by them, to the municipal council, and has an appeal from the decision of the council upon its complaint to the Circuit Court.

PER CURIAM.—The Canadian Pacific Railway passes through the municipality of the city of Hull, and on the 29th May last, the secretary of the company transmitted to the office of the city council the return required by Article 720 of the Municipal Code, stating the value of the real estate of the company within the municipality to be $11,000. Attached to this return and forming part of it, were: first, a detailed statement showing the value of the land occupied by the road, according to the basis of the adjoining lands, to be $8,394, and the actual value of the station and other buildings to be $2,500, making in all $10,894; and secondly, the affidavit of Mr. Snow, a land surveyor, certifying that the statement had been based for the land on the value given to the adjoining lands by the valuation-roll of 1887, and that it was correct.

The valuators, in making the valuation of the company's real estate this year, ignored this return, and valued it in block at $44,720. The company complained to the city council of this valuation, and the complaint was rejected. It was, however, agreed, to save the costs of an appeal, that the matter should be referred, in a summary manner, to the Circuit Court, sitting in Hull, and that the decision would avail as if an appeal had been brought.

The reference was duly made; and at the hearing it was proved, that the value of the land occupied by the road, on the basis of the valuation of the adjoining farms in the valuation-roll for the current year, was $7,429.25, and that the actual value of the station and other buildings was $2,483.00, making in all $9,912.25.

It was contended by the city that the return was irregular and invalid, as it was based on the valuation-roll of 1887, and that the valuators were not bound to accept it; and that they had, under Article 722 of the Municipal Code, validly made the valuation of the company's property in the same manner as that of any other rate-payer. The company contended that the return was sufficient, and, if it were not, that the valuators were bound at all events, in proceeding under Article 722, to value its land at the average value of agricultural land in the locality.

Section 237 of the Act of incorporation, (38 Vict., ch. 79,) provides that: In all cases where the charter of the city of Hull is silent, the provisions of the Municipal Code shall apply. Under this provision Articles 720, 721 and 722 apply to the city. The first of these Articles provides that railway companies shall yearly transmit, in the month of May, to the office of the council of each municipality in which they possess real estate, a return showing the value of the land occupied by the road, according to the average value of agricultural land in the locality, and the actual value of their other real estate. The other Articles are as follows:

"721. The valuators, in making the valuation " of the taxable property in the municipality, " must value the real estate of such company, " according to the value specified in the re- " turn given by the company.

" 722. If such return has not been trans- " mitted in the time prescribed, the valuation " of all the immovable property belonging to " the company is made in the same manner " as that of any other rate-payer."

If a return so transmitted should be erroneous, it should be contested by the municipal corporation by a suit before the Superior Court, and the Court, under the controlling power conferred on it over all corporations by section four of chapter 78 of the C. S. L. C., would give such order as to right and justice might appertain; but unless a return be so contested, the valuators are bound to accept the value specified in it. In the present case no such proceeding was taken.

When no return has been transmitted, or when a return has been set aside, how should the land occupied by the road of a company be valued under the provisions of Article 722? The city says that the valuators should take its actual value, including the value of the superstructure, while the company says that they should value it only as agricultural land, without including the superstructure.

The question has been decided by our highest Court, the Supreme Court of Canada, in the case of the *Central Vermont Railway Company & The Town of St. Johns*, reported at page 288 of volume 14 of its reports.