distinguishable from *De Mattos* v. *Benjamin*, 63 Law J. Rep. Chanc. 248, and the plaintiff was entitled to the relief he sought. That he asked for an account instead of judgment was of no consequence; the only difference was in the machinery, not in the principle. The account would be of all sums come to the defendant under the agreement, and how they had been applied. Costs reserved.

ONTARIO DECISIONS.

Sale of goods—Quantity—Description—"Car-load."

The defendants agreed to buy from the plaintiff a "car-load of hogs" at a rate per pound, live weight. The plaintiff shipped a "double-decked" car-load and the defendants refused to accept this, contending that "a single-decked" car-load should have been shipped. There was conflicting evidence as to the meaning given in the trade to the term "car-load of hogs," and it was shown that the hogs were shipped sometimes in one way and sometimes in the other.

Held, Hagarty, C. J. O., dissenting, that the plaintiff had the option of loading the car in any way in which a car might be ordinarily or usually loaded, and that, he having elected to ship a double-decked car-load, the defendants were bound to accept. (Judgment of the County Court of Middlesex reversed.—*Hanley* v. *Canadian Packing Co.*, Court of Appeal, Feb. 26, 1894.

Trial—Jury—Improper conduct of defendant—No objection taken at trial—Motion for new trial.

During the trial of an action for libel the defendant published in his newspaper a sensational article in reference to the trial. The plaintiff's solicitor was aware that the article had come to the hands of one or more of the jury, but did not bring the matter to the notice of the Court, or take any action in respect thereto, and proceeded with the trial to its close. The jury brought in a verdict for the defendant. Upon a motion by the plaintiff to the Divisional Court for a new trial on the ground of improper conduct towards and the undue influence upon the jury:—

Held, that it was too late to take the objection, which should have been made at the trial.—*Tiffany* v. *McNee*, Chancery Division, Sept. 16, 1892.