

The plaintiff charges that the defendant falsely and fraudulently represented to the plaintiff that all the drainage taxes the plaintiff would be obliged to pay on this farm were \$100 a year, and were only for 3 years from the date of the plaintiff's purchase. It appears that this land was specially assessed for drainage work, and there was and is now a liability of this land for \$145.52 a year for 14 years for that amount, and for a lesser amount for 4 additional years.

The defendant pleads a general denial of making any such representation, and he denies that he at any time made any statement false to his knowledge or fraudulent. It is a little more difficult in this case than in the ordinary case to dispose of the issues of fact, for here the negotiations were carried on through interpreters.

The plaintiff speaks only the French language and does not understand the English language, whilst the defendant speaks only the English language and does not understand the French.

In my opinion, a true interpretation was given to the plaintiff of what the defendant said; and what the plaintiff understood and relied upon, and what the defendant represented, depends upon the evidence of Napoleon Proulx and Frank Delorme on the one side, and the defendant himself on the other.

The bargain for this land was not closed or completed until after the 12th July, 1913. John Kennedy was the defendant's agent to sell, and he brought the plaintiff and defendant together, but was not present when the last word was spoken. On the 12th July, the plaintiff was taken by Kennedy to see the property, and negotiations for its purchase were on, but not closed that day. Napoleon Proulx was present when the plaintiff and defendant were together, and Proulx fixes the time as the 12th July. Some of the witnesses say that Proulx was not present at the interview on the 12th July. I am satisfied that Proulx's evidence is correct as to the conversation, even if by any possibility he is in error as to the date, and I am satisfied that the conversation took place before negotiations were completed. The plaintiff asked the witness to ask the defendant what drainage taxes he (the defendant) was paying upon the land in question. The witness did ask the question, and the defendant replied \$100 a year for three years. The witness Proulx, as interpreter, told this to the plaintiff. I am of opinion that this occurred on the 12th July.

The witness Frank Delorme strongly corroborates Proulx in determining what the defendant intended to give the plaintiff