

142). But in this connection again the control of the jury over the result is often merely nominal.

As to the functions of court and jury in determining whether inaccuracies in the notice were prejudicial to the defendant, see ante, vol. 39, pp. 147-150.

26. Appointment of assessors.—Notwithstanding that the English Act merely provides that assessors may be appointed "for the purpose of ascertaining the amount of compensation," Mr. Ruegg (Empl. L. p. 127) thinks that it was really intended that the assessors should serve the same purpose as assessors in County Court actions generally; that is to say, they are to give such advice and assistance as persons of skill and experience in the matter to which the action or matter relates" are qualified to give. If this conjecture is well-founded the same construction would be placed on the similar language of the Canadian and Australian Acts. But so far as judicial authority goes, the point is apparently still an open one.

27. Questions which may be reviewed on appeal.—In England an appeal from a County Court to the High Court is only allowed on questions of law. See Ruegg on Empl. L. p. 147. It is a condition precedent to the right of appeal that the question on which it is desired to appeal should have been raised before the County Court judge (a); and that it should have been raised at or immediately after the appeal (b).

As the American statutes contain no specific provisions affecting the procedure on appeal, the actions under them are in this respect governed by the same rules as actions at common law.

C. B. LABATT.

(a) *Rhodes v. Liverpool Investment Co.* 4 C.P.D. 425; *Clarkson v. Musgrave*, 9 Q.B.D. 386; *Cook v. Gordon*, 61 L.J.Q.B. 445; *Allmarch v. Walker* (Q.B.D. 1885) 78 L.T. Journ. 39.

(b) A request made to the judge an hour and a half after the trial was concluded has been held to have been too late. *Pierpont v. Cartwright*, 5 C.P.D. 139.