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Report upon the evidence of E. P. Bodwell
Esq Superintendent of the Welland Canal,
Taken before the Commission of Inquiry.
St. Catharines

May 1849.

Embracing General Charges and Charge No 19
of the
— Commissions —

It scarcely needs to go farther than the opening clauses of this evidence to find that the appointment of Mr. Bodwell was not made because of any special qualification possessed by him for the office of Canal Superintendent.

By his own showing no feature of his previous career was of a nature even to tend towards fitting him for it.

He had been for fourteen years a merchant, and previously to that a Farmer. How much was there in either of these pursuits to call forth the knowledge or experience which must of necessity form the attributes of a man qualified for the conduct of the vast hydraulic interests intrusted to his care, in which the entire Dominion of Canada is so interested, and upon which such vast sums of money have been expended?

Such a question as this should be well weighed, and its answer given only by those who besides having the true interests of the Country at heart, have given them earnest and intelligent consideration.

It would seem that Mr. Bodwell's ideas of what should constitute the necessary qualifications for such an office, are of themselves sufficient to convict him of having but the haziest perception of what they should in reality be!

We may surely hope that few either of the male or female inhabitants of this vast and promising dominion are born into it without each of them contributing in some degree to its aggregate collection of Common Sense. But unfortunately all the Common Sense in the universe will not for instance, endow a clergyman with the ability necessary for handling a ship in a storm at sea, or the Captain of that ship for filling the Clergyman's place in the pulpit!

A Farmer does not as a general rule give himself up to the study of hydraulics or a merchant to that of the strongest form of a piece of masonry, nor can all the blue books that ever were printed give to either much enlightenment on the subject! - and although he may be capable of examining into a violation of the Canal regulations, questioning witnesses, and sifting or adjudicating upon the evidence they give - still are all such qualifications foreign to the real acquirements which must be his before he can either minister effectively to the true interests of a canal, or rule his subordinate with the unquestioned "right" which can alone command their proper and faithful performance of duty - He says he has been

in the habit of instructing Overseers in their "Several" duties, their "Specific" ones he does not appear to have much regarded —

Now the fact really is that so far from his having instructed them! they have been educating him!

It is just as natural for knowledge to assume its true position, and this even when it meets ignorance as its nominal master! as for water to find its own level.

Mr Bodwell considers that the Canal with the water spouting through the walls of its waste weirs, leaking its embankments and its Lock walls, with its slopes curtailing to half its original width by their gradual filling of it up, its navigable channel for vessels, in "fair condition"!

Surely such a condition meets a different appellation! My own opinion is, that left unimproved, it would in less than two seasons more, render the Canal unnavigable! —

He claims that he could not get appropriations for making repairs when he asked for them — This may have been the case and doubtless was, whether due or not to the mode in which they were solicited! but had they been so from a fear of intrusting him with their execution, it would only have been an evidence that the Government was in possession of at least a modicum of the "Common Sense" he regards as a qualification so essential for a Superintendent —

To give appropriations for work to be done to Locks and crastewires to any but one who knows something about them, would be

Simply

Simply a throwing of money away in the first place and a possible granting of power to inflict serious injury in the second -

Wasterweirs have stood for so many years that there is no reason in his estimation, and notwithstanding their present condition why they should not stand longer! how much longer however becomes a question -

With respect to the weirs gates, they are not in reality ^{the keys} required at all - and have therefore been allowed to quietly rundown, until, as the whole evidence upon them clearly shows, they have become practically useless -

He drains the levels through Locks or any thing else he can take advantage of, such for instance as Chicklinas dry dock!

How certainly such structures as Locks and docks were built for entirely different purposes, nor can they effectually do the work of complete drainage, and one cannot help asking oneself upon hearing such an assertion, what in the first place such expensive items of construction as wasterweirs were built for at all!

It is however evident that Mr Bodwell having been educated to the fact that Locks "will do", has religiously adhered to the policy of his predecessors in "letting the wasterweirs go" and "going" they truly are, at a pace which is daily accelerating!

Mr Bodwell does not consider that water gushing through the joints of a retaining wall, much endangers its stability! and evidently has his mighty rest quite undisturbed by what would either render other men
 sleepless

sleepless or plunge them into hideous nightmares of "making waters and crashing masonry"!

This in so far as he is himself concerned, is no doubt a happy trust in the beneficent intentions of Providence towards him but it is well for the Country the Canal runs through and those living in its vicinity, that where its Locks and weirs most do congregate, its reaches are small!

The slovenly condition however, in which the Lock-pockets are kept is a matter only really requiring the exercise of "Common Sense" and common authority to improve, and yet it plainly shows the entire absence of these!

When the pockets are allowed to get into the state in which they almost without exception now are, the debris contained in them interferes with the proper working of the Lock-gates, besides being an evidence of want of common care and supervision -

The espings of the Breast walls too, Stones from which, for whatever reason, have been thrown from their places, and lie either in these pockets, or wherever they may have chanced to fall when disturbed, show the same appearance of disregard and neglect -

Mr. Rodwell admits that these Stones would be better in their places, but says they do no harm where they are!

Giving such matters as these attention only requires the exercise of that care which the least pride in the appearance or condition of the Canal would naturally call forth, and its not having been given is surely an instance

instance of want of the honest supervision and tendence it has a right to receive at the hands of those intrusted with its welfare—

Mr. Rodwell does not seem to know personally much about the condition of the Lock gates, though he heard upon one occasion of a block and tackle having to be used for opening one of them—

He does not know in what manner the Lock gates anchors are fastened to the masonry and considers it a matter of little importance as they have not much to do! and still he admits that in the event of one giving way when the gate was open it would tumble into the Canal—

He does not know how the guiding rods in a valve frame are fitted— Surely such indifference to the state or objects of existing machinery shows anything but the presence of a desire to acquire a knowledge he ought to have possessed before assuming the responsibility of his position— He considers that Overseers should have a general knowledge of mechanics! Should not a Superintendent possess the same?—

No dissatisfaction having been expressed towards him by the Department until after the elections of September last, he had been under the impression that everything was working satisfactorily, and stood in a fair state of repair! He considers that in view of its age and the means he has had at disposal it is so! In as far as "age" is concerned it might possess the years of the
the

the Pyramids, and still be in perfect condition! Canals like railways are never completed, and therefore never can be sold!

When he first took charge, he was desired by the Minister and Chief Engineer of the Department to consult with Mr. Collier an overseer (now deceased) who had been many years on it, and was thoroughly reliable - No doubt in as far as his education and knowledge permitted him to go, Mr. Collier was all these gentlemen represented him to be, but the case of a retaining wall at Lock 5 the erection of which was intrusted to him by Mr. Rodwell, went beyond the limits of these, and affords another illustration of the necessity, in a case of such magnitude and constantly recurring requirements as that of a Canal, of having some one at its head qualified to guide and direct even such well known experience as that of Mr. Collier.

