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CANADA LUMBERMAN

WOOD WORKERS' MANUFACTURERS AND MILLERS' GAZETTE

VOLUME XX.
NUMBER 12.

TORONTO, CANADA, DECEMBER, 1899

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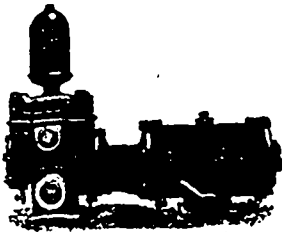
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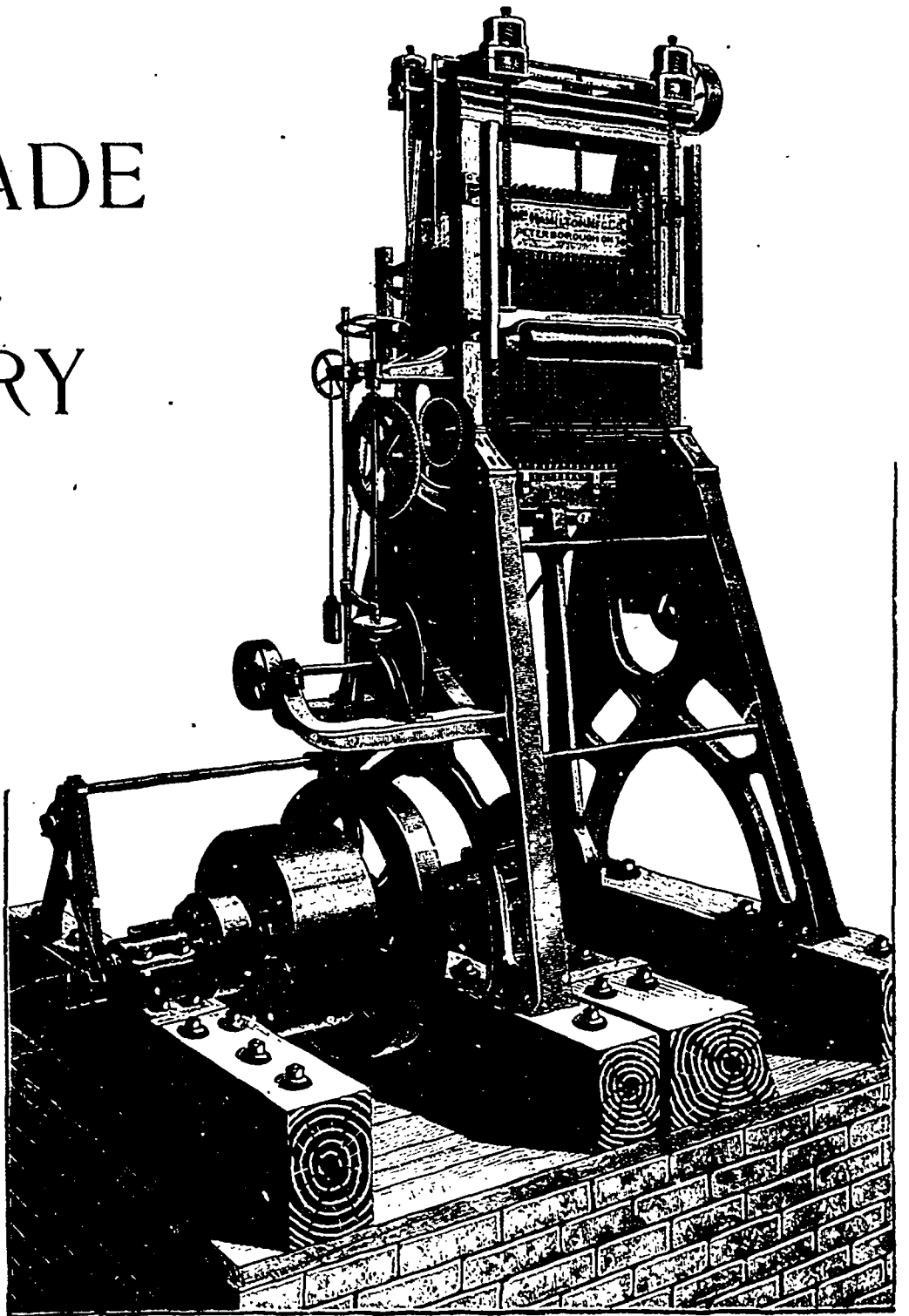
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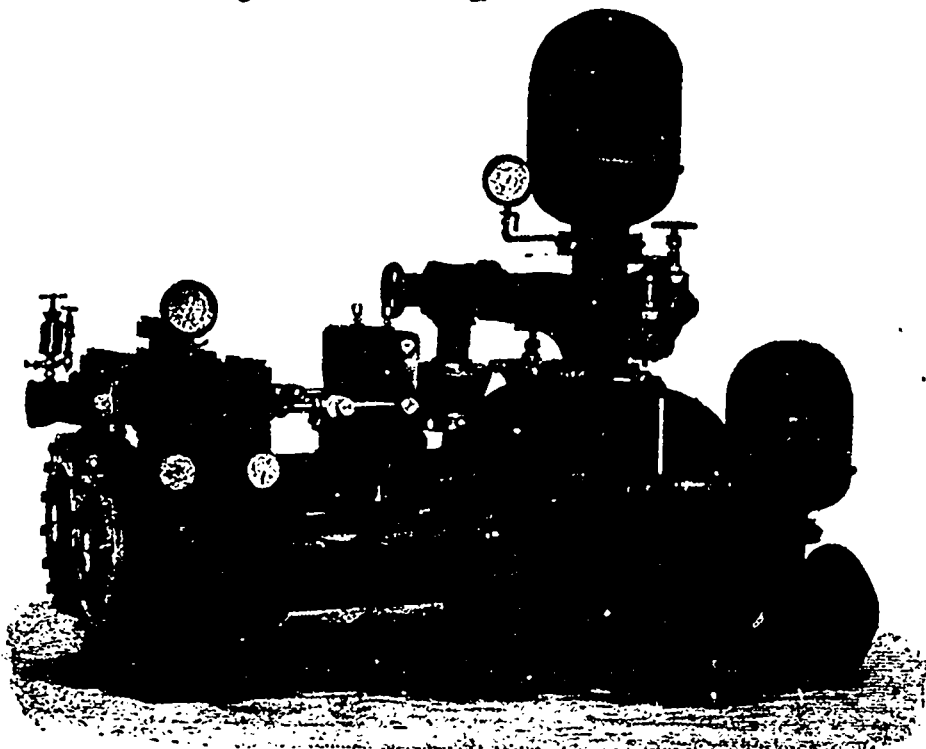
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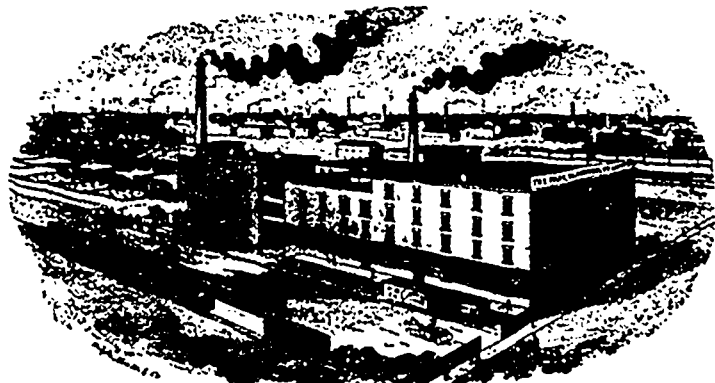
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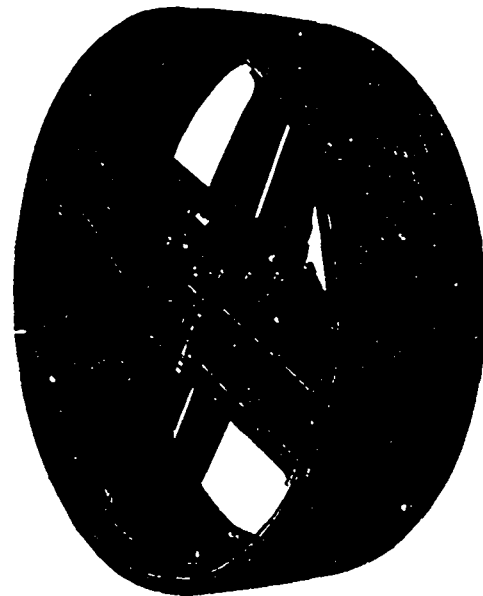
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THE MONTREAL, OTTAWA AND GEORGIAN BAY CANAL.

THE accompanying map serves to illustrate the importance to the commercial interests of Canada of the proposed Montreal, Ottawa and Georgian Bay ship canal, a project which bids fair to be carried to completion in the early years of the twentieth century. We are pleased to present also a portrait of Mr. McLeod Stewart, the energetic promoter of this magnificent undertaking.

The Montreal, Ottawa and Georgian Bay canal, as the name implies, will extend from the mouth of the French river, on the Georgian Bay, to Montreal, following the course of the French river, Lake Nipissing, Mattawa river and Ottawa river. The total distance is 430 miles, of which 308 miles along the Ottawa river from Montreal to the mouth of the Mattawa is now a navigable channel, requiring but little improvement. The portion of this between Ottawa and Montreal, as shown by solid black line on map, is now a complete waterway, requiring no further improvements. The remaining distance, 122 miles, will consist of the Mattawa and French rivers and Nipissing lake, and, in addition to locks, etc., the construction of about 29 miles of canal will be required. According to the estimates of prominent engineers, the cost of the work will be about \$17,000,000, on which two per cent. interest for a period of twenty years has been guaranteed by the Dominion government.

The purpose of this article is not to deal with the financial and engineering features of the canal, but rather to point out briefly some of the

Lake Ontario and the river St. Lawrence to Montreal, or by way of Buffalo, Erie canal, Albany and Hudson river to New York. Both of these routes are very indirect. The proposed Ottawa river route is the shortest practicable



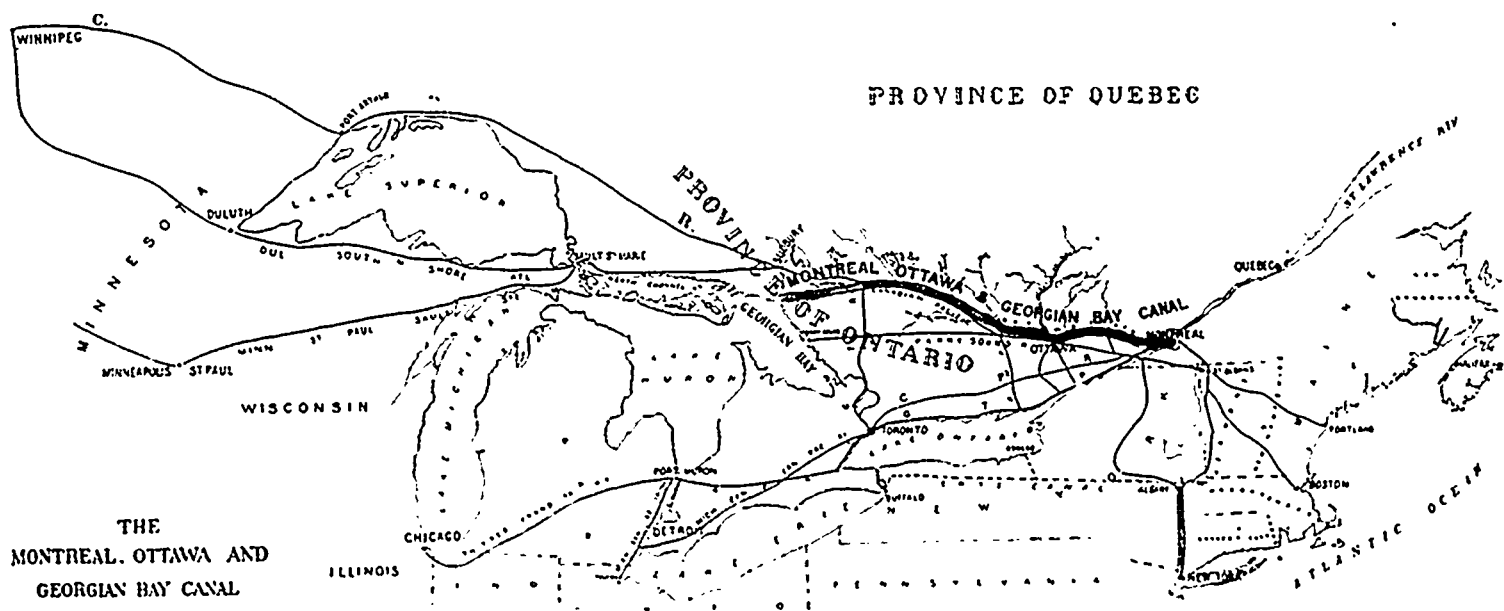
MR. MCLEOD STEWART,
Promoter of the Montreal, Ottawa and Georgian Bay Canal.

one that can be found from Chicago or any point on Lake Superior, being 307 miles shorter to Montreal than by the Welland and St. Lawrence route, and 435 miles shorter to Montreal than it is to New York by the Erie canal and Hudson river. Thus from Chicago to Montreal

Ottawa, 3,780 miles; showing a distance of about 700 miles in favor of the Ottawa route over that of the Erie canal. By means of this shorter distance a saving in time of several days would be effected.

The great lakes, with a coast line of 4,000 miles and an area of 95,000 square miles, afford the largest system of deep water inland navigation on the globe. Vast wealth is already centred in the territory surrounding them, and incalculably rich resources remain still undeveloped. Both in the United States and Canada the greatest development of trade in the future must be in the region tributary to the great lakes, an area of upwards of 2,200,000 square miles, comprising the wheat and timber growing lands of the continent. The natural outlet for those products is through the lakes to the east and tide water. Already an enormous traffic has been developed. From 28,000,000 to 30,000,000 tons of freight are said to pass Detroit annually, and about 18,000,000 tons a year pass through the Sault Ste. Marie canal connecting Lake Superior with Lake Huron. A conservative estimate calculates the traffic by the Ottawa route at the outset at 5,000,000 tons. It has been estimated that wheat can be laid down in Montreal by the Ottawa route at a cost for transportation from Chicago not exceeding three cents per bushel.

It is pointed out that vessels carrying grain eastward will find return cargoes of lumber for lake ports and for distribution throughout Manitoba and the Territories, the route passing through the heart of the richest lumber districts



advantages which will accrue to Canada and to the lumbering industry of this country by its construction. The development of that section of country surrounding the great lakes has been retarded on account of its inaccessibility to ocean navigation. All traffic from the upper lakes must reach tide water via Sault Ste Marie, Lake Huron, Lake Erie, and either the Welland canal,

the St. Lawrence the distance is 1,287 miles, and from Chicago to New York via the Erie route 1,415 miles, while from Chicago to Montreal via Ottawa the distance is only 980 miles. The respective distances from Chicago to Liverpool are as follows: Via the Erie canal, 4,505 miles; via Welland canal and St. Lawrence river, 4,087 miles; via

of the continent. Michigan and Wisconsin pine timber is being rapidly exhausted, and a large traffic will be developed along this route from the heavily timbered districts of Northern Ontario and Quebec to Chicago and other lake ports. White pine is said to supply more freight for vessels passing into the St. Lawrence than any other commodity; it employs more capital,

and provides more employment for workmen than any industry except agriculture.

The importance of a short waterway to the lumber industry will be enormous. Vast quantities of material now left in the woods owing to cost of transportation will become available for export, and will swell the traffic to much larger proportions without trenching seriously on the supply. The country to be passed through possesses not only a large supply of pine, but also hardwoods, which are being used in increased quantities in the manufacture of furniture, in house finishing, etc. The great spruce tracts will also be opened up, and the development of the pulp industry encouraged.

The lumbermen in Algoma, Nipissing and other northern districts will welcome the completion of the canal. They will thus be enabled to reach their natural market at reasonable carrying charges.

As to the mining properties, we will quote from the prospectus of the company:

"Millions of acres of fertile lands in Northern Ontario now covered with timber will with the advent of cheap transportation fill up with settlers; and in Algoma, Temiscamingue and Nipissing districts many thousands of people will make homes. Lands now worthless, or held at a nominal figure only, owing to lack of transportation facilities, will at once acquire value approaching nearly to that of lands in the well-settled portions of the province. Mining and smelting operations, the requirements of manufacturing, and of the population will give rise to an ever-increasing demand for coal; and an important feature of the traffic in the near future will be the carriage of coal from Lake Erie points to points on the system and to French River as a coaling station for vessels engaged in the train trade, with return traffic of lumber and ores from the rich timber and mineral regions along the route; and probably also the carriage, as a return cargo, of Nova Scotia coal from Montreal to points along the route. Mining is yet in its infancy in the Ottawa country, but researches made up to the present time have shown it to be possessed of incalculable stores of mineral wealth. Within a few miles of the city of Ottawa are immense quantities of iron ore of great richness. The nickel and copper deposits of the Sudbury region are already famous. Several years ago experts who examined the deposits for the United States Navy Department estimated the ore then in sight at 650,000,000 tons, constituting the largest known supply. At many points the Huronian formation, which extends over an area of thousands of square miles, has been found to abound in minerals. Gold, silver-bearing galena, zinc, platinum, tin, molybdenum, graphite, apatite, mica and iron are found, and to some extent already mined. Fine granites, sandstones, roofing-slates, serpentine and dolomitic marbles, etc., are among the non-metallic mineral resources of commercial importance awaiting development; and the carriage of ores, building-stones, marbles, granites, etc., must in a short time afford the source of considerable revenue to the canals. The four items already mentioned—viz., grain lumber, coal, and ores—constitute almost 90 per cent. of the commerce of the Great Lakes, and the bulk of the traffic of the Ottawa route will no doubt be derived from the same sources."

EFFECT OF THE CAR SHORTAGE ON THE LUMBER TRADE.

BELOW will be found the opinions of lumber manufacturers and dealers regarding the recent shortage in the supply of freight cars for the movement of lumber. The opinions were offered at the solicitation of the CANADA LUMBERMAN about the middle of October, and are based on individual experiences. Questions were asked as to the extent of the shortage, and whether it was the opinion that other goods had been given precedence over lumber.

IMPERIAL LUMBER CO., Toronto: "We cannot complain seriously of any delay regarding cars."

PEMBROKE LUMBER CO., Pembroke, Ont.: "We have no reason to complain of car supply from the C. P. R., but the Canada Atlantic Ry. has not supplied the demand at all satisfactorily."

ORILLIA EXPORT LUMBER COMPANY, Orillia, Ont.: "We certainly have suffered severely in our business for want of cars. We had orders placed weeks ago that remain unfilled, but cars seem to be more plentiful since the 15th inst."

J. E. MURPHY, Hepworth Station, Ont.: "I had most of my lumber marketed before the scarcity of cars occurred. For what little I have been shipping out, I have been fairly well supplied with cars, leaving no grounds for personal complaint."

