proceedings in the Divorce Court had damaged. The solicitor, Mr. Finney, was accordingly made the unlucky scapegoat for this purpose, and the form in which it was attempted was that of an action against Mr. Finney for negligence as a solicitor in giving his client advice not to offer himself as a witness, which, as it was alleged, was the cause of the adverse issue of the suit. This, of course, reopened the whole question, and the proceedings in the Divorce Court were tried over again in the Queen's Bench. The Lord Chief Justice put strongly to the jury the point as to negligence by the defendant, and expressed his own opinion that it had not been proved. He then submitted certain questions to the jury, who retired, and after an absence of three hours returned and read from a paper the following finding:

1. That there was a defence as to the charges of cruelty.
2. That there was not a defence on the ground of the recriminatory charge of adultery.
3. That the plaintiff did not lose the benefit of his defence through the advice of the defendant, as alleged by the plaintiff.

This obviously amounted virtually to a verdict for the defendant, and was so understood, but the foreman was proceeding to say something about damages, when he was interrupted by the Lord Chief Justice, who said that, as the finding was substantially a verdict for the defendant, there could be no damages. The foreman said that the jury had so understood it. Then followed this dialogue:

Cockburn, C. J.—Why you see, gentlemen, the plaintiff must have a cause of action in order to recover damages, and, as I told you, he could only recover on the ground that the defendant gave him the alleged advice, which you have negatived, so that he cannot upon those findings be entitled to recover damages.

The foreman said he believed his brethren had agreed to their findings on the supposition that they would be enabled to award damages.

Cockburn, C. J.—That would not be so. The plaintiff's case consisted of two parts—that he had a defence, and that he lost it by the defendant's advice. You have negatived the latter, so that he cannot recover.

The sapient jury again retired. During their absence council submitted that, the finding being a verdict for the defendant, there was nothing for the jury to consider. The Judge being of that opinion, the jury were sent for:

Cockburn, C. J., addressed them in these terms: Gentlemen, it has occurred to me that I should not be discharging my duty either to the parties or to you if I allowed you to retire to reconsider your verdict without giving you a word of warning. You have, after several hours' consideration, solemnly recorded your deliberate verdict that, in your judgment, the defendant did not give the advice complained of, and which forms the ground of the action. It seems, however, that some of you, having found the other issue in favor of the plaintiff, desire to give him damages; but that you cannot do. You cannot give damages against the defendant when you have acquitted him of that which was the cause of action. You have come to a conclusion in favour of the defendant. You cannot, because you are disappointed in your intention of giving damages to the plaintiff, swerve from the verdict you have already deliberately adopted and deliberately returned.

The jury, the majority of whom appeared by their gestures to assent to what was thus said, consulted among themselves, when one of them said something about an inconsistency between their findings.

Cockburn, C. J.—There is no inconsistency at all, gentlemen. Your findings are perfectly clear and consistent. You have found that the plaintiff had a defence, but that he did not lose it by the defendant's fault. But the ground of action against the defendant rests partly upon the latter part of the case, which you have negatived; and as you have negatived an essential part of his case, you cannot give him damages.

Again they retired, and after an absence of half an hour returned with a verdict for the plaintiff, damages one farthing, to the mingled amazement and amusement of the whole court.

The report continues:

Cockburn, C. J., after a silence of several moments, said:—I am afraid that will be an abortive result. You find for the plaintiff, and you give a farthing damages.

The Foreman said that was so—that was their verdict.

Cockburn, C. J. (after another pause)—Then do I understand that you now find the defendant did give the advice alleged?

The Foreman.—We do. We find that it was given.

Cockburn, C. J. (in a tone somewhat contemptuous)—Why that is inconsistent with your former finding!

The foreman said that was their finding.

Cockburn, C. J.—You think that the plaintiff is entitled to a verdict but not to damages; that he has lost his defence through the defendant's fault, but that he has suffered no loss?

The Foreman.—Yes; but we desire to give him another start in life; a new trial in the world, so to speak.

Cockburn, C. J.—I understand you. It is evidently the result of a compromise, and may make worthless this ten days' trial. Your former findings satisfied, I think, the justice of the case. However such is your verdict.

Here we have an absurd verdict, and a solicitor, who is found by the jury, to have been guilty of no negligence, and in no way in fault, is mulcted in heavy costs, because some of the jury, with more of heart than brain, wanted to do a good turn to the plaintiff on a matter not on issue before them. What better proof could there be than this of the folly of requiring unanimity in civil causes?

The Profession will sincerely sympathise with Mr. Finney. He can certainly obtain a new trial, but will not the first loss be the best? The verdict has relieved his professional reputation from the imputation sought to be cast upon it by his unworthy client.—*Law Times.*