had that impression as to the conduct of plaintiff's counsel on this trial. In fact, he considered the matter of so little importance that he had not even made a note of the circumstance complained of." The rule for a new trial was refused.

In Powell v. Wark, 20 N. B. R. 15, it appeared that on the second trial the plaintiff's counsel read to the jury the judgment of the Court setting aside the former verdict, contrary to the warning of the Judge and the protest of the defendant's counsel, and discussed the judgment of the court in ordering a new trial, and alluded to the facts in the judgment as shewing the estate of Robert Wark to be worth $40,000. Among other grounds this was relied on for a new trial, and it was urged that this course had the effect of getting before the jury the very evidence which the Court held to be inadmissible on the former trial. The view of this Court on that question appears from the following passage, at page 24: "The reading the judgment of the Court, on granting a new trial in this case, for improper admission of evidence to the jury, is not, in my opinion, any ground for a new trial. Law is not generally read to a jury by counsel; it is for the Court. Judges have frequently expressed their disapprobation of such a course as wanting proper respect for the Court and forgetting the maxim—the jurors answer and decide as to the facts, the Judge as to the law."

These cases of course differ in some respects from the present as to their facts, but the same principle governs all. Conduct such as is here complained of does not necessarily entitle the party to a new trial. The Court must first be satisfied that the jury have been or may have been so unduly influenced by the passages read to them from the judgments of Idington, J., and Hanington, J., as to the material facts in dispute that the findings of the jury on the two questions submitted to them might fairly, in view of all the circumstances, be attributed rather to these judgments than to the independent opinion of the jurors on the sworn testimony. To put it sortly, that the verdict is the opinion of these two Judges adopted by the jury and not the independent opinion of the jurors themselves on the evidence before them.

Now what are the facts and circumstances in this particular case which can be said to point to such a conclusion? In the first place the return does not disclose what parts of these judgments were in fact read to the jury. They