

The Hon. C. J. Pennington, Assistant Secretary of State, appeared and delivered the following communication from His Excellency, Governor Groome :

EXECUTIVE DEPARTMENT,

Annapolis, March 12th, 1874.

*To the Senate :*

I respectfully return, without my approval, Senate bill No. 69 entitled an Act to incorporate the Frederick City Superphosphate Manufacturing Company.

The majority of thinking men who have observed the course of legislative proceedings in the several States, have long regarded the frequent resort to special legislation as a great evil. It adds to the length, and greatly increases the expense of a legislative session, and occupies a large proportion of the time which legislators might otherwise more profitably employ in devising measures of public utility. Grave objections have been found to exist to the creation of private corporations by special Acts. Such Acts are often passed by the Legislature with so little examination, that frequently when it is attempted to organize the corporation and carry out the purposes for which it was called into existence, it is found that it has been clothed with powers so inadequate that additional legislation must first be obtained, while in many other instances powers of the most extraordinary and dangerous character which the Legislature would never have intentionally granted have been found to be conferred under general words, or under artfully contrived clauses of the charter, the meaning of which were not fully understood at the time of its passage ; and the power to grant charters of incorporation by special Acts has proved in several of the States a fruitful source of legislative corruption.

A knowledge of the evils incident to this class of special legislation, and a desire to prevent them thereafter, led the framers of the Constitution of 1867 to insert in that instrument the following provision :

“Corporations may be formed under General Laws, but shall not be created by Special Act, except for municipal purposes, and except in cases where no General Laws exist providing for the creation of corporations of the same general character as the corporation proposed to be created ; and any Act of Incorporation passed in violation of this section shall be void.” (See Article III. section 48.)

Chapter 471 of the Acts of 1868 supplied the General Law, under which, in accordance with the provisions of section 48 of Article III. of the Constitution just quoted, corporations of the same general character as those provided for in said Act must be created.