

condition of the land. The learned Judge said that, if the representations made by the defendant were not untrue to his knowledge, or if they were not recklessly made by the defendant, desiring them to be acted upon, and not caring whether they were true or false, the plaintiffs could not recover. After briefly discussing the evidence, the learned Judge, in his written opinion, said: "I do not think that there was fraud. I am not able, upon the evidence, to find that all the representations alleged by the plaintiff to have been made by the defendant were in fact made; and I cannot find that the representations actually made by the defendant were either false to the knowledge of the defendant, or recklessly made by him, not knowing or caring whether they were true or false. The facts here are quite different from those in *Scobie v. Wallace*, 4 O.W.N. 881, 1345, and are more like those in *Wilson v. Suburban Estates Co.*, 4 O.W.N. 1488, 5 O.W.N. 182. The defendant was only agent, but as such he would be liable for any fraud perpetrated by him.

. . . The weight of evidence is, that one-half of the section is excellent wheat land; only the quality of one-quarter section could be designated poor, and that quarter is good pasture-land, and has water very valuable to the farm as a whole; the remaining quarter is fair land. Prices in that part of Alberta (section 13, township 11, range 17, west of the 4th meridian) have dropped; but, at the time of the plaintiff's purchase, the price they agreed to pay could not be called excessive. The action will be dismissed, and with costs, save and except costs of commission and evidence taken thereunder. These costs should not be allowed to the defendant." Grayson Smith and A. A. Hughson, for the plaintiffs. C. R. McKeown, K.C., and George Robb, for the defendant.