

# MINNESOTA STATUTES 1953 ANNOTATIONS

## 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

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## EXCISE TAXES; GASOLINE, GASOLINE SUBSTITUTES 296.01

who erect buildings thereon, the building will be assessable as personal property to the lessee and the land ceases to be exempt from taxation and becomes subject to ad valorem tax. OAG May 10, 1949 (216-I).

Tracts of land not used by the railroad for railway purposes, granted to the company by territorial charter, and which have remained in the railroad's ownership and possession ever since the date of acquisition, should not be placed upon the tax rolls; but if tracts originally granted by the territorial charter were sold by the railroad and later reacquired, such land should be placed on the tax roll. OAG March 29, 1948 (414-D-13).

295.28 Unnecessary.

## SLEEPING CAR COMPANIES

### 295.29 ANNUAL STATEMENT OF SLEEPING CAR COMPANIES; SIX PERCENT TAX ON GROSS EARNINGS

Taxing the franchise of a sleeping car company as property under section 295.29 precluded the imposition of a franchise tax on the company's franchise, in view of the provision of the gross earnings receipt tax which is imposed in lieu of all ad valorem taxes. Pullman Co. v Commissioner, 223 M 96, 25 NW(2d) 838.

## TELEPHONE COMPANIES

### 295.32 GROSS EARNINGS TAX

A telegraph company which paid gross earnings taxes for the calendar years 1941, 1942, and 1943 was not liable for the franchise tax imposed by section 290.02, since the franchise tax imposed was an ad valorem property tax. Western Union v Spaeth, 232 M 128, 44 NW(2d) 440.

### 295.34 TELEPHONE COMPANIES GROSS EARNINGS TAX

HISTORY. 1897 c 314 s 1; RL 1905 s 1035; 1921 c 348 s 1; 1921 c 421 s 1; Mason's 1927 s 2286; Ex1937 c 7 s 1; Ex1937 c 10 s 1; 1945 c 239 s 1; 1949 c 542 s 1; 1951 c 316 s 1.

## EXCISE TAXES

### CHAPTER 296

## GASOLINE, GASOLINE SUBSTITUTES

### 296.01 DEFINITIONS

HISTORY. 1925 c 297 s 1; Mason's 1927 s 2720-70, 3787-1; 1929 c 425 s 1; 1933 c 365 s 1; 1933 c 417 s 1; Ex1934 c 51 s 1; 1941 c 495 s 1; 1943 c 320 s 1-3; 1945 c 412 s 1, 2; 1947 c 412 s 1-4; 1949 c 143 s 1; 1951 c 87 s 1-4; 1953 c 41 s 1, 2.

Violation of statute as a tort. 32 MLR 107.

Violation of statute as negligence. 32 MLR 110.

Contributory negligence as a defense to violation of statute. 32 MLR 113.