

**THE INHERITANCE TAX ACT OF  
1916 (PUBLIC LAWS, CHAPTER  
1339, AS AMENDED). PASSED BY  
THE GENERAL ASSEMBLY AT ITS  
JANUARY SESSION, A. D. 1916**

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The inheritance tax act of 1916 (Public laws, chapter 1339, as amended). Passed by the general assembly at its January session, A. D. 1916 by Various

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**VARIOUS**

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Rhode Island Legislature Tax law

State of Rhode Island and Providence Plantations.

THE <sup>47</sup>  
INHERITANCE TAX ACT  
OF 1916

(Public Laws, Chapter 1339, as Amended.)

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

JANUARY SESSION, A. D. 1916

Approved: February 22, 1916  
May 5, 1920

PROVIDENCE

E. L. FREEMAN COMPANY, PRINTERS  
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L. P.  
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State of Rhode Island and Providence Plantations

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JANUARY SESSION, 1916

CHAPTER 1339

(AS AMENDED)

AN ACT TAXING THE NET ESTATES OF DECEDENTS AND  
INHERITANCES, LEGACIES AND GIFTS.

*It is enacted by the General Assembly as follows:*

SECTION 1. A tax shall be and is hereby imposed upon the net estate of every resident decedent, and upon the net estate of every non-resident decedent consisting of real property located within this state, or any interest therein, as a tax upon the right to transfer. Such tax shall be imposed at the rate of one-half of one per centum upon the excess value of each said estate over \$5,000: *Provided*, that in the case of the estate of a non-resident decedent only such proportion of said exemption of \$5,000 shall be allowed, as the value of the real property located in Rhode Island, or any interest therein, bears to the value of the entire estate wherever located; *and provided, further*, that the executor, administrator or trustee of such non-resident decedent's estate shall file with the board of tax commissioners a sworn statement showing the full and fair cash value of the entire estate. If said statement is not filed as herein provided, no exemption shall be allowed.

SEC. 2. (As amended by Pub. Laws, 1946, May 5, 1920.) The value of the net estate of a resident decedent for the assessment of the tax imposed by Section 1 of this act shall be ascertained by taking the full and fair cash value of the real property located within this state and of any interest therein, and of the tangible and intangible personal property of the decedent at the date of his decease, including the property and interests described in paragraphs 2, 3 and 4 of Section 5 of this act, and adding thereto all gains made during the settlement of the estate in reducing the intangible personal property thereof to possession, except so much of such intangible personal property as is represented by bonds and stock in any corporation, and income accruing after death. From the value thus obtained there shall be deducted the amount of all claims legally due and payable in the lifetime of the decedent and allowed against the estate, contingent claims which may become justly due from the estate, funeral expenses, probate charges, fees of appraisers, executors, administrators or trustees, which fees in the opinion of the board of tax commissioners shall seem reasonable, and commensurate with the value of the estate as returned to the board of tax commissioners, the amount of the allowance made for the support of the widow and family of the decedent by the probate court in accordance with law if commensurate with the value of the estate as returned to the board of tax commissioners, and the amount at the death of the decedent of all unpaid mortgages, except mortgages on real property not located within this state, not deducted in the appraisal of the property mortgaged; and there shall also be deducted all losses incurred during the settlement of the estate in the reduction of the intangible personal property to possession, except so much of such intangible personal property as

March 28, 1923

Tax Commission

is represented by bonds and stock in any corporation. No deduction shall be allowed for or on account of any inheritance, succession or estate tax paid to the government of the United States. The value of the net estate of a non-resident decedent for the assessment of the tax imposed by Section 1 of this act shall be ascertained by taking the full and fair cash value of the real property located in Rhode Island, and any interest therein, including such real property and interests in real property as are described in paragraphs 2, 3 and 4 of Section 5 of this act, and deducting therefrom such proportion of the indebtedness of the entire estate of such non-resident decedent as the value of said real property and interests therein, and of any tangible personal property of such decedent located within this state bears to the value of the entire estate: *Provided*, that only the excess of such proportion of indebtedness over and above the value of said tangible personal property shall be deducted from the appraised value of said real property; *and provided, further*, that the executor, administrator, or trustee, of such non-resident decedent's estate shall file with the board of tax commissioners a sworn statement showing the full and fair cash value of the entire estate and the indebtedness of said estate. If said statement is not filed as herein provided, only such debts and expenses as are chargeable to the said real property under the laws of this state shall be deducted. The full and fair cash value of the net estate of a decedent shall be determined by the board of tax commissioners as aforesaid in accordance with the provisions of Sections 22, 23, 24 and 31 of this act.

