

1958

Federal income taxation of trusts

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BOSTON UNIVERSITY
College of Business Administration
THESIS

Federal Income Taxation of Trusts

by

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(B.A. Wellesley College 1950)

Submitted in partial fulfillment
of the requirements for the degree of

MASTER OF BUSINESS ADMINISTRATION

1958

J. J. [Signature]

50274
5-28-58

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INTRODUCTION

1. Purpose of the Thesis

The purpose of this paper is to provide a comprehensive but manageable tool for the accountant who is faced with the complexities of trust taxation.

In these years of confiscatory taxation the trust has become a device of ever growing importance. The taxpayer, who is now as much concerned with holding on to his income as he is in making it, is constantly casting about for some way to lighten his tax burden, and his eye has often fallen upon the trust. Although there are definite limitations upon the use of the trust, its artful utilization can produce substantial tax savings.

In addition to these trusts created to minimize taxes, there are innumerable trusts which have been established for other purposes. These purposes may range from business transactions to family settlements; and because of the flexibility of the trust device, they may appear in any number of forms.

Some of these trusts, especially those concerned with business, are taxed as corporations, and others may be tax exempt; but the majority of trusts are treated as separate tax entities which are subject

to the rules contained in Subchapter J of the Internal Revenue Code of 1954.

In view of the great number of trusts in existence today and the value of the trust as a tax-saving device, it is desirable that the accountant have a basic understanding of trust taxation for two reasons: 1) to handle the tax work accurately and efficiently, and 2) to advise his client correctly.

The mechanics of trust taxation are most complex, and the novice should not be misled by the simplicity of Section 641(b) of the 1954 Code which states that "the taxable income of an estate or trust shall be computed in the same manner as in the case of an individual, except as otherwise provided in this part."* New and different concepts are introduced, and they must be mastered if a return is to be filed that not only is accurate but also achieves the best possible result for the client.

Since the return itself is the outcome of past decisions, good or bad, the accountant should be in a position to advise his client which decisions will produce the best results. The trustee should be apprised of the effect that his decisions will have, not only on the tax, but also upon the beneficiaries

*6.

and the trust. The settlor should know the choices he has in setting up a trust and what the consequences of each will be. In each situation the accountant must be the master of the mechanics of the taxing process as well as an informed and competent advisor.

2. General Plan

It is helpful in studying the various sections of the Code applicable to trusts to examine the underlying policy considerations and the objectives which the legislators had in mind when drawing up these provisions. Chapter I deals with the background of the 1954 Code and the general concepts regarding trusts which evolved as the legislators attempted to implement certain policy decisions. An understanding of the reasoning behind the Code sections should make some of the intricate devices of the Code more meaningful and more easily absorbed.

The following chapter contains a discussion of the application of the trust sections of the 1954 Code. This analysis should help the accountant to become more familiar with the way in which the tax is handled and also should point out the procedures to be followed in the computation of the tax.

As the provisions are now written, certain inequities may result from their application, and it is highly probable that some changes will be made because of the criticism of these sections. Chapter III points out those problem areas of which the accountant should be aware both in handling trusts and in advising trustees and future settlers.

The final chapter deals with the use of the trust as a tax-saving device. A familiarity with the background of the government's position concerning these trusts, as well as the specific Code provisions which have been adopted to limit their use, is necessary in weighing the advantages and disadvantages of various trusts from a tax stand-point. Estate and gift tax consequences must also be considered in setting up trusts of this nature. Although the field of estate planning is far too broad to be covered completely here, some general concepts may be developed which should better equip the accountant in his capacity as an advisor.

Chapter I

BASIC OBJECTIVES OF TRUST TAXATION UNDER THE 1954 CODE

1. The Underlying Principles

Before a plan for the income taxation of trusts could be drawn up, a major policy decision had to be made, and that was to determine what part of the trust was to be taxed. The original framers of our taxation legislation came to the conclusion that the income from the corpus or principal of a trust, but not the corpus itself, should be subject to income taxation; and that decision remains the basic principle underlying the provisions which are in force today. The Income Tax Act of October 3, 1913, which was enacted following the passage of the Sixteenth Amendment, provided that "gains or profits and income derived from any source whatever, including the income from but not the value of property acquired by gift, bequest, devise or descent" were to be included in the computation of net income.*

In interpreting this Act, the Supreme Court held that it was the intention of Congress that the

*10, p. 718.

entire annual income of a trust be taxed. The gift exemption, the Court ruled, applies to the corpus only and does not extend to the income arising from the property, even though the income is a gift under the terms of the will.*

To avoid any similar problems of interpretation, this ruling has been incorporated in the 1954 Internal Revenue Code. Section 102(b) states explicitly that where a gift, bequest, devise or inheritance is of income from property, the amount of that income shall not be excluded from gross income.

Once the decision was made to tax all income from trust property, the problem to be solved was who should pay the tax. The basic approach which has evolved through the years is called the "conduit principle." Its beginnings can be seen in the Revenue Act of 1916, and by the time of the 1939 Code the pattern was well established.**

The essential feature of this treatment is that the trust is regarded as a separate taxable entity which computes its tax in much the same manner as does an individual. The fiduciary files a return for the trust and pays whatever tax is due. However, since the beneficiaries must include in their gross

*55.

**32, p. 454.

income any distributions from the trust, it would be unfair to tax this portion of the trust income twice. Therefore, in order to avoid any such double taxation, the trust is allowed a deduction for any income distributed to the beneficiaries. In this respect the trust acts as a conduit. The income passes through it to the beneficiaries and is taxable in their hands as though they had received it directly.*

An exception to this general plan does exist where the grantor retains a substantial amount of control over the trust. In situations of this type the trust is not regarded as a conduit. In fact, the existence of the trust is ignored, and the income from the trust property is taxed to the grantor as though there were no trust. Of course, neither the trust nor the beneficiary is then taxable on the income. This departure from the general scheme of trust taxation will be discussed more fully in the last chapter, but it does serve to illustrate here the importance of another basic objective in trust taxation, the prevention of tax avoidance.

To some the history of tax legislation appears to be a running battle between the taxpayer,

*17, p. 318.

who is always searching for new ways to avoid taxes, and the government, which is forever attempting to close any avenues of escape. But it must be remembered that the purpose of taxation, after all, is to secure revenue; and tax legislation and administration cannot overlook that fact. Thus, the legislators, in providing for the taxation of trusts, are always presented with the problem of trying to balance conflicting interests. On the one hand they must weigh the interests of the taxpayer in allocating the tax burden in as equitable a manner as possible; but at the same time they also have to weigh the interests of the government in making certain that it will not lose revenue through tax avoidance schemes utilizing the trust.

2. Problems in Implementation

These basic considerations form the foundation for the system. Upon them the legislators have built the mechanical structure, the various provisions by which the taxation of trusts is administered.

It is significant that most of the changes in trust taxation which have taken place through the years have been changes in technique not objectives. Once formulated, the basic policies have remained

the same. The major problem has been the development of a system of procedures to translate these intentions into practice. This fact helps to explain some of the complicated innovations which were introduced in 1954 and also serves as a reminder that the present procedures are always subject to change.

For example, it was found that because the 1939 Code measured the beneficiary's taxable income in terms of state law, it was possible for the beneficiary to be taxed on a distribution of trust corpus.* This was clearly contrary to the basic principle that trust income only should be taxed. Therefore, it was decided that some other test would have to be developed to distinguish income from corpus, and consequently the yardstick of "distributable net income" was introduced under the 1954 Code. This device determines in terms of taxable income, rather than income as defined by local law, the maximum amount on which the beneficiaries can be taxed and the maximum deduction allowable to the trust for distributions of income.

Through this concept of distributable net income an effort has been made also to remedy

*56.

other inequities existing under the prior framework of trust taxation. One of these was the wastage of certain deductible expenses. Under the 1939 Code the tax benefit of expenditures chargeable to corpus was lost whenever the trust had no income taxable to it. For example, a trust might receive income of \$5,000 and have \$200 in trustee's fees paid out of the principal account. The net income reported by the trust would be \$4,800, but under the 1939 Code the trust received a special deduction of \$5,000 (the amount distributed), leaving no income taxable to the trust. At the same time the income beneficiary, under this treatment, was taxable on the full \$5,000 received; and thus, the benefit of the \$200 deductible expense was lost taxwise. To prevent wastage of this type, the 1954 Code allows the income beneficiary the benefit of these deductions by including them in the computation of the distributable net income.*

Another function of the distributable net income device is to make certain that the income distributed retains the same character in the hands of the beneficiary that it had when received

*45, p. 414.

by the trust. It is only logical that if the trust is to be regarded as a true conduit, any tax-exempt income passing through it should also be treated as tax-exempt income after reaching the beneficiary.

While administrative acceptance of this principle was of long standing, there was no explicit statutory recognition of it prior to the 1954 Code.* In an effort to prevent inequities such as that which occurred in the case of McCullough v. Commissioner,** in which tax-exempt stock dividends received by the trust were held to be taxable as ordinary income in the hands of the beneficiary, Congress provided for the codification of the conduit principle under the 1954 Code. Now each beneficiary includes in his gross income a pro rata share of each class of income of which the distributable net income is composed.

These functions of the distributable net income are thus summarized in the Senate Committee Report:

In effect, the concept of distributable net income gives statutory expression to the principle underlying the taxation of estates and trusts, that is, that these

*32, p. 457.

**58.

separate taxable entities are only conduits through which income flows to the beneficiaries...*

Another problem which arose under the tax legislation prior to 1954 related to the application of the principle of no double taxation. Where a trust accumulated income instead of distributing it currently, the income was taxed to the trust at its income tax bracket. It then could be distributed to a beneficiary at some later date without any further tax liability. This resulted in a great amount of tax avoidance, since the beneficiary was often in a much higher tax bracket than that of the trust.**

In an attempt to close this loophole and yet preserve the principle of no double taxation, the "five-year throwback rule" was introduced into the 1954 Code. The essential idea of this scheme is that the beneficiary receiving income which has been accumulated earlier should be taxed on such income as though it had been distributed to him in the year in which it was received by the trust, at the same time allowing an adjustment for any tax already paid by the trust.

*51, p. 343.

**4, p. 287.

As this discussion has demonstrated, the basic objectives of trust taxation are well established and generally approved. The work of the Code draftsmen has been to provide a workable method in which those objectives can be achieved. Their results, as found in the 1954 Code, are examined in the following chapter; and what might be called their failures to achieve these objectives are discussed in the succeeding section.

Chapter II

APPLICATION OF THE TRUST SECTIONS
OF THE 1954 CODE1. General Provisions

The 1954 Internal Revenue Code provides that any trust[#] must file a return which has taxable income or which has gross income of \$600 or more regardless of the amount of taxable income.* Form 1041 is to be used and must be filed by the fiduciary with the District Director of Internal Revenue for the district in which the fiduciary resides or has his principal place of business, within three and one half months after the close of the taxable year of the trust.** A trust is not required to file a declaration of estimated tax, but the tax liability must be paid in full on or before the due date of the return.

The taxable income must be computed in accordance with the accounting method used by the trust. A new trust may elect an accounting period

[#]These provisions apply to the ordinary trust. Common trust funds, employees' trusts and "business trusts" are subject to different rules and do not use the same return.

*6, Section 6012(a)(4) & (5).

**6, Section 6072 (a).

based on the calendar or fiscal year when filing for the first time. But once chosen, neither the method nor the period can be changed without the consent of the Commissioner.

The general pattern for the computation of the tax is the same as in the case of an individual taxpayer. All items of taxable income, whether accumulated or distributed by the trust, are listed on the return. Interest on state and municipal obligations and other items which are tax-exempt are excluded. In general, the deductions are the same as those allowed the individual taxpayer except that there is no computation of adjusted gross income, and therefore no division is made between deductions for and deductions from adjusted gross. Also, the trust is not allowed to take the standard deduction, and there are different rules with regard to the personal exemption deduction. A "simple" trust is allowed a deduction of \$300, while only \$100 is deductible by a "complex" trust. Aside from this difference in the personal exemption, there is no substantive variation in the treatment of the two types of trusts; nevertheless a division is made between the two in the Code for the sake of convenience. The draftsmen of the Code thought that, since many trusts are fairly simple,

it would be helpful to segregate the rules applicable to them, thereby sparing the fiduciary the burden of reading complicated provisions unnecessary to the computation of the tax.* Fiduciaries are also permitted to use the short-form return for simple trusts.

2. Simple Trusts

Although the Code does not actually use the terms "simple" and "complex," these expressions are found in the Regulations interpreting the Code and in the Instructions for Form 1041 and will be used herein.

A simple trust is one which is required to distribute all of its income currently and does not pay to or set aside any of its income for a charitable organization.** If there is a charitable beneficiary or if the trustee may accumulate income or distribute corpus, the trust is called complex.

Trusts may be simple one year and complex the next. For example, a trust which accumulates income until the beneficiary reaches the age of twenty-one is complex while accumulating income, but after the beneficiary becomes twenty-one, the trust is simple if it distributes all of its income

*18, p. 1238.

**6, Section 651(a).

currently. Every trust becomes complex at some time during its history inasmuch as every trust is complex in the year of termination when the final distribution of corpus is made.

According to the Regulations, the requirement that trust income be distributed currently is not interpreted literally. The test for a simple trust seems to be met as long as there is a duty to distribute income currently, even though the trustee may not actually distribute the income until after the close of the trust's taxable year or may retain a certain amount for a depreciation reserve.*

The fact that the amount of income to be allocated to certain beneficiaries is not specified in the trust instrument does not disqualify the trust for treatment as a simple trust, i.e. the trustee may have discretion to "sprinkle" the income among a class of beneficiaries or among named beneficiaries.**

In dealing with simple trusts, the major problem is the computation of the "distributable net income." This concept is peculiar to trust taxation and is unlike anything encountered elsewhere in the field of income taxation. The distributable net income serves three different purposes. It sets the

*5, Section 1.651(a)-2(a).

**5, Section 1.651(a)-2(b).

maximum amount to be included by the beneficiaries in their returns and the maximum deduction allowable to the trust for distributions to beneficiaries. It also determines the tax character of the income distributed, since the amounts included by beneficiaries are treated as consisting of those items of which the distributable net income is composed.

The Code in Section 643(a) defines distributable net income as the taxable income of the trust computed without any deductions for distributions to beneficiaries or for personal exemptions. In addition, capital gains, extraordinary dividends and taxable stock dividends allocated to corpus must be excluded, while tax-exempt interest and foreign income reduced by any expenses allocable to them are to be included. Any exclusion for dividends received should also be included.

Schedule G of Form 1041[#] provides for the computation of the distributable net income, but since simple trusts using the short-form method will not include this section, it is necessary to compute the distributable net income apart. It may be helpful to set this up in work sheet form, as in the illustration following.

[#]See pp. 41-44 of the Appendix for a facsimile of the return. Some of the other schedules have been relettered in the 1957 return.

TABLE I

COMPUTATION OF DISTRIBUTABLE NET INCOME
IN WORK SHEET FORM

	TOTAL	RENT	DIVI- DENDS	TAX- EXEMPT INTEREST
Gross income	90,000	30,000	50,000	10,000
Expenses attri- butable di- rectly to in- come items	(700)	(200)	(500)	
Expenses not attributable to any class of income (1/9 to tax- exempt int.)	(4,500)	(4,000)		(500)
Expenses attri- butable to capital gains	<u>(800)</u>	<u>(800)</u>	_____	_____
Distributable net income	<u>84,000</u>	<u>25,000</u>	<u>49,500</u>	<u>9,500</u>
Beneficiary A (one fourth)	21,000	6,250	12,375	2,375
Beneficiary B (three fourths)	<u>63,000</u>	<u>18,750</u>	<u>37,125</u>	<u>7,125</u>

Corpus and Income Items Shown on Fiduciary's Books:

Debits:		Credits:	
Trustee's corpus commission	\$1,500	Rents	\$30,000
Trustee's income commission	2,000	Dividends	50,000
Expenses attrib. to dividends	500	Interest on municipal bonds	10,000
Rent expense	200	Long term capital gain allocated to corpus	12,000
Capital gain exp.	800		
Miscellaneous exp.	1,000		
Depreciation	1,000		

In addition to the items included in the gross income of the trust, all items of foreign income and tax-exempt interest, as well as the dividend exclusion, should be listed in a separate column. However, any extraordinary dividends or any taxable stock dividends which the trustee, acting in good faith, allocates to the principal account or any portion of capital gains applied to corpus should be excluded.

In the case illustrated on the previous page, the long term capital gains are to be allocated to corpus according to the terms of the trust agreement and are, therefore, not listed on the work sheet.

Next, all deductible expenses directly attributable to any of the classes of income listed should be allocated thereto. Should these expenses exceed the amount of the income to which they are attributable, the excess may be offset against some other class of income, unless they are expenses attributable to tax-exempt income, in which case the excess deduction is lost.*

The next step is to total all the deductible expenses, both corpus and income expenses, which are not directly attributable to a certain class of

*5, Section 1.652(b)-3(a) & (d).

income. A portion of these must be allocated to any nontaxable income in the same proportion which the nontaxable item bears to the total amount of income.* Since, in the example given, the tax-exempt interest constitutes one ninth of the income listed, one ninth of the expenses not attributable to one class of income, i.e. the trustee's commissions and the miscellaneous expenses, must be allocated to it.

The remainder of the expenses not directly attributable to any class of income may be allocated according to the trustee's discretion. Presumably, the trustee would allocate these to the income from rents, in the case illustrated, thus preserving to the beneficiaries as much of the dividends-received-credit as possible.

Any deductions which are directly attributable to a class of income which is not included in the computation of the distributable net income, such as expenses attributable to capital gains allocated to corpus, may then be allocated as the trustee wishes. They do not, however, have to be included in the computation of the portion allocable to tax-exempt income.**

*5, Section 1.652(b)-3(b).

**Ibid.

According to the Regulations, no deduction for depreciation is included in this computation for a simple trust unless there is a specific provision in the trust instrument providing for the keeping of the trust corpus intact or unless local law requires the trustee to set aside income for a depreciation reserve.* The depreciation deduction is not lost, however, since each beneficiary is permitted to deduct his share of it on his own return. Nevertheless, the treatment of it is somewhat of an anomaly under the 1954 distributable net income formula.**

After all the deductions are provided for, the columns should be totaled on the work sheet. These figures represent the total distributable net income and its composition in terms of classes of income. If there is more than one beneficiary, it will be necessary to compute each beneficiary's share of the distributable net income and its components before entering the amounts in the appropriate columns in Schedule C of the return. Unless the trust instrument provides specifically for the allocation of different classes of income to designated beneficiaries, each beneficiary is deemed to have

*5, Section 1.652(c)-4(c); Section 1.167(g)-1(b).

**10, p. 729.

received a share of each class of income proportionate to his share of the entire distribution.*

Schedule C indicates the amount and character of the income which must be included by the beneficiaries in their returns. Column 3 should show the amount of income each beneficiary is entitled to receive according to the terms of the trust instrument or under the applicable law, if the instrument is silent. This column refers to the amount determined for fiduciary accounting purposes and sets one limitation on the amount taxable to the beneficiary, for he cannot be taxed on more than he is entitled to receive.**

The other limit is established by the distributable net income. The lesser of these two amounts is the amount taxable to the beneficiaries. If Column 3 indicates that the beneficiaries have received more than the total distributable net income, the excess does not have to be reported by them. In this case each beneficiary includes in gross income his share of the distributable net income only, and the items entered in Columns 5 through 10 of Schedule C are the various components

*5, Section 1.652(b)-2(a).

**27, p. 21.

of the distributable net income as determined on the work sheet. The following table illustrates Schedule C as it would appear for the trust described in Table I.

TABLE II

BENEFICIARIES' SHARES OF INCOME
AS SHOWN IN SCHEDULE C OF FORM 1041

1. Name of each beneficiary			
	(a) Beneficiary A		
	(b) Beneficiary B		
3. Amount of income required to be distributed currently	5. Domestic dividends qualifying for credit	7. Income taxable to beneficiaries (less col. 5)	
(a) 21,575	(a) 12,375	(a) 6,250	
(b) 64,725	(b) 37,125	(b) 18,750	
<u>86,300</u>	<u>49,500</u>	<u>25,000</u>	
10. Tax-exempt income (enter total only)	13. Depreciation and depletion		
	(a) 250		
	(b) 750		
<u>9,500</u>	<u>1,000</u>		

If the amount required to be distributed is less than the distributable net income, the amounts to be shown in Columns 5 through 10 should be appropriately reduced so that their sum does not exceed the total of Column 3. If, however, for some reason, a beneficiary receives less than either of these two amounts, e.g., if the actual distribution is not made

until after the close of the taxable year, he still must include his share of the distributable net income or of the amount entered in Column 3, whichever is the smaller figure. Section 652(a) of the Code requires the inclusion by the beneficiary of any income required to be distributed, whether distributed or not.

In the event that the taxable year of the beneficiary is different from that of the trust, Section 652(c) states that the amount which the beneficiary must report on his return shall be based on the trust's taxable year ending within the beneficiary's taxable year.

The total amount of the distributable net income must be adjusted in order to determine the deduction which the trust receives for the distributions it has made to the beneficiaries. The first computation of the distributable net income included the dividend exclusion and net income from tax-exempt interest and from foreign sources. This was done so that the beneficiaries might have the benefit of these nontaxable items of income. But the trust gets a deduction only for the items which are taxable. Therefore, any items which the trust has excluded from gross income must be deducted from the distributable net income. For example, in the illustrative

case the net amount of tax-exempt interest would be subtracted from the total distributable net income, leaving \$74,500 as the maximum deduction allowable to the trust for distributions to beneficiaries.

The trust may deduct the amount of income required to be distributed currently, but this deduction may not exceed the amount of the distributable net income as adjusted above.* Ordinarily, if the trust distributes all of its income currently and there is no tax-exempt income involved, the deduction as determined according to Section 651 will be the same as the amount of income actually distributed to beneficiaries. Trust A in Table III exemplifies this type of trust. If there is tax-exempt income, because of the allocation of part of the expenses to this class of income, the maximum deduction under Section 651 may be greater than the amount distributed (which is included in gross income). Trust B is illustrative of this situation. On the other hand, as in the case of Trust C which has corpus deductions, the maximum may be less than the amount required to be distributed. The trust illustrated in the first two tables also falls into the last category. In that case the amount

*6, Section 651(b).

TABLE III

COMPARISON OF DISTRIBUTIONS

INCLUDIBLE BY BENEFICIARIES AND DEDUCTIBLE BY TRUST

Corpus and Income Items Shown on Fiduciary's Books:			
	Trust A	Trust B	Trust C
Corpus:			
Charges:			
Trustee's commission			<u>(500)</u>
			<u>(500)</u>
Income:			
Credits:			
Dividends	18,000	18,000	18,000
Int. on corp. bonds	2,500	2,500	2,500
Int. on Ohio bonds		5,000	
	<u>20,500</u>	<u>25,500</u>	<u>20,500</u>
Charges:			
Trustee's commission	(500)	(500)	
Distributed to benefs.	<u>(20,000)</u>	<u>(25,000)</u>	<u>(20,500)</u>
	<u>(20,500)</u>	<u>(25,500)</u>	<u>(20,500)</u>
Distributable net income:			
Dividends	18,000	18,000	18,000
Taxable interest	2,500	2,500	2,500
Tax-exempt int. less exp. allocable thereto		4,900	
Total	<u>20,500</u>	<u>25,400</u>	<u>20,500</u>
Less remaining exp.	<u>500</u>	<u>400</u>	<u>500</u>
	<u>20,000</u>	<u>25,000</u>	<u>20,000</u>
Amount required to be distributed currently to beneficiaries	<u>20,000</u>	<u>25,000</u>	<u>20,500</u>
Amount includible by beneficiaries (lesser of above two amts.)	<u>20,000</u>	<u>25,000</u>	<u>20,000</u>
Distributable net income adjusted (less net tax-exempt interest)	20,000	20,100	20,000
Amount required to be distributed (included in gross income of trust)	<u>20,000</u>	<u>20,000</u>	<u>20,500</u>
Distribution deductible by trust (lesser of above two amounts)	<u>20,000</u>	<u>20,000</u>	<u>20,000</u>

distributed to beneficiaries which was included in gross income was \$76,300, but the deduction for distributions would be limited to \$74,500, the adjusted distributable net income figure. Under the distributable net income formula the income beneficiaries receive the benefit of the corpus deductions. As Table IV indicates, the trust is taxable on the full amount of capital gains allocated to corpus (less the personal exemption and the long-term capital gain deduction).

A simple trust having capital gains or losses is entitled to use the short-form method of completing the return,[#] but a separate schedule (Schedule D) must be included with the return. The fiduciary must indicate what portion, if any, of the net long-term capital gain has been paid, credited or required to be distributed to beneficiaries.

The fifty per cent long-term capital gain deduction is available to the trust on any portion of the capital gains allocated to corpus, but Section 1202 denies this deduction to a trust distributing capital gains. This deduction is never taken into account in the computation of the distributable net

[#]Table IV illustrates the completed return for the trust described in Tables I and II.

TABLE IV

ILLUSTRATION OF
SHORT-FORM RETURN FOR SIMPLE TRUST

INCOME		
1. Dividends (Enter full amount before exclusion)	\$50,000	
6. Gross rents and royalties	30,000	
8. (b) Net gain or loss from sale or exchange of capital assets	<u>12,000</u>	
10. Total income (lines 1 to 9)		\$92,000
DEDUCTIONS		
15. Other deductions authorized by law (Explain in Schedule A)	<u>5,500</u>	
16. Total (lines 11 to 15)		<u>5,500</u>
17. Line 10 minus line 16		86,500
18. Deduction for distributions to beneficiaries	74,500	
21. Long-term capital gain deduction	6,000	
22. Exemption	<u>300</u>	
23. Total (lines 18 to 22)		<u>80,800</u>
24. Taxable income of fiduciary		<u>5,700</u>
COMPUTATION OF TAX		
25. Tax on amount on line 24		<u>1,282</u>

Schedule A - Deductions Claimed on Line 15	
Trustee's commissions	\$3,500
Dividends expense	500
Rent expense	200
Capital gains expense	800
Miscellaneous expenses	<u>1,000</u>
Total	<u>6,000</u>
Less: Portion allocable to tax-exempt income	500
	<u>5,500</u>

Schedule C - See Table II

Schedule D - Long-Term Capital Gains and Losses

Kind of prop.	Acquired	Sold	Sales Price
Brick apt. bldg.	3/1/47	3/1/57	\$33,500
Cost	Deprec.	Exp. of Sale	Gain
\$40,000	\$20,000	\$1,500	\$12,000

income.* The purpose of this rule is to preserve the character of the capital gain which is deemed distributed so that the income beneficiary may avail himself of the fifty per cent deduction on his individual return.

Capital losses enter into the computation of the distributable net income only in the event that there are capital gains which are distributed, and the capital losses are used to offset the gains. However, if according to the trust instrument, the beneficiary is entitled to receive capital gains but is not chargeable with capital losses, any losses of this nature would not be considered in the computation of the distributable net income; and the beneficiary would include the entire amount of capital gain, unreduced by the capital loss. Also, if the trust has capital losses only during the taxable year, the income taxable to the beneficiary is not reduced. In the latter situation the fiduciary may deduct the capital losses in the same manner as an individual taxpayer, subject to the \$1,000 limitation and carry-over rules.**

*6, Section 643(a)(3).

**18, p. 1242; 2, Section 3007.

The concepts and rules governing simple trusts are the basic tools of trust taxation. To a great extent they apply equally to the complex area. The difference is that for these more complicated situations there must be additional and more complicated rules.

3. Complex Trusts

A complex trust requires the long-form method of computation on the return. The beginning steps are the same as those followed for the simple trust. That is, all items of taxable income are entered on the return at their gross amounts, and deductions for expenses are listed.

The first significant difference is the deduction for charitable contributions. Since all trusts which have charitable beneficiaries are complex trusts, this factor never enters into the computation for a simple trust. However, in the case of a complex trust which makes a distribution to a charitable beneficiary, Section 642(c) of the Code provides that the trust shall receive an unlimited deduction for amounts paid or permanently set aside for a charitable purpose. To be deductible, the contribution must be made from the gross income of the trust. Items of corpus and any unrealized gain on those items are not deductible.

Presumably, a distribution to a charity from accumulated income, not previously set aside for charitable purposes, would qualify for the deduction.*

A separate schedule, Schedule F, is provided for the computation of the charitable deduction. Any portion of the contribution from current income which is attributable to tax-exempt income must be deducted. Unless the governing instrument provides otherwise, it is assumed that the amount considered as coming from tax-exempt income bears the same proportion to the total contribution as the tax-exempt income bears to the total income of the trust. Also, if part of the contribution is considered to have been paid out of long-term capital gains, the amount must be adjusted to compensate for the long-term capital gain deduction.**

Next, the distributable net income should be computed, and on the long-form return Schedule G is supplied for this purpose. However, since this computation provides only the total amount of distributable net income and does not indicate the character and amount of each beneficiary's share, it is helpful to set up a work sheet as well. The work sheet should

*10, p. 762.

**2, Section 3011.

be similar to the one used for simple trusts, classifying the various items of income according to character and allocating the items of expenses against them in the manner described.

Whereas when more than one beneficiary was involved under a simple trust, each beneficiary was deemed to have received a pro rata share of the distributable net income and of each of its components, the rule is not the same for complex trusts. By definition a simple trust distributes current income only; on the other hand, the distributions made by a complex trust may be out of accumulated income or corpus as well. Therefore, it would not be fair to apply the same rule of proportion in both cases. The differences in source of distribution must be recognized or else the beneficiary who receives a corpus distribution will pay the same tax as another beneficiary who is paid out of current income.

The 1954 Code has tried to solve this problem with a "tier system" of taxable priorities which takes these differences into account. Required distributions of current income, including annuity payments, if paid out of income, are considered to belong in the first tier. The second tier includes any

other amounts paid, credited or required to be distributed, such as income accumulated in prior years, amounts paid out of corpus, or discretionary distributions of current income.*

Charitable distributions are excluded from the tier system.** To do otherwise would have the effect of giving the trust a double deduction, since a distribution to a charity is allowed as a deduction from gross income in computing taxable income.#

The yardstick of the distributable net income is applied against these two tiers with the first tier having the taxable priority. If the first tier distributions exceed the distributable net income (computed for this purpose without any deduction for charitable distributions), the second tier is not taxed at all. However, if the first tier distributions are not sufficient to absorb the distributable net income, any excess amount is taxed to the second tier beneficiaries. In each case the beneficiary's share of the distributable net income and the amount which he must include in gross income is in proportion

*9, Section 662.

**6, Section 663(a)(2).

#See the discussion of this procedure and of the proposed change in Chapter III, Part 4.

to his share of the total amount of that tier to which he belongs. In other words, distributions within the same tier are treated as qualitatively the same with no differentiation as to source. Table V illustrates the workings of the tier system and the tax consequences when the distributable net income is more or less than the first tier distributions.

Because the rule of proportion is used within each tier, it is obvious that a distribution of corpus bears the same tax burden as a discretionary distribution of current income under the tier system. Although they were not entirely successful, the Code draftsmen attempted to avoid this inequitable situation by providing exclusions for certain corpus distributions and by adding the "separate shares rule." Under Section 663(a)(1) distributions of corpus may be excluded from the gross income of the recipient if they are specific gifts or bequests provided for in the terms of the governing instrument and provided that they are paid in not more than three installments.

The separate shares rule, contained in Section 663(c), provides that in certain situations a single trust with more than one beneficiary shall

TABLE V

BENEFICIARIES' INCLUSIONS
UNDER THE TIER SYSTEM

Bene- ficiary	Share of total dis- tribution	Propor- tion with- in Tier	Distri- bution received	I Inclusion when DNI is less than 1st Tier	II Inclusion when DNI equals 1st Tier	III Inclusion when DNI exceeds 1st Tier
FIRST TIER:						
A	1/4	1/3	30,000	27,000	30,000	30,000
B	1/2	2/3	60,000	54,000	60,000	60,000
SECOND TIER:						
C	1/8	1/2	15,000			5,000
D	1/16	1/4	7,500			2,500
E	1/16	1/4	<u>7,500</u>	<u> </u>	<u> </u>	<u>2,500</u>
			<u>120,000</u>	<u>81,000</u>	<u>90,000</u>	<u>100,000</u>

In Example I the distributable net income is assumed to be \$81,000.
 In Example II the distributable net income is assumed to be 90,000.
 In Example III the distributable net income is assumed to be 100,000.

be divided into separate shares or trusts for the purpose of determining the distributable net income and the amounts includible by the beneficiaries. The following excerpt from the Senate Committee Report indicates the type of situation the legislators had in mind:

For example, assume that a trust instrument provides that the trust income when not distributed to beneficiary A will be accumulated for his benefit and will ultimately be payable to his estate, or appointees...The trust instrument also provides that the fiduciary may invade corpus from time to time to make payments to B, according to B's needs. In a year in which the trustee accumulated the trust income to A but made a discretionary distribution of corpus to B, B would, but for the operation of this provision, be deemed taxable on the distribution to the extent of the trust's distributable net income. Under this provision if A is deemed to have a substantially separate and independent share in the trust, the trust income would be taxable to the fiduciary and B would receive the corpus distribution free of tax.*

The determination of when such a situation exists is left to the Regulations under Section 663(c). Although the Regulations indicate through examples that the rule will apply in some situations but not in others, the standard given is somewhat vague, depending upon whether the trust distributions "are to be made in substantially the same manner as if separate trusts had been created.**

*51, p. 355.

**5, Section 1.663(c)(3).

One of the most complicated concepts introduced under the 1954 Code is the "five-year throwback rule." Referring to this device, a member of the Committee on Federal Taxation of the American Institute of Certified Public Accountants commented:

No other section of the Code contains as difficult computations, allocations and reallocations as are found here. A glance at the examples in the Regulations will suffice to show that accountants had better prepare to shoulder considerable responsibility here.*

As was stated earlier, the five-year throwback rule was directed at the prevention of tax avoidance through the use of accumulation distributions. Under the early trust provisions the beneficiary was taxable only on current income distributed during the taxable year. Accumulated income was taxable to the trust. Thus, an apparent way to save income tax was to have the trust accumulate the income and distribute it in January of the succeeding year. Because it was not current income, the beneficiary was not taxable on it. This type of trust, known as the "Dean trust," presented a problem to the legislators. To tax the income again in the hands of the beneficiary appeared contrary to the principle of no double

*43, p. 21.

taxation, and yet the fact could not be overlooked that the Government was losing considerable revenue because of the utilization of this type of trust.*

In 1942 Congress attempted to meet the situation with the so-called "pre-65 day and post-65 day rules." Any distribution in the first sixty-five days of the taxable year of income from a prior year was treated as though made in the preceding year. Any distribution after the first sixty-five days was treated as if it were income of the year of distribution to the extent that there was income during that year. In practice, these rules proved to be particularly complicated and difficult to apply. Moreover, they failed to solve fully the tax avoidance problem.**

Thus, when the 1954 Code was written, a new approach was substituted. The sixty-five day rule was discarded except in one situation. Section 663(b) provides that the pre-65 day rule may be elected by a fiduciary in the case of a trust which was in existence prior to January 1, 1954, and which is not permitted under the terms of the trust instrument to distribute in any taxable year amounts in excess of the income of the preceding year.

*45, p. 427.

**18, p. 1247.

Otherwise, the rule is that any delayed distributions, to the extent that they exceed the distributable net income, are "thrown back" to the prior year in which the income was earned; and the tax is computed as though the distributions had been made at that time, although the beneficiary is not required to reopen his returns for those years. The rule applies only to accumulations in taxable years beginning after December 31, 1953.

There are certain other exceptions, too. The rule does not apply to simple trusts or estates nor to any amounts paid to meet the emergency needs of a beneficiary. Any accumulated income distributed, according to the terms of a trust established before January 2, 1954, to a beneficiary upon attaining a specified age is exempt from this rule so long as the number of distributions does not exceed four, and the period between each distribution is four years or more. Amounts paid out of income accumulated before the birth of a beneficiary or before the beneficiary reaches the age of twenty-one are not to be included unless the beneficiary dies and distribution is made to an adult instead. Final distributions of a trust, unless made less than nine years after the date of the last transfer to the trust, are excluded. This

nine year limitation is intended to prevent the setting up of trusts to accumulate income and make final distribution within a relatively short period so as to escape the application of the throwback rule. Finally, the accumulation distribution must exceed \$2,000 before the throwback rule applies, although once the \$2,000 mark is passed, the whole amount is covered by the rule. This exclusion is meant to eliminate certain trusts which do not involve tax avoidance but which may have distributions in excess of the distributable net income because of corpus deductions included in the computation of the distributable net income, etc.*

It may be helpful in complying with the provisions contained in Sections 665 through 668 to observe the following procedure. First, the "accumulation distribution" should be determined. This is the amount, if over \$2,000, by which second tier distributions during the taxable year exceed the amount of distributable net income remaining after subtracting the first tier distributions. Reference to Schedule C will indicate the extent to which second tier distributions were not absorbed by the distributable net income. If this amount is over

*6, Section 665(b); 18, p. 1250.

\$2,000, analyze the distributions to make certain that none of the exclusions mentioned previously applies, such as amounts distributed to meet emergency needs, etc.

If this amount represents an accumulation distribution, then it must have been accumulated in a prior year and taxed to the trust at that time. Therefore, it is necessary to look back to the preceding years, one by one, to determine in which year or years the distribution was accumulated. This is accomplished by determining the "undistributed net income" for the five years preceding, but not prior to 1954.

Section 665(a) defines undistributed net income as the amount by which the distributable net income for any taxable year exceeds the sum of the first and second tier distributions for the year and the amount of taxes imposed on the trust. In the example given in Table VI, the trust had a distributable net income of \$9,600 in 1956; in the same year the trustee made a required distribution of current income of \$5,760 plus a discretionary distribution of \$240, and the taxes imposed on the trust were \$730. The distributions and taxes total \$6,730, leaving undistributed net income of \$2,870.

TABLE VI

PRELIMINARY COMPUTATIONS IN THE
APPLICATION OF THE THROWBACK RULE

Computation of the Accumulation Distribution:

Distributable net income, 1957	\$11,600
Less - Required distribution for 1957 (first tier)	<u>6,960</u>
	4,640
Less - Other amounts distributed in 1957 (second tier)	<u>10,910</u>
Excess of distributions over distributable net income = accumulation distribution	<u><u>6,270</u></u>

Computation of the Undistributed Net Income:

Distributable net income in each of the years 1956, 1955, 1954	9,600
Less - First tier distributions	5,760
Second tier distributions	240
Taxes imposed on the trust	<u>730</u>
Undistributed net income for each of the years	<u><u>6,730</u></u> <u>2,870</u>

The expression "taxes imposed on the trust," as used in this section of the Code, does not necessarily mean the taxes actually paid by the trust for that year but rather "the difference between the total taxes of the trust for the year and the amount which would have been paid by the trust had all of the distributable net income been distributed."* In the same year that the trust was

*5, Section 1.665(c)-1.

accumulating the income it may have been taxed on capital gains or taxable stock dividends allocated to corpus in addition to the income accumulated. Hence, in the determination of the undistributed net income, only an amount equal to the additional taxes paid because of the accumulated income should be considered.

Once the undistributed net income for each of the five preceding years is determined, the accumulation distribution must be allocated to them. The accumulation distribution is first "thrown back" to the year immediately preceding. If the undistributed net income of that year is less than the accumulation distribution, the remainder of the accumulation distribution must be allocated to the next preceding year with undistributed net income and the next, until either the accumulation distribution or the five preceding years are exhausted. In the case given in Table VI,* the amount of undistributed net income in 1956 was not sufficient, with the result that the accumulation distribution had to be thrown back to 1955 and to 1954. This allocation is shown on line 3 of Table VII.

*See 12, p. 53 for the detailed facts of this case.

TABLE VII

SCHEDULE OF ALLOCATION OF ACCUMULATION DISTRIBUTION
UNDER THE THROWBACK RULE
(SCHEDULE J - FORM 1041)

	Col. A 1956	Col. B 1955	Col. C 1954
1. Accumulation distribution in 1957		\$6,270	
2. Undistributed net income	2,870	2,870	2,870
3. Throwback (line 1 but not more than line 2)	<u>2,870</u>	<u>2,870</u>	<u>530</u>
4. Income tax (imposed on trust) applicable to amount on line 3	730	730	134.81
5. Income deemed distributed to beneficiaries (line 3 plus line 4)	<u>3,600</u>	<u>3,600</u>	<u>664.81</u>
6. Tax-exempt income included in amt. on line 5	-	-	-
7. Taxable income deemed distributed to benefs.	<u>3,600</u>	<u>3,600</u>	<u>664.81</u>
TAX RECOMPUTATION			
If the amounts on lines 2 and 3 of a column are equal, the tax computation is not necessary			
8. Taxable income for the year to which throwback is made			3,500
9. Amounts on line 7, above			<u>664.81</u>
10. Adjusted taxable income (line 8 minus line 9)			<u>2,835.19</u>
11. Tax on amount on line 10, reduced by credits			583.74
13. Income tax for year to which throwback made			730
15. Tax credit allocable to beneficiaries	<u>730</u>	<u>730</u>	<u>146.26</u>
BENEFICIARIES' SHARES OF INCOME AND CREDITS			
16. Name of beneficiary - Mrs. Harry Crane			
17. Address - 614 North Ridley Avenue, Bridgeport, Conn.			
18. Income taxable to beneficiaries less portion in cols. 19-22			\$7,864.81
25. Throwback tax credit (line 15)			1,606.26

Source of table: Specimen Form 1041, Commerce Clearing House, 1957.

The throwback rule is greatly complicated by the treatment of the taxes imposed on the trust. Since the fiduciary has already paid a tax on the accumulated income being distributed, the trust should be entitled to a refund for this amount. But the Code draftsmen wanted to avoid the difficulties of setting up a system for refunding; and therefore, they decided to give the refund to the beneficiary in the form of a tax credit.* Under this treatment the taxes paid by the trust are deemed to be an additional distribution to the beneficiary and must be included by him in his gross income before he can take them as a credit on his return.

If the accumulation distribution thrown back to a year is equal to or exceeds the undistributed net income for that year, the total amount of the taxes imposed on the trust is deemed to be distributed and may be taken as a credit by the beneficiary.** But where the accumulation distribution is less than the undistributed net income for a preceding taxable year, the amount of tax paid by the trust now deemed to have been distributed to the beneficiary is determined on a ratio

*10, p. 758.

**6, Section 666(b).

basis (the ratio of the amount thrown back to the undistributed net income).^{*} Line 4, Column C of Table VII illustrates this situation. The proportionate amount of the 1954 taxes of \$730 deemed to have been distributed is arrived at by multiplying the 1954 taxes by the ratio of the throwback to 1954 (\$530) to the 1954 undistributed net income (\$2870).

The credit allowed to the beneficiary in this case is determined by a different method. The additional distribution deemed to have been made by the trust is first subtracted from the taxable income of the trust for that year, and the tax is recomputed on this adjusted income amount. The difference between the taxes imposed on the trust and this amount is the credit allowable to the beneficiary.^{**} Lines 8 through 15 of Table VII demonstrate this computation.

In the case illustrated, all of the income is taxable interest and goes to only one beneficiary. If, however, there are different types of income and several beneficiaries, the fiduciary must apportion the income among the beneficiaries and, according to

^{*}6, Section 666(c).

^{**}5, Section 1.667-1.

the character of the income, entered the amounts in the appropriate columns at the bottom of Schedule J.

The beneficiaries include the accumulation distribution in gross income and pay either the tax on the distribution as though it were from current income or the total tax they would have paid on this income had it been distributed in the year in which it was accumulated, whichever is less.*

In contrast to these complicated rules for the determination of the beneficiaries' inclusions, the trust itself computes its tax in much the same manner as a simple trust. The same rule for the special deduction for distributions to beneficiaries is followed. The distributable net income is adjusted to exclude any amount not included in gross income. The distributions deduction is either this adjusted figure or the sum of the first and second tier distributions, whichever is the lesser amount.

