

Arundel County, called Poplar Bottom, of which the late William Clagett died seised; and "also all the right, title and interest which the said Elizabeth Clagett, Edmund Clagett, &c., have in

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validity of the corporate acts sought to be impeached, and deal with it and control it accordingly.

In *Kelly v. Balto.* the Court said that they had not declared that every abuse of a legal authority by a municipal corporation to the prejudice of tax-payers was a ground for equitable interference; and in that case a bill to restrain the M. & C. C. from executing a certain contract on the ground that it had been fraudulently obtained was dismissed.

But tax-payers may apply for an injunction against a municipal corporation and its officers, whenever the latter are shown to be acting *ultra vires*, or are assuming a power over the property of the citizen or over corporate funds, which the law does not confer, and where such unauthorized acts may affect injuriously the rights of complainants. *St. Mary's School v. Brown*, 45 Md. 310. Cf. *State v. R. R. Co.* 12 G. & J. 400, note (c). The M. & C. C. of Baltimore have no authority to make appropriations for the support of institutions, however benevolent or charitable in their character, which were not created by or for the city, as instruments of municipal administration, but which are distinct corporations, composed of private individuals, managed by officers of their own, and over which the city has no supervision. *St. Mary's School v. Brown*. Municipalities can levy no taxes, general or special, unless the power be plainly and unmistakably conferred. The authority must be given, either in express words or by necessary implication, and cannot be collected by doubtful inferences from other powers, nor deduced from any considerations of convenience. *Ibid.*

When a municipal corporation is seeking to enforce an Ordinance which is void, equity has jurisdiction, at the suit of any individual injuriously affected thereby, to stay its execution. *Balt. v. Radecke*, 49 Md. 218. Where an Ordinance requiring the removal of steam engines in certain cases did not prescribe regulations for their location and use, but committed to the unrestrained will of a single officer a power over the use of steam within the limits of the city practically absolute, so that he might prohibit its use altogether, and where the exercise of such a power might proceed from enmity, or favoritism, from partisan zeal or other improper influences, easy of concealment and difficult of detection, it was held that such an Ordinance was void and inoperative. *Balt. v. Radecke*, 49 Md. 217. Cf. *Boehm v. Balt.* 61 Md. 259. Whenever the question of the existence or limit of the power granted by the Legislature to a public corporation is raised, it becomes the plain duty of the Courts to see that the corporate authorities do not transcend their delegated power. *State v. Mott*, 61 Md. 297.

A public corporation, such as a Board of County School Com'rs incorporated for a great public purpose and charged with the duty of properly disbursing large amounts of public funds for the accomplishment of particular objects, is required to act strictly within the authority delegated. If there be an attempt to apply the funds to objects not embraced within the power granted, or to objects within the power but in total disregard of essential conditions prescribed by the statute to make it lawful to appropriate the funds, equity will restrain such action. But so long as such body act within the limits of the power delegated, the Court will not interfere with the exercise of their discretionary powers, or undertake to determine the question whether an act complained of be wise or unwise, good or bad. *Wiley v. Board, &c.* 51 Md. 401. Whenever the visitatorial power conferred upon