

sch. H. A. Holder, for Providence, by Miller & Woodman, 1,400,000 shingles; sch. Geo. E. Dale, for New York, by Miller & Woodman, 1,320,000; sch. Enterprise, for New York, by Randolph & Baker, 170,670 deals; sch. Annie A. Booth, for City Island, by Hilyard Bros., 233,709 deals; sch. Hunter, for City Island, by Stetson, Cutler & Co., 240,224 deals; sch. S. A. Frownes, for New York, by Randolph & Baker, 166,627 deals; sch. Modena, for Boston, by Dunn Bros., 134,740 deals, 29,101 plank, 10,445 scantling; sch. Thrasher, for Bridgeport, by A. Cushing & Co., 10,015 boards, 106,072 scantling, 36,137 plank; sch. Sabrina, for New York, by Miller & Woodman, 162,041 deals; sch. Rondo, for Vineyard Haven, by Stetson, Cutler & Co., 700,000 laths; sch. Fanny, for Norwalk, by Hilyard Bros., 67,913 plank, 5,927 deals; sch. Fortune, for Philadelphia, by J. A. Scammel Bros., 1,866,000 laths; sch. Ella Clifford, for New York, by Miller & Woodman, 138,839 deals.

UNITED STATES.

Shipments of white pine are on the increase in the Minneapolis market.

The steamer Tecumseh, a Canadian vessel, has been loading waney board pine at Ashland, Wis., the past week. The stock will be taken to Montreal for shipment to England.

IMPORTANT LUMBER CASE.

THE QUESTION OF OWNERSHIP IN THE CASE OF ROSS VS. W. C. EDWARDS & CO.

This was an appeal from a judgment of the Court of Appeal for Ontario, of Nov. 13th, 1894, affirming a judgment of Mr. Justice Meredith, dismissing the appellant's action with costs. The appeal was heard before the Judicial Committee of the Privy Council, London, Eng., on the 18th July.

Mr. B. B. Osler, Q. C., and Mr. A. Ferguson, Q. C. (of the Canadian Bar), were counsel for the appellant; Mr. C. Robinson, Q. C. (of the Canadian Bar), for the respondents.

The action was brought in November 1891, by the appellant, as the legal representative of the late Mr. James G. Ross, to recover damages from the respondents for alleged misrepresentations by them as to the ownership of a quantity of deals. The facts of the case were shortly as follows:—In January, 1888, the respondents, who are manufacturers of lumber, and carry on business at Rockland, in the Province of Ontario, sold to N. Hurteau et Fiére, lumber merchants, a quantity of deals then in the respondents' lumber yard. Subsequently N. Hurteau et Fiére by their agent, Mr. Lemay, sold to Wm. Little, a lumber dealer, a portion of deals upon credit. In the February following Little applied to the late Mr. James G. Ross, a merchant, carrying on business as Ross & Co., for a loan of \$7,500 upon the lumber which he stated that he then had in the respondents' yard at Rockland. Mr. Ross made the advance to Little, and Little requested the respondents to hold the deals subject to the order of Messrs. Ross & Co., and the respondents undertook to do so in the following words:—"Will hold within deals subject to order of Messrs. Ross & Co., as above authorized.—W. C. Edwards & Co., Rockland, March 15th, 1888." A small portion of the lumber having in the spring of 1888

been sold by Little, it was upon the order of Ross, duly delivered by the respondents to the purchaser, and the purchase-money therefor was received by Ross on account of the advance made by him to Little, but the respondents refused to deliver the remainder of it pursuant to the order of Ross, stating that they so refused in obedience to a notice from N. Hurteau et Fiére, who claimed to be entitled to hold the same as unpaid vendors, Little not having paid them for the deals in question. Upon the application of the respondents, who did not claim any interest in the lumber, an interpleader issue was directed to be tried between Ross and N. Hurteau et Fiére to determine which one of them was entitled to the lumber, and it was decided that the lumber was, as between N. Hurteau et Fiére and Ross, the property of N. Hurteau et Fiére. Little not having repaid the balance of the loan, the appellant subsequently brought the present action against the respondents to recover \$6,538.79, being the balance of the money advanced to Little after deducting the small portion of the lumber sold and delivered on the order of Ross, as above stated, the appellant alleging that the money was advanced by the late Mr. James G. Ross to Little, relying on the undertaking of the respondents, dated March 15th, 1888, above set forth, the appellant contending that by that undertaking the respondents represented that the deals in question was the property of Little. The respondents denied the alleged misrepresentation, and set up the interpleader action and judgment as a bar to any recovery by the appellant. Mr. Justice Meredith dismissed the appellant's action with costs. The appellant appealed to the Court of Appeal for Ontario, which, on Nov. 13th, 1894, dismissed the appeal and affirmed the judgment of Mr. Justice Meredith. From that judgment of the Court of Appeal for Ontario, the appellant referred this appeal to the Judicial Committee of the Privy Council.

