

Sub-section (2) prescribes the mode to be adopted by the assessor in assessing the various descriptions of land and property specified in the statement.

Sub-section (3) makes it the duty of the assessor to deliver or transmit by post to the company a notice of the total amount at which he has assessed the land and property, shewing the amount for each description of property mentioned in the statement of the company. The company's statement and the assessor's notice are to be held to be the assessment return and notice of assessment required by secs. 18 and 46 of the Act to be made and given in the case of other assessments.

Sub-section (4) declares that a railway company assessed under this section shall be exempt from assessment in any other manner for municipal purposes except for local improvements.

Then follows sec. 45, which declares that, when an assessment has been made under the provisions of sec. 44, the amount thereof in the roll as finally revised and corrected for *that* year shall be the amount for which the company shall be assessed for the next following four years in respect of the land and property included in such assessment; with a provision for reducing in any year the fixed amount, by deducting the value of any land or property which has ceased to belong to the company, and for making a further assessment of any additional land or property of the company not included in such assessment.

The material statements of the case are: that in the year 1905 the lands of the Canadian Pacific Railway Company in the town of Steelton were assessed at \$15,500 for the year 1906; that the assessment continued at the same amount annually until 1911, when the amount thereof was increased to \$25,936 for 1912; that in 1910 the assessor, after consultation with the mayor, concluded, under a mistaken idea as to the effect of sec. 45 of the Act, that he could not make an increase in the company's assessment until 1911; and, therefore, assessed the property for 1911 at the same amount as in the preceding year; that the assessment made in the years 1906 to 1910, inclusive, were made without any inspection or valuation of the lands by the assessor; that the annual statements of the company's property in Steelton were duly furnished by the company, as required by sec. 44 of the Act, in the years 1906 and 1910, inclusive; that the company have paid the taxes for 1911, under the assessment made in 1910.

Upon these facts, the Judge of the District Court of the District of Algoma held, upon appeal by the company from the