

for judgment or a new trial, the function of the court under the Civil Procedure Code is the same as the function of the Court of Appeal in this country in similar circumstances. It is not the province of the court to retry the question. The court is not a court of review for that purpose. The verdict must stand if it was one which the jury, as reasonable men having regard to the evidence before them, might have found, even though a different result would have been more satisfactory in the opinion of the trial judge and the Court of Appeal. That there was evidence to justify the verdict in the present case could hardly be deputed. The automatic machine which had been in use for rather over a year was designed in the works of the company. The designer himself, who was the company's superintendent, and apparently a clever and skilful mechanic, and the man who made the machine under his instructions and direction spoke of it in terms of the highest praise. But no independent expert was called to echo their encomium or confirm their view of its suitability for the purpose in hand. It was not patented, but still it did not seem to have been adopted in any other works of the sort. In the judgment of the majority of the judges of the Supreme Court, delivered by Mr. Justice Girouard, it was stated that it was "proved that the machine was perfect and worked regularly and properly." But the company's witnesses did not go so far as that. They admitted that there was room for improvement, and that improvements were to be introduced in a machine that was then being constructed to take its place. The principal fault or defect of the machine seemed to have been in the mechanism used in the last stage of the process. When cartridges were charged they had to be "crimped," that was, the edges had to be turned down so as to hold the charge firmly in its place. The design was that each cartridge, when and as it was loaded, should be clutched by automatic fingers and carried off to another part of the machine, and there presented, sitting upright on the inside edge of a hollowed cup, to receive the blow or punch which would complete the operation. But those automatic fingers, occasionally at any rate, acted in an uncertain, not to say an erratic, manner. Up to the time of the explosion, though no doubt less frequently at the last than at first, cartridges were now and then presented in a wrong pos-