

**POLLUTION OF RIVERS.**

A bill has been introduced into the Ontario Legislature which is of interest to lumbermen, especially to those of the Ottawa River. We give the following report of the debate on the second reading of the bill as given in the Toronto Globe:—

HON. O. MOWAT, in moving the second reading of the bill respecting saw mills on the Ottawa River, said, in an Act of the Dominion Government, provision was made for preventing sawmill owners on damable streams and rivers from creating a nuisance by throwing out sawdust and other rubbish on such streams. This Act was not intended to conflict with that of the Dominion, but to secure an object that the Dominion Government could not deal with. The Dominion Act extended to the whole Province, and this Bill only dealt with the River Ottawa. This Bill did not propose that riparian proprietors should lose their rights to full compensation. The Government did not propose to go any further than to say that millowners should not be at liberty to throw their refuse into the river, but inasmuch as they got the benefit of the stream in that way there was no reason why riparian proprietors should suffer. So they proposed that

Wherever it is proved to the satisfaction of the Lieutenant Governor in Council, that it is in the public interest that the owners or occupiers of any saw mill situate on or near the River Ottawa or any of its tributaries, should not be prevented from throwing sawdust and mill refuse into the same, the Lieutenant-Governor in Council may by Order in Council, published once in the Ontario Gazette, declare the owners or occupiers of the saw mill to be entitled to the benefit of this Act.

In such case riparian proprietors or other persons shall, notwithstanding, be entitled to the same damages against the owners or occupiers of the saw mill, for any injury or damage sustained by such riparian proprietors or other persons by reason, or in consequence of, the throwing of sawdust or mill refuse from the saw mill into the said river or tributary thereof, as if this Act had not been passed; but shall not be entitled to any relief by injunction or in the nature of injunction.

This section shall apply whether the injury or damage is a continuing one or not, and whether the said riparian proprietor or other person is plaintiff in the action or is a defendant therein proceeding by way of counter claim, and shall apply to pending suits as well as to suits which may be hereafter brought, but the costs incurred in any pending suit shall be disposed of as if this Act had not been passed.

He supposed that there was no doubt that the Dominion Act upon this subject was reasonable and proper and in the public interest, and in dealing with the subject this Government went no further than was necessary.

MR. ROBILLARD pointed out that if the matter were represented to the Lieutenant Governor in Council by the lumbermen, there would be no difficulty at all, but he mentioned that after the spring freshets several of the farms along the river were bestrewn with sawdust and other refuse.

MR. MEREDITH said the Bill in its present shape struck him as being very objectionable, because it gave the Government power to restrain in a matter which might prove to be the destruction of a mill property; further, that it was retroactive legislation, and still further because it placed in the hands of the Executive the power which, in his humble judgment, ought not to be vested in it. What he suggested was that the power should be vested in the Courts.

HON. O. MOWAT said he would be extremely glad if the suggestion to place the matter in the hands of the Court could be proved to be a practical one. The application for such a measure came, quite irrespective of party, from a number of millowners, and he understood this to be the best way of providing machinery to accomplish the object in view. He read a number of documents showing the course that the Dominion Government had taken upon the matter, and showing that in their legislation the matter was left in the hands of the Governor in Council. He proposes, therefore, to follow the course of the Dominion authorities. It

appeared that the subject was of such a character that it would be difficult for the Courts to deal with it. Several of the mill owners had followed the instructions given by the Dominion Government; but others had not paid any attention to them.

MR. MEREDITH said the Act of the Dominion authorities did not deal with private rights.

HON. O. MOWAT said it referred to public rights, but to private rights too. He did not want jurisdiction in the matter at all, and if it was possible to avoid it he would try to do so, and before the House went into Committee he would see if there was any machinery by which the matter could be dealt with in the Courts. If there was he would leave it to them.

MR. MEREDITH said so far as the millowners were concerned the Dominion had power to deal with them, and the only question was as to riparian proprietors' rights in the matter, which he thought would be better left to the Courts. Here they were dealing with private rights.

HON. O. MOWAT said it was the public interest that requested it should be done.

MR. BASKERVILLE thought that the measure should be very carefully considered, in the interest of the millowners.

MR. YOUNG—I was very much at a loss to understand the meaning of the Bill when I first read it, because I recollected that for a great number of years the people of Ottawa had been making great efforts to get the Dominion Parliament to prevent the millowners putting their sawdust and refuse slabs in the Ottawa River. Again and again was the matter brought before the Dominion Parliament by the people, who said that the fish in the river were all being killed, and that the navigation was being impeded. Now it seems to me to be just opposite to the popular view to give increased facilities to the millowners in this direction. My own feeling was then, and is now, that the millowners get too much of their own way; a great deal too much to their own advantage and the public suffer. To my own mind there is no doubt at all that the people have a right to complain of the millowners putting their slabs and their other refuse in the river, but at Ottawa the millowners were powerful enough to prevent the Bill passing in its original state. I believe that it would be quite against the popular wish to give the millowners increased facilities in the direction that this Bill is aiming at.

HON. C. F. FRASER said it must be borne in mind that there would very probably be legislation in Quebec in the direction that this Bill was aiming, and it would be a hard thing if the Quebec millowner could put his refuse into the river and the Ontario millowner could not do so. Then they must look at the question of a conflict of jurisdiction arising, which it was very desirable to prevent.

HON. T. B. PARTEE said a deputation had waited on the Government. When the representatives were asked why they did not burn the sawdust they replied that they could not. It seems that this had been inquired into, and a commission appointed to see if the sawdust and the other refuse could be burned. The commission reported that it could not be consumed, as the mills on the Ottawa were run altogether by water power. So important did the Dominion Government consider the results of the commission that an order in Council was issued relieving the mills from providing some means of consuming their sawdust.

MR. YOUNG said he did not think it ever had been contended, as well as his recollection extended, that the millowners could dispose of all the offal or refuse so as to carry out the Act to its entirety, but he never heard that the mill owners could not do without putting their sawdust in the river. It was a matter of expense to them, and they were not willing to spend the money. With regard to relaxing the Order in Council the millowners were a very powerful body. They could go to Ottawa with large deputations, and the result was that the popular interests had to give way to their wishes. He feared that the millowners having failed to get what they wanted at Ottawa had come here to get the matter better fixed. He thought the millowners should be compelled to dispose of their refuse as not to destroy one of the finest rivers in Canada.

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MR. WHITE objected to give the millowners the right to put their sawdust in the river. He thought the legislation ought to be delayed until the other side had been heard from.

MR. WOOD considered that the interests of the riparian owners had been too much considered and that of the millowners too little.

MR. BASKERVILLE thought it was utterly impossible for the millowners to keep all of the sawdust out of the river.

MR. KERR said the mills were so situated in some places that the sawdust could not be got at and he did not know that it did much damage.

The Bill was read the second time.

THE Campbellford Herald says:—The managers of Gilmour & Rathbun shanties report an excellent crop of saw logs. The getting out was wonderfully pleasant and the drives will be large. Look out for lively times on the river

**A Safe Business.**

"Father," he said, as he looked up from the paper, "there were 348 commercial failures last week."

"No?"

"That's what the papers say."

"Great Scott!"

There was silence for the next five minutes, and then the old man knocked the ashes from his pipe and remarked.

"Three hundred and forty eight, eh! Just exactly what I counted on when I stopped you from going into the mercantile business and put you into a saw mill. A saw mill is swabbin' that can't fail once in fifty years, and when it goes the law gives you the mill dam, and you can steal all the saws from the creditors."—Wall Street News.

If you have catarrh use the surest remedy—Dr. Sage's.