J. D. SHIER, Bracebridge, Ont.: "We have, indeed, found the car supply far short of our wants. We have many orders ahead, in fact enough to keep us busy for several weeks. Until lately we do not think other freights got precedence. Now the grain trade is taking all the good box cars. Foreign cars are also scarce."

MICKLE, DYMENT & SON, Barrie: "We have suffered a very heavy loss by the shortage of cars, and in fact have been at nearly a standstill with our shipping. We have only been getting about one-eighth of the cars we need. The G. T. R. have been using the most of their flat cars for hauling gravel for their own use, consequently lumbermen had to go without."

THE GEORGIAN BAY LUMBER COMPANY, Waubaushene, Ont.: "We have been furnished a very fair supply of cars during the season, at times not as many as we desired, but have no complaints to make on that score. Just now box cars are scarce. We presume this is owing to the rush of grain from the west. This will shortly stop, and we will then, possibly, get plenty for lumber."

RHODES, CURRY & CO., Amherst, N. S.: "Cars have been somewhat scarce in the lower provinces for all classes of goods. We think, perhaps, the lumbermen have fared as well as any other shippers. Personally we have had very little trouble about cars, as we are constantly unloading cars coming into us and also building new cars, most of which we have the privilege of loading up again."

JOHN H. EVER, Toronto: "We have not experienced any shortage, this fall, in freight cars, although we have shipped considerably more than in previous years. I attribute the satisfactory supply to the fact that we always have our cars handled smartly and released in good time upon their arrival at destination. We believe the railways keep a record of this and supply cars to those shippers who release their cars the most promptly."

GILMOUR & HUGHSON, Hull, Que.: "We have felt the shortage of cars in the most positive kind of way—an absolute famine. We have orders amounting to hundreds of cars, received in September and not yet shipped. We do not know how it is in other goods, but fancy it to be the same but in a lesser degree. We think there is no doubt the railways have given preference to other business that paid greater freight. And then, too, we think the Canadian railways have had so much business within the country that they would allow no cars to go off their own roads. The American lines knowing this, have refused to send them any cars, when they could get no Canadian cars in exchange. The famine has not been

confined to this country; it has been general over the whole continent. We think it is exaggerated in some parts of Canada."

RAT PORTAGE LUMBER CO., Rat Portage, Ont.: "We have not experienced any serious loss to our trade through a shortage of cars. We are situated on the main line of the C. P. R., about 300 miles west of Lake Superior, and as the C. P. R. have a large number of empty cars moving westward mostly all seasons of the year, they are only too glad to leave them off here to be loaded with lumber to be distributed throughout Manitoba, where they are again loaded up with wheat for Fort William."

HUNTSVILLE LUMBER CO., Huntsville, Ont.: "There has been a great shortage of cars, more especially flat cars, at this point for a long time. We have been urging the management both at Allandale and Montreal, but with little effect. We believe that this point being inland has not had a fair show, at least several of the buyers have informed us that they could get cars at any time at Georgian Bay points. We have been behind with our orders to the extent of 150 to 250 cars for some months."

MAITLAND, RIXON & CO., Owen Sound, Ont.: "Re shortage of freight cars to move our stock this season, would say we have up to date had no trouble to get cars, which may be accounted for in this way: A large lake traffic is done through this port, which necessitates the unloading of the large amount of both flat and box cars and leaves plenty available for local shippers. Besides this we have two very accommodating agents here on the C. P. R. and G. T. R., who are always looking after the interests of local shippers."

MASSEY-HARRIS CO., Toronto: "We ourselves have not had any great difficulty so far in securing a supply of cars for our outward shipments. We have had some difficulty in securing supplies of cars for lumber shipments inward, and our inspectors have sometimes been obliged to wait a day or two for cars. Up to the present time, however, we have not had much cause for complaint. We understand from coal shippers and iron shippers that they are having great trouble in getting supplies of cars. As to whether a preference is given to other goods over lumber we cannot express any opinion."

OLIVER LUMBER CO., Toronto: "The greatest shortage of cars that we experienced was foreign cars, having to wait sometimes for two or three weeks before we could obtain them. We are not aware whether the railroad companies have given precedence to other commodities over lumber. We have always been of the opinion that the railroad companies paid too much attention to through business to the exclusion of their local customers, and hauled commodities for a good deal less money than they would have made had they looked after their local trade. So far as our experience goes, we have had to refuse orders on account of want of cars."

A. F. BURY AUSTIN, Montreal: "We have never experienced, since we have been in business, such a shortage of freight cars to move our stock of lumber. My belief is that the railway companies have given other goods precedence over lumber. We have not been able to get sufficient cars for our lumber for export, and ocean steamers have been daily leaving this port without half the lumber space being filled which has been bought for lumber. The railways have made a rush for the grain traffic, for which no doubt they get a higher rate than for lumber. Again, the railway companies have been doing a good deal of construction work, which has utilized their flat cars, and it has been almost impossible to get a supply of cars to ship our dimension timber. The writer has still some very large contracts to fill for transportation, but we are at the mercy of the railways. We just have to take an odd car when it is given to us, and now that the lumber companies have had a short supply of cars, naturally a large amount of lumber has to be shipped, but the railways have taken good care to advance freight rates on lumber. We expect the lumber trade to be far better next year, and if we do not get better car service than we got this year, all lumbermen will be placed in a very awkward position. My impression is that the railway companies ought to provide a better car supply to the lumber manufacturers, as the railway companies get a very large revenue from the

lumbermen, and they ought to endeavor to see that they get a good car service. There are lots of stocks of lumber which will have to be wintered which should have been shipped before the close of navigation. Owing to the want of cars it has been impossible to ship the material."

HANBURY MFG. CO., Brandon, Man.: "We have had considerable trouble this fall in securing cars for eastern points for handling our stock, but do not think we have been inconvenienced any more than the grain dealers at this point. We feel that we have received as good attention as the railway companies could possibly give us, considering the great rush of freight to the east. Most of our shipments are westward, and we have not had much trouble in getting cars for these points. We have experienced more trouble from having the cars lying in the yards for want of locomotives. Have known cars to lay in the yard here for nearly a week from that cause."

KEENAN BROS., Owen Sound, Ont.: "While we have been very seriously inconvenienced, and even had orders cancelled on account of inability to make shipment because we could not get cars placed, yet we have no knowledge that the railways have discriminated against lumber, and we do not think they have. From inquiries we have made we have found the G. T. R., for instance, has in the neighborhood of 2,500 cars loaded and waiting for transportation from Montreal, and they have no place to store the contents of these cars, even if it were desirable to do so. In spite of the delay we have experienced, we think that both the C. P. R. and the G. T. R. have done all that was possible to supply the requirements of their patrons. We think the only point that possibly may need investigation is whether they have allowed too many of their cars to be sent west to move the grain from that section of the country, thus making this section of the country stand more than our share of the car famine. Except in this way we do not think there has been any discrimination. But, of course, they consider any old car good enough to carry lumber, and will not furnish a car for lumber if it will carry grain without spilling it along the track."

R. LAIDLAW LUMBER CO., Toronto: "The failure of the railways to supply cars this fall has been a serious drawback to our business. For the past three months it has been almost impossible to secure any cars. We have orders for between four hundred and five hundred cars accumulated at the mills, and have had to take our salesmen off the road and refuse to accept further orders on account of our helplessness to fill orders we have. Every mail brings in complaints from our customers of the unfortunate position they have been put in through the want of lumber, for which in many cases contracts have been taken ahead. We could only reply that we were powerless and at the mercy of the railroads. The yards at the mills are overcrowded with lumber ready to ship, and shipping gangs are idle waiting for cars. The effect on the retail trade of the west is disastrous. Building operations have been seriously checked, and in some cases abandoned, on account of the shortage in lumber. A great deal of work that was contemplated has been postponed. One result is that a host of small portable mills are beginning operations in all parts of the west where there is any timber to be secured, and are taking out stocks this fall and winter which can be teamed direct to the retail yards independent of the railways. This will affect the demand on the large mills on the Northern and Midland divisions of the railways when trade opens up next spring. We know of retail concerns in Western Ontario who have contracted for a good part of their stock for next season from small portable saw mills at or near their respective towns, whence they will be sure of their supply and be entirely independent of the railroads. The railroad agents in their official capacity will not give any reason for the car famine in the lumber districts. But, unofficial, it is told that the policy of the railroads is to give their whole attention to competitive business while there is a sufficient rush in that quarter, and to leave all the customers who are entirely dependent upon them to the more convenient season when the boom of prosperity is perhaps on the wane. This is a good money making policy, but whether or not it is a sound business policy is a question. It may have the immediate effect of making a good showing on the stock dividends for a year or so, but surely it is a short sighted manoeuvre for any corporation to treat its

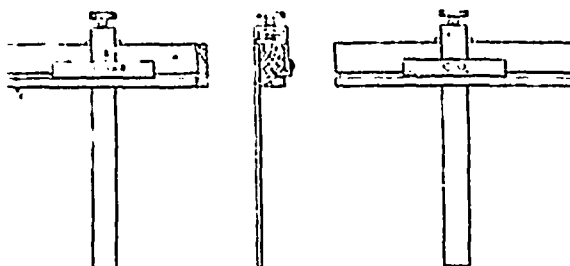
customers with such utter neglect. The number of our orders is now being gradually reduced, not by shipping, but by our customers instructing us to cancel their orders unless the goods can be shipped by a certain date. As the matter of shipping is beyond our control we must lose these orders and shall lose many others, some of which we probably shall be glad to take again at considerably lower prices. Meantime, the railways have advanced their freight rates and are congratulating themselves that they can at least be sure of their profits on the manufactured stock. In the United States competition keeps the railroads in line. In England a few years ago when the railroads tried to behave as a private monopoly, a railway commission was instituted. This commission has become a permanent body to regulate and control the railways in all matters which pertain to the general public interests and business welfare. What this country needs is a railway commission."

DOUBLE T-SQUARE.

WRITING in Modern Machinery, Mr. W. G. Garretson says:

I submit herewith a sketch of a double T-square, useful to wood turners on work where there are many pieces to be turned out alike.

The angle iron (D) should be riveted to the blade (B) perfectly square, or when the square is completed and



DOUBLE T-SQUARE.

slipped onto the wooden bar (A) it will belie its name and be a reproach to its maker.

A pin (C) may be inserted near one end to gauge the first line from the end of the work. Several pieces may be laid off at once with this tool, and although marked on one side only, the mark will seem to extend around the piece when revolving in the lathe.

RAILROAD TIES.

Concluding an article on the relative merits of metal and wood ties, our contemporary, the Pacific Coast Wood and Iron, says:

Substitution of wood for ties has already undergone a great change. Originally the chestnut was considered the finest tree for supplying railroad ties, but forests of chestnuts are scarce in all parts of the country. Oak and pine have both succeeded the chestnut. Of the 80,000,000 ties used for renewals each year, about 45,000,000 are cut from oak trees, 12,500,000 from pines, 3,500,000 from chestnut, 5,000,000 from cedars, 2,500,000 from hemlocks and the tamaracks, 2,500,000 from redwoods, and 1,500,000 from the cypress trees of the south. Thus the oaks furnished about 60 per cent. of all the ties cut annually. The use of the pine trees of the south for railroad ties is rapidly increasing, and when the turpentine or pitch is left in them they last as long as many of the hardwoods. This pitch acts as a natural preservative.

When the ties are cut they have to be piled in neat square heaps according to a system that has been found to give the best results. Careless piling of the ties has cost the railroads thousands of dollars in the past, and now they all insist upon proper piling. This consists in putting not more than 50 ties in a heap, and arranged in a square so that each tier contains from six to nine ties; separated from each other by a space equal to the width of one tie. The next tier is made up of one

tie at each end, placed crosswise, so that the ties are all separated from each other. By this method the wind circulates freely through the piles and causes uniform and slow seasoning.

Railroad ties are both sawn and hewn. The former can be had more cheaply, but the latter last much longer. Some roads claim that the hewn ties will last from one to three years longer than the sawn ties. The rougher surface of the sawn ties collects the water and thus gives the fungus a better opportunity to grow. Nevertheless, the amount of waste of lumber necessary to make the hewn ties often more than counterbalances this difference in the cost.

There is a great diversity in the number of ties used to the mile on the different railroads, as well as in the size and quality of timber. The New York, New Haven and Hartford road use 2,800 ties to the mile, three-quarters of which are chestnut and one quarter oak, while some roads use as few as 2,000 to 2,500 to the mile. Over 60 per cent. of the ties are cut 8 feet long, 12 per cent. 9 feet long, and the rest 8½ feet. The 9-foot ties are used chiefly by the Southern and Gulf group of railroads, where pine timber is very abundant and cheap. The New England roads have their ties cut from 5 to 6 inches in thickness, while the Southern roads seem to prefer 7 inch ties. The width of the ties likewise varies from 5 and 6 inches in New England to 8 inches on the Central Northern and the Southern roads.

The tendency to economize on the ties in the east is thus apparent in the size of the sleepers selected, while in the Southern and Western States, where timber is plentiful, there is no such attempt to reduce the width, length and thickness of the ties. The denudation of the forests in the east has made it difficult work for the great railroads to secure all of the ties they require for annual renewal of the roadbed. Most of them have exhausted all of the available timber along the line of the track, and with the exception of a few scattering lots cut by farmers and small wood owners the ties have to be brought from long distances. One of the most important phases of the coast trading business of our lumber ships is the carrying of railroad ties from the woods of Canada to New York and Boston. Cedar ties are now brought in large quantities from New Brunswick and the woods of Maine to New York. This white cedar makes pretty good ties and its abundance makes the ties cheap. The lumber schooners come from New Brunswick by way of the Bay of Chaleur, the great shipping point for cedar ties, and they are delivered by cargo lots at thirty cents apiece. Hundreds of thousands of the ties are shipped by rail and delivered to the New York and New England roads at the rate of \$12 per thousand feet, board measurement. Besides white cedar ties from the woods of Maine and New Brunswick, there are smaller lots of chestnut, oak, tamarack and hemlock sent down.

The first excelsior machine was a large wheel, called the "Yankee whittler," which cut excelsior very fast, but not the best quality, and was soon discarded for what is called the upright machine. This machine, says the Wood-Worker, has been greatly improved within the last few years. At first one man would cut about 1,600 pounds in ten hours. At present, with the latest improved upright machine, one man will cut from 3,500 to 4,000 pounds in the same time.



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THE CANADA LUMBERMAN is published in the interests of the lumber trade and allied industries throughout the Dominion, being the only representative in Canada of this foremost branch of the commerce of this country. It aims at giving full and timely information on all subjects touching these interests, discussing these topics editorially and inviting free discussion by others.

Special pains are taken to secure the latest and most trustworthy market quotations from various points throughout the world, so as to afford to the trader in Canada information on which it can rely in its operations.

Special correspondents in localities of importance present an accurate report not only of prices and the condition of the market, but also of other matters specially interesting to our readers. But correspondence is not only welcome, but is invited from all who have any information to communicate or subjects to discuss relating to the trade or in any way affecting it. Even when we may not be able to agree with the writers we will give them a fair opportunity for free discussion as the best means of eliciting the truth. Any items of interest are particularly requested, for even if not of great importance individually they contribute to a fund of information from which general results are obtained.

Advertisers will receive careful attention and liberal treatment. We need not point out that for many the CANADA LUMBERMAN, with its special class of readers, is not only an exceptionally good medium for securing publicity, but is indispensable for those who would bring themselves before the notice of that class. Special attention is directed to "WANTED" and "FOR SALE" advertisements, which will be inserted in a conspicuous position at the uniform price of 15 cents per line for each insertion. Announcements of this character will be subject to a discount of 25 per cent. if ordered for four successive issues or longer.

Subscribers will find the small amount they pay for the CANADA LUMBERMAN quite insignificant as compared with its value to them. There is not an individual in the trade, or specially interested in it, who should not be on our list, thus obtaining the present benefit and aiding and encouraging us to render it even more complete.

THE GRADING OF LUMBER.

THE CANADA LUMBERMAN has always contended that uniform rules of inspection are a great necessity of the lumber trade of this country. It is with much satisfaction, therefore, that we learn of the steps proposed to be taken by the lumbermen of the Ottawa valley to formulate rules for the uniform grading of the product of the mills of that district. It is hoped that the originators of this important movement will receive the hearty support and co-operation of every manufacturer and dealer.

In the Ottawa valley, as elsewhere in Canada, each individual manufacturer has, in the past, made his own inspection. This individual inspection has, we believe, been more nearly uniform in the Ottawa valley than in other lumbering districts of Canada where the mills are more scattered, yet the manufacturers there have at last recognized in a practical way the benefits to be derived from an absolutely uniform standard of inspection. It is only natural to expect that other districts will follow their example, and that the question of national, or, failing this, provincial inspection, for the various timber products will receive consideration in the early years of the twentieth century.

Much has been said regarding the advantages of standard grading. Perhaps the greatest benefits would accrue in connection with our foreign trade. Foreign buyers could then order lumber by grades and know exactly what to expect. Should a dispute arise as to the quality of the

lumber, the adopted rules would stand as an authority, and the duty of the courts would be to determine whether the lumber came up to the standard as laid down by the rules.

May uniform rules for both pine and hardwood lumber soon be established in Canada.

MEANS OF DEVELOPING THE CANADIAN PULP INDUSTRY.

In common with all other lines of manufacture, there has developed a shortage in the supply of pulp. The price in Great Britain has been advanced from ten to twenty shillings per ton as compared with last year, and the Scandinavian pulp manufacturers have increased their price for contract for 1900. These facts, coupled with other recent developments, have created a marked revival of interest in the Canadian pulp industry, and a question much discussed is the most efficacious policy to be adopted to assist the development of the industry.

The present policy of the Dominion government permits pulp wood to be exported to the United States free of duty, while the United States government imposes a duty of about \$1.66 per ton on mechanical pulp and \$6 per ton on chemical pulp exported into that country from Canada. These conditions certainly do not favor the growth of the Canadian pulp industry. The United States is to some extent dependent upon Canada for a supply of pulp wood to keep her pulp mills in operation, and so long as this wood can be obtained free of duty, very little manufactured pulp will be imported; but shut off the supply of pulp wood and the paper manufacturers there must necessarily import pulp from Canada to meet their requirements.

One method of equalizing the conditions would be to place an export duty on pulp wood leaving the Dominion equalling the import duty on pulp imposed by the United States. This is a course which has long been advocated, but which has met with opposition from the farmers and jobbers who take out pulp wood during the winter months and dispose of it to United States concerns. It would not seem, however, that their means of livelihood would in any way be affected by the imposition of an export duty. The only difference would be that the pulp wood which they take out would be manufactured into pulp in Canada instead of in the United States, thus affording employment to Canadian workmen.

Another policy which has many advocates is to bonus home manufacture. The present stumpage dues on pulp wood in New Brunswick amount to about 60 cents per cord, and in Ontario and Quebec to 35 cents per cord. The proposition is to raise the stumpage dues to \$3 per cord, and on all wood manufactured in the Dominion allow a rebate of \$2.65 per cord. The advantage of this course would be that the Dominion government would not be brought in conflict with the provisions of the Dingley Bill.

