

4274.

APPROVAL, SEVEN CONTRACTS FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, April 26, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval the following contracts:

County	State Highway	Section
Franklin	546	"Worthington" (Part)
Erie	294	"A-3" and "Sandusky"
Sandusky	274	"Fremont" (Part)
Belmont	1	"J" (Blaine Overhead)
Franklin	24	"A"
Stark	72	"A"
Erie	294	"A-3" and "Sandusky"

Finding said contract correct as to form and legality, I have accordingly endorsed my approval thereon and return the same herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4275.

FOREIGN CORPORATION—TAX AND TAXATION—METHOD OF DETERMINING FRANCHISE TAX DUE STATE OF OHIO.

SYLLABUS:

1. For the purpose of determining the franchise tax on foreign corporations doing business in Ohio, the term "business done within this state" by a foreign corporation, should be construed as being such part of the business of such corporation as is transacted in Ohio, but excluding therefrom such business as is interstate commerce.

2. For the purpose of determining the amount of franchise tax due from a foreign corporation the situs of credits due to such foreign corporation arising out of business done in Ohio, should be determined in accordance with the provisions of Section 5328-2, General Code.

3. For the purpose of determining the amount of the franchise tax due from a foreign corporation the situs of the intangible items of assets of a New York corporation whose sole business is that of operating department stores in Ohio, should be allocated to the state in which the stores are located.

COLUMBUS, OHIO, April 27, 1932.

The Tax Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your two requests for opinion which I have taken the liberty of combining in a single opinion. Your first request is as follows: