

"patent applied for." Defendants got the bag and platform as a pattern from which to manufacture and sell in Canada.

J. W. Nesbitt, K.C., for plaintiffs.

E. Bayly, for defendants.

MACMAHON, J., held that what was stamped on the platform defendants were bound to take notice of, and they could not shield themselves from liability as infringers by saying that they did not observe that the notice was stamped upon the platform they received. There was no license given by plaintiffs to defendants to manufacture the articles, and plaintiffs were protected by the application which Whitney had made to the patent office in Canada: see *Fowell v. Chown*, 25 O. R. 71; *Hovey v. Stevens*, 2 Robb's Pat. Cas. 479; *Pierson v. Eagle Screw Co.*, 3 Storey's Rep. 402; *Ridout* on Patent Law, p. 424.

Judgment for plaintiffs with costs for \$100 damages and for delivery up to plaintiffs to be destroyed of the 45 bags and platforms on hand.

CARTWRIGHT, MASTER.

MAY 28TH, 1903.

CHAMBERS.

CORNEIL v. IRWIN.

Venue—County Court Action—Obligation to Bring Action in Court of County where Parties Reside and Cause of Action Arose—Rules 529 (b), 1216, 1219.

Motion by defendant to change the venue from St. Thomas to London, and to have the action transferred from the County Court of Elgin to the County Court of Middlesex.

C. A. Moss, for the motion.

W. J. Treméear, for plaintiff.

THE MASTER.—The parties, it is admitted, all reside in the county of Middlesex, where the alleged cause of action also arose. It is also apparent from the affidavits that there is, to say the least, no such preponderance of convenience as would justify a change either way. The point taken by Mr. Moss is new. So far as I am aware, it has not been the subject of any judicial decision, viz., that Rule 529 (b) applies to actions in County Courts.

If this was an action in the High Court, the venue would have to be laid at or changed to the city of London, under the provisions of this Rule 529 (b). The argument then is, that Rule 1216 is imperative: "These Rules, and the practice