It is understood that British capitalists who have been investigating the possibilities of profitably manufacturing pulp in Canada have taken cognizance of the unfair relations which exist as between Canada and the United States, and have held aloof from investment on this account. It is said that they have even caused representation to be made to the United States

government looking to the reduction of the duty on pulp and paper. Granting this to be the case, the Dominion government should declare its policy in this important question before the British pulp and paper manufacturers pay their proposed visit to this country next summer. Mr. S. C. Phillips, who has just returned to England after completing arrangements for the visit, states that one object in view is to investigate what the British paper makers are much interested in, namely, the best source of supply of wood pulp. That they are turning their attention to Canada for their supply, which a few years ago was obtained almost exclusively from Scandinavia, is an index of the future importance of the pulp and paper trade of this country.

SHORTAGE OF CARS.

In past years freight car shortages have been known, but it is doubtful if ever before the supply of cars was so out of proportion to the stock waiting movement as this year. In nearly every branch of industry this shortage has been experienced; in the lumber trade it has been acutely felt. The commerce of Canada has not alone suffered from this condition; it has extended over the entire continent.

The cause of this general shortage in car supply is, we believe, largely attributable to the rapid expansion of trade within the past two years. Until the early months of 1898 there were few, if any, signs showing that the period of depression was drawing to a close. Towards the middle of that year there was a partial revival of prosperity, which in less than one year culminated in an almost unprecedented improvement in trade. During the period of depression the railroad companies operated their property at small profits, and consequently added to their equipment as little as possible. When a wave of prosperity suddenly swept over the country, they endeavored as far as possible to increase their rolling stock, but the increase was by no means proportional to the augmented quantity of freight created by the opening of factories long idle and the establishment of new industries. A partial car famine was the natural result.

While admitting that the inadequate supply of cars is the result of abnormal conditions not within the control of the railway companies, it would seem that the lumber trade has not been given that consideration by the railway companies to which it is entitled. To some extent lumber has been side-tracked in favor of other commodities. The Canadian railway companies have given precedence to the carrying of grain from the west to Montreal and other eastern shipping ports, and have neglected local shipments of lumber. This has been done in order to get the grain into Montreal and loaded on the vessels before the close of navigation. Local lumber shipments entirely dependent on rail transportation were allowed to wait the convenience of the railway companies, presumably to be moved when the shipment of grain should cease and when there should be less freight to be carried. The local business, it would seem, has been to some extent starved in order that through freight might be accommodated.

What has been the effect of this car shortage upon the lumber trade? This question impresses upon us the serious nature of an insufficient car

supply. The inability of manufacturers to obtain cars for lumber shipments has left lumber in the yards which was contracted for, and which, with ample transportation facilities, could have been sold many times over. Projects intended to be proceeded with this fall have been deferred, and orders for lumber cancelled. Some of this lumber may be carried over, with the consequent incidental expenses, until next spring, and then it may be found necessary to accept a price lower than that at which it was sold this fall, thus entailing a considerable loss to the manufacturer. Another result has been that retail dealers who have been unable to obtain lumber on account of the car shortage are encountering the starting up of small portable mills in districts where they will be independent of the railways, of course, teaming the lumber to the retail yards. Thus the business of the larger mills will be affected, and there will be less prospect of maintaining prices on a profitable basis.

Observation leads to the conclusion that mills favorably situated have been fairly well supplied with cars; in other words, cars have been supplied only where it suited the convenience of the railways. Other manufacturers, less fortunate, have orders for hundreds of cars of lumber, placed two months ago, which were not shipped by the middle of October, and ocean steamers have left Montreal without half the lumber space being filled that had been contracted for.

It is a peculiar coincidence that since the 15th of October, when an advance on rail freights went into effect, the supply of cars has been much more satisfactory. From this the reader may draw his own conclusions. A situation such as has been encountered this fall emphasizes the necessity of a railway commission to regulate the dealings of the railways with the public.

EDITORIAL NOTES.

WHEN, we may ask, may the lumbermen expect from the Dominion government an answer to their memorial asking for an import duty on United States lumber coming into Canada? Even if the authorities are not disposed to grant the request, it would be some satisfaction to receive advice to that effect, coupled with the reasons why they consider Canadian lumbermen should not be placed on an equal footing with their competitors to the south.

THE news page of this issue bears evidence of the improved conditions now prevailing throughout the lumber trade of Canada. Encouraged by the increased demand for timber products, manufacturers in every province of the Dominion are taking steps in the direction of increasing their output by erecting new mills or making additions to existing ones. Antiquated machinery is being cast aside, to give place to more modern equipment capable of turning out a better product. Manufacturers of saw mill and wood-working machinery who hope to obtain their share of the benefit resulting from the good times should keep their names prominently before the trade. Do not rely on the motto that when business is brisk advertising is not necessary, otherwise your competitor will reap the cream of the trade, and when business becomes less prosperous, you will find that you have lost ground.

It is indeed surprising that the lumbermen in the eastern provinces have so long adhered to the axe for the felling of trees. There seems no reason why the saw should not have been as generally adopted for this purpose in the east as it has been in western Canada. There are undoubtedly many advantages in favor of the saw, chief among which is the great saving of timber, a consideration which will become more important as our timber supply becomes reduced. By the use of the saw logs can be cut quicker and at less expense than with the axe, while it also does away with the necessity of experienced choppers. A few of the lumbermen in the eastern provinces some years ago recognized the advantages of the saw over the axe and adopted this method of felling trees, and others are gradually following their example, so that eventually the axe will be entirely superseded by the saw. One result of this will be an increased demand for saws.

THE ONTARIO TIMBER LAW.

THE hearing of the case brought by the Michigan lumbermen against the Ontario government to test the constitutionality of the provincial law applying the manufacturing clause to all Crown timber lands under license began at Osgoode Hall, Toronto, on November 7th, before Mr. Justice Street, and occupied two days. The proceedings embodied the submission of argument rather than evidence, only one or two witnesses being examined. The Michigan lumbermen were represented by Mr. Christopher Robinson, Q.C., and Mr. H. J. Scott, Q.C., while Mr. S. H. Blake, Q.C., and Mr. Gow were counsel for the Crown.

Mr. Scott, on behalf of the suppliants, opened the case. He said that the petition of right was filed by Mr. Smiley and the Canadian Bank of Commerce, who claimed to be the owners, or licensees, of certain timber lands in the province. Some of these were sold to the licensees in 1872 and the balance in 1885. He contended that the licensees were entitled to the renewal of the license each year in the same form as the old license, with the manufacturing clause omitted. Mr. Scott gave an historical review of the administration of the Crown Lands of Ontario down to the year 1845. In 1845 regulations were passed providing that the licensees should pay certain specified rates for the timber they might cut and should be entitled to a renewal of their licenses, which were issued for one season only, as long as they continued to cut on the limit and otherwise complied with the conditions required. In 1849 regulations were passed providing that timber should be cut at certain specified rates, and there was also a clause stipulating that licensees who duly occupied their limits should be considered as having a preference to renewal above all others. Regulations were adopted in 1851 which superseded the regulations of 1849; under these regulations a ground rent of 2s. 6d. for every superficial mile of timber land was exacted, in addition to the established dues. Thus for the first time was mention made of anything more than a payment for the actual timber cut. A different set of regulations were adopted in 1866, under which timber berths were sold to the highest bidder by public auction at an upset price of \$4 per square mile. In 1869 other regulations came into force providing for the explora-

tion of new timber berths and their sale by public auction, the upset price being fixed upon valuation. Mr. Scott reviewed at some length the legislation bearing on the subject passed by the Dominion, Provincial and United States governments, with which our readers are familiar. He contended that if it was held that the Legislature intended to confiscate the property of the Michigan lumbermen, then they maintained that the act was ultra vires; it was clearly an interference with trade and commerce.

Replying to Mr. Scott, Mr. Blake said that the Crown had always reserved to itself the right, as the needs of the country called for it, to make alterations in the law. This was apparent in the case of the increase of rent and in the imposition of higher dues where exportation was intended. While the act of 1849 provided that a license to cut timber might be granted subject to such conditions and regulations as might from time to time be established, it stipulated that no license should be issued for a longer period than twelve months. Every person who purchased property from the Crown was fully aware of the conditions to which they became subject.

Mr. Aubrey White, Deputy Commissioner of Crown Lands, was examined in respect to the details of his department. He stated that there were approximately 20,000 square miles of timber limits under license. From 1894 to 1898 the output of logs amounted to 715,000,000, of which about one-third was exported.

Mr. John Charlton, M.P., was examined by Mr. Scott. He would not say that the passage of the Ontario law prevented an agreement being reached by the Joint High Commission in regard to lumber, but its effect was certainly prejudicial. Mr. Charlton was questioned regarding the work of the Commission, but his evidence brought out little of interest.

Mr. Robinson then entered upon the argument for the plaintiffs. He said that under the law the licensees were certainly entitled to use their timber berths. Could it be seriously contended that the regulations meant that one year the government could sell a man timber berths and next year take them away from him? He contended that regulation did not include prohibition, but simply meant regulations as to the cutting of timber, and so on. The manufacturing clause applied to future new sales of timber berths and was not retrospective in its operation. He drew attention to the decision of the Privy Council as to what constituted matters of trade and commerce, claiming that the prohibition of the export of saw logs was strictly a matter of trade and commerce, and therefore should be controlled by the Dominion government.

Mr. Blake replied to Mr. Robinson, reminding the court that under the British North America Act the making of laws relating to the management and sale of the public lands and timber lands of the province was relegated to the provincial legislature. He then laid down the following principles as being correct: (1) A special or particular right of the province cannot be overruled by general and large powers of taxation. (2) Where ground is not claimed and is not entered upon by the Dominion, it will permit the province to go into that ground, although at a subsequent date it may be necessary for the Dominion, by its larger rights, to qualify something which the province has done.

Chief Justice Street reserved judgment.

Since the above was written judgment has been delivered, confirming the action of the government in imposing the manufacturing clause. The full text of the judgment will be found on another page.

OBITUARY.

The death is announced of Mr. H. Ross, lumber dealer, of Sherbrooke, Que. He had been a sufferer from asthma for some years.

Mr. Adam Shaefer, of Tavistock, Ont., died recently as a result of injuries sustained while operating a rip saw in his planing mill. Deceased was born in Germany in 1845 and emigrated to Canada in 1852, settling on a farm. He learned the trade of a carpenter, and for twenty-eight years was engaged in the furniture business. About five years ago he purchased a saw mill in the Parry Sound district, which he sold last year. He then purchased a furniture factory in Tavistock, which he operated up to the time of his death.

CHARLES HAMILTON.

Chas. Hamilton, for more than twenty years a prominent lumber operator in the province of New Brunswick, died at St. John early in November, at the age of eighty-five years. Mr. Hamilton retired from active business several years ago, but his only son, James S. Hamilton, owns a large saw mill near the city of St. John. Deceased was born in Sago, Maine, and before moving to St. John was actively engaged in the lumber and pulp business in that state.

HON. RALPH A. LOVELAND.

Hon. Ralph A. Loveland, a conspicuous figure in the white pine lumber industry of Michigan, died in Saginaw on November 9th. Mr. Loveland was born at Westport, N.Y., in the year 1819, and had been connected with the lumber business since 1857, when he formed a partnership with D. L. White and S. W. Barnard under the firm name of White, Loveland & Company, wholesale dealers, with headquarters at Albany, N. Y. Mr. Loveland's health becoming impaired he removed to Janesville, Wis., in 1863, and in 1869 established a lumber yard in Chicago under the firm name of R. A. Loveland & Company. This enterprise was a marked success, but the failure of a large concern which owed the firm considerable money swept away Mr. Loveland's fortune, and in 1876, at the age of fifty-seven, he started out to begin life anew. He purchased a small mill in Montcalm county, Mich., and later some timber lands in Iosco county estimated to cut 150,000,000 feet of timber. The logs from this tract were rafted to a mill on the Saginaw river near the city of East Saginaw. This limit was logged continuously until 1893, since which time the mill has been supplied from pine lands purchased in the Georgian Bay district of Ontario.

Mr. Loveland, in 1881, organized the Saginaw Lumber & Salt Co., whose annual output has been 30,000,000 feet of lumber and 50,000 barrels of salt. Mr. Loveland was also a member of the firm of Loveland, Roys & White, which purchased a large tract of pine lands in the Parry Sound district, where board timber for the Quebec market was taken out. Of late years they have taken out a considerable quantity of logs which have been manufactured in lumber at Midland, Ont., under the superintendence of Mr. D. L. White, jr. Deceased was also interested in the Michigan Log Towing Company, as well as several other important enterprises.

WILLIAM PETER.

Before the last issue of THE LUMBERMAN had reached the reader, news was to hand of the death of Mr. Wm. Peter, who, through his operations in the Georgian Bay district, had become prominent in Ontario lumber circles. Mr. Peter's death took place at his home in Columbiaville, Mich.

From the American Lumberman we learn that Mr. Peter was born at Bavaria, Germany, in the year 1824, and as a young man came to America as an emigrant. After working on a farm for a time he, in 1851, took up his residence at Columbiaville, Mich., then a little saw mill hamlet on the Flint river, where he has resided ever since. He was employed as a laborer around the little Mulay saw mill at the point, which had a daily capacity of 3,000 feet, but within a month was advanced to the position of Sawyer. Shortly afterwards a rise in the river swept the dam away and the mill was shut down for want of power. Here came about Mr. Peter's first business opportunity. In the stream above the broken dam of the mill were left stranded a considerable quantity of large logs intended for sawing. These he purchased with such capital as had been accumulated. He contracted to repair the dam, and then employed the mill

owners to cut his logs. The lumber was hauled by team to the Saginaw river 30 miles away. On this venture he cleared about \$1,900, and this speculation was the foundation for the big fortune which rewarded his subsequent efforts. For many years following Mr. Peter invested every dollar of his savings in white pine timber lands. He became one of the largest operators in Michigan and held that position for many years. In the year 1860 he established a saw mill at Bay City, Mich., by which he produced many million feet of lumber. He became the owner of timber tracts in Wisconsin, but these he sold without operating on them.

Recently Mr. Peter's holdings of white pine timber in Michigan have become exhausted, and anticipating this, some years ago he purchased the timber limits of the Midland and North Shore Lumber Company in the Georgian Bay district, comprising 212 square miles, together with the saw mill of the company situated at Parry Sound. He at once set to work to make improvements, and put in a double band mill with a daily capacity of 100,000 feet. He has since operated his mill there every season, notwithstanding the very general depression in the lumber trade, which resulted in the closing down of many mills. Mr. Peter was one of the first Michigan lumbermen to secure a mill on the Canadian side of Lake Huron, and his establishment has been a great benefit to the town of Parry Sound.

As Mr. Peter accumulated wealth, he invested it for the



THE LATE WILLIAM PETER.

development and industrial advancement of the country. In his native village of Columbiaville he built a large woollen mill, and nearby conducted an extensive farm. At Toledo, Ohio, he had large and comprehensive interests, including a wholesale distributing yard and door, sash and blind factory, and he was the sole capitalist in the Union Manufacturing Company, producers of sewing machines and woodenware. He was also connected with the leading national bank in Bay City.

Mr. Peter was a modest man, very retired, steadfast, and a loyal friend. He left an estate estimated at \$1,200,000. Of this he willed \$10,000 to his son Alvin Peter, of Toledo, who in late years has had much to do with the management of his business affairs, and a like amount to his daughter, the remainder being bequeathed to his widow.

The property of Young Bros., at St. Margaret's Bay, N. S., consisting of saw mills and 80,000 acres of timber land, has been purchased by Peter Ryan, of Toronto, who is understood to be acting for Michigan and Chicago capitalists. The consideration was \$300,000. The purchasers will continue the lumber operations, and will also engage in the manufacture of pulp. A large pulp mill will be erected and additions made to the saw mill, at an expenditure of several hundred thousand dollars.

OTTAWA VALLEY NEWS.

A MEETING of the leading mill owners of the Ottawa valley was held early in November at the office of the Hull Lumber Company to talk over the question of establishing a uniform standard of grades for lumber. The companies represented included the Hull Lumber Company, Hawkesbury Lumber Company, W. C. Edwards & Company, Gilmour & Hughson, and J. R. Booth. The feeling seemed to be in favor of taking some action, and at a meeting of the Wholesale and Retail Lumber Merchants Association held at a later date the question was further discussed. At this latter meeting there were present representatives of Davidson & Thackray, W. C. Edwards & Company, Hurdman & Elmitt, W. H. McAuliffe, D. O'Connor, jr., S. R. Poulin, Fraser & Hamilton, J. McLaughlin, and others. The question of forming a lumber board of trade for the Ottawa valley was also considered. The officers of the Wholesale and Retail Lumber Merchants' Association are: James Davidson, president; Cecil Bethune, secretary; G. I. Dewar, treasurer.

Speaking of the proposed sale of timber limits to be held by the Ontario government, Mr. Alex. Lumsden, M.P.P., who is interested in the lumber business, stated that the public are not apt to take into consideration the large number of mining prospectors in the country, who would just as soon see a country cleared of its timber, as it would then be more advantageous for the prosecution of their work. He also points out that no government can guard the limits from fire as effectively as private owners can. This was not a reflection on the Crown Lands Department of Ontario, for in no department are the officials so assiduous in the faithful performance of their duty, but it just shows that the public are less afraid of prosecution by the government for any damage done than by private limit owners. Mr. Lumsden is inclined to think that under the circumstances the proposed sale is justified and will prove beneficial to the province.

Judgment has been handed down in the Court of Appeal at Toronto in the case of Hurdman vs. Whyte, reversing the finding of Judge Rose, which was in favor of Whyte. The action was for a declaration that a certain agreement between plaintiffs and defendants in regard to timber limits in the Ottawa valley owned by plaintiffs and advances of money made by defendants were in the nature of a mortgage of such limits by plaintiffs to defendants, and for leave to redeem and other relief. The judgment of Justice Rose declared that upon the fulfillment of certain conditions the plaintiffs would be entitled to immediate possession of a one-fifth share of the property, and directed a reference to take certain accounts if the plaintiffs so desired it. The Court agreed with the holding of the presiding judge that the agreement was not in the nature of a mortgage, but directed a variation of the judgment.

Large gangs of men have been sent to the lumber districts of the Ottawa valley this fall, Messrs. Chitty & Company having supplied most of them. The number of shanties on the various rivers and limits is much greater than it was last season. On the Coulonge there are at least twelve more shanties, while the Black river and other streams each have almost as great an increase. Limits are being worked along the Black river which have scarcely been touched heretofore.

It is reported that 200,000 logs are hung up in the Desmoine river.

