

the profession, and yet such appointments have been made in the past.

It cannot be said that any objection of that kind could be made to the recent appointments. Both of these appointees are comparatively young; of considerable practical experience in the business of the Courts and may be expected to become more useful day by day, whereas those appointed late in life, mainly for political reasons, are apt to become less and less useful as the years go by.

We are sure the new judges will not fail to emulate those of their predecessors, whose patience and courtesy have grown with their years. Unfortunately there are some of whom this cannot be said.

REDEMPTION ACTIONS AND THE STATUTE OF LIMITATIONS.

In the recent case of *Smith v. Darling*, 36 O.L.R. 458, it has been decided that the disability clauses of the Statute of Limitations (R.S.O. c. 75) ss. 40-42 do not apply to actions to redeem. The Court, in effect, holds that infants may be barred of their right to redeem while still under age; and that they have no period allowed them after coming of age within which to assert their rights.

With all due respect to the Appellate Division which, we may observe, was unanimous, we cannot but think that the conclusion arrived at is reached by a very technical construction of the Statute of Limitations and though it may be supported by high authority, is nevertheless an unsatisfactory conclusion. It is admitted by the Court that an action to redeem is "an action to recover land" and on that point there can be no reasonable doubt the moment the nature of the relief granted in a redemption action comes to be considered. By the judgment in such cases an account is ordered; if anything is found due to the defendant, then on payment thereof, or if nothing is found due, the defendant is ordered to deliver up possession of the mortgaged property. Then, s. 40 of the Limitations Act says: