REPORTS AND NOTES OF CASES.

Province of Ontario.

COURT OF APPEAL.

Full Court.] [Dec. 31, 1907.

ATTORNEY-GENERAL FOR ONTARIO *v.* WOODRUFF.

Revenue—Succession duty—Property transfered in lifetime of person domiciled in Ontario—Foreign bonds—Foreign situs —Anticipation of death—Settlements—Succession Duty Act and amendments.

The plaintiff claimed for the Crown succession duty upon moneys and securities, the subjects of two settlements made respectively in 1894 and 1902 by a testator who died in October, 1904, domiciled in Ontario.

In 1894 the testator had a quantity of debentures of municipal corporations in the United States, which had always been retained and managed for him in the United States by his agents there. The documents had been kept by the testator in a leased vault in New York. The testator procured each of his four sons to execute a trust deed in favour of a New York trust company whereby these debentures were transferred (in four portions) to the company in trust to manage, invest, etc., and to pay over the income to each son during his life, and upon his death in trust for his children. The testator went to New York, obtained the debentures from the vault, separated them into four parcels, and delivered them with the trust deeds to the company. The interest was from time to time remitted by the company to the sons, and the sons transferred the cheques therefor to the testator, who gave each of the sons $750 half-yearly, and retained the balance.

Held, MEREDITH, J.A., dissenting, that the effect of this first settlement, made in the State of New York, of property then locally there, where it had ever since remained, the testator having completely parted with the legal title to the property, which