

MISCELLANEOUS.

The other tables and statements in this report, to which your attention has not been specially directed, are each worthy of your careful attention and I feel sure your known devotion to the best interests of the State will invite a willing perusal of the same.

CONCLUSION.

In concluding my remarks permit me to call your attention to a decision of the Supreme Court of the United States in favor of the State, in the case of the Northern Central Railway Company against the State of Maryland, which, in its effect is of great importance to the State, and while said decision was handed down since the close of the fiscal year, it is properly mentioned here, since said company, on December 11, 1902, paid in full all taxes including penalty and interest, upon its gross receipts within the State of Maryland from the year 1896 to 1902, inclusive, amounting to \$225,017.92.

The important question presented in this case was, whether the provision in Chapter 16 of the Acts of 1880, whereby the said Northern Central Railway Company was liable for an annual tax of one half of one per centum upon its gross receipts within the State of Maryland, was subject to repeal by any subsequent Legislature, and if so, whether or not in fact the said act was not repealed by Chapter 559 of the Acts of 1890, which imposed an annual tax of one per centum on the gross receipts of all railroads within the State of Maryland operated by steam.

It was contended by the Railway Company that the said Act of 1880 being "An act to adjust and settle finally by agreement all pending controversies between the State of Maryland and the Northern Central Railway Company," was a valid contract, and as such under the Constitution of the United States, which prohibits a State from making any law impairing the obligation of a contract, could not be put an end to or impaired by an act of the Legislature of Maryland without the consent of the company.

It was contended by the State that the Act of 1880, Chapter 16, did not constitute a contract between the said railway company and the State which was beyond the power of any subsequent Legislature to repeal or impair, because the provision in the Con-