

9-10 EDWARD VII., A. 1910

This interpretation was made by me after consulting with Mr. Collingwood Schreiber, consulting engineer to the government.

The above, together with the diagram (Exhibit 20a), page 160 of the evidence form what is referred to afterwards throughout the evidence as Mr. Lumsden's interpretation. The blue print consists of four diagrams, No. 1 showing a piece of rock in ledges; No. 2, rock in boulders; No. 3, conglomerate rock; No. 4, detached ledge rock. All these, Mr. Lumsden says in his note at the foot of the blue print, are mere matters of measurement. No. 5 is a diagram showing rock in masses of over one cubic yard (assembled rock) which in the judgment of the engineer can be best removed by blasting. There is nothing upon the print to indicate the scale upon which the pieces of rock are drawn, nor how much of the total space the rock is to occupy. This class, along with that in No. 6, which is shale rock, have by way of explanation, a note in the following terms:—

Nos. 5 and 6—to form a judgment as to whether or not it is best removed by blasting, the Chief Engineer must view the work in progress or leave it to be decided by the engineer in charge, whose duty it is to frequently visit the work during its operation and be governed thereby and act accordingly.

The interpretation was approved of by the Commission and was sent by Mr. Lumsden to the district engineers. Exhibit No. 21 is Mr. Lumsden's letter to Mr. Doucet submitting the interpretation, and contains an inquiry as to whether the classification in District 'B' conforms to such interpretation; directs Mr. Doucet to take steps to have the division and resident engineers, who are personally acquainted with the work, take up the matter and have an estimate prepared, showing the difference such classification would make with that which has heretofore been used by you; directs measurements to be made showing the classification of cross-sections, where regular or other classification of material is made in large quantities or measurements made by an assistant, of rock or loose rock in boulders; and concludes:—

Actual measurements shall be made of all classified material returned, and not by percentages, except in cases where measurements are impracticable in the judgment of the engineer in charge.

A similar letter was written to Mr. Poulin, and received by him.

Exhibit 22 should be read along with Exhibit 21, although it does not appear to qualify it in any material respect.

At page 162 Mr. Lumsden says that he did not regard the interpretation as constituting a change in the specification; that he did not recollect any written instructions prior to January 9; but that there was verbal conversation on the visit to La Tuque in October, 1907, and that any verbal conversation with the district engineer of District 'F' must have taken place with Major Hodgins, because he had not visited the work after Mr. Poulin took charge of it in September, 1907, down to January, 1908.

There does not appear to have been any foundation disclosed in evidence for Mr. Lumsden's complaint with regard to the engineers having disregarded his instructions prior to January, 1908, because the instructions issued in January, 1908, appear to be the first distinct instructions upon the subject. Mr. Lumsden says that in his view they did not constitute any change in the meaning of the specification. Mr. Doucet and Mr. Poulin, the district engineers, say that in their view the interpretation did not affect any change in the practice which had prevailed in regard to classification and measurement upon their respective districts. And there seems no reason to conclude, from any part of the evidence, that so much of Mr. Lumsden's charge of complaint against the engineers—that they had failed to carry out his instructions—if by that charge it was intended to imply that the engineers were guilty of wilful disregard of instructions) has been proved.