

incapable of the remedy which the mutual rights and relative situations of the parties, under the circumstances, positively require.

But Courts of Equity are not so restrained ; they may mould their decrees so as to meet these exigencies ; they may vary, qualify, restrain, and model the remedy so as to suit it to mutual and adverse claims, controlling equities, and the real and substantial rights of all the parties interested, and adjust the rights of all, however numerous, while Courts of Common Law are compelled to limit their inquiry to the very parties in the litigation before them, although other persons may have the deepest interest in the event of the suit.

Further, there are rights of parties which Courts of Common Law do not recognise at all : trusts and confidences are among these, and the abuses of them are beyond the reach of any legal process ; but in equity an ample remedy is given in such cases, whether the wrong arise from negligence or misconduct. There are also many cases of losses and injuries by mistake, accident and fraud ; many cases of penalties and forfeitures ; many cases of impending irreparable injuries or meditated mischiefs ; and many cases of oppressive proceedings, undue advantages and impositions, betrayals of confidence and unconscionable bargains ; in all of which, Courts of Equity will interfere and grant redress ; *but which the Common Law takes no notice of, or silently disregards.*"