

THE NEWS

LeBlanc intends building a steam saw mill at, Ont.

said that there are 5,000 acres of timber land in the county, P. E. I.

Brox, of Brantford, Ont., will probably add a sawing plant to their works.

McCauley, of Edmonton, N. W. T., will this year operate a saw and shingle mill near Hastings.

Guthrie was burned to death in the saw mill of J. B. Snowball's saw mill at Chatham,

cutters' examinations for the province of Quebec held in the Crown timber office, Hull, on

Hovey has purchased a saw mill at East Hovey, Que., and will put in machinery for barking and

site is being cleared at Revelstoke, B. C., for a saw mill to be built on the Big Eddy site by

Lakeside Wood Company, of Cookshire, Que., for incorporation, to carry on a general

head & Mann, sash and door manufacturers, B. C., have dissolved partnership, James

the intention of J. & C. Hickman, of Port B., to put in a Dutch furnace to burn the

er planing mill at Port Arthur, Ont., is being

que Snider, son of Henry Snider, of South was killed in his father's saw mill by being

South River Lumber Company have made

eral large saw mills have been built this spring

the explosion of a boiler in a saw mill in the

Southampton Manufacturing Company, of

B. Trick, of Courtice, Ont., has purchased

saw mill originally owned by Thomas Sadler,

N Drader, of Chatham, Ont., has announced

the Smokey Lake Mfg. Company, of Sturgeon

F. Braman and W. H. McCormick, of Bay

an annual capacity of 20,000,000 feet, and is equipped with band saws, gang and circular rig.

—The lumber surveyors of St. John, N. B., who went on strike recently, are reported to have returned to work at the former rates. It is said that the rules of the Lumber Surveyors' Association have been suspended.

—A large dry kiln in connection with the works of William Cane & Sons at Newmarket, Ont., was burned recently, the fire originating from an overheated box on a small shaft which ran the elevator, carrying the staves into the kiln.

—The Whaley Lumber Company have suffered a serious loss in the destruction of their saw mill at Huntsville, Ont. Although the insurance did not nearly cover the loss, it is understood that the work of reconstruction is shortly to be commenced.

—The Victoria Planing Mills at Lindsay, Ont., owned by J. P. Ryley, has been purchased by George J. Brumwell, late of Bridgenorth. Mr. Brumwell is an experienced lumberman, having been associated with his father in operating a saw mill at Bridgenorth.

—J. R. Booth has announced his intention of moving his saw mill from Ottawa to some point further down the river, and as soon as a site is selected construction work will be begun. The machinery in the Chaudiere mill will be transferred to the new one.

—Webb Isenor is building a new saw mill on McDonald's lake, near Halifax, N. S. Three or four attempts at building a mill at this place have been made. Once the dam broke and the mill was washed away, while on another occasion the mill was burned just after being completed.

—The Dickson Lumber Company, of Peterborough, Ont., have appealed against a decision of the Master-in-Chambers to increase the security for costs in their case against the Standard Agency Company, of Montreal, for \$20,000 damages for non-delivery of lumber. This case was begun some nine years ago.

—The Cleveland-Sarna Saw Mill Company, now applying for a Dominion charter, are building a new mill at Sarna, Ont. It will be 50x100 feet, equipped with modern machinery throughout, consisting of two band mills, band resaw, two edgers, slab slasher, trimmer, lathe mills, log loaders, steam kickers, and necessary live rolls. It will be located north of the mill of Mr. L. Dean Holden, the president of the company, which is 40x100 feet, and now in operation. Between the two mills a boiler house 48x136 feet is under construction. This will contain a battery of six boilers, 72 inches x 16 feet, also the dynamo room, machine shop and two engine rooms. In the engine room on the north end there will be installed a Corliss engine, 24x42 feet, to drive the new mill; the south engine room will be provided with an engine later, it being the intention of the company to remodel the present mill, making it a special bill timber mill to run the year round.

QUESTIONS AND ANSWERS.

"W. W.," Newark, N.J., asks for the addresses of some manufacturers of spinning rollers.

