

Mr. MACKENZIE: That is with regard to a question of law. The arbitrators have only to decide as to facts.

Mr. PALMER: I do not see how this system can work, because we shall have one statement of facts proving there is a liability, and another statement of facts showing there is not.

Mr. MACKENZIE: Well, there might arise a case in which liability was proved by a statement of facts, but in which the Government were not legally liable. The arbitrators would have no power to deal with a question of law, and they have not now. They had to determine if the facts established the amount to be deducted or given.

Mr. PALMER: I think the great difficulty has been to determine whether there is a liability, and that would depend very much upon the facts which these arbitrators would have before them.

Mr. MACKENZIE: No claim can be referred to the arbitrators, if there is no liability to pay.

Mr. PALMER: Oh, clearly; but you must determine the question of liability upon the facts alleged.

SIR JOHN A. MACDONALD: As to legal liability of the Crown, that can only be settled by the Supreme Court, but, after the question of law is settled, then the Board of Works go to the official arbitrator to ascertain the amount.

Mr. MACKENZIE: That is so.

SIR JOHN A. MACDONALD said it was a very important clause, and the House ought to have a little time to consider it.

Mr. MACKENZIE: We can take the Bill a stage, and then have it reprinted before the third reading. This would give sufficient time.

Mr. KIRKPATRICK: Does this clause refer to the arbitrations arising from accidents?

Mr. MACKENZIE: Yes.

Mr. KIRKPATRICK: Yet they have not power to determine who is guilty of negligence, the party who is claiming or the officials. I understand that an arbitrator will not have power

to go along the line and deal with these cases as was proposed.

Mr. MACKENZIE: Yes.

Mr. KIRKPATRICK: Yes; as to the question of amount, that can be easily settled. But the question is whether the cow being killed on the track was due to the negligence of its owner, or of the officials.

Mr. MACKENZIE: The arbitrator would be sent along the line to see with reference to this celebrated cow, whatever its sex may be, for the hon. gentleman has stated it in so many ways, and take evidence with regard to the accident. Supposing he finds that the animal was a trespasser, that it was not the fault of the Government at all, or the railway authorities, that the animal was upon the road, but the fault of the owner; these facts will be reported to the Government, and in that case, of course, it is quite patent that there would be no claim. But, if it were a matter of doubt, then he would report the facts as clearly as he could, and his own opinion upon them, and the Government would take action; but, if it was a case in which there was no liability, the statement of facts would show it.

Mr. MITCHELL said the Bill offered no remedy for the grievance he had brought before the House. The hon. Minister had professed to bring in this measure as a means of ascertaining and settling the claims in connection with the Intercolonial Railway. If he understood the hon. gentleman rightly, and he believed that he did, he stated that this Bill was for the purpose of appointing persons to ascertain the facts with regard to accidents, and the damage that should be paid when the accident had arisen in consequence of the negligence of the officials, but that a question of law he could not touch upon; the parties must go to the Supreme Court, at Ottawa. Now, in the case of this veritable cow—worth only \$40, perhaps, for he felt bound to vindicate the claim of a poor man or woman as much as if it was the claim of a Rothschild or Sir Hugh Allan—in this very case this remedy which the hon. gentleman proposed to submit to the consideration of Parlia-

Mr. PALMER.