

MINNESOTA STATUTES 1953 ANNOTATIONS

291.35 INHERITANCES, DEVICES, BEQUESTS

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Funds constituting a trust, under terms of which the settler merely gave up physical control over the corpus of the trust for his lifetime reserving the power to designate the manner of distribution of income or principal of the corpus from and after his death either gratuitously or for a consideration, should be included in his gross estate subject to the federal estate tax. *First Trust Co. of St. Paul v Kelm*, 105 F. Supp. 667.

291.35 TIME OF PAYMENT

HISTORY. 1931 c 332 s 2; Mason's Supp s 2321-2; 1953 c 627 s 1.

291.40 APPORTIONMENT OF ESTATE TAX

HISTORY. 1931 s 332 s 7; M Supp s 2321-7; 1951 c 249 s 1.

Federal estate tax, ultimate burden on the estate. 34 MLR 704.

DOMICILE OF DECEDENTS FOR DEATH TAX PURPOSES

291.41 DEFINITIONS

HISTORY. 1951 c 247 s 1.

291.42 ELECTION TO INVOKE

HISTORY. 1951 c 247 s 2.

291.43 AGREEMENT AS TO DEATH TAX

HISTORY. 1951 c 247 s 3.

291.44 DETERMINATION OF DOMICILE WHEN NO AGREEMENT

HISTORY. 1951 c 247 s 4.

291.45 ACCEPTANCE OF AGREED SUM IN FULL PAYMENT

HISTORY. 1951 c 247 s 5.

291.46 PENALTIES, INTEREST; LIMITATION

HISTORY. 1951 c 247 s 6.

291.47 APPLICATION

HISTORY. 1951 c 247 s 7.

CHAPTER 292

GIFT TAXES

292.01 GIFT TAX

Taxation upon completed gifts. 32 MLR 646.

Gifts in trust to minors. 36 MLR 295.

Estate and gift taxes. 36 MLR 918.

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EDUCATIONAL INSTITUTIONS, INCOME 293.08

A donor's motive is determinative of whether a gift inter vivos was made "in contemplation of death," so as to make the gift part of the gross estate for estate tax purposes. In the instant case, where an unmarried settler was 79 years and 8 months old when he terminated trusts for the benefit of his unmarried sisters and transferred the corpora of the trusts to the sisters outright, but donor had not consulted a doctor for 3½ years and did not do so until five months later, the donor had adopted a plan years before of dividing his wealth with his sisters. Termination of the trusts was not "in contemplation of death," and hence corpora was not included in gross estate for estate tax purposes. *Bell v United States*, 74 F. Supp. 295.

292.04 EXEMPTIONS

HISTORY. Amended, 1951 c 268 s 1.

Amendment of laws relating to gift taxes. 21 MLR 77.

Estoppel of federal government on the matter of gifts by a prior ruling of the commissioner of internal revenue. 36 MLR 428.

292.05 SPECIFIC EXEMPTIONS

Taxation of Series E bonds. 32 MLR 158.

Taxation relating to gifts; contest prize awarded with donative intent. 36 MLR 431.

292.06 COMPUTATION OF TAX

Wills; gifts of undesignated parcels to different persons; allowing beneficiaries to select in order named. 33 MLR 450.

292.08 RETURNS

HISTORY. Ex1937 c 70 s 7; Mason's Supp s 2394-77; 1943 c 505 s 6; 1949 c 715 s 1.

292.125 TRANSFERS BY GIFT; REFUNDMENT OF TAX PAYMENTS

HISTORY. 1945 c 496 s 1.

292.13 Repealed, 1947 c 532 s 2.

CHAPTER 293

EDUCATIONAL INSTITUTIONS; EXEMPT PROPERTY, INCOME

293.01 TAX ON INCOME RESERVED TO DONOR IN CONVEYANCE TO EDUCATIONAL INSTITUTION

NOTE: Laws Ex1937, Chapter 91, imposed a tax on reserved income from property donated to tax-exempt educational institutions, where the property was not devoted to or reasonably necessary for the accomplishment of the educational purposes of the institution. The law was enacted to discourage the practice of donating business property to tax-exempt colleges, reserving to the donor a fixed income for life or for a period of years.

293.08 DATE OF PAYMENT; PENALTY FOR NON-PAYMENT

If the county welfare board has administration expense funds on hand, and the expenditure thereof has been authorized by the county commissioners, they may