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AN ACT RESPECTING THE DRIVING OF SAW LOGS.

Quite a stir has been occasioned in lumber circles regarding the bill recently passed its first reading in the Ontario Legislature respecting the driving of saw logs and other timber on lakes, rivers, creeks and streams. Deputations of lumbermen have already gone to Toronto to interview the Government on the matter, making objection to some of the provisions of the bill. The result of these interviews will not likely be known until after the present issue of the LUMBERMAN. We publish the Bill in full, however, and will have more to say regarding the matter in a future issue. The Act reads as follows:—

1. Any person putting or causing to be put into any lake, river, creek or stream, in this Province, any saw log or other timber for the purpose of floating the same to the place of manufacture or market shall make adequate provisions, and put on a sufficient force of men to break jams of such saw logs or other timber in or upon such lake, river, creek or stream, and to run or clear the same from the banks or shores thereof, and to run or drive the same so as not to hinder the removal of any saw logs or other timber from the banks or shores thereof nor obstruct the floating or navigation of such lake, river, creek or stream.

2. In case of the neglect of such person to make such adequate provision, and put on such sufficient force of men, as aforesaid, it shall be lawful for any other person engaged in floating or running saw logs or other timber in such lake, river, creek or stream, obstructed by reason of such neglect, to cause such jams to be broken, and such saw logs or other timber to be run, driven or cleared from the banks of such lake, river, creek or stream, and along and down such lake, river, creek or stream, at the cost and expense of the person owning such logs or other timber, and such owner shall be liable to such persons for such costs and expenses.

3. The person so causing such jams to be broken, or such saw logs or other timber to be run, driven or cleared, shall have a lien on such saw logs and other timber, for his reasonable charges and expenses for breaking jams, and running, driving and clearing the same, and shall be entitled to take and retain possession of such saw logs or other timber, wherever the same may be found, or so much thereof as may be necessary to satisfy the amount of such charges and expenses, and all costs, and may after thirty days' notice to the owner, if the owner be known, and advertisement thereof for three successive weeks at least once in each week, in a newspaper published nearest to where such saw logs or other timber may then be, sell by public auction, subject to the lien of the Crown (if any) for dues, the said saw logs or other timber, or so much thereof as may be necessary to satisfy the amount of such charges and expenses, and all costs, rendering the surplus on demand to the owner.

4. If the owner of the saw logs or other timber is not known to the person claiming the lien, then such person may after advertisement thereof for four successive weeks, at least once in each week, in the *Ontario Gazette*, and in a newspaper published nearest to where such saw logs or other timber may then be, sell by public auction the said saw logs or other timber or so much thereof as may be necessary to satisfy the amount of such charges and expenses and all costs.

5. Any person whose saw logs or other timber in any lake,

river, creek or stream, in this Province, are so intermixed with the saw logs or timber of another person, that the same cannot be conveniently separated for the purpose of being driven or floated to market, or place of manufacture, may drive all saw logs and other timber with which his own are so intermixed at the cost and expense of the person owning the same, unless such owner furnish a fair proportion of plant and men, and do, or cause to be done a fair proportion of the work necessary to be done in driving all the said saw logs and other timber, so intermixed, and such owner shall, unless he so furnishes a fair proportion of plant and men, do or cause to be done a fair proportion of the work in driving said saw logs and other timber as aforesaid, be liable to such person for such costs and expenses, and such person shall have a lien on such saw logs and other timber for his reasonable costs and expenses for driving the same, and shall be entitled to take and retain possession of such saw logs or other timber, wherever the same may be found, or so much thereof as may be necessary to satisfy the amount of such charges and expenses and all costs, and may sell the said saw logs and other timber in the manner mentioned in the sections hereinbefore contained, but subject to the provisions as to notice and advertisement thereof as in said sections mentioned.

