expenses as such authority ; and in the case of any other local authority as expenses incurred in the execution of the Public Health (Ireland) Acts, 1878 to 1919.

Saving of existing powers.

10. The powers conferred by this Act shall be in addition to and not in derogation of any powers conferred on any Government department or local authority, and all such powers may be exercised concurrently in respect of any land.

Service of notices.

11. Any notice under this Act may be served either personally or by registered post.

Short title.

12. This Act may be cited as the Rats and Mice (Destruction) Act, 1919, and shall come into operation on the first day of January nineteen hundred and twenty.

CHAPTER 73.

An Act to amend the law relating to County Courts and to make further provision with respect to the powers of those Courts. [23rd December 1919.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

51 & 52 Vict. c. 43.

1. The following section shall be substituted for section sixty-five of the County Courts Act, 1888 (hereinafter referred to as "the principal Act") :—

Transfer of actions of contract, of tort, and for recovery of land from High Court to county court.

"In any action commenced in the High Court where—

"(1) the plaintiff's claim is founded either on contract or on tort and the amount claimed or remaining in dispute in respect thereof does not exceed one hundred pounds, whether the action could or could not have been commenced in a county court, and whether the defendant does or does not set up or intend to rely on a counterclaim, and whether the counterclaim (if any) is founded on contract or on tort, and whether the amount claimed on the counterclaim exceeds or does not exceed one hundred pounds ; or

"(2) the only matter remaining to be tried between the parties is a counterclaim, whether founded on contract or on tort, and whether the counterclaim if it had been an action could or could not have been commenced in a county court, and the amount claimed or remaining in dispute in

respect of the counterclaim does not exceed one hundred pounds; or

"(3) the plaintiff's claim is for recovery of land, with or without a claim for rent or mesne profits, by a landlord against a tenant or any person holding or claiming by, through, or under a tenant, whose term has expired or has been duly determined by notice to quit or has become liable to forfeiture for non-payment of rent, and the action could have been commenced in a county court;

either party may at any time apply to the court or a judge for an order that the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, shall be transferred—

"(*a*) to any county court in which the action might have been commenced if the subject matter and the amount thereof had been within the jurisdiction of the court; or

"(*b*) if the only matter remaining to be tried is a counterclaim, to any county court in which the counterclaim might have been commenced if it had been an action and the subject matter thereof had been within the jurisdiction of the court; or

"(*c*) to any county court which the court or judge may deem the most convenient to the parties;

and the court or a judge may thereupon, if the court or judge thinks fit, order the same to be so transferred accordingly."

2. The following section shall be substituted for section sixty-six of the principal Act:—

Transfer of actions of tort where plaintiff is without visible means of paying costs.

"In any action founded on tort commenced in the High Court the defendant may, on an affidavit made by himself or by any person on his behalf showing that the plaintiff has no visible means of paying the costs of the defendant should a verdict not be found for the plaintiff, apply to the court or a judge for an order to transfer the action to a county court; and thereupon the court or judge, unless the plaintiff satisfies the court or judge that he has such means, may, if the court or judge having regard to all the circumstances of the case thinks fit so to do, make an order that unless the plaintiff within a time to be limited in the order gives security for the defendant's costs to the satisfaction of the court or a judge the action shall be transferred to such county court to be named in the order as the court or judge may deem the most convenient to the parties."

Transfer, &c. of applications to attach debts or levy execution against member of firm.

3. Where an application is made to the High Court for the attachment of any debt to answer a judgment or order, or for leave to issue execution against a person as being a member of a firm against which a judgment or order has been obtained, and the amount of the debt sought to be attached, or for which execution is sought to be levied, as the case may be, does not

exceed one hundred pounds, the court or a judge may make an order either—

(1) transferring the matter to; or

(2) directing that any issue necessary for determining the matter shall be tried in,

such county court to be named in the order as the court or judge may deem the most convenient to the parties.

Procedure on transfer of cases from High Court and trial of transferred cases.

4.—(1) Where, under any of the provisions of the principal Act or this Act, an action or counterclaim or matter is ordered to be transferred from the High Court to a county court, any party may lodge with the registrar of the county court named in the order, or cause to be lodged with him, the order and the writ or copies thereof and such other documents (if any) as the court or judge may direct, and the proper officer of the Supreme Court shall, on the application of such party and on production of the order and the filing of a copy thereof, send by post to the registrar of the county court all pleadings, affidavits and other documents filed in the High Court relating to the action, counterclaim or matter.