A fiduciary is allowed the credits for dividends received, partially tax-exempt interest and foreign taxes, but only with respect to the income taxable to the trust. The beneficiaries are entitled to the credits against any portion of these

*6, Section 668(a). See also 3, pp. 195-199, 11 and 35 in reference to the operation of the throw-back rule.

special items attributable to them.* Table VIII illustrates the extra schedule required in the case of a trust which accumulates part of the dividend income. The complete return for this same trust is shown in Table IX.

TABLE VIII
COMPUTATION OF
FIDUCIARY'S SHARE OF DIVIDEND CREDIT
(SCHEDULE E - FORM 1041)

1. Total domestic corporation dividends before exclusion		\$1,200
2. Beneficiaries' share of dividends from column 5, Schedule C	\$800	
3. Adjustment of dividend exclusion	<u>16.67</u>	
4. Total (line 2 plus line 3)		<u>816.67</u>
5. Fiduciary's share of dividends subject to credit (line 1 minus line 4)		<u>383.33</u>
6. Enter: (a) 4% of line 5	15.33	
(b) Tax liability less share of foreign tax credit	156.67	
(c) 4% of taxable income	<u>31.35</u>	
7. Enter the smallest of the amounts on lines (a), (b), and (c) above = fiduciary's share of div. credit		<u><u>15.33</u></u>

Source: Journal of Taxation, January, 1958, p. 26.

*6, Section 642(a).

TABLE IX

ILLUSTRATION OF
LONG-FORM RETURN FOR COMPLEX TRUST

INCOME		
1. Dividends (Enter full amount before exclusion)	\$1,200	
2. Interest on bank deposits, notes, corp. bonds, etc.	<u>2,000</u>	
10. Total income (lines 1 to 9)		3,200
DEDUCTIONS		
15. Other deductions authorized by law (Explain in Schedule A)	<u>500</u>	
16. Total (lines 11 to 15)		<u>500</u>
17. Line 10 minus line 16		2,700
18. Deduction for distributions to beneficiaries	1,800	
19. Adjustment of dividend exclusion	16.67	
22. Exemption	<u>100</u>	
23. Total (lines 18 to 22)		<u>1,916.67</u>
24. Taxable income of fiduciary (line 17 minus line 23)		<u>783.33</u>
COMPUTATION OF TAX		
25. Tax on amount on line 24		156.67
29. Fiduciary's share of dividends received credit		<u>15.33</u>
33. Tax liability		<u>141.34</u>

Schedule A

Trustee's fee \$500

Schedule C

	Benef. A	Benef. B
3. Amount of income required to be distributed currently	900	900
5. Domestic dividends qualifying for credit	400	400
7. Other income taxable to benefs.	500	500

Schedule G - Computation of Distributable Net Income

1. Enter amount from line 17, page 1	2,700
5. Distributable net income	2,700

Schedule H - Computation of Distributions Deduction

1. Total of columns 3 and 4 of Schedule C	1,800
6. Distributable net income adjusted	2,700
7. Distributions deduction (smaller amount)	1,800

Source: Journal of Taxation, January, 1958, p. 26.

Upon termination of a trust, any unused loss carryovers and excess deductions (other than the personal exemption or distributions to charities) are available to the beneficiaries succeeding to the trust property.* For example, in Table X the allowable deductions of the trust exceed gross income by \$3,000. These may be used by the two beneficiaries as part of their itemized deductions.

Since Form 1041 is not designed to reflect these termination deductions, it has been suggested that Schedule C be adapted to this purpose. Column 4 might be used to show the amounts of principal distributed to the beneficiaries entitled to carryovers or excess deductions. The heading of Column 9 could be changed to Capital Loss Carryover; and a supporting statement might be attached to explain any amount of carryover shown. Likewise, another column could be used to indicate any net operating loss carryover. In Table X the excess deductions are shown in Column 7 as a negative amount and are allocated among the beneficiaries succeeding to the trust property proportionately. It is also suggested that the heading of the fiduciary return call attention to the special nature of the trust in the year of termination.**

*6, Section 642(h).

**19, p. 130.

TABLE X

FIDUCIARY'S RETURN

IN THE YEAR OF TRUST TERMINATION

INCOME			
1.	Dividends (Enter full amount before exclusion)	\$3,000	
2.	Interest on bank deposits, notes, corp. bonds, etc.	2,500	
6.	Gross rents and royalties	<u>5,000</u>	
10.	Total income (lines 1 to 9)		10,500
DEDUCTIONS			
12.	Taxes (Explain in Schedule A)	500	
15.	Other deductions authorized by law (Explain in Schedule A)	<u>13,000</u>	
16.	Total (lines 11 to 15)		<u>13,500</u>
17.	Line 10 minus line 16		<u>-3,000</u>
23.	Total (lines 18 to 22)		<u>0</u>
24.	Taxable income of fiduciary		<u>0</u>
Schedule A			
	Personal property tax	150	
	Real property tax	350	
	Rental expenses	3,000	
	Trustee's termination fee (charged to corpus)	10,000	
		Benef.	Benef.
		A	B
Schedule C			
3.	Amount of income required to be distributed currently	3,500	3,500
4.	Other amounts paid, credited or otherwise required to be distributed	1/2 corpus	1/2 corpus
7.	Income taxable to beneficiaries	-1,500	-1,500

Chapter III

PROBLEMS EXISTING UNDER THE CODE

As the above discussion has demonstrated, the 1954 Code has tried to make provision for almost every conceivable situation that might arise in the taxation of trusts. In drawing up such a comprehensive and detailed set of rules, the legislators hoped thereby to avoid case made law which is sometimes devastating in its flexibility, and even when fixed by long standing, often general or even vague. In attempting to cover so broad a field, it is only human that some errors, oversights or inconsistencies should arise. These flaws are soon noticed and denounced by fiduciaries, beneficiaries or the government; but the process of studying the problem, holding hearings and having corrective legislation passed is often long and drawn out. However, the accountant should be well apprised that when corrective legislation is passed, it is almost always retroactive to the date that it was announced that Congress would consider such legislation. At the very least it applies to existing trusts, as well as to future trusts, for taxable years ending after its enactment.

In actually computing the tax liability of a trust for the current year, the accountant will, of course, follow the existing law. But in advising settlors as to how they should set up their trusts and the probable tax consequences, it would be most imprudent to assume that the existing law will not change. Therefore, the problems that exist under the 1954 Code and the legislation pertaining to them now before Congress are almost as important as the Code provisions themselves.

1. Multiple Trusts

Perhaps the greatest "loophole" now existing in the provisions for trust taxation is the use of multiple trusts.* In 1937 in the hearings before the Joint Committee on Tax Evasion and Avoidance, the Treasury showed how six families had saved taxes of almost two million dollars over a two year period through the use of multiple trusts.** The publicity given to this device at that time and the apparent acquiescence of the 75th Congress has no doubt caused many families to adopt this method of saving taxes.

The term "multiple trusts" when used in the income tax field means two or more trusts accumulating

*14, p. 41.

**49, p. 278.

income for the same beneficiary. Multiple trusts utilize the fact that two or more separate trusts pay at lower tax rates than a single trust when the taxable income involved is the same. They may also make use of the limitations on the "throwback rule" of two thousand dollars and five years.

Some examples can best demonstrate the basic methods of tax avoidance with multiple trusts.*

1) The clearest example is the simple division of income to take advantage of lower tax brackets. Thus a real estate dealer might transfer subdivided property to a trust which holds the title. Then 200 other trusts with the same beneficiary or beneficiaries are created, each with undivided interests in the income from the first trust. When the property is sold, the principal trust distributes the proceeds to the 200 trusts which accumulate the income and pay the tax on their respective shares. Since the throwback rule is limited to five years, the trusts may distribute the accumulated income tax free to the beneficiary or beneficiaries in the sixth year after the sale of the property.

2) The \$2,000 exemption of the throwback rule provides another method. A series of trusts

*10, pp. 763-764.

might be created so that each has the same amount of income each year, and each accumulates \$2,000 one year and distributes all income plus the \$2,000 the following year. Half the trusts are distributing in the year that the other half are accumulating the \$2,000, so that the beneficiary receives the same amount of income each year. Because of the \$2,000 exemption in the throwback rule, the beneficiary receives these distributions of accumulated income (less taxes paid by the trust) tax free. The trust would be in the \$2,000 tax bracket, and the tax, therefore, would be relatively small.

3) The limitation to five years on the throwback rule was used in the first example, but it may be handled even more ingeniously. For example, a trust might be created which held property that produced \$10,000 income each year. Seven other trusts are created to receive this income in successive years. The first year, trust number one receives the \$10,000 and accumulates it for the beneficiary until the seventh year, when it distributes the accumulation (less taxes paid by the trust) to the beneficiary tax free. Trust number two receives the income in the second year and distributes in the eighth year. And so goes the cycle.

It would seem that the only limits upon the amount of taxes to be avoided through multiple trusts are the imagination of the grantor and his hesitancy to increase the administrative burden by the number of trusts.

The advisory group which was appointed to study Subchapter J of the 1954 Code by the Subcommittee on Internal Revenue Taxation of the House of Representatives has examined this situation and has proposed amending legislation. This legislation would provide that two or more trusts are to be treated as one trust if the primary beneficiaries of the currently accumulated income or of the taxable income allocated to corpus of the separate trusts are substantially the same. Certain exceptions to this general rule are specified. It would not be applicable when the combined income involved totals less than \$2,000 or when such tax treatment would produce less tax. Also, a settlor would be allowed to create a total of four trusts - three intervivos trusts when no two of them are created within five years of each other plus one testamentary trust - before the rule would become operative.* These exceptions are intended to allow for valid estate

*50, pp. 1-2.

planning considerations and to avoid undue administrative complexity where the amount of tax avoidance would be negligible.

This will be a difficult statute to interpret, especially in determining when beneficiaries are "substantially the same," but it should provide a formidable deterrent to the use of multiple trusts as a means of minimizing taxes.* By utilizing the exemptions, settlors may still be able to avoid some taxes; but as the Report points out, no significant amount would be involved.**

As it was noted earlier, much of this legislation operates retroactively when passed. In this case a public announcement was made November 7, 1956 that legislation in regard to multiple trusts would be submitted to Congress, and therefore, the Advisory Group has recommended that this amendment apply to any trusts created after December 1, 1956.*** Because of this feature and because of the problems of interpretation involved in the wording of the statute itself, it would appear judicious to discourage the use of multiple trusts until the amendment is voted upon by Congress and its effect is clarified.

*42, p. 1181.

**50, p. 4.

***50, p. 9.

2. Corpus Deductions

A second problem found in the 1954 Code is the proper handling of deductions attributable to corpus income.

Under the existing law deductions chargeable to corpus are used to reduce the distributable net income and, consequently, to reduce the income taxable to the income beneficiary. For example, a simple trust has ordinary income of \$10,000 and capital gain income of \$10,000 which is properly allocated to corpus. There are allowable deductions of \$2,000 for trustee's corpus commissions and \$2,000 attributable to capital gain. Both of these deductions are used in computing the distributable net income. The result is that the income beneficiary receives the \$10,000 but pays tax on only \$6,000, the distributable net income, while the trustee is taxed on the entire \$10,000 capital gain. Because of this windfall to the income beneficiary, the present provisions have been severely criticized.* Many writers point out that the attempt to avoid the wasting of deductions which resulted under the 1939 Code has been carried too far and that some action should be taken to remedy this inequitable situation whereby the income

*22, p. 38; 32, pp. 460, 485; 14, p. 28; 45, p. 415.

beneficiary gets the benefit of a deduction, while the burden of the expenditure is borne by the principal account.

The Advisory Group on Subchapter J has addressed itself to this problem and has proposed an amendment to the existing law. Under this proposed amendment deductions chargeable to corpus would first be used to offset gross income allocable to corpus and excluded from distributable net income; any remaining corpus deductions would then be used in the computation of the distributable net income.* Thus the amendment implements two aims: to give the principal beneficiary the benefit of corpus deductions (in keeping with the conduit theory) and also to avoid any wasting of those deductions should the trust itself not be able to use them (in keeping with the purpose of the 1954 Code provision).

It appears that the Advisory Group has had considerable difficulty in drafting this proposed statute. It has been rewritten twice, and the last effort is as confusing as its predecessors. Section 643(c)(3)(C) is now changed to read as follows:

*50, p. 15.

Corpus deductions shall be excluded to the extent of the excess of gross income which is excluded over deductions otherwise excluded in computing distributable net income.*

Unfortunately such abstruse language is not uncommon in this field. There is no doubt that the complex nature of these taxing procedures makes it difficult to draft simple and unequivocal rules, but it is regrettable that in many cases the wording of the statute is so obscure that it is impossible to ascertain the meaning without reference to the Committee reports.

The first year that the 1954 Code became operative, many incomplete trust returns were filed because accountants, attorneys and trustees alike found it impossible to interpret the governing provisions of the Code.** The Regulations which were subsequently issued provided some help but still did not answer all the questions.

The Advisory Group is aware of this problem and has tried to clarify certain of the existing provisions which have been subject to varying interpretations. For example, the Report points out that under the present law there is doubt about the proper

*47, Section 643(c)

**22, p. 37.

treatment of the fifty dollar dividend exclusion.* As the Code now stands, it is arguable that where part of the dividend income of a trust is not distributed and is taxable to the trust, the trust should be entitled to exclude the first fifty dollars of these dividends. However, the Regulations have interpreted Section 642(a)(3) to provide that the trust may deduct only a ratable part of the exclusion.#

The Report of the Advisory Group recommends that the law be clarified to permit the taking of the full fifty dollar exclusion by the trust on any undistributed dividends, since the amount involved is not material, and the computation would be much simpler than the procedure specified by the Regulations.**

3. Tier System Burdens

Under the 1954 Code the two tier system has produced some undesirable results. Since the first tier is reserved for mandatory distributions of current income, all other distributions are grouped in the second tier. This means that distributions

#Table VIII, page 52, illustrates the procedure suggested by the Regulations.

*50, p. 10.

**50, p. 11.

of corpus are placed in the same category with discretionary distributions of current income and distributions of accumulated income, and thus must share the tax burden with them. This result is, of course, contrary to one of the primary principles of trust taxation, i.e. that distributions of corpus come within the gift exemption and should bear no tax.*

A typical example of this situation will perhaps explain the problem better. A trust is created under which the trustee must distribute one fourth of the current income to A. The trustee also has the power to make discretionary distributions of income to B and discretionary distributions of income and corpus to C. For the taxable year, the trust has current income of \$40,000 and a distributable net income of \$40,000. The trustee makes the mandatory distribution of one fourth this amount of income to A and exercises his discretion to distribute the remaining \$30,000 of income to B. He also distributes \$30,000 of corpus to C. A is a first tier beneficiary and is taxable on the \$10,000 of income he receives. Both B and C are second tier beneficiaries and must share equally the \$30,000

*14, pp. 10-12; 2, p. 42; 45, p. 426.

remaining of the distributable net income. The result is that B receives half of his income distribution tax free, and C has to pay tax on one half of his distribution of corpus.

The separate shares rule may solve this problem in some situations, but it must be remembered that the applicability of the separate shares rule depends generally upon "whether distributions of the trust are to be made in substantially the same manner as if separate trusts had been created."* This is not the typical situation.

The Advisory Group has proposed that four tiers replace the present two tier system. The order of priority for the application of the distributable net income would be: 1) mandatory distributions of current income, 2) discretionary distributions of current income, 3) discretionary distributions of current income, accumulated income, or corpus, and 4) all other distributions and all distributions to charities.**

In the example given above, A and B would be taxable for their distributions of income in the first and second tiers; and C, in the third tier,

*5, Section 1.663(c)-3.

**50, pp. 25-26.

would receive a tax free distribution of corpus. The Report indicates that if a beneficiary can receive only corpus, any distribution to him would be in the fourth tier.

One of the members of the Advisory Group has proposed a single tier system in place of that recommended by the Report.* He questions the feasibility of a four tier system; and there will be, no doubt, strong objections to a more complicated system of allocating the distributable net income among the beneficiaries. However, the important point is that the problem of the corpus distribution has been recognized; and there is every likelihood that it will be solved, even if not in this particular way.

There is another important characteristic of the tier system of priorities, one that most grantors would naturally overlook. That is the fact that the first tier beneficiary must always carry the heaviest tax burden.**

Nothing would seem unusual about a testamentary trust providing that \$10,000 a year be paid out of current income to the widowed mother and such other amounts of current income to the four adult

*50, p. 57.
**19, p. 157.

children as the trustee should distribute in his discretion. But the fact is that in the years in which the children get distributions and the distributable net income is more than \$10,000 but less than the total distributions, the children receive some distributions tax free. The mother, on the other hand, must always pay tax on the full amount of her distribution, since it is a mandatory distribution and that places her in the first tier. Yet if the grantor had foreseen this possibility, he undoubtedly would have preferred that his "nearest and dearest" receive the benefit of the tax free income.

The tier system proposed by the Advisory Group would not alter this order of priority, nor is this a situation that is likely to be changed by legislation, since it is not in violation of any of the basic principles of trust taxation. Nevertheless, it is something that accountants should point out to grantors of family trusts.

4. Charitable Distributions

Under the present Code provisions a distribution to a charitable beneficiary is treated as a deduction from gross income rather than as a distribution to a beneficiary. Consequently, it is

necessary to make two separate sets of computations for charitable and noncharitable beneficiaries. As the following table indicates, the various items of income must first be allocated to the charitable beneficiary in order to arrive at the distributable net income; and then another allocation must be made to the noncharitable beneficiaries in proportion to their shares of the distributable net income.[#] The Report of the Advisory Group recognizes that

Since the same item of income is allocated in two different ways, highly artificial results are reached. Also, an already complicated form of return is further complicated and an additional administrative burden is imposed on fiduciaries.*

Therefore, it is recommended that distributions to a charitable beneficiary be treated in much the same manner as distributions to noncharitable beneficiaries. Instead of a deduction from gross income, the charitable distribution would be a beneficiary within the tier system.

[#]The table also illustrates the tax burden of the first tier beneficiary which was discussed in the preceding section. In this case the trustee made a mandatory distribution of one half of the net income to W and discretionary distributions of one fourth of the net income to the charitable beneficiary and one fourth to D. The total distributions exceeded the distributable net income by \$1,100; but W, in the first tier, received none of the benefit. Instead the entire \$1,100 accrued to D, in the second tier, who had to report only \$26,850 of the \$27,950 received.

*50, p. 12.

TABLE XI

SCHEDULE C ALLOCATION REQUIRED FOR A TRUST
WITH A CHARITABLE BENEFICIARY

Entries Shown on Fiduciary's Books:

Debits:						
Rental expenses	\$15,400					
Trustee's fee chargeable to income	2,800					
Required dist. to W	55,900					
Discretionary dist. to D	27,950					
Discretionary dist. to Charity	<u>27,950</u>					
	<u>130,000</u>					
Credits:						
Rents				\$50,000		
Dividends				50,000		
Tax-exempt interest				20,000		
Partially tax-exempt interest				10,000		
				<u>130,000</u>		
	Rents	Divs.	Divs. Excl.	Tax-Ex. Int.	Partly Tax-Ex. Int.	Total
Trust income	<u>50,000</u>	<u>49,950</u>	<u>50</u>	<u>20,000</u>	<u>10,000</u>	<u>130,000</u>
Less:						
Charit. contrib.	10,750	10,750		4,300	2,150	27,950
Rental expenses	15,400					15,400
Trustee's fees (income and corpus)	3,300			600		3,900
Total deductions	<u>29,450</u>	<u>10,750</u>		<u>4,900</u>	<u>2,150</u>	<u>47,250</u>
Distributable net income	20,550	39,200	50	15,100	7,850	82,750
Distributable to W (55,900/82,750)	<u>13,882</u>	<u>26,465</u>	<u>50</u>	<u>10,200</u>	<u>5,303</u>	<u>55,900</u>
Distributable to D (26,850/82,750)	<u>6,668</u>	<u>12,735</u>		<u>4,900</u>	<u>2,547</u>	<u>26,850</u>

Source: Journal of Accountancy, October, 1956, p. 41.
Based on the Regulations, Section 1.662(c)-4.

The Advisory Group also suggests that charitable beneficiaries be placed in the fourth tier in order to prevent tax-avoidance arrangements.* The Group reasons that if the charity were treated as an ordinary beneficiary, the opportunity would be available to have the distributable net income absorbed by charities.#

For example, a grantor might create a trust to distribute all current income to a charitable beneficiary and an amount of corpus equal to current income to a noncharitable beneficiary. The charity would, of course, pay no tax on the income, and the latter beneficiary would receive his distribution tax free. Under the proposed legislation, however, both the beneficiary and the charity would be in the fourth tier, and each would be taxable on one half of the distributable net income of the trust.

The Report contains a strong dissent to this placement of charities in the fourth tier. The dissenting member argues that a charity should be treated as any other beneficiary. Otherwise,

*50, p. 28.

#This tax result can be achieved under the present tier system by drafting the trust instrument so that all beneficiaries are in the second tier.

noncharitable beneficiaries will suffer taxwise merely because of the existence of a charitable beneficiary.* Since the distributable net income is applied to the first three tiers before it reaches the fourth tier, the noncharitable beneficiaries must always carry the tax burden under this system of priorities. Whereas if there were no charitable beneficiary in the fourth tier, the tax burden would generally be shared by all the beneficiaries.†

It is evident that this proposed legislation would take away any tax advantage of charitable contributions and place all the tax burden upon the noncharitable beneficiaries. Whether or not this particular amendment will be adopted by Congress is questionable, but the fact that such a change has been advised is important to remember.

While there are many other provisions which the Advisory Group has sought to amend, these particular provisions seem to be the most important and the ones which would cause the most substantial

*50, pp. 59-60.

†In the case illustrated in Table XI, under the proposed four tier system neither W nor D would receive the benefit of the deductible expenses. Both would be taxable on the full amount of their distributions.

change in results of an existing trust planned solely on the present law. This discussion should serve two purposes: first, to indicate what the law will probably be within the near future; and second, to demonstrate that the law is always changing, either to cover existing loopholes or to bring the mechanics of the trust sections within the established principles of trust taxation.

Chapter IV

THE TRUST AS A TAX SAVING DEVICE

1. Background of the Present Legislation

There is very little doubt that as soon as the first income tax legislation was passed, the trust began to be used as a tax saving device. This is true because the trust creates another tax entity; and with a graduated scale of tax rates, two taxpayers necessarily pay less tax than one taxpayer when the same amount of income is involved. There are, of course, exceptions to this generalization (e.g., the beneficiary of a simple trust may be in a higher bracket than the grantor), but this situation provides the initial tax advantage of the use of a trust.

The continuing struggle between the taxpayer and the Commissioner over the use of trusts and other devices to avoid taxes has been hard fought and was often confusing. However, since many of the conflicts have now been settled, by case or by legislation, it would be more helpful to summarize the results than to recount the history. Several principles that were hammered out have more or less

excluded large areas of controversy, and in fact have forced the taxpayer to follow definite rules if he is to use the trust to save income taxes.

One of the most important principles in this area is that the person who earns the income must pay the tax on it even though he may not receive the income himself.* This is true even with a taxpayer on the cash basis. Thus, if a father should assign to his son all rights to his salary income for a year, the father would still have to pay the income tax on the salary which his son receives.

Another principle is that the income produced by property is taxed to the owner of the property.** Suppose that a father should give his son the coupons from bonds owned by the father. Even though the father cannot claim the interest represented by the coupons, he is taxed on the interest income as if he had received it and then given it to his son.

These two principles (they may be combined and called the principle of "constructive receipt") have indicated to the grantor that there is no possible way for him to avoid the tax on his

*57.

**54.

earned income, and that if he is to avoid the tax on the income his property produces, he must divest himself of that property. The question then becomes one of how much of a divestment of property must there be in order for the grantor to avoid the tax on that property.

In 1940 the Supreme Court was confronted squarely with this question in the celebrated case of Helvering v. Clifford.^{*} While the decision of this case did not answer all the questions, it did establish some general standards that have evolved into the present day restrictions found in the Code.

In this case Clifford had declared himself trustee of certain securities which he owned. The trust was to last for five years with all net income for the exclusive benefit of his wife. Upon termination, the corpus reverted to him. As trustee, he retained complete control over the securities; he could vote the shares of stock, sell or exchange them, invest any of the trust property he wished, compromise any claims, and was not liable for any unintended losses. The Supreme Court held that Clifford himself was liable for the tax on

*53.

the income of the trust property just as though the trust had never been created. The Court said:

So far as his dominion and control were concerned it seems clear that the trust did not effect any substantial change. In substance his control over the corpus was in all essential respects the same after the trust was created, as before.

In this case we cannot conclude as a matter of law that respondent ceased to be the owner of the corpus after the trust was created. Rather, the short duration of the trust, the fact that the wife was the beneficiary, and the retention of control over the corpus by respondent all lead irresistibly to the conclusion that respondent continued to be the owner...*

The Court had spoken out strongly, but unfortunately it had not spoken precisely. The Court emphasized the control of the grantor over the administration of the trust, but it also pointed out other factors: the short duration, the reversionary interest in the grantor, the wife as the beneficiary. The problem was whether any one of these factors was determinative, or some combination, or were they all necessary. There followed a rash of more than a hundred cases in the Courts of Appeal alone involving these questions.**

In 1945 the Treasury stepped in to try to establish a definite line separating "Clifford

*53, p. 335.

**10, p. 821.

trusts" whose income was taxable to the grantor from trusts falling under the general trusts sections. Basically, these rulings called the "Clifford regulations," Section 22(a)-21, taxed the grantor where any one of the following three situations existed:

1) When the grantor had a reversionary interest in the trust, and the trust term was less than ten years.

2) When the grantor, or some nonadverse person, had the power to control who was to have the beneficial enjoyment of the income or corpus.

3) When the grantor had administrative controls exercisable for his benefit such as the power to borrow from the trust without giving security.

The reception these regulations received was mixed; but there was no doubt that the regulations had served their purpose in providing some definite standards upon which future grantors might rely.

The 1954 Code has carried this process one step further by incorporating the substance of the Clifford regulations into the trust sections.

2. Trusts which are Taxable to the Grantor

The Code provides that there are five situations in which the grantor of the trust will be taxed as though he owned the corpus, and one situation in which a person other than the grantor will be treated as the owner. Since the Code has tried to establish definite standards to govern all situations, the rules are necessarily complex and involve many exceptions. In general, it may be said that in order to escape the application of these provisions, trusts must be created for a term of at least ten years, must be outside the control of the grantor, and must not be for the grantor's benefit; but the accountant must examine the details of the sections if he is to be certain of avoiding their operation.

Two terms are used throughout the sections which should be understood before an analysis of the restrictions is attempted. These are "adverse party" and "related or subordinate party." Section 672 defines the former as "any person having a substantial beneficial interest in the trust which would be adversely affected by the exercise or non exercise of the power which he possesses respecting the trust." The same section defines a related or subordinate

party as "the grantor's spouse if living with the grantor" and members of the grantor's immediate family, his employees, corporations and their employees over which he has significant influence, or "a subordinate employee of a corporation in which the grantor is an executive."

These terms are important in determining whether the trust is outside the control of the grantor. In certain situations a grantor may still exercise effective control over a trust despite the fact that important powers are held by another person. If that person is a related or subordinate party, he is presumed to be subservient to the grantor. In fact, the tax law assumes that a third person in control of the trust will act according to the wishes of the grantor unless he has an interest in the trust which is both substantial and adverse to that of the grantor.*

It should be pointed out, also, that these provisions are generally applied in terms of the existence of powers held by the grantor, not the exercise of those powers. The reasoning behind this treatment is as follows: If the grantor has the power to revest the trust property in

*9, Section 672.

himself (or some similar substantial power over the trust), the only reason the beneficiary receives income is the fact that the power has not yet been exercised by the grantor. This control over the beneficiary's interest is as effective as though the grantor held the property himself and made distributions as he willed. Since the result concerning distributions is the same as though no trust had been created, the tax result is deemed to be the same as though no trust had been created; and the grantor is taxed because of the existence of the power. One important exception to this treatment will be discussed later under Section 677.

Section 673 provides that the grantor is taxable if he holds a reversionary interest in the trust and that interest will, or may reasonably be expected to, take effect within ten years. If the reversionary interest is to take effect upon the death of an income beneficiary, the section does not apply even though that beneficiary's life expectancy is less than ten years. Another exception to the application of the section is made if the trust distributes income to a charitable organization for a period of two years before the interest can revert. However, the Code in Section 170(b)(1)-(D) denies a charitable deduction for such a transfer

in trust if the grantor retains a reversionary interest whose value is more than five per cent of the value of the trust. This latter section prevents the grantor's obtaining both an exclusion of the trust income from his own income and a deduction for a charitable contribution.

Section 674 provides that the grantor is taxable if he or a nonadverse party has the power to designate who is to have the beneficial enjoyment of the trust without the consent of an adverse party. For example, if a grantor creates a trust with the income to go to his wife during her lifetime and the remainder to their children in equal shares but retains the power to change the life beneficiary or the distribution of the remainder interests, under the operation of this provision he would be taxable on the trust income.*

There are, however, eight exceptions to this rule of Section 674. It does not apply to the following powers:

- 1) Power to apply income to the support of a dependent except to the extent that income is actually used for supporting a dependent whom the grantor is legally obligated to support.#

*9, Section 674.
#Compare Section 677.

2) Power to affect the beneficial enjoyment of the trust at a time more than ten years in the future.

3) Power exercisable only by will except where the power concerns income accumulated for disposition by the grantor's instructions in the will without the consent of an adverse party.

4) Power to allocate among charitable beneficiaries provided that all such distributions are irrevocably payable to a charity.

5) Power to distribute corpus provided that such distribution is according to a reasonably definite standard set forth in the trust instrument.

6) Power to withhold income temporarily provided the accumulated income will eventually go to the beneficiary, his estate, appointees, or designated alternate takers (other than the grantor or the grantor's estate) whose shares have been irrevocably specified.

7) Power to withhold income during the disability of a beneficiary.

8) Power to allocate between corpus and income.

There is also an important exception in the case of a power to distribute income or corpus

to the beneficiary if that power is held by a "trustee or trustees, none of whom is the grantor, and no more than half of whom are related or subordinate parties."*

Section 675 provides that the grantor is taxable if he has certain administrative powers over the trust. These powers are:

1) Power to exchange the income or corpus of the trust for less than an adequate and full consideration without the consent of an adverse party.

2) Power to borrow from the trust without adequate interest or security except where the trustee (other than the grantor) has a general power to make loans to any person without interest or security.

The grantor is also taxable if certain powers of administration are exercisable by a person in a nonfiduciary capacity without the consent of any person who is in a fiduciary capacity. These powers include the power to vote the trust stock when that stock makes the difference in the control of a corporation, or to control the investment of trust funds, or to reacquire the trust corpus by substituting other property of equal value.

*6, Section 674(c).

This section also applies if the grantor has borrowed money from the trust and has not repaid the loan with interest before the beginning of the taxable year, unless the loan is secured, bears adequate interest, and was made by a trustee (other than the grantor) who is not a related or subordinate party.

Section 676 provides that the grantor is taxable if he or a nonadverse party has the power to revest all or a part of the corpus of the trust in the grantor. This section does not apply if the power is exercisable only after ten years, but after the ten year period the general rule will apply unless the power is relinquished.

Section 677 provides that the grantor is taxable as the owner of the trust property when he holds certain powers to act without the consent of an adverse party. Those powers are:

- 1) Power to distribute the income to himself.
- 2) Power to hold or accumulate income for future distribution to himself.
- 3) Power to apply the income of the trust to the payment of premiums on policies of insurance on his own life, except policies irrevocably payable to a charity.

The general rule will not apply to such powers, however, if they are exercisable only after ten years; but upon expiration of the ten year period, the grantor will be taxed as the owner unless he relinquishes the power.

There is an important exception to the application of this section in the case of legal obligations of support. The holding of a power to make distributions to satisfy the grantor's legal obligation to support a beneficiary shall not make the grantor taxable; but he will be taxable to the extent that the power is exercised, and such income is used for that beneficiary's support.

Section 678 does not apply to grantors, but rather makes some third person taxable as though that person were the owner of the trust property. This section applies when that third person holds the power exercisable solely by himself to vest the corpus or income of the trust in himself. This section is similar to 677 in its scope, except that the third person is taxable rather than the grantor.

An example of a trust of this type is a trust created by a grandfather for the benefit of his minor grandson. The father of the grandson has a legal obligation to support him and holds the power

to vest the corpus of the trust in himself. The father is held taxable by Section 678. Also, as in Section 677, should the father hold the power to apply the income to the support of his son, he is not taxable merely for holding the power, but only to the extent that he actually uses that power to support his son with the trust income.

The Advisory Group on Subchapter J has proposed that Section 678 be deleted and that this particular situation be covered by a new section, Section 664.* This new section would consider the third person as a beneficiary under the trust and as having received distributions of income or corpus to the extent that he holds the power to distribute that income or corpus to himself. The following example demonstrates the new section and indicates how it might cause less tax than the present Section 678:

Suppose that A establishes a trust under which the trustee is given discretion to pay the income to B or to accumulate it and under which W is given the power to withdraw corpus annually up to the amount of \$5,000. The trustee exercises his discretion and pays the income to B. W will pay no tax under section 664, whether she makes a withdrawal or not. Under section 678, however, W is taxable on the portion

*50, p. 36.

of the ordinary income attributable to the \$5,000 of the corpus she can withdraw.*

The existence of such well defined standards in the Code is a great help to grantors seeking tax advantages through the use of a trust. While the restrictions are substantial and complicated, they eliminate guesswork and the threat of costly litigation with the Commissioner. Moreover, these restrictions have not eliminated the tax advantages; they have only narrowed the area of tax saving to specified bounds.**

3. Trusts Which May Be Used to Tax Advantage

There are many considerations in estate planning that have to be taken into account before a final decision on a trust should be made. A multitude of variables is involved, and each decision requires a careful analysis of the particular family situation. Some considerations, however, are common to every decision because of the restrictions of Subpart E and because of the graduated income tax scale.

First, the taxpayer must be in a high enough tax bracket that there would be a relatively

*50, p. 38.

**The appendix to 41 provides a helpful listing of the powers which are available within this limited area. See also 37 and 40.

substantial difference in the amount of tax that he and the trust or the beneficiary would pay separately as compared with the tax he would pay alone. Another aspect of this same consideration is the fact that the grantor should have enough income left after the creation of the trust to live as he wishes until the termination of the trust (usually ten years or more) or forever, if he does not plan to have a reversionary interest in the corpus. Since he cannot have the benefit of the income if he is to avoid paying the tax on that income, he must have someone to whom he would like to make a gift of the income. Ordinarily this factor presents no problem since the taxpayer can make his wife, his children or some other member of his immediate family the beneficiary of the trust.

Because of the ten year restriction, the tax saving trust is often referred to as the "short term trust." Since these trusts are most often created in favor of some member of the grantor's family, they are also referred to as "family trusts."

The Code does not suggest which short term trusts should be used; it only gives the limitations. Therefore, this area calls for a great deal of imagination and a close observance of the sections of Subpart E.

It would be impossible to give a comprehensive list of all the uses to which short term trusts can be put and of all the ways in which they save taxes. There are, however, several different types which have become more popular than others. Some examples of these may demonstrate some of the basic ideas behind their creation and should suggest the opportunities available when these ideas are varied or combined to fit different situations.

Perhaps the simplest and most useful short term trust is one which accumulates income for ten years and then terminates. Suppose that a taxpayer and his wife have a joint taxable income of \$33,000 and that \$1,000 of this amount is the income from \$20,000 worth of twenty year bonds that the husband holds. They are paying \$500 tax on the \$1,000 interest since they are in the 50% bracket. If the husband creates a ten year trust with these bonds in favor of his wife and the income is accumulated until the trust terminates, the trust will pay \$180 tax each year on the bond interest. When the trust terminates, the bonds revert to the husband. At the same time, the wife will receive the accumulated income without incurring any tax because it is the final distribution of the trust and not subject to

the five-year throwback rule.* The total tax saving for the ten year period would be \$3,200 or 64% more income than they otherwise would have received after taxes. The husband can serve as trustee to save the commission, as long as he does not hold any special powers. The trust does not fall within Subpart E because it is to last for more than ten years and the grantor has no reversionary interest within the ten years except upon the death of the income beneficiary.

The major objection that a grantor might have to such a disposition of his property is that he is not in a position to say that he will not have need of those bonds for the next ten years. Should he unexpectedly decide to buy a new house or his wife become hospitalized, or should an unusual investment opportunity come his way, he may not be so concerned with saving taxes as with being able to use the \$20,000 that the bonds represent. This is obviously a valid objection for most taxpayers.

Fortunately, however, it can be provided for in most cases. In Subpart E certain exceptions are made for powers that can be exercised by an adverse party or with the consent of an adverse party and also for trusts with independent trustees. The solution to

*6, Section 665(b)(4).

this objection, therefore, is to utilize one of these exceptions.

Suppose that the taxpayer in the above example has an uncle in whom he has implicit faith. He may give this uncle a general power of appointment over the bonds exercisable at the end of ten years. This power will qualify the uncle as an adverse party, since it gives the uncle the power to do whatever he wishes with the property, including the taking of the property for himself. In the trust instrument the grantor also provides that the uncle is to have the power to revest the bonds in the grantor. Thus, if some unforeseen need of the bonds arises, the grantor can go to the uncle and ask him to revoke the trust. Obviously, everything will depend upon his faith in his uncle. If his uncle refuses to revoke the trust upon request, or even worse, if he exercises the power of appointment in his own favor, the objective fails completely. Also, there is an additional complication caused by Section 2514 of the Code, which treats as a taxable gift the exercise or release of a general power of appointment. Thus, when the uncle releases his general power of appointment at the end of the ten years (or if he revokes the trust before that time), he

will be deemed to have made a gift to his nephew of \$20,000. If he has not used up his gift exemption of \$30,000[#] and does not plan to use it, this result will be acceptable. But should he need his exemption himself, the advantages of this scheme fade.

The taxpayer in this situation might find that it would be a better plan to make use of the provision in Section 674(c) which makes an exception for certain powers of independent trustees. Suppose that he makes his uncle the trustee of this short term trust. His uncle does not fall within the definition of a "related or subordinate party" and could be given, therefore, the power to distribute the corpus of the trust to the beneficiary. Presumably, if the taxpayer ever needed the bonds, he would tell his uncle who would then distribute them to the wife. In this situation, once again, he must be able to rely upon his uncle to a considerable degree. Of more importance, he must be able to rely upon his wife to give him the use of the bonds once she has received them from the trust.

The employment of provisions concerning adverse parties or independent trustees in conjunction

[#]See the discussion at page 99 below.

with various powers is a delicate matter, requiring much foresight as to the particular fact situation and an exacting adherence to the specific powers allowed in this area. The tax opportunities exist, but there are many pitfalls.*

If there are minor children in the family, a simple trust is often used because the children are in such low tax brackets. Suppose that the same couple described above have two children aged six and eight and that the husband transfers his bonds to a simple trust in favor of his two children. Each year they each receive one half the bond interest or \$500; since this is less than their personal exemption, no tax is paid on the bond interest at all. A total of \$5,000 is saved by the family, or 100% more than would have otherwise been received after taxes.

The father can serve as trustee himself and reserve the power to apply the income to the support of his children. Still he would not be taxable under Subpart E except to the extent that he did in fact use the income for their support.

The trust does not have to last for ten years in every case. Suppose the taxpayer described

*31, p. 273.

above has a seventy year old widowed mother to whose support he contributes \$1,000 a year. He is not legally obligated to support her and does not claim her as a dependent. If he uses his bonds to create a simple short term trust in her favor, he can save the \$500 tax that he would ordinarily pay on the bond interest, and at the same time, substantially fulfill his moral obligation to her. The fact that her life expectancy is less than ten years does not make the trust fall within Subpart E, since Section 673(c) specifically allows a reversion to the grantor upon the death of the income beneficiary.

The other important exception to the ten year rule applies when the trust income is made payable to a church, college or hospital for a period of at least two years.* This is an especially useful provision for the wealthy taxpayer who is hampered by the 30% charitable contributions limitation.

Suppose that a taxpayer has already given 30% of his adjusted gross income to various charities but would still like to give \$100,000 to the University of Texas. If he made the gift in cash outright, he would receive no deduction; and if he wanted the gift to come from his own current income (rather than

*6, Section 673(b).

part with a portion of his property), he would have to earn almost one million dollars in order to have \$100,000 available to give after taxes. But by transferring to a trust oil wells which produce a net profit of \$50,000 each year, he can make the gift in two years and then have the property revert to him. Since he will not include the \$50,000 oil well income in his taxable income for two years, he has the same tax benefit as though he had been given the charitable contribution deduction; and he has not parted with his property, except for the two year period.*

These examples should demonstrate that there are many factors to be considered in each situation, most of them personal and quite subjective.** But they should also demonstrate the fact that great tax opportunities are available to the taxpayer who plans with care and with foresight.

4. Gift and Estate Tax Considerations

The sections of Subpart E as discussed earlier point out that the income tax consequences of a trust depend upon the extent of the divestment of the trust property by the grantor. Whether or

*30, p. 350. See also 23.

**For further suggestions see 8, 15, 20 and 44.

not the grantor succeeds in keeping the trust property out of his taxable estate and whether or not his transfer of property to the trust incurs a gift tax depends upon much the same question.

It would be desirable to have a single standard by which to judge a divestment of trust property in order that the tax results might be consistent. But regrettably there is no single standard. The three taxes are not correlated, and their rules are not the same. For example, a grantor can make a transfer to a trust that is sufficient to cause him to pay a gift tax, and yet he will still have to pay income taxes. It is also possible that the same transfer would not be effective to take the property out of his gross estate, with the result that estate taxes would also have to be paid.*

For this reason, it is important that close attention be given to the gift and estate tax provisions so that the standards of these provisions can be met.

The gift tax standard is quite general. The tax is imposed "on the transfer of property by gift,"** "whether the transfer is in trust or

*7, p. 835.

**6, Section 2501(a).

otherwise, whether the gift is direct or indirect, and whether the property is real or personal, tangible or intangible."*

Very little has been done to refine the coverage of this general provision. Section 2514 includes as a taxable transfer the exercise or release of a general power of appointment (created after 1942) and defines this power as one which can be exercised in favor of the holder of the power himself, his estate, his creditors, or the creditors of his estate. This section excludes from a general power of appointment the power to use the trust property which is limited to "an ascertainable standard relating to the health, education, support or the maintenance of the possessor" of the power and also a power which is exercisable only in conjunction with another person.**

Section 2515 excludes from the general provision the creation of tenancies by the entirety unless the taxpayer elects to treat it as a taxable gift, and Section 2516 excludes certain property settlements in connection with a divorce.

It should be pointed out that there is a specific exemption of \$30,000 for gifts made in

*6, Section 2511(a).

**6, Section 2514(c).

1932 and years thereafter, and also an annual exclusion of \$3,000 for each gift made to separate donees in 1955 and years thereafter.* The exemption is cumulative from year to year, but the exclusion is available for each gift made within the year, provided the donees are not the same person. By obtaining the consent of the spouse for the gifts, the exemption may be increased to \$60,000 and the exclusion increased to \$6,000.** There is also a marital deduction of one half the value of gifts made to a spouse.***

The estate tax provisions are considerably more detailed. The operative section is Section 2133 which provides that the "value of the gross estate shall include the value of all property (except real property situated outside the United States) to the extent of the interest therein of the decedent at the time of his death." Then follow sections which set out the interests to be included.

Section 2034 provides that dower or courtesy interests shall be included in the decedent's gross estate.

*6, Sections 2521 and 2503(b).

**6, Section 2513.

***6, Section 2523.

Section 2035 makes provision for the inclusion of all transfers made in contemplation of death (except in the case of a bona fide sale). There is a presumption that all transfers made within three years of the date of death are in contemplation of death, but this presumption can be rebutted with evidence to the contrary.

Transfers (except in the case of a bona fide sale) in which the decedent retained for his life the income from or the possession of the property, or the right to designate who shall enjoy the property, are made includible by Section 2036.

Section 2037 provides that the gross estate shall include the value of all transfers in which the decedent retained any reversionary interest with a value of more than five per cent of the property.

The power to alter, amend or revoke a transfer causes that transfer to be includible under the provisions of Section 2038.

