

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; all charters granted or adopted in pursuance of this section, and all charters heretofore granted and created subject to repeal or modification, may be altered from time to time, or be repealed; provided, nothing herein contained shall be construed to extend to banks or the incorporation thereof; the General Assembly shall not alter or amend the charter of any corporation existing at the time of the adoption of this Article, or pass any other general or special Law for the benefit of such corporation except upon the condition that such corporation shall surrender all claim to exemption from taxation or from the repeal or modification of its charter, and that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and any corporation chartered by this State which shall accept, use, enjoy or in anywise avail itself of any rights, privileges, or advantages that may hereafter be granted or conferred by any general or special Act, shall be conclusively presumed to have thereby surrendered any exemption from taxation to which it may be entitled under its charter, and shall be thereafter subject to taxation as if no such exemption has been granted by its charter.]*

Charters.

Under this section, it is beyond the power of the legislature to grant to a corporation an irrevocable exemption from taxation; hence the act of 1880, chapter 16, passed to adjust all pending controversies between the state and the Northern Central Railroad Company, although supported by a valuable consideration, was subject to repeal, since it undertook to limit the taxes to be paid by the railroad company. The act of 1880 held to have been repealed by the act of 1890, chapter 559—see article 81, section 167, of the Annotated Code, and notes thereto.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constitution of 1851, provided that "All laws and special acts pursuant to this section may be altered at any time or repealed."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, chapter 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, chapter 47, amending the charter of the Baltimore Union, etc., Railway Company, held not invalid under this section, since

*Thus amended by the act of 1890, chapter 195, ratified November 3, 1891.