On the documents aforesaid being so lodged or sent, the action and counterclaim (if any), or the counterclaim or matter, shall be transferred to the said county court, and, subject to county court rules, all further proceedings therein shall be taken and tried as if the action, counterclaim, or matter had been originally commenced in that county court, and the county court shall have jurisdiction to deal with the same, any enactment to the contrary notwithstanding:

Provided that the transfer shall not affect any right of appeal in the High Court or to the Court of Appeal from the order directing the transfer, or the right to enforce in the High Court any judgment signed or order made in that court before the transfer.

(2) Where, under the foregoing provisions of this Act, an order is made directing an issue to be tried in a county court, the order shall define the issue to be tried, and any party may lodge or cause to be lodged the order, together with the affidavits (if any) filed in matter, and such other documents (if any) as the court or judge may direct, with the registrar of the county court named in the order, and on the documents aforesaid being so lodged the issue shall, subject to county court rules, be tried in that county court, and the judge of that county court, after the same has been so tried, shall certify the result of the trial and send his certificate to the High Court, together with the documents aforesaid and any report which he may think fit to make as to costs or otherwise.

Jurisdiction of registrar.

5.—(1) Subject to county court rules, a registrar may, on the application of the parties and by leave of the judge, hear and determine any case in which the sum claimed or the amount involved does not exceed five pounds.

(2) Where a defendant gives notice in the prescribed manner that he admits his liability for the whole or any part of a claim, but desires the decision of the court as to the time and mode of payment thereof and offers to pay the same, the registrar shall, subject to county court rules, on such notice to the plaintiff as may be prescribed, and unless, where the defendant admits less than the full amount claimed, the plaintiff objects in the prescribed manner to accept the amount admitted and the offer of payment in satisfaction of his claim, have power to enter up judgment and, for this purpose, to decide any question as to time and mode of payment.

(3) Where the plaintiff and defendant enter into an agreement in the prescribed manner as to the amount payable in respect of the whole or any part of a claim and the terms and conditions upon which the same is to be paid and satisfied, the registrar shall, subject to county court rules, have power to enter up judgment for the amount so agreed upon and for a payment thereof upon the terms and conditions sanctioned in the agreement.

(4) In any case where the registrar has power under the principal Act or this Act to hear and determine a case or to enter up judgment he shall have power to make such order as to payment by instalments as the judge might have made, and to exercise any other power which the judge might have exercised, and, subject to the provisions of this Act with respect to appeals, any judgment entered up by the registrar in pursuance of the principal Act or this Act shall, to all intents and purposes, have the same effect and shall be enforced and enforceable in the same manner as if it had been a judgment of the judge of the same court.

Power to refer matters for inquiry and report.

6.—(1) Subject to county court rules, the judge may in any case, with the consent of the parties, refer any action or matter or any question arising therein to the registrar or a referee for inquiry and report, and may direct how such reference shall be conducted, and may remit any report for further inquiry and report, and on consideration of any report or further report the judge may give such judgment or make such order in the action or matter as may be just, without prejudice to any right of appeal.

(2) The powers conferred by this section shall be in addition to the powers to refer matters of account to the registrar and to refer matters to arbitration conferred by sections ninety-two and one hundred and four of the principal Act.

Appeals from registrar.

7. Any judgment or order of a registrar, and any execution thereon, (except where all parties have consented to the terms of the judgment or order), may, on application made within such time and in such manner as may be prescribed, be set aside by the judge of the county court, and the judge may give such judgment or make such order in substitution therefor as

he thinks fit, or may grant a new trial on such terms (if any) as he may think fit.

8. The following section shall be substituted for section eighty-six of the principal Act:—

Default summons.

"(1) County Court rules may provide for the issue, under the prescribed conditions, of a default summons, in the prescribed form or to the prescribed effect, in any action for a debt or liquidated demand in money, and may provide for the manner in which such a summons is to be served and the conditions (if any) under which the defendant is to be entitled to defend the action; and, where such conditions are not complied with, it shall be lawful for the registrar to enter up judgment summarily for the plaintiff in manner prescribed by the rules.

"(2) The rules may provide for different procedure and different conditions according to the amount of the claim or the nature thereof or the position or occupation of the defendant, for the exclusion of any actions from the procedure by default summons, and for the amendments to be allowed in the case of a default summons, and the procedure consequent on any such amendment."

Additional courts and power of registrar when judge not present.

