



Wm. C. Smith
Cotnam
Wm. W. Smith

sent
per
mail

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1821

Folio 793

Stamp-Office, Somerset-Place,
Legacy Duty, NEW Department.

1821

Hand — 1793 Probate York 13 Jan 1793.

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THE Copy of the Will of *John Chappel 15 Sept*

deceased, to which you are Execut^{or} having been received at this Office, and the Legacy Duties payable under the said Will charged to your Account, the Commissioners of this Revenue think it proper to apprise you thereof, in order that you may not, for want of information, or through inadvertence, incur the Penalties imposed by the Act on Defaulters, by neglecting to pay the Duty on the Legacies and Residue, when, and as you shall pay, deliver, or otherwise discharge the same, or when the same shall be retained by you, either to your own use, or for the use and benefit of others.

And to the same intent, the Commissioners direct me further to inform you, that *before* Executors can legally retain the Residue, or any specific proportion thereof, either to their own use, as Residuary Legatees, or as Trustees for the use and benefit of others, or pay over, or otherwise satisfy the Residue, or any specific proportion thereof to the Residuary Legatees, they or their Agents, must personally deliver (not transmit) into this Office, or to the Stamp Distributer for the County or Neighbourhood in which they reside, an account of the particulars of such Residue, with the amount or value thereof, and the Duty offered to be paid thereon; and they are to pay the Duty, either at the Head Office, or to the said Distributer, *within fourteen Days* after the same shall have been assessed, *under a Penalty of Treble the amount of Duty*. And that if, contrary to these directions, Receipts and Accounts shall be transmitted by Post, or to Agents to deliver under cover (*which is in effect the same thing*), the Receipts and Accounts so transmitted or delivered, will invariably be laid aside, or returned to the Agents unnoticed, and will be considered in all Proceedings instituted against the Executors, as not having been received by, or presented to this Office; it being quite obvious that Receipts and Accounts cannot possibly be examined, unless persons attend with them competent to give such information as may be required, and to answer whatever queries may arise in investigating the Accounts, and to take the direction of the Office on such points as need alteration.

For your guidance and information in rendering an Account of the Residue, printed Office Forms and Instructions are provided, with which you may be supplied, on applying at this Office, or to the Distributer of Stamps for the County or Neighbourhood in which you reside.

In cases where two Probates of the same Will shall be taken out, the Executors should give notice thereof to this Office, stating at the same time when, and in what Court the first Probate was granted, in order to prevent application being made to them for Duties which may have been accounted for, and settled under the first entry of the Will in the Books of this Department.

* You are requested particularly to notice, that the Register and the Folio thereof, in which your Account is entered, is given at the Head of this Letter, and must be inserted at the Head of the Residuary Account, and of every Legacy Receipt, for property passing under this Will, and also at the head of every Letter which you address to this Office; for which purpose it is very material that this Letter should be preserved; and no answer can be given to any Letters in which such reference shall not be inserted.

I am,

Your obedient Servant,

W Campbell
Comptroller of the Legacy Duties.

N. B. Letters from Persons residing in the Metropolis, or its Vicinity, will not be answered, it being expected that such Persons will personally apply to the Office for whatever information they may require.

[Turn over.]

Your attention is particularly requested to the following Information.

When the Duties are to be paid.

1 THE Duties on Legacies are to be paid at the time of paying, delivering or otherwise discharging the Legacies; but if by reason of Infancy, or the Absence of the Legatees, or any other Cause, the Legacies cannot be paid, but are *Retained* by Executors for the use of the Legatees, the payment of the Duties is not to be deferred till such Legacies are actually paid, but the Duties are to be accounted for when the Legacies are so *Retained*.

A Legacy to an Infant.

2 A Legacy payable to a Legatee on his attaining the Age of 21 Years, or at some other future period, the Interest of which is directed by the Will to be applied for the benefit of such Legatee until the Legacy becomes payable, being a vested Legacy, the Duty is payable on the Amount or Value of such Legacy *immediately*, and the Office Form for the payment of the Duty is to be filled up and signed by the Executors, as *Retaining* the Legacy in Trust for the use of the Legatee.

How Annuities are to be valued.

3 The Value of any Legacy given by way of Annuity for any Life or Lives, or for Years determinable on any Life or Lives, or for Years or other period of time, must be valued by the Tables annexed to the 36 Geo. III. Chap. 52, and the Duty is to be paid on such Value by equal Instalments out of the first four Annual Payments of the Annuity.

A Legacy to different persons in succession.

4 Any Legacy or Residue given to different Persons in succession, liable to the *same* rate of Duty, is to be charged with Duty on the Amount thereof, as in the case of a Legacy to one Person. And any Legacy or Residue given to different Persons in Succession, liable to different rates of Duty, they who take for Life only, or other temporary Interest, are to pay as Annuitants; and when any Person or Persons shall become entitled to the Principal, or when upon the death of a Tenant for Life all the remaining Persons in the Succession shall be liable to the *same* rate of Duty, then the Duty must be paid upon the *Principal*, as if the same had come to them immediately on the Death of the Testator.

A Legacy subject to a contingency which may defeat the Gift.

5 A Legacy given subject to any Contingency which may defeat the Gift, is nevertheless to be charged with Duty as an *absolute bequest*, and the Duty is to be paid out of the Capital of such Legacy; and should the Contingency afterwards happen and the Legacy go to one liable to a higher rate of Duty, such Legatee is to pay the difference. *NOTE.*—Of this description is a Legacy to an Infant on his attaining the Age of 21 Years, with the Interest in the mean time for his benefit, and in the event of his dying under the Age of 21 Years the Legacy is given over to another;—therefore upon such a Legacy the Duty is payable immediately according to the Infant's rate of Duty; and the Office Form for the payment of the Duty is to be filled up and signed by the Executors as retaining the Legacy in trust for the Legatee; and should the Infant die under the Age of 21 Years, and the Legacy go to one liable to a higher rate of Duty, such Legatee is to pay the difference between the Duty before paid and the rate of Duty to which he shall be liable.

Estates pur autre Vie.

6 Leasehold Estates for Lives applicable by Law in the same manner as Personal Estate, are chargeable with Duty: i.e. When the Estates are granted to the Lessee only, without naming Heirs, Executors, or Administrators after him; or where by the grant being made to the Executors or Administrators of the Lessee, the Estates go to the Executors or Administrators, and are Assets in their Hands. In the Estimate of such Estates the Ages of the respective Lives must be stated.

How to account for the Residue.

7 For the payment of the Duty on the Residue, a statement of the deceased's Personal Estate and the Monies arising from the Sale or Mortgage of Real Estate, or the Value of the Real Estate if not sold, when the same is directed by the Will or Codicil to be absolutely sold or mortgaged, and of all payments made thereout, is to be rendered on the Office printed Residuary Form, which, together with a Duplicate thereof is to be delivered (not transmitted) by the Executors, or their Agent into this Office, or to the Stamp Distributer, in whose District the Executors reside, and the Duty paid on the Amount or Value of the clear Residue within Fourteen Days after the assessment, under a Penalty of Treble the Value of the Duty.

Rents, Dividends, &c. to be included in the Residuary Account, up to the date of the delivery thereof.

8 It having been determined by the Court of Exchequer, in Trinity Term, 1810, in the Case of the Attorney General v. Lord George Cavendish, that the Duty is chargeable upon the amount or value of the Property as it stands with its accumulations at the time of the Residuary Account being delivered, and not as it stood at the time of the Death of the deceased, it follows, that in rendering an account of the Residue, all Investments which shall have been made of any part of the Deceased's Personal Estate, together with the Rents of Leasehold Estates, and all Dividends, Interests, and Profits arising from the Personal Estate of the Deceased subsequent to the time of the Deceased's Death, and all accumulations thereof down to the time of the Executor's delivering the Account, and offering to pay the Duty thereon, must be considered as part of the Deceased's Personal Estate, and accounted for accordingly.

When and how Effects are to be valued.

9 Effects not consisting of Money, or Securities for Money, are to be valued at the time the Account is rendered: when Inventories, and proper Valuations thereof will be required to be produced; the Stocks are to be valued at the medium Price of that Day. In the Estimate of Leaseholds, the following particulars must be stated:—viz.

Whether held for Years certain, or for Years determinable on any Life or Lives.

If for Years certain, the unexpired Term for which they are held.

If for Years determinable on any Life or Lives.—The number of Years, and the Age or Ages of the Life or Lives.

The Ground Rent per Annum.

The Rent per Annum, at which they are Let, or if not Let, the estimated annual Value.

The conditions of renewal.

If Let, whether Let on Lease, or from Year to Year.

The unexpired Term of the under Tenant's Leases.

When the Residue is given for Life, a distinct account must be kept of the Rents, Dividends, &c.

