Hallett v. *Allen*(f) in 1907, and thus settled the question as far as Judges of the Supreme Court are concerned.

The status of a review order by a County Court Judge was first passed upon in the case of *Ex parte Welling*(g) in 1875, where the Court, while holding that a County Court Judge has the same power on a review as a Judge of the Supreme Court, granted a certiorari to remove a judgment on review by a County Court Judge.

Then in *Ex parte Fahey*(h) in 1882 the Court held that a certiorari would lie to remove a review order by a County Court Judge if he had no jurisdiction to make the order. Weldon, J., dissented. "The appeal," he said at page 396, "is purely a statutory authority, and I think the certiorari should not be issued to bring up the judgment of the Judge granting a review on the proceedings had before him, the County Court Judge having the same power in review matters as a Judge of this Court, and it would be rather an anomaly to make an order for a certiorari to go to one of our own Judges. I think, therefore, this application must be dismissed."

In *Ex parte Simpson*(i) in 1882, Wetmore and King, JJ., held that a certiorari would lie to a County Court Judge. Judge Weldon adhered to his opinion in the *Fahey* case, and Palmer, J., held that certiorari would not lie if the County Court Judge had jurisdiction to make the order, even if he were wrong.

The point was not raised again until 1903 in the case of the *King* v. *Forbes*,(j) where the Court (Tuck, C.J., Landry, Barker and McLeod, JJ., Hanington and Gregory, JJ., taking no part) held that where a County Court Judge on review had wrongly decided that authority to accept a surrender of a lease was to be implied from certain circumstances, a certiorari should go, as the Judge was manifestly wrong in his decision.

In a later case the same year, *The King* v. *Wilson*,(k) Haning-

(f) 38 N.B.R. 349.
(g) 16 N.B.R. 217.
(h) 21 N.B.R. 392.
(i) 22 N.B.R. 132.
(j) 36 N.B.R. 333.
(k) 36 N.B.R. 339.