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THE ROYAL COMMISSION

IN RE

THE ALLEGED EMPLOYMENT OF ALIENS BY THE PÈRE MARQUETTE
RAILWAY COMPANY IN CANADA

MINUTES OF EVIDENCE

Issued by the Department of Labour, Canada

PRINTED BY ORDER OF PARLIAMENT



OTTAWA

PRINTED BY S. E. DAWSON, PRINTER TO THE KING'S MOST
EXCELLENT MAJESTY

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[1905—No. 36d.]

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MINUTES OF EVIDENCE

London, Ont., April 24, 1905,
THE COURT HOUSE, 12 noon.

PRESENT:

His Honour JUDGE WINCHESTER, *Commissioner*.
A. O. JEFFERY, Esq., K.C., *Counsel for the Dominion Government*.

His Honour Judge Winchester read the Commission appointing him.

The COMMISSIONER.—I purpose examining Mr. Britton, who has charge of the passenger traffic in London, and then adjourn to meet at St. Thomas, where I have subpoenaed a large number of witnesses for to-morrow morning at 10 o'clock. I find the head offices are there, and consider it proper to have all the witnesses attend there as early as possible, and as soon as I find out exactly the condition of affairs, I will be able to decide where next to proceed with the investigation.

EDGAR BRITTON, sworn, examined:

By the Commissioner:

Q. What is your position on the Père Marquette railway?—A. District passenger agent.

Q. When were you appointed to that position?—A. October 1, 1904.

Q. What had you been doing previous to that appointment?—A. District passenger agent at Toledo.

Q. In connection with the Père Marquette?—A. Yes, sir.

Q. Who appointed you?—A. H. F. Moeller, general passenger agent, at Detroit.

Q. Upon your appointment you came here?—A. Yes, sir.

Q. With your family?—A. I am boarding here; yes, sir.

Q. You are a married man, I understand?—A. Yes, sir.

Q. I presume they paid your transportation here, you and your family, from there?—A. Yes, sir.

Q. They paid that for you?—A. It does not have to be paid; I travel on transportation on all lines.

Q. What is the remuneration you are receiving now?—A. One hundred and twenty-five dollars per month and expenses.

Q. What were you receiving at the time of your appointment?—A. The same thing.

Q. There is no increase?—A. No.

Q. Was the office open here at the time you reached here?—A. Yes, sir.

Q. At the same place?—A. The same office.

Q. Who was in charge of it then?—A. Mr. Thomas Marshall. He had the title of general agent; he had charge of both freight and passenger.

Q. He is still in the service of the Père Marquette?—A. Yes. His title has been changed to division freight agent—too much for one man to look after in both.

Q. Is his remuneration the same as it was at that time?—A. Yes, sir.

Q. You found it too much for one man, and decided to separate the offices?—A. Yes, sir.

Q. Had there been an agent previous to your coming here?—A. No, sir.

Q. No agent?—A. No, sir.

Q. When was the office established in London?—A. April 23, 1904.

Q. With Mr. Marshall as general agent?—A. Yes, sir.

Q. Was there an office prior to that in London?—A. No, sir.

Q. Was there not one in connection with the Lake Erie and Detroit River railway?—A. No, sir, only the local freight office.

Q. Was that near the Grand Trunk?—A. No, that is our station on Colborne street; it is still there.

Q. Who was in charge of that?—A. R. J. Tait.

Q. What position does he occupy now?—A. Local freight agent.

Q. Was he there prior to Mr. Marshall's appointment?—A. Yes, sir, he reports to Mr. Pyeatt.

Q. To whom did you report?—A. Mr. H. F. Moeller.

Q. Is your salary paid from there or here?—A. It is paid from Cincinnati.

Q. That is the head office of the system?—A. Yes, sir; it is payable on the Walkerville Bank.

Q. Have they changed that from Walkerville to St. Thomas since the moving?—A. No.

Q. And cheques are still payable at Walkerville?—A. Yes, Bank of Commerce.

Q. What lines are you operating at the present day in connection with the Pèrè Marquette?—A. It is all one system; I do not know what you mean.

Q. It is all one system now, but what were the original names of the lines you have absorbed?—A. Lake Erie and Detroit River.

Q. In Canada?—A. The Lake Erie and Detroit River, I believe.

Q. Is that the only one?—A. That is all I know of.

Q. Where does that line run from?—A. From Fort Erie to St. Thomas, and Walkerville to St. Thomas and London.

Q. Then you have the old Port Stanley?—A. The London and Port Stanley.

Q. What about the one running to Chatham, have you any charge of that?—A. I suppose that was the Lake Erie and Detroit River.

By Mr. Jeffery:

Q. It used to be the Erie and Huron?—A. I do not know about that.

By the Commissioner:

Have you charge of all these railways in Canada so far as passenger traffic is concerned?—A. No, sir.

Q. Who has?—A. Mr. Moeller, instructions come from him.

Q. How many passenger agents are there in connection with these lines in Canada, are you the only one?—A. I am the only man.

Q. So that you have really charge of these different lines in Canada?—A. Yes.

Q. You report to Mr. Moeller?—A. Yes, the local business is looked after by Mr. Moeller, I solicit business on the other lines.

Q. On the Grand Trunk and Canadian Pacific and Wabash, and such as that?—A. Yes.

Q. Mr. Moeller looks after your own lines?—A. Yes, locally.

Q. Who has he employed besides you in connection with this work in Canada?—A. No one.

Q. You are the only employee?—A. I believe the rest all come under Mr. Pyeatt, agents, all ticket agents.

Q. That is Mr. Pyeatt at St. Thomas?—A. Yes.

Q. He has charge of the whole system then in Canada?—A. Yes, sir.

SESSIONAL PAPER No. 36d

Q. I suppose you are still an American citizen?—A. I do not know whether I am or not.

Q. Have you been one?—A. I was born in Canada.

Q. Have you ever voted for the President?—A. Yes, sir; I left here when I was a child.

Q. And you took upon yourself— A. The right to vote.

Q. The rights of an American citizen, when you lived there?—A. Yes, sir.

Q. You have not taken the oath of allegiance in Canada?—A. No, sir.

By Mr. Jeffery:

Q. Did you go with your father over there?—A. About thirty-nine years ago; I was born in Waterloo county, here.

By the Commissioner:

Q. Ever since you were of age you have exercised the rights of an American citizen?—A. Yes.

Q. And have not become a Canadian or British subject?—A. No, sir.

The COMMISSIONER.—Do you wish to ask Mr. Britton anything, Mr. Jeffery?

By Mr. Jeffery:

Q. You say there was no agent of the Lake Erie and Detroit; I presume that is according to your knowledge only?—A. I know there was not; Mr. Marshall was the general agent previous to my coming here.

Q. Handling tickets, and so on, in the Masonic Temple?—A. That is a different thing.

Q. Billed up as the Lake Erie and Detroit River railway?—A. That is a different thing, that is not what the judge asked me; he asked me if I succeeded anybody here.

Q. I do not think he did, but it is quite a reasonable idea to take it that way; there had been an office?—A. Why, there was an office here, as I said before, Mr. Tait was agent here.

Q. Outside of Mr. Tait?—A. Dela Hooke, the Grand Trunk Railway, sold our tickets; Mr. Dela Hooke used to sell our tickets.

Q. He did a number of years ago, then you followed him by a gentleman that lived on Hyman street for a while, I do not know his name; you would not know that anyway, I suppose?

By the Commissioner:

Q. Who would know that? Would Mr. Pyeatt know all about that?—A. I don't know, I do not think so; Mr. Pyeatt has nothing to do with that portion of it.

By Mr. Jeffery:

Q. Mr. Wollatt would be the only one?—A. The old Lake Erie man? All the men employed here in town are Canadians that I know of; they all are in our office.

. Adjourned at 12.15 P.M. to St. Thomas, April 25, at 10 A.M., at the Court House.

St. Thomas, April 25, 1905,
THE COURT HOUSE, 10 A.M.

The Commission resumed.

PRESENT:

His Honour JUDGE WINCHESTER, *Commissioner*.
A. O. Jeffery, K.C.

His Honour Judge Winchester read the Commission appointing him.

The COMMISSIONER.—Last night I received a message from Mr. Pyeatt, the superintendent of the system in Canada, asking me to adjourn the examination of witnesses until two o'clock, to enable their counsel, Mr. Coburn, of Walkerville, to reach here. I have no objection to doing this, and I, therefore, adjourn till two o'clock, this afternoon.

The Commission resumed at 2 P.M.

PRESENT:

His Honour JUDGE WINCHESTER, *Commissioner*.
A. O. JEFFERY, K.C.

Mr. Coburn was not present when the Commission resumed.

The Commissioner waited until three o'clock for him, but he did not appear, and the Commissioner then proceeded to examine the witnesses.

JOHN SAMUEL PYEATT, sworn, examined:

By the Commissioner:

- Q. What is your position?—A. Superintendent, Buffalo division.
Q. Of the Père Marquette railway?—A. Yes, sir.
Q. What does the Buffalo division comprise?—A. All of the lines in Canada.
Q. Can you name those lines?—A. From Walkerville to St. Thomas, Sarnia to Blenheim, London and Port Stanley, and joint track from St. Thomas to Buffalo.
Q. What were their former titles?—A. Lake Erie and Detroit River, Erie and Huron, London and Port Stanley, and Michigan Central.
Q. When were you appointed superintendent?—A. December 1.
Q. By whom?—A. Mr. Trump.
Q. Where?—A. Detroit.
Q. What was your position at that time?—A. Chief clerk to the general manager and superintendent of telegraphs.
Q. In Detroit?—A. Yes.
Q. What was your wage or salary at that time?—A. \$300 a month.
Q. And expenses?—A. Yes, when I was travelling.
Q. Not otherwise?—A. No, sir.
Q. You took possession of your present position on December 1, 1904; who were the officials in charge of the different departments at that time?—A. Mr. William Woollatt was superintendent. Do you want all the officials of all the departments?

SESSIONAL PAPER No. 36d

Q. All that you know?—A. General officers.

Q. Yes, in Canada?—A. Mr. Harris was assistant engineer; Mr. Cameron was train master. Do you want any further than that? That is all I know of officials of the company.

Q. Those are all you remember?—A. Yes, sir. They had foreman of the shops, Mr. Royce.

Q. That is the mechanical department?—A. Yes.

Q. Who was the chief despatcher?—A. When I got here they did not have any permanent chief despatcher.

Q. Who was occupying that position?—A. The acting chief despatcher when I came to the office was Mr. Arnum.

Q. Who was chief engineer?—A. Mr. Alfred, Detroit.

Q. He had charge of the whole Buffalo division at that time?—A. Yes, sir.

Q. He worked it from Detroit?—A. Yes, sir.

Q. Can you give me the salaries of these different officers at that time?—A. No, sir, I know some of them.

Q. Which?—A. The train master and chief despatcher. The train master received \$125 a month, and the chief despatcher \$90 a month.

Q. And the superintendent?—A. I do not know his salary.

Q. You do not remember hearing of that?—A. No, sir.

Q. How long did Mr. Woollatt remain in charge as superintendent after you were appointed?—A. I succeeded Mr. Woollatt.

Q. He was superintendent up to the time you were appointed?—A. Yes, sir.

Q. What was his title, superintendent?—A. Yes.

Q. How long previous to your appointment was it that he left office?—A. He was superintendent on November 30, and I began on December 1.

Q. And it was so arranged that he would walk out when you walked in?—A. Yes, sir.

Q. Who arranged that?—A. The general superintendent.

Q. That is Mr. Trump of Detroit?—A. Yes, sir.

Q. He is still there?—A. Yes, sir.

Q. And he takes charge of the whole of the divisions?—A. All of the system.

Q. The whole system?—A. Yes, sir.

Q. What was the condition of the Buffalo division, that is the Canadian system, when you took charge?—A. That is a little bit general; I think it might be considered rather poor.

Q. A poor system; in what respects?—A. The power was in poor condition, that was the worst fault.

Q. What power?—A. The locomotives.

Q. In what way was that in poor condition?—A. It was just run down and needed repairs.

Q. Was that the mechanical part?—A. Yes, sir.

Q. And that was the worst part of it?—A. Yes; there were a great many other things contributing—

Q. In what condition were the other parts?—A. I should say, not satisfactory.

Q. In what respects?—A. The trains were badly delayed, running very late, very long time on the road, and what caused that might create a difference of opinion; I do not know just what did contribute to all of it.

Q. You have an idea what contributed?—A. I cannot say I have, because I was not here before that.

Q. But I suppose that would continue for a short time under your régime?—A. Yes; I have an idea that discipline had something to do with it, the main thing, perhaps.

Q. In what particular department do you refer to?—A. The transportation department.

4-5 EDWARD VII., A. 1905

Q. Who had charge of that?—A. Mr. Woollatt, the superintendent, and Mr. Cameron, as trainmaster.

Q. Did you speak to them with reference to it at all?—A. No, sir—I refer to Mr. Woollatt particularly. I certainly spoke to Mr. Cameron, who worked for me over a month.

Q. Did you complain to Mr. Cameron of the difficulties that the system was under?—A. Yes, sir.

Q. What did he say with reference to it?—A. At different times a great many things.

Q. Did you merely specify particular instances, or did you state generally that the system was not up to the mark?—A. No, I complained of the time trains were making; they were very late, running from 30 to 40 and 50 hours on the road, 117 and 27 miles.

Q. Did you explain how that could be overcome?—A. I had my ideas as to how it should be overcome.

Q. Did you explain it to him?—A. Yes.

Q. What did he answer?—A. He, of course, promised to do the best he could.

Q. And did he?—A. I have an idea he did.

Q. Did he improve it?—A. I don't think so.

Q. How often did you complain to him about the state of affairs?—A. From December 1 until the time he resigned.

Q. How many times, do you think, during that month?—A. I have no idea.

Q. A dozen times?—A. A great many more than that.

Q. Why did he resign?—A. I suppose because he thought he could not bring about a condition that would be satisfactory.

Q. Did he say so?—A. No, sir.

Q. Did he make any statement why he resigned?—A. No, sir.

Q. Did you ask for his resignation?—A. Yes, sir.

Q. When did you ask for it?—A. I do not remember the date.

Q. In December?—A. Yes, sir.

Q. Cannot you tell about the date?—A. About December 20, I think, perhaps a few days later than that; it might have been a little earlier.

Q. What led up to your asking for his resignation?—A. Because I did not think he was making an improvement as rapidly as he should.

Q. From the 1st to the 20th you complained to him over a dozen times as to the manner in which he was attending to his duty?—A. Yes, sir.

Q. And there was no improvement, you considered?—A. Not at all.

Q. Whom had you appointed before his resignation was in?—A. No one.

Q. Did you think of any one before that?—A. I had in mind, yes.

Q. Did you apply to Mr. Trump with reference to it?—A. I talked with Mr. Trump regarding it.

Q. Suggest to Mr. Trump any one?—A. Yes, sir.

Q. When?—A. I do not remember the date.

Q. About when?—A. It was some time in the middle of December.

Q. Some days before you asked for the resignation of Mr. Cameron?—A. Yes.

Q. Who was it you recommended for the position?—A. Mr. Cain.

Q. Where was he at that time?—A. He was in St. Louis at that time.

Q. What position was he occupying?—A. He had been with the Missouri Pacific and had resigned.

Q. Long before that?—A. I don't know how long; some time before, a week or two, I think.

Q. Were you in communication with him?—A. Not at that time.

Q. How did you know he had resigned?—A. He told me, when I was in St. Louis.

Q. You saw him personally?—A. Yes.

Q. When did you see him in St. Louis?—A. I think I was down there about the first part of December, December 10 or 12.

SESSIONAL PAPER No. 36d

Q. Did you speak to him with reference to coming to Canada then?—A. He spoke to me about coming, and I told him I had no vacancy at that time, but might sometime.

Q. You promised to keep an eye out for him, did you?—A. Yes, sir.

Q. How long had you been acquainted with him before that?—A. Six or seven years.

Q. Were you on the Missouri Pacific, too?—A. Yes, sir.

Q. What position did you occupy on the Missouri Pacific?—A. Chief clerk for the manager.

Q. He was at that time on the Missouri Pacific?—A. Yes.

Q. Then, did you write to Mr. Cain after speaking to Mr. Trump about him?—A. No, sir.

Q. How did you communicate with him?—A. Mr. Cain came to Detroit, or met me in Blenheim—he came to Detroit first, and the people there sent him over to Buffalo division, or, rather, he came over the Buffalo division and met me at Blenheim, and I talked with him about it there and in St. Thomas.

Q. He had been speaking to Mr. Trump about it?—A. No, sir.

Q. How did he get to know about it?—A. He was not, to my knowledge, aware of any vacancy on the Buffalo division; he came over in search of employment.

Q. When?—A. I do not remember the date; somewhere in the middle of December, I should imagine, the 15th or the 20th.

Q. Cannot you get nearer than that?—A. No, sir, not by memory.

Q. Did you make any report to the Detroit office with reference to him?—A. I talked to Mr. Trump about him.

Q. Before that?—A. No, sir; no report.

Q. How long was it after you talked to Mr. Trump before he came to see you at Blenheim?—A. A week, I should imagine.

Q. Then, you saw Mr. Trump afterwards?—A. Yes, sir.

Q. And reported in favour of Mr. Cain?—A. Yes, sir.

Q. Can you give me any idea when you reported in favour of Mr. Cain?—A. A very few days before his appointment.

Q. At that time when you saw him in St. Louis, what positions were there that he could occupy under you?—A. None vacant at that time.

Q. What positions were there, vacant or otherwise?—A. Trainmaster or chief despatcher.

Q. The trainmaster is a superior officer to the chief despatcher?—A. Yes, sir.

Q. And these two were the only positions he could occupy?—A. No, sir; he could occupy a position in the train service, conductor, agent, I imagine.

Q. But I would like to go higher, superintendent, for instance?—A. Yes, sir, I have no doubt.

Q. That was the only position at that time in your division that you could give him that would be of service to him?—A. Yes.

Q. Did you speak about that to him in St. Louis?—A. The position of trainmaster?

Q. Yes?—A. I referred to the fact that I might have a vacancy in some department, and, if I did, I would be glad to consider him either as chief despatcher or trainmaster.

Q. It was only as to these two you might have a vacancy—were those the two positions you mentioned to him?—A. Yes, sir.

Q. In fact, there were no other positions you could have control over that would suit him?—A. No, sir.

Q. That was the first week in December you mentioned that to him?—A. Not the first week; I imagine it was the 10th or 12th.

Q. The second week in December, then?—A. Yes.

Q. Then, in about three days afterwards he came over?—A. I cannot say in three days; within a week, I think.

Q. Three or five days?—A. Yes.

Q. Had he an intuition that there was a vacancy to be provided for him?—A. He might have had.

Q. How would he gather that?—A. When a man is out of employment, he frequently gathers that intuition from vague insinuations.

Q. Do you think you gave him that vague insinuation?—A. I might. I was very willing, if anything should occur or come open that he would like to consider, to consider him for it, and told him so, if he were in search of employment and came over here.

Q. Where was he living at that time?—A. At St. Louis.

Q. How long had he been living there?—A. About a year, I think.

Q. A married man, I suppose, with a family?—A. Yes, sir.

Q. You gave him transportation over to St. Thomas about December 20?—A. No, sir, he came over about the 15th or 20th.

Q. I think he took charge of his present position about December 20?—A. The record shows that, I do not remember the date. If he took charge on the 20th, he came over a week—I thought it was later than the 20th he took charge, I thought it was about the 24th or 25th, somewhere along there; I may be mistaken about that.

Q. I think he and Mr. Gilhula came about the same date?—A. Yes, sir.

Q. And both, I think, arrived about December 20?—A. Yes, sir.

Q. He was over here about a week before that?—A. Yes, sir.

Q. To spy out the land and see the location?—A. To ask for employment.

Q. Did he come to St. Thomas?—A. Yes, sir.

Q. From Blenheim or from Detroit?—A. I met him at Blenheim.

Q. And you brought him along?—A. Yes, sir.

Q. He looked around and then went back?—A. Yes.

Q. He went back home, to St. Louis?—A. Yes, sir.

Q. And then returned with his family?—A. He did not bring his family with him.

Q. Not yet?—A. Yes, he did; his wife came back with him.

Q. You gave them transportation, I think?—A. No, sir.

Q. Did you not?—A. No, sir.

Q. I suppose they could ride free?—A. I have no doubt they could.

Q. The trainmaster ought to be able to have that privilege?—A. He was not trainmaster when he came over, though.

Q. Not on December 20?—A. He was trainmaster after he came over—the appointment was made after he arrived here.

Q. Mr. Trump approved of your report, and he was appointed?—A. Yes, sir.

Q. What salary?—A. One hundred and fifty dollars per month.

Q. Do you know what he had been previously receiving?—A. No, I don't know what he received with the Missouri Pacific.

Q. What are his duties as trainmaster?—A. He is in charge of the movement of trains.

Q. And the appointment of the train hands?—A. Yes, sir.

Q. Despatchers?—A. Yes, sir.

Q. He appoints them also?—A. Yes, sir.

Q. The train hands, I suppose, would cover engineers, conductors, brakemen and baggagemen, and such as that?—A. Conductors, brakemen and baggagemen; engineers and firemen are appointed by the master mechanic.

Q. Brakemen, too?—A. No, sir; conductors, brakemen and baggagemen by the trainmaster.

Q. Has he been appointing any since his appointment?—A. Yes, sir.

Q. He has taken the full charge and looked after the affairs of the company, as he ought to?—A. Yes, sir.

Q. You were born in the States?—A. Yes, sir.

Q. What part?—A. Arkansas.

SESSIONAL PAPER No. 36d

Q. And have lived there all your lifetime?—A. No, sir; I have lived in the States all my life.

Q. And, of course, are an American citizen?—A. Yes, sir.

Q. And Mr. Cain one also?—A. Yes, sir.

Q. What were Cameron's wages, when he was asked to resign?—A. One hundred and twenty-five dollars a month.

Q. Mr. Cain gets \$150?—A. Yes, sir.

Q. Do you think a Canadian could be found to do the work of superintendent of this road and of this division?—A. I have no doubt they could.

Q. Also the train master's duties?—A. Yes, sir.

Q. And despatcher's?—A. Yes, sir, if you knew where to look for them and had time to look long enough, I have no doubt you could.

Q. Did you look for them in Canada at all?—A. Yes, sir.

Q. Where?—A. On the Père Marquette.

Q. Are there any men on the Père Marquette, Canadians, that could have filled the position of train master?—A. I was not very well acquainted with the men on the Buffalo division when I came over and knew very little about them; there may be quite a few who could, but I did not know of any.

Q. Did you make enquiry?—A. I was naturally thrown in contact with the men when I was with them for 25 days before Mr. Cain's appointment, and I did not know of any one I cared—

Q. You were only appointed on December 1, and he was appointed really about the middle of that month, only two weeks afterwards?—A. Yes, sir.

Q. So that you had not very much opportunity to make enquiries?—A. Not very long.

Q. What enquiry did you make?—A. I do not believe you would go about that by making enquiries; you are acquainted with the men; I was acquainted with a good many of the men, saw their work and judged their ability according to my judgment to do so, and I did not know of any one I cared to appoint to the position of trainmaster.

Q. Were there any men on other roads in Canada fitted for that position?—A. I did not know of any.

Q. Did you make any enquiry?—A. No, sir.

Q. Despatchers, did you make any enquiry about them?—A. Yes, sir.

Q. Could you not find any?—A. I could not find any who were willing to go to work at the rate we would pay.

Q. What enquiry did you make?—A. I enquired through the Michigan Central: I have talked to the officers of the Michigan Central about despatchers and also the Wabash.

