

**Railway Construction—
Contract No. 14.**

5534. More than one layer?—There were four layers of timber, first longitudinally, and then cross ways for four or five tiers.

5535. At what level were they put over the surface of the water?—Very little above the level of the surface. A portion of it, in fact, was at the level of the surface.

5536. Then has the embankment been completed over that?—The embankment has been completed, but not dressed.

About 175,800
yards put into
this fill.

5537. What do you make the actual quantity now as executed?—The approximate quantity, as near as I can arrive at it, would be 175,800 yards. It is impossible to ascertain exactly the quantity put into this particular fill, but that is as near as I can ascertain it.

61,000 yards excess
of estimate.

5538. That appears to be somewhere about 61,000 yards more than you estimated it originally?—Yes.

5539. How do you account for that excess of quantities?—From the weakness of the foundation; the earth has moved away. The original earth has apparently moved away into the lake. On both sides of the bank there is quite a large quantity of earth that has risen to a considerable level above the water. The disturbance, I dare say, extends 400 or 500 feet on the lake side.

Loss of earth
explained.

5540. So that the earth that was put in there has really made the lake more shallow on both sides of the embankment than it was formerly—has helped to fill it up to a certain extent?—Yes; to a considerable extent.

5541. Was that the cause of the loss of a considerable quantity of earth that was intended for the embankment?—Yes.

5542. So that the whole base of the embankment is considerably wider than it was originally intended?—Yes; three times more.

Earth spread out
into the lake.

5543. Does that spread of the bottom account for the whole excess of the earth over what was your previous estimate?—Fully.

5544. Do you know whether any borings or soundings were made before you began to estimate the quantities at the first? You say you took it for granted that in both these fills the foundation was sound enough to support the embankment?—Simply with an iron rod. We used a three-quarter inch rod with three men on it, and in every case we struck a comparatively solid bottom. I might also add that test piles were driven on the north side of the embankment at present under discussion.

5545. That was on the lake portion, or bay of the lake?—Yes.

5546. What was the result of these borings, I mean as to depth?—In no case was it more than a couple of feet below the water. There might be six feet of water on an average, and about one foot below that we would be able to find a solid bottom with the rod.

5547. And if you found a comparatively solid foundation, how do you account for its giving way? What is your theory?—That, although the foundation may have been apparently solid, the great weight of the earth bank of course forced out the lighter material.

Final soundings
insufficient.

5548. Then, do you think that the trial was not sufficient in force to ascertain what the effect of the large embankment would be?—It was certainly not.

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5549. Ought there to have been more than three men on the rod to ascertain how such a heavy embankment would operate?—Yes; the boring tools ought to have been used.

5550. Do you know why proper boring tools were not used?—I do not; one reason is, I believe, they were not in our possession. No boring tools.

5551. Whose duty would it be to find out whether they were in your possession?—I should say the engineer in charge of the contract.

5552. Who was that?—Mr. Thompson.

5553. He directed you to locate this particular portion of the line finally?—Yes.

5554. Do you yet think he expected you to do that?—No; we were supplied with these testing-rods merely, and had no idea at the time that the bottom was as weak as it proved to be.

5555. That is not exactly the point I am asking about. I understand that the bottom turned out to be different from what you expected it to be. I am asking now as to the sufficiency of your testing implements; whether they were strong enough, or whether sufficient force was applied to give you the probable effect of an embankment of that height and weight?—I think they were not.

Who is responsible for failure to learn true character of bottom.

5556. Who is to blame for that?—The engineer in charge of the contract is the party responsible for the due performance of the work on the contract by his assistants.

5557. Did you tell him your opinion upon that subject at all; or had you considered the matter and arrived at any opinion on the subject?—All the soundings were marked, underlined, or dotted in on the profile under what we call the original surface, and then the engineers could judge for themselves respecting the bottom.

5558. You are the person who superintended the use of those instruments in making the soundings?—Yes.

5559. Did it occur to you at the time that they were not sufficient to prove whether the foundation was strong enough to bear the weight that would be put upon it?—Not at the time.

5560. Then you did not ask for larger tools?—No.

Witness who superintended work did not ask for larger tools.

5561. You used the ones that had been provided, and said nothing more about it?—Yes.

5562. What was the height of that embankment?—Fifty feet of an average.

By Mr. Keefer :--

5563. Above the water?—Not above the water, but above the bottom.

By the Chairman :—

5564. What is the next fill?—The next fill is at Cross Lake.

Contract No. 15.
Next fill: Cross Lake.

5565. What is your estimated quantity?—I have been only in charge of that portion of the work within the last three months. The work was well advanced when I was placed in charge of it, and I believe the quantity estimated at the time was, in round figures, 180,000 yards.

Work well advanced when witness was placed in charge; quantity estimated at that time, 180,000 yards.

5566. This was a part of the line which you finally revised?—No; this is a portion of contract 15.

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5567. I have been speaking of the fills on 14; did you only estimate two fills in your revised location of 14?—I estimated other fills, but the quantity put in has not called for any special remarks.

**Contract No. 15.
Cross Lake.**

5568. Now that you have gone to section 15, I will ask you about this: you say the quantity was estimated to be 180,000 yards?—Yes.

5569. That was over the water stretch?—Yes.

5570. Had it regular protection walls?—Yes.

5571. What amount of work has been executed?—They are still dumping material from the borrow-pit into the lake; but I should estimate that at present we have put in 215,000 yards.

5572. Have you any estimate as to the quantity which will yet have to be put in to complete it?—No; but this is very nearly sufficient. They are now dressing off the bank so that a small quantity more or less, will be sufficient.

One of the water stretches over which original intention was to put trestle work.

5573. This is one of the water stretches over which it was originally intended to put trestle work?—I think so.

5574. But you had no responsibility connected with the estimate of the original quantity?—Nothing whatever. I had nothing to do with the contract until the last two or three months.

Reasons why original estimate not sufficient.

5575. So that you are not able to explain why the original estimate is not sufficient; if it is not?—Except that the foundation has acted in a precisely similar manner to that of the bay, having spread out to probably 300 or 400 feet on either side of the embankment.

5576. But the bay had not any protection walls?—No.

Protection walls moved into lake.

5577. That has spread from the inside of the protection walls?—Yes; it spread moving the protection walls with it.

5578. The movement of the earth carried the walls further away into the water?—Yes.

5579. Has the bottom of the lake been disturbed also outside the protection walls?—Yes; to a distance of 300 or 400 feet; possibly more.

5580. Has the depth been diminished?—The earth has been raised above the water probably ten feet for the greater part of the distance.

5581. That would be outside the protection walls?—Yes.

Earth dropped between protection walls had effect of raising original surface outside of the protection walls.

5582. So that the earth which was dropped in between the protection walls has had the effect of raising the original surface outside the protection walls?—Yes.

5583. Then it must have sunk below the original surface, between the protection walls, and moved side ways?—Yes; in one or two places it has also broken the protection walls, and in one place raised a portion of one of the walls and worked its way underneath the stone.

5584. You had not charge of that work, so as to say whether proper soundings were made or not?—No; I had not charge at the time, but I know that borings were made.

Boring tools were used, but only after contract was let and embankment began to sink.

5585. Similar to those you have described?—No; boring tools were used.

5586. When the contract was let?—No; after the work in the embankment in the bay began to sink. These tools had been obtained

after the character of the foundation had been ascertained to be insufficient.

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5587. As to this portion of it, you say you do not know whether any preliminary examination was made? You are not responsible for any examination having taken place?—No; I am not responsible for any examination.

5588. You took no part in it?—No.

5589. What did you do next after this?—I am still on this work on section 6.

**Witness still on
work of section 6,
contract 14, and
in charge of
Ingolf sub-division
on contract
15.**

5590. Part of contract 14?—Yes; and I have also charge of Ingolf sub-division of contract 15.

5591. That is the first section of the west end of 15?—Yes.

5592. Adjoining your work on 14?—Yes.

5593. That is being now done by the Government?—So I understand.

5594. Who is your superior officer?—I report to Mr. Rowan.

**Rowan witness's
superior officer.**

5595. Have you ever travelled over the country further south than that line which you say you located as a sort of trial line?—I have not.

5596. Then you are not able to offer any opinion whether a better line than the one adopted could have been obtained in that part of the country?—I could not. I merely travelled across to the North-West Angle by the Dawson road.

**Railway Loca-
tion.**

5597. I mean from Winnipeg to Falcon Lake, for instance?—No; I have not.

5598. Do you know anything about the arrangement by which the east end of 14 was taken over by Mr. Whitehead from Messrs. Sifton, Ward & Co.?—I may say I do not. That is, I have received no official intimation whatever.

5599. Were you present at any part of the arrangement yourself between the parties?—No; I was not. I merely heard the thing casually.

5600. Did you ever talk over the matter with Mr. Sifton, Mr. Ward, or Mr. Farwell?—No; not to my recollection. I have not. I am certain I have not.

5601. Have you ever examined the country in the immediate neighbourhood of this deep filling, with a view of ascertaining whether a desirable change in the line had escaped them, and of obtaining one which was feasible and better, without destroying the general direction of the line?—I ran a trial line immediately after revising the last mile and a-half of contract 14. I ran a trial line south for a short distance, but the terminal point was the same.

5602. Which was that?—The crossing of Cross Lake. It was a short line, about three and a-half miles long.

5603. That would be on the east end of 14?—Yes.

5604. And ending at the same point as the western end of section 15?—Yes.

**Railway Loca-
tion.
Contracts Nos.
14 and 15.**

Found a portion of the southern line more favourable, but the distance increased.

Does not think it would have saved much expense.

In November of 1875, made a survey in connection with Carre's trial line from Lake Agnes to touch the trial line of 1874 on contract 14.

The country through which he passed not so favourable as present located line.

5605. What did you find?—There was a portion of the line more favourable, but the length was increased between 300 and 400 feet.

5606. Would it have saved much of that expense?—I hardly think it, as it was impossible to escape the bay.

5607. It would still have included the bay?—Yes.

5608. And Cross Lake?—Yes.

5609. Do you know anything of any other line south of that which would have been more favourable than the one adopted?—I have not given that matter any consideration.

5610. When you say it was impossible to escape Cross Lake, you mean it was impossible to escape it by retaining the terminus which you had?—Yes.

5611. You do not mean it would have been impossible by another line to have escaped it?—No; not at all.

5612. Is there anything further about this matter which you would like to explain?—No; there is nothing. I omitted to state that in the fall of 1875—November, 1875—I was instructed to make a survey from Lake Agnes, about three miles east of the north end of Cross Lake, westward, to connect with the trial line of 1874, on contract 14, about seventeen miles from Cross Lake. This line was run in connection with the trial line then being run by Mr. Carre from the Dalles on the Winnipeg River.

5613. That was under the instruction of Mr. Carre?—I was instructed by Mr. Rowan.

5614. Was it while you were serving as assistant to Mr. Carre?—No; I was really then under Mr. Thompson, but Mr. Rowan required my services. I had been appointed on contract 14, and was taken from that contract to do the work.

5615. Was that to connect with the line which had been previously run by Mr. Carre?—He was then running a line from the Dalles to Lake Agnes.

5616. What was the general character of the country through which you passed?—It was not so favourable as the present located line of contract 14.

5617. That would correspond with a part of the present section 14? That is, it would be within the same degrees of longitude?—Yes; about.

5618. Your eastern terminus of that survey would be somewhere directly north of the eastern terminus of section 14?—It was intended to be as nearly so as possible.

5619. Is there anything further which you wish to say?—I cannot recollect anything particular.

WINNIPEG, Tuesday, 21st September, 1880.

G. R. L. FELLOWES, sworn and examined :

By the Chairman :—

5620. Have you been employed in any work connected with the Canadian Pacific Railway?—Yes, since the spring of 1874. I was then employed as assistant leveller, and sent up to this country by Mr. Carre.

**Railway Location—
Contracts Nos. 14 and 15 and
Line west of
Red River.**

In spring of 1874, assistant leveller engaged on preliminary trial line from Rat Portage to Brokenhead River.

5621. Where was your first work?—From Rat Portage to Brokenhead River, near the line that is at present under construction.

5622. What was the nature of the work done that season?—It was a preliminary trial line, with the location following, made by the same party.

5623. How long did you remain on that work?—Until February, I think. I think the survey ended in February.

5624. Of what year?—1875.

5625. Do you mean field work or office work?—Simply field work.

5626. Then you were carrying on the work on that line during the winter of 1874-75?—Yes.

5627. What did you do in February?—I was with Mr. Forrest running the line from Shoal Lake to Red River.

In 1875, with Forrest, running line from Shoal Lake to Red River.

5628. Is that the Shoal Lake west of Red River?—Yes; from the one west of Red River to Red River, a distance of some fifty miles, I think.

5629. Did you take any part in the office work connected with the location of section 15?—I did. I made the plans for sections 14 and 15.

Made plans for sections 14 and 15.

5630. Was that after this work from Shoal Lake to Red River?—It was finished, and I was ordered to Ottawa with Mr. Carre.

5631. About what time did you go to Ottawa?—I think it was in March. I am not very clear as to the time, but it was in the spring of 1875.

5632. Was it at Ottawa that you took part in the office work connected with those sections?—Yes.

Office work.

5633. Did you do the office work only connected with your particular field work, or did you cover other persons' field work?—It was Mr. Forrest's work I had to complete. H. F. Forrest was transit man. I was assistant leveller from Rat Portage to Brokenhead, and leveller from Shoal Lake to Red River.

5634. Was any plotting or planning done connected with that line between Shoal Lake and Red River, as far as you know?—I think Mr. Kirkpatrick was laying down the line.

5635. You took no part in it?—No.

5636. How much of this section 15 did you plot?—The whole of it.

5637. Did you take out the quantities for the whole?—No; I merely made the plan.

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5638. You mean the location plan?—The location plan.

5639. Did you not do any work on the profiles?—No; none.

5640. Then the location plan would not enable you to take out quantities?—No; it would not.

5641. Did you take any part in estimating the quantities for that work?—I think not.

Office work.

5642. Describe what work you did in connection with that location in the office?—Merely taking the field notes, laying down the line of latitude and departure, plotting the topography, plotting the beginning and end of curve, and titling the plan. I think that was the amount of it.

5643. Do you know where that plan is now?—I think it is in the Ottawa office.

5644. Have you searched for it in the office here?—Yes, a little; but Mr. Rowan told me that he is prepared to say that the majority of the plans, particularly of the south line, were in Ottawa—at least he left it there at the time he was before the Senate Committee.

5645. This is not the south line that you are speaking of?—No; it is the middle line.

5646. Did you say that Mr. Rowan informs you that the majority of the plans are at Ottawa?—Yes.

5647. Might not this be among the minority?—It might be. That I cannot swear to.

5648. Have you asked at the office here for this particular plan that you describe?—No; I have not. The south line plan and profile were the ones I asked about yesterday.

5649. Are they here?—They are not here. I produce a plan shown to me, which I think is a tracing of the plan I made in 1875, in the office, of the centre line—the 1874 line. (Exhibit No. 100.)

**Appointed transit
man to Carre to
make a survey
from Rat Portage
westward.**

5650. After the office work in the spring of 1875, what did you do next in connection with the Pacific Railway?—I was appointed transit man with Mr. Carre, to make a survey from Rat Portage, and improve, if possible, the work of the previous year. I think we commenced operations at Rat Portage in June. It was then intended to try the present south line laid down near the Lake of the Woods.

5651. Is that the line going south of Falcon Lake?—Yes.

5652. When you speak of the present south line, you do not mean the line at present located?—No.

5653. You mean the line which appears on the maps as the south survey?—Yes.

5654. How long were you upon that work in 1875?—Until November or December. I think it was about the 10th of November.

5655. Then your field work for that season ceased?—Yes.

5656. About how far west did you run that survey?—The line measured, I think, about sixty-four miles, tying-in with contract 14 near Bog River.

5657. Did it strike section 14, east or west of Bog River?—East of Bog River.

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5658. About how far east?—I would not be prepared to state that. I think the station we tied-in with on contract 14, was 2600.

5659. What sized party made that survey of 1875?—Mr. Carre's party was divided up into two. I was transit man on one, with Mr. Waters as leveller, a rod man, picket man, about six axe men, and I think a topographer.

5660. Had you charge of that party under Mr. Carre?—Under Mr. Carre, I had supervision of it.

Under Mr. Carre, had supervision of party in 1875.

5661. Who had charge of the other party under Mr. Carre?—Mr. Robinson.

5662. How much of this line did you yourself locate?—I located from Rat Portage to this point near Bog River.

5663. How much of it did Mr. Robinson locate?—He made trial lines headed in different directions, under instructions from Mr. Carre.

5664. Then you went over the whole line with your party?—Yes.

5665. Are you able to form any comparison between the feasibility of that line and of the one which was afterwards adopted?—Not very well; I could merely compare between certain distances to the present line. I might say, from Rat Portage twenty-eight miles of the country is very similar to section 15 as at present under contract.

Part of the southern country very similar to section 15, as at present.

5666. About what point would that be?—That would be the west end of Crow Lake.

5667. And from there westward, are you able to compare the feasibility of the two lines?—From about twenty-eight miles to forty-five miles to Rat Portage, the country is similar, I think, to the east end of section 14.

And part like the east end of section 14, leaving out the heavy fill.

5668. Do you mean the extreme end of 14 at Cross Lake?—Yes; leaving out the heavy fill.

5669. Is that a more favourable line?—That I never formed any opinion about; I left that entirely to my superiors.

5670. Have you not formed any opinion from your own knowledge of the two localities?—No; I have not.

5671. In what respect did that latter portion of the line—I mean between the end of the twenty-eight and the end of the forty-five miles—differ from the first twenty-eight miles?—The fills were light. We could get an easy grade, and the cuttings were not so heavy, with the exception, perhaps, of one or two points. One point that I think I remember of, was about forty-four miles on the west side of Falcon River; it was a summit. The work there, I fancy, would be heavy.

5672. Taking that balance of seventeen miles, did you think it was likely to be less expensive, or more expensive, than the first twenty-eight miles of the south line?—It would be less expensive than the first portion.

5673. Much less expensive?—I could not say.

5674. Are you not able to say, in passing over the country and locating a line, something about the difference in expenditure of a railway through it?—At that time I did not give a great deal of attention to it; my principal thought was to lay down as cheap a line as I could

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through the country by exploring. The result of that I did not make up or give any serious consideration to, because I left that entirely to my superiors to judge.

5675. But if it was left to you to lay down as cheap a line as you could by exploration, would not the probable expenditure be one of the materials for your consideration?—Yes.

From twenty-eight to forty-five miles on the southern line west of Rat Portage, would have been considerably cheaper than the first twenty-eight miles.

5676. Well, I am asking upon that question: whether it would be only slightly cheaper, the first portion of the line which you located, or considerably cheaper?—It would be considerably cheaper. The trouble is, I do not remember the grades across the muskeg, on the east and west of Falcon River. That is a large marsh. Of course if there was a heavy bank there, we might have a repetition or it would be similar to Cross Lake. There is a probability of that; but I am at a loss, as I do not remember the position of the grades in that section.

Quantities taken out on south line.

5677. Do you know whether quantities were taken out on this projected line, south, or on any portion of it?—Yes; I think quantities were taken out on the south line.

5678. Upon what portion of it?—I think through the whole of it.

5679. Did you take any part in estimating those quantities?—A very little, I think I began to take out quantities at the beginning of the calculation.

5680. You mean at the east end?—On the east end. A trouble occurred in my family and I had to leave the office. Then I had to leave the party, and I think the balance of Mr. Carre's party assisted in taking out quantities.

5681. Would the taking out of these quantities be subject to the revision of Mr. Carre, or would each person who took quantities in the first instance, return that as a final report on the subject?—I think it was subject to his revision, and they were under instructions from him, I think, at the time.

5682. Speaking about the practice in such matters, was it usual for a person who had charge of such work as you did, and took out such quantities as you did, to make a final report to the Department?—I think, if they have confidence in a man, they accept his figures as correct.

Practice as to responsibility for figures made out by engineers.

5683. Then the engineer in charge, if his subordinate is considered competent, takes no responsibility connected with that figuring?—I think he has to assume the responsibility as a matter of practice.

Engineer in charge does not revise figures of subordinates. He tests work in one or two places, and if inaccuracy found the work has to be gone over.

5684. Does he, as a rule, actually revise them and go over the calculations?—No; I do not think he can; he has not the time.

5685. What is the general practice? Is it the general practice that the engineer in charge goes over the calculations, or does he permit his subordinates to make the final report on the subject?—I think that they give it a test at different points to prove the accuracy of the work. If they find it incorrect the work has to be gone over again.

Yet calculations may be incorrect.

5686. But notwithstanding that test at different points, the calculations may be incorrect, and it may not be discerned?—Yes; they may.

5687. And was that the practice generally followed by Mr. Carre?—I could not say what he revised; but I think he had a good deal of confidence in his assistants.

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5688. Did you know at any time of the calculation of his assistants being assumed to be correct without revision, and returned as such to the superior officer?—I cannot call to memory now; it does not strike me at this moment.

5689. Would not his subordinates have some general understanding on this subject, whether it was the practice to adopt them without revision or not? Would it not be talked about among them?—I think not. They carried out his instructions as closely as they could.

5690. If any revision did take place of those calculations of quantities, was it the practice that the engineer in charge should ask his subordinates to be present, or would he do it alone in his own office?—I have never been present at any revision that I can remember of.

5691. Then as to those quantities which you did take out, you are not aware whether they were revised or not?—No.

Not aware
whether quanti-
ties taken out by
him were revised
or not.

5692. Do you say that you think the quantities which you were not able to revise on this southerly line were revised by Mr. Kirkpatrick and some others of the party?—Only the plan was prepared: that is, just the ground line; just merely the plan was what Mr. Kirkpatrick was at.

5693. Do you say that after you were obliged to leave off taking out quantities on the south line, some other one of the party proceeded with the calculations of those quantities?—I am under that impression.

5694. Who did you say had charge of that calculation?—I think there were John Macara, Alex. McNab, Louis Waters, who is now dead, and David Rodger, working at the calculations.

5695. Why do you think so?—I am under the impression that when I left the office, they were all engaged at it—all of Mr. Carre's party—and I am under the impression that they were taking out quantities.

5696. Do you know whether Mr. Carre ever revised the calculations of those other persons?—I do not know.

5697. Do you know whether Mr. Carre returned any report upon the subject of quantities on the southerly line to his superior officer?—I do not know.

5698. Do you know whether Mr. Carre had formed any opinion officially of the expenses of this southerly line, for the whole or any part of the distance?—I think he was rather glad of the way the southerly line turned out. He thought it was a much cheaper line, that is as regards the work to be done per mile, than the central line.

Carre thought
southerly line a
much cheaper
line.

5699. Then he had formed the opinion that the quantities would make it less expensive?—Yes; less expensive for the same number of miles.

5700. Do you know whether he made any return of that information to his superior officer?—I do not know.

5701. Had you been able to form any opinion on the subject yourself?—In going over the country I imagined that our southerly line was better for the same number of miles than the central line.

5702. I mean had you formed any further opinion than you described a few moments ago?—No; I did not give it any consideration. I was pushing at the plan.

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5703. Had you gone into that subject carefully enough to say whether you concurred in Mr. Carre's opinion or not?—No.

5704. Did you take any part in the office work connected with that survey—of the southerly line—such as making out location plan or profile?—Yes; I think I made a plan to the scale of 400 feet to an inch.

5705. Was that for location?—Yes; for location.

5706. Not a profile?—Not a profile—just a location plan.

**Ran a short
branch from
Cross Lake to
Clearwater Bay.**

5707. Was there any other work that you did in connection with that southerly line there, in the field, or in the office?—We ran a short branch at Cross Lake to Clearwater Bay.

5708. Was that a deviation from the first plan you have spoken of?—No; it was just a little branch—a spur running down to the water. It was more for the contractors than anything else.

5709. What was the length of that spur or branch?—About a mile and a-half, as near as I can remember.

5710. Was there anything further connected with that southerly line?—Nothing that I can think of.

5711. Do you remember the size of the other party which preceded you upon the survey of the southerly line?—I think it was similar in strength; the same number of individuals and the same positions.

5712. I suppose the cost of both of those parties was incurred upon the survey of this line, and it would not be, in any way, connected with the construction?—No; I think it was chargeable to survey—the expense of the two parties.

5713. Do you know, as a matter of practice in engineering for railways, at what time in the progress of the work construction is understood to begin as distinguished from surveys?—I do not know; but I imagine from the time that the contract is let over a piece of work construction takes place.

5714. Do you know whether the deviations made after a contract is let would be charged against construction?—I think so.

5715. You have not had any experience in managing the engineering of any line, the general engineering?—I think not, further than suggesting anything that struck me to my superior.

**Employed always
as a transit man.** 5716. Then it was always as subordinate to some superior officer?—Yes; always subordinate—transit man.

**Employed in
office at Ottawa.** 5717. After this completion of the survey of the southerly line, what was your next work, either in the field or in the office?—I was absent from the office for a time; then, on returning to the office, I think I made tracings of either the centre line or the southerly line to take with us in the improved location survey of contract 15, the field work of which began in June of 1876.

5718. Where did you do this office work?—In the Canadian Pacific Railway Office at Ottawa. There is where I was in the winter months, making out these plans that I have reference to.

**Contract No. 15.
Ordered to im-
prove portion of
line from Zero
to station 29.**

5719. Then what was your work after the commencement, in June of 1876?—I was ordered to improve the line, under instructions, from Zero to station 290.

Railway Location—
Contract No. 15.

5720. Under whom?—Under Mr. Carre.

By Mr. Keefer :—

5721. Where is Zero?—Zero is at the eastern outlet of the Lake of the Woods, at Rat Portage?

By the Chairman :—

5722. In what capacity were you employed on that occasion?—As transit man. Employed in capacity of transit man.

5723. What was the size of your party in round numbers?—It was just similar to the survey of the previous year in strength.

5724. And what did you do in that work with that party?—Under instructions, I changed the line and improved it so as to lessen the quantities. The object was to lessen the quantities in the cuttings, and increase the fills as little as possible. The fills were then heavy, and the grades were high.

5725. Would your lessening the quantities in the cuttings have the effect of diminishing the quantities in the fills?—No; it would have the contrary effect.

5726. Then how do you mean that you could accomplish these two things at the same time?—In the placing of the line and using sharper curves. How he improved the line.

5727. Do you mean in lengthening the fills?—No; in lessening the quantities required to make these fills.

5728. Do you mean that you would select ground in which there would be shallower fills?—If possible.

5729. So that at the same time that you reduced the quantity of the cuttings you could make a line without having as much embankment as would be required in the first located line?—Yes; the first object was to diminish the quantity of rock.

5730. Was that done in any instance where it might affect the permanent value of the road?—I do not understand that question as you are putting it.

5731. For instance, you might do it by making such sharp curves as to make extra wear on your engines?—No; we were to stick to the curves given to us, four degrees being the maximum. Four degrees the maximum curve.

5732. Then, was your improved location an advantage both as to the construction of the road and as to the working of it afterwards?—I think it was. Improved location an advantage both as to the construction of the road and the working of it.

5733. How long were you employed upon making that improved location?—Until about the month of August.

5734. That was upon the line as now adopted?—Yes; on the centre line—on the line of 1874.

5735. How far did you make that improved survey?—From Zero to station 290. Then Mr. Kirkpatrick commenced there and ran to station 720. I was removed up to 720 and made the location from that to station 928, I think it was. Employed making location from station 720 to 928.

5736. Was the work which you did on that portion of the line similar to that which you had done from Zero to 290?—Very much similar.

**Railway Loca-
tion.—
Contract No. 15.**

Runs a trial line from station 44 to station 179 south of the then located line.

Taking cross-sections for quantities from Zero to station 480.

Plotted cross-sections between November and end of December, 1876.

Not until after Nov., 1876, was data established on which others could calculate quantities.

5737. How long were you upon that portion of it?—That and the previous survey occupied the time I have mentioned—I think to September.

5738. What did you do after that?—Then I was ordered to run a trial line from station 44 to station 179, closer to the Lake of the Woods, and south of the then located line, to exhaust the subject and see if we could better the line that we then had.

5739. Was that going back over the ground that you had gone over earlier in the season, to see if you could not still further improve the line?—Yes.

5740. How long were you upon that?—It was a short time. I do not remember exactly the time—perhaps a week or a fortnight.

5741. What did you do after that?—After that we commenced taking cross-sections for quantities from Zero up to station 480.

5742. About what time did you commence taking those cross-sections?—From September, I think, up to the middle of November.

5743. Did you return the quantities that you were taking out, after cross-sectioning, to any one?—No; we did the field work—that was taking cross-sections with a level, and then we plotted the cross-sections from the field notes on the cross-section paper or plan.

5744. Do you say you put them down in that way between September and November, 1876?—Between November and the end of December, I think.

5745. Then you did not plot down your cross-sectioning before November, 1876?—I do not think so. I think that our time was fully occupied in the field.

5746. After you had plotted them, would it not be necessary to make calculations to ascertain the quantities?—That was the object in making cross-sections, to obtain quantities.

5747. The object was to give some person data from which to calculate quantities?—Yes.

5748. The work which you are describing would not show the quantities?—No; it would not.

5749. It would only be data for other persons to ascertain the quantities from?—Yes.

5750. But you did not establish those data until after November, 1876?—No; I think not.

5751. For what portion of the line did you establish those data?—from Zero to station 480.

5752. Do you know who, if any one, was doing similar work on the rest of the line?—I am not positive, but I think Mr. Kirkpatrick was doing similar work.

5753. Under Mr. Carre?—Yes; under Mr. Carre.

5754. In all this work they were subject to Mr. Carre?—Yes.

5755. Do you think Mr. Kirkpatrick was doing all this on 14 from 480?—No; the second nine miles in the contract.

5756. Who had the next sub-division?—They were continuing the improvement of the line—that is, Mr. Waters and Mr. McNab—from

**Railway Location,
Contract No. 15.**

the point I left it at station 928 or thereabouts, and they had to be down at Cross Lake before the cross-sections could be ascertained. I think that took up their time until the snow fell.

5757. Did you do any cross-sectioning except on this first sub-division?—No.

5758. Do you know who did the cross-sectioning upon either of the two last sub-divisions?—I do not.

5759. It was done, under instruction from Mr. Carre, by some one?—Yes.

5760. Then at what time that season did you end the field work?—The field work, I think, ceased in November, when the plotting of the work began.

5761. What did you do after that?—I think I was brought into Winnipeg here to assimilate levels. Assimilates levels.

5762. What do you mean by assimilating levels?—There was a difference between the levels brought through from Thunder Bay and the levels we were working on, of some 21.37; this we had to add on, I think, to all our levels.

5763. Do you mean to raise the grade to that extent?—No; we established datum up here independently of it, and when this was tied on to our work we had to raise our datum to 21.37.

5764. You mean that you were doing that work on the plans and profiles?—In the book work we were adding it to our datum figures.

5765. So as to give the persons who prepared the profiles from your books that improvement in the data?—Yes.

By Mr. Keefer :—

5766. Could you tell us what you assumed the surface of Lake of the Woods to be—I suppose you started from that?—I do not remember.

By the Chairman :—

5767. Did you know, during the work in the field of this season of 1876, that it was generally understood among the persons employed on the surveys that this deviation in the location of the line would lessen the quantities to be submitted to the contractors?—Yes. Understood that deviation of line would lessen quantities.

5768. Could you say about what time in the year that impression became a general one among the persons employed?—No; I do not think I could give dates; it was while we were going under canvas.

5769. Do you remember Mr. Marcus Smith going over the line that season?—Yes.

5770. Had you any communication with him during that visit on that subject?—No; I think I mentioned that some changes in the line were going to reduce the quantities by large figures, just from observation with my eye, without making any calculations.

5771. Do you say large figures?—Yes; I thought so.

5772. You mean that it would lessen the quantities?—Yes; lessen the quantities very much at some points.

5773. When did your work end in connection with this improvement of the survey?—In November, I think, was the date I gave. Witness's work and improving survey ended in November.

**Railway Loca-
tion—
Contract No. 15.**

5774. Then what did you do with them?—I plotted those cross-sections that I spoke of.

5775. Where did you go to do it?—I plotted them under canvas; but I think I made fuller notes in the office in Winnipeg, with Mr. Carre.

5776. Were you and Mr. Carre here together, in Winnipeg, at that time?—Yes; we met in Winnipeg. I think Mr. Carre was in before I was.

5777. Do you know when the quantities were taken out for this located line, after your survey made with that object? Were they taken out that winter?—I do not know; I had nothing to do with taking out quantities.

5778. Are you aware whether they were taken out at Winnipeg or at Ottawa?—No.

Thinks approxi-
mate quantities
for tenders could
be got at by
means of this
section.

5779. At what time had you to furnish sufficient data for the section or sub-section which was under your charge to enable any one to take out quantities?—When the section was made they could have got at the approximate quantities.

5780. You mean cross-sectioning?—No, not the cross-sectioning; just the section when it was made. I think the probable quantities could have been got at close enough to allow of tenders being called for.

Explains.

5781. What do you mean by the section?—Just the levels taken at the stations every 100 feet, and at different points between the 100 feet, wherever a break of the ground would occur.

5782. Would they be taken down in your field-notes?—They would be taken down by the leveller.

5783. Would they appear in the level books?—Yes.

5784. Do you mean that those books could then have been handed to some person, and that quantities, sufficiently approximate for tenders, could have been obtained?—I think, by an experienced engineer, the quantities could have been taken out from those books close enough to allow of tenders being based on them.

5785. When did you say those data, which you describe as being sufficient for skilled engineers, were actually furnished to any person for that purpose?—I do not remember; but I think it was the duty of the leveller to furnish the Division Engineer, Mr. Carre, with the information when he required it; it did not pass through my hands. Perhaps the only thing I would like to add, would be the section of our day's work, but my duty properly was to follow out the line laid down by the officer in charge, who was Mr. Carre. I did not take a special interest in the leveller's work.

5786. Would the leveller be called upon to hand in his level books direct to Mr. Carre, instead of through you?—Certainly.

When Carre was
away witness
decided the move-
ments of the
party. In other
matters the engi-
neer in charge
directed.

5787. Then in that respect he was not subordinate to you?—No; except in matters of moving camp. When Mr. Carre was away I was the party to say when we should move and where to.

5788. So that some of the parties had duties to fulfil towards the engineer in charge irrespective of you?—I should judge so.

5789. Was it so practiced?—Yes; in some cases.

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5790. Then you are not able to say at what time, or whether such books were furnished to any person to enable them to take out quantities?—No; I cannot. I do not remember it at this moment.

5791. Did you put down on cross-sectioning paper, from time to time, the result of your work, or did you wait until towards the end of the survey for that season before you marked it on the cross-sectioning paper?—I think that the leveller took rough cross-sections as the work progressed, and that assisted Mr. Carre in laying down the improved lines that he required to run.

By Mr. Keefer:—

5792. But did you not keep yourself, on section paper furnished in the office, a tracing to show the position of the work from day to day as it progressed—I mean the longitudinal section of the line that you were running with the transit?—No; nothing further than Mr. Carre pencilled it in, and we did not apply it to the plan until the survey was finished.

Progress of work not recorded from day to day but pencilled in by Carre and applied to plan when survey was finished.

5793. It was not done from day to day?—No.

By the Chairman:—

5794. I understood you to say that that was done under canvas before you went to Winnipeg to plot the plans?—The cross-sections of the surveyed line were done after the survey was made, so as to allow of quantities being taken out more closely than you could get from the section.

5795. When you speak of sections as distinct from cross-sections, you mean the longitudinal sections, the cross-sections being at right angles?—Yes; at right angles to a point on the line.

5796. Do you say you went to Ottawa in the spring of 1877, or went to Winnipeg?—I had leave of absence, and I was not on duty.

