REAL ESTATE.

The following sales on the Homewood estate, Toronto, are reported by J. W. G. Whitney, agent:

On the south side of Wellesley Crescent, 100 feet, for $2,000.

South side of Wellesley Crescent, on the corner of Pembroke street, 198 x 191, for $3,650.

Corner of Carlton and Sherbourne streets, 100 x 175, for $2,200.

Corner of George and Queen streets, 50 x 100, for $1,250.

THE EFFECT OF FRAUD UPON CONTRACTS.

It is a well established principle of law, that fraud vitiates everything. A contract, in other respects binding and valid in law is void if founded upon the fraud of one of the parties to it. It is, accordingly, important to inquire as to what constitutes such fraud as entitles the party defrauded to avoid the effect of his agreement. Fraud, in general, consists in inducing a person to act upon some untrue statement or representation, intentionally made for that purpose. The misrepresentation by which the fraud is effected must be respecting some matter of fact. It is, however, important to observe, that exaggerated commendations of the subject of the agreement of a general character, and not embodying specific representations of fact, are not in general sufficient ground for avoiding the effect of the agreement. Puffing of wares, as long as it is general and vague, and does not include definite statements with regard to particular facts, is tolerated by the law. Thus, a representation made upon the sale of an advowson that "a voidance was likely to occur soon," and a representation upon the sale of land that it was "uncommonly rich water meadow," although they were found to be exaggerated representations, were held not to be sufficient ground for refusing specific performance of the contracts induced by them. But where, upon a sale of growing timber, the trees were represented as of an average size of fifty feet, which, in fact, averaged only thirty-five, specific performance was refused. A prospectus of a mine, containing statements respecting the general appearance and promise of the mine, expressed in glowing and exaggerated terms, was held in equity not to be sufficient ground of fraud. "It is so universally known," said Lord Justice Turner, "that the prospectus of a company never, in fact, contains a strictly accurate account of its prospects and advantages, that the validity of bargains founded on such an instrument cannot properly be tried by so severe a test as may be applied in other cases." We are, however, in doubt whether the loose views here propounded by the late Lord Justice would now be upheld in our courts.

Fraud may be effected by the active concealment of a fact material to be known by the other party. Where a person sold a log of mahogany, having turned it so as to conceal a hole in the underneath side, the sale was avoided by fraud. "Good faith," said Lord Mansfield, "forbids either party, by concealing what he privately knows, to draw the other into a bargain from his ignorance of that fact, and believing the contrary. But either party may be innocently silent as to grounds open to both, to exercise their judgment upon." Upon this principle, a person knowingly selling a chattel with a latent defect, without disclosing it to the buyer, is guilty of a fraud which would entitle the buyer to avoid the sale. But if a person sells a chattel with a patent defect in it, and the buyer has an opportunity of inspecting it, the seller does not commit a fraud by not pointing out the defect. It must further be remarked, that the fraud must be respecting a fact which materially induces to the agreement.

Where an agreement has been induced by the fraud of one of the parties upon the other, the party defrauded has the right of avoiding the agreement upon the discovery of the fraud; but subject to the exercise of such right, the agreement continues binding. But if after discovering the fraud, the party defrauded treats the agreement as binding, he loses his right of avoiding it.—*Investors' Guardian.*

THE LAKE SUPERIOR SILVER REGION.—Early last spring we conversed with a gentleman from the north shore, who told us such maunchausen stories about the discoveries of silver near Thunder Cape, that we hesitated about putting any part of his narration into print. He had been up looking over the property, and exhibited to us specimens of the ore that were very rich, and intimated that he was then in search of parties who would be willing to join him in the purchase of the property, which then belonged to an indolent Canadian company. We now learn that the purchase has been made, and that active preparations are in progress for opening the mine. A number of Detroit capitalists are interested in the enterprise, as we learn from the *Free Press*, which says that the property was formerly owned by the Montreal Mining Company, and the men who now have the control of it, in company with some English capitalists, had been negotiating for it a long time, but the breaking out of the war in Europe so deranged money matters in England that the foreign parties withdrew, and a company composed of New York and Detroit gentlemen acquired the title about the first of September, the two cities being about equally represented in capital. The entire purchase was 107,000 acres, equal to 160 square miles, not all of it in a contiguous body, but scattered along the whole north shore of Lake Superior, in bodies of a few thousand acres in each lot. The amount paid for the property was $225,000.

