

better design than the one he had prepared. Again, on January 20, he wrote me another letter, which may be called a supplementary report, in which he again stated his objections and expressed a view strongly opposed to the report of the majority, and in favour of his own design, and giving many reasons. Among other things, he took the position which I think, it is fair to him to state: that it was no part of the duty of the board to recommend definitely to the minister what tenders the minister should accept; that their duty was performed when they laid their reports before the minister, and it was the duty of the minister to act. These are the letters:

Montreal, December 10, 1910.

Sir,—In reply to your letter of November 29, 1910, enclosing communication of my colleagues addressed to you and dated November 3, 1910, I beg to submit the following remarks:

The board derives its powers from the order in council dated August 17, 1908, in which it is said:

'They shall prepare a new design, together with a specification, working drawings, estimate of cost and all such things in that connection necessary as preliminary to proceeding with the work, and submit the same to the Department of Railways and Canals for its action thereon.'

Owing to different views held by the members of the board, an agreement was arrived at in November and December 1909 that tenders would be received on the board's plans and also on plans made by contractors, according to the specifications of the board.

In accordance with said agreement an advertisement dated Ottawa, November 24, 1909 was put in the papers by the department, stating that

'The contractor is invited to submit alternative designs which must conform to the conditions laid down in the general specification.'

Preliminary specifications were issued, dated January 1, 1910, in which we find:

'Paragraph 6. Tenders. Tenders will be received on plans prepared by the board, but contractors are invited to submit plans of their own, made according to this and later specifications.'

Complete specifications were also issued dated June 1, 1910, in which we find:

Paragraph 4. Contractors will be allowed to submit tenders on plans of their own or on modifications of the board's plans, but all tenders shall be subject to these specifications.'

Finally an advertisement dated June 7, 1910 was put in the papers by the department which states that:

(a) 'tenders will not be considered, unless made strictly in accordance with the printed forms.'

The printed forms (contractor's plans) state that the plans must be in accordance with the specifications exhibited and a footnote states that the specifications referred to above are those entitled 'specifications for superstructure' dated Montreal, June 1, 1910.

(b) that the deposit will be forfeited.

'If the party tendering declines entering into contract for the work at the rates stated in the offer submitted and in accordance with the terms stated in the form of contract accompanying the specifications.'

In connection with the above, see form of contract, page 47:

'Which said specifications and supplementary specifications, plans and drawings are hereby declared to be part of this contract.'

On October 26, 1910, a report was sent you signed by all the members of the board, in which you were advised:

(a) that four tenders on plan No. V of the board were acceptable.

(b) that tenders on plans 'A,' 'B' and 'C' of the St. Lawrence Bridge Company would be acceptable 'providing that plans, details and materials were made in accordance with the specifications of the board, including modifications allowed to other bidders.'

The last paragraph means evidently that the plans, details and materials were not, at the date, made in accordance with the specifications of the board and did not come within the requirements of the department as advertised by public notice.

The only tenders, therefore, acceptable to the whole board and conforming to the requirements of the board and department, were the four tenders on plan No. V of the board.

On November 1, you wrote me asking that the board recommend which of the tenders mentioned in the report should be accepted.

At a meeting of the board held November 2. I submitted your letter to my colleagues. At this meeting the St. Lawrence Bridge Company's officials were present and submitted a special specification for compression members, which was entirely different from the specifications of the board and which, if accepted, as will be shown later on, would result in the construction of a bridge much weaker than proposed by the board. Later in the day my colleagues advised me that they had made up their minds to recommend the acceptance of the tender of the St. Lawrence Bridge Company on its own design and that, consequently, they would either send a majority report to the minister, or ask that two engineers be added to the board as provided for by the order in council. I suggested that the first course proposed by them be followed.

This recommendation was forwarded to you by my colleagues in a letter dated November 3, 1910.

On November 12, I answered your letter of November 1, informing you that I had nothing to add to the unanimous report of October 26, 1910. My reason for doing so was that I have never understood, from the time I joined the board, that the clause of the order in council quoted above, allows us to recommend the acceptance of any particular tender. I have always understood that this clause in the order in council leaves the choice of the tender to be accepted, to the department, and that the duties of the board are only those of a technical adviser.

Conditions, other than technical, may affect the choice, such as financial status, honest per-