

But where any of the property of the deceased has been voluntarily transferred in his lifetime so as to fall under the provisions of the 4th section, the value of the same must be added to the amount so fixed by the Judge's order, and the total thus obtained will determine whether the estate, from its amount, is liable to duty or not. The Act seems to rely on the vigilance of the Treasurer to discover property so transferred, as it does not appear to be the statutory duty of the executor or administrator, or of any one claiming under such a transfer, to notify him thereof.

By the 6th section, where the Treasurer is not satisfied with the valuation of the property by the executor or administrator, he may instruct the Surrogate Registrar to issue an order directing the Sheriff of the county to make a valuation and appraise the property. This section appears to refer only to property devolving by will or intestacy, as do also sections 7, 8, 9, and 11. The subsequent proceedings are then shortly as follows: The Sheriff forthwith notifies the executor or administrator, and the other parties named in the order, of the time and place which he may have chosen for the appointment, a seven days' notice to all parties being considered sufficient. Then in the presence of the persons notified he shall appraise the property at its fair market value, and report thereon, and also upon such other facts as are referred to in the order, to the Surrogate Registrar in writing.

The New York Act authorizes the appraiser to compel the attendance of witnesses to assist him in fixing the value, but the Sheriff under our Act can rely upon no such assistance. The intention seems to be that he shall value the property to the best of his own judgment, in the presence of the interested parties: and it does not appear that he is bound to accept evidence submitted by any of the parties present at the appointment, although, of course, he might accept such evidence if he thought proper to do so. The Sheriff's report is then filed in the office of the Surrogate Registrar, and the Registrar immediately proceeds to assess the "then cash value" of the different interests devolving, and to fix the duty thereon. And just here he is met with a difficulty, which has already been pointed out. Suppose, for instance, he has to place a value upon the following interests, viz.: A testator bequeaths certain property to his son for life, subject to an annuity in favour of his mother, and from and after the son's