

authority for an expenditure of money to contest a law of the State, or an election to be held under it, such objects are foreign to the purposes and objects of a municipal body, as created by the Legislature.

By some legal writers, the connection of the State and a public corporation, is compared to the relation which exists between a parent and a child, the mere mention of which rejects the idea that a hostile element should be imparted, by which the controlling power of the former should be resisted by the latter.

The only clause of the charter which it is possible to distort, to give the power, is in these words, "They may pass ordinances for preserving order, securing property and persons from violence, danger or destruction, protecting the public and city property, rights and privileges, from waste or encroachment, and promoting the great interests and insuring the good government of the city."

We do not conceive that this recital contains or was intended to contain the right or authority, to divert the funds in the city treasury, to any such object; corporations have defined and limited powers, and are not permitted to enter into implications or presumptions, to enlarge the powers not directly given.

The third subject is what Legislation may be necessary?

The committee would prefer remitting this portion of the inquiry to the Senate, not desiring to influence any Senator in a course he may have marked out for himself, but they deem it practicable to say, that the corporation being entirely under the control of the Legislature, and but an agent or creature of the law, to effect the purposes of its creation, the power exists in the General Assembly to forbid by law, under certain penalties, the diversion of the funds to an improper use; as bodies politic are not subject to criminal prosecution, the penalties could be imposed upon the officers and agents, who may misapply or permit to be misapplied, the funds in the Treasury.

The last inquiry is to the legal liability of the State for any expenses incurred in the recent removal of the police commissioners of Baltimore city.

The power of the Legislature to direct payment of the expences referred to is unquestioned; all power not delegated to the General Government, and not prohibited by the Constitution of the State or Bill of Rights, remains inherent in the people, and consequently in the Legislature as their representatives, and when a question of power is raised, the solution of it is found, not in what has been granted, but in what has been prohibited. This theory of the State Government is recognized distinctly by the Supreme Court of our