

be an academy established in either Harford or Baltimore county, we shall readily concur in giving the same annual donation thereto.

By order,

A. VAN-HORN, clk.

Which was read and agreed to.

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

T U E S D A Y, January 8, 1799.

THE senate met. Present the same members as on yesterday. The proceedings of yesterday were read.

The bill, entitled, An act to enable Wilhem and Jan Willink, merchants in Amsterdam, to purchase and hold real property in the town of Havre-de-Grace, in Harford county, and the message respecting the bill, entitled, An act for the encouragement of learning in the several counties in this state, and to establish an uniform system of education, and the bill mentioned in the said message, were sent to the house of delegates by the clerk.

The clerk of the house of delegates delivers to the clerk of the senate a bill, entitled, An act for amending, and reducing into system, the laws and regulations concerning last wills and testaments, the duties of executors, administrators and guardians, and the rights of orphans and other representatives of deceased persons, thus endorsed; "By the house of delegates, December 10, 1798: Read the first time and ordered to lie on the table.

"By order,

W. HARWOOD, clk.

"By the house of delegates, January 5, 1799: Read the second time and will pass.

"By order,

W. HARWOOD, clk."

A bill, entitled, An act to open a road in Cæcil county from Archibald Dyfart's towards Hugh Ramsay's tavern, thus endorsed; "By the house of delegates, January 5, 1799: Read the first time and ordered to lie on the table.

"By order,

W. HARWOOD, clk.

"By the house of delegates, January 7, 1799: Read the second time and will pass.

"By order,

W. HARWOOD, clk."

A bill, entitled, An act for the relief of Ralph Ormston, of Washington county, a bill, entitled, An act to relinquish to Frederick Eichelberger, of Frederick county, the right of the state to the land therein mentioned; which said two last mentioned bills were severally thus endorsed; "By the house of delegates, January 7, 1799: Read the first and second time by especial order and will pass.

"By order,

W. HARWOOD, clk."

And a bill, entitled, An act relating to the records in the clerk's office in Saint-Mary's county, thus endorsed; "By the house of delegates, January 1, 1799: Read the first time and ordered to lie on the table.

"By order,

W. HARWOOD, clk.

"By the house of delegates, January 8, 1799: Read the second time and will pass.

"By order,

W. HARWOOD, clk."

Which were severally read the first time and ordered to lie on the table.

The clerk of the house of delegates delivers to the clerk of the senate the following message, and the bill therein mentioned.

BY THE HOUSE OF DELEGATES, JANUARY 8, 1799.

GENTLEMEN OF THE SENATE,

THIS house is strongly impressed with the propriety of passing into a law the bill, entitled, An act to prevent the going at large of swine within a limited distance of the city of Baltimore, and to repeal an act of assembly therein mentioned, and have returned the same to the senate, and trust, that upon a reconsideration of the provisions contained in that bill, your honours will assent to its passage.

We have taken the liberty to assign the reasons which have influenced this house in assenting to the bill, and persuade ourselves that on consideration they will have the like effect on your honourable body.

The bill sent up for your concurrence contemplates two objects, the repeal of an act passed at last session on the same subject. It has also in view a more effectual provision for the prevention of swine going at large within certain limits of the city of Baltimore.

It will readily occur to your honours, upon adverting to the law passed at the last session, that no swine are permitted to go at large within five miles of the city of Baltimore, under the penalty of a total loss to the proprietors.

This law, therefore, being penal in its operation, and in its effects tending to deprive the citizen of his property in a summary and arbitrary manner, without notice, and destitute of even the forms of law, and calculated also to operate (as it now exists) equally on the innocent and uninformed as on the guilty, should have prescribed certain limits and boundaries of public notoriety; certain land marks and beacons should have been erected, known to all those on whom the act was intended to operate.

It being a favourite maxim of all free governments to have the operation of the law, as far as practicable, fixed and determinate; when regulations for this purpose are explicit, it is the duty of all strictly to conform to them, and when they are otherwise, it is the immediate duty of the legislature to ascertain and correct them; but instead of the existing law containing any certain fixed limits or outlines, the persons who are to guard against any violations of it, under the penalty