

they choose. We fear, however, that in this connection they are being misled. The case is analogous to that which existed in Ontario, and it will be remembered that the decision of the Trial Court so strongly upheld the Legislation of the Government that the licensees decided that it would be fruitless to appeal to the Privy Council, as was originally intended. Doubtless if any action is taken in respect to the British Columbia law, the result will be similar.

The man who finds time to study market conditions and places himself in a position to take advantage as far as possible of the fluctuations as they occur, is usually successful in business. This is especially true of the lumber business. Many persons are familiar with the incident which occurred in Buffalo at the time of the last sharp rise in hardwoods. A dealer had for some time relied upon such trade as came to him unsolicited or without the aid of salesmen; consequently he was not as familiar with the shortage of stock and the favorable conditions for a sharp advance in prices as were his competitors. They, more closely in touch with the market, entered his yard and purchased practically all the hardwood lumber in stock, with the result that within a few weeks they turned it over at a handsome profit. White ash which they purchased for \$34 per thousand was sold for \$45. The dealer in question profited by the experience and has since given more attention to studying the prospects for a rise or fall in the market.

RIGHTS OF LUMBERMEN TO CONSTRUCT DAMS.

Following is a judgment delivered by Mr. Justice Street, of Toronto, in an interesting case affecting the rights of lumbermen to construct dams.

NEELY v. PETER.—Judgment (R.) in action tried without a jury at Parry Sound. The plaintiff was the owner of land upon the Seguin River, and brought this action against the administratrix and administrators of the estate of William Peter and against the Parry Sound Lumber Company for flooding his land by a certain dam upon that river, which, he alleged, was maintained and used by William Peter in his lifetime, and by the company. At the trial the Parry Sound River Improvement Company were added as defendants, and the statement of claim was amended by adding allegations that they owned the dam and charged toll to the other defendants for using it. The new defendants admitted these allegations, but relied upon the powers conferred upon them by the act under which they are incorporated. The original defendants with their defence brought \$142 into court, and said it was sufficient to satisfy the plaintiff's claim, and such payment in was afterwards attributed to the new defendants, as well as the original defendants. Held, upon the evidence, that the effect of the dam has been to throw upon plaintiff at certain seasons a larger quantity of water than would naturally be there, and to inflict upon him a certain amount of injury and inconvenience. There is nothing in the timber act, R.S.O., ch. 194, under which the defendants the improvement company are incorporated, which confers upon them any right to flood private property unless they have first taken steps authorized by the act for expropriating the property or settling the compensation for flooding it, and that has not been done here. As regards the other defendants, they cannot be held liable for any damage sustained by plaintiff by reason of their having during any freshets caused damage to plaintiff by using or repairing or maintaining any dam necessary to facilitate the transmission of their timber down the stream. But the improvement company are in a different position. The

rights giving to persons desiring to float their own timber down a stream should not be extended to companies incorporated for the purpose of making a profit by improving streams and charging tolls to lumbermen. The improvement company built or acquired a dam below plaintiff's land; there was an opening in the centre of the dam which could be closed with stop logs. When the stop logs were out all that remained of the dam at this point was the "bed timber." The result, at times when there was more water coming down the stream than could escape through the loose framework of the dam, was to back the water to the depth of about three inches on the lowest parts of plaintiff's land. The effect of confining the flow of the water to the opening in the dam after the stop logs had been taken out was to prolong the period of high water upon plaintiff's property. The dam as built was necessary for the purpose of enabling the lumbermen to get their timber down the river, and no unnecessary damage has been inflicted upon plaintiff. As against original defendants, action dismissed with costs. The added defendants are liable to plaintiff for the injury caused by the dam. But the plaintiff has accepted \$30.75 in full of his damages to the end of 1898 and his claim must be limited to damage done in 1899 and 1900, this action having been begun in March, 1901. The sum of \$142 paid into court was sufficient to cover plaintiff's damage for 1899 and 1900 as well as his increased outlay upon a certain bridge. Judgment for plaintiff for \$142 against added defendants without costs. The \$142 to be applied pro tanto in payment of the costs awarded against plaintiff.

THE LATE E. D. DAVISON.

The business community of Lunenburg County has been greatly shocked by the sudden death of E. D. Davison, senior member of the lumber firm of E. D. Davison & Sons, Limited, which is a close family corporation, with headquarters at Bridgewater, N.S. Mr. Davison was holding the position of representative of the County of Lunenburg in the House of Assembly and serving his third term as the Mayor of the town of Bridgewater, so besides his extensive interests in the lumber business he was actively engaged in the public service. He was in his 57th year and had spent his lifetime in the lumber business, being particularly engaged in opening the streams and roads and providing timber for the mills. The principal operations were on the branches of the LaHave, Medway and Nictaux Rivers circulating through the 200,000 acres of the firm's timber lands which have been conducted under his direction.

