

Shortly afterwards the Legislature of 1880 convened, and passed the Act of that year, chapter 16, hereinbefore mentioned, in pursuance of which the said company paid to the State on April 13, the sum of \$29,762.54, being the tax in full from 1872 to 1879, both years inclusive.

The said railway company continued to pay regularly the tax of one-half of one per centum as levied until the year 1890, when the Legislature of that year, by chapter 559, increased the annual rate of tax upon the gross receipts of steam railroad companies to one per centum. This increased tax the company paid under protest until the year 1896, when it refused to do so any longer. Hon. Robert P. Graham, comptroller at that time, thereupon placed for suit, in the hands of Hon. George R. Gaither, attorney, the tax for that year, amounting to \$13,142.35.

The case was tried in the Superior Court of Baltimore city, a verdict being rendered in favor of the company. From this judgment the State took a successful appeal to the Court of Appeals, where the case was decided and remanded January 10, 1900. At the retrial of the case, the State won, the company taking an appeal with the result of an affirmation of the judgment of the lower court by the Court of Appeals on December 7, 1900. From this judgment the company took an appeal to the Supreme Court of the United States, with the result as hereinbefore mentioned.

Throughout the entire course of this case the State has been ably represented by the Hon. George R. Gaither, formerly attorney-general of Maryland.

It is but proper to add, that by virtue of the above decision, the said company becomes liable to and has paid the increase tax under the provisions of chapter 120 of the Act of 1896, which recites: "Eight-tenths of one per cent. on the first one thousand dollars per mile of gross earnings, or on the total earnings if they are less than one thousand dollars per mile, and one and one-half per cent. on all gross earnings above one thousand dollars per mile and up to two thousand dollars per mile, and when the earnings exceed two thousand dollars per mile two per cent. on all earnings above that sum," under which law the tax due by the said Northern Central Railway