

This view is enforced by Lord Herschell at page 53:—

"The Court may think, as I might think, in the case before your Lordships, that the jury would have given the same damages if the law had been correctly expounded; but that is a mere matter of speculation; it cannot be asserted with the least certainty that they would have done so. The jury have returned their verdict on what they were erroneously led to think was the case and not on the real case which the defendant was entitled, have submitted to them."

The case of *Dakhyl v. Labouchere* (*ante*), emphasizes this view. Lord Shaw, however, points out in *Stubbs, Limited v. Russell*, 1913, A.C. at p. 386, that the ruling of the trial Judge may be reversed after the jury have pronounced their verdict.

But if fair comment is to form a defence to a newspaper, the latter must, except in the clearest cases, be allowed to present to the jury its view of what has been said, and it must be the jury who decide for or against that view.

ORDEAL BY BATTLE.*

MILITARY SERVICE.

We quite agree with one of the best writers for the English press, who says that Mr. Oliver has produced the most notable book concerning the war that has yet appeared: "The style is lucid and distinguished, and there is thought in every page. This book is not only thoughtful but compels thought, and should be read by every earnest man." It is in fact a classic of the war, and is most welcome at the present time, especially so when the great question comes before us, both in England and in Canada, as to how best to secure recruits, and recruits of the right class. The burning questions at home and at the battle front are as to the supply of men and munitions of war.

Before giving Mr. Oliver's views on that subject, we would draw attention to the leading features of his book. He groups the contents under the following heads: Part I. deals with the

*"Ordeal By Battle," by Frederick Scott Oliver: The Macmillan Company, St. Martin St., London, 1915.