

The venue will be changed back to Peel; the action will be set down for trial there at the next ensuing assizes; and this motion will be enlarged to be brought on before the presiding Judge at such assizes at the earliest moment possible after they are opened; costs of the motion to be costs in the action.

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SUPREME COURT OF ONTARIO.

FIRST APPELLATE DIVISION.

DECEMBER 1ST, 1913.

MOORE v. MODERN SKIRT COMPANY.

*Sale of Goods—Action for Price—Alleged Error in Bookkeeping—  
Appeal—Dismissal of.*

SUP. CT. ONT. (1st. App. Div.) dismissed an appeal by defendants from the judgment of the County Court of the County of York in favour of the plaintiffs in an action to recover \$213.22, the price of certain goods sold and delivered to defendants.

Appeal by the defendants from a judgment of York County Court pronounced 2nd July, 1913.

This was an action to recover \$213.22 alleged to be the balance due for goods sold by the plaintiff and delivered to the defendants.

At trial judgment was given plaintiff for amount claimed with costs.

The appeal to the Supreme Court of Ontario (First Appellate Division) was heard by HON. SIR WM. MEREDITH, C.J.O., HON. MR. JUSTICE MACLAREN, HON. MR. JUSTICE MAGEE, and HON. MR. JUSTICE HODGINS.

M. Lockhart Gordon, for the defendants, appellants.

C. A. Moss, for the plaintiff, respondent.

Their Lordships' judgment was delivered by

HON. SIR WM. MEREDITH, C.J.O. (v.v.):—This is an unfortunate case if, in the result, injustice is done because the appellants have been careless and to blame for the loose way in which they conducted their business.

We think, as Mr. Moss has pointed out, that his case was made out when he proved that the goods for which he is suing were received by the appellant, and he was credited with the price thereof.