The above section of Lord Tenterden's Act was introduced into this Province, and appears in Con. Stat. U.C. (1859) c. 44, s. 11, and from there was carried into the last revision of the Ontario statute in 1897 at s. 9 of c. 146.

Our new Statute of Frauds (3 & 4 Geo. V. c. 27) would seem to change the law as it enacts (s. 12) that "no contract for the sale of any goods, wares or merchandise for the price of $40 or upwards shall be allowed to be good unless the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized, and notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of the contract be actually made, procured or provided, or fit or ready for delivery or although some act may be requisite for the making or completing thereof, or rendering the same fit for delivery."

As this section is composed partly of the words of the 17th section of the original Statute of Frauds and partly of s. 9 of R.S.O. (1897) c. 146, and as this latter section is repealed by 3 & 4 Geo. V. c. 27, s. 13 (the Act last Session) it would seem that on this point the legislature has deliberately eliminated the question of value from the construction of section 17 of the Statute of Frauds.

It is worthy of note that the word "value" is used in the Imperial Sale of Goods Act of 1893, which is still in force. Sec. 4 of that statute saying "a contract for the sale of any goods of the value of £10 or upwards shall not be enforceable by action, unless, etc."

It would be interesting to know why the word "value" was introduced in Lord Tenterden's Act, and still more interesting to know why the change from value to price, resulting from s. 12 of the statute of 1913 above referred to, was made, or indeed whether it was intended by that section to alter the law here as it certainly has done. Any light on this subject would be help-