

tions which they can and are bound to answer, I should say it was the duty of the trial judge, in law, to receive and record such finding or answers, and that while a trial judge has the right and is bound to guide the jury in the matter or form of their verdict, and to instruct the jury to the fullest extent, in order that their verdict in form may comply with the law. Once their division is in form with the law, he should not send the jury out for further deliberations with a view of changing the substance of their return. The return which I have called No. 2, is perfect in form, and is entirely in accordance with the requirements of the law as to the duty of a jury in answering questions.

"I am of opinion that there was a mistrial, and that there must be a new trial.

"I should dismiss the motion of the plaintiff for judgment, for \$2,000.00 in accordance with what is called the "verdict" of the jury.

"I should quash the said verdict as entered and enregistered and signed by the foreman of the jury, and should order a new trial at the diligence of the parties.

*Trihey, Bercovitch et Kierney, avocats du demandeur es-qual.*

*J. H. Jalbert, avocat des défendeurs.*

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