

HON. MR. JUSTICE LENNOX.

JANUARY 20TH, 1914.

## CARIQUE v. CATTS AND HILL.

5 O. W. N. 785.

*Fraud and Misrepresentation—Contract for Purchase of Interest in  
Invention—Evidence—Rescission — Amendment of Pleadings—  
Damages.*

LENNOX, J., set aside a contract entered into by plaintiff with defendants upon the ground that it had been induced by misrepresentation and fraud and gave judgment for the plaintiff for the loss sustained by him by reason of such misrepresentation.

Action to set aside a sale by the defendants to the plaintiff of an interest in a patented lamp invention and for the return of \$5,000 paid.

R. B. Henderson, for plaintiff.

H. D. Gamble, K.C., for defendant Catts.

W. E. Raney, K.C., for Hill.

HON. MR. JUSTICE LENNOX:—The defendants conspired to deceive and cheat the plaintiff. For dishonesty this case would rank fairly well with a western land deal. There can be no doubt at all that Hill was Catts's agent for the purpose of "handling" the plaintiff; and this, as well after, as before the signing of the contract. It is amazing that a man as clever as Mr. Hill is swears to the contrary. Not only does the defendant Catts say that Hill had the sole management of "the financial end" of the transaction, but Hill himself and his agent Collard establish it. All the papers, contracts, tests, reports, testimonials, drawings and the like were in Hill's hands, and he was the person to explain them. On the evidence of Hill, Collard and Catts, it is shewn that Collard, who was in the same office with Hill, and his agent to sell Porcupine-Hecle stock, was engaged by Hill, at a commission of 5 per cent. to find someone who could be induced to put \$5,000 cash into the Straight Filament Lamp Patent. Collard could not interest the plaintiff in mining stock, but when he happened to recollect and mention that there was a man in an office near him—his employer Mr. Hill as it turned out—who was putting \$5,000 of his own money into an industrial proposition of some kind, all delightfully vague and remote from any interest of Mr. Collard's, the plaintiff became interested and expressed a disposition to take up a