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AN ASSESSMENT DECISION.

A decision was rendered a few weeks ago by Judge Cumberland in the matter of assessment by a Manitoba municipality. The decision was in the case of the appeal brought by the Manitoba Mortgage and Investment Company against the municipality of Strathclair for wrongful assessment. And it has an important bearing upon the system of assessment, commonly followed by the municipalities, their contention having generally been that a uniform assessment, irrespective of the value of the different parcels of land, was legal. The effect of the decision in this case by Judge Cumberland is, however, that this mode of assessment is illegal, and that the actual values of the lands shall be the values for assessment purposes. For example: Some of the land, assessed at \$4 an acre, was reduced by the judge to \$1 an acre. The decision in question is likely to operate as a check upon lavish expenditures by the municipalities, some of whom, in the belief that they could raise the assessment to whatever figure they saw fit, provided they did not levy beyond the 2 per cent. limit as required by the Assessment Act, did not hesitate to demand from the ratepayer a tax that became a serious burden and operated against the sale of his lands.

The Land Mortgage Companies Association, composed of the representative land lending companies in the province, chose the lands in the above-mentioned municipality for the purposes of a test case. Hence this appeal. The decision meets general approval in Manitoba. "It has the elements of common sense and justice," says the *Commercial*. It has been the custom in many Manitoba municipalities to assess all lands at a flat rate, regardless of their actual value. Thus the owner of the poorest piece of land in the municipality would be assessed as much per acre as those who held the most valuable lands in the district. This made a great injustice to the individual.

DECISIONS IN COMMERCIAL LAW.

OMBERG V. UNITED STATES MUTUAL ASSOCIATION.—The Jefferson Circuit Court decided against Sallie Omberg, who sued the United States Mutual Association for a \$5,000 accident policy on the life of her husband. It developed that the man died as the result of a mosquito bite, and the lower court held that this was not an "accident" in the meaning used by insurance companies. The Court of Appeal has, in the opinion of Judge Hazelrigg, reversed the lower court and gives peremptory instructions for a judgment for Mrs. Omberg for \$5,000, holding that the mosquito bite was an accident.

DALE V. PEOPLE'S LOAN Co.—Appeal from judgment of Armour, C.J., in favor of plaintiff (claimant), in an interpleader issue directed upon the application of a sheriff who seized goods (certain furniture and animals) under the execution of the defendants (execution creditors) against one Thomas W. Dale, which were claimed by the wife of the execution debtor, by gift and purchase from her husband. The appeal was dismissed with costs, the Divisional Court holding that the purchase of the furniture by the wife from the husband did not come within the Bills of Sale Act, both the property and possession passing by the purchase. As to the animals, the court held that there was a good gift, completed by delivery, by the husband to the wife, as a wedding present, of the brood mare, the progeny of which were in question.

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