

In 1827 a charter was granted to the Baltimore and Susquehanna Railroad Company by chapter 72 of the Act of 1827, one of the chief provisions being, immunity from taxation. In 1854, by chapter 250 of the act of the same year, the stockholders of the Baltimore and Susquehanna Railroad Company were authorized to consolidate with the York and Maryland Line Railroad Company, the York and Cumberland Railroad Company and the Susquehanna Company, forming one corporation by the name of the Northern Central Railway Company, in which consolidation was transferred among other things to the new company, the property, rights, privileges and immunities belonging to the several old companies. This exemption from taxation under the Act of 1854 was enjoyed by the said company until the year 1866, when the General Assembly passed a general assessment law, chapter 157, providing of course for the assessment of all property, in which, however, was a provision repealing in general terms all laws exempting property from taxation. A more specific act, however, was passed in 1870, ch. 362, repealing "every provision contained in the charter or supplements thereto, of every railroad company incorporated by the laws of this State or contained in any law heretofore passed by the Legislature of the State whereby the stock or property, real or personal, of any railroad company \* \* \* is exempted from taxation." Two years later, the Legislature, by chapter 234 of the Act of 1872, imposed its first gross receipt tax upon steam railroads, viz: one-half of one per centum annually.

The records of this office show that under this statute, the tax of one-half of one per centum on the gross receipts of said company was levied from April 1 to December 31, 1872, amounting to \$3,082.37½, and for each year thereafter up to and including the year 1879, the total tax for the eight years aggregating \$29,762.54. This tax the said Railway Company refused to pay, and upon suit being brought by the State, a judgment was recovered in favor of the company, from which judgment an appeal was taken by the State to the Court of Appeals, with the result of a reversal of the judgment of the lower court by said Appellate Court, thus holding the company liable for said tax.