

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 lines; but no new county shall be organized without the consent of the majority of the legal voters residing within the limits proposed to be formed into said new county; and whenever a new county shall be proposed to be formed out of portions of two or more counties, the consent of a majority of the legal voters of such part of each of said counties, respectively, shall be required; nor shall the lines of any county be changed without the consent of a majority of the legal voters residing within the district, which, under said proposed change, would form a part of a county different from that to which it belonged prior to said change; and no new county shall contain less than four hundred square miles, nor less than ten thousand white inhabitants; nor shall any change be made in the limits of any county, whereby the population of said county would be reduced to less than ten thousand white inhabitants, or its territory reduced to less than four hundred square miles.

Counties and cities are but political divisions of the state, and the legislature may itself levy needful taxes for local purposes, or it may delegate such power to the local authorities. The act of 1888, ch. 98, extending the limits of Baltimore city, held not to violate this section. The legislature may extend the limits of Baltimore city by including therein parts of Baltimore county with or without the consent of a majority of the voters residing within the districts annexed. *Daly v. Morgan*, 69 Md. 464 (*cf.* concurring and dissenting opinions); *McGraw v. Merryman*, 133 Md. 249 (upholding the validity of the act of 1918, ch. 82, extending the limits of Baltimore city).

Garrett county was organized under the act of 1872, ch. 212, passed in pursuance of this section. This section referred to in construing art. 3, sec. 29—see notes thereto. *State v. Fox*, 51 Md. 414.

The act of 1826, ch. 192, relating to mortgages in the city and county of Baltimore, held not to have been repealed by the adoption of the Constitution of 1851. *Eichelberger v. Hardesty*, 15 Md. 548.

This section referred to in discussing the constitutionality of the local option law of 1874, ch. 453. Relation of the counties to the state. *Fell v. State*, 42 Md. 100 (dissenting opinion).

The acts of 1838, ch. 205, and 1845, ch. 176, extending the time of notice of the filing of a mechanics lien claim, and the act of 1845, ch. 346, extending the first mentioned acts to Howard district, held under this section and art. 5 of the Declaration of Rights (as they stood in the Constitution of 1851) to have been extended to Howard county. *Pue v. Hetzell*, 16 Md. 539. And see *State v. Manly*, 1 Md. 139.

The act 1918, ch. 122, creating a sanitary district, or a special taxing district, within two counties, does not violate this section. *Dahler v. Wash. Sub. San. Comn.*, 133 Md. 647.