

THURSDAY, 2nd May, 1872.

The SPEAKER took the Chair at 3 o'clock, p.m.

PRINTING.

Hon. Mr. SANBORN asked that the order of the day, consideration of the second report of Printing Committee be discharged, as it only referred to a matter of arrangement between the Committee and their Clerk.

EXPLANATION.

Hon. Mr. LETELLIER DE ST. JUST asked an explanation from the Minister of Marine and Fisheries, respecting the superannuation of Mr. Harley, Light-house Inspector, New Brunswick.

Hon. Mr. MITCHELL replied that he was glad that the opportunity had been afforded him of giving an explanation respecting a matter which has been brought up elsewhere, with the object of reflecting on his conduct as a public man. Briefly stated the charge was that he had placed an officer, of seventy years of age, in a public position during 1867, and had superannuated him last year in order to appoint his brother to the same office. Now, he would inform the House that prior to Confederation the practice of conducting the Light-house service differed in the several Provinces. In Nova Scotia there was an Inspector; in Canada, it was conducted under direction of Trinity House; in New Brunswick, by Boards of Commissioners, one for the North Shore, and the other for the Southern or Bay of Fundy side. Those two Boards were composed generally of men who looked after the lights, and charged 10 per cent. commission on supplies furnished. In 1851 Mr. John Harley was on the Commission—here the hon. gentleman read from the *New Brunswick Gazette* Up to 1867 he held that position. At the time of his appointment he was a gentleman of large experience as a shipbuilder, and was held in great esteem wherever he was known. Subsequently, however, by the force of circumstances he was reduced to poverty, and remained so at the time of Confederation, when the light house service was placed under charge of the Department of Marine and Fisheries. He (Mr. M.) after due deliberation came to the conclusion that the system in operation in Nova Scotia was the best to adopt—of having a paid inspector to inspect the light houses, make the necessary report of the supplies, and assume a responsibility to the Government. He selected Mr. Harley out of the three Commissioners as

the best man to fill the position, on the ground that he had always been the chief executive officer, and was in every way highly qualified for the office. During his life time Mr. Harley had opposed the party with which he (Mr. Mitchell) had always been associated, and supported that with which Mr. Hutchison was connected. He was a man of energy and exercised much influence in the district where he lived. But he (Mr. M.) felt that he would be wanting in his duty to the public were he to take into consideration anything except the ability of that gentleman to discharge the trust confided to him. When the appointment was offered to him, Mr. Harley confessed that his living would depend on it for he was no longer in affluent circumstances. Mr. Harley received the appointment and continued to discharge it up to 1870, when his health began to fail, for he was afflicted with two serious complaints, either of which made it actually misery for him to travel to remote places, at all times and in all manner of ways. Mr. Harley wished to resign, although his means of livelihood were at stake; but, Mr. Mitchell persuaded him to remain for some time longer, with the hope that his health would improve. He held it for six months, but instead of becoming better, he got worse, even with all the care he exercised. Again he reluctantly tendered his resignation—here Mr. Mitchell read the letter of resignation. Mr. Harley held the office, at his personal solicitation, for some eight or nine months longer, but when the spring came he found he was incapacitated from discharging his duties—he was then 75 years of age—and the result was that the Department unwillingly consented to lose the services of an able public officer. He then looked into the question, and came to the conclusion that Mr. Harley had been over 19 years in the public employment, and was entitled to superannuation on a 20 years' service. He represented the fact to the Council in a report which he read to the House. He read the Act as applying not only to the inside, but the outside services, and believed Mr. Harley was entitled to twenty-fiftieths of his salary which was at that time \$1,200. The matter was referred, in accordance with the usual practice, to the Treasury Board, where for the first time, the question was raised whether persons who had been in the public service for 30 or 40 years, receiving only commission or fees, and subsequently received a regular salary, were entitled to superannuation on the whole period, or merely for that term when