

that court, brought to recover a balance of \$165 alleged to be due to the plaintiffs from the defendant Ewing for furnace and fittings, and, in the alternative, for an order to remove the furnace.

The appeal was heard by CLUTE, LATCHFORD and SUTHERLAND, JJ.

CLUTE, J.:—The main question argued was as to whether there was a sufficient compliance with the statute (the Conditional Sales Act, R.S.O. 1897, c. 149), which provides (s. 1) that "the manufactured article shall have the name and address of the manufacturer . . . painted, printed, stamped or engraved thereon or otherwise plainly attached thereto."

In the present case the plaintiffs' name as incorporated is, "Toronto Furnace and Crematory Company, Limited." They carry on business at 70 and 72 King Street East, Toronto. The words upon the plate attached to the furnace are as follows: "From Toronto Furnace and Crematory Co., Limited, 70 and 72 King Street East."

It will be seen that, while the company's name appears upon the plate, the company's address is not given, unless it be implied from the name and the number and street where their business is carried on.

The defendants contend that the address should be given, notwithstanding that the word "Toronto" appears as part of the name of the company as incorporated . . .

I am of opinion that the Act has not been complied with, and that the judgment of the court below is right and must be affirmed. *Mason v. Lindsay*, 4 O.L.R. 365, followed.

A. C. Macdonnell, K.C., for the plaintiffs. J. T. Loftus, for the defendant Percy. W. A. Proudfoot, for the defendants the Northern Life Assurance Co.

Master in Chambers.]

[Feb. 28.

JACKSON v. HUGHES.

Foreign commission—Time for return—Practice—Application to suppress Commission evidence—Solicitor a partner of commissioner—Con. Rules 512, 522.

Motion by the defendants, the Hughes Company, to set aside an ex parte order extending for two days the time for the return of the commission sent to take evidence at Dundee, Scotland, and to suppress the same.