

1927

\*Feb. 9.

\*April 20.

---

MINNEAPOLIS STEEL & MACHINERY CO. OF  
CANADA LTD. v. BAXTER BROTHERS ET AL

ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN

*Contract—Date—Evidence—Date of mailing—Findings of fact in courts  
below—Farm Implement Act, R.S.S. 1920, c. 128, ss. 19, 31.*

APPEAL by the plaintiff from the judgment of the  
Court of Appeal for Saskatchewan (1) affirming the judg-

---

\*PRESENT:—Anglin C.J.C. and Duff, Mignault, Newcombe and Rinfret  
JJ.

(1) 21 Sask. L.R. 81; [1926] 2 W.W.R. 805.

ment of Bigelow J., who held that the making of the contract between the plaintiff and defendants was not completed until May 10, 1920; that, therefore, s. 31 of the *Farm Implement Act*, R.S.S., 1920, c. 128, applied, the contract was invalid, and the plaintiff's claim under it must fail.

The contract was for the sale of certain farm implements from the plaintiff to the defendants. In certain respects it did not comply with s. 31 of said Act. S. 31, by its terms, applies to contracts made after 31st March, 1920. S. 19 of the Act provides that

The signing of such contract by the purchaser shall not bind him to purchase the implement therein described until the same is signed by the vendor or some agent \* \* \* and a copy thereof is delivered to or deposited in a post office addressed to the purchaser, postage prepaid and registered.

The question was whether a binding contract was completed within s. 19 on or before the 31st March, 1920, so as to avoid the application of s. 31. This depended on the question of fact whether or not the plaintiff, as was contended, actually deposited a copy of the contract in the post office addressed to the defendants, postage prepaid and registered, on or before the 31st March, 1920.

After hearing counsel on behalf of the appellant and the respondents, the Court reserved judgment, and on a subsequent day delivered judgment dismissing the appeal with costs, Newcombe J. dissenting.

*Appeal dismissed with costs.*

*F. L. Bastedo K.C.* for the appellant.

*P. H. Gordon K.C.* for the respondents.

---

1927

MINNE-  
APOLIS  
STEEL &  
MACHINERY  
CO. OF  
CANADA  
LTD.  
v.  
BAXTER.