points on which the application is based was upon matters in the judge's charge to the jury, which was illegal or erroneous. What the judge has to do in a case of this kind is to make memorandum of those points of his charge which are objected to, that they may be submitted for consideration. This was done and nothing illegal was found to have been given to the jury. This point, therefore, was of no value. The question of malice, they say in the next place, was not put to the jury, but it evidently was, as will appear by reference to the 16th question. Then they plead the admission of illegal evidence in the cross-examination of Abbott, and the judge allowed the defendants to be examined for one another. On reference to the article of the code in relation to this point, it says that one of the parties to a case can be examined by another of the parties to the case, it might be held to refer to the plaintiff being examined for the defendant and the defendant for plaintiff, but that where there are several defendants they could not be examined the one by the other. But the practice of our courts and a jurisprudence built up allow this to be done. It must, however, be borne in mind that the defendant so examined can only testify for the other defendants, and not for himself. But another ground on which this application is based is the discovery of new evidence since the trial. George Demers is referred to as being one of two important witnesses who should have been heard. He, they say, can prove that no wine was bought at his place on Sunday morning for Sacramentary purposes. But if he is so important he ought to have been thought of before. Thompson is another on the same point, and to which the same remark applies. There are a few cases tried in which some new evidence cannot be hunted up after a trial. Another reason is the misconduct of a juryman before the verdict; that he had declared himself partial. It appears that as he went home to Hochelaga in the cars a person remarked that the case was lasting a long time, and he replied that the judge might be long in his charge, but the jury would not be long in giving their verdict. New trials ought at no time to be granted except to subserve the purpose of substantial justice. The application must we think, be rejected, and action dismissed with costs.