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*9th Feb. 1914*

A HANDBOOK

TO THE

DEATH DUTIES.

BY

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AUTHOR OF "FINANCE AND POLITICS," ETC.

AND

GÉORGE STAPYLTON BARNES,

BARRISTER-AT-LAW.

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## PREFACE.

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THE object of this little book is to deal in a popular way with the subject of the Death Duties. It is an attempt to sketch clearly and concisely their history in the past, to give a description of them as they stand at present, and to suggest reforms in their incidence and mode of levy. In a word, to show the Death Duties as they have been, as they are, as they should be.

S. C. B.

G. S. B.

*February, 1890.*

## NOTE.

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IN justice to Mr. Barnes, I wish to point out how very unequal in amount has been the work done by the two authors whose names appear on the title page of this book.

I had fully hoped and intended to take an equal share in the work ; but it so happened, that during the time when the book had to be written—the late summer and early autumn—unexpected and absorbing calls upon my time and attention left me but little opportunity of performing my part. Thus my contribution to the work has been practically confined to collecting some of the materials, to discussion, to suggestions, and to careful revision and criticism of manuscript and proof-sheets. The lion's share of the work has been done by my colleague, and to him is due whatever of credit may attach to the book.

SYDNEY BUXTON.

*February, 1890.*

# CONTENTS.

## PART I.

### HISTORICAL RETROSPECT.

	PAGE
I. INTRODUCTION ... ..	1
II. THE PROBATE DUTY ... ..	4
III. THE ACCOUNT DUTY ... ..	11
IV. THE LEGACY DUTY ... ..	13
V. THE SUCCESSION DUTY ... ..	19
VI. THE ESTATE DUTY ... ..	29
VII. THE DUTY ON CORPORATE PROPERTY ...	34

## PART II.

### THE EXISTING DEATH DUTIES, AND THEIR RELATIVE INCIDENCE ON REAL AND PER- SONAL ESTATE.

I. DISTINCTIONS BETWEEN REALTY AND PER- SONALTY ... ..	37
II. THE PROBATE AND ACCOUNT DUTIES ...	40
III. THE LEGACY DUTY ... ..	42
IV. THE SUCCESSION DUTY ... ..	45
V. THE ESTATE DUTY ... ..	54
VI. RECAPITULATION OF ANOMALIES ... ..	55
TABLES SHOWING THE RELATIVE INCIDENCE OF THE DEATH DUTIES ON REALTY AND PER- SONALTY ... ..	60

## PART III.

REFORM.	PAGE
I. DEATH DUTIES AS A MEANS OF TAXATION ...	66
II. TAXATION OF CAPITAL ... ..	69
III. GRADUATION OF THE DEATH DUTIES ...	71
IV. PAST SCHEMES OF REFORM—MR. LOWE ...	75
V. PAST SCHEMES OF REFORM—MR. CHILDERS	78
VI. POSSIBLE REFORM OF THE DEATH DUTIES ...	81
APPENDIX A.—PRODUCT OF THE DEATH DUTIES ...	89
APPENDIX B.—OFFICIAL LIST OF FORMS ... ..	93

## APPENDIX A.

### PRODUCT OF THE DEATH DUTIES.

COMPILED FROM THE REPORTS OF THE INLAND REVENUE  
COMMISSIONERS.

	Probate, Ad- ministration, and Inven- tory Duty.	Legacy Duty.		Total.
	£	£		£
1796-97	... ..	33,734*	... ..	33,734
1797-98	... ..	79,692	... ..	79,692
1798-99	... ..	100,823	... ..	100,822
1799	... ..	57,938	... ..	57,938
1800	... ..	141,231	... ..	141,231
1801	... ..	113,870	... ..	113,870
1802	... ..	135,201	... ..	135,201
1803	... ..	157,002	... ..	157,002
1804	... ..	187,952	... ..	187,952
1805	314,523	180,126	... ..	494,649
1806	354,878	229,020	... ..	583,898
1807	381,638	300,321	... ..	681,959
1808	401,980	324,834	... ..	726,814
1809	433,374	546,421	... ..	979,795
1810	440,703	441,645	... ..	882,378
1811	446,073	443,776	... ..	889,849
1812	430,746	483,307	... ..	914,053

\* No accounts exist of the Legacy Duty before 1796, or of the Probate Duty before 1805.