Q. Are they American?—A. The gentlemen I talked with?

Q. Yes?—A. I really could not say, I do not know them well enough, I met them when I came here.

Q. The two roads you refer to are American roads?—A. Yes, sir—I do not know that they are, the Wabash is, the Michigan Central traverses both countries; I do not know whether you can consider it an American road.

Q. It is not the Canada Southern now, it was considered a Canadian road then; it is the Michigan Central now?—A. I have no doubt you know more about it than I do.

Mr. JEFFERY.—It was absorbed the same way as the Père Marquette absorbed this.

By the Commissioner:

Q. However, what further enquiry did you make for the purpose of obtaining men for these positions—these are good positions, I suppose to railway men?—A. A position of despatcher?

Q. Yes—chief despatcher and train master?—A. Well, no, not at that time; the positions as they are paid now probably they are as good as any of them; they were not paid so much then.

4-5 EDWARD VII., A. 1905

Q. What were they being paid at that time?—A. Our positions?

Q. Yes?—A. Trainmaster, \$125 per month, and chief despatcher, \$90 per month.

Q. You did not make further inquiry for the purpose of obtaining a despatcher than what you have stated?—A. Not outside of St. Thomas; I did not have an opportunity; I was pretty busy on the Père Marquette; I did not have occasion to get out of St. Thomas in Canada anywhere.

Q. Did you not look anywhere in any of the other lines?—A. No, sir; I was not acquainted with any of the officers of the other lines.

Q. You did not advertise?—A. No, sir.

Q. Railway people, as a rule, do not do that?—A. I don't think they do, for positions of that sort.

Q. When was the present despatcher appointed?—A. The chief despatcher—the appointment of the despatcher and trainmaster was made about the same day—perhaps, the trainmaster one day and the despatcher the next.

Q. Did you know the chief despatcher before that?—A. Yes, sir.

Q. Where had you become acquainted with him?—A. On the Missouri Pacific.

Q. How long ago?—A. Five or six or seven years ago; some time ago.

Q. You are referring to Mr. Gilhula?—A. Yes.

Q. What position did he occupy there?—A. Chief despatcher on the Missouri Pacific.

Q. Did you communicate with him as to taking a position under you?—A. He came to Detroit just about the time I left there, and said he was very anxious to go over; he lived in Canada, his people all lived over here; he was very anxious to get back, and when I had to have a chief despatcher, I sent for him.

Q. Did you write to him?—A. I telegraphed him.

Q. Have you got the telegram?—A. No, sir.

Q. What was the purport of it?—A. I told him there was a probable vacancy up here, and would be glad to have him come up for an interview.

Q. Do you remember the date of it?—A. No, sir.

Q. You could get that, I suppose?—A. I telephoned the message to the telegraph office.

Q. Which telegraph office?—A. I think it was the Canadian Pacific Railway; it was about the 15th, along about the middle of the month.

Q. I suppose there would be no difficulty in getting a copy of that telegram?—A. I don't know, there may not be.

Q. Where was he at the time?—A. At Decatur, Illinois.

Q. What doing?—A. Despatcher for the Wabash.

Q. Do you remember his salary then?—A. I don't know.

Q. Who was acting as despatcher for you at that time?—A. Mr. Arnum.

Q. What salary?—A. Ninety dollars a month.

Q. What salary did you offer Mr. Gilhula?—A. One hundred and ten dollars.

Q. How long had Mr. Arnum been in charge?—A. He was made acting chief despatcher, before I came to St. Thomas, by Mr. Cameron; the chief despatcher was laying off.

Q. And he was acting chief despatcher?—A. Yes, sir; I told Mr. Arnum that this position would be made permanent. He held it about two weeks, and said it was too heavy for him, he could not run it, and asked to be relieved.

Q. Did you find fault with Mr. Arnum's work?—A. No, sir.

Q. Did you complain to him at all?—A. No, sir—that is not quite right; I think I complained of the work of despatchers frequently in a general way; I had no serious complaint to Mr. Arnum.

Q. What was the nature of your complaints?—A. The way the trains were handled and delays occurring, and I was asking him to eliminate those delays all the time.

Q. How often did you complain to him?—A. I cannot say, not a great many times.

Q. As frequently as you complained to Cameron?—A. No, I don't think so; I was not in the office so much at that time; I was out on the road most of the time. I

SESSIONAL PAPER No. 36d

think I saw Mr. Cameron more frequently, and I was quite sure Mr. Arnum was doing the very best he could, and I made no complaint personally against Mr. Arnum except in a general way about the way trains were handled.

Q. Complain to him about not remaining long enough hours there?—A. I do not remember of any such complaint.

Q. What hours have these despatchers; have not they got any specified times?—A. Despatchers have regular hours.

Q. What hours are they?—A. We have three despatchers that have eight-hour tricks, and one ten-hour trick; the chief despatcher has no regular hours.

Q. He is not there always?—A. I don't think any of them stay there all the time.

Q. You would not find fault if he were not?—A. No, sir.

Q. What time is he supposed to be there; take the time in the morning?—A. About eight o'clock.

Q. Then, how long is he supposed to remain there during the day?—A. I say there is no regular hours.

Q. You have some hours?—A. A reasonable time to work; we do not expect unreasonable things of any man.

Q. You expect a reasonable time?—A. Yes.

Q. What would you call a reasonable day?—A. During those times I was working ten, twelve and fourteen hours a day, and the chief despatcher, he is an official of the company, and has, as I say, no regular hours.

Q. You were all new men, and a new broom makes a clean sweep?—A. He was made chief despatcher when I came.

Q. What hours did you expect him to put in?—A. I would expect him to be there as long as he could remain without impairing his health, or as long as he was needed.

Q. Eight o'clock in the morning, what time at night—six o'clock?—A. He would work till six, and frequently came back after supper.

Q. Frequently would come back for how many hours?—A. There was no specified time; sometimes an hour and some times longer, so long as his presence was required.

Q. Suppose he was there about twelve hours in a day, you would not object to his going away then?—A. No, sir.

Q. Did you object to his not being there at certain hours?—A. I do not remember of objecting.

Q. You do not remember making that objection at all?—A. No.

Q. He asked to be relieved?—A. Yes, sir.

Q. What position does he occupy now?—A. Trick despatcher.

Q. At the same salary he was receiving?—A. Yes.

Q. \$90 a month?—A. Yes, sir.

Q. What is your present salary?—A. \$250 a month.

Q. And expenses?—A. Yes, sir.

Q. That is, living expenses?—A. Yes, sir.

Q. Would that equal the salary you had in Detroit?—A. Not quite.

Q. You are looking to the future?—A. I think we all do.

Q. The good time is coming when you expect to go up higher?—A. I hope so.

Q. You have of course that in view?—A. Yes, sir, that was the object of my coming here.

Q. Were these the only two men that you employed as officials since your regime commenced?—A. Yes, sir.

Q. Who employed the master mechanic?—A. Mr. Christie. It is assistant master mechanic; the master mechanic employed him.

Q. Who is master mechanic?—A. Mr. Kellogg now, at Grand Rapids.

Q. He has charge of the whole Père Marquette system?—A. Yes, sir.

Q. And the chief men are called assistant master mechanics for their divisions?—A. Yes.

Q. Do you know of Mr. McManamy's appointment?—A. Yes.

4-5 EDWARD VII., A. 1905

Q. When was that made?—A. I do not remember the date. It may have been about the first of the year, or it may have been in December; I do not remember; we have records that will show that.

Q. I think it was about the same time you were appointed, if my memorandum is right?—A. I have no doubt that may be so. Mr. Royce was foreman, and remained for some time, and I believe Mr. McManamy did come over—

Q. With you?—A. Not with me.

Q. About the first December?—A. I do not remember when he came over.

Q. Where did he come from?—A. I think from Saginaw.

Q. What was he doing there?—A. I don't know what his position was there.

Q. Mr. Christie appointed him?—A. Yes, sir.

Q. Who was Mr. Christie?—A. He was master mechanic at Grand Rapids.

Q. What became of Mr. Royce?—A. He left the service. I don't know where he is.

Q. When?—A. In January, I think.

Q. Why?—A. Mr. McManamy will have to tell you that; I don't know.

Q. Did you know Mr. McManamy before you came here?—A. No, sir.

Q. He was not on the Missouri Pacific?—A. I don't think he was. I never knew of him there.

Q. Who was his assistant?—A. He had none that I know of.

Q. Here now?—A. His foreman Groening, is foreman of the shop.

Q. Did not Mr. Groening come from the Missouri Pacific?—A. I don't think so. I never knew of him there.

Q. Would you likely know of him?—A. I would likely have heard of him. I was there for some time, and I never heard of Mr. Groening till he came over here.

Q. Mr. Gillam, is he not master mechanic?—A. No, sir.

Q. Is there such a person?—A. There was roundhouse foreman by that name.

Q. Not master mechanic?—A. No.

Q. I thought Mr. Groening was roundhouse foreman?—A. No, sir.

Q. Who is Mr. Gillam?—A. He was roundhouse foreman.

Q. He came from the Missouri Pacific?—A. He said he did. I did not know him there.

Q. Is he still there as roundhouse foreman?—A. No, sir.

Q. Where is he now?—A. I have no idea.

Q. Has he left your service?—A. Yes, sir.

Q. When?—A. About two months ago.

Q. You knew Mr. Gilhula for five or six years in the States?—A. I knew him for some time.

Q. He was on the Missouri Pacific when you knew him?—A. Yes, sir.

Q. Is he an American citizen, too?—A. I don't know whether you would call him an American or not; he lived about one-half his life over here, and one-half over there.

Q. How did he vote?—A. I would rather you asked him.

Q. He never told you?—A. No, sir.

Q. What side of politics he was on?—A. No, sir, I have no idea what side of politics; I am not a politician.

Q. Railroad matters take up all your time?—A. I am afraid they do.

Q. Mr. Gary, did you appoint him?—A. He was employed as despatcher.

Q. Train despatcher—that is under Mr. Gilhula?—A. Yes, sir.

Q. Who employed him?—A. Trainmaster and chief despatcher have the employment of despatchers.

Q. You have not anything to do with that?—A. I am consulted on such matters.

Q. They recommend?—A. Yes, sir.

Q. Who recommended Mr. Gary?—A. Mr. Gary made an application to me, I referred it to the trainmaster, and it showed what experience he had had, and asked him if he wanted him, and he said he needed a man, and he was employed.

SESSIONAL PAPER No. 36d

- Q. Where was he at that time?—A. When he applied, I think he was at—I do not remember the town—I think some town in Kansas.
- Q. He was on a railway there?—A. I think he was out of employment then .
- Q. You gave him transportation over here?—A. From Detroit.
- Q. From Detroit only?—A. Yes.
- Q. I think you gave him a little further than that?—A. Perhaps we did.
- Q. When his wife was coming over?—A. His wife came over two or three weeks after him.
- Q. You gave him transportation up to Detroit to meet her, and from where she lived to Detroit, and then both back from Detroit to St. Thomas?—A. We may have done that.
- Q. It is your usual way, at any rate, is it not, to give them transportation?—A. Yes, we do that over our own lines, but we do not ask foreign companies.
- Q. You did in this case, I think?—A. I am quite sure we did not.
- Q. The Wabash?—A. Not when he came for employment.
- Q. With his wife?—A. That was a month after he came up that his wife came up; he had been working for the company a month.
- Q. In that case you would make an exception?—A. Yes, that is the usual rule—to give employees family transportation.
- Q. He was not on the Missouri Pacific?—A. Not at that time.
- Q. He left yesterday morning, did he not?—A. Yes, sir; he resigned last week, and he left yesterday morning.
- Q. When did he resign?—A. Thursday or Friday, I believe.
- Q. It is only fair to give some of your men back to the Missouri Pacific after taking so many from them?—A. I think so.
- Q. Have you anything to do with the Civil Engineers Department?—A. No, sir.
- Q. Who has charge of that?—A. Mr. Alfred, of Detroit.
- Q. Do you know anything about Mr. Leseur's appointment?—A. Nothing at all.
- Q. Or any one in that department?—A. No, sir.
- Q. Had you anything to do with Mr. Groening's appointment?—A. No, sir.
- Q. Do you know him?—A. Yes.
- Q. Did you know him before he came here?—A. No, sir.
- Q. Do you know where he came from?—A. I heard him say I think he came from either Detroit or Saginaw.
- Q. What position has he?—A. General foreman in the shop.
- Q. Who has charge of the round-house now?—A. Mr. Griffith.
- Q. How long has he been in there?—A. About two months.
- Q. Where did he come from?—A. Walkerville.
- Q. How long had he been there?—A. He had been there a month or two, he was here formerly and was sent to Walkerville at his request; he lived there, and when Mr. Gillam left we brought him back, asked him to come back.
- Q. Is he a Canadian?—A. I don't know.
- Q. You don't know what he is?—A. No, sir.
- Q. Do you know what Mr. Groening is?—A. No, sir, never asked him.
- Q. Who is the storekeeper?—A. Mr. Junker is storekeeper.
- Q. When was he appointed?—A. Two or three months ago.
- Q. Where was he when he was appointed?—A. I don't know.
- Q. Who appointed him?—A. The general storekeeper.
- Q. Who is he?—A. Mr. Atherton.
- Q. In Detroit?—A. Yes, sir.
- Q. He appointed him there?—A. I presume he did, I did not see him, but he came over here.
- Q. Who is your timekeeper?—A. Mr. Weelihan.
- Q. How long has he been in charge?—A. I don't know; he was here when I came.
- Q. Did you know Mr. McKay, the former chief engineer?—A. I met him three or four months ago; I never knew him before.

Q. Had he occupied that position as chief engineer of that division when you were appointed?—A. No, sir, Mr. Harris was appointed assistant engineer when I was appointed, about that time, and I think the same day.

Q. Mr. Harris succeeded Mr. McKay?—A. Yes.

Q. Where is Mr. Harris now?—A. I think he is in Detroit.

Q. Is he an American?—A. I have no idea.

Q. Was he appointed from Detroit to succeed Mr. McKay?—A. Yes, sir, he was in the chief engineer's office, I believe.

Q. Who did Mr. Gary succeed?—A. Mr. Kirkpatrick, I think his name was.

Q. Was Kirkpatrick under you?—A. He was under the chief despatcher.

Q. You had no personal knowledge of him?—A. Yes, I knew he was there.

Q. Was he a good despatcher?—A. No, sir.

Q. He was not?—A. No, sir.

Q. Did you discharge him?—A. He resigned.

Q. Why?—A. I suppose he resigned for the same reason that Mr. Cameron did.

Q. Was he requested to resign?—A. No, sir.

Q. Was his life made miserable for him because he could not do the work?—A. I hope not.

Q. Why did he resign?—A. He probably thought he could not do his work.

Q. Where is he now?—A. I have no idea.

Q. Was he found fault with?—A. Yes, sir.

Q. Was it because of that he resigned?—A. I think so.

Q. Who else was there there that acted as train despatcher?—A. Mr. Bailey, Mr. Arnun and Mr. Kirkpatrick.

Q. Those are trick despatchers?—A. Yes, sir.

Q. Was not there a Mr. Knight there?—A. Yes.

Q. Is he still in charge?—A. No, sir.

Q. When did he leave the service?—A. He left two or three months ago, I just do not know the date, I would say three months ago.

Q. Was he discharged?—A. He was relieved.

Q. That is a nicer way of putting it?—A. Yes.

Q. It does not hurt so much?—A. I do not think so.

Q. Why was he relieved?—A. For unsatisfactory service.

Q. Where is he now, have you re-appointed him?—A. He is an agent on the line. I think he is at Courtright, and I believe he resigned from there.

Q. Mr. Foreman told me he had resigned from there after you had appointed him to that position at Courtright as agent?—A. Yes, sir.

Q. Did he fill that satisfactorily?—A. I believe he said he could not fill it; I did not know that he was not satisfactory—I heard no serious complaint. He felt he did not know enough about the work.

Q. And you filled that with some person else?—A. Yes.

Q. Do you know Mr. Britton, the district passenger agent?—A. Yes, sir.

Q. How long has he been there?—A. I cannot tell you.

Q. He was there before you?—A. Yes.

Q. And you do not know who his predecessor was?—A. No, sir.

Q. Would it be difficult to find a Canadian to act as district passenger agent?—A. I think Mr. Moeller, general passenger agent, could answer that better than I.

Q. Don't you know sufficient about the running of the line to know that?—A. From my knowledge of Canadians I should say there are a great many Canadians could fill that position.

Q. But you do not know what means were taken to appoint one?—A. No, sir, that is entirely out of my department and I know nothing about that.

Q. What means were taken to appoint a Canadian in the place of Kirkpatrick?—A. About the same means that we have tried before; I enquired at different times of my associates in our business if they knew of any despatchers who were willing to work.

SESSIONAL PAPER No. 36d

Q. Your associates would be on the Père Marquette?—A. No, the people we do business with, the Wabash, Grand Trunk and Michigan Central.

Q. Did you apply to the Grand Trunk?—A. I discussed the matter with their officials.

Q. Which one?—A. Mr. Ensell, trainmaster, and I spoke to Mr. Cunningham.

Q. Do you remember when you did that?—A. No, sir.

Q. What other means besides speaking to them were taken to fill the position by a Canadian?—A. None at all; I did not hear of any one that was recommended as being competent to fill the position, and had no one that I thought was competent.

Q. Who is your present stenographer?—A. Mr. O'Loughlin.

Q. When was he appointed?—A. In December.

Q. By whom?—A. He was employed by my office, by me.

Q. Where was he at the time of his employment?—A. Some place in Ohio.

Q. Springfield?—A. I do not remember the town, I did not pay enough attention to it.

Q. Did you know him personally before?—A. No, sir.

Q. How did you get acquainted with him?—A. A letter of application from him was referred to me by the Detroit office.

Q. What means did you take to ascertain whether he would accept?—A. I wrote him, I think, or telegraphed him, I don't know which.

Q. Who was in charge of that position at the time of his appointment?—A. They had a couple of little girls in the office; I don't know whether they were in charge or not.

Q. Do you know who was in charge?—A. They work for the office generally, I don't know that either one of them is specified as stenographer to the superintendent.

Q. You know whom you look to for the purpose of using as your secretary?—A. I used both of them, tried to use them once or twice.

Q. And did not succeed in getting good work?—A. No, sir.

Q. Did you try to get Canadian stenographers to take their place?—A. Yes, sir.

Q. How?—A. The same method, inquiring.

Q. Where did you inquire?—A. Round, over town and anywhere generally, everywhere to get a stenographer.

Q. Can you give me any particular place?—A. Mr. Foreman, the chief clerk in the office.

Q. It was through him?—A. Yes, he did the work for me.

Q. You did not put an ad. in the papers, a stenographer for the Père Marquette?—A. No, sir, I do not remember an ad.; there might have been, but I don't think there was.

Q. That is the usual way of getting a stenographer?—A. No, I don't think so, I never have done it in my life.

Q. You have not been employing many here?—A. Not here, but over the country I have employed quite a number, and I never advertised.

Q. Do you think it would be a difficult thing to get a Canadian stenographer?—A. It was at that time.

Q. How long did you try to get one?—A. A couple of weeks, I guess, we were trying to get a stenographer.

Q. To take the place of these girls?—A. Yes, sir.

Q. Were they not efficient?—A. No, sir.

Q. Have you lady stenographers now?—A. Yes, sir.

Q. How many?—A. One.

Q. Employed by you since these two young women left?—A. Yes, sir.

Q. What is this lady's name?—A. Miss Davis.

Q. How long have you had her?—A. Three or four months.

Q. What were you paying Miss Maclean as stenographer?—A. I don't remember. I think Mr. Foreman will remember, I think it was \$25 to \$35 a month, perhaps \$40.

Q. How much are you paying Mr. O'Loughlin?—A. \$60.

Q. Is he an American?—A. I think he is.

Q. You do not know anything about the air-brake officers?—A. No, sir.

Q. Who would know about them?—A. Mr. McManamy.

Q. He would come under Mr. McManamy's department?—A. Yes, sir.

Q. You report to Detroit, I suppose, and take your instructions from Detroit?—

A. Yes.

Q. Can you tell me where Mr. Cameron is?—A. No, sir.

Q. Nor Mr. Woollatt?—A. Mr. Woollatt lives at Walkerville.

Q. He still lives there?—A. Yes.

Q. I was communicating, but I have not heard whether he is there or not?—A. He is not at home very much, he is in the coal business; I meet him on the road occasionally.

Q. Who did Mr. Groening succeed?—A. Mr. Stafford.

Q. Where is he?—A. In Grand Rapids.

Q. Is he still in the service of the company?—A. Yes, sir.

Q. Is he an American?—A. I think he is, he is either an American or an Englishman, he is from England.

Q. When was he appointed to St. Thomas?—A. About first January.

Q. And who did he succeed?—A. Mr. Royce.

Q. Where is Mr. Royce?—A. I can't tell.

Q. Was he discharged?—A. I cannot tell you that, he was working for Mr. McManamy.

Q. Can you give me exactly that telegram which was sent to Mr. Gilhula?—A. I told him I had a vacancy that would pay a certain amount.

Q. \$110?—A. I think it was, and asked him to come up for interview.

Q. You had no correspondence, I understood you to say, with reference to Mr. Groening's appointment?—A. No, sir.

Q. Is there anything you would like to say yourself? I am sorry Mr. Coburn is not here to ask for anything which he thinks was possible in your interest. If he comes I am quite willing he should be allowed to ask you anything he wishes.—A. I do not think of anything we can say, except statements that are taken as complaining of our discrimination; I would like very much to have an opportunity to answer them if that would be given.

Q. Can you answer, then, further than you have done?—A. I think not, but I would like to ask you to find out who the men are that are working for the company now, and if they are not, why they are not working for the company, and satisfy yourself.

Q. That is what I am going to try to do with your assistance. I am going to make a further examination of the books at Mr. McManamy's office to-night, and I may ask you something to-morrow if necessary.—A. Could you do that to-morrow morning?

Q. Yes, I will try to get through to-night and let you off to-morrow.

EVERETT E. CAIN, sworn, examined :

By the Commissioner :

Q. You are trainmaster on the Père Marquette Railway?—A. That is my title.

Q. An American citizen?—A. Yes, sir.

Q. When were you appointed?—A. I think it was December 22.

Q. When were you first spoken to with reference to the appointment?—A. Well, Mr. Pyeatt was in St. Louis, I don't know just what time, I think the first time I talked to him about coming to Canada was possibly in November, although he had no encouragement to offer me then. I told him I was going to be out of a position December 1st, and as I had been with those people, of course I naturally thought I could

SESSIONAL PAPER No. 36d

get a position with them again if they had anything. He knew of nothing then. He had not been appointed here at that time, but I told him after I was relieved there I would very likely come to Detroit, and I did; I don't just remember what time, and I came up there and came out to Blenheim and met him, and we talked over the matter, and I was approached about the position of trainmaster at that time, and I told him I would accept it, and I went back home. I did not want to come here till the first of the year, but I did come a little earlier, I changed my mind and came up here. I left St. Louis December 21, I am pretty near sure, and I came right through over the Wabash to St. Thomas. I had transportation over lines—

Q. Were you in the employ of the Père Marquette before that?—A. No, sir, I was in the employ of the Missouri Pacific.

Q. You knew Mr. Pyeatt at that time, when you were on the Missouri Pacific?—A. Yes.

Q. For about seven years, I think he mentioned?—A. Something like that, we were schoolboys together.

Q. Are you not incorrect in saying that he was not appointed to this position as superintendent when he saw you in St. Louis?—A. When I first spoke to him no—

Q. I think he said he was?—A. He was down to St. Louis twice; I spoke to him in November.

Q. I thought it was December 1?—A. No, I told him I would be out of employment about December 1.

Q. When did you see him the second time?—A. I do not just know what time it was in December.

Q. In St. Louis again?—A. Yes.

Q. Did he offer you a position then?—A. Yes.

Q. As trainmaster?—A. He did not offer me a position exactly, only he told me to come up, he mentioned a position and told me I might come up here and see him. I had nothing to do but do that, and I came up.