Silver is known to exist in a number of places, but the spot which has been selected for the first operations is on Thunder Cape, about twenty-five miles east of Fort William. The spot to be worked is a small isle or reef, about half a mile from the main land. The lode is about eighty feet thick, and has been traced one hundred and fifty feet. It is under water from three to five feet. The plan to be pursued in working the vein is to build a breakwater around the whole islet, and then build a coffer-dam for about sixty feet, around the silver lode. These operations are being vigorously prosecuted at present. The tug Gallagher has been purchased and sent up to tow lumber and assist in building the breakwater. About fifty men are at work, and more will be added as occasion may require. Reference has already been made to the schooner H. A. Richmond taking up a cargo of clay, which was to be used in building the coffer-dam. Unless the weather should be decidedly unfavorable they expect to have the breakwater and coffer-dam completed by the 10th of October, and will then be ready for getting out the ore. The work is in charge of Captain Wm. B. Frue, an old and well-known miner in the copper mines of Lake Superior.

The ore is very rich. The silver is in combination with lime-stone and a little lead, and does not require any stamping, but can be smelted at once. One thousand nine hundred and thirteen pounds of ore from the lode was smelted at Newark, N. J., a short time since, and it produced $1,987.63, gold value. Different assays of the ore from the lode show that it will yield from $2,000 to $17,000 per ton, making it much more valuable than most gold mines.

It is expected that some of the ore will be got out and shipped before close of navigation this fall, and thus a practical test can be made, though the owners have no doubt as to the success of the undertaking. It will be shipped to the Sault Ste. Marie by the Canadian line of steamers, and thence by the American lines to Cleveland or Buffalo, and by rail to Newark, N. J., where the smelting will be done.—*Marquette Min. Jour.*

Commercial.

TORONTO MARKET.

Business during the current week has been generally speaking very active in the various wholesale departments, there being a rush o buyers, who, attracted by the Provincial Exhibition now being held here, are combining business and pleasure. Many of the leading houses have been so thronged with customers that it taxed the powers of their salesmen to the most to take their orders. The weather, at first wet and unpleasant, has turned out very fine, with an apparent prospect of remaining so for some time.

BOOTS AND SHOES.—There has been a continuance of the demand for all kinds of goods, dealers buying freely both for present and prospective wants. The trade is in an exceedingly healthy condition, stocks throughout the country being sold well down, and remittances for the most part being made with satisfactory promptness.

DRY GOODS.—A very large number of buyers have been and still are in town, and the aggregate sales of the past week foot up largely. The heavy stocks which were opened here a short time ago are now very considerably decreased, and there is now every prospect that they will prove very little in excess of the wants of the trade and that not more than an average amount will need to be wintered over. Prices of goods have generally been firm, and cottons, both grey and white have realized full figures.

DRUGS.—Trade has been very active, a great many out of town customers having made their appearance and buying freely. Prices are without any change.

GROCERIES.—Business has been active during the past week, and staple and general goods have moved off readily. There have not been any large transactions reported, nor have the buyers been purchasing very heavily, but there have been a great many moderate orders taken, and sales foot up well. *Fish.*—Dry Cod is asked for, selling to some extent at quotations, which are without change. Little doing in Whitefish or Trout. *Fruit.*—Buyers are holding off as much as possible, until the arrival of new fruit, which should be in market within a fortnight, and meanwhile are purchasing only to supply present imperative wants. Good samples of Currants, however, are scarce and wanted, and bring full prices. *Rice.*—Really good samples are very scarce, in fact not to be had, and any offered would bring outside quotations; but ordinary is in large supply and prices are easier. *Spices* are in moderate demand, and without any change to note as to values. *Sugars* have had a steady demand for Refined, and the higher grades of Raws, but we have not heard of any large transactions, sales having been numerous but of comparatively limited amounts. No change whatever in quotations. *Teas.*—There has been a fair business doing in Young Hyson and Uncolored Japans, but there has not been any marked demand for any particular qualities. Prices are steady and without change. *Tobacco* has met a good enquiry, and favorite brands have sold freely at about quotations.

HARDWARE.—Trade has continued active, and shelf and general goods have found purchasers to a considerable amount. Heavy goods have moved off more slowly, but a fair business has been done at satisfactory prices. There is no change to note in quotations.

HIDES AND SKINS.—Domestic *Hides* are coming in more freely, in quantities more nearly adequate to the wants of the trade, but all arriving are readily taken at quotations. *Sheepskins* are now taken at 66c.

LEATHER.—The market has been fairly active for most kinds, but *Harness* and *Upper* have recently accumulated, the high prices ruling inducing tanners to forward their stocks to market as rapidly as possible, and the supply especially in Montreal, has now come to be fully up to the