

Belleville freight to apply; ship first half of October; terms sight draft, documents attached."

On the 5th of October, 1911, the plaintiffs wrote to the defendants as follows: "Referring to the order which we have on our books for 600 cases evaporated apples for you, sold through Wallace Anderson, Toronto, we are sending you by express to-day sample case of evaporated apples which we think will be a fair representation of the 600 cases we can ship you. Please advise immediately by return mail if these goods are satisfactory."

The defendants replied on October 7th, 1911, in part, as follows: "We are in receipt of your favour of the 5th inst., also invoice for sample box of evaporated apples representing 600 boxes, which we were to take subject to our approval of sample. We have opened this box and must say that out of seven samples that we have here it is the worst of the lot. I immediately called up Mr. Williams, of Wallace Anderson, and he is writing you to-day and will confirm what I say. We cannot accept the car."

In reply to this letter, on the 9th October, the plaintiffs wrote: "We have telephoned our Frankford branch to send you five cases by express to-day. . . . Please wire us report on them to-morrow without fail, as if not satisfactory we will try and submit some goods from some other branch. We want to deliver exactly what we have sold."

To this the defendants replied on the 10th of October as follows: "We are in receipt of your favour of the 9th inst., and are rather surprised that you are sending forward another lot of samples of *Evaporated Apples* as samples had already been submitted and *refused*, which close the transaction as far as we are concerned. We therefore have no interest in any further samples."

On the 13th October, the plaintiffs again wrote: "We are sending you by express to-day another five cases evaporated apples from Belleville, representing 600 cases which we can load here to-morrow subject to immediate reply by wire at our expense. We consider these choice goods, away above the grade we sold you, and so sure are we that the quality is right we are quite willing to ship them on any 'good prime' contract you may have anywhere in Canada and stand behind the goods at their destination. Please reply by wire your decision early to-morrow morning regarding this order and oblige."