Q. Can you give me that date?—A. When I came up?

Q. No, when he told you?—A. No, I have no idea.

Q. That if you came up he would see what he could do for you?—A. I don't know, I could not tell.

Q. I think he said it was about the 10th or 12th of December?—A. Possibly so, something like that. My position, I might say, ended after the first December. I was in charge of World's Fair matters, and the Fair was over December 1.

Q. You were on the Missouri then?—A. Yes.

Q. As train master?—A. No, sir, chief clerk to the superintendent of transportation, Missouri Pacific.

Q. How did the conversation come up?—A. Which conversation?

Q. About coming over here?—A. Just in the course of events, a man was looking for a position, he would very likely, if he had some friend that had a position that possibly had influence enough to get him another one, he would ask for one.

Q. Mr. Pyeatt thought that possibly you had an intuition that there was a vacancy to be provided for you because of his appointment here and your vacancy occurring?—A. It might have been.

Q. Let us see what was actually said at St. Louis about your coming here?—A. When I first talked to him he had nothing in sight.

Q. He was not appointed then himself?—A. No.

Q. Then in the second week of December you saw him there again?—A. Some time along about then, I do not remember the exact date.

Q. What was the conversation you had with him then; he had been appointed then?—A. Yes, he thought he could give me a position and told me to come up.

Q. As train master?—A. Well, I really believe at that time he expected to put me in as chief despatcher, yes, that position was open.

4-5 EDWARD VII., A. 1905

Q. And because of that conversation you came over four or five days afterwards?—A. No, it was a week or ten days.

Q. Because of that conversation?—A. Yes. I came here December 21, and I was made train master instead of chief despatcher.

Q. You were not sorry for it?—A. It did not make any difference to me.

Q. Forty dollars a month?—A. Not a bit, that was not so much; I had a position; not working for the money exactly.

Q. I thought the most of us were?—A. I mean when you are out of a position you want one no matter what it is.

Q. You were out of a position on the 1st December?—A. Yes, sir.

Q. And because of that conversation with Mr. Pyeatt you came here and he employed you?—A. Yes, sir.

Q. You think you reached here about the 21st or 22nd?—A. It was the 22nd.

Q. Who was here first, you or Gilhula?—A. Gilhula I think was out learning the road the day I got here; he had come in another way, and he had come over our line.

Q. And got ahead of you?—A. Yes, I did not know Mr. Gilhula was here before.

Q. You knew Gilhula before?—A. Yes, I knew him in St. Louis, just slightly acquainted, I did not know Mr. Gilhula well; we had held the same position there at different times.

Q. How long was he on the Missouri Pacific?—A. I don't know, I did not know him till I went to St. Louis.

Q. How long ago was that?—A. I went to St. Louis a year ago last September.

Q. Was he living in St. Louis?—A. He was until I went there, I relieved him.

Q. He was chief clerk for the transportation superintendent?—A. Yes, sir.

Q. Where did he go after being relieved?—A. I don't know.

Q. He left the road, did he?—A. I think he did.

Q. Went to Rock Island?—A. I could not tell just what road he did go on; he went up Iowa way, I think.

Q. Did you receive transportation to St. Thomas?—A. I had transportation; I was pretty well acquainted when I was with the Missouri Pacific, I had annuals over other lines.

Q. You received \$150 a month from the moment you took charge?—A. Yes, sir.

Q. Have not they increased your salary since you have been here?—A. They have not said anything about it yet.

Q. Looking for it?—I would be glad to have them say something of that kind.

Q. I thought they had increased all round?—A. They increased some of the people in the office.

Q. Inferior positions?—A. Some of the men in the office, yes, were increased, I think most of them got increased in the office, but I did not, and I felt rather slighted about that.

Q. What condition did you find the road in when you came?—A. I thought it was about the worst I ever saw, that is what I wrote home.

Q. I suppose you would tell the truth when you were writing home?—A. It was pretty bad, to tell you the truth, it looked bad in winter time, and for a man that was not used to real cold weather—the trains were using as high as 60 and 70 hours going over the division.

Q. Pretty bad winter, was it?—A. It was pretty bad, the winter was not so bad, but they were not getting over the road.

Q. What was the difficulty, the snow?—A. Various things.

Q. You were not accustomed to that down in St. Louis?—A. I did not think I did much good by snow, I did not help the matter that way, but as Mr. Pyeatt said the power was bad and we did not have enough passing track room to properly handle it. Of course that was helped out in January a good deal by getting a few more passing tracks.

SESSIONAL PAPER No. 36d

Q. Have you really improved it?—A. Yes, I think so, they are getting over now in about ten hours.

Q. Over-working the men?—A. I have not heard of any complaint, any more than what I see in the newspapers.

Q. Do the newspapers say you are over-working them?—A. Not very much.

Q. I have not seen them myself?—A. I think the London papers; the men I have talked to are very well satisfied; they are making their money a great deal easier than they did then.

Q. By over-work?—A. No, we are not over-working them now; I think they are making their money a great deal easier now than then; you take the railroad men, the engineers and firemen, they will tell you they do not want to make overtime—when you are on the road over twelve hours you make overtime—and when they were on the road two or three days at a time going these 117 miles they were having some pretty hard times.

Q. Was that a constant occurrence, two or three days at a time from here to Walkerville, or was it only once in a while when there was a snow drift?—A. I could not say as to that; when I came here they were having a great deal of trouble about shortage of water; I do not think I brought any more rain with me, but we did get more water in a little while; we had some soft weather.

Q. Providence assisted you?—A. Possibly; you could not judge why they were having such a hard time before, that is a man that had not been here, and I am not saying anything about the people that were here ahead of me, but I say the road at that time, when I came here, I thought was about as bad as I had worked for.

Q. What was the cause of all that?—A. The main thing was the power; the trains were being delayed, they were handling too many cars; they did not give them a chance to get over the road.

Q. Who was the cause of all that?—A. I cannot tell you who was the cause; I presume the train master could have cut the trains down so that they could have gotten over the road; that is one of the first things we did was to get them to rigging that they could handle; if they found out they could not handle it, reduce it again, rating the engines, I mean. I think that made quite a difference in the time they used on the line. I do not say who was the cause. He may have had his instructions. I got mine, and I was told to get them over the road no matter what—

Q. From whom did you get your instructions?—A. Mr. Pyeatt, I am working directly under him.

Q. You do not know whether the weather was to blame or what else was to blame than the man who had charge?—A. No, I would not say as to that.

Q. You were only here since December?—A. December 22nd.

Q. And the conditions have been rather severe since then?—A. We had some very severe weather in February, but not as bad as expected. The weather here I imagined was a good deal worse than it was in fact; I do not think it was so much worse than it was in St. Louis.

Q. There was a little snow and ice?—A. A little more snow, but I did not suffer any more than I did there.

Q. What men do you appoint?—A. Brakemen, conductors, baggagemen, &c.

Q. Have you appointed many since you took charge?—A. Quite a good many. I have hired most anybody that came along that had any experience at the time; some times you are short of men, and other times you have more than you want.

Q. You do not ask them about their nationality?—A. No, just see that they are white and know a little of something and I hire them.

Q. You draw the line at white?—A. Yes, I would not hire a colored man as a brakeman or conductor; I might use him as a porter somewhere.

Q. What wages were you getting when you were appointed here?—A. \$150 a month; got the same.

Q. You got the same wages as you are now getting at the time that you were appointed here?—A. I have had the same thing here since I have been appointed.

4-5 EDWARD VII., A. 1905

- Q. What wages had you been receiving on the Missouri Pacific?—A. \$175.
- Q. However, you were laid off on the first December?—A. Yes, my position had played out; I had taken it for the period during the World's Fair; that was all.
- Q. Was that a larger salary than they usually gave?—A. Yes, sir, it was \$40 a month increase over what they had been paying chief clerks; in fact I was just an extra man that came in there with that title to handle that passenger traffic.
- Q. So that you got \$40 a month more than the ordinary clerk would have got?—A. Yes. I kept another chief clerk under me.
- Q. Did you ever act as train master before?—A. No.
- Q. Never had any experience of that before?—A. I have been practically in charge several times where I have been chief despatcher when the train master was away, when he would get leave of absence.
- Q. How long have you acted as chief despatcher?—A. I have acted as chief despatcher in several different places on the Missouri Pacific system, and I do not know just how long.
- Q. Up to the time of your present employment you have acted as chief despatcher but not as train master?—A. No, sir.
- Q. And as chief despatcher what was your salary?—A. \$150; the same as I get here.
- Q. It was just as good a position as you have?—A. Yes, in fact it was a little more, I do not know as I am going up at all.

JAMES R. GILHULA, sworn, examined :

By the Commissioner :

- Q. You were born in the county of Kent?—A. Yes, sir.
- Q. About forty years ago?—A. Yes, sir.
- Q. You left there about twenty years ago?—A. Yes.
- Q. And went west?—A. Yes.
- Q. Struck the Missouri Pacific?—A. Yes, sir.
- Q. How long were you on the Missouri Pacific?—A. Eighteen years.
- Q. As what?—A. I commenced to work for them as telegraph operator in the despatcher's office, shortly after I went there I was made train despatcher, and about two years before I left there I was made chief despatcher.
- Q. What salary were you receiving then?—A. I first received \$70 a month, and then it was increased to \$80 a month as operator, and then when I first went to work as train despatcher I got \$110, and that gradually increased to \$120.
- Q. How much are you getting to-day here?—A. \$110.
- Q. Has it not been increased lately?—A. No, sir.
- Q. I thought I saw something that you were getting \$125?—A. No, sir.
- Q. Where were you situated or settled at that time on the Missouri Pacific?—A. In St. Louis, Missouri.
- Q. All the time?—A. Yes, with the exception of about four months, I was located at Jefferson City.
- Q. Married there?—A. I got married while I was in St. Louis.
- Q. Your family with you here?—A. Yes, sir.
- Q. You received transportation when you came here?—A. No, I got transportation myself.
- Q. Have you brought your wife and family with you?—A. Not when I came here.
- Q. You subsequently have brought them here?—A. Yes.
- Q. And they have given you transportation?—A. Well, I have got it on my own responsibility.
- Q. That is without the cash down?—A. The Père Marquette did not get it for me.
- Q. You had sufficient influence with the other roads?—A. Yes.

SESSIONAL PAPER No. 36d

Q. Did you come over the Père Marquette road when your wife and family came?
A. No, they came over the Wabash.

Q. And you came over the Wabash?—A. I came down as far as Detroit over the Wabash, and then I went over the line here.

Q. You applied for a position to Mr. Pyeatt?—A. Yes.

Q. When was that?—A. That was about November 15.

Q. What position did you ask for?—A. I was asking for a position as train despatcher or chief despatcher.

Q. You had known him five or six years?—A. Yes, sir.

Q. You knew of his appointment as superintendent of this division?—A. Yes, I did.

Q. And have you got a copy of the letter you wrote to him?—A. No, I made a personal application to him.

Q. Where?—A. At Detroit at the time I applied to him.

Q. He was not then superintendent?—A. No.

Q. That was about the middle of November?—A. Yes.

Q. Why did you apply to him?—A. I knew him personally, and he was chief clerk for the general manager, and our acquaintance, I naturally stepped around to ask him if he thought I could get employment over here in Canada.

Q. After he was appointed as superintendent did you write to him?—A. No, sir.

Q. How did you communicate with him?—A. He telegraphed me to come over here and see him, and he thought he could—

Q. Did he offer you a position?—A. Yes, he offered the position of chief despatcher.

Q. Did he state the salary?—A. I think it was \$110.

Q. You think he mentioned that?—I think he did, I have not got the telegram.

Q. What did you do upon receiving the telegram?—A. I think I replied—

Q. You accepted it?—A. I do not know as I altogether accepted it.

Q. What did you do?—A. I came over here to see him.

Q. Did you reply to the telegram?—A. Yes.

Q. What was the reply?—A. I could not say the words, it gave him to understand I would accept the position, naturally I was anxious to come over here, and he knew that.

Q. Were you out of employment at that time?—A. Virtually so.

Q. Not doing anything?—A. Well, I was employed by the Wabash just during the World's Fair traffic there, and that was at an end at that time, and they were reducing their forces on account of it.

Q. You and Cain were pretty much in the same boat?—A. Yes, we were World's Fair people.

Q. I hope you got an extra salary for that?—A. No, I was getting just about what I got here.

Q. You were not as fortunate as Mr. Cain?—A. No.

Q. Do you employ the despatchers under you?—A. I recommend them for employment.

Q. Have you recommended any since your appointment?—A. I recommended Mr. Bailey to be reinstated, I recommended the appointment of despatchers, Mr. Andress.

Q. Any person else?—A. I recommended Mr. Gary, at the time we could not get any one else.

Q. Where was he?—A. He was looking for a position.

Q. You knew him over on the Missouri Pacific?—A. No, sir.

Q. Did you not know him over in the States?—A. No, sir.

Q. How did you get acquainted with him?—A. Through an application here for employment from him.

4-5 EDWARD VII., A. 1905

Q. Did you try to get a Canadian to take that position?—A. Well, I believe I did. I inquired of the Wabash of any of the despatchers over there.

Q. Who was the Wabash man you inquired of there?—A. Mr. McClarty.

Q. When did you ask him about it?—A. I think I asked him over the telephone.

Q. You did not know sufficient about the Canadian men to make inquiries among them?—A. No, I was not acquainted with them.

Q. McClarty was the only one you knew?—A. Yes.

Q. He was the only one you did ask?—A. I think I asked Mr. Babbit of the Michigan Central when I was over there one day, but he told me he did not have any one he could spare.

Q. How long were you in the States before you became an American citizen?—A. I lived there about seven years.

Q. And then you took out papers there?—A. Yes.

Q. Did you vote?—A. I voted a couple of times.

Q. And you have lived continuously there since you left twenty years ago until you were appointed here?—A. Yes, I always felt I was more a Canadian than I was an American, though.

Q. Have you not been speaking rather harshly against Canadian railroad men?—A. No.

Q. Of late?—A. No, sir.

Q. Just think?—A. No.

Q. Because I have heard that you have, that you have been rather harsh on the Canadian railroad despatchers?—A. No, not any more than was necessary to use discipline to get proper work.

Q. Have you spoken calling them rather harsh names?—A. No, I do not know as I have.

Q. Possibly it might not be hard in your estimation?—A. Well, I do not know what you mean.

Q. Have you called them damn Canadians?—A. I consider myself a Canadian.

Q. That is not quite a straight answer, have you called them damn Canadians?—A. No, sir.

Q. Not G—damn Canadians?—A. No, sir.

Q. Some men have stated they have heard you saying that, would they be saying what is untrue if they swear to that?—A. I think they would, I do not use language of that kind.

Q. You know whether they would or not, you would know whether you did say that or not?—A. I do not know what reason I would have for saying that.

Q. Do not argue; the question is whether you did or not, and you know better than I do, and it is for you to answer on your oath whether you did or not?—A. I will answer no.

Q. You never called them that?—A. No, sir.

Q. Never said they were damn Canadians?—A. No, sir.

Q. And you would show these damn Canadians how an American crew could work?—A. No, sir.

Q. Anything of that nature?—A. No, sir.

Q. So that any man who swears he heard you saying that won't be swearing to what is true?—A. I do not think he will.

Q. What were the terms you used with reference to Canadians?—A. I do not remember of any time calling or saying any words of that kind.

Q. Are you in the habit of using those words at all?—A. It would be spoken as a by-word; if I would say damn Canadians I would consider I was damned myself.

Q. Never mind arguing, because when a man begins to argue it is not a very good sign; it looks as if he was shielding a straight answer by argument, and that is not fair to you or me; you know what words you did use; I do not. Others have stated that you have used these words, have you or have you not?—A. I have not.

SESSIONAL PAPER No. 36d

Q. What words have you used?—A. I do not know that I have use any words that are harsh; sometimes things will annoy you and it is often the case you will make use of a by-word that would not be considered any attack, but for me to viciously say damn Canadians I did not.

Q. Are you accustomed to using such words?—A. I guess all railroad men swear some times.

Q. Pyeatt would not swear?—A. I do not know about that.

Q. You have your doubts about that?—A. Yes, sir.

Q. So that you may have used such words without intent?—A. If any words like that were used, it was not, I assure you, intended, because I have tried to do everything I could for the Canadians since I have been here, and I believe my work, if it was investigated, would show that.

Q. Then I will not ask you anything further about that, because that is between yourself and those who heard you. Gary you appointed under you; he has since resigned and gone back to the Missouri Pacific?—A. Yes, sir.

Q. How many Missouri Pacific men have you on this road now?—A. I do not think we have any.

Q. You won't go back on Cain?—A. I thought you had reference to those under my employ.

Q. No, I mean all?—A. I do not know, Mr. Cain, I presume.

Q. Anybody else—Mr. Gilhula; Mr. Cain was once a Missouri Pacific man?—A. Yes. I used to work for the Canada Southern one time.

At this point Mr. Coburn, counsel for the Péré Marquette railroad, appeared.

The COMMISSIONER.—Q. Was Gillam a Missouri man too?—A. I do not know him.

Q. So there are only three of you now at the head from the Missouri Pacific?—A. I did not come from the Missouri Pacific here.

Q. Well, do not go back on the Missouri Pacific now; the Missouri Pacific did well for you for eighteen years?—A. Yes, sir.

Q. You are a pretty good Missouri man; you left the Missouri Pacific at the time the World's Fair was over?—A. No, sir.

Q. When did you leave?—A. I left the Missouri Pacific almost about seven months before the World's Fair had been opened, and I went to work for a construction company, and after they got through with their contracts I was out of employment, and I secured a position as extra despatcher on the Wabash, and when the World's Fair traffic opened up and they put on extra men, I fell heir to one of their jobs; that was on the Wabash.

Q. Where did you go after leaving the Wabash?—A. I came over here just about the time they were dissolving their force, they had separated one department.

Q. Can you tell me the date of that telegram from Mr. Pyeatt to you?—A. I think it was about the 17th December.

Q. Who did you find in charge when you came here?—A. I think Mr. Arnum was acting.

Q. Was he an efficient despatcher?—A. Yes, he was doing very well, fair work.

Q. Would he be an efficient chief despatcher?—A. I do not know that I am capable to judge.

Q. I don't know, you have been a long time at that?—A. I have never seen any of his work as chief despatcher.

Q. You have seen his work as a despatcher?—A. Yes.

Q. And is it satisfactory?—A. Yes.

Q. Who else have you besides Mr. Arnum as despatcher?—A. Mr. Bailey.

Q. Is his work satisfactory?—A. Yes, sir.

Q. Any one else besides Mr. Bailey?—A. Mr. Black.

Q. Where did he come from?—A. He was promoted here from telegraph operator out on the line.

Q. He is a Canadian?—A. Yes

Q. And Mr. Bailey a Canadian?—A. I think he is.

- Q. And Mr. Årnum?—A. I could not say.
- Q. Have you any doubts about what his nationality is?—A. I think he is a Canadian.
- Q. Who other besides Gary did you appoint?—A. Well, I recommended the reinstatement of Mr. Bailey.
- Q. Not as chief despatcher?—A. No, as despatcher.
- Q. He was chief despatcher at one time?—A. I think he was; I did not know him then.
- Q. He was on your recommendation reappointed?—A. He was reinstated.
- Q. Any one else besides Mr. Gary?—A. Mr. Andress has just been appointed despatcher.
- Q. And that is all?—A. Yes.
- Q. Is there anything else you can give me, any information about this?—A. I do not know anything.
- Q. Do not speak harsh against Canadians after this.—A. I do not think you are treating me justly in that.
- Q. If the statements are correct at all, I am not treating you harsh, I can assure you, because it is not one place, but it is several places they said you have repeated very objectionable words against Canadians; I was very much surprised to hear that you were a born Canadian and had done that?—A. I am surprised the charges were made, and I would like to have the opportunity of denying them.
- Q. You have the opportunity and we will possibly have here some evidence to show whether your recollection is as good as theirs.

OWEN S. LESEUR, sworn, examined:

By the Commissioner :

- Q. You are the chief engineer for the Buffalo division of the Père Marquette, I understand?—A. I am assistant engineer of the Père Marquette Railroad, in charge of the Buffalo division.
- Q. Who is the chief engineer?—A. F. H. Alfred, with headquarters in Detroit.
- Q. And your headquarters are in St. Thomas?—A. Yes, sir.
- Q. When were you appointed to that position?—A. I came to St. Thomas, I think, the 20th or 22nd February.
- Q. This year?—A. This present year.
- Q. Who sent you here?—A. Mr. F. H. Alfred.
- Q. What were you doing at the time you were sent here?—A. I was assistant engineer in the Père Marquette Railroad at different kinds of work—whatever there was to do.
- Q. Not anything definite, you had no headquarters, I mean, as distinct from Mr. Alfred?—A. No, sir.
- Q. You have headquarters now as distinct?—A. Yes, sir.
- Q. So that this was a new position to the one you formerly occupied?—A. My title is the same, it is only a different employment.
- Q. At what salary are you appointed?—A. \$150.
- Q. And expenses?—A. Some expenses.
- Q. When you were out on the road?—A. Yes, sir.
- Q. What was your salary previous to your appointment in February last?—A. I have been receiving from \$125 to \$150 per month ever since I have been with the Père Marquette.
- Q. What were you actually getting when you were appointed in February last?—A. I think at that time, in February, I think I only got \$125, and I had all expenses.
- Q. What are your duties?—A. I am in charge of maintenance and construction.
- Q. Are the duties rather extensive at the present moment?—A. No more so than any position of that kind.

