

In Ontario the Judicature Act (c. 51 of Rev. Stat. of Ont. sec. 81) has express provisions as to the effect of judicial decisions. The decision of a Divisional Court of the Court of Appeal (which is a Court of three judges—sec. 70) is to be binding on the Court of Appeal, and on all other judges, and is not to be departed from in later cases without the concurrence of the judges who gave the decision. Of course its authority is to determine, if it is overruled by a higher Court. And, what is even more strict still, a judge sitting alone is to be bound by a prior decision of a co-ordinate Court, but if the second judge thinks the decision wrong, he may refer it to a higher Court.

I venture to think that this different view as to the value of case-law creates in practice the most profound difference between the civil law and the common law. In the substance of the law there are, naturally, differences important enough, and full of interest to the student of comparative jurisprudence. Such a student in Canada does not need to go outside the gates. Within the Dominion itself he may observe the merits and demerits of the two great systems, and the slow but constant processes of action and reaction between them.