The value of sawdust in the Ottawa valley has lately advanced, owing to its more general use as a fuel. The manager of the Hotel Cecil was among the first to start burning the sawdust, and now his hotel is being heated altogether with that product. He pays \$1.25 per load of 248 cubic feet. The largest consumers of sawdust in the district are the E. B. Eddy Company. It is said that since they started burning sawdust their fuel bill has been decreased \$10,000 a year.

REORGANIZATION OF THE SNOWBALL BUSINESS.

HON. Senator Snowball is about to make an important change in the lumbering, mill and general business which he established at Chatham, N.B., thirty-five years ago. The business will in future be known as the J. B. Snowball Company, Limited, of Chatham, for which incorporation has been asked. The incorporators are: Hon. J. B. Snowball, W. B. Snowball and R. A. Snowball, of Chatham; F. P. Thompson, of Fredericton, and Geo. E. Fisher, of Chatham. The capital stock is \$1,000,000, of which \$500,000 is paid up.

Ontario Timber Legislation Sustained

Justice Street Dismisses the Action of the Michigan Lumbermen Against the Ontario Government.—The Passing of the Manufacturing Clause Within the Powers of the Provincial Legislature.—Applicable to Limits Sold Before Its Enactment.—Full Text of the Judgment in the Case of Smylie vs. The Queen.

In the Trial Court at Osgoode Hall, Toronto, judgment was given a few days ago by Mr. Justice Street in the important case of *Smylie vs. The Queen*, which was an action brought by certain Michigan lumbermen against the Ontario government to compel the renewal of their licenses without the insertion of the clause requiring logs to be sawn within the province, and to obtain damages for the loss sustained through the refusal of that right. The judgment is very strong, and was based on a strict interpretation of the statutes defining the powers of the government in issuing licenses to cut timber of limits that have been sold. The important points established by the judgment are, briefly, that the manufacturing clause applies alike to limits sold before and after its enactment, that the Act is not a breach of contract, and that it is not ultra vires of the Ontario government.

In their first legal fight with the Ontario government the Michigan lumbermen have been defeated, but the case will doubtless be taken to the Judicial Committee of the Imperial Privy Council for a final decision. What this decision will be must remain unknown until judgment has been delivered, but the decision of Mr. Street, and his thorough review of the case and of the arguments presented by the able counsel, cannot but have some influence upon the final result.

The counsel were Christopher Robinson, Q.C., and H. J. Scott, Q.C., for the supplicants, and S. H. Blake, Q.C., and Walter Gow for the Crown. Following is the full text of the judgment :

The rights claimed by the supplicants have their origin in three licenses to cut timber upon certain public lands of the province, the first bearing date on the 10th April, 1873, and the other two on the 2nd October, 1888, issued by the Commissioner of Crown Lands for the Province of Ontario, acting under the authority of certain statutes and orders in council.

The statute in force at the date of the first of these licenses was chapter 23 of the Consolidated Statutes of Canada, entitled "An Act Respecting the Sale and Management of Timber on Public Lands." This Act was a re-enactment and consolidation of an Act passed in the same language by the Parliament of Canada in 1849, being chapter 30 of 12 Vict., which was the origin of the legislation upon the subject, and which has held its place in its original form and substance in the various revisions and consolidations of the statutes of the province down to the present time. Prior to the passing of the statute of 1849 the sales of Crown timber had been regulated by proclamation of the governor-general and by orders in council passed from time to time.

The sections of chapter 23, C. S. C., bearing upon the claim of the supplicants, are as follows :

Sec. 1.—The Commissioner of Crown Lands, or any officer or agent under him authorized to that effect, may grant licenses to cut timber on the ungranted lands of the Crown, at such rates, and subject to such conditions, regulations, and restrictions as may from time to time be established by the governor in council, and of which notice shall be given in the *Canada Gazette*.

Sub-sec. 2.—No licenses shall be granted for a longer period than twelve months from the date thereof.

Sec. 2.—The said licenses shall describe the lands upon which the timber may be cut, and shall confer for the time being upon the nominee the right to take and keep exclusive possession of the lands so described subject to such regulations and restrictions as may be established; and such licenses shall vest in the holders thereof all rights of property whatsoever in all trees, timber, and lumber cut within the limits of the license thereof.

Regulations under the authority of the first section of this Act have been from time to time approved, altered, and amended. Those in force at the date of the first of the three licenses in question were passed in 1869, and they remained in force with no material alteration at the time the other two licenses were issued. They are, in fact, in force at the present time, with certain amendments, to which it is necessary hereafter to refer.

The order-in-council of 1869 describes the regulations in question as being sanctioned and established under cap. 23, C.S.C. Those material to the present controversy are as follows :

3rd. The berths or limits when surveyed and set off shall be explored and valued, and then offered for sale by public auction, at the upset price fixed by such valuation, at such time and place and on such conditions and by such officer as the Commissioner of Crown Lands shall direct by public notice for that purpose, and shall be sold to the highest bidder for cash at the time of sale.

5th.—License holders who shall have complied with all existing regulations shall be entitled to have their licenses renewed on application to the Commissioner of Crown Lands, or to such local agent as he may appoint for that purpose.

11th.—All timber licenses are to expire on the 30th April next after the date thereof, and all renewals are to be supplied for and issued before the 1st July following the expiration of the last preceding license, in default whereof the right to renewal shall cease and the berth or berths shall be treated as forfeited.

12th.—No renewal of any license shall be granted unless or until the ground rent and all costs of survey and all dues to the Crown on timber, saw logs, or other lumber, cut under and by virtue of any license other than the last preceding, shall first have been paid.

13th.—All timber, berths or limits shall be subject to an annual ground rent of \$2 per square mile, payable in advance before the issuing of any original license or renewal.

14th.—All timber, saw logs, wood, or other lumber cut under any license now in force, or under any license which

may be hereafter granted, shall be subject to the payment of the following Crown dues, that is to say :—

(Then follows a table of dues per cubic foot, payable upon the cutting of the various classes of logs and timber.)

24th.—Licenses are to be granted in the annexed form, in duplicate, one of which shall be given to the licensee, and the other kept on file at the *Crown Lands Department*. (Then follows a form of license, being that in which the license granted James Wilkinson on the 10th April, 1873, set out below, was issued.)

Pursuant to the statute and regulations, an auction sale was held at Toronto on the 15th October, 1872, of timber berths, under the authority of the Commissioner of Crown Lands. In the advertisement of the sale, as well as the printed conditions for the guidance of purchasers, it is set forth that licenses for berths sold will be issued one month after date of sale and payment of bonus and ground rent for current season, subject to existing Crown timber regulations, and to such regulations as may hereafter be established by order in council, and also to all orders in council now existing or hereafter to be adopted affecting licensed territory.

The first of the three licenses forming the foundation of the claim of the supplicants was issued on the 10th April, 1873, to one James Wilkinson, who had become the highest bidder at the sale of 15th October, 1872, of the timber berth or location referred to. The license so issued is in the following terms :

By the authority of chapter 23 of the Consolidated Statutes of Canada, 34th Victoria, chapter 19 of the Statutes of Ontario, and the Crown timber regulations dated the 16th day of April, 1869, and for and in consideration of the payments made and to be made to Her Majesty,

I do hereby give unto James Wilkinson, of the town of Barrie, Esquire, and unto his agents and workmen, full power and license to cut every description of timber and saw logs on unlocated and unsold lands or lots, and all pine trees on lots sold or located, under the orders in council of the 27th of May, 1869, or patented as mining lands under the general Mining Act of 1869, upon the location described on the back hereof by number, and to hold and occupy the said location to the exclusion of all others, except as hereinafter mentioned, from 22nd January, 1873, to 30th April, 1873, and no longer, with the right of conveying away the said timber through any ungranted or waste lands of the Crown.

And by virtue of this license, the said licensee has right by the said provincial statute to all timber cut by others during the term of this license in trespass on the ground hereby assigned, with full power to seize and recover the same anywhere within this province.

But this license is subject to the following conditions, viz: That nothing herein shall prevent any person or persons from taking standing timber of any kind to be used for the making of roads or bridges or for public works, the authority of the Department having first been obtained.

And that persons settling under lawful authority or title within the location hereby licensed shall not in any way be interrupted in clearing and cultivation by the said licensee, or any one acting for him or by his permission.

And further, under the condition that the said licensee or his representatives shall comply with all regulations that are or may be established by order in council, and shall submit all timber, saw logs, or other lumber cut under this license to be counted or measured, and settle for the duties chargeable thereon, when required by me or any officer thereunto authorized, otherwise the said timber will be forfeited to the Crown, and the said licensee be subject to such other penalties as the act provides.

Given under my hand, at Toronto, the tenth day of April, in the year of our Lord one thousand eight hundred and seventy-three, in duplicate.

Ground rent paid for this license..... \$ 72.00
 Bonus 1980.00
 \$2,052.00

(Signed) THOS. H. JOHNSON,
 Assistant Commissioner.

(DESCRIPTION.)

This license not to interfere with prior licenses.

This license is subject to order-in-council of 19th April, 1872, authorizing the withdrawal at any time of any lot or lots, or portion of land, included in any license, when such withdrawal is deemed expedient in the interest of settlement.

On 27th April, 1885, an order-in-council was passed by which the Commissioner of Crown Lands was authorized at any time during the currency of the timber license to cancel the right under such license to cut timber other than pine upon any lots included in it which had been sold or located subsequent to the date of such license, or which might have been squatted upon with the bona fide intention of location or purchase, and that all timber licenses which might hereafter be issued should contain a condition in accordance with the above.

By another order in council of 27th April, 1887, the ground rent upon all licenses to cut timber thereafter issued was increased from \$2 to \$3 per square mile, and the Crown dues upon pine timber and saw logs were increased from the rate fixed by the regulations of 1869.

By another order in council passed 11th March, 1896, the right of license holders to cut timber upon certain lands granted to purchasers after the date of the original license was restricted to four years from the date of the patent.

Turning now to the other two licenses to which the suppliants claim, it appears that the timber berths covered by them were sold by auction in October, 1885, and that the first licenses issued to the purchasers were dated on 2nd October, 1888. Each license was in the following words, the description of the location indorsed upon them and the amount of the bonus constituting the only difference between them :

By authority of chapter 26 of the Revised Statutes of Ontario and the Crown timber regulations dated the 16th day of April, 1869, and for and in consideration of the payments made and to be made to Her Majesty,

I do hereby give unto Burton and Brother, and unto their agents or workmen, full power and license to cut every description of timber on lands or lots unlocated and unsold at the date of this license (or sold or located during the time this license is in force), and pine trees on lands or lots sold under orders in council of 27th May, 1869, or sold or located under the Free Grants and Homesteads Act of 1868, or amendment of the said Act by chapter 4 of the statutes of Ontario of 1880, and pine and cedar trees, when reserved, on lots sold under order in council of 3rd April, 1880, prior to the date of this license, and pine trees on lots patented under said chapter 4, or patented as mining lands under the General Mining Act of 1869, upon the location described on the back hereof by berth and road allowance, and to hold and occupy the said location to the exclusion of all others, except as hereinafter mentioned, from 2nd of October, 1888, to 30th of April, 1889, and no longer; with the right of conveying away the said timber through any ungranted, uncleared or waste lands of the Crown.

And by virtue of this license, the said licensees have right by the said statute to all timber cut by others during the term of this license in trespass on the ground hereby assigned, with full power to seize and recover the same.

But this license is subject to the following conditions, viz.:

To the withdrawal therefrom of lots located or sold under the Free Grants and Homesteads Act of 1868, prior to the passing of chapter 4 of the statutes of Ontario of 1880, and for which patent may be granted on the ground that five years had elapsed from the date of such location

and sale, and that the conditions of settlement had been complied with prior to the 30th April preceding the date or issue of the license.

That any person or persons may at all times make and use roads upon and travel over the ground hereby licensed.

That nothing herein shall prevent any person or persons from taking from the ground covered by this license standing timber of any kind (without compensation therefor) to be used for the making of roads or bridges or public works, by or on behalf of the province of Ontario, the authority of the Department of Crown Lands having first been obtained.

That persons settling under lawful authority or title within the location hereby licensed shall not in any way be interrupted in clearing and cultivation by the said licensees, or any one acting for them or by their permission.

That the Commissioner of Crown Lands, under order in council of 27th April, 1885, may at any time during the currency of the license cancel the right to cut timber other than pine upon any lots included in the description in this license which may have been sold or located subsequent to the date hereof, or upon any lots in said description which may have been squatted upon with the bona fide intention of location or purchase.

And further, under condition that the said licensees or their representatives shall comply with all regulations that are or may be established by order in council, and shall submit all the timber, saw logs or other lumber cut under this license to be counted or measured, and settle for the duties chargeable thereon, when required by me or any officer thereunto authorized; otherwise the said timber will be forfeited to the Crown, and the said licensees be subject to such other penalties as the Act provides.

Given under my hand at Toronto, the second day of October in the year of our Lord one thousand eight hundred and eighty-eight, in duplicate.

Amount payable for the license :—

Original { Ground rent..... \$ 118
 Bonus 20,650
 Interest.....
 \$20,768

(Sgd.) AUBREY WHITE,
 Assistant Commissioner.

It is admitted that the three licenses in question have been from time to time renewed by the Commissioner of Crown Lands in the names of the persons who obtained them originally or their transferees, and that each renewal has been framed in accordance with the regulations in force at the time the renewal was issued, and has not been limited only to those in force when the original was issued. The increased ground rent and Crown dues have been exacted in respect to the renewals of the license issued in 1873, and the conditions with regard to the withdrawal of the right to cut upon lots located or sold have been treated as binding upon the holders of that license, as well as upon the holders of licenses issued after they were adopted by the order in council referred to.

On 17th May, 1895, a new form of license was adopted by order in council, and licenses in this form were issued to and acted upon by the suppliants, the Canadian Bank of Commerce, who then, and for some time before, held all three licenses. The following is one of the licenses so issued, the others being precisely similar :

RENEWAL FOR 1897-8 OF LICENSE NO. 150 of 1896-7.

By authority of chapter 28 of the Revised Statutes of Ontario, 1887, and the Crown timber regulations dated the 16th day of April, 1869, (and subsequent orders in council affecting timber), and for and in consideration of payments made and to be made to Her Majesty,

I do hereby give unto the Canadian Bank of Commerce, and unto its agents or workmen, full power and license to cut every description of timber on lands or lots unlocated and unsold at the date of this license, and pine trees on lands or lots sold under orders in council of 27th May, 1869, or sold or located under the Free Grants and Homesteads Act, or patented or leased as mining lands under the mining laws, upon the location described on the back hereof by berth and road allowances, and to hold and occupy the said location to the exclusion of all others, except as hereinafter mentioned, from the 25th of September, 1897 to 30th of April, 1898, and no longer; with the right of conveying away the said timber through any ungranted, uncleared, or waste lands of the Crown.

And by virtue of this license, the said licensee has

right by the said statute to all timber cut by others during the term of this license in trespass on the ground hereby assigned, with full power to seize and recover the same.

But this license is subject to the following conditions, viz. :

To the withdrawal therefrom of lots located or sold under the Free Grants and Homesteads Act of 1868, prior to the passing of chapter 4 of the Statutes of Ontario of 1880, and for which patents may be granted on the ground that five years had elapsed from the date of such location or sale, and that the conditions of settlement had been complied with prior to the 30th April preceding the date or issue of the license.

To the withdrawal therefrom of all lots located or sold during the currency thereof immediately after location or sale as to timber other than pine.

That any person or persons may at all times make and use roads upon and travel over the ground hereby licensed.

That nothing herein shall prevent any person or persons from taking from the ground covered by this license standing timber of any kind (without compensation therefor) to be used for the making of roads or bridges or public works by or on behalf of the Province of Ontario, the authority of the Department of Crown Lands having first been obtained.

That persons settling under lawful authority or title within the location hereby licensed shall not in any way be interrupted in clearing and cultivation by the said licensee, or any one acting for it or by its permission.

That the Commissioner of Crown Lands, under order in council of the 27th April, 1885, may at any time during the currency of this license cancel the right to cut timber other than pine upon any lots included in the description in this license, which may have been squatted upon with the bona fide intention of location or purchase.

And further, under condition that the said licensee or its representatives shall comply with all regulations that are or may be established by order in council, and shall submit all the timber, saw logs or other lumber cut under this license, to be counted or measured, and settle for the duties chargeable thereon, when required by me or any officer thereunto authorized, otherwise the said timber will be forfeited to the Crown, and the said licensee be subject to such other penalties as the Act provides.

Given under my hand at Toronto the twenty-fifth day of September in the year of our Lord one thousand eight hundred and ninety-seven, in duplicate.

Amount payable for this license :—

Ground rent..... \$42.00
 Bonus
 Interest.....
 \$42.00

(Signed) AUBREY WHITE,
 Assistant Commissioner.

On 17th December, 1897, while the three renewals in this form were current, an order in council was passed in the following terms :—

ORDER IN COUNCIL ESTABLISHING, SUBJECT TO THE APPROVAL OF THE LEGISLATURE, CROWN TIMBER REGULATIONS OF 17TH DECEMBER, 1897.

ORDER IN COUNCIL

Approved of by His Honor the Lieutenant-Governor the 17th day of December, A.D. 1897 :

Upon the consideration of the report of the Honorable the Attorney General dated 17th December, 1897, the committee of council advise that the following Crown timber regulations be approved of by Your Honor :

(1) Every license or permit to cut pine timber on the ungranted lands of the Crown, or to cut pine timber reserved to the Crown on lands located, sold, granted, patented, or leased by the Crown, which shall be issued on or after the 30th day of April, 1898, shall contain and be subject to the condition that all pine which may be cut into logs or otherwise under the authority or permission of such license or permit shall, except as hereinafter provided, be manufactured into sawn lumber in Canada, that is to say, into boards, deals, joists, lath, shingles, or other sawn lumber, or into waney board or square or other timber in Canada; and such conditions shall be kept and observed by the holder or holders of any such license or permit who shall cut or cause to be cut pine trees or timber under the authority thereof, and by any other person or persons who shall cut or cause to be cut any of such pine trees or timber under

the authority thereof, and all pine so cut into logs or otherwise shall be manufactured in Canada as aforesaid.

(2) Should any holder of a timber license or permit, or any servant or agent of such holder, or any person acting for him, or under his authority or permission, violate or refuse to keep and observe the condition mentioned in the preceding regulation, then and in such case the license or permit to cut pine timber on the berth, territory, lot or lots, included in the license or permit, and on which or any part of which there was a breach of such regulation or a refusal to observe or keep the same, shall be suspended and held in abeyance and shall not be re-issued, nor shall a new license issue unless and until so directed by the Lieutenant-Governor in Council and then only upon such terms and conditions as the Lieutenant-Governor in Council may impose.

