strict conformity to the terms of the will, they must be brought into conflict with those of New Orleans, and impediments to the proper execution of the trust be thereby created. I would therefore recommend, as it will not make the ordinance less effective, that the reference to the will be stricken out wherever it occurs therein.

Some amendment will be necessary to the 4th or 12th sections, for the provisions of the one are in conflict with the other. The first fixes the compensation of the agents and the periods when it shall be paid, and the latter enacts, that the Mayor and City Council shall in no wise be responsible for the salaries of said officers.

As the ordinance requires that the agents shall reside in New Orleans during the term of their office, I apprehend there will be great difficulty in finding competent and suitable persons to accept the appointments, if this condition is intended to require their presence there at all times, particularly as the ordinance provides that the election of such agents shall take place annually, and they may be removed at the expiration of one year, after being subjected to the inconvenience and expense consequent upon a change of residence from one city to another.

There will no doubt be much difficulty also in carrying into effect the provisions of the ordinance in regard to the other officers to be appointed, with such condition as they are required to assume and fulfil gratuitously.

The 8th section enacts that the accounts of the directors shall be audited by the Mayor and City Council through a committee from their body appointed for the purpose. As the Mayor can not form a part of that body, I would suggest that the words "Mayor and" be stricken out.

The mode of enforcing a faithful performance of the obligations assumed by the agents and other officers, is not in accordance with law, as the corporation has no authority to substitute a citizen as the party to bring suit on a bond given to the state of Maryland for the use of the McDonogh estate; neither is there any authority to be found, by which the city of Baltimore can direct a bond to be given to the State of Maryland.

There is an omission likewise in the ordinance, to provide a mode for filling any vacancy that may occur, or for the removal of an agent or other officer, in case of any delinquency

that may occur.

J. Smith Holling, Mayor.

A communication was received from the late Commissioner for opening streets, in answer to a resolution of enquiry, relative to the opening of North avenue, which was read and laid on the table.

Mr Barry offered the following message, which was read:

In First Branch,
Baltimore, May 4, 1854.

Gentlemen of the Second Branch,

We respectfully propose, with your concurrence, that the Council shall not receive any new business after Wednesday, the 17th inst., and that we will adjourn sine die on Friday the second day of June.

The message was rejected by the following vote, the ayes and nays being required by Mr Hintze:

Yeas.— Messrs. President, Hintze, Magraw, Barry, Simms, Zimmerman — 6.

Nays.— Messrs. France, Hunt, Weathers, Peters, Boyd, Spicer, Rogers, Cox, Roche, Lepson, Norwood — 11.

Mr France offered the following resolution, which was read and adopted:

Resolved, that the City Commissioner be requested to inform this branch as to the expediency of placing a sewer on Alice Anna Street, to commence at Aisquith Street, and terminate at or near the corner of Washington Street.

Mr Zimmerman, chairman of the joint committee on conference, presented the following report and an accompanying ordinance, which were read and laid on the table:

The joint committee of conference, to whom was referred the ordinance to accept a deed of the bed of two alleys, each of the width of ten feet, from Chaptank Street to Eist Street, have had the subject under consideration, and are of the opinion that ten feet alleys cannot be of any general benefit to the public, and therefore would not justify the expense the city would incur in keeping them clean and in repair.

Your committee have also had under consideration a communication from the gentlemen who propose to cede the bed of said alleys, offering to increase the width of them to fifteen feet, which your committee think would obviate the main point of objection, and therefore would beg leave