At the conclusion of the argument for the appellant, their Lordships did not call upon counsel for the respondent.

Their Lordships in giving judgment said that it was proved or admitted that Ross & Co. knew that Little had not paid for the goods, while Edwards & Co. knew nothing about the matter. It was found by the courts below that Ross & Co. did not accept Little's drafts on the faith of Edwards & Co. accepting the delivery order in their favor. Their Lordships would, therefore, humbly advise Her Majesty, that the appeal ought to be dismissed. The appellant would pay the costs of the appeal.

LUMBERING IN QUEBEC.

Charlemagne & Lac Ouareau Lumber Co., Ltd., Charlemagne, Que., write: "Our cut is principally spruce. This season we will cut about 16 million ft. of spruce and four million ft. of pine; the spruce is mostly cut into 3 inch deals for export. We shipped it almost as fast as we could saw it during June and first part of July, but the last 15 days very little is moving, except our spruce boards which go to New York and Burlington, Vt. These we ship as fast as they are in condition. We are commencing to-day to cut New York spruce stock, 1 1/2 x 6 1/2, 1 1/2 x 9 and 2 x 9 x 13 ft., with a view of testing that market for stocks this season."

CONDITIONS IN GREAT BRITAIN.

Farnworth & Jardine, Liverpool, Eng., in their August wood circular, say: The arrivals from British North America during the past month have been 46 vessels, 44,260 tons, against 47 vessels, 44,911 tons during the last year, and the aggregate tonnage to this date from all places during the years 1893, 1894 and 1895 has been 170,044, 184,061 and 189,217 tons respectively.

The business during the month shows a slight improvement, although no advance in value to report. Imports have been moderate, the deliveries fair, but stocks are all ample; in a few articles too heavy.

CANADIAN WOODS.—Both waney and square have been imported very moderately; the arrivals are chiefly going direct into consumption, and the stock is moderate; prices are steady without change. Red Pine: Several parcels of special sizes have been imported on contract, for which there is a fair enquiry; ordinary wood is almost unsaleable. Oak: There has been rather more enquiry for 1st class wood for railway work, but it is difficult to realize cost of importation, and the stock is sufficient. Ash still comes forward too freely; the deliveries have been fair, but recent sales have been at lower rates. Elm has been imported moderately; values are difficult to maintain, and recent sales have been at lower rates; the stock is too heavy.

NEW BRUNSWICK AND NOVA SCOTIA SPRUCE AND PINE DEALS.—Spruce deals have been imported freely, viz.:—13,439 standards, against 12,746 standards same month last year; the deliveries, however, have been satisfactory, viz., 11,630 standards, against 11,364 standards same time last year; there is no improvement in values to report, but prices are steady; there have been no sales of pine deals.

BRITISH COLUMBIAN AND OREGON PINE.—There have been no arrivals, the demand continues dull, and the stock is still too heavy; there is no change in value to report.

RAFTING.

During July nine tugs with rafts of logs from Canada reached Saginaw.

Tug Peter Smith arrived at Bay City, Mich., within the week, with a raft of logs from Little Current, for Howry & Sons.

The Fredericton Boom Co., of New Brunswick, have rafted 84,000,000 feet of lumber so far this season at the Douglas & Mitchell booms.

The large Howry drive of saw logs has arrived safely in Cameron lake. This drive contains 80,000 pieces of good timber, all pine. This will be all manufactured at the company's mills at Fenelon Falls.

The Gilmour Co., of Trenton, have a drive of 40,000 logs now running over the Coboconk slide into Balsam lake. This is the company's second drive this season. Three more large drives are on hand, and have come down over the new tramway built last year from the Black river waters on the Gull river. These large drives will all be floated down to Trenton.

UNITED STATES HARDWOOD MARKETS.

In New York stocks are not heavy, though equal to all demands, and the disposition is to withstand buying just now. Quartered oak is in better demand than any other grade of hardwood. The boom that was expected in furniture manufacturing has fallen short of expectations and this has lessened the anticipated consumption of several lines of hardwoods. A correspondent of Hardwood says there is a prospect of an increase in the manufacture of higher grades of furniture in New York, which would mean an improved market for the best grades of white oak, birch and cherry.

