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By A. G. MORTIMER.

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THE SAW LOGS DRIVING ACT 1887.

THE Bill introduced in the Ontario Legislature during the last session, being an Act respecting the driving of saw logs and other timber on lakes, rivers, creeks and streams, was, after its first reading, published in full in THE LUMBERMAN of April last. As this Bill has since been considerably amended and become law, and as no doubt many of our readers have yet been unable to peruse it, we devote considerable space this month to the publication of the same in full.

The Bill reads as follows:—

2. Any person putting, or causing to be put, into any water in this Province, logs, for the purpose of floating the same in, upon or down such water, shall make adequate provisions and put on a sufficient force of men to break, and shall make all reasonable endeavors to break jams of such logs and clear the same from the banks and shores of such water with reasonable despatch, and run and drive the same so as not to unnecessarily delay or hinder the removal, floating, running or driving of other logs, or unnecessarily obstruct the floating or navigation of such water.

3. In case of the neglect of any person to comply with the provisions of the preceding section, it shall be lawful for any other person or persons desiring to float, run or drive logs in, upon or down such water, and whose logs would be thereby obstructed, to cause such jams to be broken and such logs to be cleared from the banks and shores of such water, and to be floated, run and driven in, upon and down such water.

4. The person or persons causing such jams to be broken or such logs to be cleared, floated, run or driven, pursuant to the last preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave logs on the banks or shores, and shall have a lien upon the logs in the jam or so cleared, floated, run or driven for the reasonable charges and expenses of breaking the jams and the clearing, floating, running, driving, booming and keeping possession of such logs, and may take and keep possession of such logs, or so much thereof as may be reasonably necessary to satisfy the amount of such charges and expenses pending the decision by arbitration as hereinafter provided for. The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place. The owner or person controlling such logs, if known shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such charges and expenses, possession of the logs shall be given up.

5. When logs of any person upon or in any water in this Province, or the banks or shores of such water, are so intermixed with the logs of another person or persons, that the same cannot be conveniently separated for the purpose of being floated in, upon or down such water, then the several persons owning or controlling the intermixed logs, shall respectively make adequate provisions, and put on a fair proportion of the men required to break jams of such intermixed logs, and to clear the same from the banks and shores of such water with reasonable despatch, and to float, run and drive the same in, upon and down such water, and the costs and expenses thereof shall be borne by the parties in such proportions as they may agree upon, and in default of agreement as may be determined by arbitration as hereinafter provided for.

6. In case of neglect of any person to comply with the provisions of the last preceding section, it shall be lawful for any other person or persons whose logs are intermixed, to put on a sufficient number of men to supply the deficiency and break jams of such intermixed logs, and to clear the same from the banks and shores of such water, and to float, run and drive all such intermixed logs in, upon and down such water.

The person or persons supplying such deficiency and such jams to be broken, or such intermixed logs to be

cleared, floated run or driven pursuant to the last preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave logs on the banks or shores, and shall have a lien upon the logs owned or controlled by the person guilty of such neglect, for a fair proportion of the charges and expenses of breaking the jams, and the clearing, floating, running, driving, booming and keeping possession of such intermixed logs; and may take and keep possession of such logs, or so much thereof, as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending the decision by arbitration as hereinafter provided for. The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place. The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such proportion of charges and expenses, possession of the logs shall be given up.

8. When logs of any person, upon or in any water in this Province, or the banks or shores of such water, are intermixed with logs of another person or persons, then any of the persons whose logs are intermixed, may at any time during the drive, require his logs to be separated from the other logs at some suitable and convenient place, and after such separation he shall secure the same at his own cost and expense, in such manner as to allow free passage for such other logs; provided that when any logs so intermixed reach their place of original destination, if known the same shall be separated from the other logs, and after such separation the owner shall secure the same at his own cost and expense.

9. The several persons owning or controlling the intermixed logs shall respectively make adequate provisions and put on a fair proportion of the men required to make the separation; the cost and expense of such separation shall be borne by the parties in such proportions as they may agree upon, and in default of agreement, as may be determined by arbitration as hereinafter provided.

