

were entered into on the 28th February, 1913; those of Goldberg and his son on the 8th March, 1913.

The learned Chief Justice finds that these representations were made to the plaintiffs by one St. Onge, an agent of the defendants, and by Wanless and Halstead, who were the sub-agents working for St. Onge. The defendants gave St. Onge no authority to make these representations. It might be that these representations were an inducing cause of the plaintiffs making the agreements; but it was a very significant fact that the announcement of the coming of the steel plant to the district was made early in January, 1913, and there was, in consequence, what is commonly called a "boom" in real estate, and many persons were induced to buy on this account. At least two of the plaintiffs, Rogers and Goldberg, noticed that these representations were not embodied in the written agreements, but they made no complaint or remonstrance. The boom never actually burst. There came a lull in the movement of real estate. If it had not been for war-conditions, the plaintiffs would, no doubt, have had good reason to be satisfied with their purchases; and a witness for the plaintiffs said that the property was worth what they agreed to pay.

All the plaintiffs made payments upon their contracts up to January or March, 1914; they failed to make subsequent payments, and the defendants assumed to cancel the agreements in 1915 or 1916. Nothing by way of complaint was heard from the plaintiffs until this action was begun in March, 1917.

Their delay, laches, and acquiescence had been so great as to disentitle the plaintiffs to succeed.

The action should be dismissed, but without costs.

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ROSE, J., IN CHAMBERS.

SEPTEMBER 21ST, 1918.

REX v. RANKIN.

*Ontario Temperance Act—Magistrate's Conviction for Offence against sec. 51—Physician—Prescription—"Actual Need"—Evidence.*

Motion by the defendant to quash a magistrate's conviction, under sec. 51 of the Ontario Temperance Act, for prescribing whisky, "the occasion not being a case of actual need."

R. T. Harding, for the defendant.

Edward Bayly, K.C., for the magistrate.