

53/1897

Quebec, 12th. April, 1897.

The Honourable

Sir Oliver Mowat, K.O.M.G.

Minister of Justice,

&c. &c. &c.

Sir:-

In pursuance of a Commission under the Great Seal of Canada, bearing date the second day of March last, appointing the undersigned Commissioners to investigate "into the nature and extent of the losses incurred by citizens of the City of Quebec, in consequence of the landslide that occurred there in September 1880, the number of persons killed and injured, their age and conditions, any special circumstances connected therewith, and further, in what proportions or otherwise, any sum which Parliament may vote for the relief of the sufferers should be expended, and in what manner the appropriation should be divided and applied, and in what sums and to whom respectively the same should be paid," we have the honor to report as follows:-

Upon receipt of the Commission by notices published in several newspapers of the City, for a week, we asked all persons who had suffered by, or had claims resulting from the landslide, to come forward and file such claims with vouchers, on or before the 22nd. ultimo, and on that day, we began the investigation, in the Admiralty room in the Court House here, which was placed at our disposal by the courtesy of the Attorney General of Quebec, and continued our sittings from day to day till all persons who preferred claims had been heard. We examined 77 witnesses, among them being the

Reverend J. McCarthy, O. S. B., one of the Priests of St. Patrick's, in whose special charge were many of the sufferers and the Reverend D. Falk, Minister of Chalmer's Church, from both of whom we obtained valuable information. We sub-join to this report brief notes of the evidence. We may here add that we made independent enquiry on our part, at the Registry Office, at the assessor's office of the City Corporation, from the proof taken at the Inquest and from all other sources calculated in our judgment to help us to a fair conclusion, and that thus the result arrived at is not to be considered as purely drawn from the original testimony.

The calamity in question, - unfortunately not the first of the kind with which Quebec has been visited during the past sixty years, - occurred at about 7 o'clock of the evening of the 19th. of September, 1889. For some years fissures, almost perpendicular, and gradually widening, had made their appearance in the cliff, the property of the Crown, somewhat to the North East of what is known as the King's Bastion, but considerably below it; and upon representations of possible danger measures were taken by the Militia department, - inadequate as the result proved - to prevent further disintegration of the rock. Under the original titles, as far as we can learn, the properties of the riparian owners extended to the Cane du Cap, but as before the accident the Crown had acquired all private rights on the side of Champlain Street, remote from the river, it is not disputed that the disaster was occasioned by the fall of the Crown property under the control of the Crown. No notice distinctly warning of possible danger appears to have been given.

On the river side of Champlain Street, immediately under the dangerous cliff, but on the opposite side, were the following buildings: a tenement house belonging to Mrs. Beaulieu

two tenements belonging to Mr. J.W. Henry - one vacant - the other occupied having in rear a foundry with its appurtenances - a tenement the property of the Lawson family, and two others the property of Mr. T. Berrigan and Mr. McCabe. All these buildings were solidly constructed of stone and brick, and were occupied at the date of the accident by a number of families, - the total number of persons living in them being probably between 150 and 175. The houses were occupied for the most part by the owner and employees of the foundry, wharfingers and caretakers, and by ship-laborers of the better class; and as their situation was a convenient one, rooms in them were in constant demand, and the aggregate rent obtained was large, as compared with the prices for which the properties were acquired. The tenants were with hardly any exception, industrious and well behaved, and their lodgings were comfortably furnished as a rule. From the evidence it does not appear that there was in any case insurance upon life, and in hardly any, though the average wages were good had any savings to speak of and put aside.

