

ing that certain officers may solemnize marriages. The army is also entitled to hold property under the Religious Institutions Act, R.S.O. ch. 307. The property purchased by the army is first taken in the name of the Commissioner in Ontario for the time being, and subsequently conveyed to William Booth. As the Salvation Army are entitled to hold and do hold property of various kinds in this Province, they may be sued and service may be effected upon them. Decision of Divisional Court in *Metallic Roofing Co. of Canada v. Local Union No. 30, Amalgamated Sheet Metal Workers' International Assn.*, 2 O. W. R. 183, distinguished. Motion dismissed. Leave given to defendants to enter a conditional appearance. Costs in the cause.

WINCHESTER, MASTER.

APRIL 11TH, 1903.

CHAMBERS.

OSHAWA CANNING CO. v. DOMINION SYNDICATE.

*Parties—Third Parties—Indemnity or Relief over—Sale of Goods—Guarantee.*

Motion by defendants the syndicate for third party directions against defendants the Strathroy Company, opposed by the latter on the ground that no case for indemnity arises under the circumstances shewn on the pleadings. Action to have it declared that the corn delivered by defendants to plaintiffs is not the corn which was the subject of the contract made between defendants the Dominion Syndicate and plaintiffs, and for repayment of \$9,564.92 improperly received by these defendants, and damages for loss sustained by reason of the non-delivery of the corn contracted for, and damages occasioned by the collusive, improper, fraudulent and wrongful acts of defendants.

H. L. Drayton, for applicants.

W. E. Middleton, for defendants the Strathroy Co.

R. W. Eyre, for plaintiffs.

THE MASTER.—The question in issue between plaintiffs and defendants is the quality of the corn sold to and purchased by plaintiffs from the Dominion Syndicate. These defendants admit that the quality was inferior when they sold, and say that plaintiffs, knowing the fact, bought it at a lower price than would have been paid if it were of standard quality. It may be that the quantity of inferior corn was much greater than plaintiffs supposed from the inspection made by them, and in consequence they have suffered loss through the representations of the Strathroy Company. The