This unfortunately Mr. Rodwell was not capable for, and the wall failing soon after it was erected, will shortly have to be entirely removed.

Near this portion of his evidence also he says that he received instructions from the Department to apply when he required men on the Canal, to local members of Parliament to provide them - and he did so - Almost any other source would, in the Canal's interests have been a better one.

Mr. Rodwell appears to have entered on his Canal duties in April 1874, and it was only in April 1878 that he became for the first time aware that the Messrs

Phelps

Phelps were being allowed higher prices than those contained in the then contract schedule with the Government - As soon as this was discovered by him, he at once as he says, notified the Phelps of his intention to change them to those on the schedule -

Now why was not this done at the beginning of these four years instead of at the end of them? - and in what consisted the real reason of its being attended to even then?

It appears by the evidence that no change was thought of until a demand was made by the Government on the 23rd February 1848 - requiring a return of the names of parties from whom he received iron, and the prices paid them -

Is it therefore unreasonable to infer that this demand was the true cause of Mr. Rodwell's apparently sudden, though unreasonably late enlightenment on the subject?

Mr. Rodwell considers a blacksmith entitled to the schedule price per lb upon the whole weight of a piece or bar of iron given him to repair no matter how great may be the weight or slight the repair it may require -

He says he has adopted no new system by such an arrangement, but it is one which with a view to not merely economy but propriety I have to recommend should be as speedily as may be done away with -

There are other portions of Mr. Rodwell's evidence which might be cited, but I think I may fairly now leave them for reference to

to the evidence itself. For my own part I feel I have to end as Shagan with an impression against his being a fit and competent person to fill so important as well as so arduous a position as the Superintendence of such a Canal as the Welland must be held, and for the reason here set forth -

This can only be efficiently done by one qualified for it by education and professional experience, and until some such an one is appointed any proper supervision of the works, need never be looked for, and efficient management of the great interests the Canal was constructed to foster, is out of the question. My own idea is that an Engineer and one whose experience in the hydraulic branches of that profession peculiarly fit him for the position, should be chosen to guard interests, for the furtherance of which such enormous sums have been expended, and for the maintenance of which he must of necessity be better adapted than can be any stranger to the profession -

In personal character of course he takes his stand before the public with other men, but in a professional point of view he possesses advantages which it is for the best interests of the country on every account to secure -

It is no difficult task for such a man to fit himself for the conduct of the more commercial branches of his duties, while it is simply impossible for one of any other calling to gain his professional knowledge and its absolutely essential requisites -

I think that in view of the still increasing amount of work and responsibility which must

must be entailed on a Superintendent by the construction of the new canal, the appointment of such a person becomes a duty to the country that no Government will feel itself justified in overlooking -

But another requisite towards the proper future working of the great branch of traffic is the utter and entire abolition from its management of political interference -

So long as employees of the Government are subjected to this, so long will they be rendered to a greater or less extent unfit for the duties the country demands of them -

Certainly the evidence in the present instance would tend to show that everyone connected with the canal has been rendered more or less subservient to this influence - and no one in the employ of the Government can become so without detriment to his usefulness and in some shape or other, to his personal character also -

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As things have stood in the past, and would appear still to exist, the employee who is independent enough to go the way his conscience would lead him, and refuse to follow the dictation of some intending Member of Parliament, is singled out as one to be dismissed from the service on the first opportunity that offers!

If on the contrary he is weak enough to yield, he calls down upon himself (or ought to do so) a similar penalty at the hand of his legitimate Master! Escaping this he regards his

his political patron as the future arbiter of his fate, to the extinction of every thought of advancement by a steady and faithful performance of duty, and the interests he is paid to promote, the respect and obedience due to the orders or wishes of his superiors are weakened if not entirely destroyed —

No Superintendent can either satisfactorily or effectively fill a position so trammelled, and at the same time so impossible of any profitable result!

To my own apprehension there is but one effectual mode of setting all this wrong right, and that is by making disfranchisement a "line qua non" to the obtaining of employment at all!

Once let it be understood that the instant a man becomes the servant of the Government, his power to vote ceases, that any interference in politics, will incur his disqualification and then, his means of assisting them gone, outside interests of any kind, having no further inducement to tamper with him will leave him to the daily routine of his legitimate duties, to the benefit of the Canal, the Country and himself also —

I can see nothing that can be more sure, swift and decisive towards insuring to the country the bonafide service of those it employs and pays them just this entire disfranchisement of all Governmental employees and I thoroughly believe it would in the end conduce to their own prosperity and happiness. Such men have no business with

with 'party' and the great interests they are employed upon should be granted a higher destiny than that of being mere whips in the hands of the Government of the day, or perennial stepping stones to the aims and objects of local Members of Parliament.

The man who can assume such a position of responsibility as that of the Manager of a Canal like this, and at the same time remain subject to the interference of such outside bondage and controul, need never expect to possess the consciousness of doing his duty, for the simple reason that he puts the power of doing it at all, away from him!

It will be borne in mind that in making this report, I have been actuated by a single object, that of the promotion of the Canal's true interests - upon this alone has my attention been fixed, and to it, I have sacrificed opposing sentiment of every description -

I have now the satisfaction in closing of being able to state that nothing throughout the course of the investigation has transpired to cast a shadow upon the personal character of Mr. Bodwell - what from my own point of view renders him ineligible for the position of Superintendent, is his want of the necessary education to fit him for it, together with the faculty for maintaining the order and discipline necessary to the prevention of the irregularities and want of care, set forth in this evidence and described in my report upon the Canal - as well as also the proper want of arrangement and understanding in the
matters

matters of contracts and Specifications -

As an instance of the last I may cite the fact that Contractors for supplying iron have not only been allowed for what they do at the rates in the Contract, but for time spent in making patterns in addition, a part of the work necessary to that contracted for at the rates and prices specified -

Portions also of "pieces of work" which the Contract includes in its prices, are Separately returned almost monthly, for an independent payment, and have been paid -

As example I give the following, and are in -
-specification of the accounts such as they have under-
gone at the hands of the Commission will show
as I have said almost monthly instances of a
similar description -

In account No 829 of August 1897 there is an over charge in this way of nearly \$40.00 - and in No 882 of the same month one of \$34.60 this being an item for "planing and fitting" work which is clearly embraced in the Contract price - A/c 1006 January 1898 shows an over charge of \$52.80

Cases also exist where accounts are returned as in A/c 1053 February 1898, at a certain bulk amount, but with nothing given in the shape of weight or anything to enable the Super-
-intendent to properly check their accuracy -

This may be open to explanation, but as none has been satisfactorily given, I mention the circumstance as one which I think requires looking into -

