THE LAW OF TAXABLE TRANSFERS, STATE OF NEW YORK, WITH ANNOTATIONS AND FORMS

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649626984

The Law of Taxable Transfers, State of New York, with Annotations and Forms by H. Noyes Greene

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

www.triestepublishing.com

H. NOYES GREENE

THE LAW OF TAXABLE TRANSFERS, STATE OF NEW YORK, WITH ANNOTATIONS AND FORMS

Trieste

New York (State) Laws, statutes, etc. Tax law

THE LAW OF

TAXABLE TRANSFERS

STATE OF NEW YORK

BEING ARTICLE X OF CHAPTER 908, LAWS OF 1896, KNOWN AS THE TAX LAW AND AS CHAPTER XXIV OF THE GENERAL LAWS, AS AMENDED, INCLUDING THE AMENDMENTS OF 1901, WITH REFERENCES TO ALL PERTINENT DECISIONS

WITH ANNOTATIONS AND FORMS

BY

H. NOYES GREENE

SECOND EDITION

REVISED AND ENLARGED

BY

ANDREW J. NELLIS

OF THE JOHNSTOWN, N. Y., BAR

ALBANY, N. Y.

MATTHEW BENDER

1901

WEED-PARSONS PRINTING CO.
ELECTROTYPERS, PRINTERS AND BINDERS
Albany, N. Y

PREFACE TO SECOND EDITION.

Since the original edition the text of the statute regarding Taxable Transfers has, in many particulars, been radically changed. In 1901 nearly all the sections were amended. The State Comptroller was given authority to appoint an appraiser in many counties, two in Kings and five in New York, all of them salaried; in the other counties the County Treasurer is required to act as appraiser. The power to appoint a Transfer Tax Assistant was taken from the District Attorneys, who formerly possessed the right.

Besides these changes, many decisions recently promulgated, construing the statute and applicable thereto as amended, make the issuing of this Second Edition imperative.

Johnstown, N. Y., May 20, 1901.

A. J. N.

PREFACE.

Since the passage of the original act taxing inheritances in this state, successive legislatures have amended and modified the law repeatedly, and in 1896 all the existing statutes on the subject were repealed and their provisions incorporated into the Tax Law (Chapter 908, Laws 1896, or Chapter 24 of the General Laws), as Article X. thereof in relation to "Taxable Transfers." The legislature of 1897 adopted several amendments thereto, and during the years 1896 and 1897 a number of important decisions have been handed down by the Court of Appeals and other courts of the state.

The aim of this volume is, therefore, to present to the profession the law of taxable transfers as in force at the present time, with annotations of the various decisions relative thereto. All the important cases have been carefully digested, and while a majority of them are interpretative of the original act and its amendments, yet their application to the existing law is

in few cases impossible of discernment. Approved forms for use in the various proceedings under the act are also given.

This much, if nothing more, may be said of the book: it is thoroughly up to date.

H. N. G.

Troy, N. Y., June 14, 1892.

THE LAW OF

TAXABLE TRANSFERS.

INTRODUCTORY.

A tax upon legacies and inheritances was levied as early as A. D. 230. Augustus, having established a permanent military force for the defense of his government against foreign and domestic enemies, caused a five per cent. tax to be levied upon all legacies and inheritances of, or over, a certain fixed value. But this tax could not be exacted from the nearest of kin on the father's side. (*Gibbon's Roman Empire*, Vol. 1, Chap. VI, Sec. 111.)

Legacies were taxed in England in 1780, and succession taxes have ever since been continued and extended in that country. They are a recognized source of revenue in most European countries and in many of the United States and by the Federal Government.

On the 10th June, 1885, an act to tax gifts, legacies and collateral inheritances in certain cases was