for damages and a claim for specific performance of the contract, and the conception of a court simply applying one rather than another of two possible remedies is put aside in favour of a "double jurisdiction" which is quite opposed to any theory of amalgamation. *Scott* v. *Alvarez* therefore shews the two elements of common law and equity closely interwoven, but refusing to coalesce.

In *Manchester Brewery Company* v. *Coombs* (82 L.T. Rep. 347; (1901) 2 Ch. 608) Mr. Justice Farwell made some observations on the decision in *Walsh* v. *Lonsdale* which tend to restrict the application of the doctrine of that case much as it was restricted in *Foster* v. *Reeves* (sup.). It was said that the doctrine of *Walsh* v. *Lonsdale* only applied where there was a contract to transfer a legal title, and where specific performance could be obtained between the same parties, in the same court, and at the same time as some legal question involved has to be determined Here the two elements of law and equity are kept distinct.

In *Worthing Corporation* v. *Heather* (95 L.T. Rep. 718, at p. 722; (1906) 2 Ch., at p. 540) Mr. Justice Warrington referred to the separate doctrines of law and equity, and took the view that for the purpose of the case before him "the court is sitting as a court of common law." This is exactly on the lines of the three cases already cited, and all four cases are typical illustrations of the juridical attitude which regards the two systems of common law and equity as streams still flowing side by side unmingled.

The first of the cases to be cited by way of illustrating the other attitude of mind—which regards law and equity as gradually intermingling—is *Pugh* v. *Heath* (46 L.T. Rep. 321; 7 App. Cas. 235). The case related to the right of a mortgagee to recover possession of land. Earl Cairns, referring to possible differences between a legal and an equitable mortgagee's remedies, said: "The court is now not a court of law or a court of equity; it is a court of complete jurisdiction." This observation though only made obiter, is a very strong expression of the