

The Liberal.

RICHMOND HILL, Thursday, April 17, '84

McLaren vs. Caldwell.

After dragging out a slow and tortuous course for four years, this now famous case has been decided by the highest court in the kingdom, the Privy Council, in favor of the appellant, Caldwell. It will not be amiss briefly to write the history of this suit. We do not intend, however, to give the political aspect of the question, since politics ought not to have had anything to do with the matter. The facts, then, are these: Both Caldwell and McLaren own timber limits on the Mississippi, a fine tributary of the Ottawa. In respect to each other, Caldwell's limit is the remote from the Ottawa, McLaren's is the nigh; consequently Caldwell's timber and logs must be driven through McLaren's limit. As in all cases where there is competition in labor, lumbermen are prone to feelings of jealousy and hostility, and to such feelings they have many ways of giving vent. As long, however, as they confine themselves to mere acts of annoyance and so called sharpness, no great harm results, and they get on quite as well as the majority of men in business. But in this case, McLaren showed that he was bent, not on any trifling advantage over Caldwell, but actually on his ruin, for, having secured the land on both sides of the river, where it presented great, but not insurmountable, obstacles to the passage of logs and timber, he repaired a slide that had long ago been built at the spot, erected a dam, and then refused to allow anyone to pass without the payment of tolls, said tolls to be levied by himself. Of course, this action would render every limit above his slide useless, and so McLaren had sweet dreams of thousands of acres of pine bought for a trifle, and of the farmers who in these distant quarters have no market for their cattle, hay and oats but such as the shanties of lumbermen afford, forced to sell to him at his own prices. But Boyd Caldwell is not the man to sit in quiet while another man is threatening him with ruin. He and his brother, the late Alex. Caldwell Esq., were the pioneer lumbermen on both the Mississippi and its tributary the Clyde. During the past forty or fifty years, they spent thousands of dollars in improving both these streams, but not one cent of toll did they ever dream of collecting from those who, like McLaren, and other new-comers, reaped the advantages of their great outlay. At once, then, Caldwell resisted this unjust demand, refused to pay any toll that McLaren saw fit to impose, and declared that the river was floatable and consequently the property of the public, and, therefore, could not be subject to any exclusive private right. Then followed hot words between the parties, and finally McLaren appealed to the courts.

Here, let us say a few words as to the stream itself. It flows through the counties of Lanark and Carleton, and empties into the Ottawa. For miles it is navigable for steam-ferris and tug-boats. Sir John A. Macdonald declared, in a speech at Toronto, that it could not float a chip until McLaren had built his slide, &c., at a cost of \$100,000. The statement was worthy not only of the speaker, but even of the great stretcher Tupper himself. Why, the very year when this statement was made, Caldwell had taken fifty thousand saw-logs over this very spot without using in any way McLaren's slide, &c., for logs can be safely driven where timber would be splintered to pieces owing to its great length. As to the money really spent, one fifth of Sir John's figure would be an exaggeration.

The whole suit, then, turned on the meaning of the word "floatable," for a statute of the old province of Canada declared that all floatable streams are public property. Does "floatable" mean by nature only, or floatable by art as well. The Chancery Court decided by nature only; then the Court of Appeal reversed that decision; the Supreme Court, in its turn, reversed the decision of the Court of Appeal, and finally the Privy Council has set aside the verdict of Canada's highest local Court, and decided the case once and for ever. And the country at large is to be congratulated on the decision. In Ontario alone, no less than two hundred and thirty-five rivers were liable to be blocked up, had McLaren been successful in his contention. No wonder that our Provincial Government hastened to pass a Streams Bill. All the timber in the Province would soon have been in the hands of a few monopolists. The pity is that Sir John permitted himself to be blinded by political considerations into advising the disallowance of the bill. Had McLaren been a Grit, it would have been law years ago.

One year ago Horace F. Alkins was a happy, hopeful man; to-day he stands charged with the awful crime of murder. The circumstances which led to this tragedy are too fresh in the minds of readers to require a new rehearsal. It is sufficient to say that the shameless and inexcusable conduct of a wife has been the sole cause of the terrible position in which her husband now stands. The violent death of Hackett, the other party to the misdemeanor, at the early age of twenty-nine is, of course, terrible. But this is not a case for maudlin sympathy and idle tears. No man certainly has the right to take the law into his own hands, but a man's honor may be so grossly outraged that he loses sight of everything but his own great wrong, and those who have goaded him into this wild and reckless mood are equally, if not more, guilty than himself of any crime he may commit. Still the law must be upheld, but we venture to say that it is asking too much of human nature to withhold its deep sorrow for the unhappy Alkins, who, through deeds not of his own making, was driven to act on the adage, "Desperate cases, desperate remedies." Here, too, whiskey played a prominent part. It seemingly was one of the main causes of the lapse into vile sin of the persons shot, and was also resorted to by the avenger to screw his courage to the sticking point.

TORONTO TOPICS.

(From Our Own Correspondent.)

One of our city merchants, Robert Thompson, has lately realized that he cannot abuse his clerks with impunity. Some time ago he assaulted one of his employees, Alfred Buckler, who has not been able to work since. The trial came off last week and it was decided that Thompson should spend sixty days in a place of safe keeping in the west end.

A very serious shooting affray took place last week on Church Street. A man named Alkins, an artist by profession, alleges that his wife was on too intimate terms with one Hackett, and on the afore mentioned day he found them together and opened fire on them both. Several shots were fired, two of which took effect, one striking Mrs. Alkins in the calf of the leg and the other wounding Hackett in the groin. Alkins of course was arrested and his wife and Hackett removed to the Hospital. Mrs. Alkins is doing well but Hackett's wound has proved fatal.

Palm Sunday was duly observed in the Roman Catholic churches last Sunday. His Grace, Archbishop Lynch distributed the palms to a large audience who were no way backward in showing them on the streets after service.

Three of Shakespeare's dramas were played at the Grand last week. Richard III, Hamlet & Macbeth. The leading actor was Keene, who is acknowledged by critics to be a very successful tragedian. His rendering of the soldier, conspirator and despot in Macbeth was very good. One of the best scenes was that of the witches dancing round the boiling cauldron.

(Crowded out last week.)

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