

We are disposed to think that the words, "a very desirable tenant," occurring in an advertisement would not be taken by any one, at all familiar with the ways of the world, as anything more than the usual puffing commendation, as something calculated, not to mislead, but merely to attract the attention of the public to the sale, as similar to such statements as "splendid investment," "magnificent opportunity," "choicest locality," "better than the best," "extremely desirable property," "just the thing for a gentleman's residence," and many similarly "florid descriptions that are usually to be found in such advertisements."

We are also disposed to think that the decision should, if appealed, be reversed, on the ground that the Company did not rely upon the representation. It was stated that the Board having before it the report of the secretary determined, notwithstanding its statements, to rely upon the advertisement and to purchase the property upon the faith of it. The fact of sending the secretary to the property is amply sufficient to show that the Board placed no dependence whatever upon the advertisement; and after they had the report, they cannot possibly pretend that they paid no attention to it, but believed an advertisement which it contradicted. It is hard to understand how the directors could have the courage to swear that they were such simpletons, and had they, in case of loss, made the explanation to their shareholders instead of to a judge, they would probably have had an opportunity of listening to some valuable dissertations on the methods usually pursued by business men.

With great deference, therefore, we think, (1), that the statement was not of that definite character which is necessary to the rescission of a contract; (2), that, even if definite, the unsupported testimony of the defendants that they relied upon the representation would not be sufficient to induce the court to believe that business men acted as fools; and, (3), that having made enquiries, and having before them the report of their secretary, it is proved affirmatively that they did not rely upon the statement.