The value of annuities which were payable to the decedent and are now payable to a surviving beneficiary is includible under Section 2039.

Section 2040 provides that the gross estate shall include the value of any joint interest

to the extent that the decedent provided consideration for the joint interest.

Section 2041, similar to the gift tax Section 2514, includes within the estate the value of property over which the decedent held a general power of appointment (created after 1942) at his death. The release of this general power is treated as a transfer and can fall within the other sections; and the lapse of the power by nonexercise is considered a release. The definition of a general power of appointment is the same as that in Section 2514.

Section 2042 causes the proceeds of life insurance to be includible if the proceeds are receivable by the decedent's executor or if the decedent retained any of the incidents of ownership of the policies or a reversionary interest of more than five per cent of their value.

There is a specific exemption of \$60,000 and a marital deduction provision which allows a deduction for one half the adjusted gross estate, if that amount passes to the surviving spouse.*

There is some relation between the gift and estate taxes in that the gift tax has a

*6, Sections 2052 and 2056.

graduated rate of three fourths that of the estate tax. This arrangement encourages inter vivos gifts, not only by this rate differential but also by the fact that a minimum of planning can divert property from the higher brackets of the estate tax to the lower brackets of the gift tax.

It is apparent that both the gift tax and the estate tax involve complexities and require careful consideration. The accountant, before making a final decision on a trust designed to save income taxes, should analyze the provisions of these other two taxes in order to make certain that the trust will actually save a substantial amount of taxes and that savings on income taxes will not be lost in gift and estate taxes.*

*See generally 7, 21, 28 and 36.

CONCLUSION

According to a recent report published by the United States Treasury Department, 424,915 fiduciary income tax returns were filed for the year 1954, an increase of 11,000 over 1952.* While the total volume is not large in comparison with the number of individual returns filed each year, still it indicates a growing need for the specialized skill required to handle trust taxation.

The complexities of this field necessitate a painstaking study of the Code and the Regulations in order that the accountant may fulfill his obligation to his client in the preparation of an accurate return that will give the best tax result.

Also, in the light of present day tax burdens, the accountant faces an increased demand from his client for counseling in tax planning. He should prepare himself to meet this demand, which requires not only a mastery of the technicalities of the tax rules and the form but also a general understanding of the potentialities and the

*52, p. 5.

limitations of the trust device in the tax field. A knowledge of basic principles and objectives of trust taxation as well as existing statutory defects and shortcomings should serve as a guide to this understanding.

This study should result not only in the acquisition of a valuable skill but also in the satisfaction of being able to perform a service to the public and government alike, in the administration of this difficult tax.

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APPENDIX

1 X
STATISTICS OF INCOME . . . 1954

Fiduciary
**INCOME TAX
RETURNS**

for 1954



U. S. TREASURY DEPARTMENT • INTERNAL REVENUE SERVICE

Statistics of Income

1954

Fiduciary
INCOME TAX
RETURNS

for 1954



*Prepared under the direction of the
Commissioner of Internal Revenue
by the Statistics Division*

U. S. TREASURY DEPARTMENT

Internal Revenue Service • Publication No. 406

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1957

LETTER OF TRANSMITTAL

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., November 12, 1957.

SIR: In accordance with the provisions of section 6108 of the Internal Revenue Code of 1954, requiring the preparation and publication of Statistics with respect to the operation of Federal income tax laws, I have the honor to submit this report, *Statistics of Income—1954, Fiduciary Income Tax Returns for 1954*. Data are presented for both taxable and nontaxable fiduciary returns and include the sources of income, deductions, income tax, and tax credits. These items are tabulated by significant categories such as taxable and nontaxable returns, size of income, State of filing, and type of return. More information, relating to the income of estates and of trusts, is shown than in any previous report.

Respectfully,

RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

HONORABLE ROBERT B. ANDERSON,
Secretary of the Treasury.

III

OTHER STATISTICS OF INCOME PUBLICATIONS

For 1954

- Corporations** *Preliminary Statistics of Income—1954, Corporation Income Tax Returns*
Income statements, balance sheets, tax, dividends paid; classified by major industry groups. Historical summary of total compiled receipts, profit or loss, taxes, dividends paid, by net income status, 1950-54. (39 pp., 30¢)
- Statistics of Income—1954, Corporation Income Tax Returns*
Income statements, balance sheets, taxes, dividends paid, tax credit. Classifications by industry groups, size of net income, size of total assets, accounting periods, accounting and inventory valuation methods. Special tables on beginning and ending inventories of manufacturing and trade corporations, cash dividends paid, corporations filing first returns, returns with foreign tax credits, Western Hemisphere trade corporations, personal holding companies. Historical summary, 1945-54.
- Individuals** *Preliminary Statistics of Income—1954, Individual Income Tax Returns*
Adjusted gross income, taxable income, income tax liability, sources of income, exemptions, tax credits, itemized nonbusiness deductions; classified by size of adjusted gross income. Selected sources of income by States and Territories. (20 pp., 20¢)
- Statistics of Income—1954, Individual Income Tax Returns*
Adjusted gross income, taxable income, income and self-employment tax liability, sources of income, exemptions, tax credits, itemized nonbusiness deductions; classified by size of adjusted gross income. Taxable income by taxable income size for applicable tax rates. Historical summary 1945-54.
- Estates** *Statistics of Income—1954, Estate Tax Returns*
Gross estate, deductions, net estate, taxes, and tax credits. Classifications by size of gross estate, size of net estate before specific exemption. Selected estate tax data by States and Territories. (26 pp., 25¢)
- For 1953
(Subjects not included for 1954)
- Sole proprietorships** *Statistics of Income for 1953, Part 1, Individual Income Tax Returns, Estate Tax Returns, Gift Tax Returns*
Sole proprietorship income, business receipts, net profit or loss. Classifications by size of total receipts, industry groups. (138 pp., 75¢)
- Partnerships** *Statistics of Income—1953, Partnership Returns*
Partnership receipts, deductions, profit and loss, assets, liabilities. Classifications by industry groups, size of ordinary net income or deficit, size of total receipts. Frequency of returns by year of organization, new or successor business. Self-employment income and family partnership data. (62 pp., 45¢)
- Farmers' cooperatives** *Statistics of Income—1953, Farmers' Cooperative Income Tax Returns*
Receipts, deductions, net income or deficit, tax, assets, liabilities, special deductions and adjustments. Classifications by size of business receipts, size of total assets, net income status, States and Territories, type of service performed, exemption status. (42 pp., 40¢)
- Gifts** *Statistics of Income for 1953, Part 1, Individual Income Tax Returns, Estate Tax Returns, Gift Tax Returns*
Total gifts, exclusions, deductions, net gifts, tax. Classifications by size of net gifts, size of total gifts plus gift tax, tax status, type of property. (138 pp., 75¢)

Statistics of Income publications are for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

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INTRODUCTION

This report, *Fiduciary Income Tax Returns for 1954*, is another in the series of publications issued for *Statistics of Income—1954*. The series consist of a separate volume for each type of return from which statistical information was compiled by the Statistics Division. These separate volumes replace the two former annual reports, *Statistics of Income, Part 1 and Part 2*. Only tabulations of information reported on fiduciary income tax returns, Form 1041, are contained in this report. Formerly, statistical data for fiduciary returns were included in *Statistics of Income, Part 1*.

Tabulations in this report include data from both taxable and nontaxable fiduciary returns. It is the second time in recent years that the nontaxable returns were used for statistical purposes. *Statistics of Income for 1952, Part 1*, also contained data from both taxable and nontaxable fiduciary returns. However, no data are available for fiduciary returns for the tax year 1953.

Following the text, which gives a resume of the provisions of the Internal Revenue Code for 1954 relating to fiduciary income and the explanation of the classifications of the returns and the items tabulated, there are eight basic tables for current-year data and two historical tables with significant data from taxable fiduciary returns covering a 10-year period.

A synopsis of recent revenue acts with respect to the requirement for filing and the income tax rates is placed at the end of the report with a facsimile of the fiduciary income tax return for 1954.

**Fiduciary
Income Tax
Returns**

FIDUCIARY INCOME TAX RETURNS FOR 1954

The fiduciary income tax return, Form 1041, contains annual income either from a trust or from an estate in process of settlement, for which the fiduciary acts as an administrator. Since only certain small trusts and estates are excluded from the filing requirements, the 424,915 returns filed for the income year 1954 contained most of the income derived in the United States from these two sources. The total income was about \$3.9 billion, of which \$3.2 billion was on returns for trusts.

The income tax, payable by the fiduciary, was \$264 million for 1954. The graduated tax rates were the same as for the taxable income of a single individual. These rates were imposed on the amount of taxable income of the fiduciary, which aggregated \$697 million. The difference between the total income of \$3.9 billion and the much smaller taxable income of fiduciary, \$697 million, was caused by the subtraction of numerous allowable deductions. The largest single deduction of over \$2 billion was for the amount of distributions to beneficiaries, which is taxable on the income tax return filed by the beneficiary, rather than on the fiduciary return, Form 1041 (for summary of these data, see table B, page 8). As a result of the definition of the base upon which this tax is imposed, 70 percent of the fiduciary returns filed for income year 1954 were nontaxable.

CHARACTERISTICS OF THE YEAR

For the income year 1954, there were 424,915 fiduciary income tax returns filed for the income of estates and of property held in trust. Of this total, 297,136 returns were nontaxable and 127,779 were taxable. Although there were over 11 thousand more returns than for 1952, the last year for which data are available there were 5 thousand fewer taxable returns.

Total income for all fiduciary returns amounted to \$3.9 billion. This was over a billion dollars more than was reported for 1952. The total deficit of \$11.8 million was more than one-third below the deficit of 1952. These differences were to some extent attributable to the gross basis of reporting certain sources for 1954, as compared with a net basis of reporting all income items for 1952. The average total income per return was \$9,243 for 1954, but 67 percent of the returns showed total income under \$5,000. There were 3,778 returns with total income of \$100,000 or more, 1,624 of which were nontaxable returns.

Taxable income of fiduciary for the tax year 1954 was \$697 million. This income was retained by the fiduciaries and they were liable for the income tax on this amount. The income tax before credits on

the 127,779 taxable returns was \$269 million. Tax credits claimed by the fiduciaries were \$4.2 million for dividends received, \$726 thousand for foreign tax paid, \$75 thousand for partially tax-exempt interest, and \$27 thousand for tax paid at source on tax-free covenant bonds.

Income tax liability after credits was \$263.9 million, an increase of 12 percent over the tax liability for 1952, even though there were fewer taxable returns for 1954 and the income tax rates were lower than for 1952 income. The effective tax rate for 1954 taxable returns was 37.9 percent based on taxable income of fiduciary.

Text table A presents a comparison of the number of returns, total income, deficit, and income tax reported on the 1954 and 1952 fiduciary returns. The number of returns for 1952 in this comparison has been adjusted to eliminate returns that had no information regarding income or tax, so that the number of returns is comparable. Such returns were included in the 1952 published report.

Table A.—NUMBER OF RETURNS, INCOME, DEFICIT, AND TAX: 1954 AND 1952

Items	1954	1952	Increase or decrease	
			Number or amount	Percent
All returns:				
Number of returns ¹	424,915	413,679	+11,236	+2.72
Total income.....thousand dollars..	3,873,689	2,806,567	+1,067,122	+38.02
Deficit in total income thousand dollars..	11,765	18,407	-6,642	-36.08
Taxable returns:				
Number of returns.....	127,779	132,927	-5,148	-3.87
Total income.....thousand dollars..	1,868,922	1,307,721	+561,201	+42.91
Income tax after credits thousand dollars..	263,893	234,933	+28,960	+12.33
Nontaxable returns:				
Total number of returns ¹	297,136	280,752	+16,384	+5.84
With total income:				
Number of returns.....	291,314	270,285	+21,029	+7.78
Total income.....thousand dollars..	2,004,767	1,498,846	+505,921	+33.75
With no total income:				
Number of returns ¹	5,822	10,467	-4,645	-44.38
Deficit in total income thousand dollars..	11,765	18,407	-6,642	-36.08

¹Excludes returns with no information reported.

The normal tax and surtax for 1954 fiduciary returns amounted to \$131 million and the alternative tax was \$132.9 million on 2,917 returns with taxable income of fiduciary of \$18,000 or more. The normal tax and surtax was about 10 percent less than that of 1952, but the alternative tax had increased nearly 50 percent over the alternative tax for 1952.

Of the sources of income, dividends of \$1.8 billion formed the largest single item and comprised nearly one-half of the total income. Dividend receipts occurred on 72 of every 100 returns.

Net proceeds reported in total income from sales of capital assets, amounting to \$826.2 million, were the second largest element, followed by gross rents and royalties of \$589.2 million.

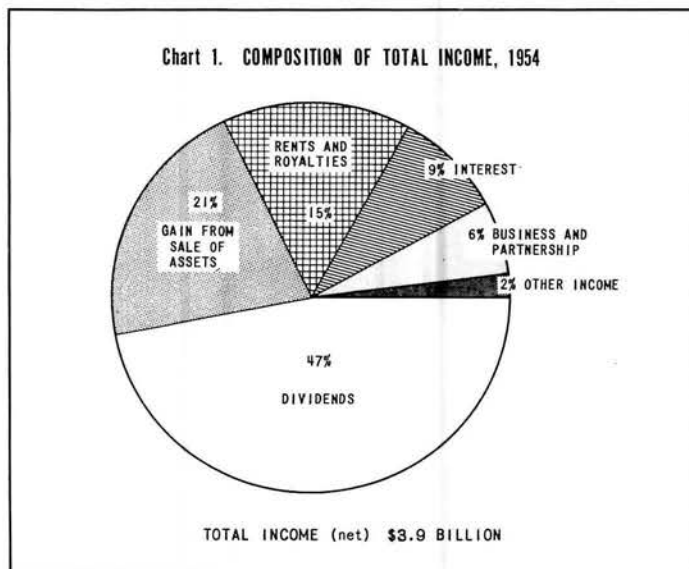
Total deductions claimed on the 1954 fiduciary returns were \$3.3 billion of which the deduction for distributions to beneficiaries was the largest. This distribution of \$2.1 billion was taxable to the beneficiary recipients. The deduction appeared on 73 of every 100 returns.

Eight and one-half percent of the returns had interest paid and nearly 44 percent of the returns had taxes deducted. Charitable contributions of \$72 million were deducted on 9,659 returns.

Each of the new deductions, dividend exclusions and long-term capital gain, occurred on one-fourth of the returns, while depreciation was claimed on one-eighth of the returns.

COMPOSITION OF TOTAL INCOME, 1954

In chart 1, the components comprising total income reported on fiduciary returns are shown in a percentage relationship to the total income of \$3.9 billion. Dividends, as usual, were the largest source of fiduciary income, constituting 47 percent of the income as a whole. Gain from sales of assets, forming 21 percent of the total, was the net amount realized from both capital assets and other property. Rents and royalties, for the most part, were gross receipts and formed 15 percent of the total. Gross profit and loss from business was combined with partnership income and loss to form 6 percent of the total income reported. Other income included the net amount received from other fiduciaries and the miscellaneous items reported as other income.



Segments in the composition of total income have changed since 1952. Much of the change results from the new method of reporting fiduciary income under the 1954 Code. Dividend receipts made up a smaller portion of the total income than was the case on the 1952 returns, although the dollar receipts were larger. Gain from sales of assets more than doubled the proportion of the total as compared with that for 1952, but the comparison is not entirely mean-

ingful because the capital gain deduction was not applied in 1954. The percentage for rents and royalties showed an increase over 1952, probably on account of the gross receipts basis of reporting in 1954. Interest formed a smaller portion of the total income than in 1952, though the amount was greater. The business and partnership percentage was somewhat larger than two years ago. However, business income for 1954 was reported on a gross profit basis.

FIDUCIARY INCOME TAX PROVISIONS UNDER THE 1954 CODE

The Internal Revenue Code for 1954 effected substantial changes in the law governing the taxation of income of estates and trusts and the distributions to beneficiaries, as well as changes in terms and language relating to the subject of fiduciary income taxation, which had been in use over a long period of years. These new provisions apply to estates and trusts with a tax year beginning after December 31, 1953 and ending after August 16, 1954.

The new Code separates trusts into two basic types, generally referred to as simple trusts and complex trusts, and establishes rules for each. Simple trusts include trusts which are required to distribute all income currently and have no provisions in the trust instrument for paying out amounts for charitable purposes. Complex trusts are trusts which may accumulate income and distribute corpus, or which make charitable contributions. Rules provided for complex trusts apply also to estates under administration.

Income tax is imposed on the taxable income of fiduciary at the same rates which apply to the taxable income of single individuals who are not head of household or surviving spouse, as was the case under previous law. The rates effective on January 1, 1954 are 20 percent of the first \$2,000 of taxable income of fiduciary, increasing at graduated rates to 91 percent of taxable income in excess of \$200,000. These rates are lower than the rates on 1952 and 1953 income.

New tax credits were introduced under the 1954 Code. A tax credit for domestic dividends received is allowed to an estate or trust if the tax year ended after July 31, 1954, with respect to dividends received after that date and retained by the fiduciary. The credit is 4 percent of such dividends retained but cannot exceed (a) income tax reduced by foreign tax credit, or (b) 2 percent of the taxable income.

The tax credit for partially tax-exempt interest replaces the former deduction from net income of such interest for normal tax purposes. The credit relates to the share of partially tax-exempt interest retained by the fiduciary, but cannot exceed the smallest of (a) 3 percent of the partially tax-exempt interest retained less the portion of amortized bond premium deduction pertaining thereto, (b) the amount of income tax reduced by the tax credits for dividends received and for foreign tax paid, or (c) 3 percent of the taxable income of fiduciary.

The 1954 Code substitutes "taxable income of fiduciary" for "net income of fiduciary." The former means total income less allowable deductions. Allowable deductions differ from previous deductions and also include the exemption for the first time.

There are numerous changes in the content of the items comprising total income and, therefore, in total income itself. The most outstanding changes occur in (a) rent and royalty income which is now on a *gross* basis, (b) business profit or loss which is now on a *gross* basis, i.e., gross receipts less cost of goods sold, and which now excludes all types of *other* income received by the sole proprietorship which are to be reported on Form 1041 according to the character of the income (for example, interest received by a sole proprietorship engaged in retail trade is reported as interest), and (c) net gain from sales of capital assets, the amount of which is *not* reduced by 50 percent of the excess of net long-term capital gain over net short-term capital loss.

As a result of including gross rents and royalties and gross profit or loss from business in total income, the deductions for interest, taxes, depreciation, contributions, and other authorized deductions include the expenses for rent, royalty, and business activities. The fiduciary's share of depreciation is a separate deduction as are also his share of the dividend exclusion and his portion of the excess long-term capital gain deduction. The charitable deduction is independent of distributions to beneficiaries. The deduction for distributions to beneficiaries is limited to the amount of distributable net income (a new concept). Distributions to beneficiaries become taxable to them and retain the same character as in the hands of the fiduciary.

Exemption, which was formerly a credit against net income, is now allowed as a deduction in computing taxable income of fiduciary. The exemption is increased from \$100 to \$300 for trusts required by their trust instrument to distribute all of their income currently, none of which is paid out for charitable purposes. All other trusts are allowed \$100 exemption and estates are allowed \$600, as in former years.

RETURNS FROM WHICH DATA WERE TABULATED

Fiduciary income tax returns, Form 1041, used for the compilation of data in this report included both taxable and nontaxable returns, neither of which had been audited by the Internal Revenue Service. For this reason, these statistics do not reflect any changes in income, deductions, exemptions, taxes, or other items which may have resulted from the official audit.

Data were taken from fiduciary returns for the income year 1954 which included calendar years, fiscal years ended within the period July 1954 through June 1955, and part years with the greater number of months in 1954. Tentative returns were not used and amended returns were used only if the original returns were excluded. For the first time, fiduciary returns with no information concerning income, deductions, and tax were not used for statistics.

The Internal Revenue Code of 1954 applies to the income of estates and trusts with a tax year which began after December 31, 1953 and ended after August 16, 1954. Consequently, fiduciary returns with tax year beginning in 1953 and part-year returns with accounting period ended before August 17, 1954 were subject to the Internal Revenue Code of 1939. Returns of estates and trusts subject to the 1939 Code generally were filed on Form 1041 for 1953, as instructed. On the 1953 form, items of income were reported on a net basis and deductions were reported according to the law for that year. Approximately 8 percent of the total returns filed were subject to the 1939 Code. The 1954 fiduciary return, Form 1041, was revised to fulfill the needs of the new provisions of the 1954 Code. Consequently, items of income are on a gross basis and deductions carry all expenses for rents, royalties, and business, in addition to several new deductions.

TAXABLE AND NONTAXABLE FIDUCIARY RETURNS

Tabulations for fiduciary income tax returns in this report include data from both taxable and nontaxable returns. The nontaxable returns form a very important part of the fiduciary income as a whole. About 70 percent of the 1954 fiduciary returns were nontaxable. A fiduciary return is taxable only when income in excess of the allowable exemption is retained by the fiduciary. Returns are often rendered nontaxable because of the distributions to beneficiaries.

Text table B has been prepared so that the taxable and nontaxable data may be readily associated. Total income on the nontaxable returns was a little larger than the total income on the taxable returns. There are just two sources of income on taxable returns that outranked those on nontaxable returns: net profit from partnership and net gain from sales of capital assets. Gains from capital assets are generally considered corpus and for the most part are not distributed to beneficiaries, but instead remain in the hands of the fiduciary. Therefore, it is understandable that a larger amount of these gains occurred on the taxable returns. However, allowable expenses, exemption, and other deductions can be deducted from them for income tax purposes.

Total deductions on the nontaxable returns were nearly twice those on the taxable returns. However, two deductions on taxable returns exceeded those on the nontaxable returns: dividend exclusions and long-term capital gain deduction. The latter is to be expected since it relates to the capital gain in total income of the taxable returns. The distributions to beneficiaries on nontaxable returns are almost three times those on the taxable returns. On nontaxable returns, 77 percent of the total income was distributed to beneficiaries, but only 31 percent of total income on the taxable returns was distributed. Without this deduction for distributions, the remaining deductions were about equal.

Practically all of the nontaxable returns resulted in a deficit amount of taxable income. The taxable returns showed that \$697 million of income was retained by the fiduciaries, and this was the base for the income tax liability.

Table B.—SOURCES OF INCOME AND LOSS, DEDUCTIONS, TAXABLE INCOME, AND TAX BY TAX STATUS

Items	Total	Taxable	Nontaxable
Number of returns.....	424,915	127,779	297,136
	(Thousand dollars)		
Sources:			
Dividends (before exclusions).....	1,811,158	744,175	1,066,983
Interest received.....	331,053	105,497	225,556
Partnership net profit.....	97,054	59,285	37,769
Partnership net loss.....	7,110	1,430	5,680
Fiduciary income.....	27,012	12,040	14,972
Fiduciary loss.....		172	251
Rents and royalties gross.....	591,060	199,456	391,604
Rents and royalties loss.....	1,896	351	1,545
Trade or business gross profit.....	153,759	67,067	86,692
Trade or business gross loss.....	10,019	1,688	8,331
Net gain from sales of capital assets.....	835,779	664,818	170,961
Net loss from sales of capital assets.....	9,538	2,486	7,052
Net gain from sales of other property.....	5,295	1,478	3,817
Net loss from sales of other property.....	6,842	613	6,229
Other sources.....	45,582	21,846	23,736
Total income (net).....	3,861,924	1,868,922	1,993,002
Deductions:			
Interest paid.....	33,625	13,411	20,214
Taxes.....	120,437	49,405	71,032
Depreciation.....	95,099	34,159	60,940
Charitable deduction.....	72,102	7,117	64,985
Dividend exclusions.....	5,395	3,348	2,047
Distributions to beneficiaries.....	2,123,574	579,353	1,544,221
Long-term capital gain deduction.....	340,957	316,521	24,436
Exemptions.....	140,203	37,825	102,378
Other deductions.....	385,025	130,741	254,284
Total deductions.....	3,314,488	1,171,918	2,142,570
Taxable income of fiduciary.....	697,011	696,999	(¹)
Income tax before credits.....	268,956	268,954	(¹)
Fiduciary's share of tax credit for—			
Foreign tax paid.....	726	724	(¹)
Tax paid at source.....	27	27	-
Dividends received.....	4,235	4,235	(¹)
Partially tax-exempt interest.....	75	75	-
Income tax liability after credits.....	263,893	263,893	-

¹Sample variability of this item is too large to warrant showing it separately. However, this value is included in the total.

RETURNS OF TRUSTS AND OF ESTATES

Fiduciary income tax returns are of two types, those which show income of estates and others which show income of trusts. Returns of estates are filed annually, by the administrator or executor of the estate of a deceased person, during the period of time in which the estate is being administered under the testator's will or, if intestate, under the jurisdiction of the local court. Generally, returns for the income of an estate are required only for a short period of years. When the estate is settled and assets distributed, the income ceases and no more returns are required.

On the other hand, income of trusts is of a more permanent nature. A trust is created for a specific purpose by means of a trust instrument or agreement for a term of years or may extend for an indefinite time. The income of the trust is reported annually by the trustee as long as the trust exists.

Seventy-six percent of all fiduciary returns for the income year 1954 were returns for trust income, and 24 percent were returns for the income of estates. However, of the total number of taxable fiduciary returns, 70 percent were for trusts and 30 percent for estates.

On account of the different functions of a trust and an estate, each has its distinctive characteristics. Different proportions of the total income are distributed, leaving different proportions in the hands

of the fiduciary for taxation. Certain items of income vary in relation to their respective total income, although similar items of income are reported for each.

Text table C has been compiled to point out these and other characteristics. The six sources of income in the table correspond to those shown in the composition of total income for all fiduciary returns in chart 1, page 6. As in that chart, the money amount for each source of income in table C is the net proceeds from that source. Business and partnership were combined and gain from sales of assets includes both capital assets and other property.

Of the 321.2 thousand trust returns, 28 percent were taxable returns showing \$509.6 million taxable income retained by the fiduciary. This was one-sixth of the total income of the trusts. Income tax after credits, paid at time of filing by the trustees of these trusts, was \$198.1 million.

Of the 103.7 thousand returns for estates, 37 percent were taxable returns with \$187.4 million taxable income retained by the fiduciary. This was more than one-fourth of the total income of the estates. Income tax liability reported by executors of these estates was \$65.8 million.

Total income reported on returns for trusts was \$3.2 billion while that on returns for estates was \$690.9 million. Data from returns for trusts showed 51 percent of the total income to be from dividends, 22 percent as gain from sale of assets, and 13 percent from rents and royalties, with only 4 percent from business and partnership. By comparison, the returns for estates had 30 percent from dividends, 19 percent from gain on sale of assets, 24 percent from rents and royalties, and 15 percent from business and partnership. Interest income is the only source occurring in the same proportion.

Only two deductions are available for comparison between the trusts and estates. The deduction for distributions to beneficiaries of \$1.9 billion on returns for trusts indicates that 60 percent of their total income was distributed according to the trust instruments. The returns for income of estates showed that this distribution, amounting to \$212.8 million, was 31 percent of the total income of the estates.

Table C.—SOURCES OF INCOME, TAXABLE INCOME, AND TAX FOR TRUSTS AND FOR ESTATES

Items	Total fiduciary returns	Returns for trusts		Returns for estates	
		Number or amount	Percent of total	Number or amount	Percent of total
Number of returns:					
Taxable.....	127,779	89,470	28	38,309	37
Nontaxable.....	297,136	231,726	72	65,410	63
Total.....	424,915	321,196	100	103,719	100
	(Thousand dollars)			(Thousand dollars)	
Sources:					
Dividends (before exclusions).....	1,811,158	1,603,382	51	207,776	30
Interest received.....	331,053	271,565	9	59,488	9
Rents and royalties.....	589,164	421,747	13	167,417	24
Business and partnership.....	233,684	133,469	4	100,215	15
Gain from sale of assets.....	824,694	690,876	22	133,818	19
Other income.....	72,171	50,012	1	22,166	3
Total income.....	3,861,924	3,171,051	100	690,873	100
Distributions to beneficiaries.....	2,123,574	1,910,777	60	212,796	31
Exemptions.....	140,203	77,965	2	62,237	9
Taxable income of fiduciary....	697,011	509,609	16	187,402	27
Income tax after credits.....	263,893	198,132	-	65,761	-

Exemption of \$600 was claimed against the total income on each of the 103.7 thousand returns for estate income. Returns for trusts showed that an exemption of \$300 was claimed for each of the 229.2 thousand simple trusts, and \$100 was claimed for each of 92 thousand complex trusts. This frequency for simple and complex trusts was based entirely on the amount of exemption taken and not on a legal definition. These exemptions provided tax-free income of 9 percent in the case of income of estates, but only 2 percent for the income of trusts.

TABULATED DATA

Fiduciary income and tax data for the income year 1954 are tabulated in eight basic tables. With the exception of two tables, these data are distributed by total income classes. There is one table showing a distribution by size of the taxable income of fiduciary, and one with information tabulated by States and Territories. Data from taxable and nontaxable returns are shown separately in six tables but are combined in the remaining two. Summary information for returns under \$5,000 and for returns \$5,000 or more total income, occurring in several of the tables, is cumulated from the classes as such, regardless of the tax status.

All of these basic tables include data for estates and trusts subject to the 1939 Code as well as data from those subject to the 1954 Code. As a consequence, the various sources of income tabulated are a combination of data part of which was reported on a net basis and part on a gross basis. Similarly, of the several deductions, each is an aggregate of a deduction sometimes reported as required under the new law and other times as required under the old law. Tax items also vary according to the provisions governing the accounting period of the estate or trust. Ninety-two percent of the fiduciary returns were subject to the 1954 Code.

In table 1, the number of fiduciary returns with total income and the related amounts of total income, taxable income of fiduciary, and income tax after credits are tabulated to show their distribution by total income classes, as well as their cumulation at each income class level from the lowest class and their cumulation at each income class level from the highest class, together with a corresponding percentage of the total. Taxable and nontaxable returns with total income are combined, but nontaxable returns with no total income are shown apart from the cumulations. Throughout these distributions, the nontaxable returns with total income are in their proper class.

Table 2 presents statistics for all fiduciary returns tabulated by total income classes, separately for taxable and nontaxable returns. These data show the sources of income and loss comprising total income, total income, and allowable deductions which include among others the dividend exclusions, charitable deduction, distributions to beneficiaries, long-term capital gain deduction, and exemptions. Also, there are shown the taxable income of fiduciary, income tax before credits, tax credits, and income tax liability after credits. Frequencies for number of

returns are supplied for each item where appropriate and also for the number of returns with no taxable income of fiduciary.

Table 3 contains data from the fiduciary returns filed for the income of trusts. It shows each of the sources comprising total income, total income, the deduction allowed for distributions to beneficiaries, exemption claimed at \$300 by each simple trust and that claimed at \$100 by each complex trust, taxable income of the trust, and income tax liability after credits. The number of returns is given for these items and also for the number of trusts with no taxable income of trust. Taxable and nontaxable returns are shown separately by total income classes.

Table 4 contains only data from fiduciary returns filed for the income of estates. This is a companion table for table 3 with the same classification and with similar items, except that the exemption is \$600 for each estate.

Table 5 shows a distribution of data for fiduciary returns that had taxable income of fiduciary. These data are classified by size of taxable income of fiduciary. This is a new classification in which the class intervals correspond to the brackets of the graduated tax rate schedule applicable to fiduciary income. The amounts of taxable income, normal tax and surtax, and alternative tax (both after credits) are tabulated and the frequencies for the taxes are also shown. Nontaxable returns with taxable income are those on which the original income tax was eliminated by the tax credits.

Table 6 for taxable fiduciary returns contains data related to the normal tax and surtax and that related to the alternative tax, and shows for each, by total income classes, the total income, taxable income of fiduciary, income tax after credits, average income tax, and the effective tax rate based on taxable income.

Table 7 pertains to the capital gains and losses reported on fiduciary returns. Data for returns with a net loss from sales of capital assets in total income are tabulated apart from data for returns with a net gain from such sales in total income. Returns with net gain from sales of capital assets are segregated to show data relative to normal tax and surtax separately from the data relating to alternative tax. In all categories, the net short-term capital gain and loss, the net long-term capital gain and loss, and the capital loss carryover are tabulated by total income classes. In addition, there is the capital loss before application of the statutory limitation on the deduction, as well as the allowable loss deducted from gross income in computing total income, and the amount of capital gain included in total income.

Table 8 for fiduciary returns shows two sources of income, total income, taxable income of fiduciary, and income tax liability after credits, with frequencies for these items and also for returns with no taxable income, distributed by States and Territories in which the returns were filed. Returns with no total income are not included in this table.

In addition to the basic tables for 1954 fiduciary income and tax data, there are two tables, numbers 9 and 10, which show historical data reported on taxable returns for income years 1945 through 1954, except

that no data are available for 1953 income year. Table 9 distributes by total income classes the number of returns, amounts of total income and income tax after credits. Table 10 presents the sources of income comprising total income, total income, deductions, and taxable income of fiduciary.

Throughout the tables, money amounts in thousand dollars and percentages were rounded and may not add to the totals.

DESCRIPTION OF THE SAMPLE AND LIMITATIONS OF DATA

The data presented for fiduciary income tax returns for 1954 are based on a stratified systematic sample which called for including 100 percent of returns showing total income of \$50,000 or more and of various lesser percentages of returns showing total income under \$50,000. More than 34,000 returns were selected in 64 district directors' offices. These represented about 8 percent of the total population of 431,337 fiduciary returns filed throughout the country.

Description of the sample.—Table D shows the number of returns processed, the number of returns in the sample, the prescribed sampling ratios, and the achieved sampling ratios, by estimating stratum. The differences between the prescribed sampling ratios and the achieved sampling ratios arise from three sources: incomplete numbering series, non-response, and the normal variation between expected sample size and actual sample size that arises in systematic sampling through the use of serial numbers.

Table D.—NUMBER OF FIDUCIARY INCOME TAX RETURNS PROCESSED FOR 1954, NUMBER OF RETURNS IN SAMPLE AND SAMPLING RATIOS, BY ESTIMATING STRATUM

Sampling stratum		Number of returns processed	Number of returns in sample	Sampling ratios or skip interval	
Total income	Tax status			Prescribed	Achieved
Under \$50,000.....	Taxable.....	121,086	10,766	1/9	1/11
Under \$50,000.....	Nontaxable....	298,940	14,957	1/19	1/20
\$50,000 and over....	Taxable.....	6,236	5,382	1/1	7/8
\$50,000 and over....	Nontaxable....	5,075	3,627	1/1	2/3
Grand total, all returns.....		431,337	34,732	-	-

In addition to the stratification imposed by selecting returns from each internal revenue district, the sample selection was adapted to the regular return sorting procedures which are employed in the district offices to facilitate collection and audit requirements. Returns are sorted on the basis of size of total income and taxpayment status, as reported by the taxpayer. These sorts constituted effective sampling strata because the characteristics on which the strata are based correlate highly with income and tax characteristics.

Inflating sample values to population size.—The sample values were extended to the returns they represented by multiplying them by "weighting factors." These weighting factors were derived for each class of return by dividing the number of sample returns into the total number of returns filed. For instance,

the weighting factor of 20 for low, nontaxable returns was obtained by dividing the number of returns in the sample, 14,957, into the total number of returns filed, 298,940. The primary sources of population data were counts made and submitted by the district offices showing the numbers of Form 1041 returns processed.

In comparing the weighted sample numbers of returns with the figures presented as national totals for similar classes of returns, slight discrepancies will be noted. As shown in table E, the discrepancies result from the elimination of certain returns and the reclassification of others in preparing the tables.

Table E.—SOURCES OF DEVIATION BETWEEN WEIGHTED SAMPLE NUMBER OF RETURNS AND NUMBER OF RETURNS APPEARING IN TABLES FOR 1954

Total income class	Number of returns		Deviation from weighted sample	Source of deviation	
	National totals	Weighted sample		Returns with no information ¹	Misclassified returns
Under \$50,000, taxable.....	122,299	121,086	+1,213	0	+1,213
Under \$50,000, nontaxable.....	292,795	298,940	-6,145	-6,422	+277
\$50,000 and over, taxable.....	5,480	6,236	-756	0	-756
\$50,000 and over, nontaxable....	4,341	5,075	-734	0	-734
All classes.....	424,915	431,337	-6,422	-6,422	0

¹These figures are estimated from sample returns filed with the Internal Revenue Service but which contain no information on income. They are in the population of returns sampled but are excluded from tabulations.

Separate systems of weighting were used for the national tabulations and for the State tabulations. The weights for the national tabulations were derived from nationwide populations obtained by adding the populations reported by the district directors' offices. The separate district office populations were used to derive the independent district office weights for the State tabulations. Achieved sampling rates varied sufficiently among districts to warrant using two separate systems of weights.

As a result of using two weighting systems and rounded weighting factors, there exist slight discrepancies between items in tables showing distributions by States and corresponding items shown in the national tables.

Sampling variability.—The data are subject to sampling variability. Table F below shows the range within which we would expect to find 19 out of 20 estimates prepared from samples similarly selected. In the preparation of this table, it was assumed that systematic selection within strata would yield results equivalent to simple random sampling. For instance, if data from taxable returns showing total income under \$50,000 reveal 10,000 returns having a certain characteristic, the chances are 19 out of 20 that the difference between this figure and the one that would have been obtained from a complete count is less than 620.

A general table of sampling variability for estimates that are based on returns from the several strata is not practical to prepare because of the large number of entries in the tables. The sampling variability for the value in each such cell must be estimated individually.

Deletion of certain entries.—Throughout the tables the policy has been followed of deleting where pos-

Table F.—SAMPLING VARIABILITY OF ESTIMATED NUMBER OF RETURNS

If the estimated number of returns is—	And the total income class of returns to which the estimate refers is—	
	Under \$50,000, taxable	Under \$50,000, nontaxable
	Then the chances are about 19 out of 20 that the difference between this estimated number of returns and the figure that would be obtained from a count of all returns is less than—	
100.....	60	80
1,000.....	200	270
10,000.....	620	860
25,000.....	910	1,320
50,000.....	1,100	1,780
75,000.....	1,090	2,070

sible those entries where the estimated relative error traceable to sampling variability was judged to be excessive. These cells are appropriately noted in each instance where this deletion has occurred.

Other limitations of the data.—In addition to sampling variability, the data are subject to certain other limitations. Many of the tax returns from which data were obtained had not been subjected to a complete audit with the result that errors made by taxpayers in filling out the returns were not completely eliminated. In addition, controls maintained over the selection and processing of the returns used in compiling the data do not completely eliminate the possibility of error. Practical operating considerations necessitate allowance of reasonable tolerances in processing controls.

EXPLANATION OF CLASSIFICATIONS AND TERMS

Classifications for Fiduciary Returns

Fiduciary returns for estates and trusts for the income year 1954 were classified by size of total income, by size of taxable income, by States and Territories, as taxable and nontaxable returns, and as returns for estates or trusts. Taxable returns were classified by types of tax.

These classifications were applied to all returns whether subject to the 1939 Code or to the 1954 Code. Classifications as described below refer in particular to circumstances under the 1954 Code. For returns subject to the 1939 Code, there was a corresponding counterpart on which the classification was based, except that surtax net income was substituted for taxable income of fiduciary. Only 8 percent of the total returns filed were subject to the 1939 Code.

Total income classes.—Fiduciary returns were classified into total income classes based on the amount of total income reported for each estate or trust. Returns that showed a deficit in total income, regardless of the amount, and returns with a break-even in total income are designated "No total income" and appear in aggregate under nontaxable returns. Returns with no information concerning income and deductions were excluded.

Taxable and nontaxable returns.—This classification was based on the presence or absence of an income tax liability after credits. Taxable returns are those which had an income tax liability remain-

ing after the four tax credits allowed for foreign taxes paid, tax paid at source on tax-free covenant bonds, dividends received, and partially tax-exempt interest had been deducted. Nontaxable returns are returns with no income tax remaining after the four tax credits. A few nontaxable returns had a tax before credits which was eliminated by the credits.

Returns for estates and for trusts.—Certain fiduciary returns were filed for the income of an estate under administration and others for the income from property held in trust. This classification was determined from these facts.

Types of tax.—Taxable returns were classified by the two types of tax, namely, normal tax and surtax, and alternative tax. The alternative tax concerns the special treatment of taxing capital gains.

Taxable income classes.—This size classification was based on the amount of taxable income of fiduciary. Taxable income of fiduciary is a new term under the 1954 Code and is the amount to which the tax rates are applied. The class intervals coincide with the brackets of the graduated tax rate schedule. For returns subject to the 1939 Code, surtax net income (a comparable concept) was used as the basis of this size classification.

States and Territories.—The distribution of fiduciary returns by States and Territories included the 48 States, District of Columbia, and Hawaii. This distribution was based on the location of the internal revenue district in which the return was filed, except that the District of Columbia was separated from the Baltimore (Md.) District, by means of the address of the fiduciary.

Sources of Income Comprising Total Income

As previously stated, the sources of income on fiduciary returns for the income year 1954 were reported under rules pertaining to the 1954 Code in some instances and to the 1939 Code in others. The descriptions below relate to amounts reported under the 1954 rules. Ninety-two percent of all returns were subject to the 1954 Code.

Dividends (before exclusions) include foreign and domestic dividends received by the estate or trust through trade or business, partnership, or another fiduciary, as well as those received directly. However, so-called dividends from mutual savings banks, cooperative banks, domestic building and loan associations, domestic savings and loan associations, and Federal savings and loan associations are to be reported as interest according to instructions on the return and, therefore, are excluded from dividends received.

Interest received is that on bank deposits, notes, corporation bonds, mortgages, tax-free covenant bonds, and Government obligations (unless wholly exempt), and includes such interest received through partnerships, trade or business, and other fiduciaries. Interest also includes the so-called dividends listed above which, according to the instructions, are considered interest for income tax purposes.

Partnership net profit or net loss is the estate's or trust's share (whether received or not) of the ordinary net income or loss from all partnerships, syndicates, or joint ventures in which the estate or trust participated. If there were two or more

partnerships, the shares of profit and loss were combined and only the net result reported. However, the share of partnership profit or loss reported excluded gain or loss from sales of capital assets, dividends received, and partially tax-exempt interest, but the share was reported without the deduction for contributions or the net operating loss deduction.

Fiduciary income or loss is the estate's or trust's share, as beneficiary, of the distributions to beneficiaries (whether received or not) from another estate or trust. However, in reporting this income the fiduciary excluded gains from sales of capital assets, dividends received, and partially tax-exempt interest so as to report each in its respective source. A loss, including capital loss, from another estate or trust can be received only upon termination of the other estate or trust.

Gross rents and royalties received or accrued were reported as a single item of income and the combined amount reported is the gross rentals, received directly or through business, for the occupancy of real estate or the use of personal property, as well as gross royalties from books, plays, copyrights, trade-marks, formulas, patents, and from natural resources such as oil, gas, timber, and mineral rights. All expenses relating to such income were claimed among the deductions for interest, taxes, depreciation and depletion, and other deductions.

Gross profit or loss from trade or business is the excess of gross receipts from sales or services over cost of goods sold, and gross loss is the reverse. Any other type of business income was reported in the appropriate source according to the character of such income. Business expenses were deducted by the fiduciary under depreciation, charitable contributions, and other deductions.

Net gain from sales of capital assets is the net gain realized from sales or exchanges of property treated as capital assets, the entire amount of which was included in total income of the estate or trust. It is a combination of the net short-term capital gain or loss (including the capital loss carryover from 1949-53) and 100 percent of the net long-term capital gain or loss, which combination resulted in a net gain. In computing the net gain, the short- and long-term capital gains and losses received through business or partnerships and capital gains received from another fiduciary were included. The amount of net gain from sales of capital assets included in total income of the estate or trust is not reduced by 50 percent of the excess long-term capital gain over short-term capital loss as it is in the case of reporting capital gain in adjusted gross income on an individual return.

