

488.

APPROVAL, BONDS OF KNOX COUNTY, \$15,500.00, TO PAY COUNTY'S SHARE OF A BRIDGE CONSTRUCTION.

COLUMBUS, OHIO, June 25, 1923.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

489.

TAXATION—PROPERTY BEQUEATHED TO CHARITABLE INSTITUTION MUST BE USED EXCLUSIVELY FOR CHARITABLE PURPOSES TO BE EXEMPT FROM TAXATION.

SYLLABUS:

Property bequeathed to a charitable institution must be used exclusively for charitable purposes before it is exempt from taxation.

COLUMBUS, OHIO, June 25, 1923.

The Tax Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of the receipt of your request for an opinion, which is as follows:

“On or about the 6th day of September, 1921, the executors of the will of George H. Marsh, deceased, filed their first and final account in said estate and delivered the net assets to the trustees of what is known as the Marsh Foundation created by said will. This foundation, though not then in existence, was held, in Attorney General's Opinion No. 1623 for 1920, to be entitled to exemption from inheritance taxation under section 5334 of the General Code. A copy of all the will which is germane to this case may be found in said opinion.

Nothing has been done as yet towards carrying in to effect the intention of the testator by way of the erection of buildings for the reception of orphans, although it may be that some plans for such erection have been approved.

The assets in question consist of real estate having an assessed value of about \$500,000.00, and of personal property amounting to something over \$3,000,000.00. No taxes are being paid on the land and no return of the personalty was made to the assessor by the trustees of the foundation in the year 1922. The question now arises as to whether or not in view of the Attorney General's Opinion No. 2156 for the year 1921, such