

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Ont.]

[Feb. 22.]

TOWNSEND v. NORTHERN CROWN BANK.

*Banks and banking—Loans—Security—Wholesale purchaser—
“Products of the forest”—Bank Act. s. 88.*

By sec. 88 (1) of The Bank Act a bank “may lend money to any wholesale purchaser . . . or dealer in products of agriculture, the forest, etc.; or to any wholesale purchaser . . . of live stock or dead stock and the products thereof, upon the security of such products or of such live stock or dead stock and the products thereof.”

Held, affirming the judgment of the Appellate Division (28 O.L.R. 521), which affirmed the decision of a Divisional Court (27 O.L.R. 479) by which the judgment of the trial judge (26 O.L.R. 291) was main'tained, that a person who purchases lumber by the car load having on hand at times 200,000 or 300,000 feet and sells it by retail or uses it in his business is a “wholesale purchaser” within the meaning of the above provision.

Held, also, that sawn lumber is a “product of the forest” on which money can be lent under said provisions.

Held, per Anglin, J. The words “and the products thereof” at the end of the above subsection mean the products of live or dead stock and not of the other sources previously mentioned.

Appeal dismissed with costs.

Laidlaw, K.C., for appellant. *Arnoldi*, K.C., for respondents.

Ex. C.]

CONROD v. THE KING.

[March 2.]

Right of action—Lord Campbell's Act—Death by accident—Action by widow—Accord and satisfaction.

Where the death of a person is caused by the wrongful act, neglect or default of another an action for damages does not lie under Lord Campbell's Act unless the deceased could have maintained an action if death had not ensued.

C. was a temporary employee on the Intercolonial Railway, and as such a member of the Employees Relief and Insurance Association. By the rules of the association the object of the Temporary Employees Accident Fund was to provide for members