

jurisdiction and Court exist in each of the other Provinces, and under the extended powers given by a late act of the Imperial Parliament, 26 and 27 Vic., chap. 24, is influencing the administration of justice in a vast number of cases of constant occurrence in a trading and maritime community, which were almost without remedy before, and the benefit of which, under that Act, can be indefinitely extended to any of the Provinces,—Ontario with its vast lake trade is entirely without any such tribunal.

Thirteenthly.—In the Supreme Courts of the three Provinces, the jurisdiction is to the same extent; but in the Maritime Provinces, the Court of Chancery has been nominally amalgamated with the Courts of Common Law, and its existence as a distinct tribunal abolished. In New Brunswick its principles and mode of procedure remain as distinct as before the amalgamation with the Courts of Common Law, the change simply being that the Supreme Court has a Common Law side, and an Equity side. The same Judge may sit in Equity to-day and at Common Law to-morrow, and his decision at Common Law of to-day be restrained by his decision in Equity to-morrow.

He has no power, if in the progress of the cause at Common Law, it is found that the party would have a remedy or relief in Equity, to apply the remedy or give the relief, it must be sought for on the Equity side of the Court.

But though equitable defences in actions at Common Law are not provided for as in Ontario and Nova Scotia, yet, by Section 26 of the same Act, it is declared, "That whenever a demurrer will lie to a Bill for want of equity, the Judge on the argument may, if the facts warrant, instead of dismissing the Bill, order the remedy as at Common Law, or he may make such other order as to proceeding therein on the Common Law side of the Supreme Court, and for the trial of the same on such terms as to payments of costs or otherwise, as may appear to him just." —Sub. chap. 2, 2nd vol. Revd. Stats. page 83.

In Nova Scotia the fusion was more complete. By chap. 123, Revd. Stats. of Nova Scotia, 3rd series, it is enacted that the Supreme Court shall have, within the Province, the same powers as are exercised by the Courts of Queen's Bench, Common Pleas, Chancery and Exchequer in England. By chap. 124, "Of proceedings in Equity," it was enacted—Revd. Stat. 431, Sect. 1—that in that chapter the term "Supreme Court" should "include the Equity Judge and his Courts; the term "the Court," "means