could not have been granted by a common law Court, but the plaintiffs must have come into equity for it.

They cannot now be allowed to change their position; and they have come into a Court of Equity for equitable relief, not grantable in a common law Court.

They must, therefore do equity, *Paul* v. *Ferguson* (1868), 14 Gr. 230 is directly in point. The head note reads: "Where the Court is called upon to set aside a tax sale which is equally void at law and in equity the Court does so, if at all, only on such terms as are equitable." At p. 232, the Chancellor (Van Koughnet) speaking of putting the machinery of the Court in motion to aid a harsh legal right, says that in certain cases this will not be done, continues thus "and when the Court in its discretion does interfere it does so only on such terms as it deems equitable . . . The Court says: You need not have come here at all. The deed is void at law, and here and cannot be enforced against you in any tribunal; but if you wish for your own purposes to have your title cleared of the cloud which this deed casts upon it, we will aid you only on terms.'" It is not at all necessary to cite other cases to establish the principle, but if desired the many cases may be looked at referred to in Story's Equity Jurisprudence, 2nd Eng. edition (64 e); Snell, 16th ed., p. 14 (6); Josiah W. Smith's Manual of Jurisprudence, 14th ed., p. 30 IX.; and notes on the several works.

What is equitable in this case; fair play? justice? I can find nothing inequitable, but on the contrary what is wholly equitable in the statute rate laid down in 1904. The Legislature is definite and unmistakable terms have said what they thought was fair—with that commendable tenderness for vested rights which characterizes a responsible and representative Parliament, they have refrained from making the statute retrospective, but there is no reason why the Court untrammelled by authority should not adopt the statutory role as its own. I think, therefore, this ground of appeal without merit.

He is also complained of by the plaintiffs that the judgment contains no order for possession—that is the fault of the plaintiffs themselves so far as appears—they take out an order and judgment, which should be such as satisfies them. If there be any omission, *e.g.*, if the trial Judge has not passed upon any matter which it is thought should be passed upon, the matter should be brought to his attention before being made a ground of appeal. There can be no objection