

# Weekly Messenger

AND TEMPERANCE WORKER.

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## The Weekly Messenger.

### IMPORTANT JUDICIAL DECISION.

A famous lawsuit from Ontario has just been decided by the Judicial Committee of the Privy Council—the highest court in the British Empire. The decision has a bearing upon the dispute regarding Provincial rights between the present Dominion Government and the present Ontario Government. One McLaren had property on a stream bearing the pretentious name of the "Father of Waters"—the Mississippi. One Caldwell had timber land farther up the stream, but when he wanted to float down his timber the man below said he could not without paying him just what he chose to charge him. The man above applied to the law to compel the man below to let his timber pass. A statute of 1859, of Upper Canada, said that if a riparian owner, or the owner of a river lot, builds a dam across a stream "down which timber is usually brought," he must construct an "apron" or "slide" big enough to let logs pass down the stream. It also provided that "all persons may float saw-logs and other timber, rafts and craft down all streams in Upper Canada during the spring, summer and autumn freshets." In the case in question the point was what sort of a stream was meant in the statute. It must have been what is known in law as a "floatable stream." In both the United States and Canada the practice had always been to regard a stream as floatable which in times of freshet and with artificial improvements would carry timber. A decision in Upper Canada in 1863, however, disturbed this view of the question by setting forth, to the advantage of a slide owner, that "all streams" in the statute meant "only such streams as in their natural state will, without improvements, during freshets, permit logs to be floated down them." With faith in that decision McLaren, the down-stream man, obtained an injunction from the Provincial Court of Chancery to restrain Caldwell, the up-stream man, from using the improvements on the Mississippi in its course through the former's territory. Appeal was taken by the up-stream man to the Supreme Court of Ontario, which reversed the Chancery judgment. Then the down-stream man appealed to the Supreme Court of the Dominion, which upheld his claim. At last the up-stream man went to the fountain-head of British justice, and has just obtained a decision in his favor carrying costs from the Judicial Committee of the Privy Council. This decision affirms the public's right to the use of all streams definable as "floatable" under the broadest possible construction. It is incidentally, also, a victory for Provincial rights as opposed to certain Federal claims. With the Caldwell-McLaren trouble in view the Ontario Government had a law passed called the "Streams Act," designed to regulate charges that riparian owners might make for improvements on streams, and to enable them to collect the tolls so established. This measure was disallowed by the Do-

minion Government as being an unconstitutional interference with private rights. But under the decision of the Privy Council owners of riparian improvements must suffer yet greater injury in the absence of any law to enable them to obtain any compensation for improvements. Therefore it is not likely that the Dominion Government will continue the struggle against the Provincial Government in this matter, more especially as only recently federal claims of exclusive authority in the matter of liquor licensing were overthrown by a decision of the Privy Council.

### THE DOMINION PARLIAMENT.

The bill respecting the Central Ontario Railway passed after a protracted discussion.

Salaries of official reporters of the House debates were raised to \$2,000, and they are to be considered employed all the year round as well as during the session.

By a return brought down it appears the enormous quantity of 5,720 bottles, or 10½ barrels of sixty gallons each, of liquor was dispensed as "medicine," by "doctors' orders," in Halton county, where the Scott Act is in force, last year. We have no doubt the respectable portion of the inhabitants of Halton will take steps to prevent this species of evasion of the law by the connivance of dishonorable doctors and druggists.

An amendment to the weights and measures bill was passed, to compel persons packing meat, fruit or other articles of food to stamp on each package the weight of contents.

During the voting of supplies Sir Charles Tupper said a provisional arrangement had been made so that the contract for Pullman car service on the Intercolonial Railway should end in August, 1885. Mr. Mills complained of too many officials looking after the Indians in the North-West while the Indians were said to be dying of starvation.

Different labor organizations have been petitioning in favor of preventing Chinese immigration into Canada.

