

consulting "with certain carpenters not witnesses in the case, and in consequence of what they said" he had determined to decide against the defendant, and that, on 2nd February, Mr. Jenns received from the magistrate a copy of his judgment given and purporting to have been given on the same day. No objection was made either at the time of the adjournment or when the magistrate told what his decision would be, or at any other time before the issue of the summons.

*Held*, that the right to a decision in open court may be waived either expressly or by the conduct of a suitor, and in such a case prohibition will be refused. Prohibition refused and time for appealing from the magistrate's decision extended.

*Jenns*, for the summons.

McColl, C.J.]

COQUITLAM v. HOY.

[March 10.

*Assessment—Person on roll not owner of property—Liability—Municipal Clauses Act, ss. 134, 155.*

Action by municipality for arrears of taxes on real estate. The defendant was named in the assessment roll as the owner of the property which really belonged to his wife during all the period of assessment, and he never owned it nor had any interest in it. The Municipal Clauses Act, s. 134, provides that the roll shall "be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required, or the omission to deliver or transmit such notice; and the roll shall, for all purposes, be taken and held to be the assessment roll of the municipality, etc."

*Held*, that the mere fact that a person is named in the assessment roll of a municipality as the owner of certain real estate does not make him personally liable for the amount of the assessment.

*Quære*, whether a person whose name was once properly on the assessment roll would be liable for taxes after he had parted with his interest in the property but had omitted to have his name removed.

*Dockrill*, for plaintiff. *Reid*, for defendant.

Walkem, J.]

HANEY v. DUNLOP.

April 5.

*Writ of summons—Renewal of—Mineral Act, s. 37.*

Motion to set aside an order of 3rd August, 1893, for the renewal of the writ of summons in the action. The plaintiff's claim was on behalf of the Legal Tender mineral claim to adverse the defendant's application for a certificate of improvements for the Pack Train mineral claim. The writ was issued in August, 1897, and not having served it before the end of the year the plaintiff obtained upon an ex parte application the order for