upon the merits, and that the court once seized of a cause, whether legal or equitable, shall be able to work the matter litigated to its ultimate issues, and to administer appropriate relief to all parties therein. The observation of Horne Tooke upon the charge of Mr. Justice Ashurst is well known. "The law," said that ponderous dignitary in his remarks to the jury, "the law is open to all men, to the poor as well as to the rich." "And so," interpolated the wit, "is the London Tavern." But in many cases the mischief was that the guest in the tavern was better off than the suitor in the courts: the former only paid for what he ordered; the latter, although he failed to get what he sought, had nevertheless to foot the inevitable bills of costs.

The intention of the English Act is to dispose effectually of all civil causes by relegating them at the outset to the appropriate chamber of the Supreme Court. The intention of the Provincial act is to give like relief by transferring (if necessary) the cause at a certain stage to the appropriate forum. We are not sure but that in practice the Ontario Act will be found to work as well as, if not more satisfactorily, than the Imperial Act. The existing state of affairs is less disturbed by the Provincial act, which makes the courts of law and equity to be, as far as possible, auxiliary to one another.

The prominent features of our own Act, to which at present we propose to call attention, are in regard to the changes introduced in equitable pleading, and the great scope which is given to the presiding judge in allowing amendments.

And first, as to amendments. An immense stride was made in furtherance of justice by the 222nd section of the Common Law Procedure Act. By this enactment all defects and errors were amendable whether there was anything in writing to amend by or not; whether the error was that of the party applying to amend or not, and it was further provided that "all such amendments as may "be necessary for the purpose of deter- "mining in the existing suit, the real "question in controversay between the "parties, *shall* be made." By virtue of this section, courts of common law actually outstripped courts of equity in granting amendments, so that we find Chancery judges adverting to this section as a reason for extending their practice in the same direction. Thus in *McGregor* v. *Boulton* 12 Gr. 293, the Court says the inclination is now to allow amendments as fully as is done at Nisi Prius under the Common Law Procedure Act. See also *Frazer* v. *Rodney* 11 Gr. 426.

In the act under consideration, the sections relating to amendments are the 8th, 49th and 50th. The eighth section gives full power to deal with the question of parties, and in this respect does not add to the powers which courts of equity have always exercised, but is intended rather to enlarge the jurisdiction of the Common law courts in this direction. By this section, parties may be added to or struck out of the record; parties plaintiff may be treated as defendants and *vice versa*, and in all such matters the court of law is to dispose of the same as fully as a court of equity could do.

In regard to an objection for want of parties, the practice in equity is as follows: If the defect appears on the plaintiff's pleading, the defendant may demur on that ground, and, if successful, the demurrer will be allowed with costs. If the objection is not apparent on the face of the plaintiff's pleading, the defendant may raise the objection by his answer, (indicating by name or otherwise the parties who should be added), and if at the hearing the objection is found to prevail, the court will order the cause to stand over, in order that the record may be amended by the addition of parties, and will give the defendant the costs of