During the course of the Commission it
became

became necessary to have the accounts of the Messrs Phelps, who have been in the habit for many years of doing the repairs to the iron work of the Canal, examined, and I deem it necessary to give a few examples of a custom I have already remarked upon that viz of returning the weight of a whole piece or bar of iron, at a certain price per lb to cover the cost of the repairs done upon it -

In this way we have returned by the Messrs Phelps in March 1844 - an item of 1586 lb @ 3^{cts} \$4.58

In April 1844	af	596	-	1867 ^{lbs}	@ 3 ^{cts}	\$53.44
" May "	"	625	-	2619	@ 3	98.51
" July "	"	701	-	2684	@ 3	80.04
" August "	"	734	-	3280	@ 3	98.40
" March 1845	"	931	-	2212	@ 3	66.36
" September "	"	111	-	2393	@ 3	71.79
" February 1846	"	286	-	2022	@ 3	60.66
" June "	"	375	-	1171	@ 3	35.13
" August "	"	444	-	818	@ 3	24.54
" April 1847	"	656	-	2252	@ 3	67.56
" July "	"	780	-	1932	@ 3	57.96
" September "	"	861	-	1447	@ 3	43.41
" March 1848	"	1095	-	529	@ 3	15.87
" September "	"	1897	-	885	@ 3	26.55
" February 1849	"	1355	-	439	@ 3	22.17
" April "	"	1524	-	2755	@ 3	70.65

A close examination of these accounts will show that every month, returns of this kind have been made, and it becomes a matter of some interest to know what upon each of these items the real cost of the repairs done amounted to and what the contractors were actually entitled to receive as fair - whether near the mark

or not the system mentioned is a bad one — In charge of the maintenance of railways for many years as I have been, I happen to know that repairs of such a nature, can as a general rule, only be valued properly in one way, and that is by the time spent upon them — The allowance of so much a lb. upon the whole weight of a bar, makes things easy certainly, for the officers of the Government, but much too profitable in my own estimation, to the Contractor —

For my own part I should say that with a railway existing alongside of it as on the "Wel-land Canal, it would pay the Government to establish a work shop of its own, but should not this be deemed expedient, some trustworthy Inspector or should at least be appointed to give so large and permanent an item of expenditure, proper attention —

The present mode of dealing with it may not be far out of the way! it is just possible that in some way or other things may nearly balance, but I do not myself think so, and certainly for all anyone can tell about it, they may just on the other hand be costing the Government some hundred or two per cent more than they should do —

Accompanying this report upon the "General Charges", will be found a short summary and remarks upon each of the charges tried upon the Commission.

As I have already had the honor to report, I have found it advisable to drop some of the charges embodied in the Commission against Canal employees, leaving them to

to be dealt with at a future period by the management itself— All others than these not appearing individually are contained under the head of "General Charges" as an accompanying list, numbered in the order in which they stand in the Commission will show.

I have the honor to be
Sir,

Your most obedt. Servt.
(Sgt) D. Stark. C. E.
Commissioner

St. Catharines
21st June 1899.

Hon. Charles Tupper C. B.
Minister of
Railway and Canals }

"Appended"

Welland Canal Commission

Report

Upon the State of the Welland Canal

In the month of

April 1879

Upon an examination made by

D. Stark. C. E.

Report upon the state of the Welland Canal
at the time an examination was made of
it in the Spring of 1849 when the water was
out of it. by G. Stark C. E.

To the Honourable
Sir Charles Tupper C. B.
Minister of
Railways and Canals.

Sir

I have the honour to lay before you the
following report upon the condition of the Welland
Canal as I found it upon the occasion above
mentioned.

I shall commence with Port Dalhousie
on Lake Ontario, and proceeding southwards
take the various structures and portions to be
described, in the order they come —

The entrance Lock here, although standing
in need of some repairs is generally in good
working order, with the exception of its gates
which, as indeed as a general rule all do, through-
out the Canal, require repairs or renewal —

Between Port Dalhousie and St. Catharines
the subject requiring chief attention is that bear-
ing on the floating bridging used as a towpath.
This seems fast getting into a state of di-
lapidation which must soon call for whole-
sale renewal — Its flooring is in many
places

Port
Dalhousie

places untrustworthy, and the piles which support it on the outside have many of them fallen away from it, thereby weakening the power and endangering the safety of tow horses -

I made an examination at Port Dalhousie of the spot where the break occurred in the month of September 1878, and found it had been caused chiefly by the want of a sufficient area of weir discharge -

There is a very heavy body of water above this weir, extending in fact nearly the whole way to St. Catharines, to keep which under proper control requires the provision of an unusually large escape area in case of its being suddenly needed - The accident of an unprecedentedly heavy rain fall, and its swelling of the 12 mile and numerous creeks that empty into the large basin just mentioned, was the immediate cause of the failure of this waste weir, and the recurrence of such an event so long as the area of escape remains at its present capacity can never be otherwise regarded than as being among the possibilities -

Lock
No 2 -

This Lock seems to have stood well, but requires a general over-hauling - The pocket at the head of its breast wall, for catching refuse has been allowed to become so filled up, as to render the proper working of the gates a matter of difficulty, and the channel immediately above it has silted up to such an extent, as to cause the frequent grounding of vessels -

A new wall between this Lock and Lock No 3, built for the purpose of widening the
the

the Canal at an exceptionally sharp curve, has had its effect destroyed by the existence still in front of it of a portion of the old wall intended to be replaced, and which has not yet been removed - This should be done at the first favourable opportunity, as it is detrimental to the interests of navigation -

Lock
No 3 -

Both widening and deepening of the Canal are needed at each end of this Lock - The reaches are so filled in near it as to interfere materially with navigation -

In the reach above it this specially applies, and throughout its whole length -

The waste weir is in bad order, its wing walls being so affected by the pressure of the banks behind them, as to perceptibly overhang their normal position - Water is pouring through the joints of the masonry in many places also, showing an entire absence of Cement, and at the same time a leaky and unreliable embankment behind them -

Lock
No 4 -

Here a leak shows itself in the wing wall of the Lock itself - Its condition otherwise is similar to that of Lock 3 -

The reach above it is again considerably silted up, and should be, both widened and deepened to the extent required before next Season - The waste weir needs no special remarks.