6. If the owner of the said saw logs or other timber shall dispute the amount claimed by a lien holder he shall, within five days from the receipt of the notice of sale, to be given by such lien holder to such owner, give notice in writing to such lien holder, that he disputes the amount claimed and thereupon the following proceedings shall be had unless the parties otherwise agree upon the amount to be paid:

1. Such notice shall state the name of an arbitrator and call upon the lien holder to appoint an arbitrator on his behalf within five days after service of such notice, and in default of such lien holder making such appointment it shall be lawful for the Judge of the County Court of the county, or the Stipendiary Magistrate of the District, as the case may be, in which such saw logs or other timber are situated upon request of the owner to appoint such arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter;

2. If after the arbitrators have been appointed, as aforesaid, they fail or neglect for the space of five days to appoint a third arbitrator, the said Judge of the County Court or Stipendiary Magistrate shall, within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator;

3. The arbitrators may require the personal attendance and examination on oath of the parties and their witnesses and the production of all documents relative to the dispute, and may determine by whom the expenses of the arbitration shall be defrayed, together with the amount thereof, and shall make and deliver their award and determination within twenty days from the date of their appointment, and the said lien holder, may retain his lien and possession of the said saw logs and other timber until such award is made and delivered, and the amount found thereby and costs is paid by such owner to such lien holder.

7. If the owner does not forthwith pay the amount and costs which the arbitrators determine that he shall pay, such lien holder may proceed to sell by public auction the said saw

logs or other timber, or a sufficient portion thereof, to satisfy the award and cost, and the subsequent costs incurred by such sale, first giving notice of such sale by advertisement for two successive weeks, at least once in each week, in a newspaper published nearest to where such saw logs or other timber may then be.

8. Any person whose saw logs or other timber are intermixed in any lake, river, creek or stream with the saw logs or timber of any other person, and who for any reason desires to separate the same, or does not wish to continue the drive, shall at his own cost and expense separate his said saw logs and timber from the saw logs and timber of such other person, and securely boom the same to one side, in such manner as to allow a free passage for the saw logs and timber of any other person who may wish to continue the drive.

NEWS NOTES.

Prof. John Macoun, Botanist to the Dominion Government, intends leaving for British Columbia about the first week in April, where he expects to remain until September next. Readers of THE LUMBERMAN may expect some interesting correspondence during the next few months.

A sale was completed a short time since by Mr. Donald Campbell, of Colborne, Ont., to Mr. Thos. P. Pierce, of Belleville, and Mr. Joseph Pierce, of Norwood, of the pine only upon 100 acres of land in the township of Otonabee, Peterborough county, the price paid therefore being \$10,000. Messrs. Pierce are now busily at work taking out this pine as square timber for the Montreal market.

Two or three wealthy Michigan lumber companies which own large quantities of pine in Ontario will import a considerable quantity during this year, notwithstanding the Canadian export duty. A single raft of 3,000,000 feet was put together in Georgian Bay last autumn, and will be started for Saginaw on the opening of navigation. The Dominion tax will, it is said, be removed whenever lumber is put on the free list of the American tariff.

Permits to take out ties and wood in Ontario along the Canadian Pacific railroad have been granted by Crown Timber Agent Margach, of Port Arthur, to the following Winnipeg parties: Dennison Bros., whose permit covers the district from the Manitoba line east to Eagle river, Egan Bros., to cut 125,000 ties in the district extending from English river to Savanne. The Hudson Bay company are also applying for a permit.

The Pontiac & Pacific Junction Railway promises to be one of the most important lines of railroad in the province. They have now employed a large gang of men on the work of construction. Application will be made by the company at the next session of parliament, for amendments to their charter. The amendments will include an extension of time for the completion of the road. The acquiring of timber limits in the Ottawa district, the working of saw mills, extending the railroad through the Province of Quebec to Sault Ste. Marie, crossing the Ottawa river in the county of Pontiac, a short distance west of Pembroke, and extending the line to Mattawa if necessary. To validate and confirm the agreement between the Canadian Pacific railroad for the purchase of the Aylmer branch of that road and to relieve that branch from all mortgages and charges.