been said, but from what is to be done by the High Court after the proceedings have been sent up." They "may examine into the proceedings, and if they find cause may set aside the same, and may, if it is necessary, order a writ to issue." He goes on to say: "It would be strange indeed if the County Court Judge should be held to have authority under this Act to try whether the tenant holds over without right when the County Court would not have jurisdiction to try it," referring to R.S.O., c. 47, s. 20.

It must be remembered that *Gilbert* v. *Doyle*, 24 C.P., p. 60, is only the judgment of Gwynne, J., as to the definition of "colour of right." Galt, J., who concurs in the result, puts his judgment on the sole ground that the tenant had shown nothing which entitled him to retain possession against the landlord, while Hagarty, C.J., dissents in a powerful judgment both on the definition of "colour of right" and as to the meaning of s. 6 in the Act, as to which he says at p. 73: "If the Legislature meant here to give the County Judge the absolute right to try the title on the general merits, I repeat it is an inexplicable mystery to me why on appeal to us we should be directed not to decide the right one way or the other, but, in one view of the evidence, to send the question of right to be tried in an action by ejectment."

Now taking this very strong opinion, backed up and adopted by Armour, C.J., in *Price* v. *Guinane*, and which was afterwards affirmed in *Bartlett* v. *Thompson*, 16 O.R., 716, by the Divisional Court of Queen's Bench, it would seem that the change in the wording of the statute has only given jurisdiction in very simple cases, as it leaves the power to review untouched under s. 6 of R.S.O., c. 144.

Mr. Justice Gwynne, at p. 69, in discussing the jurisdiction to review which must control and fix the original jurisdiction of the County Court Judge under the Act, says: "We should be well satisfied that not only is there a question of right in reality to be tried, but that there is strong reason for believing that it should be found for the tenants contention."

Of course, as pointed out by Armour, C.J., in *Price* v.