

Rec., Mar. 11, 1933

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# ENROLLED BILL

Regular Session

SENATE BILL NO. 140

By Mr. White, of Hampshire

PASSED March 11, 1933

IN EFFECT from PASSAGE

Originating in the Senate Takes effect from Passage.  
James L. Smith Clerk. Geo. R. Wallace Clerk of the House of Delegates.

CORRECTLY ENROLLED

James L. Smith Chairman House Committee. John O. Frazer Chairman Senate Committee.

## ENROLLED BILL

(S. B. No. 140)

[Passed March 11, 1933; in effect from passage.]

AN ACT to amend and reenact section one, article eleven, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, relating to inheritance and transfer taxes.

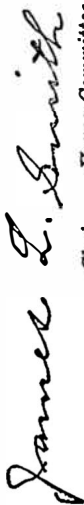
*Be it enacted by the Legislature of West Virginia:*

That section one, article eleven, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 1. A tax, payable into the treasury of the state, shall  
2 be imposed upon the transfer, in trust, or otherwise, of any  
3 property, or interest therein, real, personal, or mixed, of five  
4 hundred dollars or more if such transfer be



Chairman Senate Committee.

Chairman House Committee.

5 (a) By will or by laws of this state regulating descent and  
6 distribution from any person who is a resident of the state at  
7 the time of his death and who shall die seized or possessed of  
8 property;

9 (b) By will or by laws regulating descent and distribution  
10 of property within the state, or within its jurisdiction, and the  
11 decedent was a nonresident of the state at the time of his  
12 death;

13 (c) By a resident, or be of property within the state, or  
14 within its jurisdiction, by a nonresident, by deed, grant, bar-  
15 gain, sale or gift, made in contemplation of the death of the  
16 grantor, bargainor or donor, or intended to take effect in pos-  
17 session or enjoyment at or after such death. Every transfer  
18 by deed, grant, bargain, sale or gift, made within three years  
19 prior to the death of the grantor, bargainor, vendor, or donor,  
20 of value of five hundred dollars, or in excess thereof, at the  
21 time of such transfer in the nature of final disposition, or dis-  
22 tribution of an estate, and without adequate valuable considera-  
23 tion, shall be construed to have been made in contemplation of  
24 death within the meaning of this article;

25 (d) If any person shall transfer any property which he

*James D. Hyman*

*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

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26 owns, or shall cause any property, to which he is absolutely en-  
27 titled, to be transferred to, or vested in himself and any other  
28 person jointly so that the title therein, or in some part thereof,  
29 vest any survivorship in such other person, a transfer shall be  
30 deemed to occur and to be taxable under the provisions of this  
31 article upon the vesting of such title;

32 (e) Whenever any person shall exercise a power of ap-  
33 pointment derived from any disposition of property made, such  
34 appointment when made shall be deemed a transfer taxable  
35 under the provisions of this article, in the same manner as  
36 though the property to which such appointment relates be-  
37 longed absolutely to the donee of such power and had been be-  
38 queathed or devised by such donee by will; and whenever any  
39 person possessing such a power of appointment so derived shall  
40 omit or fail to exercise the same within the time provided there-  
41 for, in whole or in part, a transfer taxable under the pro-  
42 visions of this article shall be deemed to take place to the ex-  
43 tent of such omission or failure, in the same manner as though  
44 the person thereby becoming entitled to the possession or en-  
45 joyment of the property to which such power related had

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*James L. Smith*

*Chairman House Committee.*

*James A. Hyman*

*Chairman Senate Committee.*

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46 succeeded thereto by a will of the donee of the power failing to  
47 exercise such power, and shall take effect at the time of such  
48 omission or failure.

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*James A. H. H.*  
Chairman Senate Committee.

*Wm. E. Miller*

Speaker of the House of Delegates

*Geo. H. Hagg*  
Clerk of the House of Delegates.

*A. G. Matthews*  
President of the Senate.

*James A. Smith*  
Chairman House Committee.

*Arthur Smith*  
Clerk of the Senate.

The within is.....

this.....day of....., 1933.

Filed in the office of the Secretary of State  
of West Virginia. **MAR 18 1933**  
Wm S O'BRIEN,  
Secretary of State

\_\_\_\_\_  
Governor.