

and the Court of Appeal (by a majority) approved him. In giving judgment Lord Justice Warrington, who with the Master of the Rolls was for upholding the decision said: "The difficulty is caused by the want of precision in the terms in which the Judge has expressed his opinion, occasioned, I have no doubt, by the view expressed by him that the point was a purely technical matter of no real interest to anybody and had no business bearing on the case. I venture to deprecate the dealing with such cases in this way. The Act renders the making of a claim a condition of the maintenance of proceedings for recovery of compensation. This is inserted as a protection to the employer. It is a formality, no doubt, but the employer is entitled to have it complied with, and the Judge ought to deal with the question whether this has been done or not with the same seriousness and care as any other part of the case." But notwithstanding this, he was of opinion that the appeal should be dismissed.

LORD JUSTICE SCRUTTON'S VIEW.

That this was not the first occasion on which this Judge had incurred the censure of the Court of Appeal appears from the judgment of Lord Justice Scrutton, who, in giving his dissenting judgment, said: "We have had to note with regret this sitting a written judgment of this same County Court Judge in which he has stated that he is not bound to look at or be guided by any authorities at all. And I desire very respectfully but firmly to express my complete agreement with the rebuke, not the less pointed for the moderation with which it is expressed, addressed to him by Bankes, L.J., in *Burvill v. Vickers* (1916), 1 K.B. 180, at p. 188." In *Burvill v. Vickers* it appears that the same learned Judge in deciding a very similar point—namely as to whether employers had been prejudiced by the lack of notice, said: "To deprive the widow and the children of a man who has died serving his country by making munitions of war is unpatriotic, and it would be against public policy to allow it to be done." Lord Justice Bankes in that case said that: "It is time that the Judge's views as to his position as arbitrator under