

1904, art. 81, sec. 92. 1888, art. 81, sec. 88.\* 1884, ch. 234.

**94.** All bonds and certificates of debt bearing interest, issued by any railroad corporation or other corporation of this State, secured by mortgage of property wholly within this State, shall be subject to assessment and taxation to the owner or owners thereof in the same manner as like bonds or certificates of debt bearing interest and secured by mortgage of property partly in this State and partly in some other State or States are now subject under the laws of this State; and it shall be the duty of the county commissioners of the several counties and the appeal tax court of Baltimore city to assess all such bonds or certificates of debt to the owner or owners thereof resident in their several counties, or in the city of Baltimore, respectively.

Under this section and sections 2 and 214, mortgage bonds secured by property in this state and owned by residents of Maryland, are taxable to the owners thereof and not to the corporation itself, nor is there any other provision of the law imposing such taxation upon the corporation. *Consolidated Gas Co. v. Baltimore*, 101 Md. 555; *Consolidated Gas Co. v. Baltimore*, 105 Md. 50.

This section makes no arbitrary discrimination and is valid notwithstanding section 4, which (formerly) exempted from taxation mortgages and mortgage debts due by individuals, building association mortgages and non-interest bearing bonds. (As to taxes on mortgages, see sec. 187, *et seq.*; as to building association mortgages, see article 23, section 138). The fact that there is no express provision for the taxation of bonds secured by mortgage of property partly in this state and partly in another state, does not, in view of sections 2 and 4, prevent the application of this section. *Simpson v. Hopkins*, 82 Md. 488; *Consolidated Gas Co. v. Baltimore*, 101 Md. 552.

Cited but not construed in *Maryland Tube Works v. West End Improvement Co.*, 87 Md. 210.

As to the taxation of bonds and certificates of indebtedness bearing interest secured by mortgage of property wholly within this state belonging to residents of Maryland, see also, sec. 2.

*Ibid.* sec. 93. 1890, ch. 244, sec. 88 A.

**95.** If any corporation of this State from which state taxes shall be due and payable on the assessed value of its shares of capital stock shall fail or neglect to pay the same to the treasurer of the State before the first day of November of the year for which such taxes have been assessed and levied, such corporation shall for such failure and neglect forfeit and pay to the State an additional amount of five per centum as penalty or damages, to be added to the state taxes so due and unpaid, and it shall be the duty of the comptroller to add the said penalty or damages to the said account, and forthwith to make out said account and certify the same under the seal of his office, and to cause suit to be brought for such state taxes and such penalty or damages in the circuit court for the county in which the principal office of said corporation is located, or in the superior court of Baltimore city, or the court of common pleas, if the principal office of such corporation be located in said city, and the said suit shall stand for trial at the first term after

\*Section 87 of the code of 1888, while not expressly repealed by the assessment act of 1896, ch. 143, was superseded by the provisions of that act, and hence, was omitted from the code of 1904.