

were called as witnesses, S. and J. not having been called. If the finding that the machine was unworkable and did not answer the purposes for which the appellants knew it was required, depended upon that evidence alone, there would be ground for complaint. But there was other evidence sufficient to support the Master's finding; and the learned Judge was unable to say that there was not sufficient admissible evidence to justify that finding. On the appellants' further contention that the machine was returned to them on consignment, the report should not be disturbed. The Sarnia company having relied, as the appellants knew, upon the judgment and skill of the appellants in procuring for them a machine required for a specific purpose and for use in a particular operation, and the machine supplied having turned out unfit for that purpose, the Sarnia company's right was to reject and return it, unless some other bargain was come to by which that right was relinquished. The appellants contended that in the correspondence which followed the purchasers' rejection of the machine they waived that right; but, when the whole correspondence was considered, coupled with the purchasers' repeated insistence on their rights, the appellants could not successfully contend that the Master erred in regard to that obligation of the appellants. There was nothing in the evidence to justify disturbing the Master's conclusions as to the other items. Appeal dismissed with costs. G. W. Mason, for the appellants. J. M. Bullen, for the liquidator.