

the difficulty which inevitably arises where common law lawyers essay to administer equity procedure; other recent instances might be cited, but we forbear: the particular point of practice involved is important, and it is unfortunate that any doubt should have been cast on what we believe to be a well understood and beneficial procedure.

We may here point out that there are many instances in which the Court is accustomed to give supplemental relief without requiring a new action to be brought, *e.g.*, the appointment of a receiver after judgment by way of equitable execution; the removal of a trustee who, on the taking of his accounts, is found to be in default. Indeed, unless it did constantly exercise this jurisdiction to grant supplemental relief it is hard to say how the Court could effectively carry out the provisions of the Judicature Act, s. 16 (b), which provides that: "The Court in the exercise of the jurisdiction vested in it by this Act, in every cause or matter pending before it, shall have power to grant, and shall grant, either absolutely, or on such reasonable terms and conditions as it shall deem just, all such remedies as any of the parties may appear entitled to in respect of any, and every legal or equitable claim properly brought forward by them in such cause or matter, so that, as far as possible, all matters so in controversy between the parties may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided."

This provision of the Act the Divisional Court did not see fit to refer to although it appears to have a very plain and obvious bearing on the question before it.