5797. For what time?—For two months. I got married then.

5798. What two months?—I had only one month—part of April and the beginning of May.

5799. Then were you not in Ottawa that month on duty?—No; on leave of absence. I had nothing to do with the work at that time.

5800. What was your next work for the Government in connection with the railway?—I was preparing for the contractor's men.

Railway Construction.

5801. Preparing what?—Staking out the ground and laying out the work on the ground.

Laying out work for contractor's men, June, 1877.

5802. What time did you commence that?—That was about the middle of June, I think.

5803. Were you still under Mr. Carre?—Yes; he was the engineer in charge of the contract.

Still under Carre.

5804. Were you next to him?—I was supposed to be the first assistant.

5805. What party had you for that work?—A rod man and an axe man.

5806. Was that for the whole of the section on contract 15?—About nine miles.

5807. Which nine miles?—The easterly nine miles from Zero to 480.

**Railway Con-
struction—
Contract No. 15.**
Lays out work
between Zero and
480.

5808. Did you do that work? Did you lay out the work on the ground for the contractor from Zero to station 480?—I did.

5809. About how long did that take you?—As the contractor required the work set out, then it would be done, or instructions given to him.

5810. Had he his men upon the ground at the same time?—Yes; he had a walking boss then, I think, named Pettit, and he was the first officer that was sent on to the works to superintend the construction.

5811. Was the construction commenced at that end of 15?—Yes; at that time.

5812. Then you did not lay out the work on the ground as soon as it could be done, but only from time to time as the contractor required it, so as to keep ahead of him and not impede him by delay?—Yes.

5813. Did that require you to be continuously engaged?—No.

5814. When you were not engaged in that particular work what were you doing?—If there was any office work I would attend to that.

5815. Where was the office?—At Keewatin.

5816. Was there any office work?—Very little at that time.

5817. Then you were not continuously engaged either in office work or laying out work for the contractor?—No; there would be a rush for work. We would have a lot of field work to do, and then the same with the office work. We were not steadily engaged.

5818. About what time did you finish laying out the work for the contractor in this sub-section?—It is not completed yet.

5819. Then if you are not continuously engaged at that or at office work, what are you doing?—I suppose amusing myself.

Cannot say what
proportion of his
time was given to
amusement.

5820. About what proportion of the time would you be able to amuse yourself?—That I could not say; I do not remember. Perhaps we would have a day—and perhaps a quarter of a day—or half a day at various times.

5821. You have no idea of the proportion of the time: would you be occupied more than half of the time?—I think so.

5822. More than two-thirds?—I would not be positive.

5823. Was it not practicable to proceed with the laying out of this work on the ground without any of these delays or amusements that you speak of?—It could have been done with assistance.

5824. I mean with the assistance which you could obtain?—The majority of it could have been done, I think.

Witness's reason
why it was not
better to proceed
with the laying
out of the work
without delays.

5825. Would it not have been more advantageous to the Government if you had proceeded immediately and without delays of any kind to lay out the work as fast as you could, and end that job, and then get some other job instead of having recesses continuously between the beginning and the end of it?—I do not know that it would. I think part of the time might better be given to more office work and working up quantities, testing the line laid down to see whether it could be improved or not, and making improvements where work was going on if possible.

**Railway Construction—
Contract No. 15.**
Supervision
necessary.

5826. Do you mean, while you were laying out the work for the contractor it was necessary that you should remain there, so that any work which he did would be subjected to your supervision; that you could not have gone away from that sub-section whether you had your work completed or not?—I think it was necessary to have a supervision of the work, and direct the men as to what was required to be done.

5827. Then, besides laying out this work for the contractor, you were charged with the supervision of his work?—I exercised a certain amount of supervision subject to my superior officers.

5828. I understand you to say that at the beginning of this particular work you were instructed merely to lay out the work for the contractor. Now, if that were all that you were required to do, you could have done it without any stoppages and proceeded to other work?—Yes; I could have done that if no changes were made, or if no changes were anticipated. I could have gone on with it and laid it out from end to end.

5829. And then your services would have been available for other localities?—Yes; they would have been.

5830. Let us understand why that was not done, why you did not finish that work and make your services available for other localities?—Because there was the probability of a number of changes taking place.

The grades being changed points would come up that would necessitate a lot of outside surveys, besides the line work, the work of staking out. The cuts and fills could have been done on the located line, and my services made available for other work.

But for the probabilities of changes in the grade, &c., work might have been finished up and his services made available for other places.

5831. Were you directed to do anything more than lay down that work upon the ground when you first went there?—There was nothing definite told me, further than that I had supervision, as I understand it, of that first nine miles—that is, to do all I possibly could towards setting out the work for the contractors, and assisting them in getting men into the points.

5832. Is it the usual practice, when assistant engineers lay out work on the ground for the contractors who are ready to work, that they should remain there and exercise supervision over the work which the contractor actually does?—I do not think it is necessary for that particular man who sets out the work to remain there.

Necessary to have some one to supervise the contractor's work.

5833. Is it necessary to have some one?—I should think so.

5834. Is it the usual practice?—It is the usual practice.

5835. Were you instructed to afford facilities to the contractor as to the locality and quantities of work required of him?—What way would that be?

5836. In any way. Are you aware that Mr. Whitehead complained that neither he nor his engineers could get from the persons in charge, on behalf of the Government, sufficient information to enable him to commence work with convenience?—I heard rumours of complaints.

5837. Now can you understand my question: whether you were instructed to give them all facilities or not?—I do not remember exactly the instructions; I think that at the outset the contractor's engineer came to me asking for certain information.

**Railway Construction—
Contract No. 15.**

Refused to give contractor's engineer information as a right.

Character of information desired by contractors.

5838. That is Mr. Ruttan?—Yes; I told him that, as Mr. Ruttan—as an engineering friend of mine—I could give him a certain amount of information to assist him in watching the work, but that the information should or ought to come from the Division Engineer as the officer in charge; but that I did not think it would be objectionable to give him this information beforehand so as to assist him, if possible. I have reference to bench marks now.

5839. Was that information which was necessary for the contractor to obtain before he could go on working comfortably?—I do not think so; I think he could establish his own benches, do his own cross-sections, and then when I was proving certain of the levels to my benches he could tie in.

5840. How were those bench marks made evident to any person? Do you mean by pegs on the ground or strokes on the trees, or how?—The roots of trees sometimes, sometimes on the top of a stump, sometimes with a nail, sometimes without a nail.

By Mr. Keefer:—

5841. Did you not mark the levels of those benches?—I think it was all levelled, but was so often burnt over that the figures were obliterated.

By the Chairman:—

5842. Do you mean that at the time the contractors came there your bench marks were not to be seen?—That they were charred—the majority of them.

5843. If the contractor's engineer could not see your bench marks how could he tie-in with them?—I could tell him.

5844. But I understand that was one of the things you would not tell him?—I would not tell him until I had an opportunity of testing the thing myself. The leveller had gone over this work, but I wanted to test his work as through work from bench to bench.

5845. Could you not have occupied yourself at those times of amusement in testing as you describe, so that you could give the contractor's engineer the information that was necessary?—I think at that time my time was fully occupied in working up other information, and in taking extra cross-sections; the first cross-sections that were taken were rather to establish the grades in the Chief Engineer's office, as I understood that they had to be approved of there.

Witness not willing to furnish contractor's engineer with information without instruction from the Division Engineer.

5846. Do you mean that at the time that the contractor's engineer asked for the information which he did not get from you, that it was because you were not able to furnish it, or because you were not willing to furnish it?—I was not willing to furnish it without instructions from the Division Engineer.

5847. But you were able to do so if you thought proper?—I could have given him the information, and he could have made a note of the difference in these bench marks. I could have given him the information that was given to me by the leveller as recorded in his books.

5848. And which he asked for?—And which he asked for.

Under impression that all work handed over to contractor should be revised.

5849. And which you thought not proper to give him?—Not as the contractor's engineer. I was under the impression that all work handed over to the contractor should be revised, if possible.

Railway Construction—
Contract No. 15.

5850. How would that make a better check?—I could verify the leveller's work by running over his benches.

5851. Whose benches?—The leveller's benches.

5852. Then do you mean that you were not able to give him definite information, because you had not run over those benches?—I could accept the leveller's work as correct; as it turned out it was very nearly correct.

5853. Do you mean that you were not inclined to give him this information, because you had not satisfied yourself that the leveller's work was correct?—I wanted to satisfy myself that any work that went out of my office was correct, by checking it.

5854. Then was it because you were not able, or were not willing, to give the information that induced you to decline?—I think that all information ought to come through the Division Engineer to the contractor. He ought to be cognizant of the information we were giving, as engineer in charge.

Thinks all information ought to come through the Division Engineer.

5855. Did you communicate with the Division Engineer on that subject?—I think I did.

5856. Who was the Division Engineer?—Mr. Carre.

5857. What was his answer?—I think he refused to furnish him with part of the information he asked for; but about the vouchers I would not be positive. I think that Mr. Ruttan also asked me for cross-sections, and that I refused it.

But Carre refused some information.

5858. Did Mr. Carre instruct you to refuse cross-sections?—I think so.

5859. Would it be any disadvantage to the Government to let the contractors get the cross-sections?—Not if there were sufficient cross-sections taken over the ground.

5860. Did you say the grade pegs were in?—No.

5861. How could the contractor ascertain the grade pegs, so as to know where to begin, if he was not shown the bench marks?—He has to get the grade pegs from the assistant engineer to start his cuttings.

5862. Were the grade pegs put down as fast as they were required by him, or at the time they were required by him?—Yes; the cuts and fills were given to the workmen, and they would work with cross-heads.

5863. But would it not be necessary for them to commence the cuts and fills by knowing where the grade pegs were?—If they had the cuts marked and cross-heads put up, the contractor could strike his own grade.

5864. Is it not usual for the proprietor's engineer to furnish the contractor with grade pegs, or the locality of the grade pegs?—Yes.

Usual to furnish contractor's engineer with grade pegs or the locality of grade pegs.

5865. Was it done in this case?—I would not be positive that it is done in all cases.

5866. Was it asked for by the contractor?—I think so. I might have pointed out on the ground where the grade was; but not to put a peg in in every instance.

5867. What time do you say you remained at that work?—From that time up to the present.

**Halfway Con-
struction—
Contract No. 15.**

5868. On that particular sub-section?—Yes.

5869. So that your work from then until now has been on that nine miles?—Yes.

5870. Is it finished?—No; it is not completed yet.

**Grade varied after
contract was let.**

5871. After the contract was let was there any material change in the grade?—I think so.

5872. To what extent?—It varied.

5873. Could you say upon an average about the extent?—I would not like to say an average.

**In consequence
banks decreased
and rock increas-
ed.**

5874. What was the general effect of that upon the quantities, either upon rock or embankment?—I think it decreased the banks and increased the rock.

5875. Have you ever compared the quantities of the work as originally laid out and as now executed?—I think I have, but I do not remember the figures.

5876. Have you made returns of the different sections—I mean the changed quantities in the different sections?—Yes; that has been returned to the engineer.

5877. Would it be possible, if similar returns had been made from each sub-section of the change in the quantities, to show the whole change over the whole line?—Yes.

5878. I mean the change in the quantities caused by this change in the grade?—Yes; it would show it over the whole contract.

5879. As far as your sub-section goes, you had taken out and reported the quantities as changed by these alterations in the grade?—Yes.

5880. Have you made up any estimates of the work which will probably be required to finish the contract on your sub-section?—Yes.

5881. Up to what time, or since what time?—From about a month ago.

5882. The 1st of August do you think?—I think so.

5883. Have you returned that?—Yes.

5884. To whom?—To Mr. Rowan.

5885. When?—About three months ago.

5886. Is that to be revised by any one?—I could not say.

5887. Have there been slight deviations in that line, or any deviations, since the contractors came on to the work which have affected their quantities?—Very many of them.

**Changes of loca-
tion, increased
rock and decreas-
ed fillings.**

5888. In what direction have they affected the quantities; have they increased or decreased them?—I think the rock has been increased and the fillings decreased.

5889. I mean the change of location, I do not mean the change of grade?—Yes; changes of location.

5890. So that the quantities, if they were correctly estimated at the beginning, would be less now than then; that is, the quantities affected by the change of location?—Yes.

5891. Has Mr. Schreiber been over that line lately?—Yes.

5892. Have any changes been made in consequence of his directions?
 —Yes.
5893. Have those changes been in grade or location? —In location.
5894. Do they still further diminish the quantities, in your opinion?
 —They diminish the quantities in the fills and slightly increase the quantities in the rock, at points.
5895. Has the effect of the changes been to diminish the expenditure?
 —I think so.
5896. Is any part of your sub-section finished? —There are points, cuttings; very few points are finished; that is, there are some catch-water ditches and things of that description required to be done to complete.
5897. Is the track laid over any portion of it? —No; except for service cars where steam shovels are working, and out of cuttings.
5898. Of course, you have travelled over the line, over that as far as it is finished? —Yes; once this summer.
5899. What is the most easterly point to which cars run now? —About sixteen miles from Rat Portage.
5900. Who is the assistant in charge of the sub-section next to you?
 —W. W. Kirkpatrick.
5901. The unfinished portion then covers your sub-section and most of his? —Yes; part of his.
5902. Have you been over any portion of the line south of section 14, except that which you surveyed in 1875, so as to ascertain the general character of the country, or the feasibility of a railroad over it? —No; I have not. Chakisse, an Indian Chief, when I was out at Falcon Lake, said that he thought a better line could be got by running direct towards Winnipeg, than the present location on 14.
5903. But from your own knowledge you have formed no opinion?
 —No.
5904. Did you take any part in the soundings of Red River at the time Mr. Carre was employed upon that work? —No.
5905. Were you employed on the line between Red River and Shoal Lake? —Yes.
5906. Is there any other matter connected with this subject which you think ought to be explained, or which you wish to speak of? —I do not think so, at present.

**Railway Construction—
Contract No. 15.**
Change made in location in consequence of Schreiber's directions.

Effect to diminish expenditure.

Sixteen miles from Rat Portage, the most easterly point to which cars run. (Sept. 21st, 1880)

**Railway Location—
Contract No. 14.**

H. F. FORREST's examination continued :

FORREST.

5907. Do you wish to correct any of the evidence you gave yesterday?
 —Yes, I do; on two points. In giving my evidence yesterday I stated that my impression was that there was no commissariat officer attached to division R; I desire to correct that statement. There was a person specially in charge of supplies, but I do not recollect his name. Also in reference to the bottom of the fill at station 4010, I intended to say that in no case was it more than a foot or so below the water bottom that we found solid bottom—gravel and blue clay—and not rock, if I did state it was rock.

Corrects previous evidence.

**Nixon's Purveyorship—
Buying Horses
and Freight-
ing.**

**Lives at
Winnipeg.**

**Employed to buy
horses for Gov-
ernment on
commission by
Nixon.**

**Rate of commis-
sion $2\frac{1}{2}$ per cent.**

**Horses bought for
Nixon principally
for Canadian
Pacific Railway.**

**Relations with
Nixon commence
in spring of 1875**

W. F. ALLOWAY, sworn and examined :

By the Chairman :—

5908. Where do you live?—At Winnipeg.

5909. How long have you lived here?—About ten years.

5910. Before that where did you live?—At Montreal.

5911. In what business were you in Montreal?—None; I was at school.

5912. Had you not done any business on your own account at that time?—No.

5913. What business did you enter into when you came here?—I came here with the volunteers.

5914. How long were you engaged in that service?—A year.

5915. After that service was over did you enter into any business?—I did not go into any regular business. I did so many things.

5916. What did you do?—I was buying and selling lands and scrip; and I was in the tobacco business for some time. That was the first regular business I was in.

5917. I believe you were at one time employed to buy horses for the Government on commission?—I was.

5918. Who employed you?—Mr. Nixon.

5919. Do you remember how many you bought in this way?—I do not.

5920. In round numbers?—I could not say. I bought them one at a time. I remember one lot of sixteen I bought. I may have bought less than 100 altogether.

5921. Do you remember what was the rate of commission which you and Mr. Nixon arranged?—Two and a-half per cent., I believe; I am not positive.

5922. Did this rate vary—sometimes a larger and sometimes a smaller amount—or was it generally on the same basis?—I do not think it varied. It is a long time ago.

5923. Were you engaged on any other transaction connected with the Canadian Pacific Railway?—I was freighting supplies.

5924. Were these horses bought principally for the Pacific Railway, or for some other service?—At the time my business was in that line I bought many for the late Mr. McKay and for the police.

5925. I am asking if those you bought for Mr. Nixon were principally for the Pacific Railway?—Yes; I think so.

5926. Besides buying the horses and freighting, had you any other transaction on account of the Pacific Railway?—I do not think so.

5927. Did you know that Mr. Nixon was employed by the Government to act as purveyor?—I did.

5928. Were you well acquainted with him?—Not at that time.

5929. At what time did your transactions commence with him on behalf of the Government?—In the year he came here. I think he

**Nixon's Pur-
veyorship—
Buying Horses.**

came here in the fall; the next spring after he came: I think it was in the spring of 1875.

5930. Had you had much experience in transactions with horses before you entered into the arrangement with him?—Yes.

5931. Your knowledge of horses was pretty good?—I think so.

5932. Would it be valuable to the Government?—I think so.

5933. Would you probably be able to know if there were defects in the horses?—Certainly. Witness a good judge of horses.

5934. Had you or some of your family been engaged in business connected with horses?—Yes.

5935. So that in this arrangement made between Mr. Nixon and you, it was expected, I suppose, that it would be of advantage to the Government that you should exercise your judgment in purchasing the horses?—That was what it was for. I never purchased a horse without the sanction of the engineer or Mr. Nixon. Never purchased a horse without sanction of engineer or Nixon.

5936. Do you mean that you would ask them to exercise their judgment in each case?—In every case.

5937. On every horse?—Yes; sometimes there would be four or five together. If I met a man with a band we would go into the band and pick them out, and I would see whether they were sound or not, or whether I thought they were fit for the work or not. Character of witness's service.

5938. And was this commission intended to cover your service in this way?—Yes; the engineer or Mr. Nixon were cognizant of the price all the time, and sometimes they would say it was too high and would not take them. When they were here they always inspected the horses. When a requisition came in for horses—the engineer would requisition for so many horses—he would always look at them before they were given to him.

5939. If not would Mr. Nixon exercise his judgment?—Yes, that was in the case of one; but if there were four or five to be bought for a party going west, the engineer would always say whether they were fit for his work or not.

5940. Besides the freighting, in its ordinary sense, were you not engaged in carrying mails?—I got a contract for a mail: that was for the Pacific Railway. Carrying Mails. Got contract to carry mails.

5941. It was connected with the Pacific Railway works?—Yes; it was for their mail.

5942. Had you any place of business established, such as an office or shop in the city?—Latterly I had.

5943. About what time?—I always had an office; I always had a place to do my business, where I was to be found, and where my freighters coming in could find me.

5944. Separate from your residence?—I had no residence; I was not married. I lived in an hotel.

5945. But had you an office separate that was not connected with the place where you lodged?—It was where I lodged, because I always slept in the office.

Nixon's Purveyorship.

5946. Do you remember at what time you first had an arrangement with Mr. Nixon?—I could not tell you the year; if you know what year Mr. Nixon was sent up here, it was in the next spring.

Forgets first transaction with Nixon.

5947. Do you remember what your first transaction with Mr. Nixon was?—I do not.

5948. Do you remember where he lived at that time? What part of the city?—I do not know where he boarded. He had no family with him at that time and was boarding somewhere.

5949. Had he any place of business?—He had an office.

Office.

5950. Where was that?—It was past Donaldson's big store. It was near the old land office, next door to the Receiver-General's old office—Mr. McMicken's office.

5951. And where was your place of business then?—Up near the Pacific Hotel.

5952. Did it happen that you and he had an office together at any time?—Never.

Witness may have written out wages bills in Nixon's office, but never had any real connection with his office.

5953. Had he any desk or any right to occupy any portion of your office, or had you any right to occupy any portion of his office?—Never; I may have written out wages bills in his office, but I never had any connection with Mr. Nixon's office, or he with mine.

5954. If you used his office it was only temporarily?—If we were sending out supplies we would check them over in his office, and that is all.

5955. Were you ever interested in any office which he occupied?—Never.

5956. Nor any person of your name?—Not that I know of; it is some time ago, but I am pretty positive that there was not.

Carrying Mails.

Contract for carrying mails let by tender.

5957. Do you remember this contract for the carrying of mails; was it let by tender?—By advertisement and tenders called for.

5958. Can you produce any account connected with that?—I produce an account for carrying mails to contracts 14 and 15. (Exhibit No. 101.) I did not get that contract from Mr. Nixon. I got it from Mr. Rowan, I think. I think it was Mr. Rowan who advertised for the tenders.

5959. Were you told that you could get any information from any of the officers connected with this work before you put in your tender?—What kind of information?

5960. Any kind of information?—I went to the office and asked them what kind of service they wanted performed.

5961. Whom did you see?—It was Mr. Rowan's office that gave that information, I think.

May have spoken to Nixon about that contract.

5962. Had you any communication with Mr. Nixon about that contract?—I may have spoken to him about that.

5963. Do you remember anything that passed between you and him?—No.

5964. Is C. V. Alloway any relative of yours?—He is a brother of mine.

5965. Where does he live?—Here.

5966. Were you interested in his business?—No; any business he did for himself I was not interested in it.
5967. No; probably not?—He and I were never in partnership.
5968. Were you interested in any house occupied by the engineer?—No.
5969. Do you remember that an engineer did occupy a house belonging to your brother?—Yes. An engineer occupied a house belonging to witness's brother.
5970. Where was the house?—The house was on First street, in Winnipeg. I might say that the house now belongs to the Alloway estate, and my brother was attorney for it.
5971. Were you interested in that?—Not at all. You asked me about the house of Mr. Nixon. Mr. Nixon resided in a house of mine with his family. He lived in a private house of mine. Nixon lived in a house of witness's.
5972. Where was that?—Next door to that one.
5973. Where was this one?—On First street or Fourth street.
5974. Can you tell when Mr. Nixon first became your tenant?—I cannot; it was when his family came here.
5975. Was your charge for that rent against the Government or against Mr. Nixon?—Against Mr. Nixon.
5976. Do you remember whether your bargains for freighting were arrived at after the tenders being asked for, or by private arrangement?—I never did any work by private arrangement. I may have done little bits of things, but never anything of any amount. Freighting. Bargains for freighting, how arrived at.
5977. Upon what basis would the contract be made, by the mile or by the pound?—Tenders were advertised for for taking supplies to Battleford, Edmonton—naming the different places—and how much for each place.
5978. Do you know whether there was much competition on those occasions when tenders were invited?—Yes.
5979. Were there many different tenders put in?—I think so.
5980. Was there some arrangement between you and any one else before tendering?—Never.
5981. Do you know whether there was any understanding at any time that the freight should be divided between you or any other person in any way?—Never; they never were divided in any way.
5982. Were your tenders always made independently?—Always. His tenders always made independently.
5983. Do you remember at what rate you carried provisions to North-West Angle?—It depended upon what season of the year it was. Rate for carrying provisions to the North-West Angle.
5984. In November, 1877?—In 1877, the year round it was about \$2 a hundred. If it was a special occasion they would have to pay just what it was worth. In the fall or spring, if I did not have a contract, I generally charged them more.
5985. What was the value of the use of a team of horses a day, about November, 1877?—\$6 or \$7 a day; that is cheap.
5986. What would that include?—Team and man and harness, with a spring-seated waggon.
5987. That would be for carrying passengers?—Yes.

**Nixon's Purveyors-
ship-
Freighting.**

5988. But for carrying freight?—The same; sometimes \$1 less. If it was a light spring waggon it was more; but these waggons that we have here have nice spring seats on them, are just as comfortable, sometimes more so, than a carriage.

Team would carry from 1,000 to 2,000 lbs. a day.

5989. About what weight would a team and vehicle for freight carry?—If the roads were at all good they would carry 2,000 lbs., but if they were not they would sometimes carry 1,000 lbs.; the roads were sometimes very bad.

5990. About how far would a team carry that weight for a day?—Twenty miles.

5991. On good roads?—We never have any good roads here in the spring of the year, or any season, to the North-West Angle.

5992. About what rate did you carry freight for to the North-West Angle?—From Pointe du Chêne it is the same as from here. Then there are two roads. Some seasons when one is cut up we take the other.

5993. From here to the North-West Angle what is the road called?—It is called the Dawson road; but it is impassable; you cannot get through it.

115 miles from Winnipeg to North-West Angle.

5994. What is the distance from here to North-West Angle?—About 115 miles; 110 it is called, but it is about 115 the way they go.

Five days, average time of journey.

5995. Upon an average how many days would it take for a team to go from here to there, with a fair load?—Five days; sometimes I have had them ten days on the road.

5996. I am speaking of the average?—About five or six days on an average.

5997. And for the return home empty?—Three days, empty. If the flies are very bad they will not go that fast.

Average of round trip from eight to ten days.

5998. So that the round trip could be made, as a rule, upon an average of eight days?—That is a very small average, they could not average that all summer. They would not average it all summer, because they would kill their horses. In the summer time, when the roads are middling good, the flies are bad, and then when the roads are bad the flies are gone.

5999. How many days did you say it would take to make the round trip from here to North-West Angle, going with a team loaded and returning empty?—Eight to ten days.

6000. What would that be worth per day?—From \$6 to \$7. I speak of it in the past, I do not speak of it now, as it is higher now than it was then; you could not get them to go now for that money.

6001. It is not so much the travelled route now?—No.

6002. Taking the state of the roads upon the average, where, between half a ton and a ton, would you say would be the ordinary weight of a load?—It is very seldom that we load up with half a ton, that is for a team.

Average weight of load for waggon from 1,700 to 1,800 lbs.

6003. What would be the average weight of a load?—From 1,700 to 1,800 lbs.

Nixon's Purveyorship—
Freighting.

6004. For each 100 lbs. you got \$2?—I did not freight that way; that was not my freighting at all.
6005. Did you not freight to North-West Angle in that way?—Not that way; I always freighted with carts.
6006. Did you not charge for one team to North-West Angle, for section 14?—I have charged for lots of teams.
6007. That was not for carrying freight?—It may have been freight.
6008. Did you never freight by contract from here to North-West Angle?—I did; but never with waggons though, always with carts.
6009. What would be a fair load for a cart?—700 to 800 lbs.; 700 on the North-West Angle road. 700 lbs. a fair load for a cart.
6010. How would a cart be drawn?—With one ox or a horse, ox generally.
6011. There would not be a driver for each ox cart?—No.
6012. How many ox carts would one driver manage?—Four to five.
6013. What is it worth per day for an ox and cart?—\$1.50 a day. I do not suppose I ever hired any by the day though. Yes, I did though.
6014. Was there any general understanding what it was worth?—No; I got the contract and I either sent my own cattle and carts, or I hired some man to take it out at so much by the 100 lbs.
6015. Between man and man, what do you consider a fair return for the use of an ox and cart for a day?—\$1.25. \$1.25 a fair return for use of an ox and cart for a day.
6016. And you say that would draw about 700 lbs.?—Yes.
6017. What is a fair average for a man who boards himself?—\$2 a day.
6018. So that a fair return for a man and five ox carts and oxen would be about \$8.25?—I suppose so.
6019. How long would it take a train of that kind to go to North-West Angle and return empty?—Fifteen to twenty days. Fifteen days good travelling for round trip from Winnipeg to North-West Angle and back.
6020. Would that be a fair average?—Fifteen days would be good time—splendid time.
6021. Then, upon an average, what would it be?—Eighteen days.
6022. Did you take any freight with ox trains from here to North-West Angle?—I did not.
6023. You did not do any work of that kind for the Canadian Pacific Railway service?—I took contracts. I did not take freight myself.
6024. At what rate?—Generally speaking, \$2 per 100 lbs. \$2 per 100 lbs.
6025. Were they profitable?—Not on the North-West Angle. Sometimes they were, and sometimes they were very unprofitable.
6026. Upon the whole do you think you made money or lost money by the North-West Angle contracts?—I suppose I made money, but I never figured it out.
6027. Had you any transactions on account of the Canadian Pacific Railway service, in which you hired the use of oxen and carts by the day?—Yes.

Nixon's Purveyance-Freighting.

Used oxen and carts on Pembina Branch at \$1 50 per day.

Hired teams at \$5 and \$6 a day.

Charged \$30 for four days on contract 14.

A team to North-West Angle, nine days at \$6 a day.

Item in which four days charged and he is cut down to two days.

6028. Between what points?—On the Pembina Branch. I remember one instance.

6029. Do you remember at what rate?—\$1.50 per day, I think.

6030. That would probably include the service of the man?—No; it might not. Never to any extent. Perhaps a couple at one time.

6031. Had you any transactions in which you hired teams, per day?—Yes.

6032. Do you remember at what rate?—Yes, \$6 a day for heavy teams; I think I have let them have them for \$5.

6033. Would it be at that rate if they were going back empty?—Yes; every day they were away.

6034. Do you remember taking Mr. Blanchard to contract 14?—I do not. On looking at the account handed me, I do remember. I took him there.

6035. What did you charge for four days? - \$30.

6036. That would be higher than the rate you say would be a fair rate?—Yes; I remember there were some others there, the same.

6037. Was there not some others there for moving out some furniture? Why did you charge \$7.50 a day for that?—The roads were very bad and Mr. Blanchard had to move his furniture. There was no road, and they had to go in the ditches and in the dumps—that was when the grade was half finished, and it was worth \$10. I quite frequently charged \$7.50 a day for light teams for a buggy like that, with seats in it.

6038. I see a charge on November 30th, 1877: "one team to North-West Angle, with provisions for A. Stewart, and man, nine days, at \$6?"—Yes.

6039. Do you remember whether that was a passenger waggon?—\$6 would be a heavy team, from the price; I think it was a heavy team.

6040. Do you remember the transaction?—I do not.

6041. Will you look at the entry of December 6th, 1877, in the account, and read the charge?—"To two teams to camp 4, contract 14, with Briggs, eight days, at \$6, \$96."

6042. Do you make eight days at \$6, \$96?—Eight times six would be \$48, and two teams at \$48 would be \$96.

6043. I want you to explain the deduction in the bottom of the account?—I charged four days, and he has cut me down two days.

6044. Did you agree to that?—I suppose I agreed to it if it is in the account and took the money.

6045. Then on the 6th of the same month you make a similar charge; did you agree to a similar reduction on that?—I suppose this first reduction of December 2nd is on the same account. He would not allow my full charge.

6046. Would the next charge of December 6th be subject to the same reduction?—It would appear so from this account. These were

my charges, and when I came in Mr. Nixon said it was an overcharge, and he would not pay me what I asked.

**Nixon's Fur-
veyership—
Freighting.**

6047. Did you agree to it?—I did.

6048. Did you agree that the second charge should be subject to the same reduction?—I did. No; it is a reduction of \$48 in one instance and \$12 in the other.

**Another reduc-
tion.**

6049. But that \$12 comes off another item?—If it is there I must have agreed to it.

6050. It is omitted from the deduction?—If there is only one deduction he only charged me with one. I remember quite frequently that Mr. Nixon and I had disputes about my charges.

6051. Can you say now, on looking at this account, whether there is a further reduction from the one at the end of the account?—No; there should not be any reduction, according to my idea; but he thought fit to do it, and I had to agree to it.

6052. Was there any person else interested in this work with you?—No.

6053. How far would camp 4, on contract 14, be from Winnipeg?—I do not know.

6054. You charge for taking these people: have you never been aware of the distance?—I was at the time, but they used to shift their camps.

6055. Were you aware, at the time named in this account, where the camp was?—If I saw the number of days I could tell by the number of miles per day where they were at the time.

6056. Was the distance one of the items discussed between you and Mr. Nixon at the time of the reduction?—That must have been the way he came to make the reduction—he thought it was not so far—without any regard to the roads.

6057. Do you remember the rate at which you carried the mail to the camps on section 14?—I do not.

Carrying Mails.

6058. Do you remember how often you carried the mails there?—Once a week, I think; I am not sure.

**Carried the mail
to the camps on
section 14, once a
week.**

6059. Do you remember whether these camps were numbered, with reference to the distance upon the line on which they were situated; why were they called by numbers 1, 2 and 3?—To designate the camp, I suppose.

6060. Would the camp be numbered with reference to the distance from the end of the contract?—I suppose they were numbered by the distance. One would be No. 1 camp; further on would be No. 2.

6061. Would camp No. 1 be always at the same distance?—I cannot tell; I do not remember.

6062. Read the item of December 7th aloud?—"Mail to camps 1, 2 and 3, contract 14, one and half months, \$65 per month, \$97.50."

**Item \$97.50 for
mail for one and
a-half months.**

6063. Were you carrying mails at so much per month?—Yes; I suppose from this charge.

6064. Do you remember that?—No.

Nixon's Purveyors.

Hunting up stray horses.

6065. About what would be a fair rate for a man and horse. For instance, if they were employed hunting up stray horses, would it be \$3.50 to \$4 per day?—For one man and one horse?

6066. Yes?—\$1.50 for a horse and \$2 for a man.

Carts.

Provided carts for surveying parties.

6067. That would be \$3.50 per day?—That would be about right.

6068. Did you provide any carts for any surveying party?—Yes.

6069. Was that under contract?—I could not say. If it was a couple or three, it was not under contract; but if it was many I suppose it was.

6070. Do you remember?—I do not.

Bushed and banded carts.

6071. On the 27th June, 1877, you charge for sixteen bushed and banded carts: was that a different kind of cart from the one ordinarily in use?—What we called "bushed" is a boxing with iron around the axle, and "banded" is that the hubs are banded, so that they will not crack with the sun.

From \$2 to \$3 the value of bushing and banding.

6072. Is there much difference in the value between bushed and banded carts and ordinary carts?—\$2 or \$3.

6073. Was there that difference at that time?—Yes.

\$15 price of ordinary cart.

6074. What was the price of the ordinary cart in those days?—\$15.

6075. Did that include the extra axles?—No.

6076. Did you say that the ordinary cart cost \$15 in those days?—Yes.

6077. And bushed and banded would be how much extra?—About \$3.

Witness charged \$19.50 for the bushed and banded carts.

6078. That would be \$18 in all: your charge is \$19.50?—You can now buy carts for \$10.

6079. Did you know at the time whether there was any reason for charging this \$1.50 more than ordinary prices?—Perhaps carts were scarce at that time. This spring I have sold them at \$20 a piece for carts bushed and banded.

Price of bushed and banded carts now.

6080. What is the price for bushed and banded carts now?—From about the same; sometimes we put on ordinary hoop iron, which makes a difference in the price.

6081. What would be the difference in a cart without bushing or banding, and a cart bushed and banded, of the best kind?—About \$4.50.

6082. How do you make that up?—There is \$1.25 for the bushing.

6083. Do you mean that is what you paid for getting it done?—The bushings are iron.

6084. Can you buy them?—You can buy them at the foundry; you can buy them separate to insert them in the hub to prevent the axles from wearing out. They cost \$1.25, and it cost at that time \$1 to put them in.

6085. What do they cost now?—\$1.25, and 75c. for putting them in.

6086. What would be the cost of the banding?—The bands would be worth \$1. There are four bands.

Nixon's Par-
vegorship-
Carts.

6087. How much would they weigh, the four bands?—About six pounds.

6088. Is that what you consider the present value for bands to be, for one cart?—Yes.

6089. And what would they be worth put in?—50 cts.

6090. Where is the rest of the \$4—that is about \$3.50?—There is \$1.25 and \$1 and \$1.50; that is \$4. No; it is worth \$3.50.

6091. Why did you say \$4?—Because I made a miscalculation.

Miscalculation.

6092. What is the price of a bushel and banded cart now?—I do not know, I have not sold any. I sold some this spring at \$20.