9.—(1) A judge may, and, if so required by the Lord Chancellor, shall, appoint additional courts to be held, and, subject to county court rules, it shall be lawful for the registrar at any such additional court, notwithstanding that the judge is not present, to enter up any judgment and exercise any other jurisdiction which he is by the principal Act or this Act authorised to enter up or exercise, and to adjourn any such court.

(2) Any such additional court may be appointed to be held at any place within the district at which an office is kept open by the registrar.

Power of judge where action commenced in the wrong court.

10.—(1) Where an action or matter is commenced in a county court, which ought to have been commenced in some other county court, the judge may, if he thinks fit, and upon such terms as to costs and otherwise as he thinks fit, instead of ordering it to be struck out in accordance with section one hundred and fourteen of the principal Act, either transfer the action or matter to the county court in which it ought to have been commenced or proceed to hear and determine the case in the court in which it was commenced, and in the latter case that court shall have jurisdiction in like manner as if it had been the court in which the action or matter ought to have commenced.

(2) Where an action or matter is transferred from one county court to another under this section, the provisions of section eighty-five of the principal Act relating to procedure on transfer and to the trial or hearing of a transferred action or matter shall apply in like manner as if the action or matter had been transferred under that section.

Costs of actions commenced in High Court which could have been commenced in county court.

11. The following section shall be substituted for section one hundred and sixteen of the principal Act:—

"(1) Where an action is brought in the High Court which could have been commenced in a county court, then, if the plaintiff recovers a sum less, in the case of an action founded on a contract, than forty pounds, or in the case of an action founded on tort than ten pounds, he shall not be entitled to any costs of the action, and if he recovers, in the case of an action founded on contract a sum of forty pounds or upwards but less than one hundred pounds, or in the case of an action founded on tort a sum of ten pounds or upwards but less than fifty pounds, he shall not be entitled to any more costs of the action than those to which he would have been entitled if the action had been brought in a county court, and where a plaintiff is entitled to costs on a county court scale only the taxing master shall have the same power of directing on what county court scale and under what column in the scale costs are to be allowed and of allowing any items of costs as the judge would have had if the action had been brought in a county court:

"Provided that—

"(i) in any such action, whether founded on contract or tort, the court or a judge, or where the action is tried before a referee or officer of the Supreme Court, that referee or officer, if satisfied that there was sufficient reason for bringing the action in the High Court or that the defendant or one of the defendants objected to the transfer of the action to a county court, may make an order allowing the costs or any part of the costs thereof on the High Court scale or on such one of the county court scales and under such one of the columns in the scale as he may direct; and

"(ii) if in any action founded on contract the plaintiff within twenty-one days after the service of the writ, or within such further time as may be allowed by the court or a judge, obtains an order under Order XIV. of the rules of the Supreme Court that he shall be at liberty to sign judgment for a sum of twenty pounds or upwards either unconditionally or unless that sum is paid into court or to the plaintiff's solicitor, he shall, unless otherwise ordered by the court or a judge, be entitled to costs on the High Court scale.

"(2) This section applies only to the costs of the proceedings in the High Court."

Costs in cases transferred from one court to another.

12. Where an action, counterclaim, or matter is transferred or removed from the High Court to a county court, or from a county court to the High Court, or from one county court to another county court, the costs of the whole proceedings both before and after the transfer or removal shall, subject to any

order made by the court which ordered the transfer or removal, be in the discretion of the court to which the matter is transferred or removed, and that court shall have power to make orders with respect thereto and as to the scales or columns on or under which the costs of the several parts of the proceedings are to be taxed, and the costs of the whole proceedings shall be taxed in that court:

Provided that, as regards so much of the proceedings in any action transferred from the High Court to a county court as take place in the High Court before the transfer, the costs thereof shall be subject to the provisions of the last foregoing section of this Act, and the powers of the court or a judge under that section to make an order allowing costs on the High Court scale or on or under any county court scale or column shall, subject to any order of the court or judge by whom the transfer was ordered, be exerciseable by the judge of the county court.

Commencement of proceedings in Admiralty causes. 31 & 32 Vict. c. 71.

13. Section twenty-one of the County Courts Admiralty Jurisdiction Act, 1868 (which prescribes the county courts in which Admiralty proceedings are to be commenced), shall cease to have effect, and provision may be made by county court rules as to the courts in which proceedings may be commenced in cases which by virtue of that Act, or any Act amending that Act, may be brought in a county court.

Continuance of ex-judges in commission of the peace.

