sion Court should decide the rights of the parties at all, then if the Division Court Judge misinterprets the statute, and so gives himself jurisdiction to decide such rights, prohibition will lie, but if it be necessary to interpret a statute simply to decide the rights of the parties, prohibition will not lie, however far astray the Division Court Judge may go.

This case comes within the latter category, and consequently this appeal should be dismissed with costs.

I should add that I do not suggest that the judgment is not right in law. I simply say that this Court has no right to inquire into that question.

FALCONBRIDGE, C.J., and BRITTON, J., each gave reasons in writing for the same conclusion.

DECEMBER 24TH, 1906.

C.A.

BEATTY v. McCONNELL.

Assessment and Taxes—Tax Sale—Deed by Provincial Treasurer—Registry Laws—Purchaser in Good Faith—Trustee—Fraud and Misrepresentation—Crown Patent—Evidence—Parties—Solicitor—Costs—Discretion—Appeal.

Appeal by plaintiff and cross-appeal by defendant Gregory from judgment of STREET, J., 6 O. W. R. 822, 7 O. W. R. 11, dismissing action to set aside a tax sale deed and a subsequent conveyance and to recover possession of the land comprised in the conveyances.

The appeal was heard by MOSS, C.J.O., OSLER, GARROW, MACLAREN, and MEREDITH, JJ.A.

W. Nesbitt, K.C., and T. P. Galt, for plaintiff.

S. H. Blake, K.C., and T. D. Delamere, K.C., for defendant Bull.

J. H. Moss, for defendant McConnell.

I. F. Hellmuth, K.C., for defendant Gregory.