able," for if it is not and it falls to be deducted from the "aggregate," then the estate is not subject to the Act. By a process of amendments it is now the law that the Act shall not apply to any estate the value of which after the allowances authorized by the Act (are deducted) does not exceed $1,000: R. S. O. ch. 24, sec. 3, sub-sec. 1, as amended by 1 Edw. VII. ch. 8, sec. 4.

"Dutiable value" is defined by the Act as the value of the property after the debts or other allowances or exemptions authorized by the Act are deducted: 1 Edw. VII. ch. 8, sec. 3 (3). And by the same section and by sub-sec. 4, it is said that in determining the dutiable value of the estate of a deceased person for the purpose of the payments of succession duties, the value shall be taken as at the death, and allowances shall be made for reasonable funeral expenses and for his debts and incumbrances.

And any debt or incumbrance for which an allowance is made shall be deducted from the value of the land or other subjects of property.

But no allowance shall be made for debts incurred by the deceased, or incumbrances created by the deceased, unless such debts or incumbrances were incurred or created bona fide for full consideration in money or money's worth, wholly for the deceased own use and benefit, and take effect out of his interest. These provisions are all found in 1 Edw. VII. ch. 8, sec. 3 (4).

These clauses may apply to this transaction between the deceased and his neice Miss Brown if it be taken that the $7,500 was not transferred before death to the defendant. If it be the better view that there was such a transfer, the other clauses of the Act have to be considered, which, however, lead to the same legal issue. By R. S. O. ch. 24. sec-4 (b), all property . . . which shall be voluntarily transferred . . . by gift made in contemplation of the death of the donor or intended to take effect in possession or enjoyment after such death, and (c) property taken as a donatio mortis causa or other disposition by way of gift, etc., etc., shall be subject to succession duty. The essential point to be observed in these sub-sections (b) and (c) is that the transaction is a voluntary one, *i.e.*, for which there is no consideration. It may be that the extent of consideration is intended to be defined by sec. 4 (10), which enacts that nothing herein contained shall render liable for duty any property bona fide transferred for a consideration that is of a value substantially equivalent to the property transferred. But, assuming that this supplies the test to ascertain whether a transaction is or