On the evening of the 18th. of September the people were mostly in their houses, as work was over for the day, and the weather was extremely wet, the rain falling in torrents as it had done for several hours. At about 7 o'clock, without the slightest warning, a large portion of the cliff toppled over, and totally destroyed in its fall the Bradley, Lawson, Berrigan, and Henry Houses, with the foundry and partially injured and in the result rendered valueless the McCabe house on the extreme West. By this disaster, no less than 47 persons were either killed on the spot or died shortly after extrication from injuries received, and 84 were more or less severely hurt. It is not necessary to repeat in this report, after so many years, the horrors of the scene, but it is proper

to state that the shock in several instances was too great for the reason, and that several of the sufferers subsequently died insane, and this is not to be wondered at, when it is borne in mind that many were buried as it were alive for hours - some for nearly two days, undergoing not only physical suffering of the severest character, but the agony of knowing or fearing the fate of those dearest to them. One case of heroism among many may be mentioned. Patrick Fitzgerald and his wife were covered by the ruins of their lodging and the falling stones. Neither was able to move. The wood-work took fire and burned the husband severely. Upon his position being ascertained, and efforts made to extinguish the fire he had the presence of mind to see that the accumulation of water was about to drown his wife, who had been thrown on a lower level, and he had the courage to urge the rescuing fireman and others to stop the play of the water, to allow him to burn, and to save his wife. Both were rescued, losing two children, but Fitzgerald died subsequently of his injuries.

We subjoin an extract from the Quebec Morning Chronicle of the day following the accident, which gives a fairly accurate statement, so far as then known.

The names, and as far as can be ascertained, the ages of the killed and injured are as follows:-

K I L L E D.

Mrs. Robert Lawson	Aged about	28 years	1
Robert Lawson's child	"	2 "	1
Mr. Richard Mayberry	"	65 "	1
Mrs. Richard Mayberry	"	82 "	1
Richard Mayberry's son	"	"	1
George Miller	"	17 "	1
John Reedy (died 2 1/2 months after)	"	65 "	1
Mrs. Martin Reedy	"	28 "	1
Miss Margaret Walsh	"	76 "	1
Miss Nora Kennedy	"	14 "	1
Mrs. James Bradley	"	80 "	1
James Bradley's 4 children	"	8 months, to 6 yrs.	4
Thomas Nolan	"	27 "	1
Mrs. Thomas Nolan	"	25 "	1

Thomas Farrell	Aged about 87 years.	1
Thomas Farrell's 3 chil.	2-1/2, 5 & 8 yrs.	3
P. Fitzgerald (died 2 yrs after)	"	1
P. Fitzgerald's 2 chil.	"	2
Mrs. John O. Dowd	68 "	1
Mrs. Chas. Allan	58 "	1
Mr. Chas. Allan	66 "	1
Miss Catherine Allan	18 "	1
Timothy Berrigan	80 "	1
Dennis Berrigan (son)	38 "	1
Michael Deehy	55 or 60 "	1
Mrs. Stephen Burke	30 "	1
Stephen Burke's 2 chil.	6 mos. & 2 yrs.	2
John Henry	70 "	1
Mrs. J. Henry	69 "	1
Henry Black	54 "	1
Henry Black's 2 children	17 & 10 yrs.	2
Mrs. Marshall	40 "	1
Richard Leahy	39 "	1
Mrs. Richard Leahy	37 "	1
John Kemp	63 "	1
Mrs. John Kemp	60 "	1
Mrs. Blackon	63 "	1
Mrs. C. McKinnon	60 "	1
Thomas Popabertch	14 "	1
	Total	27

Injured.

Thos. Berrigan's two sons (leg broken of one only)		1
James Hayden & 2 children		3
John Hanlon	severely injured	1
Mr. Thos. Graham, sr.	injured and died 1 year after	1
Mrs. P. Fitzgerald	injured and still bears marks	1
William J. Power	injured - died 5 years after	1
Mrs. William Stevens and three children, aged 7 years, 6 years and one 8 months, under rock for several hours. One child a permanent cripple		4
William Stevens became insane from effects of slide - died in Beauport Asylum, about 4 yrs after - aged 34 years.		1
J.P. Miller became	became insane - died 5 yrs after	1
Mr. & Mrs. John O'Neil	Injured and under rock	2
Mrs. Douglass	Injured - 3 mos. in hospital	1
Stephen Burke	Mother & child under rock for 5 hours - 8 weeks in hospital.	3
Mrs. Black, Miss Black and	Miss Caldwell Injured	3
Henry Mullins	Under rock for several hours	1
Mrs. O'Farrell	Badly injured	1
	Total	24