(3.) The Commissioner of Crown Lands, his officers, servants and agents, may do all things necessary to prevent a breach of the aforesaid condition or regulation, and to secure compliance therewith, and may, for such purpose, take, seize, hold and detain all logs so cut as aforesaid, and which it is made to appear to the Commissioner of Crown Lands it is not the intention of the licensee, owner or holder, or person in possession of, to manufacture or cause to be manufactured as aforesaid in Canada, or to dispose of to others who will have the same so manufactured in Canada, until security shall be given to Her Majesty, satisfactory to the Commissioner, that the said condition will be kept and observed, and that such logs will be manufactured in Canada as aforesaid; and, in the event of refusal on the part of the licensee, owner or holder, or person in possession of such logs, to give such security within four weeks after notice of such seizure and demand of security by or on behalf of the Commissioner, then the Commissioner may sell or cause to be sold such logs by public auction after due advertisement to some person or persons who will give such security to Her Majesty as the Commissioner may require that such logs shall be manufactured in Canada. The proceeds of such logs shall, after such sale, and after deducting all expenses of such seizure and sale, and any sum due and owing to Her Majesty for or in respect of any timber dues, trespass dues, ground rent, or on account of the purchase of any timber or timber berths by the owner, licensee, or holder of a permit, or other person who has cut or caused to be cut such logs, or who is the owner or holder of the same, be paid over to the person entitled to the same.

(4.) Provided, nevertheless, that nothing in the preceding regulations which requires pine logs or timber to be manufactured in Canada, as aforesaid, shall apply to logs or timber cut and in use in Canada for any purpose for which logs or timber in the unmanufactured state are or may be used.

(5) Provided further, that these regulations shall not apply to the east half of the township of Aweser, in the district of Algoma, containing 18½ square miles, nor to 22 square miles in the district of Thunder Bay composed of berths 2, 3 and 4 of the timber sale of 1890.

(6) The foregoing regulations shall not come into force unless and until they shall be approved by an Act of the legislature.

On 17th January, 1898, an Act was passed by the legislature of the province of Ontario in the following terms:

91 Vic. (Ont.) Cap. 9, passed 17th January, 1898. An Act respecting the manufacture of pine cut on the Crown Domain.

Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

(1) All sales of pine timber limits or berths by the Commissioner of Crown Lands which shall be hereafter made, and all licenses or permits to cut pine timber on such limits or berths thereafter granted by the Commissioner shall be so made or granted subject to the condition set out in the first regulation of Schedule A of this Act, and it shall be sufficient if such condition be cited or mentioned as "The Manufacturing Condition" in all notices, licenses, and permits or agreements or other writing.

(2) The regulations set out in Schedule A to this Act are hereby approved.

(3) The Lieutenant-Governor in Council may make any further or additional regulations necessary to enable the Commissioner of Crown Lands to carry into effect the object and intent of the regulations contained in Schedule A.

(4) Section 1 of this Act shall come into force on the passing hereof, and the other parts of this Act shall come into force on the 29th day of April, 1899.

SCHEDULE A.

(Schedule A reproduces the above regulations of 17th December, 1897.)

After the 29th April, 1898, the suppliants applied to the Commissioner of Crown Lands for a renewal for the year 1898-9 of the said licenses without the insertion of the provision in the regulations of 17th December, 1897, referred to in the above Statute as "The Manufacturing Condition," but the Commissioner refused to issue the license without this condition.

It is admitted that the suppliants had complied with all former conditions in the licenses previously issued to them.

Having obtained leave for the purpose they have now filed their petition of right praying for a declaration of their right to a renewal of their licenses without the manufacturing condition, and damages for the loss they have sustained by reason of the refusal of this right.

Their claim, at the argument, was placed upon the ground that they or their predecessors had purchased the right to the timber upon the limits from the Crown upon a contract for perpetual renewal of the yearly license, so long as they should comply with the regulations in force at the time they purchased, and that, in the absence of the clearest provisions to that effect in the writings forming their contract, it would be unreasonable to hold their rights to be subject to alteration from year to year, to their prejudice, by orders-in-council made without their consent.

In my opinion, not only the terms of the original licenses themselves, which, prima facie at all events, must be taken to show the rights of the licensees, but everything surrounding the transaction, before and since, is opposed to the contention of the suppliants.

In the first place, the statute under which the Commissioner of Crown Lands acts is as clear as words can make it; he is empowered to issue licenses, but only upon the terms prescribed from time to time by orders-in-council, and he is forbidden to grant any license for a longer period than a year.

The object of the act is plainly to prevent the government existing at any particular time from binding itself or future governments to abide by any particular regulations in their management of these immensely valuable portions of the public property, lest new circumstances should make it advisable in the public interest that changes should be made. The object of the legislature to permit merely temporary and not permanent regulations to be made being plainly and distinctly set forth in the Act, the language of the orders in council passed under it must be read by the light so furnished, and certainly should not be strained so as to convey an intention of departing from it. The intending purchaser is notified that his license will only be issued "subject to existing Crown timber regulations, and to such regulations as may hereafter be established by order in council, and also to all orders in council now existing or hereafter to be adopted affecting licensed territory. In accordance with this provision, the licenses when issued are made upon condition that the licensees shall comply not only with all regulations that are, but also with those that may be established by order in council. With the licenses are incorporated by reference the regulations of 1869, in force at the time, and it is upon the 5th regulation that the suppliants very largely found their claims. The terms of that regulation are that "license holders who shall have complied with all existing regulations shall be entitled to have their licenses renewed on application to the Commissioner of Crown Lands, &c." If this regulation stood alone, without the Act under which it was made, the conditions of sale at which the purchase was made, and the license, which is to be read with it, there would be the greatest force in the argument that the original licensee was entitled to a perpetual renewal of his license from year to year upon compliance with the regulations in force when it was granted. But the Commissioner of Crown Lands in granting the licenses, has imposed upon the licensees, as he was bound to do by the existing act and regulations, the condition that not only the regulations in force at the time the licenses were granted, but those to be established, should be complied with; and the right of renewal conferred by the 5th regulation of 1869 must be taken to be a right of renewal upon the conditions in force at the time of the renewal. In other words, persons desiring to obtain timber licenses are notified by statute, by conditions of sale, and by the form of license offered them, that they can only obtain them upon the understanding that the conditions upon which they

are granted may be altered from time to time at the discretion of the government, and that as their sole protection against wrong, they must rely upon what has been termed "the infallible justice of the Crown" by the late Vice-Chancellor Estlin in *Craig vs. Templeton*, 8 Gr. 483. Such a bargain is by no means remarkable or unknown even in cases where the Crown is not a party; see *Pepe v. City and Suburban Building Society* (1893), 2 Ch. 311, and the class of cases there referred to.

The sentences to which I was referred by counsel occurring in the report of the Commissioner of Crown Lands to the Provincial Legislature in the year 1872 do not appear to establish or assert any different interpretation of the rights of licensees. He asserts that they have vested rights to a renewal of their licenses, but it is plain that he contemplates only such a renewal as that which has always been conceded to them, viz., a renewal subject to the conditions and regulations in force at the time the renewal is granted.

Reference was properly directed upon the argument to the contemporaneous interpretation placed by the executive officers of the Crown upon the regulations affecting the rights of license holders, and the manner in which they have been dealt with from time to time by the Department as bearing upon the meaning which should now be placed upon them. It appears from the evidence of Mr. Aubrey White, the present Assistant Commissioner of Crown Lands, whose experience in the Department goes back many years, that the invariable practice has been to embody in every license, whether an original or a renewal, all changes effected by orders in council in force at its date. This practice is apparent in the renewals of the licenses under which the suppliants claim; they and their predecessors periodically accepted licenses which contained not only the conditions in force at the time of the original licenses, but all these additional ones subsequently adopted, and paid the additional ground rent and Crown dues on timber cut imposed by the regulations of April, 1887.

These considerations appear to me conclusive against the contention of the suppliants that they are entitled to renewals of their licenses free from any conditions, to which they object, coming into force after the original license under which they claim.

It is further argued, however, that, even if this be the true construction to be placed upon their rights, the language of the Act 61 Vic. Ch. 9, above set forth, applies only to licenses issued upon sales made after it was passed, and not to renewals of licenses issued upon sales made before it was passed. Had the first section of the Act stood alone, I think I should have agreed with this view, but the fourth section brings into force on 29th April, 1898, the order-in-council of 17th December, 1897, the first section of which requires what is called in the Act the "Manufacturing Condition" to be made a condition of every license or permit to cut pine timber which should be issued after 30th April, 1898. It is urged that the injustice of interfering with the vested rights of existing licensees obliges the Court to place the strictest possible construction against the Crown upon the Act and the order-in-council as being *ex post facto* legislation. I do not think, however, that I should, in regard to this legislation, do more than apply to it the ordinary rules of construction. It is not *ex post facto* legislation; it is a simple application to the undoubted rights of the suppliants of the undoubted rights of the Crown. The rights of the suppliants are to have their licenses renewed according to the conditions which at the time of renewal have been generally imposed upon license holders, and so long as renewals are offered them upon conditions which the Crown, as represented by the Provincial Governor in Council, has the power to impose, no breach of the rights of the suppliants is committed. It is no part of my duty to adjudicate upon the question as to whether the conditions of the order-in-council of December, 1897, are unduly onerous, or to criticize the discretion exercised by the Crown in imposing them. I find here in the order-in-council of 17th December, 1897, a plain and unambiguous direction that every license or permit to cut timber issued on or after 30th April, 1898, shall contain and be subject to what is called in the Act the "Manufacturing Condition," and if this language is not plain enough, I find in the fifth paragraph of the order-in-council internal evidence that it was intended to be applicable to past as well as future sales. To construe it as the suppliants ask, I should have to apply to the word "license," in the first paragraph, the meaning of "original license," and to treat it as not in-

cluding the renewals of existing licenses—a sense in which I cannot find it has ever been used, and which appears to me to be contrary to the spirit as well as the letter of the fundamental Act, chapter 23 of the Consolidated Statutes of Canada.

I cannot pretend to explain why the first section of the Act 61 Vict., Cap. 9, should have been so drawn as to be apparently applicable to future sales only, and not to past ones, but the later and entirely distinct paragraphs 2 and 4 of the same Act bring into force the order in council of 17th December, 1897, in which, as I have pointed out, there is no ambiguity, and which stand upon their own ground. To hold them applicable to new sales only, and not to renewals also, would be to strain their language for the purpose of introducing an innovation upon the long established and invariable practice of the department.

The remaining ground taken by the suppliants is that the Act 61 Vict., cap. 9, is ultra vires the Provincial Legislature, as being an encroachment upon the legislative authority reserved to the Dominion by the British North America Act.

It is declared by the 91st section of that Act that the exclusive legislative authority of the Dominion parliament extends to all matters coming within the classes of subjects here enumerated, the second of which is, "The regulation of trade and commerce," and it is further declared by that section of the Act that any matter coming within any of the classes of subjects therein enumerated shall not be deemed to come within the class of matter of a local or private nature comprised in the enumeration of the classes of subjects assigned by the 92nd section exclusively to the legislatures of provinces.

By the 92nd section, it is declared that in each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next enumerated; and the 5th of the classes of subjects then enumerated is: "The management and sale of the public lands belonging to the province, and of the timber and wood thereon."

It is proved on the part of the suppliants in support of their contention, that for many years before the passing of the Act complained of (61 Vict., cap. 9) a very large number of pine logs had been exported from Ontario, the larger proportion of which had been cut upon the public lands of the province, under licenses similar to those now in question. It is a matter which may readily be taken for granted that if the regulations in question are sustained, the export of logs cut under such licenses will be entirely stopped. It is further shown that the tariffs established in the United States from time to time with regard to the timber trade with Canada have been affected at times by the tariffs adopted by the Dominion bearing upon Canadian timber, or have been, to some extent, regulated by or been made dependent upon them. I am asked to draw from these circumstances the conclusion that the Act and regulations of which the suppliants are now complaining are a contravention of that part of the British North America Act which reserves to the Dominion Legislature the exclusive right of making laws for the "regulation of trade and commerce," and to hold that the Provincial Legislature under the guise of a regulation for the management of its timber has, in reality, attempted to interfere with the regulations of trade and commerce. In my opinion the Act and regulations complained of are clearly within the powers of the Provincial Legislature, and are not in any way an interference with the regulation of trade and commerce within the meaning of the 91st Section of the British North America Act.

In the first place, it is to be borne in mind that the Provincial Legislature in passing this Act are dealing with property belonging to the province, over which they have the fullest power of control. They are entitled to sell it or to refuse to sell it, and if they sell, they have the right, in my opinion, to impose upon the purchaser such conditions as they deem proper with regard to the destination of the timber after it is cut, including the state in which it shall be exported, just as they have the right in selling cattle from the farm at their agricultural college to stipulate that the purchaser shall not export them alive. The condition that the timber shall be sawn into lumber before exportation in the one case no doubt reduces the quantity of logs exported just as the supposed stipulation in the other case reduces the quantity of live stock exported, but in each case the matter is one purely of internal regulation and management by the province of its own property for the benefit of its own inhabitants.

The matter, I think, may be placed beyond any question by looking at it in another way. It is clear that the right to pass the Act complained of, and the regulations accompanying it, rest either in the Provincial or the Dominion Legislature,

and if the contention of the suppliants is to be adopted, it exists in that of the Dominion. Would it be possible for a moment to contend that the Dominion Legislature under their power of passing Acts for the regulation of trade and commerce, could enact that every license to cut timber upon the lands owned by the province of Ontario should contain a condition that the timber should be sawn into boards before being exported? And would not such an Act, if passed by the Dominion, be clearly an encroachment upon the exclusive right of the Provincial Legislature to pass laws for the regulation and sale of the timber on its own lands? The general limitation upon the powers of the Dominion Legislature to legislate with regard to the regulation of trade and commerce are indicated in the report of the judgment of the Privy Council in the case of the Citizens' Insurance Company of Canada vs. Parsons, 7 App. Cas. 96 at p. 113, where it was held that these powers do not comprehend the power to regulate by legislation the contracts of a particular business or trade, such as the business of fire insurance in a single province, but for the reasons I have given it appears to me that the powers exercised by the legislature of the province of Ontario which are questioned by the suppliants here are so plainly within those exclusively assigned to them that it is unnecessary to resort for guidance to any of the decided cases.

Upon the whole case I am, therefore, of opinion that the suppliants are not entitled to have their licenses renewed except upon the conditions offered by the Commissioner of Crown Lands, as set forth in the orders in council in force on 30th April, 1898, and that their petitions must be dismissed with costs.

LOSS BY FOREST FIRES.

In a book entitled "A Primer of Forestry," issued under the direction of Mr. Gifford Pinchot, the author gives an interesting sketch of historic forest fires, from which the following extracts are taken:

"When all conditions are favorable, forest fires sometimes reach gigantic proportions. A few such fires have attained historic importance. One of these is the Miramichi fire of 1825. It began its greatest destruction about 1 o'clock in the afternoon of October 7 of that year, at a place about sixty miles above the town of Newcastle on the Miramichi river in New Brunswick. Before 10 o'clock at night it was twenty miles below Newcastle. In nine hours it had destroyed a belt of forest eighty miles long and twenty-five miles wide. Over more than two and one-half million acres almost every living thing was killed. Even the fish were afterwards found dead in heaps on the river banks. Five hundred and ninety buildings were burned, and a number of towns, including Newcastle, Chatham and Douglstown, were destroyed. One hundred and sixty persons perished, and nearly a thousand head of stock. The loss is estimated at \$300,000, not including the value of the timber.

"The Peshtigo fire of October, 1871, was still more severe than the Miramichi. It covered an area of over 2,000 square miles in Wisconsin, and involved a loss, in timber and other property, of many millions of dollars. Between 1,200 and 1,500 persons perished, including nearly half the population of Peshtigo, at that time a town of 2,000 inhabitants. Other fires of about the same time were most destructive in Michigan. A strip about 40 miles wide and 180 miles long, extending across the central part of the state from Lake Michigan to Lake Huron, was devastated. The estimated loss in timber was about 4,000,000,000 feet board measure, and in money over \$10,000,000.

"The most destructive fire of more recent years was that which started near Hinckley, Minn., September 1, 1894. While the area burned over was less than in some other great fires, the loss of life and property was very heavy.

Hinckley and six other towns were destroyed, about 500 lives were lost, more than 2,000 persons were left destitute, and the estimated loss in property of various kinds was \$25,000,000."

GETTING TIMBER LAND CHEAP.

THE statement of the Division of Forestry of the United States to the effect that the last of the great white pine timber tracts of the Northwest lies in the northern part of Minnesota, a vast region of several thousand square miles, receives additional interest in the light of advices from Duluth that dealers in timber lands are conducting operations under which they are acquiring some of the most valuable timber lands in northern Minnesota for almost nothing, and doing it legitimately, too. They are locating on lands in the northern tier of counties in this State with what is known as forestry scrip, which entitles them to locate on any lands, surveyed or unsurveyed, in any part of the country. This scrip they have been able to buy at \$2 to \$4 per acre, and thus they have been locating on lands in this and other counties at a cost to them of about the value of one large pine tree out of the hundreds on each acre.

It will be remembered that during President Cleveland's administration he was much interested in the matter of preserving the forests, and a number of large forest reservations were made by him, mostly in the west. On the lands thus reserved there were, of course, a good many settlers, and to compensate them for the loss of their lands they were given this forestry scrip. This could be located on land anywhere in the United States, whether surveyed or not, and it was the first scrip ever issued entitling its holder to locate on unsurveyed lands. Recently a number of land dealers have been west and have purchased a quantity of this scrip from the people to whom it was issued, and returning, they have entered upon the choicest pine lands in the unsurveyed portions of this state. This scheme is working so well that others are taking it up, and the result is that nearly all of the valuable portions of the unsurveyed pine lands will be located long before the territory is surveyed and thrown open to settlement. There is no way to prevent this, as the holders of the scrip are allowed to sell it, and the purchasers acquire the rights of those to whom it was issued. Those who are working the scheme will get immense profits out of it, as they are getting from \$2 to \$4 per acre land that is easily worth many times that.

It is possible that congress will be appealed to at this winter's session to see if there is any way that body can put a stop to the practice. There seems to be no other way to stop it, and there is considerable doubt whether even that method will stop it, as before any law can go into effect the men who are working the scheme can get hold of large quantities of the scrip and locate the best part of the unsurveyed pine lands of this section. When the unsurveyed lands are thrown open to settlement there will be almost nothing that is worth locating upon left.—Lumber Trade Journal.

Mr. Horace B. Hudson contributes to the Review of Reviews for December an account of the movement to establish a national forest park in Minnesota, near the headwaters of the Mississippi.

AS WE FIND THINGS.

By A. J. BURTON.

I WISH to call attention to the center strain line in band saws. If any of the filer readers of The Wood-Worker are using this strain line successfully as regards quality and quantity of lumber, at the same time prolonging the life of their saws, I would be pleased to see their experience published in these columns, and am confident a great many others would too. Such discussions must necessarily be beneficial. Life is too short for one man to learn it all by experience.

