

railroad companies is subject to County and municipal taxation, their respective shares of stock shall not be subject to County and municipal taxation, but the capital stock and property of all other corporations which are subject to a tax upon their gross receipts, other than railroad companies, shall be valued, assessed and taxed for State, County and municipal purposes like the capital stock and property of other corporations under this Article.¹

Real estate.

The value of ground-rents owned by a corporation is not deducted as real estate from the assessment of company's capital stock. (See sec. 77.) In making abatement from valuation of corporate stock on account of real estate owned by corporation, commissioner is a ministerial officer; his limited powers. *Baltimore v. Canton Co.*, 63 Md. 233; *State v. Central Savings Bank*, 67 Md. 296.

The value of real estate outside of Maryland owned by a corporation is not deducted in valuing its capital stock for taxation. Assessment and levy, held to have been made in time. *American Coal Co. v. Allegany County*, 59 Md. 193.

The machinery of a manufacturing corporation is included in valuation of its capital stock, and, hence, cannot be taken into account in valuing company's real estate. *Anne Arundel County v. Baltimore Sugar Refining Co.*, 99 Md. 485. (See sec. 169.)

In light of this section and of secs. 99, 157 and 163, improvements upon real estate entirely completed in November, 1901 (owned by a resident corporation having a capital stock) are taxable for 1902, although such improvements were not assessed to corporation on October 1, 1901, as required by local law. *Skinner Dry Dock Co. v. Baltimore*, 96 Md. 42.

The act of 1878, ch. 178, held to be in *pari materia* with general assessment law of 1876, ch. 260, and that in assessing real estate of corporations under former act, county commissioners should conform to requirements of the latter. Under these acts separate tracts were required to be valued separately, and a failure to comply with this requirement was error on part of the commissioners, unless officers of corporation were at fault. *Allegany County v. Union Mining Co.*, 61 Md. 550. And see *Philadelphia, etc., R. R. Co. v. Appeal Tax Court*, 50 Md. 413.

As to the taxation of real estate, see also sec. 2.

Duty and power of tax commissioner.

Under system of corporate taxation prescribed by this section and secs. 155, 157, 168 and 170, the powers and duties of the tax commissioner relate exclusively to making and returning assessment of shares of stock, and he is to make out but one assessment and must certify that to comptroller for state taxation and to county commissioners and appeal tax court for local taxation. This section referred to in construing sec. 168—see notes thereto. *Schley v. Lee*, 106 Md. 397.

While this section contains no specific directions as to manner in which value of stock is to be ascertained, yet under sec. 15 of Bill of Rights, commissioner should ascertain actual value of stock; that is, ordinarily, what it will bring at a fair sale in the market. The "book value" of stock is not in itself a proper criterion. *Schley v. Montgomery County*, 106 Md. 410. And see *American Coal Co. v. Allegany County*, 59 Md. 194.

The tax commissioner should not only certify number and value of shares of stock held by residents, but by non-residents also, latter being taxable as well as former. The certificate of tax commissioner to appeal tax court, held defective in form but sufficient in substance. *American Coal Co. v. Allegany County*, 59 Md. 192; *Baltimore v. Baltimore, etc., R. R. Co.*, 57 Md. 35.

As to when tax commissioner is only a ministerial officer, and his limited powers, see *Baltimore v. Canton Co.*, 63 Md. 233; *Schley v. Lee*, 106 Md. 394.

¹ Sec. 162 of An. Code, 1912, was amended by chs. 197 and 528 of 1914, and in view of the decision of the court of appeals in *Baltimore v. German-American Fire Insurance Co.*, 132 Md. 382, this section as amended has been codified in this edition as secs. 166 and 166A. In the above decision the court of appeals, after holding that ch. 528 did not expressly or impliedly repeal ch. 197, further says that "there is nothing so repugnant and irreconcilable between the two acts that prevents them from standing together and being treated as in force, in ascertaining the taxable values of the shares of the stock of the corporations therein mentioned."