

or not it would do so; but that this objection should not now prevail after the city had put in an answer which set up the validity of the sale.

4. That, although the plaintiff might have a remedy at law by redeeming the land and then suing the city to recover back the money, yet such a remedy would not be adequate under the circumstances, and the plaintiff was entitled to have the merits of the application for an injunction considered.

The plaintiff and the former owner had received notices of the assessment from year to year and had never appealed therefrom, and although these notices in some respects described her land inaccurately, it was admitted that the description of the land in the advertisement of the sale was correct. At the trial a good deal of evidence was given for the purpose of showing that the north and south boundaries of the property in question, as described, were entirely different from the boundaries as laid out on the ground and occupied by the buildings, but the judge found as a fact that the only proved discrepancy in the boundaries was on the eastern side of the property, where a slight error, not exceeding three feet, had been made, which, however, was unimportant otherwise.

*Held*, that, as the owners had never objected to the assessments, and a conveyance of the land by the plaintiff by the description in the assessment rolls, would have been effectual to transfer all of her land in question excepting a little

on the eastern side, the assessment was equally effectual to charge all the land which the Court could see was clearly included in the description, and an injunction should not be granted, but the plaintiff should be left to any remedy she might have at law.

The statement in *Blackwell on Tax Titles*, ss. 518 and 519, "When part of the land sold is liable to sale and the residue is not, the sale is void *in toto*,"

*Held*, not to apply to a case like the present. *Hayden v. Foster*, 13 Pick. 492; and *Moulton v. Blaisdell*, 24 Me. 283, distinguished. *Schultz v. Alloway*, 221

2. *Deed not in duplicate—Seal of corporation—Repealed statute—Assessment Act, R.S.M. c. 101, ss. 190 and 191—Description of land in assessment roll.*—At the trial of an issue under The Real Property Act, the plaintiff claimed the land in question under a tax sale deed from the Rural Municipality of St. Francois Xavier. The defendants were the owners of the land at the time of the tax sale.

No evidence was given to show that the tax sale deed had been made and executed in duplicate as required by section 187 of The Assessment Act, R. S. M., c. 101.

*Held*, That this was no objection to the validity of the sale.

The old seal of the municipality had been used for the deed, whilst the name of the municipality had been changed by the statutory addition of the word "rural." The municipality had,