

I think, as I have already intimated, that the ballot in No. 7 Euphemia, which was rejected because the cross was held not to be within the space opposite the appellant's name, was improperly rejected, as there was a clear indication that the voter intended to cast his vote for the appellant.

The result is, that there is a majority of four for the appellant. There will be a majority for him at all events.

I do not think it is a case in which there should be costs to either party, because the fault is that of the deputy returning officer; and there will, therefore, be no costs of appeal to either party.

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HIGH COURT DIVISION.

BRITTON, J.

AUGUST 31ST, 1914.

LADUC v. TINKESS.

*Fraud and Misrepresentation—Sale of Farm—Inducement to Purchase—False Representation as to Amount of Drainage Taxes Charged on Land—Evidence—Finding of Fact of Trial Judge—Damages, Measure of—Compensation for Existing Loss—Anticipated Relief from Taxes by Crown or Municipality—Provision for Benefit of Vendor.*

Action for damages for false and fraudulent representations alleged to have been made by the defendant whereby the plaintiff was induced to purchase the defendant's farm and certain chattels.

The action was tried at Cornwall and Toronto without a jury.

G. I. Gogo, for the plaintiff.

D. B. MacLennan, K.C., for the defendant.

BRITTON, J.:—The defendant was the owner of the east half of lot 14 in the 1st concession of the Township of Roxborough, and he sold it, with the crop and certain named chattels, to the plaintiff, the price for all being \$4,700. The price asked by the defendant was \$4,800, but during the negotiation it was reduced to \$4,700, and the bargain was closed at that sum. The price or selling value of the farm alone as between the parties was fixed at \$3,500, that sum being mentioned in the deed.