

injury. It seemed necessary to the Committee that there should be some means by which an exhaustive and impartial investigation should be had. The hon. member for Northumberland had said that, owing to his not being a supporter of the Government, a great many cases in his county had not been remedied. He (Mr. Smith) believed he had in his county three cases to the hon. gentleman's one, in which no redress had been given, which had not been met at all, which had been referred in the same manner as those in the hon. gentleman's county, and the parties had obtained no remedy. The proposal now made was that some impartial man be appointed to enquire into the different cases, to examine witnesses under oath—the railway employés, other parties, and those who had suffered wrong—and find out, if possible, the real facts of the case and assess the damages inflicted. If a question of law were developed in the course of the enquiry, it would be referred to the Minister of Justice to decide the liability of the railway and the Government in the matter; if the facts were clear and undoubted, the claim would be promptly settled. The Bill met the case precisely. He was satisfied that those who had sustained injury from the railway only wanted some disinterested man to hold an investigation. People know that the Government were not responsible for injuries brought on by their own fault. People complained of fires having been caused by large sparks from the engine. The engineer, on being questioned, stated the engine was in a proper state, with the fire arrester on, and that the fire could have been caused by the sparks, while the other parties contended the contrary. Here was a controversy which only could be decided by an investigation, and for which investigation the Bill provided.

MR. DOMVILLE said this Bill did not go far enough. In small cases, such as the majority of cases on this line were, the people should not be put to the trouble this Bill put them to. They should find a remedy in the small Courts, when the claim did not exceed a certain amount, and have their cases speedily tried. What

MR. SMITH.

was the use in a case of \$30 or \$40 of summoning arbitrators and lawyers and others to hold an investigation, and as regarded those investigations, they all knew how they might be carried out, either properly or improperly. He would as soon trust a Court of law as any investigation, especially one delegated to people holding their positions under Government. He had brought up a case in this House, year after year, and had never had the satisfaction of being asked to record his claim. A poor man's house had been burnt through sparks from the engine, in broad daylight; when he applied to this tribunal for aid, he was told the fire could not have been caused by the engine, as the spark arrester had been on. The proof given was that a book was kept in which, every day, was written, "The spark arrester is on." This report was a mere matter of form; yet, in consequence of that entry being made, the man got nothing. The tribunal stated they had looked into the matter and found the spark arrester had been on, the day mentioned, and, consequently, under the Act, the railway was not liable. If this case could have been brought into Court, where witnesses would have been examined and the whole case tried before an impartial jury, a different decision might have been given. This Bill should provide a more speedy mode of settling small claims, and he would, therefore, oppose it.

MR. TUPPER said that, as the hon. the First Minister had said this Bill, after going through Committee, would be re-printed and come up on a third reading, it would be then more convenient to discuss it fully than at present. He did not quite agree with his hon. friend from Northumberland (Mr. Mitchell), nor with his hon. friend from King's, N.B. (Mr. Domville). He had drawn the attention of the hon. the First Minister, when this Bill, which related somewhat to a different matter, was under consideration, to the question as to whether he could not, by a clause, in this Bill, provide for the questions which were constantly arising, and which must, in the nature of things, would constantly