Lock No 5 -

The upper entrance to this Lock is almost closed up with deposit, I should

Say

say that unless a very considerable amount of work is done to it next season, the navigation will run serious risk of being interrupted -

A retaining wall at the lower end of this Lock is being gradually pressed forward towards the Canal by the weight of the material behind it, and owing to its having been built on an insufficient foundation, it must soon close up the Lock entrance, if not entirely taken down and properly rebuilt -

A Bridge on the public highway on the east side of the Canal here, and which has to be kept in repair by the Government, is also in a dangerous condition and requires immediate attention -

Lock No 6. - The same remarks as those made upon Lock 5, apply here, as regards widening deepening and clearing out at the end -

The extensions, or bumping ("bunting" as it is styled here) cribs at the lower end are completely broken up, and lying in a state which renders them dangerous, instead of affording assistance to vessels approaching the Lock, as was the intention of their construction -

The broken up and protruding state of their timbers, acting rather as a warning to keep clear of them than anything else -

Lock No 7. - Both widening and deepening at this Lock are also required - In itself it merits the same remarks as those upon 5 and 6 - There are a good many general repairs needed -

needed -

Lock No 8 -

The extension or "bumping" cribs at the upper end of this Lock are again in a state to render them dangerous to approaching vessels -

The upper entrance is nearly closed from want of cleaning out, and at the lower end the extension cribs may be said to be entirely gone -

The condition of the waste weir is bad. The walls having been thrown out of position and water running through the joints of their masonry -

Lock No 9 -

Dishels

Mill

At the lower end of this Lock the extension wing wall is gradually sliding into the canal and blocking up the entrance -

It is impossible for vessels to pass each other any where near the Lock -

The upper reach is badly in want of deepening and widening -

In the waste weir the third and fourth course of the wing wall masonry from the bottom, are shored forward, and the whole wall has been thrown about eighteen inches out of plumb -

The joints of the masonry are opened from one to three inches and water is gushing through them in jets of various sizes -

The earth behind the walls is so saturated that a rod can be pushed down into it to a depth of three feet without difficulty -

The foot timbers across the weir are curved outward by the pressure of the embankment about four inches showing that the main wall has yielded to

to this extent -

Notwithstanding the length of time, these walls may have stood in this condition, and which is claimed for them by some of the witnesses as a point in favour of their still holding out; I consider this weir in a condition so decidedly dangerous - that I should at once take steps for its protection

Lock No 10 -
Smiths
Mill.

The upper reach here again requires widening and deepening - The earth has filled in at the head of the lock until a channel, at the full depth of the water, of only ten feet in width is left - The crib work at the lower end upon which wing extension walls have been built, is in such bad condition as to threaten their overthrow into the Canal -

Smiths
Mill.

The gates of the waste weir have so entirely disappeared in mud, as to render their being used impossible, and to show that for many years probably they have not been so - The wing walls of the weir are in the worst possible condition water pouring through them - Some of the joints have opened from 2 3/4 inches - Jets of water are spouting from them from an inch in diameter to the thickness of a mans forearm - The east wing overhangs its foundation 14 inches and the west one 6 inches while the stones forming the masonry are disrupted and twisted into every conceivable position - These walls can be only
characterized

characterized "as utterly gone" -

The dam forming the reservoir for Smith's Mill (an earthen one) shows evident signs of inadequacy, and no time should be lost in strengthening it in a permanent manner.

Of course these remarks refer to the date of any examinations both before ~~and~~ after the water was let into the Canal -

Lock No 11-

The same remarks as regards deepening and widening apply to this Lock also.

The extension cribwork is in a most dilapidated and useless condition, and the waste weir worse than any yet described,

It may in fact be said to be almost obliterated! - Its east wing is completely gone. Water is pouring through the joints of the masonry and the west wing is also much disrupted. My opinion is that it is in danger at any moment of giving way -

Lock No 12-

Here again the extension walls and cribwork are in bad condition, and every thing in a slovenly state - Coping Stones from the breast wall are lying in the pockets or wherever they happened to fall when taken out, and half the floor planking (the case with many of the Locks) is gone. Water is again pouring through the joints of the waste weir masonry, and its walls have once more succumbed to the pressure of the earth behind them -

Lock No 13

The reaches both above and below
this

this Lock require deepening and widening -
 The lower extension cribs are in the usual dis-
 rupted condition, and the water is again
 finding its way through the walls of the waste
 weir, though, owing probably to a rocky foun-
 dation, they have stood it better than those
 last described - The masonry of the Lock
 itself seems in fair condition - though its
 upper wings are somewhat damaged, and
 it would be the better of being painted -

Lock No 14. The lower wing walls of this Lock on the
 east side is considerably bulged - The
 waste weir wing walls have been also as
 usual thrown off the perpendicular and
 water is running through them -

Lock No 15. The Crib work both above and below
 this Lock is in such bad condition that
 it may be said to be almost gone - The
 waste weir is in better order than those last
 mentioned - but the water is still leaking
 through its walls -

Lock No 16. The same remarks apply -

Lock No 17. Widening and deepening are both bad-
 ly needed at the head of this Lock - The
 crib work should have had something
 done to it this season, it is in a most
 broken and dangerous condition - The
 waste weir walls are again badly washed
 out and their stones twisted about, water
 pours from them in jets of all directions
 for

from half an inch to two inches in thick-
ness -

Lock No 18-

The upper wings of this Lock have been much shattered in their upper courses, it is presumed by the striking against them of vessels - For appearance sake if nothing else they should be pointed and renewed -

The reaches both above and below ^{this} Lock are through rock - The walls of the waste weir seem in fair condition -

Lock No 19-

Much mud and rubbish have to be cleared away from both the upper and lower ends of this Lock - The top courses of the upper wing walls are in the same dismantled state as those of Lock 18 - The walls of the waste weir are again in fair order -

Lock No 20-

Parnells
Mill

One of the lower extension wing walls here is in very bad condition - It threatens to tumble into the Canal - Many of the stones composing it have fallen out and are lying in the bottom of the reach - The waste weir in so far as its masonry is concerned is again in fair order -

Lock No 21-

The top courses of the upper wings are here again much destroyed and defaced - This although not a cause of risk of damage, renders them so unsightly that one would imagine that any pride taken in the appearance of the Canal would have long since induced their repair - The lower extension Crit here may again be said to

to have completely disappeared what remains of them is only in a condition to threaten all approaching vessels with serious damage.

The masonry of the weir seems in fair order.

Lock No 22 -

The reach above this Lock should be both widened and deepened, vessels cannot pass each other between the Lock and the swing bridge - The upper wing walls are again much shattered, and the crib extension at the lower end is again in a dangerous condition - This should certainly have been repaired prior to the opening of this seasons navigation - The walls on top of the lower extension cribs are threatening to tumble over into the Canal - Water is running through the joints of the waste weir masonry -

Lock No 23 -

This Lock is in rather better condition than the last mentioned, but the walls of the waste weir have again formed themselves into innumerable channels for the exit of water -

Lock No 24 -

Vessels ground on the reach below this Lock, and it badly requires clearing - The extension cribs are gone, and present the usual obstruction to approaching vessels by the shattered state of their remaining timber and stone work - Some ten inches to a foot of mud has to be taken out of the lower end of the Lock between the wing walls to bring the bottom of the reach to the level of the top of the middle sills - The water has made its way through the bank of the waste weir for

a distance of 16 feet, where the earth is saturated by it into thin mud for a depth of 3 feet, and at a further distance of 3 feet from this, an excavation has been made in the bank 20 feet in length, for getting material for some purpose. This excavation endangers the embankment and may cause serious damage - The side of the excavation having been left unsloped increases this danger -

At Lawsons mill near the Lock, the bank shows the effect of this action of water by the manner in which it has settled away from the masonry of the building - I consider its condition un-

- safe -

With exception of some guard gates and locks of minor importance which I had not an opportunity of inspecting when the canal was empty, this brings the report to Fort Colborne on Lake Erie.

