the tenant be evicted by compulsion, then the defendant is not so estopped—title comes in question, and the jurisdiction of the County Court is at an end. (*Mountnay* v. *Collier*, 1 El. & B. 630; *Emery* v. *Barnet*, 4 U. C. L. J. 212; 27 L. J. C. P. 212; 22 Jur. 634.)

In England, but not in Upper Canada, it is provided, "that in any action in the County Court, in which the title to any corporeal or incorporeal hereditament, &c., shall *incidentally* come in question, the judge shall have power to decide the *claim* which it is the immediate object of the action to enforce, if both parties at the hearing shall *consent in any writing*, signed by them or their attorneys, to the judge having such power." (19 & 20 Vic. cap. 108, sec. 25.) But it is by the same section provided, "that the judgment of the court shall not be evidence of *title* between the parties or their privies in any other action in that court, or in any proceeding in any other court." (*Ib.*)

Where a County Court judge, owing to mistaken views as to jurisdiction, refuses to try an action over which he has jurisdiction, the proper remedy is by mandamus. *Trainor* v. *Holcombe*, 7 U.C. Q.B. 548; *Emery* v. *Barnett*, *ubi supra*.) So if he insist upon trying an action over which he has no jurisdiction, the remedy is the opposite one of prohibition. (*Lilley* v. *Harvey*, 5 D. & L. 648.) The one writ issues, as its name (mandamus) imports, to command the *performance*, the other (prohibition) to command the *forbearance* of some act. (Smith on Action, 53.)

The writs of mandamus and prohibition are in such cases, when they arise in England, dispensed with. Instead thereof, the party aggrieved is enabled to obtain all necessary relief by rule or order, either in term or vacation. (19 & 20 Vic. cap. 108, secs. 42, 43.)

If want of jurisdiction be established, the judge has no power *to go further*. He cannot either nonsuit plaintiff or award costs to defendant. (*Penfold et al.* v. *Newland*, 1 C. C. Chron. 123; *Lawford* v. *Partidge*, 1 H. & N. 621, 3 Jur. N.S. 271; *Powley* v. *Whitehead*, 5 U.C.L.J. 15, 16, U.C. Q.B. 589.) But defendant, if able to satisfy a superior court of want of jurisdiction, is not bound to wait a trial in the inferior court: he may at any time during the action move for a prohibition. (*Sewell* v. *Jones*, 18 Jur. 153, 19 L. J. Q. B. 372.)

It now remains for us to notice the Act of last session, extending the jurisdiction of County Courts as to lands. The extension is only to cases as between landlord and tenant, where the yearly value of the premises, or the rent payable in respect thereof, does not exceed $200.

If the term and interest of the tenant is expired, or is determined by a legal notice to quit, or if rent is in arrear for sixty days, and the landlord has a right by law to re-enter for nonpayment thereof; in any such case, where the yearly value of the premises, or the rent payable in respect thereof, does not exceed $200, the landlord may maintain ejectment in a County Court for the recovery thereof. (24 Vic. cap. 63.) In some respects this act resembles secs. 50, 51 & 52 of the English act 19 & 20 Vic. cap. 108; but the jurisdiction exercisable under the English act is much more summary than under ours.

One good effect of our act will be to abridge the term during which refractory tenants may set their landlords at defiance. Before the act, if a landlord were driven to ejectment, the tenant had only to enter an appearance, and defy his landlord for about six months, occupying and perhaps destroying his property without compensation or hope of compensation. In outer counties the assizes were held only twice a year (spring and autumn); and where an appearance was entered, a verdict could not be obtained until one or other of these assizes. County Courts, on the other hand, held their sittings four times a year. So that where the yearly value of the premises sought to be recovered does not exceed $200, the landlord, in the cases for which provision is made by the new act, cannot be longer delayed than three months; and is enabled, where the tenant is worthless, to obtain possession, upon payment of County, instead of Superior, Court costs, as formerly.

LAW REFORMS OF LAST SESSION.

In the June number we published a few important Acts of the last session of the Legislature. In this number we publish some more, in addition to those already published.

Among the Acts now published, our readers will be surprised to notice the Act respecting foreign judgments, the subject of remarks in the last number of the *Journal*. The bill was introduced at a very late stage of the session, and we did not believe it possible for it to become law in the short time that remained. That belief was strengthened by the fact of a communication which we received from Quebec, informing us that it would stand over till next session.

We now find that we were in error, and have to congratulate our readers that the bill became law twelve months sooner than we anticipated. It is in the main a really good measure, and the fact that it was placed on the statute book within a few weeks after its introduction to Parliament by the Government, shows how much the necessity for it was felt.

Let us not, however, be understood as being advocates for hasty legislation. It is too much the fashion to delay important measures till the heel of a session, and then rattle them through as if the destiny of empires depended on their fate. Legislation ought to be a work of deliberation. The