toric line separating the province of the jury from that of the judge, without at the same time preventing procedural improvement that does not transgress this line. Elucidating this formula, the Court has concluded that it is constitutional for a federal judge, in the course of trial, (1) to express his opinion upon the facts, provided that all questions of fact are ultimately submitted to the jury,[52] (2) to call the jury's attention to parts of the evidence that he deems of special importance,[53] being careful to distinguish between matters of law and matters of opinion,[54] (3) to inform the jury, when there is not sufficient evidence to justify a verdict, that such is the case,[55] (4) to require a jury to answer specific interrogatories in addition to rendering a general verdict,[56] (5) to direct the jury, after the plaintiff's case is all in, to return a verdict for the defendant on the ground of the insufficiency of the evidence,[57] (6) to set aside a verdict that is against the law or the evidence, and to order a new trial,[58] and (7) to refuse the defendant a new trial on the condition, accepted by plaintiff, that the plaintiff remit a portion of the damages awarded him,[59] but not, on the other hand, to deny the plaintiff a new trial on the condition, accepted by the defendant, that the defendant consent to an increase of the damage award.[60] Nor can a Court of Appeals reverse a jury's finding on the issue of the reasonableness of a stevedoring company's conduct in failing to avert an injury to one of its employees. The Court of Appeals had found that the stevedore had acted unreasonably as a matter of law, but the Supreme Court held that, "[u]nder the Seventh Amendment, that issue should have been left to the jury's determination."[61]

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[52] Vicksburg & Meridian R.R. v. Putnam, 118 U.S. 545, 553 (1886); United States v. Philadelphia & Reading R.R., 123 U.S. 113, 114 (1887).

[53] Vicksburg & Meridian R.R. v. Putnam, 118 U.S. 545 (1886) (citing Carver v. Jackson, 29 U.S. (4 Pet.) 1, 80 (1830); Magniac v. Thompson, 32 U.S. (7 Pet.) 348, 390 (1833); Mitchell v. Harmony, 54 U.S. (13 How.) 115, 131 (1852); Transportation Line v. Hope, 95 U.S. 297, 302 (1877)).

[54] Games v. Dunn, 39 U.S. (14 Pet.) 322, 327 (1840).

[55] Sparf and Hansen v. United States, 156 U.S. 51, 99–100 (1895); Pleasants v. Fant, 89 U.S. (22 Wall.) 116, 121 (1875); Randall v. Baltimore & Ohio R.R., 109 U.S. 478, 482 (1883); Meehan v. Valentine, 145 U.S. 611, 625 (1892); Coughran v. Bigelow, 164 U.S. 301 (1896).

[56] Walker v. New Mexico So. Pac. R.R., 165 U.S. 593, 598 (1897).

[57] Treat Mfg. Co. v. Standard Steel & Iron Co., 157 U.S. 674 (1895); Randall v. Baltimore & Ohio R.R., 109 U.S. 478, 482 (1883), and cases cited therein.

[58] Capital Traction Co. v. Hof, 174 U.S. 1, 13 (1889).

[59] Arkansas Cattle Co. v. Mann, 130 U.S. 69, 74 (1889).

[60] Dimick v. Schiedt, 293 U.S. 474, 476–78 (1935).

[61] International Terminal Operating Co. v. N. V. Nederl. Amerik Stoomv. Maats., 393 U.S. 74, 75 (1968) (per curiam). *But see* Neely v. Martin K. Eby Construction Co., 386 U.S. 317, 322 (1967), where the Court held that the Seventh Amendment does not bar an appellate court from granting a judgment *n. o. v.* insofar as "there is no greater restriction on the province of the jury when an appellate court enters judgment *n. o. v.* than when a trial court does." A federal appellate court may also