

vided in the Administration of Justice Act (36 Vict., c. 8), to which we have before referred.

The case just quoted was a County Court action where the judge held he had no jurisdiction, and made an order transferring the cause to the High Court. To this court the defendant applied to prohibit the County Court judge from transferring the action to the High Court. The contention, of course, was that, if the court below had no jurisdiction to try the action, there was no power to make an order transferring it under s. 38 of the County Court Act. This was prior to 54 Vict., c. 14, permitting a County Court judge to make the order in such a case.

Mr. Justice Rose, who heard the motion, thought that the County Court would have jurisdiction to entertain the action, and, therefore, that the County Court judge had power to make the order transferring the action, and he refused the motion. The defendant appealed, and the appeal was heard before Armour, C.J., and Street, J. The former, in delivering the judgment of the court reversing the judgment of Rose, J., said that the plaintiff's cause of action was one of purely equity jurisdiction, and was not cognizable by the County Court, and he then defined a "personal action" in the words we have given above.

In the case of *Reddick v. The Traders Bank of Canada*, 22 O.R. 449, Mr. Justice Meredith says: "It therefore seems to me that, by the Administration of Justice Acts, jurisdiction in equitable cases, where the claim was purely a money demand, was conferred upon County Courts, and that it has not been lost—though the revision of 1877 has not left the matter as plain as it was before; that the words 'all personal actions' include personal actions of an equitable character, where the claim is 'a purely money demand,' as well as common law actions: according with the current of legislation which flows towards increasing, rather than curtailing, the jurisdiction of the inferior courts: See sections 21, 22, 33, 42, and 53 of R.S.O., 1887, c. 47."

The last case on this point—one that we have before referred to—is that of *Whidden v. Jackson*, 18 A.R. 439. This was an action in the County Court asking for a declaration of right to rank on an insolvent's estate for \$200, money lent by the plaintiff, and it was dismissed for want of jurisdiction. The plaintiff appealed, but was unsuccessful. Burton, Osler, and MacLennan, J.J.A.