

9-10 EDWARD VII., A. 1910

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.

It is difficult for your committee to present in succinct form the substance of the evidence taken with regard to the trip of inspection by Mr. Lumsden and the other arbitrators upon which he says he acquired the information which led to his resignation. He with the chief engineer of the Grand Trunk Pacific and Mr. Schreiber were appointed to arbitrate certain differences in cuts, which had been specially indicated in Mr. Woods' letters. Their whole tour of inspection on District 'F' lasted from the 22nd May to the 5th June, 1909; and from the evidence of Mr. Lumsden himself his inspection appears to have been of the most cursory and superficial character. There were hundreds of rock cuttings, many of which had taken from six to fifteen months to make and in which the classification had been made by resident engineers on the ground who actually saw the material removed from week to week; and Mr. Lumsden, upon walking through a cut, the slopes of which had naturally undergone considerable changes, as explained by a number of the engineers examined before the committee, undertook by mere guess work to condemn the original classification and to determine what it ought to have been. The method of doing so, according to Mr. Lumsden, was that he and Mr. Kelliher would average their guesses, or, where they failed to agree upon this, they asked the opinion of Mr. Schreiber and the notes in Mr. Lumsden's diary represented as a general rule what, as he himself states, he was 'willing eventually to put down,' (p. 400).

The engineers on the ground were not only not invited to give any explanations of their work, but were given to understand that no explanations were desired. On this point Mr. Lumsden's evidence is as follows (p. 485):—

Q. I think you told us already that it was intimated to Mr. Poulin that he was not wanted to interfere, that the engineers were not allowed to say anything?

—A. There was to be no discussion on the work.

Q. That was the scheme?—A. Yes.

Fragmentary depositions which were taken and which had been filed by Mr. Lumsden, were taken away from the work and without the engineers having any opportunity of referring to their notes or records.

Mr. Lumsden did not take measurements and in very few instances, indeed, did he cause any diggings to be made into the sides of the slopes; and these according to the evidence of the engineers were quite inadequate to give any indication of the character of the material behind the face of the slope. It was established conclusively that the face of the slopes of the cuttings changes very rapidly after their completion and that it was impossible to form any accurate idea of the nature of the material from such a cursory examination; in fact Mr. Lumsden had taken this position in a previous letter to Mr. Woods, of date May 15, 1908, (p. 292), in which he says:—

What I mean is this, that if, on examining work, say a cutting practically finished, I thought the classification appeared to be excessive, I would not be prepared to ignore the classification made by the engineer who had seen the work from day to day and state what the classification should be, without being able to verify my own ideas by actual measurements and observations of material found beyond the slopes of the material taken from such cutting which would necessitate the digging out sections of embankments or waste where the material has been deposited. This would take considerable time, but would give a good idea