Here I found the new works in progress and the old in fair condition with the exception of what has already been described as a bad feature throughout the entire canal and of which I shall now speak briefly - viz Lock gates -

Lock gates

All the lock gates on the canal with the exception of those recently put in, require renewal. Some of them are in the very last stage of decay, and none of these should be allowed to remain longer in use than they have been - They are defective through age and to a large extent neglect also - In all their details whether of valve, collar gearing or that of the wheels on which they run, they are out of order more or less, while the timber in some of them is so completely decayed as to render repairs to these parts of them

them

them a difficult if not an impossible matter. I was told at Fort Colborne that the timber in the gates there was so entirely decayed that the wheels upon which they turned had completely disappeared into the heart of the rotteness by the weight resting upon them - Of course now they are leaning upon the segment with this rotten timber - At the time an additional depth of water was given to the Canal in the year 1853 - 4 the weir gates had evidently been so little used, that it was not even deemed necessary to raise their masonry so as still to keep them in effective working order, and instead a board called a "slash board" was substituted to retain the additional height of water - The "slash board" is what is alluded to by Mr. Woodruff in his evidence as having been used for "partially" drawing off the reaches

Weir gates

In stating that for probably a period of thirty years, these weir gates have never been either used, considered, or cared for at all, I think I fairly meet the case regarding them - and this undoubtedly accounts for the present neglected and dangerous condition of their masonry - "Give a dog a bad name and hang him" is a proverb which applies to more than merely living animals! as these weirs testify. I do not suppose that for this ^{whole} period I have mentioned, the critical examination of either a Superintendent or an overseer were ever bestowed upon them - They have been held by past generations of both, as being more useless incumbrances, it follows

for mills" with which in so far as the Canal proper was concerned, they had nothing to do, and posterity having dutifully accepted the dicta handed down regarding them, the unfortunate "dogs" are now found "hanging" as they are! — The Canal has in truth been allowed to run down very considerably in many ways, and if it is to be kept open at all, nothing now remains but the granting of an appropriation founded upon a thorough and detailed estimate of what is required, which will meet a wholesale repair and renewal throughout its entire length —

I have the honor to be,

Sir,

Your most obt. Servt.
 (Sgd) D. Stark, C. E.
 Commissioner.

Statement showing the various charges tried, deferred and dropped - 8% -

Charges Special- tried	Charges dropped	Charges deferred	General charges tried
60 = 2	49 = 1	15	19
51 = 3	54 = 6	16	21
52 = 4	7	17	22
53 = 5	8	18	23
34 = 10	9	30	35
48 = 11	13	38	55
	20	39	
42847 = 14	24	44	
	28	45	
	25	46	
	26		
10 = 34	31		
2 = 50	32		
3 = 51	33		
4 = 52	34		
5 = 53	36		
	40		
	41		
	43		
	1 = 49		
	6 = 54		
	56		

Statement of
The charges contained in the
Commission

1

Statement of the Charges
contained in the Commission
with each charge mentioned in
the order they are placed in the
Commission and referred to in the Report

- No 1 - E. V. Bodwell giving stone to Shicklund
- 2 - E. V. Bodwell giving Sand for Mill Merrittton
- 3 - E. V. Bodwell and John Paterson giving Stone
Sand, cement for Coulier's cellar wall -
- 4 - E. V. Bodwell, John Paterson wall and wharf
for tugs at Guard Lock Schorold
- 5 - E. V. Bodwell John Paterson giving Dobbies &
walre screws
- 6 - E. V. Bodwell John Paterson allowing Thomas
Price salary in addition to his superannuation
allowance
- 7 - E. V. Bodwell John Paterson allowing Clark
to attend Mr. Cauley's lock while the latter work-
ed on his farm -
- 8 - That J. and P. Phelps were allowed to take
Stone from the Govt and sell it for their own
benefit
- 9 - That John Paterson returned a bolt of
iron work for Phelps at too high a price

Statement of Charges continued.

price.

- 10 - That W. & C. J. Phelps were allowed to sell timber first to the Govt and then to other parties.
- 11 - That Bodwell Dell and Miles allowed the crew of the Govt boat to macadamize a road for Phelps.
- 12 - That Delaney would allow McCabe to have his lock and send Govt labourer to look after it for him.
- 13 - That Delaney returned more time for his sons than they worked for.
- 14 - That Delaney took flags of sandstone from Govt quarry
- 15 - That E. V. Bodwell and James Dell allowed Harman Alunited sand from the Govt for his own use &c.
- 16 - That Sears left his lock to attend to his farm
- 17 - That Sears appropriated lumber
- 18 - That Jennings do do
- 19 - That E. V. Bodwell is incompetent
- 20 - That by his incompetency the Dominion has been put to great and needless expense &c
- 21 - That through neglect &c money is lost in the purchase of supplies

Statement of Charges Continued

- Supplies
- 22 - That Woodruff has no supervision over his Subs
- 23 - That employees neglect duty and are unpunished
- 24 - That James McMahon draws pay and neglects duty
- 25 - That James McMahon is allowed to go electioneering
- 26 - That McMahon was allowed to engage in contracts
- 27 - That Woodruff has employed men for electioneering purposes
- 28 - That men were employed on electioneering by the Supt prior to the late elections
- 29 - That the Supt and his Subs had men to do work for them and charged Govt with their time
- 30 - That employees have been allowed to work off the Canal and be still paid by Govt
- 31 - That while doing the private work of the Supt and his Subs men were still paid by Govt
- 32 - That the Supt had a boat house built for him
- 33 - That while the men were building the boat house others did their work
- 34 - That employees have been paid on while doing work for Supt

Statement of charges Continued

- Supt
- 35- That work has been charged for at exorbitant rates
- 36- That too much was paid for a Grot screw
- 37- That timber &c. have been used for extraneous purposes
- 38- That timber was delivered for a bridge and given to
Herrings
- 39- That Grot sand was taken by other parties
- 40- That Grot material was given for bogus notes
- 41- That Grot employees were allowed to assist in
fencing
- 42- That James Delaney &c were permitted to use
Grot property for their own purposes
- 43- That employees charged more than ^{than} was due them
and are still retained.
- 44- That Lock tenders were allowed to employ substi-
tutes
- 45- That Lock tenders have had men sit in their
places &c
- 46- That iron has been sold and no credit given the
Grot
- 47- That James Delaney was allowed to take Grot Stone
- 48- That canal employees macadamized a
road for Phelps

Statement of charges Continued

- Whelp
- 49- That good stone was taken away without being paid for
- 50- That sand was given to the Merritton paper mill cont.
- 51- That canal employees built a cellar wall for Conlin
- 52- That a wharf was erected at guard lock for John Bloy
- 53- That valve screws were taken from the stone
- 54- That men superannuated have still been paid
- 55- That extravagance and mismanagement exists
- 56- That the supt has allowed political party and
 cynicism of indifference to retain their places

Welland Canal Commission

- Report
upon charge No 2
or

The giving of land to Calvin Phelps
for a
Paper Mill at Merritton.

