

Mr. SPENCER said what he desired was, that the motion to reconsider should be laid on the table, because he did not know how he should vote at present.

Mr. BOWIE would like to have the question taken on this subject. He would be satisfied if the motion to reconsider should be now voted upon, as he would be unavoidably absent tomorrow. The grand cardinal principle that no man should be imprisoned for debt was acknowledged, and had been inserted in this new Constitution. He was utterly opposed to instructing the Legislature on the subject, because, by the section already adopted there was necessarily left to the Legislature the power to punish fraud in any manner they pleased. He could not allow this matter to go in the milk and water form proposed by the gentleman from Somerset, (Mr. Crisfield.) He did not know that the Legislature would feel themselves bound to obey such an injunction. They might refuse to do it, and where then was the remedy? He was satisfied that the Legislature would act on the subject as they deemed best for the public good.

Mr. W. C. JOHNSON was opposed to reconsidering that provision inserted in this constitution, abolishing imprisonment for debt. He trusted that at this enlightened day the members of this Convention would rejoice at what they had done, by striking out that barbarous feature which existed heretofore in our institutions. He hoped that day would never be in Maryland that an individual should be incarcerated in a prison, because he was not able to pay his debts. He trusted that in the nineteenth century, it never would be done—when christianity, civilization and humanity was the law of the land. He was sorry he was not here when the question was before the Convention, as he would like to have presented his views at large on the subject. In what the Convention had done, it showed they had acted with humanity, and would say to the unfortunate, "We sympathize with you, and will not aid, by any act of ours, to add to the bolts and bars of your prison house." In order, then, to bring this matter to a test vote at once, he would move to lay the motion to reconsider on the table, and call for the yeas and nays.

Mr. CRISFIELD rose, when

The PRESIDENT stated that the question was not debatable.

Mr. CRISFIELD. I hope the gentleman will withdraw his motion.

Mr. W. C. JOHNSON. If you will renew it.

Mr. CRISFIELD. I will renew it.

Mr. W. C. JOHNSON then withdrew his motion.

Mr. CRISFIELD observed that he had not, in making this motion, intended to enter into an argument. He had not supposed that any gentleman would regard the proposition he had made, as one to continue imprisonment for debt, nor did he suppose that his proposition was entitled to be called "barbarous" on the one hand, or on the other to be denounced as a "milk and water" proposition. He saw nothing like milk and water or barbarism about it.

Mr. W. C. JOHNSON explained that in what he had previously said it was only in reference to the abstract question of imprisonment for debt. He had not seen the gentleman's (Mr. Crisfield's) proposition. He had applied his remark to the principle of imprisonment for debt being an ultra barbarian practice, therefore he would vote for no such proposition. He (Mr. J.) had not attributed to the gentleman any thing that was not worthy his high position and eminence.

Mr. CRISFIELD said imprisonment for debt in Maryland was a mere fancy. Practically considered, there was no imprisonment for debt, certainly none that could be oppressive. Not one time in twenty was the liberty of a party in danger; and in no case was a man ever imprisoned under such circumstances but he could easily liberate himself. Now, what was proposed to be done? Here it was proposed to abolish imprisonment for debt absolutely and at once, without making provision for the altered circumstances, and without substituting any thing in its place. He (Mr. C.) would go as far as any gentleman in this body to abolish imprisonment for debt, under proper safeguards and securities to the creditors. He did not look altogether to the debtor, but he looked also to the creditor, and with a desire also to protect his interests against fraud and deception. If you let the article stand as it is, how would you enforce attendance of a party in court in a civil action? How would you make those means of the debtor tangible under the ordinary execution. The result would be that the creditor would suffer unless some substitute for imprisonment for debt be at the same time adopted; and fraud would go unpunished and unchecked. Was it right? Was the debtor class the only class of persons we were to take care of? Were persons who had involved themselves in debt, and had converted their property into money, to go free with no means to purge their consciences and wrest from them the fruits of their fraud? And were the persons who gave credit not entitled to protection? It was all improper, all wrong. Every class of the community of Maryland was entitled to protection—the creditor as well as the debtor class; and all he wanted was, that when you abolish imprisonment for debt, you should employ means to compel the fraudulent debtor to pay his debts. You now propose to abolish imprisonment for debt without giving any security, any shield to the creditor against fraud, any thing to enable him to enforce just demands and to reach property of the debtor not within scope of an ordinary execution. This, he thought, was all wrong. For those reasons he moved a reconsideration.

Mr. W. C. JOHNSON would simply say in reply, that he understood there was a large class of cases under the existing laws where persons incurring debts elsewhere were captured in this State and imprisoned whilst strangers here from home.

Mr. CRISFIELD thought there had been a law passed recently which prohibited any such act from being done now in Maryland.

Mr. W. C. JOHNSON said, then it must be a