14. Where, in pursuance of section seventeen of the principal Act, the judge for the time being of a county court is included in any commission of the peace, every person holding the office of judge of that court shall, on ceasing to hold the office, continue to be included in the commission as if he had been personally named therein.

Power to registrars to act for more than one court, and place of residence of registrars.

15. Notwithstanding anything in section twenty-five of the principal Act—

(*a*) the same person may, with the consent of the Lord Chancellor, and subject to such conditions (including conditions as to salary) as the Lord Chancellor may impose, be appointed registrar of more than one court; and

(*b*) the registrar of a court may, with the consent of the Lord Chancellor and subject to such conditions as the Lord Chancellor may impose, reside outside the district of which he is the registrar.

Deputy high bailiffs.

16. So much of section thirty-one of the principal Act as relates to the appointment of deputy registrars shall apply to the appointment of deputy high bailiffs, with the substitution of the words "high bailiff" for the word "registrar."

Examination of witnesses abroad.

17. The High Court shall, on application made in manner prescribed by rules of the Supreme Court, have the same power to issue a commission, request, or order, to examine witnesses

abroad for the purposes of an action or matter in a county court as it has for the purposes of an action or matter in the High Court; but on an application being made for the issue of such a commission, request, or order, the High Court may, if it thinks fit, make an order for the transfer of the action or matter to the High Court.

Payment of judgment debts.

18.—(1) Where a judgment or order has been obtained in a county court for a sum of money and no order is made as to payment by instalments, the money shall, if the court so directs, be paid by one party to the other party or his solicitor, subject to the lien, if any, of that solicitor, instead of being paid into court as required by section one hundred and five of the principal Act.

(2) Where money is directed to be so paid under a judgment, the judgment shall not be registered pursuant to section one hundred and eighty-three of the principal Act, if, before the expiration of twenty-one clear days from the entry of the judgment, or such other time as may be prescribed, proof is given to the registrar in the prescribed form that the judgment has been satisfied.

19. The following section shall be substituted for section one hundred and fifty of the principal Act:—

Set-off in cases of cross-judgments in county courts and High Court.

"(1) Where one person has obtained a judgment or an order in a county court against another person, and that other person has obtained a judgment or order against the first-mentioned person in the same or in another county court or in the High Court, either such person may, in accordance with rules of court, give notice in writing to the court or the several courts, as the case may be, and may apply to the court or any of the said courts in accordance with rules of court for leave to set off any sums, including costs, payable under the several judgments or orders.

"(2) Upon any such application the set-off may be allowed in accordance with the practice for the time being in force in the High Court as to the allowance of set-off and in particular in relation to any solicitor's lien for costs.

"(3) Where the cross-judgments or orders have not been obtained in the same court, a copy of the order made on any such application shall be sent by the proper officer of the court to which the application is made to the proper officer of the other court."

Extension of 51 & 52 Vict. c. 43. s. 151 to orders as well as judgments.

20. Section one hundred and fifty-one of the principal Act (which relates to the removal of judgments for sums exceeding twenty pounds from the county court to the High Court) shall apply to orders obtained in a county court in the same manner as to judgments so obtained.

Execution of warrants of possession.

21. For the purpose of executing a warrant to give possession of any premises, it shall not be necessary to remove any goods or chattels from those premises.

Juries.

22.—(1) The number of jurymen to be empanelled and sworn for the trial of any action in a county court shall be eight, and the amount to be paid to the registrar for payment of the jury shall be eight shillings.

(2) The amount which a juryman may be ordered to forfeit in default of attendance shall not be more than five pounds.

(3) The list of persons qualified and liable to serve as jurors in a court shall not be delivered by the sheriff or high bailiff to the registrar of the court unless and until a demand is made by the registrar in that behalf.

(4) Sections one hundred and one and one hundred and two of the principal Act shall have effect subject to the provisions of this section.

23. The following provision shall be substituted for section one hundred and fifty-three of the principal Act, viz. :—

Power to judge to suspend execution or order discharge.

"If at any time it appears to the satisfaction of the judge that any party to an action or matter is unable from any cause to pay and discharge any debt, damages, costs, or other sum recovered against him, or any instalment thereof, it shall be lawful for the judge, in his discretion, to suspend or stay any judgment, order, or execution given, made, or issued in such action or matter, for such time and on such terms as the judge shall think fit, and so from time to time until it shall appear that the cause of inability has ceased, or to order, upon such terms (including liability to re-arrest if the terms are not complied with) as the judge may think fit, the discharge of any debtor arrested or confined in prison by order of the court who ought in the opinion of the judge to be discharged."

