

shall hear and determine such matters as affect the Public Works of the State, and as the General Assembly may confer upon them the power to decide.

See art. 78A of the An. Code.

Sec. 2: They shall exercise a diligent and faithful supervision of all Public Works in which the State may be interested as Stockholder or Creditor, and shall represent and vote the stock of the State of Maryland in all meetings of the stockholders of the Chesapeake and Ohio Canal; and shall appoint the Directors in every Railroad and Canal Company in which the State has the legal power to appoint Directors, which said Directors shall represent the State in all meetings of the Stockholders of the respective Companies for which they are appointed or elected. And the President and Directors of the said Chesapeake and Ohio Canal Company shall so regulate the tolls of said Company from time to time as to produce the largest amount of revenue, and to avoid the injurious effect to said Company of rival competition by other Internal Improvement Companies. They shall require the Directors of all said Public Works to guard the public interest and present the establishment of tolls which shall discriminate against the interest of the citizens or products of this State, and from time to time, and as often as there shall be any change in the rates of toll on any of the said Works, to furnish the said Board of Public Works a schedule of such modified rates of toll, and so adjust them as to promote the agricultural interests of the State; they shall report to the General Assembly at each regular session, and recommend such legislation as they may deem necessary and requisite to promote or protect the interests of the State in the said Public Works; they shall perform such other duties as may be hereafter prescribed by Law, and a majority of them shall be competent to act. The Governor, Comptroller and Treasurer shall receive no additional salary for services rendered by them as members of the Board of Public Works. The provisions of the Act of the General Assembly of Maryland of the year 1867, chapter 359, are hereby declared null and void.

Sec. 3. The Board of Public Works is hereby authorized, subject to such regulations and conditions as the General Assembly may from time to time prescribe, to sell the State's interest in all works of internal improvement, whether as a Stockholder or a Creditor, and also the State's interest in any banking corporation, receiving in payment the bonds and registered debt now owing by the State, equal in amount to the price obtained for the State's said interest.<sup>1</sup>

This section does not limit the power of the legislature. The board of public works, in the absence of legislative authority, has no power to waive or surrender a state's lien or to make a contract for a deferred lien on the property of any of the internal improvement companies of the state; such power rests with the legislature alone. The act of 1878, ch. 58, and the mortgage made under it, so far as they pledge the tolls and revenues of the company, held valid. Design of this section. *Brown v. C. & O. Canal Co.*, 73 Md. 579 and 603.

This section referred to in construing art. 3, sec. 34—see notes thereto. *Bonsal v. Yellott*, 100 Md. 505.

## ARTICLE XIII.

### NEW COUNTIES.

Section 1. The General Assembly may provide, by Law, for organizing new Counties, locating and removing county seats, and changing county

<sup>1</sup> Thus amended by act of 1890, ch. 362, ratified November 3, 1891.