

dignity, and knowledge. He can listen to an argument without interrupting it. He permits no liberties to be taken with the decorum of his court, and no withholding of the respect that is his due. Any effort to mislead him is foredoomed to failure.

All that remains to be said of this great judge and lawyer can be stated in a few words: he is practically a vegetarian in diet, and no amusing or doubtful anecdotes are linked to his name."

Correspondence.

RIGHTS AND REMEDIES IN A FORECLOSURE ACTION.

To the Editor of THE CANADA LAW JOURNAL:

SIR,—I have read with interest the article in your issue of May 16th on the above subject, but I cannot say that I agree with the conclusions reached by the writer. He seems to rely too strongly on *Campbell v. Robinson*, 27 Grant 634. This case has little or no authority to support it. *Chamley v. Lord Dunsany*, 2 Sc. & L. 708, only goes this length: that, "when a case is made out between defendants by evidence arising from pleadings and proofs between plaintiff and defendants, a court of equity is entitled to make a decree between the co-defendants." It is laid down in Daniell's Chancery Practice that, "as a general rule, the court only makes a decree between co-defendants when the plaintiff is entitled to relief, but cannot obtain relief unless such a decree is made; and when it makes such a decree, it only does so at the *hearing on further consideration*," etc., etc. Accordingly, in *Fletcher v. Green*, 33 Beav. 573, contribution between trustees, co-defendants, was refused on the ground that such relief could not be granted in the original suit. You might think me too presumptuous in thus criticizing *Campbell v. Robinson*; but its authority has been very much weakened, if not expressly overruled, by the Supreme Court in *Williams v. Balfour*, in 18 S.C.—a case which Mr. Galt does not appear to have noticed. Whatever, therefore, the law as to such a case ought to be, I am strongly of opinion that the Court of Appeal was right in their decision in *Walker v. Dickson*, 20 A.R. 96, as to what the law and practice are now.