

as he would be warranted in doing under the decision in *Harvey v. Facey*, he would surely be voted out of any decent society as a person of evil example.

Here are the facts. Facey had been offering a certain property called Bumper Hall Pen to the Mayor and Council of Kingston, Jamaica, for £900. The offer had been considered by the Council and further consideration of its acceptance had been deferred. The negotiations began at the beginning of October and the meeting at which the offer was considered was held October 6th. Possibly all this has nothing to do with the question at issue, but it is stated in the judgment of the court, and if it has any bearing on the matter it must tend to shew that proposals for purchasing the property were in the air and that the owner had good reason for assuming that any enquiries addressed to him on the subject of the property "meant business," as we sometimes say in "the Colonies." However this may be, on the 7th of October, Facey, the owner of the property was travelling in the train from Kingston to Porus, when Harvey et al. sent a telegram after him from Kingston addressed to him "On the train for Porus" in these words, "Will you sell us Bumper Hall Pen? Telegraph lowest cash price, answer paid." On the same day Facey replied by telegram, "Lowest price for Bumper Hall Pen £900." Harvey replied accepting the property at that figure. The question and the only question dealt with by the Board was as to the meaning of this correspondence by telegraph. The telegram to which Facey was replying indicated in express terms that Harvey wished to elicit from the owner an offer of the property. He had no mere idle, or rather, impertinent curiosity as to the price at which Facey would be willing to sell the place to somebody else, or the price at which he held it if he did not wish to sell it to anybody at all. Facey must have known, when he sent his reply, that it would be read by the receiver as an offer to sell the property at that price. Even if the correspondence had been by letters through the post office this would have been the natural interpretation and any intelligent and fair-minded jury would have said that