

thereupon brought the present appeal against the order of the Divisional Court for a new trial. The Master of the Rolls, in giving judgment, said, that at one time it had been the habit of the court to accept the report of the judge who tried the case as conclusive. It had been thought, however, that this was going too far; and the rule, therefore, which they now followed was, that the court must judge for itself upon the whole case, whether the verdict was a reasonable one or not. It had been argued, however, that since the Rules of 1883 no account was to be taken of the judge's opinion, because he was precluded from sitting in the Divisional Court upon a motion for a new trial. That was ingenious but was not the meaning of the Rule. On the contrary, the greatest regard must be paid to the report of the judge who tried the case. After reading the evidence, it was clear that if the demeanour of the plaintiff was unsatisfactory, and that of the defendant and his witnesses was satisfactory, no jury should have given a verdict for the plaintiff. He could not but think that the cross-examination of the plaintiff indicated that he was not quite candid, while Mr. Harrison seemed to have given his evidence fairly. It had been argued that the servants' evidence was false in many respects; but if so, their cross-examination had not been sufficiently pressed home. Taking, therefore, the opinion of Mr. Justice Hawkins into account, together with other circumstances, the case came precisely within the principle of the decision in *Solomon v. Bitton*, L. R. 8 Q. B. Div. 176. The verdict was not satisfactory, and there must be a new trial. The Lords Justices concurred.

This case carries us no further than before, and proves once more that if the verdict be against the weight of evidence it must be set aside.

The latest case in our own court is *Miller v. Brown* (not reported). It was an action by a purchaser against a vendor, to recover purchase money alleged to have been paid under a contract into which the plaintiff was induced to enter by the fraudulent misrepresentations of the defendant. The fraud alleged was a representation that the land was situated