SESSIONAL PAPER No. 36d

- Q. Are they increasing ?—A. Yes, sir.
- Q. How many of a staff have you under you ?—A. In my immediate office ?
- Q. Yes ?—A. I have a stenographer, and an instrument man, and a rod man, at present.
- Q. Who are they ?—A. George Osborne is the instrument man, and Gordon Dawson is clerk and stenographer, and Roy Hammond is rodman.
- Q. You have no draughtsman at present ?—A. No, sir.
- Q. Have you requested the appointment of a draughtsman ?—A. No, sir.
- Q. Do you require further assistance than you are having ?—A. It will be likely we will have to increase the force.
- Q. To what extent ?—A. I cannot say, it depends on what we have to do.
- Q. You have always been kept busy since your appointment ?—A. Yes.
- Q. Busy for three or four men ?—A. We have had plenty to do.
- Q. For that staff you have ?—A. Yes.
- Q. You have had that staff since your appointment ?—A. I increased it one man.
- Q. Which man ?—A. Mr. Roy Hammond.
- Q. When did you appoint him ?—A. Some time this month.
- Q. Where is he now ?—A. He is in the office.
- Q. Is he a Canadian ?—A. I do not know, I suppose he is, he lives here in St. Thomas.
- Q. You are an American citizen yourself ?—A. Yes.
- Q. Who is your immediate predecessor ?—A. W. H. Harris, I guess I have not got the initials right, J. W., I think, are the initials.
- Q. Where is he now ?—A. He is still with the company, either in Detroit or Puddington.
- Q. Is he an American, too ?—A. Yes.
- Q. When was he appointed ?—A. Some time in December of last year or perhaps last November.
- Q. Was he the assistant chief, just the same position as you are ?—A. His title was assistant engineer.
- Q. The same position as you occupy to-day ?—A. Yes, sir.
- Q. Who was it that he succeeded ?—A. I think Mr. Owen McKay.
- Q. Do you know Mr. McKay ?—A. Yes.
- Q. He is a Canadian ?—A. I think he is.
- Q. How long was he on the road as assistant engineer ?—A. Since its construction, or almost since the first.
- Q. Since the construction of the road ?—A. Yes.
- Q. That is the road from Walkerville east ?—A. Yes, sir, I think he was not on the road when it first started, but he was before it got a great ways out.
- Q. Did he resign ?—A. I don't know.
- Q. Do you know when he left the road ?—A. I think about the time Mr. Harris came here—no, he was still with the company at that time, in fact I do not know, but he is with them yet.
- Q. You think he has something to do with them yet ?—A. I know he has some duties.
- Q. Of what nature ?—A. Of a special nature.
- Q. Only occasional duties ?—A. Yes.
- Q. Why is it he has occasional duties, is it because he knows so much about the road ?—A. No, whenever they have certain kinds of work they want done they employ Mr. McKay.
- Q. What salary are you paying Mr. Osborne ?—A. \$80.
- Q. When did you appoint him ?—A. He was here when I came.
- Q. You came in February ?—A. Yes.
- Q. He came when ?—A. Some time in the fall.
- Q. December or January ?—A. As early as December anyway, I do not know but before.

4-5 EDWARD VII., A. 1905

Q. Where did he come from?—A. He has been with the Père Marquette for a number of years.

Q. Where?—A. Two years ago he was on the Chicago division with me.

Q. In the United States?—A. Yes, sir.

Q. Was he appointed from there to here—I think he came from Saginaw?—A. He has lived in Saginaw.

Q. He is a young unmarried man?—A. He is not married.

Q. Then from Saginaw he came to St. Thomas?—A. He was down at Welland for quite a time.

Q. You did not appoint him?—A. No.

Q. You do not know whether Mr. Harris did?—A. No.

Q. Are there any Canadian civil engineers qualified for the position you occupy?
—A. I presume there are.

Q. You have never had occasion to inquire?—A. No.

GEORGE M. OSBORNE, sworn, examined.

By the Commissioner:

Q. What is your position with the Père Marquette Railway?—A. Instrument man.

Q. And leveller, I suppose?—A. Yes, sir.

Q. Fully occupied?—A. Yes.

Q. Since when?—A. I will be here in St. Thomas since January 22.

Q. I refer to St. Thomas; I suppose your appointment here is from the time you came here?—A. Yes.

Q. Who appointed you here?—A. Mr. Alfred appointed me, I came from Welland.

Q. Where is Mr. Alfred?—A. Detroit.

Q. Is that where he appointed you?—A. I came from Welland.

Q. Where did he appoint you?—A. At Detroit.

Q. When was it he appointed you?—A. About the latter part of January some time.

Q. Before January 22?—A. Yes, sir.

Q. At what salary?—A. \$30.

Q. As instrument man?—A. Yes.

Q. You had been in the service of the company previous to that?—A. Yes, sir.

Q. As instrument man?—A. Yes, sir.

Q. Where?—A. All over.

Q. Could you give me anything more definite?—A. Welland, Steiner and different places on different divisions.

Q. In Canada?—A. At Welland in Canada.

Q. Only at Welland in Canada?—A. Yes, sir.

Q. How long were you at Welland in Canada?—A. About a month or six weeks.

Q. Immediately previous to January 22?—A. Yes.

Q. And prior to that you were always occupied in the United States?—A. Yes, sir.

Q. You were born in the United States?—A. Yes.

Q. How many years ago was that?—A. Twenty-five.

Q. You are an American citizen, I suppose?—A. Yes, sir.

Q. Where did you live in the States?—A. Saginaw, Michigan.

Q. How long have you been connected with the Père Marquette?—A. About six years.

Q. As instrument man all the time?—A. No, sir.

Q. In what capacity?—A. Axeman, chainman.

Q. Always with civil engineers?—A. Yes, sir.

Q. You have grown up in that way?—A. Yes.

Q. I understand you are not a married man?—A. No, sir.

SESSIONAL PAPER No. 36d

STEWART AUSTIN, sworn, examined.

By the Commissioner:

- Q. You live at Walkerville?—A. Yes, sir.
- Q. Have you been living there for a number of years?—A. Yes, sir.
- Q. In the service of the Père Marquette Railway Company?—A. Yes, sir, and the Lake Erie and Detroit.
- Q. Before the Père Marquette?—A. Yes.
- Q. What positions have you filled there?—A. Mechanical superintendent.
- Q. Do you still fill that position?—A. No.
- Q. Why?—A. I resigned.
- Q. Why?—A. In the fall of 1903.
- Q. Why?—A. I thought they were getting a little too much for me, a little too much on my head, and I was getting up in years, and I thought I would step down a little bit.
- Q. Was there fault being found with your work?—A. No, sir, no fault that I am aware of.
- Q. Was there too much work for you?—A. They were getting too many engines, too much to do.
- Q. You could do one engine, but when it came to two, that was one too many?—A. No, we had lots of them.
- Q. Who has filled your position since?—A. Mr. Christie was appointed over me. I worked for the Père Marquette under him for some time, and then I gave up and went back running again, I was an engineer before I accepted that position, in 1898, for the Père Marquette people; I have been thirteen years with the Lake Erie, and it was coming a little too thick on me, beginning to lose my nerve a little, and I could not sleep at night some times, so much trouble on the road, and then I went back to running again on the engine. I ran a couple of summers, I did not work in the winter time, I ran in the summer time, and Mr. McManamy and I were talking one day this last spring over at the shop and I was telling him how Mr. Christie had used me—he was master mechanic over me—and I asked him for the position of foreman in the round-house, and he said there was not going to be any foreman in the round-house there.
- Q. You are referring to Walkerville?—A. Yes, and then I accepted, of course, the running of the engine for the time, and Mr. McManamy asked me if I would take the position of round-house foreman there again, and I said I would, and so I started there on the 20th of last month as round-house foreman.
- Q. What salary are you getting now?—A. \$70 a month.
- Q. What salary were you getting when you were master mechanic?—A. \$115.
- Q. Is the work as great now as it was when you were there, as master mechanic?—A. Oh, yes, it is a good deal more now.
- Q. And you wouldn't undertake to do it now?—A. No.
- Q. Not for twice the money?—A. No.
- Q. So that your reduction was an honest reduction?—A. Yes.
- Q. At your own request?—A. Yes.
- Q. You are satisfied where you are in preference to where you were?—A. Perfectly satisfied.
- Q. You are a Canadian?—A. Yes, sir; well, I am Scotch.
- Q. I was informed you had been reduced, and I was not quite certain why it was you were reduced, and for that reason I was anxious you should come and tell your story as you have done; is there anything else you would like to say in connection with the change on the road?—A. No, I have no fault to find.
- Q. What works are there up there now?—A. There is nothing there but the round-house.

4-5 EDWARD VII, A. 1905

Q. So that you are your own master and nobody to watch you there?—A. I do not know, if anything goes wrong they soon watch me, but we have a very good man, Mr. McManamy.

Q. I have heard him very highly spoken of?—A. He is a very nice man.

Q. I understand since you have charge there the works have all been removed to St. Thomas?—A. Yes, sir.

Q. You would not undertake to come to St. Thomas?—A. No.

Q. How old are you now?—A. 65 last January.

Q. You are young yet?—A. They tell me I am getting younger, I do not believe it though.

BENJAMIN KNIGHT, sworn, examined:

By the Commissioner:

Q. You live in St. Thomas?—A. I do.

Q. For how many years?—A. About five months.

Q. Where did you live before that?—A. Ridgetown.

Q. How long there?—A. About fifteen months.

Q. Where before that?—A. Niagara Falls.

Q. How long have you been in the employ of the Père Marquette Railway?—A. About a year and ten months.

Q. Are you a Canadian?—A. I am.

Q. What are you employed at?—A. Despatcher's operator and relieving train despatcher.

Q. You were under Mr. Gilhula?—A. I was.

Q. He took charge in December last?—A. I think so.

Q. At that time you were what he termed one of the trick despatchers?—A. I was.

Q. What salary were you receiving then?—A. \$60 a month.

Q. What are they getting now?—A. \$90.

Q. Were the others only getting \$60 too?—A. They were.

Q. That was in December, 1904; how did you come to leave the service?—A. I was dissatisfied with the way in which they were using me.

Q. In what way were they using you?—A. Taking me from a regular trick and offering me a position lower than my present wages.

Q. Let me understand; you were on a regular trick at \$60 a month?—A. Yes.

Q. They were taking you from that and placing you where?—A. As agent or operator wherever I wanted to go on the road.

Q. Away from home?—A. Yes, sir.

Q. At what wages?—A. \$45.

Q. What was the reason for their doing that?—A. They claimed that I was not up to the standard, causing delays of trains.

Q. Was there any real cause of their making such complaint against you?—A. There might have been one or two cases, but not more than that.

Q. During what time would there be one or two cases?—A. Shortly after Mr. Cain and Mr. Gilhula took charge. Mr. Cain went over the road on a local train, and I asked the question how long it would take them at a certain place, and they said 50 minutes, and they were 1 hour and 35 minutes, and consequently the crossing of the other train I had with this train that Mr. Cain was on received 1 hour and 35 minutes delay.

Q. Whose fault was that?—A. I would consider it Mr. Cain's fault.

Q. Why?—A. Because he being train master, should have given me better information than that.

Q. And you acted according to your instruction?—A. I acted according to my own judgment, when he told me it would be about 50 minutes. I suppose it was Mr. Cain who was practically running the train.

SESSIONAL PAPER No. 36d

Q. He is train master?—A. Well, of course, the conductor was running the train, but he was in charge, cleaning up the road, which I did not know he was doing; that is, cleaning up stations.

Q. You did not know the nature of the work?—A. No.

Q. And instead of your thinking it was 50 minutes he thought it would be an hour and 35 minutes?—A. No, instead of it being 50 minutes, they were about 1 hour and 35 minutes making a point at which I had already made the arrangement to meet this train.

Q. Is that the only complaint they made against you?—A. That was the only complaint, that was verbal.

Q. When was that complaint made?—A. It was about between the 15th—well, I could not say, it was in December some time.

Q. Both Mr. Cain and Mr. Gilhula were not there until after December 20, at least, would that assist you in trying to find out when they complained to you?—A. I received my notice on January 1 that my work was unsatisfactory.

Q. From whom did you receive that notice?—A. Mr. Gilhula.

Q. Had he given you any cause for complaining about your unsatisfactory work?—A. Never had.

Q. Never mentioned any complaint?—A. No.

Q. Had he reason for making any complaint?—A. Well, I cannot say that he had; I thought I was doing my work equal to the other men.

Q. Were you doing your work to your own satisfaction?—A. I was as far as the handling of my particular work, as far as the train orders were concerned I was doing my work to my own satisfaction, but the movement of the trains were not to the satisfaction of any one on account of the power.

Q. Whose fault was that, the want of power?—A. I don't know.

Q. That was not your fault?—A. No.

Q. You had no control over that?—A. No.

Q. You think possibly there were two complaints against you, were there?—A. Only one, one verbal and one written.

Q. What was the written one?—A. The one with regard to a train; it seems Mr. Gilhula had some work for a passenger train, taking off engines, changing engines, changing coaches, and I had already made my arrangement with the train to bring him to Chatham, and it took longer than they expected for this passenger train to make this change and the freight train instead of it making Chatham on the time I had already given, it went in at a blind station, and had to remain there for about an hour and twenty minutes.

Q. Whose fault was that?—A. I would consider it Mr. Gilhula's fault in a sense, on account of him knowing the condition of the train that he was working at.

Q. Did he not tell you the condition of that train?—A. No, although I knew it, but too late to make a change on the passenger train.

Q. Did either of these occurrences occasion damage to the railway?—A. Not to my knowledge.

Q. Did you ever hear it did?—A. No, sir.

Q. How long have you been a despatcher?—A. I think practically the third or fourth month after I took service with the Lake Erie people I was appointed relieving despatcher. I worked on the Michigan Central at Niagara Falls as train despatcher for ten years.

Q. And you took charge at Ridgetown along about two years ago?—A. Nearly, April 26, 1903.

Q. Very nearly, two days yet; so that you had that experience of over eleven years at this time; had you complaints made against your work during any portion of that time?—A. Never.

Q. Never had complaints before?—A. No.

Q. Any accidents occasioned through your negligence?—A. None whatever.

Q. So that during all that time, you acting as despatcher gave satisfaction to those employing you?—A. To the satisfaction of Mr. Woollatt and Mr. Cameron and Mr. Bailey and Mr. Arnum as I worked under them.

Q. What about the Michigan Central, did you give satisfaction to them?—A. I did.

Q. Why did you leave the Michigan Central?—A. They closed the office in which I was employed, and offered me a position at \$45, \$15 less than what I was getting, and I resigned.

Q. You came to Ridgetown and remained there for 15 months, and continued on here till after Mr. Gilhula's appointment?—A. I was about a year and ten months altogether.

Q. About 15 months at Ridgetown and 5 months here; did they discharge you from here?—A. No.

Q. Did they not discharge you from the position of trick despatcher—the word discharge is a little harsh, supposing we use the word relieve, did they relieve you from the position of trick despatcher?—A. They did.

Q. Who was it they placed in your stead?—A. Mr. Kirkpatrick.

Q. Who placed Mr. Kirkpatrick there?—A. I presume the chief despatcher.

Q. Mr. Gilhula?—A. Yes.

Q. How long had Mr. Gilhula been there, when he placed Mr. Kirkpatrick in your position?—A. Mr. Kirkpatrick took my place on January 2.

Q. Had he been there previously?—A. He was third trickman.

Q. You were what?—A. I had charge of the Erie and Huron; previous to that I was third trickman, and Mr. Kirkpatrick was second trickman, Mr. Black had first, and Mr. Arnum was relieving chief train despatcher.

Q. In the place of Mr. Bailey, who had been chief train despatcher; then how long did Mr. Kirkpatrick remain after his appointment on the 2nd to your position?—A. I should judge about four weeks.

Q. Was he relieved then?—A. Yes, sir.

Q. By Mr. Gilhula?—A. Well, I could not say as to that.

Q. Did you accept the position they offered you at \$45 a month?—A. I did.

Q. Where was that?—A. Courtright agency.

Q. You went there?—A. Yes.

Q. Had nothing else to do, I suppose?—A. No, I had nothing else.

Q. Nothing else in view?—A. No.

Q. How long did you remain at Courtright?—A. About four weeks.

Q. Were you kept as busy there as you had been down here?—A. No.

Q. That would bring you up to the end of January?—A. No, I took charge on the 17th.

Q. What had you been doing between the 1st and the 17th?—A. I was home, simply lying around.

Q. You would not accept anything?—A. I wanted to go home, I wanted a rest.

Q. This position at Courtright was waiting for you to take?—A. Not particularly waiting for me, just happened to be a vacancy there, and they wanted me to accept it.

Q. And you would not accept it at first?—A. I would not accept it on account of having no knowledge of agent's work.

Q. But you had knowledge of operating?—A. I had.

Q. And agent's work, was that difficult to learn?—A. No, I do not think so for those that would like it.

Q. I suppose the fact was you were a little bit disgruntled?—A. No.

Q. That was the reason you did not go there at once?—A. No, I did not, Courtright was open till I returned from home. from my father's.

Q. You went to Niagara Falls?—A. No, I went to Aylmer.

Q. That is where your father lives?—A. Yes.

Q. Are you a married man?—A. Yes.

Q. Your family here?—A. Yes.

SESSIONAL PAPER No. 36d

Q. You remained for a month, bringing you to the middle of February, and what did you do then?—A. I returned to St. Thomas with the understanding I was to accept the agency and operator at the London and Port Stanley station here in St. Thomas.

Q. Who gave you to understand you were going to get that?—A. I had a letter from Mr. Pyeatt.

Q. Offering you that position?—A. Yes.

Q. At what salary?—A. \$45.

Q. Did you go there then?—A. I went down and stayed there long enough to write out my resignation.

Q. Why?—A. I considered that the taking of a baggage man away from that office that had always had a baggage man there, and putting a boy in to assist in the handling of the baggage, that I could not stand the work.

Q. How old was the boy?—A. I guess he is twenty-one.

Q. Strong enough to do the baggage work?—A. I think he failed, he simply resigned since.

Q. Unable to do the work?—A. I thought that was the reason.

Q. That was the reason you resigned also?—A. Principally.

Q. You are not in their service now?—A. No.

Q. What are you doing now?—A. I am home.

Q. You are not in any employment at all?—A. No.

Q. You know Mr. Kirkpatrick?—A. I did.

Q. What was the nature of his work, was it satisfactory, to your knowledge?—A. I speak in a general way that everything seemed to be working smoothly under his hours; of course the train despatchers had a great deal to contend with during that time.

Q. Why?—A. On account of power; power always led up to the fact that the delays were caused by something wrong.

Q. Who was in charge of the power at that time?—A. I do not know, the superintendent or the master mechanic.

Q. Both are new men; was not it occasioned because of the inefficiency of these men prior to Mr. Pyeatt and Mr. McManamy taking charge?—A. To keep up the engines?

Q. Yes?—A. I presume that was the case, things went on a good deal different after Mr. Pyeatt came here because he got the means to work with.

Q. He had more means?—A. Yes, that is what I understood.

Q. Was the same company over them during your regime, the Pèrè Marquette Company?—A. Yes.

Q. The same directors?—A. I think so.

Q. Was not the same amount of money expended in keeping up these engines and train service as is now expended?—A. I could not say, the superintendent has a great deal to do, I presume, with the handling of his division. Perhaps Mr. Woollatt could have received the same amount of assistance as Mr. Pyeatt did if he had asked for it, may be he wd ask for it.

Q. Do you think everything depends upon the amount of money placed at the disposal of the road?—A. I think whatever the superintendent says goes a good deal.

Q. Provided the directors give him what he wants; were you there at the time of Mr. Gary's appointment?—A. No, I was at Courtright during that time.

Q. Is there anything else you wish to say, Mr. Knight?—A. Nothing that I know of.

By Mr. Coburn:

Q. I understand that one reason of your not continuing as despatcher was you did not feel up to the work, is not that the case—did not you tell Mr. Cain you were not a despatcher?—A. I told those men that I did not consider that I was a first-class train despatcher, but they did not give me a chance to show I was a first-class train

despatcher or a fourth-class train despatcher; I think I explained that to Mr. Cain and Mr. Gilhula.

Q. At any rate you told them you did not feel able to do the work they were asking you to do?—A. I might say for the information of the judge that when I told Mr. Gilhula that—you must remember that I was working under difficulties, and while I was handling the whole system previous to Mr. Gilhula taking charge I was then third trick, having the whole system in my hands from 11 o'clock till 7 o'clock in the morning, and then taking the Erie and Huron, 66 miles, where all the complaint was—there were no complaints with the 320 miles of road that I was handling previous to that—but Mr. Gilhula when he took charge gave us to understand that we were to handle all crippled cars, look after crippled cars, to get the men out to work at them, order them picked up, and I was doing that, and the other train despatchers were not doing that, which I knew to be a fact, and I told Mr. Gilhula under the circumstances I was working under difficulties, that I was doing a great deal of work that the other train despatchers were not doing, and at the same time I was repeating operator for the entire Erie and Huron system, doing my train work as well. The other train despatchers handled no messages at all. Mr. Gilhula told me in his office that he considered I was doing some of his work, which I had not ought to have done, he admitted that.

Q. The work you were doing at Niagara Falls, you say you worked as despatcher there; what despatching was done from Niagara Falls?—A. Handling of the trains between the two yards.

Q. Just between the yards, not out on the line at all?—A. No.

Q. It did not compare at all with the work of despatching on the division?—A. I kept up a train sheet for the eastern division of the Michigan Central; of course we used to figure and do the same kind of work.

Q. Their despatching office for the division is at St. Thomas?—A. Yes.

Q. And you was simply a sub?—A. Yes.

Q. Doing the work for the yard?—A. It was intended to make a train despatcher of that office, that was the intention.

Q. That was the beginning?—A. Yes.

Q. From there they would have to be promoted to St. Thomas?—A. Yes.

The COMMISSIONER.—Do you know if there would be any difficulty in getting Canadian despatchers?—A. I do not think so.

Q. I mean capable train despatchers equal to Mr. Gary?—A. I think there are better men than Mr. Gary.

JOHN WILLIAM O'LOUGHLIN, sworn:

Examined by the Commissioner:

Q. I understand you are a stenographer for Mr. Pyeatt?—A. Yes, sir.

Q. In the Père Marquette Railway Company here?—A. Yes, sir.

Q. Where were you engaged before coming here?—A. Springfield, Ohio.

Q. As what?—A. At similar occupation.

Q. For whom?—A. For the Detroit Southern Railway Company in Springfield, Ohio.

Q. What salary?—A. I was getting \$50.

Q. You made application to Mr. Pyeatt for a position in St. Thomas?—A. No, sir.

Q. To whom did you apply?—A. I applied to Mr. Trump.

Q. He is the general superintendent?—A. Yes, sir.

Q. You applied for a position as stenographer?—A. Yes, sir.

Q. Where?—A. Some time last June I was in Detroit and I saw him personally, that is his clerk, and his clerk agreed to get me a position.

SESSIONAL PAPER No. 36d

Q. Who was his clerk?—A. Mr. Babbit. He looked up my record and he said I could come and work for him if I wanted to, but I changed my mind and went back to Springfield again, and in about January, in the first part of December, I wrote to Mr. Trump again and told him if he could give me employment I would accept it.

Q. That was in December, was it?—A. The first part of December last.

Q. What did you hear after writing Mr. Trump again?—A. Mr. Trump sent that letter to Mr. Pyeatt, I presume.

Q. Why do you presume that?—A. Because I heard from Mr. Pyeatt.

Q. Then you got a letter from Mr. Pyeatt in answer to that letter.—A. Yes, sir.

Q. What was the letter from Mr. Pyeatt; have you the letter?—A. I did not write Mr. Pyeatt.

Q. He wrote to you?—A. No, sir, I have not got that letter.

Q. What were the contents of that letter?—A. It was a telegram, I think

Q. Do you remember what the contents were?—A. I could give the substance, saying that he understood that I wanted a position and to state salary and so on.

Q. Did he state the salary?—A. No, sir.

Q. He asked you to state the salary?—A. Yes.

Q. What did you do in answer to that telegram?—A. I replied saying I would come here for \$60 a month.

Q. At that time you were receiving \$50?—A. Yes.

Q. Did you receive any answer to that telegram?—A. Yes, sir.

Q. What was the answer?—A. The answer was, the substance, that he would give me a position here at that wage.

Q. And you came in answer to that?—A. Yes, sir.

Q. When did you arrive?—A. I think it was on December 9.

Q. Who were acting as stenographers at that time?—A. I do not know, I could not say.

Q. The two young ladies had fled before you came on the scene?—A. I do not know who was there before I came.

Q. Are you sure it was not in January?—A. Yes, sir, I am quite sure, I am almost certain it was in December.

Q. You have been here since?—A. Yes.

Q. Were you born in Springfield?—A. Yes, sir.

Q. How old are you now?—A. 25.

Q. And an American citizen, I suppose?—A. Yes, sir.

Q. You are not married?—A. No, sir.

ROWLAND JOHN FOREMAN, sworn, examined:

By the Commissioner:

Q. What position do you occupy?—A. Chief clerk of the superintendent.

Q. How long have you acted as such?—A. About four years.

Q. You were under Mr. Woollatt?—A. Yes, sir.

Q. And now under Mr. Pyeatt?—A. Yes, sir.

Q. Having charge of all the correspondence?—A. Yes, sir.

Q. And all the applications for employment are in your charge?—A. Yes.

Q. You have the applications of Mr. Dowdy and Mr. Penney as brakemen?—A.

No, sir.