In taking charge of the saws in the mill where I am at present engaged I found all the saws had been put up with the strain lines as follows: They were solid commencing about one inch from the gullet of teeth and extending over a space of about two inches toward the center, then a space of three inches in the center that was "fast" or

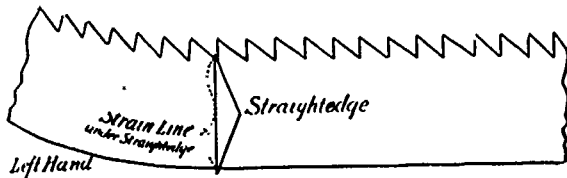


FIG. 1.

stiff, then two inches that had been rolled or opened to the back edge. When the saw was held up with the left hand and a straight edge applied across it three feet from the left hand, it would show up like Fig. 1. The saws had from 1 to 17 cracks and some of them two and three brazes. They were 10 inches wide when new, but had worn down to 9 3/4 inches. Under any kind of reasonable conditions the saws ought not to have had a crack in them.

The only way I can put up a saw that will not crack under favorable conditions, is to put the tension in on a perfect circle from one edge to the other, as shown in Fig. 2. The drop under straight-edge shows the tension. I use a gauge and make every spot in the saw true to gauge, leveling the saw perfectly flat, so that the straight-edge shows no light under it when laid across the saw when it lies flat on the leveling table. The filing room had been provided with

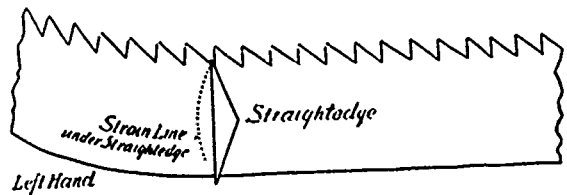
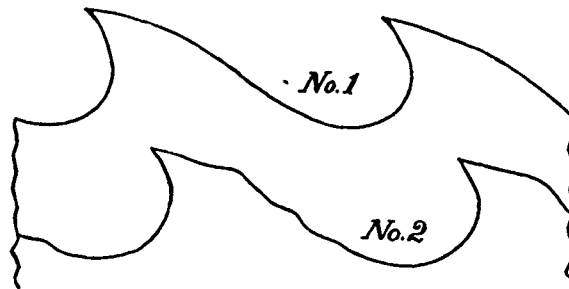


FIG. 2.

a Baldwin, Tuthill & Bolton No. 5 stretcher, but the top roll had been disconnected and used only as an idle top roll. The rotary shears, also the parts that move the roll back and forth, had been taken off, making the \$250 machine practically no better than one which could be bought for \$150. I replaced all parts and find the machine works perfectly.

The grinder is one of the most improved Covel make, but the former filer did not consider it accurate enough for him and only used it to gum out with, doing all the filing by hand, which, of course, took lots of time, labor and files. He had post brackets and back feed, but had the grinder setting in the center of the saw as it lay in the post brackets. This allowed the saw to gag over the guide rest in the operation of grinding, which, of course, caused the grinder to do bad work. Besides this the teeth pointed from the

light instead of toward it. I turned it around and set the grinder toward one end of the saw, so the saw would rest on one post bracket and on the guide rest only. In this way the saw moves around perfectly in line with its back edge. I also found the small gear on grinder was on the wrong side of machine, which caused the cam shaft and cam to run backwards; and, worst of all, he had a left-hand cam-holder and cam on a right-hand machine. I don't wonder at him filing by hand, and only wonder that he was able to gum his saws. I then undertook to make a right-hand cam-holder out of a left-hand one by plugging up the shaft-hole with hot iron and drilling another hole for the shaft 3/4 inch higher, to allow the holder to drop down at the right place, so the wheel would come down in the gullet. Then the cams would not fit, so I filled the hollow side with babbitt, turned them upside down and tapped in new holes for the screws. When I put it on the machine, took out all lost motion, and rebabbitted the machine it started off like an old clock and ground the teeth to a good keen edge without missing a tooth or burn-



ing one. No. 1 is the shape of tooth the machine now makes. No. 2 is the shape of teeth in the saws when I came here.—The Wood-Worker.

BRITISH COLUMBIA LETTER.

(Correspondence of the CANADA LUMBERMAN)

IT is possible to write very encouragingly of the lumbering industry of this province. As the year draws towards a close, manufacturers naturally take a retrospective glance. Until the business of the year has been balanced up, the actual profits and losses will not be known, but it is safe to predict that the year 1899 will pass into history as one of the most successful that the lumbermen of the west have known for some years. It will also mark the putting into operation, after years of idleness, of one or two large mills which will represent a considerable proportion of the lumber cut of the province. To say that the mills are busy does not fully explain the situation. The fact is that orders are being refused owing to inability to supply the lumber at the time the customer requires it.

Just to give an idea of the markets to which British Columbia lumber is shipped, I send a list of the vessels which had cleared up to October 31st of this year:

From Chemainus—John Smith, for Cape Town, South Africa, 626,856 feet; J. B. Brown, for Sydney, Aus., 1,142,728 feet; Coloma, for Tientsin, China, 700,497 feet; W. F. Witzemann, for Tientsin, 364,068 feet; E. K. Wood, for Tientsin, 660,292 feet; Hawaiian Isles, for Melbourne, Aus., 1,914,665 feet; Sea King, for Sydney, Aus., 1,130,378 feet; Orion, for Calcutta, British India, 1,616,318 feet; Undaunted, for Cape Town, 1,263,853 feet; Star of France, for Melbourne, 1,176,922 feet; British General, for Australia, 1,457,539 feet; Hercules, for Queensboro, 907,546 feet; Bastien Bach, for Tientsin, 552,566 feet; King Cyrus, for Newchang, China, 878,728 feet; Guy C. Goss, for Taku, 1,134,648 feet; Nanaimo, for Taku, 419,152 feet; Dalnyvostok, for Port Arthur, China, 1,452,876 feet; Tyr, for Newchang, 1,618,102 feet; E. K. Wood, for Shanghai, 634,372 feet; Echo, for Valparaiso, South America, 877,993 feet; Elwell, for Melbourne, 1,107,433 feet. From Moodyville—Louisiana, for Sydney, 1,128,111 feet; Ragnar, for Newchang, 1,194,421 feet; Rodenbek, for Callao, South America, 1,309,231; Altai, for Callao, 1,012,013 feet; City of Madras, for Australia, 1,321,177 feet;

Dundee, for Calcutta, 1,791,985 feet; Florence, for Sydney, 1,237,959 feet. From Burrard Inlet—Compear, for Japan, 416,928 feet; Adderle, for Sydney, 1,002,738 feet; Elm Branch, for Tientsin, 2,841,324 feet; Wachusett, for Melbourne, 1,111,240 feet; K. F. Troop, for Philadelphia; Wm. H. Macy, for South Africa; Ivy, for Shanghai; Tyr, for Newchang; Marion Chilcott, for Adelaide. From New Westminster—J. M. Wetherwicks, for Nagasaki, Japan, 519,243 feet; Brunell, for Callao, 1,194,958 feet. From Vancouver—Clan Galbraith, for Algoa Bay, South Africa, 1,641,759 feet. From Cowichan—Fred J. Wood, for Santa Rosalia, South America, 180,400 feet. From Victoria—Alex. McNeil, for Port Pirie, Aus., 605,579 feet. From Ganges Harbor—Eric, for Tientsin, with piles.

The recent shipment of timber from the Hastings mill to Philadelphia, to be used in the construction of United States war vessels, will, it is believed, be followed by others. It is acknowledged that nowhere in the world can there be found as suitable timber for ship-building purposes as on the Pacific coast.

NOTES.

The Royal City Planing Mills recently shipped three car loads of lumber to England, via Montreal, to be used in the British navy.

Trail is to have a new saw mill. It will be erected by Mr. Thos. McKelvey, who has purchased timber limits across the river, back of what is known as East Trail.

The Kootenay Lumber Company, of Comaplix, B.C., purpose spending several thousand dollars in increasing the capacity of their mill and in putting in drying apparatus.

A new saw mill is being erected at Kamloops. Mc-Alpine & Sucksmith are starting a saw mill at Grand Forks, and A. X. Fleming a sash and door factory at Columbia.

The Hastings Shingle Manufacturing Company, of Vancouver, report a brisk demand for shingles. Their four mills have a daily capacity of 600,000 shingles. I understand that the company are desirous of engaging some good shingle sawyers and packers.

The growth of the village of Columbia has induced Mr. G. O. Buchanan, the well known lumber operator of Kaslo, to start a branch there. I am told that a company will be formed, to be known as the Columbia River Lumber Company. The timber in the vicinity is mostly bull pine, though there is a large body of white pine up the north fork of the Kettle river.

CANADIAN FORESTRY EXHIBIT.

THE work of selecting material for an exhibit of Canadian forest products at the Paris Exposition has been completed, and we are assured by those in charge that a creditable collection is the result. The exhibit, as our readers know, has been prepared by Mr. J. M. Macoun, assistant naturalist of the Geological Survey of Canada, which is a sufficient guarantee as to its completeness. Several of the provincial governments have assisted in procuring the necessary samples of merchantable timber, while exporters and manufacturers have also given valuable aid. In addition to the exhibit made by the different provinces the following have made entry:

- John Heard & Co., St. Thomas—oak planks.
- The Sutherland, Innes Co., Chatham—cooperage stock, staves, hoops, etc.
- Gilmour & Co., Canoe Lake—one white pine deal.
- The Menier Co., Anticosti—seven sections of trees and six deals.
- W. H. Marcoun, Parry Sound—patent clothboards, basswood and elm veneer.
- Kerr & Harcourt, Parry Sound—spools, bobbins and turned boxes.
- John H. Grout, Grimsby—fruit baskets, boxes and walnut veneers.
- The British American Timber Co., Kearney—birch deals.
- Sir Henri Joly, Quebec—three sections of polished walnut trees.
- Adam Beck, London—cigar boxes and stock and oak flooring.
- The Columbia Handle & Lumber Co., St. Thomas—hockey sticks, golf sticks, etc.
- North American Bent Chair Co., Owen Sound—chair stock.
- J. S. Findlay, Owen Sound—mangle rollers and beech flooring.
- John Harrison, Owen Sound—butchers' skewers and stock.
- Carl Zeidler, Toronto—various kinds of Canadian woods.

THE NEWS.

—J. Bedard is building a saw mill at Windsor Mills, Que.

—A new saw mill has been built at Hornings Mills, Ont., by R. U. Irwin.

—William H. Hunting is building a new saw mill at Huntingville, Que.

—Arthur Wallace is starting business at Granby, Que., as a lumber dealer.

—James Kaizer, general store and lumber, Conquerall Bank, B. C., is dead.

—A new saw mill has been built at Norland, Ont., by Stephens & Argue.

—Brown & Lamb, lumber dealers, Orford, Que., have registered partnership.

—Jacob Lawrence & Sons are erecting a new saw and stave mill at Watford, Ont.

—P. Genelle & Co. are moving their lumber yard from Nelson to Greenwood, B. C.

—Charles Macpherson, of Orillia, Ont., is in the market for 10,000 cords of stave bolts.

—The firm of Wells & Smirl, saw mill owners, Central Park, B. C., has been dissolved.

—Gordon & Son, of Wallaceburg, Ont., will likely rebuild the Selkirk mill next spring.

—The general store and saw mill of John Grant at Aberfeldy, Ont., is offered for sale.

—The Rathbun Company are reported to have purchased the Bronson saw mill at Bancroft, Ont.

—Frank Jones, of Kemptville, Ont., has invented a machine for the purpose of making boxes.

—The Collins Inlet Lumber Company have built a new boat, which is said to have cost about \$12,000.

—James A. Kelley, of Vinton, Que., is building a saw mill on Bernard Creek, in the township of Litchfield.

—The Wicker-Work Manufacturing Company, Limited, Barrie, Ont., has been granted a provincial charter.

—The McKee Machinery & Lumber Co., of Ottawa, Limited, has been incorporated, with a capital of \$15,000.

—The Magann-Fawke Lumber Company, Limited, has obtained an Ontario charter, with head office in Toronto.

—The Midland Box Shook & Planing Company have lately purchased the Cook property at Dollartown, Ont.

—Detroit capitalists are understood to have decided upon the erection of a large match factory at Windsor, Ont.

—Fulton Bros.' saw mill at Fingal, Ont., was destroyed by fire recently. The loss was \$5,000, with no insurance.

—Bucknam Bros., of Severn Bridge, Ont., are reported to have purchased a timber limit in the vicinity of Whitney.

—W. J. Rhodes is about to erect a saw mill for custom work on the eighth concession of Raleigh, Kent county, Ont.

—W. F. Barnhill, of Fairville, N. B., has removed his shingle mill to Canterbury, where it will be operated all winter.

—A. McPherson & Company, of Longford Mills, Ont., have built a shingle mill about four miles south of Ravensworth.

—The incorporation is announced of the Yale Columbia Lumber Company, of Greenwood, B. C., with a capital of \$500,000.

—H. F. Eaton & Sons have repaired one of their saw mills at Milltown, N. B., which has been closed down for two years.

—Goodwille & Page, saw mill owners, Fonthill, Ont., have dissolved partnership, Mr. Goodwille continuing the business.

—It is reported that a Lindsay firm has purchased a site at Norland, Ont., with the intention of erecting a water power saw mill.

—W. D. Mace, of Tamworth, Ont., has completed a new saw mill, fitted with machinery supplied by Madison Williams, of Port Perry, Ont.

—J. D. Sowerby, of Oak Bay, Que., is putting up a mill at Point Le Garde, and intends operating a rotary and two shingle machines.

—The Conger Lumber Company intend to thoroughly overhaul their mill at Parry Sound and to put in machinery

of the latest design, including a band saw. Electric lighting will also be introduced.

—The Beaumont Mills Company, of Beaumont, N.W.T., has been incorporated, and will operate grist and saw mills. The capital is \$4,000.

—It is understood that the mill of the Digby Manufacturing Company at Digby, N. S., which was destroyed by fire in October, will be rebuilt.

—The Laing-Ritchie Company, of Essex, Ont., have decided to establish a factory in Chatham. They manufacture handles and bent goods.

—T. F. Cockran and J. H. Stevens are building a flour mill at Edmundston, N. B., and it is reported that they intend putting in some shingle machines.

—The Victoria Harbor Lumber Company are said to have decided to erect a new saw mill this winter at Victoria Harbor, Ont., to contain two band saws.

—A saw mill at South River, Ont., formerly owned by the late S. McAdam, has been purchased by W. A. Connolly, who will run on custom work this winter.

—James Playfair & Company, of Midland, Ont., have purchased additional water frontage, and it is stated that a new saw mill will be erected on the property.

—The machine wood-workers in connection with the different saw mills and wood-working factories in Vancouver, B. C., are taking steps to form an association.

—The Parry Sound Lumber Company purpose making very extensive improvements to their mill at Parry Sound, and it is said that a wood-working factory may also be built.

—It is rumored that Munro & Ebert, who are now operating on the old Howry limit at Bay Finn, are considering the erection of a saw mill in the vicinity of Little Current, Ont., next year.

—The Hunting saw mill property at Huntingville, Que., has been purchased by F. Laroche & Company, of Coaticook. It is said that the new owners purpose putting in some pulp wood barkers.

—The new saw mill under construction at Kamloops, B. C., by John Shields will be completed at an early date. The mill will be two stories, 30 x 165 feet, with a capacity of 30,000 feet in ten hours.

—It is announced that McLaren & McLaurin, of East Templeton, Que., have bought a timber limit on the Coulonge river, and that they intend building a large addition to their saw mill this winter.

—Millers' Tanning Extract Co., of Millerton, N. B., make on an average 325 barrels of hemlock extract per week. Forty-five cords of hemlock bark are consumed daily in making the extract.

—J. J. Long, of Collingwood, and Alexander McDougall, of Duluth, are making arrangements to establish a modern ship-building plant at Collingwood. The ratepayers have been asked to grant a bonus of \$50,000.

—Two cases of tamarac gum were recently shipped to England by Thos. Southworth, clerk of forestry for Ontario. If found satisfactory, it is expected that there will develop a considerable trade in this commodity.

—Negotiations are believed to be in progress between British importers and Canadian manufacturing firms looking to the manufacture on an extensive scale of broom handles, wash boards, etc., for the British market.

—The Department of Interior at Ottawa want bids by Monday, December 4th, for a license to cut timber on berth No. 867, comprising eight square miles adjacent to English Lake and Lake Winnipeg, in the province of Manitoba.

—G. A. White, A. E. Connell, J. S. Creighton, and John Donnelly, of Woodstock, and Geo. W. Upham, of Fredericton, have organized the Meduxnikik Lumber Co., Limited, with a capital of \$10,000 and head office in Woodstock, N. B.

—T. A. Cuddy, of Minnedosa, Man., one of the most widely known retail lumber dealers in the west, has sold his lumber business at that place to J. F. Boyd. It is reported that Mr. Cuddy has purchased an interest in a lumber mill on the coast and will reside there in future.

—The Metegama Lumber Company, Limited, has been incorporated, with a capital of \$100,000 and directors as follows: W. J. Sheppard, Waubashene; Angus McLeod, Bracebridge; J. J. McNeil, Toronto; Geo. McCormack and T. H. Sheppard, Orillia. The head office will be in Orillia.

—The "White" mill of the Longford Lumber Company at Gravenhurst, Ont., was operated steadily this season from the 15th of July to the 31st of October, sawing 8,000,000 feet of lumber. The mill contains two Prescott band mills manufactured by the Wm. Hamilton Company, of Peterborough.

—Official reports sent out by the forestry division of the Department of Agriculture, the Mississippi Valley Lumberman says, show that the entire standing timber supply of the United States is in round numbers 2,300,000,000,000 feet, and that the annual cut is 40,000,000,000. Therefore, the entire lumber supply of the country will be extinct in fifty years. As about half of the whole supply is on the Pacific slope, all the available timber east of the Rocky Mountains will have vanished in about thirty years.

—Riendeau vs Chambly Manufacturing Company was a case heard in Superior Court at Montreal. The plaintiff was proprietor of a flour and saw mill at Richelieu, opposite Chambly, and alleged that the defendant had not furnished the power agreed upon, for which he claimed damages. The defendant pleaded that if the power was not furnished in time it was because the plaintiff was not ready to receive it; further, that his building was too cold and that if he suffered loss and damage for want of the power which defendant could have furnished, the damages did not exceed \$500. The court decided that plaintiff was entitled to the sum of \$5,426.28, for which judgement was given.

PERSONAL.

On October 25th the marriage took place of Capt. J. J. Sharples and Miss Florence White, of Quebec. The groom is a son of the late Chas. Sharples, and a nephew of Hon. John Sharples, M.P.P.

Mr. E. C. Grant, manager of the Ottawa Lumber Company, left for Europe on November 13th, sailing from New York by the steamer Oceanic. Mr. Grant will be absent until about the middle of January in the interests of the European business of his company.

Mr. J. W. Blair, of Orillia, who has been purchasing agent in Ontario for McCaffery & Farwell, of Oswego, buyers of telephone poles, has resigned his position, to become secretary of the Spanish River Pulp & Paper Co., a concern recently organized to build pulp and paper mills on the Spanish river.

