

### A LUMBERING DISTRICT OF THE NORTH-WEST.

**SELKIRK, April 8.**—In my last letter, written from Derby's house, Lake Winnipeg, I mentioned that we expected to reach the mouth of the Winnipeg river the next evening. In this I intend to describe that day's trip, with a short description of the lumbering country, and also of the return journey.

Our direction, by compass, was north-easterly, and for a few miles after leaving Derby's was over a hilly country, sparsely timbered with young spruce trees. We soon, however, reached a more thickly wooded tract, and for the first time saw traces of the lumbering regions of the North West. The road ran through a twenty-mile limit of Messrs Walkley & Burrows. Spruce and tamarac trees of good size, straight but not growing to any great height, were thick. Besides these a few birch and poplar trees were scattered here and there amongst the more valuable timber. About six miles from our starting point we came to Jackfish lake. This lake is about three-quarters of a mile wide, a mile and a half long, and has an outlet by a creek of the same name flowing into Lake Winnipeg.

As we moved out from the creek, we could see the mouth of the Winnipeg river, and on the south side Walkley & Burrows' mill. Our course lay east along the shore of the lake, and in a short time we reached our destination. The Winnipeg River, directly about the mouth, widens out into a deep bay on each side until it resembles a small lake more than a river. The banks on each side are high and covered with trees. Close to the water the timber is chiefly poplar, but further back spruce and tamarac abound. Messrs. Walkley & Burrows saw mill stands on a low sandy point exactly at the mouth of the river. The mill is the pioneer saw mill of Lake Winnipeg, and has been running for nearly twelve years. It was formerly worked by Mr Macarthur, of Winnipeg; but since the year 1878 has been leased to the present proprietors. During the past winter Messrs. Walkley & Burrows have, with commendable enterprise, erected an entirely new building on the site once occupied by the old one. This building, built of spruce lumber, is seventy-six feet by thirty-six feet, and will contain a fifty horse power engine, running one circular saw and an edger. The capacity will be about 20,000 feet in ten hours. During the winter Messrs. Walkley & Burrows have employed about fifty men in the woods and had taken out about 3,000,000 feet of uncut lumber. These logs are on Catfish creek waiting for that stream to open. Sawing will be commenced about the first of May, and will continue night and day until the supply is exhausted.

Running some distance up stream from the mouth the land each side is taken up in the Indian reserve known as Fort Alexander.

Just above a deep bay widens the river, and at the upper end of this

#### THE MANITOU RAPIDS COMMENCE.

These rapids are navigable for small steamers and "York" boats, and owing to the swiftness of the current are rarely entirely frozen over in the winter time. This winter portions of them remained open until the very severe weather of a few weeks ago. From this point, going up the river the banks on both sides are high and rocky, and covered with spruce and tamarac trees, almost to the water's edge. The river is wide and deep, and in the summer time the scenery must be exceptionally grand. Of course but a very vague idea can be gathered of the scenery in the winter, but even then it has a peculiarly picturesque though bleak grandeur. Eight miles from the mouth are the Pine falls. The fall is perpendicular, and is only about ten or twelve feet high. It is broken by a small wooded island. The river is about 200 feet wide, and on both sides is heavily timbered. The fall forms a natural water power for another saw mill, that owned and worked by Messrs. Adams & Schneider. The Pine fall, of course, puts a stoppage to the navigation of the stream, except in small boats and canoes, and in them necessitates a short "portage." A short distance above the Pine falls the river again widens, and the Great or Little Bear falls or rapids occur. Above these the river is nearly a quarter of a mile wide, and is studded with

small, rocky islands, with a few scrubby trees growing on them. Seven miles above the Pine falls are

#### THE SILVER FALLS,

and one of the prettiest and grandest pieces of scenery on the Winnipeg river, if not in North America. The distance between the banks on each side is about three hundred yards, while the fall is nearly a quarter of a mile long. High masses of rock, their summits snow-covered, are piled in the course of the stream. These cause the water to break and form several "chutes" or rapids, while the foam, hurled high in the air, glitters in the sun like burnished silver, thus giving, I suppose, the name to the falls. Each bank is high and rocky, while growing in the crevices are gigantic spruce trees, and their sombre shadows on the white snow, the roar of the water, and the wild and dreary grandeur of the scene, make it an impressive and ever-to-be-remembered one. The still water near the shores is frozen over, but out in the stream the rushing, tumbling water bids the Frost King defiance. Logs going down the falls are, I am told, as completely denuded of bark as if they had been subjected to the knife. The "trail" or road above Silver falls being so bad and rough I did not go further, but I have been informed that, counting the ones already mentioned, there are no less than thirty-seven falls and rapids between Rat Portage and the mouth of the river.