6093. What was a cart not bushed and banded worth this spring?—From \$15 to \$16.

6094. Have they changed in price from spring until now very materially?—Yes; very materially.

6095. What is a cart not bushed and banded worth now?—You can buy them at \$10 but they are no good.

6096. When you tell me the value of a cart not bushed and banded is \$10, you say it is no good?—It is no good for freighting.

6097. Do you mean that you could buy one at \$10 that is no good?—Yes; an ordinary cart that will take an emigrant fifty miles or so you can get for that.

Carts not bushed and banded can be had for \$10; a good one at from \$12 to \$15.

6098. What can you buy a good one for?—I am selling some from \$12 to \$15. I have not sold one for less than \$12. They cost me that last year.

6099. Do you remember what the price of an extra axle was in 1877?—Generally speaking it was \$1.

Price of extra axle.

6100. Do you know why you charged a \$1.50?—I suppose they were higher at that time. If they are finished axles they are worth \$1.50, but if they are ordinary axles hewed out with an axe they are worth \$1, not fitted to the wheels. Those I supplied to the survey were all fitted to the wheels before they were sent up.

6101. Do you remember whether those were so fitted?—They were all fitted.

6102. Do you remember the value of cart covers at that time?—No; I do not. I generally bought the cart covers, and put them in at the same price that I paid for them. Sometimes cart covers are made long and sometimes short.

6103. Besides the horses which you bought in the way you previously described—that is when you were paid for your knowledge by a commission—did you sell any horses to the Government?—I have.

Horses.

6104. Who fixed upon the value of them?—The value was agreed upon mutually. I asked him a certain price, and if he did not like it he did not agree to it, and if he did, he did agree to it.

Provided horses for the Government by agreement with Nixon.

6105. Who was the person?—Mr. Nixon.

6106. Do you remember selling him four horses in June, 1877?—I do not remember.

Sold him horses in 1877.

**Nixon's Purveyors-
Buying Horses.**

6107. Do you remember having any contract with the Government on the subject of horses—any written contract?—Not that I know of; I may have had, but I do not remember.

6108. Do you remember about what the price of a fair cart horse was in 1877?—I do not.

6109. Do you remember arranging with Mr. Nixon about the sale of four cart horses to him?—I do not.

Remembers buying horses for Lucas.

6110. An account of June 27th, 1877, contains an item of four horses at \$460: does this bring to your mind any part of the arrangement?—Who was the party?

Bought more than four horses for Lucas.

6111. Mr. Lucas?—Yes; I can remember I bought more than four for him at that time. Since you read that out I can remember supplying Mr. Lucas with horses.

6112. Who fixed the price?—Speaking from memory, I think there were some of those horses supplied on commission, and others were horses that I owned myself. There were some of them higher than others—they were saddle horses, I think.

6113. Look at the account and say what you remember about that transaction (handing an account to the witness)?—(After looking at the account): I remember something about this now.

6114. Tell me how the price was arrived at?—I sold these horses: one to Mr. Lucas and one to Mr. Smith. They were not cart horses.

6115. Did you describe them as saddle horses?—There were two saddle horses and one saddle horse—three altogether.

Sold to Nixon but Lucas agreed on price.

6116. Do you remember who fixed the price of them?—I sold them to Mr. Nixon—it was Mr. Lucas agreed upon the price. I sold them to Mr. Lucas, and Mr. Lucas fixed upon the price. I said how much I wanted for the horses and he agreed to it.

6117. Besides these saddle horses, look at the other items?—Four cart horses.

6118. Do you remember about the cart horses?—I do not remember about the cart horses.

6119. Who fixed the prices for the saddle horses? Do you say Mr. Smith fixed the price of one?—If you say fixed the price I fixed the price. I asked him \$200 for it, and he had to agree to it or do without the horse.

6120. Who made the bargain on the other side?—It was he.

Saddle horse for Marcus Smith.

6121. Do you mean Mr. Smith?—I am not sure; but I think it was he, because I remember there was some dissatisfaction about it. He said he wanted a good horse—a first-class saddle horse—and he got it.

6122. Is that Mr. Marcus Smith?—Yes.

Two selected by Lucas.

6123. Do you say the other two saddle horses were selected by Mr. Lucas?—Yes.

6124. Had you any arrangement with Mr. Nixon about these horses?—No.

6125. No arrangement of any kind?—No.

Nixon never derived any advantage from transactions with witness.

6126. Did he derive any advantage from this transaction?—He never derived any advantage or benefit from any transaction with me.

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veyorship—
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6127. I am asking about this one?—No; never.
6128. Did he derive no advantage from your dealing in these horses with the Government?—No; except that he got a good article.
6129. Mr. Nixon?—The Government.
6130. I am speaking of Mr. Nixon individually?—No.
6131. Had you any conversation with him at any time about supplying these horses to the Government, besides bargaining for the price?—No; I suppose he told me that they wanted the horses, and to look them up for them.
6132. Had you any private transaction with Mr. Nixon on his own account?—Nothing; except house rent. No private transaction with Nixon except house rent.
6133. Was that house rent which the Government ought to pay or which he had to pay?—He paid me.
6134. Did you make out an account for the Government?—Never.
6135. What is that item (pointing to the account)?—“Two harness horses for buck-boards.” Two harness horses for buck-boards.
6136. What does that mean?—It means a better class of horses.
6137. Is a buck-board a better kind of vehicle?—Yes.
6138. What is it for?—For carrying passengers.
6139. Do you remember anything about these buck-boards—who, for instance, arranged the price for you?—No; Mr. Lucas agreed to the price of all these horses. Lucas agreed to price of the horses.
6140. Do you know where Mr. Lucas lives now?—I do not.
6141. Do you remember purchasing a lot of eighteen horses for the Government?—No.
6142. Do you remember purchasing a lot about that number?—I purchased several lots.
6143. There is an account of yours dated in May, 1875?—Does it say who they were for and what party?
6144. No?—Who is the account to?
6145. Look at it yourself (handing it to witness)?—(After looking at the account): I do not remember.
6146. There is an account of yours, May 6th, 1875, for the purchase of eighteen horses, do you remember purchasing that lot?—No, I do not; but I may have purchased them. I think I do remember something about it. Eighteen horses purchased.
6147. What do you remember?—I remember that I purchased them.
6148. How did you come to purchase them?—I was asked by Mr. Nixon to purchase that lot of horses, I think, and he and I purchased them together. I rendered the account, he agreed to the price, and I got so much commission. If I could find out what survey they were for, I could tell you more explicitly. Nixon and witness purchased them together.
6149. Do you remember the first time you bought a large lot of horses at Mr. Nixon's direction?—I do not.

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6150. Do you remember the circumstance of having such a transaction with him among your early dealings?—No; I cannot bring anything to my memory clearly. I purchased so many different horses in so many different lots that I cannot remember which one it is.

Got \$5 per cent. commission, though usual percentage was 2½ per cent.

6151. You said you thought your commission was 2½ per cent. ?—Yes.

6152. In this account it is charged at 5 per cent. ?—I dare say it is.

Explanation of this lot of ponies.

6153. Then do you say you were wrong in saying your commission was 2½ per cent. ?—No; in some of my accounts they are charged at 2½ per cent.; but in this case, they were ponies, and I had to pick them up all over the country, and my commission was 5 per cent.

Nixon either with him when picking up horses or he inspected them afterwards.

6154. Did Mr. Nixon go with you when you were picking up those horses ?—Yes. If he did not I always had them brought to town in lots of three or four for his inspection, and he could pick them out or reject them as he wanted to. He would look at them, and I would tell him what I thought of them, and he would buy them or reject them.

6155. Did he sometimes go with you when you were looking up these horses ?—Yes.

6156. Would he take part in the bargaining with the individuals from whom you purchased ?—Yes.

6157. And would he assist in fixing the price to be paid ?—Yes.

6158. Do you think this was a transaction of that kind ?—I think so from that account.

6159. Look at the account and say if you think it was a transaction of that kind ?—Yes; I am sure it was.

6160. Then he would know the names of the individuals from whom you purchased each horse himself ?—I could not say that.

6161. If he was with you, taking part in the bargain, he would ?—But I would not know the names myself, perhaps.

No means of indicating persons from whom horses were purchased.

6162. Have you no way of indicating the person or place from which you would buy each horse ?—No; I knew a man and he would come to me and say: "I have a horse to sell." I would not ask the name or anything about him, and if the horse suited I would ask his price. If Mr. Nixon did not like him, we would not bother with him, or if he was too high in price.

6163. Do you think that this transaction was one in which the horses were purchased from people coming to you, or from people to whom you went to buy ?—Sometimes in one way, sometimes another.

6164. I am speaking of this transaction. You say this was a transaction in which Mr. Nixon accompanied you to buy ?—Not altogether.

6165. I ask you whether Mr. Nixon was helping you to go in the country to buy ?—I never meant to say that Mr. Nixon always went with me.

6166. I am asking if he went with you on this occasion ?—Perhaps; buying all these extended over a month, and he did not go with me all the time.

6167. You say now that Mr. Nixon may not have been present on the occasion when these were bought ?—He was when some of them

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were bought. He was there when they were all bought, but not with me. When I got round the country I brought them in here.

6168. Was he present when each bargain was made with each seller of a horse?—He was cognizant of each bargain before a horse was bought. Nixon "cognizant" of each bargain before horse bought.

6169. How was he cognizant of it?—He would say: "I will give that man so much for that horse," and he would be present when the bargain was made.

6170. Do you mean to say that he had an opportunity of exercising his judgment upon the price for which each of these horses was bought?—Yes.

6171. Can you tell me why, instead of putting down the price that was paid for each horse, you put them all together, averaging the price?—Because some horses were more valuable than others. Explanation why a lot of horses were put down at an average price "because some horses were more valuable than others."

6172. That would not affect the question; I suppose you could put down the separate price for each horse?—Yes.

6173. There was no necessity to average them to show that they cost different prices?—No.

6174. Can you tell me, if Mr. Nixon knew and exercised his judgment upon each horse and each price, why you lumped them: calling them eighteen horses at \$90?—Because that was the price paid for the eighteen, and he said to make the account in that way and he would agree to it.

6175. I suppose the length of the account would not be a disadvantage?—It might be at that time. At that time I had not a book-keeper, and I did not keep books; I only kept a pocket memorandum of them, and he knew the prices of them, that they were so much, and we averaged them at \$90 a piece. Nixon and witness arranged that they should be put down at \$90 a piece.

6176. But was not Mr. Nixon accustomed to keeping books?—He did not keep my books.

6177. But he kept the books of the Government, and was there any reason why he should not have a record of the price paid for each horse?—I do not know as there is any reason why.

6178. But you say that he took part in the purchase of each of these horses?—He was cognizant of it; he agreed that each horse should be worth so much.

6179. I notice that this account is not certified by him; he does not certify that he knows it to have been correct in any way?—I think the certification business was an institution of a later date. Account not certified by Nixon.

6180. Do you mean at that time that he paid accounts without any person certifying to them?—When he purchased a purchase like that, that he was thoroughly cognizant of himself, he did not certify because he paid for them himself.

6181. Then at that time the practice was not to certify to the account?—I suppose so.

6182. Do you know whether that was the practice?—I do not know; he made out the cheque himself for them. I suppose he did. He was cognizant of it, and what was the good of certifying to it?

Nixon's Purveyorship—**Buying Horses.**

Extent of witness's dealing with Nixon on behalf of Government.

\$40,000 or more.

Another account not in detail.

At this time kept only a memorandum account of horse transactions.

Commenced to keep books the fall after Nixon came here for freighting.

6183. You have had very large dealings with him on behalf of the Government?—Yes.

6184. Have you any idea to what extent?—I have not.

6185. Has it been more or less than \$10,000?—More.

6186. \$20,000?—More.

6187. \$30,000?—I think more.

6188. \$40,000?—I think so.

6189. You are not certain whether it was over \$40,000?—I could not say.

6190. In dealing to that extent with you it is probable that you reaped considerable advantage?—Yes; I did.

6191. It was an object to you to have a person dealing with you on behalf of the Government to that extent?—Yes; I suppose it was.

6192. Have you any doubt about it?—No; I have no doubt; but I may have made more out of somebody else.

6193. Did you ever explain to Mr. Nixon that it was an object to you?—No.

6194. Did he gain any advantage from your dealing with him on behalf of the Government?—None. Never.

6195. Did he get nothing at all for these transactions in any shape?—Never.

6196. Can you explain why it is that that account (showing witness an account) is not in detail and not certified, but still paid?—I cannot. This account was rendered and paid, and I got all the money—every cent of it—and kept it too.

6197. Do you remember the transaction now after looking at this account? Has it brought any part of it to your mind?—No; I cannot say that it has. I do not remember it distinctly at all as a separate transaction.

6198. Do you remember buying any large lot about that time?—No.

6199. Do you keep books?—At that time I did not. I kept a sort of memorandum. I did not have a book-keeper at that time. I had a book-keeper before that.

6200. Have you a book-keeper now?—No; I am not in that business now.

6201. Was there any time in which you had a set of books since you have been in business in Winnipeg; while you were dealing with Mr. Nixon?—Yes.

6202. What sort of business were you in then?—Freighting altogether.

6203. Can you say when you began to keep those books?—I cannot; it was the fall after Mr. Nixon came here.

6204. You commenced to keep books?—Yes.

6205. You say that the only memorandum of this sort of transaction would be in a private book of your own; what would you make any entry in your private book for?—A pocket memorandum: "horse, such a price"—that is all.

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veyorship—
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6206. Do you mean in a pocket book or a pocket diary?—A pocket diary.

6207. What would be your object in keeping it there?—To remember it.

6208. Was there any object in remembering it?—None; except to charge for it.

6209. Where are those books now?—I do not know where it is now.

Does not know
where his memor-
andum books are
now.

6210. That pocket book in which you put an entry of your prices?—I do not know; I used them up—one every six months or so.

6211. Did you destroy them after you filled them?—I do not know; I might find them.

6212. At that time you were doing business each year to a considerable amount?—I do not think in that year I was.

6213. This single transaction is \$1,700?—There was not much of that mine; there was not much business in that.

Extent of his
business transac-
tions.

6214. In the same month there is another transaction of a larger amount, over \$2,000?—There was not much profit in that for me.

6215. I am not speaking of profit, but about transactions. There must have been a good deal more than what appears on paper; it is for you to say on oath. If you did business to that amount, was it not worth while to preserve evidence of your transactions?—No.

Not worth while
to keep evidence
of them.

6216. Was there any object in destroying them?—No.

6217. Were they destroyed?—I do not know.

6218. Do you remember any other transaction of the same month—buying another lot of eighteen horses?—I do not.

6219. Can you say for whom the first purchase of May, 1875, was made?—I cannot.

6220. Would your books show you, which you have to refer to?—No; I think not.

6221. You were buying horses perhaps at that time for other persons?—I was.

Buying horses at
the time for other
persons.

6222. Would not your little memorandum book show for whom you bought each horse?—For other people?

6223. Yes?—Yes; I think so.

6224. Would you look at your book and see?—I will if I can find it; but I tell you it is a long time ago, and the book may be torn up or thrown away, or leaves out of it, but I will try and find it.

6225. I have another account; is that your signature (handing witness an account)?—Yes.

6226. Having looked at this account of 17th of May, 1875, can you remember anything about that transaction?—I cannot.

Another account
May 17th, 1875,
about which he
cannot remember
anything.

6227. Do you think that was accomplished in the same way that the former one was?—I think so.

6228. Do you think that Mr. Nixon exercised his discretion as to the price paid for each horse?—I think so.

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Cannot explain why the actual price of each horse is not given instead of an average price.

In fact witness bought horses on behalf of the Government who got the advantage when a good bargain was made.

Paid in cash.

Another account.

\$330 for two horses.

Nixon took part in purchase.

Never happened that a man would be willing to sell horse for less price than witness would name to Nixon.

6229. Do you know whether any record was kept by him or by you of the price of each horse?—I do not know anything about him; I know I kept a record of it for the time being. Of course I must have kept a record.

6230. Can you give any reason now why this account is made out in a lump sum, averaging the price of each horse, instead of giving the price of each horse in detail?—I cannot.

6231. Do you know whether Mr. Nixon has ever stated that you never bought horses on commission; that they were bought for the Government out and out, without reference to what you paid?—I do not know.

6232. The fact was you bought them for the benefit of the Government, and they were to get the benefit of the price if you made a good bargain?—Yes.

6233. Have you and Mr. Nixon conversed about these horse transactions much?—Never; except at the time when we talked about them; but since, never.

6234. Would you buy those horses from farmers or from strangers as a rule, or do you know?—From both.

6235. What kind of dealing would it be: would they take goods from stores, or how would they be paid?—In cash.

6236. Invariably?—Always; I never paid any other way.

6237. Look at the account now handed to you, dated May, 1875; is that your hand writing (handing an account to witness)?—Yes.

6238. Do you remember anything of this transaction in which you charge \$330 for two horses?—I do not remember.

6239. Do you suppose it was accomplished in the same way as the others?—Yes.

6240. That the price was agreed to by Mr. Nixon before the bargain was completed?—Yes.

6241. And he took part in the purchase in that way?—Yes.

6242. And would it sometimes happen that you would see the sellers of the horses first and arrange about the price, and then take them to Mr. Nixon to have the price approved?—No.

6243. Before the price of the horse was named between you and the seller, Mr. Nixon would take part in the purchase?—I would not say that always. I would meet a man on the street, and say: "How much will you take for your horse?" and I would say: "Come along."

6244. I ask you if you and the sellers would not sometimes talk about the price, and if you would not then take them to Mr. Nixon?—We would talk about it, and then go to Mr. Nixon.

6245. Did it sometimes happen that a man would be willing to sell the horse for a less price than you would name to Mr. Nixon?—No; never.

6246. I notice in an account of May 7th, 1875, in favour of C. V. Alloway, veterinary surgeon, you sign a receipt. Is that your signature (handing account to witness)?—Yes.

6247. Were you authorized to act for him in such matters?—Yes; sometimes.

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veyo ship—
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6248. Were you interested at all in it?—No.
6249. At this time, in 1875, had you command of much funds yourself?—Yes.
6250. Were they funds that were provided for the purpose of carrying on this business of buying and selling horses?—Whatever I wanted funds for I got all I wanted.
6251. Do you know why those purchases of individual horses were not paid for direct to the seller by Mr. Nixon, instead of by yourself in the first instance and afterwards by Mr. Nixon to you?—I suppose it was to save the making out of cheques and accounts, as nine-tenths of those people cannot read. They were half-breeds, and they cannot read. Explains why horses not paid for direct by Nixon.
6252. Is that all the reason you have?—I think it is a very good one. It is one of the principal reasons.
6253. That they cannot read?—I think that is the principal reason—the making out of accounts—and Mr. Nixon asked me to pay for them.
6254. In another account of May 27th, 1875, you have charged for a bay mare for section 14: do you remember anything about that transaction? Look at the account (handing it to witness).—I do not remember.
6255. You think the reason why Mr. Nixon did not pay by cheque was because the sellers could not write?—I suppose so. Thinks the reason Nixon did not pay sellers by cheque was because they could not write.
6256. Did he never pay accounts to anybody who could not write—as far as you understand?—I suppose he did.
6257. Why could he not have done it in this instance as well as in the others?—He could have done it.
6258. The half-breeds of this country, you say, formed the larger portion of the individuals who sold those horses?—Yes. Bought horses principally from half-breeds—native horses.
6259. Do they own many horses, as a rule—the half-breeds?—Not now.
6260. Did they then?—Yes.
6261. What kind of horses?—Good horses. Indian horses. Large horses.
6262. When you say large horses, do you mean imported from other parts of the Dominion, or native breeds?—Native.
6263. Large animals of the native breeds?—Large and small.
6264. As a rule are they large horses—the native breed?—No.
6265. What was an average-sized animal of the native breed worth in those days?—\$100. Average native horse worth \$100.
6266. Was that about the ordinary price?—Sometimes \$250, and sometimes \$75.
6267. I am speaking about the ordinary price?—For a cart horse or a saddle horse?
6268. For an ordinarily fair horse for general purposes?—For a general purposes horse, \$150. \$150 for a general purpose horse.

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Buying Horses.**

6269. What would cart horses of the native breed be worth at that date?—About \$90.

6270. Do you remember anything about this bay mare for which you have charged \$125 for section 14?—I do not.

Account, horses \$150 and commission \$7.50.

6271. In an account of June 10th, 1875, you have charged for one horse, \$150, and for your commission, \$7.50; do you remember anything about that?—No.

6272. Do you think that was purchased in the same way, through Mr. Nixon and yourself exercising a joint judgment upon the price?—Yes, his judgment upon the price; and my judgment as to whether he was worth it or not if he was sound.

6273. That would be as to the price if you were exercising judgment as to whether he was worth it?—Yes.

6274. Then you both discussed that question?—Yes.

WINNIPEG, Wednesday, 22nd September, 1880.

MOBERLY.

WALTER MOBERLY, sworn and examined:

Exploratory Surveys—Parties S. & T.

By the Chairman :—

Engineer and contractor.

6275. What is your occupation?—Engineer and contractor.

6276. Where do you live?—In Winnipeg at present.

Entered Canadian Pacific Railway service in 1871.

6277. Have you been employed on any of the works of the Canadian Pacific Railway?—Yes; I entered the service in 1871, and went out with the first survey. I came over from the western side from Utah at the time the road was first started, and took part in the surveys through the Howse Pass.

6278. From whom did you get your appointment?—From the Dominion Government.

6279. How was it communicated to you?—By Mr. Fleming.

6280. In writing?—Yes; I came to Ottawa and he gave me the appointment there.

Employed as District Engineer for surveys through mountains from Shuswap Lake to Edmonton.

6281. In what capacity were you employed?—As District Engineer for those surveys through the mountains from Shuswap Lake to Edmonton. It was not particularly mentioned to Edmonton, but it was understood to be in the direction of Edmonton to where we could get through the mountains.

6282. Had you charge of other parties that year?—I took two parties up, S and T. These were the survey parties.

6283. Was there an engineer in charge of both these parties?—Yes.

6284. And both of these parties were subordinate to you?—Yes.

6285. Had you the principal charge of all the surveys in British Columbia at that time?—No; Mr. Roderick McLennan went up the North Thompson.

6286. Was he your superior officer?—No; he was entirely independent of me.

An Engineer in charge of both parties and both subordinate to witness.

Fleming witness's superior officer.

6287. Who was your superior officer?—Mr. Fleming.

Exploratory
Surveys, N. C.—
Parties S. & T.
No officer in
general charge in
British Columbia.

6288. Then there was no officer in charge of all the surveys in British Columbia?—No; we were entirely independent then.

6289. Had you charge of the organizing of both parties S and T?
—Yes.

6290. What was the size of the party S?—I think, exclusive of the packers, there were twenty-two or twenty-four men, and others were engaged occasionally. We had a great deal of trail-making to do. Size of party S.

6291. How many subordinate officers would there be to that party?
—The engineer in charge, transit man, leveller, assistant leveller, rod man, two chain men, and a commissariat officer.

6292. Would the last be labourers, and men of that class?—Yes; there was a commissariat officer and a clerk. Sometimes some of the other officers acted in place of clerk; the assistant leveller or rod man.

6293. Except those persons whom you have described, the parties would be composed of persons who had no experience in the business?
—No; except good choppers.

6294. But peculiar to explorations?—Yes.

6295. Were your axe men paid higher wages than pack men?—No; pack men were paid higher wages than the others. The axe men were the least paid; they were paid \$40 a month, and the pack men were ranging from \$50 to \$90. Axe men \$40 a month pack men from \$50 to \$90 a month.

6296. That would be besides board, of course?—Yes; we boarded the men besides, and all expenses.

6297. Were there any animals attached to that party S?—Yes; we had. I forget how many now, but I think I bought the first year a train from the Hudson Bay Co., and I think there must have been eighty or ninety animals, or something like that; after which I bought more. Party S had a train of eighty or ninety animals—more bought.

6298. What kind of animals?—Mules and horses.

6299. At present I am speaking of party S?—Yes; I think the other party had no animals.

6300. Do you say you bought more than eighty animals that season?—I bought a good many more animals. I bought a number of animals that season to help Mr. McLennan, and Mr. Selwyn, the manager of the geological survey. I bought them at Kamloops to assist them to get off, but I forget how many animals I bought. These were for the North Thompson altogether; they did not belong to my party. I think they were all paid for by me by drafts from me on Mr. Watt; Mr. Watt was the paymaster in Victoria. I think every draft was accompanied by a description of the animal and the price of it. A number of animals bought for McLennan and Selwyn (Party Q.) Paid for by drafts on Watt.

6301. You had, as I understand, the responsibility of completing the bargain for these animals with the Hudson Bay Co., or other persons, for Mr. McLennan's party and your own?—Yes; and in 1871 Mr. McLennan bought other animals that I had nothing to do with—after I had left.

6302. Were you not connected with the survey between New Westminster and Great Shuswap Lake, that season?—No; Mr. John Trutch had charge of that. I surveyed it all, when I was in the employ of the Imperial Government, before that.

**Exploratory
Survey, B.C.—
Party S.**

1871.

Reported Feb.
24th, 1872, to
Fleming.

Arrangements
for supplies.

6303. But in 1871, in connection with the Canadian Pacific Railway?—I had nothing to do with it. I went over it in the winter after I got back.

6304. I believe a report from you to Mr. Fleming, dated February, 1872, appears in the special report of 1872, describing your operations of 1871?—Yes.

6305. Who had charge of the furnishing of supplies to party S, over the season of 1871?—Before I left Ottawa, I asked Mr. Fleming to telegraph—I think I drew the telegram myself—to have supplies forwarded from Victoria to Wild Horse Creek, a mining camp. It was what was generally known as the Kootenay mining camp. Those supplies were delivered to me at Wild Horse Creek. They were furnished through a house in Victoria that used to be Henderson & Barnaby; they made arrangements and had a contract drawn out with a man named Chisholm.

6306. Do I understand that you merely decided upon the quantities, and that some one else ordered them from these parties?—I generally gave the quantities and ordered them that year.

6307. Did you select a person from whom the supplies were ordered?—No; I did not know who supplied them.

6308. Then your responsibility was merely to give the quantities?—Yes.

6309. And your superior officer decided from whom to order?—No; I think he took my advice who to order them from. I forget now who he telegraphed to, but I think it was Mr. Trutch. It was only for a small quantity of supplies to be ready for my party when we got up there.

Bill for supplies
to be ready for
party, \$5,000.

6310. For what number did you order supplies at that time, and sufficient for what period?—I think the bill came to \$5,000, or something about that.

6311. Do you remember the distinguishing number or letter of the party?—Party S.

6312. And for what period?—It was simply to have supplies going on there until I got other supplies on.

Made arrange-
ments to have
other supplies at
Yale and Kam-
loops.

6313. Did you decide then what time it would be necessary to have them there, so as to enable you to get other supplies? For instance, if you furnished supplies for no more than three days, it would probably not be sufficient to enable you to get other supplies afterwards?—I knew the country very well, and knew where I could draw my supplies from, and I made all my calculations so that I could have other supplies at Yale and Kamloops, which I bought myself to carry my party through that year—through the winter and into the spring, until I could get further supplies up.

6314. Did you order supplies to be placed at this initial point for a period long enough to enable you to get future supplies?—Yes.

6315. Do you remember how long that period was estimated to be?—Until I could get a pack train from Colville in, and I think it might probably have been for two or three months.

**Exploratory
Survey, B.C.—
Party S.**

6316. Then, according to your recollection, do you think that supplies were furnished at Wild Horse Creek sufficient for this party for two or three months?—I think so.

Supplies furnished at Wild Horse Creek sufficient for party for three months.

6317. Did you go to Wild Horse Creek?—Yes.

6318. Where did you get the men to make up your party?—Most of them in Victoria, and some at New Westminster.

Made up his party from men from Victoria and New Westminster

6319. Did you take any of your party from Ottawa?—Only my commissariat officer.

6320. Who was he?—A. S. Hall. There was another, my leveller, who joined me out there. He went across with me, but I did not take him. He came from Ottawa; but he was sent out, without any particular party to join. There were three or four.

6321. Did you select the engineer in charge of party S?—Yes.

Selected engineer in charge of party S.

6322. And your transit man, leveller, assistant and rod man?—Yes; I selected them all in British Columbia.

6323. You say you got most of them in New Westminster?—Most of the men at Victoria, and a few at New Westminster.

6324. How far was it from this point at which you engaged them to the point at which your supplies were—in round numbers?—I think it must have been over 800 or 900 miles. But I did not follow the party.

6325. Did the party proceed about the distance that you named 800 or 900 miles?—No; they did not travel as far as I did. They went straight across from Hope in a more direct line, along what we call the southern boundary of the Province.

Country travelled over.

6326. How far did they travel to get to those supplies at Wild Horse Creek?—I should think they must have travelled about 500 miles from Hope. Then they travelled nearly 160 miles from New Westminster, besides that, by steamer.

6327. Would there be no necessity for furnishing them with supplies on the steamer?—No; I paid for their meals there.

6328. From Hope to Wild Horse Creek, how were they provided with supplies?—I bought some at Victoria and a few at Hope, and sent them on a pack train that went with them. I think I might have bought a few from the Hudson Bay Co., too.

6329. What was the size of this pack train?—I think there must have been about fifty or sixty animals. I afterwards got an order for some more from the Hudson Bay Co., on one of their posts at Similkomeem.

Fifty or sixty animals in pack train.

6330. Were these fifty part of the eighty which you say you bought for that party that season?—Yes; I think I had the order from Mr. Finlayson, the chief factor at Victoria, for them. He was in charge of the company's business out there at the time.

6331. Did the party proceed to Wild Horse Creek?—Yes.

6332. Do you know when they arrived there?—They arrived there a day after I did. I overtook them a few miles out; it was, I think, in September some time.

Arrived at Wild Horse Creek in September, 1871.

**Exploratory
Survey, B.C.—
Party S.**

6333. When did they start from Hope?—In August—I think the first week in August.

1871.

6334. Do you think they were somewhere about a month on the road, or not as much as two months?—Not two months; they were over a month on the road.

Most of supplies bought on responsibility of witness. Buying for his own party (S), party T and McLennan and Selwyn's parties.

6335. Were the supplies for that trip bought by you upon your own responsibility?—I think most of them were; there may have been a few bought in Victoria by Mr. Watt. I was buying not only for my own party, but for these other parties, and trying to hurry the parties off as fast as we could.

6336. You mean party T and McLennan's party?—Yes, and Mr. Selwyn's. I bought a good many, and Mr. Watt bought a good many, for my own party; also for McLennan's and Selwyn's parties; and these quantities were afterwards separated and distributed amongst the different parties.

Reached Wild Horse Creek a day before party.

6337. Then, by taking another road yourself you reached Wild Horse Creek a day or so before the party arrived?—A day before; I travelled fast with three Indians. Of course the pack train only made an average of from twelve to fifteen miles a day.

6338. Then you made to the rendezvous as fast as possible?—Yes.

6339. How did your supplies hold out on that trip?—Very well.

6340. As far as you know they had sufficient?—Yes.

6341. Had they any to spare when they arrived?—Yes.

Seeking a Pass.

Takes party S to the Howse Pass.

6342. Did you remain with party S?—Yes.

6343. What work did party S undertake?—I took them down Wild Horse Creek to the Howse Pass by the source of the Columbia.

6344. Was this a party for making a bare exploration?—An exploration and instrumental survey. I took a party up there because the only doubt I had with regard to the line of railway from Burrard Inlet to the North Saskatchewan was the grade over the summit on the Rocky Mountains to the west side to the Columbia River.

6345. I do not catch your meaning about that doubt?—I had explored all this country before for the Government of the country; on the Columbia River, the Okanagan, the Thompson, and the lower Fraser Rivers and other southern portions of British Columbia.

6346. Did I understand that you thought it might be necessary to take a railway from Wild Horse Creek to Howse Pass on the east side of the Columbia River?—No; it was to get to the Rocky Mountains on the west side. On the west side in that portion the slope was steep.

Object: to find out whether Howse Pass could be made available for a railway.

6347. Was that with a view to ascertaining whether Howse Pass could be made available for a railway through it?—Yes.

6348. Then was it considered necessary, in order to ascertain this, that an instrumental exploration should take place between Wild Horse Creek and Howse Pass?—Yes; I recommended it myself.

6349. Was that for the purpose of ascertaining the height?—The height, and if we could get a practicable line for a railway down the mountains.

6350. Then did I understand that you thought it might be necessary to bring the railway down that line?—Certainly. When I left the employment of the Imperial Government, Mr. Trutch and myself had come to the conclusion that the line for the main railway was settled by the Valley of the Fraser River, from Burrard Inlet to Kamloops Lake.

Exploratory Survey, B. C.—Party S.

Seeking a Pass.

Truth and witness considered line for main railway settled by the valley of the Fraser River from Burrard Inlet to Kamloops.

6351. That you considered as a settled projected line?—Yes.

6352. Then do you consider that a line might be made from Kamloops through Howse Pass?—Yes; our doubt then was that from Kamloops Lake to get into the Saskatchewan country—which was the better pass to take: the Yellow Head Pass or the Howse Pass.

The only doubt which the more desirable pass Yellow Head or Howse.

6353. Do I understand that the object of this instrumental survey by party S, in 1871, was to ascertain the feasibility of Howse Pass?—Yes.

6354. And you say in order to arrive at an opinion on that point it was desirable to make an instrumental survey of the way from Wild Horse Creek northward?—No; no instrumental survey was made there at all.

No instrumental survey made.

6355. Then the progress of that party which you have described from Wild Horse Creek to Howse Pass was not an instrumental survey?—No.

6356. Was the progress only for making a trail, or was it exploration as well?—Only to make a trail to get our supplies forwarded by.

6357. Then what was your objective point?—We were going to Howse Pass.

Howse Pass an objective point.

6358. How long did it take your party to go from Wild Horse Creek to Howse Pass?—I got there on the 2nd of October, myself, and the others kept coming in as fast as possible. Of course we were forwarding supplies up until the snow came on, and winter stopped us and we could not forward any more.

6359. Did you proceed ahead of the party?—Yes.

6360. With what number of your party would you be ahead of the main body?—I took three or four Indians and went across the mountains into North Saskatchewan; I took none of the members of my party.

Witness took three or four Indians and crossed the mountains into North Saskatchewan, leaving them to follow indicated line and open trail.

6361. Then you separated from the party?—Yes.

6362. Leaving them to follow the line which you had indicated?—Yes; and open the trail.

6363. Was the principal object of that party to make a practicable trail, so as to get your supplies up to Howse Pass, or in the neighbourhood of Howse Pass?—Yes; at that time.

6364. Then you and your detached party went as far in a north-easterly direction as it was necessary to reach the North Saskatchewan?—I went to Kootanie Plain on the North Saskatchewan.

Went to Kootanie Plain on North Saskatchewan.

6365. Would you call that progress of yours and your small party, exploration?—It is described, I think, on page 32 of the Blue Book of Mr. Fleming's special report for 1872. I considered it exploration.

6366. Was that as far in a north-easterly direction from Howse Pass as you proceeded that season?—Yes.

6367. Did you return?—Yes.

**Exploratory
Survey, B. C.—
Party S.**

Seeking a Pass.
Returned to
mouth of Blae-
berry River which
flows through
Howse Pass.

6368. On the same route?—I returned on the same route to the mouth of the Blaeberry, which flows through the Howse Pass.

6369. Did you find party S?—Yes; I built a depot and wintered the party there.

6370. Had the supplies which had been forwarded to Wild Horse Creek been sufficient for the party during that season?—Yes.

Ample supplies.

