gentleman whether his object could not be much more satisfactorily attained and more regularly, by requiring that there shall be no motion to postpone indefinitely.

Mr. BROWN. One does just as well as the other.

Mr. DONALDSON. I call the attention of the Convention to the fact that when the rules were adopted, one similar to this was expressly stricken from them. It was struck from the rules on my motion, and I recollect the debate which occurred on it here.

The PRESIDENT. It is competent for the Convention to adopt a rule restraining the operation of this common law principle. The Chair decides the motion of the gentleman from Carroll, to postpone the subject under consideration, to be in order, and upon that motion there can be no debate.

The question was then taken on the motion of Mr. Brown to postpone the further consideration of the subject under consideration, and it was not agreed to.

Mr. SPENCER. I rise to give notice of a motion I intend to make. On yesterday the Convention determined by a vote of 41 to 26 to sustain the amendment which I offered to the judiciary bill. This morning, when the House was much thinner, by a much smaller vote, the Convention had determined to reconsider that proposition. I now give notice that when the Convention is fuller I shall move a reconsideration of the extraordinary vote of this morning.

Mr. NEILL. I move to reconsider the vote by which the thirteenth section was adopted, which is in these words:

"In the trial of all actions hereafter in the courts of this State, in which matter of account in bar or set off are plead, as now authorized by law, or which hereafter may be allowed by law, the jury shall find, according to the results of the case, either for the plaintiff or the defendant, as the same may be."

All that I desire to say in relation to that clause is this:—Independent of the impropriety of introducing these general principles of law and pleading into the Constitution, I think it authorizes a great and grievous oppression. If a suit is instituted, the defendant has nothing to do but to go out into the community and buy up claims against the poor suitor, and thereby mulct him in costs and obtain a judgment. It is placing the poor suitor in the hands of the rich man, to which I am utterly opposed.

Mr. BRENT, of Baltimore city, asked the yeas and nays on the motion to reconsider, which were ordered.

Mr. BRENT, of Baltimore city. I move to postpone the further consideration of the subject, simply to add a few words to what has been said by the gentleman from Washington county. It does seem to me that this section, as it now stands, does enable the defendant to buy up claims against the plaintiff, to file them as a set off to get judgment against the plaintiff to an enormous amount, and for the costs of the suit. The Court of Appeals have decided that claims may be bought up pending the suit under the present law of set off—this was decided in the case of Clark and Magruder—an old case which I could very easily find.

Mr. JOHN NEWCOMER. I rise to a question of order. It seems to me, we passed an order some days since, permitting no gentleman to speak over ten minutes, and that only when he has offered a proposition.

Mr. BRENT. I have offered a proposition, and therefore am entitled to speak for ten minutes. I was about to remark, merely giving information to the Convention, that the Court of Appeals have decided, under the present law, that the defendant may buy up a promissory note or any claim against the plaintiff pending the suit, and plead it as a set off. There is a proposition, passed yesterday afternoon, which allows the defendant to do the same thing, and goes much further in giving him judgment for the balance. A man brings a suit upon a promissory note against a debtor, who will not pay the debt. That debtor chooses to oppress him. The defendant goes out into the community, if a suit is brought against him, and buys up claims against the poor plaintiff, and pleads them as a set off. The plaintiff then has to pay the costs of the suit when he had just cause to bring it, and judgment is to be entered moreover for a ruinous balance against him. Thus a Plaintiff's effort to recover this just debt, perhaps ends in his oppression and ruin by a wealthy defendant. It appears to me that the matter had better be left to the Legislature. I withdraw the motion to postpone.

Mr. SPENCER. I renew the motion. I hoped I should not be under the necessity of saying any thing more upon this subject, but strange phases present themselves in reference to this subject. There was the gentleman from Baltimore city (Mr. Brent,) on yesterday, than whom no stronger and more energetic supporter of this proposition was to be found. The section was amended to suit his own views, and now he sees great evil in it. I ask if any injustice is done according to his view? The Courts of Appeals, he has stated, decided that if a man has a claim against another, and pending the suit the other buys up a claim, that it is a ground of set off. Thus the law is now, that in such a case the defendant would be entitled to a judgment for costs. What harm then is done, if, in addition to a nonsuit of costs, a judgment goes against him for the balance?

Wherever the Court of Appeals has decided that a set off exists, there is not the slightest reason on earth why the whole question of set off should not be gone into. If the gentleman had suggested it, I should have inserted a proviso, that the set off should be held by the defendant at the time the suit was brought up. I had hoped and prayed that if this Convention was desirous to terminate litigation, was desirous to prevent cross actions, and the accumulation of costs, as well as to prevent the payment of additional fees, for bringing cross actions, to counsel, it would have sustained the section providing the remedy. I hope the motion will not prevail, and I withdraw the motion to postpone.