

ger, that we may come to an unwise decision. Therefore, he was disposed to leave the matter to be disposed of by the legislature. He thought there was a great deal of force in the remarks of the gentleman from Anne Arundel, (Mr. Dorsey,) and that the proposition now offered, might operate unjustly.

The amendment as it was originally offered by the gentleman from Allegany, (Mr. Fitzpatrick,) appeared to have been the form which was the least objectionable.

Mr. RIDGELY gave notice of the following amendment:

"Laws shall be passed by the legislature to protect from execution, a reasonable amount of the property of a debtor."

Mr. BRENT defended his construction of the act of assembly. He did not desire to leave this subject to the discretion of the legislature. It was his wish to settle the question at once, and secure this small boon to the families of deceased debtors.

Mr. CRISFIELD said he had ventured to differ with the gentleman from the city of Baltimore, [Mr. Brent,] in his construction of the act of the last session of the General Assembly; and notwithstanding the great attainments and elevated position of that gentleman, he must be allowed to say that he still differed. The gentleman's idea is that if the distributive share of the widow should be less than \$150, she would not, under the first section of that act, be entitled to take that sum. The gentleman had not read the whole section; he would read it; and the mere reading, he thought would be decisive of the question at issue, between them. Mr. C. here read the first section of the act as follows:

"That, in all cases hereafter, when letters of administration or testamentary shall be issued by any of the orphans courts in this State, and an inventory and appraisement of the personal estate of the person deceased shall have been returned, by the executor or executrix, administrator or administratrix, to the orphans court of the county, &c., the widow of such deceased person shall have the right to take to herself, and apply to her own use, and the use of her children, such household and kitchen furniture, or other personal property as she may choose; provided, the said deceased died seized of no real estate; provided the same shall not exceed in value, according to the inventory and appraisement aforesaid, the sum of one hundred and fifty dollars; and provided further, that the amount of personal property so selected to be taken by her, shall be deducted from her distributive share of of said personal estate."—[1849, ch. 543, sec. 1.]

There could be no misunderstanding as to the import of this statute. By the plain words of the law, the widow was entitled to the sum of \$150 "in all cases hereafter;" and the effect of the last proviso was simply to prevent her from taking that sum in addition to her distributive share. She is entitled to \$150 in all events; when her distributive share exceeds that amount, that sum is to be deducted from the share.

Mr. BRENT in reply, stated that the construction of the act was purely a legal question, and

he did not desire to discuss it any farther here, but would agree to argue a case stated, for the satisfaction of the gentleman, [Mr. Crisfield,] so that the courts might decide who was right.

The question then recurred on the amendment of Mr. McMASTER, to strike out the words "administrator or."

The amendment was rejected.

Mr. RIDGELY now offered his substitute as above given.

The question was taken.

No quorum voted.

Mr. BRENT, of Baltimore city, asked the yeas and nays, which were ordered, and being taken, resulted as follows:

Affirmative—Messrs. Chapman, Pres't., Blakistone, Hopewell, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Weems, Merrick, Bell, Welch, Ridgely, Colston, James U. Dennis, Crisfield, Dashiell, Hicks, Phelps, Sprigg, Bowling, Wright, McMaster, Hearn, Fooks, Gaither, Sappington, Stephenson, Thawley, Stewart of Caroline, Hardcastle, Stewart of Baltimore city, Sherwood of Baltimore city, Presstman, Ware, and Kilgour—37.

Negative—Messrs. Dent, Ricaud, Bond, Jennifer, Buchanan, Grason, Jacobs, Shriver, Biser, Annan, Gwinn, Brent of Baltimore city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Weber, Hollyday, Slicer, and Smith—20.

So the amendment was adopted.

Mr. DONALDSON then moved that the whole subject matter be laid on the table.

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

Affirmative—Messrs. Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Merrick, Jennifer, Hicks, Phelps, Sprigg, Wright, McMaster, Hearn, Fooks, Jacobs, Gaither, Annan, and Preestman—18.

Negative—Messrs. Chapman, Pres't., Blakistone, Dent, Hopell, Ricaud, Lee, Weems, Bond, Buchanan, Bell, Welch, Ridgely, Colston, James U. Dennis, Crisfield, Dashiell, Bowling, Grason, Shriver, Biser, Sappington, Stephenson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Ware, Schley, Fiery, John Newcomer, Kilgour, Weber, Hollyday, Slicer, and Smith—39.

So the subject matter was not laid on the table.

Mr. DENT offered the following substitute:

"The Legislature at its first session after the adoption of this Constitution, shall make some provision by law, exempting a reasonable amount of the property of the heads of families from seizure or sale for the payment of any debt, or liability thereafter contracted."

The question was taken.

No quorum voted.

Mr. DENT explained that his proposition differed from that of the gentleman from Baltimore county in this respect: That his, (Mr. R's,) is too general in its provision, while his, (Mr. D's,) substitute looks to a provision for a special class. The proposition of the gentleman