nays – Messrs. Powell, Pindell, Rufell, T. Meyer, Barnard, Snyder, M'Donald, Brown – 8.

The following communication was received from the Mayor and read.

Mayor's Office, February 6th 1839.

Gentlemen of the First Branch of the City Council:

I have been favoured with a copy of your resolution of the 5th inst, requesting that I would inform you whether "James Wilks, Jas. L. Ridgely, Samuel S. Baker and Washington Booth, had been commissioned as Trustees of the Poor; and if so, under what Law they had been commissioned before the first day of March, or whether the said commission only empowers those Gentlemen to act as Trustees from the first day of March next." Being desirous at all times to communicate to you such information in my power as you may want, I proceed to comply with your request. The four Gentlemen named in your resolution, were by me on the 4th inst. nominated to a Convention of both Branches of the City Council, as Trustees for the Poor of Baltimore City and County, and the nomination being approved of by a majority of the Convention, effected their appointment. – In pursuance of the first section of an Act of Assembly, passed at Dec. session, 1822, ch. 167, connected with the provisions contained in the Act relating to the City of Baltimore, passed at December Session, 1817, ch. 148, on the 5th inst. Commissions in the same form heretofore used by my predecessors in Office, of the appointment of each of the four Gentlemen, were signed by me, with the seal of the City annexed, and delivered to them, as being the customary evidence of the fact of their appointment, but those Commissions do not profess to confer any powers, or specify any particular time, when the persons named in them shall enter on the performance of the duties of the Office to which they have been appointed, and I am not aware that there is any Law or Ordinance which prescribes the time when such Commissions shall be issued or delivered to the persons appointed, or requires that such issue and delivery shall be postponed to the first day of March next, after the time of making the appointment.

I am aware that there is an Ordinance which provides

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"that all Officers of the City shall enter upon their respective Offices, on the first day of March immediately following their respective appointments." but as the Trustees for the Poor of Baltimore City and County, are not officers of the City, that Ordinance cannot be supposed to apply to them; their conduct and course of proceedings are wholly regulated by the Act of Assembly of 1822, above mentioned, under the authority of which they are appointed. The second section of that Law prescribes a specific oath (or affirmation) to be taken and subscribed by each of the Trustees, before he proceeds to perform any duties as such, which is very different in its terms from the oath required by the Charter to be taken by all Officers of the City; and as regards the time fixed for their entering into the performance of their duties, the same second section provides, that "when the said Trustees, (or four of them) shall have taken and subscribed the said oath, they shall be qualified and competent to exercise all the powers, and perform the duties therein granted and required." (See this section in page 336 of Revised Ordinances). I therefore thought it proper, and so advised, that the Trustees should enter on the performance of their duties as early as possible after their appointment.

Yours respectfully,

S. C. Leakin, Mayor.

The following Communication was also received from the Mayor and read.

Mayor's Office, February 6th, 1839.

Gentlemen of the First Branch of the City Council:

I have approved and signed "a resolution requesting the Delegates in the General Assembly of Maryland from the City of Baltimore to procure an Act to prevent the carrying of deadly weapons &c., a "resolution authorising the Committee of Ways and Means to employ Counsel, &c", a "resolution requesting the Delegates from the City of Baltimore in the General Assembly of Maryland to procure the passage of a Law to prohibit the removal of criminal cases to any other than to Baltimore County Court, &c;" resolutions authorising the City Commissioner to have benches erected on each side of the Belle-Air Market, and authorising the Market Master to rent the same &c;" and "an Ordinance relating to Parkin Street, between Baltimore and Hollins Streets to build, improve and use the same, unless application shall be made to the Mayor & City Council, agreeably to the provisions of Acts of Assembly, December, 1816, chap. 218, before the first day of May 1842 &c;" all of which

/originated/