

But if this irrational guide were to desert us, and the pleadings should be assimilated, which set of principles would prevail? For example, in an action by a *cestui qui trust* against his trustees, in respect of property held upon an express trust, could the defendant plead successfully the Statute of Limitations? Or what would be done in the case of a tenant for life, without impeachment of waste, being guilty of equitable waste? And, more especially, we would require to know how the courts would regard a period named for completion of a real estate purchase, whether it would be taken as of the essence of the contract or not. Perhaps it would be advisable that there should be legislation in respect of these matters, and more especially as the judges are prohibited from making any rules which "shall have the effect of altering the principles or rules of decision of said court."

Combined with these two matters—pleading and practice, and rules of decision—there are found in the Judicature Acts various provisions which are of much value, but which we have said are separable from the main object of the Acts, the fusion of law and equity. Among these may be enumerated:

JOINDER OF CAUSES OF ACTION.

Multifariousness "has ceased to be an objection by the express enactment of the Judicature Act." A plaintiff may unite in the same suit, as many unconnected causes of action as he may have and may choose to combine. This statement is subject to some qualification, but it is sufficiently accurate for our present purpose. A defendant may, however, in case he alleges that the causes of action cannot be conveniently disposed of in one action, move for an order excluding one or more of the causes of action which the plaintiff may have joined. The death of the demurrer for multifariousness would be a relief to the minds of many a perplexed pleader. The cases are numerous where such demurrers have been allowed and overruled, but among all the combinations there is never any case like the one in hand, for the progression of combinations of causes of action is worse than geometrical. Figures are absolute and their