equity and good conscience?" but if it would, then the case assumes another aspect, as if such Common Law judgment was pronounced by the Queen's Bench or Common Pleas, Chancery would, on the ground of its being thought valid at law, yet contrary to equity and good conscience, grant an injunction restraining the person in whose favor it was, from attempting to enforce it, and make him pay costs for getting a legal judgment which it was unjust and contrary to good conscience for him to obtain.

So in order to attain the same end in the Division Court, by direct inexpensive means, as would, if the matters were in the Superior Courts, be attained by a roundabout, indirect, expensive way in Chancery; the Division Court Judge is commanded by the statutes, to decide it at once in the first instance, as it ought to be ultimately decided—that is to say, if the legal judgment be wholly unequitable—then not to pronounce any legal judgment, but an equitable "decree" instead. But if the legal judgment be in one part not opposed to, and in another part contrary to equity and good conscience, then, *in the first instance, to* pronounce a compound judgment and decree, which would have the effect of varying the legal judgment to the same extent, as if it was pronounced in a Superior Court of Common Law, and there varied in Chancery so as to make it square with "equity and good conscience."

This seems to us to dispose of the question, whether or not a claim originally legal may be modified by the rules of equity, in the same manner as in the Superior Courts of Common Law, can now, to a great extent, be done by equitable pleas and replications; but it leaves untouched the question, whether or not a plaintiff can sue for a purely equitable claim, which, apart from the fact of its being wholly equitable instead of legal, would come within the Division Court jurisdiction. On this point, the above enactments, when the equitable portion of them is separated from the legal, and the equitable is put together apart from the legal, are thus: The Division Court Judge has power over "all claims and demands WHATSOEVER," of "account, breach of contract, or money demand," to the amount specified in those actions; and he has power to make such orders and DECREES concerning them, as shall appear to such Judge "to be just and agreeable to equity and good conscience."

Now a claim, or demand, or breach of covenant, is as much so though an equitable claim, or demand, or an equitable breach, as if it were a legal one; and the word "whatsoever," will not receive its natural meaning, if instead of being construed to include every description of claim and demand, whether legal or equitable, it be construed to mean the same as if, instead of saying "all claims and demands whatsoever," the legislature used the words "all claims and demands which are purely legal, but no claim or demand which is equitable. And the word decree is so purely a technical chancery expression, that it has no common law application; for a Common Law Judge attending to common law principles, could not make a decree, under any circumstances whatever. It therefore follows, in our opinion, that the Division Courts are Courts of Chancery, as well as Courts of Common Law, within the limits as to value, &c., &c., assigned to them by the statutes, and that there is no doubt they, within those limits, have equitable or chancery jurisdiction, in matters of account, breach of contract, and money demand, though probably in any of the other branches of equity.

The great difficulty in the way, will doubtless be the reluctance of the Judges—very few of whom attempted the study of chancery law—to assume a jurisdiction, of the rules of procedure of which, they are wholly ignorant. This feeling, and that want of knowledge of chancery law, has rendered the equity jurisdiction conferred on the County Courts, in most Counties a dead letter, it being so hard to *get the Judges to act at all in any equitable matter; and* we fear that very often the action was so imperfect and slow, that the remedy was much worse than submitting to the wrong. Indeed with regard to the County Courts equity jurisdiction, nothing else could be expected, as instead of giving, as was wanted, equity principles of decision, with the simple, easily understood, expeditious common law means of enforcing them, such as was given to Division Courts, the Court of Chancery, when they made rules to regulate the practice of the County Courts equity jurisdiction, smothered, as it strikes us, the act, and rendered its provisions comparatively useless, by giving the County Courts the same circuitous, cumbrous, incomprehensible, never ending, never paying, yet in the end frightfully expensive, mode of procedure, as compared with the objects to be attained, which they themselves then had, and which there were found some bold enough to say they venerated, like Lord Eldon, with all that superstitious frenzy, peculiar to the votaries of false systems. But as regards the Division Courts, it is to be hoped that a different feeling will prevail, because in the Division Court, if its equitable jurisdiction is acknowledged and acted upon, the mode of procedure will be the same for enforcing the decree in equitable cases, as it always has been to enforce its legal judgments, a mode which last Session received legislative sanction, as applied to higher concerns.

Sir Thomas More was of opinion, that law and equity, might be beneficially administered by the same tribunal. He wished the Common Law Judges to relax the rigor of their rules, with a view to meet the justice of particular cases. The power to do so, we contend, was given to the Division Courts, and should be exercised.