Hon. J. A. Cockburn, Agent-General for the British colony of South Australia, was a recent visitor to Toronto. Mr. Cockburn attended the Trades Congress in Philadelphia, and came to Toronto with the view of advancing the commercial relations between the Antipodes and the Dominion. His place of residence is London, England, where he occupies an exactly similar position as the High Commissioner for Canada.

Mr. E. F. Stephenson, Dominion Crown Timber Agent, with headquarters at Winnipeg, has returned from the Yukon, where he went to inspect the Crown timber offices located at Dawson. Mr. Stephenson says that the government is pursuing the policy of reserving all timber upon gold-bearing streams for the use of miners. The timber is all spruce, and the logs run from 12 to 24 inches in diameter. Mr. Stephenson will make a report to the government.

THE HASTINGS SHINGLE MANUFACTURING COMPANY.

A similarity of names caused us to refer in our October issue to the late Archibald McNair as head of the Hastings Shingle Manufacturing Company, of Vancouver, B.C. This was an error. The Hastings Shingle Manufacturing Company is composed of Messrs. James A. McNair and Robert McNair. The company are manufacturers of red cedar shingles, lumber, etc., with mills at Vancouver and Hastings, in British Columbia, and at New Whatcom and Goshen, in Washington. The daily shingle capacity is 600,000, and the dry kiln shingle capacity 6,000,000. The head office of the company is at 432 Westminster avenue, Vancouver. The late Archibald McNair had but one mill, located at Hastings, B.C.

The November Cosmopolitan will bring pleasant recollections to the millions who saw the recent Dewey celebrations in New York, and will give other millions the first adequate idea of those remarkable days. It contains a very fine collection of pictures of scenes in the metropolis when the Admiral was welcomed home.

TRADE NOTES.

The Lillie foundry at Perth, Ont., has passed into the hands of the James Bros. Foundry Company.

The Ottawa Saw Works Company are introducing new capital into their business. A joint stock company will be formed, and in all probability new works will be erected in Hull.

The Lloyd Manufacturing Co., of Kentville, N.S., have shipped a saw mill outfit to the Indian Reserve Agency, North-west Territory. Trial shipments of saw-milling machinery are in prospect to Newfoundland and Australia.

The Waterous Company, of Brantford, last month shipped to the Keewatin Lumber Company, at Keewatin, Ont., a No. 3 Allis band mill, with No. 2 Reliance log carriage, four head blocks, and a No. 1 extra heavy friction feed works.

Mr James W. Woods, manufacturer and agent for lumbermen's supplies, Ottawa, has decided to erect a five story building in that city. The basement will be used as a store room for heavy goods and the offices and show rooms will be situated on the first floor, while the second and third will be used for storage purposes. The fourth and fifth stories will be fitted up as a factory.

We were pleased to notice above the entrance to No.

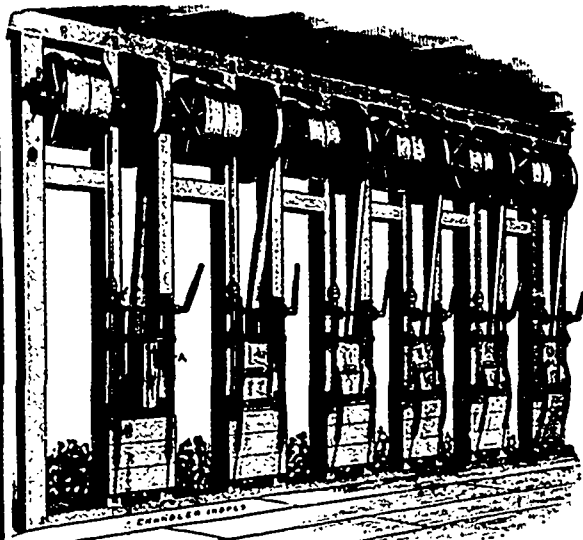
30 Wellington street east, Toronto, a sign bearing the familiar name of F. E. Dixon & Co. Enquiry elicited the fact that Mr. F. E. Dixon, who was for many years engaged in the manufacture of leather belting in Toronto, has resumed business in the same line. The firm have been appointed agents for Messrs. S. E. Norris & Co., manufacturers of leather and leather belting, London, Eng. (established 1775). Mr. Dixon reports that some of his old customers have already found their way back to him, and he hopes to see others, in addition to many new ones.

A recent issue of the Galt Reformer contains an account of an oyster supper tendered to their employees by Messrs. James Warnock & Co., of that town, the well known manufacturers of lumbermen's axes, cant hooks, peevies, etc. The event is regarded as one of the most significant which has taken place in that town, marking the cordial relations existing between capital and labor. Fifty-five years ago the business was established. It is now one of the most progressive in Canada, employing about one hundred hands, some of whom have been in the employ of the company thirty years, and many of them over twenty years. Mr. James Warnock, the head of the firm, died last year, and the business of the firm was placed in the hands of Mr. F. H. Hayhurst.

"WANTED AND FOR SALE"

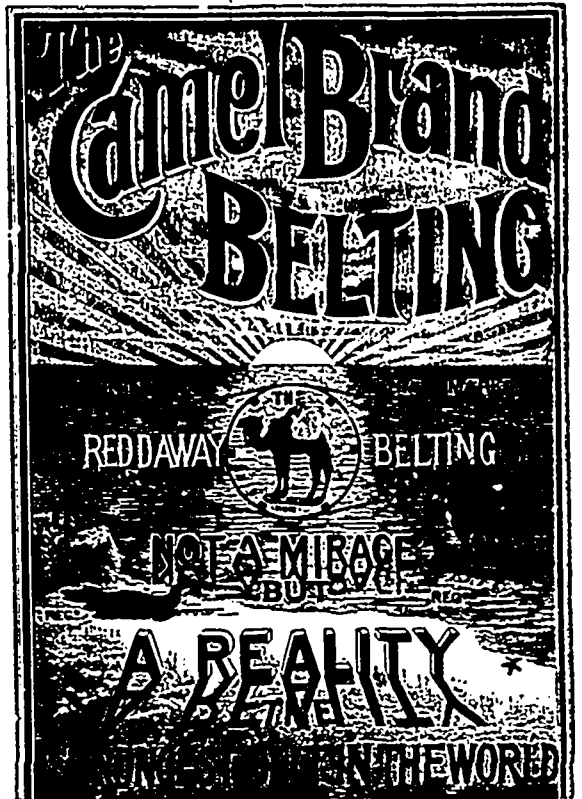
Persons having for sale or wishing to purchase a particular lot of lumber, a mill property, timber limits, second hand machinery, etc., in fact, anything pertaining to lumbering operations, will find a buyer or seller, as the case may be, by placing an advertisement in the "Wanted and For Sale Department" of the CANADA LUMBERMAN Weekly Edition. Testimonials to the value of this department by those who have given it a trial state that the results of advertisements were frequently better than anticipated. The cost is comparatively small. Mill owners might, with profit to themselves, make use of this method of advertising their stock to a still greater extent.

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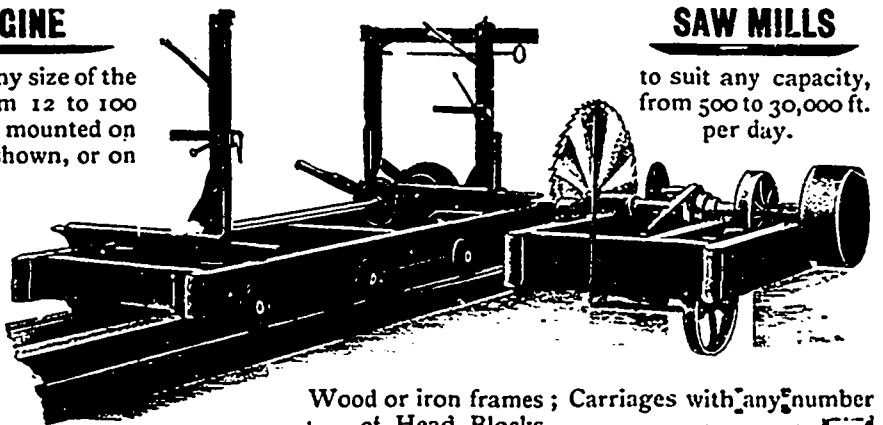
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WOOD PULP DEPARTMENT

MACHINERY FOR PULP MILLS.

With the development of the pulp industry in Canada there has arisen much interest in the question of mill equipment, and the relative merits of Canadian and United States machinery have been discussed. The Paper Mill, of New York, contends that for machinery to equip pulp mills, and for structural material for the building of such mills, Canada is almost dependent on the United States, and that the advance in the prices of iron and steel has been so great that the cost of structural material and machinery has been greatly advanced. This journal states that the new mills cannot be built in Canada at present nearly as cheap as they could have been built six months or a year ago, and that if erected they could not compete with some of the older mills which were built with less money.

The statement as to the increased cost of building pulp mills is probably in a measure correct, but that Canada is dependent upon the United States for machinery with which to build pulp mills is a statement to which we take exception. As a proof, we might point to the Masterman pulp mill at Chatham, N.B., which was built entirely of machinery manufactured in Canada. There are several large and responsible firms engaged in the manufacture of pulp machinery, and to some of these the CANADA LUMBERMAN submitted the statements published in the Paper Mill. Their replies will be found below :

AMHERST, N.S., Nov. 15, 1899.

DEAR SIR,—We do not think it is correct that Canada is almost entirely dependent, or to any extent dependent, upon the United States for pulp machinery, as there are a large number of concerns making this class of machinery in Canada. The large increase in the cost of iron and steel materials will no doubt increase the cost to some extent, especially for sulphite mills, which use large di-

gestors, etc., made of heavy boiler plate, which has about doubled in price.

The machines for mechanical pulp making have not increased in cost to any great extent. We manufacture grinders, wet machines, etc., suitable for mechanical pulp, and have not increased the price more than perhaps 10 or 15 per cent.

Yours truly,
ROBB ENGINEERING COMPANY.

LONDON, CANADA, Nov. 14th, 1899.

DEAR SIR,—Yours of the 11th instant to hand, in reference to pulp mill machinery. We are only interested in the manufacture of pulp digestors, such as shown by blue print enclosed, having made several of them for the Dominion Pulp Co., Chatham, N.B.

Yours truly,
E. LEONARD & SONS.

TORONTO, ONT., Nov. 22nd, 1899.

DEAR SIR,—With regard to the subject matter of your letter we may say that the word "machinery" is a very large one, as a pulp mill equipment includes a very large variety of different items of machinery. We presume that your enquiry has particular reference to the pulp mill machinery that we manufacture, and from this standpoint we shall be very glad to go into details.

With reference to the general subject, we may say that so far as we are aware, several firms in Canada are now manufacturing a considerable portion of the pulp mill machinery, and we may mention among these : The Wm. Hamilton Mfg. Co., Peterborough ; John Bertram & Son, Dundas ; and the Waterous Engine Works Co., Brantford.

As to the advance in price of iron and steel causing an increase in the cost of such machinery, that is undoubtedly true, but that this cost has arrested the tendency to proceed with the proposed pulp mill projects is not, we think, a well founded statement. In this particular, our general lines have been advanced in prices from 10 to 15 per cent., owing to the advance in cost of both labor and material, as the price of pig iron, bar iron and other raw material has practically doubled in the last few months.

Yours truly,
THE NORTHEY MFG. CO., Limited.

SHERBROOKE, QUE., Nov. 15, 1899.

DEAR SIR,—We do not agree with the statement quoted, viz., that for machinery to equip pulp mills Canada is almost entirely dependent upon the United States. A mill for the production of ground wood pulp can be entirely equipped by means of Canadian-made machinery, the only items necessary to procure from the United States being the stones for the grinders. Within the past three weeks we have prepared specifications for two ground wood mills, and with the exception of the stones for grinders as mentioned, every item will be built in Canada, or the product of Canadian firms.

It is true that for the latest practice in these lines we depend somewhat upon our observation of American methods, and some of the machines are built by us under the rights of American patentees and in strict accordance with plans furnished by them, but this does not alter the fact that it is possible to build a mill in Canada and equip it entirely with Canadian-made machinery ; in fact, we think the Canadian paper trade, as well as the pulp manufacturers, have abundant opportunity for putting the matter to the test, as pulp mill machinery is manufactured to a greater or less extent by the following Canadian firms. John Bertram & Sons, Waterous Company, E. Leonard & Sons, Robb Engineering Co., Carrier, Laine & Co. I. Matheson & Co., Richard Smith, Polson Co., and there may be some others that escape our notice at the moment, who are engaged in this line of manufacture, in addition to ourselves.

With regard to soda pulp mills the foregoing holds good, but with sulphite mills the case is somewhat different, although in the main the statement holds good. With the exception of some of the patented digester linings and special apparatus in connection with sulphite plants, the bulk of the items of plant for such equipments is manufactured in Canada, or will be built to specification by Canadian manufacturers. In cases under observation where machinery for pulp mills has been procured from the United States, it has seemed to us more the result of the influence of American directors of the companies concerned than any great difference in the merits of Canadian and American machinery.

The cost of materials has compelled an increase of prices ranging from 10 to 25 per cent. or more on all classes of machinery, but in our observation it has not resulted in any postponement or deferring of proposed pulp mill projects in this country. We have as many inquiries and orders under way in this branch as we had a year or so ago, if not more, and the tendency seems to be to place orders for immediate construction in anticipation of a further rise in the price of materials.

With reference to late improvements in machinery, we might refer to the new type of grinder made in the United States by the Ticonderoga Machine Works, Ticonderoga, N.Y., under the name of the Cedar Point Foundry Pattern, and by us in Canada under the name of the Port-

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Henry grinder. Our American friends advise us of some very large orders filled by them for the International Paper Company, the latter company having adopted it for their new mills in various parts of the United States. We have also made improvements in the various details of our screens, presses and other machines, and increased our facilities for production. As regards power plants for this class of service, we have a large number of Crocker patent turbines installed and giving very satisfactory results in pulp and paper mill work throughout Canada, and are prepared to contract for the entire equipment of ground wood pulp mills, including the buildings, when necessary, erected and fitted, ready for operation. On the whole, we feel there is no good reason why Canadian pulp mill men should go outside of Canada for any portion of their equipment, so long as the facilities for obtaining machinery of latest design and thorough construction are so numerous as at present. Nearly every portion of Ontario and Quebec, as well as the lower provinces, are within easy shipping distance of some firm making this class of work a specialty to a greater or less extent.

Yours truly,
THE JENCKES MACHINE COMPANY.

The above letters, we think, prove that there can be obtained in Canada first-class machinery for the equipment of pulp mills, and wherever machinery can be obtained at home of equal quality to that produced in foreign countries, the home industries should be given the preference.

BRITISH IMPORTS OF PULP.

For the nine months ending September 30th, 1899, Great Britain imported 116,164 tons of mechanical wood pulp from Norway, 29,431 tons from Canada, 1,624 tons from Sweden, 694 tons from United States, and 3,795 tons from other countries. The total is 164,708 tons, and the value £411,918, or about \$12 per ton. It will be seen that Norway practically monopolizes the British market in mechanical pulp, although Canada is gradually forging ahead. Chemical pulp was imported into Great Britain during the corresponding period to the extent of 136,544 tons, of the value of £1,042,548, or about \$35 per ton. From Norway there were received 67,014 tons, and from Sweden 55,623 tons, all the other countries sending less than 26,000 tons. The shipments from Canada of chemical pulp, as compared with 1898, show a decline.

E. A. Bremner, managing director of the Imperial Paper Mills Company, Sturgeon Falls, Ont., is now on a visit to England.

EXTENSIVE PULP MILL FOR CANADA.

For some time it has been known that the Edward Lloyd Company, Limited, of London, England, have been looking to Canada as a promising field for exploitation. It is now reported that they have decided upon their venture, and that an extensive pulp mill will be erected on a site yet to be selected. The project is in the hands of Mr. John C. Morgan, of Niagara Falls, N. Y., who resigned as representative of the International Paper Company to accept this commission.

The company is understood to have options on four sites in Canada, two in the lower provinces, one north of Niagara Falls, and another further west. Mr. Morgan states that it is the intention at the inception to build a mill capable of turning out from 100 to 200 tons of pulp per day, and that water power of 50,000 horse power is required. It has been stated that the machinery for the mill has been ordered, but this report is denied. Early next spring it is expected that Mr. Frank Lloyd and his confidential agent, Mr. Neil Turner, will visit Canada for the purpose of completing final arrangements for the building of the mill.

PULP NOTES.

The Jonquier Pulp Company, of St. Dominique Jonquier, Que., has been incorporated, with a capital of \$40,000, to manufacture pulp and paper.

The Royal Paper Mills Company, of East Angus, Que., have decided to increase the capacity of their pulp mill, having put in two additional digestors and two new steam boilers.

The St. John Sulphite Fibre Company, of St. John, N.B., have closed a contract with an American paper manufacturer to supply 2,000 tons of pulp, to be delivered next season.

The ratepayers of Shipton have voted in favor of granting a bonus of \$10,000 to A. J. Morrill, of Nicolet Falls, Que., to assist in building a pulp mill. Mr. Morrill owns a water power with 55 feet head.

It is now stated that British capitalists are interested in the proposal to build a pulp mill in the Ottawa valley. It is said that the mill will be located in the neighborhood of Chelsea or Ironsides, on the Upper Gatineau, and that the machinery has already been ordered, but this latter report is not confirmed.

It is reported that an English house has made contracts in Nova Scotia for the supply of 25,000 tons of pulp, to be delivered next year. There seems little fear of the pulp industry in Canada being overdone, as it is said that the present output of pulp in Canada does not represent over three per cent. of the total requirement of Great Britain.

A number of the citizens at St. Gedeon, St. Bruno and Nebertsville, Que., are considering the advisability of forming a company to build a pulp mill on the Belle Riviere.

It is reported on reliable authority that land has been purchased on the Capilano river, near Vancouver, B.C., on which to build a large pulp mill, and that the timber on the Capilano Park Company's property has been sold to the projectors of the enterprise.

The Sissiboo Pulp & Paper Company, Limited, have taken over the mill of the Sissiboo Falls Pulp Company and purchased some 20,000 acres of timber land on the Sissiboo river and its tributaries in Nova Scotia. It is the intention to at once construct a dam at Sissiboo Falls and erect another pulp mill large enough to bring the combined output of the two mills up to 12,000 tons of dry pulp per year. Mechanical pulp will be manufactured. Both mills will be connected by an electric railway with the tidal waters of the Bay of Fundy at Weymouth Bridge, where there are good loading berths with 18 feet of water. Chas. Burrill, of Weymouth, N.S. is the promoter of this project.

