hundred dollars shall be taken from the creditors. The widow, if there be one, may, in her own right be possessed of a thousand acres of land, with valuable negroes, &c., and yet under the proposition before us, the creditors must be robbed for her benefit, of the three hundred dollars to be secured to her, &c. Can an apology be offered, for thus plundering creditors to increase the means of a wife and children already in affluence? Yet, this may be the result of the measure now proposed for our adoption. And it does not necessarily follow that the family of a deceased or insolvent, are a wife or children. It may be that his family are his father or mother, brothers or sisters, uncles or aunts, &c., all of whom have fortunes of their own; yet for them the three hundred dollars must be wrested from the impoverished needy creditors.

If this be a necessary article of our organic law, may Heaven forefend us against Constitutions and Conventions. Surely we could not desire to perpetuate such flagrant injustice as this, by putting it out of the power of the legislature to alter or control it.

But, suppose there are no wife or children, is it intended that this proposition shall embrace uncles, aunts, or any other persons who may happen to reside with him, though they may be all rich and independent? Are the creditors thus to be deprived of their hard earnings, to be given to those who are richer than they are?

He thought the Convention ought not for a moment to listen to such an amendment. The power to regulate these things is now in the legislature. He was disposed to leave it there, and let the legislature act as circumstances may call for; it never would of itself adopt such a proposition as this.

If we put this provision in the Constitution we shall have tied up the hands of the legislature, so that they will have no power to modify or change the law, no matter how urgent may be the necessity, or universal the popular sentiment in favor of the change.

He then remarked on the difficulty which would attend the practical operation of such a provision. The three hundred dollars is to be equally divided, between the wife and children. If the latter be infants, as most probably would be the case, not a particle of their portions could be used for their support or education, until all the expense and trouble must be incurred, of having a guardian appointed by the orphans court to each infant; and the expenses would consume the whole subject-matter—"the play not be worth the candle."

The deceased or intestate, might leave a dozen children, most of whom might be living at the time of the death or insolvency with their relations; yet though equally destitute, they would get no part of the plunder.

He thought if any thing was to be done on the subject, it would certainly be the wisest plan to leave the legislature to act untrammeled in the matter, and he had no fear of its perpetrating such an enormity as that now proposed for our adoption. The evils resulting from the measure before us, can but be indistinctly foreseen. It would lead to frauds innumerable; annihilate the credit of the poor man, and leave him without the means of rescuing his family from destitution and want.

Upon these grounds, and upon every principle of justice and common honesty, he was opposed to the amendment now before the Convention.

Mr. JENIFER moved that the whole subject-matter be laid upon the table.

Mr. BRENT, of Baltimore city, asked the yeas and nays,

Which were ordered.

Mr. BUCHANAN called for the reading of the proposition and amendment;

Which were read.

Mr. BRENT, of Baltimore city, to meet objections made against the proposition, as originally offered by him, modified his proposition to read as follows:

"In all cases where the head of a family shall die or become insolvent, owning a dwelling house or homestead furniture, or other property, or where an execution is levied upon the property of any debtor, the said house, homestead furniture or other property, shall be exempt from administration or liability to, or seizure by creditors; provided, said property, real or personal, does not exceed the sum of in value, but the same shall thereupon belong in equal parts to the wife and descendants of said descedant or debtor, and in the event that said property, shall exceed the sum of in value, then there shall be a preferred lien on said property to the amount of dollars, for the equal benefit of the said widow or descendants; provided, nothing herein shall affect creditors existing at the time of the adoption of this constitution."

The question then recurred on the motion of Mr. JENIFER:

"Shall the whole subject-matter be laid upon the table?"

And the result was as follows:

Affirmative—Messrs. Chapman, President, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Jenifer, Ridgely, Colston, James U. Dennis, Crisfield, Dashiell, Hicks, Phelps, Sprigg, Bowling, Wright, McMaster, Hearn, Fooks, Jacobs, Gaither, Thawley, Hardcastle, Stewart of Baltimore city, Presstman, and Ware—29.

Negative—Messrs. Blakistone, Dent, Hopewell, Weems, Bond, Buchanan, Bell, Welch, Chambers of Cecil, Grason, Shriver, Biser, Annan, Sappington, Stephenson, Stewart of Caroline, Gwinn, Brent of Baltimore city, Sherwood of Baltimore city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer and Smith—29.

A tie vote.

So the subject-matter was not laid on the table.

Mr. RIDGELY said:

He had voted to lay the proposition on the table, because he thought it too important to be hastily disposed of, especially when there is dan-