In answer to the advertisements, 81 claims were filed in writing, consisting of statutory declarations of loss, accompanied in some instances with particulars, but for the

most part drawn in very general terms. These were prepared in the month of October following the accident, with a view to eventual legal proceedings against the Crown. A large majority of the claimants were represented by Mr. A. Robertson, Advocate, of Quebec, others by Mr. Dunbar, Q.C., Mr. Taschereau and Mr. Lavery, while a few were not represented. The aggregate sum demanded was \$278,203.63. The claims were of 5 kinds.

1.	Claims for loss of life and for personal injury	\$100,500.00
2.	Claims of proprietors for damage to real property	80,586.00
3.	Claims for personal effects destroyed or damaged - and for collateral losses caused by the accident	41,108.38
4.	Claims for tools supplied to the rescuers for refreshments to them and to the wounded, and for clothing and other necessaries supplied to the sufferers	507.50
5.	Claims for consequential damage to the business and property of certain firms holding wharf and other property under lease or otherwise in the vicinity	<u>9,822.00</u>
		\$278,203.63

Of course in many instances the claimants' names and losses on more than one of these grounds of loss, when they occur in his case. We return with our report the claims filed with us, accompanied by a list showing the amount of the original demand in each instance.

Upon opening the investigation we were careful to state to the claimants and their representatives the principles

upon which we conceived we were bound to proceed in framing any recommendation to the Government. We pointed out that not only were all claims barred by lapse of time, but that under the formal decision of the Supreme Court in the case of the City of Quebec vs the Queen (24 S.C.C.R. p 421), the Crown was held neither in fault nor responsible (two members of the court dissenting); and that thus any relief which Parliament might be disposed to grant could not be viewed as an admission of a liability which did not exist and could only be reasonably considered as a grant in relief, and be claimed by those in necessitous circumstances. Upon this representation several claims were withdrawn - among them that of the City of Quebec for a large amount.

There are seven claims which on this principle are inadmissible. They are those of the Estate J.W. Henry (No. 53) \$15,600; W. & G. Jathert (No. 58) \$30,000, subsequently reduced by them to \$1,800.00; Haddon & Ellis (No. 3 a) \$4,000; R. Borland & Co. (No. 2) \$300.00; F.R. Tweedle & Co. (No. 46) \$1,695.00; G.M. Webster & Co. (No. 48) \$480.00 and Claude Giguere (No. 50) \$3,050.00. Here all the claimants, with the exception of the latter are in prosperous circumstances, and we do not feel justified in recommending them for relief. But if a contrary view is taken, we have no hesitation in stating that with the exception of Mr. Borland's the claims are largely exaggerated and the attempts to support them were of a most unsatisfactory character. With the exception of the Henry claim for the destruction of property worth probably about \$4,000.00 reference to the claims will show that they are mainly for consequential damage, for which probably there would be no remedy at law, even were liability established.

With respect to the claim of Edward Larose (No. 74) for \$1,022.00, it is not connected with the landslide and therefore does not fall under the investigation, Larose, it appears,

was working under contract with the Militia department about two or three hundred yards to the eastward of the place where the rock fell, and the heavy floods of September appear to have injured his works and occasion<sup>ed</sup> him considerable expense and delay for which he has received no compensation.

CLAIMS FOR LOSS OF LIFE AND INJURY.

In all 32 claims were submitted to us asking compensation for loss of life or personal injuries. By our law the remedy of the surviving relative in case of death is limited to the husband or wife, as the case may be, and to the children and parents of the deceased. This concludes from consideration a certain number of claims. Further, though a technical right of action may exist, damages, to any considerable extent are only allowed when the survivor sustained actual pecuniary loss through the death, as in the case of children deprived of their parents support and care, or aged parents deprived of the support of their children. This again concludes from compensation to any very large extent a number of claims. There are now, which we deem it our duty to submit for favorable consideration. Evidently the cases of widows deprived at once of their husbands and children are the strongest - We shall mention several.

MRS. BERRIGAN. - Here the husband and son were both killed and the family house totally destroyed with all its contents. Mrs. Berrigan is now living with a son-in-law, and is entitled to look for support to another son who escaped. She has a further claim for property destroyed.

MRS. BLACK. - This is a specially painful case. By the accident Mrs. Black lost her husband, a man of 54, two sons aged respectively 17 and 18, the elder a student of pharmacy, and was injured herself to such an extent as to be unfit for work for life. Her daughter and only surviving child had one of her feet so distorted as to cripple her, and naturally



to be an obstacle to her settlement in life. The family were fairly well off. Black doing a good business as a founder and Mrs. Black contributing to the support of her family by keeping a shop. They were probably worth \$7,000 or \$8,000 at the time of the accident, but ever since she and her daughter have been supported by the joint charity of the Church to which she belongs and the St. Andrew's and Irish Protestant Benevolent Societies. We refer to the evidence of the Reverend J. McCarthy and Reverend D. Tall on this case.

MRS. FITZGERALD. - Here the husband was seriously injured, death resulting some two years afterwards. Mrs. Fitzgerald has 6 children, several of whom are of an age to contribute to her support.

MRS. O'FARRELL. - This person lost her husband and three children, being left with only one son, a boy of about 10 at present. She remarried two years ago, previous to which she was in poor circumstances. She was herself badly injured.

MRS. W.J. POWER. - Her husband was so badly injured that he was unable for work, and died some three or four years ago, leaving her in poverty with several children dependent upon her. Some of them are now old enough to help her.

MRS. STEPHENS. - Here the husband died insane some years after the accident, from its results we are informed. She has two children, one of them permanently crippled. The Reverend Mr. McCarthy represents this as a deserving case. She herself is in very poor health and circumstances.

MRS. J.P. MILLER. - Here the husband, though not in the accident, lost a son by it and practically all his relatives in this country. This produced such an effect upon his mind that he ultimately died insane. The son was by a previous marriage.

Mrs. JAMES [Name] - They had a daughter killed, who was in the habit of contributing about \$10 a year to her parents' support. They have one son, a ship laborer.  
PATRICK AND BRIDGET NOLAN - Here a son and daughter-in-law were killed, and the claimants are in poor circumstances and poor health. The son was 27 years of age when killed, and was a master mechanic and foreman of Mr. Black's foundry, earning good wages all the year round and contributing towards the support of his parents.

MICHAEL AND ELLEN DEANEY - These claimants lost their father, who was their only support. According to the evidence, they are of a weak order of intellect, in poor circumstances. One of the claimants had her leg broken by the accident.

JAMES DEANEY - He lost his wife and all his family.

IDA GARDWELL - She was severely injured and still feels the effects - is unable to work much, and walks with some difficulty.

STEPHEN BURKE - ROBERT LAWSON - MARTIN DEANEY - In each of these cases, the wife was killed, leaving in each case one young child, a fair subject for relief.

All the other claims for compensation for loss of life, though deserving of all sympathy, do not involve pecuniary loss - the deaths claimed for being those of parents who were enabled to support from their children. We do not feel justified in recommending them for relief.

Claims for Loss of Limb.

The subject of [Name] claims for loss of [limb] due to [cause]. He is a [occupation] and his loss has rendered him [condition]. He has a family of [number] children and is unable to support them. He is in poor health and unable to work. He is a fair subject for relief.

desired by Sir John Thompson, the responsibility of the Government, we think its expenses might properly be returned. It is true that the tenements in question were assessed for large sums in the books of the corporation, but these assessments are not fair criteria of value, and as the value of property in that part of Quebec has for some time decreased, we prefer to rest our views on the prices of acquisition by the proprietors. On this basis we would allow the Lawsons \$1600; Mrs. Berrigan \$1500; Mrs. Bradley, whose property was mortgaged, \$1,000 for her individual loss, and Mr. McCabe, whose house has been practically rendered valueless \$1600.00 As already stated, the Jalbert claim has been withdrawn, and the injury done to Mr. John Power is allowed for hereafter.