6371. Were they sufficient for the whole winter?—Yes; a good many of them lasted us well into the spring.

6372. You do not mean that the supplies that you had provided originally at Wild Horse Creek lasted into the spring?—No.

6373. Then you had provided other supplies during the season to have sufficient for the winter?—Yes.

**Bought all the
supplies they had
at Fort Colville
"from every-
body."**

6374. Do you remember from what source you obtained those supplies?—Most of them were bought at Fort Colville, from Openheimer & Brown. In fact I bought all the supplies they had there from every-body.

6375. How were those supplies transported to your party?—They were packed up.

6376. Did you detach a party from your main body to go for those supplies?—I went there myself; my party did not go to Fort Colville at all.

6377. Did you engage other parties to transport those supplies from that point?—Yes; I arranged for that.

6378. Did they reach their destination safely?—Yes.

**Winter of 1871-72
passed by party
in neighbourhood
of Howse Pass on
the Columbia
River.**

6379. Then the winter of 1871-72 was passed by your party in the neighbourhood of Howse Pass?—Yes.

6380. On the Columbia River?—Yes.

6381. Is there any name to that particular locality?—We usually called it Columbia River Depot.

6382. Do you remember about what time of the first season your party reached Howse Pass or the neighbourhood?—The 2nd of October; I think that was about the date.

6383. Did they proceed with any work?—Yes.

**Trail opened by
Blaeberry River
and trial line run
to summit of
mountain.**

6384. What work?—Opening the trail by the Blaeberry River, and running a trial line to the summit.

6385. What distance did they make that trial line?—I think it was thirty-seven miles.

6386. Did the size of party S remain about the same during the season as at the start?—Yes; they could not get out.

6387. About how long were they engaged on that work making a trial line?—Until the snow set in; that would be about the beginning of November, when the snow came on in the mountains.

**Party did not
work during
heavy part of
winter.**

6388. Did the party remain at work after that?—No; not during the heavy part of the winter. They commenced early in the spring again.

6389. During the time, when the party were not at work, was it diminished in size?—No; we could not get them out. I took one man down with me to Victoria; he is the only man who left.

Exploratory
Survey, B. C.—
Party B.
Seeking a Pass.

6390. Then you left the main body of the party at Columbia River Depot for the heaviest part of the winter, merely remaining there for future operations, but not doing any work?—Yes.

Main body of
party at Colum-
bia River depot
during heaviest
part of winter
and doing no
work.

6391. Do you say that the whole party was somewhere between twenty and thirty?—Yes; but of course some went down with the animals to the head of the Columbia. I forget how many there were, but I suppose there would probably be eight or ten in charge of the pack trains.

6392. Was that because fodder was more plentiful there?—Yes; it was an open country and they could feed well, and the upper country was so thickly timbered that there was no feed at all.

6393. Were these animals and these packers available for subsequent operations?—Yes.

6394. Have you any idea of the expense incurred in wintering the party during the time that they were not at work?—I think that if I remember aright the gross amount of everything that I paid up to the end of that year, from the 20th of July to the end of the year, was \$57,000.

Gross amount
paid from 20th
July, 1871, to the
end of the year
\$57,000.

6395. Is that up to the 1st of January?—To the end of the year.

6396. Would the actual expenditure up to the end of the year cover the supplies for the remainder of the winter after?—Yes.

6397. You were not obliged to incur any further expenditure to carry them through the winter, as far as you remember?—No; I could not get them in.

6398. You and one man, you say, proceeded to Victoria?—Yes; I took six Indians with me to pack through the snow. We had to walk on snow shoes and carry our provisions.

6399. How long did you remain at Victoria?—I think I must have been there about two months. It took us about fifty-four days to walk down from the Howse Pass.

Remained at
Victoria two
months.

6400. Was any office work done in connection with the previous season's field work?—Before I left the Howse Pass we made out all the sketches and accounts and everything else in the tents. I waited there to get it done, and as soon as it was done I went to Victoria.

6401. At Victoria was there any work done in connection with the Canadian Pacific Railway?—Not with my party, except my own reports. I wrote these. I never went to the office except to see Mr. Watt occasionally.

6402. When did the work of the next season commence by your party, or any of them?—I think they must have commenced in the beginning of May. They commenced as soon as they could get out.

Work re-com-
menced in May.

6403. Were you with them?—No; I had not got out. The engineer in charge was with them.

6404. Who was that?—E. C. Gillette.

**Exploratory
Surveys, B.C.—
Parties S & T.**

Seeking a Pass.

Running survey
down the lower
portion of Howse
Pass.

6405. What was the work of the party the beginning of that season?—Running the survey on down the lower portion of Howse Pass and along the Columbia River, and opening the trail.

6406. Did you join them during the progress of that work?—Yes.

6407. About what time?—June, I think.

Party T. 1871.

6408. Now, I think you said it was in the beginning of June that you had party T under your control?—Yes.

Runs a line
through Eagle
Pass.

6409. What was their work?—I took them to run a line through the Eagle Pass; they came by steamer to Yale and then by waggons to Kamloops, and from there I sent them in by boat to the Eagle Pass.

6410. What kind of boat?—Bateaux.

6411. Did they start their exploration at Eagle Pass?—Yes.

6412. Moving in what direction?—East.

Witness arranged
for supplies.

6413. Who arranged for the supplies of that party?—I did.

6414. In what manner?—I bought some in Victoria, some at Yale, and some at Kamloops.

6415. You purchased them on your own responsibility?—Yes. There was some portion that Mr. Watt purchased, but we divided them all.

6416. Were these some of the supplies which you say you purchased for the several parties in 1871, and divided among them?—Yes.

Size of party T,
about twenty-two

6417. Do you remember the size of party T?—About the same as S party, without the packers; I think there were twenty-two in that party.

No animals and
no packers.

6418. They had no animals and no packers?—No.

Depot for supplies
in the Eagle Pass.

6419. Do you remember where the depot was for the supplies for that party that season?—In the Eagle Pass. They wintered on the west side of the Columbia River, at a place called Big Eddy.

6420. What is the distance from their starting point in the Eagle Pass to Big Eddy?—I think the survey made it forty-four miles.

An instrumental
survey and trial
location, from
Eagle Pass to Big
Eddy.

6421. What sort of a survey was that?—An instrumental survey.

6422. Was it a trial location?—Yes.

Eagle Pass a good
pass for railway
purposes.

6423. Was it considered possible that the railway might go through that pass?—Yes; it is a good pass to get a railway through.

6424. About how long were the party engaged on that survey?—Until the winter stopped them from working.

6425. About what time was that?—I think they stopped a short time before Christmas. I arrived there two or three days before Christmas, and I think they had only been in their winter quarters three or four days then.

6426. About what time did they commence that survey?—They must have commenced in August; I think about the end of August.

Time occupied in
survey by party
T. four months.

6427. Then the work occupied somewhere in the neighbourhood of four months for that survey by party T?—About that length of time.

Exploratory
Survey, B. C.—
Party T.
Seeking a Pass.

6428. As far as you know, was the work progressed with at a reasonable rate?—Yes.
6429. You had no fault to find with the work done, or with the time taken?—No.
6430. Was there any difficulty about the supplies with that party that year?—They had plenty of supplies, but the difficulty was in getting them through the woods. They could not get Indians to pack them well, and it was very expensive and a very bad country to get them through, and the transporting of the supplies after they got above the boat navigation was very expensive. I went round and I sent a large quantity of supplies that I mentioned as having bought at Colville to Big Eddy to meet them. Plenty of supplies. But difficulty in getting them through.
6431. How far was it from the point at which the boats could no longer transport them to this point which you call Big Eddy?—The boats came to Shuswap Lake and the Eagle River, which flows through the Eagle Pass.
6432. Could the boats take the supplies up the Eagle River any distance?—They could a portion of the way, but not up to where the depot was. The depot was built in the pass, and the supplies were left there.
6433. Then the distance over which it was difficult to transport supplies was the whole distance of the survey of that year—that is, from the depot to Big Eddy?—About half the distance. For half the distance between Eagle Pass and Big Eddy hard to transport supplies.
6434. How did they make it more easy over the other half?—I sent the supplies up the Columbia to meet them at Big Eddy.
6435. Then you mean that you transported the supplies with difficulty about half way towards the Columbia River and then left them?—I made a calculation roughly, and I found that we could transport the supplies from Kamloops to that depot for about 80 cts. a pound. I think it cost me about 5 cts. or 6 cts. for the bulk of the supplies sent up from Colville—the transport of them.
6436. What became of the supplies which were left at the point about half way on that survey?—I sent an Indian to take charge of them when I left, and I think they stopped there. The transport was too expensive to take them out. It would cost another 80 cts. to take them back to Kamloops, and I found that I could buy, and did buy them, at Fort Colville and transport them for 4½ cts. I bought flour at Kamloops at 4½ cts. I did not transport these supplies back again because it was too expensive. Supplies left half way on the survey.
6437. You say you left the supplies that were difficult to transport for the balance of that survey about half way on the survey?—Yes. In charge of one Indian.
6438. And you sent some Indians to take charge of them?—One Indian.
6439. With what final object?—That there might, perhaps, be an opportunity of getting them out.
6440. Did he remain there in charge of them?—I suppose so. I have never seen them since.
6441. Did you direct him to remain there until you saw him again?—Yes.

**Exploratory
Survey, B. C.—
Party T.**

Seeking a Pass.
Attempt to re-
cover supplies—
gave an order to
Captain Pugston
for them.

6442. Do you know what became of the supplies, or the Indian?—
No; I do not. I afterwards gave Capt. Pugston, who went down the
following year, an order to see if he could recover any of them, but I
don't know what he did.

6443. Who was he?—He was captain of steamer 49.

6444. Was that a Government steamer?—No.

6445. Why did you direct him to look after them?—He boated for
me on the Upper Columbia, and had charge of all my boats on the
Upper Columbia. I do not know but he sent a report in.

6446. If he got them, he would get them from Big Eddy Point?—
No; I gave him directions at a point further south than Howse Pass,
to proceed down the Columbia River and endeavour to get those sup-
plies at Big Eddy, or to get them transported back to Big Eddy, and
then to take them to Fort Colville.

6447. Do you know whether he succeeded?—I do not know. I do
not recollect; he might have. If he did, it would probably be returned
by Mr. Watt or Mr. Hall.

6448. Is it your impression that he did?—I do not know, but I think
not; I have never seen him since.

No reason to
think that sup-
plies were
recovered.

Cost of supplies
left on the way
and lost \$7,000.

6449. You have no reason to think that they were saved?—I think
not.

6450. What would be the value of the supplies lost in that way, in
round numbers?—I think they cost, in round numbers, about \$7,000,
delivered there, as near as I could make out.

6451. You do not know whether the Indian is under pay yet?—He
has never been paid by me. I paid him off before he went there. It
was his hunting ground, and I told him to use whatever he wanted for
food.

6452. Where did that party-T winter?—At Big Eddy.

6453. Had you still charge of that party during the season of 1872?
—Yes.

Party T in 1872,
returned to Kam-
loops and
proceeded on
North Thompson,
making survey
through Yellow
Head Pass.

6454. What work did they do during the season of 1872?—They
returned to Kamloops and proceeded northward on the east side of the
North Thompson River—sometimes on the east and sometimes on the
west—making a survey through the Yellow Head Pass.

6455. About what time did they start on that work?—I think I
telegraphed up to them on receiving instructions from Ottawa to
abandon the Howse Pass. That was early in the spring.

6456. The party were then at Big Eddy?—Yes.

6457. Do you know by what route they arrived at Kamloops?—The
same way they went up.

Took what sup-
plies they could
carry with them.

6458. Did they bring any supplies with them?—Just what they
could carry with them.

6459. There were no packers with this party?—No.

6460. Nor animals?—No.

6461. Do you know what time they reached Kamloops?—No; I do not recollect. They were brought down, as fast as possible, and camp, to Kamloops.

6462. Was that work which they had to perform in the season of 1872 a different work from what you had been led to expect?—Yes.

6463. What work had you before that expected that they would be engaged in?—The completion of the survey from Big Eddy to the Mouth of Howse Pass, following the course of the Columbia River.

Exploratory Survey, B. C.—Party T. Seeking a Pass.

Had expected to have had to complete work from Big Eddy to mouth of Howse Pass.

6464. Then the work of the season of 1872 for party T, was making a survey northward from Kamloops, following the Valley of the Thompson through the Yellow Head Pass?—From Tête Jaune Cache through Yellow Head Pass; T party went up the North Thompson to make a survey from Tête Jaune Cache easterly through Yellow Head Pass.

6465. Do you say that they made fair progress from Big Eddy on their route to Tête Jaune Cache?—Not all the way.

6466. In what portion of the distance did they fail to make fair progress?—I think it was about Blue River, somewhere about there.

6467. About what distance between that and Tête Jaune Cache?—About eighty miles.

Supplies.

Made fair progress save at Blue River, where supplies failed them.

6468. What was the difficulty?—Want of supplies.

6469. Who had made arrangements for the supplies of that party for 1872, while on this work?—I made an arrangement before I left Victoria with Mr. Watt and the Lieutenant-Governor, that a quantity of supplies were to be delivered at Tête Jaune Cache. I do not know what was the cause of their not being there; I think that the engineer in charge of the party was to blame for not sending his animals back to get the supplies.

Arrangements as to supplies.

6470. Back from where they were camped?—Yes.

6471. Where was that?—Somewhere between Tête Jaune Cache and Blue River.

6472. Was it the duty of the engineer in charge to send his animals back to get those supplies?—Certainly it was.

Duty of engineer in charge to send animals back to get those supplies.

6473. As far as you are concerned, I understand you to say that you were not responsible for the furnishing of the supplies at Tête Jaune Cache?—No.

6474. That had been arranged with a person employed by the Dominion Government at Victoria?—Yes.

6475. And that arrangement was not carried out?—The supplies were not up at Tête Jaune Cache.

6476. In making that survey, this party T was to proceed northward or southward?—Northward to Tête Jaune Cache, and then eastward through Yellow Head Pass.

6477. If the supplies had been arranged to be furnished at Tête Jaune Cache, how would the failure of that affect their arrangements when they had reached Blue River, because Blue River is a point which they would reach before they came to the point where the supplies ought to have been?—Because the supplies did not come up.

**Exploratory
Surveys, B.C.—
Part y T,
and North
Thompson
Trail Party.**

6478. And because the supplies had failed to reach Tête Jaune Cache, that would not affect their getting to the head of Blue River?—The supplies were not ahead of them.

6479. Then do you mean, besides getting supplies at Tête Jaune Cache, persons at Victoria had undertaken to make a trail from Blue River to Tête Jaune Cache?—I had sent up my own party to make a trail from Blue River.

6480. What was the number or letter of that party?—The North Thompson Trail Party.

6481. Where was that party organized?—In Victoria.

6482. Who was responsible for its organization?—I was; I employed the men.

6483. What officers were in the party; were they merely labourers, packers and axe men?—There were packers, and I think a leveller, an assistant leveller and rod man. I was taking that party up the Rocky Mountains to complete the Howse Pass survey.

**Howse Pass
survey,**

This party to run
a survey down the
Saskatchewan.

6484. Were the axe men and levellers going up to join your party S?—It was a separate party from S. I intended it to be a separate party, running a survey down the Saskatchewan on the eastern side of the Rocky Mountains.

6485. They would not be connected with the S party?—No, they would go through to them; but they had no particular connection with them.

6486. Then you organized a trail party to make a road up as far as Tête Jaune Cache, so that this gentleman, who had undertaken to get the supplies there, would be able to travel over this road?—Yes; to open the trail through the Rocky Mountains.

Supplies.

6487. Then did the fulfilling of the contract of taking supplies depend upon this prior arrangement: that this trail should be made by the party you organized?—Yes.

Default as to sup-
plies—explana-
tions.

6488. Where was the default which occasioned the absence of the supplies?—I do not know, I never enquired into it. I know that the engineer was to blame for not sending back the animals to Dewdney's camp to get the supplies.

6489. Where was Dewdney's camp?—I forget where it was. He was running a survey from Kamloops up the North Thompson. His camp was about sixty miles from Blue River.

6490. Who was the engineer in charge of the trail party?—There was no engineer in charge of the trail party.

6491. Who was the superior officer of that party?—William Campbell McLeod.

Laches on the
part of T party.

6492. Do you mean that a party whose duty it was to make this trail, first of all, became short of supplies, and because they did not send back to get sufficient supplies they were unable to finish the trail?—No; it was T party that did not send back. They were two different parties.

6493. I want to find where the default was in not making the trail which your party had arranged to make, previous to supplies being sent over it to Tête Jaune Cache. I understand first of all

**Exploratory
Surveys, B.C.—
Party T
and North
Thompson
Trail Party.**

Trail party delayed in making progress to Tête Jaune Cache because engineer of T party improperly refused them assistance.

that the trail party did not do their duty?—The trail party did do their duty, but the engineer in charge of T party did not do his duty, he would not allow his men to work with the trail party.

6494. Did the trail party make their trail to Tête Jaune Cache?—Yes; but they were delayed, owing to not getting assistance from T party.

6495. Who was engineer in charge?—Mr. Mohun.

6496. Had you instructed the engineer in charge of T party to render such assistance to the trail party which you had organized?—I instructed him to go up as fast as he could and commence the survey at Tête Jaune Cache. An engineer knows very well that he has got to make his own trail, roads and bridges through the country if he wants to get ahead.

6497. I understood you to say that party T failed to make proper progress, because the supplies were not provided for them as you expected?—Yes.

6498. And I understood you to say that supplies were not provided as you expected, because the parties in Victoria were not able to transport them over the projected trail?—So far as I know; I never investigated the thing afterwards.

6499. But is that your theory that you have given me?—Yes.

6500. Then I understood you to say that the parties in Victoria could not fulfil their engagement for the reason that the trail party which you had organized did not do their duty?—They did not get through. The trail party did their duty, but the other party—T party—did not.

6501. I understood that the T party not doing their duty, was the effect of the previous cause; now you say that that was the cause of the default?—No; the supplies ran short. I cannot state how it was.

6502. Have you not some explanation to give of that?—No; the supplies did not come there, and I suppose the party got disorganized. On account of it they did nothing for six weeks, so far as I can make out, except to hunt for game. I was away; I did not see the party. I was away on the Columbia River all this time.

Party T did nothing for six weeks except hunt for game.

6503. Did these parties—I mean the engineers, or superior officers of these parties—report to you, as their superior officer, the cause of this trouble?—Afterwards, in Tête Jaune Cache, I had a short verbal explanation, and it was there that I met Mr. Fleming in the pass. This engineer was with me, and I was in a hurry to return to the Columbia, and I told him to give Mr. Fleming all the information he had. Whether he did so or not I do not know.

Met Fleming at Tête Jaune Cache.

6504. Who was this engineer? Was it Mr. Mohun?—Yes.

6505. You handed him over to your superior officer to explain the difficulty?—Yes.

Told Mohun to explain the default to Fleming.

6506. Have you formed any estimate of the loss occasioned by that default of duty from whichever party it proceeded?—I suppose it would run about probably \$75 or \$80 per day—I should say roughly.

Amount of loss occasioned by this default, \$80 a day per head for six weeks.

6507. And for how long?—For six weeks.

**Exploratory
Surveys, B.C.—
Party T**

**and North
Thomson
Trail Party.**

6508. Does that include supplies furnished to the party while they were on the work?—About the average of what their cost would be per head.

6509. And besides that, had you not furnished the trail party with provisions on the way up?—Yes; they got some of them from me.

Trail party worked on unassisted by T party.

6510. Was that not additional loss?—No; the trail party worked on as fast as they could with what supplies they had. You see T party ought to have turned in their men with the trail party to assist them while they were lying idle there.

6511. This loss is a pecuniary loss?—Yes.

Pecuniary loss about \$3,400.

6512. It amounts to somewhere near \$3,400; did it involve a further loss than money?—The loss of the time in completing the surveys.

The above default caused a delay of a year in completing survey east of the mountains.

6513. Had it a serious effect upon the completion of the survey that season?—Yes; I think I could have got the parties out of the mountain a year earlier than I did.

6514. Was that because the survey of party T commenced at Tête Jaune Cache at last, much later in the year?—Later in the year; they had not pushed it on to meet me on the other side, and I had to go back in October to the Rocky Mountains and run the survey easterly. They were to have completed their survey from Tête Jaune Cache to the Athabaska.

6515. Do you mean Athabaska River to Henry House?—To Henry House.

6516. Their survey was to have been made from Tête Jaune Cache to Henry House?—Yes.

Party arrived at Moose Lake on the 18th September.

6517. At what time did that party T actually commence their survey from Tête Jaune Cache?—They got up to Moose Lake on the 18th September. I do not know what time they commenced their survey from Tête Jaune Cache. This was when I met them with Mr. Fleming at Moose Lake.

6518. Was that about the time you met Mr. Fleming?—Two days afterwards.

6519. Mr. Fleming had been coming from the east and had gone through that pass?—Yes.

6520. Had they not done some of their work before that?—Yes; they had surveyed from Tête Jaune Cache to Moose Lake.

Rate of progress made by party T. from Tête Jaune Cache to Moose Lake.

6521. Can you form any opinion about what time it took them to survey from there to Moose Lake?—They averaged about a mile a day on the survey, and it was about twenty-nine or thirty miles, I think.

6522. So that they commenced their work that year about the beginning of August?—Yes; about the 10th of August, I think.

6523. Where did they end their field work of that season?—In the height of land in the Yellow Head Pass.

Party S.

Party S discharged.

6524. Did party S continue in the service of the Government?—They went off before I got back from the Columbia, and I went down and discharged them all.

6525. At what time were they discharged?—I think as soon as my messenger got down to Kamloops.

6526. About what time would that be?—In October some time; it might have been the early part of November.

6527. Was that soon after they had finished their field work?—As soon as they got the survey to the summit of the Rocky Mountains instead of going on to the Athabaska, they turned around, left their supplies on the summit, and went back to Kamloops as fast as they could go.

6528. They had comparatively easy means of communication with Kamloops?—At that time they had a capital trail all the way.

6529. Did the whole party return to Kamloops?—No; I got two of them out of it—three of them. I sent my messenger down and he overtook the party, and a transit man, and leveller, and another man came back to rejoin me in the mountains; but the others all went.

6530. Have you ever formed any estimate of the whole loss to the undertaking, in a pecuniary sense, of that misconduct in the season of 1872, of party T?—It might have been a matter of \$50,000 or \$60,000.

6531. Now, returning to party S, what do you say was their work for 1872?—To build a trail through the Athabaska Pass and along the Columbia, and then to carry on the survey easterly from Henry House to Fort Edmonton.

6532. That was for the purpose of completing a line which party T had commenced, or ought to have commenced, from Tête Jaune Cache to Henry House?—Yes.

6533. Was it to join that line?—Yes; to join that line.

6534. At what time did party S commence work, in the fall of 1872?—24th of October.

6535. Had they done no work in the field before that in 1872?—They were also getting through the Athabaska Pass.

6536. Then when you speak of work in the field, you mean survey work?—Yes.

6537. You do not call that exploring?—Party S were building a trail all that summer.

6538. You do not call that work in the field?—No; we call that "trail-making" over on the other side.

6539. At what time did you commence to work at trail-making in 1872?—As soon as the snow was off the ground. They had previously been surveying on the old line about the mouth of Howse Pass before they commenced trail-making. I think the engineer told me that they got out in the beginning of March on the survey there, until he received orders from me to stop the work, and move into Yellow Head Pass.

6540. Up to that time they had been surveying towards the height of land at the Howse Pass?—No; party S was surveying northerly from Howse Pass in the direction of Boat Encampment, in order to meet the proposed line to be run by party T from Big Eddy to Boat Encampment.

**Exploratory
Surveys, R.C.—
Party N.
Seeking a Pass.**

Discharged in
October or
November.

Party T.

Misconduct of T
party in 1872,
caused a loss of
from \$50,000 to
\$60,000.

Party S.

Work of party S
for 1872.

Party S com-
menced survey
work 24th
October, 1872.

Party S building
a trail all the
summer.

**Exploratory
Survey, B.C.—
Party S.**

Seeking a Pass.

Telegram from
Ottawa to aban-
don all the
surveys in Howse
Pass, and make a
survey in Yellow
Head Pass.

6541. Then the arrangements of both these parties were changed, as I understand it, in consequence of instructions from Ottawa intimating that the Yellow Head Pass had been absolutely adopted?—I received a telegram to say that all the surveys were to be abandoned in the Howse Pass, and to go and make a survey through the Yellow Head Pass.

6542. Then what change in the movements of party S did that cause?—Instead of surveying easterly through the Howse Pass and down the North Saskatchewan, they were sent up the Columbia River to the Athabaska Pass, by Mount Brown.

6543. How did you convey your instructions to party S at that time to change their plans?—I telegraphed from Victoria to Walla-Walla, and sent instructions to have the letter forwarded by special messenger.

Instructions
reached party S
the 20th May.
(April according
to witness's
report of the 13th
January, 1873.)

6544. Do you know at what time those instructions reached party S?—I forget the date; I think it must have been about probably the 20th of May.

6545. About what time did you join party S that year?—I think about the 10th of June.

6546. Where were the party at that time?—There were some of them at the Columbia Depot and some of them several miles down, making the trails to Boat Encampment.

6547. Did this change in the programme of that party for that year involve the necessity of moving the supplies, or were they satisfactorily disposed of where they were?—We had to take all our supplies that we had then in the Howse Pass and in the depots along with us, and some more that I got from Walla-Walla and Portland on the Columbia.

6548. Did the party move these supplies?—Yes.

6549. Did they make the trail all the way to Henry House?—Yes.

Commenced sur-
vey on summit of
Rocky Mountains
on 24th October.

6550. At what time did they finish the trail-making and begin field work proper?—The survey commenced at the summit of the Rocky Mountains on the 24th of October, at the point where T party left off.

6551. So that all that season was occupied, up to the 24th of October, in getting through the Athabaska and preparing for the survey?—Yes.

Movement of
party S now
directed from
Ottawa through
Lieut.-Governor
Frutch.

6552. Was this movement of party S directed upon your responsibility?—No.

6553. How was it directed?—Directions came through the Lieutenant-Governor to me.

6554. From Ottawa?—Yes.

6555. From the Engineer-in-Chief?—Yes.

6556.—Did those instructions direct you by what course you were to move your supplies?—By the Athabaska Pass.

6557. If you had been left to your own discretion would you have adopted that route?—No.

Witness would
have taken a
route different
from that direct-
ed Fleming.

6558. What route would you have adopted yourself?—I would have gone to Edmonton by the North Saskatchewan, and run my survey westerly.

6569. If that course had been adopted would you have been enabled to commence your field work at an earlier date than the 24th of October?—Yes.

Exploratory
Survey, etc.—
Party 5.
Seeking a Pass.

6560. About what time do you think you would have been able to commence it?—About four months sooner.

6561. Do you mean that four months work of all your party was probably lost by adopting the route determined on at Ottawa, instead of allowing you to exercise your own discretion on the subject?—I think at least that.

Loss in conse-
quence of the
route being
determined at
Ottawa.

6562. Is that what you attributed it to?—Yes; I recommended against the Athabaska Pass route, and in favour of a more easterly route by the North Saskatchewan.

Recommended a
different course.

6563. You mean for the purpose of arriving at the same destination and to do the same work?—Yes; I mean that I should have commenced work at a different point on the line.

6564. And accomplished the same work?—Yes.

6565. But you would have commenced at the easterly end of that part of the survey instead of the westerly end of it?—Yes.

6566. To whom did you make that recommendation?—To the Lieutenant-Governor.

6567. Did you explain to him your reasons?—Yes.

6568. Were you instructed to follow his directions instead of the directions from Ottawa? I mean, was he the channel of communication between you and the Engineer-in-Chief?—Yes; I am not sure whether he showed me the letter, but at least he told me that the Government had requested him to take a general supervision about the things over there; not to interfere with any of our surveys, but to have a general supervision over things. There were so many parties knocking about the country.

Lieut.-Governor
Trutch given a
general super-
vision in British
Columbia, and
henceforward in-
structions from
Chief Engineer
went through
Trutch.

6569. Do you mean that the instructions from the Chief Engineer would be communicated to Mr. Trutch?—They were from that time forward.

6570. But during the time we are now discussing?—At the time the telegram came to Mr. Trutch to stop the surveys in the Howse Pass and abandon them, and that I should go to the Athabaska Pass, they supposed I had left Victoria; but fortunately I had not.

6571. Do you know whether Mr. Trutch communicated to the Engineer-in-Chief your suggestions upon the subject?—He read the telegram to me the next day that he sent.

6572. What was the substance of it?—Pointing out that we both recommended the route by the North Saskatchewan to Edmonton, and saying that the Athabaska Pass was, I think, impracticable. He has got all the telegrams.

Telegram sent to
Chief Engineer
that both Trutch
and Moberly re-
commended a
different route to
that determined
on at Ottawa, and
giving reasons.

6573. Did any answer come to that suggestion?—We got an answer, I think, in twelve days afterwards.

Twelve days after
answer arrived
that the recom-
mendation was
not approved of.

6574. Did you get the answer before you left?—Yes; I waited for the answer.

Exploratory
Survey, B.C.—
Party S.
Seeking a Pass.

6575. What was the substance of the reply?—To say that my proposed plan was not approved of, and that the Athabaska Pass was the proper route. I forget the wording of it, but that was the general effect of it.

6576. Had Mr. Trutch any profession?—Yes.

6577. What was it?—He used to be Chief Commissioner of Public Works in British Columbia, under the former Government.

6578. Was he an engineer?—Yes.

Trutch an able
engineer.

6579. An able engineer?—Yes.

6580. A man of reputation?—Yes.

By Mr. Keefer :—

6581. Was he a member of the Institute of Civil Engineers?—Yes.

By the Chairman :—

6582. Then the course which you and Mr. Trutch suggested was disapproved of by Mr. Fleming?—Yes.

Loss in conse-
quence of the
route determined
at Ottawa being
taken \$60,000.

6583. Have you any idea of the pecuniary loss occasioned by your taking the Athabaska Pass instead of a more easterly course?—I think it would be about \$60,000 loss.

6584. Do you mean that that was a positive expenditure which might have been saved by your proposed course?—It delayed us; and it kept me from completing the surveys through that year.

6585. In speaking of the disappointment as to time, do you mean that four months pay of the party was occasioned by this adoption of the Athabaska Pass to arrive at the point from which to commence this survey?—That was loss.

6586. Was that a positive loss in money?—Yes; of course.

6587. When you speak of \$60,000, do you mean the pecuniary loss that was occasioned?—That loss would not have been occasioned in four months, but the delay of keeping the party the following year.

Party had to
winter in the
mountains.

6588. Then does this \$60,000 cover a corresponding period of the next year, or any period of the next year?—We had to winter in the mountains that year when we might have got out.

6589. Do you think, if you commenced the survey on this particular line, you would have been enabled to get through without wintering in the mountains?—I think so, provided the other party—party T—had not failed in their survey.

How a whole
year might have
been saved.

6590. Do you mean, if you had gone to Edmonton and proceeded westerly toward Yellow Head Pass, commencing four months earlier than you did, and that party T had commenced at Tête Jaune Cache and proceeded easterly towards Yellow Head Pass, as contemplated, that the whole of that line would have been run before winter?—Yes.

6591. And that the expense of wintering the whole of party S would have been saved, as well as four months' pay, during the time that they were in the Athabaska Pass?—Yes; they should have saved the preliminary survey, and I should have kept the party there afterwards on location work.

**Exploratory
Survey, E.C.—
Party S.—
Seeking a Pass.**

6592. Assuming that Mr. Trutch and Mr. Fleming were of equal ability in forming their judgment on an engineering question, do you think there is any reason for supposing that Mr. Trutch would have been enabled to come to a more correct conclusion on this particular matter?—Mr. Trutch had much more definite information regarding the country than Mr. Fleming could possibly have.

Trutch possessed of more definite information on which to form an opinion than Fleming.

6593. And had you any information which would assist Mr. Trutch in coming to a conclusion?—Yes; I gave Mr. Trutch a great deal of information. I was assistant for two years in the Government employment at one time, when he was Chief Commissioner, and had charge of explorations in the interior.

6594. Upon this Columbia River?—Yes.

6595. Do you mean that between you and Mr. Trutch, you had data upon which to form a judgment which you think Mr. Fleming had not?—Yes.

Both witness and Trutch had data before them not in possession of Fleming.

6596. You commenced about the 24th of October to survey easterly from near Moose Lake, in the Yellow Head Pass, from the summit of the Rocky Mountains; that was not far from Moose Lake?—No; it was fifteen or twenty miles.

6597. And you proceeded easterly?—Yes.

6598. How far did you proceed easterly that season?—To Lac-à-Brulé, about forty-nine miles.

Proceeded that season easterly as far as Lac-à-Brulé.

6599. At that time had party T been dismissed?—Yes.

Party T dismissed; witness in charge of party S and the North Thompson trail party.

6600. You were left then in charge of one party, S, with the McCord trail party?—Yes; our party and the trail party were with me—the North Thompson trail party.

6601. Did party S still consist of some pack men and animals?—Yes.

6602. And you had also the trail party which you have described as the North Thompson trail party?—Yes.

Party S and North Thompson Trail Party.

6603. They having continued with you during the season of 1872?—Yes.

6604. That is the McCord party?—Yes.

6605. How did they come to join party S?—They finished the trail through to Henry House in the winter, and built a depot for the party to winter in, and then opened the trail the following season to Edmonton.

6606. So that during the winter of 1872-73 you had near Lac-à-Brulé your original party S, with the addition of the McCord trail party?—Yes.

6607. Numbering how many altogether?—I think we must have had, between the two parties and the packers, somewhere over forty or forty-five men. I think probably not quite so many.

Number of men under his charge, forty-five.

6608. About how many animals?—I think we must have had in the neighbourhood of 250 animals.

250 animals.

6609. How many animals had the McCord trail party, without reference to party S?—I think they must have had somewhere in the neighbourhood of thirty when they joined party S.

6610. Had you over 200 with your party?—Yes.

Exploratory Surveys, B.C.—Party to, and North Thompson Trail Party.

Seeking a Pass.

Reason for having so many animals—to get provisions through.

Had made contracts for forwarding supplies to the head of the Columbia. Supplies on way when orders came to abandon survey. If the packers knew this they would have charged him exorbitant prices for packing. He therefore, before they could have this knowledge, bought all their animals.

Buying the animals resulted in saving.

Unprinted report of witness to Fleming.

Wintered near Lac-à-Brulé, 1872-73.

Operations commenced 16th March, 1873.

Survey from Kettle River to Edmonton.

6611. Had the number of animals increased considerably since your commencement in 1871, at Wild Horse Creek?—Yes.

6612. What was the necessity of increasing the number so largely?—To get provisions through.

6613. From what point do you remember was the number of animals so largely increased?—From Walla-Walla and Colville, and on the trail.

6614. Then I understand you had been obliged to purchase a further supply of animals during the season to get fresh supplies in?—Yes; I had contracts made for forwarding supplies to the head of the Columbia—to within forty-eight miles of the head of the Columbia—and they were on the way when these orders came from Ottawa to me to abandon the surveys. Those supplies were to be delivered to me at this place—the boat landing on the Columbia—forty-eight miles from the head of the river. When I had to transport supplies into the Yellow Head Pass, I knew that if the men who had the contract for packing caught me there without packing animals they would put on exorbitant prices, so I followed the pack trail and bought all the animals that were among the packers, before they knew that a change was to take place.

6615. Did that result in a saving to the Government?—Yes.

6616. By owning the animals you were enabled to get in your supplies at a fair rate?—Yes.

6617. I see that in Mr. Fleming's report of 1874, there is a report from you to him dated 13th January 1873, in which you allude to another report forwarded to him; is that other report printed, as far as you know?—No; I think not.

