

between the low water mark and the three miles limit from the coast, is a question which belongs not to municipal law alone, and that it is not at present desirable that any municipal tribunal should pronounce upon it.

REVENUE—SUCCESSION DUTIES—PROVINCE OF QUEBEC—POWERS OF PROVINCIAL LEGISLATURE—LEGISLATIVE JURISDICTION OVER PROPERTY OUTSIDE OF PROVINCE—DIRECT TAXATION—ULTRA VIRES—CODE CIVIL ARTS. 1191 B AND 1191 C—B.N.A. ACT, s. 92.

*Cotton v. The King* (1914) A.C. 176, is a most important deliverance of the Judicial Committee of the Privy Council as to the powers of Provincial legislatures to impose taxes, and the property in respect of which they may be imposed. The litigation arose on the claim of the Province of Quebec to the payment of succession duty in respect of the estates of Charlotte, and Henry Cotton, her husband. Charlotte died in 1902, leaving an estate, part of which was within the Province of Quebec and part of which consisted of bonds, debentures and shares of industrial companies and other movable property locally situate in the United States, she being, at the time of her death, domiciled in Quebec. After certain specific bequests she gave the residue of her estate to her husband. At the time of her death the only Succession Duty Act then in force in the Province, Code Civil, s. 1191b, provided that, "all transmissions owing to death, of the property in usufruct and enjoyment of, movable and immovable property in the Province, shall be liable to the following taxes," etc., etc. The Government of Quebec claimed and received from Henry Cotton succession duty at the statutory rate upon the whole net property passing under the will of his wife. After her death the Code was amended by s. 1191c, which provided that, "the word 'property' within the meaning of this section shall include all property, whether movable or immovable, actually situate or owing within the Province, whether the deceased at the time of his death had his domicile within or without the Province, or whether the debt is payable within or without the Province, and whether the transmission takes place within or without the Province, and all movables, wherever situate, of persons having their domicile (or residing) in the Province of Quebec at the time of their death." After this amendment, Henry Cotton died and the Provincial Government claimed from his executors statutory duties on the whole net property passing under his will. The executors brought a petition of right claiming \$31,492 and interest, being the aggre-