

FALCONBRIDGE, J.]

[Nov. 14.]

OELRICHS v. TRENT VALLEY MANUFACTURING CO.

*Sale of goods—Sample—Inspection.*

In a sale by sample of goods to be "laid down" at a certain place inspection, if desired, must be made there; and if a proper opportunity of making inspection be afforded and the buyer refuse to inspect, and demand that the goods be shipped to another place for inspection, the seller is justified in treating this as a breach of contract.

Judgment of FALCONBRIDGE, J., reversed.

*Osler*, Q.C., for the appellants.

*Clute*, Q.C., and *Aylesworth*, Q.C., for the respondents.

C.P.D.]

[Oct. 27.]

MCLEAN v. CLARK.

*Partnership—Estoppel.*

A partnership by estoppel or by "holding out" will not hold good to create the legal liability of partner if the real position of affairs is known to the creditor.

Judgment of the Common Pleas Division reversed.

*Moss*, Q.C., for the appellant.

*W. M. Douglas* for the respondents.

C.C. Perth.]

[Oct. 27.]

WETTLAUER v. SCOTT.

*Sale of goods—Conditional sale—Bills of sale and chattel mortgages—51 Vict., c. 19 (O.).*

The lien of an unpaid vendor of a manufactured article is not invalidated if, without his direction or connivance, the purchaser points out or obliterates the name and address of the vendor that were properly marked on the article at time of the conditional sale.

Judgment of the County Court of Perth reversed.

*J. P. Mabee* for the appellant.

*Idington*, Q.C., for the respondent.

Q.B.D.]

[Nov. 14.]

HENDERSON v. BANK OF HAMILTON.

*Jurisdiction—Redemption action—Foreign lands.*

A judgment creditor resident in Ontario of a judgment debtor resident in Manitoba, and having by virtue of an Act of that Province a lien on his lands in that Province, cannot maintain in Ontario an action for the redemption of mortgages covering lands in Manitoba made by the judgment debtor in favour of an Ontario corporation.

Judgment of the Queen's Bench Division, 23 O.R. 327, reversed.

*Aylesworth*, Q.C., for the appellants.

*J. P. Mabee* and *R. T. Harding* for the respondents.