that they would find their minds crammed with rules which would be of very little use to them. They must study law as they studied other sciences, inductively and deductively. The mechanical part they would have to learn in a solicitor's office or a barrister's chambers, but there was a great deal which they could learn in these classes. It was said that the law as a profession was not what it used to be, and that it was hardly worth entering upon now. He believed, however, that that was a mistake. There never was a time, as far as his knowledge went, when so much had been and was being done to render the law free from technicality and to make good sense and reason and love of truth and justice prevail. He advised young lawyers always to master their facts, and never do anything when they were angry. They should never advise an appeal on the day they lost a case. He would like to see law studied more as a branch of a liberal education; and in conclusion he urged that electors should be shown how great a responsibility rested upon them in voting for candidates for Parliament or such bodies as county councils.

SUPREME COURT OF CANADA.

OTTAWA, June 14, 1889.

British Columbia.]

WALKEM v. HIGGINS.

Libel — Innuendo — Damages — Unnecessary Appeal — New Trial.

W., a judge of the Supreme Court of British Columbia, and formerly a premier of the Province, brought an action against H., editor of a newspaper published in Victoria, B.C., for publishing in said paper the following article, alleged by W. to be libellous, copied from an Ottawa paper:

"Extract from the *Daily British Colonist*, "published at Victoria, B.C., on the 20th day "of November, 1889.

"THE MCNAMEE-MITCHELL SUIT.

"In the sworn evidence of Mr. McNamee, defendant in the suit of *McKenna* vs. *McNamee*, "lately tried at Ottawa, the following "passage occurs: 'Six of them were in part-"'nership (in the Dry Dock contract) out in "'British Columbia; one of them was the "'premier of the Province.' The premier of "Province at the time referred to was Hon. "Mr. Walkem, now a judge of the Supreme "Court. Mr. Walkem's career on the bench "has been above reproach. His course has "been such as to win for him the admira-"tion of many of his old political enemies. "But he owes it to himself to refute this "charge. We feel sure that Mr. McNamee "must be laboring under a mistake. Had "the statement been made off the stand, it "would have been scouted as untrue; but "having been made under the sanctity of an "oath, it cannot be treated lightly nor "allowed to pass unnoticed."

The innuendoes alleged to be contained in this article were, shortly, that W. corruptly entered into the partnership with McNamee while holding offices of public trust and thereby unlawfully acquired large sums of public money, that he did so under cloak of his public position and by fraudulently pretending that he acted in the interest of the Government, that he committed criminal offences punishable by law, and that he continued to hold his interest in the contract after his elevation to the bench.

On the trial a verdict was found for the plaintiff, with $2,500 damages, and the defendant obtained from the full court two rules *nisi*—one for leave to enter a non-suit, or judgment for him, and the other to have the judgment entered on the verdict set aside and a new trial ordered. Both rules were discharged and the defendant, by order of a judge of the Court below, brought two appeals to the Supreme Court of Canada.

Held,—that though the article was libellous it was incapable of all the innuendoes attributed to it, and the consideration of these innuendoes should have been distinctly withdrawn from the jury, which was not done.

Per Strong, Fournier, Taschereau and Gwynne, JJ., that though the case was improperly left to the jury, yet he suffered no prejudice thereby, other than that of excessive damages, and the verdict should stand on the plaintiff's filing a consent to have the damages reduced to $500.

Per Ritchie, C.J., that there had been a mistrial, and in order to avoid a new trial