Net loss from sales of capital assets is the amount of loss allowed the estate or trust on account of sales or exchanges of property treated as capital assets. The allowable loss was deducted from gross income in determining the amount of total income of the estate or trust. In the computation of deductible loss, all short-term capital gains and losses (including the capital loss carryover from 1949-53) were merged with 100 percent of the long-term capital gains and losses. The resulting capital loss was allowed only to the extent of the smallest of the following amounts (a) capital loss, (b)

taxable income computed without regard to capital gains and losses and the deduction for exemption, or (c) \$1,000. In merging the short- and long-term capital gains and losses, all such gains and losses sustained in business or received through partnerships, and capital gains received from other fiduciaries were included. The disallowed portion may be carried forward for 5 succeeding years as a short-term capital loss to the extent not eliminated in the interim.

Short-term applies to gains and losses from sales of capital assets held 6 months or less and such gains and losses, together with the capital loss carryover, are merged to obtain the net short-term capital gain or loss. In this merger, the net short-term capital gain or loss from partnerships and net short-term capital gain from other fiduciaries are also included.

Long-term applies to gains and losses from sales of property treated as capital assets if held more than 6 months. These are taken into account at 100 percent. Long-term capital gains and losses together with the net long-term capital gain or loss received through partnerships and the net long-term capital gain received from another fiduciary are merged to determine the net long-term capital gain or loss.

Capital loss carryover from 1949-53 is the remaining portion of net capital loss sustained in those years but which the fiduciary has not yet been able to eliminate through his capital gains or the \$1,000 deduction allowed for capital loss in computing total income, in the years subsequent to the year in which the capital loss was sustained. This carryover is reported with and treated as a short-term capital loss in the 1954 income year.

Net loss from sales of capital assets before limitation is the entire net loss from sales or exchanges of property treated as capital assets and reported on returns with a capital loss deduction from gross income on account of this loss. It is a combination of the net short-term capital gain or loss including the capital loss carryover and the net long-term capital gain or loss, without regard to the statutory limitation on the allowable deduction.

Net gain or loss from sales of property other than capital assets is that resulting from sales or exchanges of property including business property, none of which was treated as a capital asset. The net gain or net loss realized from such sales was ordinary gain or loss and, in either case, the amount thereof was used in its entirety for the computation of total income of the estate or trust.

Other sources of income include any type of income subject to income tax received by the estate or trust, not elsewhere tabulated.

Deductions

Deductions allowed estates and trusts under the 1954 Code differ from those allowed under the 1939 Code. Each deduction was tabulated as reported on the return, so that the amount of any deduction in the tables, common to both laws, is a combination of that deduction reported sometimes under the 1939 Code and

sometimes under the 1954 Code. The explanations below describe deductions as allowed under the 1954 Code. Ninety-two percent of all returns reported deductions as provided under the new Code.

Interest paid or accrued is the interest expenses of the estate or trust, including that relating to rents and royalties, but excludes interest on business indebtedness (which is in other deductions) and interest expenses attributable to or allocable to tax-exempt securities or income.

Taxes are those paid or accrued during the tax year of the estate or trust, including taxes relating to rents and royalties, but exclude taxes relating to trade or business (which are in other deductions). Amounts deducted as taxes included taxes on real estate (except those assessed against local benefits which tend to increase the value of the property assessed), State and local income taxes, taxes paid to a foreign country or possession of the United States but only if no tax credit was claimed for such taxes, and in general other non-Federal taxes paid.

Depreciation is the fiduciary's portion of depreciation and depletion to which the estate or trust is entitled. In computing the taxable income of fiduciary, a deduction for depreciation and depletion was allowed only to the extent that these deductions were not allocated to the beneficiaries or to charitable gifts. In the allocation of amounts between fiduciary and others, depreciation and depletion relating to trade or business and to rents and royalties were included as well as that received as beneficiary from the distribution of another estate or trust. In the case of a trust, the apportionment between fiduciary and others was made in accordance with the governing instrument or, in the absence of such provisions, on the basis of income allocated to each. In the case of an estate, the apportionment between the fiduciary and others was made on the basis of income allocated to each.

Charitable deduction is allowed to an estate or trust for amounts of income which, pursuant to the governing instrument, were paid or set aside to be used exclusively for public purposes, or for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, maintenance, and operation of public, nonprofit cemeteries. In computing the charitable deduction, the contributions made through business and partnership were included. The charitable deduction, under certain conditions, may be subject to the percentage limitations imposed on the charitable deduction of an individual, or denied to the extent that it can be traced to unrelated business income. Also, the charitable contributions are subject to adjustments in order to eliminate from the deduction any tax-exempt income and, where the contributions are deemed to include long-term capital gain, to prevent a double deduction relative to the excess capital gain.

Dividend exclusions relate to domestic dividends which were received by an estate or trust with a tax year ended after July 31, 1954 and which qualified for the exclusion. Since dividends were fully reported in total income, a fiduciary who retained

such dividends was allowed a deduction not to exceed \$50 in computing taxable income of fiduciary.

Distributions to beneficiaries pertain to amounts paid, credited, or required to be distributed to the beneficiaries of the estate or trust. The allowable deduction is equal to the sum of these distributions or to the amount of distributable net income, whichever is less, but for the purpose of this comparison both amounts must be adjusted to exclude items of tax-exempt income entering into the distributable net income.

Long-term capital gain deduction is allowed in computing taxable income of fiduciary in cases where a portion or all of the capital gain is retained by the estate or trust. The deduction is 50 percent of the excess net long-term capital gain over net short-term capital loss left in the hands of the fiduciary.

Exemption for an estate is \$600. For a trust required to distribute all of its income currently, it is \$300. All other trusts are allowed \$100.

Other deductions include rent and royalty expenses other than interest, taxes, depreciation, and depletion; expenses of running a trade or business other than depreciation, depletion, and charitable contributions; bond amortization; net operating loss deduction; nonbusiness losses arising from fire, storm, or other casualty, or from theft; and other nonbusiness expenses such as that incurred for the production or collection of income subject to tax, or for the management, conservation, and maintenance of property held for the production of income subject to tax.

Measures of Fiduciary Income

Since the 1954 Code does not apply to estates and trusts with year ended before August 17, 1954, nor to any year beginning in 1953, the income on such returns was reported according to the 1939 Code. Consequently, the income tabulated contains income reported under rules of the 1939 Code as well as under the 1954 Code. Only income items under the 1954 Code are described. A majority of the returns was filed under the provisions of the new Code.

Total income of the estate or trust as reported under the 1954 rules is the sum of dividends before exclusions, interest received, partnership profit or loss, income or loss from another fiduciary, gross receipts from rents and royalties, gross profit or loss from trade or business, net gain from sales of capital assets and of other property, allowable loss from sales of capital assets and of other property, and other sources of income as reported on each return. Rents and royalties income, business profit or loss, and capital gain were reported on a gross basis for the first time.

Deficit in total income of an estate or trust existed when the losses allowed for the computation of total income exceeded the positive items of income entering into the composition of total income.

Taxable income of fiduciary is the amount of income for the current year that is retained by the fiduciary of the estate or trust. It is the excess of total income over total deductions. Taxable in-

come is the base upon which the tax was computed. If the numerous changes for reporting income and deductions under the 1954 Code are ignored, the concept of taxable income may be considered similar to that of surtax net income under prior law. Therefore, for returns subject to the 1939 Code, the surtax net income was substituted for the taxable income of fiduciary.

Tax Items

On any fiscal year or part-year return with an accounting period that included January 1, 1954, the income tax was prorated to give effect to the different rates applying to income received in 1953 and 1954. The rates on 1954 income retained by the fiduciary were 20 percent of the taxable income of fiduciary not in excess of \$2,000 increasing to 91 percent of taxable income in excess of \$200,000, but the maximum tax did not exceed 87 percent of the taxable income. The income tax rates on 1954 income were somewhat lower than on 1953 income.

Income tax before credits is the tax based on taxable income retained by the fiduciary. It may be either the normal tax and surtax or the alternative tax, and it is prior to the deduction of tax credits allowed the fiduciary.

Normal tax and surtax, the regular income tax, occurred on returns for estates and trusts unless the alternative tax relating to capital gains was imposed.

Alternative tax applied only if it was less than the regular income tax and only when the fiduciary retained some portion of the excess long-term capital gain over short-term capital loss on returns with taxable income of fiduciary greater than \$18,000. The special rate of 25 percent applied to the entire excess long-term capital gain retained by the fiduciary.

Tax credit for foreign tax paid is the fiduciary's share of the tax credit allowed on account of income, war profits, or excess profits taxes paid to

a foreign country or to a possession of the United States. The fiduciary's share was equal to the total allowable credit for such foreign taxes paid minus the proportionate share of credit allocated to the beneficiaries.

Tax credit for tax paid at source is the fiduciary's share of tax credit allowed for tax withheld and paid, by the debtor corporation, on interest from tax-free covenant bonds. The tax credit allowed against the income tax of the fiduciary was equal to the total tax withheld (usually 2 percent of interest earned) minus the amount of tax withheld allocated to the beneficiaries.

Tax credit for dividends received is allowed only on returns of estates and trusts with a tax year ended after July 31, 1954. Dividends received credit was allowed the fiduciary to the extent of 4 percent of domestic corporation dividends received after July 31, 1954 and included in gross income, but only with respect to so much of such dividends as were not included in the gross income of any beneficiary. Furthermore, the fiduciary's credit was limited to the smaller of (a) tax before credits reduced by foreign tax credit, or (b) 2 percent of taxable income of fiduciary.

Tax credit for partially tax-exempt interest is allowed in the amount of 3 percent of partially tax-exempt interest received by the estate or trust reduced by the amount of such interest reported in gross income of beneficiaries and the amortized bond premium with respect to the bonds yielding the interest upon which the credit was claimed. However, the credit allowed the fiduciary could not exceed the smallest of (a) tax before credits reduced by credit for foreign tax paid and for dividends received, (b) 3 percent of taxable income of fiduciary, or (c) if alternative tax was applicable, 3 percent of the ordinary income.

Income tax liability after credits is the income tax remaining after the four tax credits were deducted. It was the net tax liability reported by the fiduciary at time of filing the return.

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FIDUCIARY RETURNS, 1954

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FIDUCIARY INCOME TAX RETURNS FOR 1954

Table 1.—NUMBER OF RETURNS, TOTAL INCOME, TAXABLE INCOME, AND INCOME TAX, BY TOTAL INCOME CLASSES AND CLASSES CUMULATED

Total income classes and classes cumulated		Returns		Total income		Taxable income of fiduciary		Income tax liability after credits	
		Number	Percent of total	Amount (Thousand dollars)	Percent of total	Amount (Thousand dollars)	Percent of total	Amount (Thousand dollars)	Percent of total
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TOTAL INCOME CLASSES									
Returns with total income, taxable and nontaxable:									
1	Under \$600.....	58,049	13.9	18,011	0.5	1,628	0.2	310	0.1
2	\$600 under \$1,000.....	43,762	10.4	34,402	.9	2,897	.4	591	.2
3	\$1,000 under \$1,500.....	41,828	10.0	51,696	1.3	5,966	.9	1,133	.4
4	\$1,500 under \$2,000.....	33,700	8.0	58,491	1.5	7,826	1.1	1,491	.6
5	\$2,000 under \$2,500.....	25,995	6.2	58,261	1.5	7,862	1.1	1,502	.6
6	\$2,500 under \$3,000.....	21,042	5.0	57,622	1.5	7,992	1.1	1,538	.6
7	\$3,000 under \$3,500.....	17,704	4.2	57,383	1.5	8,491	1.2	1,685	.6
8	\$3,500 under \$4,000.....	13,636	3.3	51,002	1.3	7,852	1.1	1,538	.6
9	\$4,000 under \$4,500.....	13,188	3.1	55,832	1.4	8,103	1.2	1,598	.6
10	\$4,500 under \$5,000.....	10,806	2.6	51,311	1.3	8,373	1.2	1,683	.6
11	\$5,000 under \$6,000.....	17,998	4.3	98,419	2.5	16,303	2.3	3,320	1.3
12	\$6,000 under \$7,000.....	14,834	3.5	96,011	2.5	16,202	2.3	3,351	1.3
13	\$7,000 under \$8,000.....	11,343	2.7	84,895	2.2	14,748	2.1	3,158	1.2
14	\$8,000 under \$9,000.....	9,448	2.3	80,116	2.1	13,995	2.0	3,074	1.2
15	\$9,000 under \$10,000.....	7,770	1.9	73,614	1.9	11,604	1.7	2,601	1.0
16	\$10,000 under \$15,000.....	27,015	6.4	330,366	8.5	56,470	8.1	13,702	5.2
17	\$15,000 under \$20,000.....	14,947	3.6	258,308	6.7	46,207	6.6	12,223	4.6
18	\$20,000 under \$30,000.....	14,977	3.6	365,188	9.4	65,373	9.4	19,876	7.5
19	\$30,000 under \$50,000.....	11,230	2.7	428,806	11.1	69,301	9.9	25,435	9.6
20	\$50,000 under \$100,000.....	6,043	1.4	415,864	10.7	78,616	11.3	34,999	13.3
21	\$100,000 under \$150,000.....	1,696	.4	203,799	5.3	38,494	5.5	19,651	7.4
22	\$150,000 under \$200,000.....	710	.2	121,254	3.1	22,396	3.2	12,123	4.6
23	\$200,000 under \$500,000.....	972	.2	290,688	7.5	58,046	8.3	32,130	12.2
24	\$500,000 under \$1,000,000.....	273	.1	183,024	4.7	36,183	5.2	20,408	7.7
25	\$1,000,000 or more.....	127	(¹)	349,276	9.0	86,083	12.4	44,813	17.0
26	Total.....	419,093	100.0	3,873,689	100.0	697,011	100.0	263,893	100.0
27	Returns with no total income, nontaxable.....	5,822	-	211,765	-	-	-	-	-
28	Grand total.....	424,915	-	3,861,924	-	697,011	-	263,893	-
CUMULATED FROM LOWEST TOTAL INCOME CLASS									
Returns with total income, taxable and nontaxable:									
29	Under \$600.....	58,049	13.9	18,011	0.5	1,628	0.2	310	0.1
30	Under \$1,000.....	101,811	24.3	52,413	1.4	4,525	.6	861	.3
31	Under \$1,500.....	143,639	34.3	104,109	2.7	10,491	1.5	1,994	.8
32	Under \$2,000.....	177,339	42.3	162,600	4.2	18,317	2.6	3,485	1.3
33	Under \$2,500.....	203,334	48.5	220,861	5.7	26,179	3.8	4,987	1.9
34	Under \$3,000.....	224,376	53.5	278,483	7.2	34,171	4.9	6,525	2.5
35	Under \$3,500.....	242,080	57.8	335,866	8.7	42,662	6.1	8,210	3.1
36	Under \$4,000.....	255,716	61.0	386,868	10.0	50,514	7.2	9,748	3.7
37	Under \$4,500.....	268,904	64.2	442,700	11.4	58,617	8.4	11,346	4.3
38	Under \$5,000.....	279,710	66.7	494,061	12.8	66,990	9.6	13,029	4.9
39	Under \$6,000.....	297,708	71.0	592,480	15.3	83,293	12.0	16,349	6.2
40	Under \$7,000.....	312,542	74.6	688,491	17.8	99,495	14.3	19,700	7.5
41	Under \$8,000.....	323,885	77.3	773,386	20.0	114,243	16.4	22,858	8.7
42	Under \$9,000.....	333,333	79.5	853,502	22.0	128,238	18.4	25,932	9.8
43	Under \$10,000.....	341,103	81.4	927,116	23.9	139,842	20.1	28,533	10.8
44	Under \$15,000.....	358,118	87.8	1,257,482	32.5	196,312	28.2	42,235	16.0
45	Under \$20,000.....	383,065	91.4	1,515,790	39.1	242,519	34.8	54,458	20.6
46	Under \$30,000.....	398,042	95.0	1,880,978	48.6	307,892	44.2	74,334	28.2
47	Under \$50,000.....	409,272	97.7	2,309,784	59.6	377,193	54.1	99,769	37.8
48	Under \$100,000.....	415,315	99.1	2,725,648	70.4	455,809	65.4	134,768	51.1
49	Under \$150,000.....	417,011	99.5	2,929,447	75.6	494,303	70.9	154,419	58.5
50	Under \$200,000.....	417,721	99.7	3,050,711	78.8	516,699	74.1	166,542	63.1
51	Under \$500,000.....	418,693	99.9	3,341,389	86.3	574,745	82.5	198,672	75.3
52	Under \$1,000,000.....	418,966	99.9	3,524,413	91.0	610,928	87.6	219,080	83.0
53	All returns.....	419,093	100.0	3,873,689	100.0	697,011	100.0	263,893	100.0
54	Returns with no total income, nontaxable.....	5,822	-	211,765	-	-	-	-	-
55	Total returns.....	424,915	-	3,861,924	-	697,011	-	263,893	-
CUMULATED FROM HIGHEST TOTAL INCOME CLASS									
Returns with total income, taxable and nontaxable:									
56	\$1,000,000 or more.....	127	(¹)	349,276	9.0	86,083	12.4	44,813	17.0
57	\$500,000 or more.....	400	0.1	532,300	13.7	122,266	17.5	65,221	24.7
58	\$200,000 or more.....	1,372	.3	822,988	21.2	180,312	25.9	97,351	36.9
59	\$150,000 or more.....	2,082	.5	944,242	24.4	202,708	29.1	109,474	41.5
60	\$100,000 or more.....	3,778	.9	1,148,041	29.6	241,202	34.6	129,125	48.9
61	\$50,000 or more.....	9,821	2.3	1,563,905	40.4	319,818	45.9	164,124	62.2
62	\$30,000 or more.....	21,051	5.0	1,992,711	51.4	389,119	55.8	189,559	71.8
63	\$20,000 or more.....	36,028	8.6	2,357,899	60.9	454,492	65.2	209,435	79.4
64	\$15,000 or more.....	50,975	12.2	2,616,207	67.5	500,699	71.8	221,658	84.0
65	\$10,000 or more.....	77,990	18.6	2,946,573	76.1	557,169	79.9	235,360	89.2
66	\$9,000 or more.....	85,760	20.5	3,020,187	78.0	568,773	81.6	237,961	90.2
67	\$8,000 or more.....	95,208	22.7	3,100,303	80.0	582,768	83.6	241,035	91.3
68	\$7,000 or more.....	106,551	25.4	3,185,198	82.2	597,516	85.7	244,193	92.5
69	\$6,000 or more.....	121,385	29.0	3,281,209	84.7	613,718	88.0	247,544	93.8
70	\$5,000 or more.....	139,383	33.3	3,379,628	87.2	630,021	90.4	250,864	95.1
71	\$4,500 or more.....	150,189	35.8	3,430,989	88.6	638,394	91.6	252,547	95.7
72	\$4,000 or more.....	163,377	39.0	3,486,821	90.0	646,497	92.8	254,145	96.3
73	\$3,500 or more.....	177,013	42.2	3,537,823	91.3	654,349	93.9	255,683	96.9
74	\$3,000 or more.....	194,717	46.5	3,595,206	92.8	662,840	95.1	257,368	97.5
75	\$2,500 or more.....	215,759	51.5	3,652,828	94.3	670,832	96.2	258,905	98.1
76	\$2,000 or more.....	241,754	57.7	3,711,089	95.8	678,694	97.4	260,408	98.7
77	\$1,500 or more.....	275,454	65.7	3,769,580	97.3	686,520	98.5	261,899	99.2
78	\$1,000 or more.....	317,282	75.7	3,821,766	98.6	692,486	99.4	263,032	99.7
79	\$600 or more.....	361,044	86.1	3,855,678	99.5	695,383	99.8	263,583	99.9
80	All returns.....	419,093	100.0	3,873,689	100.0	697,011	100.0	263,893	100.0
81	Returns with no total income, nontaxable.....	5,822	-	211,765	-	-	-	-	-
82	Total returns.....	424,915	-	3,861,924	-	697,011	-	263,893	-

See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data"

¹Less than 0.05 percent.

²Deficit in total income.

³Total income less deficit in total income.

Table 2.—SOURCES OF INCOME AND LOSS, DEDUCTIONS, EXEMPTIONS, TAXABLE INCOME, AND TAX ITEMS, BY TOTAL INCOME CLASSES

Total income classes	Total number of returns	Dividends (before exclusions)		Interest received		Partnership				Fiduciary				Rents and royalties			
		Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Net profit		Net loss		Income		Loss		Gross		Loss	
						Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
Taxable returns:																	
Under \$500.....	9,496	5,590	1,536	6,018	1,134	470	140	(1)	(1)	481	85	-	-	687	184	(1)	(1)
\$500 under \$1,000.....	8,386	5,388	3,054	4,480	1,636	413	247	(1)	(1)	355	125	-	-	1,257	668	(1)	(1)
\$1,000 under \$1,500.....	10,006	6,673	5,106	5,430	2,296	779	727	(1)	(1)	505	191	(1)	(1)	2,061	1,802	(1)	(1)
\$1,500 under \$2,000.....	8,999	6,229	6,611	5,561	2,584	642	902	(1)	(1)	448	358	(1)	(1)	2,150	2,396	(1)	(1)
\$2,000 under \$2,500.....	7,112	4,871	6,220	4,273	2,390	608	971	(1)	(1)	275	313	(1)	(1)	1,722	2,474	-	-
\$2,500 under \$3,000.....	5,931	4,338	6,602	3,671	2,177	470	815	(1)	(1)	264	256	(1)	(1)	1,419	2,509	55	12
\$3,000 under \$3,500.....	5,339	4,046	7,300	3,347	2,067	435	1,073	-	-	241	349	(1)	(1)	1,224	2,433	(1)	(1)
\$3,500 under \$4,000.....	4,494	3,401	6,565	2,943	2,584	232	454	-	-	229	279	-	-	1,045	2,350	-	-
\$4,000 under \$4,500.....	4,210	3,272	7,555	2,757	2,349	229	453	(1)	(1)	126	99	(1)	(1)	1,083	2,785	(1)	(1)
\$4,500 under \$5,000.....	3,719	2,710	6,553	2,445	2,099	344	1,074	(1)	(1)	149	232	-	-	781	2,164	(1)	(1)
\$5,000 under \$5,500.....	6,652	5,319	15,497	4,390	3,732	516	1,816	(1)	(1)	391	610	-	-	1,757	5,314	(1)	(1)
\$5,500 under \$6,000.....	5,698	4,560	14,798	3,945	4,314	437	1,706	(1)	(1)	137	78	(1)	(1)	1,430	5,813	(1)	(1)
\$6,000 under \$6,500.....	4,511	3,603	14,644	3,074	3,425	515	2,307	-	-	149	387	(1)	(1)	1,168	4,734	(1)	(1)
\$6,500 under \$7,000.....	3,872	3,186	14,499	2,807	3,046	389	2,243	(1)	(1)	115	336	-	-	904	4,223	(1)	(1)
\$7,000 under \$7,500.....	2,951	2,389	11,546	2,101	2,704	173	1,337	(1)	(1)	68	94	-	-	744	4,114	-	-
\$7,500 under \$8,000.....	11,426	9,583	64,348	8,585	12,216	945	5,809	80	150	415	960	55	26	2,687	16,614	(1)	(1)
\$8,000 under \$8,500.....	6,809	5,778	49,859	5,135	9,015	488	5,113	112	366	252	773	(1)	(1)	1,868	16,058	(1)	(1)
\$8,500 under \$9,000.....	7,482	6,557	81,674	5,780	11,193	599	7,546	(1)	(1)	302	2,285	(1)	(1)	2,263	23,190	(1)	(1)
\$9,000 under \$9,500.....	5,206	4,634	93,863	3,904	11,129	480	10,173	(1)	(1)	143	478	(1)	(1)	1,436	23,810	(1)	(1)
\$9,500 under \$10,000.....	3,326	2,990	101,062	2,625	10,723	257	7,223	35	109	146	1,528	7	54	934	26,161	16	33
\$10,000 under \$15,000.....	945	838	46,720	718	4,425	69	2,986	18	113	29	1,556	3	14	304	10,677	5	12
\$15,000 under \$20,000.....	409	365	27,425	325	2,002	26	1,395	2	21	18	195	-	-	134	8,407	4	19
\$20,000 under \$30,000.....	570	518	61,666	415	4,120	24	1,609	6	73	17	473	1	(2)	167	14,066	-	23
\$30,000 under \$1,000,000.....	153	146	32,039	108	1,240	8	631	-	-	-	-	-	-	48	6,034	1	24
\$1,000,000 or more.....	77	74	57,433	49	897	4	535	5	25	1	-	-	-	16	10,476	-	25
Total taxable returns.....	127,779	97,058	744,175	84,886	105,497	9,552	59,285	571	1,430	5,256	12,040	202	172	29,289	199,456	326	351
Nontaxable returns:																	
No total income.....	5,822	1,497	851	1,619	909	(1)	(1)	976	4,208	(1)	(1)	(1)	(1)	810	913	462	570
Under \$500.....	48,553	24,663	6,096	30,624	6,083	1,582	314	161	143	1,943	360	-	-	5,448	1,525	160	32
\$500 under \$1,000.....	35,376	23,102	11,772	22,638	8,592	1,248	585	(1)	(1)	1,791	597	-	-	6,124	3,881	(1)	(1)
\$1,000 under \$1,500.....	31,822	21,837	17,604	20,428	9,950	1,328	946	(1)	(1)	1,871	1,131	(1)	(1)	6,506	5,748	-	30
\$1,500 under \$2,000.....	24,701	18,214	21,503	16,233	9,405	926	839	(1)	(1)	1,147	719	(1)	(1)	5,116	6,434	(1)	(1)
\$2,000 under \$2,500.....	18,883	14,306	21,827	12,426	8,817	768	893	(1)	(1)	665	687	-	-	3,687	5,996	-	32
\$2,500 under \$3,000.....	15,111	11,719	22,239	10,193	8,820	483	657	(1)	(1)	483	413	(1)	(1)	2,927	5,324	(1)	(1)
\$3,000 under \$3,500.....	12,365	9,562	21,913	8,412	7,194	543	1,052	-	-	563	627	(1)	(1)	2,273	4,995	-	33
\$3,500 under \$4,000.....	9,142	7,006	18,082	6,260	5,733	221	366	(1)	(1)	382	683	-	-	2,032	5,432	-	35
\$4,000 under \$4,500.....	8,978	7,433	21,908	6,380	6,519	202	359	-	-	342	397	-	-	2,232	5,587	-	36
\$4,500 under \$5,000.....	7,087	5,676	19,521	4,549	4,977	222	514	(1)	(1)	221	413	-	-	1,486	4,922	-	37
\$5,000 under \$6,000.....	11,346	9,040	34,882	8,329	10,451	263	643	(1)	(1)	302	384	-	-	2,793	9,530	(1)	(1)
\$6,000 under \$7,000.....	9,136	7,274	33,523	6,286	7,765	403	993	(1)	(1)	241	563	-	-	2,468	10,436	(1)	(1)
\$7,000 under \$8,000.....	6,832	5,376	28,513	4,411	6,645	281	1,340	(1)	(1)	221	401	-	-	1,766	8,990	(1)	(1)
\$8,000 under \$9,000.....	5,576	4,663	26,838	3,940	6,413	262	1,371	(1)	(1)	121	172	-	-	1,377	6,652	-	41
\$9,000 under \$10,000.....	4,819	3,867	22,968	3,343	6,476	161	1,064	-	-	201	322	-	-	1,404	8,614	-	42
\$10,000 under \$15,000.....	15,889	12,461	106,138	10,773	22,564	587	3,393	-	-	463	1,422	(1)	(1)	4,544	37,638	(1)	(1)
\$15,000 under \$20,000.....	8,138	6,135	71,785	5,359	14,073	384	3,600	(1)	(1)	201	701	-	-	2,863	32,702	(1)	(1)
\$20,000 under \$30,000.....	7,405	5,786	95,210	4,876	15,097	428	5,165	(1)	(1)	221	1,452	(1)	(1)	2,707	39,541	-	44
\$30,000 under \$50,000.....	6,024	4,624	121,546	3,876	16,942	256	3,426	(1)	(1)	106	480	-	-	2,114	56,506	-	46
\$50,000 under \$100,000.....	2,717	2,046	98,440	1,706	14,394	140	4,654	15	35	44	477	5	14	963	40,094	4	9
\$100,000 under \$150,000.....	751	583	46,555	436	5,432	33	1,645	3	15	7	184	2	1	254	19,866	5	45
\$150,000 under \$200,000.....	301	234	28,203	3,311	164	12	264	1	16	1	1	-	-	106	11,551	-	48
\$200,000 under \$500,000.....	402	312	61,127	222	4,845	21	1,483	1	12	4	318	-	-	160	26,807	-	50
\$500,000 under \$1,000,000.....	120	106	53,614	62	2,574	1	900	1	3	1	34	-	-	34	12,397	1	26
\$1,000,000 or more.....	50	42	54,319	31	11,579	1	1,279	-	-	2	2,016	-	-	13	19,523	-	52
Total nontaxable returns.....	297,136	207,564	1,066,983	193,576	225,556	10,797	37,769	1,682	5,680	11,564	14,972	207	251	62,207	391,604	934	1,545
Grand total.....	424,915	304,622	1,811,158	278,462	331,053	20,349	97,054	2,253	7,110	16,820	27,012	409	423	91,496	591,060	1,260	1,896
Returns under \$5,000.....	285,532	191,533	240,424	180,687	98,311	12,186	13,405	1,605	5,025	12,501	8,332	238	254	52,070	70,522	919	724
Returns \$5,000 or more.....	139,383	113,089	1,570,734	97,775	232,742	8,163	83,649	648	2,085	4,319	18,680	171	169	39,426	520,538	341	1,172

See footnotes at end of table. See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data."

Table 2.—SOURCES OF INCOME AND LOSS, DEDUCTIONS, EXEMPTIONS, TAXABLE INCOME, AND TAX ITEMS, BY TOTAL INCOME CLASSES—Continued

Total income classes	Trade or business				Sales of capital assets				Sales of property other than capital assets				Other sources		Total income (Thousand dollars)	
	Gross profit		Gross loss		Net gain		Net loss		Net gain		Net loss		Number of returns	Amount (Thousand dollars)		
	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)				
	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)	(31)		(32)
Taxable returns:																
1	Under \$600.....	91	30	-	-	1,886	191	366	76	(1)	(1)	(1)	(1)	804	46	3,270
2	\$600 under \$1,000.....	331	252	-	-	1,964	478	259	75	(1)	(1)	(1)	(1)	805	272	6,664
3	\$1,000 under \$1,500.....	479	528	(1)	(1)	3,076	1,414	447	122	(1)	(1)	(1)	(1)	1,172	430	12,352
4	\$1,500 under \$2,000.....	354	516	(1)	(1)	3,357	2,018	562	137	(1)	(1)	(1)	(1)	1,259	465	15,656
5	\$2,000 under \$2,500.....	509	893	(1)	(1)	2,988	2,189	366	96	(1)	(1)	(1)	(1)	1,227	523	15,884
6	\$2,500 under \$3,000.....	231	507	(1)	(1)	2,880	2,932	354	146	(1)	(1)	(1)	(1)	1,125	591	16,221
7	\$3,000 under \$3,500.....	299	678	(1)	(1)	2,603	2,987	248	81	(1)	(1)	(1)	(1)	823	508	17,323
8	\$3,500 under \$4,000.....	250	740	(1)	(1)	2,404	3,212	192	80	(1)	(1)	(1)	(1)	857	667	16,816
9	\$4,000 under \$4,500.....	204	753	(1)	(1)	2,272	3,500	192	55	(1)	(1)	(1)	(1)	812	421	17,886
10	\$4,500 under \$5,000.....	252	1,109	(1)	(1)	2,133	3,986	179	50	(1)	(1)	(1)	(1)	662	581	17,706
11	\$5,000 under \$6,000.....	294	1,042	(1)	(1)	4,055	7,963	251	82	(1)	(1)	(1)	(1)	1,185	572	36,387
12	\$6,000 under \$7,000.....	325	1,729	(1)	(1)	3,536	8,025	235	113	(1)	(1)	(1)	(1)	983	612	36,941
13	\$7,000 under \$8,000.....	253	1,232	(1)	(1)	2,808	6,868	250	118	(1)	(1)	(1)	(1)	790	441	33,670
14	\$8,000 under \$9,000.....	122	744	(1)	(1)	2,579	7,251	181	74	(1)	(1)	(1)	(1)	775	701	32,815
15	\$9,000 under \$10,000.....	91	376	(1)	(1)	2,027	7,058	113	72	(1)	(1)	(1)	(1)	516	684	28,015
16	\$10,000 under \$15,000.....	535	4,983	(1)	(1)	8,112	32,805	512	265	(1)	(1)	(1)	(1)	97	2,874	140,212
17	\$15,000 under \$20,000.....	344	4,414	(1)	(1)	5,021	32,235	387	196	(1)	(1)	(1)	(1)	11	1,425	117,942
18	\$20,000 under \$30,000.....	418	7,097	67	233	5,562	46,378	437	60	(1)	(1)	(1)	(1)	195	3,110	181,818
19	\$30,000 under \$50,000.....	333	9,616	(1)	(1)	3,820	48,443	361	234	(1)	(1)	(1)	(1)	71	50	1,631
20	\$50,000 under \$100,000.....	180	7,267	37	402	2,690	72,719	157	106	(1)	(1)	(1)	(1)	69	81	942
21	\$100,000 under \$150,000.....	63	4,570	10	107	792	42,284	39	33	(1)	(1)	(1)	(1)	10	76	268
22	\$150,000 under \$200,000.....	29	3,441	4	37	367	26,862	12	8	(1)	(1)	(1)	(1)	9	17	109
23	\$200,000 under \$500,000.....	41	5,606	8	79	510	82,321	2	22	(1)	(1)	(1)	(1)	2	2	158
24	\$500,000 under \$1,000,000.....	24	3,255	1	30	142	56,989	6	4	(1)	(1)	(1)	(1)	5	35	673
25	\$1,000,000 or more.....	5	5,689	1	27	71	163,710	3	3	(1)	(1)	(1)	(1)	1	27	250
26	Total taxable returns.....	6,017	67,067	409	1,688	67,655	664,818	6,135	2,486	958	1,478	648	613	21,906	21,846	1,868,922
Nontaxable returns:																
27	No total income.....	121	351	1,597	6,180	567	762	1,471	953	(1)	(1)	993	3,707	527	60	11,765
28	Under \$600.....	1,284	367	243	402	7,197	664	3,282	997	282	54	120	30	5,032	882	14,741
29	\$600 under \$1,000.....	1,065	718	(1)	(1)	8,391	1,500	1,770	459	280	42	240	130	3,583	861	27,738
30	\$1,000 under \$1,500.....	883	1,106	(1)	(1)	8,273	2,000	1,712	463	280	204	200	186	4,528	1,456	39,344
31	\$1,500 under \$2,000.....	804	1,246	(1)	(1)	7,616	2,243	1,647	451	140	74	180	103	3,299	1,054	42,835
32	\$2,000 under \$2,500.....	784	1,484	(1)	(1)	5,367	2,017	1,409	373	120	48	(1)	(1)	2,538	1,374	42,377
33	\$2,500 under \$3,000.....	605	1,300	-	-	4,305	1,753	985	216	102	65	100	3	2,332	1,272	41,401
34	\$3,000 under \$3,500.....	687	1,963	(1)	(1)	3,638	1,997	742	306	(1)	(1)	160	130	1,386	774	40,060
35	\$3,500 under \$4,000.....	520	1,678	(1)	(1)	2,653	1,882	681	162	(1)	(1)	(1)	(1)	1,145	462	34,186
36	\$4,000 under \$4,500.....	260	984	(1)	(1)	2,938	1,855	582	193	(1)	(1)	(1)	(1)	1,187	568	37,946
37	\$4,500 under \$5,000.....	363	1,580	-	-	2,231	1,472	440	142	(1)	(1)	(1)	(1)	945	471	33,655
38	\$5,000 under \$6,000.....	425	1,964	(1)	(1)	3,504	3,571	867	238	100	148	(1)	(1)	1,228	934	62,032
39	\$6,000 under \$7,000.....	549	2,790	(1)	(1)	3,200	3,006	540	885	100	129	120	26	885	780	59,070
40	\$7,000 under \$8,000.....	322	1,964	-	-	2,019	3,059	602	203	100	119	(1)	(1)	825	524	51,225
41	\$8,000 under \$9,000.....	347	2,171	-	-	1,903	3,138	440	128	(1)	(1)	(1)	(1)	662	681	47,301
42	\$9,000 under \$10,000.....	285	2,169	-	-	1,509	3,555	382	155	(1)	(1)	(1)	(1)	582	439	45,599
43	\$10,000 under \$15,000.....	986	7,887	(1)	(1)	4,726	10,280	1,229	582	(1)	(1)	240	111	2,302	1,533	190,154
44	\$15,000 under \$20,000.....	431	5,990	(1)	(1)	2,634	11,405	422	205	(1)	(1)	100	52	1,188	1,042	140,366
45	\$20,000 under \$30,000.....	510	10,553	(1)	(1)	2,515	15,316	408	185	(1)	(1)	(1)	(1)	1,127	1,780	183,370
46	\$30,000 under \$50,000.....	291	9,367	-	-	2,106	21,701	421	216	(1)	(1)	127	358	959	938	230,321
47	\$50,000 under \$100,000.....	170	7,865	12	115	914	18,833	173	103	(1)	(1)	43	268	474	1,948	186,658
48	\$100,000 under \$150,000.....	32	2,636	3	222	279	12,626	40	23	4	7	41	125	1,491	90,095	
49	\$150,000 under \$200,000.....	17	1,912	4	27	99	5,463	26	18	4	294	11	87	60	299	51,150
50	\$200,000 under \$500,000.....	43	7,691	2	284	159	16,607	25	18	7	56	1	3	87	1,974	120,591
51	\$500,000 under \$1,000,000.....	8	2,711	1	13	42	8,908	6	3	1	1,221	1	160	18	59	82,210
52	\$1,000,000 or more.....	4	6,285	-	-	16	15,348	3	3	1	6	1	90	7	80	110,342
53	Total nontaxable returns.....	11,796	86,692	2,277	8,331	78,801	170,961	20,305	7,052	2,024	3,817	3,098	6,229	37,031	23,736	41,993,002
54	Grand total.....	17,813	153,759	2,686	10,019	146,456	835,779	26,440	9,538	2,982	5,295	3,746	6,842	58,937	45,582	4,861,924
55	Returns under \$5,000.....	10,336	18,783	2,288	7,102	78,739	41,052	17,886	5,633	1,804	930	2,330	4,463	36,048	13,738	482,296
56	Returns \$5,000 or more.....	7,477	134,976	398	2,917	67,717	794,727	8,554	3,905	1,178	4,365	1,416	2,379	22,889	31,844	3,379,628

See footnotes at end of table. See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data."

