

drainage of certain premises let by the plaintiff to the defendant.

On the facts before him the learned County Court judge was of opinion that there was evidence that the statement made by the defendant was untrue, and that it was made without reasonable ground for believing it to be true, but that there was no evidence to go to the jury that such statement was dishonestly made; and, therefore, on the authority of *Derry v. Peek*, 58 Law J. Rep. Chanc. 864; L. R. 14 App. Cas. 337, and *Glasier v. Rolls*, 58 Law J. Rep. Chanc. 820; L. R. 42 Chanc. Div. 436, nonsuited the plaintiff.

From this decision the plaintiff appealed.

Ritter for the appellant: The learned County Court judge's decision is based on a misconception of *Derry v. Peek* (*supra*), which, although it was therein held that the plaintiff must prove actual fraud, decided that fraud is proved when it is shown that a false representation has been made knowingly, or without belief in its truth, or recklessly, without caring whether it is true or false; and here the defendant made the statement without knowing anything about the property.

Kinniple (*Crawford* with him), for the respondent, contended there was no evidence of fraud [WRIGHT, J.: On the judge's notes, isn't there evidence of fraud?]; at any rate, the plaintiff must prove affirmatively that the defendant made the statement dishonestly. Cited *Glasier v. Rolls* (*supra*) and *Angus v. Clifford*, 60 Law J. Rep. Chanc. 443; L. R. (1891) 2 Chanc. 449.

The COURT (WRIGHT, J. and BRUCE, J.) held that there was evidence of fraud to go to the jury, as the statement by the defendant was made recklessly and without belief in its truth, and, therefore, ordered a new trial.

Appeal allowed.

STOCK EXCHANGE TRANSACTIONS.

'*Ex turpi causâ non oritur actio*' is a maxim that seems to have been lost sight of by the plaintiffs in *Scott v. Brown & Co., Slaughter v. Brown & Co.*, 27 L. J. N. C. 122. At any rate, it remained for the Court of Appeal to demonstrate the turpitude of the negotiations upon which those actions were based. And that such proceedings do involve violation of the law, and are, in consequence, absolutely void, will, doubtless, come as a disagreeable surprise to a good many of the Stock Exchange fraternity and others who 'operate' within the purlieus of Capel