

DIARY FOR FEBRUARY.

1. Wednesday... Sir Edward Coke born, 1552.
5. Sunday..... *Sexagesima Sunday*.
6. Monday..... Hilary Term begins. W. H. Draper, and C.J. of C.P., 1856. Q.B. and C.P. Divs. H.C.J. sit. County Ct. Non-Jury sittings in York begin.
7. Tuesday..... Convocation meets.
9. Thursday..... Union of Upper and Lower Canada, 1841.
10. Friday..... Convocation meets. Canada ceded to Gt. Brit., 1763.
11. Saturday..... J. Robertson appointed to Chancery Div., 1887.
12. Sunday..... *Quinquagesima, Shrove Sunday*.
14. Tuesday..... Toronto University burned, 1890.
16. Thursday..... Chancery Div. H.C.J. sits.
17. Friday..... Convocation meets.
18. Saturday..... Hilary term and H.C.J. sittings end.
19. Sunday..... *Quadragesima. 1st Sunday in Lent*.
21. Tuesday..... Supreme Court of Canada sits.
26. Sunday..... *2nd Sunday in Lent*.
27. Monday..... Sir John Colborne, Administrator, 1838.

Reports.

COUNTY COURT OF THE COUNTY OF YORK.

[Reported for THE CANADA LAW JOURNAL.]

CAMPBELL v. JACKSON.

Misconduct of jurors—New trial—Affidavits of jurymen, when receivable.

Although affidavits of jurors will not, as a general rule, be received to impeach their verdicts; they are receivable to show attempts at bribery or other corrupt or undue influence, provided such attempts are made when the members of a jury are separated during the adjournment of a trial. A verdict obtained under such circumstances was set aside and a new trial ordered.

[TORONTO, December 2, 1892.]

This was an application to set aside a verdict for the defendant, and for a new trial, upon the ground of improper conduct on the part of the defendant and one of his witnesses, in having conversation with and making statements to some of the jurors empanelled on the case during the adjournment of the trial, and when the jury had been allowed by the court to separate. It was also charged that the defendant and the same witness caused the injured horse, the subject of the litigation, to be shown to some of the jurors at an adjournment, in the absence of the plaintiff, and without the knowledge or consent of the court. Other acts of misconduct were also charged.

The plaintiff, to establish these alleged acts of misconduct, tendered as his sole evidence the affidavit of a juror who sat on the case, and the examination and cross-examination of some four or five other fellow-jurors who were examined as witnesses upon this pending motion.

The defendant filed affidavits in reply, denying some of the alleged acts and explaining and qualifying others, and also making counter-charges of misconduct on the part of the plaintiff.

C. Millar for plaintiff.

A. Abbott for defendant.