Q. What applications have you?—A. We have applications for agents and operators, such as that; applications for trainmen go to the train master.

Q. Don't they come to you at all?—A. If the train master recommends taking them on they come to us in the form of that application form for approval.

4-5 EDWARD VII., A. 1905

Q. These are the applications at any rate of Mr. Dowdy and Mr. Penney ?—A. Yes, sir.

Q. They have come from your office here ?—A. Yes, sir.

Commission adjourned at 6.30 p.m. to 10 a.m. to-morrow.

Commission resumed at 10 a.m., April 26, 1905.

PRESENT:

His Honour JUDGE WINCHESTER, *Commissioner*.

A. O. JEFFERY, K.C., for Dominion Government.

J. H. COBURN, for Père Marquette Railway.

OWEN MCKAY, sworn, examined:

By the Commissioner:

Q. What is your position ?—A. I was assistant engineer of the Père Marquette, formerly chief engineer of the Lake Erie & Detroit River Railway.

Q. And after the Père Marquette absorbed that company you were assistant engineer under whom ?—A. The first year under Mr. William Woollatt, general superintendent; my instructions were to take my orders from Mr. Woollatt, and to report to Mr. Alfred, chief engineer, for the sake of uniformity; and on March 1, 1904, I received instructions from Mr. Alfred, chief engineer, to report to him afterwards, and that Mr. Woollatt would be made superintendent.

Q. When did the Père Marquette take over the Lake Erie & Detroit River Railway ?—A. About the 1st of January, 1902.

Q. At that time you were chief engineer ?—A. Yes.

Q. Then you became assistant engineer, with Mr. Alfred as chief engineer ?—A. Yes.

Q. He was chief engineer of the whole Père Marquette system ?—A. Yes.

Q. And you were assistant engineer for the Buffalo division ?—A. Yes, sir.

Q. The salary remaining the same ?—A. Yes, sir.

Q. Who had you on your staff at that time ?—A. Mr. Meadows as my assistant.

Q. Instrument man ?—A. Yes, and Mr. Askin as draughtsman.

Q. Any one else ?—A. And Mr. Meadows, as well; that was all I had for some time, then I employed other men, Roy Hammond, a young man from St. Thomas, and Mr. James Bangman, he was rodman and levelman.

Q. When did you employ these two men ?—A. I had them employed a good part of the time during 1904.

Q. That is Askin and Bangman ?—A. Yes.

Q. Hammond was a young man ?—A. Askin had been employed continuously for seven years in my office.

Q. Your head office at that time was at Walkerville ?—A. Yes.

Q. Could you give me the condition of the railway at the time the Père Marquette took it over ?—A. It was in good condition for local business, it was not equipped for trunk line.

Q. But good for local business ?—A. Yes.

Q. Is there any difference in the equipment for local and for trunk lines ?—A. There is, it required heavier rails for trunk line business, heavier engines and longer sidings, and larger tanks, more of them.

SESSIONAL PAPER No. 36d

Q. How about the power. was the power sufficient at that time?—A. The power was fairly good for local business, at the time the Père Marquette had taken over the road.

Q. I was told yesterday, I have no doubt it is perfectly true, that last December the power was in a very bad condition?—A. Yes.

Q. You were on the road at that time?—A. Yes.

Q. What caused the bad condition of the power?—A. Well, so far as my observation went, it was due to a lack of sufficient engines to do the local work and through business, and they did not have at Walkerville the facilities for repairing the engines as fast as they were out of repair, the engines were taken into the shop at Walkerville and were kept too long, and the engines that they had in service, a large number had been broken down because they were kept too long in the work, and did not have other engines to take their places; the result was they did not have sufficient power to move their trains, both local and through.

Q. Whose fault was that?—A. That would be the head management, as far as I could see.

Q. Was that the fault of the general manager or superintendent of that division?—A. It was not the fault of the superintendent, because he had urged this matter, so far as he had informed me, and so far as I know he had continually urged them on the other side, and called their attention to the lack of power to give efficient service.

Q. It was not supplied at his request?—A. No.

Q. You consider that was the real reason for the bad condition of the power when Mr. Pyeatt took charge?—A. Yes.

Q. It was in a bad condition, no doubt about that?—A. It was in a bad condition.

Q. Did you know Mr. Cameron, the train master?—A. Yes, I was personally acquainted with him.

Q. What do you say as to his qualifications for that position?—A. His duties were so entirely different from mine that I could not speak from personal knowledge of what his qualifications were, but I know him as a young man, and knew him when a boy, and thought he was a very respectable, intelligent young man, and I have heard no complaints with regard to his qualifications.

Q. You did not hear of any complaints?—A. No.

Q. Could he have, under the conditions in which he was working, done any better than what any other man could have done?—A. I do not think he could.

Q. Do you think he was qualified to do good work and did good work while he had the material with which to do it?—A. Yes, of course I could not speak personally about his qualifications, because I was not acquainted with his duties, and as I say, he was an intelligent young man, and he appeared to be qualified.

Q. So far as you heard he was qualified?—A. Yes.

Q. You remained until about December 1 with the Père Marquette?—A. Yes.

Q. Why was it you left?—A. On November 26, Mr. Alfred informed me personally in his office in Detroit that the general manager had decided on removing the superintendent's office, and the assistant engineer's office to St. Thomas, and that they appointed Mr. Harris as assistant engineer in my place, that the duties of the office would be somewhat different from what it had been under my care, that plans would be made in Detroit, and new construction work would be managed from Detroit, and they expected the assistant engineer in future to look after maintenance, to be outside and take active care of the work outside, and they decided on putting a new man in the position.

Q. Were you qualified to do the work they required?—A. I thought so.

Q. They did not ask whether you would remain with them or not?—A. No, sir. Mr. Alfred told me that I could keep my old office in Walkerville and finish up all construction work, and if any new construction work would come up during the summer they would probably be able to give me a good deal of it, and the assistant engineer would have charge of the maintenance.

4-5 EDWARD VII., A. 1905

Q. Were there any complaints about the manner in which you performed your duty at that time?—A. No, Mr. Alfred told me he was very well satisfied with my work. I do not know what his personal references were, but that is what he told me.

Q. What notice then was there given to you of your being relieved from duty, how long notice was there given of your being relieved from duty?—A. It must have been about November 22 when Mr. Alfred told me that there would likely be a change in the engineering office in Detroit which would affect me, he thought, but he would hold back that change as long as possible. On November 26 he informed me my assistant was appointed.

Q. Who was the assistant?—A. Mr. Harris; I did a good deal of work through December and up to January.

Q. Up to what time was your salary paid?—A. During the month of December I was paid, I think, it was \$119 in salary.

Q. Was that for special work?—A. Yes.

Q. But your salary ended at the end of November?—A. At the end of November.

Q. What was your salary at that time?—A. \$195 per month.

Q. That ended then in four days after you got notice to leave?—A. Yes.

Q. Was there any notice given to your subordinates, to the staff?—A. A few days before I received the notice, I have not the letter, it must have been about November 20, I think, if I remember right, Mr. Alfred wrote me that I would have to dispense with the services of Mr. Meadows, and perhaps one or both draughtsmen at the first of December; the railroad company had decided upon reducing expenses.

Q. Then on December 1, you left there, but you have done special work for them since then at times?—A. Yes, sir.

Q. You still occupy the offices?—A. Yes, sir.

Q. You pay a rent for them?—A. Well, yes, I made them an offer for the offices, and they sent me forms of lease to sign. I have not received it back as yet. I have the money ready to pay them rent from February 1.

Q. Was Mr. Meadows a careful man?—A. Yes, a very good man.

Q. No complaint about his work?—A. No.

Q. How long did Mr. Harris remain in your position after he was appointed?—

A. It must have been some time about in February, towards March 1.

Q. He was an American citizen?—A. Yes, sir.

Q. Then he was taken to the other side again?—A. Yes, I understand.

Q. And Mr. Leseur appointed in his place?—A. Yes.

Q. We had Mr. Laseur here yesterday and he explained that. That is all I have to ask you.

Mr. Coburn had no questions to ask.

WILLIAM WALTER MEADOWS, sworn, examined.

By the Commissioner:

Q. When were you employed on the Père Marquette Railway?—A. From the time they took hold of the Lake Erie and Detroit River Railroad till December 1, 1904.

Q. You had been on the Lake Erie and Detroit River before that, under Mr. McKay?—A. Yes.

Q. What was your salary?—A. I began at \$50 a month, and at the last I was getting \$100.

Q. From Mr. McKay?—A. Yes.

Q. Was there any objection to your work at all?—A. Not that I know of.

Q. Never heard of any complaints?—A. No.

Q. What notice did you get of being relieved from duty?—A. On or about November 26, Mr. McKay handed me a letter that he had received from Mr. Alfred saying he would have to dispense with my services.

SESSIONAL PAPER No. 36d

- Q. Did he give you any reason for dispensing with your services in the letter?—
 A. I do not remember whether there was or not.
 Q. You were laid off about December 1?—A. Yes.
 Q. Were you appointed again?—A. Yes, under Mr. Harris.
 Q. When?—A. It would be about the 9th.
 Q. What salary?—A. \$90 a month without expenses.
 Q. How long did you remain under that?—A. Till January 1.
 Q. You were not very long there?—A. No.
 Q. You were appointed about December 9?—A. Yes; I would not be sure about the 9th, but it was about that time.
 Q. Your offices at the time were at Walkerville?—A. Yes, sir.
 Q. Why did you retire then?—A. I got a position that paid me better, at least I thought it did.
 Q. He was paying you \$90 a month, and you got a position that paid you better?—A. Yes.
 Q. What was the position you got?—A. Mr. McKay wanted an assistant and I hired with him.
 Q. For how much?—A. \$85 and he paid me all my expenses.
 Q. And the expenses of course amounted to more than \$5?—A. Yes, a good bit.
 Q. Have you had any other offer lately?—A. Yes.
 Q. How much a month?—A. \$150 and expenses.
 Q. That would indicate your work is pretty satisfactory?—A. Yes.
 Q. Is that from a private person or a company?—A. It is from a company.
 Q. A railway company?—A. Yes.
 Q. Then so far as you knew your services were acceptable to the company during the time you were in their employment?—A. Yes.

HARRY E. TULLER, sworn, examined:

Examined by the Commissioner:

- Q. You are a locomotive engineer?—A. Yes, sir.
 Q. How long have you been such?—A. About 27 years
 Q. Where?—A. Missouri Pacific.
 Q. I heard the name of that railway yesterday?—A. Yes, sir.
 Q. The Missouri Pacific?—A. Yes, and Pennsylvania.
 Q. Where were you employed last before coming to St. Thomas?—A. On the Missouri Pacific.
 Q. Were you acquainted with Mr. Cain on the Missouri Pacific?—A. No, sir.
 Q. Did not know that gentleman?—A. No, sir.
 Q. Nor Mr. Gilhula?—A. No, sir.
 Q. Nor Mr. Pyeatt?—A. No, sir.
 Q. You were not up in the ranks evidently; when did you leave the Missouri Pacific?—A. A year ago last August.
 Q. Why?—A. On account of poor health.
 Q. You were not well?—A. No, sir; bad water.
 Q. Where were you located?—A. Southern Kansas.
 Q. What city?—A. Arkansas City
 Q. Wife and family there?—A. Yes, sir, they were.
 Q. Are they still there?—A. No, sir.
 Q. Where are they now?—A. In New York.
 Q. When did you come to Detroit searching for employment?—A. I came through there, I did not ask for any employment.
 Q. Where was it you asked for employment?—A. I asked for employment at Grand Rapids.
 Q. Of Mr. Kellogg?—A. Yes, sir.

4-5 EDWARD VII., A. 1905

- Q. Were you acquainted with Mr. Kellogg?—A. Yes, sir.
- Q. How long had you been acquainted with him?—A. Two or three years.
- Q. What employment did you ask from Mr. Kellogg?—A. Job running engine.
- Q. On what line?—A. On the Père Marquette.
- Q. He is the master mechanic of that system?—A. Yes, sir.
- Q. What did Mr. Kellogg tell you when you asked him for employment?—A. He said that they were pretty full handed.
- Q. What further?—A. I told him I would like to get a job.
- Q. What else took place then?—A. I asked him if he would give me a pass down the line to St. Thomas; it would be nearer where my folks were and I might get a job down there.
- Q. What did he say to that?—A. He said all right.
- Q. Did he give you a pass?—A. Yes, sir.
- Q. Transportation from Grand Rapids to St. Thomas?—A. Yes, sir.
- Q. Did he give you anything else besides a pass?—A. He gave me a letter that I was an engineer on the Missouri Pacific.
- Q. What else was there in the letter?—A. I do not know.
- Q. Did he ask them to give you employment?—A. No, sir.
- Q. Did not ask them to give you employment?—A. No.
- Q. I cannot find that letter, that is the reason I am asking you the contents of it.
- Q. What became of the letter?—A. I gave it to Mr. McManamy, I believe.
- Q. When did you arrive here?—A. About the 15th March.
- Q. Any work open for you at that time?—A. Mr. McManamy said that he had about all the men he could put to work on the road, so I asked him if he could not give me something to do in the shops.
- Q. It was work you were after, it was not position?—A. Yes, sir, work I was after.
- Q. What did he give you to do?—A. Gave me a job working in the shops, machinist's helper.
- Q. What rate of wages?—A. \$1.50 a day, I believe.
- Q. You believe?—A. I have not had a pay day yet.
- Q. Don't you know how much it was?—A. It was \$1.50 or \$1.75.
- Q. \$1.75 I think is more correct; your people live at East Pembroke, New York?
- A. Yes, sir.
- Q. You were under Mr. Kellogg while you were engineer on the Missouri?—A. Yes, sir, he came there about three years before I left there.
- Q. He was master mechanic at that time?—A. Yes.
- Q. And you were under him?—A. Yes, sir.
- Q. And afterwards he left and you subsequently left?—A. No, he left before me. I left a year ago last August.
- Q. You followed him up?—A. I do not know as I followed him up or he followed me.
- Q. No, you followed him to Grand Rapids?—A. Oh, yes.
- Q. He gave you a letter to Mr. McManamy and that resulted in your being placed in the shops, because there was no opening for you as engineer?—A. No.
- Q. Have there been many men leaving there of late?—A. I do not know, I am sure, from the shops.
- Q. You are not in a position to say that?—A. No, the force does not look as large as it used to when I first arrived.
- Q. How many men do you suppose have left since you were employed?—A. I could not say.
- Q. Have no idea?—A. No, I have no idea.
- Q. You are an American citizen?—A. Yes.
- Q. Lived in the States all your lifetime?—A. Very nearly, I lived in Canada about 27 years ago at Fort Erie.
- Q. How long?—A. About a year.
- Q. And you are about 50 years of age?—A. Yes.

SESSIONAL PAPER No. 36d

Q. And that is the only time you have been living in Canada?—A. That is the only time.

Mr. Coburn had no questions to ask.

CHARLES FRANKLIN SHOEMAKER, sworn examined.

By the Commissioner:

Q. You are in the mechanical department of the Père Marquette Railway Company, St. Thomas?—A. Yes, sir.

Q. When were you employed there?—A. February 20.

Q. By whom were you employed?—A. Mr. Stafford.

Q. Where?—A. Here at St. Thomas.

Q. How did you come to be here in St. Thomas?—A. I had a friend here who was in charge of the shop.

Q. Who was he?—A. Mr. W. H. Potter.

Q. What position had he in the shop?—A. Foreman boiler man.

Q. Did you write to him?—A. He wrote me a letter that he was transferred from this position here, this shop to Grand Rapids, and that there was a vacancy here. So I wrote to Mr. Kellogg and to Mr. Stafford, about transportation, and when I got here I asked for the job, and he gave it to me.

Q. You wrote to Mr. Stafford or Mr. Kellogg, which?—A. I wrote to Mr. Stafford, and I got the transportation through Mr. Kellogg.

Q. That is the way you did it?—A. Yes.

Q. Have you got the letter Mr. Porter wrote you?—A. No sir, I burned it up, I think.

Q. You did not take any particular care of it?—A. No.

Q. Have you got a copy of the letter you wrote to Mr. Stafford?—A. No.

Q. Where were you living at that time?—A. Terre Haute, Indiana.

Q. Was that in February?—A. Yes, sir.

Q. I found you made out an application after you came here?—A. No, I never made out an application.

Q. Who made it out for you?—A. Nobody.

Q. Is that your signature?—A. No, sir.

Q. Is not that your signature?—A. No, that is my son's, C. H. Shoemaker.

Q. Have you a son in the service?—A. Yes, sir.

Q. You do not look old enough to have a son in the service?—A. Yes, I have always taken pretty good care of myself.

Q. C. F. Shoemaker is your name?—A. Yes.

Q. That is what your son gives here as your name?—A. Yes.

Q. Did you not write out an application?—A. No, sir.

Q. You arrived here about what time?—A. On February 20.

Q. Having received transportation from Mr. Kellogg?—A. Yes, sir.

Q. Did Mr. Kellogg send you transportation or Mr. Stafford?—A. Mr. Kellogg.

Q. Mr. Kellogg sent it to Terre Haute?—A. Yes, I am a little ahead of my story there.

Q. Just explain it?—A. I got a letter from Mr. Kellogg and he said in the letter 'I enclose you transportation, Chicago to St. Thomas.' I got the letter, but there was no transportation in it. He forgot to put it in. When I got to Chicago I went to the freight office and got the transportation there at the general freight agent.

Q. On the Père Marquette?—A. Yes, sir.

Q. And you arrived on a freight?—A. No, I came on passenger.

Q. The freight department had passes there for passengers?—A. Yes, sir.

Q. And is your family here now?—A. Yes, sir.

Q. Did they come with you at that time?—A. No, sir.

Q. Your wife and family came subsequently?—A. Yes, sir.

- Q. Did you get transportation for them too?—A. Yes, sir.
- Q. What wages are you receiving?—A. \$85 a month.
- Q. What position do you occupy here?—A. Foreman boiler maker.
- Q. When did your family arrive here?—A. Last Wednesday, I think.
- Q. Only last Wednesday?—A. Yes.
- Q. Then your son also came here?—A. Yes, sir.
- Q. How did he come to get here?—A. He supposed he could get work here, and he asked me for a job, and I needed a man, and I put him to work.
- Q. That was in March last, about March 8?—A. I do not remember what day it was, in March, along in the fore part of March.
- Q. That is March 8?—A. That is the day he made out his application after coming here.
- Q. Did he write to you for work?—A. No, sir.
- Q. Did you write to him?—A. No, sir.
- Q. No correspondence between you at all until he arrived here?—A. No, sir.
- Q. How did he come to travel here?—A. I had spoken to Mr. Stafford about transportation for him on account of him being one of the family.
- Q. How old is he?—A. Twenty-one.
- Q. What are his duties?—A. He is a boiler maker.
- Q. You spoke to Mr. Stafford about him coming here?—A. Yes, sir.
- Q. And getting work?—A. No, sir, not about work; I spoke to Mr. Stafford about getting transportation for him to come here.
- Q. You required a boiler maker just at that time?—A. I did not exactly need a man, no, I did not speak to Mr. Stafford for him to come here to work.
- Q. You required a boiler maker at that time?—A. That was after he got here——
- Q. But before he got here, did you not?—A. Not exactly, no, sir.
- Q. What do you mean by not exactly, you could have put a boiler maker in there if you had so desired it, you could have found work for him?—A. I do not know but what I might have had enough work that I could have put on more men if they had allowed any more.
- Q. You have not the privilege of employing the men as you see fit?—A. Unless I have a vacancy.
- Q. At that time when you came here first you had not the privilege of employing men without speaking to Mr. Stafford?—A. Yes, I had the right to hire men.
- Q. And can you hire men now without Mr. McManamy's consent?—A. Yes, that is if I am in need of a man.
- Q. That is one of your duties?—A. Yes, sir.
- Q. You came here about February 20?—A. Yes, sir.
- Q. And you immediately became foreman?—A. Yes.
- Q. And continued so up to the present time?—A. Yes.
- Q. When was it you wrote to your son about transportation?—A. I spoke to Mr. Stafford.
- Q. About what time?—A. Shortly after I came here.
- Q. Within a week?—A. I think it was about a week.
- Q. What was your boy doing?—A. He was working for the Pennsylvania Railroad Company at Terre Haute.
- Q. With the same company you had been working?—A. Yes, sir.
- Q. Under you?—A. No, sir.
- Q. Not in the same shop?—A. Working in the same shop.
- Q. Were you foreman there?—A. No, sir.
- Q. So that he was working under a different boss than you?—A. Yes, sir.
- Q. Then in about a week you asked Mr. Stafford for transportation for your son to come here?—A. Yes.
- Q. And he arrived immediately?—A. Well, about a week after, I think.
- Q. You sent him the transportation?—A. Mr. Kellogg did.
- Q. And he arrived in consequence of receiving the transportation?—A. Yes, sir.

SESSIONAL PAPER No. 36d

Q. And immediately he was put to work by you?—A. Not put to work until after he came here.

Q. What salary?—A. 26 cents an hour.

Q. That is the usual rate?—A. Yes.

Q. You were born in the United States?—A. Yes.

Q. And you are an American citizen?—A. Yes, sir.

Q. And how long have you lived in the States?—A. I have lived there all the time up to the time I came over here.

Q. You had not been outside before coming here?—A. No, sir.

FREDERICK ARNUM, sworn, examined:

By the Commissioner:

Q. How long have you been in the service of the Père Marquette?—A. A little over four years, that is including the Lake Erie Company.

Q. You were employed by the Lake Erie Company before the Père Marquette absorbed that company?—A. Yes, sir.

Q. And since then up to the present time in the service of the Père Marquette?—A. Yes.

Q. In what position?—A. Train despatcher first.

Q. And now what?—A. Until the first part of December chief train despatcher.

Q. On December 1 you were chief train despatcher?—A. I was appointed, I suppose, about October 1,

Q. October 1, chief despatcher?—A. Yes.

Q. In whose place?—A. Mr. Bailey's.

Q. And you continued such until the first December?—A. About the first, I would not be sure about the date.

Q. Then what took place?—A. Then the hours were so long that I asked Mr. Pyeatt if he could not give me something lighter, or something to that effect, and he asked me if I did not want the chiefship, and I told him no, that the hours were too long.

Q. Then what was done?—A. Mr. Pyeatt then put me on as night train despatcher.

Q. What date?—A. That would be probably about the second week in December.

Q. Who took charge of the chief position then?—A. Mr. Gilhula.

Q. When?—A. Just shortly after I left, about the second week in December. I would not say what date.

Q. You think that is about right?—A. Somewhere around that date.

Q. Not the 22nd or the 20th?—A. I could not give you the exact date.

Q. Were there any complaints made against your work or your not attending to your work?—A. Not that I am aware of.

Q. None at all to yourself?—A. Not that I am aware of.

Q. You ought to be aware of them?—A. I think I would be notified.

Q. Were you spoken to by Mr. Pyeatt about your not being there in time?—A. I remember one Sunday morning.

Q. What was the difficulty then?—A. I had been on duty then, I had left the office at 2 o'clock Sunday morning. I was on until 2 o'clock Sunday—

Q. All day Saturday and right up till two o'clock on Sunday?—A. Yes, I was there all day Saturday except meal hours.

Q. From what hour in the morning on Saturday?—A. It would be about nine o'clock.

Q. That was the usual hour?—A. Yes, generally go on about nine.

Q. What was a fair day's service?—A. Well, that is a kind of hard question to answer; the chief train despatcher is supposed to be there all times when wanted.

