

Mr. MACKENZIE. I will not deny that the hon. gentleman is very insolent. I would admit that at once. The Chief Engineer invariably obtained all the money he demanded for the repair of all of those works. The hon. gentleman's assumption is wholly untrue, that the works were in that bad state; and the other insinuation that some one obtained a favor for some particular reason is quite unworthy of my consideration. I stated that he was required to pay the value of the locks at the time, but not the price of new locks. I do not think the posts were rotten. There might be some decay in the wood and the gates remained tolerably good. Assuming that to be the case, the charge for new gates would be very unjust. The price we charged was thought proper after consulting the officers of the Department.

Sir RICHARD J. CARTWRIGHT. In any case the principles attempted to be laid down by the hon. member for Monck is entirely untenable. There is not the slightest ground for holding the Government of Canada liable as common carriers. They are only liable if injury results from the action of their own agents. But the position of the hon. Minister of Canals was that this injury was caused by the mismanagement of another vessel, the schooner *Louise*—that that was the cause of the injury to the vessel of the hon. member for Monck; if so, I fail to see how the Government can be liable for injury to the steamer. The remedy will be clearly against the *Louise*. It is not the business of the Government, though asserted by the hon. member for Lincoln, when injury has been done by one private individual to another, to attempt to secure damages in favor of one man against another. The decision must be left to the Courts.

Mr. MILLS. I am sure it will strike every one as a singular doctrine that the Government, as the proprietor of a canal, is a common carrier. You might as well argue that a turnpike road company was a common carrier and liable for the damage of one vehicle to another. The position of the Government is wholly different from that of a railway company. A railway company not only owns the road, but the coaches which makes them common carriers. That the Government does not own the vessels that sail on the canals, and therefore are not common carriers. If a collision occurs on a canal, an injury is done to one vessel by the carelessness and negligence of the master of another, it is only the party who caused the injury that can be held liable.

Mr. RYKERT. The hon. member for Lambton has told me that I was very insolent. I would like to return the compliment by telling him on this occasion that he often addresses the House, although his age screens him, in the most insolent manner. I wish him to understand that he is not going to cast those slurs and insults at hon. members on this side without being taken to task for it. Though a little older than myself I have been as long in public life as he, and I will not allow him to charge myself and friends with being insolent without resenting it. When making some allowance for the state of his health, he must recollect that we are his equals in this House, and I will not submit to his impertinence in telling me that I have been insolent towards him. Besides, it was not parliamentary to tell me that my statement was untrue, a statement based on evidence. Mr. Bodwell admitted he had stated what was not correct in his first report. He admitted that the canal was in a bad state of repair, and I say, as a matter of fact, the canal was completely run down. All his whole time was taken up in covering up its defects. I said they were in the position of common carriers, but I did not say they were common carriers. They undertook that Mr. McCallum's vessel should be protected in going through the canal, and if injured by their negligence they were liable.

Mr. RYKERT.

Mr. MACKENZIE. When the hon. gentleman says I would deny anything, he must expect to be answered in a very short manner. Nothing could be more improper than to use such an expression, but every time the hon. gentleman speaks he insults hon. members on this side. Such expressions will not be allowed to pass. As for the hon. gentleman's consideration, I do not desire it or need it.

Sir CHARLES TUPPER. In reply to what fell from the hon. member for South Huron, I want to draw his attention to the position of the question, and I think he will see that there is very great force in the point to which I wish to allude. The accident occurred, from whatever cause. The hon. member for Monck's vessel was wrecked, and he made a claim for damages. The Department of Justice, to which it was referred to know whether the claim was a proper one to be referred to official arbitrators, reported that it was, and the official arbitrators, after careful investigation, reported that the accident was entirely due to causes over which Mr. McCallum had no control. The following is in their report:

"Messrs. Compton, Buchanan and Simard report:—

"In coming to the conclusion that the damage to the *M. C. Upper* was directly caused by the mismanagement of those on board the schooner *Louise*, and not by the generally defective condition of the gates on Lock 21 of the Welland Canal; still considering the very contradictory evidence—the fact that the Government virtually admitted the unsound condition of the gates by reducing the amount of Battle's bond in settlement with them—the fact that there is no corroborative evidence in support of either McAvoys' or Ferris's different statements as to the cause of the accident, in consequence of the death of Mr. Taggart the lock-tender, the only other party present—the fact that the *M. C. Upper* was moored in the proper place and the absence of any proof that her lines were not taut—the fact that Mr. McCallum had paid his canal dues, and that there was no negligence contributory or otherwise on his part, or on the part of those acting for or under him at the time of the accident; we have also come to the conclusion that there are substantial and fair grounds for the favorable consideration of the claim."

Mr. MILLS. Has the hon. gentleman the opinion of the Minister of Justice then?

Sir CHARLES TUPPER. I will produce it later, but the hon. Minister gave an opinion also that it was a proper case to be referred to the official arbitrators.

353. Prince Edward Island Railway..... \$12,000

Sir CHARLES TUPPER. This expenditure I was obliged to make owing to the unwonted severity of the winter. The storms on the Intercolonial Railway have been very severe, but nothing as compared with those on Prince Edward Island Railway. A succession of snow-storms of the most unusual character have taken place, and for miles the road was buried up to a great depth, and this expenditure is largely caused by the increased cost for removing the snow.

386. To defray expenses in connection with Public Buildings in Manitoba..... \$60,000

In reply to Sir RICHARD J. CARTWRIGHT,

Sir HECTOR LANGEVIN. The Winnipeg post office is now too small. We have enlarged it, but the more we enlarge it the less is it capable of accommodating the enormous and increasing crowds of people who visit it. The intention is to have a new post office. The lot on which the old post office stands, being on the main street, is of great value; that will be sold and a new lot purchased.

392. Expenses in connection with Harbors and Rivers in New Brunswick..... \$12,500

In reply to Mr. ANGLIN,

Sir HECTOR LANGEVIN. With reference to the harbor of Shippegan, the Chief Engineer's estimate of \$4,000 is for the completion of the first 1,400 feet of the breakwater at Alexander's Point, which was commenced in 1875. The total length originally recommended was 1,750 feet. The first 900 feet of the breakwater, owing to the