6618. Have you a copy of it?—Yes; I produce it. (Exhibit No. 102.)

6619. Are the facts stated in this additional report correct, as far as you know?—Yes.

6620. Are you still of the same opinion as to the conclusions which you make in that additional report?—Yes.

6621. Did you pass the winter, or any portion of it, near Lac-à-Brulé, in the winter of 1872-73?—The trail party were camped about within a quarter of a mile of the west end of Lac-à-Brulé, and built a depot there. My surveying party built their depot about two miles further west than that, within one mile and a-half of old Henry House.

6622. I ask whether you spent the winter there yourself?—Yes.

6623. What time did you commence operations in the spring of 1873?—I think it was on the 16th March we left the depot.

6624. You did not get down to Victoria during that winter?—No.

6625. Was any office work done connected with the field work of 1872?—All the office work was done while we were in the depot: plans, profiles, reports, and accounts were prepared and forwarded down to Winnipeg. I sent a dog train with them, with instructions that they were to be forwarded on by express to Ottawa.

6626. Upon what work did your party start in 1873?—Surveying from Kettle River to Edmonton, and making a trail along the line.

6627. Had you still the large number of animals with you, 250?—No; I sent some of them back the previous autumn to Kamloops.

6628. What number of animals did you winter over?—I think I must have had 150, or something like that, in the mountains, perhaps a few more.

**Exploratory
Surveys, S. C.—
Parties A. & T.
Seeking a Pass.**
Number of
animals kept in
the mountains.

6629. Did you think as many as that would be required to transport your supplies in 1873?—Yes; they were kept busy all summer.

6630. While on the subject of supplies, I would like to ask you, what had been your anticipation in 1871, about the transporting of supplies from Eagle Pass to Columbia River? How did you expect to transport them; if I remember aright, your T party had no animals?—No; I was going to send them up the Columbia by the steamer 49, from Colville.

Supplies.

No animals with
T party.

6631. But how did you expect to get them from Eagle Pass to Columbia River?—If they had been left there we would have had to pack them through with Indians.

6632. How did you plan for that season's transporting of supplies? It turned out that it was more difficult to transport them than you expected?—The only way was to transport them on men's backs.

6633. How many men had you provided for transporting for party T, at Eagle Pass?—The men out of the survey and a few Indians they managed to pick up.

6634. Did you provide for the difficult country which actually existed as to transporting for 1871 for party T?—The bulk of the supplies I intended to send up, and did send up, on steamer 49. It was too expensive to get from Shuswap Lake to the Columbia River.

Bulk of supplies
for T party he
intended to send
up by steamer.

6635. Are you speaking of party T now?—Yes.

6636. That was the party who left their supplies, and to which you sent an Indian?—Yes.

6637. It turned out that sufficient provision had not been made for the transporting of those supplies from Eagle Pass to the Columbia River—Big Eddy?—I did not want to get those supplies to Columbia River. Those supplies were left in the middle of the pass, so that I could use them for the location survey through that pass.

6638. Did you not expect that your party would require to use those supplies as they went on with their work that season?—Not on the Columbia River.

6639. Between Eagle Pass and Big Eddy?—Big Eddy is at the west end of Eagle Pass. Big Eddy is the eastern terminus of Eagle Pass.

6640. In 1871 the party progressed easterly?—Yes.

6641. But they were not able to take sufficient supplies with them?—No; because I provided supplies, by sending them up the Columbia to Big Eddy, by steamer.

6642. Did not that occur because they were unable to transport their supplies more than half way?—About half way. I did not want to send them the whole way, because I could send them up so cheaply from Colville by steamer, and I wanted the survey party to go along the river to Boat Encampment, and then on location survey I could have utilized the supplies in the Eagle Pass.

Did not want to
send supplies the
whole way.

6643. Do you mean that, in laying out the operations for 1871 for party T, you intended that supplies should be carried by them from

**Exploratory
Surveys, B. C.—
Parties S. & T.
Seeking a Pass.**

Eagle Pass eastward, about half the distance over that year's survey?
—About half way through that pass.

6644. That is the same thing as half way through that year's survey?—About half way to Big Eddy.

6645. And you had always intended that they should remain there, and should be utilized on the next year's operations?—Yes.

6646. That is, provided that you should decide to make a location line?—I made every provision to make a location survey right through, from Shuswap Lake to Edmonton. The survey work done there was preliminary work, and I was making provision to go and finish the location survey as soon as that was done.

6647. Do you mean that your instructions for the 1871 operations included making a location line at a subsequent period, as well as preliminary survey for that year?—No; there was nothing definite about it, except to get this preliminary survey done first.

Reason why in 1871 he made provision for supplies for the following year.

6648. Then why did you take it for granted that your supplies would be wanted on the same line for another year?—Because I thought a location survey would necessarily follow.

6649. Do you mean that you took it for granted that that would be the line located for the survey?—It lay between that one and Yellow Head Pass, and it was to get a distinct knowledge of those two passes, because there could be no doubt about it that this provision was made.

6650. But it was an undecided question?—It was perfectly clear in my mind that one or the other had to be adopted.

6651. Was it clear to your mind that the Howse Pass would be adopted?—No.

Thinks Howse Pass abandoned without sufficient information.

6652. If Yellow Head Pass were afterwards adopted, would those supplies which you had planned to leave between Eagle Pass and Big Eddy, be available for the location line?—No; they would have all been consumed in the location work in the Howse Pass. To have completed the survey properly in Howse Pass would have taken a long time, and these supplies would all have been consumed in it. I think to-day they abandoned the survey of the Howse Pass too soon and without sufficient information.

6653. Were the supplies arranged to be left for you in Eagle Pass, or had you taken it for granted that afterwards there would be a location line through the Howse Pass?—Yes.

6654. Why did you take it for granted that there would be a location line through the Howse Pass?—Because I thought it would be necessary to decide which would be the better pass of the two.

On reaching summit of Howse Pass found grade heavier than he expected.

6655. Do you mean that it could not be well decided which was the better pass without first making a location line for the Howse Pass?—At that time I thought so. When I made the survey, from the Columbia to the summit of Howse Pass, I found the grade was heavier than I expected.

6656. And that knowledge you did not obtain until the end of the 1871 operations?—The last thing in 1871.

**Exploratory
Surveys, B. C.,—
Parties S. & T.
Seeking a Pass.**

6657. But at the beginning of the 1871 operations you took it for granted that a location line would be required for the Howse Pass?—
Yes.

6658. Did you not know at that time that some other pass might be used?—I thought it lay between Yellow Head Pass and Howse Pass, which would be adopted.

The choice lay between Howse Pass and Yellow Head Pass.

6659. If it should turn out that the Yellow Head Pass should be the one adopted, was it necessary to make any location line for Howse Pass?—I should have located a line through Eagle Pass to the west slope of the Rocky Mountains, they being the two doubtful points on that route.

6660. Although the Yellow Head Pass had been adopted?—It was not adopted then, at that time.

6661. Did you know that it might be adopted; did you not conceive that it might be adopted?—Yes.

6662. Did you conceive that it might be adopted at such a time as to render a location line through the Howse Pass useless?—No.

6663. Why not?—I thought that this work would all be done the following year. I was not charged with any work on the Yellow Head Pass, that year, until I got the telegram that the Howse Pass had been abandoned. I had received a telegram to make a location through Howse Pass, and a few days afterwards came the instructions to abandon that work.

Received a telegram to make a location line through Howse Pass a few days before receiving instruction to abandon it.

6664. Did you arrange for supplies being left in Eagle Pass for the purpose of the location of the line, in 1872, before you knew that a location line would be necessary?—I left those supplies there in 1871 expecting that in 1872, I would complete the location survey through the Eagle Pass.

6665. What was the reason in 1871, that you expected the location line to be made through the Howse Pass?—Because I thought it was probable that it would be the pass that might be adopted, in preference to Yellow Head Pass.

Advisability of arrangement as to provisions for 1872, contingent as to correctness of opinion that Howse Pass would have been adopted.

6666. Then it depended upon the probability of your expectation being correct?—Yes.

6667. It turned out not to be correct?—No.

6668. Would it not have been better to have provided for a possibility of its not being correct, and to have saved those supplies?—If you would like to take a number of men into the mountains and run the risk of their starving to death, I would by all means say: leave the supplies out; but you cannot take men into the mountains and risk their lives. They had several times to make trips during the winter, to get supplies from that depot.

6669. At what time did your examination of the Howse Pass lead you to the judgment that it would not be the one adopted?—In October, 1873?

In October, 1873, concluded that Howse Pass was not eligible.

6670. Was it not in March, 1872, telegraphed that the other had been finally adopted?—No; it was telegraphed to me to abandon the survey in the Howse Pass, and make surveys through Yellow Head Pass.

**Exploratory
Surveys, B.C.—
Party B.
Seeking a Pass.**

Witness in 1873 concludes from his own observation that Yellow Head Pass was that which should be chosen.

6671. Then so far as your individual judgment goes, you were not aware of the preference for the Yellow Head Pass, until you had made your surveys of 1873?—In October, 1873, I rode through Yellow Head Pass to the Grand Forks of the Fraser, and I came to the conclusion then that it was a better pass than Howse Pass. I simply rode through on horseback; the first time I had been through it.

6672. At what time in 1873 did your party cease field work?—In 1873 we ceased field work just before we left Tête Jaune Cache to go back to Victoria.

6673. In October, 1872, you commenced to work from the height of land eastward?—Yes.

6674. And you wintered that year, you and your two parties, somewhere near Jasper House at Lake Averil?—Yes.

6675. In that season at what time did you cease to work?—I think they got into the depot on the 2nd of January, 1873.

**Preliminary
Survey.**

In 1873 field work ended in October.

6676. That party commenced work in 1873?—Yes.

6677. What time in 1873 did that party end their work?—I think it was the 16th of October that I completed the survey of the Tête Jaune Cache.

**Survey easterly
to Root River.**

6678. In the spring of the year when you commenced work easterly, how far did you proceed?—To Root River.

6679. Were all your party occupied on that survey?—Yes.

6680. Animals and men?—Yes; all except one man in charge of the depot.

6681. At what time did you end that easterly survey?—I think it was about the end of August.

**Instructed by
Fleming & Smith
to turn back west
to Moose Lake.**

6682. What did you do next?—I turned back and went west to Moose Lake—re-crossed the mountains.

6683. Had you special instructions for that change?—Yes.

6684. From whom?—From Mr. Fleming and Mr. Smith.

**Line run from
Moose Lake to
Tête Jaune Cache.**

6685. What work was done after that by the party?—A line was run from Moose Lake to Tête Jaune Cache.

6686. Was it a located line?—It was a very careful survey—a preliminary line with the cross-sections—so that it might have been used almost as a located line. I ran it very carefully indeed.

6687. About what time did that work occupy you?—That was about the middle of October when the surveys were finished at Tête Jaune Cache.

**Party returns to
Victoria.**

6688. Did your party do any work in the fall of that year?—No; they went down at once to Kamloops and returned to Victoria.

6689. Do you mean the whole party, or only the party in charge of the animals?—The whole of the party, except one man who was left to get the supplies that they ordered to be transferred to the Hudson Bay Co., at Lake Ste. Anne.

**Supplies transferred for storage
to Hudson Bay
Co. at Lake Ste.
Anne.**

6690. In dealing with this surplus, would you exercise any judgment as to the price at which the company would take them?—No; they were simply transferred, for storage, over to their hands.

6691. Did they purchase them, or merely take charge of them?—I sent over to Mr. Richard Hardisty to send an officer up to take them over from my hands. I think I wrote to him—I had never seen him—and told him that I would pay the expenses of the officer that he would send up for that purpose. I wanted to get a receipt from the company for those supplies.

**Exploratory
Survey, E.C.—
Party B.
Seeking a Pass.**

6692. I suppose that was according to your instructions in dealing with surplus supplies?—Yes.

6693. Your party proceeded to Kamloops in the fall of 1873, were they discharged there?—Yes; some were discharged there and some at Victoria.

**Party discharged
and animals
transferred to
agent of Govern-
ment (November
1873).**

6694. Were the animals left at Kamloops?—They were all transferred over to the Government agent there.

6395. Who was he?—I forget his name now; the commissariat officer handed them over and brought me a receipt for them.

6696. Then did you proceed to Victoria?—Before leaving I sent a party from Tête Jaune Cache, and I made another exploration, with some Indians, from the Forks of the Albreda up the North Thompson, to try and connect with the survey that had been run from Howe Sound to Bute Inlet.

**Exploration.
Witness with
some Indians
makes explora-
tion up North
Thompson.**

6697. At what time did you end that exploration?—I was only a few days in there; I think it must have been about the end of October.

6698. Did you then proceed to Victoria?—Yes.

6699. Did you remain there long?—Two or three weeks.

6700. And then where did you go to?—To Ottawa.

6701. How long did you remain there?—Rather longer than I wanted. I think about a year and a half. I got in in the beginning of January. I was there all that winter and summer, and I think the March following.

**Proceeds to
Ottawa.
Accounts
overhauled.
A year and a-half
at Ottawa, getting
out reports and
profiles and going
through accounts.**

6702. Were you occupied during that stay at Ottawa upon the Canadian Pacific Railway business?—I had to get out the reports and the profile of the survey, and then I had to go through all the accounts with the Auditor, Mr. Taylor, which was completed, I think, about the 20th of May.

6703. Of what year?—1874.

6704. That would take you to May, 1874?—Yes.

6705. Then after that what were you doing?—I expected to leave then, but they appointed another auditor to go through the accounts again, Mr. Radford, and they kept me all summer and winter.

6706. Was there some difficulty about the auditing of these accounts?—Mr. Taylor got through the accounts, and we had no trouble. I had to explain every bill and every account.

6707. Do you mean that after having once gone through, he was not satisfied that the operation was complete?—Yes.

**Had to go
through accounts.
a second time.**

6708. Do you know what the reason of that was?—I suppose it was to try and give me a little difficulty. I never asked.

6709. To give you a little difficulty?—Yes.

**Surveys, B.C.—
Accounts
overhauled.**

Result of two
audits the same.

6710. Was the second audit accomplished satisfactorily?—Yes; there was no change made.

6711. The result was the same after both audits?—Yes.

6712. Then you lost that season altogether in consequence of the second audit?—Yes; they refused to pay me.

6713. What reason did they give?—They did not give me any reason at all, but they would not pay.

Government re-
fused to pay
witness anything
more than an
allowance for the
time engaged in
auditing his
accounts.

6714. Do you mean to say that they would not pay for your services or were there other accounts?—No; they would not pay during that time—from the time the first audit was completed, and while the second audit was going on. They refused to pay me any salary, only an allowance during the time I was occupied auditing.

No further con-
nection with
Canadian Pacific
Railway.

6715. After the second audit was completed, were you further connected with the Pacific Railway?—No.

6716. Have you not been upon the works since then?—No.

6717. Was there any reason given for not paying you—such as your mismanagement or inaccuracy?—No; they never said a word to me.

No reason was
given for not
paying him. He
left.

6718. The reason was that you had not been employed except in auditing?—They gave me no reason; I told them that they had behaved unfairly, and I left.

6719. Would there have been any time that season to do anything further in your business, after the time you say the second audit was ended?—I left in March, after the second audit was in. I applied to get a settlement for that time I had lost, and some time elapsed in corresponding. I wrote to the Minister of Public Works, and the result of the correspondence was I could get no satisfaction, and I went away. I only asked them to pay me up to the end of the year, but I left in March.

Some drafts
drawn by witness
remained unpaid
for a long time.

6720. Since that you have had no connection with the works?—None; there were accounts, some drafts, that were given by me, for different things in the interior, that were not paid for a long time after I came to Ottawa. They were accounts for supplies and for some men's wages, amounting to several thousand dollars, and for dog-sleighs that were sent up on my requisition to Fort Edmonton to the mountains by the Hudson Bay Co., that were not paid for four years afterwards.

Paid him no ex-
penses from the
time he arrived
in the central
provinces of the
Dominion.

6721. Have you been out of pocket besides your loss of salary during that time, in consequence of the action of the Government?—Yes, they never paid any of my expenses from the time I arrived in Canada. When I joined the railway, and they gave me my appointment, it was mentioned then that all my expenses should be paid; but I had to pay all my own expenses.

6722. Is this matter the subject of a claim now on your part against the Government?—I tried for it; but I found it was easier to go to work and make money over again, than it was to get it. I think if it had been a private company, I should have sued them.

6723. That claim is not pending still?—No.

Thinks it was a
mistake to have
taken supplies

6724. Is there any other matter connected with this railway which you wish to explain?—I think after I left the mountains, the Yellow

Head Pass, that there was a great mistake made in having the supplies taken out of the pass. They ought to have been left for the surveys that were made afterwards, and for which supplies were taken back there again. Of course, I am speaking now of after I left there. I wanted to have those location surveys finished without taking the parties out of the mountains. There was so much time lost in taking men backwards and forwards that the better and cheaper plan would have been to have kept them in the mountains, when they were on the ground, and finished those surveys. Parties went up from this side even to make explorations right at the Athabaska River, in one place within half a mile of my depot. I met the party here under Mr. McLeod. I said: "You are going to explore the Mulgrave River to the Rocky River, and other explorations. I can tell you I would have been the party to have given you information about it. You will go there and come back again and find no pass." I said: "I have explored every one of those passes." I told him he would have a difficult trip, and would come back without finding any pass there. I think his report is published in the report of 1873-74.

Exploratory Surveys, B.C.— Seeking a Pass.

out of Yellow Head Pass, where surveys should have been completed before the men left the mountains.

Warned McLeod he would find no pass up the Mulgrave River.

6725. Did he succeed in getting any pass?—No.

6726. Did you think that there was no pass because you had previously explored it?—I had tried to get through both of those places, and about a dozen others.

6727. You mean your men employed on the Pacific Railway?—No; when I was up in the mountains.

6728. In what season had you made those branch explorations?—In 1871, I tried to see if there was any pass from the head waters of the North Saskatchewan into the Athabaska valley, examining it from the valley of the North Saskatchewan. The following year I examined the same range of mountains southerly from the Athabaska, and failed to find any pass.

6729. Did you report the result of these branch explorations to your superior officers?—Not any unimportant ones.

6730. Did you report the fact that the Athabaska Pass was not a feasible one?—Yes; that was out of the question altogether. It was of no use.

Reported impossibility of Athabaska Pass.

6731. Was Mr. McLeod then going to explore the Athabaska Pass?—He was going to explore those passes from Athabaska River, to try and get through the mountains to the south. I told him when I met him here—I was then out of the Government employment—that he would fail.

Warned McLeod he would fail to get through the mountains to the south.

6732. Those may be described as subordinate explorations?—Yes.

6733. The point that I understand you to make is, that he was sent to survey subordinate localities?—I do not think that he was sent to survey, but simply to examine.

6734. Well to examine what you had already ascertained to be unavailable?—Yes.

6735. Had you reported that fact to your superior officer, that you had discovered them to be unavailable?—I think I had reported generally that it was impossible for us to go through from Athabaska to the Saskatchewan without going much further to the north and

Showed in report advocating present line that it was impossible to go through, from Athabaska to the Saskatchewan.

**Exploratory
Surveys, B.C.—
Seeking a Pass.**

east, and I sent a sketch map to Mr. Fleming, through Mr. Marcus Smith, before I came down, showing them where the right line for the Canadian Pacific Railway west of Yellow Head Pass was; the line they are on now.

6736. Besides showing them where you thought the right line was, did you show him that those other localities, which are in the right line, had been examined, and ascertained that they were not available?—I showed them that I had failed to get through those mountains.

6737. But did you report that you had actually explored them?—I do not know that I did. I think when I told them that I had failed to get through, it was hardly necessary to mention every little creek and valley that I went in through. It was hardly likely that I would leave any pass unexplored in a country like that.

6738. In order to ascertain the feasibility of any pass, is it necessary to make a location survey?—No.

Simple exploration adequate to ascertain feasibility of any pass. Large parties unnecessary.

6739. It can be done by merely what is called an exploration?—Yes.

6740. Was there a location survey made of any portion of the territory through the Howse Pass?—No.

6741. The examination which you made in 1871 was not a location survey?—No.

Examination made by witness in 1871 a preliminary survey.

6742. What would you call it, technically?—A preliminary survey.

6743. That is instrumental, I suppose?—Yes; not through the Howse Pass. The survey that I did through the Yellow Head Pass was done much more correctly.

6744. Could the feasibility of the Howse Pass, for instance, have been discovered without anything more than a bare exploration?—A very good idea could have been arrived at just merely by any engineer going over it and examining it with his eyes.

Ran a fast survey along trail to Howse Pass, took levels and got the distances.

6745. Was a more expensive mode than that adopted by you?—I ran a very fast survey along the trail that we cut through the valley, and took levels and got the distances.

6746. Was it necessary to do that to ascertain the feasibility of it?—I think it was necessary to enable me to send a profile down to the Government, so that they would be able to decide what kind of line they would be likely to get.

6747. Did you assume that there would be any line there?—Yes.

6748. Or did you assume that you were only to ascertain whether there was a possibility of a line?—I assumed that it was very likely that the railroad would go through there.

Instructed to make such survey as he made by Fleming.

6749. Were there instructions from your superior officer to make such an examination—whatever the technical name of it may be—as you did actually make?—Yes.

6750. Assuming that this examination may have been more elaborate and more expensive than was actually necessary, I wish to know who was responsible for the direction of it?—I forget the wording of my instructions. I think a great deal of it took place in a conversation between myself and Mr. Fleming, verbally, the first year—that was in 1871—and that it was considered that I should make a proper survey through there for a railway.

**Exploratory
Surveys, B.C.—
Seeking a Pass.**

6751. But the problem in my mind now is, what was the proper survey?—I consider a preliminary survey through there, and a location survey of the line through the Howse Pass and Eagle Pass.

6752. If the only object of that season's operation was to ascertain the feasibility of the pass there, the survey which you say you have made was unnecessary and more expensive than it was required to be, because you say the feasibility of it could be ascertained by merely walking through?—It could have been ascertained, but there could not have been a proper knowledge arrived at. We did not get to the west end of the Howse Pass until the 2nd of October.

Feasibility of pass could have been ascertained at much less expense by walking over the ground.

6753. That was because you had a large party, was it not?—We could not get our supplies there without.

6754. But you would not have had to get so much supplies if the party had been a few men?—No.

Failed to get supplies through, most of which would not have been needed for a small party, which was all that was required.

6755. If the object of the survey—or examination, rather—was only to ascertain the feasibility, could it not have been accomplished by a less elaborate and a less expensive examination?—Yes; I think it could.

6756. Then do you know why the more elaborate and more expensive one was adopted?—To get a thorough survey.

6757. Why was a thorough survey adopted instead of an exploration?—I suppose it was owing to their wanting to have the line located within two years, according to the agreement with British Columbia.

6758. Who was responsible for adopting the more thorough and expensive survey?—I think Mr. Fleming gave instructions about how the parties were to be conducted in the printed books that he sent us.

Fleming responsible for the more elaborate survey.

6759. You speak of printed books; were printed instructions given you?—Yes.

6760. Did those printed instructions describe the kind of examination that you were to make in this instance?—I think so; it is so long since I have read them. They described how each engineer was to conduct his survey, and what was to be done in carrying them out.

Printed instructions furnished by Fleming described how each engineer was to conduct his survey.

6761. Do you know whether, before you made this survey, the feasibility of the Howse Pass had been at all established?—I knew that it had been established from the mouth of the Blaeberry River to Burrard Inlet on the Pacific coast, and I knew that from the summit of the Rocky Mountains easterly, from Dr. Hector's report, that it was quite practicable to get a very good line further in the Saskatchewan country as he got out of the pass in coming down the west side; but his report was not very clear on those thirty or forty miles at least. It was for the lower portion of the Blaeberry River, but for the upper portion of it it was not.

6762. Do you know whether this work of 1871 at Howse Pass was devised after taking it for granted that it was a feasible pass, or was it only to ascertain whether it was a feasible pass?—When I went over to Ottawa in 1871 I gave Mr. Fleming all the information I could with regard to that road. He was aware of my not having been any further east than the mouth of Blaeberry River. Other information of east of that was obtained from Dr. Hector's report.

**Exploratory
Surveys, B.C.—
Seeking a Pass.**

Moberly's operations of 1871, devised because it was taken for granted that the Howse Pass was practicable. Object to ascertain whether it was better than Yellow Head Pass.

6763. Do you know whether your operations of 1871 were devised because it was taken for granted that the Howse Pass was a feasible pass?—Yes.

6764. Then the operations could not have been for the purpose of ascertaining whether it was a feasible pass?—For the purpose of ascertaining whether it was a better pass than the Yellow Head Pass.

6765. Now I understand you to say that the survey of that year was devised, not to ascertain whether the Howse Pass was a feasible pass, but, taking it for granted that it was a feasible pass, to compare it with another one which was believed to be a feasible pass?—Yes.

**Work in British
Columbia could
have been done
without
bloated survey
parties.**

6766. Have you ever given any serious consideration to this question: whether the ascertaining of a route for a railway through British Columbia could have been accomplished, at less expense than it has been accomplished, by sending out smaller parties and exploring merely instead of making preliminary surveys?—Yes; I should have recommended a proper survey through the Howse Pass and through the Yellow Head Pass. All other explorations I could have done with an engineer and a few Indians, without those heavy survey parties. When I heard the Bute Inlet survey was going on I recommended an exploration, but not a survey.

By telegraph to Fleming recommended against Bute Inlet survey being made elaborate and in favour of a mere exploration.

6767. Was your recommendation adopted?—No.

6768. Was there an elaborate survey?—Yes.

6769. Who had charge of that?—Mr. Marcus Smith had the general charge; I forget the engineers that were on it.

6770. In what year?—In 1872-73. I do not know how many.

6771. How did you make that recommendation, verbally or in writing?—By telegraph.

6772. To whom?—To Mr. Fleming.

6773. Do you remember when you made that recommendation?—It was in the winter of 1872, I fancy—in February.

6774. That was after your first year's operations?—Just after I got down to Victoria from the interior.

Howe Sound survey unnecessary as were some of the northerly surveys.

6775. Was there any other instrumental survey made where you think a smaller exploration would have been sufficient?—I think the Howe Sound survey, up Howe Sound, was unnecessary. I fancy some of the more northerly surveys were unnecessary. In making explorations and examinations in British Columbia for the Imperial Government, much of the interior work was in my hands; I obtained information of the country in every way possible. When Mr. Trutch was Chief Commissioner I was his assistant, and gave him the information about the country, and that was what led us, in 1867, when I left the employment of the Imperial Government, to come to the decision that from Kamloops to Burrard Inlet was safe to be the line, but that we wanted to get the Howse Pass and the Yellow Head Pass thoroughly examined to see which was the better of the two. We were perfectly clear that either one of these had to be adopted. Our system of carrying on explorations is shown by the reports published by the Government of British Columbia for 1865-66. We deemed that system to be an economical one.

In 1867, Trutch and witness had from knowledge gained while in service of Imperial Government, come to the decision that from Kamloops to Burrard's Inlet was safe to be the line, and that the question of passes lay between the Howse and the Yellow Head.

**Exploratory
Surveys, B.C.—
Seeking a Pass.**

6776. Can you describe shortly what that system was?—I explored with one or two men and a few Indians; took observations; I estimated the distances; took latitudes and longitudes as well as possible and obtained altitudes. I sent my assistants in the same way. Very often when I wanted to obtain information of some place, I have issued provisions—a few pounds of flour, and bacon, and tea, and tobacco—to men I could depend on, so that they could prospect and report to me. They got their provisions in the interior where they wanted them, and I got the information without having to pay any wages. It was an economical mode of doing it, and I obtained a great deal of information in that way.

Mode of carrying on explorations under the old Government of British Columbia.

6777. Taking any given distance of locality, have you any idea how much more expensive the system adopted for these preliminary surveys would be than the system you have described?—I do not know what the expenditure has been in British Columbia for these surveys, but I know it has been large.

6778. Judging from the parties you had under you and the cost of them, can you form no opinion?—Since I left the employment of the Canadian Pacific Railway, I have not followed the number of parties that they have had there.

6779. Can you form an opinion on the subject without knowing exactly what has happened?—I think that, under the other system, we might have got the information that we deemed requisite in two years, with, I should think, four parties—four surveying parties.

6780. Exploring parties do you mean?—No; surveying parties.

6781. That is not exactly what I am asking. Assuming that it is necessary to make an examination of any given locality in that country, can you state what proportion of the expenses of a survey party, such as you had, would be required to make only the exploration in the way you have described?—I should think \$400,000 or \$500,000 would have done the whole thing—made the surveys and the explorations.

All necessary information regarding British Columbia might have been got for \$400,000 or \$500,000.

6782. How long had you been occupied in gaining the information which you describe before you were employed on the Canadian Pacific Railway?—From 1858 to 1867—nine years.

Opportunities for knowing the country.

6783. Was there a discussion in British Columbia at that time as to a railway crossing the continent, or was your examination only for the purposes of the colony?—No; I had in view this overland road. I had discussions with Col. Moody, who was in charge of the Royal Engineers, about the probability of a line going through the country.

6784. Do you mean for a railway line?—For railways and roads. The adoption of a proper system of roads and trails through British Columbia was a thing that I paid very great attention to.

6785. What at that time was considered to be the principal inducement for opening the country by roads?—We had to get the roads there that we opened to the mines to get provisions in.

Early inducements for opening up the country.

6786. What sort of mines?—Gold mines—placer mines.

Gold mines.
Placer mines.

6787. In what part of the country did they exist?—Principally in Cariboo.

6788. That is near Quesnelle Mouth?—Fifty miles west of Quesnelle Mouth.

**Exploratory
Surveys, B.C.—
Seeking a Pass.**

6789. And was it mostly with the object of serving that district that you had to consider the question of roads?—No; we were trying to get a road in the more southerly district, or this Cariboo district. We had to get a waggon road in, as that was the principal mining district of the country. We never looked on that as a through route.

6790. Through to where?—Through the Rocky Mountains.

**Objective point of
road through
Rocky Mountains**

6791. In getting a road through the Rocky Mountains what was then considered to be the objective point?—The North Saskatchewan and Edmonton.

6792. What was the object of getting to the Saskatchewan?—We wanted to get an overland route and see if we could not get people to come across into the country in that way, and open communication from one side to the other.

**Witness's
experience.**

6793. How were you occupied between 1868 and the time you engaged upon this Pacific Railway?—I was in California, Nevada and Utah, engineering part of the time and mining at other times, and various other things.

6794. Had you much experience in crossing rough countries?—A good deal.

6795. Do you think that would be useful to you in forming an opinion of the practicability of lines through a country not thoroughly explored?—I think so.

6796. Is there any other matter connected with this subject which you would like to explain?—I do not recollect anything at present, but if I think of anything I will let you know.

WINNIPEG, Thursday, 23rd September, 1880.

ALLOWAY. W. F. ALLOWAY's examination continued :

**Nixon's Pur-
veyorship—
Buying Horses.**

By the Chairman :—

6797. At your last examination you said that you had made some entries in some books of the particulars of the purchase of these horses that were sold to Mr. Nixon, and that you would look for the books; have you searched for them?—I have.

**Failed to find
memorandum
books.**

6798. Have you found any?—I have not. There was only one pocket book and one diary, and it was only in one, and I could not find it.

6799. Do you mean that you had only one book in which you had entered all these transactions?—That is all at that time.

6800. You kept one book which would cover all that time?—Yes; I kept a pocket diary about three inches by five.

6801. I think you said there would have been some difficulty in recording the names of the persons from whom you purchased those horses, because some of them would be half-breeds whom you did not know?—I said I did not know the persons from whom I purchased, and I did not take any trouble to find out who they were.

6802. You gave that as one reason why names were not mentioned? —Yes; in my diary I never entered the person's name from whom I bought. I just put down, say, "one chestnut horse," date, so many hands high, and if he had any particular points about him, I would enter it at so much.

Nixon's Pur-
veyorship—
Buying Horses,
Accounts.

6803. Would you not expect that that purchase and the particulars of it would be subject to an investigation afterwards by Mr. Nixon?—I supposed that Mr. Nixon kept an account of it himself, too. I supposed he kept a memorandum of say, for instance, "five horses bought to-day at so much"—the same as I did myself. He knew the price of everything just as much as I did. I suppose he kept it as a check on me; if he did not he was very foolish. He did so, for he checked it over with me.

Manner of
making entries
in diary.

6804. You have a strong opinion, have you, that he did keep such a memorandum?—Certainly he did.

6805. Why would he be foolish if he did not do it?—Any business man would be foolish not to.

6806. There would be no difficulty in recording the names of the sellers as well as other particulars?—Yes; I think there would have been difficulty.

A difficulty in
keeping account
of names of sellers
of horses.

6807. What would have been the difficulty?—Well, sometimes horses were sent down by people to be sold; one man would come in from the neighbourhood and would bring in three or four horses; so-and-so would send his horse and he wanted so much for it. If I did not give it the horse would go back.

6808. When he said so-and-so you mean that he would mention the name of the owner?—Yes.

6809. If he mentioned the name of the owner would there be any difficulty in keeping a record of it?—No; I do not suppose there would have been any great difficulty in keeping the names.

No difficulty in
keeping account
of names of sellers
of horses.

6810. Do you think there would have been any great or small difficulty in keeping a record of the names, if it occurred to you as being necessary?—If I had thought it was necessary I would have kept the names.

6811. You said that the accounts being made out in a lump sum and a lump number, as your accounts were on several occasions, was caused, to some degree, by the fact that you had no book-keeper?—No.

6812. Did you not say that?—No; I did not. I said I had no book-keeper.

6813. But did you not give that as a reason for not rendering your accounts at greater length?—No; I said it would be a great deal of bother to me to render them at greater length.

Reasons why he
did not render
accounts in more
detail.

6814. Was the bother which was occasioned by having no book-keeper the reason for your not rendering them in detail?—I can answer that, but I would sooner answer it by saying—

6815. Answer that first?—No.

6816. What was your reason for not rendering them in detail?—Because I asked Mr. Nixon if it would do as well the other way, and he said it would. That is my reason.

**Nixon's Pur-
veyorship.
Buying Horses.
Accounts.**

No detail by
Nixon's permis-
sion.

The way Nixon
and witness
lumped the
accounts.

Both had details.

Another reason
for not giving
d-tails.

Nixon got no
advantage from
these contracts.

6817. Then it was by Mr. Nixon's directions that you did not render them in detail?—Not by his direction, but by his permission.

6818. I do not see much difference; it was in consequence of his decision. You submitted the subject to him for his decision, and he decided that they need not be rendered to him in detail?—I submitted my figures to him and his figures corresponded with mine. There was a certain number of horses—there were eighteen horses in one lot, I think—and I would say to Mr. Nixon: "There is so much money—this would be \$90 apiece," and he had the same amount of money I had myself, and he said: "Yes, that would do."

6819. Then it was in consequence of his decision on that subject that the account was not rendered in detail?—With his sanction it was done.

6820. Was that not his decision—had he not an opportunity of deciding?—You know better than I do, Judge.

6821. Did he not decide that it was unnecessary?—He gave me his sanction to do it.

6822. Do you think he gave his sanction without deciding?—Well, it would not appear to me. When you say a man gives his sanction, it is a different thing from a decision. I think he gave his sanction to it.

6823. Now, as a matter of fact, did you not go over the account with him so that he might compare your figures first without giving him all the details?—He had them himself: the same details as I had.

6824. But did he have them?—Yes.

6825. So that you and he both had the details?—Yes.

6826. Do I understand that before you made up your account showing an average, you would submit to him a statement showing the details of different prices?—Yes.

6827. Do you know what more bother it would have been to have left the statement in that way instead of putting it in a gross sum, because it seems that all this bother which was occasioned you by not having a book-keeper, was not avoided after all, inasmuch as you had submitted all the details to Mr. Nixon?—I did not think it was so much a part of my business to keep the details. I thought it was more his business to keep the details.

