doubt, the notes thus graphically made will for future generations have more interest than any dry record of facts or arguments.

A decision of much interest to those engaged in the temperance cause, and also to those engaged in the liquor traffic, was given by Mr. Justice Galt a few days ago. The police magistrate at Peterboro', before whom a defendant was charged with an infraction of the Scott Act, committed the defendant to gaol for refusing to answer questions which might tend to criminate himself. Sec. 123 of 41 Vict. ch. 16 makes the party opposing or defending, or the wife or husband of such party, competent and compellable witnesses under that Act and also under the Crooks Act, and until lately the interpretation of this statute has been that such persons could be compelled to answer, whether they had committed an infraction of the law or not. Mr. Justice Galt, in the case above referred to, following a decision of the Supreme Court of Prince Edward Island, has decided that whilst such persons are competent and compellable witnesses, the old maxim, *nemo tenetur seipsum prodere*, still exists, and is applicable to cases under the Scott and Crooks Acts. He ordered the discharge of the prisoner so committed by the police magistrate at Peterboro', on the ground that the questions he refused to answer might tend to criminate him, and that while he was a compellable witness he was not compelled to answer questions that might prove him guilty of a criminal offence. The court and the learned judge thereby, so far as their decisions go, make void a very necessary provision. What is the use in passing a law to compel a defendant to give evidence in a proceeding brought against himself, and then to tell him that all he has to do, in order to prevent compulsion, is to say that his answers might tend to criminate himself? Of course he will say so. Any saloon keeper knows enough for that; and in all probability the answers would criminate him. The Legislature evidently saw that the difficulty of getting at the facts in such cases required peculiar legislation. We presume some form of words might be devised to prevent misconception as to their meaning; but it seems to us the section means exactly what it says. Judges are not responsible for results; that is, generally speaking, the business of the legislature.

RECENT ENGLISH DECISIONS.

The *Law Reports* for November include 17 Q. B. D., pp. 601–689; 11 P. D., pp. 117–125; and 33 Chy. D., pp. 75–225.

Power of court to set aside verdict, and give judgment for opposite party—Eng. rules 1883—Ord. 58, r. 4 (Ont. rule 321).

Taking up first for consideration the cases in the Queen's Bench Division, the first to be noticed is *Millar* v. *Toulmin*, 17 Q. B. D. 603, in which the Court of Appeal held that under the English Rule, Ord. 58 r. 4 (see Ont. Rule 321), the court has power to set aside a verdict, and is not obliged to grant a new trial, but may, whenever it is satisfied that all the facts are before the court, give judgment for the party in whose favour the verdict ought to have been given.

The same practice has been adopted under Ont. Rule 321, in *Campell* v. *Cole*, 7 Ont. R. 127; *Stewart* v. *Rounds*, 7 App. R. 515; *Lauccy* v. *Brake*, 10 Ont. R. 428, and other cases.

Gas company—Gas stoves let for hire—Exemption from distress.

The Gas Light and Coke Company v. *Hardy*, 17 Q. B. D. 619, deserves a brief notice. By s. 14 of a Gas Company Act it was provided, "The undertakers may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings for the gas . . . and such meters and fittings shall not be subject to distress . . . for rent of the premises where the same may be used." It was held by Mathew, J., that a gas stove let for hire by a gas company was not within the