it had been to injure the credit of the poorer classes, and to bring about a material diminution of their comforts. The blacksmith and other mechanics will not give credit where there is no reasonable security that they will be paid. There are numbers who are now willing to trust a man who has an honest reputation, but let this amendment be adopted, and they will say that if he dies there will be no chance of recovering their debt, and this will make them reluctant to give credit to poor men. There are also many dishonest men in the State, who will be benefited by this provision. He was in favor of benefiting the poor, but he did not think this proposition would place them in a better condition than now. Indeed, they must be the principal sufferers, as it shuts out important advantages to them and in fact to all classes. Mr. H. closed by saying, he hoped the amendment would not be adopted.

Mr. BRENT, of Baltimore city, desired briefly to notice one or two of the objections made to his amendment. His colleague, (Mr. Presstman,) objects to the word "family," which he seemed to think was too indefinite, and would be construed to include collateral relations.

Mr. PRESSTMAN explained. He had said distant relations, meaning grand-children, &c.

Mr. BRENT. Suppose it does embrace grand-children. The object is to include all those who are near him, forming part of his family at home, and not those who are remote.

Mr. CRISFIELD wished to put a question to the gentleman from Baltimore city. If a man leave a wife, a child and a child of a widowed daughter, how would the property be divided?

Mr. BRENT. It would be equally divided. There was no reason why there should not be an equal division. His friend from Baltimore city, (Mr. Presstman,) says further, that there is no discrimination between a meritorious and an unworthy child. Not so. It only protects them all alike from the grasp of the debtors. The father can discriminate between his children. His friend says further, that there may be the abolition of imprisonment for debt, which is protection for property against the creditor. That merely protects the person from confinement and ignominy. This provision is intended to relieve the property when the debtor is no longer within the reach of the law. Again, it is said, that this amendment protects the property against the claims of poor mechanics. He was the last man in the world to propose any plan which would injure mechanics. But if this proposition be inserted in the Constitution, the honest mechanic who trusts the poor man, will give him credit with a full knowledge of the existence of this law. If he is disposed to credit a man who has no property, he will do it with his eyes open