

## SUPREME COURT OF ONTARIO.

FIRST APPELLATE DIVISION.

OCTOBER 1ST, 1913.

## FIELD v. RICHARDS.

5 O. W. N. 57.

*Injunction—Trespass and Cutting of Timber on Plaintiff's Lands—  
Evidence—Right of Successful party to Costs—Scale of —  
Damages.*

KELLY, J., 24 O. W. R. 606, gave plaintiff \$105 damages and an injunction as prayed in an action for damages for alleged trespass upon plaintiff's lands and the cutting of timber thereon and for an injunction.

A defendant cannot escape paying costs by saying, "I never intended to do wrong."

*Cooper v. Whittingham*, 15 Ch. D. 501, referred to.

SUP. CT. OF ONT. (1st App. Div.) affirmed above judgment.

Appeal by the defendant from a judgment of HON. MR. JUSTICE MIDDLETON, 24 O. W. R. 606; 4 O. W. N. 1301.

The appeal to the Supreme Court of Ontario (First Appellate Division, was heard by HON. SIR WM. MEREDITH, C. J.O., HON. MR. JUSTICE GARROW, HON. MR. JUSTICE MACLAREN, and HON. MR. JUSTICE MAGEE.

J. E. Jones, for the defendant, appellant.

R. C. LeVesconte, for the plaintiff, respondent.

THEIR LORDSHIPS' judgment was delivered v. v., dismissing the appeal with costs.

## SUPREME COURT OF ONTARIO.

SECOND APPELLATE DIVISION.

OCTOBER 29TH, 1913.

## WILSON v. SUBURBAN ESTATES CO.

*Vendor and Purchaser—Sale of Land—Fraud and Misrepresentation  
—No Clear Proof of—Damage—Not Established—Dismissal of  
Action—Costs.*

FALCONBRIDGE, C.J.K.B., 24 O. W. R. 825, dismissed an action for damages for alleged fraud and misrepresentation in connection with the sale to plaintiffs of two lots in Port McNicholl, Ont., holding that neither the fraud nor the damage had been clearly proven.

SUP. CT. OF ONT. (2nd. App. Div.), affirmed above judgment.

Appeal by the plaintiffs from a judgment of HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B., 24 O. W. R. 825, 4 O. W. N. 1488, dismissing the action without costs.