

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 18

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE.

AN ACT for the Taxation of Legacies and Successions.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. All property within the jurisdiction of this
2 State, and any interest therein, whether belonging to inhabi-
3 tants of this State or not, and whether tangible or intangible,
4 which shall pass by will or by the intestate laws of this State,
5 or by deed, grant, sale or gift, except in cases of a bona fide
6 purchase for full consideration in money or money's worth,
7 made or intended to take effect in possession or enjoyment
8 after the death of the grantor, to any person in trust or other-
9 wise, is subject to the tax herein provided, for the use of the
10 State. The tax so imposed shall be upon the market value of

11 such property at the rates hereinafter prescribed, and only
12 upon the excess above the exemptions hereinafter granted.

Sect. 2. The exercise of a power of appointment derived
2 from any disposition of property made either before or after
3 the passage of this act shall be deemed a transfer taxable
4 under the provisions of this act in the same manner as though
5 the property to which such appointment relates belonged
6 absolutely to the donee of such power and had been
7 bequeathed or devised by such donee by will; and the omission
8 or failure to exercise such a power, so derived, within the
9 time provided therefor, in whole or in part, shall be deemed
10 a transfer under the provisions of this act to the extent of
11 such omission or failure, in the same manner as though the
12 person thereby becoming entitled to the possession or enjoy-
13 ment of the property to which such power related had suc-
14 ceeded thereto by a will of the donee of the power failing to
15 exercise such power, taking effect at the time of such omis-
16 sion or failure.

Sect. 3. The transfer by any person, of any property to
2 which he is absolutely entitled, to himself and any other
3 person jointly, so that the title therein, or in some part
4 thereof, vests no survivorship in such other person, shall be
5 deemed a transfer taxable under the provisions of this act.

Sect. 4. Every bequest or devise ostensibly in payment of
2 a debt of the testator shall be taxable upon the excess in
3 value of the property devised or bequeathed, otherwise liable

4 to such tax, over and above the true amount of such debt.
5 Whenever a decedent appoints one or more executors or
6 trustees, and in lieu of their allowance makes a bequest or
7 devise of property to them which would otherwise be liable
8 to said tax, or appoints them his residuary legatees, and said
9 bequests, devises, or residuary legacies exceed a reasonable
10 compensation for their services, such excess shall be liable to
11 such tax, and the court of probate having jurisdiction of their
12 accounts shall determine the amount of such reasonable com-
13 pensation.

Sect. 5. When the property or any beneficial interest
2 therein shall exceed in value the exemptions hereinafter
3 specified and shall not exceed in value twenty-five thousand
4 dollars, the tax hereby imposed shall be as follows: Where
5 the person or persons entitled to any beneficial interest in
6 such property shall be the husband, wife, lineal issue, lineal
7 ancestor of the decedent, or any child adopted as such in con-
8 formity with the laws of this State, or any lineal issue of such
9 adopted child, at the rate of one per centum of the clear
10 value of such interest in such property. Where the person
11 or persons entitled to any beneficial interest in such property
12 shall be the brother or sister or a descendant of a brother or
13 sister of the decedent, a wife or widow of a son, or the hus-
14 band of a daughter of the decedent, at the rate of one and
15 one-half per centum of the clear value of such interest in such
16 property. Where the person or persons entitled to any

17 beneficial interest in such property shall be the brother or
18 sister of the father or mother or a descendant of a brother or
19 sister of the father or mother of the decedent, at the rate of
20 three per centum of the clear value of such interest in such
21 property. Where the person or persons entitled to any bene-
22 ficial interest in such property shall be the brother or sister
23 of the grandfather or grandmother or a descendant of the
24 brother or sister of the grandfather or grandmother of the
25 decedent, at the rate of four per centum of the clear value of
26 such interest in such property. Where the person or persons
27 entitled to any beneficial interest in such property shall be in
28 any other degree of collateral consanguinity than is herein-
29 before stated, or shall be a stranger in blood to the decedent,
30 or shall be a body politic or corporate, at the rate of five per
31 centum of the clear value of such interest in such property.

