

Smith's wharf in said city, the quiet possession and peaceable enjoyment of the exclusive right to use or receive wharfage for the use of their respective wharves, and also the memorial of the mayor and city council of Baltimore, counter thereto, have carefully considered the same, and having heard the parties by their counsel, have concluded, and now report—

That the authority claimed in the counter memorial to be vested in the mayor and city council of Baltimore, by the act of 1827, chapter 162, to collect wharfage from vessels resorting to or lying at Smith's wharf, was not intended to be given by that act; but inasmuch as the mayor and city council have so long refrained from any exercise of the supposed authority claimed by them, and the proprietors of the wharf for more than two years past, have been, and now are, in the full and undisturbed enjoyment of the rights claimed by them, it is not deemed necessary at this time to legislate on the subject.

The minority of the committee therefore, respectfully ask to be discharged from any further consideration thereof.

The door-keeper having returned, reported, that in obedience to order he had notified the absent members that their attendance in the house was required.

The house then resumed the consideration of the order of the day; when on motion by Mr. Nicholas, the blank in the first section of the bill was filled up with the words, "the governor and council shall appoint three."

On motion by Mr. Nicholas, said section was further amended, by striking out in the 4th line the word "with," and inserting in lieu thereof the words "who shall have."

On motion by Mr. Wootton, the 3d section of the bill was amended, by striking out in the 16th line thereof, the word "ten," and inserting in lieu thereof, the word "twenty;" also in the same line by striking out the word "twenty," and inserting "forty."

On motion by Mr. Nicholas, said section was further amended, by striking out from the word "the," in the 27th line thereof, to the word "damages," in the 31st line inclusive, and inserting in lieu thereof, the words "said commissioners."

On motion by Mr. Nicholas, said section was further amended, by adding at the end thereof the following proviso: "Provided, that no timber be condemned for the construction or repair of the said rail road, unless the same shall stand on the bed of the location of said road."