The month of July in hardwoods in Buffalo has exceeded that of the same month of a year ago. A correspondent says that considerable hardwood is reaching Buffalo from Canada, the waterways being utilized as a method of shipment. These cargoes include red oak, basswood, elm, birch, with maple in considerable quantities. Some red oak is also coming into Buffalo in the same way. The Buffalo correspondent of Hardwood says that whilst lumber manufacturers are pleased over the decision re. matched lumber, yet there is some doubt expressed as to whether it is in full accord with the customs laws.

In Boston there is a fair demand for maple and birch. There also, it is reported, considerable red oak is reaching the market from Canada, and also a good deal of Canadian maple, birch and beech.

BUSINESS DIFFICULTIES AND CHANGES.

Patrick Kehoe's saw mill, at Hammond Plains, N. S., has been burned out.

Peter Egar, sawmill, Clinton, B. C., intends removing his plant to Barkerville.

The business of Geo. J. E. Hughes, shingle manufacturer, Kilworth, Ont., is being carried on by the assignee.

The McIntyre-Pilatkie planing mill, at Eganville, Ont., was destroyed by fire a few days ago.

The Hawkesbury Lumber Co., has closed down four of their mills, both night and day watches, on account of low water, and are only running one mill night and day.

Destructive forest fires are raging in the vicinity of Menominee, Mich. Part of the yard of the Bay Shore Lumber Co., containing between 4,000,000 and 5,000,000 feet of lumber has been destroyed. Loss will reach \$50,000, fully insured. The Girard Lumber Co., lost lumber and buildings valued at \$60,000 with insurance of \$50,000. A. Spies lost nearly \$50,000, with no insurance.

A despatch from Duluth, Minn., says that the suit brought by Mr. and Mrs. Robert Crowley, of Nova Scotia, against the Nelson Lumber Co., to regain possession of a tract of land on the Mecabi iron range, valued at over \$1,000,000, has been decided by Judge Lewis in favor of the lumber company. The Crowleys claimed that they did not know the value of the property, and were induced to part with it by fraud and misrepresentation. Judge Lewis finds that the Crowleys never had a valid claim on the land.

SHIPPING MATTERS.

Ship Lizzie Burritt, has been fixed to load lumber at Montreal, for Buenos Ayres, at \$9.

The American bark Newsboy, has left the Hastings Mill, Vancouver, B. C., with a load of lumber for Shanghai.

An anticipated advance in lake freights at Tonawanda, N. Y., has had the effect of making shipping lively for the week.

Several cargoes of lumber are awaiting shipment at New Brunswick ports for South America.

LUMBER FREIGHT RATES.

LUMBER freight rates for pine on the Grand Trunk Railway have been made a fixture, as below. Of any intended change due notice will be given lumbermen.

General instructions in shipping by Grand Trunk are embodied in these words in the tariff schedule: On lumber in carloads, minimum weight, 30,000 lbs. per car, unless the marked capacity of the car be less, in which case the marked capacity (but not less than 24,000 lbs.) will be charged, and must not be exceeded. Should it be impracticable to load certain descriptions of light lumber up to 30,000 lbs. to the car, then the actual weight only will be charged for, but not less than 4,000 lbs. The rates on lumber in the tariff will not be higher from an intermediate point on the straight route than from the first named point beyond, to the same destination. For instance, the rates from Tara or Howry to Guelph, Brantford, Weston or Toronto, will not be higher than the specific rates named from Warrenton to the same points. The rates from Carleton Place, Southampton to points east of Listowel and west of Stratford will be the same as from Kincardine, but in no case are higher rates to be charged than as per mileage table published on page of tariff.

Rates from leading lumber points on pine and other softwood lumber, shingles, etc., are as follows: From Glencairm, Creemore, Aurora, Barrie and other points in group B to Toronto, 6 1/2c; Collingwood, Penetanguishene, Coldwater, Waubesa, Sturgeon Bay, Victoria Harbor, Midland, Fenelon Falls, Langford, Gravenhurst and other points in group C, to Toronto, 6 1/2c; Brockville, bridge to Toronto, 7c; Utterson, Huntsville, Napanee, Emsdale, Katrine to Toronto, 7 1/2c; Burk's Falls, Berzdale and Sundridge, to Toronto, 8c; South River, Powassan and Callender to Toronto, 9c; Nipissing Junction and North Bay, 10c. Rate from Godenoh, Kincardine and Warrenton to Toronto, 6 1/2c. These rates are per 100 lbs. Rates from Toronto east to Belleville are 7 1/2c. per 100 lbs.; to Deseronto, 9c.; to Brockville and Prescott, 10c.; to Montreal and Ottawa, 11c. The