APPENDIX No. 3

Mr. A. E. Doucet, the district engineer of District 'B,' not only confirmed Mr. Lumsden's statement that Mr. Woods had withdrawn the charge, but added that Mr. Woods had agreed to confirm the withdrawal in writing (p. 570). Other engineers gave evidence to the same effect. Mr. Woods was summoned before the committee and stated in corroboration of Mr. Lumsden and Mr. Doucet that he had withdrawn the statement.

After the meeting at La Tuque above mentioned the whole question of interpretation of the specifications upon which Mr. Lumsden and his subordinary engineers had differed was considered by a number of the leading counsel of the Dominion, viz:—Sir Alex. Lacoste, for many years chief justice of the Province of Quebec; Wallace Nesbitt, K.C., formerly a judge of the Supreme Court of Canada; G. F. Shepley, K.C., E. Lafleur, K.C., C. H. Ritchie, K.C., S. Beaudin, K.C., and Donald MacMaster, K.C. Every one of these counsel, without hesitation or qualification expressed the opinion that the interpretation upon which the resident division and district engineers had proceeded in their classification was the true one, and as a consequence that the opinion that Mr. Lumsden maintained was untenable. The interpretation of Mr. Doucet and the other engineers under Mr. Lumsden, is found in their letters, Exhibits No. 42 and following (p. 232 *et seq*), and the opinions of counsel are fyled as Exhibits No. 47 and following (p. 245 *et seq*). From a perusal and comparison of these letters and opinions, it will be seen that every one of the high legal authorities above named, confirmed in a very positive manner the views of these engineers, viz: That 'rock in masses' meant rocks cemented together in masses of over a cubic yard (even though the individual rocks should be less) which in the opinion of the engineer could only be removed by blasting.

As a result of these opinions, and after the opinion of the Deputy Minister of Justice had been written to the commissioners (p. 159), Mr. Lumsden on January 9, 1908, made a formal written interpretation of the clauses of the specifications in question, accompanied by a blue print of a drawing illustrating the interpretation (p. 159). In this he said:—

> I am of the opinion that rock found in ledges or masses as specified must (firstly) be rock, and (secondly) it must be in ledges, conglomerate form (known as plum pudding stone), boulders or ledge rock displaced (in pieces each exceeding one cubic yard in size), rock assembled, also shale rock, such as in the judgment of the engineer may be best removed by blasting.
>
> Above the diagram in the blue print indicating asembled rock are the words:
>
> 'Rock in masses of over 1 cubic yard (assembled rock) which in the judgment of the engineer can be best removed by blasting.
>
> And at the foot of the blue print are these words: 'To form a judgment, &c.—'

Mr. Lumsden's view had been that 'rock in ledges or masses' meant ledge rock *in situ* or masses of detached ledge rock measuring a cubic yard. On page 229 of his evidence he says: 'It is the word 'mass' that bothers me.'

> Q. It is a troublesome word, isn't it? Isn't it really the troublesome word in the whole thing —A. The word 'mass' as I understood it in the specifications, and do still, referred to masses of rock which were not boulders, but had been detached from the ledge.
>
> Q. And your opinion was that it meant masses of solid rock?—A. Of rock, solid rock.

Notwithstanding his formal interpretation, he seems in his mind to have clung to his original opinion, as is apparent from his evidence found on (p. 250.)

> "A. Well, I think the word "masses" referred to rock that was not boulders, but masses of detached ledge rock.
>
> Q. I understand that you modified that view, though. That was your view