Sect. 6. The rates provided in section five of this act are
2 for convenience termed the primary rates. When the mar-
3 ket value of such property or interest exceeds twenty-five
4 thousand dollars, the rates of tax upon such excess shall be as
5 follows: Upon all in excess of twenty-five thousand dollars
6 and up to fifty thousand dollars, one and one-half times the
7 primary rates; upon all in excess of fifty thousand dollars and
8 up to one hundred thousand dollars, two times the primary
9 rates; upon all in excess of one hundred thousand dollars and
10 up to five hundred thousand dollars, two and one-half times

11 the primary rates; upon all in excess of five hundred thou-
12 sand dollars, three times the primary rates.

Sect. 7. The following exemptions from the tax are hereby
2 allowed: All property transferred to an educational, charita-
3 ble, religious or benevolent institution in this State; property
4 of the clear value of ten thousand dollars transferred to the
5 widow or to a minor child of the decedent, and of four thou-
6 sand dollars transferred to any other member of the class
7 taxed at the one per cent primary rate as specified in section
8 five; property of the clear value of two thousand dollars
9 transferred to each of the members of the class taxed at the
10 one and one-half per cent primary rate as specified in section
11 five; property of the clear value of one thousand five hundred
12 dollars transferred to each of the members of the class taxed
13 at the three per cent primary rate as specified in section five;
14 property of the clear value of one thousand dollars trans-
15 ferred to each of the members of the class taxed at the four
16 per cent primary rate as specified in section five; property of
17 the clear value of five hundred dollars transferred to each of
18 the members of the class taxed at the five per cent primary
19 rate as specified in section five.

Sect. 8. If an inheritance, transfer, succession, legacy or a
2 similar tax has been lawfully paid to another state or to a
3 government other than the United States, for or on account
4 of a legacy, distributive share or a part thereof in personal
5 property decreed subsequent to the passage of this act, by a

6 probate court of this State, to a legatee or heir liable to the
7 tax imposed by this act, such legatee or heir shall be liable
8 to pay to this State under the provisions of this act only such
9 part of the tax herein imposed as will make the entire tax on
10 such personal property both within and without this State,
11 based on such portion of a legacy or distributive share taxed
12 in such other state or government, equal to the rates of tax
13 specified in this act upon the total value thereof, to be deter-
14 mined as provided in this act. No rebate from the full
15 amount of the tax required by the preceding sections of this
16 act shall be allowed by the probate court under the provisions
17 of this section, unless an official receipt or other competent
18 evidence, showing the amount so paid to such other state or
19 government, the date of payment, the rate, the valuation of
20 the property upon which such tax was computed and a brief
21 description thereof, is presented to the probate court.

Sect. 9. All property of which a decedent died seized or
2 possessed, subject to taxation under this act, in whatever
3 form of investment it may happen to be, and all property
4 acquired in substitution therefor, shall be charged with a lien
5 for all taxes and interest thereon which are or may become
6 due on such property, and the person to whom the property
7 passes or is transferred, and all executors of every estate so
8 transferred or passed shall be liable for any and all such taxes
9 until the same shall have been paid; provided, however, that
10 said lien shall not affect any personal property after the same

11 has been sold or disposed of for value by the executors. The
12 lien charged by this act upon any real estate or separate par-
13 cel thereof may be discharged by the payment of all taxes due
14 and to become due upon said real estate or separate parcel, or
15 by an order or decree of the probate court discharging said
16 lien and securing the payment to the State of the tax due or
17 to become due by bond or deposit as hereinafter provided, or
18 by transferring such lien to other real estate owned by the
19 owner or owners of said real estate or separate parcel thereof.

Sect. 10. Any executor having in charge or trust any prop-
2 erty subject to such tax, shall deduct the tax therefrom, or
3 shall collect the tax thereon, and interest chargeable under
4 this act from the legatee or person entitled to said property,
5 and he shall not deliver any specific legacy or property, sub-
6 ject to said tax to any person until he has collected the tax
7 thereon.

Sect. 11. Whenever any legacies subject to said tax shall
2 be charged upon or payable out of any real estate, the heir or
3 devisee, before paying the same, shall deduct said tax there-
4 from and pay it to the executor, and the same shall remain a
5 charge upon said real estate until it is paid; and payment
6 thereof shall be enforced by the executor, in the same man-
7 ner as the payment of the legacy itself could be enforced.

Sect. 12. If any such legacy be given in money to any per-
2 son for a limited period, such executor shall retain the tax on
3 the whole amount; but if it be not in money, he shall make an

4 application to the judge of probate having jurisdiction of his
5 accounts to make an apportionment, if the case requires it, of
6 the sum to be paid into his hands by such legatee on account
7 of said tax and for such further order as the case may re-
8 quire.