Ans.—Rollers and turned wooden goods generally are manufactured by the Lachute Shuttle Co., Lachute Mills, Que.; Canadian Wood Specialty Co., Orillia, Ont.; Ker & Harcourt, Parry Sound, Ont.; Colin Reid, Bothwell, Ont., and others.

Gibson & Co., of Wroxeter, Ont., write. Does any demand exist in Ontario for short length maple flooring (16 inches and multiples), end matched and nailed and bored.

Ans.—We do not think there is a demand in Ontario for maple flooring in the sizes referred to. In the United States flooring as short as 16 inches is used, but in this country the architects almost invariably specify lengths 8 feet and upwards.

We have a point in dispute between two lumber dealers, and would like your authority as to the custom of the trade and your opinion. A

sells B half a car of mill run 4 inches and up. When car arrives, B says it is not mill run, as he says lumber from 6 to 9 ft. long is mill run shorts. A says B asked him the length, and he told B that he did not know, but B gave A the order just the same, and now B refuses the car on the length, as B claims it is not mill run as known by the trade. Kindly give your opinion. Was A right in selling 6 to 9 ft. lumber 4 inches and up for mill run, or was A misrepresenting the lumber? If so he wishes to be put right.

A SUBSCRIBER FOR YEARS.

Ans: The custom of the trade is to regard mill run lumber below 9 feet in length as mill run shorts, hence we think that the lumber was misrepresented by the seller.

LEGAL.

Godwin v. Newcombe.—Judgment by Court of Appeal, Toronto, on appeal by defendants from judgment of MacMahon, J., entered upon verdict of a jury. The action is for damages sustained by plaintiff while employed by defendants as a machinist to work a jointer machine in their piano factory, in the city of Toronto. On the occasion of the accident, the plaintiff had joined and left a piece of wood in its usual place, when it fell and forced his left hand upon the knives of the machine which, owing, he says, to the defendants' negligence, were unguarded and unprotected. Plaintiff alleges defendants were also negligent in not providing a truck whereon to place material after it had been jointed. The jury, by their answers to the questions submitted to them, found that the machine was in a defective condition, because unguarded, owing to negligence of defendants' foreman, to whom defect was known, and the cause of the accident was the piece of wood falling upon plaintiff's hand and forcing it against the knife, and that he could not have avoided it by the exercise of reasonable care. Appellants contended that the answers of the jury, read with the evidence, did not amount to a finding of negligence against defendants, that the plaintiff was negligent in placing the jointed board where he did, and its fall was the approximate cause of the accident, the machine had been sufficiently guarded within the Factories' Act, by what is known as the fence guard, that on the evidence the foreman was not negligent. Held, that the jointer was machinery within the meaning of the Ontario Factories' Act, held, also, that no objection having been taken to the submission of the questions, nor any additional question suggested, it is now too late to object, *Star Kidney Pad Co. v. Greenwood*, 5 O. R., 28, *Sexton v. Borewand* (1900), A. C. 155, that the questions to and answers of the jury constitute a finding that the absence of a guard was a defect in the condition of the jointer, and was known to defendants' foreman, who was entrusted with the charge of it, and that though no direct question was put as to the absence of the guard being the cause of the injury, the evidence amply justifies the inference that such absence was the cause. "The governing principle is that when a machine is defective with reference to danger, and such defect is within the knowledge of the employer, he is then liable;" *Tate v. Latham* (1897), 1 Q.B., 502; *Morgan v. Hutchison*, 59, L.J.N.S., 197, and distinguishing *Walsh v. Whiteley*, 21, Q.B.D., 371. What plaintiff did in placing the wood in the position from which it fell upon his hand had not the effect of severing the casual connection between the defendants' negligence and the accident, for their negligence was still continuing and was the primary cause of the accident, *Thomas v. Quartermaine*, 18, Q.B.D., 685. Appeal dismissed with costs.

Attention is called to the new advertisement of Thomas Pink, of Pembroke, appearing on the back corner of this issue. Mr. Pink manufactures the well known and famous Pink lumbering tools, and also makes a specialty of cant hook and peavy handles, using specially selected split rock maple. He can, as in the past, supply the trade by car load or dozen.