

case of *Toronto Auer Light Co. v. Colling* came before the Chancery Division on appeal from the County Court of York, and the Chancellor in delivering the judgment of the court, 31 O.R. at page 27 said: "Though this is the final court of appeal in this litigation, still I think it is our duty to defer to the various cases which affirm the validity of the patent, and to follow the example of the Court of Appeal in the unreported case of *Welsbach Co. v. Stannard*, in which the court refused to disturb the decision in the *O'Brien* case (1897), 5 Ex. C.R. 243."

In *Slater v. Laboree*, 10 O.L.R. 648, which was an appeal from the junior judge of Carleton, Meredith, C.J., in delivering the judgment of the court affirming the judgment below, said: "The learned judge of the Division Court held that he was bound to follow the decision of the Supreme Court of Canada in *Robinson v. Mann*, 31 S.C.R. 484, and he accordingly gave judgment for the respondents. We are of the opinion that the learned judge was right in following *Robinson v. Mann*, which is an express and the latest decision on the very point raised by the appellant. It was not for the learned judge, nor is it for us to question whether a decision of the highest court in Canada is in accordance with the previous cases. It is our duty, as it was his to follow it."

In the case of *Crowe v. Graham*, 22 O.L.R. 145, which was heard before a Divisional Court composed of the Chancellor, Riddell, J., and Middleton, J., on appeal from the County Court of Hastings, the Chancellor said, in discussing this point, at p. 147: "The other Canadian case of *Donnelly v. Stewart*, 25 U.C.R. 398, does not carry the matter any further; it merely affirms the earlier case, but apparently on the ground that, by reason of its having stood thirteen years unquestioned, the court was not disposed to depart from it except on the strongest grounds. That case indicates, I think, the course that should be taken by us, viz., to follow the earlier cases, which have now for over fifty years been regarded as law. As this case cannot be taken to the Court of Appeal, it must be left for the consideration of the Legislature as to whether any change should be made