Thursday March 25th 1858

The Branch met pursuant to adjournment

Present. John T Ford Esq President and all the members except Mr Hynes.

Mr Taylor presented the petition of James Fox asking indemnity for damages sustained by his property from the violence of a mob, which was referred to the joint standing committee on claims.

The President laid before the Branch the following communication from the Mayor, which was read.

Mayors office. City Hall
Baltimore March 25. 1858

To the Honorable the Members of the
First Branch of the City Council.

Gentlemen.

I have approved of the following ordinance and resolution emanating from your Branch viz.

An ordinance to provide for the compensation of the Mayor of the city.

Resolution in favor of Jacob H. Piercy

Resolution in favor of George F. Thompson and William H. Lester.

Resolution in favor of the First Baltimore Hose Company

Resolution granting permission to J. Merritt, to manufacture camphene oil.

With great respect. Your obedient servant
Tho: Swann Mayor

The President laid before the Branch the following communication from the Mayor.

Mayors Office. City Hall
Baltimore March 25. 1858

To the Honorable the Members of the
First and Second Branches of the City Council

Gentlemen,

I deem it transmit to you an official letter from Wm L Peterkin Esq, one of the Baltimore agents in the McDonogh estate, informing me that the Supreme Court had passed a decree of partition of the estate, in conformity with the report made by the experts some months ago.

The amount which is likely to come into possession of the city of Baltimore under this decree has been variously estimated, and if judiciously managed and disposed of — ought not to fall

short of six hundred thousand dollars. A portion of this fund is already in the hands of the commissioners, from the accumulations of former years.

The attention of your honorable body is respectfully asked to the importance of early action in reference to the use and appropriation of this fund.

The will of the late John McDonogh, as you are aware, contained provisions which were found to be impracticable and which the courts decided on this account to be inoperative. It is however, not to be questioned that the one leading object of the testator was the education of the poor, and in accepting this legacy, the city of Baltimore incurred the obligation of carrying out in good faith the intentions of the will, as inferred from a just and reasonable interpretation of that instrument.

The Counsellor of the City, to whom this subject was referred, and whose opinion is herewith submitted, takes occasion to say. "that the corporation upon accepting the beneficent legacy left by Mr McDonogh, is legally bound to employ it in such way as will most effectually accomplish this object, and that it cannot be diverted to any other of the ordinary purposes of the municipality." Mr Justice Campbell in the opinion of the Supreme Court upon the McDonogh will, says "we must look to the conveyances he has made in the instrument, the objects they are fitted to accomplish, and the agencies (if any) to be employed, and endeavour to frame them into a consistent and harmonious plan accordant with this leading and controlling intention. In reference to his controlling purpose there can be no mistake, He says that the first, principal and chief object, in his mind, is the education of the poor of the two cities."

In executing this important trust, it will be necessary to enquire in what way and upon what plan, the intentions of the testator can be most successfully carried out.

The education of the poor of this city has not failed to engage a full share of the attention of our municipal authorities, — and has already led to the introduction of a school system, which it is believed compares favorably with those of other cities. This has become a part of the permanent organization of our city government, and is sustained by a regular annual tax imposed for that purpose.

It could not have been in the contemplation of the testator that