

there was a difficulty in his mind. What was to become of other classes of claims besides those mentioned in the proposition? It seemed to him that they would be thrown out entirely. He thought that the proposition was right in itself, and he was in favor of it on the broad principle that if a man died, and his real estate would pay the debt and interest, it should be done without sacrifice to the heirs at law. But if they provided merely for judgment or other liens, they made no provision for promissory notes or other accounts. He desired the phraseology so altered that all the debts would be provided for.

Mr. RANDALL was of opinion that this matter should be very carefully considered. He believed, though he could not speak with certainty, that similar laws in Kentucky and Virginia had been repealed, and he was satisfied, from those who had experienced the inconvenience of it, that it had been attended with litigation and loss in every respect. What was the condition of the landed interest in this State? Was not the Convention aware that there was the utmost difficulty in obtaining money on landed security, with all the facilities now afforded by sale of the land to pay the debt? He knew it personally. As the gentleman from Baltimore city had said, it would injure the very persons whom it was intended should be benefitted by this measure. But the answer to the whole proposition is this: The parties can now, by contract, do this very thing—give this very security. Now who has ever been unwise enough to lend money by *contract* on such terms as you propose to require of all. The provision as to the future would be a dead letter—as to the past it would be void. Were there not judgments and mortgages now existing, under which parties had contracted their obligations to pay, and securing the creditor by a right to sell the land? Could the Legislature impair these contracts? Under the Constitution of the United States, no law could be enacted by a State, impairing the obligation of a contract. Here were mortgages made by individuals, securing to their creditors a right to sell the land to pay the debt when due. If it should be attempted to prevent that, those who appealed from such a decision would certainly have it reversed, and the action of this Convention annulled, because, under the Constitution of the United States, they could pass no law impairing the obligation of a contract. He, therefore, saw great difficulty in that point of view.

Besides, how were they to determine whether an estate, in seven years, would pay the judgment or lien, as proposed? This would require preliminary investigation of some court of justice, at great expense, additional to all costs now incurred. He thought the Convention should be cautious how they incorporated into the Constitution a provision entirely unknown to the laws of this State, and which might be productive of loss and litigation to the people of the State, and certainly would essentially injure the very class of people whom it was intended to benefit. By adopting this provision, they required the Legis-

lature to do what was directly in conflict with the Constitution of the United States.

Mr. DORSEY considered this as a very extraordinary proposition, to be seriously agitated in this Convention at the present day. He recollected that some forty or fifty years ago, a somewhat similar measure was pressed upon the Legislature at a time of unexampled public and private distress and pecuniary difficulties; and even then it was stigmatized as unjust and impolitic, and as indicating a great want of sound morality, if not of common honesty. It soon became odious in the eyes of the public, and subsequently was universally condemned.

For the introduction of such a proposition at the present day, no apology can be offered. He regretted that under the present despotic ruling, or as it is called the gag law of this Convention he had not time to state the innumerable objections he had to this proposition. If it was intended to apply to any contract now in existence it was unconstitutional, and therefore, null and void. It appeared to him it would operate most injuriously to a gentleman whose fortune consisted in real property. Money could not be borrowed on mortgages, judgements or liens of any kind. If a man died, his property could not be sold for the payment of his debts. They could not pass a provision that would operate more injuriously and unjustly upon landholders. A Chancery court could not then pass a decree to sell property. They could not grant any such relief, although it might be indispensably urgently necessary, where minors were concerned. The heirs of a deceased person would be kept seven years without their money, no matter how urgently creditors, heirs and all persons concerned might desire a sale, and thus they might be ruinously injured by it. In his mind, there were insuperable objections to the engrafting of such a provision in the Constitution. By it they would put an end to all mortgages and all liens, founded upon large, real or other estates. As the Legislature had ample power to pass laws in relation to this subject, they should leave it to them, to act upon it if the people required it. They should not permit an article in the Constitution which might operate injuriously, because it could not be remedied without the calling of another convention.

Mr. GRASON said:

That next Monday had been fixed for the day of adjournment, and he thought the Convention would be able to complete their labors by that time, if members would refrain from submitting propositions that more properly belonged to the Legislature. A new measure was now introduced, and if others of a like character were submitted and all of them discussed, the Convention would be in session till harvest. The scheme of renting instead of selling real estate, had been occasionally under discussion in the Legislature for more than twenty years. If, during that long period, the policy of such a law were considered doubtful, would it be wise to adopt it now as a constitutional provision? It is supposed that many real estates might be saved by applying the