

representatives the difficulty of the deceased being in the position of a servant of the defendant, and as such having no right of action; and the action by such representatives is only maintainable under the Fatal Accidents Act, then the logical conclusion appears to be that such and only such damages as are recoverable under the Fatal Accidents Act are recoverable in such an action; viz., the actual pecuniary loss occasioned by the death; but the learned judge while holding the action to be only maintainable under the Fatal Accidents Act, yet nevertheless reaches what appears to us to be the illogical conclusion that the damages in such an action are limited by the Workmen's Act, although, according to the learned judge's view, the representatives have no right of action under that Act. If they have no right of action under that Act, how can the damages recoverable by them under the Fatal Accidents Act, be limited by an Act under which, according to the learned judge they have no right of action? The positions seem inconsistent.

It is interesting, not to say amusing, to note the comments of the *Law Times* on the appointment of judges in England, in view of what takes place in this country. Our contemporary states that some vacancies on the County Court Bench have just been filled: "Both the promotions are excellent, and will be welcomed throughout the profession; but it is to be hoped that in future a little more expedition will be shewn by the Lord Chancellor in selecting candidates for the Bench. Nearly three months have elapsed since the death of His Honour Judge Willis, and, although a certain rearrangement of judges has been carried out in the meantime, that period is too long even for the most careful deliberation." The vacancy in the Ontario Superior Court Bench, owing to the death of Mr. Justice MacMahon, which occurred nearly a year ago, has only just been filled. Had such delay taken place in England, our brother would have some caustic remarks to make on the subject. In this country the Bench is too much made use of as a plaything for party politicians, and not sufficiently regarded as one of the great foundation stones supporting the nation's welfare.