NECESSARIES SUPPLIED TO SUFFERERS AND RESCUERS.

These claims seem to us fair, and we have for the most part admitted them in the list given below.

LOSS OF FURNITURE, PERSONAL EFFECTS, &c.

It is out of the question to go into this matter in detail. As nearly 3 years have elapsed since the accident, it is impossible to check in any strict sense the claims submitted, which however we consider are not unnaturally exaggerated. We have given the subject our best consideration, and taking into account the evidence, lodgings, number of inhabitants, position in life, and earnings of the various occupants, we are disposed to think that the amounts set opposite their respective names below are fairly correct.

Placing together all claims - for life and personal injury, damage to property, real and personal and claims for necessaries and supplies - we suggest that any grant which Parliament may be pleased to vote for the relief of the sufferers by the Quebec Landslide, if amounting to \$70,000, should be apportioned as in the following list, or in proportion

to such list, according to the amount which may be voted.

L I S T.

No. of Claims	CLAIMANTS.		AMOUNT.
1.A.	Douglas, Mrs. Wm.	wearing apparel	\$ 89.50
2.A	Madden & Ellis	tools	25.00
3.A	McGee, Wm.	real property	1,500.00
1	Barrigan, Thomas	household effects	450.00
2	Borland, R. & Co.	" " 2300	
3	Bradley, James	life 500	880.00
4	Black, Mrs. Henry	one half household effects 8750	
		life 2500	3,250.00
4	Black, Miss Ida	injuries \$1,000	
		one half household effects 750	1,750.00
5	Burke, Stephen	household effects 800	
	" child	life 400	1,300.00
6	Donnelly, John	wearing apparel	30.00
7	Garison, Mrs. P.E.	household effects &c	500.00
8	Gaughlin, James	" "	200.00
9	Doyle, Mrs. P. & 3 sisters	damage moving etc.	40.00
10	Deoney, Mich. & Ellen	household effects 1000	
		life 1000	1,300.00
11	Doherty, J.T.	damage to effects &c.	50.00
12	Donovan, Patrick	" " "	75.00
13	Wright, Thomas	" " "	135.00
14	Simons, Mrs. Elizabeth	household effects &c.	150.00
15	Fitzgerald, Mrs. F.	" " 3500	
		life 1500	3,000.00
16	Graham, Thomas, Jr.	damage to effects etc.	110.00
17	Graham, Thomas, Sr.	" " "	150.00
18	Hanlon, John	wearing apparel, injuries &c.	150.00
19	Hayden, George	damage to effects &c.	80.00
20	James	household effects	400.00
21	Henry estate, John	" "	115.00
22	Kerwin, Mrs. M.	" " 3750	
23	O'Farrel, Mrs. Catharine & son	life 1250	2,000.00
24	Kennedy, Wm.	daughters effects	115.00
25	Kerwin, Luke	household effects	350.00
26	Kennedy, Mrs. James	sisters wear, apparel 220.00	
		life 400.	420.00
27.	Lang, John	tools	32.50
28	Harrigan, Mrs. Tim & family	household effects 3500	
		life 1000	
		property 1500	3,000.00
29	Vail, Mrs. W. & Reardon, Mrs. J.	household effects	500.00
30	Mayberry, Alex, Wm. John	" " "	1,000.00
	Marion Mrs. O'Brien	" " "	
	John, Mrs. Joe	" " "	
	Marion Mrs.	" " "	225.00

