

Sir RICHARD CARTWRIGHT. Not before me.

Mr. BLAKE. When was it referred to arbitrators?

Sir CHARLES TUPPER. The report is dated 3rd March, 1883. On the 25th October, 1875, the schooner *Jennie Graham* struck upon some obstruction and sank her cargo, which consisted of 21,000 bushels of barley, being consequently damaged. The Anchor Insurance Company, with whom the cargo was insured, subsequently brought a claim against the Government for compensation, and the case was referred to the official arbitrators for investigation and award. On the 3rd March, 1883, the arbitrators made their award, determining that the obstruction had been negligently left in the lock, and adjudged that the Anchor Insurance Company should be paid the sum of \$12,514.76. On the 13th March, the Company claimed interest stating, that the sum awarded was the exact amount paid by them on 4th December, 1875, in settlement of the loss. On the 10th April, the arbitrators reported that their award was intended to carry interest at 6 per cent, from the 4th December, 1875, to 4th September, 1883, \$5,819.36. The award, having been adverse to the Crown, the costs are to be paid by the Government. Bill of costs presented by Company, \$1,290.62, making a total of \$19,624.74.

Mr. BLAKE. When was this claim presented first?

Sir CHARLES TUPPER. The Order in Council was passed on the 18th August, 1883.

Mr. BLAKE. Again it strikes me I have never heard before of a Government recognizing the right of an insurance company to have compensation in respect to injuries. It is entirely novel to me.

Sir CHARLES TUPPER. The hon. gentleman would know better than I, but I would suppose, that if an insurance company insured a cargo or a vessel against damage, and the damage was caused by any negligence on the part of the Government, they would stand in precisely the same position as the owner would. Why should they not? If the insurance company has to pay \$12,000 on account of some *lache* on the part of the Government, why should they not pay it the same as any other individual?

Mr. BLAKE. Because it is their business to take these risks. They receive the premium and take the risk. But what I have been asking is, whether there has been, up to this time, any claim on the part of any insurance company which has been recognized by the Government, and whether the legal department of the Government advise that claims of this description should be referred to arbitration without a special consideration of the question of the relation of an insurance company to the Government.

Sir CHARLES TUPPER. I will get that information.

Sir RICHARD CARTWRIGHT. Is it the same company that has recovered in both instances?

Sir CHARLES TUPPER. Yes; the Anchor Insurance Company.

Sir RICHARD CARTWRIGHT. Where are its headquarters? Is it an English Company?

Sir CHARLES TUPPER. I really do not know who the Company are at all.

Beauharnois.

24. To pay L. W. Marchand, advocate, for professional services rendered in 1857-58-59, in connection with the settlement of the claims arising out of the construction of dams at head of Beauharnois Canal. \$1,207 00

Sir RICHARD CARTWRIGHT. Surely the statutory prescriptions ought to apply some time or other.

Mr. BLAKE. Ought not the hon. gentleman to wait thirty years more before paying this?

Sir CHARLES TUPPER. This is, I believe, an award.

Mr. BLAKE. Oh, no. We do not refer lawyers' bills to the arbitrators.

Sir CHARLES TUPPER. No; it is not an award. Do you want explanations?

Mr. BLAKE. Indeed I do.

Sir CHARLES TUPPER. Upon the construction of the Beauharnois Canal, in 1812, it became necessary to raise the waters at the head of the canal, and for this purpose dams were built, the consequence being that a large quantity of land adjacent thereto was submerged. The Minister represents that, upon a settlement of various claims for compensation arising out of the damages sustained, a special Commission was constituted, the whole matter being subsequently placed in the hands of the Board of Provincial Arbitrators, before whom the interests of the Government were watched by advocates appointed for the purpose, and amongst the advocates was Mr. L. W. Marchand, whose connection with the Board continued during the years 1857, 1858 and 1859. The Minister further represents that, though divers sums of money were from time to time paid to Mr. Marchand on account, this bill of charges never received a final settlement. On the 2nd of July, 1868, a letter was sent to the Department of Justice, in which it was stated that the accounts had been referred when received to the Attorney-General for Lower Canada, but mislaid by him. Copies were, however, enclosed, showing the total amount of charges and disbursements for the three years to have been \$5,207, and the payments made \$3,000, leaving a balance of \$1,207. The Minister states further, that his Department had no means of certifying to the number of days during which Mr. Marchand was engaged; yet the list of cases prepared by him agreed with the returns of the arbitrators, and the clerk to the official arbitrators at the time of Mr. Marchand's employment has, by a document dated the 4th April, 1880, certified that the charge of \$10 a day made by Mr. Marchand is the same as had been allowed to the advocates preceding him, and that the number of sittings, to the best of his belief, are correctly given, and the travelling charges moderate. The Minister reports that no action has been taken upon this claim. The Minister recommends that authority be given for the payment of the said sum to Mr. Marchand, being the balance of his account, and that the said balance shall be placed in the Supplementary Estimates for 1883-84.

Mr. BLAKE. What is the date of that report, pray?

Sir CHARLES TUPPER. That is an Order in Council of June 7th, 1883.

Mr. BLAKE. Is it the case then that no application was made for the payment of this money between 1868 and 1880?

Sir CHARLES TUPPER. I think I have stated all the facts.

Mr. BLAKE. He says some action was taken in 1868, some reference or a note of some reference, and the next thing appears to be in 1880, fourteen years afterwards.

Sir CHARLES TUPPER. A letter was sent to the Department on the 2nd July, 1868.

Mr. BLAKE. This also, it seems to me, if it is a debt, is a debt of the old Province of Canada.

Sir CHARLES TUPPER. And it was referred to the Attorney-General of Lower Canada, who, it appears, mislaid the papers, and copies of them were produced.

Mr. BLAKE. There appears to be in the Supplementary Estimates of every Session of late years a certain number of these old claims.