the manufacturer, bailor or vendor of the same painted, printed, stamped or engraved thereon or otherwise plainly attached thereto." The name of the plaintiffs, the manufacturers of the switchboards, at the time of their sale, was "The L. M. Ericsson Telephone Manufacturing Company," and when possession of them was given to the Norton Company there was attached to them a metal plate having stamped thereon the following words:—

"Patented in United States, Canada, England, France, Germany, Russia, Austria, Hungary, Belgium, Spain, Italy, Sweden, Norway, Australia.

"L. M. Ericsson Tel. Mfg. Co.

"Buffalo, N.Y."

If it were permitted to speculate as to the meaning of the words "Tel. Mfg. Co." here used, it might, with reasonable certainty, be assumed that they were intended as abbreviations of the words "Telephone Manufacturing Company," part of the company's name, although the word "Tel." is equally an abbreviation of the words "telegraph" and "telephone." But the statute does not permit synonymous words to be used in lieu of the actual name of the manufacturer, etc., but requires a literal compliance with its provisions. This the plaintiffs have not done, and have, therefore, failed to secure to themselves the benefit of R.S.O. 1897 ch. 149, sec. 1. Thus the title in the switchboards passed to the Norton Company on the sale to them, and is now in the defendants.

I, therefore, think the defendants' appeal should be allowed, and this action dismissed, with costs here and below.

CLUTE, J., agreed. Giving reasons in writing, he referred, upon the question of the lien, to Toronto Furnace Crematory Co. v. Ewing, 1 O.W.N. 467, and Mason v. Lindsay, 4 O.L.R. 365.

SUTHERLAND, J., dissented, for reasons stated in writing. He was of opinion that the appeal of the plaintiffs should be allowed and the defendants held personally liable for $400 and interest, and that the defendants' appeal should be dismissed, each with costs.

Defendants' appeal allowed; and plaintiffs' appeal dismissed; SUTHERLAND, J., *dissenting.*