

## ADMINISTRATION OF JUSTICE.

4. Any defendant in an action of ejectment, or any other person not named in the writ, who has obtained leave to appear and defend, may, in addition to the notice denying the plaintiff's title, and asserting title in himself, state by way of defence any facts which entitle him on equitable grounds to retain possession; and such statement shall begin with the words "For a defence on equitable grounds."

5. Such defence on equitable grounds may be set up as to the whole of the property mentioned in the writ, or may be limited to part thereof.

6. When a defence on equitable grounds is set up under the two preceding sections, the plaintiff may, within the same time as he may now reply to a plea on equitable grounds in any other section, file a statement, setting up any facts which avoid such defence on equitable grounds; and such statement shall begin with the words "For a reply to the defendant's statement on equitable grounds."

7. The plaintiff, instead of filing a statement under the foregoing section, may demur to the statement of facts filed by the defendant, or he may file a statement in reply as to part, and demur as to other part.

8. For the purpose of carrying into effect the objects of this Act, and for causing complete and final justice to be done in all matters in question in any action at law, the court or a judge thereof, according to the circumstances of the case, may, at the trial or at any other stage of an action or other proceeding, pronounce such judgment, or make such order or decree as the equitable rights of the parties respectively require, and may make such rule or order as to adding third persons as parties to any proceeding, striking out parties, or treating parties named plaintiffs as defendants, or parties named defendants as plaintiffs, and as to costs, and may direct such enquiries to be made and accounts to be taken, as shall seem reasonable and just; and may as fully dispose of the rights and matters in question as a court of equity could do.

9. In case it appear to a Court of Common Law or a judge thereof, that any equitable question raised in any action or other proceeding at law, cannot be dealt with by a court of law so as to do complete justice between the parties, or may for any other reason be more conveniently dealt with in Chancery, the court or judge may order the action or proceeding to be transferred to the Court of Chancery; and such order of transference may be made by the court or judge *sua sponte*, or upon the application of either party on notice to the other parties interested.

10. When an order is made under the foregoing section the proper officer of the Court of Common Law shall annex together all pleadings and papers filed with him, and transmit the same, together with the order of transference or a copy thereof, to such officer of the Court of Chancery as the order shall direct.

11. When, in the opinion of a Court of Common Law or a judge thereof, it is necessary or proper in any action to take accounts or make enquiries, which cannot so conveniently or properly be taken or made under the existing practice at law, or by the means now available for the said courts, as they might be in Chancery, the court or judge may order such accounts and enquiries to be taken and made by the master or any of the local masters of the Court of Chancery, instead of ordering a transference of the suit generally to the said Court of Chancery.

12. When an order is made under the preceding section, the master to whom the reference is directed shall proceed therein, and all the orders of the Court of Chancery as to the powers of the master, and as to the proceedings in the master's office, shall apply thereto, as if the reference had been made by an order of the Court of Chancery.

13.—[Master's report to be filed and become absolute in fourteen days unless appealed from.]

14. The appeal from a report referred to in the preceding section shall be to a judge in chambers or to the court in term, but when the appeal is taken to the court in term, the notice of appeal shall be returnable not later than the fourth day of the term next after the filing of the report.

15. [On transfer from a county court, and reference costs to taxed on lower scale.]

16. [Equitable issues to be tried without a jury, except on judge's order for a jury.]

17. In sections of libel, slander, criminal conversation, seduction, malicious arrest, and false imprisonment, all questions which might heretofore have been tried by a jury, shall be tried by a jury, unless the parties in person or by their attorneys or counsel waive such trial.

18. All other legal issues shall be tried as heretofore; but the court in which the action or proceeding is pending, or a judge thereof, may upon application being made before trial, or the presiding judge may, upon the trial, direct that the issue or issues shall be tried and assessed without the intervention of a jury.

19. When in any action or other proceeding at law both legal and equitable issues are raised, such issues shall be tried at the same time unless