

to the consequences. In reply to the gentleman from Kent, (Mr. Chambers,) who had expressed his readiness to vote for a proposition which would only screen the poor debtor from the heartless and grasping creditor who could afford to lose the debt, such a clause could not be inserted in the Constitution. It would be ridiculous to attempt it. A homestead ought to be always reserved. As to the property which may be left by a deceased debtor, the wife and children ought to be secured to the extent of three hundred dollars. He knew of cases where creditors, just after the death of the debtor, had forced the widow and children out of the house and sold the property. The Act of Assembly which had been passed last year, and which the gentleman from Dorchester had referred to, reserves only one hundred and fifty dollars, and that is exclusively to be paid out of her distributive share. He pointed out the unjust operation of this Act, by which a widow *without children* could obtain from the insolvent estate of her husband seventy-five dollars, while a widow *with children* could obtain nothing.

Mr. GWINN offered the following substitute :

"The Legislature shall provide for the exemption of property, real and personal, belonging to any person dying insolvent, or taking the benefit of the insolvent laws, to an amount not exceeding three hundred dollars, from the proceedings of creditors, and in case of such dying insolvent, or of insolvency during life, the said property so exempted, shall go in the first instance to the wife or widow, and then according to its nature, go as now directed by the statutes of descent or distribution; provided, always, that the provisions of this section shall only apply to a father, mother, sister, brother, husband, or wife, or child, or grand child of the said person so dying or becoming insolvent."

Mr. CRISFIELD objected to the amendment of the gentleman from the city of Baltimore, (Mr. Brent,) and also to the substitute for that amendment offered by the other gentleman from that city, (Mr. Gwinn.) That substitute would not meet the object which the gentleman himself had in view, certainly not the object the Convention had in view. The object, as he understood it, was to secure a homestead for the head of every family beyond the reach of creditors; but the substitute was to provide some thing in lieu of a homestead; it was to exempt from execution real and personal property to a certain amount; but this was only to be done in case of a person dying insolvent, or becoming insolvent, which he supposed meant petitioning for the benefit of the insolvent laws; and the right of property was not to be vested in the person himself, but in his wife or widow, and heirs or nearest of kin. It was not a benefit conferred on the person himself; he was to receive no benefit from it; he must die or become an insolvent petitioner, before there should be any exemption. This was not what was designed; and is not sustained by any of the reasons which might be urged for a homestead exemption, which he supposed was designed for the benefit of the debtor himself, to attach him to the soil and prevent emigration by securing

him a permanent abode. But he could see no reason for any exemption at all, either in the shape of a homestead exemption or otherwise. He thought the tendency of all such laws was to injure the class which they were designed to benefit. They destroyed credit; and credit was beneficial to all classes; and to that portion of the community designed to be effected by this proposition, credit was indispensable. It was better to leave every man to himself; protect all from fraud and oppression; encourage industry; secure the rights of property; and facilitate credit. These objects are best accomplished by providing the most certain, expeditious, and convenient means of applying all his property to the fulfilment of the owner's obligations. Legislation will never make men industrious, prudent, or skilful in the management of their affairs. Exemption of any portion of the debtor's property from execution, encouraged idleness and improvidence, and lead to poverty. He differed from the gentleman from the city of Baltimore, (Mr. Brent,) in his construction of the act of the last session; that act secured to the widow, property to the value of \$150; at all events, if she have children; which he knew to be the practical construction of it. The case referred to by the gentleman from Queen Anne's, (Mr. Grason,) could never have occurred; because the law already exempts from execution articles of domestic use such as that gentleman referred to, the necessary bedding for the family, and the implements of trade. He hoped that both propositions would be rejected.

Mr. GWINN said:

That he designed his amendment to operate in favor of the immediate family of the debtor. The debtor himself will be sufficiently protected by the security which the Constitution will afford to his personal liberty, and by the necessities which are now preserved by the amenity of the law from the hands of the creditor. But where there is a wife or children, it is only right that the law should set apart something from the assets of the debtor for their immediate wants. It is but analagous in principle to that rule of equity, which gives a wife a right to receive a portion of the shares in action, which pass to the trustee of an insolvent husband. Law should have its charities as well as rigor. The ends of justice are often better served by clemency than harshness.

Mr. DORSEY opposed the proposition, which he believed would lead to endless difficulties, and might frequently be productive of flagrant injustice. He thought, as the gentleman from Baltimore city, (Mr. Frestman,) did, that the term family was too indefinite, and might embrace those whom it was never intended to benefit. Another objection was that the proposition was so prepared, that it might operate but little to the advantage of those who ought to be the especial objects and favorites of the measure. It is true, it strips the creditors without pretext of justice or right, of three hundred dollars, even though it may reduce them to penury and destitution. It does not, as its apology, require that the family shall be in a destitute condition without other means of support, before this three