

ascertaining whether or not the verdict is consonant with it. And we cannot blame them. It rarely happens that something cannot be said for the verdict, and where counsel can raise a real contention it is an extremely difficult and laborious task to thoroughly master the evidence and decide upon all its bearings. There are many cases, however, in which it has been done; and, long as the evidence may be, and involved, an appeal upon a question of fact can only fairly be decided, if there be any reasonable doubt, after a thorough study of the testimony.

*Douglass v. Ward*, 11 Gr. 39, is a case in which the evidence as to an alleged fraudulent judgment was most thoroughly sifted and the first judgment overruled, although the learned judge (Spragge, V. C.) whose decree was in appeal remained of the same opinion as at the hearing. There are many cases in the reports of a similar character.

Returning to the later cases, *Solomon v. Bitton*, 8 Q. B. Div. 176, was an action of trover in which the evidence was very conflicting. The substantial question left to the jury was, whether they believed the plaintiff's or the defendant's witnesses. The jury found for the plaintiff. The Divisional Court ordered a new trial, the trial judge having expressed himself as dissatisfied with the verdict. The Court of Appeal reversed the order and directed the verdict to stand, holding that "the rule on which a new trial should be granted on the ground that the verdict was unsatisfactory as being against the weight of evidence, ought not to depend on the question whether the learned judge who tried the action was, or not, dissatisfied with the verdict, or whether he would have come to the same conclusion as the jury, but whether the verdict was such as reasonable men ought to have come to." This again merely means that *if the verdict be against the weight of evidence it must be set aside*, for in such case reasonable men ought not to have given such a verdict.

"Such as reasonable men ought to have come to." In *Grieve v. Molson's Bank*, 8 Ont. R. 162, these words are discussed. "It may well be asked what in fact is the effect of