Sect. 13. All executors shall have power to sell so much
2 of the estate of the deceased as will enable them to pay said
3 tax in the same manner as they may be empowered to do for
4 the payment of his debts.

Sect. 14. An inventory and appraisal under oath of every
2 estate shall be filed in the probate court or with the attorney-
3 general by the executor, within three months after his ap-
4 pointment. If he neglects or refuses to file such inventory
5 and appraisal he shall be liable to a penalty of not more than
6 one thousand dollars, which shall be recovered by the attor-
7 ney-general for the use of the State, and the register of pro-
8 bate shall notify the attorney-general within fifteen days after
9 the expiration of said three months of the failure of any ex-
10 ecutor to file an inventory and appraisal in his office.

Sect. 15. The register of probate shall record the inventory
2 and appraisal of every estate which is filed in his office, and
3 he shall, within ten days after the same has been filed, send
4 by mail to the attorney-general such inventory and appraisal
5 or a copy thereof. The register shall also, within the same
6 period, send by mail to the attorney-general a copy of the will
7 of the decedent, if such has been allowed by the probate court.

8 The register shall also furnish such copies of papers in his
9 office and such information as to the records and files in his
10 office, in such form as the attorney-general may require.
11 The fees for such copies shall be paid by the executor, and
12 allowed in his account. A refusal or neglect by the regis-
13 ter so to send such inventory and appraisal or copy thereof,
14 or to furnish such copies or information, shall be a breach
15 of his official bond.

Sect. 16. If, upon the decease of a person leaving an estate
2 liable to pay an inheritance tax under this act a will dispos-
3 ing of such estate is not offered for probate, or an application
4 for administration made within six months after such de-
5 cease, the proper probate court, upon application by the at-
6 torney-general, shall appoint an administrator for such estate,
7 and it shall be the duty of the attorney-general, when such
8 case is brought to his attention to petition for administration
9 on such estate, and the judge in his discretion may appoint
10 such attorney-general or other suitable person as administra-
11 tor, and said attorney-general shall be entitled to costs as in
12 other probate proceedings.

Sect. 17. Whenever any of the real estate of a decedent
2 shall so pass to another person as to become subject to said
3 tax, the executor of the decedent shall inform the attorney-
4 general thereof within six months after he has assumed the
5 duties of his trust, or if the fact is not known to him within

6 that time, then within one month after it does become so
7 known to him.

Sect. 18. The value of such property as may be subject to
2 said tax shall be its actual market value as found by the judge
3 of probate, after public notice or personal notice to the attor-
4 ney-general and all persons interested in the succession to
5 said property, or the attorney-general or any of said persons
6 interested may apply to the judge of probate having juris-
7 diction of the estate and on such application the judge shall
8 appoint one or three disinterested persons, who, being first
9 sworn, shall view and appraise such property at its actual
10 market value for the purpose of said tax, and shall make
11 return thereof to said probate court, which return may be
12 accepted by said court in the same manner as the original in-
13 ventory of such estate is accepted, and if so accepted it shall
14 be binding upon the person by whom such tax is to be paid
15 and upon the State. The fees of the appraiser or appraisers
16 shall be fixed by the judge of probate, and one-half shall be
17 paid by the executor and one-half by the State treasurer.

Sect. 19. Except as hereinafter provided, said tax shall be
2 assessed upon the actual value of the property at the time of
3 the death of the decedent. In any case where there shall be
4 a devise, descent, bequest or grant to take effect in posses-
5 sion or enjoyment after the expiration of one or more life
6 estates or a term of years, if payment of the tax has been
7 postponed as provided in section twenty the tax shall be as-

8 sessed on the actual value of the property or the interest of
9 the beneficiary therein at the time of the payment of the tax.
10 In case of an annuity or life estate, the value thereof shall be
11 determined by the so-called actuaries' combined experience
12 tables and five per cent compound interest. In any case in
13 which it is impossible to compute the present value of any
14 future interest the attorney-general may, with the approval
15 of the court, effect such settlement of the tax as he shall deem
16 to be for the best interests of the State, and payment of the
17 sum so agreed upon shall be a full satisfaction of such tax.

