

ken. He (Mr. M.) assured him, that the very thing which the gentleman desired to do would recoil injuriously upon those whom he wished to protect. He (Mr. M.) knew that the gentleman had a very good heart, and that he did much towards the support of a number of persons in his own region. He (Mr. M.) felt sure that his friend would not take the note of such a man if this law should go into operation.

Mr. STEWART, of Caroline, said he would say a word in reply to the complimentary allusion which had been made to him by the gentleman from Kent, (Mr. Mitchell)

He, (Mr. S.,) had not yet been able to satisfy his own mind whether it would be better for the mass of the people, that there should be a homestead exemption or not. All he said, was, that if the Convention should determine to adopt such a principle, they should fix the amount in the article, and should not leave it to the legislature, to be a constant subject-matter of contention. He cared not, whether the sum was fifty, five hundred, or seven hundred dollars; but, whatever it was, let it be fixed in the Constitution—that the legislature might neither go below, nor above it. He was free to say, that he thought such a provision would operate beneficially throughout the State.

Mr. PHELPS said, it seemed to him that such a provision engrafted upon the Constitution, would be of no value. Under the old Constitution, the legislature had from time to time exempted property from execution. He cited a case. If the legislature had the power to do this under the old Constitution, they would equally possess the power under the new one.

He, however, was opposed to the principle. He knew that such a provision had been engrafted on the Constitutions of many of the new States, and it might work well in a new country where the property of a person was chiefly his land, and where the exemption applied literally to the *homestead*. But here the state of things was different. Our citizens were occupied in all the various ramifications of business, and he did not see that any good could grow out of such a provision. He confirmed the view taken by the gentleman from Kent, (Mr. Mitchell,) and expressed the opinion that the provision would embarrass the very class for whose benefit it was intended.

Mr. MITCHELL, (to the Chair.) Is it in order to move to strike out the whole of the section?

The PRESIDENT. It is not in order.

Mr. MITCHELL. I move that the subject matter be laid upon the table.

Mr. HARBINE. I call for the yeas and nays.

Mr. MITCHELL. At the request of gentlemen near me, I withdraw the motion to lay on the table.

Mr Dorsey, in confirmation of the statement made by the gentleman from Queen Anne's, (Mr. Wright,) cited the Act of the General Assembly, passed the sixteenth of February, 1821, entitled "an Act for the relief of poor and distressed families, in cases of execution for debt and distress from rent." By this law, the bed, bedding and

wearing apparel, or other necessary articles of housekeeping were exempted from execution.

Mr. McLANE. Is that law now in force?

Mr. DORSEY. It is not. In the following year, (February 4, 1822,) when the practical operation of the law had been tested, the legislature passed an act by which it was repealed.

He recollected something of the effect of this law. The opinion was universal among the poorer classes, that it was the most imprudent, impolitic and inconvenient measure that could be adopted for them. They could not get credit for their families even where they were almost starving. They could not rent houses—they could get credit for nothing which their families might need, until security could be obtained. The poorer classes, dissatisfied with it, as he understood, almost to a man, came forward and demanded of their representatives the repeal of the law, and it had been repealed as he had shown.

Mr. McMASTER, (to the President.) Is a substitute in order?

The PRESIDENT. Not at this time.

Mr. STEWART, of Caroline, withdrew the amendment offered by him, and moved to amend the amendment by striking out the words "not more than"

The question was taken and the amendment was rejected.

Mr. McMASTER offered the following substitute.

"That the Legislature shall, at the second session after the adoption of this Constitution, provide by law for the exemption from execution of one hundred dollars worth of Household Furniture or other property belonging to each family in this State."

Mr. KILGOUR asked the yeas and nays, which were refused.

The question was then taken on the substitute of Mr. McMASTER, and it was rejected.

The question recurring on the adoption of the amendment as offered by Mr. FITZPATRICK,

Mr. HARBINE asked the yeas and nays, which were ordered, and, being taken, resulted as follows:

*Affirmative*—Messrs. Blakistone, Dent, Hopewell, Weems, Bond, Merrick, Buchanan, Bell, Ridgely, Dashiell, Constable, Chambers of Cecil, McLane, Shriver, Gather, Biser, Annan, Stewart of Caroline, Sherwood of Baltimore city, Ware, Schley, Fiery, John Newcomer, Harbine, Mich'l Newcomer, Kilgour, Weber and Smith—28.

*Negative*.—Messrs. Chapman, President, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Jenifer, Welch, Colston, James U. Dennis, Crisfield, Hicks, Phelps, Sprigg, Gra-son, Wright, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Thawley, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Presstman, Hollyday and Slicer—31.

So the amendment was rejected.

Mr. BRENT, of Baltimore city, then moved to amend said report, by adding at the end thereof as an additional section, the following: