

HOUSE No. 1316

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 24, 1922.

The committee on Taxation, to whom was referred the petition (accompanied by bill, Senate, No. 42) of Augustus P. Loring and others that certain bonds or other securities may be received by the Treasurer and Receiver-General as security for the payment by trustees of taxes which are not due, but are a lien on real estate in the hands of the trustees, report the accompanying bill.

For the committee,

WM. J. LOOK.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Two.

AN ACT

Relative to the Acceptance by the Treasurer and Receiver-General of Certain Bonds as Security for the Payment of Certain Taxes by Fiduciaries and others.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter sixty-five of the General Laws is hereby
2 amended by striking out section fifteen and inserting in
3 place thereof the following:— *Section 15.* In case of a
4 devise, bequest or grant of real or personal property
5 made or intended to take effect in possession or enjoy-
6 ment after the death of the grantor, to take effect in
7 possession or come into actual enjoyment after the
8 expiration of one or more life estates or a term of years,
9 whether conditioned upon the happening of a contin-
10 gency, dependent upon the exercise of a discretion,
11 subject to a power of appointment, or otherwise, the
12 taxes upon which have not yet become due, the executor,
13 administrator, trustee or grantee may (a) deposit with
14 the state treasurer bonds or other negotiable obligations
15 of the commonwealth or of the United States of America
16 of such aggregate face amount as the commissioner
17 may from time to time deem necessary to adequately
18 secure payment of such taxes, or (b) deposit with the

19 state treasurer a sum of money sufficient in the opinion
20 of the commissioner to pay all taxes which may become
21 due upon such devise, bequest or grant, or (c) any execu-
22 tor, administrator, trustee or grantee, or any person
23 interested in such devise, bequest or grant may give
24 bond to a judge of the probate court having jurisdiction
25 of the estate of the decedent, in such amount and with
26 such sureties as said court may approve, conditioned
27 that the obligor shall notify the commissioner when said
28 taxes become due and shall then pay the same to the
29 commonwealth. In case of a deposit of money here-
30 under, the state treasurer shall pay to such executor,
31 administrator, trustee or grantee having the right to the
32 use or income of such real or personal property, interest
33 at the rate of two and one-half per centum per annum
34 upon such deposit and, when said taxes shall become
35 due, shall repay to the persons entitled thereto the
36 difference between such part of the tax certified as
37 remains unpaid and the amount deposited. In case of a
38 deposit of bonds or other negotiable obligations with the
39 state treasurer hereunder, he shall pay to such executor,
40 administrator, trustee or grantee as aforesaid the interest
41 accruing thereon and, if such taxes shall be paid in full
42 when due, shall return such bonds or obligations to the
43 persons entitled thereto; but if such taxes shall not be
44 paid when due, the state treasurer may sell all or any
45 part of such bonds or obligations to satisfy such taxes
46 and shall return to such executor, administrator, trustee
47 or grantee as aforesaid all the proceeds of such sale, and
48 all such bonds or obligations, remaining in his hands after
49 satisfying such taxes.