Sect. 20. All taxes imposed by this act shall be payable to
2 the treasurer of State within thirty days from the date of the
3 decree determining the amount thereof, by the executors, or
4 by other persons named in such decree as liable for such
5 taxes; provided, however, that where there shall be a devise,
6 descent, bequest or grant of property to take effect in posses-
7 sion or enjoyment after the expiration of one or more life es-
8 tates or a term of years, the person beneficially interested in
9 the property chargeable with such tax may elect not to pay
10 the same until he shall come into the actual possession or en-
11 joyment of such property, and in that case such person shall
12 execute a bond to the judge of the probate court, having
13 jurisdiction of the estate of the decedent, in such amount and
14 with such sureties as said court may approve, conditioned for
15 the payment of said tax and interest thereon, at such time or
16 period as such person or his representatives may come into

17 actual possession or enjoyment of such property, which bond
18 shall be filed in the office of the register of probate of the
19 proper county; provided further that such person shall make
20 a full and verified return of such property to said court, and
21 file the same in the office of the register of probate within
22 one year from the death of the decedent, and within that
23 period enter into such security, and renew the same every five
24 years; or in lieu of such bond such person, or the executor
25 of the decedent may deposit with the treasurer of State a sum
26 of money sufficient in the opinion of the probate court having
27 jurisdiction of the estate of the decedent, to pay all taxes
28 which may become due upon such bequest or grant, and the
29 person having the right to the use or income of such prop-
30 erty shall be entitled to receive from the State interest at
31 the rate of two and one-half per cent per annum upon such
32 deposit, and when the said tax shall become due the treas-
33 urer of State shall repay to the persons entitled thereto
34 the difference between the tax certified and the amount de-
35 posited; and provided further that any person entitled to
36 future interests in any property may pay the tax on account
37 of the same at any time before such tax would be due in
38 accordance with the provisions hereinbefore contained.

Sect. 21. No final settlement of the account of any execu-
2 tor shall be accepted or allowed by any judge of probate
3 unless it shall show, on oath or affirmation of the accountant,
4 and the judge of said court shall find, that all taxes, imposed

5 by the provisions of this act, upon any property or interest
6 therein, belonging to the estate so settled by said account,
7 shall have been paid, or payment thereof duly secured in
8 accordance with the provisions of this act. The receipt of
9 the treasurer of State for such tax shall be the proper
10 voucher for such payment.

Sect. 22. No register of deeds shall record any transfer of
2 realty of a decedent unless it shall be made to appear that
3 the tax due by the provisions of this act has been paid there-
4 on, or that proceedings for the assessment of such tax are
5 pending in the proper probate court.

Sect. 23. If a foreign executor assigns or transfers any
2 stock or obligation in a domestic corporation, or in a foreign
3 corporation having its principal place of business located in
4 this State, or in a national bank located in this State, owned
5 by a deceased non-resident at the time of his death and
6 passing by will or the laws of descent of the State or gov-
7 ernment wherein such executor receives his appointment, to
8 or for the use of any person except an educational, chari-
9 table, religious or benevolent institution in this State, such
10 executor shall pay to the State a tax at the rates and with
11 the exemptions specified in sections five, six, and seven of
12 this act, upon the value in money, at the date of such assign-
13 ment or transfer, of such part or all of such stocks or obli-
14 gations so passing by will or the laws of descent; provided,
15 however, that nothing in this section shall be so construed

16 as to prevent the application of sections eight and nine of
17 this act to such assignments or transfers. If the tax pro-
18 vided by this section is not paid at the date of such assign-
19 ment or transfer, such executor shall be personally liable
20 therefor, until the same is paid. The word "stock" or "obli-
21 gation" as used in this section shall be construed to include
22 the proceeds thereof.

Sect. 24. A domestic corporation, or a foreign corporation
2 having its principal place of business in this State, or a
3 national bank located in this State, which records a transfer
4 of a share of stock or of its obligation, made by a foreign
5 executor, or which issues a new certificate for a share of
6 its stock or of the transfer of an obligation aforesaid at
7 the instance of a foreign executor before the taxes imposed
8 by the preceding section are paid, shall be liable for such
9 tax in an action of debt brought by the attorney-general.

