

see art. 81, sec. 172, of the An. Code, and notes thereto. *State v. Northern Central R. Co.*, 90 Md. 447 (affirmed in 187 U S 258). And see *Washington Hospital v. Mealy*, 121 Md. 282

This section as it stood in the Constitution of 1851, provided that "All laws and special acts pursuant to this section may be altered at any time or repealed." The act of 1898, ch. 17, changing the name of the trustees of the Sheppard Asylum, etc. (chartered in 1853), was valid. The provision above quoted was a clear and explicit limitation upon the power of the general assembly to pass thereafter any act of incorporation not subject to repeal or amendment. *Phinney v. Sheppard Hospital*, 88 Md. 638; *Jackson v. Walsh*, 75 Md. 311, *State v. Northern Central R. R. Co.*, 44 Md. 164. And see *State v. Northern Central R. R. Co.*, 90 Md. 467 (affirmed in 187 U. S. 258).

Under this section, the legislature may alter or amend a corporation's charter, provided such amendment does not change fundamentally the nature of the charter and the objects for which it was granted, the legislature may not, however, divest property rights acquired under the legitimate exercise of the powers granted. Where a school was chartered for the education of females, an amendatory act which authorized the trustees to lease such of the buildings and grounds as were not necessary for the use of the seminary, for public school purposes, is valid. *Webster v. Cambridge Seminary*, 78 Md. 202.

The act of 1882, ch. 47, amending the charter of the Baltimore Union, etc., Railway Company, held not invalid under this section, since said company was incorporated under the general law of 1876, ch. 242. *Hodges v. Baltimore Union P. Ry. Co.*, 58 Md. 620.

The act of 1882, ch. 495, incorporating the Baltimore Trust and Guarantee Company, held not invalid under this section, since there was no general law conferring such rights, or under which a company could have been formed with such powers, as were granted by said act. *Reed v. Baltimore Trust, etc., Co.*, 72 Md. 533.

This section held not to operate retrospectively, and hence the act of 1865, ch. 206, chartering the Lincoln Coal, etc., Company (later the New Central Coal Company), was not abrogated by this section. *New Central Coal Co. v. George's Creek Co.*, 37 Md. 556 (decided prior to the amendment ratified in 1891).

The charter of the Baltimore and Ohio Railroad (act of 1826, ch. 123) constitutes a contract between the railroad and the state; the tax exemption conferred by sec. 18 may not therefore be repealed. The insertion in a mortgage executed by a railroad company of the covenant that it would pay certain taxes does not bring that railroad within the terms of the last portion of this section, since the acts relating to the taxation of mortgages do not apply to mortgages executed by a railroad company to a trustee to secure bonds sold to investors. The sale by the state of its interest in the Washington Branch of the B. & O., held not to be the granting of any privilege or right within the contemplation of the last portion of this section. The acceptance by the B. & O. of rights under certain ordinances of the mayor and city council of Baltimore, amounting to police regulations of the laying of tracks and switches, is not such an acceptance of rights and privileges as brings the B. & O. within the last portion of this section. The Constitutions of 1851 and 1867 do not deny to the state all power to enter into an irrevocable contract with a corporation. *State v. B. & O. R. R. Co.*, 127 Md. 437.

The portion of this section providing that charters may be altered or repealed, held not intended to confer upon the general assembly the power to deprive the citizen of his property contrary to law, or to take private property for public use without just compensation; this provision must be so construed as to harmonize and preserve the general constitutional restraints upon legislation in regard to private property. Act of 1914, ch. 37, requiring the United Railways to pay for repaving the streets between and for two feet on either side of its tracks, held void; the street railway company may not be so assessed where no special benefit is conferred upon it by the improvement. *United R. & E. Co. v. Baltimore*, 127 Md. 664.

Acts incorporating municipal corporations may be made binding upon those within the limits, without consent, or only upon consent, as the legislature determines; over such corporation the legislature, except as restrained by the Constitution, has entire control. This section leaves to the legislature the enactment of such details as it deems proper in the management of a municipal corporation. The legislature held to have the right, in incorporating the town of Bowie, to name the commissioners. *Johnson v. Luers*, 129 Md. 530.

This section prohibits the legislature from granting a charter for which the general laws provide. *Hagerstown Turnpike Co. v. Evers*, 130 Md. 12.