

of Charlottetown went on the stand and swore that this man's life was gone; that his spine was injured; that he was an utter wreck; that he would be a helpless paralytic for a short time and would then die. Dr. Hobkirk, the surgeon who attended Mr. McLeod, took that view. These medical men were men of high character, and the Judge took their evidence, as he was bound to do, and on that evidence he assessed the damages. But the gentleman went to England, and I rejoice to know that he came back, having learned that the very serious view of his case taken by the doctors, was not the correct view, and with good hopes of attaining a good old age. And what is he doing to-day? Why, he is vigorously discharging the duties of cashier and manager of a bank, and showing that he is not only in the enjoyment of all his faculties, but physically so strong that he is able to maintain his position in a responsible and onerous office, and he is receiving as large a salary to-day as he ever received in his life. The hon. gentleman has done everything, in my judgment, to destroy the claim as it stood before he got up and informed the House of the true state of the case. I will not say more about that. I do not intend that the hon. gentleman shall prejudice the case of his client by the indiscreet and extravagant statements which he has made to-night; but I will not allow the hon. gentleman to reflect upon the Government or upon myself, as having been the cause of this accident. The hon. gentleman says that Mr. McNab was not equal to all the work put upon him, and that that is the reason the road was not in a better condition. I can produce Mr. McNab's letter written to me, stating that the engineer was entirely unnecessary, and that it was so easy for him to perform all the duties he had to perform, that he was astonished that the change was not made before. I put that against the statement of the hon. gentleman that Mr. McNab was overworked. My predecessor paid that man \$4,000 a year as Chief Engineer of the Intercolonial Railway, with the whole distance from Rivière du Loup to Halifax and Windsor and Pictou under his charge, and responsible for the condition of the road; and Mr. Brydges, a man as well qualified, I believe, to judge of the capacity of a man in that position as any man on this continent, declared that Mr. McNab was so able and efficient a man that he had asked Mr. Mackenzie to largely increase his salary. Now that gentleman has been charged with the maintenance of 200 miles of railway in Prince Edward Island. Mr. McNab, who had for years experience in a much more difficult position on the Intercolonial Railway, went upon the stand and swore that he had gone over the ground after the accident, and that the accident was not caused by any defect in the road. I put his sworn testimony against the statement made by the advocate of Mr. McLeod on that occasion. What more? Mr. Houle, who had been track master on that section of the road from the day it came into the hands of the Government, down to the time Mr. Mackenzie, then Minister of Public Works, left office, and who has continued in that position since—a man of undoubted skill and experience—a man best able to speak of the condition of the Prince Edward Island Railway, for his whole time was occupied in examining the road, swore the road was in first-class condition, and that the accident was not caused by any defective condition of the track. I put that sworn testimony against the statement of the hon. gentleman, that the sleepers were nothing but pulp. The hon. gentleman said a lot of people said that. So they did. They gave such testimony as the hon. gentleman gave, and which so excited the public—people who knew nothing about the maintenance and condition of the road—that one witness swore it was murder. No man was killed, no man had died; yet, just as the hon. gentleman stated to-night the sleepers were rotten as pulp, this man swore it was murder. How could he, when no man was killed or had died, swear it was murder without perjuring himself? Yet the hon. gentleman

Sir CHARLES TUPPER.

got his witness to swear that. I give that testimony as an evidence of the excitement which was worked up in the country. The hon. gentleman got another witness to swear to the condition of the road—a railway man. What was his position? He had been driven out of employment, he had been dismissed by the Government, I think, for drunkenness and misconduct.

Mr. DAVIES. No—drunkenness?

Sir CHARLES TUPPER. For misconduct, at all events.

Mr. DAVIES. What kind?

Sir CHARLES TUPPER. I do not, at the moment, remember. I know he was dismissed by the Government.

Mr. DAVIES. By whom?

Sir CHARLES TUPPER. By Mr. McNab, I presume; but, at all events, he was dismissed and he went to the United States, where he was starving because he could not get employment. They sent for this man, and put him on the stand, and he swore the road was in the condition stated by the hon. gentleman. When his own evidence was put before him and he was asked: "Did you not say the road was in first-rate condition when you had gone over it that day?" He said: "yes." "Did you lie when you made that statement?" He said: "yes; but I was then in the employment of the Government, and am not now." I did not intend to go into this question, but the hon. gentleman provoked it. So far as the hon. gentleman could damage the position of his client in the case, he has done so, and Mr. McLeod may well say: "Save me from my friends." But we will not allow the hon. gentleman's indiscreet and injudicious statements to prejudice Mr. McLeod's case. We will do what is right in the premises. With regard to the decision of the Judges in refusing to allow the testimony to be entered into, my theory is this, and I ask the hon. gentleman to contradict me if I am wrong. When the counsel for the Crown asked the Judges to allow them to place the character of the testimony before the court; when Mr. Hodgson, who was familiar with the whole case, and who placed in my hands abundant evidence to show the utterly fallacious character of the testimony, asked the court to hear him in reference to the question of damages, the court refused. Why? Because Mr. Lash, who was also a counsel for the Crown, had already exhausted the argument in relation to the legal liability. No doubt the Judges, having decided in their minds against the claimants on the ground that they had no legal claim against the Government, did not want to have their time taken up by going into the question of damages and assessment, or any other matters. That is the only ground on which we can understand their refusing to allow the counsel for the Crown to show the character of the testimony, and the discrepancies of the evidence on the other side.

Mr. DAVIES. I am not going to lose my temper as the hon. gentleman seems to have lost his. Whether my statement impaired or advanced the cause of Mr. McLeod, I know not, but I think this House will prefer I should make a plain statement of the facts, even if it injures Mr. McLeod, rather than that I should make a varnished statement of facts. I do not want to mislead the House, and should be sorry to make this a political question. It never was a political question.

Sir CHARLES TUPPER. The hon. gentleman is making it one at this moment. The hon. gentleman made it so by his gross and unwarranted attack on the Government.

Mr. DAVIES. Argument, in the face of a statement like that, is useless. The hon. gentleman says I made a bitter attack on the Government. Why, if he desires to give a fair, impartial hearing to my statement of the case, the words I used must still be ringing in his ears when I