No. of Claims,	CLAIMANTS.		AMOUNT.
32	Mullins, Henry	Household effects \$450.	
		Injuries 250	\$ 700.00
33	Malone, Mrs. Wid. J.	Wearing apparel	80.00
34	Greer, Edward	Household effects	200.00
35	Paul, Mrs. Robert	Damage, necessaries &c	175.00
36	Nolan, Patrick & Bridget	Household effects \$400	
		life 1000	1,400.00
37	O'Dowd, Frank	Household effects	400.00
	O'Neil, James		
	" Joseph		
	" Maggie		
38	" Mrs. J.	" "	500.00
39	" Patriok	wearing apparel	125.00
40	Power, Mrs. W.J.	household effects \$400	
		life 1000	1400.00
41	Ready, Martin	household effects \$350	
	child	life 400	750.00
42	Stephens Mrs W.	household effects \$500	
		life 1000	1,500.00
43	Douglass, Mrs. W. )	see A.1)	
44	Knox, Mrs. J.	wear. apparel of Mrs. Brown	
		\$53.00	
71	"	household effects 175.00	228.00
45	Twoedle, T.N. & Co.	daughters wear. apparel \$50	560.00
46	Walsh, P & Mrs.		
47	Waters, James	wear. apparel	34.00
48	Webster, G.M. & Co.	damage moving etc.	20.00
49	Wilson Mrs. My.		
50	Giguere, Claude		
51	O'Connell, Annie	household effects	223.00
	" Wm		
	" Nellie		
	" Sarah		
	" Joseph		
	" Maggie		
52	"Asia" (barque)	supplies &c.	68.50
53	Henry, estate, J.W.	legal expenses	750.00
54	Berrigan, Mrs. Ella	(see 20)	
55	Lawson (family)	house \$1,500	
		" effects \$1,000	
	R. " daughter	400	2,800.00
56	Bradley, Mrs. F.F.	property	1,000.00
57	Power, John	damage, moving &c.	250.00
58	Jalbert, G. & W.		
59	Allan William )	\$250	
	Rose, Mrs. W. )	250	
	Nettleton, Mrs. P. )	250	
	" Ed )	250	1,000.00
60	Miller, Mrs. J.P.	G. Miller's wear. apparel	
		\$33.45	
		life 500.00	533.45
		Household effects \$200	200.00
61	Kemp, Wm. J.		
62	Miller, J.P.		
63	Pemberton, Robt.	wearing apparel	50.00
64	Deherty, James	necessaries & tools	28.00
65	" Mrs. James	damage and necessaries	63.85
66	Mayberry J.	(see 50)	
67	Beecham, A.	refreshments &c.	50.00

70	Mayberry, W.	(see 30)	\$50.00	
	O'Rourke, Mary A. }		50.	
	Sarah	household effects	50.	
	John		50.	
	Flo.		50.	
	Ed. }		50	\$ 350.00
71	Knox, Mrs. J.	(see 44)		
72	Millins, Bernard	household effects		220.50
73	Brown, Ann	wearing apparel		25.00
74	Larose, Edward			25.00
75	Waters, James & Co.	Tools &c.		14.00
76	Power, Patrick	wearing apparel etc.		5.00
77	Donnelly, Mrs. P.	wearing apparel etc.	\$100	
78	Caldwell, Ida	injuries	400	<u>550.00</u>
		Total		\$38,788.48

From the proof before us, it appears that from time to time, during the past seven years, assistance has been more or less distinctly promised to the victims of this disaster - sometimes by gentlemen in a position to promise with authority. It would be absurd to speak of our recommendation, if accepted, being in any measure compensation to the sufferers. That it is in the power of no one to give them. But we believe that even at this late hour, the substantial relief suggested would do much to promote their future comfort in life; and the feeling that losses and sufferings of a peculiarly sad nature are at last recognized by the country, would soften the bitter and angry feelings, which long neglect and broken pledges not unnaturally led them to entertain.

We have the honor to be, Sir,

Your obedient servants,

(Sgd) William Cook,

F. Murphy,

John C. Howe,