

"After this "personal" difficulty, the next that arises is as to the extent, if any, of the equitable jurisdiction—not powers—of these courts. Going back to the Administration of Justice Act (36 Vict., c. 8), we find section 2 to read: "Any person having a purely money demand may proceed for the recovery thereof by an action at law, although the plaintiffs right to recover may be an equitable one only."

By section 9: "In case it appears to a court of common law, or a judge thereof, that any equitable question raised in an action or other proceeding at law cannot be dealt with by a court of law, so as to do complete justice between the parties . . . the court or judge may order the action or proceeding to be transferred to the Court of Chancery," etc., and section 15 says, "When any action is transferred under section 9 . . . from a County Court," etc.

Tracing out this Act, we find the above three sections, 2, 9, and 15, appearing in the Administration of Justice Act (R. S. O., 1877, c. 49) as sections 4, 23, and 30, respectively, with a few unimportant changes.

Section 4 of that Act appears to have been superseded by the Ontario Judicature Act, 1881 (44 Vict., cap. 5), as appears by R.S.O., 1887, but, we would submit, only as far as regards the Superior Courts, the powers of the abolished "Court of Chancery" being by that Act conferred also on the Common Law Divisions of the High Court. The section itself is not specifically repealed, and the Judicature Act repeals only "any enactment inconsistent with this Act," which section 4, as far as it affects County Courts, does not appear to be; and as section 23 (above referred to) is reproduced in the present County Courts Act (R.S.O., 1887, c. 47, s. 38 (1)), we may fairly assume that it refers to a case where the County Court is exercising the jurisdiction given it by section 4.

Of course, this difficulty then meets us: Section 30, above referred to, appears again in section 39 of the present County Courts Act, where it closes with these words: ". . . actions which before the passing of the Ontario Judicature Act, 1881, and the Law Reform Act, 1868, might have been brought under the equity jurisdiction of the County Court."

It was by the latter of these two Acts (32 Vict., cap. 6) that the equity jurisdiction of the County Courts (conferred by 16 Vict., cap. 119) was repealed, and, if they never had thereafter