

of the Assessment Act, R.S.O. 1914 ch. 195, which provides that the building, plant, and machinery in, on, or under mineral land and used mainly for obtaining minerals from the ground or storing the same, and concentrators and sampling plant, and, subject to sub-sec. 8, the minerals in, on, or under such land, shall not be assessable. Sub-section 8 does not affect the question now arising.

The policy of the Legislature, as indicated by its enactments, is to impose a provincial tax on the profits of mines in excess of a stated sum: The Mining Tax Act, R.S.O. 1914 ch. 26, sec. 5. These profits are ascertained and fixed in the manner set out in sub-sec. 3. Section 14 of the Act provides that, where the mine-owner has to pay a municipal tax on income derived from the mine, it is to be deducted from the amount of the provincial tax payable by him. By sec. 40 (6) of the Assessment Act, the income from a mine or mineral work shall be assessed by, and the taxes leviable thereon shall be paid to, the municipality in which such mine or mineral work is situate; but, by sec. 40 (9), no income tax shall be payable to any municipality upon a mine or mineral work liable to taxation under sec. 5 of the Mining Tax Act in excess of one-third of the tax payable in respect of annual profits from such mine or mineral work under the provisions of the said section and amendments thereto.

The learned Chief Justice saw no reason for confining the operation of these sub-sections to income derived from the mineral according to its value when brought to the surface. In his opinion, they extend to the income derived from the mining operations, including the crushing, reducing, smelting, refining, and treating of the ore.

If this view is right, the mining business is not subject to a business tax. The business tax was substituted for a tax on income, as to the businesses in respect of which that tax is imposed; but the Legislature left mines to be taxed on the income from them.

The solution of the main question depends upon the meaning to be attached to the word "concentrators" as used in sub-sec. 4.

The proper conclusion is that the word has no scientific or technical meaning, but is a colloquial expression signifying a process for separating metal from the rock or dross in which it is found. There is no reason for confining it to a mechanical process. All the processes in use by the respondents are designed to produce the same result, and the concentration that takes place is the concentration of the valuable mineral by the separation of it from the dross.

To give effect to the contention of the appellants would mean the penalising of the operators of mines producing low-grade ore.