(1)

Report on Charge No 2, of Commission
or
The giving of Sand to Calvin Phelps for the
Lincoln Mill Paper Company
Merretton -

There is not so much to be said relation to this charge.

The contractors engaged at the Merretton paper mill wanted sand, and asked Calvin Phelps to get some for them.

Phelps knowing that the sand in question was lying near Lock 3 went to Mr. Bodwell to ask him to sell him some.

That gentleman refused to act till he saw Mr. Page the Chief Engineer of the Department, and doing this shortly afterwards Mr. Page advised him not to sell the sand, but as it was not immediately required, and he was anxious not to delay the opening of navigation by the non completion of what the mill contractors were doing, to lend it to Phelps conditionally upon its being returned, which Bodwell then did - up to this point the transaction was right and proper.

The difficulty subsequently arises owing to the irregular and unbusiness like manner in which on the part of the Government Mr. Bodwell acted in the matter - Instead of at once demanding a bond for the return of the sand, he appears never to have thought of such a thing until this charge was preferred against and received by him, when he got Phelps to sign the bond produced at the

Commission

Commission - It is evident from Mr. Page's own evidence on the matter that he supposed a return of the Sand would be made as soon as circumstances would permit, and certainly had Mr. Bodwell acted in accordance with that supposition this charge would never have been preferred - Mr. Bodwell seems to have made up his mind that the Sand was not to be returned until the particular work for which it had been brought upon the Canal was ordered to be done, and I have no doubt that he would then have asked for it - but certainly his not at once having a written agreement for its return when asked for, from Phelps was unbusiness like to say the least of it - and the fact of his only demanding it when he apparently began to fear his not having it would be detrimental to him, affords his contractors a still further advantage against him - I do not however consider that the charge makes out anything against the honesty and integrity of Mr. Bodwell, by the evidence taken upon it - It seems to me that in the first place he placed a very small value upon the Sand, and in the second a very high one upon the integrity of Mr. Phelps, and in the belief that he says it would not be needed by the Government until this especial work was begun, and that Phelps was bound to deliver it on the spot he took it from, he quietly allowed the whole transaction to hang fire, and unfortunately do-

(Sgd) J. Stark. C. C.
Commissioner

Holland Canal Commission

Report
upon charge No 3

or

Furnishing Stone Sand and
Cement to J. and T. Coulier
for a cellar wall

Thorold

(1)
Welland Canal Commission
Report upon charge No 3

or

The furnishing of Sand Stone and Cement
for a cellar wall to the Messrs Coulier by
E. W. Bodwell and John Paterson

The point of this charge would appear to consist in the liability or otherwise of the Government to maintain and protect buildings or cellars along a raceway which have been erected subsequent to its construction.

A cellar dug by the brother of one of the witnesses Mr. Hugh James, before the building of the raceway! was, and properly so, when it was found to have sustained damage by the water, repaired at the Government expense, but this cellar existed, and was the only one existing prior to the construction of the race -

I conceive that parties building along a raceway actually in existence, do so with a full appreciation of the requisites for rendering the structures they are erecting impervious (if they desire them to be so) to damage from its water, and of the necessity they are under of so contriving them that even in case of "accident to the raceway" they shall still prove competent to withstand the shock and that to render the Government accountable for every case of damage that may happen to occur, would entail upon the revenues of the Canal, a tax in its nature both a heavy and an unjust one - I am of opinion that

that in view of the fact the Canal authorities before undertaking to do anything towards the repairs of the wall in question, should have first referred it to the Department for advice, as a matter calculated to form a precedent leading to possibly, heavy future expense, trouble and litigation -

In his creation of such a building it is a simple matter for a single individual to render it impervious to damage from such a cause and keep it so, while in the case of the Government, instead of one, it might be that hundreds of similar structures over whose fitness it might possess no controul, would be constantly calling for repairs or renewals the costs of which could hardly be otherwise than chargeable to the maintenance of the Canal itself, though unfairly so -

My opinion as respects this charge therefore is, that the Government, if not legally liable for damage caused to buildings created subsequently to the construction of the race, should not have been put to the expense of furnishing material to or assisting the Couliers in any way whatever in the erection of, or repairs to this wall -

(Sgd) D. Stark C. E.
Commissioner.

Report
on charge to H. of the
Commission

or

The building of a wharf for
John Cloy,
Sug owner

11

Report

on charge No 4 of the Commission
or

The building of a wharf on the Upper Side
of Lock 25 for John Cloy
Tug owner.

This is a charge brought for the taking up
of the time of employees and the furnishing of
materials belonging to the Government without
due authority, for the purpose of accommodating
the owners of tugs employed in towing vessels on
the reach between Lock No 25 and Allaburg.

It would appear that in making the
passage to and fro, these tugs had to pass through
a guard Lock - a short distance above Lock 25 -
and finding no doubt that on this account,
a coaling point at or near and above this Lock
would be a convenience - Cloy prevailed upon
the Canal authorities to build the wall, he him-
self and his partners erecting the wood work
out of materials partly furnished by himself and
partly from old and useless plank &c. belonging
to the Government and taken chiefly out of
the repairs to Lock 25 -

Now it is stated that a proper retaining
wall had been built at Lock 25 for the purpose
of protecting the bank there, and it is only a
pity that (the same thing being required at the
guard Lock) similar pains had not been
taken with its erection there - as it is, it is use-
less in as far as the Canal is concerned,
being a mere heap of stones piled up on the
side of the slope, apparently for a temporary
accommodation.

accommodation to the tugs.

It is absurd to claim for such a wall the same purposes as that at Lock 25 construe, and there can be no doubt that the accommodation of the tugs was really the object to be attained by its erection.

I have myself seen the wall and must regard the plea of its being in any manner a protection to the bank as one that cannot be sustained. Had it as one of the witnesses remarked been placed on a proper foundation at a proper depth it might have been entitled to the name of a retaining wall which it certainly, as it stands, is not.