10. In case of neglect of any person to comply with the provisions of the last preceding section, it shall be lawful for any other person or persons, whose logs are intermixed, to put on a sufficient number of men to supply the deficiency, and the logs owned by or controlled by the person guilty of such neglect shall be subject to a lien in favor of the person or persons supplying the deficiency, for a fair proportion of the charges and expenses of making the separation, and for the reasonable charges and expenses of booming and keeping possession, and such person or persons may take and keep possession of such logs or so much thereof as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending the decision by arbitration as hereinafter provided for. The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place. The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts and if satisfactory security be given for the amount of such proportion of charges and expenses, possession of the logs shall be given up.

11. The security referred to in sections 4, 7 and 10 may be by bond in form A in the schedule hereto, or by deposit of money, or in such other way as the parties may agree upon.

12. If it be determined by arbitration, as hereinafter provided for, that any person acting under the assumed authority of this Act, has without just cause taken possession of or detained or caused to be taken possession of or detained, logs of another person, or has after offer of security which the arbitrators may think should have been accepted, detained such logs, or has through want of reasonable care left logs of another person on the banks or shores or has taken logs of another person beyond the place of their original destination contrary to the provisions of sections 4, 7 or 10, then such first

mentioned person shall pay to such last mentioned person such damages as the arbitrators may determine.

13. The lien given by sections 4, 7 and 10 of this Act shall be subject to the lien (if any) of any person or corporation for tolls or dues for the use of any works or improvements made use of in running or driving such logs.

14. Nothing in this Act shall affect the liens or rights of the Crown upon or in respect of any logs.

15. All claims, disputes and differences arising under this Act shall be determined by arbitration as hereinafter provided and not by action or suit at law or in equity.

16. The person claiming that another person has not complied with the provisions of this Act, or claiming payment of any charges or expenses under this Act, or claiming a lien upon any logs, or claiming damages under section 12, shall give to such other person notice in writing stating the substance of the claims made, and appointing an arbitrator, and calling upon such other person to appoint an arbitrator within ten days after the service of such notice; if such other person does not within such ten days appoint an arbitrator the Judge of the County or District Court of the county or district, or the Stipendiary Magistrate of the provincial county or the district, as the case may be, in which the logs in connection with which the claim or part of the claim is made, or the major portion of such logs are situate at the time of the service of such notice, shall, on the application of the person giving such notice, appoint a second arbitrator, the two arbitrators so appointed shall within ten days after the appointment of the said second arbitrator appoint a third; if such two arbitrators do not within such ten days appoint a third, the said Stipendiary Magistrate shall on the application of either party appoint such third arbitrator.

17. If any arbitrator refuses to act or becomes incapable of acting, or dies, and the parties do not concur in appointing a new arbitrator, the said Judge or Stipendiary Magistrate shall, on the application of either party, appoint such new arbitrator.

18. The parties may agree that the arbitration shall be by one arbitrator instead of by three, and they may either agree upon the arbitrator or may apply to the said Judge or Stipendiary Magistrate to appoint one.

19. The person on whom a claim is made and notice of arbitration served may at any time before the arbitration is entered upon or with leave of the arbitrators during the arbitration, give the claimant notice in writing by way of counterclaim stating the substance of any claim arising under this Act which such person may have against the claimant, and such counter claim, unless barred under section 26, shall be determined in the arbitration and an award made with respect thereto.

20. The three arbitrators or the sole arbitrator, as the case may be, shall proceed with the arbitration with due despatch, and shall make their or his award in writing, under their or his hand within thirty days from the date of the appointment of such arbitrator, or the last of such three arbitrators, as the case may be. The parties may, by consent in writing, from time to time enlarge the time for making said award, or the said Judge or Stipendiary Magistrate may from time to time, either before or after the expiration of said time, enlarge the time for making said award.

21. The arbitrators or arbitrator may require the personal attendance and examination upon oath of the parties and their witnesses and the production of all books and documents relating to the matters in question, and may determine by whom the expense of the arbitration, and the costs of the parties shall be paid, and the amount thereof; any costs or expenses payable to a person having a lien upon logs, by virtue of this Act shall be added to the amount of such lien.

22. Chapter 64 of the Revised Statutes of Ontario intitled *An Act respecting the costs of Arbitrations* applies to arbitrations under this Act.

23. The person or persons having a lien upon logs by virtue of this Act, may sell the same in order to realize the amount of such lien, and of the costs, charges and expenses connected with the sale. The arbitrators, or arbitrator, shall determine