Q. Night and day?—A. If it is necessary for him to be there he is supposed to be there.

4-5 EDWARD VII., A. 1905

Q. What are the necessary hours for you as chief despatcher?—A. Generally speaking, I would be there from 9 o'clock in the morning till about 11 or 12 at night.

Q. On this Sunday morning you were there till two o'clock, then when did you return?—A. I did not come down till Sunday afternoon between one and two.

Q. What took place then?—A. Just ordinary work that had to be done. I went in and did it.

Q. Any objections made to you for coming at that hour?—A. Mr. Pyeatt kind of took me to task because I did not get down in the morning. I explained the case to him, and he said it was satisfactory; he was not aware that I was there till two o'clock.

Q. Any other complaint made?—A. No, sir.

Q. What difficulty did you find in performing the work of chief despatcher?—A. Well, the trains were running a little bit slow, and there were several things would keep a despatcher there; the trains would not move the way we expected they would move, and you have to keep changing your arrangements probably and especially Saturday night, and the train despatcher is supposed to be there on duty and look after the Sarnia end, especially when the stock comes out Saturday night. On this Saturday night that was the reason I was there so late to see how the stock was moved out and getting power out.

Q. When did you make up your mind to be relieved of that position?—A. I had made up my mind to quit a long time, that is a few weeks, but I had not mentioned the fact to Mr. Pyeatt.

Q. When did you first mention it to him?—A. About a week before I was relieved. I told him the hours were too long and I could not stand it; I was not strong enough.

Q. What hours did you refer to as being too long?—A. That is chief despatcher's hours.

Q. Nine o'clock in the morning till twelve o'clock at night?—A. Nine o'clock until the worst was all done.

Q. What assistance had you?—A. Three train despatchers.

Q. Who were they?—A. Mr. Black the first trick, and Kirkpatrick and Ben Knight,

Q. Were they capable men?—A. Yes, sir.

Q. Did they give satisfaction?—A. They did all the time I was in the chiefship.

Q. Had you any complaints about them when you were in charge?—A. I do not remember of having any.

Q. You were perfectly satisfied with them?—A. Yes, sir.

Q. Have they been doing as good work under your successor as they had been while you were chief?—A. Yes, sir.

Q. Mr. Kirkpatrick is not in charge there now?—A. No, sir.

Q. Was he relieved?—A. I believe he resigned of his own accord.

Q. Why?—A. I could not say his reasons.

Q. Did he not assign any?—A. Not to me, I was not chief then.

Q. Was he a capable man?—A. I always considered him a pretty good despatcher for the experience he had.

Q. Did he do his work?—A. Yes, he did his work fairly well.

Q. You have no fault to find with him?—A. No, sir.

Q. Nor with Knight?—A. No, I never had occasion to.

Q. Has the work been increased since December 1 to what it had been the year before?—A. No, I do not think it has.

Q. Has it been as heavy?—A. It has not been as heavy as it was a year ago, that is to my way of thinking.

Q. You have a pretty good knowledge of what the work consists of and what is being done there?—A. Yes.

Q. You are there every day?—A. Yes, every day I was there.

Q. Has more freight been handled since December 1 than it had been for months previous to that?—A. Just about the same.

Q. I was told there was far more freight handled during the twelve months of

SESSIONAL PAPER No. 36d

1904 under the old management than during the period the new management has been in charge?—A. I think so myself.

Q. What about the tonnage, has that been greater than under the present management?—A. No, I do not think so.

Q. You think the tonnage has not been greater?—A. I do not think so.

Q. That is under the old management?—A. I think the tonnage was heavier under the old management, that is the actual tonnage.

Q. That was hauled over the road?—A. Yes.

Q. The power was in a very bad condition about December 1, last, I was told yesterday?—A. Well.

Q. I have no doubt that was perfectly true; what was the cause of that?—A. That is a pretty hard question for me to answer.

Q. Don't you know?—A. No, I cannot say.

Q. You heard Mr. McKay's evidence this morning?—A. I did.

Q. Do you agree with him?—A. I agree that the power was not right up to first-class.

Q. But the reason you cannot say?—A. No.

Q. You personally know nothing about the reasons?—A. No, sir.

Q. How many miles of road would there be under each of your despatchers?—A. 128 and 70.

Q. Under each of them?—A. No. 143, on the main line despatchers and about 70 on the Sarnia branch.

Q. How many under you now?—A. I take the whole thing now at midnight, 173 and 40 miles.

Q. How much was there under Kirkpatrick?—A. 70 miles.

Q. And how much under Knight?—A. He took the whole thing at midnight.

Q. The same as you are doing now?—A. Yes, sir.

Q. So that was a rather responsible position?—A. I consider a despatcher's duties are responsible at any time.

Q. But when the whole of the mileage is under you it is more responsible?—A. A little more.

Q. And Mr. Knight had the whole at what hour?—A. After midnight.

Q. What salary are you receiving?—A. \$90 at the present time.

Q. What had you been receiving?—A. I was receiving \$90 in the chiefship.

Q. What were you receiving immediately before that?—A. \$80, working tricks.

Q. And it was increased to \$90 when you became chief?—A. Yes, sir.

Q. And it has been continued on at \$90?—A. Since then the salaries of despatchers have been increased \$10.

Q. When you gave up then you went back to your own salary?—A. No; I left \$80 and took the chiefship at \$90, and got the chiefship and fell into \$90.

Q. That is, all the despatchers had been increased \$10 a month?—A. Yes.

Q. So that you continued on at \$90?—A. Yes.

Q. Was Knight receiving \$90?—A. No, I believe it was \$80.

Q. And Kirkpatrick?—A. \$80.

Q. The increase had not taken place in their time?—A. Kirkpatrick's position was a position that was a new position, that was made on account of the heavy work of other despatchers looking after the whole line, that is the day despatchers, first and second despatchers had a little more than they could handle with safety, and Mr. Woollett decided to put on an extra man on the Sarnia branch.

Q. Who occupies Kirkpatrick's position now?—A. Mr. Andress at the present time.

Q. When was he appointed to that position?—A. Monday morning.

Q. Who had it before him?—A. Mr. Gary.

Q. Mr. Gary succeeded Mr. Kirkpatrick?—A. Yes, sir.

Q. Who was in charge at the time Mr. Gary was there?—A. As chief?

Q. When Mr. Bailey was chief who were the trick despatchers or were there only two?—A. There was Mr. Black and Mr. Kirkpatrick.

4-5 EDWARD VII., A. 1905

Q. And yourself?—A. And myself

Q. And did Gary come and take Kirkpatrick's position?—A. Gary came after Kirkpatrick resigned.

Q. So that there are three trick despatchers besides the chief?—A. Four; there are three on the main line and one on the Sarnia branch.

Q. How many were there when you were chief?—A. Four.

Q. And who was your predecessor as chief?—A. Mr. Bailey.

Q. How many were there then?—A. At one time there were only three.

Q. Then the work became heavier?—A. Yes, and we put on one on the Sarnia branch.

Q. Who were the men you had under you as chief?—A. Black, Kirkpatrick, Knight and I think Andress was working despatcher.

Q. He had no trick, however?—A. Not regular.

Q. So that is the position at the present time, there are four of you and a chief?—A. Yes, sir.

Q. How many hours are you expected to be on duty now?—A. Train despatcher is 8 hours.

Q. And when you were chief you were there for how many?—A. I stayed there as long as I was required, 16 or 17 hours, some nights we would probably only go 14 or 15.

Q. Did you complain of the long strain?—A. No, not to Mr. Pyeatt.

Q. To anybody?—A. No, sir.

Q. You did not complain of that?—A. No, not until about the week before I was relieved; I told Mr. Pyeatt the work was too heavy for me and asked him if he could not give me something else.

Q. You were not told you must do that or stand aside?—A. No, sir, I was not compelled.

Q. It was a matter of free will?—A. I gave up the office of my own free will.

Q. And in consequence of that you took the night shift?—A. Mr. Pyeatt asked me to take the night shift.

By Mr. Coburn:

Q. There are one or two things I do not understand; you say the work was heavier last year, 1904, than it has been since?—A. To my way of thinking I think it has.

Q. Heavier on the despatchers I suppose you mean?—A. No, I mean heavier on the road; if it is heavier on the road it must have been heavier on the despatchers.

Q. That is what I want to ascertain; I thought it was heavier on the despatchers on account of the slow movement of trains; that had a large amount to do with it?—A. It would be necessarily heavier on the despatchers.

Q. If trains were not moved promptly and readily it would be heavier on the despatchers for the same amount of traffic?—A. Yes, I think it would any way.

Q. While you were acting chief do you remember what the movement of freight was; I am told it was about 600 cars a day?—A. Yes, it would be about that; it might go a little over that, and probably some days it would not go as high, but that would be a fair average.

Q. And during the period since that time it has gone up to 1,200, and it is about 1,000 a day now?—A. That all depends on whether you are counting the Buffalo division, that is east of here, we are not handling— did you say 1,000?

Q. It went up to 1,200, and it is now about 1,000, I understand?—A. I suppose it would on an average run about that.

Q. Do you know what Mr. Gilhula's hours are?—A. At the present time?

Q. Yes?—A. I do not think he has any stated hours, not to my knowledge. Mr. Gilhula stays there as long as there is work to do for the chief despatcher.

Q. He is there a great deal more than eight hours a day?—A. Yes; I am not there to see what hours he comes on duty or when he goes off. I am not there in the day time.

THE COMMISSIONER.—He is not there all night?—A. No, sir. I have seen Mr. Gil-

SESSIONAL PAPER No. 36d

hula there very late and away late in the morning; that was on account of the snow block though.

By Mr. Coburn:

Q. It is needless to say that your present work is much lighter than that of chief despatcher?—A. Oh, yes.

THE COMMISSIONER.—And the salary?

MR. COBURN.—The same salary.

THE COMMISSIONER.—It is lighter than the salary of the chief despatcher at the present time.

MR. COBURN.—Oh, yes.

EDWIN J. MCMILLAN, sworn, examined:

By the Commissioner:

Q. What is your occupation?—A. Tool maker on the Père Marquette.

Q. How long have you been employed in the Père Marquette shops?—A. Since April 3.

Q. Where were you before that?—A. I was with the Père Marquette in Saginaw for a time.

Q. Under Mr. Essick?—A. Yes.

Q. What were you receiving there?—A. \$2.47½ a day.

Q. You receive \$2.85 here?—A. Yes.

Q. Why did you resign in Saginaw?—A. I understood by different machinists that were travelling through, that there was a position over here vacant, and they were paying better money, and I resigned there to do better.

Q. Who were the different machinists that told you there were vacancies here?—A. It is rather hard to give their surnames on account of not being very well acquainted with them, they were what we call hobos.

Q. They are not machinists?—A. Yes, but just floating around through the country.

Q. What kind of machinists?—A. Hobos are some of the best machinists; they are what the craft call hobos, just go about the country.

Q. You are not acquainted with many of them?—A. They come on there and you make their acquaintance.

Q. Had you any correspondence with the St. Thomas people?—A. None whatever.

Q. No letter written to any one?—A. No, sir.

Q. Did you consult Mr. Essick about it?—A. No, sir.

Q. Did not speak to Mr. Essick?—A. I just informed Mr. Essick that I had resigned.

Q. And you were off east?—A. I did not tell him where I was off to.

Q. How long had you been there?—A. About three years and five months.

Q. Where before that?—A. I was with the Zinsch-Gassing people, Grand Rapids, Michigan.

Q. You moved just across the road, practically speaking?—A. Yes, sir.

Q. Did you not get transportation?—A. Just about five hours before I left I went up into Mr. Bowden's office, and asked him if he would give transportation. He said 'Where do you want it to?' I said 'I do not hardly know, but I think I will go to St. Thomas and try that first.'

Q. Was that honest?—A. Well, no, not exactly honest; I knew pretty well I was bound for St. Thomas.

Q. You knew you were going to St. Thomas?—A. Yes, I had made up my mind to go.

Q. Had a pretty good idea; you got transportation from there to St. Thomas?—A. Yes, sir, and return.

Q. Is that still good?—A. I destroyed that, I had no occasion for it.

4-5 EDWARD VII., A. 1905

Q. You succeeded in getting employment here?—A. Yes, the transportation was no good to me, so I destroyed it.

Q. You came to St. Thomas and applied to Mr. Groening?—A. Yes, sir.

Q. Did you know Mr. Groening?—A. Yes.

Q. Had you any correspondence with Mr. Groening?—A. None whatever.

Q. Nor with any one through him?—A. No, sir.

Q. No correspondence whatever?—A. None whatever.

Q. You were under Mr. Groening before?—A. No, sir.

Q. What position had he in Grand Rapids?—A. He was what we call the pit-side foreman, erecting foreman.

Q. And he is general foreman here?—A. Yes.

Q. That is a better position?—A. Yes, sir.

Q. How long were you here before you went to work?—A. I arrived here Friday night and went to work the following Monday.

Q. Did you give any certificate of character or anything of that nature?—A. No, sir, I was asked—

Q. He knew you?—A. Yes, I was asked if I resigned or was discharged, and I told him I had resigned.

Q. Do you think he told any of those hobos to tell you to come across?—A. No, sir, I have no idea that he knows any of them.

Q. He is not so well acquainted with them as you are?—A. I was not well acquainted with them; I can give you their first names but I cannot give you the last names—Douglas.

Q. The first name is as good as the last with a hobo?—A. I believe they said they had worked in Stratford, they came through this way.

Q. You told Mr. Groening where you had come from?—A. Yes.

Q. He knew that as soon as he saw you?—A. Yes, sir, I presume he did.

Q. And immediately employed you; you filled up an application sheet?—A. Yes, sir.

Q. When?—A. On Sunday afternoon the 2nd.

Q. Where did you get it?—A. At his office.

Q. On the Saturday or Friday?—A. I got it on the Sunday.

Q. Your son and sister still live over in Grand Rapids?—A. Yes, sir.

Q. You have not brought them across yet?—A. No, sir.

Q. You are an American citizen?—A. Yes, sir.

OWEN HALES, sworn, examined:

By the Commissioner:

Q. How long have you been with the Père Marquette Railway Company in Canada?—A. About a year and fifteen days.

Q. You are sure of the fifteen days?—A. About, I came on April 3 last year.

Q. Where from?—A. From Saginaw.

Q. What position did you occupy there?—A. Air-brakeman.

Q. How long had you been in Saginaw?—A. Working, do you mean?

Q. Yes.—A. About eleven years.

Q. Was the Père Marquette the first railway you had anything to do with?—A. Yes, sir.

Q. And you have stuck by the Père Marquette since?—A. Yes, sir.

Q. You have always lived in the States until you came to Walkerville?—A. Yes, sir.

Q. What wages were you paid in Saginaw?—A. 22 cents an hour.

Q. How much now?—A. 26 cents.

Q. There has been an increase since you came here?—A. Yes, since I came to St. Thomas.

SESSIONAL PAPER No. 36d

Q. Yes?—A. No, sir.

Q. You got an increase as soon as you came to Walkerville?—A. Yes.

Q. From 22 cents to 26 cents in Walkerville?—A. Yes.

Q. How did you come to go to Walkerville?—A. There was a young fellow working at the air-brake in the shop there, and he had quit the job to work for the McLaughlin Air-Brake Company in Walkerville, and he was a friend of mine, and he told me the job was open, and said if I wanted it to come down and ask for it; so I quit the job where I was and went down.

Q. And you have been here ever since?—A. Yes.

Q. Giving good work?—A. I hope so.

JOHN MCMANAMY, sworn, examined:

By the Commissioner:

Q. What position do you occupy on the Père Marquette in St. Thomas?—A. Assistant master mechanic.

Q. That is rather a misleading title, you are really master mechanic in the Buffalo division, are you not; you have charge?—A. Under the supervision of Mr. Kellogg.

Q. He is the master mechanic of the whole system?—A. Yes, sir.

Q. You are his assistant so far as his position is concerned, but you have charge of the Buffalo division as master mechanic?—A. Yes, sir.

Q. When did you arrive in St. Thomas?—A. About the 30th November, 1904.

Q. You came ahead of Mr. Pyeatt?—A. No, sir.

Q. When did he come, here; I thought it was the first December?—A. No, I think Mr. Pyeatt was here a few days before that.

Mr. PYEATT.—I took charge on the 1st.

WITNESS.—I also did the same thing; the question as I understood it was when I arrived here.

By the Commissioner:

Q. Where had you been working before that?—A. Grand Rapids, Michigan.

Q. Under Mr. Kellogg?—A. No, sir; Mr. Kellogg was not there at that time; Mr. Christie was the master mechanic.

Q. You were under Mr. Christie then?—A. Yes, sir.

Q. What position did you occupy there?—A. Road foreman of engines.

Q. How long had you been at Grand Rapids?—A. I had been in the service of the Père Marquette since the organization of the company in 1900.

Q. What road were you on before that?—A. The Chicago and West Michigan, which is a branch now under the supervision or control of the Père Marquette.

Q. Before that?—A. I was on the Chicago & West Michigan ever since I began railroading, 1891.

Q. What salary were you receiving when you were appointed here?—A. \$150 a month.

Q. At Grand Rapids?—A. Yes, sir.

Q. And is that what you are receiving now?—A. No, sir.

Q. What is it now?—A. \$175.

Q. So that there was a slight inducement to your coming here?—A. Yes, the inducement, however, was made after I came here; I came here at the same salary I was receiving at Grand Rapids.

Q. And you were increased shortly afterwards?—A. The first of the year, thirty days after I came here.

Q. Was there a general increase made all the way around?—A. No, sir.

Q. You were led to believe there would be an increase when you were appointed?—A. No, sir, I was not led to believe there would be an increase. I was told they wanted me to go to St. Thomas, that was all there was of it, and when I asked the question of

4-5 EDWARD VII., A. 1905

the rate of pay they said it would be all right. 'We want you now to go to St. Thomas.'

Q. And as a faithful servant you obeyed?—A. Yes.

Q. You of course got transportation to St. Thomas?—A. I already had my transportation, I had an annual pass over the Pere Marquette system. It was not necessary to get any transportation to St. Thomas.

Q. As master mechanic in St. Thomas what are your duties?—A. I have supervision over the mechanical department.

Q. What condition did you find the power in when you came here?—A. It was not good by any means.

Q. All the engines run down?—A. Most of them were.

Q. Not repaired?—A. No, sir.

Q. Out of repair?—A. Yes, sir.

Q. Do you know how that happened?—A. No, sir, I do not; prior to the time I came here I paid no attention to the Buffalo division.

Q. The future, and not the past, was what you were looking for?—A. Yes.

Q. What did you do in order to put things in better shape?—A. We increased the force and ran our shop nights, worked over time, and so forth, to get the power into condition to give better service than was being given at that time.

Q. That increased the expenditure of money?—A. Yes.

Q. As well as the number of hands?—A. Yes.

Q. The management in Cincinnati supplies you with all the necessary funds?—A. They supplied me with all that I used at any rate.

Q. All you wanted?—A. No.

Q. How many new engines did they send over here?—A. There were four new engines sent some time I believe in January, there were four engines, but not new engines.

Q. But they were good engines?—A. Yes, in good condition; they came here in the end of January for a short period of time, and all have been returned.

Q. Any new engines put on the road since you came?—A. Yes sir, six new ones.

Q. Where were they made?—A. At Dunkirk, New York.

Q. All the old ones repaired since you came?—A. No, sir, they have not, a number have been, but others have not.

Q. How many have been repaired?—A. I could not say just that; we have a number of old engines to go through the shop yet, five waiting in the shop at the present time, and as yet unfit for service.

Q. How much money has been expended in putting the power in fair condition by the bringing in of six new engines and repairing old engines?—A. Our pay-rolls run about \$17,000 per month. That of course could not all be attributed to putting the power in good condition; the only portion of it which could be attributed towards that would be the amount that is in excess of the pay-rolls prior to the time I came here.

Q. How much were the amount of the pay-rolls prior to your time?—A. Between \$10,000 and \$11,000 per month.

Q. For how long prior?—A. I do not know, I have not the record back very long.

Q. Did you immediately increase the staff?—A. We increased the staff.

Q. Outside of the pay-rolls, what would be the expenditure in connection with the power?—A. The engines that are sent here are worth about \$15,000 apiece; there were six of those.

Q. What other expenditure?—A. In the way of shops?

Q. Yes?—A. There was considerable expenditure in the way of shops, but the shops were well under way, but not in running order, when I came here.

Q. Machinery?—A. Yes, there has been some money expended for machinery; there have been only a few machines bought since I came here; the other machines had been purchased before that time, but were not installed, and were not in working order.

Q. What would be the cost of them?—A. They will run from \$1,000 to \$3,000 each.

SESSIONAL PAPER No. 36d

Q. How many were there?

Mr. COBURN.—I do not want to object, but I do not see what bearing all this has on the question at all.

The COMMISSIONER.—I am about through now. The bearing is this, that this new régime put everything into capital working order immediately, while the old men that were here could not do it. You see the bearing now without going into details?

Mr. COBURN.—Yes.

By the Commissioner:

Q. About how many machines were there?—A. Bought since I came here?

Q. That were not installed?—A. Bought previously, and bought since, and installed since?

Q. Yes?—A. Seven or eight.

Q. That would be about \$20,000?—A. Yes.

Q. So that, with all that expenditure, you have been putting the road in pretty good order?—A. It is better, at any rate.

Q. It could not have been put in good order without that expenditure?—A. Not with the facilities at Walkerville.

Q. Nor with the facilities at St. Thomas, without the expenditure of that money?—A. No.

Q. What employees do you supervise?—A. All employees in the mechanical department.

Q. They cover engineers and firemen, in addition to the shop men?—A. Yes, sir.

Q. Who are your foremen?—A. We have a number of those we have in all about fourteen foremen on the Buffalo division.

Q. How long have they been here?—A. Some of them have been here for a number of years, others have been appointed since I came to St. Thomas.

Q. Who are the ones you appointed?—A. Mr. Dyell, round-house foreman at St. Thomas; Mr. Griffith, also round-house foreman at St. Thomas; Mr. Austin, round-house foreman at Walkerville; Mr. Herd, machine foreman; Mr. Berdett has been appointed night foreman of the machine shop; that is all I have appointed, I guess.

Q. Are there any other foremen there you have not appointed, and who have been appointed since you came here?—A. Edward Groening and Shoemaker.

Q. Who appointed them?—A. Mr. Groening was appointed by a bulletin issued in the St. Thomas shops; he was sent here by Mr. Kellogg for that purpose, and Mr. Kellogg appointed Mr. Shoemaker, or Mr. Stafford employed him. That was done when I was not in the city, and, when I came here, I found Mr. Shoemaker working.

Q. Mr. Groening was appointed by Mr. Kellogg?—A. Mr. Groening was appointed by me and approved of by Mr. Kellogg; he was sent here by Mr. Kellogg.

