

CONSTITUTIONAL CONSIDERATIONS.

It cannot now be questioned that prior to the addition of Article 11-A to the Constitution of the State, the Legislature exercised very wide jurisdiction over the City. This question was discussed thoroughly in the case of Pumphrey vs. Baltimore, 47 Md., -145 at 151:

"The appellee is a public municipal corporation, its existence is recognized by the Constitution, Article 11, which contains provisions for its government, but it is not exempt from the control of the Legislature. Section 9 of that article declares that it "shall not be so construed, or taken as to make the political corporation of Baltimore, independent of, or free from the control which the General Assembly of Maryland has over all such corporations in the State."

"What is the nature and extent of this control? A public corporation is one that is created for political purposes with political powers to be exercised for purposes connected with the public good in the administration of civil government; an instrument of the government subject to the control of the Legislature, and its members, officers of the government for the administration of public good." Regent's case 9 G. and J. 365, 379, and in the same case (page 401) it is said, "Public corporations are to be governed according to the laws of the land, and the government has the sole right as trustee of the public interest, to inspect, regulate, control and direct the corporation, its funds and purchases. That is of the essence of a public corporation."

and again in Baltimore vs. State, 15 Md., 376 at 462:

"That the City has certain rights, under the constitution, none will deny, but so have the counties. Each is a public territorial division of the State, established for public purposes connected with the administration of the government, possessing the character and endowed with the powers of corporations, according to the laws severally applicable to them.

They are mere instruments of government appointed to aid in the administration of public affairs, and are parts of the State. As public corporations, they are to be governed according to the laws of the land, and are subject to the control of the Legislature.*"

Of course the Legislature is limited in its power to pass laws relating to the City, in that such laws must be clearly within the limits of legislation allowed by the constitution. If the Act in question is in conflict with the Constitution, it cannot be upheld. The question of its constitutionality was raised in the case of Welch vs. Cogan, 126 Md., at page 1. In that case the State Board of