

claim for damages sustained from the flooding of his land in the years 1876, 1881 and 1882.

To pay William Ferguson, of Moncton, N.B.,
purchase money of land, and interest
thereon \$2,800 00

Sir CHARLES TUPPER. This is to pay William Ferguson for land expropriated for a siding to connect the railway with the Moncton Cotton Mill.

Prince Edward Island Railway.

233. Rolling stock \$9,916 16

Sir CHARLES TUPPER. The railway on Prince Edward Island was altogether deficient in rolling stock. The original vote was sufficiently large, with the exception of an over-expenditure of \$1,616, which forms part of this vote, and the balance, \$8,300, lapsed, of the appropriation taken last year, so that, in point of fact, the appropriation is only \$1,600.

Sir RICHARD CARTWRIGHT. The practice of charging that \$65,000 for rolling stock to capital account is wholly misleading. It is not contended there was any deficiency of equipment on the Prince Edward Island Railway at that time calling for a vote of \$10,000.

Sir CHARLES TUPPER. That is where the difficulty arose. The equipment of the railway was utterly inadequate for the service; I would like to ask my hon. friend where he would get the means of equipping it when there is a deficiency in the earnings of the road.

Sir RICHARD CARTWRIGHT. I would include it in the annual expenditure chargeable to the Consolidated Fund, for that railway. That would make the deficit greater, but would not make us any poorer; whether we charge it to capital account or to Consolidated Fund will not make us any better or worse off. As an illustration of the extraordinary fashion in which capital account is made up by the hon. gentleman, I would point to the fact that compensation for injuries received by persons through an accident are to be charged to capital account.

Sir CHARLES TUPPER. That is a mistake. I stated last year, when this question came up, that it was decided to charge compensation for injuries to the working expenses of the railway, and that is chargeable to collection of revenue. It appears here by mistake. I have a memorandum of that, and I will have it corrected.

Mr. BLAKE. There will have to be an alteration made so as to indicate that it is not to go to capital account.

Mr. BAKER (Missisquoi). To destruction account.

Compensation for injuries received by various
persons through an accident which occurred in August, 1880 \$23,250 00

Sir CHARLES TUPPER. My hon. friend has asked for details. This \$23,250 is in compensation for injuries received by various persons through an accident that occurred in 1880. Very large claims were made which were resisted by the Government, and the subject was referred to a Judge of the Exchequer Court, who gave a very large amount to one of the claimants and substantial amounts to the others. The Government appealed against that judgment and the Supreme Court set it aside; but, at the same time, expressed the opinion that the Government should give full consideration to the claims of those who were injured. That became the subject of consideration and the Government decided to pay to Mr. McLeod \$10,000, to pay Mrs. Mary A. Murphy, who was very seriously injured, \$2,500. That was the amount of the judge's award in the Exchequer Court; in fact, all the amounts were awarded, with the exception of that due Mrs. McInnis whose case did not come before the court because the husband who brought the action died in the

meantime. The same as that awarded to Mrs. Murphy was given as compensation in that case.

Mr. DAVIES. This sum was voted last year.

Mr. BLAKE. It was not voted last year? \$400 were only voted.

Mr. DAVIES. \$400 had been paid previously, but when the Supplementary Estimates came down, the remaining sum was voted.

Sir CHARLES TUPPER. I think not. At all events, the amount is included in the \$23,250, and it is not intended to give Mrs. McInnis any more than was awarded by Order in Council. I think you will find that case stood in precisely the same position as all the others to be dealt with by the Government, and charged to collection of revenue for the road. To Mr. T. Stewart, \$1,000; to Mr. Charles Holliwell, \$750; Mrs. Catherine Macdonald, \$1,500, making, altogether, \$18,250. Subsequently Mr. McLeod made an appeal to the Government with reference to the very large amount of expenses he had incurred in endeavouring to prosecute his claims against the Government, and the Government decided to allow him \$5,000 to cover any actual disbursements made in prosecuting his claims, and in medical attendance. Mr. McLeod had furnished the Government with a satisfactory statement showing a still larger amount expended than the \$5,000, and that \$5,000 was asked for in the Supplementary Estimates for the purpose of meeting the additional claim, and giving Mr. McLeod, for expenses and injuries sustained, \$15,000.

Mr. DAVIES. While I think the hon. gentleman was right in allowing Mr. McLeod his expenses, it would have been fairer to have allowed him the whole amount actually expended. The amount awarded him was cut down from \$35,000 to \$10,000, and when he furnished the Minister with a statement of the actual expenditure, the Minister should have taken the whole subject into consideration.

Sir CHARLES TUPPER. The actual expense was not \$7,000; that includes an item of \$1,000, for a prospective trip to England.

Mr. DAVIES. I was going to say he had been advised by his medical advisers here to take the opinion of Dr. Erickson, in London, and he went there for that purpose. That was part of his expenses, and I think it would be a legitimate sum to pay him, considering the Government had cut down his claim from \$35,000 to \$10,000. With respect to the other claims, the hon. gentleman only allows them the exact amount awarded, although the Government compelled each individual case to file a petition of right. We endeavoured to induce the hon. member to settle on one claim and let the others be stated on that settlement, but the officers of the Crown would not yield to that. The people were all very poor, and the fact of the matter was the appeal had to be borne in the first instance by the legal advisers. A very large amount of costs were incurred which were deducted from the claims when paid. Take Stewart: he was awarded \$1,000, and has never been able to do anything since then, and over \$400 was deducted from the amount he received. He only got \$600, I think, or \$620, and he would not have got that much, but the lawyers who represented him in Ottawa made a very handsome deduction from their bill, on the ground that he was a very old, infirm man, and a member of the profession to which they belonged. In the case of Catherine Macdonald, she got a less amount, and so with Mrs. Murphy. I think, as these were test cases, and the Crown insisted on appealing each individual case, it would only be fair on the part of the Government to allow them those costs. The hon. gentleman never contended that they were allowed too much damages. The only case in which there was a contention was McLeod's case, which was cut