

IMPORTANT DECISION!

WHAT JUDGE JONES THINKS OF SELLING GLASGOW SEWING MACHINES AS NEW YORK SINGERS:—HE CONSIDERS SUCH TRANSACTIONS TO BE

MISLEADING THE PUBLIC.

Mr. Wm. Waghorn, of Newport, Ont., purchased from the Singer Co. a machine which they represented to be a Genuine New York Singer. After using it a short time he discovered that the machine, instead of being a New York Singer, was really manufactured at Glasgow, in Scotland, and differed in several respects from the original New York Singer. He then returned the machine. The Company sued him for the amount due on it. Judgement was given in favor of the defendant. The Company applied for a new trial, and the following is the final judgement against them.

THE SINGER MFG., Co., PLTFES, } IN THE 1ST DIVISION COURT IN THE COUNTY OF BRANDT,
AND }
WM. WAGHORN, DEFDT. } 18th Oct., 1879.

THE PLAINTIFFS APPLY TO SET ASIDE THE NON-SUIT ENTERED, AND FOR A NEW TRIAL.

The evidence at the trial showed that what the defendant expected to purchase and what the Plaintiff's Agents professed to sell him was a Genuine New York Singer, which, both the plaintiff's agent and the defendant understood was the machine made at or near New York.

The facts were that the machine sold was not, nor was any part of it made at New York. The iron work was made at Glasgow, and the wood work in Indiana. It was different in many respects from the machine made at New York; which latter had a better reputation than the Glasgow machine.

On these facts I have no doubt that the plaintiffs could not succeed, and I think the non-suit was properly entered.

On the application by the plaintiffs for a new trial affidavits were filed, showing that manufacturers sometimes made articles with names as Trade Marks of places different from the place where the article was actually manufactured.

This does not effect the case in question. Here two machines differing from each other are made: one near New York, the other at Glasgow; and the machine made at Glasgow differing from, and as some witnesses say, inferior to the one made at New York; and with not as good a reputation as the New York machine is passed off by the plaintiffs as a New York made machine. Such a transaction cannot be upheld, and from the affidavits filed in reply to the plaintiff's application, it seems that the plaintiff's agent, Mr. Kester, has now removed from his sign, the words:—"New York;" so that it is probable that his agents will not, in future, sell the Glasgow machine as a New York one. It will be observed that the plaintiff's corporate name is not the New York Singer Manufacturing Co., but the "Singer Manufacturing Company." It would seem, therefore, that when the agents of the plaintiff's sell their Glasgow made machine as Genuine New York Singers, that they do so for the purpose of

MISLEADING THE PUBLIC,

and inducing them to believe that they are buying the machine made at New York, which has a better reputation than the Glasgow machine.

APPLICATION REFUSED.



(Signed), S. J. JONES,
County Judge.

(COPY.)

I hereby certify that the above is a true Copy. JOSEPH ROBINSON, Clerk 1st Div. Court, County Brandt.

MORE SUITS IN CONTEMPLATION.

It is understood that several parties who have bought and paid for Glasgow made Machines, under the impression that they were purchasing New York Singers, are now considering the advisability of suing the Company, to recover their money.

HOW TO KNOW THEM.

Every machine with two spool pins or spindles on the arm is a Glasgow machine; no matter what the agent may call it.