

both land and buildings in the case of mineral lands. The only power, it is argued, was to fix the value of the lands (apart from all structures thereon) on an agricultural basis, and then further to tax on the footing of the income produced. But it is shewn and conceded on all hands that there is no income as to this property, so that the point is reduced to whether "buildings" could be assessed separately as well as the land.

Regard now the scheme of the Act. By the interpretation clause the word "land" shall include (b) trees, &c., (c) minerals, gas, oil, &c., (d) all buildings, structures, machinery, and fixtures erected or placed upon, in, over, under, or affixed to land. (Section 2, sub-sec. 7.)

By sec. 5 all real property (which includes buildings and structures thereon) shall be liable to taxation, subject to certain exemptions, of which, by sec. 5, sub-sec. 16, "all fixed machinery used for manufacturing or farming purposes" is exempt from taxation, but this exemption, as appears from the very frame of the whole sub-clause, does not cover natural gas and oil appliances constructed upon this property. It was not suggested that this machinery and plant were used for manufacturing purposes. By sec. 22, the assessor is to ascertain and set down in the roll particulars as to the value of the land, exclusive of the buildings (13), and further (14) as to the value of the buildings.

Then as to valuation of lands: real property shall be assessed at its actual value except in the case of mineral lands: sec. 36 (1). In case of land with buildings the value of each separately is to be ascertained and set down in different columns. And the test for the value of the buildings is the amount by which the value of the land is thereby increased: sec. 36 (2). As to mineral lands, the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes: sub-sec. 3. I do not read this to mean that the value of the mineral lands and buildings is to be estimated as if there were no buildings thereon, or, to put it another way, that the value of mineral lands and all structures thereon were to be valued as if they were agricultural lands without buildings. Agricultural buildings are to be valued and assessed if the land is improved thereby—so are structures on mineral lands to be assessed and valued. The scheme of