though it errs on the liberal side, for Stocks gets no allowance for his personal toil, and the farm from its run-down condition was worked at a loss.

The net result as to damages and occupation rent stands thus by this appeal:—

Allow as damages:—

Travelling expenses		$ 458.05
Outlay on factory		410.49
Outlay on house		272.84
Injury by change of circumstances.		2,000.00
Losses in operating property....		400.00
		$3,541.38
Deduct chattels	$ 323.25	
Occupation rent	1,425.00	$1,748.25
Balance		$1,793.13

payable by the defendant.

To this extent the Master's report is to be modified.

We do not regard the occupation of the plaintiff as a voluntary act; he was induced to go on the place by the misrepresentations of the defendant, and when he found out the full extent of the fraud he was in a quandary what to do—whether to stay on or to leave; arrangements for farm work had been entered upon, and he could not expect to get another farm at that time of the year; he had a right to hold the place as a lien for his money. The defendant could have solved the difficulty by agreeing to take back the farm and repay the money; but this he refused till ultimately compelled to do so by the highest Court in the Dominion. The occupation of the plaintiff was also precarious all the while, because at any time the defendant might have ended the strife and acknowledged that he was wrong. Failing that, the plaintiff was driven to do the best he could. The defendant has no reason to complain, nor is he to be put in a better position than if he himself had occupied the land for the two seasons the plaintiff had it; in which case he would have suffered approximately the same loss.

We have endeavoured to reach a fair conclusion as far as possible, and the case is not one in which "golden scales" should be used in estimating what the defendant should pay for his tortious conduct.

As to the appeal and cross-appeal to Middleton, J., there should be no costs to either party; as to this appeal, the defendant should pay the costs.