

the question a test one between them and myself, so that it would do away with any necessity for the farmers along the line of the road to go to law. To attempt to defend their rights by law would be very improper, and, besides, when they got through with the law there might be nothing left to themselves, they might lose their farms as well as the hay. I thought it better, therefore, to make this motion and have their rights looked into.

Sir CHARLES TUPPER. There is no doubt that the hon. member for King's is quite in his right in bringing up this matter which constitutes a very considerable local grievance, not only in the county he represents, but in many parts of Quebec, New Brunswick and Nova Scotia. Although, perhaps, not a very important matter in itself, it is one that affects a very large number of people, and which has created a good deal of feeling in persons whose lands lie contiguous to the Intercolonial. I am not prepared to admit the premises of the hon. gentleman that, in acquiring the right of way for the Intercolonial, the Government ever recognized any right on the part of the proprietor to retain any right or interest in reference to the lands through which the Intercolonial runs. It would be manifestly not only improper, but fraught with the greatest possible danger, if every one whose lands have been taken for the road, reserved the right to enter upon those lands again. No such right can be recognized. The difficulty, however, arose in this way: it has been the practice of the managers of the road for many years past, in Nova Scotia, New Brunswick and Quebec, to allow the section-men along the line of the Intercolonial the privilege of cutting the hay on their sections; while the station-masters could cut the hay on the station grounds, and in some places there was a considerable amount to cut. That practice, which prevailed along the whole line, would not have been disturbed only that when we purchased the River du Loup Branch of 126 miles, we found the practice on it had been different. All the hay grown along that branch had been regarded as a perquisite, not of the section men, or of the station masters, but of the track masters. It became necessary, therefore, to adopt some uniform rule applicable to all the sections of the road. Otherwise the section men, station masters and track masters of one or other portion of the road would have considered their rights infringed, had they been refused a privilege enjoyed by similar officials elsewhere. We therefore adopted the principle of asking for tenders for the hay along the sections, as a means of placing all the parties upon an equality. It was considered that none of those officers had a right to that privilege, as the Government were paying for their services quite irrespective of any such privilege. Of course, the parties thus deprived advanced pretensions and raised a great many questions of dispute. I have no objection to the motion, and can only assure my hon. friend (Mr. Dozville) that I shall be extremely glad to find a satisfactory and just solution of the whole matter.

Motion agreed to.

#### CLAIM OF C. HORETZKY.

Mr. ANGLIN moved for copies of all correspondence with the Minister of Railways, the late Chief Engineer of the Pacific Railway, and all other correspondence and documents respecting the claim of C. Horetzky, for higher compensation than he has received for his services in exploring the region between the Skeena and Peace Rivers, in the year 1879. He said: It will be recollected that, in the Session of 1879, hon. gentlemen opposite announced that they did not think the exploration of the Peace River district sufficient to justify them in coming to a conclusion with respect to the Pacific Railway terminus, and they had resolved to obtain further explorations. We knew from their report that, in consequence, they did send

out parties for that purpose, and one of them was under the charge of Mr. Horetzky, whose name is familiar to most hon. gentlemen who have studied the railway reports. I think it was generally understood that his services were of a very valuable character. Very great importance appeared always to be attached to any report he made, and any information he supplied appeared to be always reliable and to possess great influence with the Chief Engineer, and through him, I presume, with the hon. Minister of Railways for the time. He was in this case employed to take charge of one of these expeditions. He alleges that he had the most difficult part of the work to do, owing to the more rugged character of the country, and that his services were in themselves of a more valuable character, because of the fact that he had to explore a country of that description, without rendering it necessary to make a comparison between himself and the other gentlemen on the survey. He made no arrangements at that time about his salary, and after reports came to be made and he came to speak of the question of remuneration, he found that Mr. McLeod was paid at the rate of \$200 per month while he was only paid at the rate of \$160 per month. He made a claim accordingly, but he was informed by the Chief Engineer that the matter must be settled by the Minister. He applied to the Minister of Railways and he was told that if the Chief Engineer recommended that a larger sum be paid, it would be paid, or at all events the recommendation would be favorably considered. He proceeded to press his application applying now to one of these gentlemen, now to the other, until in the end he succeeded in obtaining from the Chief Engineer the following letter:—

" CANADIAN PACIFIC RAILWAY,  
" OFFICE OF THE ENGINEER IN CHIEF,  
" OTTAWA, June 1st, 1880.

" C. Horetzky, Esq.,  
" 470, Albert Street.

" DEAR SIR,—In closing up my correspondence I find a letter from you of the 4th May respecting your salary.

" As I never had any power to fix salaries, my only course is to refer your letter to the Minister for his favorable consideration.

" Yours truly,  
" SANDFORD FLEMING."

When I was asked to bring this matter to the attention of the House and the Government, I did not feel at liberty to decline, though I did not know Mr. Horetzky otherwise than by the reports I had heard of him, and they were of a very favorable character. I hope the matter will receive the favorable consideration of the Ministry. Though Mr. Horetzky is not called an engineer professionally, though he was employed from time to time as an explorer, yet on this particular occasion he was engaged on work which he was as well qualified to do as probably any other gentleman in the public service. It does seem to me somewhat invidious, that when he was employed on that special service, after having been at various times in the employ of the Government before that time—though not since—he should be paid at a lower rate than a gentleman, who, though I do not question his capacity at all, was doing similar work to that which Mr. Horetzky performed.

Sir CHARLES TUPPER. I may say in reference to this matter, that, as the House is well aware, under the Act respecting the Canadian Pacific Railway, no payments can be made of any description unless the amounts are certified to by the Chief Engineer. The services of Mr. Horetzky were obtained by the late Government from time to time, and he was also employed by the present Government. When these salaries were fixed the practice was, under the late Government, I believe, as well as under the present, for the Minister of Railways and the Chief Engineer to go over the names of the persons to be employed, and to discuss what would be