Table 2.—SOURCES OF INCOME AND LOSS, DEDUCTIONS, EXEMPTIONS, TAXABLE INCOME, AND TAX ITEMS, BY TOTAL INCOME CLASSES—Continued

Total income classes	Deduction for—																		Total deductions (Thousand dollars)	
	Interest paid		Taxes		Depreciation		Charitable deduction		Dividend exclusions		Distributions to beneficiaries		Long-term capital gain deduction		Exemptions		Other deductions			
	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)		
(33)	(34)	(35)	(36)	(37)	(38)	(39)	(40)	(41)	(42)	(43)	(44)	(45)	(46)	(47)	(48)	(49)	(50)	(50)		
Taxable returns:																				
1	Under \$600.....	276	11	2,148	41	216	18	69	2	5,233	262	401	63	1,700	87	977	5,036	181	1,642	1
2	\$600 under \$1,000.....	465	36	2,299	118	514	75	100	4	4,746	237	1,032	344	1,572	184	2,500	3,629	269	3,767	2
3	\$1,000 under \$1,500.....	546	59	3,860	336	1,044	224	191	29	5,620	281	1,847	938	2,626	590	3,319	5,308	621	6,398	3
4	\$1,500 under \$2,000.....	595	103	4,109	495	1,204	306	158	29	4,842	241	2,644	2,079	2,887	876	2,746	5,404	955	7,830	4
5	\$2,000 under \$2,500.....	771	150	3,605	580	1,099	439	110	9	3,765	188	2,051	2,183	2,644	956	2,337	4,784	1,174	8,020	5
6	\$2,500 under \$3,000.....	503	95	3,076	514	954	350	101	11	3,142	157	2,177	2,798	2,549	1,297	1,970	4,020	1,036	8,229	6
7	\$3,000 under \$3,500.....	502	142	2,627	512	798	460	124	10	2,840	142	2,040	3,331	2,374	1,347	1,690	3,735	1,192	8,327	7
8	\$3,500 under \$4,000.....	456	94	2,277	512	860	483	(1)	(1)	2,359	119	2,016	3,769	2,163	1,396	1,467	3,099	1,117	8,964	8
9	\$4,000 under \$4,500.....	572	200	2,305	498	705	449	68	5	2,044	101	2,067	4,449	2,123	1,551	1,310	3,231	1,219	9,783	9
10	\$4,500 under \$5,000.....	380	115	1,972	522	584	441	101	80	1,687	83	1,703	3,988	1,881	1,719	1,193	2,672	1,190	9,332	10
11	\$5,000 under \$6,000.....	754	275	3,829	1,219	1,168	808	135	100	3,300	165	3,319	9,296	3,789	3,712	2,048	5,082	2,459	20,084	11
12	\$6,000 under \$7,000.....	638	300	3,187	1,176	1,085	926	111	33	2,871	144	3,094	10,065	3,304	3,554	1,830	4,445	2,710	20,739	12
13	\$7,000 under \$8,000.....	514	261	2,693	1,134	777	796	147	48	2,386	119	2,411	9,522	2,648	3,016	1,326	3,525	2,701	18,923	13
14	\$8,000 under \$9,000.....	569	243	2,347	926	584	566	111	67	1,939	96	2,335	10,170	2,487	3,377	1,246	3,234	2,129	18,820	14
15	\$9,000 under \$10,000.....	424	221	1,827	846	491	627	123	191	1,491	74	1,733	8,647	1,970	3,282	930	2,283	1,590	16,410	15
16	\$10,000 under \$15,000.....	1,593	969	6,883	4,226	1,747	2,580	273	170	5,731	286	7,135	46,007	7,788	15,234	3,592	9,417	10,677	83,742	16
17	\$15,000 under \$20,000.....	1,091	974	4,409	3,411	1,464	2,727	214	270	3,389	169	4,613	37,999	4,827	15,508	1,925	5,955	8,750	71,734	17
18	\$20,000 under \$30,000.....	1,309	1,506	4,878	5,239	1,540	3,609	251	681	3,961	198	5,339	65,563	5,293	21,687	2,217	6,663	15,741	116,445	18
19	\$30,000 under \$50,000.....	1,093	1,889	3,303	5,619	1,036	4,732	182	782	2,855	143	3,930	77,260	3,743	22,745	1,570	4,621	14,444	129,184	19
20	\$50,000 under \$100,000.....	727	2,083	2,265	6,027	623	4,225	123	700	1,735	87	2,613	82,800	2,605	34,025	1,013	3,033	19,627	150,590	20
21	\$100,000 under \$150,000.....	227	1,032	675	2,961	191	1,626	41	458	514	26	740	38,480	776	20,126	280	875	10,220	75,210	21
22	\$150,000 under \$200,000.....	103	561	270	1,998	98	2,031	10	243	188	9	345	24,344	364	13,125	118	393	5,278	47,708	22
23	\$200,000 under \$500,000.....	111	888	409	4,758	111	1,612	22	1,016	284	14	464	50,665	496	40,215	163	536	12,717	112,051	23
24	\$500,000 under \$1,000,000.....	31	573	118	2,183	34	1,073	14	1,687	90	5	106	26,342	136	26,769	39	144	5,958	64,630	24
25	\$1,000,000 or more.....	18	631	57	3,554	13	2,976	4	489	40	2	55	88,251	71	80,143	19	68	6,786	152,851	25
26	Total taxable returns.....	14,268	13,411	65,428	49,405	18,940	34,159	2,827	7,117	67,052	3,348	56,210	579,353	62,816	316,521	37,825	91,192	130,741	1,171,918	26
Nontaxable returns:																				
27	No total income.....	534	615	1,548	726	762	678	100	23	262	12	(1)	(1)	343	345	2,740	2,328	2,995	8,219	27
28	Under \$600.....	1,798	186	11,952	951	2,105	351	803	898	7,459	372	32,499	9,079	4,114	145	17,866	30,283	3,928	33,782	28
29	\$600 under \$1,000.....	1,973	871	11,943	1,501	2,949	969	548	268	4,791	237	28,879	19,176	5,070	466	12,594	28,110	5,002	41,087	29
30	\$1,000 under \$1,500.....	1,974	479	12,661	1,818	3,246	1,086	624	665	4,689	233	27,263	28,182	5,052	528	11,077	26,449	7,868	51,398	30
31	\$1,500 under \$2,000.....	1,530	343	10,366	1,896	2,983	1,204	380	303	3,621	179	22,190	32,105	4,699	516	8,278	20,441	6,604	51,430	31
32	\$2,000 under \$2,500.....	1,288	299	7,781	1,894	2,253	1,312	440	434	2,696	135	17,028	32,054	3,059	435	6,437	15,901	6,541	49,541	32
33	\$2,500 under \$3,000.....	983	196	6,388	1,382	1,735	948	180	197	2,192	110	14,044	32,595	2,636	494	5,157	12,832	6,146	47,231	33
34	\$3,000 under \$3,500.....	903	297	5,615	1,765	1,530	788	140	276	1,849	92	11,701	31,502	2,147	428	4,154	10,263	5,324	44,628	34
35	\$3,500 under \$4,000.....	621	186	4,207	1,322	1,227	981	260	324	1,365	67	8,477	26,489	1,628	401	3,194	7,911	4,504	37,469	35
36	\$4,000 under \$4,500.....	742	582	4,076	1,289	1,220	883	121	648	1,466	73	8,535	30,453	1,468	279	2,942	8,111	4,561	41,709	36
37	\$4,500 under \$5,000.....	500	269	3,424	1,205	844	743	200	421	984	48	6,619	26,662	1,308	342	2,292	5,936	4,264	36,244	37
38	\$5,000 under \$6,000.....	968	348	5,556	2,480	1,385	1,140	301	827	1,455	73	10,860	49,673	1,892	636	3,634	9,873	7,357	66,168	38
39	\$6,000 under \$7,000.....	664	429	4,398	2,035	1,253	1,524	200	4,969	1,068	53	8,672	46,527	1,651	552	2,982	8,165	8,805	67,875	39
40	\$7,000 under \$8,000.....	502	395	3,485	1,750	1,098	1,396	222	865	663	32	6,626	41,061	992	438	2,262	5,880	5,615	53,818	40
41	\$8,000 under \$9,000.....	443	361	2,742	1,658	830	899	180	1,572	762	38	5,208	36,911	836	357	1,824	5,007	7,042	50,662	41
42	\$9,000 under \$10,000.....	443	162	2,179	1,667	1,010	1,235	140	319	443	21	4,630	36,256	763	489	1,537	4,431	5,753	47,440	42
43	\$10,000 under \$15,000.....	1,666	1,000	8,200	6,737	2,657	4,480	461	2,175	2,173	108	15,009	152,397	2,341	1,404	4,903	13,740	23,454	196,662	43
44	\$15,000 under \$20,000.....	1,171	1,576	4,284	5,364	1,759	4,374	482	2,986	1,126	56	7,718	107,673	902	596	7,097	19,400	144,758	44	
45	\$20,000 under \$30,000.....	1,456	2,589	3,896	7,210	1,736	4,841	282	2,629	872	42	7,074	139,212	958	2,259	2,500	6,798	26,590	187,874	45
46	\$30,000 under \$50,000.....	904	1,989	3,129	8,683	1,252	7,321	370	6,589	792	38	5,708	177,641	928	3,333	1,872	5,324	26,870	234,336	46
47	\$50,000 under \$100,000.....	432	2,068	1,481	6,202	581	4,324	231	9,689	395	19	2,584	144,593	383	2,180	885	2,404	21,151	191,112	47
48	\$100,000 under \$150,000.....	139	943	366	2,617	149	2,416	74	5,234	93	5	707	67,929	116	1,801	239	661	10,135	91,320	48
49	\$150,000 under \$200,000.....	62	750	177	1,977	64	1,308	23	2,377	38	1	286	38,134	37	809	94	269	5,884	51,335	49
50	\$200,000 under \$500,000.....	84	1,963	204	3,844	103	5,528	54	10,461	61	3	374	84,742	69	2,159	129	363	13,785	122,614	50
51	\$500,000 under \$1,000,000.....	12	1,239	47	1,373	23	2,615	13	5,816	13	(2)	112	64,794	13	1,422	36	98	4,980	82,275	51
52	\$1,000,000 or more.....	4	79	18																

Table 2.—SOURCES OF INCOME AND LOSS, DEDUCTIONS, EXEMPTIONS, TAXABLE INCOME, AND TAX ITEMS, BY TOTAL INCOME CLASSES—Continued

Total income classes	Taxable income of fiduciary		Number of returns with no taxable income of fiduciary	Income tax liability before credits (Thousand dollars)	Fiduciary's share of tax credit for—								Income tax liability after credits (Thousand dollars)	
	Number of returns	Amount (Thousand dollars)			Foreign tax paid		Tax paid at source		Dividends received		Partially tax-exempt interest			
					Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)		
														(51)
Taxable returns:														
1	Under \$600.....	9,496	1,628	-	325	56	1	(1)	(1)	3,945	14	(1)	(1)	310
2	\$600 under \$1,000.....	8,386	2,897	-	578	88	1	(1)	(1)	3,448	25	(1)	(1)	551
3	\$1,000 under \$1,500.....	10,006	5,955	-	1,190	226	5	77	(2)	4,403	51	(1)	(1)	1,133
4	\$1,500 under \$2,000.....	8,999	7,826	-	1,564	158	3	(1)	(1)	3,725	68	(1)	(1)	1,491
5	\$2,000 under \$2,500.....	7,112	7,862	-	1,573	101	5	57	(2)	2,915	63	(1)	(1)	1,502
6	\$2,500 under \$3,000.....	5,931	7,992	-	1,610	101	6	67	1	2,270	67	(1)	(1)	1,538
7	\$3,000 under \$3,500.....	5,339	8,491	-	1,762	124	2	(1)	(1)	2,153	69	55	(1)	6
8	\$3,500 under \$4,000.....	4,494	7,852	-	1,603	113	3	(1)	(1)	1,769	66	(1)	(1)	1,538
9	\$4,000 under \$4,500.....	4,210	8,103	-	1,667	56	3	(1)	(1)	1,469	64	(1)	(1)	1,598
10	\$4,500 under \$5,000.....	3,719	8,373	-	1,744	57	2	-	-	1,285	59	-	-	1,683
11	\$5,000 under \$6,000.....	6,652	16,302	-	3,466	101	12	(1)	(1)	2,540	134	(1)	(1)	3,320
12	\$6,000 under \$7,000.....	5,698	16,202	-	3,501	215	24	(1)	(1)	2,171	124	(1)	(1)	3,351
13	\$7,000 under \$8,000.....	4,511	14,748	-	3,293	112	10	55	2	1,793	123	(1)	(1)	3,158
14	\$8,000 under \$9,000.....	3,872	13,995	-	3,190	113	12	(1)	(1)	1,421	103	(1)	(1)	3,074
15	\$9,000 under \$10,000.....	2,951	11,604	-	2,689	58	14	78	(2)	1,076	76	-	-	2,601
16	\$10,000 under \$15,000.....	11,426	56,470	-	14,194	364	45	196	1	4,190	444	59	2	13,702
17	\$15,000 under \$20,000.....	6,809	46,207	-	12,615	207	65	102	(2)	2,647	325	(1)	(1)	12,223
18	\$20,000 under \$30,000.....	7,482	65,373	-	20,444	378	113	115	(2)	2,831	454	(1)	(1)	19,876
19	\$30,000 under \$50,000.....	5,206	69,301	-	25,987	238	45	121	2	2,058	502	(1)	(1)	25,435
20	\$50,000 under \$100,000.....	3,326	78,616	-	35,698	217	106	55	4	1,295	543	30	46	34,999
21	\$100,000 under \$150,000.....	945	38,494	-	19,983	69	60	17	1	418	269	4	(2)	19,651
22	\$150,000 under \$200,000.....	409	22,396	-	12,243	25	9	7	(2)	145	110	4	1	12,123
23	\$200,000 under \$500,000.....	570	58,046	-	32,471	41	66	5	(2)	211	267	10	9	32,130
24	\$500,000 under \$1,000,000.....	153	36,183	-	20,590	19	38	4	11	59	133	-	-	20,408
25	\$1,000,000 or more.....	77	86,083	-	44,974	4	69	1	(2)	30	92	1	(2)	44,813
26	Total taxable returns.....	127,779	696,999	-	268,954	3,241	724	1,259	27	50,204	4,235	500	75	263,893
Nontaxable returns:														
27	No total income.....	-	-	5,822	-	-	-	-	-	-	-	-	-	-
28	Under \$600.....	-	-	48,553	-	-	-	-	-	-	-	-	-	-
29	\$600 under \$1,000.....	-	-	35,376	-	-	-	-	-	-	-	-	-	-
30	\$1,000 under \$1,500.....	(1)	(1)	31,782	(1)	(1)	(1)	-	-	(1)	(1)	-	-	-
31	\$1,500 under \$2,000.....	-	-	24,701	-	-	-	-	-	-	-	-	-	-
32	\$2,000 under \$2,500.....	-	-	18,883	-	-	-	-	-	-	-	-	-	-
33	\$2,500 under \$3,000.....	-	-	15,111	-	-	-	-	-	-	-	-	-	-
34	\$3,000 under \$3,500.....	-	-	12,365	-	-	-	-	-	-	-	-	-	-
35	\$3,500 under \$4,000.....	-	-	9,142	-	-	-	-	-	-	-	-	-	-
36	\$4,000 under \$4,500.....	-	-	8,978	-	-	-	-	-	-	-	-	-	-
37	\$4,500 under \$5,000.....	-	-	7,087	-	-	-	-	-	-	-	-	-	-
38	\$5,000 under \$6,000.....	(1)	(1)	11,326	(1)	-	-	-	-	(1)	(1)	-	-	-
39	\$6,000 under \$7,000.....	-	-	9,136	-	-	-	-	-	-	-	-	-	-
40	\$7,000 under \$8,000.....	-	-	6,832	-	-	-	-	-	-	-	-	-	-
41	\$8,000 under \$9,000.....	-	-	5,576	-	-	-	-	-	-	-	-	-	-
42	\$9,000 under \$10,000.....	-	-	4,819	-	-	-	-	-	-	-	-	-	-
43	\$10,000 under \$15,000.....	-	-	15,589	-	-	-	-	-	-	-	-	-	-
44	\$15,000 under \$20,000.....	-	-	8,138	-	-	-	-	-	-	-	-	-	-
45	\$20,000 under \$30,000.....	-	-	7,495	-	-	-	-	-	-	-	-	-	-
46	\$30,000 under \$50,000.....	-	-	6,024	-	-	-	-	-	-	-	-	-	-
47	\$50,000 under \$100,000.....	-	-	2,717	-	-	-	-	-	-	-	-	-	-
48	\$100,000 under \$150,000.....	-	-	751	-	-	-	-	-	-	-	-	-	-
49	\$150,000 under \$200,000.....	-	-	301	-	-	-	-	-	-	-	-	-	-
50	\$200,000 under \$500,000.....	-	-	402	-	-	-	-	-	-	-	-	-	-
51	\$500,000 under \$1,000,000.....	-	-	120	-	-	-	-	-	-	-	-	-	-
52	\$1,000,000 or more.....	-	-	50	-	-	-	-	-	-	-	-	-	-
53	Total nontaxable returns.....	(1)	(1)	297,076	(1)	(1)	(1)	-	-	(1)	(1)	-	-	-
54	Grand total.....	127,839	697,011	297,076	268,956	3,261	726	1,259	27	50,244	4,235	500	75	263,893
55	Returns under \$5,000.....	67,732	66,990	217,800	13,618	1,100	38	414	5	27,402	536	232	11	13,029
56	Returns \$5,000 or more.....	60,107	630,021	79,276	255,338	2,161	688	845	22	22,842	3,699	268	64	250,864

See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data."
¹Sample variability of this item is too large to warrant showing it separately. However, this value is included in the grand total.
²Less than \$500.
³Deficit in total income.
⁴Total income less deficit in total income.

Table 3.—TRUSTS: SOURCES OF INCOME AND LOSS, EXEMPTIONS, TAXABLE INCOME, AND INCOME TAX, BY TOTAL INCOME CLASSES

Total income classes	Number of returns for trusts	Dividends (before exclusions)		Interest received		Partnership				Fiduciary				Rents and royalties				Trade or business				
		Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Net profit		Net loss		Income		Loss		Gross		Loss		Gross profit		Gross loss		
						Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)		
Taxable returns:																						
1	Under \$600.....	9,496	5,590	1,536	6,018	1,134	470	140	(1)	(1)	481	85	-	-	687	184	(1)	(1)	91	30	-	-
2	\$600 under \$1,000.....	5,168	3,632	2,029	2,771	869	333	195	(1)	(1)	229	67	-	-	719	448	-	-	56	50	-	-
3	\$1,000 under \$1,500.....	5,655	4,039	3,067	3,107	1,182	596	530	(1)	(1)	390	138	-	-	882	776	(1)	(1)	78	90	(1)	(1)
4	\$1,500 under \$2,000.....	5,743	4,322	4,580	3,621	1,460	550	756	(1)	(1)	345	267	(1)	(1)	1,028	1,108	-	-	104	128	-	-
5	\$2,000 under \$2,500.....	4,204	3,134	4,199	2,605	1,283	448	746	(1)	(1)	183	165	-	-	655	1,014	-	-	129	261	-	-
6	\$2,500 under \$3,000.....	3,590	2,859	4,463	2,272	1,238	355	671	(1)	(1)	218	207	(1)	(1)	512	839	(1)	(1)	81	141	(1)	(1)
7	\$3,000 under \$3,500.....	3,451	2,706	4,891	2,247	1,213	309	717	-	-	172	228	(1)	(1)	711	1,561	(1)	(1)	78	235	-	-
8	\$3,500 under \$4,000.....	2,809	2,268	4,576	1,865	1,631	186	348	-	-	195	247	-	-	425	976	-	-	58	175	-	-
9	\$4,000 under \$4,500.....	2,837	2,402	5,649	1,978	1,645	183	340	(1)	(1)	103	48	(1)	(1)	516	1,291	(1)	(1)	(1)	(1)	-	-
10	\$4,500 under \$5,000.....	2,490	1,928	4,704	1,721	1,437	252	862	(1)	(1)	103	149	-	-	414	1,255	-	-	57	190	-	-
11	\$5,000 under \$6,000.....	4,593	3,939	11,738	3,170	2,529	390	1,341	(1)	(1)	345	471	-	-	792	2,315	(1)	(1)	79	328	-	-
12	\$6,000 under \$7,000.....	3,806	3,260	10,751	2,704	2,846	321	1,221	(1)	(1)	126	70	(1)	(1)	695	2,979	(1)	(1)	91	476	(1)	(1)
13	\$7,000 under \$8,000.....	3,295	2,777	11,688	2,329	2,557	355	1,529	-	-	126	375	(1)	(1)	722	2,642	-	-	70	366	-	-
14	\$8,000 under \$9,000.....	2,661	2,373	10,816	2,041	2,265	309	1,910	(1)	(1)	92	218	-	-	470	1,779	(1)	(1)	(1)	(1)	-	-
15	\$9,000 under \$10,000.....	2,066	1,779	8,907	1,527	1,914	80	685	-	-	57	94	-	-	402	2,194	-	-	(1)	(1)	-	-
16	\$10,000 under \$15,000.....	8,208	7,229	49,939	6,358	8,626	633	3,706	(1)	(1)	299	683	(1)	(1)	1,528	8,921	(1)	(1)	153	1,741	-	-
17	\$15,000 under \$20,000.....	5,279	4,614	40,587	4,060	6,590	402	4,258	57	125	206	655	(1)	(1)	1,114	9,214	(1)	(1)	161	1,915	-	-
18	\$20,000 under \$30,000.....	5,861	5,181	67,840	4,541	8,923	380	5,591	(1)	(1)	266	2,125	-	-	1,535	15,963	-	-	164	3,038	(1)	(1)
19	\$30,000 under \$50,000.....	3,989	3,658	77,247	2,938	7,880	282	6,427	(1)	(1)	82	425	(1)	(1)	912	15,482	(1)	(1)	163	4,361	(1)	(1)
20	\$50,000 under \$100,000.....	2,551	2,311	80,068	1,987	7,674	170	4,971	24	23	111	1,264	3	7	622	18,925	7	30	92	3,347	24	276
21	\$100,000 under \$150,000.....	726	656	37,452	541	2,760	46	2,199	16	95	24	1,452	2	1	219	7,581	3	6	33	2,381	4	51
22	\$150,000 under \$200,000.....	331	296	22,893	256	1,516	15	586	1	21	11	188	-	-	100	6,525	2	3	21	2,621	2	27
23	\$200,000 under \$500,000.....	460	421	50,479	324	2,487	16	520	3	19	14	329	1	(2)	122	11,728	-	-	29	4,126	3	33
24	\$500,000 under \$1,000,000.....	129	125	27,100	88	773	8	631	-	-	8	-	-	-	36	4,127	1	9	20	1,969	1	30
25	\$1,000,000 or more.....	72	69	56,648	44	682	3	534	5	25	-	-	-	-	15	8,427	-	-	4	5,667	1	27
26	Total taxable returns.....	89,470	71,568	603,847	61,113	73,114	7,092	41,414	345	893	4,178	9,950	152	103	15,833	128,254	190	236	1,901	33,931	153	795
Nontaxable returns:																						
27	No total income.....	2,189	608	316	786	307	(1)	(1)	710	3,592	(1)	(1)	(1)	(1)	221	257	160	141	(1)	(1)	187	915
28	Under \$600.....	33,572	17,607	4,388	22,791	4,578	1,319	252	101	120	1,742	304	-	-	1,872	454	100	27	114	22	(1)	(1)
29	\$600 under \$1,000.....	26,290	18,961	9,326	18,162	6,953	1,188	549	(1)	(1)	525	525	-	-	2,475	1,382	(1)	(1)	221	152	-	-
30	\$1,000 under \$1,500.....	24,628	18,532	15,506	16,983	8,436	1,227	845	(1)	(1)	1,630	1,106	(1)	(1)	2,976	2,254	-	-	180	171	-	-
31	\$1,500 under \$2,000.....	19,743	16,017	19,430	13,845	8,037	765	825	(1)	(1)	1,811	1,106	(1)	(1)	2,978	2,968	(1)	(1)	222	336	-	-
32	\$2,000 under \$2,500.....	14,915	12,314	19,734	10,594	7,431	726	808	(1)	(1)	645	645	-	-	1,715	2,547	-	-	301	593	(1)	(1)
33	\$2,500 under \$3,000.....	12,025	10,146	20,092	8,681	7,454	362	458	(1)	(1)	463	376	(1)	(1)	1,534	2,576	(1)	(1)	(1)	(1)	-	-
34	\$3,000 under \$3,500.....	10,014	8,359	19,830	7,129	6,154	463	820	-	-	503	584	(1)	(1)	1,369	2,850	-	-	205	588	(1)	(1)
35	\$3,500 under \$4,000.....	7,088	6,020	16,267	5,073	4,945	161	200	-	-	362	620	-	-	1,046	2,618	(1)	(1)	160	421	-	-
36	\$4,000 under \$4,500.....	7,495	6,546	20,080	5,541	5,546	182	335	-	-	322	347	-	-	1,497	3,404	-	-	(1)	(1)	(1)	(1)
37	\$4,500 under \$5,000.....	6,039	5,253	18,576	4,106	4,484	182	410	(1)	(1)	201	320	-	-	924	2,927	-	-	101	480	-	-
38	\$5,000 under \$6,000.....	9,668	8,187	32,284	7,457	9,485	221	417	(1)	(1)	282	282	-	-	2,069	7,122	(1)	(1)	180	846	-	-
39	\$6,000 under \$7,000.....	7,643	6,609	31,131	5,461	6,816	382	979	(1)	(1)	221	431	-	-	1,722	7,150	(1)	(1)	144	656	(1)	(1)
40	\$7,000 under \$8,000.....	5,549	4,659	25,813	3,815	5,984	241	1,205	(1)	(1)	181	360	-	-	1,048	5,494	(1)	(1)	121	604	-	-
41	\$8,000 under \$9,000.....	4,685	4,180	25,198	3,535	5,999	161	980	-	-	121	172	-	-	932	4,230	-	-	122	743	-	-
42	\$9,000 under \$10,000.....	4,168	3,524	21,784	3,001	5,814	121	697	-	-	201	322	-	-	1,024	6,419	-	-	180	1,346	-	-
43	\$10,000 under \$15,000.....	13,667	11,391	101,379	9,764	20,760	486	2,799	(1)	(1)	443	1,244	(1)	(1)	3,437	28,325	-	-	396	3,123	(1)	(1)
44	\$15,000 under \$20,000.....	6,869	5,498	67,548	4,712	12,508	282	2,145	(1)	(1)	201	701	-	-	2,033	23,636	(1)	(1)	181	1,871	(1)	(1)
45	\$20,000 under \$30,000.....	6,292	5,269	90,179	4,200	12,753	345	4,031	(1)	(1)	221	1,452	(1)	(1)	1,999	30,055	-	-	210	4,225	(1)	(1)
46	\$30,000 under \$50,000.....	5,415	4,278	114,571	3,485	16,078	232	3,393	(1)	(1)	103	470	-	-	1,853	49,920	(1)	(1)	133	3,149	-	-
47	\$50,000 under \$100,000.....	2,339	1,825	92,824	1,474	4,039	120	4,039	12	35	36	436	5	14	744	32,119	3	6	84	3,269	10	111
48	\$100,000 under \$150,000.....	661	524	43,680	385	5,125	24	1,256	3	15	4	180	2	1	202	16,454	5	45	19	1,704	1	2
49	\$150,000 under \$200,000.....	271	216	26,726	142	3,217	11	264	1	16	1	1	-	-	87	9,314	-	-	11	1,438	4	27
50	\$200,000 under \$500,000.....	347	273	56,688	184	3,623	16	1,258	1	12	3	316	-	-	125	22,955	-	-	26	4,285	-	-
51	\$500,000 under \$1,000,000.....	112	99	52,736	55	2,275	1	900	1	3	1	34	-	-	27	8,823	1	26	6	2,066	-	-
52	\$1,000,000 or more.....	42	35	52,849	24	10,692	-	-	-	-	1	186	-	-	9	17,806	-	-	1	3,750	-	-
53	Total nontaxable returns.....	231,726	176,930	999,535	161,385	198,451	9,298	29,815	1,192	4,813	10,846	12,126	167	129	35,518	294,059	510	330	3,480	36,302	385	1,492
54																						

Table 3.—TRUSTS: SOURCES OF INCOME AND LOSS, EXEMPTIONS, TAXABLE INCOME, AND INCOME TAX, BY TOTAL INCOME CLASSES—Continued

Total income classes	Sales of capital assets				Sales of property <i>other</i> than capital assets				Other sources		Total income (Thousand dollars)	Distributions to beneficiaries		Exemptions				Taxable income of trust		Number of returns with no taxable income of trust	Income tax liability after credits (Thousand dollars)																					
	Net gain		Net loss		Net gain		Net loss		Number of returns	Amount (Thousand dollars)		Number of returns	Amount (Thousand dollars)	Returns with \$300		Returns with \$100		Number of returns	Amount (Thousand dollars)																							
	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)						Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)					Number of returns	Amount (Thousand dollars)																			
	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)	(31)		(32)	(33)	(34)	(35)	(36)	(37)	(38)	(39)			(40)	(41)	(42)																		
Taxable returns:																																										
1	Under \$600.....	1,886	191	366	76	(1)	(1)	(1)	(1)	804	46	3,270	401	63	135	41	9,361	936	9,496	1,628	-	310																				
2	\$600 under \$1,000.....	1,609	381	158	39	(1)	(1)	-	-	378	78	4,078	975	336	264	79	4,904	490	5,168	2,449	-	464																				
3	\$1,000 under \$1,500.....	2,309	1,114	285	66	(1)	(1)	(1)	(1)	598	137	6,954	1,721	901	712	214	4,943	494	5,655	3,954	-	752																				
4	\$1,500 under \$2,000.....	2,613	1,556	297	51	(1)	(1)	(1)	(1)	733	210	10,004	2,497	2,011	1,089	327	4,654	465	5,743	5,336	-	1,016																				
5	\$2,000 under \$2,500.....	2,147	1,525	139	29	-	-	(1)	(1)	631	220	9,383	1,893	2,059	860	258	3,344	334	4,204	4,904	-	932																				
6	\$2,500 under \$3,000.....	2,080	2,063	196	67	(1)	(1)	(1)	(1)	608	276	9,805	2,006	2,665	1,025	308	2,565	257	3,500	4,633	-	894																				
7	\$3,000 under \$3,500.....	2,006	2,279	147	43	-	-	-	-	469	141	11,204	1,881	3,094	1,056	317	2,395	240	3,451	5,138	-	1,041																				
8	\$3,500 under \$4,000.....	1,705	2,379	102	21	(1)	(1)	-	-	503	193	10,537	1,777	3,435	872	262	1,937	194	2,809	4,455	-	871																				
9	\$4,000 under \$4,500.....	1,828	2,796	125	29	(1)	(1)	-	-	506	194	12,057	1,828	4,088	1,011	303	1,826	183	2,837	4,964	-	981																				
10	\$4,500 under \$5,000.....	1,664	3,206	90	32	-	-	-	-	308	113	11,848	1,529	3,653	1,032	310	1,458	146	2,490	5,061	-	1,020																				
11	\$5,000 under \$6,000.....	3,158	6,136	194	62	(1)	(1)	(1)	(1)	817	387	25,108	3,007	8,611	1,771	531	2,822	282	4,593	10,142	-	2,062																				
12	\$6,000 under \$7,000.....	2,717	6,174	102	41	(1)	(1)	(1)	(1)	639	236	24,686	2,670	8,923	1,573	472	2,233	223	3,806	9,566	-	1,981																				
13	\$7,000 under \$8,000.....	2,214	5,265	159	66	(1)	(1)	(1)	(1)	590	194	24,591	2,148	8,738	1,332	400	1,963	196	3,295	9,845	-	2,105																				
14	\$8,000 under \$9,000.....	2,053	5,282	68	29	(1)	(1)	(1)	(1)	492	249	22,561	1,963	8,881	1,262	379	1,399	140	2,661	8,297	-	1,822																				
15	\$9,000 under \$10,000.....	1,570	5,435	68	43	(1)	(1)	(1)	(1)	287	277	19,648	1,458	7,497	962	289	1,104	110	2,066	7,238	-	1,621																				
16	\$10,000 under \$15,000.....	6,401	26,119	273	164	80	143	50	97	1,543	1,307	100,813	6,116	41,019	4,200	1,260	4,748	401	8,208	35,244	-	8,478																				
17	\$15,000 under \$20,000.....	4,178	27,445	251	112	80	11	(1)	(1)	1,116	940	91,341	4,002	33,462	2,395	719	2,814	288	5,279	33,677	-	8,875																				
18	\$20,000 under \$30,000.....	4,635	38,900	276	140	(1)	(1)	(1)	(1)	1,254	1,283	142,760	4,725	59,294	3,885	986	2,576	258	5,861	46,484	-	13,909																				
19	\$30,000 under \$50,000.....	3,095	39,604	240	146	66	76	(1)	(1)	923	1,097	152,133	3,271	65,822	2,205	662	1,784	178	3,989	49,894	-	18,221																				
20	\$50,000 under \$100,000.....	2,135	59,094	94	62	34	153	46	52	674	1,121	176,167	2,163	71,033	1,468	440	1,083	108	2,551	55,840	-	24,312																				
21	\$100,000 under \$150,000.....	620	33,444	26	23	7	19	7	48	192	425	87,489	617	33,073	381	114	345	35	726	27,958	-	14,172																				
22	\$150,000 under \$200,000.....	303	22,244	7	5	5	22	8	13	79	278	56,804	295	21,282	191	57	140	14	331	17,698	-	9,604																				
23	\$200,000 under \$500,000.....	418	68,323	12	9	6	8	3	1	123	181	138,119	402	45,123	258	77	202	20	460	44,486	-	24,001																				
24	\$500,000 under \$1,000,000.....	122	49,554	4	3	2	1	4	6	28	585	84,692	93	24,066	60	18	69	7	129	30,504	-	16,993																				
25	\$1,000,000 or more.....	67	154,796	3	3	-	-	1	1	26	249	226,947	53	57,688	48	14	24	2	72	80,564	-	41,695																				
26	Total taxable returns.....	53,533	564,905	3,682	1,361	627	759	426	294	14,281	10,417	1,462,909	49,491	516,817	29,447	8,837	60,023	6,001	89,470	509,599	-	198,132																				
Nontaxable returns:																																										
27	No total income.....	242	139	584	421	-	-	326	1,055	160	20	35,049	(1)	(1)	1,703	511	486	49	-	-	2,189	-	27																			
28	Under \$600.....	5,526	376	2,022	598	(1)	(1)	(1)	(1)	3,403	552	10,161	27,964	7,847	27,595	8,279	5,977	598	-	-	33,572	-	28																			
29	\$600 under \$1,000.....	6,762	890	1,329	269	180	15	(1)	(1)	2,637	603	20,660	24,933	16,751	22,567	6,770	3,723	372	-	-	26,290	-	29																			
30	\$1,000 under \$1,500.....	6,982	1,369	1,349	271	(1)	(1)	100	52	3,520	1,154	30,480	23,618	24,962	21,490	6,447	3,138	314	(1)	(1)	24,608	-	30																			
31	\$1,500 under \$2,000.....	6,600	1,592	1,367	325	(1)	(1)	100	46	2,535	821	34,308	19,218	28,502	16,642	4,993	3,101	310	-	-	19,743	-	31																			
32	\$2,000 under \$2,500.....	4,623	1,354	1,229	310	(1)	(1)	(1)	(1)	1,932	1,019	33,520	14,470	28,283	3,847	2,092	209	-	-	-	14,915	-	32																			
33	\$2,500 under \$3,000.....	3,582	1,116	884	204	(1)	(1)	100	3	1,911	996	32,976	11,744	28,062	10,514	3,154	1,511	151	-	-	12,025	-	33																			
34	\$3,000 under \$3,500.....	3,043	1,429	662	253	(1)	(1)	120	103	1,111	593	32,469	9,833	27,507	8,705	2,612	1,309	131	-	-	10,014	-	34																			
35	\$3,500 under \$4,000.....	2,212	1,147	541	97	(1)	(1)	-	-	905	383	26,491	6,987	22,524	6,263	1,879	825	93	-	-	7,088	-	35																			
36	\$4,000 under \$4,500.....	2,483	1,313	541	165	-	-	(1)	(1)	1,007	544	31,669	7,336	26,911	6,509	1,953	986	89	-	-	7,495	-	36																			
37	\$4,500 under \$5,000.....	1,991	1,284	360	100	(1)	(1)	(1)	(1)	745	345	28,653	5,835	24,206	5,293	1,588	746	75	-	-	6,039	-	37																			
38	\$5,000 under \$6,000.....	2,879	1,904	806	227	100	148	(1)	(1)	1,006	673	52,800	9,465	44,132	8,299	2,490	1,369	137	-	-	9,668	-	38																			
39	\$6,000 under \$7,000.....	2,860	2,157	460	199	100	129	100	18	765	608	49,411	7,604	41,775	6,607	1,982	1,036	104	-	-	7,643	-	39																			
40	\$7,000 under \$8,000.....	1,535	1,969	542	146	(1)	(1)	(1)	(1)	685	354	41,587	5,486	34,886	4,683	1,405	866	87	-	-	5,549	-	40																			
41	\$8,000 under \$9,000.....	1,562	1,969	380	102	-	-	(1)	(1)	582	300	39,689	4,523	32,373	4,099	1,230	586	59	-	-	4,685	-	41																			
42	\$9,000 under \$10,000.....	1,249	2,633	362	135	(1)	(1)	(1)	(1)	541	424	39,462	4,068	32,164	3,642	1,093	526	53	-	-	4,168	-	42																			
43	\$10,000 under \$15,000.....	4,120	7,763	1,169	537	(1)	(1)	220	109	1,957	1,240	165,973	13,317	137,154	11,918	3,575	1,749	175	-	-	13,667	-	43																			
44	\$15,000 under \$20,000.....	2,193	8,936	341	132	(1)	(1)	(1)	(1)	967	899	118,187	6,667	95,046	6,424	1,927	445	45	-	-	6,869	-	44																			
45	\$20,000 under \$30,000.....	2,103	11,003	368	161	(1)	(1)	(1)	(1)	848	616	154,076	6,123	125,192	5,744	1,723	548	55	-	-	6,292	-	45																			
46	\$30,000 under \$50,000.....	1,873	18,461	373	190	(1)	(1)	101	333	766	871	206,431	5,227	165,264	4,819	1,446	596	60	-	-	5,415	-	46																			
47	\$50,000 under \$100,000.....	733	13,897	160	92	26	464	27	161	372	1,376	161,002	2,260	129,817	2,119	636	220	-	-	2,339	-	47																				
48	\$100,000 under \$150,000.....	228	9,971	38	21	3	3	10	40	96	895	79,144	623	61,026	597	179	64	6	-	-	661	-	48																			
49	\$150,000 under \$200,000.....	87	4,797	24	16	4	294	11	87	52	292	46,197	263	35,454	243	73	28	3	-																							

Table 4.—ESTATES: SOURCES OF INCOME AND LOSS, EXEMPTIONS, TAXABLE INCOME, AND INCOME TAX, BY TOTAL INCOME CLASSES

Total income classes	Number of returns for estates	Dividends (before exclusions)		Interest received		Partnership				Fiduciary				Rents and royalties				Trade or business				
		Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Net profit		Net loss		Income		Loss		Gross		Loss		Gross profit		Gross loss		
						Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)		
Taxable returns:																						
1	Under \$600.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
2	\$600 under \$1,000.....	3,218	1,756	1,025	1,709	767	80	52	-	126	58	-	-	538	220	(1)	(1)	275	202	-	-	
3	\$1,000 under \$1,500.....	4,351	2,634	2,039	2,323	1,114	183	197	(1)	115	53	(1)	(1)	1,179	1,026	(1)	(1)	401	438	(1)	(1)	
4	\$1,500 under \$2,000.....	3,256	1,907	2,031	1,940	1,124	92	146	(1)	103	91	-	-	1,122	1,288	(1)	(1)	250	388	(1)	(1)	
5	\$2,000 under \$2,500.....	2,908	1,737	2,021	1,668	1,107	160	225	(1)	92	148	(1)	(1)	1,067	1,460	-	-	380	632	(1)	(1)	
6	\$2,500 under \$3,000.....	2,341	1,479	2,139	1,399	939	115	144	(1)	(1)	(1)	(1)	-	907	1,670	(1)	(1)	150	366	(1)	(1)	
7	\$3,000 under \$3,500.....	1,888	1,340	2,409	1,100	854	126	356	-	69	121	-	-	513	872	(1)	(1)	181	443	(1)	(1)	
8	\$3,500 under \$4,000.....	1,685	1,133	1,989	1,078	953	(1)	(1)	-	(1)	(1)	-	-	620	1,374	-	-	192	565	(1)	(1)	
9	\$4,000 under \$4,500.....	1,373	870	1,906	779	704	(1)	(1)	-	(1)	(1)	-	-	567	1,494	-	-	182	655	(1)	(1)	
10	\$4,500 under \$5,000.....	1,229	782	1,849	724	662	92	212	-	(1)	(1)	-	-	367	909	(1)	(1)	195	919	(1)	(1)	
11	\$5,000 under \$6,000.....	2,059	1,380	3,799	1,220	1,203	126	475	(1)	(1)	(1)	-	-	965	2,999	-	-	215	714	(1)	(1)	
12	\$6,000 under \$7,000.....	1,892	1,300	4,047	1,241	1,468	116	485	-	(1)	(1)	-	-	735	2,834	(1)	(1)	234	1,253	-	-	
13	\$7,000 under \$8,000.....	1,216	826	2,956	745	868	160	778	-	(1)	(1)	-	-	446	2,092	(1)	(1)	183	866	(1)	(1)	
14	\$8,000 under \$9,000.....	1,211	813	3,683	766	781	80	333	(1)	(1)	(1)	-	-	434	2,444	-	-	89	613	(1)	(1)	
15	\$9,000 under \$10,000.....	885	610	2,639	574	790	93	652	(1)	(1)	(1)	-	-	342	1,920	-	-	57	310	(1)	(1)	
16	\$10,000 under \$15,000.....	3,218	2,354	14,409	2,227	3,590	312	2,103	(1)	(1)	116	277	(1)	1,159	7,693	-	-	382	3,242	(1)	(1)	
17	\$15,000 under \$20,000.....	1,530	1,164	9,272	1,075	2,425	86	855	55	241	(1)	(1)	-	754	6,844	(1)	(1)	183	2,499	(1)	(1)	
18	\$20,000 under \$30,000.....	1,621	1,376	13,834	1,239	2,270	219	1,955	-	(1)	(1)	-	-	728	7,227	(1)	(1)	254	4,059	(1)	(1)	
19	\$30,000 under \$50,000.....	1,217	976	16,616	966	3,249	198	3,746	(1)	(1)	(1)	-	-	524	8,328	(1)	(1)	170	5,255	(1)	(1)	
20	\$50,000 under \$100,000.....	775	679	20,994	638	3,049	87	2,252	11	86	35	264	4	312	7,236	9	3	88	3,290	13	126	
21	\$100,000 under \$150,000.....	219	182	9,268	177	1,665	23	787	2	18	5	104	1	85	3,096	2	6	30	2,189	6	56	
22	\$150,000 under \$200,000.....	78	69	4,532	69	486	11	809	1	(2)	7	7	-	34	1,882	2	16	8	820	2	10	
23	\$200,000 under \$500,000.....	110	97	11,187	91	1,633	8	1,089	3	54	3	144	-	45	2,338	-	-	12	1,480	5	46	
24	\$500,000 under \$1,000,000.....	24	21	4,939	20	467	-	-	-	-	-	-	-	12	1,907	-	-	4	1,286	-	-	
25	\$1,000,000 or more.....	5	5	785	5	215	1	1	-	-	(2)	-	-	1	2,049	-	-	1	22	-	-	
26	Total taxable returns.....	38,309	25,490	140,328	23,773	32,383	2,460	17,871	226	537	1,078	2,090	50	69	13,456	71,202	136	115	4,116	33,136	256	893
Nontaxable returns:																						
27	No total income.....	3,633	889	535	833	602	(1)	(1)	266	616	-	-	(1)	(1)	589	656	302	429	120	331	1,410	5,265
28	Under \$600.....	14,981	7,056	1,708	7,833	1,505	263	62	(1)	201	56	-	-	3,976	1,071	(1)	(1)	1,170	345	182	376	
29	\$600 under \$1,000.....	9,086	4,141	1,852	4,476	1,639	(1)	(1)	(1)	161	72	-	-	3,649	2,499	(1)	(1)	844	566	92	147	
30	\$1,000 under \$1,500.....	7,194	3,305	2,098	3,445	1,514	101	101	(1)	(1)	(1)	-	-	3,530	3,494	-	-	703	935	(1)	(1)	
31	\$1,500 under \$2,000.....	4,958	2,197	2,073	2,388	1,368	101	74	(1)	(1)	(1)	-	-	2,538	3,466	-	-	582	910	(1)	(1)	
32	\$2,000 under \$2,500.....	3,968	1,992	2,093	1,832	1,386	(1)	(1)	-	(1)	(1)	-	-	1,972	3,449	-	-	483	891	(1)	(1)	
33	\$2,500 under \$3,000.....	3,086	1,573	2,147	1,512	1,366	121	199	(1)	(1)	(1)	-	-	1,393	2,748	-	-	524	1,155	-	-	
34	\$3,000 under \$3,500.....	2,351	1,203	2,083	1,283	1,040	(1)	(1)	-	(1)	(1)	-	-	904	2,145	-	-	482	1,375	(1)	(1)	
35	\$3,500 under \$4,000.....	2,054	986	1,815	1,187	788	(1)	(1)	(1)	(1)	(1)	-	-	986	2,814	-	-	360	1,257	(1)	(1)	
36	\$4,000 under \$4,500.....	1,483	887	1,828	839	969	(1)	(1)	-	(1)	(1)	-	-	735	2,183	-	-	180	685	-	-	
37	\$4,500 under \$5,000.....	1,048	423	945	443	493	(1)	(1)	-	(1)	(1)	-	-	562	1,995	-	-	262	1,100	-	-	
38	\$5,000 under \$6,000.....	1,678	853	2,598	872	966	(1)	(1)	(1)	(1)	(1)	-	-	724	2,408	-	-	245	1,118	(1)	(1)	
39	\$6,000 under \$7,000.....	1,493	665	2,392	825	949	(1)	(1)	(1)	(1)	(1)	-	-	746	3,286	-	-	405	2,134	(1)	(1)	
40	\$7,000 under \$8,000.....	1,283	717	2,700	596	661	(1)	(1)	(1)	(1)	(1)	-	-	718	3,496	-	-	201	1,360	-	-	
41	\$8,000 under \$9,000.....	891	483	1,640	405	414	101	391	(1)	(1)	(1)	-	-	445	2,422	-	-	225	1,428	-	-	
42	\$9,000 under \$10,000.....	651	343	1,184	342	662	(1)	(1)	-	-	-	-	-	380	2,195	-	-	105	823	-	-	
43	\$10,000 under \$15,000.....	1,922	1,070	4,759	1,009	1,804	101	594	-	(1)	(1)	-	-	1,107	9,313	-	-	590	4,764	-	-	
44	\$15,000 under \$20,000.....	1,269	637	4,237	647	1,565	102	1,455	-	-	-	-	-	830	9,066	(1)	(1)	250	4,079	-	-	
45	\$20,000 under \$30,000.....	1,203	517	5,031	676	2,344	(1)	(1)	-	-	-	-	-	708	9,486	-	-	300	6,328	-	-	
46	\$30,000 under \$50,000.....	609	346	6,975	391	864	(1)	(1)	-	(1)	(1)	-	-	261	6,586	(1)	(1)	158	6,218	-	-	
47	\$50,000 under \$100,000.....	378	211	5,616	232	1,397	20	615	3	(2)	8	41	-	219	7,975	1	3	86	4,596	2	4	
48	\$100,000 under \$150,000.....	90	59	2,875	51	307	9	389	-	3	4	-	-	52	3,412	-	-	13	932	2	220	
49	\$150,000 under \$200,000.....	30	18	1,477	22	94	1	(2)	-	-	-	-	-	19	2,237	-	-	6	474	-	-	
50	\$200,000 under \$500,000.....	55	39	4,439	38	1,222	5	225	-	-	-	-	-	35	3,852	-	-	17	3,406	2	284	
51	\$500,000 under \$1,000,000.....	8	7	878	7	299	-	-	-	-	-	-	-	7	3,974	-	-	2	645	1	13	
52	\$1,000,000 or more.....	8	7	1,470	7	887	-	-	-	1	1,830	-	-	4	1,717	-	-	3	2,535	-	-	
53	Total nontaxable returns.....	69,410	30,634	67,448	32,191	27,105	1,499	7,954	490	867	718	2,846	(1)	(1)	26,689	97,545	424	1,215	8,316	50,390	1,892	6,839
54	Grand total.....	103,719	56,124	207,776	55,964	59,488	3,959	25,825	716	1,404	1,796	4,936	90	191	40,145	168,747	560	1,330	12,432	83,526	2,148	7,732
55	Returns under \$5,000.....	76,091	38,290	36,585	38,791	20,894	1,849	2,648	494	853	1,256	1,192	62	129	27,314	36,833	459	477	7,916	14,158	1,966	6,086
56	Returns \$5,000 or more.....	27,628	17,834	171,191	17,173	38,594	2,110	23,177	222	551	540	3,744	28	62	12,831	131,914	101	853	4,516	69,368	182	1,646

See footnotes at end of table. See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data."

