

Maurais and seven others of whom two belong to the Christian Brotherhood and one or two others are theological students, obtained writs of injunction to restrain Messrs. Gilmour & Co. from cutting timber on a dozen lots of land on the south range of the township of Egan, some of the most richly timbered lots in the limit. The complainants based their demand on location tickets obtained from the Crown Land Agent at the Deser in the month of April previous. These lots were within the boundaries of a timber berth, then and now held under license by Messrs. Gilmour & Co., and were also within the boundaries of the forest reserve. The petitioner alleged that they had had the lands inspected by a bushranger and they filed the report in which he stated that there was a large quantity of merchantable pine growing on the lots and that about 35 per cent of the land was fit for cultivation.

Being consulted by Messrs. Gilmour & Co., I gave it as my opinion that, as the law said the land in the forest reserve could not be sold for settlement the location ticket was null; but foreseeing that there would probably be an expensive batch of law suits I told my clients that in a matter involving such serious consequence I would like them to take additional advice, and it was agreed to get the opinion of the Hon. Mr. Irwin, Judge of the Vice Admiralty Court of Quebec. Mr. Irwin was as decidedly as I was of opinion that the sale was null, and Gilmour & Co. had the right to cut the timber, and I accordingly contested the injunctions. It was admitted by the petitioners that the lots were within the boundaries of the forest reserve. At the hearing Judge Wurtell raised a question as to whether the act should be construed as depriving the Government of the power of selling or merely as giving directions for the observance of which they were responsible to Parliament, upon this point however I found a decision of the Privy Council which settled that question in our favour, but the judge discovered a technical reason on which he based a judgment in favor of the petitioners, viz., that as the Order-in-Council excepted from the forest reserve such lands as might hereafter, on the examination of competent and authorized persons, be found destitute of timber and fit for cultivation; this was a question of proof and therefore, although the lands in question were admitted to be clothed with timber, the sale was not null, although possible annulable on the seal of the Crown.

Mr. Irwin, as well as I, failed to see the force of this reasoning, and the cases are now before the Court of Appeal in Montreal.

The Ross Government had given notice that the location tickets would be cancelled, but Mr. Mercier refused to carry it out.

The saw logs, the marks on which the Rev. Mr. Paradis is accused of defacing, were not cut on the lots in dispute, but on other lands, and it is for taking these very same logs out on lots with respect to which there is no dispute that Messrs. Allan and John Gilmour have been arrested on a charge of larceny on the information of one of their vexatious litigants. And although I have heard of many strange cases I cannot recollect any case of a man being arrested for the larceny of property, off his own property, in his own possession. If there be anything in the facts above related to justify the opprobrium which certain journals have attempted to cast on Messrs. Gilmour & Co., I must confess I am unable to see it.

CORRESPONDENCE.

THE CHANGE OF EIGHTY YEARS.

MADAWASKA, N. B., August 10th, 1887.

To the Editor of the Canada Lumberman

DEAR SIR,—I begin to feel a streak of guilt for not reporting before this, but the fact of the matter is that there is so little new to report from these parts that I imagined that anything I could say would be insignificant.

In my travels a few days ago I chanced to fall in company with an old respected gentleman by the name of Clark, a resident of Andover, Victoria County, and was much interested in hearing him relate his experience as one of the pioneers of this Province. The old gentleman is now in his 88th year, but is still quite robust, and has a very retentive memory. Thinking that your readers might feel an interest in reading the reminiscences of the past eighty years as related to me, I will, as near as possible, use Mr. Clark's own words. He says:—

"Samuel Lee came out to this country from England about the year 1792, and located at Restigouche, where he engaged in the salmon fishing business. Shortly after he went back to the old country and brought out a few more with him, who also started in the same business. My father comprised one of the party. I was born in the year 1800.