Having always been of a studious, observing character, Mr. Davison had established the reputation as the best authority on forestry and timber values of any man in Western Nova Scotia. Having educated juniors to conduct his lumber operations, he had lately taken a great interest in public affairs in his section of the country, and his advice and counsel were highly esteemed by the public men of the province.

Though he had warnings of failing health during the last year, Mr. Davison's ability to prosecute his work seemed as good as ever, and he was never more closely tied to his various occupations than at the time of his death. He has been universally regretted by the whole community. His surviving children are Mrs. Henry Howell, of Atlanta, Ga., and two boys, Edward and Harold by his second marriage, who inherit his estate subject to several legacies.

The business being a joint stock company, the transfer of shares will be the only change, and as Mr. Davison had arranged to dispense with his personal attention to the business it will likely proceed in the same lines.

Mr. Davison was particularly interested in the construction of the Halifax & South Western Railway now being located in the district, and his influence will be greatly missed in reconciling the various interests along the route of the railway, as there is no one of his influence and experience whose counsel would have the same effect with the Government or the county.

His sudden removal makes it impossible at this time to fully estimate the loss sustained, which will only be learned as the years pass by. His friends fondly hoped

he would have been spared to fill a higher place in the councils of the country. His funeral at Bridgewater was attended by very many of his friends from the surrounding country.

FEEDING A BOILER.

The operation of getting water into a steam boiler is so closely interlinked with the operation of heating it, that it is scarcely practical to consider the two separately. It is unnecessary to point out the saving obtainable from heating the feed water; this is amply and strikingly demonstrated by the fact that using live steam to heat the feed water before it enters the boiler is more economical than putting it in cold. But it is frequently perplexing to determine just what method of heating and what means of delivering the feed water will be most economical. The first cost of the apparatus considered enters into the question, of course, as the interest and cost of maintenance form part of the operating expense of the plant, and the class of help obtainable must also be considered, simplicity frequently being preferable to economy.

Speaking generally, it is safe to assert that for all plants of a size too small to justify the installation of economizers, it is good practice to employ heaters in the exhaust pipes of the engines, absolutely regardless of the condensing question. If the plant be non-condensing, it is self-evident that exhaust steam heaters are imperative; even if the exhaust steam be used for heating purposes, it will usually pay to put in a heater between the engine and the heating system.

In condensing plants, primary heaters will be found advisable under average conditions. Of course, if the plant is a very large one, economizers claim consideration, but in a plant of ordinary size an economizer is usually barred by the cost of installation and attention. A primary heater will bring the feed-water temperature from 40 to 50 up to about 110 degrees F.; a higher temperature could be secured by imposing back pressure on the engine, but this is obviously not good practice with a condensing engine. It will be advisable, therefore, to still further heat the feed water by passing it through a secondary heater after it leaves the primary heater. If sufficient heat can be obtained from the exhaust steam of the air, circulating and boiler-feed pumps to carry the feed-water temperature up to about 200 degrees F., without deliberately using pumps of low efficiency for the sake of their exhaust heat, then the combined exhausts from all the pumps should be passed through the secondary heater.

If, however, the efficiency of the auxiliaries is so high that a gain of only 40 to 50 degrees in temperature is obtainable in the secondary heater, it will usually be advisable to run the pumps condensing, still passing the exhausts through the secondary heater in order to extract as much heat as possible before delivering to the condenser, and to reinforce the secondary heater with live steam bled from the receiver or the high-pressure exhaust of the engine. If the engine is provided with a reheater which superheats the receiver steam, says the American Electrician, then the steam used in the secondary feed-water heater should be taken out from the high-pressure exhaust before that steam reaches the reheater, in order to avoid a waste of superheat. The plan outlined would be almost universally more economical than to sacrifice the efficiency of the pumps in order to obtain sufficient heat from their exhaust steam to give the feed-water the proper temperature. Air and circulating pumps should preferably be engine-driven, but whether they are of this type, or are ordinary forms of direct-acting pumps, they should be run condensing unless their exhaust steam added to that of the boiler feed pumps will supply sufficient heat for the feed-water without bleeding the engine receiver.

Belt-driven pumps are not, as a general rule, commendable for boiler feeding, on account of their inefficiency at partial loads when driven at constant speed, as they would have to be in all modern central stations and isolated plants. If it were practical to vary the speed of the pump according to the requirements of the boilers, without interposing a lot of power-consuming gear, the belted type would show the highest efficiency of any form of boiler feeder.—Boston Journal of Commerce.