

said: Having the *ex parte* statement in his hands rendered to him by Mr. McNab, I do not blame him for his action.

Sir CHARLES TUPPER. Did you or did you not state that the cause of this accident was that Mr. McNab was so over-worked by the Government, he was not able to do his duty?

Mr. DAVIES. I did say so, and I call to bear testimony to that statement the hon. Minister himself, who, within a very few weeks after the accident occurred, acting upon a certificate produced by McNab's doctor that he was unfit to discharge his duties, recommended that he be superannuated at \$1,600 a year for the remainder of his life. I want to know if that is a political statement. Does the hon. gentleman remember that, when he was a Minister of the Government, he recommended Mr. McNab to be superannuated because he was physically unfit to discharge his duties? Does the hon. Minister mean to say that that physical unfitness was caused within two or three weeks after the accident, and that I was not justified in assuming that it was caused when the accident occurred? The hon. gentleman says that we ought not to make statements of facts here that are contradicted by two men. I tell the hon. gentleman, with all respect, that he has not latterly read Mr. McNab's statement, because Mr. McNab did not state the facts as he put them to the House to-night. Mr. McNab had not visited the scene of the accident before the accident occurred at all.

Sir CHARLES TUPPER. I did not say so. I said he went there immediately after the accident.

Mr. DAVIES. Mr. McNab stated he did not arrive at the scene of the accident until after the sleepers had been taken up, and he was unable to say what state the sleepers were in.

Sir CHARLES TUPPER. No.

Mr. DAVIES. I will take occasion to submit the facts to the hon. Minister privately. I want to make no advantage out of this. I will submit Mr. McNab's evidence to him upon that point, but I have not got it before me now. The hon. gentleman says that Houle swore so and so. I can tell him that the fact that Houle swore so and so was submitted to the Judges of the Supreme Court by Mr. Hodgson, counsel for the Crown, and the Chief Justice did not decide that point, because they did not want their time taken up by having to decide a point of law. They stated expressly: "We have already carefully read the evidence, and we cannot believe that Mr. Houle, who was the man responsible for this accident, is telling the truth, when thirty-seven respectable witnesses swore to the contrary."

Sir CHARLES TUPPER. Did they allow the counsel to state the whole case, or did they put him down and refuse to hear him?

Mr. DAVIES. They allowed him to speak partially, and they told him that if he was going to argue that they should accept the statement of Houle as against the sworn testimony of thirty-seven witnesses that they might save him the trouble of making the argument. I can tell the hon. gentleman that it is customary in courts of law when a case is so clear that it does not admit of argument, for the Judges to interpose and say so. I would be prepared, if the hon. gentleman was not prejudiced, to argue it before himself, and to appeal to his sense of justice and to his common sense. The hon. gentleman has said that there was political feeling in this question. I can tell him there was no politics on one side or the other. He will find upon enquiry that there were more Conservatives who swore to the state of that road than Liberals. I tell him care was taken to exclude politics from that case entirely. The counsel on behalf of Mr. McLeod were not politicians outside of myself; some of them were the leading lawyers of Prince Edward Island who take no part in politics. I tell him frankly if

he chooses to ask the hon. gentleman who came from Prince Edward Island and supported the case of the Government, they will tell him that whatever political effect the newspapers may have sought to make, there was no politics in the testimony given by them. There is no man in Prince Edward Island outside the small clique of officials who will deny that it was the rotten state of that road which caused the accident. I challenge the hon. gentleman to produce a statement from any reliable man in Prince Edward Island outside the narrow clique of politicians connected with the railway, who attribute it to any other cause. Let him take the testimony of the gentleman he formerly sent to inspect that road, and ask him what was the cause of the accident and he will learn there was no politics in this matter whatever. The newspapers made political effect out of it afterwards in this way: They said that Mr. McNab had been solemnly warned from day to day that if he did not pay attention to this road-bed some serious accident would happen, and if death was the result he would be indicted for murder. That charge was made against Mr. McNab a fortnight previous to the accident, when they were calling his attention to another accident not far away where the cars went off and ground up the road bed to powder for nearly 100 yards. They pointed out that he was carrying people over that road when the sleepers were rotten, that they had called his attention to it time and again, and that if another accident happened he would be held criminally responsible. And if the hon. gentleman will go down to Prince Edward Island and enquire of the people there, irrespective of politics, he will find the facts just as I have stated them. I did not want to be entrapped into a warm discussion on this matter, but the hon. gentleman has challenged it, has provoked it, and I could not, with self-respect keep silent after the statements he has made. I am sorry to learn—I hope I have been mistaken—from the remarks that fell from him, that the statements I have made here to-night will prejudice the cause of the man in whose behalf I am speaking. I sincerely hope it is not so. I hope, not only for the cause of my client, but for the honor of the hon. Minister himself, that he will not allow a cause of this kind to be prejudiced by anything I may say. If the man is entitled to damages, let him have them; let justice be done him. I hope the hon. gentleman is not going, if I have transgressed in his opinion, to let my shortcomings or my failings prejudice the case in his own mind in connection with the claims of these unfortunate sufferers. Apart from Mr. McLeod, there are others—poor women—who have suffered. The very one for whom the hon. gentleman has proposed a vote to-night, probably lost her husband from this cause. There is no doubt that that accident contributed almost directly to his death from the shock it gave to his nervous system, and I hope that the case will be dealt with, and dealt with generously. The poor woman is left without a friend or protector in the world—I had not the honor to be her lawyer. Hon. gentlemen must not suppose that I was counsel for all the applicants; I was counsel for some, not for others. I hope, in dealing with the whole question, the hon. Minister will not allow himself to be governed entirely by the official statements, but that he will look at the sworn testimony, at the opinions of the Judges, and will consult men on his own side of politics who are not mixed up in the case, and he will find the statements I have given are correct statements, and are not exaggerated.

Sir CHARLES TUPPER. The hon. gentleman has again discounted all he said by another indiscreet expression. The hon. gentleman, after making a violent statement of the case said, I hope you will not go to your lawyer for an opinion. What does he mean? That a retained advocate is an unsound authority to go to for an opinion. I am quite certain that those who have listened to the hon. gentleman will come to the conclusion that the last source to which to look for an unbiased and judicial opinion upon any