of the Supreme Court, was repealed, and in place of it, it was enacted in section 3 of said chapter 11, 29 Victoria, that the Court of the Equity Judge should "be always "open and the other Judges of the Supreme Court, or any of them in cases where "empowered to exercise the functions of the Equity Judge, should have the full powers "of the Court."

The right of the Supreme Court to admit of equitable defences, was still retained. Section 10 says :

Section 10. "But nevertheless, in all actions at law in the Supreme Court, on the "trial or argument of which matters of equitable jurisdiction arise, that Court has power "to investigate and determine both the matters of Law and of Equity, or either, as may be "necessary for the complete adjudication and decision of the whole matter, and also all "actions at law to which equitable defences shall be set up in virtue of the sections of "this chapter under the head, "Equitable Defences," from section 43 to section 50, both "inclusive, are, and shall continue to be tried, considered, and adjudicated by the "Supreme Court and its Judges, in the same manner as regards the said several cases "respectively, as the Supreme Court or the Judges thereof had power to do when the "Act for appointing a Judge in Equity was passed.

"But it shall be lawful for the Supreme Court, or any Judge of that Court, before "whom the consideration, trial, or hearing of any question of equitable jurisdiction, or "any such mixed questions of Law or Equity may come, if they or he shall deem it ex- "pedient and conducive to the ends of justice to do so, to order the case or any subject "matter arising thereon, to be transferred to the jurisdiction of the Equity Judge, to be "dealt with according to the principles of equitable jurisprudence and the exigencies of "the case."

By an Act passed, chapter 2, 1870, "To improve the administration of Justice," it is enacted that the Supreme Court should thereafter be composed of a Chief Justice, a Judge in Equity, and five other Puisne Judges, and that the Judge in Equity should not be required to attend the circuits or sit *in banco* to hear arguments, except on appeals from the Equity Court, when he shall sit with the others; and further, that in case of his continued absence from the Supreme Court, sitting *in banco* from illness or other cause, appeals from his decisions may be heard, and judgment pronounced as if he were present.

In *Ontario*, the Court and Judges of Common Law and Chancery, with their principles and practice, remain as separate and distinct as they ever were—save that, as in Nova Scotia, there is a provision that a defendant or plaintiff in replevin, in any cause, may plead or reply the facts, that on equitable grounds would afford relief in Equity against the judgment at law, if obtained—subject to the opinion and action of the Judge, whether the same can or cannot be dealt with by a Court of Law so as to do justice between the parties.

Thus, in the absence of any knowledge as to what construction may have been put, or may yet be put upon the first part of section 10, 29 Victoria, chapter 11, Nova Scotia Act of 1866, it would seem that Nova Scotia in this respect has come back to where Upper Canada had remained, except as to the sale of lands under the foreclosure of mortgages, chapter 114, Revised Statues 403. And it is thought that in New Brunswick, some material modification of the present system will at an early day have to be adopted, either by a more complete separation, or by a more complete fusion of the Courts of Common Law and Equity.

The latter, if judiciously accomplished, would probably be the most desirable, as those who are compelled to seek redress in litigation expect to obtain, and ought to obtain justice full and complete, when it is admitted they are entitled to it, without being sent at great expense from Law to Equity and from Equity to Law to find it.