"Alexander R. Ferguson was the first man who did any lumbering on the Restigouche. His lumber business at that period was considered large. He was also engaged in ship-building. Frank Peabody was the first man who shipped lumber out of the Miramichi. Then Gilmour & Rankin came from Glasgow and opened up a large business, and, strange to say, one Dick McLaughlin, who was formerly a hawser for Peabody, got into Gilmour & Rankin's good graces, and they employed him to get out lumber for them. He was freely supplied with money and for a time did well, but finally overshot the mark. His last year's operation was a noted one and excelled any of his previous efforts. He put forty span of horses and 150 yoke of oxen in the woods. On Christmas day he brought out all the horses from the woods and hired 60 span more, and loaded them up with 400 pounds

of corn meal, 300 pounds of pork, and 300 pounds of flour. When they got all ready for a start he mounted his grey charger with the Union Jack floating in the air, and called on the rest to follow. With three cheers they moved forward their long cavalcade for the camps. McLaughlin had forty parties in the woods, and in all they got out 60,000 tons of timber.

"My father was appointed a Magistrate, and for 20 years he had to tramp on snow shoes to Fredericton, a distance of about 300 miles, and report to the Government. He would take his pack of possessions, and sometimes he employed an Indian to go with him. I remember well going to Montreal 77 years ago, when only ten years old. I saw a little steamboat try to go through the rapids at Moson's Brewery. She was compelled to drop back five or six times and at last had to give up the attempt. One week after this five or six yoke of oxen were attached to it and succeeded in taking it through. This was the first steamer that ever ran the St. Lawrence. In 1832 I was there again, and saw a tug take two brigs through at once without the slightest trouble. In 1833, I, with some others, went up the Restigouche in canoes, and struck the Grand River which empties into the St. John. When we got to Grand Falls there were only two log houses with two old couples to occupy them; children there were none. From there we went to Tobique. I stopped at Murphree's, which at that time consisted of but four families. Not one stick of timber had been cut above this at that time, or above Grand Falls either, except at Baker Brook. John Baker had an old-fashioned saw mill those days which had dropped into his hands through marrying the widow of his deceased brother. The lumber and other product of this mill was floated down to Grand Falls, a distance of fifty miles, and from there hauled to Fredericton."

I shall intrude here and add the following taken from the Bangor Whig, which will, doubtless, be of interest:

"Mrs. Sophia Baker, who recently died at Fort Fairfield, at the age of 89 years, had a somewhat interesting history. Sixty years ago a party left the town of Moscow, in Somerset County, consisting of Nathan Baker, his wife Sophia Baker, and Mr. Simpson, for the purpose of lumbering on the river St. John. Their journey was through a wilderness country, a distance of two hundred and fifty miles. They carried their household goods in ten birch bark canoes, crossing lakes and carrying their canoes on their backs from river to river and from lake to lake, until they reached what is now called Baker Brook, on the north side of the St. John river, some six miles below Fort Kent. They were 15 days on the journey, having no other shelter than a tent. Some years after Mr. Baker's settlement the boundary question created considerable excitement, and as he lived on the disputed territory he naturally became very much interested in it. He and his wife believed they were on United States land, and Mrs. Baker was determined to stand by her supposed rights. On the approach of Independence Day she went a long distance in a canoe to procure material for a flag, and with her own hands fashioned a banner bearing the stars and stripes of her beloved country. When the fourth of July came she flung it to the breeze, notwithstanding the threats of her neighbors who were under the King. For this act Mr. Baker was arrested and confined in jail for a year, and the story is that when they came to arrest Mrs. Baker she drove them off with a broom. The boundary having happily been settled by the Ashburton Treaty, Mr. Baker was released, and with his wife continued to reside for many years at the place where they suffered persecution for the sake of patriotism. Mrs. Baker spent the last year of her life with her daughter, Mrs. Shcomb, of Fort Fairfield village. Several years ago ex-Governor John D. Long, of Massachusetts, wrote a poem on Mrs. Baker, suggested by an article in the North Star, entitled: "The Barbara Fritchie of Aristotoke."

Now we will again take up the thread of Mr. Clark's reminiscences where we left off. He says:

"I went to Fredericton and engaged to run a raft to St. John, and on the completion of this undertaking I joined on the first steamer that ever ran from St. John to Fredericton. If my memory serves me right this boat was known as the 'Old St. George.'

"Tom Gardner was then in his prime, and considered the strongest man in New Brunswick. I was well acquainted with him. We happened to meet one day in Indiantown, and he told me there were three Yankees who had sent him a challenge to wrestle, one at a backhold, one at collar and elbow, and one at arms length. He had accepted the challenge and invited me then to accompany him. I went with Tom to the place chosen, and as quite a large crowd gathered. When the Yankees saw Tom they asked if he was the man to face them. He said he was. They told him to step out, and a large raw-boned Yankee, looking as smart as a steel trap, stepped back and looked at Tom, and said: 'Well, I guess that will do me,' and the rest dared not take hold of him.

