

APRIL 8TH, 1915.

PEPPIATT v. REEDER.

Fraud and Misrepresentation—Sale of Theatre—Rescission of Contract of Sale and Return of Money Paid—Damages—Reference—Costs.

Appeal by the defendant from the judgment of LENNOX, J., ante 84.

The appeal was heard by FALCONBRIDGE, C.J.K.B., RIDDELL, LATCHFORD, and KELLY, JJ.

J. J. Gray, for the appellant.

Edward Meek, K.C., for the plaintiff, respondent.

THE COURT set aside the judgment below in so far as it ordered rescission, and substituted a judgment for the plaintiff for damages for deceit, with a reference to the Master to assess the damages. No costs of appeal. Costs of trial to the plaintiff. Costs of reference to be in the discretion of the Master.

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*DOWNS v. FISHER.

Motor Vehicles Act—"Owner" — Liability for Negligence of Trespasser Causing Injury to Stranger—2 Geo. V. ch. 48, sec. 19—Amendment by 4 Geo. V. ch. 36, sec. 3.

Appeal by the defendant Whalen from the judgment of the Judge of the District Court of the District of Thunder Bay, in favour of the plaintiffs.

The defendant Fisher was the agent at Port Arthur for the Hudson "6" automobile, and had a garage. The defendant Whalen bought a car of that description, which got out of order, and Whalen placed it in Fisher's garage for repair, as he was in the habit of doing. The defendant Smith, the servant of Fisher, appeared to have thought that it was a "demonstrating car," although it was not left at the garage for "demonstrat-

*This case and all others so marked to be reported in the Ontario Law Reports.