6828. You say that he got no advantage from any of those contracts? Yes; emphatically so.

6829. Was the advantage altogether your own?—Yes; altogether.

6830. Did you make him believe that the more you made the better it would be for him?—Never.

6831. Did you lead him to understand that an improvement in your circumstances would benefit any one of his family?—Never.

6832. Did you lead him to understand that you were to become a connection of his?—Never. He never understood anything of the kind. I never dreamed of such a thing, nor he either.

6833. There was no understanding on his part that you should become his son-in-law?—No; there was not. I do not think that has anything to do with the Pacific Railway. I do not think it is a fit subject to be discussed in connection with the Pacific Railway.

6834. Mr. Nixon was an officer of the Canadian Pacific Railway, and we wish to know his motives in dealing as he did with you?—His daughters were not.

**Nixon's Pur-
veyorship—
Buying Horses—
Accounts.**

6835. I have alluded only to him and his motives. If they were interested we ought to know it?—His motives were not interested.

**Nixon's motives
in dealing with
witness not
interested.**

6836. That is what I am enquiring into?—They were not.

6837. Did you expect in these other accounts for horses sold that he would keep fuller particulars than you furnished in your bills?—I expected so. I supposed he kept as full particulars as I did.

6838. I am asking you whether you expected he kept fuller particulars?—I expected he kept his business as he should keep it, whether you call my particulars complete or not. My particulars may be as full and complete in my mind as there was any necessity for.

6839. Do you think they were so?—Yes; as there was any necessity for.

6840. Did you do any work for the Government besides that which Mr. Nixon controlled?—I suppose so.

6841. Do you not know?—I did. I do not know whether he controlled it or not. I did work for other people beside him.

6842. Who were they?—They are too numerous to mention or think of them all.

6843. Could you mention one?—Mr. Rowan.

6844. Mention another?—Mr. Sutherland.

**Also worked for
Rowan & Suther-
land.**

6845. Which Mr. Sutherland?—Mr. Hugh Sutherland.

6846. Was that while he had charge of the Fort Frances Locks?—Yes; and other times.

6847. In June 10th, 1875, you rendered an account for one horse, \$150, besides your commission, without mentioning any name; can you say for whom that horse was bought?—No.

**An account for
one horse \$150.**

6848. Your account does not mention it. Look and see (handing the account)?—(After looking at the account): I expect that horse was for Mr. McMillan.

6849. Does it appear there?—No; it says above: "One pair of hobbles."

6850. And you think that the horse was for the same person who got the hobbles?—I think so.

6851. Do you think that was sufficiently particular without stating for whom the horse was got?—I do not know; I got the money for it, and that is all I wanted.

6852. I understood you to say that you believe your accounts were rendered with sufficient carefulness?—Yes; they were rendered with sufficient carefulness. If I sold an article to you, and I rendered an account for it to you, that is all the particulars that were necessary.

6853. It was not necessary if those accounts would be afterwards subject to inspection?—I was not particular whether they were or not.

6854. Do you remember?—I do not know that I thought of it. I may have thought of it at the time, and I may not, I am not sure.

Nixon's Purveyorship—Freighting.**Manner of ascertaining weight of freighted goods.**

6855. In freighting goods how is the weight ascertained?—By weighing them.

6856. Where?—Here and elsewhere.

6857. What was the practice as to ascertaining the weight?—Weighing them.

6858. Here and elsewhere?—Here and elsewhere, both.

6859. If they were weighed elsewhere, how would Mr. Nixon know the weight?—The person who would receive them would receipt for them short if they were not right.

6860. How would he be made aware of the weight which you claimed to have carried?—Because there was a way-bill sent with the freight.

6861. Who would make out the way-bill?—I would make out one and Mr. Nixon another.

6862. Do you mean that in every instance when freighting was done there would be a duplicate way-bill at this end of the line?—Yes; for the Pacific Railway.

Teaming—how time ascertained.

6863. In charging for the use of teams, to any particular camp for instance, how would you satisfy Mr. Nixon of the time charged for?—What camp do you mean?

6864. In the account of May 1st, 1876, the first item is “two teams to camp C?”—Yes; the receipts that the teamsters would get would be dated, and I would get as much as I could after the date to come back empty from Mr. Nixon. That is to say if they left here on the 5th and the receipt was dated the 10th for the delivery of the load, that would be five days, and I would get three days most likely for coming back. That would be about eight days for wherever it was to.

6865. Do I understand that you would get a certificate from the officer at the other end of the line as to the date you arrived there?—Not from the officer—anybody who was there in authority, whether he was an officer or private.

6866. He would be an officer for that purpose?—I suppose he would. Perhaps he would, and perhaps he would not.

6867. Be good enough to answer my questions correctly. I am asking you how you would satisfy Mr. Nixon as to the correctness of the time occupied in carrying that freight?—By presenting him with a receipt.

6868. From whom would you get that receipt?—From the person in charge out there, authorized to receipt them.

6869. But how would he know of the time occupied in returning?—The way-bill would be dated from here, Winnipeg, such a date, and then he would know.

If team five days going to objective point, three days would be allowed for return.

6870. And the return?—Yes; he would allow me so many days. If I was five days going out, he would allow me as an average three days for coming back.

Bill for teaming.

6871. You have a charge on April 4th, 1876, “three teams to crossing,” what crossing does that mean?—How much is the charge?

6872. Is there more than one crossing?—(Looking at the bill): That is the crossing at the lower Fort at Selkirk.

6873. How far is that?—Twenty-two miles and eight chains. **Nixon's Purveyorship.**
6874. Another charge, May 1st, 1876, is for a "messenger to Mr. Brunel, \$15." Have you any idea how the messenger was conveyed to Mr. Brunel?—I think he went along the Pembina Branch to Emerson. **Messenger.**
6875. With a horse?—I do not remember; I do not think so.
6876. How far would that be about?—There and back?
6877. Yes; either way?—126 miles, there and back.
6878. About how many days would it occupy a man without an animal?—I could not tell you. It was all water between here and there. \$15 is charged; seven days I should judge. **Carrying Mails.**
6879. You had a contract for carrying the mails at one time had you not?—I had. **Contract for carrying mails east.**
6880. To what points?—I do not remember their names.
6881. In what direction?—East.
6882. Were they to the camps of any persons employed on the Pacific Railway?—I think so.
6883. Was it a service just for the use of persons employed on the railway?—Which contract do you mean, for I had two?
6884. Take the first one?—Which one is that? **Two contracts—one for contract 14, and one for contract 15.**
6885. I cannot tell, I am asking you?—One was for contract 14, and the other was for 15.
6886. Was the contract for 14 for the services of the employés of the railway?—For the service of the employés of the Government.
6887. How was the price to be paid for that arrived at?—I think there was one by the month.
6888. And how was the other?—I think the other was by the month, if I am not mistaken; I am not sure.
6889. This account of May 1st has an item for carrying mails weekly: was the payment so much per week, or for a longer period?—I forget; if you tell me the price I will know.
6890. \$65?—That was a month—carrying it by the month, once a week. **One \$65 a month for carrying mails once a week.**
6891. Do you remember how much a month?—\$65.
6892. How would that mail be carried?—On men's backs sometimes; and sometimes with a horse, if the roads were passable enough.
6893. There is a charge for one buck-board for a Mr. Watt, \$85; what sort of a vehicle is a buck-board?—Four wheels and two axles and a board across; a set of springs, three or four boards, and a pair of shafts. **Buckboard.**
6894. Did you say springs?—Springs under the seat, generally; yes.
6895. Do you remember whether this buck-board for Mr. Watt was a better one than was usually made at that time?—It was a good one; I do not know whether it was better.

Nixon's Purveyorship—Buck-board.

6896. I am asking you whether this was a better one than usual?—I suppose it was from the price.

6897. Have you any recollection of it?—No.

6898. What was the price of a usual one?—\$80 or \$85.

6899. Was this a usual price, or an unusual price?—It was a usual price.

6900. Do you know whether this buck-board that you sold to Mr. Watt was of better quality than the average quality at that time?—I do not know what the quality of it was at the time, except from judging from the price; it was a good buck-board.

6901. Was it better than the average buck-board sold at that time?—It was a good average buck-board, because the average was pretty good.

6902. Do you remember about the distance over which you carried mails to section 14 generally?—No.

6903. Would the distance vary from time to time?—I think so.

Freighting.
Item for sending out horse and cart to Emerson.

6904. In June, 1875, you make a charge for sending out a horse and cart to Emerson, including expenses and wages of man, \$22.50, do you remember that transaction?—No.

6905. Have you any idea how long it probably took for a man to go there with a horse and cart?—\$22.50 would be about seven days.

6906. And would you charge between \$3 and \$4 per day?—Yes; \$3 or \$3.50 per day.

6907. Do I understand that you estimate the distance because of this price? I asked you about how long it would take?—I did not estimate the distance; but the time that it would take.

6908. And you judge by seeing the price now?—No.

6909. Could you not judge without seeing the price?—Yes; I could. It would be about six days. Emerson is about sixty-three miles, and it would be about that time it would take.

Accounts.
Item for transporting stores to North-West Angle.

6910. In June, 1875, you charge for four teams, eleven days each, for transporting stores to the North-West Angle; can you explain what evidence you would be likely to have to satisfy Mr. Nixon of the correctness of that charge?—The receipt is the only thing, unless some of the engineers were with them; of course there were.

6911. When you presented those accounts containing such items would you give up the receipt to Mr. Nixon?—Yes; the receipt was the voucher for the item. I would have a voucher for pretty nearly every item.

Practice as to Vouchers.

6912. Do you say it was your practice at that time to furnish him vouchers for most of the items in each account?—Any items that vouchers could be furnished for, were always furnished from beginning to end. When I say vouchers I mean way-bills for freight.

6913. Do you mean certificates from some disinterested person who would know whether the item was right or wrong?—I explained to you some time ago that the way-bills for the teams, while the teams would be on the road, would be the voucher.

**Nixon's Purveyorship—
Freighting—
Accounts.**

6914. But the way-bill would not show the time you were kept on the road?—The receipt of the way-bill would be for so many days on the road going out; then he would have to be the judge of the number of days on the road coming back. If I started from here on the 5th of the month it would be on the way-bill "Winnipeg, May 5th." If I got out there in five days the man would receipt it, or say that I arrived on the 10th, that would show five days.

6915. Suppose you did not call his attention to it until after you were there a day or two?—There would be no supposition about it; it could not be.

6916. Then the receipt itself would not show it?—The receipt itself would show it.

6917. No; the receipt would not show it without the fact being evidenced in some way that you had delivered it as soon as you could. It might have been more profitable to you to wait there a couple of days before delivering the goods?—I could not wait there. In sending stuff out to the North-West Angle there is only one house, and a man is not going to allow a team to stand there for a day or an hour if he can help it. That is the way we do business.

6918. Were the goods which you transported weighed at the other end of the line?—Yes. Goods transported weighed at the other end of line.

6919. At Winnipeg and the points to which you were taking them?—If it was done by the hundred it was

6920. In taking goods to Rat Portage, do you remember whether there was a person there who weighed them?—Yes.

6921. Please look at your account of the 16th June, 1875, and say whether the horses sold there were horses bought by the Government, or whether they were horses of your own which you sold?—I could not say; it looks as if they were my own (looking at the account). **Buying Horses.**
Item for buying horses which but for charging commission he would think were his own.

6922. Then can you explain why you charge commission on horses \$12?—I do not know. Is \$12 charged in that account? \$12 commission.

6923. I showed you the account?—I did not see the commission.

6924. If you found the commission there would it make any difference?—Yes.

6925. Then you can look at it again (handing the account to witness)?—(After looking at the account): Some of them must have been mine.

6926. How many horses have you charged for in that account?—There are only two horses.

6927. Now what do you say?—There were none of them mine—they were bought on commission.

6928. And the reason you say that is because you see the commission charged?—Yes.

6929. Did you do freighting for the Fort Frances Locks and for Mr. Hugh Sutherland at the same rate that you did it for Mr. Nixon?—Yes. **Fort Frances Lock—
Freighting.**

6930. Was that rate established by competition with other persons?—I believe there was a year or so that contracts were not made on account of none to go, and whenever there was I charged higher for it.

Nixon's Purveyorship—Fort Frances Lock.

Relations with Sutherland.

An understanding with Nixon & Sutherland that whatever one paid for freight- ing the other would pay.

Canal shut down before witness and Sutherland roomed in same house.

Sutherland and witness connected together in business for about a month.

Never jointly interested in any transaction with Sutherland.

But there is a building in Winnipeg which they built on joint account.

Item for transportation to Carleton in 1876.

6931. Was there any understanding between you and Mr. Sutherland and Mr. Nixon that whatever one paid the other should pay?—Yes; if I got the Pacific Railway contract I got Mr. Sutherland's contract.

6932. Were you and Mr. Sutherland connected in any way in business?—Never, at that time.

6933. Did you live together?—Not at that time.

6934. Did you at any time during the time you did work for the Pacific Railway and Fort Frances Locks?—I do not think so. I might say no. I think the canal was shut down before he and I roomed in the house.

6935. Since that you have been connected in business together?—No.

6936. Did you not make a contract for any work together?—Never.

6937. Why did you say that you had not been connected in business at that time?—Well, I have done things for him and he has done things for me, but there never was any business connection.

6938. Have you not been jointly connected in business together?—I was for about a month.

6939. Then why do you say never?—I lent him some money to do business, and after a month I sold out to him.

6940. During that month you were interested together?—I do not think I ever thought I was interested with him.

6941. Did he think so?—I do not know.

6942. Did you ever have reason to suppose that he thought so?—No.

6943. Do you say now that you and he were never jointly interested in any transaction?—Yes.

6944. You say that?—I say that, yes. I might say that there is a building here that he and I built together, if you call that business.

6945. On joint account?—Yes; I do not know whether you call that business.

6946. It was not for pleasure altogether, was it?—It was speculation. He and I built a building together, that is all.

6947. When was that?—Two years ago, I think, or a year and a-half ago.

6948. That was since his connection with the Locks?—Yes.

6949. Had you any other business in connection with the Locks except freighting?—I suppose I had. I have done lots of things for the Fort Frances Locks.

6950. Why do you say you suppose: do you not know?—Yes; I say I have.

6951. What was the nature of the business?—I used to send messengers in there.

6952. Any other kind of business?—I sent teams in there. There may be some other kinds, but I do not remember.

6953. In January, 1876, you render an account for transportation; do you remember the transaction in which you were to take supplies further than you did take them?—Where was it to.

**Nixon's Pur-
veyorship—
Freighting.**

6954. Carleton—I think it was to Fort Pelly you intended to take them, but you left them at Carleton?—Yes; I left them at Carleton.

6955. How far is it to Carleton from Winnipeg?—547 miles.

547 miles.

6956. That is the distance you think to the place at which you left them?—Yes.

6957. What was the distance to the place at which you were engaged to leave them?—About 800 miles, I think, from memory. I think you will find the exact distance in that account, if I am not mistaken.

6958. Do you mean in the account which you rendered, or in figures afterwards?—In the account which I rendered. I do not know that it is there, but I know we figured the distance. I do not know whether it is in the account or not.

6959. Do you find it figured there (handing witness the account)?—(Looking at the account): No; I do not.

6960. You were mistaken about that?—Yes; the way we arrived at the $2\frac{1}{2}$ cts. credit was by saying if it was worth 11 cts. to go 800 miles, what was it worth to go 500? I remember the transportation particularly; I had good reason to.

The average price arrived at.

6961. The amount actually paid to you was only a proportion and not an excessive proportion of the whole amount?—A very small proportion.

6962. Less than you ought to have got, in your opinion?—Less than I ought to have got—a good deal.

6963. In March of the same year there is an item for transporting supplies to Victoria, Saskatchewan, and which were not transported all the way, but were left at Carleton; was that settled in the same manner—I mean paid by only a proportion?—I think so.

6964. Is there not a credit in the account?—(Looking at the account): Yes, there is a credit there.

6965. The proportion that was paid was not a fair proportion?—No; it was not as much.

6966. Do you remember in round numbers the distance to Victoria?—No; I do not.

6967. Do you remember whether your contract for carrying mails was for more than one year?—I do not; I guess it was.

Carrying Mails.

6968. Was there any change in the price, as far as you remember?—There was one contract from this account for \$65 a month, and there was another for \$200 or \$300, I think.

A contract for \$65 a month, and a contract for \$300.

6969. What service was performed for the large amount?—Weekly, to contract 15; it was \$550 or \$600 a month.

Weekly to contract 15, \$550 or \$600 a month.

6970. Do you remember during what time that contract at the larger rate extended?—I do not. I remember there were tenders called for and I got the contract.

6971. Do you wish to say anything further about the evidence you have already given?—Except that I would like to ask the reporters not to put in that personality about Mr. Nixon and his family. I do not think it is a proper thing to appear in the papers, and I do not

**Nixon's Pur-
veyorship.**

think it is a proper thing to ask me, as I cannot see it has any connection with the Pacific Railway. I cannot help saying so before I leave the box.

The Chairman :—It will have to remain now.

WILSON.

G. M. WILSON, sworn and examined :

**Fort Frances
Lock—
Supplies.**

By the Chairman :—

6972. Were you at any time connected with any transaction concerning the business at Fort Frances Lock?—I was.

In store at Fort
Frances.

6973. In what capacity were you interested?—I was in the store; in the Government store.

Engaged by
Sutherland in
spring of 1876.

6974. When were you engaged?—I think it was some time in the spring of 1876, as near as I can remember.

6975. Who engaged you?—Mr. Sutherland.

6976. What was your duty in the store?—To give out supplies and attend to the service of the men, whatever they required.

Kept books which
are in possession
of Government.

6977. Did you keep books?—Yes.

6978. Where are those books?—I suppose the Government has them.

6979. To whom did you give them up?—I left them with the Government, they belong to the Government, and I have nothing to do with them.

6980. Who had charge of them after you left?—Mr. Logan, the store-keeper.

In service of
Government
until spring of
1877.

6981. How long did you remain in the service of the Government in that capacity?—Until the following spring, the spring of 1877.

6982. Was there any person in the store over you?—Yes.

6983. You had not sole charge?—No.

Mr. Logan his
superior officer.

6984. Who was over you?—John Logan.

6985. Was he principal store-keeper?—Yes.

System on which
Government
stores were
managed.

6986. What was the system of disposing of the Government stores at that time?—Do you mean in disposing of them for their own use?

6987. To any one of them?—They kept clothing, books, shoes and such things as that, whatever the men required, and they were sold to the men—furnishings, I suppose you might call it, for the men.

6988. Did they dispose of them to any person except the persons employed by Government?—Only to employés of the Government.

6989. Was there a separate account kept for each of the employés?—Yes.

6990. And goods got out of the store would be charged?—Yes.

6991. Was it your duty to settle all these accounts with the labourers?—No.

6992. Whose duty was that?—That was done at the head office. My duty was only to furnish the accounts to the head office.

6993. Then, from time to time, you rendered statements to the head office, of the goods got by each of the employés?—Every month.

**Fort Frances
Lock—
Supplies.**
Rendered statements to head office every month.

6994. Settlements between the Government and the persons employed took place at the head office?—Yes; at the head office.

6995. Do you mean the principal office which was at the Locks?—Yes.

6996. That officer took charge of the transactions with the boats and other things?—Yes, everything; all had to report there. Of course sometimes these accounts would be rendered oftener, if they were settling up with the men.

6997. But the practice was to render them at least once a month?—Yes; sometimes oftener if necessary, if a man was settling up.

6998. What change took place in your transactions with the Government; you say in the spring of 1877 you ended this engagement?—Yes.

**Transference of
Government
Store.**

6999. Then, what happened?—The Government, or Mr. Sutherland, had decided to do away with the store. I think a number of parties having started stores there, and we used to have a good many complaints from the men, one way and another, and we decided to do away with it. The furnishing part of the store, it was decided to do away with—boots, shoes, clothing, and such things as that.

In spring of 1877 Government did away with the furnishing part of store, the provisions being retained.

7000. And provisions?—No; just the furnishings.

7001. The provisions still remained the property of the Government?—Yes.

7002. What happened after that?—I bought the stock and started business on my own account.

Witness bought stock and started business on his own account.

7003. Do you remember what you gave for it?—I do not remember just the figures.

7004. Can you tell near about?—No, I cannot; it is so long since I looked at the thing.

7005. Can you tell within \$1,000?—I should think it would be, perhaps, \$3,000 or \$4,000.

Price paid some \$3,000 or \$4,000.

7006. How was the value of them arrived at?—The value was arrived at from invoices.

How price arrived at.

7007. But you would first take stock and ascertain the quantities?—Yes; stock was taken.

7008. And you applied to those quantities the prices of the invoices?—Just the cost—whatever the goods cost.

7009. Adding freight and charges?—In some cases there was; in other cases there was not.

7010. In what cases would you not add freight and charges?—On the rubbish.

7011. Do you remember what rate you paid on the cost?—I do not.

7012. Did you pay the full cost?—Yes; and some of it was a pretty hard lot to pay cost for.

**Fort Frances
Lock—
Supplies**

**Transference of
Government
Store.**

Logan & Thompson the valuers who appraised the quantities and prices of goods transferred to witness.

Got a detailed account of goods purchased.

Arranged at time of transfer that goods on their way to Government store should pass into possession of witness.

7013. Who ascertained the quantities and prices which you would be called upon to pay?—Mr. Logan, the store-keeper, and Mr. Thompson, foreman in charge of the works.

7014. Was Mr. Sutherland there at the time the transfer was completed?—He was not.

7015. Then who took charge of its being carried out?—Mr. Thompson and Mr. Logan, the store-keeper and foreman.

7016. Had the principle upon which the transfer was to be made been previously arranged by Mr. Sutherland?—I suppose Mr. Sutherland gave instructions.

7017. You had no negotiations with him?—No; simply to buy the stock. It was Mr. Sutherland offered the stock for sale.

7018. Did you agree with him as to the rate at which you would pay the whole cost?—No; I was to pay the cost.

7019. That was arranged with him?—Yes.

7020. When you purchased what you did, what goods did they retain to dispose of on the Government account?—They kept all the provisions.

7021. I suppose you got a detailed account of the goods purchased at the time?—Yes; it was all done in detail.

7022. Did you keep a copy of it?—I may have it; I am not quite positive. I left Fort Frances in July, 1878, or about 1st August, 1878.

7023. Then you were in business on your own account some fifteen months?—I think it was about the 1st July, 1877, that I got possession of the stock, and it would be about July, 1878, when I left—about a year.

7024. I thought it was in the spring of 1877 that you left?—Spring out there is June generally.

7025. Besides the goods which you got at the time of the transfer, other goods arrived, did they not, which went into your possession?—Yes; the statement I made there, about the values of the whole, would include them.

7026. But it was arranged that goods on the way to the Government stores should pass over to you?—Yes; furnishings.

7027. Was there a separate invoice made out for those goods which arrived afterwards to you?—I think that they arrived there about the time I took possession.

7028. Some invoices arrived afterwards, I am informed?—I could not tell; the Government books would show, I suppose.

7029. I am asking whether you had separate and subsequent statements, showing those new arrivals after the first invoice of the first transaction?—Yes.

7030. Do you think you have those?—I may have some of them; I brought my papers with me and threw them into my store-house; if they are there I will be happy to produce them.

7031. After you became proprietor of this store about July, 1878, was any person interested with you in the store?—No.

**Fort Frances
Lock—
Supplies.**

7032. What system was adopted, after that time, about goods got from you, by persons engaged by the Government?—No system whatever; I had to look out for myself.

7033. You did sell goods to persons employed on the works?—Yes.

7034. How did you get your pay?—I got my pay by orders on the paymaster, from the men. Men paid him by orders on paymaster.

7035. Did it sometimes happen that the paymaster paid you, without orders from the men?—No.

7036. Would you always settle first with the purchaser of the goods, and get directions from him?—Yes, I got instructions from them; they sometimes gave it verbally, but it was done generally through written order. I wish I had been able to get it that way. I would not have got behind with some of them.

7037. I suppose, at times, you would require goods which you had not in your own shop and which the Government had in theirs?—There may have been some provisions got in that way, but I think that, as a general thing, it was on the other side—that the Government borrowed from me.

7038. Was there a system of borrowing, between the two shops?—They did borrow from me; when they were short they borrowed from me instead of buying. They had the stores on the way, and if I had the goods in the shop I never refused.

7039. What would they borrow from you?—Provisions. Government store borrowed provisions.

7040. They did not deal in any after you purchased the goods from them?—Nothing but provisions. They may have bought some sheets, or blankets, or something of that kind from me.

7041. And was this borrowing only recorded in the memory of those who got them on behalf of the Government, or was it entered in the books?—It was entered in the books the same as another article.

7042. If they borrowed an article would you charge it in your books?—It was charged in the books, and when it was returned it would be charged back.

7043. So that all those transactions would appear recorded in your books?—Yes; and others too. Every transaction of mine with the Government would be recorded. All transactions recorded in his books.

7044. Of course you did not feel sure that they recorded it?—I assume that they did; they should have done so.

7045. So far as you know you have no reason to think it was not done?—I believe it was done.

7046. Do you remember some butter coming from Thunder Bay, addressed to the superintendent, Mr. Sutherland, but afterwards going to you?—Not that I know of.

7047. Are you aware that there has been some rumours about such transactions?—I never heard any rumour of the butter transaction; but I have heard other rumours.

7048. It has been said that a quantity, something like two tons, started from Thunder Bay addressed to Mr. Sutherland, and that the marks were changed before they got to the Locks, and that the butter went to you?—It is false. No truth in rumour that on two tons of butter addressed to Sutherland marks changed and butter delivered to witness

**Fort Frances
Lock -
Supplies.**

7049. Do you remember any quantity of butter coming from Thunder Bay to you?—Yes.

7050. About what quantity?—That I could not say. I got butter so many times from Thunder Bay.

7051. Would you get it in such quantities as that?—I got pretty large quantities of butter—some very large quantities.

7052. Do you remember any arrangement by which butter which had been intended at first for the Government store, became your property before it reached the Locks?—Never; there was never such a thing occurred.

7053. The rumours that you allude to are probably about cattle?—Yes.

Government store borrowed beef from witness and returned it.

7054. What do you say about the rumours of the meat that changed hands?—They borrowed some from me and they returned it. It was only a small amount. I can, perhaps, explain the matter thoroughly to you: I bought a beef from, at that time, I supposed the Hudson Bay Co.; it was through one of their officers. It was in the very hot weather, and the families had nothing but pork, and some of them were getting black-leg; they were complaining that they would like to have some beef. I got an opportunity of buying a beef. It was more than the families would use, two or three times over; and I agreed to buy it and supply the families, provided that the Government would take the rest and return it when their cattle came in, which they were very glad to do.

7055. Then they got it from you and returned it afterwards?—Yes.

7056. Did that happen on more than one occasion?—That was the only occasion, that I know of, that they borrowed from me.

7057. Did it happen that you sold any live animals which at first were intended for the Government stores?—I never sold any live animals that belonged to the Government, but to myself. I bought all my cattle here in the city.

7058. From what place would you buy your goods, as a rule?—I got some here, some in Toronto, some in Montreal, and some in Thunder Bay.

Transportation of goods for witness by Government servants

7059. Would the transportation of those goods to your establishment be over any of the Government lines?—Yes.

7060. Would it be transported by Government service?—Yes; by boat, it would be from North-West Angle into Fort Frances Lock, and some from Thunder Bay.

7061. How could they come?—Some parts overland and some over the portages—by boat you may call it.

7062. But performed by persons in the employment of the Government?—Performed by the Government.

Of which freight items regular accounts were kept.

7063. Were regular accounts kept of those freighting items?—Yes.

7064. Do they appear in the books to the credit of the Government?—They do.

7065. Have you had time to look at your books, since you were subpoenaed?—No; I live out of town.

**Fort Frances
Lock-
Supplies.**

7066. Then you have not been near enough to the books for you to bring them since you have been subpoenaed?—No.

7067. Are you aware that there has been some rumours about the omission of such charges?—I am.

Rumours of the omission of such charges unfounded.

7068. That has no foundation?—No; it has not. It is very easy coming at the proof of it, that there is no such foundation. I think Mr. Fowler, of Fort Frances, gave evidence on that at one time that satisfied them.

7069. Before whom did he give evidence?—Before a Commission that sat here once before, and at Ottawa, I believe.

7070. Did it happen when you wanted goods by way of exchange out of the Government store, that you would sometimes get them without any person being present?—No.

7071. It has been said that the Government clerks were not always there, and that they had such confidence in you that they let you take what you wished and allowed you to keep account of it?—There was no such thing happened. I do not think the store-keeper would allow anything of the kind; he is a very strict man.

Never allowed to go to store and take goods when no representative of Government present.

7072. I believe Mr. Thompson, who was foreman on the part of the Government for some time, bought some of the property or got some of the property: are you aware of that transaction?—Not that I know of.

7073. Did you know that he had got any machinery of any kind?—No; not that I know of. I have heard these rumours; that is all.

7074. Had he some landed property in this part of the world?—I think he had a farm about thirty miles from here.

7075. Is it west?—It would be south.

7076. What is the name of the place?—Clear Springs, near Niver-ville.

7077. Have you any knowledge of any removal of Government property by him, either after purchase or otherwise?—No.

7078. Would it be convenient for you to let us look at the books for a short time, upon some future occasion?—My private books?

7079. No; the books of the Government?—I have no books of the Government.

7080. I mean your private books in which your charges for the Government are, or your credit for things returned by the Government?—I would willingly show it to you in my presence.

PETER SUTHERLAND, sworn and examined:

**P. SUTHER-
LAND.**

By the Chairman:—

**Nixon's Pur-
veyo. ship-
Supplies.**

7081. Where do you live?—In the city of Winnipeg.

7082. How long have you lived here?—Since 1873.

7083. Do you know Mr. Nixon, who was paymaster and purveyor for the Canadian Pacific Railway?—Yes.

**Nixon's Purveyors—
Ship—
Supplies.**

7084. Have you had any transactions with him in that capacity?—
Yes.

Witness had business transactions with Nixon in the shape of contracts and purchases for the Government.

7085. What was the nature of the transactions?—It was largely on contracts, and in a great many instances private purchases—that is, for the Government.

7086. But not by tender?—Largely it was simply private purchases.

7087. Not by competition with other parties?—In a great many instances, yes; and in as many instances, no.

7088. When you speak of private purchases, you mean not by public competition but by arrangement with him alone?—Yes.

7089. Have you any idea, in round numbers, of the whole amount of your transactions with him?—I could not speak advisedly without reference to old books; but it was a very large amount.

**Extent of trans-
actions.**

7090. Would it be anywhere in the tens of thousands, or only in the thousands?—I do not think it would be in the tens of thousands, but it would be over thousands.

7091. Would it all amount to more than \$10,000?—My impression is that it would.

**First acquaint-
ance with Nixon.**

7092. How did you first become acquainted with him?—While returning from a business visit to the east I met Mr. Nixon on board one of the steamers—I believe it was the "Selkirk"—and he introduced himself to me there on the boat and got acquainted with my wife. His family were not along with him, but he came down here and found out from some source that we had a comfortable home, and he asked me if I would board him. I refused at the time, saying that we never kept boarders, but referred him to my wife. I said to him if she was willing that I would be happy to receive him in my family; and he went to my wife and made the same request to her, and she demurred.

7093. I suppose you were not present?—No.

7094. At all events you say he had an interview with her?—Yes.

**Nixon goes to live
at witness's
house.**

7095. What did it lead to?—It led to her consenting to his coming to live at our house for a short period.

7096. Did he live at your house?—He did, from the fall until some time in the month of April.

7097. None of his family were with him?—No.

7098. During that period had you dealings with him in his capacity as paymaster?—Not during his residence in the house.

7099. What was your business during that time?—I was dealing in wholesale provisions and groceries.

**Nixon dealt with
witness on his
private account
during the same
period that he
was dealing with
him on behalf of
the public.**

7100. Did he deal with you on his private account during the same period that he was dealing with you on the public behalf?—He did.

7101. To what extent did he deal with you on his private account?—His private account might have amounted to from \$35 to \$40 monthly, latterly.

7102. About what would be the gross sum?—The gross sum, up to the time of the latter settlement, was about in the neighbourhood of \$900.

Nixon's Pur-
veyors-
Supplies.

7103. Was it understood that he was to pay that private account in full or not?—There was never an understanding at any time. He kept on dealing and getting goods for his private account.

7104. To what extent had this account run before he made any payment on it, or any considerable payment? In fact, what was the largest balance you had against him at any time?—\$900; in that neighbourhood. I will not speak advisedly to the time. Private account ran up to \$900, which was written off.

7105. How did you deal with that account against him?—I wrote it off from the face of the books as paid, not giving any reason to my book-keeper for doing so.

7106. Do you mean the whole sum, or the balance out of the \$900?—I wrote off the whole sum.

7107. Do you mean that you marked on your book that it had been settled?—Yes.

7108. Without any actual settlement having taken place?—Yes.

7109. Do you know whether that came to the knowledge of Mr. Nixon?—I was summoned to appear before a Parliamentary Committee on Public Accounts. In 1878 summoned to appear before Public Accounts Committee.

7110. Could you specify in what year it was?—In 1878.

7111. About what time?—Some time in the early part of March I was summoned to appear before the Committee.

7112. What happened between you and Mr. Nixon then?—When I was summoned I thought it advisable to render his account in full, from the time that he commenced to that date; and he came to visit me and he said to me: "Is that account not settled upon your books?" I admitted that it was settled upon my books; but, on the other hand, it was not actually paid, if it were settled, and I thought it was likely that I would be put upon my oath, and if it were asked me whether the account was settled I would have to make the statement that it was settled but not paid, and I thought it probable that it would injure both him and me also. Then rendered his account in full. Nixon called and asked whether the account was not settled in his (witness's) books.

7113. Was any different arrangement made between you then?—Yes; I made a large discount.

7114. About how much?—Probably nearly one-third of the account, or something in that neighbourhood, and took his note for the balance, payable at a future date. Made reduction of one-third and took Nixon's note for balance.

7115. The notes were settled subsequently?—Yes; all except the discount. Of course I discounted it very liberally.

7116. You mean discounted your open account?—Yes.

7117. But the notes, they were finally satisfied?—Yes; they were finally satisfied.

7118. During the time that he was boarding with you, was there any understanding that he should pay you for board?—No; although after boarding with us for some time, he actually tendered, or made enquiry what the amount of his board was; and my wife being anxious to get him away from the house refused, and I refused, to accept anything, thinking that he would take that for granted and leave of his own accord. Money for board refused in hopes that Nixon would go.

**Nixon's Pur-
veyorship—
Supplies.**

Nixon said he could not possibly stay and not pay, but he stayed.

7119. Did he propose to leave?—He said he could not possibly stay and not pay board.

7120. Did you assent to that?—Yes.

7121. Then he went away I suppose?—No.

7122. How long after that did he stay?—He stayed on until some time in April.

7123. How many months would that be?—From October to April

7124. After this conversation do you mean?—No; it might be some time in December the conversation took place, and he stayed on until April.

Board never paid for.

7125. For that period has he ever given you any compensation?—No.

7126. Do you remember any transaction between you and him about a cheque from him to you?—Yes.

(Cheque for \$150 for sleigh returned to Mrs. Nixon.

7127. What was that for?—That was for a sleigh; but I returned the cheque to Mrs. Nixon, or it was sent to the house at all events by one of my clerks.

Witness got two sleighs at the time, one for the engineers and the other for Nixon.

7128. Do you remember the amount of that?—In the neighbourhood of \$150. I could not exactly specify the amount, but I recollect well that I got two sleighs at the time, one for the engineers and the other for him.

Paid only for sleigh furnished to engineers.

