

It is, therefore, not to be presumed that the Legislature ever intended to confer upon the Mayor and City Council of Baltimore such powers as could not be taken from them whenever the Legislature might be so disposed. To illustrate this position more clearly, we find that the 8th section of the act of 1796, chapter 68, (by which act the city of Baltimore was incorporated,) invests the corporation with full power and authority to enact and pass all laws and ordinances necessary to provide for a general survey of the city and precincts. And we also find, by the 12th section of the act of 1817, chapter 148, that John E. Howard, William Gibson, William Cooke, William McMechen, Henry Thompson, John Hillen, Joseph Townsend, Nathaniel Williams and John McHenry were appointed Commissioners, to have surveyed and laid off, within the limits of the city of Baltimore, all such streets, lanes and alleys, as they shall deem proper and convenient, &c. Thus, the same power seems to have been given by the Legislature to *certain Commissioners*, which had been previously given to the Mayor and City Council of Baltimore. If the Legislature was not empowered to pass the act of 1817, chapter 148, then, all the proceedings under this act, have been nugatory, and "Poppleton's Plat," of the city of Baltimore, which was executed under the directions of the Commissioners named in said act, should be entirely disregarded, and declared to be null and void, as regards its practical operations. But if, on the other hand, and as your Committee believe, the Legislature had the right to pass the act of 1817, chapter 148, then, surely, it has the same right now, to enact a subsequent law, in relation to the same subject matter. Your Committee are, therefore, of opinion, from the facts before them, and from previous legislative precedents, that the General Assembly of Maryland has the power to grant the relief asked of it by the Sisters of Charity, in relation to closing of certain streets.

The next and most important question for the consideration of your Committee is, whether it would be expedient and proper to exercise this power? It appears from Poppleton's plat of the city of Baltimore, that should a certain street in said city called "Bolton street," be opened, it will pass directly through the "main building" of Mount Hope Hospital, which was erected before Poppleton's location of the streets. Judge Friek, in his memorial to the Legislature, opposes the demolishing of this building to open a passage for Bolton street, because he says "*that the heavy damages to which this Institution would be entitled in such event, must forever forbid it.*" It likewise appears that a certain other street in said city, named Laurens street, runs at right angles, (or nearly so,) with Bolton street, which it intersects within the grounds of Mount Hope, and within a few feet of the "main building."

We are then to consider whether Bolton street ought to be