first day of June, 1838.

The Second Branch returned the resolution relating to the increase of Infanticide, endorsed, "Concurred in".

The Second Branch returned the resolution relative to extending the Belle-Air Market to Eutaw street, endorsed, "dissented from".

The resolutions on the petition of Mauldin Perine and Francis J. Callam, late City Collector, were severally read the second time, concurred in, and sent to the Second Branch.

The resolutions on the Bill to exempt certain property from taxation for the support of Public Schools, was read the second time, concurred in, and sent to the Second Branch.

The revised Bill entitled "An Ordinance to provide for the appointment of a Secretary to the Mayoralty", and the Bill entitled "An Ordinance to preserve the navigation of the Harbor of Baltimore, appoint Port Wardens and Harbor Masters, and prescribe their duties", were received from the Second Branch, severally read the first time, and laid on the table.

Mr. Watkins from the Committee submitted the following, which was read and laid on the table, and ordered to be printed in the Journal.

The Joint Committee on Streets, to whom was referred the resolution of the 8th of February, requesting that the opinion of the Counsellor of the City be had on the constitutionality of the Act of the Legislature of Maryland, passed at the present session, relating to Run Alley, and whether the Mayor and City Council have a right to carry into force the original Act of the Legislature, in relation to said Alley, beg leave to report the opinion of the Counsellor relating thereto, and submit the following resolution.

J. Wisley Watkins, } Committee of the
R. J. Cross, } First Branch.
J. Lucas, Jr. } Committee
M. Klinefelter, } of the
Walter Ball, } Second Branch.

Resolved, That the Committee be discharged.

By a Joint Resolution of the Councils my opinion is required as to the constitutionality of an Act of the Legislature of Maryland entitled an Act relating to Run Alley in the City of Baltimore, and also whether the Mayor and City Council of Baltimore have a right to carry into full execution the original Act in relation to Run Alley.

The resolution refers me to no statement of facts upon which my opinion is to be founded, and does not suggest the reasons which have induced a doubt as to the constitutionality of the Act. I am thus left to gather the facts myself, and to conjecture the cause of the doubt implied by the Resolution. My opinion is founded upon the following statement of facts—

By the Act of 1834, ch. 185, the Mayor and City Council of Baltimore are authorized to provide for increasing the width of Run Alley; by the 5th section it is enacted, that if it shall become necessary to remove or take part of a lot or House, &c. shall owner shall require compensation for the whole the Mayor &c. shall provide for the full valuation of the whole and for the sale of such materials or such lot, &c.

Ordinance No. 29, approved 19th April, 1836, appoints Commissioners and provides for increasing the width of Run Alley, in conformity with the Act referred to. Ordinance No. 2, approved 27th January, 1837, provides for the sale of a part of any lot or House, &c. as directed by 5th section of said Act, and prescribes that the sale shall be to the highest bidder for cash to be paid on the day when full possession shall be given of the property &c.

In pursuance of the Act and Ordinances referred to, the Commissioners proceeded to the execution of the Trust confided to them and made an assessment of Damages and Benefits—they also made five sales in virtue of the last Ordinance, and returned their whole proceedings to the Register: At this stage of the proceedings a very large majority of the persons assessed made petition to the Mayor and City Council of Baltimore, in which they express great dissatisfaction with the proceedings under the Commission, offer to pay all expenses incurred and pray a repeal of the Ordinance upon this Petition an Ordinance was passed suspending further proceedings until the 8th January, 1838, and repealing the first Ordinance, provided the whole amount of expenses should before that time be paid into the City Treasury, and the assent of all who had contracted with the Commissioners should be filed with the Register; neither of these conditions have been complied with, and the Ordinance remained in full force on the 8th January 1838; at the present Session of the General Assembly the Act referred to in the Resolution was passed which repeals the Act of 1834, and if constitutional, divests the Corporation of all power over the subject. Upon the above statement the question recurs is the last mentioned

(Act)