The land around the Winnipeg river above the Pine falls is too stony to admit of very successful tillage, yet it has in its timber another source of wealth. Below the falls just mentioned the soil is more valuable, and when cleared would make excellent farming land. The same may be said concerning the soil on the eastern shores of Lake Winnipeg. In addition to the comparatively inexhaustible timber supply there is little land that, once cleared of brush, cannot be used for purposes of husbandry. The only drawback at present is the difficulty of reaching these places in summer other than by boat. This drawback may continue for years yet, but I do not think that it will be long before this region also receives its quota of settlers.

I left Fort Alexander yesterday morning, on my return journey to Selkirk. This time I went further up the Catfish creek, and across to Jackfish lake, by another road known as Beauport's from a logging camp of that name situated upon it. In travelling by this road I passed through an even finer stretch of lumbering country than on the out-ward journey. The ground was more irregular, and hills abounded. Some parts of it would, I consider, make more than average farming land. There is plenty of poplar wood of a size sufficient to build log houses. The spruce and tamarac suitable for lumbering purposes have been pretty well thinned out in the neighbourhood, but further to the south there are yet some heavy growths. Joining the old "trail" at Jackfish lake, we reached old McLean's about sunset last evening, the only episode on the road being a dinner from a part of a moose just killed by an Indian near the lake just mentioned. Making an early start this morning, we reached Selkirk about six o'clock this evening, and thus ended my trip with "freighters."—*Mail*

#### AN IMPORTANT DECISION.

The following is the verbatim report of the judgment of Mr. Justice Proudfoot in the case of Hilliard vs. Thurston, tried at the sitting of the Chancery Division of the High Court of Justice at Peterborough, on Friday, April 21st:

**JUDGMENT.**—MR. JUSTICE PROUDFOOT.—Seeing the doubtful facts, it would have been better if the case had been tried by a jury.

There are two or three questions to be determined. The first is whether this fire was caused by sparks from the steambot, the next whether there was negligence either in construction or management of the boat.

Well, I think under all the various principles that ought to guide one in arriving at a conclusion from facts sworn, and circumstances that appear in evidence, that I must necessarily conclude that the fire did result from the sparks from this steambot. It is just such evidence that would have been made use of and have been properly admissible to a jury in case of a man indicted for arson in setting fire to the

place. Then there is the numerous lot of witnesses who testify to the fact of the steambot passing there almost immediately within 5 or 10 minutes afterwards—after the fire burst out. There is no fire shown to have been in the neighbourhood—not to have been within 30 or 40 rods or more, except the steambot's fire.

There is not even shown to be a man with a pipe going around looking at the mill, or in the neighbourhood of the mill, and the only fire within reasonable distance at all was that down the river of Green & Ellis's, some 30 or 40 rods off. It was the nearest; I am not sure but what it was farther. I think it was Green & Ellis's saw mill; not the shingle mill. It was some 30 or 40 rods down the river. It was most favorable to defendant's case to show that the stream of air crossing Green & Ellis's smoke stack would not come within 30 or 40 rods of the south side of plaintiff's mill, and of course if it would not come within that distance, it could not send sparks to the mill.

So that it seems to me that every circumstance in connection with the occurrence of the fire would rather tend to show that it came from the steambot than from anything else.

There is another thing to be borne in mind in that connection, which I mentioned during the argument,—the number of pounds of steam allowed by the Inspector was 85, and it had been up to 87 pounds, and they were blowing it off to get down to the 85 when passing the mill.

Now it does seem to me that circumstances rather weaken the effect of defendant's testimony, for I can hardly suppose that when the damper closed they would have been able to raise the steam to that height. He tells us the damper was put on when stopped at Green & Ellis's mill, by the obstruction in front of that mill. It must have been consequently that they put the steam on after leaving and coming up the stream, and before they reached this other mill building, with full head of steam and two pounds more.

Then we have evidence also that when full steam was on, and the escape pipe sending the waste steam into the smoke stack, that it necessarily caused a large draft of sparks up the chimney, and the lower screen was open and there was nothing but the bonnet on top of the smokestack, and the meshes about the bonnet, as shown in the evidence here, and as sworn to by some of the witnesses, would have permitted the escape of sparks quite sufficient to have set fire to the mill, especially in that very dry period. The defendant himself tells us it was a period when the greatest care ought to be taken, and when he desired his men to exercise the greatest care.

