

Mr. WALLACE. The reason we have asked this amount is this : We have won the suit, but the other party has appealed the case to the Supreme Court, and we have to pay our lawyer in the meantime until the case is decided. If we win the case again, the amount will be taxable, and repaid to us.

Mr. McMULLEN. Who is the solicitor ?

Mr. WALLACE. Mr. Hodgins, of Toronto.

Weights and Measures—

To pay Levi Werner compensation for loss by use of improperly verified measures\$63 19

Sir RICHARD CARTWRIGHT. How do we come to be called upon to pay this ?

Mr. WOOD (Brockville). This represents half the amount of the claim made by Mr. Werner. One of the assistants of the Weights and Measures Department made a mistake in verifying a measure belonging to Mr. Werner, the result of which was that for five or six years he suffered a loss. In 1891 a claim was sent into the department, but the amount of the claim was disputed. Efforts were made to get at a proper estimate of the loss sustained by Mr. Werner, because it was felt that it was not fair that the merchant should suffer loss in consequence of a mistake of one of our officers.

Mr. PATERSON (Brant). What was the size of the measure ?

Mr. WOOD (Brockville). I cannot tell at this moment. It was used for vinegar and such articles. The mistake was apparent, because it was discovered when the measure was sent for reverification by Mr. Assistant Inspector Fitzgerald, of Hamilton. The whole amount of the claim was \$126.38. Mr. Werner's books were examined by officers of our department, and it did appear that he had sustained a loss ; but the amount which the department agreed to submit to the Treasury Board, and which the Treasury Board passed, was only about half the amount claimed. I may say that while I had some doubts and have still as to the liability of the department to pay a claim of this sort, the equity of the case appeared to me to be with Mr. Werner ; and when I discovered that the department had before my time paid a similar claim in the case of one Mr. Bennett, the circumstances being exactly the same, I did not hesitate any longer in making the recommendation.

Mr. RIDER. What is Mr. Werner's business, and where does he reside ?

Mr. WOOD (Brockville). He is a merchant in Dunnville.

Mr. CHOQUETTE. I would like to know if the Minister will follow the same principle in the case of Mr. Rousseau, of St. Ignace, from whom a quantity of liquor was improperly seized by the department and sold. The court has decided that the man was not at fault ; it was proved that the duty was

Mr. FRASER.

paid ; and I would like to know if the department will refund Mr. Rousseau the money ?

Mr. WOOD (Brockville). I am surprised at the hon. gentleman asking that question. He knows that the two cases are entirely different. The hon. gentleman was counsel in three cases of seizures. These cases were decided in favour of the Crown. The hon. gentleman claimed that the decisions were not in accordance with the law or the facts, and appealed the cases to the Superior Court, which decided them in his favour. There is no reason why the hon. gentleman should obtrude a question of that kind here, especially as he and I are discussing whether the Crown should pay his costs and the value of the liquors seized and sold.

Mr. CHOQUETTE. The case of Mr. Rousseau is the same as this case. An officer of the department went to Rousseau's store and seized three barrels of whisky, brought them to Quebec and sold them, and then took action against him. The case was decided in the district against Rousseau. I took it to Quebec, where the three judges of the Superior Court decided that I was right and that the officer of the department had no right to seize the liquor. I would like to know if the precedent established in this case will be followed in the case of Mr. Rousseau ?

Sir RICHARD CARTWRIGHT. This is a trifling sum in itself, but it appears to me that the hon. gentleman is establishing a mighty curious precedent. I find considerable difficulty in supposing that an average country merchant would have used a measure to his own disadvantage for five years and never found it out. If he did, he is an unusual specimen of a country merchant, and I am bound to tell the hon. gentleman that he may have a considerable number of other claims of the same kind if he does not take care. How does the hon. gentleman know that this particular measure was the one used at all ?

Mr. WOOD (Brockville). We know by the marks of verification on it.

Sir RICHARD CARTWRIGHT. I should think the hon. gentleman and his officers were showing great faith. A good many men would have been apt to detect the inaccuracy of the measure after a very short period of use, and they might very easily use another measure to their own advantage, and then bring in a claim. I fail to see how the hon. gentleman could test the accuracy of Mr. Werner's statement.

Mr. WOOD (Brockville.) I think I said to the hon. gentleman that I had some difficulty myself in commending this claim, and it had been under discussion for over two years. It arose before my time in the department. There was a precedent exactly