

LEGAL.

SOUTHAMPTON LUMBER CO. v. AUSTIN.—An action in the High Court at Toronto. Judgment in action to recover balance due on a contract for the supply of cedar railway ties and 5 to 6 inch face pole cedar ties, f. o. b. at Pine Tree Harbor, and also 15,000 unburnt posts and pavements. Held, that the defendant had not at any time inspected, accepted or received the ties, nor was there any selection or appropriation of them by him, nor were they at any time unconditionally appropriated to the contract either by plaintiffs with defendant's assent or by defendants with plaintiffs' assent. The contract is for the sale of unascertained or future goods by description, an executory contract, and the rule in such cases is that the property does not pass until goods in a state in which the buyer is bound to accept them are unconditionally appropriated to the contract either by the seller with the assent of the buyer or by the latter with the assent of the former; *Chalmers 4th ed.*, p. 43; *Blackburn 2nd ed.*, p. 128; *Heilbutt v. Hickson*, L. R. 7 C. P., at p. 449; *Wilson v. Shaver*, 3 O.L.R., at pp. 114-5. The property in the ties never passed. The plaintiffs were always in possession. As to the claim for the posts, however, the plaintiffs should recover. After the posts had been got out the defendant requested the plaintiffs to peel them and agreed to pay one cent per post. The plaintiff peeled 10,000 and the defendant paid \$200 on account, and on these facts there was a plain acceptance and waiver of inspection.

PERSONAL.

The death is announced of Mr. T. B. Folliott, of the firm of Folliott & McMillan, planing mill owners, Sandon, B.C.

Mr. E. Stewart, Dominion Superintendent of Forestry, has recently been on a trip through Manitoba and the North-West Territories.

Mr. O. G. Anderson, formerly head of the Anderson Furniture Company, of Woodstock, Ont., is about to leave Canada to become a director and general manager of the Angus Furniture Company, of London and Glasgow, one of the oldest established companies in England.

We are called upon to record the death, on July 24th, of Mr. Francis D. Mott, vice-president of Denny, Mott & Dickson, Limited, timber merchants, London, England. The late Mr. Mott was for about twenty-five years a partner in the firm of Denny, Mott & Dickson, which a short time ago was changed to a limited liability company.

TRADE NOTES.

The Brandon Machine Works Company, of Brandon, Man., has applied for authority to increase its capital from \$40,000 to \$125,000.

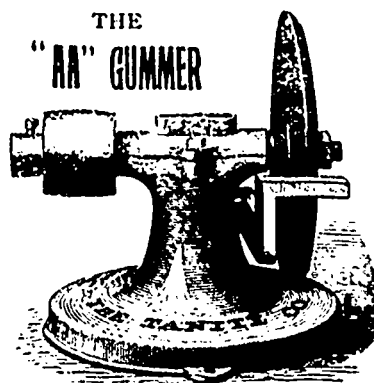
Alexander Dunbar & Sons, of Woodstock, N. B., have shipped about 50 Dunbar shingle machines this year, some of them going to the United States.

The plant of the Meaford Manufacturing Company,

of Meaford, Ont., is being improved by the installation of a new two-room "Standard" moist and dry kiln. After proper investigation of the merits of the best known lumber drying systems, the Meaford Company decided to install the "Standard", owing to its simplicity of construction and ease of operation. The Standard Dry Kiln Company, of Indianapolis, Ind., appears to be steadily increasing the number of its kilns in this country.

P. PAYETTE & CO.

Manufacturers of Saw Mill and Engine Machinery, and all kinds of Marine Machinery.
JENNINGSVILLE, ONT.



10 inch Swing;
\$4.50 Net Cash, 14
inch Swing, \$5.40
Net Cash.
Emery Wheel
not included.

Grinding Ma-
chines, Saw
Gummers, Diam-
ond Tools, Knife
Grinders, Emery,
etc., etc.

THE
TANITE CO.
Stroudsburg,
Penna.

To Those Who Carry Insurance on Lumber

You are compelled to pay more for your insurance to-day than a year ago. This is particularly true in Canada where rates have been abnormally increased by Tarriff Association Companies. It is our business to insure nothing but lumber. We study the advantages offered by each risk submitted and accept only the best moral and physical hazards. Thus by carrying only selected risks we can offer lower rates. We are saving money for hundreds of lumber dealers. Why not let us take care of from \$1,000 to \$20,000 of your insurance?

For information apply direct to our home office,

LUMBER UNDERWRITERS, 66 Broadway, New York.

For Camp, Cottage
or Summer Home

Perfection

Wickless Blue Flame

Oil Stove

1, 2, 3, 4 or 5 burners and
oven.

Burns ordinary coal oil
safely, economically and
WITHOUT ODOR.

-- ASK DEALERS --

Queen City Oil Co.
LIMITED
Wholesale TORONTO

RAILS

For Logging Tramways, Switches
Etc.
New and Second Hand.

YARD LOCOMOTIVES

John J. Gartshore
83 Front St. West,
(Opposite Queen's Hotel.) Toronto.

HANK DENTON, Q. C. HERBERT L. DUNN
W. MULLOCK BOULTBEE.

DENTON, DUNN & BOULTBEE

Barristers, Solicitors, Notaries, etc.

National Trust Chambers. TORONTO

Every Lumberman Wants It
35 cents buys it.

SCRIBNER'S LUMBER and LOG BOOK

Address :
The CANADA LUMBERMAN
Toronto.



You can get practically twelve good
Axes to the dozen in buying . . . **Dundas Axes**

DUNDAS AXE WORKS
Dundas, Ont.

LUMBER HORSES

— A SPECIALTY

THE TELFER & CLIMIE COMPANY

19 St. Maurice Street,

MONTREAL

P. H. WILBY 27 1/2 FRONT ST. EAST, TORONTO

Anglo Canadian Guaranteed
English Oak-Tanned

Leather Belting

CAPATA (Balata Type) Belting

Camel Hair Belting

Made from pure Camel Hair
Teon Belting

Please mention the CANADA LUMBERMAN when corresponding with advertisers.