10 Where the Residue of Personal Estate is given to one for Life, and afterwards to others, a distinct Account must be given of the Rents, Dividends and Interest accrued subsequent to the death of the Testator, and of the Payments thereout for Interest of Legacies, and for Interest of the Testator's Debts, accrued after his decease, so that the Balance due to the Residuary Legatee for Life may be clearly ascertained, and the proper Duty charged thereon.

No Legacy specifically bequeathed to be included in the residue without giving Notice thereof.

11 If any Legacy specifically bequeathed shall be included in the Account of Residue by reason of the same being given to the Residuary Legatee; or of the Person entitled to the Legacy, and the Residuary Legatee being liable to the same rate of Duty, it will be indispensably necessary in order that such Legacy may be discharged in the Books of this Office, and to prevent the Executors from being afterwards called upon to account for the Duty on such Legacy, to attach a Note to the Residuary Statement describing the Legacy and stating the same to be included in the Account.

Insolvent Estates.

12 In cases of Insolvency, or when the Shares of the Residuary Legatees shall not be of the Value of £20. each, an Account must nevertheless be rendered by the Executors in the manner before directed, in order that the Commissioners may satisfactorily ascertain that the Estate is not chargeable with Duty.

How Forms and Information may be obtained.

13 Executors, or their Agent personally applying at this Office, or to the Stamp Distributer in whose District they reside, will be supplied with the necessary Forms, and receive whatever further Information they may require.

Respecting Receipts and Accounts delivered to the Distributors.

14 Executors and Administrators resident in the Country, who may be desirous of delivering their Legacy Receipts and Residuary Accounts and of paying the Duty thereon to the Stamp Distributer of the County or Neighbourhood in which they reside, are desired particularly to notice that each Distributer transmits the Receipts and Residuary Accounts left with him, to the Head Office every Month, and that such Receipts and Residuary Accounts are returned to him on that day month following, duly stamped and registered, to be delivered back to the persons to whom they respectively belong.

* PENALTIES.

15 Persons paying or receiving any Legacy, Residue or Share of Residue liable to Duty, without taking or signing a proper Receipt for the same, in which the Duty thereon shall be expressed to have been deducted, will be subject to a Penalty of 10 per Cent. on the Amount or Value of such Legacy, Residue, or Share of Residue. Every Legacy Receipt must be dated on the Day of signing, and the Duty thereon paid within Twenty-one Days from the date thereof, under a Penalty of Ten Pounds per Cent. on the Amount of the Duty; and if the Duty shall not be paid within Three Months from the date of the Receipt, a Penalty will then be incurred of Ten Pounds per Cent. on the Amount or Value of the Legacy.

* As PENALTIES are frequently incurred through inadvertence, you are particularly requested to attend to the information given under this Head.

Rates of Duties payable by Stat. 55th Geo. III. Cap. 184, on Legacies, Annuities and Residues, of the Amount or Value of £20. or upwards.

In filling up the Legacy Receipts and the Declaration in the Residuary Account, the Consanguinity or Description of the Legatee, or Annuitant, <i>must be in the following Words of the Act.</i>	Out of <i>Personal</i> Estate only. If the Deceased died any Time <i>before</i> , or upon the 5th April, 1805.	Out of <i>Real</i> or <i>Personal</i> Estate. If the Deceased died <i>after</i> the 5th April, 1805.
To Children of the Deceased, or their Descendants, or to the Father or Mother, or other lineal Ancestor of the Deceased	(no Legacy Duty.)	£1 0 0 per Cent.
To Brothers and Sisters of the Deceased, or their Descendants	£2 10 0 per Cent.	£3 0 0 per Cent.
To Brothers and Sisters of the Father or Mother of the Deceased, or their Descendants	£4 0 0 per Cent.	£5 0 0 per Cent.
To Brothers and Sisters of the Grandfather or Grandmother of the Deceased, or their Descendants	£5 0 0 per Cent.	£6 0 0 per Cent.
To any Person in any other degree of collateral Consanguinity, or to a Stranger in Blood to the Deceased (The Husband or Wife of the Deceased is not chargeable with Duty.)	£8 0 0 per Cent.	£10 0 0 per Cent.

Where a Legatee shall take Two or more distinct Legacies or Benefits, under any Will or Testamentary Instrument, which shall together, be of the Amount or Value of £20, each shall be charged with Duty, though each, or either, may be separately under that Amount or Value.

Appraisements or Valuations of any Property made for the purpose of ascertaining the Legacy payable in respect thereof, are, by the last Stamp Act exempt from Duty.

NOTE.—It is absolutely necessary, that the time when the Testator died, and when, and in Court the Will was proved, should be inserted in each Receipt and Residuary Account.