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HON. E. J. DAVIS,

COMMISSIONER OF CROWN LANDS FOR ONTARIO.

In the reconstruction of the Ontario Cabinet consequent upon the retirement of Hon. A. S. Hardy, Hon. J. M. Gibson, who for four years has had charge of the Crown Lands Department, becomes Attorney-General, and is succeeded as Commissioner of Crown Lands by Hon. E. J. Davis, late Provincial Secretary. The placing of the crown lands of the province under the supervision of Mr. Davis will, we believe, prove to have been a wise course, and one which will give general satisfaction. Readers of THE LUMBERMAN will be interested in the following brief sketch of his career.

Hon. E. J. Davis, M.P.P. for North York, is of United Empire loyalist descent, his father, Ashel Davis, having come from one of the Carolinos in 1770 and settled in Halton county. Mr. Davis himself was born in the township of King on December 2nd, 1851, and was educated at the public schools, at Waterdown grammar school, and at Hamilton Commercial College. When seventeen years of age he was apprenticed to learn the trade of tanning, an avocation which he has since followed with marked success. He is to-day at the head of the firm of A. Davis & Son, of King City, one of the largest tanning establishments in Canada.

From his boyhood Mr. Davis has always taken a keen interest in the public affairs of the country. He has served in the capacity of councillor for King township, and as deputy reeve, reeve and warden for the county of York. He was the youngest man ever elected to the council board of King township, and the youngest warden York county has ever had. In the year 1888 he was elected a member of the local house at a bye-election to fill a vacancy caused by the resignation of Dr. Widdifield, and was re-elected with large majorities in 1890, 1894 and 1898. He took an active interest in the work of the legislature, and showed himself a man of much capacity. His incisive and logical style of debate, lighted up with a kindly humor and graceful oratory, and his extensive and accurate acquaintance with public affairs, commanded the esteem and admiration of all the members of the legislature. He soon became a member of the important committees of the House. He was acting chairman of the Public Accounts Committee during the session of 1894, and was next session elected chairman and president over its deliberations. On the reorganization of the cabinet, caused by the retirement of Sir Oliver Mowat and the accession of Mr. Hardy to the premiership, Mr. Davis accepted a cabinet position without portfolio, and on the demise of Hon. Mr. Balfour he became provincial secretary, assuming charge of that department on August 28th, 1898. This position he has since occupied, in which capacity he

has exhibited an intimate and thorough knowledge of the accounts of the province.

Mr. Davis began his career as a public speaker by debating the temperance question, a cause in which he has never lost interest. He is a total abstainer, and has been a member of the Sons of Temperance since 1870. He is a member of the Independent Order of Foresters and of the Masons; in the latter order he is P.M. of Robertson Lodge No. 292. He is a prominent member of the Methodist church, and has been a teacher of the Bible class in the church at King City for 23 years. He is also a member of the Toronto Board of Trade and of the Commercial Travellers' Association. In 1874 Mr. Davis was married to



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a daughter of Squire David Johnston, a Justice of the Peace at Aurora.

The industrial, commercial and business experiences of Mr. Davis well fit him to discharge the duties pertaining to the honorable and responsible position of commissioner of the crown lands of Ontario, and the lumbermen of the province may feel assured that at his hands their interests will receive due consideration.

## COCKBURN VS. IMPERIAL LUMBER COMPANY.

An important judgment was delivered last week by the Supreme Court at Ottawa in the action of Cockburn v. The Imperial Lumber Company. The judgment deals with the rights of lumbermen under the Provincial Statute known as the Saw Logs Driving Act. The facts which gave rise to the litigation are briefly as follows: The plaintiffs, Cockburn & Sons, of Sturgeon Falls, owned timber limits on Deer Creek, in Nipissing District, and the Imperial Lumber Company had limits on the other bank of the creek. Both parties were entitled to the use of the stream. In June, 1896, Cockburn & Sons complained that their logs in

the creek had been detained during the driving season by jams of the Imperial Lumber Company's logs which were ahead. Proceedings were instituted under the Saw Logs Driving Act and the matters in dispute were referred to the arbitration of District Judge Valin, of North Bay. The arbitrator in August, 1896, awarded \$1,376 damages to Cockburn & Sons, and it subsequently appeared that this amount was made up as follows: (1) \$1,276 for damage suffered by Cockburn & Sons by reason of the company having obstructed the stream ahead of the former's logs, and (2) \$100 for seizure and detention by the company of some of Cockburn & Sons' logs under a claim of lien thereon for expenses which the company claimed to have incurred in breaking jams further up the stream.

The Imperial Lumber Company claimed that the award was invalid upon the ground that the arbitrator had no power under the Saw Logs Act to award damages for obstruction of the stream, and that the only remedy when a person's logs are obstructed by another person's logs is to break the jam and claim a lien for the cost of doing so.

The action to enforce the award was tried before Mr. Justice Rose at the Barrie assizes in November, 1897. Judgment was given in favor of Cockburn & Sons, holding that damages may be recovered under the act for wrongful obstruction of waters to which the act applies.

From this judgment an appeal was taken to the Court of Appeal, and in January, 1899, that court, composed of Chief Justice Burton and Justices Osler, MacLennan, and Lister gave judgment reversing that of Mr. Justice Rose, and holding that the Saw Logs Act gives no right to an owner of logs to recover damages from a person who allows his logs to form a jam and so obstruct the stream.

The Supreme Court, composed of Chief Justice Strong and Justices Gwynne, Taschereau, King and Girouard, have now reversed the judgment of the Court of Appeal and restored the judgment of the trial judge.

The practical result of the decision is that an owner of logs who is wrongfully obstructed in the use of a stream is not confined to the remedy of removing the obstruction and then recovering the expense of doing so, but he may claim damages for the delay.

Dunn & Boulton, now of the firm of Denton, Dunn & Boulton, have acted as solicitors for Cockburn & Sons, Mr. H. D. Gamble being associated with them as counsel. Barwick, Aylesworth & Wright have represented the Imperial Lumber Company.

The M. L. Russell property at Renfrew, Ont., has been purchased by A. H. Hough, who intends rebuilding the saw mill.