Well, I think that under these circumstances it would be going against my own judgment to find anything but that the fire had been caused by the issue of these sparks.

The next question is whether there was any negligence on the defendant's part either in construction or management of the boat. It is said that the boat was just as he had got it, and that it was necessary, to run the boat, that he should employ steam, and keep a smoke stack; but I do not know that a man is at liberty even to make or to buy a defective instrument, or a dangerous instrument, and then say, oh, that is just as I had it, and in order to make it useful I must use it. I don't know that there is anything in the law or in common sense that would justify defendant in doing that. I don't think it would justify him in carrying a dangerous instrument of that kind among inflammable property, without he had done the best he could to prevent evil consequences, and I think that probably there will be found the distinction between the cases cited by Mr. Moss and those cited by Mr. Blake, that in the case of railways the Legislature has authorized them to run their engines. If they use all skilful and scientific precautions to prevent accidents, they are not affected, but the same exemption does not apply to a person using any of the other ordinary avocations of life which he is not authorized to do by the Legislature.

He can only then rely upon the protection given him by the common law. Now the protection of the common law is that you must use your own property in such a way as not to injure your neighbors, and here the defendant must show that he had used

his own property so as not to injure his neighbor. I suppose if he was going to show that he had done everything possible, within the range of science, within the range of care, precaution and skill, that he ran his steambot without injuring his neighbors, that he might probably be exempted, but I think the evidence goes to show that there were various ways in which the running of the steambot might have been improved.

I don't think it is necessary for the decision of this case to go into the question of the improper construction of the boat, I will take simply the improper management of the boat, including in that management, the mode in which the steam was made to escape, and I think that one circumstance alone of throwing the escaped steam into the smokestack, when it might have been thrown otherwise, and when the usefulness of the boat might have been retained by making it otherwise when passing inflammable property shows the improper management.

That is a thing that might have been done, and could have been done at a very small expense, having the steam deflected instead of throwing it into the smokestack, and would not have involved the defendant in any great trouble.

Then defendant in the part read from his examination, says that the lower screen should have been shut, at least that is the way I understand it—that the lower screen should have been shut when passing the mill.

Now the evidence here seems to me to be conclusive that it was not so, that the screen was open and that there was nothing but the bonnet to protect it, and the evidence of the other witnesses is that that damper would permit the escape of sparks quite sufficient to set fire to the mill.

That evidence given by Lane seems to me most important as to the head of steam. It shows they were running the whole head of steam that the Inspector allowed, and that could not have been done without having a full fire, and the full fire necessarily involved a great crowd of sparks. They were not visible, of course, in the daytime, but they must have been there, and the natural result seems to have followed, that they caused the fire.

It is said this steambot was constructed in the same way as other steamers are on those waters. I don't think evidence has been given to bring it within the same character of those other vessels. It is not shown that the other vessels were constructed in the same way as this, that the boiler and engine were of the same horse power, in which case it requires a greater draft to make the machinery available.

Then with regard to the proper channel. What would be the proper channel in an ordinary wind might not be the channel when a heavy wind was blowing from westward.

The evidence of the captain is merely that he was more towards the east than towards the west at the time of passing the mill. Well that would be satisfied if he was simply over in the middle of the stream.

Then the other witnesses. I think all the other witnesses say the proper channel is rather towards the west side than towards the east, but whether he was in the proper channel or in the improper channel, whether he was on the east or west side, he could not have been more than 30 or 40 feet from the middle, and it seems to me not at all impossible that the wind blowing briskly from the west side of the stream would carry sparks of that magnitude and cause it to escape through the wire gauze, and set fire to inflammable property, inflammable as gunpowder almost after a long heated spell in July to a distance of 30 or 40 feet.

The best conclusion I can come to is that defendant is responsible for this loss, and there will have to be a reference to the Master to ascertain the amount of it.

The above is the judgment as delivered herein

**LIVER, KIDNEY AND BRIGHT'S DISEASE.**—A medicine that destroys the germ or cause of Bright's Disease, Diabetes, Kidney and Liver Complaints, and has power to root them out of the system, is above all price. Such a medicine is Hop Bitters, and positive proof of this can be found by one trial, or by asking your neighbors, who have been cured by it.