

and delay when driven into a corner for money. Upon the evidence I am satisfied of this, that on the 29th of March at Buffalo, Reece, in consideration of an extension of time, did agree with the plaintiffs that the amount still unpaid on the lien should be \$400, and did acknowledge and recognize the plaintiffs' lien on the switchboards then in the defendants' possession for that sum."

The appeal to Divisional Court was heard by HON. SIR WM. MULOCK, C.J.Ex.D., HON. MR. JUSTICE CLUTE, and HON. MR. JUSTICE SUTHERLAND.

F. Arnoldi, K.C., for the plaintiffs, appellants.
G. Wilkie, for the defendants, respondents.

HON. SIR WM. MULOCK, C.J.Ex.D.:—The onus is upon the plaintiffs to establish the alleged agreement, but a careful examination of the evidence fails to satisfy me that Reece made any concluded bargain with the plaintiffs. I, therefore, agree with his Honour that the defendants did not become personally liable, and, therefore, the plaintiffs' appeal should be dismissed.

As to defendants' cross-appeal that the plaintiffs are not entitled to a lien, reliance is placed upon the Conditional Sales Act, R. S. O., ch. 149, which enacts that a condition that the ownership in a chattel shall not pass "shall only be valid as against subsequent purchasers or mortgagees without notice in good faith for valuable consideration in the case of manufactured goods or chattels, which, at the time possession is given to the bailee, have the name and address of 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 reason-