	Probate, Ad- ministration, and Invent- ory Duty.	Legacy Duty.		Total.
	£	£		£
1813	433,961	571,301	... ..	1,005,262
1814	525,811	695,242	... ..	1,221,053
1815	531,717	766,106	... ..	1,297,823
1816	656,799	711,683	... ..	1,368,482
1817	734,858	995,176	... ..	1,730,034
1818	748,516	904,083	... ..	1,625,599
1819	753,051	898,371	... ..	1,651,422
1820	789,306	906,281	... ..	1,695,587
1821	823,847	979,420	... ..	1,803,267
1822	767,359	1,069,836	... ..	1,837,195
1823	850,011	997,538	... ..	1,847,549
1824	883,054	1,073,011	... ..	1,956,065
1825	909,063	1,087,165	... ..	1,996,228
1826	853,140	944,377	... ..	1,797,517
1827	900,956	1,068,803	... ..	1,969,759
1828	919,254	1,197,852	... ..	2,117,106
1829	924,383	1,208,035	... ..	2,132,418
1830	941,064	1,247,890	... ..	2,188,954
1831	928,668	1,163,812	... ..	2,092,480
1832	884,688	1,231,027	... ..	2,115,715
1833	924,006	1,175,481	... ..	2,099,487
1834	976,173	1,239,012	... ..	2,215,185
1835	940,577	1,206,178	... ..	2,146,745
1836	957,461	1,197,501	... ..	2,154,962
1837	1,068,256	1,208,975	... ..	2,277,231
1838	976,393	1,308,107	... ..	2,284,500
1839	922,199	1,188,381	... ..	2,110,580
1840	989,434	1,202,577	... ..	2,192,011
1841	1,011,874	1,209,126	... ..	2,221,000
1842	972,387	1,294,719	... ..	2,267,106
1843	998,965	1,241,777	... ..	2,240,742
1844	1,027,884	1,252,171	... ..	2,280,055
1845	1,095,806	1,328,570	... ..	2,424,376
1846	1,054,575	1,247,555	... ..	2,302,130
1847	1,147,025	1,319,523	... ..	2,466,548

	Probate, Ad- ministration, and Inven- tory Duty. £	Legacy Duty. £		Total. £
1848	1,041,497	1,223,665	... ..	2,265,162
1849	1,107,587	1,359,534	... ..	2,467,120
1850	1,031,402	1,311,396	... ..	2,342,798
1851	1,063,401	1,315,281	... ..	2,378,682
1852	1,135,302	1,380,336	... ..	2,515,638
		Legacy and Succession Duty.		
1853	1,162,602	1,383,922	... ..	2,546,524
1854-55	1,235,333	1,530,843	... ..	2,766,176
1855-56	1,245,074	1,712,785	... ..	2,957,859
1856-57	1,241,007	1,880,988	... ..	3,121,995
1857-58	1,279,913	1,864,725	... ..	3,135,638
		Legacy Duty.	Succession Duty. £	
1858-59	1,338,089	1,647,125	564,697	3,549,911
1859-60	1,333,206	1,528,246	601,775	3,463,227
1860-61	1,394,814	1,566,767	602,813	3,564,394
1861-62	1,419,166	1,676,365	601,359	3,696,890
1862-63	1,443,023	1,730,878	657,629	3,831,530
1863-64	1,582,173	1,672,915	591,049	3,846,137
1864-65	1,642,872	1,783,846	563,238	3,989,956
1865-66	1,690,968	1,997,146	615,255	4,303,369
1866-67	1,735,869	1,933,307	643,661	4,312,837
1867-68	1,771,833	2,154,343	740,038	4,666,214
1868-69	1,728,700	2,060,333	724,665	4,513,698
1869-70	1,915,470	2,220,518	750,252	4,886,240
1870-71	1,989,319	2,157,200	806,173	4,952,692
1871-72	1,989,133	2,569,784	802,016	5,360,933
1872-73	2,074,657	2,355,531	835,395	5,265,583
1873-74	2,196,412	2,562,951	862,898	5,622,261
1874-75	2,289,240	2,591,629	820,893	5,701,762
1875-76	2,390,339	2,712,937	836,030	5,939,306
1876-77	2,339,914	2,829,171	855,274	6,024,359
1877-78	2,378,145	2,935,343	796,515	6,110,003

## APPENDIX.

	Probate, Ad- ministration, and Inven- tory Duty.	Legacy Duty.	Succession Duty.	Total.
	£	£	£	£
1878-79	2,440,180	2,594,202	725,174	5,759,556
1879-80	2,677,862	2,933,618	788,404	6,399,884
1880-81	3,218,307	2,827,378	780,453	6,826,138
1881-82	3,693,274*	2,814,145	742,428	7,249,847
1882-83	3,886,164*	2,723,722	827,777	7,437,663
1883-84	4,178,503*	2,506,010	845,966	7,530,479
1884-85	4,062,630*	2,821,780	935,054	7,810,464
1885-86	4,103,644*	2,474,722	858,241	7,436,607
1886-87	4,026,469*	2,560,725	814,763	7,401,957
1887-88	4,596,620*	2,814,560	830,503	8,241,683
1888-89	4,231,559*†	2,830,378	906,469	7,968,406

\* Including the "Account Duty."

† Of this sum £1,410,520 were transferred to Local Taxation Accounts.

## APPENDIX B.

### OFFICIAL LIST OF FORMS IN USE FOR THE PAYMENT OF PROBATE, ACCOUNT-STAMP, LEGACY, AND SUCCESSION DUTY.

#### PROBATE DUTY.

- "B"—Original Affidavit of Value to lead to Probate or Administration: To be used where the gross personal estate is under £100 in value, or where the whole personal estate, wherever situate, and without deduction for debts, etc., does not exceed £300 in value, the Deceased in either case having died on or after 1st June, 1881.
- "A"—Original Affidavit of Value to lead to Probate or Administration: To be used where Form "B" is not applicable.
- "D"—Corrective Affidavit of Value: To be used where the grant was taken out on or after the 1st June, 1881.
- No. 13a.—Corrective Affidavit of Value: To be used where the grant was taken out before that date.

#### ACCOUNT-STAMP DUTY.

- "C"—For duty under 44 Vict. cap. 12, s. 38, and 52 Vict. cap. 7, s. 11, on Personal Property, including Leaseholds, passing under Voluntary Settlement, or Joint Tenancy or as a *donatio mortis causa* or gifts made within twelve months of death.

## ESTATE DUTY.

- "E"—Statement to be delivered with Affidavit "A," where the Estate and Effects in respect whereof duty is charged on the Affidavit or Inventory exceeds £10,000, and where application for the grant of probate or letters of administration was made on or after 1st June, 1889.
- "F"—Statement of the Personal or Moveable property included in an Account "C," where the value of such property exceeds £10,000.
- "G"—Corrective Statement of Value: To be used where insufficient Estate Duty has been paid on a Form "E."
- No. 13.—Statement of Value to be delivered with an Account of any succession on the death of any person dying on or after 1st June, 1889, where the value of the succession exceeds £10,000, or where, in the case of real estate passing under a will or intestacy, the value of the succession, together with the value of any other benefit taken by the successor under the said will or intestacy, exceeds £10,000.

## LEGACY DUTY.

- No. 1.—For specific Legacies, and for pecuniary Legacies payable out of Real and Personal Estate where the Deceased died prior to 1st July, 1888, or where the Deceased died on or after that date payable wholly out of Personal Estate. For shares of residue, where the amount of the residue has been arrived at by a General Account on the Form No. 3, and (in duplicate) for an account supplemental to that account. (See No. 11.)
- No. 2.—For Instalments of Legacy Duty on Annuities. (See No. 12.)
- No. 3.—(In Duplicate)—For General Residuary Accounts.
- No. 8.—(In Duplicate)—For the proceeds of sale or principal value of Real Property directed by will to be sold, where the Deceased died before 1st July, 1888.
- No. 11.—For pecuniary Legacies and shares of residue when payable out of a Blended Fund arising from Real Estate

directed to be sold and Personal Estate, or when charged on Real Estate in aid of Personal Estate. To be used only where the Deceased died on or after 1st July, 1888.

- No. 12.—For Instalments of Duty on Annuities where the Annuities are payable out of a Blended Fund arising from Real Estate directed to be sold and Personal Estate, or charged on Real Estate in aid of Personal Estate, and when the Deceased died on or after 1st July, 1888.
- No. 20.—For small estates under £100 in value, where upwards of £80 is deposited in a Savings Bank or due by a Friendly Society, and a certificate of exemption from Legacy Duty is required, to obtain payment of the money.

#### SUCCESSION DUTY.

- No. 1.—For pecuniary Legacies payable wholly out of Real Estate or the proceeds of sale thereof, where the Deceased died on or after 1st July, 1888.
- No. 4.—(In Duplicate)—For Personal Property (including settled funds, money charged upon or arising from the sale of Real Property, and the proceeds of sale of Church Patronage) where the property is at once taken absolutely, or by different persons in succession, all liable to duty at the same rate, and the duty is chargeable upon the capital. (See also No. 1.)
- No. 5.—(In Duplicate)—For Personal Property chargeable by way of Annuity, including annuities charged on Real Property either by deed or by the will of any person dying on or after 1st July, 1888.
- No. 6.—(In Duplicate)—For Real Property, including Leaseholds.
- No. 7.—For the second and subsequent Instalments of Duty on Real and Personal Property.
- No. 8.—(In Duplicate)—For the proceeds of sale or principal value of Real Property directed to be sold or sold under a power. (See also "No. 8" under "Legacy Duty.")

- No. 9.—(In Duplicate)—For the cesser of terminable charges upon Real Property, including the cesser of dower.
- No. 10.—(In Duplicate)—For the proceeds of sale of Timber.
- No. 11.—See “No. 11” under “Legacy Duty.”
- No. 12.—See “No. 12” under “Legacy Duty.”
- No. 19.—(In Duplicate)—For Duty payable in expectancy. This Form is not supplied until a commutation has been agreed to. Application should be made in writing to the Controller of Legacy and Succession Duties, Somerset House, London, W.C., stating the reason for the application (sale or mortgage), the full particulars of the property, the title, the names and dates of birth of the tenants for life and in remainder, and the gross amount of the sale money or the amount of the mortgage.

#### FORMS IN USE FOR CLAIMING A RETURN OF DUTY.

##### PROBATE DUTY.

- “D”—Where the original grant was taken out on or after the 1st June, 1881.
- No. 131.—Where the original grant was taken out before the 1st June, 1881, and the return is claimed on the ground of over estimate.
- No. 132.—Where the original grant was taken out before the 1st June, 1881, and the return is claimed on the ground of debts paid.
- NOTE.—Vouchers for the payment of the Debts must be produced.

##### ESTATE DUTY.

- “G”—To be used where too much Estate Duty has been paid on a Form “E.”

#### FOR THE RETURN OF ACCOUNT-STAMP, LEGACY, AND SUCCESSION DUTY.

No special Forms are provided. The circumstances should be embodied in an affidavit by the person by whom the Duty was paid. The stamped receipt for the Duty

should be annexed, and evidence in support of the claim produced.

This long list of forms will plainly show how complicated is the administration of the existing Death Duties. Each successive amendment of the law has usually implied the creation of several additional forms, and with them, fresh complexity of administration.



# INDEX.

---

- Account Duty, levied by means of a stamp, 1.  
    "    created as defence to Probate Duty, 2, 11, 12, 13.  
    "    imposed by Mr. Gladstone, 11.  
    "    supplementary to Probate Duty, 11, 40.  
    "    taxes death-bed gifts, 12, 40.  
    "    taxes property passing by voluntary settlement,  
        12, 40.  
    "    rate of, 13.  
    "    charged on personalty only, 40.  
    "    expensive to administer, 41.  
    "    produce of the, Appendix A.
- Administration, letters of, 4.  
    "    "    stamp imposed on, 4.
- Agricultural land, average produce of, 49.
- Annual value, meaning of, 32.  
    "    capital value of realty assessed from, 49.  
    "    potential, 50.  
    "    ought not to be sole basis of valuation of realty, 86.
- Anomalies, recapitulation of, 55.
- Apportionment of Legacy and Succession Duty now often necessary,  
    47.
- Attorney-General v. Lord Sefton, 32, 50.
- Average net rental, 51.  
    "    age of succession, 57.
- Beach, Sir M. Hicks-, tax on corporate property imposed by, 36.
- Blended funds, 47.

- Cairns, Lord, estimate by, of produce of Succession Duty, 25.
- Capital, the taxation of, 15, 69.
- "    "    Adam Smith on, 70.
- "    "    Fox on, 15.
- "    "    Mr. Disraeli on, 21.
- "    "    Mr. Goschen on, 30, 71.
- Charities, Irish, exempt from Legacy Duty, 18.
- "    proposal by Mr. Gladstone to tax, 34.
- "    exempt from tax on corporate property, 35.
- Childers, Mr., tax on corporate property proposed by, 35.
- "    equalisation of Death Duties proposed by, 78.
- "    features of his scheme of reform, 78-81.
- Consanguinity scale in Legacy Duty, changes in, 15-18.
- "    "    "    the existing, 18.
- "    "    Succession Duty, 23.
- "    "    "    changes in, 27.
- "    "    Mr. Lowe's opinion of the, 76.
- "    "    Mr. Disraeli's opinion of the, 77.
- "    "    is popular, 85.
- Consideration, valuable, 12, 41.
- Copyhold land in realty, 39.
- Corporate property, tax on, proposed by Mr. Gladstone, 34.
- "    "    "    "    Mr. Childers, 35.
- "    "    "    "    Sir M. Hicks-Beach, 36.
- "    "    outcry against Mr. Gladstone's proposal to tax, 34.
- "    "    tax on, not productive of much revenue, 36.
- Death-bed gifts charged with Account Duty, 12, 40.
- Death Duties, why so called, 1.
- "    list of existing, 1.
- "    included in Revenue under stamps, 1.
- "    all *ad valorem* duties, 2.
- "    summary of the history of the, 33.
- "    none of the, equal in incidence on realty and personalty, 38.
- "    confusion in the, 39.
- "    expensive to administer, 39.
- "    anomalies of the, 55.
- "    relative incidence of the, 37 *et seq.*
- "    as a means of taxation, 65.

- Death Duties, do not disturb trade, 68.
- "    rapid increase in revenue from the, 68.
- "    graduation of the, 71.
- "    reform of, past schemes for, 75.
- "    "    scheme for, 81 *et seq.*
- "    "    objects to be kept in view in, 81.
- "    produce of the, Appendix A.
- "    equalisation of the, proposed by Pitt, 14.
- "    "    "    "    Mr. Childers, 78.
- "    "    "    Lord John Russell on, 19.
- "    "    "    Sir Robert Peel on, 20.
- "    "    "    Mr. Elphinstone's motion for, 20.
- "    "    "    always opposed by landed interest, 27.
- Disraeli, Mr., on the taxation of capital, 21.
- "    on the scale of consanguinity, 77.
- Dutch fiscal system with regard to wills, 5.
- Estate Duty, levied by means of a stamp, 1.
- "    how levied on personalty, 31, 54.
- "    "    realty, 31, 54.
- "    imposition of the, 29.
- "    anomalies of the, 31, 32.
- "    principle of graduated taxation in the, 30, 72.
- "    Budget speech in which foreshadowed, 30.
- "    payable by instalments, 32, 54.
- "    Land for the assessment of, cannot be valued at more than 24½ years' purchase, 55.
- "    Produce of the, Appendix A.
- Elphinstone, Mr., motion by, 20.
- Equalisation of the Death Duties, proposed by Pitt, 14.
- "    "    "    "    Mr. Childers, 78.
- "    "    "    Lord John Russell on the, 19.
- "    "    "    Sir Robert Peel on the, 20.
- "    "    "    Mr. Elphinstone's motion for the, 20.
- "    "    "    always opposed by landed interest, 37.
- Executor, required to prove will in which named, 4.
- "    realty does not descend to, 8, 83.
- Expectancy, natural, next-of-kin possess a, 67.

- Forms in use at Somerset House, official list of, Appendix B.
- Fox, opposition by, to Pitt's Legacy and Succession Duty Bills, 15.
- „ opinion of, on taxation of capital, 15.
- Freehold land realty, 39.
- Gladstone, Mr., exemption from Legacy Duty introduced by, 18.
- „ imposition of Succession Duty by, 21.
- „ produce of Succession Duty estimated by, 25.
- „ tax on corporate property proposed by, 34.
- Goschen, Mr., increase of the Succession Duty by, 27, 46.
- „ grant by, of half the Probate Duty in aid of rates, 27.
- „ imposition of Estate Duty by, 29.
- „ on the taxation of capital, 30, 71.
- Graduated taxation, principle of in Estate Duty, 30, 72.
- „ „ could be easily applied to the Death Duties, 71.
- „ „ principle of, in Income Tax, 72, 73.
- Graduation of the Death Duties, 71.
- Hicks-Beach, Sir M., tax on corporate property proposed by, 36.
- Holland, *ad valorem* scale in Probate Duty borrowed by, 5, 6.
- „ legacy duty in, 14.
- House property, average produce of, 50.
- Incidence, relative, of Death Duties, on realty and personalty, 37.
- „ „ „ tables showing, 60-65.
- Incomes, permanent and precarious, 22, 74.
- Income Tax taxes intelligence and skill, 22, 74.
- „ corporate property taxed by means of an, 35.
- „ as a means of taxation, 74.
- „ principle of graduated taxation in the, 72, 73.
- „ exemptions and abatements of the, 72.
- „ merits of the, 73.
- Instalments, Succession Duty on realty payable by, 23, 29, 49.
- „ lapse of, 25.
- „ Estate Duty on realty payable by, 32, 54.
- „ system of payment of realty by, cannot be dispensed with, 87.
- Intestate and testate estates, rate of Probate Duty on assimilated, 9.
- Intestate estates charged with higher rate of Probate Duty, 8, 9.
- Inventory Duty, 7.

- Ireland, Probate Duty extended to, 6.  
 " " in, raised to level of English rates, 6.  
 " Legacy Duty in, assimilated to that of England, 18.  
 Irish charities exempt from Legacy Duty, 18.
- Land. *See* Realty.
- Land Transfer Bill, 84.
- Lapse of instalments of Succession Duty, 25.
- Leaseholds taxed with both Probate and Succession Duty, 23, 45, 53.  
 " in law personal estate, 23.  
 " formerly taxed with Legacy Duty, 23.  
 " now taxed with Succession Duty, 23.  
 " heavy taxation of, 53.  
 " descend to executor, 83.
- Legacies payable out of realty charged with Legacy Duty, 17.  
 " " " now liable to Succession Duty, 29.
- Legacy Duty, formerly levied by means of a stamp, 2.  
 " levied on shares into which estate may be divisible, 2.  
 " rate of, varies according to relationship, 3, 18,  
 " lineals now exempt from, 3, 18.  
 " first imposed on receipts for legacies, 13.  
 " introduction of *ad valorem* scale in, 13.  
 " on receipts for legacies evaded, 14.  
 " property itself made liable to, 14.  
 " Pitt's dealings with the, 15, 16, 17.  
 " legacies payable out of realty taxed with, 17, 29.  
 " proceeds of realty directed to be sold taxed with,  
 17, 29.  
 " extended to lineal descendants, 17.  
 " extended to lineal ancestors, 17.  
 " rates of, raised by Vansittart, 17.  
 " Irish, assimilated to English, 18.  
 " Irish charities exempt from, 18.  
 " exemptions from, 18.  
 " exemption of lineals from, 18.  
 " charged on personality only, 42.  
 " time of levy of the, 42, 43.  
 " produce of the, Appendix A.
- Life interest only of heir to realty charged with Succession Duty,  
 24, 51.
- Lineal ancestors, Legacy Duty extended to, 17.

- Lineal descendants, Legacy Duty extended to, 17.  
 Lineals now exempt from Legacy Duty, 3, 18.  
 Local taxation, half the Probate Duty granted in aid of, 28.  
 Lowe, Mr., attempt by, to reform the Probate Duty, 75.  
 „ „ to alter scale of Legacy Duty, 76.  
 „ „ his opinion of the scale of consanguinity, 76.
- Malins, V.-C., estimate by, of produce of Succession Duty, 25.  
 Malmesbury, Lord, 25.  
 Marriage a valuable consideration, 12, 41.
- Natural expectancy of next-of-kin, 67.  
 Newnham, Mr. Alderman, 15.  
 Next-of-kin, natural expectancy of, 67.  
 North, Lord, introduction of *ad valorem* scale in Probate Duty by, 5.  
 Northcote, Sir Stafford, reforms introduced in Probate Duty by, 9.  
 „ „ exemptions from Legacy Duty introduced by, 18.
- Official list of forms in use at Somerset House, Appendix B.
- Peel, Sir Robert, on the equalisation of the Death Duties, 20.  
 Personalty, liable to Probate Duty, 2, 40.  
 „ „ Legacy Duty, 2, 16, 42. c  
 „ „ Account Duty, 12, 40.  
 „ Estate Duty how levied on, 31, 54.  
 „ full capital value of, taxed, 48.  
 „ descends to executor, 83.  
 „ and realty, relative burdens of, 37.  
 „ „ distinctions between, 39.  
 „ settled, liable to Succession Duty, 3, 21, 22.  
 „ „ one-third of Succession Duty contributed by, 28.  
 „ „ exempt from Probate and Account Duty, 41.  
 „ „ no good reason for exemption of, from Probate and Account Duty, 41.  
 „ „ might be liable to Probate Duty, 84.  
 „ „ has escaped duty which legislature intended to impose, 88.
- Pitt, his changes in the Legacy Duty, 14.  
 „ proposes a succession duty on realty, 14.

- Pitt, his Legacy and Succession Duty Bills, debate on, 15.
- „ „ „ „ „ „ opposed by Fox, 15.
- „ charges with duty legacies payable out of realty, and the proceeds of realty left in trust for sale, 17.
- „ extends Legacy Duty to lineal descendants, 17.
- Potential annual value, 50.
- Present value of duties on realty, 58.
- Principal value of realty assessed from annual value, 49.
- „ „ how ought to be ascertained, 86.
- Probate Duty, levied by means of a stamp, 1.
- „ paid out of estate before division, 2.
- „ almost self-collecting, 2.
- „ Account Duty created as defence to, 2, 11, 12, 13.
- „ most ancient of Death Duties, 4.
- „ originally a stamp duty on probates and letters of administration, 4.
- „ *ad valorem* scale in, introduced by Lord North, 5, 6.
- „ rapid changes in scale of, after 1779, 6.
- „ limit of scale fixed at a million, 6.
- „ limit of scale extended, 6.
- „ extended to Ireland, 6.
- „ Irish, raised to level of English rates, 6.
- „ imposed in Scotland, 7.
- „ new scale of, introduced by Vansittart, 7.
- „ exemptions from, 7, 10.
- „ intestate estates charged with higher rate of, 8.
- „ realty not liable to, 8, 41.
- „ reforms introduced by Sir Stafford Northcote in the, 9, 11.
- „ reforms needed in the, in 1880, 82.
- „ on testate and intestate estates assimilated, 9.
- „ scale of the, re-adjusted by Mr. Gladstone, 9, 10.
- „ on small estates, 10.
- „ stamp of, transferred from probate to affidavit or inventory, 10.
- „ increase in returns of the, 13, Appendix A.
- „ half the, granted in aid of local taxation, 28.
- „ taxes all personalty passing by will, 40.
- „ inexpensive to administer, 41.
- „ universal, a possible reform, 85.
- „ produce of the, Appendix A.
- „ stamp imposed on, 4.

- Probate Duty, not necessary to enable devisee to enter on land, 83.  
 Produce of Death Duties, tables showing, Appendix A.
- Rates, payment of, by realty, 23, 37.  
 „ grant of half the Probate Duty in aid of, 28.
- Realty does not descend to executor, 8, 83.  
 „ Succession Duty on, proposed by Pitt, 14.  
 „ „ „ imposed by Mr. Gladstone, 21.  
 „ „ „ payable by instalments, 23, 29, 49.  
 „ „ „ a tax upon rent, 24.  
 „ directed to be sold taxed with Legacy Duty, 17.  
 „ „ „ Succession Duty, 29.  
 „ legacies payable out of, taxed with Legacy Duty, 17.  
 „ „ „ Succession Duty, 28.  
 „ Lord John Russell suggests Succession Duty on, 19.  
 „ Mr. Elphinstone's motion for imposing Succession Duty on, 20.  
 „ exempt from Probate Duty, 8, 41.  
 „ life interest only of heir to, taxed with Succession Duty, 24, 51.  
 „ payment of rates by, 23, 37.  
 „ two-thirds of Succession Duty contributed by, 28.  
 „ Estate Duty on, how levied, 31, 54.  
 „ and personalty, relative burdens of, 37.  
 „ „ distinctions between, 39. 6  
 „ includes copyholds, 39.  
 „ „ shares in certain companies, 40.  
 „ capital value of, assessed from annual value, 49.  
 „ valuation of, present mode of, 24, 49, 51.  
 „ „ proper mode of, 86.  
 „ „ annual value ought not to be sole basis for, 86.  
 „ has escaped duty which legislature intended to impose, 88.
- Reform of the Death Duties, past schemes for, 75.  
 „ „ scheme for, 81 *et seq.*  
 „ „ objects to be kept in view in, 81.
- Relationship, Legacy Duty varies according to, 18.  
 „ Succession Duty varies according to, 23.  
 „ *Sæ* Consanguinity.
- Relative incidence of Death Duties on realty and personalty, 37.  
 „ „ „ tables showing, 60-65.
- Religious bodies exempt from tax on corporate property, 35.



