

NEGATIVE.—Mr. President, Messrs. Carmichael, Hughlett, Magruder, Parnham.—5.
Determined in the affirmative.

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

WEDNESDAY, January 24, 1821.

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

The bill for the benefit of Samuel Jones; the bill for the relief of the Cumberland Bank of Allegany; the bill to provide for the support and maintenance of debtors actually confined in prison; and the bill for the relief of Isaac Lyon, of Frederick county, were sent to the house of delegates

On motion of Mr. Harper, Leave given to bring in a bill, entitled, An act to extend the powers of the levy court of Baltimore county in the case therein mentioned. Ordered, That Messrs. Harper, Holliday and Magruder, bring in the same.

Mr. Harper submitted the following message:

BY THE SENATE, Jan. 24, 1821.

Gentlemen of the House of Delegates,

We have received your message of the 11th, returning to us the bill entitled, An act to preserve to families their necessary bed, bedding, and wearing apparel, which you request us to reconsider. A respectful deference for your wishes, and a regard for the feelings and interests of those for whose benefit this measure was intended, have induced us to bestow on it a careful reconsideration, and to state to you the reasons which prevent us from giving it our sanction, in its present form.

These reasons may be summed up in one general remark, that the proposed measure, though it may afford relief in some particular cases of hardship and suffering, is calculated, in its general operation, to injure instead of benefitting the class of persons for whose benefit it is intended. It must tend to encourage improper expense in the articles of bedding and cloaths, by protecting them entirely against the claims of creditors, landlords and the public. We say "entirely," because the proposed exemption extends to all "necessary bedding and apparel," and no mode is devised or suggested, and perhaps none free from objection can be devised, of ascertaining what bedding and apparel are necessary in each particular case, so as to prevent abuses and mischief.

In cases of insolvency, where a similar exemption is allowed, the county court, which is authorised to make the allowance, must at the same time determine what bedding and apparel is necessary; and this determination will be made on a view of all the circumstances of the case, and after hearing the opposite party if required.

But the bill under consideration establishes no mode of making this essential inquiry; consequently all the bedding and wearing apparel of which the family, "or any of its members," may be possessed, will be placed out of the reach of creditors, landlords, and the public.

It is unnecessary, we think, to enlarge on the temptation which such a provision must hold out to improper expense in articles of this description. Nor is less evil to this class of persons to be apprehended, in our judgment, from the tendency of this provision to diminish their exertions for enabling themselves, by industry and frugality, to pay their rent, their debts, and their taxes. The fear of losing these comforts, to which we have been accustomed, will ever be one of the most powerful stimulants to industry and frugality. Remove this fear from before the eyes of the labouring class; enable them to say, "whether we pay our rent or taxes, and our little debts, or not, all our beds, bedding and cloaths, are safe to us," and you take from them one of the most powerful incitements to that industry, care and economy, on which their comfort, their independence, and their respectability must ever depend.

Thus by an ill judged and inconsiderate attempt to save them from some occasional hardship, of rare occurrence, they are exposed to a certain and most extensive evil. We say "of rare occurrence," because we are satisfied from our individual observation and experience, as well as by our general knowledge of the humane feelings, now so prevalent, and of the effects produced by a prudent and enlightened regard to their own interests, on the part of landlords and creditors, as well as by their deference to the feelings and opinions of the community at large, that very few cases indeed of the oppression which this bill is intended to prevent, can occur. The power of seizing beds, bedding, and apparel for rent, debts and taxes, operates, we have no doubt, as a very salutary check on improper expense in such articles, and a powerful and constant stimulus to provident industry. The removal of this check and stimulus, we believe, would prove far more injurious to the labouring classes, than any instances of harshness or rigour that are likely to occur, in the exercise of the power.

There are other objections also, in our opinion, to the bill in question; but as they are of inferior magnitude, and might perhaps have been removed by amendments, we abstain from enlarging on them. We will merely remark, on that part of the bill which relates to taxes and to executions for collecting them, that no person is assessed whose taxable property does not amount to forty dollars, which at the usual rate of valuation is worth at least one hundred and twenty, on this sum the tax is extremely small in amount, and with moderate care and economy, may very easily be paid, by persons who possess property of such value.

In rejecting this bill, we perform a painful duty, which indeed we are frequently called on to perform, the duty of standing between the feelings and wishes of certain classes of the people, and their true interests; and sometimes between the wishes and convenience of individuals, and the interests and happiness of the whole community. From the performance of this duty, which would seem, from the organization of this body, to have been particularly assigned to it by the constitution, we shall never shrink: even in cases, if such should arise, where there may be reason to believe, that a measure is proposed to us in the expectation that it will be rejected. We are far from supposing such to be the case in the present instance. On the contrary we highly appreciate the humane feelings, which we are bound to believe have dictated the measure under consideration; and we decline concurring in it, because we are satisfied that it cannot obtain its object, but is on the contrary calculated to increase the evil which it proposes so remedy.

At the same time we think it right to declare our willingness to concur in any measure, which can be devised, for preventing the sufferings which may be sometimes brought on poor and helpless families,