

The Judge, without objection, left certain questions to the jury, and upon their answers thereto entered a verdict for the plaintiff.

D. L. McCarthy, for the defendant, contended that all the matters in dispute were not covered by the questions put to the jury, and, even if otherwise, that the Judge had no power to enter a verdict upon findings, which was usurping the functions of the jury. He cited *Re Lewis v. Old*, 17 O.R. 610; *Gordon v. Denison*, 22 A.R. 315; 31 C.L.J. 349.

Douglas Armour, for the plaintiff.

MEREDITH, C.J., held, upon the evidence, that all the facts really in dispute had been submitted to the jury, and, having been found in favour of the plaintiff, the Judge had the power to enter the verdict upon the answers to questions submitted without objection.

Re Lewis v. Old, 17 O.R. 610, distinguished.

Held, also, that by s. 304 of the Division Courts Act, the practice of the High Court was applicable, and that placed the matter beyond doubt.

Motion refused with costs.

ROSE, J.]

[Sept. 27.]

ATTORNEY GENERAL v. CAMERON.

Revenue—Succession Duty Act, 55 Vict. C. 6 (O)—Final distribution—Duty payable.

Held, in addition to the findings reported in 27 O.R. 380; 32 C.L.J. 364, (the special case having been amended to raise the question) that under the Succession Duty Act, 55 Vict., c. 6 (O), the duty payable on the capital was deferred until the final distribution thereof, and that the duty then payable would be on the amount then actually distributed, whether increased by accumulations, or by the rise in value of lands or securities, or decreased.

J. R. Cartwright, Q.C., for the Attorney General.

E. D. Armour, Q.C., for the defendants.

MOSS, J.A.]

[Oct. 1.]

GILPIN v. COLE.

Costs—Taxation—Fee on taking mortgage account.

Where, in a mortgage action, the defendant disputes the amount only of the plaintiff's claim, and no reference as to incumbrances is desired, the officer signing judgment is entitled for taking the account to no greater fee than that allowed by item 55 of Tariff B.

BOYD, C., FERGUSON, J., }
MEREDITH, J }

[Oct. 4.]

GRIFFIN v. FAWKES.

Discovery—Production of documents—Deeds relating to plaintiff's title.

To deny the due execution of a deed sought to be protected, or to set up that it is forged, or to plead non est factum, does not give the defendants a right to have it produced on an affidavit of documents, where the deed is a