have jurisdiction to award costs to be paid to the successful party by one not a party to the record, where it is established that the stranger has instigated or is fostering the litigation and is the party really interested: *Thornton* v. *Wilkinson*, 9 Jur. N. S. 606; *Mobbs* v. *Vanderbrand*, 4 B. & C. 904; *Lutz* v. *Beadle*, 5 P. R. 418.

Again, the recovery in ejectment is by no means final, as is the recovery of a judgment in other less-favoured actions. The law is now as it was in ancient times. If John Doe was nonsuit, or if Richard Roe obtained a verdict against him, the effect was either that John Doe did not prosecute his then action, or that Richard Roe had not been guilty of the particular trespass alleged to have been committed on John Doe. By consequence whereof the irrepressible claimant could bring another action of trespass and ejectment, complaining to all appearance of another assault and ejectment, but in reality to try the very same title. And so, as a counterpoise to this anomaly, two expedients were devised, one by the Legislature, and the other by the Court of Chancery. By the Con. Stats. of U. C. cap. 27, sect. 76, the claimant in a subsequent action, who has failed in a former ejectment, may be ordered to give security for the costs of the then pending action. But even this salutary provision has been limited by the courts, as may be seen in *Armstrong* v. *Montgomery*, 5 P. R. 461, and *Bell* v. *Cuff*, 4 R. P. 155. If ejectments are brought repeatedly for the same thing, equity is wont to interfere and award an injunction, when the litigation appears to be carried on for the purposes of vexation and oppression: *Barefoot* v. *Fry*, Bunb. 158; *Irwin* v. *Sager*, 21 U. C. Q. B. 375.

The Administration of Justice Act has removed one limitation with regard to discovery in actions of ejectment. According to the latest exposition of Judge-made law before that Act, it was held that in such an action the defendant was not allowed, in the absence of special circumstances, to interrogate the plaintiff as to the character or right by virtue of which he claimed title to the premises: *Provincial Insurance Co.*, v. *Merhery*, 18 W. R. 583. The provisions of the Act in question, with regard to the examination of parties (sect. 24) do in effect bring back the law to the full measure of discovery that was held proper in *Flitcroft* v. *Fletcher*, 11 Exch. 543:—a case which the Barons of the Exchequer, aghast at their own boldness, took pains speedily to overrule in *Horton* v. *Bott*, 2 H. & N. 249. We see no reason, however, why the Common Law Courts should not have such power as exists in Equity procedure to permit the examination of parties after the defence is filed, instead of waiting till the cause is at issue. In this respect we venture to think the Chancery practice is preferable, in the interests of suitors, to the practice at law, under the provisions of this Statute.

We suggest, also, that in actions of ejectment, the plaintiff should be enabled to apply for an injunction against the defendant's committing waste or spoliation upon the premises in question. This has been entirely overlooked in the Administration of Justice Act. The law now is the same as when determined by *Baylis* v. *Legros*, 2 C. B. N. S. 316, in which it was held that the English Common Law Procedure Act of 1854 did not authorize the issuing of a writ of injunction in an action of *ejectment*. The provisions of the English Act are found in our Con. Stat. U. C. cap. 23, sects, 9–13. Under these sections it was at first held in this Province that injunctions could be obtained in ejectment, as in *Frazer* v. *Robins*, 2 P. R. 162. But it was held in *Lauder* v. *Gilkinson*, 7 U. C. L. J. 150, that after the English case referred to, the earlier Provincial decisions were no longer to be regarded.