possession does not become wrongful even after the infant has attained his majority, and that when a person is once in as bailiff, he cannot divest himself of that character, except by going out of possession or receipt of rent and delivering up such possession or receipt to the owner or those acting under him. In arriving at this conclusion, the Court relied on the cases of *Wall* v. *Stanwick*, 34 Chy.D. 763, and *In re Hobbs*, 36 Chy.D. 553. Both of these cases are decisions of a single judge of first instance, and are opposed to at least three decisions of appellate courts of this Province: first, the case of *Re Taylor*, 28 Gr. 640, which was not referred to, and which was a decision on rehearing of the late Court of Chancery; secondly, *Hickey* v. *Stover*, 11 Ont. 106; and thirdly, *Clark* v. *McDonnell*, in the C.P. Division, not yet reported, both of which latter cases were referred to. It appears to us that it is contrary to the comity which should prevail amongst the different Divisions of the High Court for one Divisional Court to refuse to follow the decisions of other branches of the Court of co-ordinate jurisdiction, and to follow in preference the dicta of English judges of first instance, for it will be observed, on reference to the English cases above referred to, that in neither of them was the point in question actually decided. *Lyell* v. *Kennedy*, 14 App. Cas. 437, which was also referred to, was not a case of infancy at all, but the case of one who had avowedly entered into possession for the benefit of the heirs of the last owner, whoever they might prove to be, and who had kept a separate account of the rents and otherwise shown that his possession was that of trustee. After the lapse of twelve years he claimed possession for his own benefit, and the House of Lords held that he had by his own acts shown that he had entered as trustee for whoever might turn out to be rightfully entitled, and it was impossible for him to divest himself of that character. But it appears to us that is a very different case to one where, merely by reason of the infancy of the true owner, the law imputes a character to the possession different from that which the party in possession himself intended to assume.

In *Moore* v. *Bank B.N.A.*, 15 Gr. 319, Mowat, V.C., in discussing English decisions which were in conflict with decisions of our own courts, laid down the rule that the latter must be held to be the law of the Ontario Court until either a contrary rule is asserted by our own Court of Appeal, or receives the express sanction of a higher court in England. This is a good working rule, and it seems to us a pity it is not acted on.

At the recent session of the Legislature a statute was passed (54 Vict., c. 18) some provisions of which effect material modifications in the Devolution of Estates Act. By the recent decisions of the Court of Appeal in *Martin* v. *Magee*, (see *ante* p. 316), and of Falconbridge, J., in *Re Wilson*, 20 Ont., it seemed very probable that the Devolution of Estates Act would be interpreted by the courts in accordance with what may well be presumed to have been the intention of the Legislature in passing it; which we take to be, in the first place, to make the succession to land the same as that to personalty, and, secondly, in all cases to secure the rights of creditors by making the title of land of a deceased owner