A company has obtained from the Ontario government a concession of 2,000 acres of Crown land in the townships of Dugannon, Montegale, Carlaw, Raglan and Brudenell, along the Madawaska river. This property is said to be rich in corundum, and the company agree to spend \$100,000 in development work within the next three years. It is expected that a market for the corundum will be furnished by the pulp industry, which will use the mineral in the form of grindstones. Corundum is said to be superior to all other abrasives for use in pulp mills, but the great cost has in the past precluded its use, \$70 per ton being about the current value. But according to the Danish expert engaged by the above company, a plan has been devised by which it can be produced in the Madawaska district for \$14 per ton.

Incorporation has just been granted to the Spanish River Pulp & Paper Company, Limited, with a capital of \$1,500,000 and head office in the city of Toronto. The company is composed of: W. J. Sheppard, Coldwater; T. H. Sheppard, Orillia; John J. McNeil, Toronto; Geo. McCormick, M.P., Uptergrove; Wm. Irwin, Peterboro'; Chas. McCool, Ottawa; James Playfair, Midland; Wm. Lummis, Spragge; Marshall J. Dodge, New York; Angus McLeod, Bracebridge; and A. R. Creelman, Toronto. A valuable water power on the Spanish River has been acquired, and at this point it is proposed to build large paper and pulp mills. It is expected that contracts will be awarded at an early date for mill construction and plant, although active work may not be commenced before the early spring. Judging by the personnel of the company, this project gives promise of developing into one of the most extensive pulp and paper industries in Canada.

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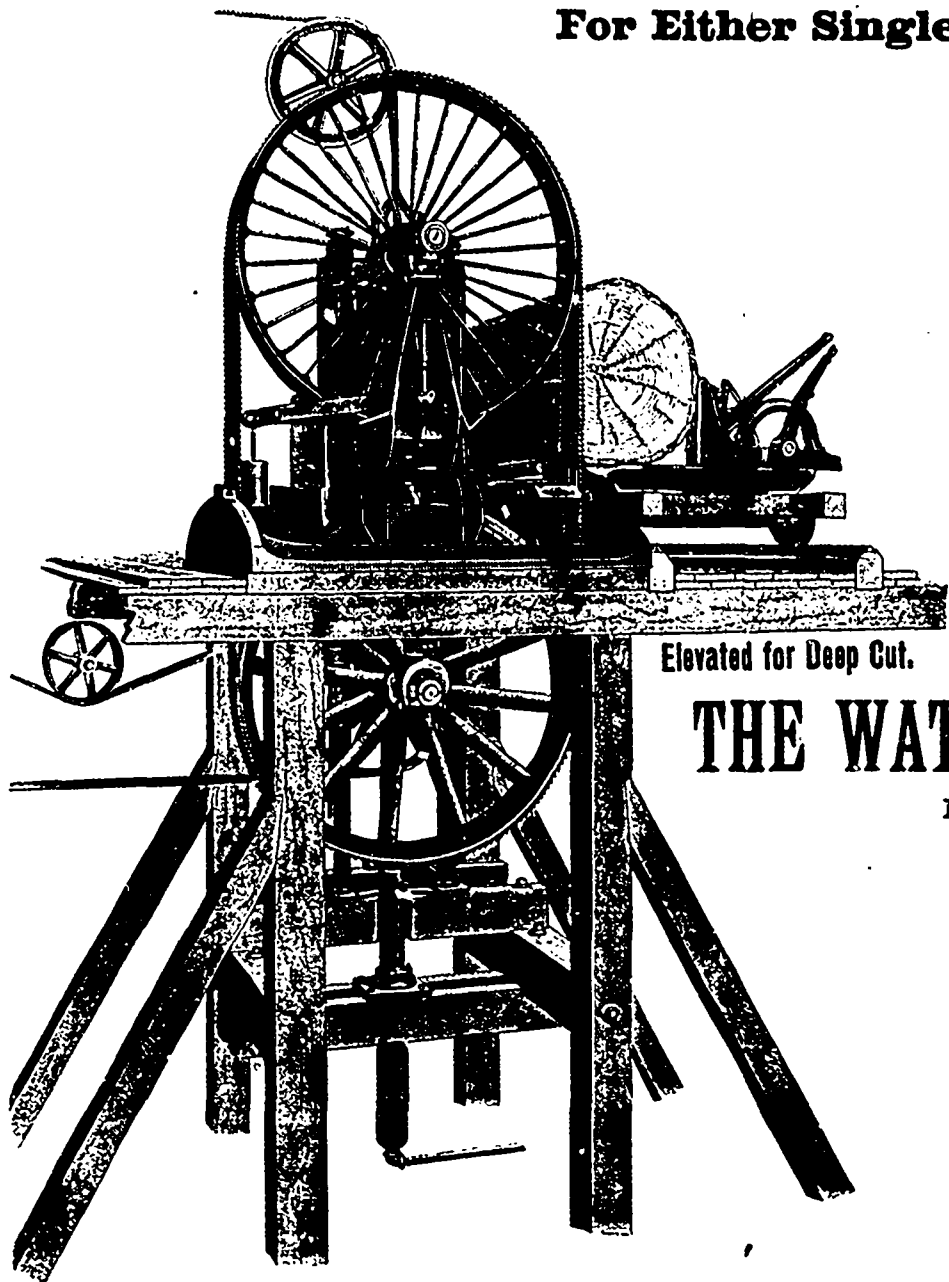
The vertical movement keeps the surplus length of saw blade below instead of above the log. The upper wheel acting as the guide, insures the greatest possible rigidity of the saw, enabling the saw to stand more feed than on the ordinary band mill.

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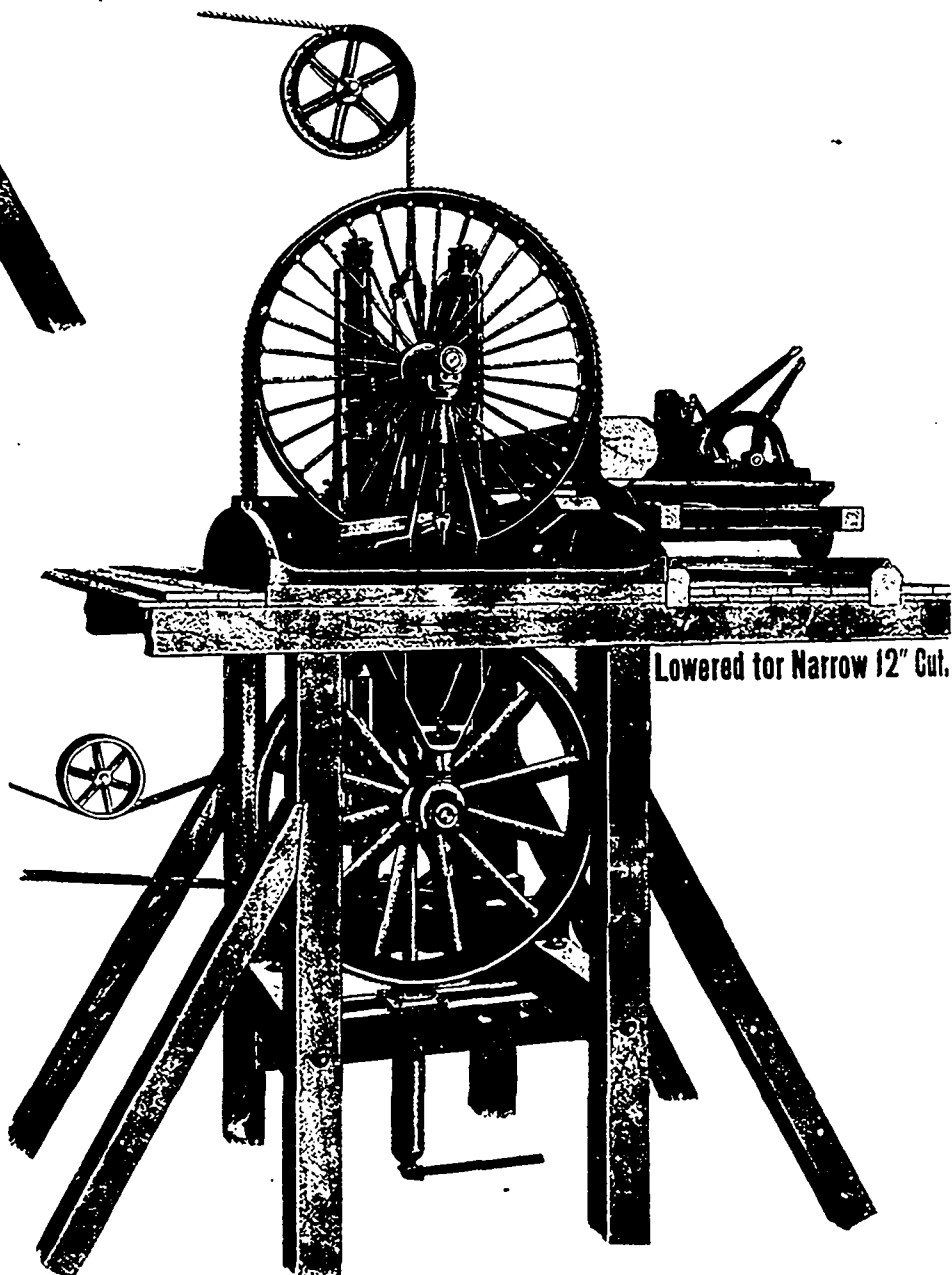
J. D. Shier, Bracebridge, Ont., has run this mill as a double cutter night and day all season, and verifies the above statements. He is more than pleased, says no one can afford to cut lumber with any other mill.

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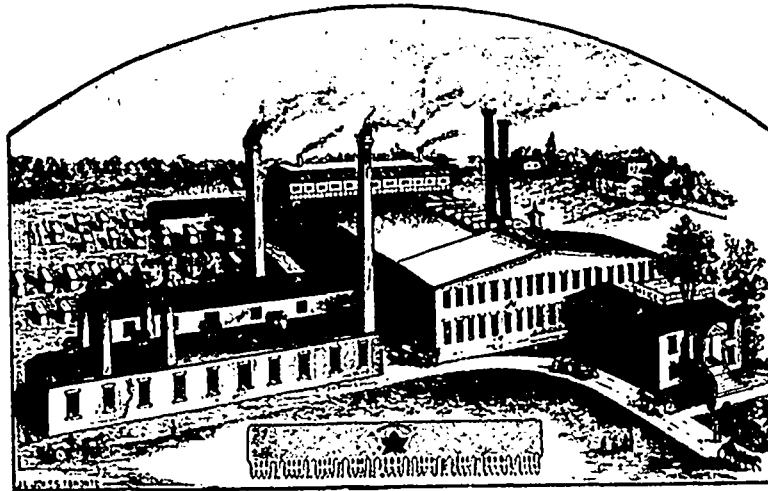
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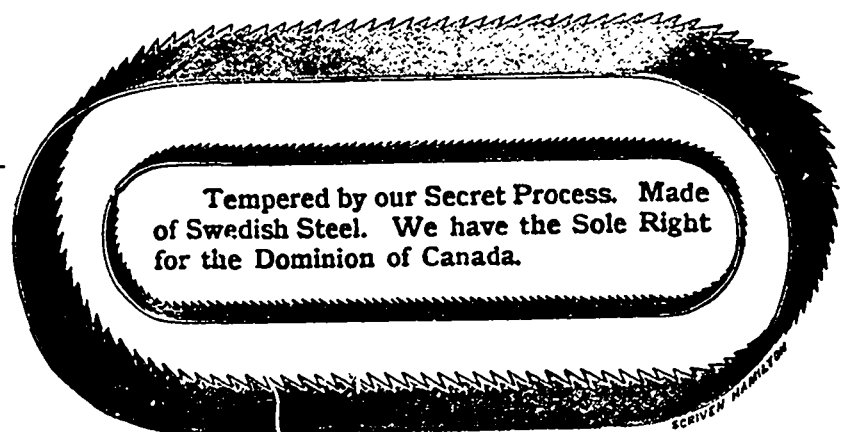
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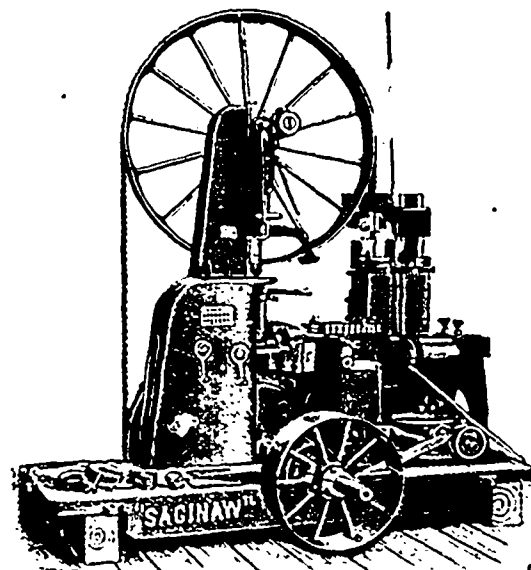
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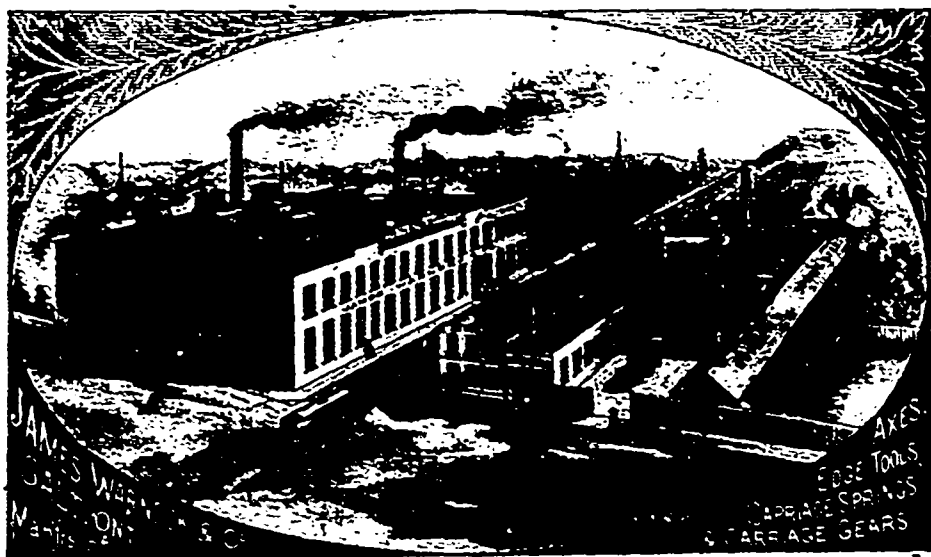
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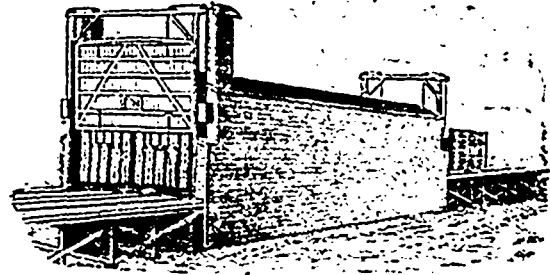
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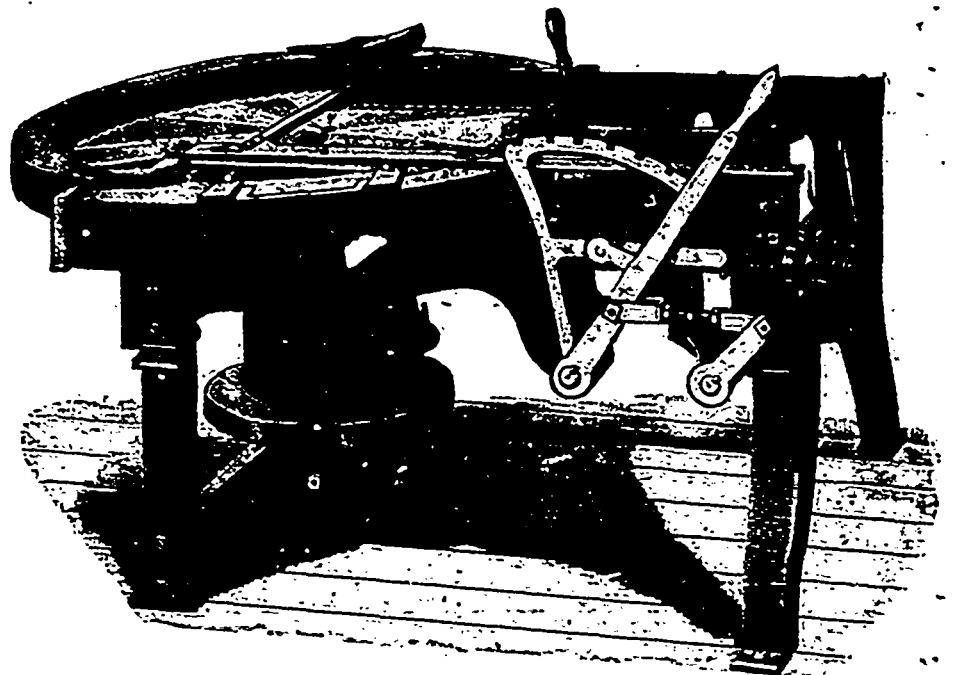
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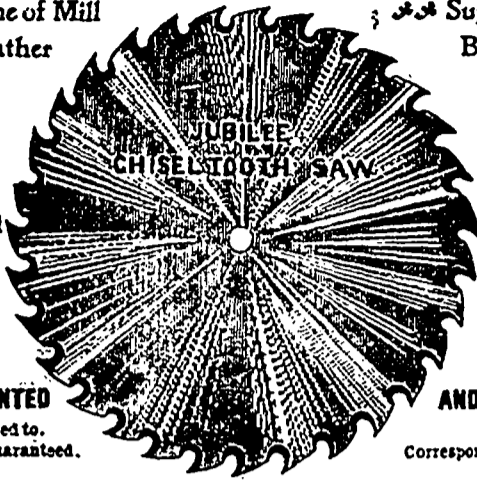
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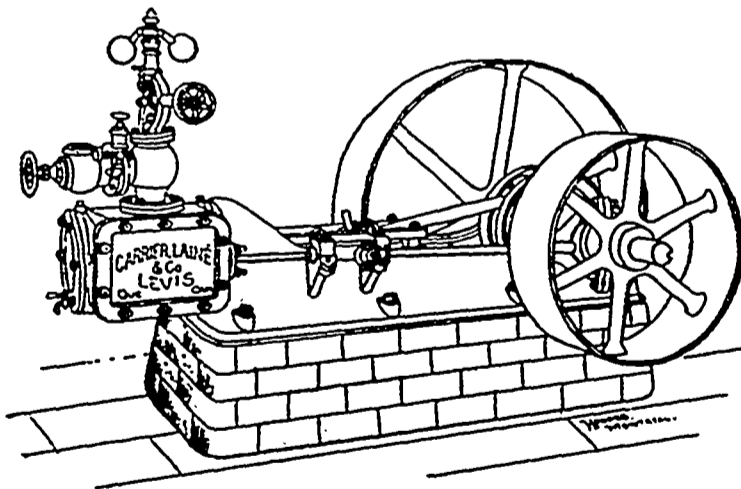
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