

**Assessment. Banks, Assessment Of. Taxation of Banks.**

Real estate owned by a bank should be assessed and taxed to the corporation. All other property of the bank should be assessed by considering the same in estimating the value of the shares of stock which are assessed to the shareholders.

Helena, Montana, May 27, 1907.

Hon. Harry L. Wilson  
County Attorney,  
Billings, Montana.

Dear Sir:—

I am in receipt of your letter of the 14th inst., in which you submit the following question:

Does Section V. Chap. 190, Session Laws 1907, change the then existing law as to the manner of assessing the property of State Banks and Trust Companies?

I do not understand that the late session law makes any material change relative to the assessment of the corporations named in your question. However, if any change is made, the latter law must be followed, and any attempt to distinguish between the present and former law would be futile. By this last act of the Legislature only the real estate is assessed to the bank, all other property is assessed by taking it into account in estimating the value of the shares of stock, and then assessing the stock to the owners. And in this it may be proper to refer to the decision of the Supreme Court in Daly Bank etc. Co., vs. Board of Commissioners, 33 Mont. 101, wherein the court held that under Section 17, Art. 12 of the State Constitution, property that was assessed to the bank should not be taken into account in estimating the value of the shares of stock assessed to the shareholders, for this should be in effect double taxation.

The value of the shares of stock should therefore be ascertained by taking into account all property, solvent credits, etc. of the Bank, except the real estate, which is assessed directly to the corporations.

Very truly yours,

ALBERT J. GALEN,

Attorney General.