advisable to address a communication to the Counsellor for the City requesting his written legal opinion in relation to the subject matter of the resolution, which opinion has been obtained, and is herewith submitted; and we respectfully ask that it may received as part of this report.

Respectfully submitted
By order
C. M. Cole, Clerk

To the City Commissioners of Baltimore:

I have received your communication of the 23d inst covering a resolution passed by the City Council directing an enquiry to be made by you, "whose duty it is to keep in repair the bridge over Harris' Creek, whether of the Corporation, the Canton Company, or the Baltimore and Philadelphia Rail Road Company?"

These enquiries you have referred to me for my legal opinion. The bridge in question is situated within the City limits, and I find upon examination, that the Canton Company submitted to the Mayor and City Council a plat or map, which was deposited in the Register's Office, marked "plan shewing the improvements made and contemplated on the Yates line through that portion of the Canton Company's ground lying within the City of Baltimore, drawn by J. Poppleton Dec 1835" and which plan was assented to by ordinance No. 9 (of the revised ordinances) section 9.

And the said ordinance by section 17. provides that all streets, lanes and alleys laid out, and permitted to be extended, shall be considered as public highways forever thereafter.

The City of Baltimore being clothed with ample power to enforce her police regulations respecting nuisances, it is well settled law that the correlative obligation is upon her to exercise these powers, or upon her failure so to do, she is amenable for damages sustained by her neglect.

It follows, from this view of the law, that the City must show the liability of some one or other of the above companies to keep said bridge in repair, and compel them so to do, by showing that said bridge was built upon the condition that it should be kept in repair, (of which contract I have no knowledge,) or, being erected without authority, it must be removed by those who illegally placed it there, upon legal steps being taken by the City to show that it is a public nuisance, or otherwise in my judgement, the corporation would be liable for any damage which might be sustained by any individual in consequence of the dangerous condition of said Bridge.

Very Respectfully
Benj. C. Presstman
Counsellor for the City.

Mr Starr called up the bill entitled "An ordinance to increase the pay of the City Watchmen"

The bill being on its passage was passed by the following vote the yeas and nays being called for by Mr Colton

Yeas — Messrs President, Colton, Dutton, O'Leary, Hickman, Pindell, Neilson, Foran, Watkins, Buchanan, Starr, Brown, Mack, & Gross. 14

Nays. — Messrs Turner and Davis — 2.

On motion of Mr Watkins, the message from the Second Branch proposing to refer the petition of W. W. Handy and others to the joint committee on markets, was concurred in.

Mr Brown presented a petition from Christiane Keener and others praying the opening of certain streets, which was read and referred to the joint committee on streets.

Mr Pindell called for the second reading of the resolution attached to the report of the joint committee on claims on the petition of Henry Powell.

Mr Pindell offered the following as a substitute.

Resolved by the Mayor and City Council of Baltimore, That the Register be and he is hereby directed to pay to Henry Powell, the sum of Twenty three dollars, — it being the amount of claim for repairing pumps, out of any money in the treasury not otherwise appropriated.

The substitute was lost by the following vote, the yeas and nays being called for by Mr Pindell:

Yeas. — Messrs President, Colton, O'Leary, Walsh, Pindell, Neilson, Turner, Brown, Gross. — 9.

Nays. — Messrs Hickman, Foran, Collins, Watkins, Buchanan, Davis, Starr, McCurley, Mack. — 9.

On motion of Mr Walsh, the resolution was laid on the table.

Mr Starr offered the following resolution, which was read and laid on the table.

Resolved, That the Commissioners of Finance, be, and they are hereby directed to inquire if a revenue could or could not be derived by renting or leasing the strip of City property, binding on Jones' Falls, on the West side of the same, between Bank and Lombard Streets, and also inquire if the City's property on the whole line of the Falls, on both sides, now occupied or used by individuals, produces a revenue to the city; and if said property can be made productive or resumed at any time by the City; and report the result of their investigation to this Branch.

Mr Brown presented a memorial from John S. Gittings, proposing to cede the bed of Hamburg Street from William to Charles Street to the City.