

view that amalgamation and not double jurisdiction was the purpose of the Judicature Acts.

In the same month of the same year that *Pugh v. Heath* came before the House of Lords, the case of *Walsh v. Lonsdale* (46 L.T. Rep. 858; 21 Ch. Div. 9) was decided by the Court of Appeal. *Walsh v. Lonsdale* is the strongest case that can yet be cited from the reports in favour of the view that since the Judicature Acts law and equity are tending towards a real amalgamation in English jurisprudence. The action was brought by the plaintiff for illegal distress on the part of the defendant as his landlord. The plaintiff was in possession under an agreement for a lease only, and it was contended that distress for rent could not be justified under a mere agreement. The Court of Appeal thought otherwise. Jessel, M.R. said: "There is an agreement for a lease under which possession has been given. Now, since the Judicature Act the possession is held under the agreement. There are not two estates as there were formerly, one estate at common law by reason of the payment of the rent from year to year, and an estate in equity under the agreement. There is only one court, and equity rules prevail in it. The tenant holds under an agreement for a lease. He holds, therefore, under the same terms in equity as if a lease had been granted, it being a case in which both parties admit that relief is capable of being given by specific performance." Lord Justice Cotton said the landlord was right "if the lease under which the tenant must be taken to be holding this land or premises would give him rent beforehand." Lord Justice Lindley said: "I also think that the rights of the parties in this case turn upon the lease as it ought to be framed in pursuance of the contract into which these parties have entered." The expression used by Sir George Jessel is "one court"—not a double court.

There are some expressions used in *Warren v. Murray* (71 L.T. Rep. 458; (1894) 2 Q.B. 648), as to rights of entry being barred under the Limitation Acts, which indicate, quite as strongly as direct statements made regarding the Judicature