

1095.

APPROVAL, NOTES OF PLEASANT TOWNSHIP RURAL SCHOOL DISTRICT, PERRY COUNTY, OHIO—\$5,569.00.

COLUMBUS, OHIO, July 24, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1096.

FRANCHISE TAX—FOREIGN CORPORATION SALES FROM WAREHOUSE WITHIN THIS STATE SUBJECT TO TAX, ALTHOUGH GOODS MANUFACTURED WITHOUT STATE NOT SUBJECT TO FRANCHISE TAX.

SYLLABUS:

Sales made by a foreign corporation from a stock of goods in a warehouse in this state of goods manufactured by the corporation at its factory in the state of its domicile, represent business done by the corporation in this state for the purpose of determining the franchise tax to be paid by such corporation under the laws of this state.

Sales made by an Ohio corporation from a stock of goods in a warehouse in another state of goods manufactured by the corporation in this state do not represent business done by the corporation in this state for the purpose of determining the franchise tax to be paid by such corporation. Where an Ohio corporation having a factory in this state sells goods from a stock of goods in a factory which the corporation owns and operates in another state, sales so made constitute the doing of business by the corporation in such other state, and do not represent business done by the corporation in this state for franchise tax purposes, although such sales are made on orders which are required to be confirmed by the corporation at its principal office in Ohio.

In each and all of the questions discussed in this opinion it is assumed that the goods sold by the corporation from a stock of goods located in a state other than that in which the corporation has its domicile were not shipped by the corporation from its factory in the state of its domicile for the purpose of filling orders previously taken for the purchase of such goods.

COLUMBUS, OHIO, July 24, 1933.

The Tax Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—This is to acknowledge the receipt of a communication from you which reads as follows:

“I have been directed by the commission to request your formal opinion with respect to the corporation franchise tax. The facts in the case are as follows:

A Pennsylvania corporation, qualified to transact business in Ohio, with a manufacturing plant in Pennsylvania, ships its manufactured product to an Ohio warehouse from which point sales are made and