P.R. 215, where two Divisional Courts decided differently the same point in two actions which had been tried together. A similar difficulty had previously arisen in the cases of *Sears* v. *Meyers* and *Heath* v. *Meyers*, 15 P.R. 381, where it was laid down that a court is not bound by the decision of a court of co-ordinate jurisdiction when the matter is one of jurisdiction and involving the settling of a new practice. It had also been stated by the late Chief Justice Hagarty, in delivering the judgment of the court in *Donnelly* v. *Stewart*, 25 U.C.R. 398, in an appeal from the County Court of Hastings, that as his decision in that appeal was final, the court might not necessarily be bound by a previous decision of the same court in the case of *McPherson* v. *Forester*, 11 U.C.R. 362, though he concluded that he was not prepared to dissent from it after it had remained unquestioned for 13 years.

After the passing of the above Act, the case of *Canadian Bank of Commerce* v. *Perram* came before the King's Bench Division on appeal from the County Court of York. The judgment was delivered by Armour, C.J., and he declined to follow a previous decision of the Court of Appeal on the same point in *Duthie* v. *Essery*, 22 A.R. 191, saying: "As this is the ultimate court of appeal in this County Court case, we are bound to give our independent judgment."

The same point again came before the King's Bench Division in an appeal from the County Court of Prescott and Russell, in the case of *Mercier* v. *Campbell*, above mentioned. Mr. Justice Riddell, in the course of an elaborate judgment, thus deals with this point at pp. 644-5: "As we are the court of last resort in this matter, we, at the hearing, called for argument upon the question as to whether we were bound by the decision of a Divisional Court, it appearing to us that a decision of the Common Pleas Division hereafter to be referred to might govern the case. Mr. Macintosh argued that we were so bound, citing the Ontario Judicature Act, sec. 81 (2), Holmested & Langton, 3rd ed., p. 140, but said he had not found any decision in that sense. We have not found any. Mr. Middleton cited the case