

"the Court of the Equity Judge, except otherwise expressed or clearly indicated; and jurisdiction expressed to be transferred to and to be exercised by the Supreme Court means the jurisdiction and powers of the Judge in Equity, alone, or with the associated Judges, and of the Judges of the Supreme Court on Circuit, and of the Supreme Court Bench on appeals."

"In the illness or absence of the Equity Judge, or in cases requiring attention in the country, the duties imposed on him shall be exercised by the other Judges, as the case may require.—Sect. 2.

"The Supreme Court has jurisdiction in all cases formerly cognizable by the Court of Chancery, and exercises the like powers and applies the same principles of equity as justice may require, and as has formerly been administered in that Court. In all cases in the Supreme Court in which matters of Law and Equity arise, the Court before which they come for consideration, trial, or hearing, shall have power to investigate and determine both the matters of Law and Equity, or either, as may be necessary for the complete adjudication and decision of the whole matter according to right and justice, and to order such proceedings as may be expedient and proper; and all writs issuable out of Chancery now issue out of the Supreme Court.—Sect. 3.

"The plaintiff may unite several causes of action in the same writ, whether they be such as have heretofore been denominated legal or equitable, or both. The causes of action so united must accrue in the same right, and affect all the parties to the action, and must not require different places of trial."—Sect. 7.

When applicable, the practice of the Supreme Court was to be observed, when not, the practice of the English Court of Chancery, and by Section 10, "In the final decision of cases on equity principles, the Court shall give judgment according as the very right of the cause and matter in Law shall appear to them, so as to afford a complete remedy 'upon equitable principles applicable' to the case. And in Sect. 43, it is declared lawful for the plaintiff in replevin or a defendant in any cause in the Supreme Court, in which, if judgment were obtained, he would be entitled to relief against such judgment, on equitable grounds, to plead the facts which would entitle him to such relief." And the plaintiff may reply an avoidance of those facts on equitable grounds. And in ejectment, an equitable defence may be set up.