

witnesses called at the trial by the defendants; and the counter-claim should be dismissed without costs. Joseph Wearing and J. A. O'Brien, for the plaintiffs. E. G. Porter, K.C., for the defendants.

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MORRISON V. CONNOR—LENNOX, J.—APRIL 22.

*Fraud and Misrepresentation—Sale of Farm—Representation as to Acreage—Failure to Prove Fraud or Concealment—Dismissal of Action for Rescission or Damages.*—Action for a declaration that a certain agreement between the plaintiff and the defendant for the purchase by the plaintiff and sale by the defendant of a farm and some chattels was void on account of misrepresentations made by the defendant, and for damages. The action was tried without a jury at Cornwall. LENNOX, J., in a written judgment, said that from an advertisement offering the farm for sale, the plaintiff thought it consisted of about 97 acres; the farm was in fact only 64 acres; but the plaintiff saw it and had the opportunity of measuring it himself, was told by the defendant that he did not know the acreage, and signed the agreement without having a measurement made, and with the uncertainty as to quantity in his mind. The land was described in the agreement (without specification as to quantity) as the east half of lot 15 in the 3rd concession, excepting therefrom 3 acres on the corner, described by metes and bounds. After discussing the evidence, the learned Judge found that there was no fraud or misrepresentation, no concealment of anything the defendant was bound to disclose; that the statements of the defendant were true and were such as should have led the plaintiff to inquiry and investigation, unless he decided to purchase the property as it stood, which in fact he did. Rescission would, in any event, be out of the question, as the parties could not be restored to their original positions. Damages or compensation the plaintiff was not entitled to. Action dismissed with costs. G. A. Stiles, for the plaintiff. W. B. Lawson, K.C., for the defendant.

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IMPORTANT TO SOLICITORS.

Attention is drawn to sec. 1 of the Ontario Statute Law Amendment Act, 1918, 8 Geo. V. ch. 20, by which "unless otherwise provided therein" a statute "shall come into force and take effect on the 60th day after the day of the date of the assent or signification, as the case may be."

Assent to the enactments of the Ontario Legislature at the session of 1919 was given on the 24th April, 1919.