Table 4.—ESTATES: SOURCES OF INCOME AND LOSS, EXEMPTIONS, TAXABLE INCOME, AND INCOME TAX, BY TOTAL INCOME CLASSES—Continued

Total income classes	Sales of capital assets				Sales of property other than capital assets				Other sources		Total income (Thousand dollars)	Distributions to beneficiaries		Exemptions (Thousand dollars)	Taxable income of estate		Number of returns with no taxable income of estate	Income tax liability after credits (Thousand dollars)	
	Net gain		Net loss		Net gain		Net loss		Number of returns	Amount (Thousand dollars)		Number of returns	Amount (Thousand dollars)		Number of returns	Amount (Thousand dollars)			
	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)											
	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)	(39)	
Taxable returns:																			
Under \$600.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
\$600 under \$1,000.....	355	97	101	36	(1)	(1)	(1)	(1)	427	194	2,586	57	8	1,931	3,218	448	-	87	
\$1,000 under \$1,500.....	767	300	162	56	(1)	(1)	-	-	574	293	5,398	126	37	2,611	4,351	2,001	-	381	
\$1,500 under \$2,000.....	744	462	265	86	(1)	(1)	(1)	(1)	526	256	5,652	147	68	1,954	3,256	2,490	-	475	
\$2,000 under \$2,500.....	841	664	227	67	68	39	-	-	596	304	6,501	158	124	1,745	2,908	2,958	-	570	
\$2,500 under \$3,000.....	800	869	158	79	(1)	(1)	(1)	(1)	517	314	6,416	171	133	1,405	2,341	3,399	-	644	
\$3,000 under \$3,500.....	997	708	101	38	(1)	(1)	(1)	(1)	354	367	6,119	159	237	1,133	1,888	3,353	-	644	
\$3,500 under \$4,000.....	699	833	90	59	(1)	(1)	(1)	(1)	354	477	6,279	239	334	1,011	1,685	3,397	-	667	
\$4,000 under \$4,500.....	444	704	67	26	(1)	(1)	-	-	306	228	5,829	239	361	824	1,373	3,139	-	617	
\$4,500 under \$5,000.....	469	780	89	18	(1)	(1)	(1)	(1)	354	469	5,858	174	335	737	1,229	3,312	-	663	
\$5,000 under \$6,000.....	897	1,827	57	20	(1)	(1)	-	-	368	187	11,279	312	683	1,235	2,059	6,160	-	1,258	
\$6,000 under \$7,000.....	819	1,851	133	72	(1)	(1)	(1)	(1)	344	376	12,255	424	1,142	1,135	1,892	6,636	-	1,370	
\$7,000 under \$8,000.....	594	1,603	91	52	-	-	-	-	240	248	9,079	263	784	730	1,216	4,903	-	1,053	
\$8,000 under \$9,000.....	526	1,969	113	45	-	-	(1)	(1)	213	452	10,254	372	1,289	727	1,211	5,697	-	1,252	
\$9,000 under \$10,000.....	457	1,623	(1)	(1)	(1)	(1)	-	-	229	407	8,367	275	1,150	531	885	4,367	-	980	
\$10,000 under \$15,000.....	1,711	6,686	239	101	(1)	(1)	(1)	(1)	688	1,568	39,399	1,019	4,988	1,931	3,218	21,226	-	5,224	
\$15,000 under \$20,000.....	843	4,790	136	84	-	-	-	-	399	199	26,601	611	4,537	918	1,530	12,530	-	3,348	
\$20,000 under \$30,000.....	927	7,878	161	98	(1)	(1)	(1)	(1)	499	1,826	39,148	614	6,269	973	1,621	18,889	-	5,967	
\$30,000 under \$50,000.....	725	8,839	121	88	(1)	(1)	(1)	(1)	240	574	46,352	659	11,438	730	1,217	19,407	-	7,214	
\$50,000 under \$100,000.....	555	13,625	63	44	13	80	23	29	268	1,954	53,039	450	11,768	465	775	23,136	-	10,687	
\$100,000 under \$150,000.....	172	8,840	13	10	3	133	3	3	76	265	26,215	123	5,407	131	219	10,536	-	5,479	
\$150,000 under \$200,000.....	64	4,618	5	3	2	(2)	1	4	30	178	13,300	50	3,062	47	78	4,698	-	2,519	
\$200,000 under \$500,000.....	92	13,998	14	13	4	10	2	1	35	211	31,978	62	5,542	66	110	13,560	-	8,129	
\$500,000 under \$1,000,000.....	20	7,435	2	1	2	1	1	1	7	88	16,122	13	2,276	14	24	5,679	-	3,415	
\$1,000,000 or more.....	4	8,914	-	-	-	-	-	-	1	1	11,987	2	563	3	5	5,519	-	3,118	
Total taxable returns.....	14,122	99,913	2,453	1,125	331	719	222	319	7,625	11,436	406,013	6,719	62,535	22,987	38,309	187,400	-	65,761	
Nontaxable returns:																			
No total income.....	325	623	887	532	(1)	(1)	667	2,652	367	40	36,716	-	-	2,180	-	-	3,633	-	-
Under \$600.....	1,671	288	1,260	399	202	47	100	29	1,629	330	4,580	4,535	1,232	8,989	-	-	14,981	-	-
\$600 under \$1,000.....	1,629	610	441	190	100	27	200	120	946	258	7,078	3,946	2,425	5,452	-	-	9,086	-	-
\$1,000 under \$1,500.....	1,291	631	363	192	220	182	100	134	1,008	302	8,864	3,645	3,220	4,316	(1)	(1)	7,174	-	-
\$1,500 under \$2,000.....	1,016	651	280	126	(1)	(1)	(1)	(1)	764	233	8,527	2,972	3,603	2,975	-	-	4,958	-	-
\$2,000 under \$2,500.....	744	663	180	63	(1)	(1)	(1)	(1)	606	355	8,857	2,558	3,771	2,381	-	-	3,968	-	-
\$2,500 under \$3,000.....	723	637	101	12	(1)	(1)	-	-	421	276	8,425	2,300	4,533	1,852	-	-	3,086	-	-
\$3,000 under \$3,500.....	595	568	(1)	(1)	(1)	(1)	(1)	(1)	275	181	7,591	1,868	3,995	1,411	-	-	2,391	-	-
\$3,500 under \$4,000.....	441	735	140	65	(1)	(1)	(1)	(1)	240	79	7,695	1,490	3,965	1,232	-	-	2,054	-	-
\$4,000 under \$4,500.....	455	542	(1)	(1)	-	-	-	-	180	24	6,277	1,199	3,542	890	-	-	1,483	-	-
\$4,500 under \$5,000.....	240	188	(1)	(1)	-	-	-	-	200	126	5,002	784	2,456	629	-	-	1,048	-	-
\$5,000 under \$6,000.....	625	1,667	(1)	(1)	-	-	-	-	222	261	9,232	1,395	5,541	1,007	(1)	(1)	1,658	-	-
\$6,000 under \$7,000.....	340	849	(1)	(1)	-	-	-	-	120	172	9,659	1,068	4,752	896	-	-	1,493	-	-
\$7,000 under \$8,000.....	484	1,090	(1)	(1)	(1)	(1)	(1)	(1)	140	170	9,638	1,140	6,175	770	-	-	1,283	-	-
\$8,000 under \$9,000.....	341	1,169	(1)	(1)	(1)	(1)	-	-	(1)	(1)	7,612	685	4,538	535	-	-	891	-	-
\$9,000 under \$10,000.....	260	922	(1)	(1)	-	-	-	-	(1)	(1)	6,137	562	4,092	391	-	-	651	-	-
\$10,000 under \$15,000.....	606	2,517	(1)	(1)	(1)	(1)	(1)	(1)	345	293	24,181	1,692	15,243	1,153	-	-	1,922	-	-
\$15,000 under \$20,000.....	441	2,469	(1)	(1)	(1)	(1)	(1)	(1)	221	143	22,179	1,051	12,627	761	-	-	1,269	-	-
\$20,000 under \$30,000.....	412	4,313	(1)	(1)	(1)	(1)	(1)	(1)	279	1,164	29,294	951	14,020	722	-	-	1,203	-	-
\$30,000 under \$50,000.....	233	3,240	(1)	(1)	-	-	-	-	193	67	23,890	481	12,377	366	-	-	609	-	-
\$50,000 under \$100,000.....	181	4,936	13	11	8	33	16	107	102	572	25,656	324	14,776	227	-	-	378	-	-
\$100,000 under \$150,000.....	51	2,655	2	2	1	4	1	1	29	596	10,951	84	6,903	54	-	-	90	-	-
\$150,000 under \$200,000.....	12	666	2	2	-	-	-	-	8	7	4,953	23	2,680	18	-	-	30	-	-
\$200,000 under \$500,000.....	32	3,065	3	3	1	17	-	-	22	101	16,042	42	6,252	33	-	-	55	-	-
\$500,000 under \$1,000,000.....	7	92	1	1	1	10	-	-	5	23	5,507	8	2,278	5	-	-	8	-	-
\$1,000,000 or more.....	3	4,074	1	1	1	6	3	64	3	16	13,749	4	5,265	5	-	-	8	-	-
Total nontaxable returns.....	13,158	39,860	4,385	2,059	917	650	1,457	3,821	8,446	5,985	428,860	34,807	150,261	39,250	(1)	(1)	65,370	-	-
Grand total.....	27,280	139,773	6,838	3,184	1,248	1,369	1,679	4,140	16,071	17,421	690,873	41,526	212,796	62,237	38,349	187,402	65,370	65,761	-
Returns under \$5,000.....	14,846	11,553	5,113	2,167	1,068	649	1,307	3,082	10,644	5,106	416,818	26,767	34,379	45,658	22,269	24,458	53,822	4,748	-
Returns \$5,000 or more.....	12,434	128,220	1,725	1,017	180	720	372	1,058	5,427	12,315	574,055	14,759	178,417	16,579	16,080	162,944	11,548	61,013	-

See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data."

¹Sample variability of this item is too large to warrant showing it separately. However, this value is included in the grand total.

²Less than \$500.

³Deficit in total income.

⁴Total income less deficit in total income.

FIDUCIARY INCOME TAX RETURNS FOR 1954

Table 5.—TAXABLE INCOME AND INCOME TAX, BY TAXABLE INCOME CLASSES

Taxable income classes	Number of returns with taxable income of fiduciary	Taxable income of fiduciary (Thousand dollars)	Income tax liability after credits			
			Normal tax and surtax		Alternative tax	
			Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)
	(1)	(2)	(3)	(4)	(5)	(6)
Taxable returns:						
1 Not over \$2,000.....	75,429	51,171	75,429	9,964	-	-
2 Over \$2,000 not over \$4,000.....	19,668	56,287	19,668	11,183	-	-
3 Over \$4,000 not over \$6,000.....	9,929	48,800	9,929	10,335	-	-
4 Over \$6,000 not over \$8,000.....	5,829	40,304	5,829	9,219	-	-
5 Over \$8,000 not over \$10,000.....	3,671	32,814	3,671	8,107	-	-
6 Over \$10,000 not over \$12,000.....	2,617	28,700	2,617	7,599	-	-
7 Over \$12,000 not over \$14,000.....	1,920	24,802	1,920	7,061	-	-
8 Over \$14,000 not over \$16,000.....	1,379	20,433	1,379	6,193	-	-
9 Over \$16,000 not over \$18,000.....	1,054	17,886	1,053	5,848	1	6
10 Over \$18,000 not over \$20,000.....	776	14,776	622	4,117	154	994
11 Over \$20,000 not over \$22,000.....	714	15,016	452	3,483	262	1,981
12 Over \$22,000 not over \$26,000.....	928	22,112	613	5,678	315	2,800
13 Over \$26,000 not over \$32,000.....	973	27,955	641	7,796	332	3,931
14 Over \$32,000 not over \$38,000.....	633	21,937	349	5,541	284	4,301
15 Over \$38,000 not over \$44,000.....	419	17,130	206	4,048	213	4,070
16 Over \$44,000 not over \$50,000.....	338	15,876	127	3,093	211	4,797
17 Over \$50,000 not over \$60,000.....	363	19,752	122	3,614	241	6,548
18 Over \$60,000 not over \$70,000.....	224	14,493	52	1,898	172	5,606
19 Over \$70,000 not over \$80,000.....	189	14,096	66	3,009	123	4,719
20 Over \$80,000 not over \$90,000.....	115	9,792	19	1,008	96	4,296
21 Over \$90,000 not over \$100,000.....	87	8,261	29	1,755	58	3,830
22 Over \$100,000 not over \$150,000.....	205	25,104	34	2,866	171	11,437
23 Over \$150,000 not over \$200,000.....	117	20,091	15	1,777	102	9,809
24 Over \$200,000.....	202	129,411	20	5,839	182	64,737
25 Total taxable returns.....	127,779	696,999	124,862	131,031	2,917	132,862
26 Nontaxable returns.....	(1)	(1)	-	-	-	-
27 Grand total.....	127,839	697,011	124,862	131,031	2,917	132,862

See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data."

¹Sample variability of this item is too large to warrant showing it separately. However, this value is included in the grand total.

Table 6.—TOTAL INCOME, TAXABLE INCOME, INCOME TAX, AVERAGE TAX, AND EFFECTIVE TAX RATE, BY TYPES OF TAX AND BY TOTAL INCOME CLASSES

Total income classes		Number of returns	Total income (Thousand dollars)	Taxable income of fiduciary (Thousand dollars)	Income tax liability after credits (Thousand dollars)	Average income tax (Dollars)	Effective tax rate— income tax liability as percent of taxable income	
		(1)	(2)	(3)	(4)	(5)	(6)	
ALL TAXABLE RETURNS								
1	Under \$600.....	9,496	3,270	1,628	310	33	19.0	1
2	\$600 under \$1,000.....	8,386	6,664	2,897	551	66	19.0	2
3	\$1,000 under \$1,500.....	10,006	12,352	5,955	1,133	113	19.0	3
4	\$1,500 under \$2,000.....	8,999	15,656	7,826	1,491	166	19.0	4
5	\$2,000 under \$2,500.....	7,112	15,884	7,862	1,502	211	19.1	5
6	\$2,500 under \$3,000.....	5,931	16,221	7,992	1,538	259	19.2	6
7	\$3,000 under \$3,500.....	5,339	17,323	8,491	1,685	315	19.8	7
8	\$3,500 under \$4,000.....	4,494	16,816	7,852	1,538	342	19.6	8
9	\$4,000 under \$4,500.....	4,210	17,886	8,103	1,598	380	19.7	9
10	\$4,500 under \$5,000.....	3,719	17,706	8,373	1,683	453	20.1	10
11	\$5,000 under \$6,000.....	6,652	36,387	16,302	3,320	499	20.4	11
12	\$6,000 under \$7,000.....	5,698	36,941	16,202	3,351	588	20.7	12
13	\$7,000 under \$8,000.....	4,511	33,670	14,748	3,158	700	21.4	13
14	\$8,000 under \$9,000.....	3,872	32,815	13,995	3,074	794	22.0	14
15	\$9,000 under \$10,000.....	2,951	28,015	11,604	2,601	881	22.4	15
16	\$10,000 under \$15,000.....	11,426	140,212	56,470	13,702	1,199	24.3	16
17	\$15,000 under \$20,000.....	6,809	117,942	46,207	12,223	1,795	26.5	17
18	\$20,000 under \$30,000.....	7,482	181,818	65,373	19,876	2,656	30.4	18
19	\$30,000 under \$50,000.....	5,206	198,485	69,301	25,435	4,886	36.7	19
20	\$50,000 under \$100,000.....	3,326	229,206	78,616	34,999	10,523	44.5	20
21	\$100,000 under \$150,000.....	945	113,704	38,494	19,651	20,795	51.1	21
22	\$150,000 under \$200,000.....	409	70,104	22,396	12,123	29,640	54.1	22
23	\$200,000 under \$500,000.....	570	170,097	58,046	32,130	56,368	55.4	23
24	\$500,000 under \$1,000,000.....	153	100,814	36,183	20,408	133,387	56.4	24
25	\$1,000,000 or more.....	77	238,934	86,083	44,813	581,987	52.1	25
26	Total.....	127,779	1,868,922	696,999	263,893	2,065	37.9	26
RETURNS WITH NORMAL TAX AND SURTAX								
27	Under \$600.....	9,496	3,270	1,628	310	33	19.0	27
28	\$600 under \$1,000.....	8,386	6,664	2,897	551	66	19.0	28
29	\$1,000 under \$1,500.....	10,006	12,352	5,955	1,133	113	19.0	29
30	\$1,500 under \$2,000.....	8,999	15,656	7,826	1,491	166	19.0	30
31	\$2,000 under \$2,500.....	7,112	15,884	7,862	1,502	211	19.1	31
32	\$2,500 under \$3,000.....	5,931	16,221	7,992	1,538	259	19.2	32
33	\$3,000 under \$3,500.....	5,339	17,323	8,491	1,685	315	19.8	33
34	\$3,500 under \$4,000.....	4,494	16,816	7,852	1,538	342	19.6	34
35	\$4,000 under \$4,500.....	4,210	17,886	8,103	1,598	380	19.7	35
36	\$4,500 under \$5,000.....	3,719	17,706	8,373	1,683	453	20.1	36
37	\$5,000 under \$6,000.....	6,652	36,387	16,302	3,320	499	20.4	37
38	\$6,000 under \$7,000.....	5,698	36,941	16,202	3,351	588	20.7	38
39	\$7,000 under \$8,000.....	4,511	33,670	14,748	3,158	700	21.4	39
40	\$8,000 under \$9,000.....	3,872	32,815	13,995	3,074	794	22.0	40
41	\$9,000 under \$10,000.....	2,951	28,015	11,604	2,601	881	22.4	41
42	\$10,000 under \$15,000.....	11,426	140,212	56,470	13,702	1,199	24.3	42
43	\$15,000 under \$20,000.....	6,786	117,502	45,779	12,076	1,779	26.4	43
44	\$20,000 under \$30,000.....	7,047	170,734	55,876	16,482	2,339	29.5	44
45	\$30,000 under \$50,000.....	4,616	175,739	51,968	18,181	3,939	35.0	45
46	\$50,000 under \$100,000.....	2,654	182,052	50,293	21,580	8,131	42.9	46
47	\$100,000 under \$150,000.....	556	66,124	15,640	7,942	14,284	50.8	47
48	\$150,000 under \$200,000.....	178	30,538	5,166	2,756	15,480	53.3	48
49	\$200,000 under \$500,000.....	179	51,007	8,955	5,870	32,792	65.5	49
50	\$500,000 under \$1,000,000.....	29	18,686	3,047	2,240	77,246	73.5	50
51	\$1,000,000 or more.....	15	27,182	2,265	1,669	111,298	73.7	51
52	Total.....	124,862	1,287,382	435,289	131,031	1,049	30.1	52
RETURNS WITH ALTERNATIVE TAX								
53	Under \$15,000.....	-	-	-	-	-	-	53
54	\$15,000 under \$20,000.....	(1)	(1)	(1)	(1)	(1)	(1)	54
55	\$20,000 under \$30,000.....	435	11,084	9,496	3,394	7,801	35.7	55
56	\$30,000 under \$50,000.....	590	22,746	17,333	7,254	12,295	41.9	56
57	\$50,000 under \$100,000.....	672	47,154	28,323	13,419	19,969	47.4	57
58	\$100,000 under \$150,000.....	389	47,580	22,854	11,709	30,101	51.2	58
59	\$150,000 under \$200,000.....	231	39,566	17,229	9,367	40,551	54.4	59
60	\$200,000 under \$500,000.....	391	119,090	49,091	26,260	67,161	53.5	60
61	\$500,000 under \$1,000,000.....	124	82,128	33,136	18,168	146,516	54.8	61
62	\$1,000,000 or more.....	62	211,752	83,818	43,144	695,863	51.5	62
63	Total returns with alternative tax.....	2,917	581,540	261,708	132,862	45,547	50.8	63
64	Returns under \$5,000.....	67,692	139,778	66,979	13,029	192	19.5	64
65	Returns \$5,000 or more.....	60,087	1,729,144	630,020	250,864	4,175	39.8	65

See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data."
¹Sample variability of this item is too large to warrant showing it separately. However, this value is included in each total.

Table 7.—CAPITAL GAINS AND LOSSES, SHORT- AND LONG-TERM, AND CAPITAL LOSS CARRYOVER, BY TOTAL INCOME CLASSES

Total income classes	Total number of returns with gain or loss from sales of capital assets	Returns with net loss from sales of capital assets								Returns with net gain from sales of capital assets							
		Number of returns	Net loss from sales of capital assets after statutory limitation (deducted from gross income) (Thousand dollars)	Net loss from sales of capital assets before statutory limitation (Thousand dollars)	Short-term (after carryover)		Long-term		Capital loss carryover from 1949-53 (Thousand dollars)	Number of returns	Net gain from sales of capital assets in total income (Thousand dollars)	Total				Capital loss carryover from 1949-53 (Thousand dollars)	
					Net short-term capital gain (Thousand dollars)	Net short-term capital loss (Thousand dollars)	Net long-term capital gain (100%) (Thousand dollars)	Net long-term capital loss (100%) (Thousand dollars)				Short-term (after carryover)		Long-term			
												Net short-term capital gain (Thousand dollars)	Net short-term capital loss (Thousand dollars)	Net long-term capital gain (100%) (Thousand dollars)	Net long-term capital loss (100%) (Thousand dollars)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)		
Taxable returns:																	
1	Under \$600.....	2,252	366	76	76	(1)	27	(1)	49	11	1,886	191	8	1	185	(1)	(1)
2	\$600 under \$1,000.....	2,223	259	75	175	-	73	22	123	50	1,964	478	76	27	430	2	24
3	\$1,000 under \$1,500.....	3,523	447	122	162	16	69	27	135	52	3,076	1,414	177	36	1,274	2	71
4	\$1,500 under \$2,000.....	3,919	562	137	216	5	98	1	124	34	3,357	2,018	235	23	1,809	3	13
5	\$2,000 under \$2,500.....	3,354	366	122	122	(1)	55	6	73	46	2,988	2,189	117	117	2,134	4	49
6	\$2,500 under \$3,000.....	3,234	354	146	273	3	174	30	132	129	2,880	2,932	229	76	2,778	(1)	77
7	\$3,000 under \$3,500.....	2,851	248	81	524	-	458	1	67	454	2,603	2,987	148	74	2,914	-	106
8	\$3,500 under \$4,000.....	2,596	192	80	172	4	57	4	123	36	2,404	3,212	335	44	2,921	-	41
9	\$4,000 under \$4,500.....	2,464	192	55	79	1	11	-	69	-	2,272	3,500	327	36	3,216	7	34
10	\$4,500 under \$5,000.....	2,312	179	50	67	2	35	4	37	32	2,133	3,986	319	39	3,707	2	32
11	\$5,000 under \$6,000.....	4,306	251	82	610	13	427	9	205	422	4,055	7,963	460	114	7,654	38	74
12	\$6,000 under \$7,000.....	3,771	235	113	217	3	14	6	213	-	3,536	8,025	583	161	7,605	2	143
13	\$7,000 under \$8,000.....	3,058	250	118	204	1	45	5	165	42	2,808	6,868	469	134	6,536	4	69
14	\$8,000 under \$9,000.....	2,760	181	74	100	-	6	(1)	94	5	2,579	7,251	394	166	7,030	7	118
15	\$9,000 under \$10,000.....	2,140	113	72	245	(1)	147	25	124	146	2,027	7,058	268	169	6,959	-	166
16	\$10,000 under \$15,000.....	8,624	512	265	1,025	(1)	149	32	908	131	8,112	32,805	1,275	511	32,050	8	444
17	\$15,000 under \$20,000.....	5,408	387	196	903	3	844	106	683	730	4,021	32,235	683	759	4,215	4	695
18	\$20,000 under \$30,000.....	5,999	437	238	962	(1)	871	95	187	733	5,562	46,378	2,083	1,137	45,432	-	930
19	\$30,000 under \$50,000.....	4,181	369	234	1,448	(1)	1,327	672	794	835	3,820	48,443	1,926	4,820	4,922	4	698
20	\$50,000 under \$100,000.....	2,847	157	106	1,778	1	446	34	1,367	350	2,690	72,719	3,002	1,113	70,868	39	785
21	\$100,000 under \$150,000.....	831	39	33	381	(1)	339	105	147	273	792	42,284	928	435	41,791	(1)	285
22	\$150,000 under \$200,000.....	379	12	8	127	-	135	16	9	134	367	26,862	299	191	26,754	-	175
23	\$200,000 under \$500,000.....	536	26	22	439	-	988	573	24	855	510	82,321	1,067	695	81,949	-	401
24	\$500,000 under \$1,000,000.....	148	6	4	26	1	150	127	4	149	142	56,989	296	220	56,913	-	153
25	\$1,000,000 or more.....	74	3	3	67	-	47	-	21	47	71	163,710	34	728	164,404	-	256
26	Total taxable returns.....	73,790	6,135	2,486	10,398	53	6,992	1,900	5,362	5,696	67,655	664,818	15,878	7,831	656,894	126	5,839
Nontaxable returns:																	
27	No total income.....	2,038	1,471	953	2,777	2	1,426	3	1,356	1,165	567	762	60	108	810	-	-
28	Under \$600.....	10,479	3,282	997	3,347	4	752	83	2,683	680	7,197	664	135	8	539	-	6
29	\$600 under \$1,000.....	10,161	1,770	459	724	10	113	(1)	622	133	8,391	1,500	47	1,408	(1)	22	
30	\$1,000 under \$1,500.....	9,985	1,712	463	837	14	562	65	353	550	8,273	2,000	113	133	2,028	7	73
31	\$1,500 under \$2,000.....	9,263	1,647	451	825	8	219	11	626	132	7,616	2,243	147	57	2,154	1	59
32	\$2,000 under \$2,500.....	6,776	1,409	373	823	(1)	673	132	281	629	5,367	2,017	119	84	1,989	8	69
33	\$2,500 under \$3,000.....	5,290	985	216	658	7	506	30	189	410	4,305	1,753	101	12	1,666	1	11
34	\$3,000 under \$3,500.....	4,380	742	306	454	1	224	69	301	220	3,638	1,997	174	43	1,874	9	39
35	\$3,500 under \$4,000.....	3,334	681	162	258	10	60	6	215	63	2,653	1,882	102	24	1,804	-	23
36	\$4,000 under \$4,500.....	3,520	582	193	437	(1)	110	23	350	108	2,938	1,855	14	60	1,904	3	36
37	\$4,500 under \$5,000.....	2,671	142	85	325	-	253	45	157	258	2,231	1,472	104	78	1,448	2	58
38	\$5,000 under \$6,000.....	4,371	867	238	431	-	159	20	292	144	3,504	3,571	157	109	3,532	9	103
39	\$6,000 under \$7,000.....	3,740	540	254	312	-	130	21	203	80	3,200	3,006	34	143	3,118	2	98
40	\$7,000 under \$8,000.....	2,621	602	203	333	1	165	76	244	176	2,019	3,059	150	49	2,958	-	48
41	\$8,000 under \$9,000.....	2,343	440	128	660	-	566	230	324	555	1,903	3,138	44	164	3,259	-	161
42	\$9,000 under \$10,000.....	1,891	382	155	318	(1)	138	89	269	138	1,509	3,555	85	136	3,606	-	125
43	\$10,000 under \$15,000.....	5,955	1,229	582	3,330	90	1,420	203	2,203	1,340	4,726	10,280	208	92	10,164	(1)	78
44	\$15,000 under \$20,000.....	3,056	422	205	1,146	1	858	13	303	869	2,634	11,405	105	498	11,799	-	674
45	\$20,000 under \$30,000.....	2,923	408	185	276	1	92	64	249	89	2,515	15,316	839	121	14,598	-	112
46	\$30,000 under \$50,000.....	2,527	421	216	1,266	-	905	5	366	686	2,106	21,701	309	293	21,691	7	284
47	\$50,000 under \$100,000.....	1,087	173	103	2,545	7	2,671	392	273	2,602	914	18,833	560	127	18,413	11	95
48	\$100,000 under \$150,000.....	319	40	23	1,593	(1)	1,641	133	84	1,585	279	12,626	39	12,419	-	36	
49	\$150,000 under \$200,000.....	125	26	18	568	-	990	451	29	669	99	5,463	118	38	5,382	-	29
50	\$200,000 under \$500,000.....	184	25	18	336	1	70	10	277	71	159	16,607	150	67	16,524	-	44
51	\$500,000 under \$1,000,000.....	48	6	3	16	1	16	10	7	42	8,908	21	11	8,899	-	51	
52	\$1,000,000 or more.....	19	3	3	53	-	(1)	-	52	-	15	15,348	170	45	15,224	-	36
53	Total nontaxable returns....	99,106	20,305	7,052	24,648	158	14,710	2,214	12,311	13,359	78,801	170,961	4,406	2,586	169,210	61	2,319
54	Grand total.....	172,896	26,440	9,538	35,046	211	21,702	4,114	17,673	19,055	146,456	835,779	20,284	10,417	826,104	187	8,158
55	Returns under \$5,000.....	96,625	17,886	5,633	13,331	87	5,955	602	8,065	5,192	78,739	41,052	3,240	1,127	38,992	52	843
56	Returns \$5,000 or more.....	76,271	8,554	3,905	21,715	124	15,747	3,512	9,608	13,863	67,717	794,727	17,044	9,290	787,112	135	7,315

See footnotes at end of table. See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data."

Table 7.—CAPITAL GAINS AND LOSSES, SHORT- AND LONG-TERM, AND CAPITAL LOSS CARRYOVER, BY TOTAL INCOME CLASSES—Continued

Total income classes		Returns with net gain from sales of capital assets—Continued												
		Returns with normal tax and surtax						Returns with alternative tax						
		Number of returns	Net gain from sales of capital assets in total income (Thousand dollars)	Short-term (after carryover)		Long-term		Capital loss carryover from 1949-53 (Thousand dollars)	Number of returns	Net gain from sales of capital assets in total income (Thousand dollars)	Short-term (after carryover)		Net long-term capital gain (100%) (Thousand dollars)	Capital loss carryover from 1949-53 (Thousand dollars)
				Net short-term capital gain (Thousand dollars)	Net short-term capital loss (Thousand dollars)	Net long-term capital gain (100%) (Thousand dollars)	Net long-term capital loss (100%) (Thousand dollars)				Net short-term capital gain (Thousand dollars)	Net short-term capital loss (Thousand dollars)		
(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)		
Taxable returns:														
1	Under \$600.....	1,886	191	8	1	185	(1)	(1)						
2	\$600 under \$1,000.....	1,964	478	76	27	430	2	24						
3	\$1,000 under \$1,500.....	3,076	1,414	177	36	1,274	2	71						
4	\$1,500 under \$2,000.....	3,357	2,018	235	23	1,809	3	13						
5	\$2,000 under \$2,500.....	2,988	2,189	177	117	2,134	4	49						
6	\$2,500 under \$3,000.....	2,880	2,932	229	76	2,778	(1)	77						
7	\$3,000 under \$3,500.....	2,603	2,987	148	74	2,914	-	106						
8	\$3,500 under \$4,000.....	2,404	3,212	335	44	2,921	-	41						
9	\$4,000 under \$4,500.....	2,272	3,500	327	36	3,216	7	34						
10	\$4,500 under \$5,000.....	2,133	3,986	319	39	3,707	2	32						
11	\$5,000 under \$6,000.....	4,055	7,963	460	114	7,654	38	74						
12	\$6,000 under \$7,000.....	3,536	8,025	583	161	7,605	2	143						
13	\$7,000 under \$8,000.....	2,808	6,868	469	134	6,536	4	69						
14	\$8,000 under \$9,000.....	2,579	7,251	394	166	7,030	7	118						
15	\$9,000 under \$10,000.....	2,027	7,058	268	169	6,959	-	166						
16	\$10,000 under \$15,000.....	8,112	32,805	1,275	511	32,050	8	444						
17	\$15,000 under \$20,000.....	4,998	32,228	763	683	32,152	4	695	(2)	(2)	(2)	(2)	(2)	
18	\$20,000 under \$30,000.....	5,127	44,593	1,638	1,135	44,090	-	930	435	1,785	445	2	1,342	
19	\$30,000 under \$50,000.....	3,230	42,995	951	823	42,871	4	649	590	5,448	975	78	4,551	
20	\$50,000 under \$100,000.....	2,018	54,586	1,816	979	53,788	39	709	672	18,132	1,186	134	17,080	
21	\$100,000 under \$150,000.....	403	16,329	467	194	16,056	(1)	123	389	25,955	461	241	25,735	
22	\$150,000 under \$200,000.....	136	5,211	150	65	5,126	-	58	231	21,651	149	126	21,628	
23	\$200,000 under \$500,000.....	119	5,328	434	81	4,975	-	59	391	76,993	633	614	76,974	
24	\$500,000 under \$1,000,000.....	18	2,476	4	1	2,473	-	1	124	54,513	292	219	54,440	
25	\$1,000,000 or more.....	10	1,172	-	2	1,174	-	(1)	62	162,538	34	726	163,230	
26	Total taxable returns.....	64,739	297,795	11,703	5,691	291,907	126	4,685	2,917	367,022	4,175	2,140	364,987	
27	Returns under \$5,000.....	25,563	22,907	2,031	473	21,368	20	447	-	-	-	-	-	
28	Returns \$5,000 or more.....	39,176	274,888	9,672	5,218	270,539	106	4,238	2,917	367,022	4,175	2,140	364,987	

See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data."

¹Less than \$500.

²Sample variability of this item is too large to warrant showing it separately. However, this value is included in each total.

FIDUCIARY INCOME TAX RETURNS FOR 1954

Table 8.—SELECTED SOURCES OF INCOME AND INCOME TAX, BY STATES AND TERRITORIES

(Returns with total income)

States and Territories	Number of returns, taxable and nontaxable	Dividends (before exclusions)		Interest received		Total income (Thousand dollars)	Taxable income of fiduciary		Number of returns with no taxable income of fiduciary	Income tax liability after credits			
		Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)		Number of returns	Amount (Thousand dollars)		Number of returns	Amount (Thousand dollars)	Number of returns	Amount (Thousand dollars)
1 Alabama.....	2,880	1,681	9,621	1,621	2,177	25,756	911	4,979	1,969	911	1,681	1	
2 Arizona.....	1,175	637	2,040	771	908	7,816	420	2,008	755	420	676	2	
3 Arkansas.....	1,288	740	3,568	616	883	17,037	431	3,715	857	431	1,609	3	
4 California.....	32,502	22,034	85,657	22,093	18,804	236,893	9,811	48,716	22,691	9,811	17,120	4	
5 Colorado.....	3,630	2,342	12,329	2,324	2,670	28,729	1,341	5,640	2,289	1,341	1,922	5	
6 Connecticut.....	11,957	10,046	47,986	8,746	5,440	86,307	3,759	16,577	8,198	3,759	5,877	6	
7 Delaware.....	3,534	2,835	81,741	1,762	2,237	95,353	957	16,022	2,577	957	8,780	7	
8 District of Columbia.....	3,801	3,019	11,800	2,801	4,978	31,720	1,092	4,924	2,709	1,092	1,815	8	
9 Florida.....	5,532	3,350	19,335	3,501	4,316	50,777	1,530	7,288	4,002	1,530	2,789	9	
10 Georgia.....	4,422	3,024	12,507	2,601	2,670	32,995	1,634	6,541	2,788	1,634	1,917	10	
11 Hawaii.....	1,221	998	6,414	809	793	12,618	402	1,753	819	402	587	11	
12 Idaho.....	507	210	1,946	248	755	5,094	207	1,742	300	207	612	12	
13 Illinois.....	27,355	18,845	144,014	17,797	21,894	314,692	3,483	31,508	23,872	3,483	13,918	13	
14 Indiana.....	6,095	3,680	19,417	3,584	3,289	40,513	2,241	7,145	3,854	2,240	2,200	14	
15 Iowa.....	6,741	3,113	8,693	3,667	3,489	32,692	1,935	6,147	4,806	1,935	1,917	15	
16 Kansas.....	4,240	1,507	2,705	1,834	1,563	21,724	1,570	4,637	2,670	1,570	1,297	16	
17 Kentucky.....	4,337	3,161	12,289	2,625	1,776	24,960	986	3,953	3,351	986	1,204	17	
18 Louisiana.....	1,418	727	2,687	683	668	12,489	614	3,738	804	614	1,238	18	
19 Maine.....	2,173	1,832	6,274	1,713	1,884	13,055	685	2,022	1,488	684	565	19	
20 Maryland.....	8,430	7,308	36,537	6,484	7,349	60,939	2,157	8,639	6,273	2,157	2,887	20	
21 Massachusetts.....	29,334	24,558	140,797	19,522	19,659	247,678	8,121	37,856	21,213	8,101	13,105	21	
22 Michigan.....	10,242	7,148	55,082	6,184	6,246	114,875	3,831	26,863	6,411	3,831	11,027	22	
23 Minnesota.....	7,751	5,889	32,620	5,091	6,614	64,910	2,907	14,371	4,844	2,907	5,024	23	
24 Mississippi.....	1,076	596	1,911	609	999	7,738	474	1,843	602	474	480	24	
25 Missouri.....	9,563	7,224	48,358	6,015	5,892	92,344	3,524	17,154	6,039	3,524	6,307	25	
26 Montana.....	947	382	1,175	328	332	4,981	398	1,268	549	398	346	26	
27 Nebraska.....	2,850	1,322	5,203	1,514	1,172	14,087	976	3,405	1,874	976	963	27	
28 Nevada.....	334	151	2,316	182	978	8,245	151	1,680	183	151	695	28	
29 New Hampshire.....	1,605	1,265	4,623	1,222	831	9,554	604	2,248	1,001	604	673	29	
30 New Jersey.....	15,175	11,791	60,444	11,030	12,362	133,957	4,937	36,752	10,238	4,936	14,929	30	
31 New Mexico.....	586	270	1,001	277	357	4,563	274	1,110	312	274	307	31	
32 New York.....	75,124	59,411	441,861	56,184	95,835	909,478	22,310	169,067	52,814	22,308	67,238	32	
33 North Carolina.....	5,303	3,846	18,734	2,665	2,523	38,722	1,923	6,699	3,380	1,923	2,076	33	
34 North Dakota.....	897	288	431	502	255	3,285	366	683	531	366	152	34	
35 Ohio.....	19,428	14,490	100,765	12,388	11,944	179,095	6,512	35,061	12,916	6,493	14,419	35	
36 Oklahoma.....	3,398	1,381	5,106	1,568	1,991	58,853	1,682	19,765	1,716	1,682	8,359	36	
37 Oregon.....	4,013	2,056	7,675	2,819	2,843	26,688	1,212	4,435	2,801	1,212	1,368	37	
38 Pennsylvania.....	45,504	34,987	191,907	30,215	38,740	339,882	12,405	38,421	33,099	12,385	13,061	38	
39 Rhode Island.....	3,750	3,313	19,140	3,010	3,650	33,077	1,318	6,097	2,432	1,318	2,285	39	
40 South Carolina.....	1,810	1,107	3,310	898	1,061	11,061	604	2,158	1,206	604	764	40	
41 South Dakota.....	982	336	857	362	639	4,245	306	546	676	306	148	41	
42 Tennessee.....	3,679	2,543	9,522	2,355	1,662	28,284	981	6,100	2,698	981	2,332	42	
43 Texas.....	14,942	6,999	28,614	7,304	7,855	194,886	7,416	46,323	7,526	7,395	18,578	43	
44 Utah.....	1,382	999	3,144	839	597	6,517	420	1,224	962	420	328	44	
45 Vermont.....	1,189	740	1,531	907	476	5,102	318	630	871	318	176	45	
46 Virginia.....	6,166	4,164	14,490	3,948	3,745	36,878	1,746	5,836	4,420	1,746	1,882	46	
47 Washington ¹	4,964	3,223	12,836	3,538	4,222	51,747	1,849	12,717	3,115	1,843	5,026	47	
48 West Virginia.....	2,885	2,076	10,905	1,754	2,121	20,991	865	4,588	2,020	865	1,744	48	
49 Wisconsin.....	10,243	6,623	27,095	6,187	5,303	52,153	3,211	11,658	7,032	3,211	3,507	49	
50 Wyoming.....	381	103	753	134	223	2,930	3	139	378	3	73	50	
51 Total.....	418,741	300,370	1,779,773	275,831	328,863	3,858,965	127,810	704,761	290,931	127,680	268,367	51	

See text for "Explanation of Classifications and Terms" and for "Description of Sample and Limitations of Data."

¹Includes Alaska.

