

from Baltimore county makes no discrimination of cases, but proposes to confer the benefits of such a provision on all alike, without regard to any circumstances or conditions, except that the party in whose favor it is to operate, must be a debtor. He had understood that the object contemplated by such provision was a humane and charitable object. It was intended as a boon of charity by the law, and there is no doubt, in looking to this object, it is our duty so to provide as to prevent the greatest amount of suffering and want to the debtor, and those helpless ones who may be dependant on him, and at the same time work the least amount of evil to the creditor. The heads of families are the parties in whose favor we would discriminate. They will be the most worthy and the most needy recipients of such a favor. It will not be pretended that the man without any family, with no one to provide or care for but himself, stands in an equal degree entitled to such legal exemption as the man who has a wife and helpless children dependant entirely upon his efforts for all the necessaries of life. He therefore proposed to authorize the Legislature to discriminate and make such provision as would confer the greatest amount of benefit on the most needy and meritorious class, and at the same time avoid screening, by the law, the property of him who has no responsibilities or cares but for himself.

Mr. PHELPS said, this proposition could not be regarded as one of charity. Individuals had the unquestioned right to dispose of their own property as might seem to them right and proper. They might indulge a spirit of munificence and liberality if they please, but this Convention has no right to provide for the wants of one family at the expense of another. A. may die justly indebted to B. five hundred dollars, and the family of the former be quite as dependant upon this sum as that of the latter, and yet if this proposition be engrafted upon the Constitution, the one must be impoverished for the benefit of the other. The principle in his estimation was radically wrong and could not receive his sanction.

Mr. RIDGELY did not think there was any substantial difference between this proposition and what had already been adopted.

The yeas and nays were ordered and taken on the amendment of Mr. DENT, and the result was as follows:

*Affirmative*—Messrs. Blakistone, Dent, Hope-well, Chambers of Kent, Mitchell, Donaldson, Jenifer, Colston, Sprigg, Bowling, McMaster, Hearn, Fooks, Stephenson, Gwinn, Sherwood of Baltimore city, Schley, Fiery, John Newcomer, Harbine, and Michael Newcomer—21.

*Negative*—Messrs. Chapman, President, Lee, Dorsey, Wells, Randall, Weems, Bond, Merrick, Buchanan, Bell, Ridgely, James U. Dennis, Crisfield, Dashiell, Hicks, Phelps, Chambers of Cecil, McLane, Grason, Wright, Jacobs, Shriver, Gaither, Biser, Annan, Sappington, Thawley, Stewart of Caroline, Stewart of Baltimore city, Pressman, Kilgour, Weber, Hollyday, Slicer and Smith—34.

So the amendment was rejected.

The question then recurred on the adoption of Mr. RIDGELY's amendment as an original proposition.

Mr. RANDALL offered the following substitute:

"That the Legislature shall pass such laws as may be required to secure to the widow and infant children of deceased debtors, out of their personal estate, some provision for their support in preference to creditors."

Mr. RANDALL thought, he said, that the benefit of the proposition should be confined to the families of deceased debtors. The debtor may by his own means, or by the aid of friends in his life-time recover himself. This reservation for the benefit of his family out of the deceased's estate, was nothing unusual, as such provision had been made in some of the States.

The reasons for the legal rights secured to widows out of real estate in preference to creditors, regarding the times when they originated, require such additional provision now to be made for the widow and infant children out of the personal estate, viz: the protection of the most helpless in society. In the early ages, when dower was awarded to widows, personal property was of very little consequence.

It was centuries ago, when the entire personal property of the subject was probably little more than his cattle, horse and accoutrements. Personal property was then worthy of little or no consideration. The widow's right of dower, a life estate in one-third of the landed property, was an interest in what, at that time, was ninety-nine hundredths of all the property of the realm. But circumstances have changed; and now, personal property in England and in this country, is perhaps equal in value to the real estate. On the same principle which gave dower, therefore, in these early ages, we ought now to give (to widows and children, over creditors,) an interest in the personal estate. Thousands die now, whose whole estate consists of personal property, and that too, perhaps, derived from the wife or accumulated from her savings and industry. Is it just that creditors should enjoy the whole—that she and her children should be deprived of every cent of property, at a time when they were also deprived of their husband and father? Moreover, public policy demands that at such a time as this, there should be some provision set apart for the necessary and temporary support of the deceased's family. He did not know what was the policy which caused the original proposition to be made, but he thought it should be our policy to deduct from the estate to be divided among creditors for the benefit of the widow and infant children of a deceased alone. It would be better that a few creditors have their dividends of the estate diminished, than that these widows and children should be thrown on society for maintenance and education.

And where would be the injustice of such a course? The creditors will all know beforehand what the law requires, that this part of the personal estate of a deceased man shall be set apart for his widow and children. They will act upon this knowledge, and give credit accordingly. The reserved property will be assigned as a