

1253.

APPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENT IN  
MERCER COUNTY.

COLUMBUS, OHIO, December 3, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

1254.

TAX AND TAXATION—PERSONALTY OF NATIONAL BANK IN HANDS  
OF RECEIVER NOT TAXABLE IN OHIO.

## SYLLABUS:

*State taxes may not legally be assessed upon the furniture, fixtures and other personal property of a national bank, either as against the bank or against a receiver appointed under the provisions of Section 5234 of the Revised Statutes of the United States, who has taken over the property and assets of such bank.*

COLUMBUS, OHIO, December 4, 1929.

HON. JOHN K. SAWYERS, JR., *Prosecuting Attorney, Woodsfield, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication in which you submit the following:

“R. B. M., county treasurer, S. V. S., county auditor, and a special personal tax collector retained by the county commissioners, have advised me that the receiver of the First National Bank, Lewisville, Ohio, has refused to acknowledge, allow, and pay personal taxes assessed on the equipment and fixtures of said First National Bank.

The receiver, by way of explanation of his refusal to allow and pay said personal taxes, stated that the comptroller at Washington, D. C., had advised him that said taxes were illegal and not legally collectible from a national bank. For this reason same was not listed as an obligation of said bank and will not be paid.

A 50% dividend has already been paid by the receiver and another dividend will shortly become due. Today was the first I had ever been advised that there was any question ever raised as to the matter. The county auditor advises me that taxes of this nature have been assessed and paid by national banks for years here without any question. You will understand that the taxes above referred to are personal taxes on fixtures and equipment in said bank as same were returned by the cashier of said bank to the county auditor before said bank went into receivership.

In the light of the above state of affairs, kindly advise me whether said taxes as returned by said bank cashier are a valid lien against said national bank receiver and collection of same can be enforced at this late date.”

The question presented in your communication is whether certain tangible personal property of a national bank, to-wit, fixtures, furniture and other equipment, are subject to assessment for taxes in this state.