

ture shall provide by law, all necessary forfeitures and penalties against usury."

Mr. PHELPS suggested that this would be more properly a matter of legislation. In some States the rate of ten per cent was allowed; and if the surrounding States should change to ten, the capital of Maryland would be driven out of the State, and a Convention would have to be called to change the Constitution in order to put a stop to it.

Mr. BOWIE said:

That it was necessary, if the system of free banking was to be established, to have a Constitutional provision in order to prevent usury. Six per cent. was the law in most of the States.

Mr. JACOBS offered as a substitute for the amendment the following:

"No legislation shall hereafter take place in this State, regulating the rate of interest on money."

On the question being taken upon accepting the substitute; it was

Determined in the negative.

The question then recurred on the adoption of the amendment offered by Mr. BOWIE, as an additional section.

Mr. GRASON said:

That a few years ago the law had been that in usury, the party should forfeit three times the amount of the bond. The consequences had been that, instead of preventing usury, the lenders of money were compelled to charge a little more usury than before to cover the risk. Such would be the necessary consequence of such a provision. He was opposed to the provision on the other ground that it ought to be left to the legislature. If all these matters were to be disposed of, it would employ them until next September.

Mr. BOWIE said:

That Baltimore would always be in favor of free interest. The commercial power of the State had the control of the legislature; but the producing classes now had the control, and they could impose a restriction. The whole mass of the people could now say that in granting free banking they would not grant the right to make two and a half per cent per month. They should receive no more than six per cent. This provision would effectuate that design.

Mr. BOWIE demanded that the question be taken by yeas and nays,

Which were ordered,

And being taken,

Resulted—yeas 39; nays 29—as follows:

*Affirmative*—Messrs. Blakistone. Pres't., pro tem., Dent, Hopewell, Lee, Wells, Kent, Sellman, Weems, Brent of Charles, Lloyd, Sherwood of Talbot, Dashiell, McCullough, Miller, McLane, Bowie, Sprigg, McCubbin, McMaster, Hearn, Fooks, Thomas, Biser, Annan, Stephenson, Magraw, Nelson, Thawley, Hardcastle, Gwinn, Ware, Fiery, Brewer, Waters, Hollyday, Fitzpatrick, Ege, Cockey and Brown—39.

*Negative*—Messrs. Ricaud, Chambers of Kent, Donaldson, Dorsey, Howard, Buchanan, Bell, Welch, Ridgely, Williams, Hodson, Goldsbo-

rough, Eccleston, Phelps, Spencer, Grason, George, Wright, Jacobs, Shriver, McHenry, Stewart of Caroline, Schley, Neill, John Newcomer, Harbine, Weber, Smith and Parke—29.

So the amendment was adopted.

Mr. RANDALL from the committee on revision reported to the Convention certain proposed amendments to the report of the committee on the legislative department.

Which were read and disposed of.

On motion of Mr. GRASON,

The thirty-first section of said report was amended by inserting after the word "dollars" in second line, the words—

"And the presiding officers of each House shall be allowed a per diem of five dollars."

Mr. BOWIE gave notice that he should move to reconsider the vote of the Convention on the thirty-seventh section of said report.

Mr. RANDALL from the committee on revision, when the thirty-seventh section was under consideration, proposed so to amend it that every person, instead of every citizen, should be incapable of holding any office of trust or profit in the State. If it was a *malum prohibitum* instead of a *malum in se*, if it were not in every community regarded as a criminal offence, if it were not a violation of natural as well as of civil law, it would not be proper to make the provision apply to a duel fought by persons not citizens at the time. The object was to stamp upon the act the disapprobation of the whole community, and to co-operate with other States of this Union, and with the whole civilized world, in suffering it.

There being objection,

The amendment was not adopted.

Mr. BOWIE also gave notice that he should move to reconsider the third section of the report of the committee on the bill of rights.

At twenty minutes of four o'clock, p. m.,

Mr. WRIGHT moved the Convention adjourn.

Mr. STEPHENSON moved that the question be taken by yeas and nays;

Which motion was not sustained.

The question then recurred on the adjournment; and

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 9 o'clock.

## DEFERRED DEBATE.

### ORPHANS' COURTS.

Remarks of Mr. CHAMBERS, Saturday, April 26th, 1851.

Mr. CHAMBERS said:

He had with some surprise heard it said, there were no complaints with regard to the manner of doing business in the Orphans' Courts.

I have had, said he, a large experience in this matter and say, without fear of being in error, that mismanagement and irregularity prevail, to an alarming degree, in the transaction of business in these courts. Indeed I had supposed, there was nothing in the existing condition of