representation, but simple commendation. No objection was taken to the charge in this respect, and a perusal of the portion of his charge relating to this shews that the learned Chancellor fairly stated the law on the subject, leaving the jury to deal with the question of fact as to what actually occurred. He had previously pointed out to them that it was for them to find from the conflicting statements of the defendant and Greig what had really taken place between them.

As to (*b*): no request was made to the learned Chancellor to submit any other questions, and those submitted seem to cover all the issues of fact involved.

As to (*c*): no objection was made when the learned Chancellor proposed to submit question No. 4, but even if it had been objected to, it was not wrong to put the question.

In discussing in his charge the questions bearing on the issues relating to the alleged misrepresentation the learned Chancellor had necessarily to deal, and as a matter of fact did deal, with every matter proper to be considered by the jury if they were disposed to render a general verdict. The point seems to be disposed of by Furlong v. Carroll, 7 A.R. 145.

Section 264 of the Common Law Procedure Act, R.S.O. (1877), ch. 50, the enactment then in force, was in terms about precisely the same as section 112 of the Judicature Act. And as appears from that case, the enactment is intended to govern the action of the jury, rather than that of the Judge. If the Judge directs the jury to answer questions only, they must obey. They cannot decline or neglect to answer, and instead thereof give a verdict. But the Judge is not prevented from asking the general question if he thinks fit, provided he takes care to see that his charge is sufficiently comprehensive to enable the jury to deal with the issues by a general verdict. And it was because of failure in this regard that in Reid v. Barnes, 25 O.R. 223, a Divisional Court thought that there should be a new trial. In that case the jury did not answer the specific questions. In the present case they did, and the answer to the 4th question harmonizes with the answers to the previous questions. So that from which ever point of view the matter is regarded, the judgment was entered in accordance with the findings of the jury.

As to the want of proof of a by-law providing for the sale of shares at a discount, the point was not taken at the trial. If it had been, there would have been no difficulty in supplying the proof if it was incumbent upon the plaintiffs to produce it, or a verdict could have been taken subject to this proof—Con. Rule 549. The defendant's agreement was to take the number of