Sect. 25. If a foreign executor of a non-resident decedent,
2 or a legatee or heir of such decedent, or an assignee of such
3 executor, legatee or heir, collects, receives or assigns secu-
4 rities or assets, being in this State at the time of the death
5 of such non-resident and belonging to him at his decease,
6 which shall pass in whole or in part by will or by the laws
7 of descent of the State or government wherein such foreign
8 executor has received his appointment, to or for the use of
9 any person except an educational, charitable, religious or
10 benevolent institution in this State, such executor, the as-

11 signee of all such securities or assets, or any legatee or heir
12 of such non-resident decedent, shall pay to the State a tax
13 at the rates and with the exemptions specified in sections
14 five, six and seven of this act, upon the value in money, at
15 the date of the delivery, collection or assignment of such
16 part or all of such securities or assets so passing by will
17 or the laws of descent; provided, however, that nothing in
18 this section shall be so construed as to prevent the appli-
19 cation of sections eight and nine of this act to such receipts,
20 collections or assignments. If the tax provided by this
21 section is not paid at the date of such receipt, collection or
22 assignment, such executor, assignee, legatee or heir shall be
23 personally liable therefor, until the same is paid.

Sect. 26. The securities or assets mentioned in the pre-
2 ceding section shall not be delivered or transferred to a
3 foreign executor of a non-resident decedent, nor to a leg-
4 atee or heir, unless notice in writing of the time and place
5 of such intended delivery or transfer is delivered in person
6 or sent by registered mail prepaid to the attorney-general,
7 at least fifteen days before the time of such intended delivery
8 or transfer. Said attorney-general, or a person designated
9 by him in writing, may examine such securities or assets at
10 the time and place of such delivery. Failure to mail or
11 deliver such notice shall render the person or corporation
12 making such delivery or transfer liable in an action of debt,

13 brought by the attorney-general, for all taxes imposed by
14 the previous section.

Sect. 27. No savings-bank, savings institution, trust com-
2 pany, or banking company, incorporated under the laws of
3 this State, shall pay a part or all of a deposit, or any interest
4 or dividend thereon, to a foreign executor of a deceased
5 non-resident decedent, or a legatee or heir of such decedent,
6 or an assignee of such executor, legatee or heir, nor transfer
7 the same to the account of any person upon its records,
8 unless the certificate mentioned in section twenty-eight be
9 filed with such bank, institution, or company.

Sect. 28. A certificate signed by the attorney-general, cer-
2 tifying that an executor, legatee, heir or assignee is not liable
3 to the taxes imposed by sections twenty-three and twenty-
4 five of this act, or certifying that such taxes are paid, shall
5 operate as a waiver or discharge of all liability to the State
6 on the part of any person or corporation mentioned in the
7 five preceding sections.

Sect. 29. All savings-banks, savings institutions, trust com-
2 panies, or banking companies incorporated under the laws
3 of this State shall notify the attorney-general, upon blanks
4 to be furnished by him, of the decease of any non-resident
5 depositor and the name and residence of any foreign execu-
6 tor as soon as the same is known thereto. If any such bank,
7 institution or company has notice of the death of a depositor
8 residing within this State at the time of his decease, or has

9 reasonable grounds for believing him to be dead, it shall
10 not, without the consent in writing of the attorney-general
11 pay or transfer upon its records a part or all of a deposit
12 or account standing in the name of such decedent, for which
13 an order, assignment or other instrument in writing signed
14 by such decedent has been given, other than checks given in
15 the ordinary course of business. Notice in writing shall be
16 forthwith given by such bank, institution or company to the
17 attorney-general, setting forth the character of such order,
18 assignment or other instrument, and the name and residence
19 of the payee or assignee therein named.

Sect. 30. A savings-bank, savings institution, trust com-
2 pany or banking company, incorporated under the laws of
3 this State, which wilfully violates any provision of sections
4 twenty-seven or twenty-nine of this act shall be liable to
5 the State in an action of debt brought by the attorney-
6 general for all taxes imposed by sections twenty-three and
7 twenty-five upon a person liable to the same.

Sect. 31. After failure to pay such tax, as provided in
2 this act, an executor is liable to the State on his adminis-
3 tration bond for such tax and interest, and an action shall
4 lie thereon without the authority of the judge of probate;
5 or an action of debt may be maintained in the name of the
6 State against any such executor or any such grantee, for
7 such tax and interest. But if such executor after being duly
8 cited therefor, refuses or neglects to return his inventory or
9 to settle an account, by reason whereof the judge of probate
10 cannot determine the amount of such tax, such executor

11 shall be liable to the State on his administration bond for
12 all damages occasioned thereby.

Sect. 32. In any case in which it shall appear to the attorney-general that any tax due under the provisions of this act is due and unpaid, he shall notify the executor, heir, devisee, or other person interested, and unless said tax is paid within thirty days after such notice, cite the executor, heir, or devisee, whose duty it is to pay said tax, before the probate court as is provided for the citation of trust officers in probate proceedings, and shall take any other action necessary to secure the payment of said tax. In such proceedings the attorney-general shall recover costs to be fixed and determined by the judge of probate in his discretion, such costs to be paid into the State treasury.

Sect. 33. The attorney-general shall take proceedings, as provided in section thirty-two, whenever the judge of a probate court certifies to him that the final account of an executor has been filed in such court, and that the settlement of the estate is delayed because of the non-payment of said tax. The probate court shall so certify upon the application of any heir, legatee or other person interested therein, and may extend the time of payment of said tax whenever the circumstances of the case require.

Sect. 34. Whenever for any reason the devisee, legatee or heir who has paid any such tax shall refund any portion of the property on which it was paid, or it shall be judicially determined that the whole or any part of such tax ought not to have been paid, said tax, or the due proportional part

6 of said tax, shall be paid back to him by the executor, if
7 the tax has not been paid to the State treasurer. When
8 any amount of said tax shall have been paid erroneously
9 into the State treasury by reason of the allowance of debts
10 or otherwise, it shall be lawful for the State treasurer, upon
11 satisfactory proof by the order or certificate of the proper
12 court of the allowance of such debts or of the reversal, cor-
13 rection or alteration, in accordance with law, of the order
14 fixing such tax, to refund such erroneous payment to the
15 executor or person entitled to receive it, and charge the
16 same to the fund which receives credit from the payment
17 of taxes under the provisions of this act, without any fur-
18 ther act or resolve making appropriation therefor; provided,
19 however, that all applications for such refunding of erro-
20 neous tax shall be made within six months from the allow-
21 ance of such debts or the reversal, correction or alteration
22 of said order.

Sect. 35. The court of probate, having either original or
2 ancillary jurisdiction of the settlement of the estate of the
3 decedent, shall have jurisdiction to hear and determine all
4 questions in relation to said tax that may arise affecting any
5 devise, legacy or inheritance under this act, subject to appeal
6 as in other cases, and the attorney-general shall represent
7 the interests of the State in any such proceedings. The
8 judge of probate, having jurisdiction as aforesaid, shall fix
9 the time and place for hearing and determining such ques-
10 tions and shall give public notice thereof and personal notice
11 to the executor. Appeals in behalf of the estate shall be
12 taken in the name of the executor, and service upon the
13 attorney-general shall be sufficient. When appeals are taken
14 by the State, service shall be made upon the executor.

Sect. 36. The fees of judges or registers of probate for
2 the duties required of them by the preceding sections of this
3 act shall be, for each order, appointment, decree, judgment
4 or approval of appraisal or report required hereunder, fifty
5 cents, and for copies of records, the fees that are now
6 allowed by law for the same. And the executors, or other
7 persons paying said tax shall be entitled to deduct the
8 amount of all such fees paid to the judge or register of
9 probate from the amount of said tax to be paid to the
10 treasurer of State.

Sect. 37. The expenses for the execution of this act shall
2 be paid by the State treasurer and the bills therefor shall
3 be submitted to the governor and council for their approval.

Sect. 38. In the foregoing act the word "person" shall
2 be construed to include bodies corporate as well as natural
3 persons; the word "property" shall be construed to include
4 both real and personal estate, and any form of interest
5 therein, whatsoever, including annuities; the word "execu-
6 tor" shall be construed to include administrators and trus-
7 tees as well as executors.

Sect. 39. This act shall not apply to the estates of persons
2 deceased prior to the date when it takes effect, but said
3 estates shall remain subject to the provisions of laws in
4 force prior to the passage of the act.

Sect. 40. Sections sixty-nine to eighty-seven of chapter
2 eight of the Revised Statutes, and all acts and parts of acts
3 inconsistent herewith, are hereby repealed, except so far as
4 they apply to estates of persons deceased prior to the passage
5 of this act.

Sect. 41. This act shall take effect on July 1, 1909.