

time, and the consequence was, that when this unfortunate accident happened, he had taken no precautions, although warned that the road-bed was thoroughly rotten. The hon. gentleman went on to say—and I was sorry to hear him make the statement, if he read the evidence—it was proved conclusively that the road bed was in good condition at the time of the accident. I would call the hon. gentleman's attention to the fact that out of thirty-seven or thirty-eight witnesses examined, some of them residents of the Island, and some passengers who happened to be on that train from the United States and from other parts of Canada, there were one universal consensus of opinion on this point as to the condition of the road-bed; that the condition of the sleepers was disgraceful, the sleepers were absolutely rotten, and the only wonder was, how trains were enabled to go over that part of the road in the morning of the day when the accident happened, and for the few days previously; and there were but three witnesses to controvert that statement. One, the section foreman, who was responsible for the condition of the road, and two of his undertrappers. As was very well pointed out, when the Chief Justice heard the case up here on appeal, it was impossible for any impartial man to give credit to the testimony of two interested witnesses, and to throw over the testimony of thirty-six or thirty-seven disinterested witnesses. Many of these gentlemen had no earthly interest in the matter whatever, they were not even Canadians, but travelling as passengers. I myself may say—and have no hesitation in doing so—that personally I went there and examined the state of the road right after the accident; and I know from my own personal knowledge, that the statements of the thirty-seven gentlemen were true. I took myself with my own hand the ends of a dozen of these sleepers, just at the point of the accident, and without the slightest exertion broke them off at the rail. They were a mass of pulp, absolutely rotten. There is no escape from it. I wish to point out to the hon. gentleman as to damages, it was found by the learned Judge who tried the case below, that the evidence of the thirty-seven witnesses was true, and the evidence of the foreman and the men under him was not true. When we came to the Court of Appeal, the whole of the Judges unanimously held that on that there could be no question. They held that the accident was caused by the culpable negligence—I use the word employed not once but several times by the Chief Justice in the course of conversation during the argument—of the Government employés. I would ask the hon. gentleman if he can point to any tribunal from which we could expect a fairer, a more impartial, and a more honest judgment, or a tribunal more capable of giving a fair, honest and impartial judgment than the Supreme Court of Canada? There we have on that material point the unanimous opinion of the Judges, without one dissenting voice; it was clear beyond all argument, so clear that they told the gentleman who appeared on behalf of the Crown, after reading the evidence there, that he would only take up time by argument, that this accident was caused by the culpable negligence of the Government employés. That being the case, we went on to discuss the question of damages; and on that point I would also call the attention of the Minister of Railways to the decision and declaration of the Judges. The amount of damages awarded to Mr. McLeod does seem at first sight to be a very large amount. I would undertake to say there is no man in Prince Edward Island—and I will hazard this assertion—who knows Mr. McLeod, and who saw him during the first six or twelve months after the accident, who will tell the Minister of Railways that those damages were excessive. Language fails me, at any rate, to describe that man's condition after the accident. Before that a young man in the prime of life, exceptionally well trained and holding the position of bank manager. He formerly re-

Mr. DAVIES.

ceived a very large salary in New York, and was then in receipt of a large salary in Prince Edward Island; and he had the promise of a large increase to his salary. He was also the agent of a large insurance company, from which he derived a very respectable income. He was an athletic man, accustomed to take a great deal of exercise. He was a very strong and powerful man, and in the prime of life; but after and since the accident he has been a wretched wreck. I myself was present when he was carried in from the train. I was there to see him day after day for six or eight weeks, while he lay without moving, being fed with a silver tube. His whole face was smashed, most of his teeth being carried away; and I suppose he suffered more during six or eight weeks than human imagination, or at all events than the language which I can command, can describe. He was for months and months unable to go near business at all, and was only retained in his position, not because he was capable of fulfilling his duties, but to a large extent from the kindness of the directors. He has been for many years the manager of the bank, and they were loath to discharge him. He went home to England, on the advice of his doctors, to take the advice of some of the most eminent surgeons, and they told him that by taking a fair amount of outdoor exercise, and by declining to or abstaining from continuing to give up his time to the duties of his profession, he might prolong his life some years. He was a man in a good position, with a good income before then; he had to give up \$1,000 which he received from the insurance company, and he remains in the bank more from the kindness of the directors than from anything else, discharging in a very perfunctory way the duties of cashier. I do not know any man in Prince Edward Island, at any rate, his equal, or anything like his equal, as a bank cashier. I know he has held very high offices abroad, and he had a right to look forward to a long life, and a very large salary for life, as bank cashier. We had evidence taken before a Commission there of gentlemen from abroad, who were acquainted with Mr. McLeod, as to his qualifications, and the prospects of obtaining a large salary. The facts are, that after all this evidence was heard, the Judges assessed the damages, and the hon. member complains that the Judge at the final, admitted the claim to be increased, and, I think, I ought to explain why that was. When the accident occurred, the chief injury suffered was a facial injury. After three or four months had gone by, he was able to communicate with his attorneys, and a claim was made on the Department. It was not known at that time that he received injuries beyond his facial injuries, because he had not attempted to walk about or take any physical exercise; but after the claim was forwarded to the Minister of Railways, it was found that he had received very serious injuries to his spine—injuries so serious that his medical attendants peremptorily insisted that he should take no physical exercise whatever, but merely walk down to his office and back. When the trial came on, the evidence of five or six of the leading doctors of Charlottetown went to show that the facial injuries were nothing in comparison with the effects to the spinal injuries he received. It was shown that these injuries were more or less paralyzing him, and that in all human probability his life would not be prolonged for more than three or four years.

Sir CHARLES TUPPER Hear, hear.

Mr. DAVIES. The hon. gentleman says "hear, hear."

Sir CHARLES TUPPER. I say the hon. gentleman is making the strongest possible case against his client.

Mr. DAVIES. Why?

Sir CHARLES TUPPER. It was shown in the evidence given before the Judge that it was likely that this man's life would terminate in three or four years. Now he is