HISTORICAL TABLES
FIDUCIARY RETURNS, 1945-1954

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FIDUCIARY INCOME TAX RETURNS, 1945-1954

Table 9.—TAXABLE RETURNS—NUMBER OF RETURNS, TOTAL INCOME, AND TAX, BY TOTAL INCOME CLASSES, 1945-1954

Total income classes	1954	1952	1951	1950	1949	1948	1947	1946	1945
NUMBER OF RETURNS									
Under \$500.....	-	-	-	-	-	6,879	7,074	7,199	7,309
\$500 under \$1,000.....	-	-	-	-	-	12,441	15,978	17,170	17,649
Under \$600.....	9,496	10,653	8,659	8,530	8,657	-	-	-	-
\$600 under \$1,000.....	8,386	13,588	11,493	11,574	11,020	-	-	-	-
\$1,000 under \$1,500.....	10,006	13,024	11,715	11,556	10,753	10,682	11,836	13,283	13,109
\$1,500 under \$2,000.....	8,999	10,472	8,899	8,925	8,053	8,461	9,261	10,125	9,805
\$2,000 under \$2,500.....	7,112	8,548	7,505	7,283	6,660	6,674	7,256	8,197	7,652
\$2,500 under \$3,000.....	5,931	7,411	6,019	6,192	5,437	5,419	5,924	6,500	6,292
\$3,000 under \$4,000.....	9,833	10,879	9,524	9,437	8,088	8,385	9,038	9,972	9,341
\$4,000 under \$5,000.....	7,929	8,289	7,147	7,000	5,871	6,135	6,494	7,256	6,777
\$5,000 under \$10,000.....	23,684	22,310	19,555	18,996	15,537	15,887	16,725	19,098	16,934
\$10,000 under \$15,000.....	11,426	9,694	8,556	8,584	6,533	6,753	7,044	8,029	6,786
\$15,000 under \$20,000.....	6,809	4,936	4,746	4,589	3,681	3,756	3,704	4,295	3,618
\$20,000 under \$30,000.....	7,482	5,332	4,953	4,867	3,834	3,840	3,985	4,344	3,526
\$30,000 under \$50,000.....	5,206	3,975	3,775	3,811	2,746	3,026	2,975	3,223	2,573
\$50,000 under \$100,000.....	3,326	2,521	2,354	2,537	1,735	1,923	1,762	1,977	1,511
\$100,000 under \$150,000.....	945	892	670	633	473	495	440	560	314
\$150,000 under \$200,000.....	409	243	243	270	183	172	188	191	140
\$200,000 under \$500,000.....	570	299	309	368	243	277	241	225	176
\$500,000 under \$1,000,000.....	153	65	61	69	48	50	56	56	36
\$1,000,000 or more.....	77	39	27	31	25	28	21	25	12
Total.....	127,779	132,927	116,210	115,252	99,577	101,283	109,997	121,725	113,560
(Thousand dollars)									
TOTAL INCOME									
Under \$500.....	-	-	-	-	-	1,973	2,024	2,136	2,134
\$500 under \$1,000.....	-	-	-	-	-	9,536	11,887	12,709	13,051
Under \$600.....	3,270	3,508	2,888	2,816	2,906	-	-	-	-
\$600 under \$1,000.....	6,664	10,752	9,125	9,224	8,769	-	-	-	-
\$1,000 under \$1,500.....	12,352	16,186	14,495	14,309	13,267	13,185	14,636	16,424	16,214
\$1,500 under \$2,000.....	15,656	18,131	15,489	15,513	13,984	14,708	16,083	17,580	16,996
\$2,000 under \$2,500.....	15,884	19,130	16,789	16,301	14,866	14,933	16,244	18,334	17,186
\$2,500 under \$3,000.....	16,221	20,271	16,501	16,960	14,950	14,855	16,285	17,792	17,248
\$3,000 under \$4,000.....	34,139	37,918	33,035	32,748	28,024	29,047	31,312	34,467	32,379
\$4,000 under \$5,000.....	35,592	37,020	31,976	31,340	26,322	27,479	29,008	32,414	30,326
\$5,000 under \$10,000.....	167,828	157,916	138,983	134,843	110,021	112,485	118,570	134,465	119,488
\$10,000 under \$15,000.....	140,212	118,141	104,522	104,632	79,558	82,301	86,122	97,715	82,581
\$15,000 under \$20,000.....	117,942	84,936	82,055	79,346	63,514	64,751	64,053	73,892	62,561
\$20,000 under \$30,000.....	181,818	130,016	120,641	118,679	93,322	93,695	96,872	105,748	85,727
\$30,000 under \$50,000.....	198,485	150,769	143,942	145,313	105,067	115,294	113,339	123,070	97,682
\$50,000 under \$100,000.....	229,206	173,197	160,424	173,932	118,323	130,853	119,054	132,788	102,160
\$100,000 under \$150,000.....	113,704	119,161	81,673	76,821	57,421	59,690	52,875	67,801	37,417
\$150,000 under \$200,000.....	70,104	42,130	46,444	46,444	31,542	29,637	32,462	32,772	24,030
\$200,000 under \$500,000.....	170,097	90,108	106,384	69,932	79,411	70,060	62,591	50,556	50,556
\$500,000 under \$1,000,000.....	100,814	44,089	42,796	48,946	33,175	34,995	38,921	40,955	25,039
\$1,000,000 or more.....	238,934	80,684	54,804	59,406	41,864	57,975	43,778	42,111	23,819
Total.....	1,868,922	1,307,721	1,202,376	1,233,957	926,824	986,806	973,583	1,065,765	856,594
INCOME TAX LIABILITY AFTER CREDITS									
Under \$500.....	-	-	-	-	-	175	201	197	241
\$500 under \$1,000.....	-	-	-	-	-	648	921	936	1,118
Under \$600.....	310	433	331	271	274	-	-	-	-
\$600 under \$1,000.....	551	976	736	621	570	-	-	-	-
\$1,000 under \$1,500.....	1,133	1,786	1,466	1,228	1,110	1,091	1,440	1,549	1,796
\$1,500 under \$2,000.....	1,491	2,157	1,696	1,452	1,278	1,345	1,683	1,757	1,955
\$2,000 under \$2,500.....	1,502	2,303	1,877	1,552	1,398	1,426	1,754	1,898	2,013
\$2,500 under \$3,000.....	1,538	2,449	1,864	1,660	1,409	1,452	1,748	1,863	2,052
\$3,000 under \$4,000.....	3,223	4,951	3,798	3,244	2,737	2,870	3,383	3,636	3,916
\$4,000 under \$5,000.....	3,281	4,534	3,698	3,141	2,636	2,788	3,209	3,469	3,760
\$5,000 under \$10,000.....	15,504	20,675	17,280	14,232	11,798	12,714	14,175	15,690	15,956
\$10,000 under \$15,000.....	13,702	16,413	14,265	12,701	9,402	10,451	11,397	13,211	12,752
\$15,000 under \$20,000.....	12,223	13,392	12,299	10,580	8,332	8,859	9,442	11,341	10,654
\$20,000 under \$30,000.....	19,876	21,931	19,615	18,008	13,935	15,357	16,551	18,577	16,764
\$30,000 under \$50,000.....	25,435	30,131	27,972	26,158	18,212	22,086	22,779	26,687	23,474
\$50,000 under \$100,000.....	34,999	37,893	33,888	36,501	22,220	27,651	27,785	33,371	27,599
\$100,000 under \$150,000.....	19,651	27,682	20,137	17,815	12,398	14,803	13,047	18,640	10,452
\$150,000 under \$200,000.....	12,123	10,637	11,122	7,570	6,497	7,179	7,179	9,508	7,391
\$200,000 under \$500,000.....	32,130	20,077	21,856	25,496	15,382	17,979	18,078	17,254	16,664
\$500,000 under \$1,000,000.....	20,408	10,757	10,390	12,822	7,709	7,565	9,795	13,108	8,110
\$1,000,000 or more.....	44,813	16,393	6,960	10,152	5,658	20,552	8,507	12,767	8,938
Total.....	263,893	234,933	210,765	208,756	144,030	176,309	173,071	205,457	175,605

FIDUCIARY INCOME TAX RETURNS, 1945-1954

Table 10.—TAXABLE RETURNS—SOURCES OF INCOME AND DEDUCTIONS BY TYPE, 1945-1954

Income and deductions	1954	1952	1951	1950	1949	1948	1947	1946	1945
	(Thousand dollars)								
Source of income:									
Positive income:									
Business profit.....	67,067	37,073	41,725	43,019	33,969	45,506	51,017	50,952	39,034
Partnership profit.....	59,285	58,836	45,074	46,973	41,004	48,948	55,724	67,682	61,706
Net gain from sales of capital assets.....	664,818	221,674	212,407	213,237	108,968	144,583	146,535	254,718	199,793
Net gain from sales of property other than capital assets.....	1,478	1,912	1,886	3,045	1,372	1,741	2,118	1,961	1,214
Rents and royalties income.....	199,456	130,487	109,041	105,891	102,559	117,635	102,628	89,590	79,206
Income from other fiduciaries.....	12,040	24,530	25,375	20,570	16,260	14,609	11,962	14,220	10,777
Dividends.....	744,175	723,436	665,377	693,180	529,760	518,021	497,187	466,816	453,555
Interest received.....	105,497	102,481	91,524	95,895	84,264	84,703	94,733	108,179	
Other sources.....	21,846	20,098	18,465	21,636	16,745	19,300	19,993	18,598	17,038
Total.....	1,875,662	1,320,527	1,210,874	1,243,446	934,901	995,046	981,897	1,072,716	862,323
Losses:									
Business loss.....	1,688	4,716	2,540	2,942	1,832	1,886	1,508	1,592	1,358
Partnership loss.....	1,430	1,371	966	1,705	715	632	562	529	308
Net loss from sales of capital assets.....	2,486	3,431	2,392	2,433	3,457	3,658	3,632	2,312	1,754
Net loss from sales of property other than capital assets.....	613	946	686	824	625	587	901	827	789
Rents and royalties loss.....	351	2,348	1,911	1,592	1,448	1,477	1,710	1,690	1,520
Loss from other fiduciaries.....	172	-	-	-	-	-	-	-	-
Total.....	6,740	12,812	8,495	9,496	8,077	8,240	8,313	6,950	5,729
Total income.....	1,868,922	1,307,721	1,202,376	1,233,957	926,824	986,806	973,583	1,065,765	856,594
Deductions:									
Interest paid.....	13,411	12,176	10,683	12,142	9,119	10,403	9,687	9,676	8,363
Taxes.....	49,405	30,595	27,982	24,501	23,050	21,492	22,547	22,045	19,441
Depreciation.....	34,159	-	-	-	-	-	-	-	-
Dividend exclusion.....	3,348	-	-	-	-	-	-	-	-
Charitable deduction.....	7,117	567,276	511,353	522,580	384,923	377,021	384,096	394,551	313,624
Distributions to beneficiaries.....	579,353								
Long-term capital gain deduction.....	316,521	-	-	-	-	-	-	-	-
Exemptions.....	37,825	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Other deductions.....	130,741	70,921	61,516	59,115	46,958	47,530	48,009	44,569	36,671
Total.....	1,171,918	680,968	611,534	618,338	464,050	456,446	464,339	470,841	378,099
Taxable income.....	696,999	-	-	-	-	-	-	-	-
Net income taxable to fiduciary ²	-	626,760	590,847	615,614	462,775	530,360	509,244	594,924	478,495
Exemptions.....	-	36,122	32,821	33,075	29,718	30,799	29,399	30,745	28,156

¹Exemption was allowed as a credit against net income taxable to fiduciary. See last item.
²Net income before exemption.

***Synopsis of
Income Tax Law for
Fiduciary Income***

FIDUCIARY INCOME TAX LAW TABLES

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A. Requirement for filing return and exemption under the fiduciary income tax law, 1945-54.....	37
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Table A.—REQUIREMENT FOR FILING RETURN AND EXEMPTION UNDER THE FIDUCIARY INCOME TAX LAW, 1945-54¹

Federal income tax law (date of enactment)	Income year ²	Requirement for filing return ³			Exemption ⁴		
		Estates, gross income ⁵	Trusts		Estates	Trusts	
			Gross income ⁵	Net income ⁶		Simple	Complex
		Dollars	Dollars	Dollars	Dollars	Dollars	Dollars
Internal Revenue Code of 1954 (Aug. 16, 1954).....	1954.....	600	600	(⁷)	600	300	100
Internal Revenue Code of 1939 amended by—							
Revenue Act of 1951 (Oct. 20, 1951).....	} 1948-53.....	600	600	100	600	100	
Revenue Act of 1950 (Sept. 23, 1950).....							
Revenue Act of 1948 (Apr. 2, 1948).....							
Revenue Act of 1945 (Nov. 8, 1945).....	} 1945-47.....	500	500	100	500	100	
Individual Income Tax Act of 1944 (May 29, 1944)..							

¹This table relates only to fiduciaries in the United States. Fiduciary returns are filed for the income of estates under administration and for the income from property held in trust. For income years prior to 1945, see *Statistics of Income for 1950, Part 1*, pages 308-309.

²Returns are permitted for fiscal years also. Fiduciary returns with tax year beginning in 1953 and part year returns with accounting period ending before Aug. 17, 1954 were subject to the 1939 Code.

³In addition to the requirement stated in the table, every fiduciary, or one of joint fiduciaries, must file a return, Form 1041, regardless of the amount of gross or net income, for every estate or trust for which he acts if any beneficiary is a non-resident alien.

⁴Exemption was allowed as a credit against net income for both normal tax and surtax, prior to 1954, and under the 1954 Code, exemption is allowed as a deduction in computing taxable income of the fiduciary.

⁵Gross income includes all gains, profits, and income derived from whatever source except income that is specifically exempt from income tax.

⁶Net income, or taxable income under the 1954 Code, is the amount of income remaining in the hands of the fiduciary after allowable deductions and distributions to beneficiaries.

⁷A return is required for the income of a trust if there is any amount of taxable income, as defined in note 6.

Table B.—MINIMUM AND MAXIMUM INCOME TAX RATES UNDER FIDUCIARY INCOME TAX LAW, 1945-54¹

Federal income tax law (date of enactment)	Income year ²	Tax rate ³					Maximum rate limita- tion ⁷
		Normal tax rate ⁴	Surtax rate ⁵ for—		Combined normal tax and surtax rates ⁶ at—		
			Lowest bracket of surtax income, not over \$2,000	Highest bracket of surtax income, over \$200,000	Lowest bracket of surtax income	Highest bracket of surtax income	
		Percent	Percent	Percent	Percent	Percent	Percent
Internal Revenue Code of 1954 (Aug. 16, 1954).	Calendar year 1954.....	-	-	-	20.0	91.0	87.0
Internal Revenue Code of 1939 amended by—							
Revenue Act of 1951 (Oct. 20, 1951).....	} (Calendar years 1952-1953.... Fiscal years beginning after Oct. 31, 1951 and ending before Jan. 1, 1954.	3.0	19.2	89.0	22.2	92.0	88.0
Revenue Act of 1950 (Sept. 23, 1950)....							
Revenue Act of 1948 (Apr. 2, 1948).....	} Fiscal years beginning after Sept. 30, 1950 and ending before Nov. 1, 1951.	3.0	17.0	88.0	20.0	91.0	87.0
Revenue Act of 1945 (Nov. 8, 1945).....							
Individual Income Tax Act of 1944 (May 29, 1944).	} Fiscal years ending after Dec. 31, 1949 and before Oct. 1, 1950.	3.0	17.0	88.0	16.6	82.1	77.0
	Calendar years 1946-1947....	3.0	17.0	88.0	19.0	86.5	85.5
	Calendar year 1945.....	3.0	20.0	91.0	23.0	94.0	90.0

¹This table relates only to rates for fiduciaries in the United States. Fiduciary returns are filed for the income of estates under administration and for the income from property held in trust. For tax rates prior to 1945, see *Statistics of Income for 1950, Part 1*, pages 308-309 and 318-321.

²In case of a change in tax rates during a fiscal year other than those listed, the total tax is prorated according to the portion of time in the tax year under each rate.

³For 1946 through calendar year 1950, the normal tax and surtax rates produced a tentative tax which was subject to reduction as described in note 6.

⁴The normal tax rate applies to normal tax net income which is net income less the credit for partially tax-exempt interest and the exemption allowed for normal tax.

⁵Surtax rates apply to surtax net income which is net income less the exemptions allowed for surtax.

⁶For 1946 through calendar year 1950, the combined rates shown are after tax reductions and the rates so computed are rounded. For 1946 and 1947 the tentative normal tax and surtax are reduced by 5 percent thereof. For tax years beginning after Dec. 31, 1947 and ending before Oct. 1, 1950, the combined tentative normal tax and surtax is reduced by 17 percent of the first \$400, plus 12 percent of the next \$99,600, plus 9.75 percent of the excess over \$100,000. For calendar year 1950, the tentative normal tax and surtax are reduced by 13 percent of the first \$400, plus 9 percent of the next \$99,600, plus 7.3 percent of the excess over \$100,000.

⁷The combined normal tax and surtax shall not exceed the indicated percent of net income for 1945-53, or taxable income for 1954.

**Facsimile of
Fiduciary Income
Tax Return
Form 1041**

FORM 1041

U. S. Treasury Department Internal Revenue Service

U. S. FIDUCIARY INCOME TAX RETURN

(For Estates and Trusts)

FOR CALENDAR YEAR 1954 or other taxable year beginning... and ending... PLEASE TYPE OR PRINT PLAINLY Check (✓) whether Estate or Trust and give name Name and Address of Fiduciary

1954

Do not write in space below

Serial No.

Table with columns for Line and Instruction No., INCOME, DEDUCTIONS AND DIVIDEND EXCLUSION, and COMPUTATION OF TAX. Rows include Dividends, Interest, Gross profit, Total income, Interest, Taxes, Charitable deduction, Total deductions, Line 10 minus line 16, Dividend exclusion, Deduction for distributions, Long-term capital gain deduction, Exemptions, Total deductions, Taxable income, Tax on amount, Alternative tax, Foreign tax credit, Tax paid at source, Dividends received credit, Credit for partially tax-exempt interest, Total of lines 26 to 29, Balance of tax.

SIGNATURE AND VERIFICATION (See Instruction F)

I declare under the penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me, and to the best of my knowledge and belief, is a true, correct, and complete return.

(Signature of fiduciary or officer representing fiduciary) (Address of fiduciary or officer) (Date)

I declare under the penalties of perjury that I prepared this return for the fiduciary named herein; and that this return (including any accompanying schedules and statements) is, to the best of my knowledge and belief, a true, correct, and complete return based on all the information relating to the matters required to be reported in this return of which I have any knowledge.

(Individual or firm signature) (Address) (Date)

Schedule D.—CAPITAL GAINS AND LOSSES (See Instruction 32)

Table with 3 columns: 1. Beneficiaries, 2. Fiduciary, 3. Total. Rows include Short-term gain or loss, Long-term gain or loss, and Total gain or loss.

Enter net gain in line 3, column 3, above as line 8 (b), page 1. If net loss in line 3, column 3, above, enter as loss in line 8 (b), page 1, whichever of the following is the smallest amount; (i) the amount of the loss; (ii) taxable income computed without regard to capital gains and losses and the deduction for personal exemption; or (iii) \$1,000.

Schedule E.—COMPUTATION OF CHARITABLE DEDUCTION (See Instruction 33) (Submit statement giving name and address of charitable organization)

Table for Schedule E with rows for charitable purposes from current year's income, tax-exempt interest, and various capital gain calculations.

Schedule F.—COMPUTATION OF CAPITAL GAINS IN DISTRIBUTABLE NET INCOME (See Instruction 34)

Table for Schedule F with rows for net gain shown in line 3, column 1, Schedule D, and short-term capital gain.

Schedule G.—COMPUTATION OF DISTRIBUTABLE NET INCOME (See Instruction 35)

Table for Schedule G with rows for entering line 17, adding tax-exempt interest and foreign income, and deducting certain dividends.

Schedule H.—BENEFICIARIES' SHARES OF INCOME AND CREDITS (See Instruction 36)

Table for Schedule H with columns for Name of each beneficiary and Address, and rows (a) through (e).

Continuation of Schedule H

Table for Continuation of Schedule H with columns for Amount of income required to be distributed, Other amounts paid, Income taxable to beneficiaries, and Domestic dividends qualifying for credit.

Continuation of Schedule H

	7. Partially tax-exempt interest included in line 4, page 1	8. Net short-term capital gain	9. Net long-term capital gain 100%	10. Tax-exempt income, and foreign income of a foreign trust (enter total only)	11. Federal income tax paid at source (2% of line 3, page 1, less line 27, page 1)	12. Income and profits taxes paid to a foreign country or United States possession
(a)	\$.....	\$.....	\$.....		\$.....	\$.....
(b)
(c)
(d)
(e)
Total	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....

Schedule J.—COMPUTATION OF DISTRIBUTIONS DEDUCTION (See Instruction 37)

1. Total of column 3, Schedule H.....	\$.....
2. Total of column 4, Schedule H.....
3. Total (line 1 plus line 2)..... (Fiduciaries required by the governing instrument to distribute all of the income determined under that instrument who have not paid or credited and are not required to pay or credit other amounts to any beneficiary during the taxable year and have not claimed a charitable deduction need not complete line 4).	\$.....
4. (a) Enter the total of column 10, Schedule H.....	\$.....
(b) Portion of total in columns 6A and 6B, Schedule H, attributable to dividends excluded in line 18, page 1 (not to exceed \$50.00).....
(c) Total (line 4 (a) plus line 4 (b)).....
5. Balance (line 3 minus line 4 (c)).....	\$.....
6. Enter distributable net income (line 5, Schedule G).....	\$.....
7. Enter the total of lines 2 (a) and 2 (b) of Schedule G.....	\$.....
8. Dividends excluded (line 18, page 1).....
9. Total (line 7 plus line 8 above).....
10. Balance (line 6 minus line 9).....	\$.....
11. Distributions deduction. (Enter here and as line 19, page 1, the lesser of line 5 or line 10 above).....	\$.....

Schedule K.—CAPITAL GAINS DEDUCTION AND ALTERNATIVE TAX (See Instruction 38)
COMPUTATION OF FIDUCIARY'S CAPITAL GAINS DEDUCTION

1. (a) Long-term capital gain shown in line 2, column 3, Schedule D.....	\$.....
(b) Short-term capital loss shown in line 1, column 3, Schedule D.....
(c) Excess of line 1 (a) over line 1 (b), above.....	\$.....
(d) Long-term capital gains taxable to beneficiary. (Total column 9, Schedule H).....
(e) Balance (line 1 (c) minus line 1 (d)). (Enter 50% of this amount as line 20, page 1).....	\$.....

COMPUTATION OF ALTERNATIVE TAX

Use only if you had a net long-term capital gain or an excess of net long-term capital gain over net short-term capital loss, and line 23, page 1, exceeds \$18,000

2. Income from line 23, page 1.....	\$.....
3. 50% of amount on line 1 (e), above.....
4. Balance (line 2 minus line 3).....	\$.....
5. Tax on amount on line 4 (See Tax Rate Schedule in Instruction 24).....	\$.....
6. 50% of amount on line 3, above.....
7. Alternative tax (line 5 plus line 6); if less than line 24, page 1, enter this amount as line 25, page 1.....	\$.....

ADDITIONAL INFORMATION REQUIRED

- | | |
|---|---|
| <p>1. Was an income tax return filed for the preceding year? (Answer "Yes" or "No").....
If answer is "Yes," to which District Director's office was it sent?.....</p> <p>2. Date estate or trust was created.....</p> <p>3. If copy of will or trust instrument and statement required under General Instruction I have been previously furnished, state when and where filed.
.....
.....</p> | <p>4. If return is for a trust, state name and address of grantor:
.....</p> <p>5. If return is for an estate, has a United States Estate Tax Return been filed? (Answer "Yes" or "No").....
If answer is "No," will such a return be filed? (Check which)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain</p> <p>6. Did you pay anyone for assistance in the preparation of your return? (Answer "Yes" or "No").....
If "Yes," enter his name and address.
.....
.....</p> |
|---|---|

1954

1954

Instructions For Form 1041

U.S. FIDUCIARY INCOME TAX RETURN

GENERAL INSTRUCTIONS

(References are to the Internal Revenue Code of 1954, unless otherwise noted)

A. Who must use Form 1041.—Every fiduciary (except a receiver appointed by authority of law in possession of only a part of the property of an individual), or at least one of joint fiduciaries, must make an income tax return on Form 1041 for:

(1) Every estate for which he acts, if (a) the gross income of such estate for the taxable year is \$600 or over, or (b) any beneficiary is a nonresident alien;

(2) Every trust for which he acts, if (a) the trust has any taxable income for the taxable year, or (b) the gross income is \$600 or over, regardless of the amount of taxable income, or (c) any beneficiary is a nonresident alien.

B. Fiduciary returns on Form 1040 or Form 1040A.—(1) *Returns for decedents.*—An executor or administrator must make a return on Form 1040 or Form 1040A for the taxable year of the decedent, if the gross income of the decedent to the date of his death was \$600 or more (\$1,200 or more if the decedent was over 65 years of age and his last taxable year began after 1953 and ended after August 16, 1954).

(2) *Medical expenses of decedents.*—Expenses for medical care of the decedent, paid out of his estate within one year from the date of his death, shall be treated as paid by the decedent at the time the expenses were incurred for purposes of determining the decedent's income tax liability. Such a deduction is not permitted if the amount so paid is also allowable in computing the net estate of the decedent for estate tax purposes under section 2053 unless the statement and waiver referred to in specific instruction 15 for estate tax deduction is filed.

(3) *Other returns.*—A fiduciary, including the guardian of a minor and the guardian or committee of an insane person, who has charge of the income of an individual (except a receiver appointed by authority of law in possession of only a part of the property of an individual), must make a return of income on Form 1040 or Form 1040A if a return is required for such individual.

C. Returns for nonresident alien beneficiaries.—(1) *United States business.*—A citizen or resident fiduciary who pays, credits, or is required to distribute any amount taxable to a beneficiary who is a nonresident alien engaged in trade or business within the United States at any time within the taxable year, shall make a return on Form 1040B for such nonresident alien and pay the tax due.

(2) *No United States business.*—A citizen or resident fiduciary who pays, credits, or is required to distribute any amount taxable to any beneficiary who is a nonresident alien not engaged in trade or business within the United States at any time within the taxable year shall make a return on Form 1040NB, and pay the tax due, if (a) such beneficiary has, for the taxable year, not more than \$15,400 gross income described in section 871 (a) and if (b) the entire amount of the tax on such income has not been withheld at the source. Such fiduciary shall make a return on Form 1040NB-a for any such beneficiary who has, for the taxable year, more than \$15,400 gross income described in section 871 (b), and pay the tax due.

(3) *Duty of filing returns.*—If the beneficiary appoints a person in the United States to act as his agent for the purpose of rendering income-tax returns, the fiduciary shall be relieved from the necessity of filing Form 1040B, Form 1040NB, or Form 1040NB-a, as the case may be. In such a case the fiduciary shall make a return on Form 1041 and attach thereto a copy of the notice of appointment of such agent. The fiduciary shall make a return on Form 1042 of the tax on the entire amount of income payable to the beneficiary.

D. Period to be covered by return.—Returns shall be filed for the calendar year 1954 or other taxable years beginning in 1954. If the taxable year of the estate or trust began in 1953, or ended before August 17, 1954, the Internal Revenue Code of 1939 applies to such a taxable year and the return must be made on Form 1041 for 1953, not on Form 1041 for 1954.

For the procedure to follow in changing an established accounting period, see the District Director of Internal Revenue.

E. When and where the return must be filed.—Returns must be filed on or before the 15th day of the 4th month following the close of the taxable year of the estate or trust with the District Director of Internal Revenue for the district in which the fiduciary resides or has his principal place of business. If

the fiduciary has no legal residence or place of business in the United States, the return should be filed with the District Director of Internal Revenue, Baltimore 2, Md.

F. Signature and verification.—The return must be signed by the individual fiduciary, or by the authorized officer of the organization receiving or having custody or control and management of the income of the estate or trust. If two or more individuals act jointly as fiduciaries, the return may be signed by any one of them.

The statement at the bottom of page 1 of the Form 1041 is required to be signed by any person or in the name of any firm, or corporation preparing the fiduciary's return.

G. When and to whom the tax must be paid.—The tax of a trust must be paid in full when the return is filed. The tax of an estate must be paid in full when the return is filed or in four equal installments on or before the 15th day of the 4th, 7th, 10th, and 13th month following the close of the taxable year. If an installment is not paid on or before the date fixed for payment, the whole amount of tax unpaid shall be paid upon notice and demand by the district director.

The tax may be paid in cash or by check or money order drawn to the order of "District Director, I. R. S."

H. Penalties.—Severe penalties are provided by law for failure to file a required return, for filing late, and for filing a false or fraudulent return.

I. Copy of governing instrument and fiduciary's declaration.—If the gross income of the estate or trust is \$5,000 or over, a copy of the will or trust instrument sworn to by the fiduciary as a true and complete copy must be filed with the return of the estate or trust.

Together with the return, the fiduciary shall also file a statement of his opinion (indicating the relevant provisions of the governing instrument upon which he relies) of the extent to which the income of the estate or trust is taxable to the estate or trust, to the beneficiaries, or to the grantor or a person other than the grantor. In making such determination, the fiduciary shall give particular attention to sections 671 through 678 which relate (a) to taxation of the income of a trust to the grantor because of his retention or possession of (i) a reversionary interest, (ii) a power to revoke or to control beneficial enjoyment, (iii) administrative powers, or (iv) the right to income, and (b) which relates to the taxation of the income of a trust to a person other than the grantor because of the possession of such power over the trust as would constitute such a person the substantial owner of all or a portion of the trust.

If a copy of the will or trust instrument, or opinion relating to the provisions of the will or trust instrument, has once been filed with an income-tax return, neither one need be filed again if the return contains a statement showing when and where such copy or opinion was filed.

If the trust instrument is amended in any way after a copy has been filed, a copy of the amendment must be filed together with the return for the taxable year in which the amendment is made. A statement must also be filed by the fiduciary setting forth his opinion of the effect of the amendment upon whether the trust income is taxable to the trust, to the beneficiaries, or to the grantor or a person other than the grantor.

J. Accounting methods.—Taxable income shall be computed in accordance with the method of accounting used in computing income from books and records. In all cases the method adopted should clearly reflect taxable income. The basic methods of accounting are the "cash receipts and disbursements method" and the "accrual method," but section 446 permits the use of other methods in accordance with regulations. It is permissible to use a different method of accounting for each trade or business, if a taxpayer is engaged in more than one trade or business. In most cases, consent of the Commissioner must be obtained before changing the method of accounting used in computing taxable income. For information, consult regulations or the District Director of Internal Revenue.

Prepaid income and reserves for estimated expenses.—Under the new law a taxpayer using the accrual method of accounting in a trade or business may elect to take prepaid income into account in the year of receipt, and subsequent taxable years (not to exceed five except with the consent of the Commissioner),

PAGE 2

and may elect to deduct for the taxable year additions to reserves for estimated expenses. Prepaid income is income received in a transaction in which the taxpayer undertakes to render services, furnish goods or other property, or allow the use of property beyond the end of the taxable year. Estimated expenses are expenses part or all of which would, under section 461, be taken into account in subsequent taxable years but which will, when incurred, be attributable to income of the current taxable year and which can, in the opinion of the Commissioner, be estimated with reasonable accuracy. The election to take estimated expenses into account does not apply to expenses attributable to income which the taxpayer elects to treat as prepaid income nor does it apply to additions to reserves for bad debts.

For information concerning the requirements applicable to elections with respect to prepaid income and estimated expenses and the detailed statements which must be submitted when making such election, consult your District Director of Internal Revenue.

K. Income in respect of decedents.—Amounts of gross income in respect of a decedent, not includible in his gross income, shall be included when received in the gross income of his estate, legatee, or other person entitled to receive such amounts upon his death.

Deductions specified in sections 162, 163, 164, or 212 (relating to deductions for business expenses, interest, taxes, and expenses for the production of income) or the foreign tax credit provided by section 33, in respect of the decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death or a prior period, may be taken by the decedent's estate or the person receiving the property of the decedent subject to the obligation for which the deduction (or credit) is allowed. Deductions for percentage depletion specified in section 611, not allowable to the decedent for any taxable period, may be taken by the person receiving the income in respect of the decedent to which such deduction relates.

The recipients of payments of installment obligations or the proceeds derived from their sales or satisfaction at other than face value will be taxed in accordance with the provisions of section 691 (a) (4). In cases involving successive decedents, see section 691.

L. Items exempt from tax.—Certain items of income are exempt from tax. Some of these are as follows:

(1) *Interest on governmental obligations:*

(a) *Entirely exempt.*—The interest on (1) obligations of a State, Territory, or a possession of the United States, or any political subdivision of the foregoing, or of the District of Columbia; (2) obligations of the United States issued on or before September 1, 1917; (3) all postal savings bonds; (4) interest on any aggregate not exceeding \$5,000 principal amount of Treasury bonds issued prior to March 1, 1941.

(b) *Partially exempt.*—On certain United States securities issued prior to March 1, 1941, the interest was exempt from the normal tax by the acts authorizing their issuance. A tax credit in an equivalent amount is now allowed. See specific instruction 29.

(2) *Proceeds of insurance policies.*—In general, a lump sum payable at the death of the insured under a life insurance policy is excludable from the gross income of the recipient. When, however, the beneficiary of a life insurance contract leaves a sum on deposit with the insurer, and receives interest on it under an agreement with the insurer, the interest is includible in its entirety in such beneficiary's gross income. If the beneficiary receives, through an option or otherwise, installment payments after the death of the insured, there may be excluded from income a part or all of the amounts so received. See sections 72 and 101.

(3) *Miscellaneous items wholly exempt from tax:*

(a) Gifts (not received as a consideration for service rendered) and money or property acquired by bequest, devise, or inheritance (but the income derived therefrom is taxable);

(b) Income, other than rent, derived by a lessor of real property upon the termination of a lease, representing the value of such property attributable to buildings erected or other improvements made by the lessee;

(c) Income attributable to the recovery during the taxable year of a bad debt, prior tax, or delinquency amount, to the extent that such bad debt, tax, or delinquency amount did not

operate to reduce the income tax liability of the taxpayer for any prior year with respect to such debt, tax, or amount; and

(d) Certain death benefits received from a decedent's employer. (See section 101 (b).)

(4) *Certain dividends.*—See specific instruction 18.

M. Depreciation and depletion, and amortization of emergency facilities.—For instructions with respect to depreciation and depletion, see specific instruction 40. For instructions with respect to amortization deductions, see specific instruction 15.

N. Information at source.—Every estate or trust engaged in a trade or business and making payment in the course of such trade or business to another person of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable gains, profits and income of \$600 or more in any taxable year must make a return on Forms 1096 and 1099. If a portion of such salary or wage payments was reported on a Withholding Statement (Form W-2, Copy A) only the remainder must be reported on Form 1099. Distributions to beneficiaries of an estate or trust shall be reported on Form 1041 and not on Form 1099.

O. Separate shares in a single trust.—If (1) the governing instrument provides substantially separate and independent shares for beneficiaries of a single trust, (2) the trust is administered by the fiduciary as if such shares were independent trusts, and (3) the Regulations permit, then the separate shares may be treated as separate trusts solely for the purpose of determining distributable net income. (See section 663 (c).) Distributable net income is described in specific instruction 35.

The treatment of separate shares in a single trust as separate trusts does not permit the fiduciary to claim more than one deduction in lieu of the deduction for personal exemption or to split the taxable income of the trust into separate shares in order to determine the tax liability of the trust.

If separate shares in a single trust are treated as separate trusts under this paragraph, a Form 1041 for each separate share must be completed (except for lines 18 through 31, page 1), identified as an attachment to the Form 1041 upon which the tax liability of the fiduciary is computed, and filed with that form.

P. Unused loss carryovers and excess deductions on termination.—A deduction shall be allowed to the beneficiaries succeeding to the property of the estate or trust, if upon termination the estate or trust has (1) a net operating loss carryover under section 172 or a capital loss carryover under section 1212, or (2) for its last taxable year deductions (other than the personal exemption or charitable deduction) in excess of gross income for such year.

Q. Income taxable to the grantor or substantial owner.—If any part of the income of the trust is taxable to the grantor under section 673, 674, 675, 676, or 677, or is taxable to another person under section 678, such part should not be reported on Form 1041, but such income and the amount of deductions and credits applicable thereto should be shown in a separate statement to be attached to Form 1041.

R. Simple and complex trusts.—If the terms of the governing instrument of a trust require that all of its income (determined under the governing instrument and local law) be distributed currently and do not provide that any amounts are to be paid, permanently set aside, or used for the charitable purposes specified in section 642 (c), such a trust may qualify as a "simple" trust under section 651 (a). Such a trust is qualified under section 651 (a) only in those taxable years of the trust in which it does not distribute to a beneficiary amounts other than amounts of income (determined under the governing instrument and local law) required to be distributed currently. An estate may not qualify under section 651 (a).

Any trust which does not qualify for the taxable year under section 651 (a) is treated as a "complex" trust under section 661 (a). All estates are treated under section 661 (a) in the same manner as "complex" trusts.

The rules for computing the taxable income of a "simple" trust and the amounts to be included in the gross income of the beneficiaries of a "simple" trust are basically the same as those which apply to a "complex" trust or to an estate. (See specific instruction 36.) The general instructions above and the specific instructions below apply to all trusts and estates except where there is a specific distinction made between "simple" trusts on the one hand and estates or "complex" trusts on the other.

SPECIFIC INSTRUCTIONS

The following instructions are numbered to correspond with line numbers on the first page of the return and supporting schedules

1. Dividends.—Enter in line 1 the total of all taxable dividends without regard to the dividend exclusion (except so-called "dividends" described in (d) of specific instruction 18 which are to be reported as interest on line 2, page 1).

For computation of the dividends received credit, see specific instruction 42.

4. Interest on Government obligations, etc.—Enter interest on Government obligations, etc., except interest fully exempt from tax. See general instruction L.

A taxpayer on the cash basis may elect, as to all non-interest-bearing obligations issued at a discount and redeemable for fixed amounts increasing at stated intervals (for example,

United States Savings bonds), to include the increase in redemption price applicable to the current year. For the year of election, the total increase in redemption price of such obligations occurring between the date of acquisition and the end of the year must be included. A taxpayer so electing shall report such income as interest in line 2, 3, or 4 (whichever is applicable), page 1, and attach a statement listing the obligations owned and the computation of accrued income. An election exercised in the current year or in a prior year is binding for all subsequent years.

5. Income from partnerships and other fiduciaries.—Except as directed below, enter the estate's or trust's share of the income (whether received or not) or of the losses of a partnership (including a syndicate, pool, etc., not taxable as a corporation) and income received by the estate or trust from another fiduciary. Schedule K of the Partnership return (Form 1065) shows the partner's share of income and credits. The estate's or trust's distributive share of partnership capital gains or losses and income received by the estate or trust from another fiduciary which is in the nature of capital gains should be reported in separate Schedule D, and should not be included in line 5. See specific instruction 32. The estate's or trust's share of partnership dividend income or income received by the estate or trust from another fiduciary which is in the nature of dividend income should be included only in line 1, page 1, according to specific instruction 1. The estate's or trust's distributive share of partnership tax-exempt interest or income received by the estate or trust from another fiduciary in the nature of tax-exempt interest, should be taken into account in computing line 2, Schedule E, and line 2 (a), Schedule G, according to specific instructions 33 and 35, respectively. The estate's or trust's share of interest from obligations of the United States owned by a partnership or income received by the estate or trust from another fiduciary which is in the nature of interest on obligations of the United States should be included in line 4, page 1.

The estate's or trust's share of credits for income and profits taxes paid to a foreign country or U. S. possession, Federal income taxes paid at source on tax-free covenant bond interest, dividends received and partially tax-exempt interest which are attributable to income received from partnerships or other fiduciaries will be included in lines 26, 27, 28, and 29, page 1, according to the specific instructions for those lines.

If the estate or trust as the beneficiary of another trust or an estate is to receive the benefit of any portion of the depreciation or depletion deduction allowed to the other trust or estate that amount must be included in Schedule M and treated according to specific instruction 40. No deduction (other than depreciation or depletion) of another trust or estate may be claimed by the taxpayer, except those which fall within general instruction P.

If the taxable year on the basis of which the estate's or trust's return is filed does not coincide with the annual accounting period of the partnership or other fiduciary, include in the return of the estate or trust its portion of the above items for the accounting period of the partnership or other fiduciary ending within the estate's or trust's taxable year.

6. Rents and royalties.—Enter the gross amount received or accrued as rents or royalties. Any deductions claimed for interest, taxes, depreciation or depletion and repairs, should be included in lines 11, 12, 13, and 15, respectively.

7. Profit (or loss) from trade or business.—If the estate or trust was engaged in a trade or business during the taxable year, there shall be attached to the return a statement showing the nature of the trade or business and the net business income as follows:

Gross sales or receipts.....	\$XXXXX
Less: Cost of goods sold.....	XXXXX
Gross profit (or loss).....	XXXXX
Add: Other income, if any.....	XXXXX
Total income (or loss).....	XXXXX
Less: Deductible expenses.....	XXXXX
Net business income (or loss).....	XXXXX

In the cost of goods sold, show cost of merchandise purchased for manufacture or sale, inventories of merchandise on hand at the beginning and end of the taxable year (indicate method of valuing inventories), other items entering into cost of goods sold. Enter in line 7, page 1, the gross profit (or loss) from the attached statement. The items of other income on the attached statement shall be included in the appropriate line on the form according to the character of such income. Show on the statement the amount of each type of deductible expense (such as salaries and wages of employees, interest, taxes, losses, bad debts directly attributable to the trade or business, depre-

ciation, obsolescence, and depletion of property used in the trade or business, rent, and repairs) not included in cost of goods sold. The total deductible expenses, other than depreciation, depletion, and charitable contributions shall be included in line 15, page 1. See specific instructions 33 and 40 with respect to deductions for charitable contributions, depreciation, and depletion.

Inventories.—If the trust or estate engages in a trade or business in which the production, manufacture, purchase, or sale of merchandise is an income-producing factor, inventories of merchandise and materials on hand should be taken at the beginning and end of the taxable year. The usual methods of valuing inventory are (a) cost, or (b) cost or market, whichever is lower. The method properly adopted for the first year in which inventory is taken must be continued unless permission to change is secured from the Commissioner. Application for permission to change the method of valuing inventories shall be made in writing and filed with the Commissioner within 90 days after the beginning of the taxable year in which it is desired to make the change. If the estate or trust elects to use the last-in, first-out inventory method provided in section 472, there should be filed an election on Form 970.

Bad debts.—Bad debts may be deducted either (a) when they become wholly or partially worthless, or (b) by a reasonable addition to a reserve. No change of method may be made without permission of the Commissioner.

Installment sales.—If the installment method is used, attach to the return a schedule showing separately for the years 1951, 1952, 1953, and 1954 the following: (a) gross sales; (b) cost of goods sold; (c) gross profits; (d) percentage of gross profits to gross sales; (e) amount collected; and (f) gross profit on amount collected. Under certain conditions casual sales of personalty may be reported on the installment method. See section 453.

8. Sales and exchanges of property.—Gains and losses from the sale or exchange of property other than capital assets must be reported on separate Schedule D, and the amount from line 2, separate Schedule D must be carried to line 8 (a), page 1. For capital transactions, see specific instruction 32.

9. Other income.—If the estate or trust had any taxable income, space for reporting which is not provided elsewhere on page 1, enter it in line 9, page 1, and show the nature of such income, attaching a separate sheet if necessary for that purpose.

11. Interest.—Enter all interest paid or accrued, other than on business indebtedness (which should be treated according to specific instruction 7). Do not include interest on indebtedness incurred or continued to purchase or carry obligations which yield interest wholly exempt from taxation (except obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer). Do not include any other amounts of interest attributable to or allocable to tax-exempt interest (see line 2 (a), Schedule G, and specific instruction 35). Deductions on account of interest should be explained and itemized in Schedule N. As to disallowances of unpaid interest due related persons, see section 267.

12. Taxes.—Enter on page 1 and explain in Schedule N deductible taxes paid or accrued during the taxable year by the estate or trust. In general, non-Federal taxes are deductible; Federal import duties, and Federal excise and stamp taxes are deductible only if paid or incurred in carrying on a trade or business or in the production or collection of income or in the management, conservation or maintenance of property held for the production of income. Taxes on property used in the trade or business of the estate or trust are to be treated in accordance with specific instruction 7. The following taxes are not deductible: (i) generally, taxes assessed against local benefits of a kind tending to increase the value of the property assessed; (ii) Federal import duties and Federal excise and stamp taxes other than those mentioned above; (iii) Federal income taxes, estate, except as indicated in the next paragraph, inheritance, succession or gift taxes; (iv) taxes imposed upon the interests of the estate or trust as a shareholder of a corporation which are paid by the corporation without reimbursement from the estate or trust; and (v) any portion of income, war profits or excess profits taxes paid or accrued to a foreign country or United States possession if any credit is claimed in line 26, page 1.

Section 691 provides that a taxpayer required to include in gross income any amount in respect of a decedent may deduct that portion of the estate tax on the decedent's estate which is attributable to the inclusion in the decedent's estate of the right to receive such amount. If an estate or trust receives income in respect of a decedent which is paid, credited, or required to be distributed to a beneficiary see section 691 (c) (1) (B).

13. Fiduciary's portion of depreciation and depletion.—See specific instruction 40.

14. Charitable deduction.—See specific instruction 33.

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15. Other deductions authorized by law.—Enter the total of any authorized deductions for which no other space is provided on page 1, and explain in Schedule N. Examples of such deductions are:

Nontrade or nonbusiness expenses.—Include nontrade or nonbusiness expense incurred either (a) for the production or collection of taxable income, (b) for the management, conservation, or maintenance of property held for the production of taxable income, or (c) in connection with the determination, collection, or refund of any tax. Worthless bonds and similar obligations and nonbusiness bad debts should be included in separate Schedule D as losses on capital assets.

Estate tax deductions.—Items allowable under sections 2053 relating to expenses, indebtedness and taxes, and 2054 relating to losses (or the corresponding provisions of prior Federal estate tax laws) as deductions in computing the taxable estate of a decedent are not allowed as deductions in computing the taxable income of the estate unless there is filed for association with the return in which the items are claimed as deductions, a statement to the effect that the items have not been allowed as deductions from the gross estate of the decedent under the applicable Federal estate tax law and a waiver of any and all right to have such items allowed at any time as deductions under the applicable Federal estate tax law. This paragraph shall not apply with respect to deductions allowed under section 691, relating to income in respect of a decedent. Clearly identify any such items in the statement and waiver and in Schedule N.

Bond premium.—Section 171 provides for amortization of bond premium. The term "bond" means any bond, debenture, note, certificate, or other evidence of indebtedness, issued by any corporation and bearing interest (including any like obligations issued by a government or a political subdivision thereof), but does not include any such obligation which constitutes stock in trade of the taxpayer or any such obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or any such obligation held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business.

In the case of fully taxable bonds, and partially tax-exempt bonds the interest on which is the basis of a credit (see specific instruction 29), the amortization of bond premium is elective, and the election may be made with respect to either class held by the taxpayer, or both. The premium on fully taxable bonds may be amortized to maturity, or to the date on which the bond is first callable. But, in the case of such bonds issued after January 22, 1951, and acquired after January 22, 1954, if the earliest call date is not more than 3 years from the date of issuance of the bond, the bond premium must be amortized to the maturity date of the bond rather than to the earliest call date.

