

"Now, clearly, there was no answer necessary or any answer that could be given to question six: the first five being answered in the manner in which I have indicated.

The learned trial judge said to the jury: "But you have assessed damages although you have found no fault," and the foreman of the jury said: "Well, we did not see the connection between this question five and the preceding questions;" and I think the jury was quite right in one sense. If he meant that the jury were not bound to take into consideration in answering the fifth question, what their answers were to the previous four questions, he was perfectly right.

"The assessment of damages by a jury has nothing whatever to do with their finding as to the question of negligence or fault.

"The learned trial judge appears to have thought that there was contradiction between the first verdict and the second verdict returned by the jury. I find no such contradiction. The jurors were told by the learned trial judge that if they could not find a fault other than the one they had returned by their first verdict, their verdict would not be received; and apparently, and I think it is a fair conclusion to arrive at, they retired to their room, and were unable to find any fault other than what they had return on the first verdict, and therefore said there was no fault.

"Now, I fail to see any reason for the learned trial judge to refuse to receive and record the second return made by the jurors as their verdict; in other words, I think there was error made by the learned trial judge in refusing to grant the motion of the defendants then and there made, that the return or answers be recorded and entered and registered as the verdict of the jury.

"Where a jury have answered clearly an fully all the ques-