7129. Was this cheque for the one sleigh you got for him?—I was paid simply for the sleigh that was furnished to the engineers.

7130. Do you mean that the cheque covered the price of both sleighs?—No.

7131. Only the one sleigh that he got himself?—Yes.

7132. Do you know whether that came to his knowledge at once: that you had returned the cheque?—He was aware of it at once.

Nixon aware that cheque had been returned.

7133. What makes you think he was aware of it at once?—The fact that his cheque, given on the Ontario bank, I think, was returned to him.

7134. Did he ever speak to you about it shortly after that?—Scarcely ever.

He had no objection.

7135. Did he object to your sending his wife the cheque?—No; he had no objections.

Government account the reason for this benevolence to Nixon.

7136. Was there any reason why, in addition to board being given without pay, you should make any gift to any one of his family?—There was really in truth none, only that the Government account was an account that we regarded valuable, even if we did not make a profit on it. To a person in large business ready amounts of money were most valuable, and we regarded that it would be better at least to have an ordinary share of the patronage of the Government, even if we were not making anything out of it. That was my only object.

Nixon claimed the right to large discounts on his private accounts.

7137. Did he make any request to you about your throwing off any of your account at any time, either as a discount or otherwise?—He always mentioned that it was customary, according to mercantile rule, that a person purchasing largely should get a large discount upon anything that they wanted privately for themselves.

Nixon's Pur-
veyership—
Supplies.

7138. Do you mean purchasing largely upon public account?—Yes.
7139. That would give him a claim for reduction upon his private account?—Yes; by the ordinary practice of commerce.
7140. Did he mention what that percentage was?—No; not particularly.
7141. It was not a question of percentage?—No; not particularly a question of percentage at all.
7142. Then do you say that this balance of his private account remained written off and unsettled until you were summoned before the Committee on Public Accounts?—Yes; until I was made aware of that by being summoned.
7143. And after that time, when you made a claim for the whole, do you say that he suggested that it had already been settled on your books?—Yes.
7144. Did you understand that to be an intimation that he should not be required to pay it?—Yes.
7145. Do you know whether he dealt with merchants and other persons furnishing goods to the Government on account of the Pacific Railway in a business-like way, or did he endeavour to obtain any advantage?—I can only speak for myself. I know that I felt, during all my transactions, that it was necessary to propitiate him to get a moderate share of the Government patronage; even at the reduced prices that the Government was paying to us. Witness felt the necessity of propitiating Nixon in order to secure some of the Government patronage.
7146. Did you, upon any occasion, tender at very low rates?—Yes. Tendered very low.
7147. How low, in a general way?—Absolutely at cost, and less.
7148. What was your object in tendering so low as that?—To test if it was possible that we could get a contract at any price.
7149. What was the result of your tendering at cost, or lower?—Of course there were difficulties raised, and our tender was regarded as irregular. It had never been regarded so before.
7150. Did you succeed in getting a contract on that tender?—No.
7151. Are you aware of any instance where other dealers propitiated him?—I am satisfied in my own mind.
7152. I can hardly take that as evidence?—It is so patent with every one that every one knows it. The last of my transactions seemed to be at the time that he made application to me to buy a lot of half-breed scrip for him. Last transaction with Nixon. The latter wanted him to buy a lot of half-breed scrip for him.
7153. What was his request to you on that occasion?—Simply that he wanted me to purchase the scrip.
7154. Do you mean for him?—Yes.
7155. Did he offer to find the money for you to do it with?—No; he did not mention anything regarding that.
7156. How did you understand that proposal?—I felt at the time that I had then given him more than my business could afford; that I could not afford, in justice to myself and those associated with me, to give any more. I had given to the full extent of my power. Witness at length felt that he could give Nixon no more.
7157. Did you intimate that decision, that you would not?—No; I dare not do that.

**Nixon's Pur-
veyorship—
Supplies**

7 58. You merely omitted to buy them?—I omitted to buy them.

**Refused to buy
them and the
Government ac-
count was with-
drawn.**

7159. Did he continue to deal with you?—The Government account was withdrawn instantly, but his private account, from some marvelous cause, was continued from time to time, for quite a while.

**The third thrown
off Nixon's
private account
never paid.**

7160. The reduction that you speak of having made upon his private account, to somewhere approaching one-third of the whole, has that still remained unpaid?—It stands upon the face of my books yet, although I have balanced the account to profit and loss.

7161. I mean has he actually satisfied it by anything valuable?—No.

7162. Since that omission to buy the land warrants, have you had any dealings with him on Government account?—None.

J. SUTHERLAND.

JAMES SUTHERLAND, sworn and examined :

**Fort Frances
Lock—
Book-keeping.**

By the Chairman:—

7163. Were you at any time employed by the Government in connection with any of the Pacific Railway works?—I was employed indirectly by the Government—that is, on the Fort Frances Canal.

7164. You mean the Locks which were built under the charge of your brother?—Yes.

Book-keeper.

7165. In what capacity were you employed?—I was book-keeper.

7166. At what time were you first engaged?—In the spring of 1875.

7167. Was that at the Locks?—It was at the Locks.

7168. Where do you live now?—I live here in Winnipeg.

**Left Locks in
winter of 1879.**

7169. When did you leave the Locks?—I left the Locks in the winter of 1879, or rather in December, 1878, just about New Year's time.

**Had charge of
Government
books.**

7170. Who had charge of the books kept on behalf of the Government at that point?—I had.

7171. Had you any assistant book-keeper?—Occasionally I had; a portion of the time I had none.

**System on which
books were kept.**

7172. Will you explain to me the general system of keeping the books connected with these works?—To keep the accounts of all the different works and to credit the Department with all money coming, and to keep a proper distribution of time and supplies, and all that sort of thing on the different works; keeping everything straight in that way.

**Separate account
for Government
store.**

7173. Did you keep a separate account for the Government store?—Yes.

**And for trans-
port.**

7174. And for the boats? the Government owned a boat?—We did not keep it for the boat; we kept an account for the transport of supplies between Thunder Bay and Fort Frances. When we did that sort of thing we charged it up to Transportation Account.

7175. Did you engage persons for that special service?—Yes.

Transport.

7176. How was it done? what kind of vehicles?—We had horses and waggons on the portages, if necessary, and small boats on the lakes with barges in tow.

7177. That is, you kept a force for that work specially?—Yes; when required. They were not always required. For instance: we had some supplies that we wanted from Thunder Bay; we had a man employed for that purpose, and he hired men to assist him to bring his stuff right through, and would probably make three or four trips a season if necessary.

**Fort Frances
Lock—
Book-keeping—
Transport.**

7178. Then you had not any force there continuously?—No.

**No permanent
force.**

7179. Do you say you had a separate account for that service?—I kept a Transportation Account.

7180. Was there any other route on which you kept a Transportation Account in the same way?—In the same way we kept a Transportation Account for the North-West Angle route.

7181. How was the transportation effected from Winnipeg to North-West Angle?—We let that by contract, I think.

**Transportation
from Winnipeg
to North-West
Angle arranged
for by contract.**

7182. Was that not done by Government labourers?—No, not by day labour; only a portion from North-West Angle.

7183. Between the North-West Angle and the lakes you say it was always done by your own servants?—Not always; Capt. Wylie contracted to take some sometimes.

7184. How did he take it?—By his boat and barge.

7185. What was the name of his boat?—I forget the name; it was a little tug.

7186. Did the Government own at any time any boat there?—No boat, except on the line; there was a small tug-boat there.

7187. Where was that?—On Rainy River and Lake of the Woods.

7188. Then, besides the work done by that Government boat, you occasionally hired Capt. Wylie to work with his boat?—Yes; as the line boat was not sufficient.

**Besides Govern-
ment boat hired
Capt. Wylie.**

7189. Did you keep a separate account for that boat?—Transportation Account: North-West Angle Division.

7190. Would that account include the principal operators of this boat?—Yes.

7191. Did you keep a separate account with each person employed?—Yes.

**Government
Store.**

7192. How would you get information of the amount of goods disposed of at the Government store?—By a statement handed in to me from the store.

**Amount of busi-
ness done at Gov-
ernment store—
ascertained by a
statement from
store.**

7193. Who would have charge of making that statement?—There were several. Of course Mr. Logan was the head; he had Mr. Wilson as his assistant, who generally furnished me with the statement certified by Mr. Logan, and I entered it accordingly in my books.

7194. Then they had a subordinate set of books for the purpose in that store?—They might not be called a set of books, as they were memorandum to be transferred to the head books.

7195. They had some books in which entries were made?—Yes.

7196. And did those books purport to account for all goods going out of the Government store as far as you know?—Yes.

**Fort Frances
Lock—
Payments.**

Accounts rendered before payments were made to labourers.

7197. Was there any particular period of time at which those accounts should be rendered to you?—Always before the payments were made.

7198. You mean payments to be made to labourers?—Yes.

7199. How often was that?—As a general thing when my brother came in. There was no particular time, as the men did not require their money there; they could not do anything with it, and they were better without it often.

7200. As a rule were the payments made to persons employed only when your brother came to the place?—Occasionally; Mr. Logan kept a small amount of cash on suspense, and if a man wanted a dollar or two he would pay it.

7201. But there was no periodical settlement?—No.

**Government
Store.**

7202. In keeping this account with the Government store, I understand you had a separate account open in your books for it?—Yes.

**System of book-
keeping.**

7203. Did you charge your Stock Account with the goods that came to the store?—Yes.

7204. At what rate?—The invoice rate, with freight and charges added.

7205. Did you charge the Stores Account with the cost of transportation of the goods which went to the store?—Yes.

7206. And you credited your Transportation Account accordingly?—Yes.

Books in possession.

7207. Have you the books now showing that account from the beginning?—Yes.

**Transfer of some
Government
store goods to
Wilson.**

7208. Do you remember a transaction by which a certain portion of stores were at one time sold, or exchanged, to Mr. Wilson?—Yes.

7209. Before that time Mr. Wilson had been in the employ of Government?—Yes.

7210. In what capacity?—As assistant store-keeper.

7211. After that time he kept a store on his own account?—Yes.

**How these goods
were valued.**

7212. Do you remember how the value of those goods, which were transferred to him, was arrived at?—I think that they were put in at cost, or I think Mr. Thompson and Mr. Logan valued them, if I recollect right; the statement was handed to me at all events, and entered accordingly.

7213. You charged Mr. Wilson with the amount of that statement, and credited your Stores Account?—Yes.

**Goods which
arrived after
transfer delivered
and charged to
Wilson.**

7214. There were some goods which, I understand, arrived after that transaction?—Yes.

7215. Do you know how the accounts were made as far as those were concerned?—They were charged to Mr. Wilson—that is all such as he took, which would come under the same head.

7216. Those subsequent arrivals were not all of the kind of goods which he bought—such as provisions?—No.

7217. Then you selected from the whole lot a portion of the character which he had bought—such as furnishing goods?—I think

Fort Frances
Lock—
Book-keeping.

there were some goods bought before the clothing, and such stuff—men's supplies—were sold to Mr. Wilson; and those goods, when they arrived, were handed over to Mr. Wilson and charged to his account. Of course there were no more bought after that but supplies.

7218. When you speak of supplies do you mean provisions?—Yes.

7219. So that after that period you did not deal on behalf of the Government with furnishing goods—such as clothing, and boots and shoes?—No; not at all.

After transfer of stores dealt no more in clothing and the like.

7220. Then that account which you say was kept of those stores ought to show whether that transaction had been a profitable one or an unprofitable one?—Yes.

Account of stores as it appears in books.

7221. Would you open your books and let me see how that account stands? (Witness opens the book.) Do you remember whether your brother used to charge to Stores Department Account the salaries of persons who were employed?—Yes.

7222. Such as those of Mr. Logan and Mr. Wilson?—Yes; everything in connection with it.

7223. That account has not been finally balanced?—No, it remains open; the store was handed over.

7224. I understood you to say that you had charged this account with the amount of goods got by Mr. Wilson?—Certainly.

7225. When the store was closed was any stock taken of the goods on hand?—That is, when the works were closed here?

7226. When the stuff was transferred?—We kept the store for our own supplies.

Supplies.

7227. Is it open now?—No.

7228. When was it closed?—It was closed when the works were shut down.

7229. Then you left before the store was closed?—Yes.

7230. So that you are not able to say how the account was finally adjusted?—No; I am able to say just in the same position I would be supposing that were the case. I took it from the statements at all times; I was not supposed to go into the store and take stock myself. I was furnished with a statement of stock on hand.

Left before store was closed. Can not say how account was finally adjusted.

7231. Do your books—these books which are under your control—show the final settlement of that account? Is this the one you mean (pointing to an account book)?—Yes.

7232. In doing that would you credit to Stores Account that final statement of stores on hand?—Yes.

7233. Is it done?—No.

7234. Then these books do not show the transaction?—I can show you statement of stock on hand, but it is not entered up there; that is supposed to show the amount of stuff on hand.

Can show statement of stock on hand, but it is not entered up.

7235. Why is it supposed to show it when it is not here?—Every entry is made of all the stuff that has gone out of it, and every entry is made of the stuff that went into it, and the difference between the two is the balance on hand.

**Port Frances
Lock—
Book-keeping-
Supplies.**

7236. But supposing they had been stolen, would the books show whether they were on hand or not?—Certainly.

7237. How would the books show?—We had the amount of each account of stuff that went in there. All it would require is a mere matter of work, to pick it out in the ledger, and that and the stuff that had been sold would show it.

7238. But the stuff on hand is not entered to show the balance between the two accounts: this account as it stands now does not give any idea of the real state of affairs at the closing of the shop?—The words “by balance on hand” are not written in.

If books were formally balanced would show state of affairs at the closing of shop.

7239. If that were written in correctly it would show?—Yes; that is all that is required to be done.

7240. You think that can be done by the statement that you have?—Certainly.

7241. Will you produce that statement?—I have not got it with me, but I think I can find it.

7242. Do you remember, in round numbers, the amount of that statement?—I could not say.

7243. Was that the time that you say the store was handed over to Mr. Fowler?—Yes.

7244. Who was Mr. Fowler?—He is a man who owns a mill there.

Brother of witness handed over all stock in hand to Fowler at the time of the abandonment of the Lock.

7245. Did he buy this stuff there?—No; I believe my brother had instructions from the Government to hand over any stuff that was on hand at the time of closing the works to Mr. Fowler.

7246. Was a statement of the estimated value of the goods at that time taken by Mr. Fowler handed to you for the purpose of entering it in the books?—Yes; and signed by Mr. Fowler as having received it.

7247. Did he receive it on behalf of the Government or on his own account?—I believe on behalf of the Government, to keep it in store for them.

7248. Then that statement, if the estimate was a fair one, would show, up to that time, whether this keeping of the store had been profitable or unprofitable?—Yes; of course as far as profit is concerned we had no profit on anything except goods that were sold to the men, and that was closed when the store was handed over to Mr. Wilson.

After transfer to Wilson only supplies kept for boarding house which was charged at cost price.

7249. I thought you still kept supplies after that?—No; we kept supplies to supply our boarding-house, and we charged it at the same rate as it cost, just the invoice price. Transportation and expenses in connection with the store were put on the goods, and they were dealt out as near as we could get at the cost. Of course when the stores were all dealt out the two accounts should balance, because there was no profit on anything except stuff that was sold to men.

7250. It would show how unprofitable it had been: it would show the actual state of affairs?—Yes; it would show the actual state of affairs.

All books require an entry of credit goods, side of stores account of the value of goods handed over, to show the real state of things.

7251. So that all this book requires now is an entry on credit side of stores account of the value of those goods as estimated when they were transferred to Mr. Fowler?—Yes; the difference would be the depreciation.

7252. Was that your last connection with the books?—Yes.
7253. Did you charge Mr. Fowler with that transfer?—No; I did not make any entry of it at all. I did not charge him with it because I was out of the employ of Government at the time. When the statement came in here to me I was at Winnipeg.
7254. Did any person succeed you to take charge of the books on account of the Government?—No.
7255. So that that particular transaction is not recorded in any Government book, as far as you know?—No; we have a statement for it, that is all we have to show. Of course that can be easily entered; I can enter it any time for you in a few moments.
7256. Would you please show me in the books the entry or entries by which the goods were debited to Mr. Wilson when he got them?—Yes; there is an entry—(pointing to the book).
7257. What do you find to be the whole amount of goods taken at that time by Mr. Wilson?—Just at that time, \$1,738.32.
7258. What time was that?—June 30th, 1877.
7259. Was there any subsequent entry in it of a similar character?—Yes.
7260. When was that?—December 31st, 1877.
7261. What is the amount of that charge?—\$3,716.36.
7262. Besides the goods and supplies transferred to him, was there any charge for accounts assumed?—Yes.
7263. What is the amount of that charge?—\$139.49.
7264. Then what would be the total of your debit upon that transfer of the accounts and goods?—\$5,594.17; I do not know that that was all in connection with that one transaction. You see we had a trade account, and that made some of it, of course. I have not the details before me, and I cannot tell without referring to them.
7265. Whether it was part of the transfer at all events it was a charge which ought to be made against him?—Yes.
7266. Are you aware of the method by which he settled that claim?—He settled it by supplies in return, I think; if I recollect rightly.
7267. The value of what he got was not to be paid for in money?—I do not know what the agreement was.
7268. Do you know whether it was paid for in money?—I do not think it was.
7269. How do you think it was paid for, if settled?—I think it was paid for by supplies that we got after in return from him. I know a statement was sent to the Department in detail.
7270. After this transfer to him you continued to deal in provisions?—Yes; we kept our own supplies for our works.
7271. Do you think that you obtained provisions from him in exchange?—Occasionally; when we were out of them we did.
7272. I mean in satisfaction of this large transaction: was it not arranged that he should pay for the furnishing goods which he got, by giving you provisions in exchange?—I do not think it was arranged,

Fort Frances
Lock--
Book-keeping.
Supplies.

Transfer of
Goods to
Wilson.

Entry in books
debiting goods to
Wilson.

Amount of goods
taken by Wilson
as shown in books
\$1,738.32.

Subsequent entry
for \$3,716.36.

Accounts assum-
ed \$139.49

Total debit
\$5,594.17.

Claim settled by
supplies.

Paid for by
supplies

**Fort Frances
Lock—
Book-keeping—
Transfer of
Goods to
Wilson.**

but if it was I do not know what the arrangement was. He was to pay for it; but before very long he had an account against us for supplies which I think covered it, if I recollect rightly, because we were very often out of supplies, and we could not get them in under a week or a month's notice sometimes.

7273. Do you remember who valued the goods which were got in any large quantity from him, after he got furnishing goods from you?—They were charged to him, I think, at cost price.

7274. I am speaking of the goods which you got from him. Who valued them? Your brother's recollection was that there was an understanding made between him or some one else, on the part of the Government and Mr. Wilson, to the effect that Mr. Wilson should take all the furnishing goods that you had on hand, and that he should pay you by the exchange or delivery of other goods, such as provisions, which you required to deal in?—I think that was the understanding.

7275. Do you know who valued the goods which you actually got from him on that bargain?—I think Mr. Thompson and Mr. Logan, if anybody. Of course I do not know.

7276. I see there is a credit in June, 1878, of one entry of an invoice, will you be able to produce that invoice?—Yes.

**Bank Account.
Account with
Ontario Bank.**

7277. Please turn to your account with the Bank of Ontario. Was it your habit to keep an account with the Bank of Ontario, showing each amount that was sent by the Government to that institution for the expenditure on the Locks?—Yes.

7278. And then showing each payment on cheque given against that account?—Yes.

**Item of \$1,307—
Suspense Account
How Suther-
land's disburse-
ments were
arranged.**

7279. Please turn to your cash book of May, 1877. I notice a credit to the bank of \$500 in one item, and \$1,307 in another; can you explain why such a large sum as \$1,307 would be drawn at one time?—It would be drawn on Suspense Account. For instance, my brother would be going away on a trip, and he would want to pay small bills; a cheque would be drawn by the paymaster and countersigned by himself and marked on "Suspense Account." Then when he returned he brought in vouchers in triplicate for everything that was paid, and a statement was made up from it. That amount was charged to Suspense Account, and the vouchers were credited when they were brought in.

**Suspense Account
—how dealt with.**

7280. Will you show me the Suspense Account which contains that entry of \$1,307, and how it was disposed of? Did you say that upon such occasions as you mention, when \$1,300 would be taken from the bank, it would be taken in bank bills and paid out by somebody handling it?—Yes.

7281. In this instance it would be taken by your brother?—It would be deposited to his own credit in the bank, to issue cheques against it, as if it were his own—it amounts to the same thing.

7282. What object would be gained by that?—He was only in there once in a while and he could not be with Mr. Logan to get a cheque countersigned whenever he wanted. He was 500 miles and sometimes 1000 miles away from Mr. Logan, and he could not issue a cheque without Mr. Logan and he were together.

**Government pay-
ments made on
joint cheque.**

7283. Had a system been established that payments of the Government money should only be made by joint cheque of Mr. Logan and

**Fort Frances
Lock—
Book-keeping-
Payments.**

your brother? Is that what you mean?—Yes; I believe though that the instructions were that whenever any money was to be drawn in that way, it was to be drawn on suspense, and it was to be marked "Suspense Account;" that is in accordance with the instructions from the Government.

7284. But it avoided the necessity, you say, of the money being paid out by joint cheque: your brother had control of the money, to pay any person he alone thought was entitled to it?—Yes.

7285. So it avoided the supervision which was intended to be exercised by Mr. Logan?—Yes; but those Suspense Account items were kept as low as possible; they could not be avoided. Drawing cheques on Suspense Account avoided the check of the double signature.

7286. Do you know whether, when you gave a credit in this instance to your brother for his disbursements against this Suspense Account, he had to submit vouchers, and submit them to a similar supervision of Mr. Logan, or any one else?—He handed the vouchers in to Mr. Logan. Sutherland gave vouchers for his disbursements.

7287. So his Suspense Account was not credited with those items until Mr. Logan supervised them?—He was not credited with them until Mr. Logan passed them.

7288. Was that by one statement, or was each item of money actually paid out so revised by the officer appointed by the Government?—Yes.

7289. There is one item against the suspense charge of \$1,307, amounting to \$850 in one sum as wages, do you know whether an item like that would be revised by Mr. Logan?—Yes. Item of \$850 for wages.

7290. What was Mr. Logan's position at the Locks?—He was paymaster and store-keeper. Logan paymaster.

7291. Besides his duty of looking over the goods in the store, had he also to revise statements of expenditure?—Yes; but the assistant store-keeper relieved him of a good deal of work in the store, so that he could give more attention to the cash.

7292. Then your brother had not the authority to pay moneys entirely on his own judgment?—No. Hugh Sutherland had no authority to pay money on his own account.

7293. Is it your idea that this charge of \$850, according to the system which you have described, will appear to have been revised by Mr. Logan?—Yes; I can give you the details of it. \$850 for wages revised by Logan.

7294. I am speaking of Mr. Logan's signature?—Anything about wages will be on the pay rolls, and will be found certified to by Mr. Logan. Department has them and we have triplicates.

7295. Were there other Suspense Accounts besides this?—Yes; Mr. Logan had a Suspense Account.

7296. Do you mean by that, that money in a lump sum would be handed to him and charged to his Suspense Account?—Yes.

7297. And it would be his duty afterwards, to account for the disbursement of that money?—Yes; and my brother checked him, because all vouchers had to be certified to and approved by both of them. System of audit at the Fort Frances Locks.

7298. And that was the system of audit which was adopted with reference to the Locks?—Yes.

7299. It did not pass through the hands of any auditor in Winnipeg?—Not that I know of.

Fort Frances**Lock-
Book-keeping.
The Boiler
transaction.**

Thompson fore-
man in charge of
works.

Thompson got a
boiler the prop-
erty of Govern-
ment which was
charged to him.

An upright
boiler

Cannot say
whether Thomp-
son was charged
by Govern-
ment with transport of
boiler.

System of pay-
ing labourers.

7300. Who was the foreman in charge of the works?—Mr. Thompson.

7301. Did he remain there as long as you did?—He remained there longer than I did; he remained there until the close of the works.

7302. Do you know whether he got any of the property belonging to the Government, by purchase or otherwise?—I believe he got a boiler, which was charged to him in the books.

7303. Was that in your time?—Yes.

7304. Please turn to his account?—It did not belong to us; it belonged to the Red River route.

7305. Was that a boiler that had been in use in one of the boats that you speak of?—It was a boat. I think the hull of it was burnt on the route, and it was taken to Fort Frances and used there. At the close of the works Mr. Thompson bought it; and I believe my brother had instructions to sell all the stuff he could.

7306. Did you take any part in the arrangement?—No; I did not.

7307. Do you know who settled on the price?—I think it was between him and my brother. The books will show the transaction. There was no arrangement between him and me.

7308. Do you know what kind of a boiler it was?—An upright boiler.

7309. Have you any idea of the value of it yourself?—I do not consider myself capable of valuing it.

7310. Do you know the size or number of tubes, or anything of that description?—I do not; I simply recollect seeing the boiler. I did not pay any particular attention to it. It is not a very large one, at all events.

7311. Do you remember whether Mr Thompson was charged with the freight of any property which he had removed?—I do not recollect. There are other means of transporting, besides Government.

7312. Yes; but I want to know as a fact whether he had been charged by the Government with any transport?—I do not know.

7313. You do not know whether he ought to have been charged with any?—I do not.

7314. It was no part of your duty to manage the affairs there; it was only to keep record of them in your books?—It was only to keep the books.

7315. Did Mr. Thompson keep a boarding house?—No.

7316. In paying the labourers, do you remember whether it was the system that they should give orders upon shop-keepers for any goods that they got before you paid the shop-keepers, or did you pay the shop-keepers without such orders, and charge the men with the amount?—In the first place Mr. Logan paid all the men; I know it was the habit when a man wanted any goods at any particular store, he would come in and ask the paymaster for an order on that store. Mr. Logan would not give an order until he went to the store and found out how much he wanted, and whatever he wanted Mr. Logan gave him an order on the store for it, and took his receipt for the order and charged it to his account.

7317. Have you any reason to believe that Mr. Wilson was interested jointly with any one else in the store after he became the owner of that store?—I have not.

**Fort Frances
Lock-
Book-keeping.**
Has no reason to believe that Wilson was interested jointly with any one in store.

7318. You are probably aware that there have been rumours that he was?—Yes, I am aware of it.

7319. Have you the time-book that was kept?—I do not know that I have; I expect that I have.

7320. Was it part of your duty to keep the time?—The fore part I did, but after a while I got so busy I could not, and got a man to assist me.

7321. Have you the pay-lists?—We have the triplicate copies somewhere; they have been stored away for a year and a-half.

7322. Have you the custody of the cheques that were given on the Bank of Ontario?—No.

7323. Do you know who would have those?—Mr. Logan, the pay-master.

Logan the pay-master has custody of cheques.

7324. Did I understand you to say that all the cheques given on this Government account on the Bank of Ontario were signed by two persons: your brother and Mr. Logan?—Yes; first signed by Mr. Logan and countersigned by my brother.

7325. Is there anything else connected with this matter which you would like to explain, either on account of the evidence you have given, or anything that I have omitted to ask, so as to give a fair knowledge of the way it was conducted?—I do not know that there is anything, unless I heard the evidence read.

7326. You can consider the matter, and if at any future time you wish to give your evidence you can do so.

WINNIPEG, Friday, 24th September, 1880.

RICHARD FULLER, sworn and examined:

By the Chairman:—

FULLER.

Telegraph—
Tendering.
Contract No. 2.

7327. Where do you live?—In Hamilton.

7328. Have you spent much of your time in the North-West of late years?—A very considerable in the summer time.

7329. Have you been interested in any transactions on account of the Canadian Pacific Railway or telegraph lines connected with it?—Yes; in building the telegraph line from Livingstone to the longitude of Edmonton. I have built in Edmonton, but that was at my own expense to reach the people there.

7330. Were you the contractor originally for this work?—Yes.

7331. Was the work let by public competition?—Yes.

Work let by
public com-
petition.

7332. Did you tender for that work which you contracted for?—Yes; amongst others.

7333. Did your tender make an offer for that particular work?—My tender was from Fort Garry to Edmonton.

Witness's tender
was from Fort
Garry to Edmon-
ton.

**Telegraph—
Tendering.
Contract No. 2.**

Tendered for
three sections.

7334. Did you make any offer for the portion of the work which you contracted for?—It covered that. The way I tendered was for the three sections. I did not tender for No. 1, from Fort Garry to Fort Pelly. I tendered under the other, No. 3, from Fort Garry to the longitude of Edmonton, and I likewise tendered from Fort Garry to Lake Superior.

7335. In the work for which you took the contract, the portion of the line between Fort Garry and Fort Pelly was not included?—It was included in my tender.

7336. But for the portion of the line for which you contracted?—No; that is not in my contract—from Fort Garry to Pelly.

7337. It was not a special tender from Pelly to Edmonton?—No.

Did not tender
separately for the
portion he got.

7338. Did you make any tender alone for the portion which you built?—No; not separately.

7339. Then your contract was for a different length of the line, from that for which you tendered?—Yes.

How he came to
get a portion of
the line for which
he had not
tendered.

7340. How did it happen that you obtained a contract for a portion of the line for which you had not tendered?—I was notified by telegraph that the whole of my tender was accepted from Fort Garry to Edmonton. When I reached Ottawa, finding that they were going on the present route of the railway to Pelly, I declined to take that.

7341. Do you mean on the present route of the railway?—Yes; because I had specified to go south to Pelly.

Had specified to
go south by
Ellice.

7342. But the present route of the railway is south?—I mean the then projected line. I had fortunately specified in my tender to go by Ellice or Pelly, or that way; that is going up this trail.

Got contract No. 2
by negotiations
subsequent to his
tender.

7343. Then was it by a subsequent negotiation that you were allowed to contract for only a portion of the line for which you had tendered?—Yes; that was the result of my withdrawing from that.

7344. Was it by subsequent negotiations?—Yes.

7345. It was not in accordance with the terms of your tender?—No.

7346. Then it was by subsequent negotiation?—Yes.

7347. With whom was it you made these subsequent negotiations?—I think it was upon a report from Mr. Fleming to the Minister.

7348. With whom did you make them?—I withdrew unless I was paid an extra price from here to Pelly, and then the other was offered to me.

Withdrew original
tender, and
contract from
Pelly to Edmon-
ton offered to him.

7349. Who offered it to you?—The Engineer-in-Chief by special report. It arose from a report from the engineer, I presume. That is all that took place. I withdrew; and, in the course of the day, that from Pelly to Edmonton was offered to me.

7350. Do you remember whether the offer was made in writing or verbally?—I think on their part it would be verbally. I do not think there was any writing to me about any more than the contract. I put in a letter saying what I would do this for from here to Pelly.

Asked \$20 per
acre for chopping
and clearing.

7351. In that letter, stating what you would do this portion between Fort Garry and Pelly, did you claim a price higher than you had originally tendered for?—Yes; I claimed \$20 an acre for the chopping and clearing.

7352. Do you mean \$20 an acre for the whole portion of the wood, or only for that portion which you supposed to be in excess of that which would be on the southern line?—On the southern line I did not calculate on any timber land.

**Telegraph—
Tendering.
Contract No. 2.**

7353. Then your demand was \$20 an acre for the whole of the wood land which would be found on the northern line?—Yes; I would have had no timber to hinder me on the southern line at all.

Would have had no timber in his way on southern line.

7354. Do you know by what amount that increased the offer of your tender?—I could not tell. I do not know the number of acres there would be between here and Pelly,

7355. Do you think this proposal for the increased price was made in writing or verbally?—I made that in writing.

**Telegraph—
Construction.
Contract No. 2.**

7356. To whom was that directed?—It was directed to Mr. Sandford Fleming.

7357. Had you a conversation with him on the subject after this writing?—No; I think the next thing was that when I went to the office he offered me the portion from Pelly to Edmonton.

Sandford Fleming offered him the portion from Pelly to Edmonton.

7358. Did you and he then discuss the probable amount of wood, and therefore the probable result upon your offer of \$20 an acre?—No.

7359. Had you any estimate, either in conversation or without, as to that?—No; I had no idea of the quantity of timber.

7360. Were you led to understand, before you were informed that you would get the contract for the balance of section 3, that some one else was willing to take the portion upon which you charged the extra price?—No; not from the Department at all.

7361. From any one else?—No.

7362. Then your proposal to take the westerly portion of section 3 was made without any knowledge as to how the Government were to get the section from Pelly to Fort Garry constructed?—No.

7363. Was there any time in the contract by which you were to have this work completed?—Yes; time was the essence of the contract.

Contract to be completed by 1st July, 1876.

7364. What was the time?—The 1st of July, 1876.

7365. Was it completed within that time?—It was completed on the night of the 15th or 16th of July.

Completed 16th July.

7366. Was the maintenance of the line included in your contract?—Yes.

**Telegraph—
Maintenance.
Contract No. 2.**

7367. For how long?—Five years

Maintenance for five years included in contract.

7368. Have you undertaken the maintenance?—Yes.

7369. Have you carried out that portion of the contract?—Yes.

7370. Was the maintenance by the mile or by the time?—The maintenance is a lump sum per annum.

7371. Without reference to distances?—Yes; that is for the whole of my work.

7372. Did the length of your work exceed the amount, or rather the distance, estimated at the time of tendering?—No; I think it is about three miles shorter.

Telegraph -
Construction.
Contract No. 2.

Contractor's
Claims.

\$80 per acre
claimed extra
for a road cut
through the
woods.

Paid \$25; gross
amount \$10,200.

Claim for stop-
page by Indians

\$1,300 paid on this
account.

7373. Did your tender make any difference between wood land and prairie land?—My tender was specified in a specification to be all prairie.

7374. Was it more expensive to you than all prairie?—Yes; the timber was a very serious detriment to my operations.

7375. Did you make any claim on that account?—Yes; I claimed for a road I cut there to build the line through the woods.

7376. Do you mean as an extra?—Yes.

7377. At what rate did you make that claim?—I made it at \$30 an acre, and they paid me \$25.

7378. Do you know what the gross amount of that item was?—I received \$10,200 for the chopping.

7379. Does that represent the acreage at \$25 an acre?—Yes.

7380. Has that item been finally settled between you and the Government?—Yes; I have a claim now for cutting trees fallen on the line.

7381. I am speaking of clearing for construction?—I think I am correct in stating \$10,200. It may be a little more or less.

7382. But that is about the amount that you arrived at?—I was paid on finishing the line.

7383. At the time that tenders were invited were particulars afforded by the Government to persons tendering?—Yes.

7384. Was it in those particulars that you were informed that there was nothing but prairie on your section?—Yes.

7385. Have you a copy of those particulars?—In the memorandum for the information of parties tendering, clause 17, it states "between Fort Pelly and Edmonton the country is prairie."

7386. Was there any other matter during the construction upon which you had a claim for extras against the Government?—Yes; there was one claim for stoppage by Indians.

7387. Was that a subject of discussion between you and the Department of Public Works?—Yes.

7388. Did they resist the payment of it?—Yes.

7389. Is it still a claim?—No; not on that account.

7390. Has the matter been arranged between you and the Government?—Yes.

7391. Upon what basis?—By their paying me a portion of the claim—thirteen hundred and some odd dollars.

7392. About what proportion was that of the claim which you had first made?—That, I think, would be a little more than half.

7393. This claim arose, I believe, on account of the extra expense which you were put to in transporting goods or something of that kind?—No, it was by delay; the freighting parties were stopped, and they had a claim against me.

7394. You were sued for that claim by the freighting parties?—Yes.

7395. And judgment was rendered against you?—Yes.

7396. It was in order that you might be indemnified against this that you made this claim against the Government?—Yes.

**Telegraph—
Construction,
Contract No. 2,
Contractor's
Claims.**

7397. Are you a loser or a gainer, considering the actual disbursements by you, upon that subject?—I am a loser by being delayed in the operations very much. I should have been through that season if it had not been from the causes of delay, which would have made my maintenance very different. It would have been finished in 1875.

