

the Court of Revision do now adjourn," followed immediately by a motion "that the Council now take up the general business," but there was no mention of any report to the Council by the Court.

2. That the rate by-law passed by the Council for the levying of taxes in 1888 was ambiguous, providing merely, "that a rate of six mills be struck for general purposes," and other rates of so many mills and fractions of a mill for other purposes, not saying whether these mills were to be levied on each section or quarter section or upon each inhabitant or upon every dollar in value of property, and although by section 603 of the said Act taxes were required to be levied equally on all taxable property in the proportion of its value as determined by the assessment roll in force, yet following the principle laid down in the case of *O'Brien v. Cogswell*, 17 S. C. R. 420, it could not be assumed that the rate was intended to be struck upon every dollar of value, as enactments imposing and regulating the collection of taxes are to be construed strictly, and in all cases of ambiguity which may arise, that construction is to be adopted which is most favorable to the subject. *Colquhoun v. Driscoll*, ..... 254

### TAXATION.

*Exemption from — Municipality — Ultra vires*—56 Vic., c. 25, s. 9, (M.) — In this suit the plaintiffs sought to obtain a declara-

tion that the defendants were liable to pay taxes upon certain lands belonging to them, which were made part of the plaintiffs' municipality in April, 1891. The lands in question had formerly belonged to the Municipality of St. Boniface, which, in 1882, entered into an agreement with the defendants by which the former acquired certain property from the latter for the use of the municipality, and in consideration thereof agreed that certain other property belonging to the defendants, including the lands in question, should be exempt from taxation until the year 1901.

The plaintiffs contended that this agreement was *ultra vires*, because a municipality created by the Legislature has no power to exempt from taxation except in accordance with the provisions of law, and such exemptions as were claimed were not provided for by any statute.

*Held*, that the plaintiffs must fail on the following grounds:—

First, the agreement providing for the exemption claimed by the defendants was more in the nature of a purchase and sale, the result of which was that the defendants practically paid their taxes on the land in question in advance for twenty years by conveying certain other property to the municipality.

Second, the agreement in question had been declared valid and binding upon the Municipality of St. Boniface by the statute 46 and 47 Vic., c. 79, and the statute 56 Vic., c. 25, s. 9, specially provided that, in the case of the transfer from one muni-