

nality of forfeiture of property, have no means of information but by resorting to certain ideal lines, not marked or traced out on a single line, tree or sapling, or discoverable in any manner on the limits of the district, and to be discovered only by resorting to mathematical calculation, and to surveyors, and that too at a very heavy expence, owing to the irregular situation of the city of Baltimore, it being by no means circular in its form. It also appears to us, that under the restrictions in the existing law, its operation will extend to the distance of at least eight miles from the city, although, in fact, the law holds out the prohibition to five miles only; for it is well known hogs and other live stock going at large in the woods, without restraint, will range and travel three or four miles in search of food, and our country has not yet attained to that state of population or improvement as to admit of universal enclosures, to separate each individual's unimproved real property.

Another objection to the continuance of the existing law arises from the impracticability of its execution, without previously fixing and making known the exact limits thereof; for what individual, on the one hand, would incur the expence of employing a surveyor to locate, mark and bound, the limits defined in the law, that he might save a few hogs yearly, or who, on the other hand, would risk the penalties of the law in undertaking to destroy his neighbour's property, without previously knowing whether the limits had been transgressed. Thus the existing law appears difficult, nay almost impracticable, in its execution, without amendments, and may eventually be considered as inoperative in its provisions, and a dead letter; and whenever such difficulties are likely to arise, good policy requires the repeal or amendment of such laws, to prevent every possibility of oppression on the one hand, and to stifle all hopes of impunity and evasion on the other.

That adequate provision should be made for preventing swine going at large within a reasonable distance of Baltimore, appears to us necessary and expedient, and for that purpose we have passed on a bill, which it is conceived effectually guards against all the evils apprehended by the citizens of Baltimore city, removes the objections to the existing law, and at the same time sufficiently provides for the security and safety of the property of those, whose contiguity to the city may eventually subject them to the effects of its operation, the proposed bill containing and calling for known boundaries and limits, that all persons may be informed, whose duty or interest shall dictate, on inquiry, and which designated limits comprehend almost the whole of these parts of Baltimore adjacent to the city where the grievance complained of at this time exists.

Permit us also to remark, that in local, as well as general regulations, the inclination and wishes of the people, or of those to be affected thereby, should ever have their weight in the scale of legislation; and that the sense of a large number of the citizens of Baltimore county, who have addressed us on the subject, ought to be attended to in a local regulation calculated at their expence, for the convenience of a few inhabitants of Baltimore city, and especially when in the regulations proposed to be substituted, due care has been taken effectually to prevent, in future, the evil complained of.

We also beg leave further to observe, that from the best information, the law proposed will, in its operation, extend to the distance of five miles at least around the city.

For these reasons we request you again to take under your consideration the bill, and persuade ourselves that no future objections will arise on the part of the senate to its being enacted into a law.

By order,

W. HARWOOD, clk.

Which was read.

On motion, ORDERED, That the bill, entitled, An act relating to the records in the register of wills office in Talbot county, be committed to Mr. Dorsey and Mr. M'Mechen to consider and report thereon.

On motion, ORDERED, That the bill, entitled, An act relating to the records in the clerk's office in Saint-Mary's county, be committed to Mr. Campbell, Mr. Dorsey and Mr. M'Mechen, to consider and report thereon.

The bill, entitled, An act to make permanent and to continue the acts of assembly therein mentioned, was read the second time and will pass.

On motion, the question was put, That the senate do reconsider the resolution respecting the purchase of the barracks in Frederick county? Which was determined in the affirmative.

The said resolution was then read, and the question put, That the senate do assent to the same? The yeas and nays being required, appeared as follow:

A F F I R M A T I V E.

Mr. Perry, president, Mr. Grahame, Mr. Ridgely, Mr. Forrest, Mr. Chelley and Mr. M'Mechen. 6.

N E G A T I V E.

Mr. Carroll, Mr. Campbell, Mr. Dorsey, Mr. Thomas and Mr. Milligan. 5.

So it was determined in the affirmative.

The senate adjourns until to-morrow morning 10 o'clock.

W E D N E S D A Y, January 9, 1799.

THE senate met. Present the same members as on yesterday, except Mr. Dennis, who had leave of absence.

The bill, entitled, An act to make permanent and to continue the acts of assembly therein mentioned, and the resolution respecting the purchase of the barracks in Frederick county, were sent to the house of delegates by the clerk.

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