

included the river front—the words “all the river front” were not used—but the plaintiffs understood and the defendants intended them to understand that the whole river front went with and as part of the land about the purchase of which they were negotiating.

Under these circumstances, if, as I think is the case, the Marchmont lot is part of lot 16—and of the west half of lot 16—the defendants are not in a position to make title to the whole of the north half of lot 16; and the price must be abated. But, even if the Marchmont lot be not part of lot 16, the plaintiffs are entitled to damages for the deceit in representing that it was.

In either case the plaintiffs are entitled as against the defendants to a sum which will represent the difference in value of the farm as represented and as it exists.

There will be judgment that the plaintiffs are at liberty to set off against the purchase-money, and as a payment upon the mortgage given to secure part thereof, and as of the date of the said mortgage, the amount by which the farm is reduced in value by the fact that the Marchmont lot is not a part thereof. The defendants will pay the costs up to and including judgment—there will be a reference to the Master at St. Catherines to determine the said amount. Further directions and subsequent costs reserved.

In a consideration of this case the evidence of the plaintiffs is to be accepted (from seeing the witnesses give their evidence).

DIVISIONAL COURT.

OCTOBER 16TH, 1911.

*VERRAL v. DOMINION AUTOMOBILE CO.

Motor Vehicles Act—Injury by Motor Vehicle on Highway—Excessive Speed—Liability of Owner—Vehicle Taken out by Servant for his own Purposes—Absence of Knowledge or Permission—Neglect of Precautions to Prevent Unauthorised Use of Vehicle—Provisions of Statute.

Appeal by the defendants from the judgment of FALCONBRIDGE, C.J.K.B., in favour of the plaintiff, after trial without a jury, in an action for damages for injury to a taxicab owned by the plaintiff, owing to a collision with a motor-car of the defendants taken out of the defendants' sale-rooms by a demon-

*To be reported in the Ontario Law Reports.