

had been supplied by the defendants. The defendants in this and the other actions, before delivery of the defences in the actions, applied under section 5 of the Law of Libel Amendment Act, 1888, to have the several actions consolidated. The plaintiff contended that the actions could only be consolidated for the purpose of trial, and that there was no jurisdiction to make the order before delivery of the defences in the actions.

Bruce, J., made an order directing that the actions should be consolidated at once.

The plaintiff appealed.

Their Lordships (Lord Esher, M.R., Smith, L.J., Rigby, L.J.), held that the Court has jurisdiction under section 5 of the Law of Libel Amendment Act, 1888, where several actions are brought by the same plaintiff against different defendants for the same, or substantially the same, libel, to order the actions to be consolidated before delivery of defences in the actions, and they affirmed the order of Bruce, J.

Appeal dismissed.

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### COURT OF APPEAL.

LONDON, 24 June, 1897.

#### PLANT V. BOURNE (32 L.J.)

*Vendor and purchaser—Specific performance—Contract—Statute of frauds—Parcels—Uncertainty—Extrinsic evidence.*

Appeal from a decision of Byrne, J., reported 66 Law J. Rep. Chanc. 458.

The plaintiff and defendant signed a written agreement as follows: "The said Robert Plant agrees to sell, and the said Robert Henry Bourne agrees to purchase at the price of 5,000*l* twenty-four acres of land freehold, and all appurtenances thereto, at Totmonslow, in the parish of Dracott, in the county of Stafford, and all the mines and minerals thereto appertaining, possession to be had on the 25th of March next, the vendor guaranteeing possession accordingly." The defendant refused to complete, and the plaintiff brought this action. At the trial he proposed to call evidence to prove that the twenty-four acres mentioned in the agreement were twenty-four acres belonging to himself,