

Sec. 46. The General Assembly shall have power to receive from the United States any grant or donation of land, money, or securities for any purpose designated by the United States, and shall administer or distribute the same according to the conditions of the said grant.

Sec. 47. The General Assembly shall make provisions for all cases of contested elections of any of the officers, not herein provided for.

Since a statute passed in pursuance of this section provided that contested elections for comptroller should be decided by the house of delegates, and since in this case it had been decided by the house in favor of the appellee, an injunction restraining him from exercising the powers and duties of comptroller was properly refused. The Governor was only entitled to fill a vacancy in the office of comptroller until the party declared to be entitled to the office should duly qualify. The Constitution should be construed as a whole. *State v. Jarrett*, 17 Md. 327.

In the light of this section and of the legislation adopted in pursuance thereof, a court of equity has no jurisdiction to hear and determine a contest in regard to an election of officers; neither has it jurisdiction by a proceeding in the nature of *quo warranto* to try the title to an office, since jurisdiction in the latter proceeding belongs to a court of law. *Hamilton v. Carroll*, 82 Md. 338.

Secs. 141 and 142 of art. 33 of the An. Code, held to be still in force under this section—see notes to secs. 141 and 142 of art. 33. *Anderson v. Levely*, 58 Md. 201.

This section referred to in construing art. 5, sec. 2, and art. 4, sec. 11—see notes thereto. *Groome v. Gwinn*, 43 Md. 628.

Sec. 48. 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; 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all charters heretofore granted and created subject to repeal or modification, may be altered from time to time, or be repealed; provided, nothing herein contained shall be construed to extend to banks or the incorporation thereof; the General Assembly shall not alter or amend the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.<sup>1</sup>

#### 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, ch. 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, ch. 559—

<sup>1</sup> Thus amended by the act of 1890, ch. 195, ratified November 3, 1891.