That a wharf there or somewhere near the spot for Canal purposes, is a convenience, and should exist, I acknowledge, but it should be put farther from the Lock, and erected under the necessary authority and in the interests of the Canal alone, not those of contractors for towing. Care should be taken in the building of any such structure to place it at such a distance from a Lock as to prevent the possibility either from current, or any other cause, of creating obstruction to the proper and efficient working of Lock gates such as the coal mentioned in the evidence than which nothing in connection with a Canal can have a more important bearing upon its efficiency.

In the present case the obstruction has been a serious one. The wall in question seems to have been made solely under the authority and direction of the overseer on Division 2 - Mr. John Paterson. The case may appear to be at first sight an unimportant

unimportant if not an insignificant one, but it cannot be viewed as otherwise than suggestive of a want of the Supervision which should be exercised over such matters on the part of the Superintendent himself.

Nothing of such a nature (and more especially in connection with a Canal) should be undertaken without a proper examination being made of all its characteristics, and upon these a plan prepared to which it would become the duty of such an official as Paterson to religiously adhere —

For such a plan the Superintendent must be himself responsible, as also for its adaptation to the satisfactory performance of the Service it was designed for —

The Spectacle of a body of irresponsible men getting together as in the present instance and erecting a "pillar" as they style it, for the accommodation of contractors for the transport of barges, which they afterwards lay the mere quibbling, attempt to convert into a usefull retaining wall for the Canal Bank! is one which in the mere interests of Common honesty, should be as seldom seen as possible —

The South Side wall and its attendant wharf are moved from the vicinity of the Guard Lock the better for the working of its gates, the freedom its sluiceway and the efficiency of the Canal —

(Sgd) D. Stark. C. E.
Commissioner

Welland Canal Commission

Report
upon charge No 14
or

James Delaney taking flags of
Sand Stone from the Gov. Quarry

(1)

Welland Canal Commission
Report on
Charge No 14 of the Commission
or
James Delaney taking flags of Sandstone
from the Government quarry—

The evidence in this case has on the part of most of the witnesses been unwillingly given and is of an unsatisfactory nature—

One of these named John Dundas was heard to use words to the effect that "any information the Commission might get out of him would be very small" and such seemed to be the determination of all examined—

That of Dundas is contradictory and defiant—

Weaver (another witness) saw some flags "opposite his Lock"— Then he saw them taken away, but does not know where to or anything about them notwithstanding that Delaney's house is only some two hundred yards off—

He saw this Stone taken "beyond its point of shipment" by Delaney's son, and it was so moved after working hours, or when the men had left off work for the day—

Raynard (another deponent) saw some flags piled up against Delaney's fence, but does not know where they came from: and is not aware whether there are any on his premises or not— Then to Mr. Brennan he states he saw some

flags outside Delaney's house on a street, but does not know whether or not they were used to make a wall for him!

Cardiner says a few were given to Delaney for steps on muddy places on his premises.

They were taken then in the evening after the close of the regular work of the day - Delaney himself says, he saw on his return from work, the flags lying at his house, but "never asked any questions about them" and never gave orders for them to be brought there - He says the flags are worth nothing and are lying in the street opposite his house - He desires to state that what he says now is true, and what he wrote, in answer to the charge, to the Government might have been a mistake.

So my own mind the whole drift of the evidence goes to show that Delaney intended making use of the stone, and was probably pious to their being brought to his house, but getting alarmed in consequence of reports reaching him or some other cause, he, instead putting them to the purpose intended left them lying piled up at the spot on which they were delivered -

I look upon him as morally guilty of using the stone in the manner charged.

(Sgd) D. Stark. C. C.
Commissioner

Welland Canal Commission

Report
upon James A. M. Mahon's evidence

Charges 24-25-26-

Report on the evidence of James T. MacMahon
Clerk in the office of the Superintendent
of the ^{Welland} Canal
charges 24 - 25 - 26

The perusal of this evidence leaves little to be said in the way of comment or explanation - It in the clearest manner speaks for itself - It is plainly and unreservedly given, and one can scarcely avoid feeling a certain amount of sympathy with Mr. MacMahon, on finding so much endeavour on his part which other circumstances might have rendered both legitimate and praiseworthy, so far as of any good results -

Mr. MacMahon would seem never to have had properly explained to him the conditions upon which alone any one should accept a situation under the Government! how completely and entirely they in reality shut him out from the pursuits of other things and demanded his whole time, attention and energy -

Whether had he been so instructed his course would have been a different one is a question but my own impression is that judging from the tenor of his evidence, it would not have been so - Mr. MacMahon appears to be one of these men whose nature tends to draw aside from steady or regular work, and plunge them into just the whirl that swallowed him! the whirl and excitement of speculation, and its tempting possible results - The question

put to him by the Council for the Government touching the extraordinary powers of fascination he seems to have exercised over Contractors naturally arose out of the surprise created by the number of these parties he became connected with and the confidence they appear to have reposed in him - That this was a reason for this becomes a matter of course, and the inference is, that his position in the Service of the Government (probably as represented by himself) and the idea no doubt entertained by the contractors that this would in some way enable him to assist them towards the attainment of their objects, was the real cause of their dealing with him, and these tempting offers to him -

Mr. McMahon may yet succeed in connecting himself with a remunerative Contract and for my own part I shall be glad to hear of his doing so - Perseverance and enterprise such as he has shown deserve success, but at the same time totally unfit him for filling a position under the Government -

The contracting and political fever he has been so long labouring under, and which is still so evidently upon him, precludes the hope of his remaining contented with the mere performance of daily routine duty, and hence failure to either give or receive satisfaction in it, is sure to accrue -

Mr. Bodwell from his evidence would appear to consider the clerical abilities of

Mr. W. Mahon of a high order, such indeed as to enable him easily to make up for time spent in other pursuits than those for which he was paid by the Government, but it would be both safer and better, in the interests of the country, to employ some one of less brilliant talent, and who would be satisfied with the simple performance of his official duties.

One thing is clear, and that is, that under ordinary circumstances the duty of a Superintendent, was, upon the first intimation he received of the denotion by Mr. Mahon, of any portion of his time to matters foreign to the duties, for the proper and efficient discharge of which, he was himself responsible to have reported the fact for the action of the Department.

Mr. W. Mahon pleads that he only attended to such things after working hours, or while on leave of absence, but no one can effectively discharge the requirements of any position without devoting to it, as I have stated, his entire time and attention — certainly not by distracting his mind with other and foreign duties and engagements.

The attempt on the part of Mr. W. Mahon's Counsel at a late period of the investigation to show by Mr. Knows that clause 31 of the Canal regulation does not affect employees in their dealing with contracts on the new Canal, simply because as not being yet finished, it does not merit the name of Canal!

