

"The foreman.—We judge from that there must have been some vindictiveness.

"The learned judge."—And you find malice?

"The jury.—Yes, malice.

The damages assessed were £3,000.

"Attorney General.—Now, my Lord, I ask your judgment on the question of law I submitted to you—whether there is any evidence to warrant a verdict for the plaintiff.

"The learned judge.—I am of opinion that there was no evidence on which such a verdict could be given; and I therefore direct judgment to be given for the defendant."

This method of proceeding would certainly be said to be unusual in Manitoba, and it strikes one, at first, as not only anomalous but unfair—if the verdict is for the defendant he gets it, but if for the plaintiff the defendant wins all the same. But let the learned judge defend himself. Several days after the trial he took occasion to explain his action, and is reported as follows:—"There seems to be a general misunderstanding as to the course I took on Saturday. It seems to have been thought that it was an unusual and improper course to take. But it is a course I had taken before, which other judges have also taken, and which I shall take again under similar circumstances. The reasons upon which I have so acted are, that it is decidedly for the interests of both parties, and tends to bring the litigation between them to as speedy an end as possible. It is a course, I think, especially in the interest of the plaintiff. I think, however, it is in the interest of both parties, and for this reason—that if I am wrong the Court of Appeal will say so, and will then be in a position finally to dispose of the case, having a verdict for the plaintiff. If they think I was wrong, they will hold the verdict right, and so the case will be brought to an end without putting the plaintiff to the delay and expense and risk of a second trial."

We own ourselves entirely convinced, by this statement, of the propriety of the course taken at the trial. If the