

Justice gave judgment for the plaintiff for \$1,500—either party may take a reference to reduce or increase the damages. W. C. Mikel, K.C., for the plaintiff. W. B. Northrup, K.C., for the defendants.

FINDLAY v. HYDRO-ELECTRIC COMMISSION OF ONTARIO—FALCONBRIDGE, C.J.K.B.—NOV. 27.

Master and Servant—Death of Servant—Negligence—Damages under Fatal Accidents Act—Apportionment—Allowance to Widow for Maintenance of Infants.]—Action by the widow and children of James Findlay for damages for his death caused by his coming into contact with a live wire while working for the defendants, by reason of the defendants' negligence, as the plaintiffs alleged. Judgment was given for the plaintiffs for \$3,000, without costs, and was apportioned among the plaintiffs. Annual allowance out of the infants' moneys to be paid to the widow for maintenance, with the privity of the Official Guardian. J. Reeve, for the plaintiffs. W. F. Langworthy, K.C., for the defendants.

LAKE VIEW CONSOLS LIMITED v. FLYNN—LATCHFORD, J.—NOV. 27.

Misrepresentation—Purchase of Mining Claims—Undertaking to Return Purchase-money.]—The plaintiffs, an incorporated body, of London, England, brought this action against Charles B. Flynn and John Philip Flynn, mining brokers, to recover \$15,000 which was paid in March, 1911, by the plaintiffs, for the purchase of three mining claims known as the Felton claims, in the Poreupine district, in Ontario. The action was based on misrepresentations inducing the plaintiffs to purchase the claims and an undertaking by the defendant Charles B. Flynn to return the money if the claims were not as represented. The learned Judge made a careful examination of the evidence in a written opinion of some length, and made findings against the defendants. Judgment against both defendants for \$15,000 with interest from the 1st March, 1911, and costs. R. C. H. Cassels, for the plaintiffs. J. M. Godfrey, for the defendants.