

With the first class we do not at present intend to deal, beyond making two remarks, one of which is that though section 18 of the County Court Act says that the said court shall not have cognizance of any action in which the title to land is brought in question (subject, however, to the provisions of section 20), yet section 27 prohibits also a case where the title "to any annual or other rent, duty, or other custom or thing relating to or issuing out of lands or tenements," is brought in question—the one question being involved in the other.

The other remark is that to the prohibited cases mentioned in section 18 must be added that referred to in section 26, namely, an action by or against a judge or junior judge of a County Court in his own county, and this, not even if there should be a second judge in the county who might try the other judge's case. A brother judge in any adjoining county may, however, try such a case in his court.

The clauses about which there so often arises a doubt are one and two of section 19 defining the jurisdiction, and these are the ones we have now to consider.

A short retrospect *in limine* as to the constitution of the court and the gradual enlargement of its jurisdiction may prove useful when considering the applicability of the law then in force to the decided cases.

By 34 Geo. III., cap. 3. was established a court for the cognizance of small causes in every district, to be called the District Court.

The Court of King's Bench (established by cap. 2 of the same session) having concurrent jurisdiction, it was found that suits were constantly brought in that court which were of the proper competence of the District Courts, and, therefore, at a later period an Act was passed (58 Geo. III., cap. 4) that in such cases, unless a certificate was granted, only District Court costs should be taxed by the plaintiff, and giving the defendant the right of setting off the extra costs incurred by him.

Between the passing of the Act 34 Geo. III. and the Consolidating Act (to be presently mentioned) several amending Acts were passed, namely, 37 Geo. III., cap. 6; 38 Geo. III., cap. 3; 51 Geo. III., cap. 6; and 59 Geo. III., cap. 9, which may be consulted by the curious.

By 2 Geo. IV., cap. 2 (second session), all previous Acts