

September 29, 1934

Honorable Lee I. Hecht
President, Appeal Tax Court
Municipal Office Building
Baltimore, Maryland

Dear Judge Hecht:

Please refer to your letter of June 16th in which you ask for an opinion as to liability of certain property owned by Bolton, Inc., to assessment for taxation.

An examination of the certificate of incorporation of Bolton, Inc., discloses that the only powers contained in its charter are:

"To establish and operate educational courses of study, intellectual, moral and physical. To establish and operate courses of study in Christian education and training.

To purchase, sell, mortgage, lease, improve, invest and deal in real estate wherever situated and to construct, equip, operate, lease, rent, hire, and manage buildings of any kind and description."

The powers, therefore, of Bolton, Inc., to acquire, hold and use real estate are incidental to the main purpose of the corporation, which is educational in character. It follows, therefore, that if the property in question was acquired for educational or religious purposes; and if the owner does not use the same, or any part thereof, for commercial purposes and derive income from such use by way of rental or otherwise, the property is exempt under the Code.

The questions involved are questions of fact rather than of law, and I suggest that the Bureau of Assessment should develop such facts as may be necessary to determine the questions above referred to.

Very truly yours,

(signed) R. E. IEE MARSHALL

City Solicitor

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