

## APPENDIX No. 3

## SOLID ROCK EXCAVATION.

34. Solid rock excavation will include all rock found in ledges or masses of more than one cubic yard, which, in the judgment of the engineer, may be best removed by blasting.

## LOOSE ROCK.

35. All large stones and boulders measuring more than one cubic foot and less than one cubic yard, and all loose rock whether in situ or otherwise, that may be removed by hand, pick or bar, all cemented gravel, indurated clay and other materials, that cannot, in the judgment of the engineer, be ploughed with a ten-inch grading plough, behind a team of six good horses, properly handled, and without the necessity of blasting, although blasting may be occasionally resorted to, shall be classified as 'loose rock.'

## COMMON EXCAVATION.

36. Common excavation will include all earth, free gravel or other material of any character whatever not classified as solid or loose rock.

36a. No classification other than that of common excavation will be allowed on material from borrow pits, except by order in writing of the engineer.

## SLIDES.

37. Material in slips, slides and subsidences extending beyond slopes in cuttings will not be paid for unless, in the opinion of the engineer, such occurrences were beyond the control of the contractor and not preventable by use of due care and diligence.

## CLASSIFICATION OF SLIDES.

38. The classification of material from slides shall be made by the engineer, and will be in accordance with its condition at the time of the slide, regardless of prior conditions.

The nature and history of the difference of opinion between the Chief Engineer and his subordinate engineers is traced in the documents which have been filed as exhibits and in the evidence of the witnesses. The difficulty arose in some degree, it is evident, from the fact that Mr. Lumsden did not feel that he had the same freedom of action as in acting for a private corporation.

In a letter dated 24th September, 1907 (Exhibit 8, page 145 of the proceedings) Mr. Lumsden says:—

Personally, I feel that matters are so different under a government commission, whose powers are limited by the Act, from what they had previously been under a corporation, who could act on their own initiative and take the responsibility of making such modifications in contracts as now suggested by me in just such difficulties as are now being experienced in District 'F' that unless some relief can be given, the strain and worry connected with my present position is more than I can stand, especially as the salary is not in proportion to the responsibility involved.

The difficulties referred to at the time were those arising from the high price of labour, the difficulty of securing men and of securing the rapid progress of the work by the contractors owing to the fact that it was not profitable at the prices mentioned in the contract. (See the remainder of the letter, Exhibit 8.)

Mr. Lumsden states in his evidence that later on—a few months after—that position was changed; that labour was more abundant, and the wages were not so high. But Exhibit 8 should be carefully examined, as it contains a statement of the conditions and difficulties which prevailed in the month of September, 1907. The same letter contained the recommendation of the appointment of Mr. S. R. Poulin as district engineer for District 'F' in succession to Mr. Hodgins, who had resigned.