

laws, the ancient maxim "mobilia sequuntur personam" has been, to a large extent and in most jurisdictions, set aside. It is still the common or statute law in most, if not all, of the United States that personal property is transmitted and bequeathed by will, and is descendable by inheritance on intestacy, according to the law of the domicile and not that of the situs; yet the rule has grown up in modern times that State legislatures have the power to deal with and tax the personal, as well as the real, property of non-residents, if actually and physically within their jurisdiction, and it is generally felt that such property, by reason of enjoying the protection of the local law, ought to pay its share towards the expense of the local government. The tax, however, is held to be not directly upon the property, but upon the succession: *Irdman v. Martincz*, 184 U. S. 578; *Magoun v. Illinois Bank*, 170 U. S. 283; *Moore v. Ruckgaber*, 184 U.S. 593; 104 Fed. Rep. 947; *U. S. v. Franklin*, 8 Fed. Rep. 873; *U. S. v. Hunnewell*, 13 Fed. Rep. 617; *U. S. v. Morris*, 27 Fed. Rep. 341.

A general family resemblance is borne by all this class of legislation. Thus, a common feature is the imposition of the tax, upon the death of an owner, (a) upon all real and personal property belonging to his estate and situated within the jurisdiction imposing the tax; and this irrespective of whether the deceased owner was domiciled within or without the jurisdiction; the tax being in this case based upon the physical presence of the property within the jurisdiction; (b) in the case of a resident domiciled within the jurisdiction, upon all personal property of the estate wherever situated; i.e., whether within or without the jurisdiction; (c) upon stock in corporations; this stock is ordinarily taxed in the State where the late owner was domiciled; but very frequently is taxable as well in the State where the corporation is incorporated, since this stock is very commonly deemed property situated in both States: it may even be taxed also in the State where the corporation owns any property or does any business or where the certificates of ownership happen to be found. There may thus be, in this case, double