

the language 'such as reasonable men ought not to have come to?' All men are assumed to be reasonable, and unless circumstances show that the jury has acted corruptly or from improper motives, their finding would be the finding of reasonable men, and the verdict of a jury would become unassailable in the absence of evidence of their being influenced by corrupt or improper motives. A court composed of three reasonable men would be, otherwise, determining that twelve reasonable men, acting in accordance with their reason, were unreasonable. Thus it comes back to this:—Does, in the opinion of the court, the verdict do substantial justice; and, if not, is the evidence sufficient, in that opinion, to invoke the discretion appealed to, to interfere, to warrant such interference? If it is, then the court should exercise its discretion." We object to that part of this judgment which implies that if the verdict be against the weight of evidence there is any discretion in the court, on the ground of substantial justice having been done, to withhold a new trial. If there is anything we abominate it is "substantial justice," as the term is usually applied—for it is this, that while the law and the evidence are one way, the judge is the other. "Justice," as known to the law, and not "substantial justice," as known only to the judges, is what the courts are bound to administer.

*Page v. Harrison* is noted in the *Law Journal (Eng.)*, vol. 20, p. 337. It was an action brought by a medical man for a slander imputing to him that he had seduced the defendant's wife while attending her professionally. The defendant pleaded a justification to the effect that his statements were true. The action was tried before Mr. Justice Hawkins and a special jury; and, after a trial extending over several days, the jury found for the plaintiff for £150. The learned judge was dissatisfied with the verdict, and a Divisional Court, consisting of Mr. Justice Grove and Mr. Baron Huddleston, granted a new trial on the ground that the verdict was against the weight of evidence, a suit in the Divorce Court between the same parties having in the meantime proved abortive, the jury being unable to agree upon a verdict. The plaintiff