

stitution of 1850, antedating the charter of the company (ch. 250 of 1854) provides, that all charters granted by the State may be altered or repealed, a most wise provision and one incorporated in every constitution since that time, therefore the said Railway Company in accepting the consolidation of certain railroads under ch. 250 of the Act of 1854 was presumed to know that the immunity from taxation was liable to repeal by future Legislatures.

It was further contended by the State that the Act of 1890, imposing a tax of one per centum on the gross receipts of all railroad companies, whose roads are worked by steam, incorporated by and doing business within the State, repealing all acts in conflict therewith, repealed by necessary implication Chapter 16 of the Act of 1880.

The contention of the State was thoroughly established by the decision of the Court of Appeals of Maryland and afterwards sustained by a decision of the Supreme Court of the United States. Justice White in delivering the opinion of the latter court, said that "where a legislature is inhibited by the constitution from making an irrevocable charter it cannot create a new contract and bring into being a new corporation, and yet by the charter of such corporation give rise to the irrevocable contract which the constitution absolutely prohibits."

By reason of the great importance and value to the State of this decision a brief history of the case may be given.

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,