

In view of these strong misgivings, we are unable to approve House Bill No. 265 as to form and legal sufficiency.

Very truly yours,

(s) C. FERDINAND SYBERT,

CFS:MH

Attorney General.

House Bill No. 289—Talbot County; Testamentary Law

AN ACT to add new Section 47A to Article 93 of the Annotated Code of Maryland (1957 Edition), title "Testamentary Law", sub-title "Administration by an Executor", to follow immediately after Section 47 thereof, relating to and prohibiting certain actions of banks and trust companies with respect to administration of testamentary estates in Talbot County.

April 30, 1959.

Honorable Perry O. Wilkinson
Speaker of the House of Delegates
State House
Annapolis, Maryland

Dear Mr. Speaker:

After serious consideration, I have concluded that I should veto House Bill No. 289 and House Bill 690, which were enacted at the recent session of the General Assembly. In accordance with Article II, Section 17 of the Constitution of Maryland, I herewith return these two bills to the House of Delegates, in which they originated, and will set forth my objections to them herein.

These similar (but not identical) bills relate to and would prohibit certain acts of banks and trust companies with respect to administration of testamentary estates in Talbot, Harford, Baltimore, Worcester and Kent Counties. I am advised that were these bills to become law, Maryland would be the first State in the nation with such legislation on its statute books. In view of the long and honorable history of the banks and trust companies of this State in the administration of estates as fiduciaries, it seems to me that compelling reasons for legislation of this sort ought to exist before these bills are allowed to become law. With due deference to the General Assembly, it is my belief that such compelling reasons do not exist. To the contrary, I believe that there are many cogent reasons why these bills should not become law.

Essentially, these bills have to do with the relationship between lawyers and corporate fiduciaries. Historically, this relationship in the State of Maryland has been harmonious. In Baltimore City, where a number of our large banks and trust companies have their principal offices, there has for many years been in existence an Agreement between these corporate fiduciaries and the Bar Association of that City with respect to the activities of the corporate fiduciaries. I am constrained to say that in view of this history no change by way of legislation is needed where both the Bar and the corporate fiduciaries of this State are fully able to protect the public interest involved, as they have in the past, by way of voluntary written or unwritten agreements or understandings.