The election to amortize bond premium shall be made by the taxpayer by taking a deduction for the bond premium on the return for the first taxable year to which the taxpayer desires the election to apply. Attach a statement showing the computation of the deduction. The election shall apply to all bonds of the class (or classes) with respect to which it was made which were owned by the taxpayer at the beginning of the first taxable year to which the election applies and also to all bonds of such class (or classes) thereafter acquired. The election shall be binding for all subsequent taxable years, unless, upon application by the taxpayer, the Commissioner permits the taxpayer to revoke the election. In case of bonds held by an estate or trust the election shall be made only by the fiduciary.

In the case of a fully taxable bond, the amortizable premium is both an adjustment to the basis of the bond and an allowable deduction. In the case of a partially tax-exempt bond, the amortizable premium for the taxable year is: (1) an adjustment to the basis of the bond; (2) a deduction; and (3) a reduction of the total interest upon which the credit against tax allowed by section 35 is computed.

Amortization of bond premium is mandatory with respect to fully tax-exempt bonds. In the case of a fully tax-exempt bond, the amortizable bond premium for the taxable year is an adjustment to the basis of the bond but not an allowable deduction.

Losses.—Line 15 should include losses of property not connected with the trade or business of the estate or trust sustained during the year, if arising from fire, storm, shipwreck, or other casualty, or from theft, and if not compensated for by insurance or otherwise. Explain and itemize such losses in Schedule N, setting forth a description of the property, date acquired, cost, subsequent improvements, depreciation allowable since acquisition, insurance, salvage value, and deductible loss. The allowable deduction is (i) the excess of the fair market value of the property immediately before the loss over the fair market value of the property immediately after the loss, or (ii) the adjusted basis of the property, whichever is lesser, reduced by any insurance or compensation received for such loss.

Net operating loss deduction.—There shall also be included in line 15 the net operating loss allowed by section 172. Every taxpayer claiming a net operating loss deduction under section 172 shall file with the return a detailed statement setting forth the amount of the net operating loss deduction claimed and all pertinent facts relative thereto, including a detailed schedule showing the computation of the net operating loss deduction.

Amortization of emergency facilities.—If the taxpayer elects the deduction with respect to the accelerated amortization of the adjusted basis of (a) any emergency facility with respect to which the Government has issued a certificate of necessity, or (b) a grain storage facility, such deduction should be included in line 15, page 1, and a statement of the pertinent facts should be filed with the election. See sections 168 and 169.

Unallowable deductions.—No deductions shall be allowed (a) for expenses which are allocable to one or more classes of income, etc., under section 212 (other than interest income), wholly exempt from tax or (b) for any amount relating to expenses for production of income which is allocable to interest income wholly exempt from tax. For the treatment of interest expense attributable to tax-exempt income, see specific instruction 11. For the determination of the amount of expense attributable to tax-exempt income, see line 2 (a), Schedule G, and specific instruction 35.

As to disallowance of unpaid expenses due related persons, see section 267.

18. Dividend exclusion.—If the taxable year of the estate or trust ends after July 31, 1954, there may be entered as an exclusion the first \$50 of dividends received from domestic corporations during the taxable year. See section 116.

This exclusion does not apply to dividends received from:

(a) Life insurance companies, and mutual insurance companies (other than mutual marine companies, or mutual fire insurance companies issuing perpetual policies);

(b) China Trade Act corporations;

(c) So-called exempt organizations (charitable, fraternal, etc.) and farmers' cooperative organizations;

(d) Mutual savings banks, cooperative banks, domestic building and loan associations, domestic savings and loan associations, and Federal savings and loan associations, on deposits or withdrawable accounts.

(e) Regulated investment companies, except to the extent that such dividends are designated by the company as dividends for these purposes; or

(f) Corporations to which section 931 (relating to income from sources within possessions of the United States) applies.

19. Deductions for distributions to beneficiaries.—See specific instruction 37.

21. Deduction for personal exemption.—An estate is allowed a deduction of \$600. A trust which, under its governing instrument, is required to distribute all of its income currently, is allowed a deduction of \$300; all other trusts are allowed a deduction of \$100.

24. Tax rate schedule.—The amount of the tax shall be determined in accordance with the following schedule:

If line 23, page 1, is: Enter as line 24, page 1:

Not over \$2,000 20% of the amount in line 22

Over—	But not over—
\$2,000	\$4,000—\$400, plus 22% of excess over \$2,000
\$4,000	\$6,000—\$840, plus 26% of excess over \$4,000
\$6,000	\$8,000—\$1,360, plus 30% of excess over \$6,000
\$8,000	\$10,000—\$1,960, plus 34% of excess over \$8,000
\$10,000	\$12,000—\$2,640, plus 38% of excess over \$10,000
\$12,000	\$14,000—\$3,400, plus 43% of excess over \$12,000
\$14,000	\$16,000—\$4,260, plus 47% of excess over \$14,000
\$16,000	\$18,000—\$5,200, plus 50% of excess over \$16,000
\$18,000	\$20,000—\$6,200, plus 53% of excess over \$18,000
\$20,000	\$22,000—\$7,260, plus 56% of excess over \$20,000
\$22,000	\$26,000—\$8,380, plus 59% of excess over \$22,000
\$26,000	\$32,000—\$10,740, plus 62% of excess over \$26,000
\$32,000	\$38,000—\$14,460, plus 65% of excess over \$32,000
\$38,000	\$44,000—\$18,360, plus 69% of excess over \$38,000
\$44,000	\$50,000—\$22,500, plus 72% of excess over \$44,000
\$50,000	\$60,000—\$26,820, plus 75% of excess over \$50,000
\$60,000	\$70,000—\$34,320, plus 78% of excess over \$60,000
\$70,000	\$80,000—\$42,120, plus 81% of excess over \$70,000
\$80,000	\$90,000—\$50,220, plus 84% of excess over \$80,000
\$90,000	\$100,000—\$58,620, plus 87% of excess over \$90,000
\$100,000	\$150,000—\$67,320, plus 89% of excess over \$100,000
\$150,000	\$200,000—\$111,820, plus 90% of excess over \$150,000
\$200,000	—\$156,820, plus 91% of excess over \$200,000

26. Income and profits taxes paid to a foreign country or United States possession.—If, in accordance with section 901, a credit is claimed for income, war profits, or excess profits taxes paid to a foreign country or to a possession of the United States, submit Form 1116 with the return, together with the receipts

for such payments. If credit is sought for accrued taxes, the form must be attached to it a certified copy of the return on which the tax was based. The Commissioner may require a bond on Form 1117 for the payment of any tax found due if the tax when paid differs from the credit claimed. The allowable credit is equal to the total credit shown on Form 1116 minus the proportionate share of the credit allocable to the beneficiaries (total, column 12, Schedule H).

28. Dividends received credit.—See specific instruction 42.

29. Fiduciary's credit for partially tax-exempt interest.—An estate or trust is allowed a credit against tax for partially tax-exempt interest. The following are examples of securities which yield partially tax-exempt interest: (i) Treasury bonds in excess of \$5,000 principal amount issued before March 1, 1941, and (ii) dividends on shares of Federal Savings and Loan Associations if the shares were issued before March 28, 1942.

The credit allowed to the estate or trust is equal to 3 percent of the total of the interest received from securities described above reduced by (i) the total partially tax-exempt interest includible in the gross income of beneficiaries (total of column 7, Schedule H), and (ii) the amortized bond premium with respect to the bonds producing the interest described above which is claimed as a deduction (see specific instruction 15). However, the credit allowed to the fiduciary may not exceed whichever of the following is the smallest: (i) the amount of the tax on line 24 or line 25, reduced by the sum of the credits allowed for foreign taxes (line 26) and for dividends received (line 28); or (ii) 3 percent of the taxable income for the taxable year (line 23); or (iii) if the alternative tax is applicable, 3 percent of line 4, schedule K.

32. Schedule D—Capital gains and losses.—Capital gains and losses generally are taken into account in computing taxable income just as if the estate or trust were an individual. As to disallowance of losses between related persons, see section 267. With respect to capital gains and losses, the gross income of the estate or trust is computed without regard to the distinction between gains and losses allocable to income account and those allocable to corpus account.

The separate Schedule D should first be completed if the estate or trust had any capital gains or losses during the year whether such gains or losses are allocable to the fiduciary or the beneficiary. The following references and instructions refer to Schedule D of Form 1041.

Allocation of capital gains and losses.—On line 1, enter in column 1 the amount of short-term gain or loss allocable to the beneficiary or beneficiaries. This includes (a) any amount which is a short-term capital gain under the Internal Revenue Code but which is an item of trust income under the terms of the governing instrument and local law; and (b) any amount which is a short-term capital gain under the Internal Revenue Code and which is allocable to corpus under the terms of the governing instrument and local law, but which is, nevertheless, paid, credited, or required to be distributed to any beneficiary.

Include in line 1, column 1, only those short-term capital losses which are taken into account in determining the amount of gain from the sale or exchange of capital assets which is paid, credited, or required to be distributed to any beneficiary during the taxable year. Enter in line 1, column 2, the amount of the short-term gain or loss allocable to the fiduciary. Enter in line 1, column 3, the sum of line 1 of columns 1 and 2. The amount in line 1, column 3, should be the same as the amount shown on line 6, separate Schedule D.

The long-term gain or loss is treated in line 2 just as short-term gain or loss is treated in line 1. The gains and losses allocable to the beneficiary are entered in column 1, and those not allocable to the beneficiary are entered in column 2. The total long-term gains or losses are entered in column 3. The total shown in column 3 should be the same as the amount shown in line 9, separate Schedule D.

Basis.—Generally the basis of property acquired by inheritance is the fair market value of the property at the time of acquisition which usually is the date of death. However, for special rules with respect to the basis of property acquired from a decedent, see section 1014 (b) (9). For basis in case of property acquired by gift and transfers in trust, see section 1015 and instructions under separate Schedule D.

Redemption of stock to pay death taxes.—Section 303 deals with redemption of stock included in an estate. List and identify such stock in the appropriate section on separate schedule D, and state the name of the decedent and the District Director's office in which the estate tax return was filed.

33. Schedule E—Computation of charitable deduction.—An estate or trust shall be allowed a deduction for any amount of gross income which pursuant to the terms of the governing instrument is, during the taxable year, paid or permanently set aside for a purpose specified in section 170 (c), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children

or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit. This deduction is not subject to the percentage limitation imposed by section 170 on the charitable deduction of an individual, but is subject to the limitations described below. For further special limitations in the case of improper accumulations, prohibited transactions, and so forth, see section 681 (b) and (c). A trust claiming a charitable, etc., deduction under section 642 (c) for the taxable year shall file the information return required under section 6034. Obtain copy of Form 1041A from the District Director of Internal Revenue.

Current income.—Enter in line 1 the full amount paid or permanently set aside for the purposes described above out of the current year's income.

Line 2 provides for an adjustment of the charitable contribution attributable to income of the current year (line 1), so that the charitable deductions will not include contributions attributable to tax-exempt interest or foreign income of a foreign trust. In the absence of specific provisions in the governing instrument, enter in line 2 the amount shown in line 1 multiplied by the total of all tax-exempt interest and foreign income of a foreign trust included in income of the current year (under the governing instrument and local law) and divided by the total of all the gross income items included in income of the current year (under the governing instrument and local law). In computing the total of all items of gross income under applicable local law, do not reduce gross income by any losses (such as losses from the sale or exchange of property).

Lines 3 and 4 provide for adjustment of a charitable contribution which is deemed to include long-term capital gains in order to prevent a double deduction on account of such gains. Line 3 (a) is the total amount of long-term gain contained in line 1. This is computed by multiplying the amount shown in line 1 by the total of long-term capital gains allocated to income (under the governing instrument and local law) and dividing the result by the total of all the gross income items included in income of the current year (under the governing instrument and local law). For purposes of this adjustment, long-term capital gain of the current year allocable to corpus and paid or permanently set aside for a charitable purpose is not included in the distribution made to charity out of the current year's income. Such amounts shall be taken into account in line 7, after a similar adjustment is made.

Contributions not attributable to current income.—Enter in line 7 the total of deductible amounts paid or permanently set aside for the purpose specified in section 170 (c) (relating to definition of charitable contribution) or to be used for the charitable, etc., purposes specified in section 642 (c) to the extent that such amounts are not attributable to income (under the governing instrument and local law) of the current year. Attach a statement showing the details.

34. Schedule F—Computation of capital gains in distributable net income.—The capital gains to be included in distributable net income are, in general, those distributed to beneficiaries or to charity. (See specific instruction 35 for further details concerning distributable net income and specific instruction 33 for charitable contributions.) The capital gains to be included in distributable net income on account of allocations to beneficiaries has already been determined in line 3, column 1, of Schedule D. (If line 3, column 1 of Schedule D, shows a net loss, the net loss is not taken into account in computing distributable net income and line 1 should be completed by entering zero.)

The long-term capital gains contained in charitable contributions have already been computed according to the directions in specific instruction 33 for lines 3 (a) and 7, Schedule E. Distributable net income also includes short-term capital gains to the extent that such gains are included in charitable contributions. The amount of short-term capital gains to be so included is computed in the same manner as the amount of long-term capital gains, that is, according to the directions in specific instruction 33 for lines 3 (a) and 7, Schedule E, except that the appropriate amounts of short-term capital gain are to be substituted for the amounts of long-term capital gain.

35. Schedule G—Computation of distributable net income.—Distributable net income is an amount which limits the amount deductible by the estate or trust on account of distributions and (except in the case of a current income beneficiary of an estate or trust which claims a charitable deduction) the amount taxable to the beneficiary. It is also used to determine the character of the distributions to the beneficiaries.

Distributable net income—General.—Distributable net income is the taxable income of the estate or trust (generally computed in the same manner as in the case of an individual) with the modifications set forth in section 643 (a).

The items of gross income in distributable net income are the items of gross income shown in lines 1 through 9, page 1, with the modifications described below.

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(a) *Dividends.*—The dividends in distributable net income are those shown in line 1, page 1, without reduction by the amount shown in line 18, page 1. However, dividends in distributable net income must be reduced by the amount shown in line 4 (b) of this schedule.

(b) *Capital gains.*—The capital gains or losses shown in line 8 (b), page 1, are not included in distributable net income. There can in no event be a net capital loss in distributable net income, and the gross amount of net capital gain to be included in distributable net income is the amount shown in line 4, Schedule F.

(c) *Tax-exempt interest.*—In addition to the items of income included in lines 1 through 9, page 1, distributable net income includes interest and foreign income of a foreign trust after adjustment according to the specific instructions for lines 2 (a) and 2 (b) below.

The items of deduction entering into distributable net income are those allowed to the estate or trust in computing its taxable income except the capital gains deduction under section 1202 (line 20, page 1), the special deductions for distributions under sections 651 and 661 (line 19, page 1), and the deduction in lieu of the deduction for personal exemptions under section 642 (b), line 21, page 1. There are special rules provided in section 643 (a) (3) with respect to the allowance of deductions on account of capital losses. See the detailed directions below for completing lines 2 (c), 2 (d), and 4 (a) of this schedule and specific instruction 34. In addition, certain disbursements, expenses, losses, etc., of the estate or trust which, under the provisions of section 265, are not allowable as deductions are treated as deductions in determining distributable net income in the manner described in the preceding paragraph.

Detailed directions for completing the lines in Schedule G.—

Line 1: Enter the amount shown in line 17, page 1. This is the taxable income of the estate or trust without taking into account the deduction for long-term capital gains, the deduction for distributions to beneficiaries, and the deduction in lieu of the personal exemption and the dividend exclusion.

Line 2 (a): Enter the amount of tax-exempt interest received, less: (i) the amount of tax-exempt interest shown in line 2 of Schedule E; and (ii) any amounts which, but for the provisions of section 265, would be deductible in respect of disbursements, expenses, losses, etc., of the trust or estate directly attributable or indirectly allocable to such interest. The amount of the disbursements, etc., indirectly allocable to tax-exempt interest is that amount which bears the same ratio to the total disbursements, etc., of the trust or estate not directly attributable to other items of income as the total tax-exempt interest received bears to the total of all the items of gross income (including tax-exempt interest and foreign income of a foreign trust) entering into distributable net income.

Line 2 (b): Enter the amount of foreign income of a foreign trust adjusted in the same manner as tax-exempt interest.

Lines 2 (c), 2 (d), and 4 (a) show the adjustments to be made in computing distributable net income on account of capital gains and losses. If line 8 (b), page 1, shows a net capital gain in taxable income, the amount is to be entered in line 4 (a) of this schedule, but if line 8 (b), page 1, shows a net capital loss, the amount is to be entered in line 2 (d) of this schedule. This has the effect of removing all of the fiduciary's share of capital items from distributable net income, but to complete the adjustment there must be entered in line 2 (c) the amount shown in line 4, Schedule F.

Line 4 (b): Enter those items of gross income constituting extraordinary dividends or taxable stock dividends which the trustee of a "simple" trust acting in good faith, does not pay or credit to any beneficiary by reason of his determination that such dividends are allocable to corpus under the terms of the governing instrument and local law. This rule does not apply to an estate or to a "complex" trust, and, in the case of an estate or a "complex" trust, no amount is to be entered in line 4 (b). For the definition of "simple" and "complex" trusts, see general instruction R.

36. Schedule H—Beneficiaries' shares of income and credits.—Schedule H indicates distributions to the beneficiaries and also indicates their allocable share of credits for tax paid at the source on tax-free covenant bond interest and for taxes paid to a foreign country or U. S. possession. Enter in columns 1 and 2 the name and address of each beneficiary to whom any amount is paid, credited, or required to be distributed in the taxable year of the estate or trust.

Distributions (Columns 3 and 4)

Amounts to be included.—In column 3 enter the amounts of income of the estate or trust required to be distributed currently to each beneficiary, whether distributed or not. For the purpose of determining what amounts are to be included in column 3, the question of what are items of income and the question of whether

an amount is required to be distributed currently are to be determined under the governing instrument and applicable local law. If the governing instrument requires that stated amounts must be paid to a beneficiary and further provides that such amounts may be paid either out of income or out of corpus, such amounts are to be included in column 3 to the extent they are actually paid out of income of the current year.

Enter in column 4 any other amounts actually paid, credited, or required to be distributed to each beneficiary in the taxable year, whether such amounts are from income (current or accumulated) or from corpus.

Amounts not included.—Do not include, either in column 3 or column 4, any amount which, under the terms of the governing instrument, is properly paid or credited as a gift or bequest of a specific sum of money or of specific property. To qualify as a gift or bequest excluded from columns 3 and 4, a sum must be paid all at once or in not more than three installments. Furthermore, an amount which can be paid or credited only from the income of the estate or trust is not considered a gift or bequest of a specific sum of money. See section 663 (a) (1). Do not include in column 3 or column 4 any amount paid or permanently set aside for the purposes described in section 642 (c) or otherwise qualifying for the charitable deduction. See section 663 (a) (2).

If a trust or estate (during the first 65 days of the first taxable year of the trust or estate to which the Internal Revenue Code of 1954 applies) paid, credited, or was required to distribute amounts which (under the Internal Revenue Code of 1939) would be treated as if paid, credited, or to be distributed on the last day of the preceding taxable year, such amounts are to be omitted from both columns 3 and 4. Such amounts are to be treated as if paid, credited, or to be distributed in the preceding taxable year. See section 683 (b).

Elective 65-day rule.—The fiduciaries of certain trusts may elect to continue to treat distributions within the first 65 days of the taxable year of the trust as amounts which were paid or credited on the last day of the preceding taxable year. The election is only available if the trust was created prior to January 1, 1954, and if the terms of the trust instrument provide that the trust may not distribute, in any taxable year, amounts in excess of the trust income for the immediately preceding taxable year. The election must be made not later than the time prescribed by law (including extensions thereof) for filing the return for the first taxable year to which Part I of Subchapter J of the Internal Revenue Code of 1954 applies. It shall apply with respect to all subsequent taxable years.

Character of Distributions (Columns 5 through 10)

In general.—The entries in columns 5 through 9 will show both the amount and the character of the income of the estate or trust which the beneficiaries must include in their gross income. Those inclusions in the gross income of beneficiaries which are on account of amounts of ordinary income not subject to special treatment are to be reflected in column 5. Those which are on account of domestic dividends qualifying for credit are to be reflected in column 6, but must be divided between inclusions on account of such dividends received before August 1, 1954, and those received after July 31, 1954, by the fiduciary. Those on account of partially tax-exempt interest are to be reflected in column 7. Inclusions in the gross income of beneficiaries on account of amounts of capital gains are to be reflected in columns 8 and 9. The result of the computations in Schedule F is to apply capital losses (to the extent allowable in computing distributable net income) against capital gains. Thus, the inclusions in gross income in columns 8 and 9 (computed according to the instructions below) take such losses into account. Column 10 reflects that portion of the distributions to beneficiaries which is deemed made from tax-exempt interest and foreign income of a foreign trust.

Because the beneficiary of an estate or trust cannot, except in the cases described in General Instruction P and specific instruction 40, claim losses or deductions of the estate or trust, no negative amounts may appear in columns 5 through 10.

In the ordinary case, the beneficiaries must include in gross income the total distributions (the totals of columns 3 and 4) or the distributable net income of the estate or trust, whichever is less. See, however, the directions below with respect to current income beneficiaries of an estate or trust claiming a charitable deduction.

Determining the share of each beneficiary.—The computations below will produce the amounts to be shown as the totals of each of the columns 5 through 10, Schedule H. Each such total except that in column 10 must be apportioned among the several beneficiaries of the estate or trust.

(i) That part of the total in each column which represents amounts shown in column 3 (income required to be distributed currently) must be apportioned among the same beneficiaries

to whom are assigned the amounts in column 3. Such portion of the total of each column must be apportioned to each such beneficiary in the same proportion as the amount assigned to him in column 3 is of the total of column 3.

(ii) That part of the total in each column which represents amounts shown in column 4 (other amounts paid, credited, or required to be distributed) must be apportioned among the same beneficiaries to whom are assigned the amounts in column 4. Such part of the total must be apportioned to each such beneficiary in the same proportion as the amount assigned to him in column 4 is of the total of column 4.

However, if the terms of the governing instrument provide that the various classes of income in columns 5 through 10 are to be distributed among beneficiaries in a manner other than that described above, the total in each of columns 5 through 10 is to be distributed (in that column) among the beneficiaries according to the terms of the governing instrument.

For purposes of the computation above, the totals shown in columns 5 through 10 are deemed first to be proportionate distributions on account of the total amount in column 3. If the totals in columns 5 through 10 are in excess of the total in column 3, then such excess is deemed to be proportionately on account of the total amount in column 4.

If column 10 includes foreign income of a foreign trust, attach to the return a separate statement showing the amount of such income allocable to each beneficiary.

Determining totals of columns 5 through 10.—Under the law, the method for determining the totals of columns 5 through 10 in the case of certain estates or trusts claiming a charitable deduction (line 14, page 1) is different from the method applicable to all other estates and trusts. Accordingly, the two methods are stated separately below.

Estates and trusts not claiming charitable deductions.—If the estate or trust does not claim a charitable deduction for the taxable year, the totals to be shown in columns 5 through 10 shall be determined according to the following directions.

● **Step one—Determining the aggregate amount.**—The aggregate amount which is to be allocated to columns 5 through 10 is the lesser of:

(i) the distributable net income of the trust (line 5, Schedule G), or

(ii) the sum of the totals of columns 3 and 4 of this schedule.

● **Step two—Determining gross amounts.**—This step accomplishes two things. It determines the items of gross income entering into the computation of distributable net income and groups such items according to the headings of columns 5 through 10. Segregate the gross income of the estate or trust (lines 1 through 9, page 1) according to the headings of columns 5 through 7. However, for this purpose:

(i) disregard the amount shown on line 8 (b), relating to capital gains and losses;

(ii) disregard any negative amount (loss) shown on lines 1 through 8 (a), and line 9, of page 1 (such amounts shall be treated under step three as deductions);

(iii) treat the income shown on line 18, page 1 (excluded dividends) as gross dividend income; and

(iv) exclude from gross income the amount shown on line 4 (b) of Schedule G (certain extraordinary and taxable stock dividends).

The gross amount for column 8 is the amount of the beneficiaries' share of short-term capital gain as shown in line 1, column 1, Schedule D (reduced, but not below zero, by any loss shown in line 2, column 1, Schedule D) plus the amount of short-term capital gain included in amounts paid or permanently set aside for charity (line 3, Schedule F).

The gross amount for column 9 is the beneficiaries' share of long-term capital gain as shown in line 2, column 1, Schedule D (reduced, but not below zero, by any loss shown on line 1, column 1, Schedule D) plus the amount of long-term capital gain included in amounts paid or permanently set aside for charity (line 2, Schedule F).

The gross amount of column 10 of this schedule is the total of the amounts shown in lines 2 (a) and 2 (b) of Schedule G (tax-exempt interest, as adjusted, and foreign income of a foreign trust, as adjusted). This is an adjusted amount (see specific instruction 35), and is not to be adjusted for deductions under step three.

● **Step three—Adjusting gross amounts by deductions.**—The gross amounts for each of columns 5 through 9 as determined under step two shall be reduced by allocating to such amounts the deductions shown on page 1 (line 16, page 1, and any negative amounts shown on lines 1 through 8 (a), and line 9, page 1).

(i) There shall first be allocated to each such gross amount those items of deduction shown on page 1 which are directly attributable to the items of gross income in the gross amount;

(ii) The deductions which have not been allocated under (i) above shall be allocated to the gross amounts for columns 5

through 9. These deductions may first be allocated to the gross amount for any column. However, the amount assigned to any one column shall in no event exceed the gross amount for such column determined under step two above reduced by the deductions allocated to such gross amount according to (i) above.

(iii) Each of the gross amounts for columns 5 through 9 shall then be reduced by the deductions allocated to it according to (i) and (ii) above.

If the computation in (iii) above produces a negative amount for any column, such negative amount shall be allocated to the gross amount for each of the other columns (5 through 10) according to the rule stated in (ii) above.

The sum of all the adjusted gross amounts for columns 5 through 10, determined according to this step, will equal the amount of the distributable net income (line 5, Schedule G).

● **Step four—Amount to be entered as total of each column.**—If the aggregate amount, determined under step one, is the distributable net income (line 5, Schedule G), enter as the total of each of columns 5 through 10 the adjusted gross amount (as determined in steps two and three) for such column. If the aggregate amount, determined under step one, is the sum of the distributions, enter as the total of each column an amount which is the same proportion of the sum of the distributions as the adjusted gross amount for such column (as determined by steps two and three) is of the sum of all such adjusted gross amounts for columns 5 through 10.

Estates and trusts claiming charitable deductions.—If an estate or trust claims a charitable deduction, the determination of the totals of columns 5 through 10 requires the same type of computation as if no charitable deduction were claimed. However, after the allocation of specific deductions (part (i) of step 3) and before the allocation of other deductions (part (ii) of step 3) the charitable deduction must be allocated among the gross amounts for columns 5 through 9. In the absence of specific provisions in the governing instrument, the part of the charitable deduction to be allocated to the gross amount for each of the columns 5 through 9 is the amount which bears the same proportion to the total charitable deduction as the gross amount for such column bears to the total of all the gross amounts for columns 5 through 9. If the amount so allocated to the gross amount for any one column exceeds the gross amount for such column reduced by the deductions allocated to it under part (i) of step 3, the excess must be allocated proportionately to the gross amounts for each of the remaining columns in the same manner. Further, in completing part (ii) of step 3, the amount of deductions assigned to the gross amount for any one column shall in no event exceed the gross amount for such column reduced by the sum of the deductions allocated to such gross amounts according to part (i) of step 3 and that part of the charitable deduction allocated to such gross amount according to the directions immediately above.

The estate or trust shall determine the totals of columns 5 through 10 according to the directions above for an estate or trust not claiming such deduction, if, and only if, both of the following conditions are present:

(i) the distributable net income (line 5, Schedule G) is equal to or exceeds the total of the amount of income required to be distributed currently (the total of column 3); and

(ii) the charitable deduction claimed includes no amounts paid or permanently set aside from sources other than income of the current year (that is, if the amount in line 7, Schedule E, is zero).

(a) **Estates and trusts with charitable deductions attributable to current year's income.**—If the charitable deduction claimed includes no amounts paid or permanently set aside from sources other than income of the current year, but the distributable net income is less than the amount of income required to be distributed currently (total of column 3), then the estate or trust shall determine the totals of columns 5 through 10 according to the steps described immediately below.

● **Step one—Determining the aggregate amount.**—The aggregate amount which is to be allocated to columns 5 through 10 is whichever is the lesser of the following:

(i) The distributable net income (line 5, Schedule G) plus the charitable deduction (line 14, page 1), plus the amounts shown in line 2 of Schedule E, or

(ii) The total of column 3 of this schedule.

● **Step two—Determining gross amounts.**—The determination of the gross amount for each of columns 5 through 10 shall be made in the same manner as set forth in step two of the instructions for an estate or trust which has no charitable deduction.

● **Step three—Adjusting gross amounts by deductions.**—The adjustment of gross amounts by deductions shall be made in the same manner as set forth in step three of the instructions for estates and trusts having no charitable deduction. However,

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it should be noted that (in the absence of specific provisions in the governing instrument) the charitable deduction (line 14, page 1) is to be allocated among the gross amounts for columns 5 through 9 according to the directions in the paragraph above immediately following the caption "Estates & trusts claiming charitable deductions."

The sum of all the adjusted gross amounts for columns 5 through 10, determined according to this step, will equal the amount of the distributable net income (line 5, Schedule G).

● **Step four—Amount to be entered as total of each column.**—Enter as the total of each of columns 5 through 10 an amount which is the same proportion of the aggregate amount determined under step one as the adjusted gross amount for such column (as determined by steps two and three) is of the sum of all such adjusted gross amounts for columns 5 through 10.

(b) *Estates and trusts with charitable deductions attributable to other than current year's income.*—In the case of estates and trusts which claim a charitable deduction under section 642 (c) (see specific instruction 33) any portion of which is not attributable to income of the current year (line 7, Schedule E), see section 662 (b).

Credits (Columns 11 and 12)

Enter in columns 11 and 12, respectively, the amounts of Federal income tax paid at source and of income and profits taxes paid to a foreign country or United States possession which are allocable to each beneficiary. The amount allocable to each beneficiary is that part of the total of each item which is proportional to the amount of the corresponding income item included in the gross income of the beneficiary.

37. **Schedule J—Computation of distributions deduction.**—This schedule provides for the computation of the deduction allowable to the fiduciary for amounts paid, credited, or required to be distributed to the beneficiaries of the estate or trust. The deduction is equal to the amounts paid, credited, or required to be distributed or the distributable net income—whichever is less, adjusted in either case so as to exclude items of tax-exempt income entering into distributable net income.

38. **Schedule K—Fiduciary's capital gains deduction.**—Section 1202 provides a special rule for the deduction for long-term capital gains of an estate or trust. The deduction is computed by excluding that portion of the gains from sales or exchanges of capital assets which is includible in the income of the beneficiaries. Lines 1 (a) through 1 (e) provide for the computation of long-term capital gains allocable to the fiduciary for the purpose of computing this deduction.

39. **Schedule L—Income (or loss) from partnerships, income from other fiduciaries.**—Enter the total amounts of income or loss from partnerships in which the estate or trust is a partner and income paid, credited, or required to be distributed to the estate or trust by other fiduciaries. The items entering into the income are to be carried to the appropriate lines on page 1, according to specific instruction 5.

40. **Schedule M—Deduction for depreciation.**—This schedule relates to the deduction for depreciation under section 167. If a deduction for depletion is claimed (see sections 611 through 614), attach a statement showing details.

Computing the depreciation deduction—Straight-line method.—The most common method of computing depreciation is the "straight-line method." It allows for the deduction of cost in equal annual amounts over the useful life of the property, with only salvage value remaining at the end of its useful life. To compute the deduction, add the cost of improvements to the cost (or other basis) of the asset and deduct both the estimated salvage value and the total depreciation allowed or allowable in

past years. Divide the result by the number of years of useful life remaining to the asset—this result is the depreciation deduction.

Special rules for new assets acquired after December 31, 1953.—New assets acquired by the taxpayer after 1953 and the portion of the basis of property attributable to construction or reconstruction by the taxpayer after 1953 may be depreciated under methods proper in the past or under additional methods provided in the new law. These new methods (which may be employed only with respect to tangible assets having a useful life of 3 years or more) are

(a) *"Declining balance method."*—The deduction is computed by applying a uniform rate to the cost or other basis of the asset reduced by depreciation previously allowed or allowable. This rate cannot exceed twice the straight line rate computed without regard to salvage value.

(b) *"Sum of the years-digits method."*—The deduction is the cost or other basis of the asset (reduced by estimated salvage value) multiplied by the number of years of useful life remaining to it (including the year of the deduction) divided by the sum of all the digits corresponding to the years of the asset's estimated useful life (in the case of a 3-year life such sum would be 6, that is 1+2+3).

(c) *"Other methods."*—Other methods may be employed subject to special limitations; for details consult the District Director of Internal Revenue.

Beneficiaries' and fiduciary's share of depreciation and depletion deductions.—An estate or trust is allowed the deductions for depreciation and depletion only to the extent that these deductions are not allocable to beneficiaries. Under sections 167 (g) and 611 (b) (3), the allowable deductions for depreciation and depletion are apportioned between the income beneficiaries of a trust and the trustee in accordance with the provisions of the governing instrument or, in the absence of such provisions, on the basis of the income (determined under the governing instrument and applicable local law) allocable to each. Under sections 167 (g) and 611 (b) (4), the allowable deductions for depreciation and depletion are apportioned between an estate and its heirs, legatees, or devisees on the basis of the income (determined under the governing instrument and applicable local law) of the estate allocable to each. Enter the fiduciary's share of each depreciation allowance claimed in column 7B Schedule M. Enter the total of the fiduciary's share in line 3, Schedule M, and include this amount in line 13, page 1.

41. **Schedule N—Explanation of deductions.**—Itemize the deductions for interest (line 11, page 1), taxes (line 12, page 1), and other deductions (line 15, page 1) in Schedule N. The number of the line on page 1 in which the deduction is included, a brief explanation of the deduction, and the amount thereof should be indicated. If the space provided on the form is insufficient, attach a separate schedule.

42. **Schedule O—Fiduciary's share of dividend received credit.**—For taxable years ending after July 31, 1954, an estate or trust is allowed a credit against tax for dividends received from domestic corporations (except those listed in (a) through (f) of specific instruction 18) which are included in gross income, but only in respect of so much of such dividends as is not included in the gross income of any beneficiary under section 652 or 662. (See line 5.)

Lines 2 through 4 reflect the adjustment of the dividends received after July 31, 1954, for that part of such dividends which have been excluded under section 116. (See specific instruction 18.)

SCHEDULE D

For use with Forms 1040, 1041, and 1065

U. S. Treasury Department—Internal Revenue Service
GAINS AND LOSSES FROM SALES OR EXCHANGES OF PROPERTY
USE WITH INDIVIDUAL, FIDUCIARY, OR PARTNERSHIP RETURNS

1954

For Calendar Year 1954, or other taxable year beginning , 1954, and ending , 195

Name and Address

Check type of return filed:

Form 1040 Form 1041 Form 1065

(I) PROPERTY OTHER THAN CAPITAL ASSETS

Table with 8 columns: a. Kind of property, b. Date acquired, c. Date sold, d. Gross sales price, e. Depreciation allowed, f. Cost or other basis, g. Expense of sale, h. Gain or loss.

(II) CAPITAL ASSETS

Short-Term Capital Gains and Losses—Assets Held Not More Than 6 Months

Table for Short-Term Capital Gains and Losses with 8 columns similar to Section I.

Long-Term Capital Gains and Losses—Assets Held More Than 6 Months

Table for Long-Term Capital Gains and Losses with 8 columns similar to Section I.

LINES 10 THROUGH 25 NOT APPLICABLE TO FIDUCIARIES AND PARTNERSHIPS

Gain or Loss To Be Taken Into Account

Table for Gain or Loss To Be Taken Into Account with columns for a. Gain and b. Loss.

COMPUTATION OF ALTERNATIVE TAX FOR INDIVIDUALS (Form 1040)
(See instructions on other side as to when the alternative tax applies)

Table for Computation of Alternative Tax for Individuals with 25 numbered rows.

NOTE.—In lines 18 to 25 the treatment in the case of a joint return is also applicable to a return of a surviving widow or widower.

INSTRUCTIONS—(References are to the Internal Revenue Code of 1954)**GAINS AND LOSSES FROM SALES OR EXCHANGES OF PROPERTY.**—Report details in schedule on other side.

"Capital assets" defined.—The term "capital assets" means property held by the taxpayer (whether or not connected with his trade or business) but does NOT include—

- (a) stock in trade or other property of a kind properly includible in his inventory if on hand at the close of the taxable year;
- (b) property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business;
- (c) property used in the trade or business of a character which is subject to the allowance for depreciation provided in section 167;
- (d) real property used in the trade or business of the taxpayer;
- (e) certain government obligations issued on or after March 1, 1941, at a discount, payable without interest and maturing at a fixed date not exceeding one year from date of issue;
- (f) certain copyrights, literary, musical, or artistic compositions, etc.; or
- (g) accounts and notes receivable acquired in the ordinary course of trade or business for services rendered or from the sale of property referred to in (a) or (b) above.

In connection with (b) above, the law allows dealers in securities capital gain or loss treatment with respect to certain securities which were clearly identified as being held for investment. Also, in the case of a taxpayer other than a corporation, certain real property subdivided for sale may be treated as capital assets. Sections 1236 and 1237.

If the total distribution to which an employee is entitled under an employees' pension, bonus, or profit-sharing trust plan exempt from tax under section 501(a), is received by the employee in one taxable year, on account of the employee's separation from the service, the aggregate amount of such distribution, to the extent it exceeds the amounts contributed by the employee, shall be treated as a long-term capital gain. See section 402.

A capital gain dividend, as defined in section 852 (relating to tax on regulated investment companies), shall be treated by the shareholder as a long-term capital gain.

Gain on sale of depreciable property between husband and wife or between a shareholder and a "controlled corporation" shall be treated as ordinary gain. Section 1239.

A transfer (other than by gift, inheritance, or devise) by an individual "holder" of all substantial rights evidenced by a patent, or an undivided interest therein, shall be considered the sale or exchange of a capital asset held for more than 6 months.

Gains and losses from transactions described in section 1231 (see below) shall be treated as gains and losses from the sale or exchange of capital assets held for more than 6 months if the total of these gains exceeds the total of these losses. If the total of these gains does not exceed the total of these losses, such gains and losses shall not be treated as gains and losses from the sale or exchange of capital assets. Thus, in the event of a net gain, all these transactions should be entered in the "long-term capital gains and losses" portion of Schedule D. In the event of a net loss, all these transactions should be entered in the "property other than capital assets" portion of Schedule D, or in other applicable schedules on Forms 1040, 1041, or 1065.

Section 1231 deals with gains and losses arising from—

- (a) sale, exchange, or involuntary conversion, of land (including in certain cases unharvested crops sold with the land) and depreciable property if they are used in the trade or business and held for more than 6 months,
- (b) sale, exchange, or involuntary conversion of livestock held for draft, breeding, or dairy purposes (but not including poultry) and held for 1 year or more,
- (c) the cutting of timber or the disposal of timber or coal to which section 631 applies, and
- (d) the involuntary conversion of capital assets held more than 6 months.

See sections 1231 and 631 for specific conditions applicable.

Description of property listed.—State following facts: (a) For real estate (including owner-occupied residences), location and description of land and improvements; (b) for bonds or other evidences of indebtedness, name of issuing corporation, particular issue, denomination, and amount; and (c) for stocks, name of corporation, class of stock, number of shares, and capital changes affecting basis (including nontaxable distributions).

Basis.—In determining gain or loss in case of property acquired after February 28, 1913, use cost, except as specially provided. The basis of property acquired by gift after December 31, 1920, is the cost or other basis to the donor in the event of gain, but, in the event of loss, it is the lower of either such donor's basis or the fair market value on date of gift. Generally the basis of property acquired by inheritance is the fair market value at time of acquisition which usually is the date of death. For special cases involving property acquired from a decedent, see section 1014. In the case of sales and exchanges of automobiles and other property not used in

your trade or business, or not used for the production of income, the basis for determining gain is the original cost plus the cost of permanent improvements thereto. No losses are recognized for income tax purposes on the sale and exchange of such properties. In determining GAIN in case of property acquired before March 1, 1913, use the cost or the fair market value as of March 1, 1913, as adjusted, whichever is greater, but in determining LOSS use cost as adjusted.

Sale of a personal residence.—See Form 1040 instructions for special rules applicable to sale or exchange of your residence.

Losses on securities becoming worthless.—If (a) shares of stock become worthless during the year or (b) corporate securities with interest coupons or in registered form become worthless during the year, and are capital assets, the loss therefrom shall be considered as from the sale or exchange of capital assets as of the last day of such taxable year.

Nonbusiness debts.—If a debt, such as a personal loan, becomes totally worthless within the taxable year, the loss resulting therefrom shall be considered a loss from the sale or exchange, during the taxable year, of a capital asset held for not more than 6 months. Enter such loss in column (h) and describe in column (a) in the schedule of short-term capital gains and losses on other side. This does not apply to (a) a debt evidenced by a corporate security with interest coupons or in registered form and (b) a debt acquired in your trade or business.

Classification of capital gains and losses.—The phrase "short-term" applies to gains and losses from the sale or exchange of capital assets held for 6 months or less; the phrase "long-term" applies to capital assets held for more than 6 months.

Treatment of capital gains and losses.—Short-term capital gains and losses will be merged to obtain the net short-term capital gain or loss. Long-term capital gains and losses (taken into account at 100 percent) will be merged to obtain the net long-term capital gain or loss. If the net short-term capital gain exceeds the net long-term capital loss, 100 percent of such excess shall be included in income. If the net long-term capital gain exceeds the net short-term capital loss, 50 percent of such excess shall be included in income. In the case of a fiduciary, see section 1202.

Limitation on allowable capital losses.—If the sum of all the capital losses exceeds the sum of all the capital gains (all such gains and losses to be taken into account at 100 percent), then such capital losses shall be allowed as a deduction only to the extent of (1) current year capital gains plus (2) the smaller of either the taxable income of the current year (or adjusted gross income if tax table is used) or \$1,000. For this purpose taxable income is computed without regard to capital gains or losses or the deduction for exemptions. The excess of such allowable losses over the sum of items (1) and (2) above is called "capital loss carryover" (not applicable to partnerships). It may be carried forward and treated as a short-term capital loss in succeeding years. However, the capital loss carryover of each year should be kept separate, since the law limits the use of such carryover to the five succeeding years. In offsetting your capital gain and income of 1954 by prior year loss carryovers, use any capital loss carryover from 1949 before using any such carryover from 1950 or subsequent years. Any 1949 carryover which cannot be used in 1954 must be excluded in determining total loss carryover to 1955 and subsequent years.

Collapsible corporations.—Gain from the sale or exchange of stock in a collapsible corporation is not a capital gain. Section 341.

"Wash sales" losses.—Losses from the sale or other disposition of stocks or securities are not deductible (unless sustained in connection with the taxpayer's trade or business) if, within 30 days before or after the date of sale or other disposition, the taxpayer has acquired (by purchase or by an exchange upon which the entire amount of gain or loss was recognized by law) or has entered into a contract or option to acquire, substantially identical stock or securities.

Losses in transactions between certain persons.—No deduction is allowable for losses from sales or exchanges of property directly or indirectly between (a) members of a family, (b) a corporation and an individual (or a fiduciary) owning more than 50 percent of the corporation's stock (liquidations excepted), (c) a grantor and fiduciary of any trust, (d) a fiduciary and a beneficiary of the same trust, (e) a fiduciary and a fiduciary or beneficiary of another trust created by the same grantor, or (f) an individual and a tax-exempt organization controlled by the individual or his family.

ALTERNATIVE TAX.—If the net long-term capital gain exceeds the net short-term capital loss, or in the case of only a long-term capital gain, individual taxpayers (a) filing separate returns with taxable income exceeding \$18,000, or (b) filing joint returns or as surviving widows or widowers with taxable income exceeding \$36,000, or (c) filing as head of household with taxable income exceeding \$24,000, will usually find it to their advantage to compute the alternative tax on the other side. The alternative tax, if less than the tax computed on page 3 of Form 1040, shall be the tax liability.

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