SEC. 3. (*As amended by Pub. Laws, 1946, May 5, 1920.*) The tax imposed by Section 1 of this act shall be assessed upon the full and fair cash value of the net



estate determined by the board of tax commissioners as hereinbefore provided and notice of the amount of said tax shall be mailed to the executor, administrator or trustee by said board, but failure to receive said notice shall not excuse the non-payment of or invalidate said tax. The board of tax commissioners shall certify the amount of such tax to the general treasurer, who shall receive and collect the taxes so assessed in the same manner and with the same powers as are prescribed for and given to the collectors of taxes by Chapter 60 of the General Laws and by any acts in amendment thereof or in addition thereto. Such tax shall be due and payable by the executor, administrator or trustee of the estate immediately upon notification of the amount thereof, and if not paid within thirty days thereafter shall bear interest at the rate of eight per centum per annum from the date of such notification: *Provided, however,* that nothing herein contained shall be construed to postpone the charging of said interest for a greater period than fifteen months from the date the first appointed executor or administrator shall file his bond, or fifteen months from the date of death of the decedent in case letters testamentary are not issued. Said tax shall be paid direct to the general treasurer of the state for the use of the state, and shall be and remain a lien upon the estate until the same shall be paid, and the executors, administrators or trustees shall be personally liable for such tax until the same is paid. An executor, administrator or trustee may deposit with the general treasurer a sum of money sufficient in the opinion of the board of tax commissioners to pay the tax which may become due under the provisions of Section 1 of this act, and when said tax has been determined and certified as aforesaid the general treasurer shall repay to said executor, administrator or trustee the difference between

the tax certified and the amount deposited, and the lien upon the estate hereinbefore imposed shall be discharged by the acceptance of said deposit. Whenever an inventory is filed with the board of tax commissioners, showing the ownership of real property, said board shall notify the recorder of deeds or the town clerk of the city or town, as the case may be, in which such real property is located, and said recorder of deeds shall note in the land records of his office the decedent's name, and the fact that all real property belonging to said decedent is impressed with a lien under the provisions of the Inheritance Tax Act of 1916. Upon the discharge of said lien, said board of tax commissioners shall send said recorder of deeds a further notice, showing such discharge and the manner thereof. Said recorder of deeds shall be paid by said board of tax commissioners out of any money appropriated for the expenses of said board, a fee of twenty-five cents for a completed entry.

SEC. 4. Whenever claims shall be allowed against the estate of a decedent after the payment of the tax imposed by Section 1 of this act the general treasurer shall upon receiving a certified copy of the records of the probate court or other court of competent jurisdiction showing the proof of the allowance of such claims, or upon receipt of such other proof thereof as may be satisfactory to the board of tax commissioners, refund such equitable proportion of the tax represented by such claims to the executor, administrator, or trustee of such estate, without any further act or resolution making appropriation therefor. Any executor, administrator, or trustee may appeal from the assessment of said tax as provided in Section 26 of this act.

SEC. 5. A tax shall be and is hereby imposed upon any transfer by a resident of this state of any real property

within the state, or any tangible or intangible personal property, or interest therein or income therefrom, and by a non-resident of this state of any real property within the state or any interest therein, to any person or persons, in trust or otherwise, as a tax upon the right to receive, in the following cases:

(1) When the transfer is under a will or by the statutes of decent and distribution of this state.

(2) When the transfer is made by deed, grant, bargain, sale or gift, without valuable and adequate consideration, and in contemplation of the death of the grantor, vendor or donor, or intended to take effect in possession or enjoyment at or after such death. Such tax shall be imposed when any such person becomes beneficially entitled, in possession or expectancy, to any property, or interest therein, or the income therefrom by any such transfer, whether made before or after the passage of this act.

(3) Whenever any person shall exercise a power of appointment, derived from any disposition of property made whether before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of this act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor in whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omission or failure, in the same manner as though the person thereby becoming entitled to the possession or enjoyment of the property to which such power related