

contends, about a year's supplies, worth, according to the only evidence before me, \$106.52.

The defence is that plaintiff agreed to accept these supplies in payment of one year's board from defendant. Sometime after the marriage in the following June plaintiff left the place and went to the United States, leaving his wife who continued to do housekeeping for defendant. He remained away between 2 and 3 years and then returned, but for some reason his wife was not willing that he should return to live with her and her adopted father. Plaintiff has brought this action for 52 weeks' board at \$3 per week, in all \$156, from July 15th, 1906, to July 15th, 1907, being for the first year.

The sole issue then is whether plaintiff entered into the alleged agreement with defendant to accept the supplies in the house, which was undoubtedly used by the family, for that year's board.

The defendant is corroborated by plaintiff's wife that such was the agreement between them. The plaintiff, while denying it, is unsupported in any way, and in my view the arrangement was a suitable one. The supplies were proved to be worth \$106.52, nearly sufficient in themselves to pay the alleged claim. It is evident that the plaintiff did very little toward working the place and matters went on about the same as before he became an inmate of the family. Looking at the whole evidence and surrounding circumstances I believe that the agreement set up by the defendant was made. I was impressed with the truthfulness of the defendant, a very old man, in giving his testimony. I therefore find a verdict for defendant with costs.

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#### NOVA SCOTIA.

SUPREME COURT AT WINDSOR.

JUNE 9TH, 1909.

GASS v. THE ALFRED DICKIE LUMBER COMPANY,  
LIMITED, AND ALFRED DICKIE.

*Contract—Part Performance—Damages for Breach—Debtor and Creditor—Judgment—Agreement for Settlement between Parties—Consideration—Promissory Note—Subsequent Parol Agreement—Enforcement—Statute of Frauds.*

W. C. Robinson, for plaintiff.

W. H. Fulton, for defendants.