storing that unity which existed in the days of remote antiquity before the current of common law was disturbed by the obtrusive doctrines of equity. The English Judicature Act is an attempt at this; but whether or not a successful attempt depends upon the issue. If it stands the practical test by which all laws are now to be judged, then it will deserve the attention of Canadian legislators with a view to its incorporation into our laws; but meanwhile, pending the trial of its efficiency, it will be prudent for the Ontario House to let well alone, and not to legislate overmuch on matters of practice and procedure, which had better be left for the judges to develop by decisions, if not by general rules and orders, in applying the statutes in question to matters litigated before them.

The judges have already held with great unanimity that the law in its spirit should be carried out, so that whenever an action is begun in any court, all matters arising, and all defences and claims available, therein on legal or equitable grounds, are to be determined in that action and in that forum. The Court having once been seized of a cause, can effectually dispose of it in all its aspects and as to all persons interested therein. Reference may be made on this to *Kennedy* v. *Brown*, 21 Gr. 95; *McCabe* v. *Wragg*, *ib.* 97; and *Boulton* v. *Hugel*, 35 U.C.Q.B. 412. It is no longer optional with the defendant whether he shall set up his equitable rights in a common law action; he is compelled to do so, or suffer the penalty of being precluded from ever afterwards re-agitating the question of the recovery of those rights which he has thus foregone: see *Bigelow* v. *Staley*, 14 U.C.C.P. 283.

It is noteworthy that the judges have carried this principle so far in construing these acts that they have virtually abolished the peculiar jurisdiction of the Court of Chancery in matters of interpleader, when once a writ has been sued out against the stakeholder. It was held by Proudfoot, V.C., in *Boulton* v. *McKinnon* (not yet reported), subsequently followed in a decision of Blake, V.C., that where the stakeholder is sued at law he is bound to set up in that action all the facts entitling him to claim immunity, so as to cast upon the plaintiff the onus of bringing the other claimant before the court. In truth, this is but an extension of the principle already sanctioned by the Legislature in the Interpleader Act, in regard to certain classes of actions mentioned in the first section: see Con. Stat. U.C. cap. 30, sec. 1. But it is a decided innovation in Chancery practice, and one which demonstrates that the present occupants of the Chancery bench, so far from seeking to extend their jurisdiction (after the traditional fashion of equity), are willing even to curtail their own powers, and to relinquish territory occupied by their predecessors.

The beneficent operation of the Acts in avoiding circuity of action, and the consequent unnecessary accumulation of costs, is shown by the decision in *Howeren* v. *Bradburn*, 22 Gr. 96, in which it was held that now, in a suit to redeem property mortgaged, the Court will allow to the defendant all the interest due on his mortgage, to the same extent as he could recover it at law under the covenants contained in it.

Another very perceptible effect of the law is to increase the number of common law cases brought down for trial, and to diminish proportionately the number of equity causes heard. Many actions of ejectment, trespass, and the like, were formerly arrested at their inception by injunctions from Chancery for certain equitable reasons incapable of being investigated by law. *Nous avous changé tout cela.* Practitioners in the country, who are to some extent more familiar with the practice at law than the procedure in