

ment. Surely if this claim had a foundation at all it would have been made long ago; surely we have had Mr. Ketchum remonstrating at the time.

Sir CHARLES TUPPER. So he did.

Mr. BLAKE. Then, why were the rates charged—if they were; and how is it that only after fifteen years have elapsed we find out, for the first time, that there was an over charge? If he did not convince you then, how does he convince you now? This is just another instance of these claims being brought forward after they have become antiquated, and the Government bringing down votes for claims which I do not think will commend themselves to the good sense of the people or the good sense of the country; and I repeat that, if these claims are to be brought forward at such a period of the Session, the least the House can expect is that they should have all the material documentary evidence upon which they could form some opinion, and arrive at some judgment, upon the *bona fides* and merits of the case, laid upon the Table.

Sir CHARLES TUPPER. I can only say that I considered this case was so plain and clear that it was quite unnecessary to take any such course, and if the hon. gentleman had, on the day when the Estimates were put in his hands, asked for these papers, they would have been on the Table now. The contract was made between the Government of New Brunswick and the contractor previous to Confederation, for the construction of a portion of railway, which is now a portion of the Intercolonial. In that contract it was provided that the materials used by the contractor should be carried at cost price. That is a very plain, simple matter. In the meantime Confederation takes place, and the fixing of the charge for the carriage of these materials passed into the hands of this Government, and Mr. Carvell, then manager of the road over which the materials were carried, fixed the rate. He was remonstrated with, but he insisted on the particular charge which he made. The sub-contractor made his contract on the basis of the original contract, which was that the materials were to be carried at cost price. He brings forward his charge, and it is presented to me as Minister of Railways. I cannot say that it is too old to entertain; I cannot plead the Statute of Limitations; I am obliged to deal with it in a businesslike manner. I ask the hon. gentleman, if he had been in my place, what he would have done. The Government had appointed Mr. Frank Shanly Chief Engineer of the Intercolonial Railway, and they appointed him to deal with all claims connected with that road. I said, here is a man of experience in railway matters, an able engineer, a most capable man in every respect; let him take this claim, get the evidence, ascertain if the charge is well founded or not, ascertain what is the cost of the carriage of these materials, and whether it is due to the rights of Mr. Ketchum that the money should be refunded to him. Mr. Shanly was charged with those duties. I hold his report in my hand, and having it in my hand, and having referred it to the manager of the Intercolonial Railway to verify Mr. Shanly's figures as to whether the claim that an over charge had been made, was well founded or not, what could I do? Mr. Shanly made a report that we owed this gentleman so much money, and that, after taking all the evidence that could be obtained on the subject, that, I think, would have been considered sufficient by the House; but I was not satisfied. I placed the report in the hands of the gentleman in charge of the Intercolonial Railway, and asked him to state whether or not he coincided in the statement that there was an over charge, and he said there was. Consequently, what could I do? I could not do anything else than I have done—recommend to the Council that that amount should be put in the Estimates, and that Parliament should be asked to vote it. These papers were placed in the hon. gentleman's hands on Wed-

nesday last, when he could have seen the date of the claim, and if he had then asked for and seen the papers, he would not have seen any reason for disagreeing with this vote.

Mr. BLAKE. This does not state that this was an old claim of the sub-contractor. I saw that it was an ancient, stale, and fish-like smelling thing; but I supposed that the Intercolonial Railway had been carrying rails for somebody, and had charged too much. Once again he says the claim cannot be rejected because it is old. But the claim is fifteen years old. During ten years of that time hon. gentlemen opposite have been in office; the rails were carried while they were in office; if it was so clear and plain and distinct, I want to know why it was not paid during all those ten years—why it was not settled in a businesslike manner? Is it businesslike to allow a plain, clear and distinct claim to remain unpaid for fourteen or fifteen years? No, Sir; the very circumstance that it has been pressed over since the time of the conveyance of the stuff, up to this time, is an indication that it could not have been, in the words of hon. gentlemen opposite—a plain, clear and distinct claim; but that they must have thought that there was nothing in it until this time, when something was conjured up and it was put in the Estimates.

Mr. WELDON. My recollection of this matter is that the Government of New Brunswick had nothing whatever to do with Mr. Ketchum. Messrs. Clark, Major & Co. were the contractors, and Mr. Ketchum was a sub-contractor under them; and if Mr. Ketchum has any claim, it is against them. But before the work was finished, a dispute arose between Mr. Ketchum and Clark, Major & Co.; and in order to get that property into their possession, so that it might be sold to the Dominion Government and made part of the Intercolonial Railway, Clark, Major & Co. made a complete and final settlement with Mr. Ketchum and finished the work. I, therefore, contend that Mr. Ketchum has no claim either on the New Brunswick Government or the Dominion Government. Assuming that he has, eighteen months of the claim would be against the Province of New Brunswick; and I ask the hon. Minister if he intends to make this a charge against the Province to that extent, and whether he has had any communication with the Government of New Brunswick to ascertain whether or not this is the case. If there is any claim against the Government of New Brunswick, or against the Government of the Dominion as the assignee of the Government of New Brunswick, it should be by Clark, Major & Co., or by their creditors, whose money was put into that road and has not yet been paid.

Sir CHARLES TUPPER. If the hon. gentleman is extremely anxious that we should make the charge against the Government of New Brunswick, I shall be very glad to consider that question on the special pressure of the hon. member for St. John. As I stated before, Mr. Shanly examined the entire question and found that the money was due to Mr. Ketchum; therefore, I took it for granted it should be paid, after taking the best means to arrive at the facts. But, as I said before, if it is found that we can do so, I shall be glad to meet the wish of the hon. gentleman, and make it a charge against the New Brunswick Government.

Mr. WELDON. I did not ask the hon. gentleman to make a charge against the Government of New Brunswick. I simply say that if Mr. Ketchum has a claim against the Government of New Brunswick, the Province is prepared to meet it, but not to make a settlement with a person with whom they have no contract whatever.

Mr. BLAKE. The hon. Minister of Interior, a few moments ago, pointed out the importance of having a high judicial authority to conduct these investigations, and to see that the Government are not improperly mulcted. There are several important questions—the question whether the