I can only regard as a mere quibble upon the word — The intent and meaning of clause 3 is the prevention

of Government employees from bestowing their attention upon any foreign pursuit whatever, whether that may lie in the direction of councils, railways, harbours, or any other interest than the one they have agreed to devote themselves to, and to which they without doubt when they first took service intended to restrict themselves -

The attempt also by the same counsel to make out by Mr. Bodwell that Mr. Mahon was a mere daily hireling, and as such entitled to deal in any way outside business he chose, is a failure, and that by his clients own showing - The whole evidence of the latter is a confession that he either defied the regulations contained in clause 31, or was ignorant of their existence, or at all events of their meaning! By this he proved himself to have been just as much allied with Contractors after his permanent appointment as before it, and besides, by his admission that Mr. Mahon drew pay from the Government during the entire period of his connection with the Canal whether before or after his permanent appointment, Mr. Bodwell's evidence on the subject can only be regarded as still more clearly proving the existence of the irregularities of the committal of which wittingly or unwittingly, Mr. Mahon now and by his own showing stands convicted -

In the matter of politics also Mr. Mahon was interested to the undoubted injury of his legitimate duties - He was absent from his office up

one occasion eight days on electioneer-
 ing purposes in April or May of 1877 - and
 says he was so, on leave! He considers
 that the Superintendent was at this time
 cognizant of what he was about and on
 this account and the fact that he deducted
 the eight days from his pay-roll, he con-
 sidered himself acquitted of all account-
 ability - The deduction from Mr
 Mahon's pay-roll would seem to infer that
 the Superintendent really was cognizant
 of what he had been doing and disapproved
 of it, but why the amount should have been
 on the following November restored to him
 remains a mystery - But Mr Mahon
 might make a good contracting or election-
 eering agent, but not an efficient or
 trustworthy employe of the Government -
 This is the opinion I have formed from
 the whole tenor of his evidence as well as
 from the careless and somewhat de-
 ficient manner in which it was
 given -

(sgd) D. Stark C. E.
 Commissioner.

General Charges

Report on
The evidence of
S. D. Woodruff

Welland Canal Commission

1879.

111

— General Charges —

Report upon the evidence of Mr. S. D. Woodruff,
Given before the Welland Canal Commission
at St. Catharines, 14th May 1879.

This evidence shows Mr. Woodruff to have been for twenty years the Superintendent of the Welland Canal, and ^{it} reveals the fact that to his administration is chiefly due the manner in which in many respects it is now found to have been allowed to run down. — Mr. Woodruff does not see how floating bridges can be better taken care of than they are, and yet through a period of nearly a quarter of a century he has seen them every time the water was let out of the Canal, settle down upon ground which a small outlay would have been sufficient in the first place to level for them, but which on the contrary in many instances he twists them out of shape and otherwise injures them as to have created their maintenance an item of expense which could to a large extent have been avoided, but which he affects ^{to regard} as being only equal to that it would have taken to "look after them" — He also appears to have regarded the proper working of the waste weirs as a matter of indifference and has thereby left to his successors the legacy of his example in allowing them to totally run down! Mr. Woodruff rather seems to regard the waste weirs as forming no part of the Canal proper but as merely appendages to mills, and but for the raising of the Canal level

level in 1853-54 and the consequent introduction of the "slash boards" he speaks of and which enabled him easily to partially lower the reaches on occasion, he would never have paid attention to or made use of them at all —

Now these waste weirs must in the first instance have cost a very considerable amount, as being absolute requisites for the proper working of the Canal, and why the duty required of them should have been transferred to Locks which can indeed only partially discharge it, is a problem whose solution, the efforts of the present enquiry have failed to reach — The keeping of these in good working order instead of permitting them to get into a condition Mr Woodruff himself describes "as one requiring three or four men with chains and levers to raise them" was surely the duty of any Superintendent having a just appreciation at all of the charge conferred upon him — Where can be found a plea for allowing an expensive piece of Construction such for instance as the waste weir at Lock 3 to be completely destroyed by the pressure of a bill acting upon it for a period of twenty years! which as many hours work might have in the first place have entirely relieved it from? As respects the waste-weir at Dishes mill with other remarks upon such structures in general, I beg to refer to the report of my examination of the Canal last Spring during the time it lay unwatered —

Wm. Woodruff

Mr. Woodruff's statement that knowing this investigation was going to take place, he gave the bottom of the Canal a "Special inspection" between Lock 3 and Thorold which travelling at a speed of some six or seven miles an hour along its banks, scarcely would entitle him to the appellation of "practical". In practical man would deliberately make such an assertion! I again refer to my own report of this Spring and that of Mr. Edgar Berryman, giving instrumental observations which, as such, only tend to show how extremely superficial and unreliable the results of Mr. Woodruff's inspection must be held - His statement that tools for working the weirs could not be kept at them on account of their being stolen! Surely does not say much for the efficacy of Mr. Woodruff's management! What were the Lock tenders about? Should they not have been held accountable for the safe keeping of anything in connection with their Locks? and surely a waste weir forms or should form as much a part of a Lock tenders charge as the Lock itself does. Mr. Woodruff says the Lock gates appear to be in good condition - upon this point I have also to refer to my report of this Spring before mentioned -

I think that little more remains to be said as to Mr. Woodruff's evidence -

To my own mind he has not succeeded in handing down the Canal to his successors in the State which after his
long

long and uninterrupted Superintendence they might have reasonably expected to receive, at his hands, and this really affords for its present Condition, seeing that the appropriations they must have asked for to put it into the order in which he should have left it, would in all probability have been larger than the Government might without some unusual investigation have cared to sanction -

A practical and intelligent Superintendent, guided by a true spirit of economy cannot but succeed in maintaining a work of this description in full efficiency from year to year without the necessity for his calling for any startling or extraordinary expenditure, at any one period provided he gives it the benefit of his constant watching and care, possibly less indeed than even in its present state, the Canal has been found to consume, but a policy once adopted in any degree tending to let it run down, must sooner or later incur what can only be regarded as a capital appropriation for its renewal.

(Sgd) S. Stark C. E.
Commissioner.

Ottawa, June 24th 1899.

My dear Sir,

With this I beg to hand you the evidence and report upon the Welland Canal, as per the instructions contained in the Commission -

The documents are as follows:

- 1- The evidence as it was taken before the Commission Question and answer.
- 2- A Summary of the above upon each case, by myself -
- 3- My report upon the evidence consisting of a review of each of the cases tried, and a general report based upon the evidence of E. W. Bodwell upon General Charges - This last contains my view upon the whole case.
- 4- My report upon the state of the Canal as I found it by personal inspection last Spring.
- 5- A list of the charges numbered as they stand in the Commission for reference to report -
- 6- A list of the cases tried those abandoned deferred and under the head of "General Charges".

I have the honor to be,

My dear Sir,

faithfully yours,

(sgd) D. Stark,

Comr.

Hon.
Sir Charles Tupper C. B.