nevertheless entitled to notice of action. The other members of the Court, whose opinion was delivered by Osler, J.A., say: "The principle on which we decided *Sinden* v. *Brown* fully supports the defendant's right to notice of action." There is therefore, a very wide divergence of opinion between Burton, J.A., and the other members of the Court as to what *Sinden* v. *Brown* really means. There is the further difficulty in applying the principle of that case arising from the fact that the Court of Appeal did not see its way to decide whether the question of the defendant's bona fides is for the judge or the jury. As is well known, there are conflicting decisions and dicta on this point. But whichever way it is decided there will all always be uncertainty as to what view may be taken of the conduct of a defendant. Juries are proverbially uncertain, and the case of *McGinness* v. *Dafoe* shows that even judges take different views of the same state of facts.

WORKMENS' COMPENSATION FOR INJURIES.

Two cases bearing on the Workmens' compensation for injuries Act, (55 Vict., c. 30) deserve attention. The first is *Cavanagh* v. *Park*, 23 A.R. 715, (ante vol. 32, p. 768), and *Montreal Rolling Mills* v. *Corcoran*, (ante p. 110).

Cavanagh v. *Park* is a decision of the Court of Appeal for Ontario on a question of practice, affirming the ruling of the learned Chancellor of Ontario at the trial, to the effect that where want of notice of action is relied on as a defence, it is not sufficient in actions in the High Court to plead the want of notice in the statement of defence, but it is necessary also further, under s. 14, to deliver a notice in writing to the plaintiff not less than seven days before the trial, informing him that the defendant intends to rely on that defence.

Mr. Holmested, in his annotations on this statute, seems on p. 104 of his book to have taken the view that where a defendant formally pleads a defence, that that is a sufficient notice under the Act that he intends to rely on it. This now appears to be erroneous. One can well understand