- Rent, Succession Duty on realty a tax upon, 24.  
 „ for assessment of Estate Duty considered a terminable annuity, 33, 55.
- Rental, average net, 51.
- Revenue, rapid increase in the, from the Death Duties, 68, Appendix A.
- Russell, Lord John, on the equalization of the Death Duties, 19.
- Sefton, Attorney-General *v.* Lord, 32, 50.
- Settled personalty, liable to Succession Duty, 3, 21, 22.  
 „ one-third of Succession Duty contributed by, 28.  
 „ exempt from Probate and Account Duty, 41.  
 „ no good reason for exemption of, 41.  
 „ ought to be made liable to Probate Duty, 84.  
 „ has escaped duty which legislature intended to impose, 88.
- Settlement, voluntary, 12.
- Settlements, encouragement to creation of, 41.  
 „ stamp duty on, 41.
- Shares in certain companies are realty, 40.
- Smith, Adam, calls attention to Dutch fiscal system with regard to wills, 5.  
 „ on the taxation of capital, 70.
- Somerset House, increased work of officials at, 29, 47.
- Spring Rice, attempt of Mr., to reform the Probate Duty, 10.
- Stamp imposed on probates and letters of administration, 4.  
 „ transferred to affidavit or inventory, 10.
- Stamp Duties, Death Duties included in revenue under, 1.  
 „ some of the Death Duties levied by means of, 1.
- Stamp Duty on settlements, 41.
- Succession, average age of, 57.
- Succession Duty, the complement to the Legacy Duty, 3, 47.  
 „ realty and settled personalty taxed with, 3, 21, 22.  
 „ property liable to, as a rule free from Probate Duty, 3.  
 „ varies according to relationship, 3, 23.  
 „ on realty proposed by Pitt, 14.  
 „ Bill, Pitt's, debate on, 15.  
 „ imposed by Mr. Gladstone, 21.  
 „ Bill, Mr. Disraeli's opposition to, 21.  
 „ leaseholds taxed with, 23, 45.

- Succession Duty, on realty payable by instalments, 23, 29, 49.
- „ on realty tax upon rent, 24.
  - „ life interest only of heir to realty taxed with, 24, 51.
  - „ lapse of instalments of, 25.
  - „ estimated produce of the, 25.
  - „ actual produce of the, 26, Appendix A.
  - „ reasons for failure of estimates of the, 26.
  - „ attempt to increase the, 27.
  - „ increase of the, 27, 46.
  - „ legacies charged on land and proceeds of land directed to be sold made liable to, 29.
- Succession Duty Act, draftsmanship of, 27.
- „ „ Table III. of, 33, 55.
  - „ „ Table I. of, 51.
- Tables showing relative incidence of Death Duties, 60-65.
- „ produce of Death Duties, Appendix A.
- Taxation, Death Duties as a means of, 66.
- „ Income Tax as a means of, 74.
  - „ of capital, 15, 69.
  - „ „ Fox on, 15.
  - „ „ Mr. Disraeli on, 21.
  - „ „ Mr. Goschen on, 30, 71.
  - „ „ Adam Smith on, 70.
  - „ graduated, could easily be applied to the Death Duties, 71.
  - „ „ principle of, in the Estate Duty, 30, 72.
  - „ „ „ in the Income Tax, 72, 73.
- Testate estates charged with lower rate of Probate Duty, 8.
- „ and intestate estates, rate of Probate Duty on assimilated, 9.
- Trade not disturbed by Death Duties, 68.
- Transfer, Land, Bill, 84.
- Valuable consideration, 12, 41.
- Valuation of personalty for the assessment of duty, 48.
- „ of realty, mode of, 24, 49, 51.
  - „ „ proper mode of, 86.
- Value, annual, 32.
- „ „ ought not to be the sole basis for valuation of realty, 86.
  - „ present, of duties on realty, 58.
  - „ principal, 49, 86.

- Vansittart, new scale of Probate Duty introduced by, 7.
- " extends Legacy Duty to lineal ancestors, 17.
- " raises rates of Legacy Duty, 17.
- Voluntary settlement, 12.
  
- Walpole, Sir Robert, 38.
- " Wealth of Nations, The," Lord North borrows from, 5.
- "                   " taxation of capital discussed in, 70.
- Widows exempt from Legacy Duty, 17.
- Wills, necessity for probate of, 4.
- " Dutch fiscal system with regard to, 5.
- " few, are simple, 42.
- " trust for sale in, 46.

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