$1,825. The defendants and plaintiffs by counterclaim to have their costs of action and counterclaim. D. L. McCarthy, K.C., for the plaintiff. W. E. Raney, K.C., and H. E. Stone, for the defendants and plaintiffs by counterclaim. W. L. Haight, for Hurlburt, defendant by counterclaim. J. P. Weeks, for Albert J. Gentles, defendant by counterclaim.

HOCKEN v. SHAIDLE—CLUTE, J.—JULY 22.

Fraud and Misrepresentation—Sale of Land—Damages.]—Action by five plaintiffs against the defendants Shaidle (a land agent) and Slater to recover damages for false and fraudulent representations whereby the plaintiffs in 1913 were induced to purchase lots in a block of land in the city of Winnipeg. The action was tried without a jury at Parry Sound. The learned Judge reviews the testimony and correspondence, in a written opinion, and finds, upon the evidence and the credibility of the plaintiffs' witnesses, and not accepting the testimony of the defendant Shaidle, that the plaintiffs were induced to part with their money by a false and fraudulent representation made by Shaidle; that Shaidle had no authority from Ivey, his principal in Winnipeg, to make the agreement which he did; that the written agreements sent down by Ivey for signature by the plaintiffs were not the agreements made by his agent Shaidle; that the agreement for the purchase never was in fact consummated by the formal agreement which was to have been *signed*; that the plaintiffs are entitled to recover from Shaidle, for the fraud and misrepresentation of which he was guilty, the various sums advanced by them, with interest; that the defendant Slater was not guilty of fraud, although his conduct was to a certain extent reprehensible, which should deprive him of costs. Judgment for the plaintiffs against the defendant Shaidle for the several amounts advanced by each plaintiff, with interest from the date of each advance, and with costs of the action, including the costs of a separate action brought by three of the plaintiffs, and consolidated with this action brought by the other two, up to the date of consolidation. Action dismissed without costs as against the defendant Slater. J. W. McCullough and James McCullough, for the plaintiff. G. Lynch-Staunton, K.C., and S. H. Slater, for the defendants.