This little experience had the effect of putting a stop to any further crowing on the part of the three worthies referred to. Why I have seen Tom Gardner take a barrel of flour under each arm and walk off with them without a struggle.

"In the year 1825 I was present at the laying of the corner stone of the new Government House. After the deposits had been placed into the hole in the stone cut for the purpose I threw in a seven-pence half penny, commonly called a yorke-shilling. Then Sir Howard Douglas took his wife's hand and kissed her, then assisted her to lay the stone. About this time was issued about the first paper money I had ever seen. It was handed me as part payment for wages. I asked what it was and was told paper money. I showed it back and told the man that I would not take anything else but gold or silver, and I got it too.

"I worked on Tobique river in the year '23 for Mr. Greenlow, who was engaged in lumbering. No timber but red pine was allowed to be cut. Mr. Greenlow purchased ten tons of hay in Woodstock to be hauled to his camp, for which he paid the handsome sum of £3, or \$10, per ton. I remember seeing a fine white pine close to the stream, and intimated my intention of cutting it, when Mr. G. said no, it was worth £1 and red pine was worth £1.76; but towards spring I did cut it, and made five tons of timber out of it, all sound as a nut too. Whether he put it in or not I never knew.

In 1835 a company was formed, and several large mills were erected at the red rapids on the Tobique, but they failed and were soon destroyed. This was a death blow to Tobique. Sir John Caldwell also built extensive mills at Grand Falls, in which he sawed nothing but pine deals. He floated them to St. John and shipped to England. He had a large number of men in his employ, who settled above the Falls, many of whom are yet living."

The above brief history shows how rapidly our lumber resources are leaving us. I can recollect about 36 years ago I came to Madawaska, and at that time there was nothing but pine timber cut above the Grand Falls. Now, but little, if any pine timber is left, and nothing but small sized spruce. For the last few years Americans have taken the cream off of our cedar to manufacture into shingles on the American side. But at last it seems as if our Government had awakened—Rip Van Winkle like—from a long sleep, and discovered that there was an export duty on cedar, and had made up its mind to enforce it. But how are they going to do it? As I mentioned in a former communication it is simply folly to tax cedar logs at the rate of \$1.50 per cord of 128 cubic feet, instead of cutting the same into shingle bolts on the Canadian side and taxing the same as so much per cord. Now I suppose Brother Johnathan with our Ministers' consent, will have our cedar for telegraph poles, posts, wharfing, etc., as usual free of export duty, for another year at least.

Where can be our officials' excuse for not collecting export duty on our spruce and pine logs? I suppose by the same token there is no duty on clapboard logs—its only on spruce and pine logs for boards. The wisdom (?) of our officials is something extraordinary.

Inside of 25 years our lumber business will be one of the things of the past, and we will have to import instead of export.

Yours truly,

P. O. BYRANE.

LONGFORD MILLS, Ont., Aug. 19.—Our mills are both running to their full capacity, 125 thousand per day. Bush fires in the vicinity of our limits in Longford are well under control. Fire has done a large damage in townships of Dalton and Rama, reducing many poor settlers to penury, sweeping away all their crop and buildings in many instances. Fully fifty families have suffered more or less in these two townships. LONGFORD LUMBER CO.

THE Montreal Herald attacks the lumbermen of the Province of Quebec with much asperity, accusing them of fraud, dishonesty, blustering and greed. It especially charges them with aiming at fixing for themselves the amount of the dues payable by them on mileage and stumpage. It remarks:—"The Government will not be doing their duty to the Province if they fail to secure a proper return for the immense quantity of timber that is yearly stripped from the public lands. The lumbermen are not fixing the amount of rental, but are protesting against an arbitrary increase of the amount already fixed. This amount has been considered to be stable, so that limit holders have been able to sell their property in the limit or pledge it as security to the banks, but those who have thus acted in confidence that the Government would observe good faith, now find their property or security suddenly depreciated. This great industry has contributed very largely to the revenue and to the development of the Province, so the Herald's censure is undeserved. As to stripping timber from the public lands, nothing could do more to hasten this than the heavy increase of rental."