

not to be delayed in having a second appeal, should there be one, brought on to as early a hearing as possible.

Notice was given to the parties that judgment would be directed unless cause was shewn to the contrary at my Chambers at Osgoode Hall, on the 14th instant, at 10.30 a.m. No counsel appeared before me for either party, and I direct judgment for plaintiff accordingly for the damages assessed by the jury with costs.

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MEREDITH, C.J.

OCTOBER 16TH, 1903.

TRIAL.

BASTEDO v. SIMMONS.

*Sale of Goods—Action for Price—Acceptance of Part—Entire Contract—Statute of Frauds.*

Action for price of goods sold, tried without a jury at Toronto.

W. H. Grant, for plaintiff.

T. H. Lennox, Aurora, for defendants.

MEREDITH, C.J., held that the sale was an entire one of the various articles which formed the subject of it, and defendants, having accepted part, were not entitled to return the remainder of the goods, even if they had not been according to the sample; and the acceptance and receipt of part took the contract as to the whole out of the Statute of Frauds.

Judgment for plaintiff for amount of his claim, less the sum paid into Court. The question of the scale of costs to be determined by the taxing officer.

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OCTOBER 16TH, 1903.

C.A.

MAJOR v. MCGREGOR.

*Libel—Post Card—Initials "S. B."—Meaning of—Innuendo—Evidence to Support.*

Appeal by plaintiff from judgment of BRITTON, J., 1 O. W. R. 839, 5 O. L. R. 81, dismissing with costs an action for libel.

G. F. Shepley, K.C., for appellant.

D. B. MacLennan, K.C., for defendant.