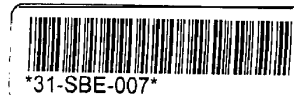


BEFORE THE STATE BOARD OF EQUALIZATION
OF THE STATE OF CALIFORNIA



In the Matter of the Appeal of)
WILLIAM G. IRWIN ESTATE COMPANY)

Appearances:

For Appellant: John D. McKee, Secretary of said
corporation
For Respondent: Reynold E. Blight, Franchise Tax Commis-
sioner

O P I N I O N

This is an appeal-under Section 25 of the Bank and Corpo-
ration Franchise Tax Act (Chap. 13, Stats. 1929) from the
action of the Franchise Tax Commissioner in overruling the
protest of William G. Irwin Estate Company, against a proposed
assessment of an additional tax of \$4,004.25, based upon the
net income of said corporation for the year ended December 31,
1929.

The sole point involved in this appeal is the question
of the constitutionality of the requirement of the Bank and
Corporation Franchise Tax Act (Chap, 13, Stats. 1929) that
income from all sources (including that derived from tax
exempt federal, state and municipal bonds and securities) be
used in the calculation of the tax. For the reasons set forth
in our opinion in the case of Vortex Manufacturing Company
(filed August 4, 1930), we do not feel warranted in holding
the law unconstitutional. On authority of our decision in thn
appeal, we believe that we must sustain the action of the Com-
missioner.

O R D E R

Pursuant to the views expressed in the opinion of the
Board on file in this proceeding, and good cause appearing
therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the
action of Reynold E. Blight, Franchise Tax Commissioner, in
overruling the protest of William G. Irwin Estate Company,
a corporation, against a proposed assessment of an additional
tax of \$4,004.25, under Chapter 13, Statutes of 1929, be and
the same is hereby sustained.

Done at Sacramento, California, this 19th day of January,
1931, by the State Board of Equalization,
John J. Corbett Chairman
R. F. Collins, Member
H. G. Cattell, Member
Fred E. Stewart, Member
ATTEST: Dixwell L. Pierce, Secretary