Q. He was sent here by Mr. Kellogg for appointment?—A. Yes, sir.

Q. And Mr. Shoemaker was appointed, as he said in his evidence?—A. Yes, sir.

Q. You have been relieving a number of the hands during the past month or two?—A. We have relieved a few engineers.

Q. Only?—A. There have been a few shop men relieved, very few, three or four, and eleven engineers.

Q. When were the eleven engineers relieved?—A. Monday of this week.

Q. Why were they relieved?—A. On account of not having sufficient work to keep the force all working.

Q. Were they Canadians?—A. Most of them were, most of our men in every capacity are.

Q. The exception to the rule is the Americans?—A. Yes, some are, some are not.

Q. The rule is that Canadians are employed?—A. Yes.

Q. And the exception to that rule is that there is an American here and there employed?—A. Yes, and also a man from a foreign country here and there, possibly about as many of those as there are Americans.

4-5 EDWARD VII., A. 1905

Q. You remember Mr. Tuller coming here?—A. Yes.

Q. He was sent with a letter from Mr. Essick or Mr. Kellogg?—A. No, sir, he made the request to Mr. Kellogg to allow him to come to St. Thomas to see if he could find anything for him to do here. Mr. Kellogg had nothing for him when he made the application to him, and he asked Mr. Kellogg if he would allow him to come to St. Thomas in search of employment as a locomotive engineer.

Q. And he brought that letter to you?—A. He had a letter of recommendation from Mr. Kellogg.

Q. Have you the letter?—A. No, sir, it was sent back to Mr. Kellogg with a notation on the letter from me that there was no employment in that capacity that we could furnish for Mr. Tuller; that we had more engineers than we could use or as many at that time.

Q. You gave him work as a machine hand?—A. Yes; a few days later we gave him work as a machinist's helper.

Q. At a considerably less remuneration?—A. Yes, sir.

Q. Were you dismissing or relieving machine men at that time?—A. No, sir, we had been advertising for machine men at that time in the Toronto and in the Stratford papers.

Q. Those eleven engineers you relieved on Monday could they have gone into the machine shops if they had desired it?—A. They could have a short time ago; I offered all of them an opportunity of going into the machine shop if they cared to do so, but at that time they did not care to do so, and later when it became necessary to reduce the force, we could not employ additional men; we had our shop in every capacity full. These men will be given an opportunity, however the first vacancy, if they care to go in the machine shop.

Q. There are no vacancies at the present time?—A. No.

Q. What is the usual salary for engineers?—A. About 3 to 3½ cents a mile, according to the class of service.

Q. How much would that be a day on the average?—A. For the month, men that have regular runs make in the neighbourhood of \$100, and some times a little more.

Q. So that the machinists do not get near as much as engineers?—A. No, sir.

Q. You always lived in the States?—A. Yes.

Q. And you are an American citizen?—A. Yes, sir, I presume so; I had been five months away from there.

Q. You have not taken the oath of allegiance in Canada yet?—A. No.

Q. Who was your predecessor in St. Thomas?—A. We did not have any one in that capacity.

Q. There was no one in that capacity when you were appointed?—A. No, sir.

Q. Who had been acting?—A. There was no one acting in that capacity.

Q. Not at that time?—A. Not previous to that; Mr. Austin, I believe, had acted in that capacity at one time in Walkerville, and Mr. Royce superseded Mr. Austin.

Q. Where is Mr. Royce?—A. He is working for the Manistee Iron Company in Manistee, Michigan.

Q. I suppose there are Canadians who could fill the position of master mechanic?—A. I should hope so.

Q. Mr. Bartlett was in the service, was he not, when you came?—A. No, sir.

Q. Did you know him?—A. No, sir, I did not know Mr. Bartlett.

Q. Who would know anything about Mr. Bartlett?—A. Some of the men who have been employed on the Buffalo division prior to the time I came here, I did not know Mr. Bartlett at all. There are a number of men here, however, that have been employed under Mr. Bartlett, I presume.

Q. You do not know him?—A. No, sir.

Q. Is there a Mr. Knechtel?—A. Not to my knowledge.

Q. I thought you were acquainted with Mr. Bartlett?—A. No, sir, I never met him.

SESSIONAL PAPER No. 36d

Q. Is there any foreman here now in your department who would know him?—A. I presume Mr. Austin would. Mr. Austin was here at that time.

Q. He is at Walkerville now?—A. Yes, sir. Possibly there are others who would know Mr. Bartlett; I do not know.

Q. Mr. Hunker is under you?—A. No, sir, Mr. Hunker is under the store department, which comes under Mr. W. C. Atherton, Detroit; that is a different department from ours.

Q. He has charge of the men in the store department?—A. Yes.

Q. He is in Detroit?—A. Yes.

Q. Who has charge of the store department in St. Thomas?—A. Mr. Hunker.

Q. Is there any record of Mr. Bartlett being in charge here as assistant master mechanic?—A. No, there is no record of him being assistant master mechanic to my knowledge; he was in charge as general foreman.

Q. That is the position Mr. Groening occupies?—A. Mr. Groening is now occupying the position of general foreman.

Q. Who occupied it immediately before Mr. Groening?—A. Mr. Stafford.

Q. Who before Mr. Stafford?—A. Mr. Royce.

Q. And who before Mr. Royce?—A. I guess before Mr. Royce, Mr. Bartlett; Mr. Royce was here prior to the time I came here.

Q. He was not here very long?—A. I think five or six months.

Q. How long was Mr. Stafford here?—A. Mr. Stafford came here January 8th and left March the 21st.

Q. He is over at Grand Rapids?—A. Yes.

Q. Was he on the Missouri Pacific or did he come from there?—A. I do not know, he worked at one time on the Missouri Pacific, but I do not think he was there prior to the time he came here; I am not prepared to say as to that. There is one point I would like to touch upon, that is in figuring up the expense and so forth, the increase in expense relative to why this new administration were able to put the power in condition where the old were not, there is one very important point that you failed to touch upon, that was the fact that at that time when the pay-rolls were less than they are now, when they had less machinery in Walkerville and the facilities were not as good to keep the power in condition, this work was being done for them in our shops in Saginaw the engines were being sent here from Saginaw, and the engines were being rebuilt at Saginaw and being sent here. That position does not exist at the present time, the Buffalo division is self-maintaining. Then in regard to the new engines sent here to increase the power, and increase expense on account of new engines coming here, we turned over to the other division engine for engine that came here, and in addition to that turned over a few more than we got, so that we will have quite a credit account there.

Q. But the engines that were here in operation were inferior engines at the time you took charge?—A. They were inferior engines at the time we took charge.

Q. And these had come from Saginaw?—A. Some of them had come from Saginaw, a number of them had come from there.

Q. And was it necessary to return them there in order to get repairs?—A. No, they were not returned there for repairs, but some were in bad condition, and engines in better condition were sent here, and loaned to the Buffalo division until such times as the Buffalo division got into the condition to do the work, and then they were returned to Saginaw.

Q. Were those engines much lighter than the engines you have obtained since?—A. Not any, they are about the same weight, there is a little difference in the cylinder, one is 20 x 26, and the other is 19½ x 28, the same rating.

Q. How many engines were there in operation when I took charge?—A. I have not the list of engines that were in operation when I took charge. The engines I refer to were four I loaned the Buffalo division from Saginaw, and after we got our power in position to do the work we returned those to Saginaw, and in addition to that we have returned four other engines.

Q. Did you put them in good order before you returned them?—A. Some of them were; some of them were right out of the St. Thomas shops, and had been in as good condition as when they came there.

Q. I suppose you say your power is in a better condition than when you came?—A. No, sir; I would let the service show that.

Q. Would not you say it was?—A. Yes, if I was called upon for a statement, I would certainly say it was, and the service substantiates the statement I make.

Q. Undoubtedly so, because your power is greater?—A. Yes.

Q. And naturally, the service would be better with greater power?—A. Yes.

AMY McLEAN, sworn, examined:

By the Commissioner:

Q. You live at Ridgetown?—A. Yes.

Q. How long have you been living there?—A. Seventeen years.

Q. You are a stenographer, I believe, by profession?—A. Yes, sir.

Q. Engaged on the Père Marquette for some time?—A. Yes, I was.

Q. When were you first employed there?—A. February, 1903.

Q. Where?—A. At Ridgetown.

Q. And worked there?—A. In Mr. Cameron's office.

Q. He was the trainmaster?—A. Yes, sir.

Q. Where did you go from there?—A. I went up to Walkerville, last February, 1904.

Q. In whose department there?—A. Mr. Woollatt's.

Q. He was the general manager or superintendent?—A. He was superintendent.

Q. Where next did you come or go to?—A. We came to the office, and went down here to St. Thomas on November 28.

Q. The offices were removed from Walkerville to St. Thomas, and you came along?—A. Yes.

Q. Who took charge here, in St. Thomas, who was the superintendent?—A. Mr. Pyeatt came on December 1.

Q. You acted as stenographer for him?—A. For one day.

Q. Then what took place?—A. Well, we stopped the next day at noon.

Q. What caused you to stop so suddenly?—A. We had an intimation that Mr. Pyeatt was not a bit satisfied with our work.

Q. He had not very much of a chance, had he, to get dissatisfied?—A. I do not think so myself.

Q. Who told you he was dissatisfied?—A. I came across a letter written to Mr. Trump.

Q. From whom?—A. From Mr. Pyeatt.

Q. What did that state?—A. It stated that neither of us was capable to do the work, and that he wanted a man stenographer.

Q. I suppose he had a right to form that opinion?—A. Oh, certainly.

Q. But it intimated to you that you were not qualified for the work Mr. Pyeatt wanted?—A. Seemed to me that way.

Q. And in consequence of that you stopped work the next day?—A. Yes, sir.

Q. And went home?—A. Yes, I went home the next day—no, I went home the Monday following.

Q. Did you not even give them notice you were going?—A. Yes, sir.

Q. To whom did you give notice?—A. We left a note; we waited for Mr. Foreman.

Q. But Mr. Foreman did not turn up?—A. He was very busy, and it was quite late, so we thought we had better go home.

Q. What salary were you receiving?—A. Thirty-five dollars a month.

SESSIONAL PAPER No. 36d

- Q. And you had to pay your own expenses, your board?—A. Yes, sir.
- Q. You have not been employed since?—A. No.
- Q. They have not sent for you since then?—A. No.
- Q. Could get along without you?—A. Apparently.
- Q. Have you been desirous of getting work since then?—A. Of course, I would take a position, if I got one.
- Q. Have you been trying to get a position?—A. I have looked about a little bit.
- Q. You have not got one yet?—A. No.
- Q. Possibly Mr. Pyeatt might give you a better position now, if you returned; you have not asked him?—A. No, sir.
- Q. You do not feel like asking him, after writing that letter?—A. I do not know.
- Q. How many were in the office at that time?—A. Miss Steel and myself, and Mr. Foreman and Mr. Cole.
- Q. Mr. Foreman is the only man left there that was there at that time?—A. Yes.
- Q. What was Miss Steel getting?—A. Twenty-five dollars a month.
- Q. Was she a stenographer, as well?—A. Yes.
- Q. Where did you learn the profession of stenography?—A. In Ridgetown.
- Q. Did Mr. Cameron or Mr. Woollatt complain of your inefficiency?—A. I never heard; Mr. Woollatt always expressed himself as being satisfied.
- Q. And Mr. Cameron the same way?—A. Yes, I think so.
- Q. There were no complaints against your work?—A. No, none that I ever heard.
- Q. There is a young lady there in the office, did you know that?—A. I suppose they would have to have somebody.

EDNA STEEL, sworn, examined:

By the Commissioner:

- Q. When did you enter the service of the Père Marquette?—A. August the 9th, 1904.
- Q. Where?—A. Walkerville.
- Q. In whose department?—A. In the superintendent's office.
- Q. What were your duties there?—A. Just stenographer work.
- Q. Typewriting too?—A. Yes.
- Q. Did Miss McLean do typewriting as well?—A. Yes.
- Q. Typewriting and stenography go together?—A. Yes.
- Q. You were junior to Miss McLean?—A. Yes.
- Q. You moved down to St. Thomas about the 28th November?—A. Yes, sir.
- Q. Receiving \$25 a month?—A. Yes, sir.
- Q. Then when did you put in your resignation?—A. The same day Miss McLean did.
- Q. That was on the 2nd December?—A. Yes, sir, at noon.
- Q. You both struck, as it were; it was in consequence of that unfortunate letter that you saw?—A. Yes, sir.
- Q. That caused your feelings to rise?—A. Yes, sir.
- Q. What was the expression you used when you saw that letter?—A. I do not know that I used any particularly.
- Q. I guess you used something, do you remember?—A. No, I do not; I guess likely I said I would stop.
- Q. Have you been employed since?—A. I do some work for my father at home.
- Q. And you do not get \$25 a month for that?—A. No.
- Q. Are you looking for further service?—A. No.
- Q. Not necessary, in your case?—A. No; I guess not.
- Q. Were there any complaints made against your work in Walkerville?—A. Not that I know of.
- Q. Mr. Pyeatt did not speak harshly to you when you came?—A. No, sir.

4-5 EDWARD VII., A. 1905

- Q. Did not complain to your face you were inefficient?—A. No, sir, only the letter.
 Q. The letter spoke louder than words, and his looks too?—(No answer).

WERNER C. GROENING, sworn, examined:

By the Commissioner:

- Q. What is your position in the Père Marquette, St. Thomas?—A. General foreman of the shops.
 Q. Under Mr. McManamy?—A. Yes.
 Q. How long have you occupied that position?—A. In St. Thomas?
 Q. Yes?—A. Since the 18th March, last.
 Q. Where had you been employed previously?—A. In Detroit.
 Q. In the shops there?—A. At the round-house.
 Q. In Detroit?—A. Yes.
 Q. Of the Père Marquette?—A. Yes.
 Q. How long had you been employed there?—About six weeks.
 Q. Where did you come from to there?—A. From Saginaw.
 Q. In the shops there?—A. Yes, sir.
 Q. How long were you in the shops there?—A. On the 20th June, 1886.
 Q. That is almost 19 years now?—A. Yes.
 Q. What position did you occupy there?—A. Assistant general foreman.
 Q. Under whom?—A. Essick.
 Q. He is the general foreman?—A. Yes, sir.
 Q. Who was the master mechanic there—there were two or three during that time?
 —A. Mr. Bowden was master mechanic when I left there.
 Q. Mr. Christie had been master mechanic?—A. Yes.
 Q. What was Mr. Kellogg's position?—A. General master mechanic.
 Q. For the whole system?—A. Yes, sir.
 Q. What salary were you receiving there?—A. \$80 a month.
 Q. And at Detroit the same?—A. No, received \$100 there.
 Q. How many weeks were you there?—A. Either five or six weeks.
 Q. You only received that for that time?—A. Yes, sir.
 Q. Previous to that you had been receiving \$80 at Saginaw?—A. Yes.
 Q. How did you come to St. Thomas?—A. There was a position open, better pay.
 Q. Who told you about it?—A. Mr. Kellogg.
 Q. Mr. Kellogg at Grand Rapids?—A. Yes, sir.
 Q. Did he write to you or did you see him personally?—A. I saw him personally.
 Q. Where?—A. At Detroit.
 Q. He came to see you there?—A. Yes, sir.
 Q. What did he offer you?—A. He made no offer at all; he told me there was an opening here for advancement and he wanted to transfer me from Detroit to St. Thomas.
 Q. At what salary?—A. There was nothing stated about salary at that time.
 Q. Did you write to St. Thomas then?—A. No, sir, I came to St. Thomas.
 Q. You came according to instructions?—A. Yes, sir.
 Q. Who gave you transportation?—A. Mr. Kellogg.
 Q. When was this?—A. 17th March.
 Q. You received instructions from Mr. Kellogg and transportation, and started the same day?—A. Yes, sir.
 Q. Have you brought your family since?—A. I think they will be here to-night, the more sorrow.
 Q. You are getting transportation for them?—A. Yes, sir.
 Q. What salary are you getting here?—A. \$110.
 Q. What are your duties here?—A. To superintend the shops.
 Q. Different from the position you occupied in Saginaw?—A. A little more authority, yes, sir.

SESSIONAL PAPER No. 36d

- Q. Do you employ men under you?—A. Yes, sir.
- Q. You have that authority just the same as Mr Shoemaker had?—A. Yes, sir.
- Q. He has charge of the boiler men?—A. Yes, sir.
- Q. Have you been employing men lately?—A. I have.
- Q. Can you give me the names of any men you employed?—A. The applications are all in the Master Mechanic's office.
- Q. I see they were all sent back to Mr. Kellogg?—A. That is the headquarters.
- Q. We only found a few here; what men are they that you employ?—A. Machinists, helpers, laborers.
- Q. Did you employ Tuller?—A. No, sir, he was here before I came.
- Q. What date did you come?—A. 18th March.
- Q. When was he here?—A. I could not say, Tuller was off sick when I came here.
- Q. I see Stafford employed him on the 11th March; did you employ McMillan?—A. I did.
- Q. You knew him over in Saginaw?—A. I did.
- Q. A good man?—A. A good man.
- Q. Did you employ McIntyre?—A. Yes.
- Q. Where did he come from?—A. From Saginaw.
- Q. You knew him too?—A. Yes, sir.
- Q. Any other Saginaw men?—A. Not that I know of.
- Q. Are these the only two men?—A. That is all I know. Mr. Hales was working here when I came here.
- Q. He is an old Saginaw man?—A. Yes.
- Q. Any other Saginaw men besides that quartet?—A. Mr. Glover.
- Q. What position does he occupy?—A. Machinist.
- Q. When was he employed?—A. I could not say, he has been over a year or so.
- Q. He was before you?—A. Yes.
- Q. I had reference more particularly since you came here?—A. That is the only two I have employed.
- Q. The only two you knew over in Saginaw?—A. Yes.
- Q. Did you write for them to come?—A. No, sir.
- Q. To any of their friends?—A. No, sir.
- Q. Did they write to you?—A. No, sir.
- Q. Neither of them?—A. No, sir.
- Q. How did they come here?—A. I do not know how they came here, they came here looking for a job I suppose.
- Q. They knew you were here?—A. Yes.
- Q. A good sort of man to work under?—A. Yes, that is what they came for, or else they would not have come.
- Q. Did you do anything to invite them over?—A. No, sir.
- Q. Not even your reputation, that would invite them, would it not?—A. They came of their own free will.
- Q. Whose position did Mr. McIntyre take?—A. I cannot remember; I do not think he took anybody's position.
- Q. Was not there any position open for him before he came?—A. There was a vacancy on the road at the time he came.
- Q. For how long before he came, a week?—A. Yes, more than a week, a little over a week.
- Q. Did he know about it?—A. No.
- Q. Are you sure he did not?—A. I know he did not.
- Q. Why?—A. How should he know.
- Q. Did not anybody know who had anything to do with the shops?—A. He did not know of this vacancy.
- Q. You say that assuredly; why do you say that? Did all the other men know there was a vacancy?—A. Yes, sir, in one way; sometimes we replace men, and other times we do not.

4-5 EDWARD VII., A. 1905

Q. Swigart was the man whom he replaced; where did he go to?—A. I could not tell you; I think the last place he went to was Grand Rapids, the last I heard of him.

Q. When did he leave?—A. I could not tell you.

Q. Two weeks before Mr. McIntyre came?—A. From the shops?

Q. Yes?—A. About in that neighbourhood—no, it was not; it was about a week, I should judge.

Q. And then McIntyre came, and you put him in Swigart's place?—A. In order to fill up the blank.

Q. You gave him the same wage?—A. Yes.

Q. Are the wages higher here than they are in Saginaw?—A. They are less at present.

Q. How much are they at Saginaw?—A. They are paying 28 cents an hour, and they are only paying 26 cents here.

Q. Is that what McIntyre was getting over in Saginaw, 28 cents?—A. I won't say for sure what McIntyre was getting in Saginaw.

Q. How much was McMillan getting in Saginaw?—A. He was making, \$2.47, at the rate of 27 cents an hour.

Q. And he got \$2.85 when he came here, so that is an increase here?—A. Yes, that is the schedule on this side of the river for tool-makers.

Q. So that they are improving their condition by coming to St. Thomas?—A. Yes.

Q. Naturally, that is what they come for?—A. That is what I came for.

Q. And to what extent have you improved your condition, \$10 a month only?—
A. Yes.

Q. You always lived in the States before coming here?—A. Yes, sir.

Q. An American citizen?—A. Yes, sir.

WALTER H. COLE, sworn, examined:

By the Commissioner:

Q. Are you employed in the Père Marquette railway in St. Thomas?—A. I am a brakeman on a passenger train.

Q. Running where?—A. Between Walkerville and London.

Q. How long have you been brakeman?—A. Since February 28.

Q. What position did you occupy before that?—A. Clerk in Mr. Pyeatt's office.

Q. You were with the young ladies we had here?—A. Yes, sir.

Q. Did you leave with them?—A. No, sir, I remained on.

Q. You had no cause to leave?—A. No, sir.

Q. Do you remember their leaving?—A. Yes, sir.

Q. Did they assign any reason to you for leaving?—A. Only they thought their services were not being satisfactory, and there was some one going to take their place.

Q. Did they agree with Mr. Pyeatt?—A. I do not think they had any consultation.

Q. They came to the same conclusion: he thought they were not satisfactory, and they evidently thought they were not satisfactory to Mr. Pyeatt. Had any charges been made against them?—A. Nothing particular that I know of.

Q. Anything that was not particular?—A. No, sir.

Q. Nothing general?—A. No, sir.

Q. What were your duties there?—A. I entered up correspondence, and I did some typewriting once in a while, and made out the vouchers.

Q. Regular office work?—A. I was clerk.

Q. You are getting bigger now, but at that time you were office boy; what salary were you getting then?—A. When I came to St. Thomas, I was increased from \$45 to \$50 a month.

Q. What salary were you getting then?—A. Fifty dollars a month in Mr. Pyeatt's office.

SESSIONAL PAPER No. 36d

Q. When did you leave the office?—A. February 27 or 28.

Q. What was the difficulty with you, were the rooms too small for you?—A. They were not very large; I had my home in Walkerville, and under the circumstances I was not able to leave at the present time, and I thought I would take something that would take me home as often as possible, and I asked to be changed to the train service, if possible.

Q. When were you changed?—A. On February 28, I think it was, in the train service.

Q. At an increased salary?—A. I am working by the hour and day now, and if I do not work, I do not get any pay.

Q. How much a day do you get now?—A. One day, make \$1.80, and the next day about \$2.70.

Q. Are you working every day?—A. Every day but Sunday.

Q. So that you have improved your position financially?—A. I have, to a certain extent.

Q. Harder work, too?—A. Yes, sir.

Q. Greater risk?—A. Yes, sir.

WILLIAM L. HUNKER, sworn, examined:

By the Commissioner:

Q. What is your position?—A. Storekeeper.

Q. In St. Thomas, for the Père Marquette?—A. Yes, for the Buffalo division.

Q. How long have you acted as storekeeper?—A. Since December 27, 1904.

Q. What position did you occupy previous to that?—A. I was stock clerk at the Shawanee store, at Rock Island.

Q. Where?—A. Oklahoma.

Q. How did you come east?—A. I wanted to get closer to home.

Q. Where is your home?—A. Elkhart, Indiana.

Q. Are you closer to home here?—A. About 700 miles closer.

Q. How many hundred miles is it from here to Elkhart, Indiana?—A. About 300.

Q. What were you receiving as salary at Oklahoma?—A. \$75 a month.

Q. What are you receiving in St. Thomas?—A. \$70 a month.

Q. So that you are \$5 worse off?—A. Yes.

Q. But nearer home would make the difference?—A. Yes, sir.

Q. You are not a married man?—A. No, sir, no prospect.

Q. Where were you employed on the Père Marquette?—A. The letter I got asking me to come to the road offered me the position of storekeeper at Muskegan, Michigan.

