

ing to Her Majesty Duties on Succession to Property." It was from these American statutes, however, that the model of our Act was obtained, and it will be, therefore, in a great measure to American cases and to American authors (see Dos Passos on "Succession Duties in the United States") that we must look for light on the many cases which will, no doubt, arise in the future.

After a preliminary apology to the people of the Province for the passage of the Act, in the form of a recital that its objects are really charitable, the first section states that "it shall go into effect as respects the estates of persons dying on or after the 1st July, 1892."

Under this section the following case has been submitted to the solicitor to the Treasury and to the Deputy Attorney-General: C.W.S., domiciled in Ontario, died on the 13th March, 1893, and his estate in Ontario was proved at \$14,000 over and above debts. On the 17th August, 1888, the deceased made his last will, bequeathing forty shares of stock in a loan company to two persons, "strangers in blood," under the 4th section of this Act, and who both survived him. Subsequently, on the 1st January, 1891, C.W.S. executed an irrevocable declaration of trust, whereby he declared himself, his executors, and administrators to be trustees of fifty shares of said stock, upon trust to receive and take the dividends during his life, and upon his death to transfer the said shares to one of the said parties, "strangers in blood" as aforesaid, absolutely.

It was decided that the shares embraced in the trust were not subject to duty; and although no reasons were given for the decision, it was no doubt on the ground that the Act is not retrospective, and that the declaration of trust being irrevocable, and made before the passage of the Act, prevented the shares settled from forming part of the estate, as it appears undoubted that such a voluntary transfer to take effect in possession after the death of C.W.S., if made after the Act came into effect, would be subject to duty under the 4th subsection of s. 4. The shares bequeathed by the will were, however, held to be liable to duty, as C.W.S. died after the Act came into force. The "estates of persons" referred to in this section would consist of the property as defined in the 2nd section, *i.e.*, "real and personal property of every description, and every estate or interest therein capable of being devised or