agreed to purchase certain lands from the Government, and paid a portion of the purchase money. In 1891, he gave a quit claim deed to G., who paid the balance of the purchase money and obtained a patent from the Crown. G. then applied for a certificate of title under The Real Property Act. R. then lodged a caveat, and presented a petition in which he claimed title under a tax sale deed issued in 1889. Both parties agreed that it was a matter in which a bill should be filed. The question was, who should be plaintiff.

*Held*, that R., the caveator, should be plaintiff.

*Held, also*, that, as a general rule, the caveator should be plaintiff. *Ruddell* v. *Georgeson* . . 134

3. *Issue — Effect of non-suit — New trial — Discretion.*]— Where the plaintiff in an issue under The Real Property Act is non-suited, a Judge has full discretion to allow or refuse a new trial of the issue.

H. applied to bring certain lands under The Real Property Act, when G. filed a caveat, which she followed up with a petition. Upon the petition coming on for hearing, an issue was directed in which G. was made plaintiff. At the trial G. did not give sufficient proof of her title to the land, and was non-suited. G. then applied for a new trial, in order to produce further evidence. This evidence might have been given at the first trial.

*Held*, that taking all the circumstances of this case into consideration, but without laying down an absolute rule, the application for a new trial should be refused and the petition dismissed, with costs. *Grant* v. *Hunter* . . . . . 220

4. *Withdrawal of application— Effect of—Rights of caveator—Jurisdiction of Court– Non-suit–Costs.*] A. made an application to bring certain lands under The Real Property Act. C. filed a caveat, which he followed up with a petition. Upon the petition coming on for hearing, an issue was directed in which A. was made plaintiff. A. claimed under a tax sale deed. On the trial of the issue a non-suit was entered. The Full Court afterwards dismissed an application to set aside the non-suit. The petition was then brought on for hearing again, when it appeared that A. had withdrawn his application for a certificate of title.

*Held*, that the application was the foundation of the proceedings in Court, and when it was withdrawn the jurisdiction of the Court was at an end, otherwise than to order the caveatee to pay the costs of the proceedings. *Campbell* v. *Alloway* . . . . . 224

5. *Petition enforcing caveat— Married woman — Next friend— Appointment of—Dismissal of petition— Discretionary order — New petition—Leave to file— Right to file when dismissal not on merits.*] —S., a married woman, filed a petition upon a caveat under The Real Property Act. The petition shewed that S. was a married woman, and that "under and by virtue of a certificate of title issued to the caveator under the provisions of The Real Property Act of 1885, the caveator claimed to be entitled to an estate in fee simple in the abovementioned lands, and to be the owner thereof." When the petition came on for hearing in Chambers, it was objected that S. should have petitioned by her next