them and the plaintiff, because they were concerned in the relief sought by the latter."

The general rule of law applicable to cases such as the one under consideration is the following:

"The High Court of Justice and the Court of Appeal, respectively, in the exercise of the jurisdiction vested in them by this Act in every cause or matter pending before them respectively, shall have power to grant, and shall grant, either absolutely, or on such reasonable terms and conditions as to them shall seem just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter; so that, as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided." (Jud. Act, s. 52, s-s. 12.)

In the present case the doctrine enunciated in *Campbell* v. *Robinson* seems to have been totally ignored.

The following extracts indicate the views of the court with respect to the point under consideration:

Mr. Justice Burton says (p. 101): "This case discloses what, to my old-fashioned notions, appears to be a very strange and, I think, a very objectionable practice. The action is one for foreclosure or sale, the only necessary parties to which were the plaintiff, the mortgagee, Dickson the mortgagor, and the person who was, at the time of action brought, the owner of the equity of redemption. In such a suit the judgment or decree would be for a personal order against the mortgagor, and in default of payment an order for sale and an order for possession against the owner of the equity of redemption."

His Lordship then expresses the opinion that Rogers (the intermediate owner of the equity of redemption) was "most unnecessarily and improperly" made a defendant, and proceeds to declare the judgment of the court below erroneous in several particulars arising out of the misjoinder.

Mr. Justice Maclennan was not prepared to go so far as his learned brother, and he says (at p. 104): "Milburn's counsel appears to have made no objection at the trial to being compelled to litigate Rogers' claim against him in this action, and no objec-