

matter of that character if he got in "upon the ground floor." Collard promptly reported and was thereupon sent back to the plaintiff, when Hill's identity, the general nature of the proposition, as they call it, and Catts's address were disclosed—but not Mr. Collard's agency of course. The plaintiff called and Catts pointed out the merits of the lamp, but declined, or at all events omitted, to say whether it was true or not that Hill was putting in \$5,000 of his own money, and referred the plaintiff to Mr. Hill for discussion of all money questions. The plaintiff then went over to Hill's office, but before he reached it Hill was advised by phone from Catts to expect him. From that time on Hill was the intermediary between the plaintiff and Catts in practically everything that was done.

Hill then, repudiating agency, insists that it was simply that he was helping Catts, and Catts was helping him. Well? I am disposed to look at it in this light, too. Partners, if you like, the name is not important, if they combined to conceal the real terms of the contract from the plaintiff, and they did; and more than this, I find that not only was Mr. Hill peculiarly solicitous of the interests of his co-defendant after the contract was entered into, but throughout the whole trial these two men invariably played into each other's hands. In this way, with separate counsel, the trial was most unfair to the plaintiff. Helping each other, as the defendants both swear, the question arises how was Hill to be paid, and how was he paid?

I find that shortly before the execution of the contract, and as an inducement to the plaintiff to enter into it, the defendant Catts, in the presence and hearing of Hill, stated to the plaintiff that he had made a contract with Mr. Hastings, of the Hydro-Electric, to be allowed to instal lamps at the corner of King and Yonge streets in the city of Toronto, as a test, and that the lamps were to be put up within two weeks; and the plaintiff regarded this as a very important concession, and he believed Mr. Catts's statement, and was influenced by it. Evidence given by the plaintiff satisfies me that Hill heard this statement, and his subsequent actions would indicate that he did not believe it; but it is not important to reach a conclusion upon this point. The defendant Catts had not the slightest justification for this representation, it was false in every particular, and there could be no mistake about the attitude of Mr. Hastings.