

that before the House rose I intended to submit the decision of the learned Chief Justice to the consideration of my colleagues, and to draw their attention to the fact that while he had found that the Government could not be held legally liable, yet it was a case that he commended to the Government as one worthy of their consideration, and upon which he seemed to think they would be warranted in invoking Parliament to make compensation. But when claims, which I had reason to believe from the evidence were extravagant and inordinate, were made against the Government, of course, they were resisted; we could do nothing else but resist them; the Railway Department have no power to pay a single dollar of public money in any case in which the law authorities of the Government declare there is no liability. My hon. friend the leader of the Opposition will agree with me that if any money is to be paid where the hon. Minister of Justice declares there is no liability, we must come to Parliament and ask for the money. That course was taken. The whole evidence in relation to these claims, was submitted to the Department of Justice, and that Department decided, in view of the evidence taken, that there was no legal liability, and we were not, therefore, to pay any public money. The case, as I have stated, was taken to court, and the Judge found certainly in the one case a very large amount as due; he not only found the Government were liable, but in estimating the damages he allowed the claim of \$23,000 made by the sufferer to be increased to \$35,000, and subsequently during the trial, to be raised to \$50,000 and awarded the amount of \$35,000 to Mr. McLeod, who was a very severe sufferer. There can be no doubt that this was a most distressing case, and the gentleman was subjected not only to great personal suffering, but for a considerable time his life was supposed to be in danger. There has never been a disposition to under-rate the character of the accident or the great sufferings experienced by Mr. McLeod. However, as I have stated, the Court having found that the claim was not one that could be established against the Government, it became necessary to consider what course should be taken. Mrs. McInnis is the widow of the captain of a vessel, who was on the train at the time this unfortunate accident occurred, and, although an invalid at the time, Dr. Hobkirk, his medical attendant, stated that he believed he would have recovered. Mrs. McInnis approached the Government in a letter which was in no manner complimentary to the Department, and she stated that her means were entirely exhausted, that she was unable to obtain bread and clothing for herself, and was, in fact, entirely destitute; and under these circumstances I recommended to Council that the Government should, without prejudice to the case, advance \$400, in order that Mrs. McInnis might be maintained until final action was reached. I have submitted this matter for the consideration of the Government, and I may take the opportunity of stating that it is not proposed to ask for any particular sum to be appropriated for the purpose of meeting these cases; but in a Bill which I now have on the Table of the House, and which I will take the earliest opportunity of pushing forward, accidents, whether to person or property, are included in the running expenses of railways, and we hold ourselves, therefore, in a position to treat every case on its merits, that wherever there is a case of injury to the person, whether the liability is strictly legal or not, the Government will be in a position, from the appropriation provided for the operation of the Intercolonial and Prince Edward Island Railways, to take such a sum as will, in the judgment of the Government, furnish proper compensation to those who are concerned. It will become my duty to take up the consideration of these very serious cases, and from the appropriation made for the operating expenses of these railways, to submit to the Government from time to time, what, in the judgment of the Department, is considered an appropriate amount to meet injuries or loss of life, in the

same manner as has been applied to the loss of property. I trust this explanation will be considered sufficient as showing a determination on the part of the Government to pay damages, irrespective of the opinion of the Judges, as expressed in this case, and to satisfy hon. gentlemen on both sides of the House, that there was no desire to avoid any fair and just conclusion in dealing with these unfortunate cases.

Mr. DAVIES. I do not quite understand the proposition which the hon. member intends to submit to Parliament in regard to these unfortunate cases. If I understood the hon. gentleman he proposes to authorize the head of the Department in some manner which he has not clearly defined, to ascertain, in each case, the amount of damages to be awarded. It is not intended to bring down in the Estimates any definite sum to be paid to those sufferers. That certainly will be very unsatisfactory in many ways, unless the hon. gentleman comes to the conclusion, as I hope he will, to accept the decision of the Supreme Court as to the reasonableness of the damages. I had hoped the hon. gentleman would, in the Supplementary Estimates, as he rather intimated he would do, take an amount for each case on the Island Railway. I must take exception to one or two statements made by the hon. Minister. He said that the road was in good condition, as reported to the Government. I am aware that it was in good condition, as reported to the Government, and that the action of the Government was justifiable on the report which the Chief Engineer presented to them; but I have no hesitation in saying that the evidence given in court, before the Judges, and the concurrence of judgment on the part of the six Judges of the Exchequer Court, went to show that the report made by the officer in charge was not based on truth. There was much excitement in the Island at the time. The gentleman in charge of the railway became in a very nervous condition; he held a court of enquiry with closed doors. He took down the statements of employes of the road, and forced from them statements at the point of the bayonet, or under peril of losing their situations; which statements they repudiated when on oath, and under cross-examination. Those facts were reported to the hon. Minister of Railways. Any person reading the statements of the Chief Engineer, as forwarded, would come to the conclusion to which the hon. Minister arrived, namely: that the Island Railway road-bed was in good condition. But it is not the fact. I remember about two weeks prior to this terrible accident, the cars ran off the track at the western end of the line. A number of passengers were slightly injured, nonseriously; but the road-bed for a distance of 200 yards was torn up, and the sleepers were found to be in a thoroughly rotten condition. There was a good deal of talk. Some gentlemen made enquiries into the facts and found, as I have stated, that the road-bed was in an unsafe and unfit condition, and one of the chief newspapers of the Island, having collected these facts, published them, and warned the gentleman in charge of the railway that unless he took immediate steps to remedy the state of the road-bed, a very serious accident must inevitably happen within a very few weeks. It was publicly stated, and reiterated in a daily newspaper there day after day, that the road-bed was in such a shockingly rotten condition that an accident must happen, causing loss of life; and the newspaper went further, and told this gentleman in charge that if such an accident did happen, now that the fact of the condition of the road-bed having been brought to his knowledge, he would be held liable criminally in case of loss of life. Yet he took no such steps, and the fact of the matter was simply this: he was an over-worked man. When appointed to the position he had to perform the duties of three men, and he broke down under it. He became nervous, and the result was that the country has had to superannuate him at an expense of \$1,700 for the rest of his life. He was over-worked and unfit for the position at the