County court rules. 51 & 52 Vict. c. 43, s. 164.

24.—(1) The persons in whom the power of making rules under section one hundred and sixty-four of the principal Act is vested shall, in addition to the five judges appointed by the Lord Chancellor under that section, include three persons appointed by the Lord Chancellor, of whom one shall be a barrister, one a registrar of a county court, and one a solicitor.

(2) The power of making rules under section one hundred and sixty-four of the principal Act shall extend to making rules—

(*a*) for carrying this Act into effect:

(*b*) for requiring each party in any action where the debt, demand, or damage claimed or counterclaimed exceeds twenty pounds, or such greater amount as may be provided by the rules, to state the nature of his claim or defence in writing in sufficient time before the trial in the form of particulars or otherwise;

and the provisions of the principal Act as to the procedure and practice in actions in the county court shall have effect subject to such modifications therein as may be made by any rules made in pursuance of the powers given by this section.

Rules as to examination and discovery, &c. in workmen's compensation cases. 6 Edw. 7. c. 58.

25. Rules under the Workmen's Compensation Act, 1906, may provide for conferring on the judge or registrar of a county court the like powers of—

(*a*) making orders for the examination of witnesses and persons, and for discovery, interrogatories, and inspection of documents and for further particulars; and

(*b*) of granting a new trial

in proceedings under that Act as are exerciseable as respects actions in county courts.

Distribution of compensation on the death of a dependant.

26. In the event of the death of any person entitled as a dependant to money paid into a county court under the Workmen's Compensation Act, 1906, then, if no direction has been given as to the disposition thereof for the benefit of other dependants in the event of the death of the person entitled thereto, the court may, without probate or letters of administration, distribute the sum amongst such persons as appear to the court, upon such evidence as the court may deem satisfactory, to be entitled by law to receive the same, or if the dependant so dying is illegitimate and dies intestate, amongst the persons who in the opinion of the Court would have been entitled thereto if the dependant had been legitimate; and, if there are no such persons, the Court shall deal with the sum as the Treasury may direct:

Provided that, where the principal value of the estate of the dependant so dying exceeds one hundred pounds, any sum paid under this section without probate or letters of administration shall be liable to estate duty as part of the amount on which that duty is charged, and the county court shall, before making any such payment, require a statutory declaration by the claimant, or by one of the claimants, that the principal value of the estate, including the sum in question, does not, after deduction of debts and funeral expenses, exceed the value of one hundred pounds, or the production of a letter or certificate from the Commissioners of Inland Revenue stating either that all duties payable in respect of the sum in question have been paid, or that no duty thereon is payable.

Short title, commencement, and repeal.

27.—(1) This Act may be cited as the County Courts Act, 1919, and this Act, except so far as it amends the Workmen's Compensation Act, 1906, shall be construed as one with the principal Act; and the principal Act and the County Courts Act, 1903, and this Act may be cited together as the County Courts Acts, 1888 to 1919.

(2) This Act shall come into operation on the first day of April nineteen hundred and twenty.

(3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent and subject as specified in the third column of that schedule.

SCHEDULE.

Section 27.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 67.	The Summary Procedure on Bills of Exchange Act, 1855.	The whole Act so far as applies to county courts, as from the date on which rules made under this Act and dealing with the subject matter of the said enactment come into operation.
31 & 32 Vict. c. 71.	The County Courts (Admiralty Jurisdiction) Act, 1868.	Section twenty-one, as from the date on which rules made under this Act and dealing with the subject matter of the said enactment come into operation.
51 & 52 Vict. c. 43.	The County Courts Act, 1888.	Sections sixty-five and sixty-six. Section eighty-six, as from the date on which rules made under this Act and dealing with the subject matter of the said enactment come into operation. Section ninety from "but the judgment" to the end of the section. In section ninety-two the words from "Subject to rules and orders" to "two pounds." Sections ninety-eight and ninety-nine. Section one hundred and sixteen. Section one hundred and fifty. Section one hundred and fifty-three.
3 Edw. 7. c. 42.	The County Courts Act, 1903.	Section four.

CHAPTER 74.

An Act to amend the Law with respect to Customs in the Isle of Man. [23rd December 1919.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Continuance of certain Customs duties. 6 & 7 Geo. 5. c. 27.

1.—(1) Subject to the provisions of this Act, the following duties of Customs on goods removed or imported into the Isle of Man, imposed by the Isle of Man (Customs) Act, 1916, shall