

further test, and within 3 weeks afterwards plaintiff gave defendants the 6 notes called for by the agreement, \$2,250 in all, of which \$125 would be payable 1st November, 1905, and \$500 1st January, 1906.

Between that and the commencement of the threshing season, Edward Bell used the engine and boiler on 4 or 5 days driving a circular saw. . . . The threshing season began on 9th August, on which day Edward Bell was at work at Dean's farm. Dean was and is local sub-agent for defendants, looking out for orders for them and assisting in obtaining them. It was through his instrumentality that Bell and Loughheed, the agent who took plaintiffs' order, had come together. . . . On that day it was very hard to keep the boiler properly "fixed" so as to maintain the steam at sufficient pressure, and Bell had to use an unusually large quantity of both fuel and water.

I think it is established that from that time forward until the end of the threshing season, late in November, Bell had constantly recurring difficulty with the boiler in its failure to keep up steam, which necessitated frequent stoppages and loss of time, and always it required excessive labour in fixing, and used considerably more fuel and water than should be needed. The Bells say that it would only keep up steam when the wind was in such a direction that they could safely take the screen off the smoke-stack and get sufficient draught. . . .

The first complaint by Bell direct to defendants was by his letter to Mr. Goodison of 11th September, 1905, which accompanied his testimonial of the same date as to the thresher, feeder, and stacker, which, as he explains, constitutes the outfit therein referred to. In his letter of 16th October, 1905, Bell plainly expressed his dissatisfaction and refusal to use the boiler further, and demanded either a boiler that would make steam or his notes.

The defendants' answer of 18th October does not question his cause of complaint, but rather the contrary, and asked him to finish the season's work, and then send them the engine (meaning engine and boiler), and they would make it all satisfactory, and they say they would send him another engine at once if they had one. On 23rd October he replied that he would "try and pull her through," and he had 49 farms to do, but did not see how he could send it back, as he had taken a contract of cutting shingles, and