

This section referred to in deciding that manufacturing machinery was not assessable as part of realty—see notes to secs. 166 and 166A. *Anne Arundel County v. Baltimore Sugar Refining Co.*, 99 Md. 486.

As to property exempt from taxation, see sec. 4; see also secs. 166 and 166A.

An. Code, sec. 165. 1904, sec. 162. 1888, sec. 144. 1878, ch. 178, sec. 152.

170. As soon as the state tax commission shall have valued and assessed the shares in the several banks and other corporations in this State it shall certify and return the said valuation to the comptroller of the treasury, who shall at once proceed to notify the president, cashier or other proper officer of such banks or other corporations of the said valuation and assessment of their shares, respectively, by transmitting to such president or other officer an account of the state taxes due from such bank or other corporation under such valuation and assessment, by mail under cover, fairly directed to such president or other officer, and shall note in a book the date of placing in the mail the envelope or cover containing such account. If no appeal be taken within thirty days from such transmission the said valuation and assessment shall be final; but any such bank or corporation may, within thirty days after such notification, appeal from such valuation to the comptroller of the treasury and state treasurer, stating in such appeal the reasons and grounds of such appeal; and said comptroller and treasurer shall consider the same, and if the comptroller and treasurer shall both be of the opinion that such valuation and assessment so made by the state tax commission is erroneous and ought to be changed, they shall change the same accordingly and the valuation and assessment so agreed upon by the comptroller and treasurer shall be final; but if either the comptroller or treasurer shall agree with the state tax commission as to the correctness of the valuation so made by it, then such appeal shall be dismissed, and the original valuation shall be and remain as the true valuation of such shares.

Since this section makes decision of comptroller and treasurer final, court of appeals cannot revise their judgment or amount of assessment. Relief may be granted by court of appeals, however, if property is assessed which is exempt, or if legality of method of valuation is involved. And if property is taxed which is not taxable, the corporation may resist collection of tax without appealing to comptroller and treasurer. *Salisbury Bldg. Assn. v. Wicomico County*, 86 Md. 618; *Schley v. Lee*, 106 Md. 404; *Schley v. Montgomery County*, 106 Md. 410; *Consolidated Gas Co. v. Baltimore*, 101 Md. 558; *Clark Distilling Co. v. Cumberland*, 95 Md. 475; *Crown Cork and Seal Co. v. State*, 87 Md. 697; *Consumers' Ice Co. v. State*, 82 Md. 139; *Allegany County v. Union Mining Co.*, 61 Md. 548. *Cf.* *Baltimore v. Canton Co.*, 63 Md. 238.

If value of distilled spirits is included in the assessment of corporate stock contrary to sec. 229, *et seq.*, this section affords the remedy—see sec. 232. If distilling company omits to avail itself of such remedy, circuit court will not afterwards review action of tax commissioner. The shareholders have an opportunity to be heard through corporation, and, hence, shareholders themselves are not entitled to notice of increased assessment—for this purpose, corporation represents shareholders. *Clark Distilling Co. v. Cumberland*, 95 Md. 474; *Corry v. Baltimore*, 96 Md. 321 (affirmed in 196 U. S. 466).

Prior to act of 1900, ch. 320—see sec. 232—this section had no application to valuation fixed by tax commissioner on distilled spirits under sec. 229, *et seq.* *Monticello Co. v. Baltimore*, 90 Md. 431.

This section referred to in construing secs. 2, 166 and 166A—see notes thereto. *Crown Cork and Seal Co. v. State*, 87 Md. 696; *American Coal Co. v. Allegany County*, 59 Md. 196.