the springs shall be collected on the ornamental structure over the fountain be erected as provided in the fourth section, within five years that the square shall be enclosed in the manner provided in the third section, within six years; and that the ground shall be laid out and planted with trees and shrubbery, as provided in the third section, within seven years; provided, the said John S. Donnell, James S. S. Donnell and William Donnell, within the same periods respectively, make the several improvements herein stipulated to be made and done by them:

Sec. 8. That nothing in this ordinance shall be so construed, or held in law, or in fact, as to bind the corporation of Baltimore, to make the improvements therein specified, at the time fixed by this ordinance unless the finances of the city should be in such condition as to justify the outlay therein contemplated, — and it is expressly held and declared that in no event, shall the corporation be held liable for damages in case of failure to carry out the provisions of the ordinance at the precise periods named therein.

Mr Colton moved to concur in the proposed amendments, which was determined in the affirmative by the following vote, the yeas and nays being called for by Mr Starr.

Yeas. — Messrs President, Colton, Putting, Walsh, Hickman, Bishop, Turner, Scran, Collins, Watkins, Buchanan, Davis, Hooper, Starr, Brown, McCauley, Hack and Groff — 18.

Nays — Mr O'Leary — 1.

The Second Branch returned bill No 94. entitled "An ordinance relating to vaults and areas" endorsed "will pass"

The Second Branch returned the report and resolution from the joint select committee upon the communication from the Mayor of Boston;

The resolution relative to money paid by the watchmen, for badges; severally endorsed "concurred in"

A resolution relative to interest on the loan for the Bel Air Market; and

A report and resolution from the joint committee on ways and means, on the petition of John C. Rand and others; were received from the Second Branch, read and laid on the table.

The following message was received from the Second Branch and read

In Second Branch
Baltimore May 6th 1846.

Gentlemen of the First Branch

We respectfully adhere to our proposed amendments

amendments to bill No 30. entitled "An ordinance making appropriations for the year 1846" in the 10th, 33rd and 40th lines of printed bill, and return the bill to your Branch.

By order
A. H. Pennington Clerk.

The Second Branch by message, assented to the message of this Branch proposing to refer the resolutions from the joint committee of conference relative to the small pox hospital, to a joint committee of conference and naming Messrs Ware, Greene and Keene as the committee on their part

Mr Watkins from the committee, ~~submitted~~ the following report, which was read and laid on the table:

The joint committee on streets, to whom was referred the petition of Wm H. Buckling, Hugh Cooper and others asking the favorable consideration of the Council on the subject of grading and gravelling that portion of Broadway laying between Eastern Avenue and Canton Avenue on certain conditions, beg leave to report: that they have investigated the subject and believe the condition of that part of the street referred to, requires a favorable action on the part of the Council, they therefore submit the following resolution:

J. Wesley Watkins
Wm Colton
First Branch.

Isaac M. Denson
Henry Myers
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the sum of three hundred dollars be, and the same is hereby appropriated for gravelling the square in Broadway, between Eastern Avenue and Canton Avenue, or should a majority of the property holders binding on said square prefer the same paved as the lower one with brick, that the aforesaid three hundred dollars be appropriated towards carrying out the same; and the sum of three hundred dollars shall not be appropriated towards this improvement until the street binding on each side of said square shall be placed under contract for paving.

And be it further resolved, That whenever a majority of the property holders, fronting and binding on any square in Broadway, shall consent and furnish the same in writing to the City Commissioner, that then the City Commissioner shall proceed to have such square paved, according to ordinance, the expense of such paving to come out of the property holders fronting and binding on such squares.

Mr Collins called up bill No 93. entitled An ordinance supplementary and explanatory of an ordinance to provide for exercising certain powers vested in this corporation in relation to streets in the city of Baltimore

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