Mr. Macpherson moved the Senate into committee on the amendment to the Canada Temperance Act to provide against the obstruction to its working in counties that have adopted it in the Lower Provinces. The Act provided that it should be brought into force a certain time after the expiry of existing licenses in any constituency that adopted it. In none of the Nova Scotia counties, nor a number of the New Brunswick ones, had any licenses existed for years. On that account it was held that the Act could not as it stood be brought into force in those counties, and the Supreme Court of Nova Scotia in a recent decision sustained this view. During the debate in the Senate Messrs. Dickey, Almon and Kaulbach, of Nova Scotia, distinguished themselves by bitter attacks upon the Act which has not failed to be carried by overwhelming majorities in every county in their Province where it has been submitted. Mr. Carvell, too, of Prince Edward Island, went against

the known sentiment of the respectable people of his Province by declaring that the state of things existing there since the introduction of the Scott Act was lamentably worse than ever before. He knows well enough, but it does not suit him to say, that there were ample reasons outside of the Act for its poor working in his Province up to a recent period. It cannot, either, be unknown to him that, notwithstanding the Act was not half enforced it yet had the result of reducing the consumption of liquor over the whole Island, as proved by Government returns, by one-third. Mr. Dickey tried to murder the Act by moving on a amendment that three-fifths instead of a majority of the votes polled, should be required to give effect to the Act. This was lost by a vote of 25 to 27. Then Mr. Almon moved in amendment that the dealing in ale, porter, lager beer, cider and light wines, containing not over 12 percent of alcohol, be exempt from the operations of the Act. This was a still more foul attempt upon the measure, and it met with a slightly heavier defeat, being rejected by a vote of 28 to 31. The main motion was then carried.

By the report of the Minister of Inland Revenue, out of 1,243 samples of food and drugs officially analyzed during the year, 303, or about 24 percent, were adulterated or doubtful. The largest adulteration was in spices, being 64 percent. Sugars were all found pure. The most dangerous adulteration was drugs, milk and liquor.

\$30,000 was voted to investigate the navigation of Hudson's Bay.

In the public accounts committee a lively discussion occurred over an item of \$65,000 paid during the year for labor about the grounds of the Parliament buildings. It is said that two thousand dollars would almost cover all the visible improvements made under the expenditure of the above large sum.

### THE EGYPTIAN BUSINESS.

There is no recent fighting to report from the Soudan, but trouble seems to be storing up for the defenders of Khartoum. It was said a few days ago that the Government had advised General Gordon to evacuate Khartoum. The Haddendowa tribe, reinforced by survivors of Osman Digna's army, were investing Kassala a week ago from date, and later the rebels were reported to be massing at Shendy. Kassala is about midway between Khartoum and Massowah, the latter being on the Red Sea. A straight line east and west would run through the three cities. Khartoum is a little under, and Massowah a little over 200 miles from the central point, Kassala. Shendy is about a hundred miles in a straight line running north-east from Khartoum and a quarter of that distance more by the course of the Nile. Berber, along the same line and by the almost straight course of the Nile, is about a hundred miles below Shendy, which is therefore about midway between Khartoum and Berber. It will be seen by this that General Gordon is threatened from the north and the east by

more or less organized hostile forces. At last accounts there was telegraphic communication between Cairo, the Egyptian capital, and Berber, but no message could pass between the latter place and Shendy. It is said that Zobeir Pasha, who lately refused an offer of the Governorship of the Soudan, has offered to remain a hostage at Suakim for General Gordon and will send his son to extricate General Gordon if the Government restores to himself the property plundered from him. A report of the same date was to the effect that there was peace at Kassala and communication between it and the interior. The *Pall Mall Gazette*, organ of aristocratic Liberal sentiment in England, says Egyptian affairs are fast drifting into anarchy and through anarchy into annexation or war, or both. "England must undertake the administration of Egypt," it says, and, "It will be a terrific burden, but the country must shoulder it manfully." It urges the Government to assist General Gordon to establish at Khartoum an independent state under his sovereignty, and to tell him that "England no longer considers the Soudan a part of the Ottoman Empire." In the House of Lords Lord Granville said the Government was not prepared to send a military expedition for the relief of General Gordon, and that the latest advices from him were reassuring. In the Commons Lord Hartington said it was not advisable to state the measures contemplated by the Government for the defence of the Nile Provinces. Mr. Gladstone, although ill, won another great oratorical triumph in Parliament on Thursday of last week. Upon the Government taking up the franchise reform bill, the Conservatives brought forward a demand for more information about the Egyptian situation. Mr. Gladstone retorted in one of his most tremendous efforts, turning the defence of the Government into an attack upon the Opposition, which he charged with deliberate obstruction to public business by means of frivolous requests for explanations of the foreign policy. So great was the effect of the speech that arrangements planned by the Conservatives for a prolonged discussion of Egyptian affairs suddenly broke down, the debate collapsed and the reform measure was quietly proceeded with.

### THIS PAPER

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THE POLICE MAGISTRATE of Toronto has committed for trial, on the charge of conspiracy to overthrow the Ontario Government, Wilkinson, Meek, Kirkland and Bunting. Kirkland fainted and was carried out of court.