REVIEW OF CURRENT ENGLISH CASES.

APPEAL—NON-APPEARANCE OF RESPONDENT—ORDER IN APPEAL MADE IN ABSENCE OF RESPONDENT—APPLICATION TO REOPEN AND RESTORE APPEAL—JURISDICTION—ORDER PASSED AND ENTERED.

In Hession v. *Jones* (1914) 2 K.B. 421, the plaintiff recovered judgment in the County Court from which the defendant appealed. On the appeal coming on to be heard, counsel appeared for the appellant but no one for the plaintiff, and the appeal was heard and disposed of in his absence. After the order allowing the appeal had been drawn up and issued, the plaintiff applied to reopen the appeal and to restore it to the list for argument on the ground that owing to his solicitor's oversight he had not been represented. The Divisional Court (Bankes and Avory, JJ.) held that they had no jurisdiction so to do.

JURY ACTION—DISAGREEMENT OF JURY—MOTION FOR JUDGMENT —JURISDICTION.

Skeate v. *Slaters* (1914) 2 K.B. 429. This action was tried by a jury and at the conclusion of the plaintiff's case the defendant moved for judgment. The Judge refused the application and witnesses were called for the defence and the case submitted to the jury who disagreed. The defendant then again moved for judgment on the ground that upon all the evidence the jury could not reasonably find a verdict for the plaintiff. This motion being refused the defendant appealed and the Court of Appeal (Lord Reading, C.J., and Buckley and Phillimore, L.JJ.) held that in the circumstances it had jurisdiction under Ord. lviii r. 4, to enter judgment for the defendant if the evidence as a whole was so weak that a verdict for the plaintiff would be set aside as unreasonable; yet considered, that in the present case the evidence was not so weak as to justify that course. Their Lordships express the view that the Judge at the trial might have given judgment for the defendant if the whole evidence failed to disclose any cause of action against the defendant, notwithstanding he had previously refused a motion for judgment at the close of the plaintiff's case. In Ontario where the jury disagree the case may be retried at the same or any subsequent sittings. See Ont. Rule 500.