

LEGAL DECISIONS.

LINDSAY VS. KLOCK.—This suit was instituted in the Superior Court at Hull, Que., by Archibald Lindsay, to recover \$20,000 damages from R. H. Klock & Co. for the burning of the former's mill at Aylmer. From the judgment delivered by Judge Gill the following is taken:

The Messrs. Klock had leased the mill and had the right to make certain repairs. They started to make the repairs to the mill; and the twenty-ninth day of the month of March the mill was burned during the night-time.

It was shown that the defendants had a night watchman; that they had made new repairs; that they had put in "Dutch ovens," so as to create more steam, and the fire was attributed to this innovation, from the fact that it is said that the Dutch ovens allow sparks to escape more easily than the former apparatus; and plaintiff endeavored in the evidence to prove facts which would place the responsibility on the defendants. On the other side it was proven that these Dutch ovens are adopted in mills, and that the customary manner of adapting them was resorted to in this mill. Moreover, it is alleged that they are no more dangerous than other appliances, and that it is not known how the fire occurred; that it may have taken place and arisen from sparks, but that they don't know. A steam pump was there in case of fire, and all precautions which are usually taken to protect property from fire were used, and consequently defendants were held not liable.

S. C. KANADY LUMBER CO. VS. THE BROADFOOT & BOX FURNITURE CO.—This was an action tried last month at the County Court at Toronto, and will interest lumber dealers in general. The following particulars are obtained from a report furnished by the counsel for defendants: The defendants gave the following order to plaintiff's traveller:

TORONTO, 24th Sept., 1896.

S. C. KANADY.

DEAR SIR: Please ship to Broadfoot & Box Co., of Seaforth:

Quantity.	Description.	Price where, per M.	Terms.
1,000 ft. ½ in.	Birch 1 and 2		
1,000 ft. 2 in.	Birch 1 and 2		
Balance of car 1 in.	Birch 1 and 2	23	Seaforth

Put on 500 ft. of 3 in., if possible 4 in. and up wide, cut two years.

(Sd.) "BROADFOOT & BOX FUR. CO."

Defendants stated in conversation that led up to above order that red dry birch for a particular purpose was wanted. Mr. Broadfoot was not at home when car arrived, and the lumber was unloaded. The inspection made by defendants, however, found the order unsatisfactorily filled, and they refused the car. Plaintiffs sued, and the point fought out in the trial and decided against the defendants was that saps in birch are not a defect, and that if one wants "red," it must be specifically mentioned. The evidence was sadly conflicting, and made

the court and counsel wonder how lumber business could possibly be carried on without law suits, when no two lumbermen agreed on the qualifications of Nos. 1 and 2. Defendants' contention was, Nos. 1 and 2 gave them the best two grades in the log; plaintiffs', that the red could be picked out, and an order for 1 and 2 filled. Defendants contended that firsts and seconds called for standard lengths, which were 12, 14 and 16 ft., admitting ten per cent. of 10 feet. Plaintiffs replied that you could go down to 8 feet, provided board was perfect otherwise. As to other qualifications, defendants set up the qualifications of firsts and seconds as follows:

- Firsts are to be 8 inches and over in width.
 - 8 to 10 inches wide shall be clear.
 - 11 to 14 " " will admit ⅓ bright sap on one side, or one standard knot.
 - 15 to 20 inches wide will admit ⅓ bright sap on one side, or two standard knots.
 - Seconds are to be 6 inches and over in width.
 - 6 and 7 inches shall be clear.
 - 8 to 10 " will admit one standard knot.
 - 11 to 14 " " " two " knots.
 - 15 to 20 " " " three " "
- In seconds, bright sap shall not be considered a defect.

Culls include all lumber not equal to the grade of seconds, one-half of each piece being merchantable. Other than above shall be classed as mill culls.

A scale of the lumber on this basis showed about ninety per cent. seconds and culls, and ten per cent. firsts, with about ten per cent. red in the whole car.

Defendants further contended they were entitled to fifty per cent. of firsts, and that the reds had been picked out. The evidence of the plaintiffs went to show that the minimum width of firsts and seconds is six inches, and that saps are not a defect in either firsts or seconds; further, that there is no settled proportion of firsts and seconds in a combined order of firsts and seconds. The judge smilingly said the Legislature, as they were so anxious to pass new acts, might try their hands at settling the rules of lumber inspection; but he was unable to find that the defendants had not filled substantially the order.

THE following decision in the case of Deslauriers vs. the B. A. Land Company, rendered by Mr. Justice White, will be of interest to proprietors of timber limits: "The plaintiff, one of several laborers employed by his father in the manufacture of logs, ties and pulp wood, sued the company for thirteen days' wages due him by his father. His pretension was that the company was liable, because they had taken from his father a quantity of ties, pulp wood and logs in settlement of their claims for trespass, and had disposed of them. The court held that any rights of accession in value by the added labor belonged to the employer of the labor, who could validly transfer

such rights to the owner of the material, and that the several laborers had no privilege upon the wood manufactured in trespass upon the lands upon which the manufacturer had no rights whatever. Action dismissed with costs."

PUBLICATIONS.

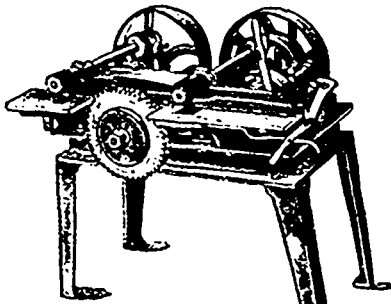
The New Brunswick Tourist Association, of St. John, in publishing "The Gripsack," is performing a desirable work. Its main object is to make known the many seaside attractions possessed by the maritime provinces, and the illustrations in the last number convey a clear idea of their beauty.

The April number of the Ladies Home Journal is an Easter issue, and is brimful of entertaining reading. Clifford Howard tells the story of the most beautiful Easter service in America, and ex-president Harrison has timely articles describing "The Social Life of the President." Other equally popular articles go to make up a complete number.

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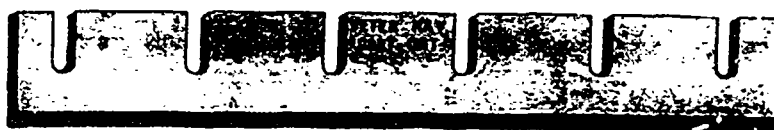
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