

ascertained by the act of the parties or the signature of the defendant," up to £100. And this is the extent of the jurisdiction, at law, at least, that now obtains; as to equitable jurisdiction, we shall have something to say later on.

But while the jurisdiction, in the direction of the higher courts, thus gradually extended, it must not be forgotten that the jurisdiction of the Division Courts, in the other direction, encroached upon the County Courts almost to the same extent. But just as the Superior Courts have always concurrent jurisdiction with the courts below them, so the County Courts have concurrent jurisdiction with the Division Courts—the result, in either case, from selection of the wrong form, being only a question of costs.

It must be remembered that certain causes of action, such as those, or most of those, excepted from the Division Courts' jurisdiction by section 69 of the Division Courts Act, belong of right to the County Court, and will carry the costs of that court, no matter how small may be the amount involved.

Now, to go back, what is a "personal action"? One, we are told, "brought for the specific recovery of goods and chattels, or for damages, or other redress; for breach of contract, or other injuries of whatever description; the specific recovery of land, tenements, or other hereditaments only excepted"; and, again, one which "concerns contracts both sealed and unsealed, and offences or trespasses; the former are called *ex contractu*: they are, debt, promises, covenant, accounts, detinue, revivor, and *scire facias*; the latter are *ex delicto*, as case, trover, replevin, and trespass, *vi et armis*; or, more shortly, from the Roman law, those "which are brought against him who, either from contract or injury, is obliged to give or allow something."

The old common law maxim was, to use the vulgar tongue, that "a personal action dies with the person." This, however, is not so now; for by 49 Vict., cap. 16 (R.S.O., c. 110), it was enacted that "the executors or administrators of any deceased person may maintain an action for all torts or injuries to the person, or to the real or personal estate of the deceased, except in cases of libel and slander, in the same manner and with the same rights and remedies as the deceased would, if living, have been entitled to do; and the damages when recovered shall form part of the personal estate of the deceased; but such action shall be brought within one year after his decease."