

MINNESOTA STATUTES 1953 ANNOTATIONS

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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292.13 Repealed, 1947 c 532 s 2.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

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294.01 GROSS EARNINGS TAXES, GENERAL PROVISIONS

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be used for per diem allowance for members for the time spent on the business of the board. Whether attendance at conferences constitutes "transacting business of the board" is a question for determination of the board. OAG Oct. 6, 1949 (125-A-64).

GROSS EARNINGS TAXES

CHAPTER 294

GENERAL PROVISIONS

294.01 COMPANIES TO REPORT GROSS EARNINGS

Taxation of interstate motor carriers using the state highways on the basis of percentage of their gross earnings. 31 MLR 193.

An exemption from taxation is a privilege of such high order and is so rarely granted that it can be established or extended only by, and according to the reasonable and natural import of, clear and explicit language, and not by implication or presumption. *Ramaley v City of St. Paul*, 226 M 406, 33 NW(2d) 19.

294.05 FAILURE TO MAKE REPORT

HISTORY. 1873 c 104 s 6; 1874 c 4 s 1; GS 1878 c 11 s 137; GS 1894 s 1676; RL 1905 s 1007; 1909 c 504 s 3; 1913 c 487 s 4; MS 1927 s 2237.

294.13 Unnecessary.

CHAPTER 295

RAILROAD, EXPRESS, FREIGHT LINE, SLEEPING CAR, TELEPHONE, TRUST COMPANIES

295.01 DEFINITIONS

NOTE: Laws Ex1857, Chapter 1, established a three percent tax on the gross earnings of four "land grant" railway companies in lieu of all other taxes. These territorial franchises were forfeited to the new state and, in 1861, the franchise grants were regranted to successor companies. (Special Laws 1861, Chapters 2, 3, 4, 5). These provisions so far as they related to taxes were unconstitutional, and in 1871 a constitutional amendment was adopted which made necessary the approval of a majority of electors voting at election before any law repealing or amending the railroad gross earnings tax was effective. There were various amendments approved by the electors, and finally, in 1912, the rate was fixed at five percent of the gross earnings. In 1919 railway property was made subject to special assessments for local improvements.

295.02 GROSS EARNINGS; RAILROADS

HISTORY. 1873 c 111 s 1, 2; 1887 c 11 s 1, 2; GS 1878 Vol 2 (1888 Supp) c 11 s 129b; GS 1894 s 1669; 1903 s 253; RL 1905 s 1003; Ex1912 c 9 s 1; 1919 c 533; MS 1927 s 2246.

Where a railroad company owns a considerable tract adjoining its right-of-way, if the tract is converted to commercial use by leasing the property to private parties