

And I do further order and direct that you the said George Mackenzie Clark, Frederick Broughton and D'Arcy Edward Boulton, as such Commissioners' as aforesaid, shall, from time to time, report to His Excellency the Governor General in Council, the result of such investigation and your opinion as to Her Majesty's liability in regard to each of the said claims so authorized to be investigated by you, as aforesaid.

To have, hold, exercise and enjoy the said office of Commissioners as aforesaid, unto you the said George Mackenzie Clark, Frederick Broughton and D'Arcy Edward Boulton, with the rights, powers, privileges, authorities and emoluments thereunto belonging and appertaining during pleasure.

Given under my Hand and Seal at Arms at Ottawa, this 7th day of October, in the year of Our Lord, 1882, in the 46th year of Her Majesty's reign.

By Command,

W. J. RITCHIE, *Deputy Governor.*

A. W. McLELAN, Acting Secretary of State.

OTTAWA, 17th March, 1884.

SIR,—I have the honor to acquaint you, for the information of the Commissioners appointed to investigate claims arising out of the construction of the Intercolonial Railway, that His Excellency the Governor General in Council has been pleased to order:

1. That in cases now before such Commissioners, in which the claimant is under his agreement chargeable with diminution of work caused by change of grade or location or by the omission of wooden superstructure of bridges, the Commissioners be instructed to report their conclusions on the liability of the Crown, not only as it is after making such charge, but also as it would be should the right to make the charge be waived.

2. That such Commissioners be instructed to exclude no claim from their enquiry, because of a receipt in full, unless in their judgment it was given under such circumstances as make it just and proper to hold the claimant bound by it.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

G. M. CLARK, Chairman, Intercolonial Railway Claims.

GENERAL REPORT of the Commissioners appointed to enquire into the claims arising out of the construction of the Intercolonial Railway.

Our commission was not accompanied by any special instructions, and we have, therefore, endeavored to learn, from the document itself, the object and scope of our enquiry. We have construed it as directing us to ascertain and report, as fully as we should think fit, the facts material to a decision on the several claims, and to give our opinion on the liability of Her Majesty arising out of those facts, to the end that our conclusions, after being reviewed, might be rejected or adopted, in whole or in part, as should seem proper to His Excellency the Governor General; our judgment of itself binding neither the Crown nor the claimant.

We have thought that our proceedings would not be of much value unless we succeeded in collecting all, or as much as possible, of the evidence which was relevant to the several disputes. Our investigation of any particular claim would be in vain, if, in some future occasion, a state of facts could be established substantially different from that upon which we had based our opinion. In this view the completeness of the evidence in each case became, in our eyes, a matter of primary importance.

We were not restricted, however, to the consideration of evidence given before ourselves, for the commission authorized us to "use evidence taken by any court, person or persons, who have had or may have, anything to do with the examination or investigation of the said claims."

Most of the claims referred to us had been looked into by the late Mr. Frank Shanly while he was Chief Engineer of the Railway, and oral and documentary evidence concerning them had been laid before him. On communicating with claimants