and was a "noble, faithful son, efficient in every way, steady and industrious," and an affectionate son and brother.

Held, that there was nothing in all this to warrant the inference of a reasonable expectation of any pecuniary benefit to the plaintiffs from a continuance of the life of the deceased, and that the verdict of the jury should be set aside and a new trial ordered. *Sykes* v. *North Eastern Railway Co.*, 44 L.J.C.P. 191, and *Mason* v. *Bertram*, 18 O.R. 1, followed. *Franklin* v. *South Eastern Ry. Co.*, 3 H. & N. 211; *Dalton* v. *South Eastern Ry. Co.*, 4 C.B.N.S. 296; *Hetherington* v. *North Eastern Ry. Co.*, 9 Q.B.D. 160; and *Blackley* v. *Toronto Ry. Co.*, 27 A.R. 44*n*, distinguished.

Held, also, that the Court could not, under any of the Rules in the King's Bench Act, 58 & 59 Vict., c. 6, dismiss the action or enter a nonsuit or verdict for defendants in the face of the verdict of the jury. Rules 639, 640 and 642 discussed, and *Connecticut Mutual, etc., Co.* v. *Moore*, 6 A.C. 644; and *British Columbia Towing, etc., Co.* v. *Sewell*, 9 S.C.R. 527, followed.

New trial ordered without costs of former trial. Costs of the application to be costs in the cause to the defendants in any event.

Howell, K.C., and *Hull*, for plaintiffs. *Ewart*, K.C., and *Phippen*, for defendants.

Full Court.] IREDALE *v.* MCINTYRE. [May 31.

Real Property Act, Schedule L, Rule 1—Petition of caveator—Pleading—Statement of objections to validity of tax sales.

The Caveator filed a petition under Sch. L, Rule 1, of "The Real Property Act," 1 & 2 Ed. VII., c. 43, to prevent the caveatee, a tax sale purchaser, from getting a certificate of title applied for by him; and, after setting out the nature of his title by grant from the Crown, alleged that the caveatee claimed title to the same land under certain alleged sales of same for taxes, and that the said tax sales and all proceedings connected therewith, under which the caveatee claimed title were illegal, null and void, and that the caveatee was not at the time of his application the owner of the land.

Held, without deciding whether it is necessary in such a petition to go further than to set forth fully the title of the caveator, that, if the petition refers to the claim of the caveatee and the nature of it at all, it should shew in what particulars the title of the caveatee is defective or invalid, and what facts are relied on to have the tax sales declared void and prima facie to displace the adverse claim of the tax purchaser. Appeal from the order of the Chief Justice discharging the order of the referee for the trial of an issue dismissed with costs.

Wilson, for caveator. *Johnson*, for caveatee.