7398. Is there any other matter upon which you claim an extra?—I claim an extra for the movement of my material.

**Claims an extra
for movement
of material.**

7399. Why was that?—My material was distributed upon Mr. McLeod's trail before the line was ready—the surveyed line.

7400. Why did you put your material upon any trail before the line was ready?—The parties were not out to survey the line when my material was on the road.

**Contract let
before line
located.**

7401. Then the contract was let before the line was located?—Yes.

7402. How long before it was located?—The location party only kept just in front of my men, and had hard work to keep ahead of them.

7403. Was that the party locating the line of the railway?—Yes.

7404. Could you say at about what rate per day they were locating that line of railway—I mean how many miles a day?—I should think that they would probably go three miles through the bush, and about eight miles upon the prairie.

**Rate of progress
in locating—three
miles a day
through bush and
eight upon
prairie.**

7405. Do you remember about the size of the party who had the charge of locating the railway line at that time?—There was the engineer and, I think, there were about four or five of the staff, assistants, and his men. I should think the party, with packers and teamsters, would amount to thirty.

7406. Did they take their supplies with them?—Yes.

7407. In what way did they indicate to you the line which was located?—In getting through the woods they had a chopped line.

**Manner in which
located line was
indicated.**

7408. Did they mark the centre of the line by pegs?—Yes; that is through the woods.

7409. And on the prairie?—On the prairie they put stations every 100 feet on most of the line, and the numbers would be marked on the pegs.

7410. At what distance from this centre were you erecting the poles?—Fifty feet.

7411. Do you remember the width which you cleared through the wood portion?—The average was about twelve and a-half to thirteen feet—just sufficient to let the train get through and clear the poles.

7412. When you speak of the train, you mean the train which was transporting your material and supplies?—Yes.

7413. What would your train be composed of?—There were thirty-one waggons, about 100 head of horses and cattle, and ninety men, I think. It would be composed of the wire, brackets, insulators, and provisions.

**Size of train—
thirty-one wag-
gons, 100 horses
and cattle, and
ninety men, with
wire, brackets,
insulators and
provisions.**

7414. Did you say that you were able to move in the construction of the line nearly as fast as the party surveying it?—Yes.

**Telegraph—
Construction.****Contract No. 2.****Contractor's
Claims.**

Clearing made by locating party only sufficient to let them through and to take their sights.

How they got their carts through.

Paid for moving material as far as South Branch of the Saskatchewan.

Selected places to put his material at his own risk.

7415. They were not able to keep far ahead of you?—No.

7416. Did you actually overtake them at any time?—Not until they got away from the woods—when they got on the prairie they got a start of us, but we pressed them pretty hard.

7417. In locating the line, was it necessary for the surveying party to make any clearing through the woods?—I do not think they made any more clearing than was necessary for their party to get through and take their sights.

7418. Did they make any clearing?—I could not call that clearing, it was just a surveyor's line.

7419. How wide would that be?—Knocking down a tree here and there to get their instruments through.

7420. Would they take their train through with their supplies?—Sometimes they would have to.

7421. What sort of a train?—Carts.

7422. Could they get their carts through without clearing?—They could get round a great deal of it. They did not follow their track all the time—in some parts they had to take their train directly through.

7423. In order to take their train through those portions would they have to clear the woods?—Yes.

7424. To what width?—Sufficient for the cart to get through.

7425. What width would that be?—Nine to twelve feet.

7426. Did that clearing take the same line in some instances?—It might have touched it or crossed it.

7427. But they did not clear upon any substantial portion that you cleared?—No.

7428. Was any allowance considered proper to be made on your claim for clearing on account of the clearing that they did?—I do not think it. I do not think they could have made out any.

7429. Is there a claim for any further extras made by you?—Not during construction—only for this moving of material on the line. I was paid a proportion of it.

7430. How much were you paid of it?—I was paid for moving my material on the line as far as the South Branch of the Saskatchewan—between Pelly and the South Branch of the Saskatchewan.

7431. Had you been induced by the Government to put your material upon a line different from the one which was actually adopted?—Yes; I got permission to put it on Mr. McLeod's trail, because he went ahead of the surveying party and left mounds here and there along.

7432. Was it any part of the original arrangement that they should find places where you could safely put your material?—No; I do not think it was.

7433. Were you selecting the places at your own risk where you put it?—Yes.

7434. Did you select them at your own risk?—I laid it over three miles along the line.

**Telegraph—
Construction.
Contract No. 3.
Contractor's
Claims.**

7435. Did you select the places at your own risk and on your own responsibility?—Yes.

7436. Then why was it when they turned out not to be correct, that you laid a claim for moving to the proper location?—Because the line was not ready for me when my material was there, and I had to keep my men and carts on the ground.

Nevertheless a claim arose on this ground because line was not ready.

7437. If the line had been ready would you have been able to take this material to a place which would have saved the expense?—Yes; it would have saved me an enormous expense. From the South Branch to Edmonton I had to move it over a long distance.

Had line been ready would have been saved enormous expense.

7438. This claim was for the expense of being obliged to move these supplies at a time when you could not tell where the line would be?—Yes; they refused to pay the claim, so far as it extended from the South Branch west, on the ground that instructions had been given to my foreman that we might build the line on Mr. McLeod's trail north of the Saskatchewan.

7439. Was this claim for moving your material finally settled by the Government?—Yes.

7440. There is no further dispute on that subject?—No.

7441. Had you any other claim for an extra?—Not during construction.

7442. After construction?—Yes; I had a claim after construction. I have a claim for \$5,515.

Claim of \$5,515 for maintenance for a period during which line was not, but might have been, workable.

7443. What is that for?—That is for the maintenance of that portion of the line that was built in 1875, on account of the delays, or I should have been through in 1875, and I would have been entitled to the maintenance of the whole line.

7444. Do I understand that you claim pay for maintenance before the line was actually finished?—Yes.

7445. But from the time at which it would have been finished had you not been unreasonably delayed?—Yes; I claim for that portion which was actually built that season—350 miles.

Claims pay for maintenance before line was finished because of delay.

7446. That was built?—Yes; it is that much longer, I had to maintain that on account of being delayed.

7447. Then your claim is not as I have described it, but for the portion of the line which you had actually constructed?—Yes.

7448. Not for delay in construction?—Yes; for delay in construction, as I should have had the whole line that fall.

7449. You claim that your pay for maintenance should begin from the time that it was constructed?—Yes.

7450. Not from the time the whole was constructed?—No.

7451. How long was that portion constructed before the whole was finished?—About eight months.

7452. Has your claim for that maintenance been resisted?—It has been up once or twice, and it has not been settled yet.

7453. Was the construction of that portion finally completed at the time you name?—Yes.

**Telegraph—
Construction.**

Contract No. 2. 7454. Ready for operation if the rest had been ready?—Yes.

**Contractor's
Claims,** 7455. And you say the rest would have been ready but for the delays caused by the Government?—Yes.

7456. Now what delay as to the rest was caused by the Government?—The delay in not having a line to lay the material on, having to move the material, and the delay caused by the party who had the sub-contract for laying the poles on the western end being turned back by the Indians. All these poles had been on the ground, and I had to remove them from the South Branch west, and all the material, a second time.

7457. In your bargain with the Government originally was there any agreement that they would have the line located at any particular time?—No; but by my contract I was compelled to finish the line by the 1st of July, 18.6. Time was the essence of the contract and I was bound to it.

7458. You mean t me as to the finishing?—Yes.

Nature of
contractor's
complaint.

7459. But your complaint is that they were not in a position to let you begin work as soon as they ought to have allowed you to begin?—My complaint is that the line was not ready for my material to be laid upon it when it arrived there.

7460. Is there any portion of the contract which calls upon the Government to be ready at a particular time?—No.

7461. How do you make out that it was their duty to be ready at a particular time?—To enable me to do my work within the limit of my contract.

7462. Then it was by implication, was it, and not by any expression either in the contract or verbally?—No; I notified the Government when I was going on, and they notified me that they had made preparations for it. They knew the time I was going to commence.

Completing con-
tract nearly in
time notwith-
standing work
not prepared for
him to commence
entailed extra
cost.

7463. But would they not have performed the spirit of the agreement, as you understood it, if they enabled you to begin the line so that you might complete it within the time named in the contract?—If they had done that.

7464. As a fact you completed it within fifteen days afterwards?—Yes; but it was at an extraordinary cost to myself.

7465. But the Government did not contract that you should build the line in the cheapest possible mode to yourself?—No.

7466. Whether you could have done it less than the contract price or not, is not part of the agreement with the Government?—No.

Claim remains
unsatisfied.

**Telegraph—
Maintenance.**

Claim of \$10,740
for cutting trees
during mainten-
ance.

7467. That claim has as yet remained unsatisfied?—Yes; it remains unsatisfied.

7468. Is there any other item for an extra?—There is a claim amounting to \$10,740.

7469. For what?—For cutting trees.

7470. During maintenance I suppose you mean?—Yes; during maintenance.

7471. Why do you make that claim?—Because I have no right to take the trees off. It should have been all prairie.

Telegraph -
Maintenance.
Contract No 2.
Contractor's
Claims.

7472. Why did you take them off the line?—The line could not have been kept up without taking them off.

7473. Were these trees which you have removed, and for which you make this claim, entirely within the wooded sections?—Yes; principally within the first 100 miles.

7474. Are they scattered trees?—There are no scattered trees, it is solid wood.

7475. Do you mean that the whole maintenance of the line has cost you this much more in consequence of there being a wooded portion instead of being all prairie, as you were informed?—Yes.

The amount claimed—the difference in cost between a wooded and a prairie region.

7476. Do you mean that that is the amount that is has cost you?—It is the amount returned to me by my men—the number of trees—and I have charged by the tree

7477. Did you pay your men by the tree?—No; I pay them by the month.

7478. Then how did you arrive at this sum which you claim?—The extra cost of men and killing of horses sometimes in the bush.

Amount arrived at by counting extra cost of men and the value of horses killed in bush.

7479. Have you calculated exactly the extra cost it has been to you to maintain the line?—Not correctly. I can get that from the books at Battleford.

7480. Upon what basis do you make \$10,740?—So much a tree.

7481. How much a tree?—I do not recollect. I have not the accounts with me; I have only a memorandum of accounts. Many thousands of trees have fallen, but I have not any idea of the number. Then there were brackets and insulators.

7482. Do you say that you were not directed to remove these trees, but you found it necessary to remove them in order to perform your contract?—Yes.

7483. Could you have fixed a price per tree?—Yes.

7484. Can you explain upon what basis you have arrived at the price you have fixed per tree?—Sometimes it has cost me \$50 to send a man out for probably one tree, and sometimes it will not cost much, because a man will go through the woods and cut off a lot of them.

7485. Have you kept any record of the occasions when it has cost you \$50 a tree?—Yes; I have that account. My man has paid as much as \$50 for extra men to go out.

7486. Have you the data upon which you can now calculate that it has cost you \$10,740, or is that a random estimate?—I have not the exact data myself. I would have to go to Battleford to get the books.

Has data on which he bases this claim for \$10,740.

7487. I am not asking you to produce them now; I am asking you whether you have them within your control?—Yes.

7488. So that you are able to show the correct data which has led to this amount being claimed by you?—Yes; by extra men and horses, I think.

7489. That claim is still unsettled?—Yes.

7490. Have you any other claim to make?—I have a claim of \$475.

Claim of \$475 for sending operator to Edmonton at suggestion of Government.

7491. What is that for?—For sending an operator to Edmonton from here during last summer by the instruction of the Government.

**Telegraph—
Maintenance.
Contract No. 2.
Contractor's
Claims.**

7492. Was there any arrangement with the Government by which you were to operate these lines?—No.

7493. Are they operated?—Yes.

**Lines operated
for benefit of con-
tractor.**

7494. For whose benefit?—My own; rather for the benefit of the public, for I lose out of it.

7495. Has the operation not resulted in a profit to you?—No.

**Fleming instruct-
ed operator to
be sent to Ed-
monton.**

6496. For what reason was this operator sent?—By written instructions from Mr. Fleming. He was sent by mail cart to Battleford, and then by my own cart to Edmonton. This claim includes his pay for five or six months up to the time the Government was expecting the expedition that came over the mountains.

7497. Was this for the purpose of furnishing an operator at the request of the Government?—Yes.

Object of this.

7498. In order that this line might be operated as well as maintained?—No; it was in order that when Mr. McLeod and Mr. Gordon came out from the Peace River there should be an operator there to send the result of their expedition to Ottawa. I charged them with the man's pay and sending him out there for that time.

7499. If the Government had not asked that that operator be sent up would the line have been operated?—Not between Battleford and Edmonton.

**Does not as a rule
operate line
between Battle-
ford and Edmon-
ton.**

7500. That was for operating the line further than you had constructed it, do you mean?—No; I do not operate it, as a rule, between Battleford and Edmonton.

7501. That portion of the line you were not then operating?—No; I only operated it when the repairer happened to be at the other end.

7502. And the operating on this occasion was done for special purposes of the Government?—Yes.

7503. And caused this extra expense to you?—Yes.

7504. About how far had you to send that messenger?—From here.

**Had to send a
messenger 900
miles.**

7505. How far?—About 900 miles.

7506. You say that he went with the mail cart?—Yes.

7507. Was there a regular mail cart carrying mail from this point to that?—Yes; he was carrying the mail in the cart at the time.

7508. And this cart sometimes took passengers?—He sometimes takes a passenger as a favour.

Claim not settled.

7509. Has that claim been settled?—No; Mr. Fleming wished to settle it upon the basis that I should deduct the amount that was charged for the message through to Ottawa, and which was very considerable; but I do not see that I should do that, because that message amounted to considerable money passing over other lines.

7510. Do you remember about what your charge was for passing over your line?—No, I do not recollect; I did not get those particulars. They are all on record of course.

7511. Do you think that the Government should bear the whole cost of this man's travelling and pay, in order that he might operate that particular section of the line, and that you should get profit?—I think

Telegraph—
Maintenance,
Contract No. 2.

I ought to get the profit because it had to go all through my other operators.

7512. Why through the other operators?—My operator at Battleford has to take it, and then at Pelly.

7513. Can it not go all the way through to Winnipeg without that?—No; it has got to be repeated.

Message had to be repeated at the several stations.

7514. Did the repetition by those operators increase the expense to you?—Necessarily.

7515. Were they paid by the message or by the time?—By the time.

7516. Then how did it increase the cost to you if they repeated it?—I was paying them anyway.

7517. Their repeating it added nothing to your expense?—Nothing to the expense that I was at at that time, but I think I had a right to a legitimate charge for their services.

7518. If the Government had not sent this operator to the westerly end of the line, so as to send a message from there to Battleford, your operator at Battleford would have had no message to repeat?—No.

7519. And the repetition of it by him cost you nothing?—No; no more than his daily wages.

7520. But still you think you should charge for this message in addition to the cost of furnishing the operator at Edmonton, which you put down at \$475?—Yes.

7521. Have you any other claim?—I have no other claim.

No other claim.

7522. In what manner has the line been maintained since you have constructed it?—It has been maintained well.

Line maintained well.

7523. Has there been any complaint on the part of the Government or the public?—There has been complaint on the part of the Government, but I have to bear it all from Ottawa to Edmonton.

Complaints made of inefficiency of line.

7524. Has there been any complaint as to the maintenance of this particular section over which you have control?—There was only complaint when the line was burnt down, for which stoppage was made of \$960 for the number of days which it was down.

Only one complaint respecting line; \$960 stopped in consequence of line having been burnt down.

7525. The Government has charged you that amount?—Yes.

7526. Has that been settled?—I do not call it settled myself.

7527. But they have taken that amount from you?—Yes; they have taken that amount from me.

7528. Is that a deduction in proportion to the time and price?—Yes; the line was burnt down the same spring and fall, and it was put up as rapidly as it was possible to be put up.

7529. Do you mean that the line fell?—It was burned by spring and fall fires when the frost was in the ground, and burnt down about twenty miles of it.

Line burned by spring and fall fires.

7530. Do you mean that those accidents were not provided against in the arrangement with you that you were to maintain the line?—No; there was nothing in the contract about it at all.

**Telegraph—
Maintenance.**

Contract No. 2. 7531. Do you mean that you were not bound to maintain the line against such accidents?—I was bound to maintain it; but I do not see that I should suffer a penalty for such accidents. Of course if I did not repair the line as rapidly as it was possible to do it, I should be.

Repairing such an accident he considers reconstruction. 7532. Do you mean that this was more in the nature of reconstruction than repairing?—Yes; it had to be reconstructed.

7533. Upon what understanding is the line now operated?—I keep the operators there and I operate it myself, so that it is not worth while making any further fuss about it.

Contractor takes what receipts there are. 7534. Are you allowed to take all the receipts?—Yes; which amount to very little.

7535. Is there any arrangement about a tariff?—No.

7536. Have you established a tariff to suit yourself?—Yes.

Tariff \$1 for a message of ten words and 7 cts. a word afterwards. 7537. What is the tariff?—It is \$1 for a message of ten words, and 7 cts. a word for all words above that.

7538. Are these prices less in proportion to distance?—No; they are the same all over the line, however short the distance may be.

7539. Is there any other matter connected with this telegraph construction or maintenance which you wish to explain?—No.

7540. Have you been interested in any other matter connected with the Pacific Railway?—Not with the Pacific Railway.

7541. Have you tendered at any time for any work connected with the Pacific Railway?—Yes.

7542. What was it?—I tendered for this fencing.

7543. Where was the fencing?—For the wire fencing of the line recently let here. I did not know then where it was to be.

7544. When was this?—Three months ago.

**Transportation
of Rails—
Tendering.****Contract No. 18.**

7545. That would be since the 16th of June, consequently that is not within our enquiry. Did you propose to do any other work in connection with the Pacific Railway, or any material for the railway?—Yes; I made a tender in 1875 for the transportation of rails.

Tendered but did not get job.

7546. Was that work which was offered to public competition?—It was in answer to an advertisement issued by the Public Works Department in 1875.

7547. Do you know who got the work?—The Red River Transportation Co.

7548. From what points?—From Duluth to Winnipeg or below it.

7549. Do you mean below it on the Pembina Branch?—It was for carrying rails from Duluth to any point between the boundary line and Winnipeg, and between Winnipeg and Selkirk.

7550. In fact upon any point upon the Pembina Branch, north or south?—Yes.

7551. Do you remember the rates offered by you in that tender?—Yes.

Rates offered in witness's tender.

7552. What rates?—\$13.50 from Duluth to any point from the boundary to Winnipeg per ton, and \$15 if it was landed between Winnipeg and Selkirk.

**Transportation
of Rails—
Tendering.
Contract No. 18.**

7553. Was that the long ton or the short ton?—The long ton. They did not specify the long ton, but I never thought of any other ton but 2,240 lbs. of iron.

7554. Upon that point did you make any change in the wording of your tender from what was supposed to be required by the wording of the advertisement?—No.

7555. Have you the particulars of that advertisement now in your control to be produced?—I am not sure whether I have it at home or not, but very likely I have. I am not certain.

7556. Did you get any communication on the subject afterwards?—No.

7557. So that you have not been officially informed of the result?—No.

7558. Do you know by whom the work was done?—By the Red River Transportation Co.

**Work done by
Red River Trans-
portation Co.**

7559. Was that an incorporated company?—I presume it was.

7560. Do you know who were the persons principally interested in it at that time?—I do not know any myself that was interested except Mr. N. W. Kittson and J. Hill.

7561. Then you know of no reason why you did not get the contract?—No.

7562. Were the prices which you asked in American money or Canadian money?—I think it was stated in the offer to be American money.

7563. Did your offer of the price between Winnipeg and Selkirk depend upon any improvement in the channel of the Red River?—No.

7564. It was an unconditional offer?—Yes; it was unconditional.

7565. I notice that contract 18 is for transportation of rails from Duluth to Winnipeg, or any point on the Red River between Pembina and Winnipeg, at the rate of \$15 per ton, United States currency, and in the event of the channel of the Red River being improved, the same rate, namely, \$15 per ton, from Duluth to the point of crossing of the Canadian Pacific Railway north of the Stone Fort; is that more or less in favour of the Government than your offer?—I should say my offer was more favourable. It would a good deal depend on how much money they would have to spend on the Red River of course.

**Witness thinks
his offer more
favourable than
the prices of Red
River Transpor-
tation Co.**

7566. But I understood you to say that this of yours was unconditional?—Yes.

7567. If so, would not your offer in any event be the better one for the Government?—It must have been.

**Offer absolutely
better than that
accepted.**

7568. Do you know of any reason why your offer was not accepted?—No.

7569. Do you know whether your offer reached the Government or the Department?—There is not the slightest doubt about it.

7570. Why do you say that?—Because I have seen the public returns to Parliament in which that was included, and there was only my tender and that of the Red River Transportation Co.

7571. There were only two tenders shown by that return?—Yes.

**Transportation
of Rails—
Tendering.**

Contract No. 18.

7572. Were there any remarks made upon the subject in the return?
—No; simply the offers.

Date of tender.

7573. About what time was your tender dated?—About the 23rd of April, 1875. The return was made to the Senate.

Charges for wharriage, unloading, &c., included.

7574. Do you remember whether the advertisement inviting tenders required you to state whether all charges for wharfages, unloading, &c., were to be included?—I think it did.

7575. Your tender covered these charges?—Yes; it included all charges except any entries to our Custom-house at Pembina, and these were excepted—any fees for entry coming in here.

7576. Is there any other matter connected with the Canadian Pacific Railway upon which you wish to give evidence?—No.

**Telegraph—
Construction.
Contract No. 2.**

Explanation respecting line running through lakes.

7577. Is there any further explanation which you wish to add to what you have already stated?—No; there is only one explanation, and that is about my line running through lakes. I have disputed that point. I have run around some of them instead of through. The straight railroad line runs through a large number of lakes, and the engineer wanted me to build floating platforms and put the polls on them instead of letting me run around.

7578. What would be the whole length of the crossings of those lakes?—They vary.

7579. But adding them together, the total length?—I have no accurate return, but it would be some miles altogether.

7580. Instead of crossing the lakes you have built the line around?—Yes; where it was impossible to get at them and maintain the line.

7581. Have you returned as quickly as possible to the general direction of the line?—Invariably.

For purposes of maintenance, lines better than if they crossed lakes.

7582. So that for the purpose of maintenance and operation they are just as effective as if they crossed the lakes?—They are more so. It would have been impossible to maintain them if they were done in the way Mr. Lucas wanted me to do them.

Claim against Contractor.

Claim by Government against contractor for not crossing lakes from \$5,000 to \$6,000.

7583. Has it been proposed to deduct from moneys coming to you any amount for thus omitting to cross the lakes?—Yes.

7584. What amount is in dispute on that account?—Between \$5,000 and \$6,000.

7585. Has that been still withheld?—Yes; and I hold very unjustly, because the line is a great deal better as it is than the other way.

7586. Have you had any discussion upon that subject with any officer of the Department?—Yes, with Mr. Fleming; and some officer reported that my line was built within the contract some two years before. That was when we finished up for the construction. Two years afterwards Mr. Lucas wanted to go back to the construction, for some reason or other, and reported me as being off the line; but in this place, on the South Branch, it was Mr. Fleming's instructions that I should keep off the line.

7587. Were these instructions verbal?—They were sent through by telegraph from Mr. McLeod, and I understood it from my foreman.

7583. You understood from your foreman that Mr. McLeod had issued those instructions?—Yes; he left word with my man for it—still I came back to the surveyed line. **Telegraph—Construction. Contract No. 2. Claim against Contractor.**
7589. Was the objection to going around the lakes made by Mr. Fleming himself or by Mr. Lucas?—By Mr. Lucas. **Objection to going round lakes made by Lucas and sustained by Fleming.**
7590. Did Mr. Fleming uphold his objection?—Yes; he never took that question up with me afterwards.
7591. What is the general character of the country through which your line is built?—There is a great deal of fair country and a great deal of poor country. There is a great part of the country, through which the line runs, lakes and muskegs. **Character of the country.**
7592. Is it a good country for settlement or is it poor soil?—Some portions of it. **Some portions good for agricultural purposes.**
7593. About what proportion?—Probably half of it; half of it might be very good for settlement; or say 40 per cent.; and then there is another percentage which would not be very good; and then there is another percentage of poor soil.
7594. Would the best portion of it be as good for agricultural purposes as, for instance, the land in the neighbourhood of Winnipeg?—Winnipeg cannot be exceeded anywhere, provided it was dry.
7595. Is the portion you speak of as good?—No; I should like to live in it better; but I do not think in any portion of it that the soil is as deep as it is at Winnipeg.
7596. Why would you like to live in it better?—The country is dry and rolling, and pleasanter to live in. **Country dry and rolling.**
7597. Do you know much of the country in either direction, north or south of the line?—I have been north of the line from Humbolt, and it is a very good country between there and the Saskatchewan. Humbolt is up west of the Touchwood Hills.
7598. Do you mean that portion between Humbolt and the Saskatchewan to the north is very good?—A few miles away from the telegraph country, you get into a country that is very good—that is, to the South Branch of the Saskatchewan. **Country to the south very good.**
7599. That is north of the line?—Yes.
7600. Do you know the country south?—Yes; I have travelled from Pelly to the Touchwood Hills, and that is a nice country about thirty miles away from Pelly—a very fine country. **Railway Location—Line west of Red River.**
7601. Is there a better tract of country for agricultural purposes which would be served by the railway at any point down the line now adopted?—I should think not. My opinion is I think the line is now going the right way for settlement. **Railway going the right way.**
7602. Do you think that the railway over this line would serve the agricultural portion of the country as well as any other?—Yes; from here to Shell River, as far as I understand, it goes through a good country, and from there to the Touchwood Hills it goes through a good country.
7603. You are assuming the telegraph line to be the projected line of the railway?—I think my line, say from west of Pelly—some seventy or eighty miles—would serve the country as well as any I

**Railway Location—
Line west of
Red River.**

know of personally, as far as anything I know of my own knowledge.

7604. Then beyond that eighty miles: the rest of the way?—That is the rest of the way. I mean that supposing the present road struck my line that distance west of Pelly, it would serve the country as well as any I know of.

7605. Did it happen that you went over the portions of the country north of Lake Manitoba before you tendered for the building of the work?—No; I only knew it from reputation.

7606. And what was the reputation?—Pretty bad.

7607. Bad in what respect?—Bad for a telegraph line.

7608. Why?—On account of its water and muskegs.

Country north of
Lake Manitoba
not much use for
settlement.

7609. Would it be bad for settlement on that account, in your opinion?—I do not think that it would be much use for settlement on that line.

7610. Between Fort Garry and Pelly?—Yes; it would be a better line for settlement.

The line on the
first and second
100 miles west
of Red River
better for settle-
ment than road
previously
projected.

7611. Do you think the line now in course of construction—the first and second 100 miles—is a better line for settlement?—Undoubtedly; the other line may become useful by-and-bye when they want a shorter line or when they want two lines. Undoubtedly the present route, if they want to follow the good land, can reach the mountains through pretty good land all the way. I think the evil was in trying to keep an air line in a new country. I think the best plan would have been to follow the country as it answered for settlement and straightening out the lines afterwards.

JOHN RYAN. JOHN RYAN, sworn and examined:

**Tendering—
Contract No. 48.**

**First 100 miles
west of Red
River.**

By the Chairman:—

7612. Where do you live?—In Brockville.

7613. Have you had any business transactions on account of the Canadian Pacific Railway?—I have just now.

7614. What is it?—I have contract 48.

7615. What length of line are you contractor for?—100 miles.

7616. Was that work let by public competition?—Yes.

7617. Were tenders invited?—Yes.

7618. Were you one of the tenderers?—Yes.

7619. Did you get it upon the price named in your tender?—Yes.

7620. Were you the lowest tenderer?—No, I think not; I think there was one lower.

Hall from Three
Rivers a lower
tenderer.

7621. Who was that?—I believe it was Mr. Hall, from Three Rivers.

7622. Were tenders asked for upon more than one occasion for this contract, that you know of?—No; I think not. I only heard of one.

7623. Had you any negotiations with the person who tendered lower than yourself, or with any one on his behalf?—No, I never saw him; or if I did I did not know him.

**Tendering—
Contract No. 48.**
First 100 miles
west of Red
River.

7624. Nor any one on his behalf?—No.

7625. Were you aware before the contract was let of the standing of the different persons who tendered—I mean the rank which was awarded them on their tenders?—No; I was not.

Did not know
before contract
was let the rank
of the various
tenderers.

7626. I mean who was first, second, or third?—No; I do not. I never asked; I never tried to find out. I heard of some remarks that some persons were higher than I was. You always hear contractors talking—"My figures are so much," and so on.

7627. Was it from contractors that you heard that?—Yes; in the hotel.

7628. Did you hear from any person connected with the Department?—No; not one.

7629. How were you notified that your tender would be accepted?—In the usual way. I got notice from the Department by one of their messengers to go up and see them.

Notified of the
acceptance of his
tender in the
usual way.

7630. Were you in Ottawa?—Yes.

7631. Had you been in Ottawa from the time the tenders were put in?—Yes; until they were declared.

7632. You remained there from the time the tenders were received until the time the contract was awarded to you?—Yes; it was only two or three days, I believe.

7633. Was there any time named in your contract for the completion of the work?—Yes.

**Railway Con-
struction.**

7634. What time?—I forget now; it was mentioned in the contract though. I think the time is expired now.

Time for comple-
tion expired and
work not done.

7635. Has all the work been completed?—No.

7636. Why not?—I really do not know why. The work has not been all located until about five or six weeks ago—less than that.

The work not all
located until six
weeks since.

7637. You mean that you were prevented from beginning the work in some portions of the line in consequence of it not being located until recently?—That is one of the reasons.

7638. What other reason is there?—I do not know of any other, except that the material could not be got here for it until the winter time. We could not get the ties across until the winter. The contract was let last August, and fifty miles were to be finished in eight months after the contract was let, and the whole on or before the 19th day of August of this year.

Contract let
August, 1879, and
half was to have
been finished in
eight months and
half in four.

7639. That is, you had eight months to finish half of it, and four months to finish the balance?—Yes; that is the way it is worded, I think.

7640. Has the delay in locating the line hindered you from commencing to work after you were ready to proceed with it?—Yes; I could have started some works last fall at the Portage, and other places, if the line had been located. I might have done so, and the probability is that I would have done so. It was only last May that they started the location from fifteen miles out here.

Only fifteen miles
located up to
May, 1880.

**Railway Construction—
Contract No. 48.**

First 100 miles west of Red River.

7641. Do you mean that no more than fifteen miles had been located up to last May?—Yes; I do. There were two lines projected from the main line, on the line of Selkirk—one is called the 4th Base Line, and the other is four and a-half miles north of that, and it was only decided in May this year to adopt the north line. I do not know when it was decided, but that was the time it was located. I believe they decided in March last to adopt the line, but they had not located it until May. At least, Mr. Rowan told me that he had got a despatch from the Department in March, that they had adopted the north line.

7642. Has there been any delay in working on the road after the line had been sufficiently located to enable you to proceed?—No; I think I have done it as fast as possible. A reasonable amount of progress has been made.

Bulk sum to have been paid contractor \$600,000, and no fencing.

7643. Do you remember the price that was to be given to you for the work, either the whole or per mile?—I think the bulk sum altogether was about \$600,000—and then the fencing was thrown out; it was dispensed with. I have no fencing on my contract.

7644. Was your tender made on the condition that the fencing might be taken off?—It was understood after the tenders were received that they would not a lopt those poplar pole fences.

Part of the ballast taken off.

7645. Was there anything else to be deducted?—Yes; there was a part of the ballast to be taken off.

125,000 yards instead of 250,000 yards of ballasting.

7646. Then, as finally agreed upon, how much ballasting had you to do?—125,000 yards.

7647. Was it to be on the basis of what they call half ballast?—I don't know whether they call it half, I am sure. The first quantity that you see in the tender is, I think, 250,000 yards; but the Minister told me that they would only do half of it, and throw half the ballast out.

7648. That had the effect of lowering the prices which you mention in your tender?—Yes; it would take so much of it off.

7649. Was the price of the ballasting per yard?—Yes.

7650. So that the price paid to you would depend upon the quantity actually put upon the line?—Yes.

7651. Is any portion of the line which you have finished, made with more than half ballast?—Yes; there are probably, in some places, four to five times the quantity mentioned. In some places there are 4,000 to 5,000 yards to the mile

No more ballast to be put on.

7652. Is that portion of the line finished with that amount of ballast in the state in which it is intended it shall finally remain?—Yes.

7653. Was that intended by your contract, that you should put as much ballast on as would be finally required, or that there should be an amount equal to half ballast left undone, to be finished at some future time?—I do not think they had thought of it in fact.

7654. Did you not understand that half of the ballasting might be done at some future time?—No; they did not say anything about any future time.

7655. At all events that it should not be done by you?—They did not put it in that way. In the first place, the specification called for so much ballast per mile; but the Minister said they would dispense with half of that—that it was not required.

**Railway Construction—
Contract No. 48.
First 100 miles
west of Med
River.**

7656. Have you had any directions to change the quantity of ballast from the amount that you understood to be in your agreement originally?—We are using ballast now in place of grading; we are making ballast take the place of grade in the formation. When the Chief Engineer came up here last winter, I showed him the profile and the kind of country that we were going through, and I suggested that he had better put ties down on the grass, and make a road bed with ballast, on account of it being so wet; in fact the water was over the prairie, and they had not made any preparation to take it off, so that the only thing that I saw to be done, was to put the track on the surface of the ground.

Suggests to engineer to put track on the prairie and make a road-bed with ballast.

7657. The specification required you to take out the material from the ditches and put it into the road-bed, did it not?—It does not exactly say that it requires you to do it; the specification shows you a grade above this level of the ground, but it does not specify that it should be made from the side ditches, although that is the way it is usually done.

7658. Do you wish it to be understood that instead of putting the earth from the side ditches into the road-bed you have to haul the ballast for the road-bed and put it into the ties?—Yes.

Plan adopted to haul the ballast for the road-bed, and put it under the ties.

7659. Not only for use as ballast, but as a support from the level of the prairie?—Exactly. I think it makes the best road.

7660. What was the price per cubic yard for earth excavation?—I think 16 cts.

Price per cubic yard for earth excavation, 16 cts.

7661. And are you putting in this ballast at the same rate?—No; the ballast is 22 cts.

The ballast is 22 cts.

7662. Then, instead of building the road according to the intention at the time of the contract, and supporting the ties by earth, you are putting in ballast at a higher price from the bottom?—Yes; it is a higher price—a little.

7663. You are not putting in the ballast, then, in place of the earth, but you expect to be paid for it at ballast rates?—I did not put the ballast there from choice. It was a matter of necessity for me to put it there, as they had not the line located for the ditches, and I was obliged to put the track down on the ground, and I had not time to make those ditches.

Making the road of ballast a necessity as line was not located, and there was no time to make ditches.

7664. Do you mean that you had not time to make the ditches before you put down the ties?—I had not any reasonable time. The track was located only sometimes twenty miles ahead of my track-layers; sometimes, probably, thirty or forty miles.

7665. Has this been done because you considered it necessary to be done, or because you were directed so to do it?—I was directed.

7666. Who directed you?—The Chief Engineer.

7667. Mr. Fleming, you mean?—No, Mr. Schreiber.

Schreiber directed him to make the road in this way.

7668. When was that direction given?—In the month of May.

7669. Where was he at that time?—He was here.

7670. Then the quantity of ballasting which you are doing, and propose to do under this contract, will exceed one-half the quantity originally contemplated to be done?—Yes; more than double.

Ballasting now will be more than double what was contemplated.