Gr. 433. That decision in effect completely transforms the character of an action of ejectment, and makes the judgment therein final as between the parties to it, not only in respect to the possession of the land at the time, but also in respect to the title to the land, which either party has, or might have, presented on the record. There are again other cases in which it has been held, that the plaintiff must of necessity bring in third parties, strangers to the suit, at the instance of a defendant; and others in which it is laid down, that when the plaintiff has proceeded in any Court to realize his debt or claim, he is bound under peril of demurrer, to prosecute in that Court all subsequent proceedings he may require to take, in order to enjoy the fruits of his judgment by way of equitable execution or the like. The Court of Appeal will very likely be called upon before long to pronounce upon the correctness of these principles of construction as applied to this Act, and we shall not be surprised if a series of cases on these points is found to be open to impeachment.

It seems contrary to principle to hold, as has been done in many cases in equity, where a defendant has a remedy over against another person, a stranger to the suit, and sets that up in his answer, that it is the duty of the plaintiff to amend his bill and bring that third person before the Court. The pleading in equity proceeds upon this, that one defendant is supposed not to know, or at all events not to be affected by, what is found in his co-defendant's answer. Whatever the rights as between co-defendants, why should the plaintiff be delayed or embarrassed by these questions? However the limit of cases decided in this direction, previous to the Administration of Justice Act, has been, where the rights over as between co-defendants arose out of contract, express or implied as in *Ford* v. *Proudfoot*, 9 Gr. 478. But since the Administration of Justice Act, this limit has been stretched to meet cases where the remedy over was based on a fraudulent or tortious act. This is surely an unexpected and an unwarrantable extension of the rule as to adding third parties.

The English Courts, in applying the analogous provisions of the Judicature Act, have laid down some valuable principles, which are pertinent to the proper construction of the Ontario Statute. In the *Swansea Shipping Co.* v. *Duncan*, 25 W. R. 233, (Feb. 1877), the Court of Appeal held that the object of the Act was to prevent the same controversy being tried twice over where there is any substantial question common as between the plaintiff and defendant in the action, and as between the defendant and a third person: in such a case the third person is to be cited to take part in the original litigation, and so to be bound by the decision on that question, once for all. In any such case, however, the Court will also consider whether this can be done without prejudicing or delaying the plaintiff.

In *Evans* v. *Buck*, 25 W. R. 392, the Master of the Rolls held that a person could not be added as a defendant to a counter-claim against whom relief was claimed in one only of two inconsistent alternatives. The decision was based on the well-known principle of pleading, that a bill cannot be filed praying for alternative relief founded on inconsistent allegations.

In *Norris* v. *Beazely*, 25 W. R. 320, Lord Coleridge makes a distinction, forgotten in some of the Ontario cases, that the object of the Act was not that complete justice might be done between the parties, but that all questions involved in the action might be effectually and completely adjudicated upon. There such a construction was given as that the plaintiff was held to be not obliged to add a