

telegram of the official guardian and the contract which the defendant had made so far as he could, on the Saturday before.

Even if the writing of the defendant be not a signing of the contract or in itself an acceptance of the offer, parol acceptance is enough: *Boys v. Ayerst*, 6 Mad. 316; *Flight v. Bolland*, 4 Russ. 301; *Warner v. Wellington*, 3 Drew. 523; *Reuss v. Picksley*, L.R. 1 Ex. 342; *Lever v. Koghler*, [1901] 1 Ch. 543. And therefore the contract was complete so far as the defendant was concerned. It is true that it was conditioned upon the acceptance of the official guardian; but there was no term express or implied that the defendant should have a *locus poenitentiae* until after the acceptance by the official guardian. Whether the defendant might have withdrawn from the contract by notifying the plaintiff before the acceptance by the official guardian had been communicated to him, I need not consider. He did nothing of the kind, and said nothing to the plaintiff until the evening of the Monday, when he indulged in expressions the reverse of complimentary to the plaintiff, to his own solicitors, and to the official guardian; and said the contract was no good.

Nor need I consider how the case would stand if the defendant had in fact received a more favourable offer for the land, belonging as it does to an estate, though, as at present advised, I do not think the Court would sanction the dishonest repudiation of a fair bargain deliberately entered into, though that were by an executor in the interest of an estate. There is no credible evidence that any such offer was made—I decline to hold anything proved which rests upon the unsupported oath of the defendant.

The defence fails, and the usual judgment for specific performance will be made with costs. The defendant will reimburse his estate for the costs the plaintiff is entitled to, and will not be allowed his own costs against the estate.

The necessary result of my findings is that the defendant committed wilful and corrupt perjury. I, therefore, requested the County Crown Attorney to institute proceedings against him. This crime seems to be alarmingly on the increase, and all legitimate means should be taken to punish it and thereby prevent its repetition.