

MACFARLANE v. DAVIS.

1910

ON APPEAL FROM THE SUPREME COURT OF
SASKATCHEWAN.

*Oct. 21.

*Dec. 9.

*Sale of land—Deceit—Misrepresentation—Honest belief—Pleading—
Amendment—Adding new cause of action.*

APPEAL from the judgment of the Supreme Court of Saskatchewan(1), reversing the judgment of Johnstone J., at the trial, Newlands J. dissenting, and maintaining the plaintiff's (respondent's) action with costs.

On the appeal of Macfarlane, one of the defendants, to the Supreme Court of Canada, after hearing counsel on behalf of both parties, the court reserved judgment, and, on a subsequent day, the appeal was allowed with costs, Idington J. dissenting.

Appeal allowed with costs.

Holman K.C. and *A. J. Kidd* for the appellant.
Chrysler K.C. for the respondent.

*PRESENT:—Sir Charles Fitzpatrick C.J. and Girouard, Davies, Idington and Anglin JJ.

(1) 3 Sask. L.R. 446, *sub nom. Davis v. Burt.*