

the state may tax either the capital stock or the real and personal property of a corporation, it cannot tax both, and there must be no discrimination as between different species of property. *State v. C. & P. R. R. Co.*, 40 Md. 49 (*cf.* dissenting opinions, page 62, *et seq.*). And see *Maxwell v. State*, 40 Md. 294. *Cf.* *State v. Applegarth*, 81 Md. 302; *Rohr v. Gray*, 80 Md. 277.

A tax imposed on collateral inheritances—see art. 81, sec. 124, *et seq.*, of the An. Code—held not to violate this article. History of this article. *Tyson v. State*, 28 Md. 586.

The state may tax the amusements of the people either for revenue or as a police regulation, and the courts have nothing to do with the judicious exercise of this power. *Germania v. State*, 7 Md. 8.

A tax to be used for deporting negroes, held not to violate this article. In the absence of evidence that persons taxable were not to contribute according to their actual worth, etc., the presumption is that the tax is constitutional. The foregoing tax held not to have been laid for the support of the government, but with a political view for the good government and benefit of the community. *Waters v. State*, 1 Gill, 308.

The act of 1918, ch. 122, creating a sanitary district, or a special taxing district, within two counties, held constitutional and valid. *Dahler v. Wash. Sub. San. Com.*, 133 Md. 647.

Corporate taxation.

All taxes levied upon property should be equal and uniform according to its actual value; one person should not be taxed at one rate and another person at another rate; beyond this it was not the purpose of the Constitution to limit taxation. A tax upon the gross receipts of railroad companies, in lieu of all other taxes, is valid; it is not a direct tax upon property, but upon the franchises of railroad companies, measured by the extent of their business. There is a wide distinction between a tax upon the franchises of a corporation and a tax on its property. Nature of "franchises"; they are not property as that term is used in this article. *State v. P., W. & B. R. Co.*, 45 Md. 376 (*cf.* dissenting opinion). And see *State v. Applegarth*, 81 Md. 302; *Rohr v. Gray*, 80 Md. 277.

The gross receipts earned in this state and derived from properties and investments held and owned by the Baltimore and Ohio Railroad Company under franchises granted subsequent to its charter and upon which no exemption from taxation was engrafted, held taxable. Where franchises of a corporation are exempt from taxation, the gross receipts derived from the exercise of such franchises are also exempt. *State v. B. & O. R. R. Co.*, 48 Md. 80 (*cf.* concurring and dissenting opinions). And see *State v. Northern Central Ry.*, 40 Md. 169.

The act of 1872, ch. 234, taxing the gross receipts of certain corporations, held to be valid, since there was nothing to show that such tax was unequal or unjust or that it subjected the property of the appellee to taxation not equally borne by other property in the state. *State v. Northern Central Ry.*, 44 Md. 169 (*cf.* dissenting opinion). And see *State v. B. & O. R. R. Co.*, 48 Md. 80.

Under this article, it is the duty of the state tax commissioner in fixing the taxable value of shares of stock to pursue a method which results in the ascertainment of the actual value of such shares; how such value is to be determined—see notes to art. 81, secs. 166, 166A, and 170, of the An. Code. *Schley v. Montgomery County*, 106 Md. 410.

Art. 81, sec. 166, *et seq.*, of the An. Code, taxing shares of stock in a Maryland corporation held and owned by a non-resident of this state, held not to violate this article—see notes to art. 81, secs. 166 and 170. *Corry v. Baltimore*, 96 Md. 320 (affirmed in 196 U. S. 466).

The state of Maryland may tax stocks, bonds, etc., issued by other states or by municipalities, owned by citizens or residents of Maryland, and which are exempt from taxation by the states or municipalities issuing them. Comity cannot sustain claims which are contrary to our Constitution. *Appeal Tax Court v. Patterson*, 50 Md. 372.

If the supreme court of the United States, in speaking of a banking franchise when bought, means when it says that "the price is paid for the use of the privilege whilst it lasts, and any tax upon it would substantially be an addition to the price," a special legislative charge upon the franchise, the principle is correct; if, however, it meant a special tax, technically speaking, for the support of the state of Maryland, it would be void under this article. Under this article, it cannot be presumed that a franchise, if the subject of taxation, may by its excessive exercise be destroyed or rendered valueless. *Baltimore v. B. & O. R. R. Co.*, 6 Gill, 291.