Q. Where was that letter sent from?—A. From Mr. Atherton's office; he was then at Saginaw, Michigan.

Q. He was superintendent?—A. General storekeeper at Saginaw.

Q. He wrote to you from Saginaw?—A. Yes, sir.

Q. To Oklahoma?—A. Yes, sir.

Q. Did you know him?—A. I did not know the man personally.

Q. How did he come to write to you?—A. I had filed an application with him some time before for a position.

Q. He told you to come where?—A. The letter I got from him told me to report to room 10 Depot Building at Saginaw, Michigan. The first letter he wrote offered me a position as storekeeper at Muskegan.

Q. That is still nearer home?—A. Yes, sir.

Q. When you got to him what then?—A. I reached his office nine o'clock 27th December, 1904.

Q. A couple of days after Christmas?—A. Yes, sir, I was at home at Christmas, and it took me to the next day to get up to Saginaw.

4-5 EDWARD VII., A. 1905

Q. What was the result of your going to him on the 27th?—A. Mr. Atherton was not there, he was at Walkerville that day, and the man in charge, Mr. Minot, said he had instructions to send me to Walkerville, and I went down to Walkerville.

Q. He gave you transportation?—A. Yes.

Q. Did he give you transportation from Oklahoma?—A. No, I had transportation from the Rock Island from Oklahoma to Chicago.

Q. And you paid your way after that?—A. I paid my way to Elkhart.

Q. Railway men never pay their way?—A. I certainly did that time.

Q. You remember that?—A. Yes.

Q. You got transportation from Saginaw to Walkerville?—A. Yes, sir.

Q. What wage had he offered you?—A. \$65 a month at Muskegan, Michigan.

Q. He could not give you that position?—A. After I got to Saginaw, after he had offered me that, the storekeeper on this side skipped out and left him, so he had a man he could put in at Muskegan, and he sent me over to Walkerville.

Q. At \$70 a month?—A. Yes.

Q. Mr. Minot offered you \$70?—A. Mr. Minot never said anything about what the salary would be.

Q. Who offered you the salary?—A. He never said anything about what it was until I saw in the pay-rolls what it was going to be.

Q. You were surprised in getting \$5 more than you expected?—A. Yes, sir.

Q. You would not object to those surprises occurring frequently?—A. No, sir, right along every month.

Q. In Walkerville you took charge?—A. Yes, sir.

Q. On the 28th December?—A. I got down there about 4.30 of the 27th, and I worked the rest of the afternoon and that evening.

Q. You are the kind of men railway companies are after; did you meet Mr. Atherton there?—A. Yes, sir.

Q. He told you what to do?—A. Yes, sir.

Q. And not to do like the other man?—A. No, I have not done it yet either.

Q. You were born where?—A. In Michigan.

Q. I suppose you have travelled over every state in the United States since then?—A. No, I wish I had.

Q. You have never been out of the States since you were born until now?—A. Until I came here in December last.

Q. You are an American citizen?—A. Yes, sir.

Q. What are your duties as storekeeper?—A. I have charge of all the supplies that are used on the division outside of some of the large items that are used by the engineering department.

Q. Are there any persons under you?—A. Yes, sir.

Q. Who?—A. Mr. Bernard, and W. A. Bedin are my clerks, and John O'Lone and Harry Cassell work in the store.

Q. Are these all Canadians?—A. The two clerks are Canadians, and Harry Cassell was born in England, and John O'Lone in Ireland.

Q. They are almost as good as Canadians?—A. Possibly.

Q. You are the only American, I suppose?—A. Yes, sir.

Commission adjourned at 1 P.M. to 2 P.M.

Commission resumed at 2 P.M.

AUSTIN J. DAWDY, sworn, examined:

By the Commissioner:

Q. You are a brakeman on the Père Marquette railway?—A. Yes, sir.

Q. When did you come to St. Thomas?—A. In November, 1904.

Q. Where from?—A. Buffalo.

SESSIONAL PAPER No. 36d

- Q. What road were you on there?—A. On the Erie.
- Q. How long had you been there?—A. Between eleven and twelve years.
- Q. When did you leave the Erie road?—A. I quit there on December 29.
- Q. You came here in November?—A. That was the first time I was in; I came here and started work on January 2.
- Q. What did you come here in November for?—A. Looking for a job.
- Q. You were still connected with the Erie at that time?—A. Yes, sir.
- Q. Why was it necessary to come here?—A. Well, it was a new road, and I thought I would try and better myself.
- Q. Better your position?—A. Yes, sir.
- Q. What were you getting on the Erie?—A. It just depends upon what kind of run you have; some runs pay more than another.
- Q. What was your average?—A. Two dollars and twenty cents a day was the job I was on.
- Q. Was that the average?—A. That is what they paid on pick-ups.
- Q. Who was it you saw here in November?—A. I saw Mr. Smith; the trainmaster was not here; I stayed here three days, and I could not see the trainmaster—he was sick or out of town—and I came back again.
- Q. You saw Mr. Smith?—A. Yes.
- Q. Was he the clerk in the trainmaster's office?—A. Yes, and he said he did not know when the trainmaster would be back, and I stayed here three or four days, and I came back again.
- Q. And you returned in January?—A. The latter part of December; I went to work on January 2.
- Q. At what wage?—A. They pay so much a mile.
- Q. Three cents a mile?—A. They do not get hardly that; it just depends, some runs pay more than others; the west end pays a little more than the east end, and it depends on which end you have to work.
- Q. You have not your choice?—A. No, you go where you are sent.
- Q. Are the wages greater than you had been obtaining on the Erie?—A. No, sir.
- Q. Not as good?—A. No, sir.
- Q. You have not bettered your position yet?—A. No, sir.
- Q. You are hoping for better days?—A. Yes.
- Q. Your wife and family live in Buffalo?—A. No, they are here now.
- Q. They were living in Buffalo at the time?—A. Yes.
- Q. Did you write to any one over here about your coming here?—A. No, sir, I came here myself.
- Q. Without any invitation?—A. No invitation whatever.
- Q. No hobo put it into your mind?—A. No, sir.
- Q. You are an American citizen?—A. Yes, sir.
- Q. Your people live in Hamilton, your father and mother?—A. My mother is dead.
- Q. Your father lives in Hamilton, Ontario?—A. Yes, sir.
- Q. Has he always lived there?—A. No, sir, he moved there when I was about six years old.

GEORGE PENNY, sworn, examined:

By the Commissioner:

- Q. What position do you occupy on the Père Marquette in St. Thomas?—A. Brakeman.
- Q. When did you come to St. Thomas?—A. I hired from Walkerville first; I started on the road September 20.
- Q. Where were you living at the time you hired with the Père Marquette?—A. I was boarding in Windsor.

4-5 EDWARD VII., A. 1905

Q. Where were you working?—A. I had been previously working in Detroit.

Q. With the Farrand Organ Company?—A. No, sir, the Cadillac Cabin Company.

Q. Had you been with the Farrand Organ Company before that?—A. No, sir, just nine months before.

Q. For nine months?—A. Yes.

Q. You went to the Cadillac Cabin Company?—A. Yes, sir.

Q. You were engaged with them up to September, 1904?—A. Yes, that is about the time.

Q. While you were engaged by them you made application to be appointed brakeman on the Père Marquette?—A. Yes, sir.

Q. Whom did you apply to for the position?—A. The trainmaster.

Q. Where?—A. From Windsor.

Q. Was the trainmaster at Windsor?—A. No, sir, St. Thomas.

Q. Who was the trainmaster?—A. Mr. Cameron.

Q. Did you apply at the Detroit offices?—A. No, sir.

Q. Did not know the Detroit offices?—A. No.

Q. Sure?—A. Yes, sir.

Q. Do you know Mr. Babbitt in the Detroit office?—A. No, sir.

Q. Did you get any one to write to the Company in Detroit on your behalf?—A.

No one at all.

Q. The Farrand Organ Company wrote?—A. No, sir.

Q. Do you know the signature of the Superintendent of that company?—A. I could not say.

Q. Do you think that is his signature to that letter?—A. I could not swear to his signature at all.

Q. How did they come to write on the 9th September to the Père Marquette at Detroit: 'Mr. George Penney has worked for us as cabinet maker for the past six or eight months. I have found him a reliable and good worker'—did you ask him for any such recommendation?—A. I asked the Farrand Organ Company when I left their service for a recommendation, but it was not for the interests of the railroad, it was for my own use, wherever I went to.

Q. You gave this to Mr. Babbitt?—A. No, sir; when they asked me for my record I sent that in to the Père Marquette.

Q. To whom did you send it?—A. I sent it to the trainmaster.

Q. You also sent other certificates?—A. Yes, sent the C.P.R.

Q. When was it you were employed, about the 23rd September, 1904?—A. Yes, sir.

Q. You have been working ever since?—A. Yes, sir.

Q. You were born in England?—A. Yes, sir.

Q. When did you become an American citizen?—A. On the 17th September.

Q. Last year?—A. Yes, sir.

Q. I see you took some pride in putting down your nationality as an American citizen, you were just full of it at that time; did you think that was going to assist you in getting on the Père Marquette?—A. Not at all.

Q. You had been working in Detroit up to that time?—A. Yes.

Q. And that was the reason you became an American citizen?—A. Yes, sir.

Q. How many years had you been working in Detroit?—A. About 18 months, I think.

Q. Is that all?—A. Yes.

Q. Where were you before that?—A. On the C P. R. for six years.

MR. COBURN.—That letter is not addressed to the company?

THE COMMISSIONER—No; it is initialled by Mr. Babbitt.

MR. COBURN.—It is to whom it may concern.

THE COMMISSIONER—Yes.

MR. COBURN.—Mr. Babbitt is a Michigan Central officer here.

MR. PYEATT.—I think there was a clerk in Detroit employed, but I do not know any one by the name of Babbitt.

SESSIONAL PAPER No. 36d

ANGUS R. MCINTYRE, sworn, examined:

By the Commissioner:

- Q. You are a pipe-fitter?—A. Yes, sir.
- Q. In the shops at St. Thomas of the Père Marquette?—A. Yes, sir.
- Q. You came from Saginaw to here?—A. Yes, sir.
- Q. April of this year?—A. Yes, sir.
- Q. Do your family reside still in Saginaw?—A. Yes, sir.
- Q. How long were you living there?—A. I lived there my whole lifetime. I was employed outside the city by a Saginaw concern, but that was my home.
- Q. How many years were you on the railway there?—A. I was nearly seven years.
- Q. You are a married man with a family?—A. Yes, sir.
- Q. You knew Mr. Groening there?—A. Yes, sir.
- Q. Did you work under him?—A. Yes, sir.
- Q. Did you know Mr. Frank Swigart?—A. No, sir.
- Q. Who was it you knew in St. Thomas besides Mr. Groening?—A. I was not acquainted with anybody in St. Thomas.
- Q. Did Mr. Essick speak to you about St. Thomas?—A. No, sir.
- Q. Who spoke to you about St. Thomas?—A. No one.
- Q. How did you come to remove here?—A. I was dissatisfied with my position in Saginaw, and being Mr. Groening was a friend of mine I thought possibly there might be an opportunity for me to get work here, and I came looking for work.
- Q. Did you get transportation?—A. Yes, sir.
- Q. From whom?—A. An order from Mr. Essick to Mr. Bowden.
- Q. Mr. Bowden is the master mechanic?—A. Yes, sir.
- Q. At Saginaw?—A. Yes. It is customary after being in the service a number of years, and leaving everything satisfactory, for them to give you transportation whichever way you wish to go.
- Q. Did you know there was a vacancy at that time?—A. No, sir.
- Q. Did not hear about that?—A. No, sir.
- Q. When did you arrive here?—A. The night of the sixth.
- Q. When did you see Mr. Groening?—A. I saw Mr. Groening the forenoon of the seventh.
- Q. The next morning?—A. Yes, sir.
- Q. When were you taken on?—A. I started to work Saturday.
- Q. What were you receiving over at Saginaw?—A. 24 cents.
- Q. And here 26 cents?—A. Yes.
- Q. So that you have bettered your position?—A. Yes, sir.
- Q. To what place did you ask for transportation?—A. To St. Thomas.
- Q. Did you know anything at all about a vacancy here?—A. No, sir.
- Q. No one spoke to you about it?—A. No, sir.
- Q. Did you hear they were employing men here?—A. No, sir.
- Q. How did you come when you did not know they were employing men?—A. I relied on my abilities as a mechanic, and thinking possibly Mr. Groening being a friend of mine that if there was any opening I might be able to get something.
- Q. You knew Mr. Groening was here and had charge of the works?—A. Yes, I knew he was here, and what his position was I was not sure.
- Q. You knew it would be a good position he would occupy?—A. Yes, I presume he would not leave Saginaw unless he got something better.
- Q. That is the reason you left Saginaw?—A. I left there with the expectation of bettering myself if possible.
- Q. You were on the same system?—A. Yes, sir.
- Q. Did they transfer you here?—A. No, sir.
- Q. Who was it you spoke to about coming to St. Thomas while you were at Saginaw?—A. I never spoke to any one until the day I quit there.
- Q. The day you quit, whom did you speak to about it?—A. I just spoke to the foreman of the pit-side, Mr. Rick; told him I was through there that night, that was

4-5 EDWARD VII., A. 1905

an hour before quitting time, and I could not see none of them until Monday afternoon I went there. I was rather undecided which way I was to go. I had been working for a concern there at Saginaw before, and I went up there and I saw them, and they offered me a position, and it was travelling on the road all the while, and I did not bother, and thought I would look for something else. I thought of Mr. Groening, and thought there might possibly be some opening here, and if there was not I would go further.

Q. You received no letter from Mr. Essick to come here?—A. No, sir; they were dissatisfied at my leaving there.

Q. You are an American citizen?—A. Yes.

Q. Mr. Groening, of course, knew that when he appointed you?—A. Yes, sir.

CHARLES WELCH, sworn, examined:

By the Commissioner:

Q. You came from Ohio?—A. Yes, sir.

Q. From Fulton County?—A. Yes, sir.

Q. Where your people still live?—A. Yes.

Q. When did you come here?—A. In the middle of December.

Q. What did you do when you came here in December?—A. I went to work for this company.

Q. Who was it employed you?—A. Mr. Royce.

Q. Was he the general foreman of the shops?—A. He was at Walkerville.

Q. It was to Walkerville you came?—A. Yes, sir.

Q. Did any one write to you to apply there, or to go there, or offer you a position?—A. No, sir.

Q. How did you come to apply?—A. I was in Detroit, and I came across.

Q. Living in Detroit?—A. No, just came there from Saginaw.

Q. Were you working at Saginaw?—A. No, sir, I was working north of Bay City.

Q. On this road?—A. No, sir.

Q. What were you working at?—A. For myself.

Q. In what capacity?—A. Lumbering.

Q. You came from Bay City to Detroit?—A. Yes, sir.

Q. When did you arrive at Detroit?—A. About the 7th December.

Q. What induced you to come to Detroit?—A. Something to work.

Q. Any friend of yours in Detroit?—A. No, sir.

Q. Came without any inducements whatever to Detroit?—A. Yes, sir.

Q. To whom did you apply in Detroit for work?—A. I did not apply there at all.

Q. Did not apply in Detroit?—A. No, sir.

Q. Where did you apply for work?—A. I came across the river to Walkerville.

Q. Who did you see there?—A. I saw this company, Mr. Royce, and I hired to him.

Q. What wages?—A. The scale of wages on the road.

Q. You hired as a brakeman?—A. A fireman.

Q. They examined you as to your ability to act as fireman?—A. Yes.

Q. Had you acted as fireman before?—A. Yes.

Q. Where?—A. On the Grand Trunk.

Q. Battle Creek?—A. Yes, sir.

Q. That is a couple of years before that?—A. Yes, sir.

Q. And you left them in March, 1902?—A. Yes, sir.

Q. Did not give you high enough wages?—A. No.

Q. What were they giving you there?—A. Different rates.

Q. So much a mile?—A. Yes.

Q. Is that the way firemen are paid?—A. Yes, by mileage.

Q. Who is Mr. B. E. Lyons?—A. School teacher.

Q. He gives you a very good character as an industrious young man; you wrote to him for that?—A. Yes, sir.

SESSIONAL PAPER No. 36d

Q. I suppose you are an American citizen?—A. Yes, sir.

Q. And have you been in the employment of the company ever since?—A. Yes, sir.

Q. I hope given satisfaction?—A. Well, as far as I know.

The COMMISSIONER—(To Mr. Coburn).—I have got all the information I can get to-day. You can call any witnesses you wish.

EDWARD F. MCCARTHY, called by Mr. Coburn, sworn, examined:

By Mr. Coburn:

Q. You are yard master here at St. Thomas for the Père Marquette?—A. I am general yard master for the Père Marquette at St. Thomas.

Q. What are your duties in regard to hiring men?—A. Nothing but hiring the man I think is fit for the job, that is, Canadians.

Q. What jobs?—A. Switching, charge of engines.

Q. It is charged that preference is given to aliens and that Canadians are discharged in order that aliens may be hired?—A. Not in my case.

Q. Has anything of that sort taken place?—A. Never taken place to my knowledge, not in my jurisdiction.

Q. Have you done anything of the sort?—A. I have hired since I have been there about six men, and every one of them were Canadians with families in St. Thomas.

Q. Have you had applications from men from the other side?—A. Yes, I have had two that I know of.

Q. Did you hire either one of them?—A. No, sir, I sent them to Mr. Cain; one man came from Saginaw, Michigan, worked for the Père Marquette there, and one off the Lehigh in the east. The man from the Lehigh was brought to me by some of the train men to give him a job and I sent him to Mr. Cain, told Mr. Cain about him, that he was off the Lehigh, and also this man from Saginaw off the Père Marquette, and Mr. Cain advised me they did not look good to him, and that settled it. I turned around and hired William Middleton of the city, and Michael O'Connor of the city.

Q. You had those places vacant at that time?—A. Yes, sir, I needed men.

Q. You have had no such instructions?—A. No, sir, when I hire a man there are no questions asked if he suits.

Q. All you look for is competent help?—A. If the man suits me I keep him.

By the Commissioner:

Q. How long have you been yard master?—A. I have been yard master all winter, and general yard master about three months.

Q. From what time in winter?—A. I do not know just when I did take charge of the yards.

Q. December or January?—A. Early in December.

Q. Who appointed you?—A. I was appointed before Mr. Cain came by Mr. Cameron.

Q. What had you been doing previously?—A. Switching in the yard.

Q. For how long?—A. From August the 26th.

Q. And before that?—A. With the Grand Trunk Company in London.

Q. You had been there for a number of years?—A. No, I had been with the Grand Trunk twenty-six years previous to five or six years ago, I went away and worked for the Grand Trunk in Michigan.

Q. Who had been yard master previous to your appointment in December?—A. John Gillian was yard master, he took charge of an engine in the yard at his own request, and I took his place in the yard under Mr. Cameron's instructions as train master.

Q. What became of John Gillian?—A. He was working under me.

Q. Was he yard master at one time?—A. Yes.

Q. Not master mechanic?—A. No.

Q. Nor assistant?—A. Yard foreman and night switchman. He gave up the night work and took charge of the engine. General yard master Mr. George Hayes was appointed conductor on the local, and I was appointed in his place.

Q. Who appointed George Hayes conductor on the local?—A. Either the Superintendent or Mr. Cain.

Q. Either Mr. Pyeatt or Mr. Cain?—A. Yes.

Q. When was that?—A. Three months ago.

Q. Why was that change made?—A. Mr. Hayes had asked to go out on the road and hold his rights. Previous to being yard master he was a conductor, and he wanted to get out on the road again as a conductor so he told me himself that he was trying to get out, and told me if I would go on nights he would get on the road, and I could probably work into his place.

Q. Which is the better position?—A. Conductor.

Q. Makes more money?—A. Yes, and makes it easier.

Q. Is it Gillian?—A. Gilling, I think is the way he spells it.

Q. Then I have another one?—A. Probably you have reference to the locomotive foreman.

Q. Do you know a man named Gillam, who was master mechanic?—A. We had a foreman out there named something like that.

Q. Where, at Walkerville?—A. St. Thomas.

Q. Where is he now?—A. I think he quit to take a locomotive some place, running an engine.

Q. Who would know about him?—A. I do not know.

Q. In whose department is he?—A. I do not know where the man is.

Q. Is he on the road?—A. Not to my knowledge.

Q. Not in connection with the Père Marquette at all?—A. Not to my knowledge.

Q. Where was he when you knew him?—A. He was working around; foreman out in the shops.

Q. When?—A. During the winter.

Q. This last winter?—A. Yes, sir; a man by that name.

Q. And has he left the service?—A. I cannot say; he is not around there where I am.

Q. J. Gillam?—A. I do not know whether his name is J. Gillam.

Q. You do not know what has become of him?—A. No, sir.

Q. What men have you under your charge?—A. I have nine switchmen.

Q. Where are they employed—in St. Thomas?—A. In and about the yards.

Q. Who employs them?—A. The switchmen, some of them have been employed previous to my going there; the new men I have employed.

Q. How many new men have you employed?—A. Probably six; somewhere in that neighbourhood; some reinstated.

Q. Can you give me the names of those you have employed?—A. William Middleton, Michael O'Connor, William Stewart.

Q. Where is he from?—A. The city; and Marshall.

Q. Where is Marshall?—A. He is on the road working just now; he is from London; he worked on the Canadian Pacific Railway there, I cannot say how long.

Q. Who are the other two men?—A. Armitage in the city here, and there is another one, I do not know who it is now.

Q. Where did they come from?—A. The city and London.

Q. Both of them?—A. Armitage and this other man—

Q. There were six you employed?—A. Yes, I sent a man up to Mr. Cain here the other day; he gave him an application to fill out and he is waiting now to see Mr. Cain.

Q. Mr. Cain really employs the men?—A. I employ them and set them to work, and recommend them to Mr. Cain.

Q. What is your salary?—A. \$90 a month.

SESSIONAL PAPER No. 36d

Q. Has it always been that?—A. No, sir, it has been \$75 all winter till I took the day yards, and it has gone to \$90.

Q. That is satisfactory to you?—A. Yes, sir.

Q. In whose department would Gillam be?—A. I should judge he would be under the locomotive department, mechanical department.

Q. Would that be under Mr. McManamy?—A. I suppose it would.

Q. You say Mr. Hayes retired from the position of yard master at his own request?—A. He advised me that was the fact; whether it is different I do not know.

Q. Where is he now?—A. He is away burying his sister at Windsor.

Q. He went up there for a day or two?—A. He left here the day before yesterday; he may be here to-morrow.

JOHN MCMANAMY, recalled.

By the Commissioner :

Q. Do you know this man Gillam?—A. Yes, sir.

Q. What position did he occupy?—A. Roundhouse foreman at St. Thomas.

Q. When was he appointed there?—A. I do not know just the date; I think, some time in January.

Q. Who appointed him?—A. I did.

Q. Where did he come from?—A. He came here from Chicago. I think he was looking for a position in Chicago, and had a letter of recommendation from Mr. Kellogg to me.

Q. And you appointed him foreman of the roundhouse, and how long did he remain there?—A. A couple of months, I should judge, may be between two and three months.

Q. Then where did he go to?—A. I do not know where he went from here; he was dismissed from the service here.

Q. For cause?—A. Yes, sir.

Q. And he left the country as well as the line?—A. He left Canada at any rate; he was going to Grand Rapids he told me, but I never heard from him since he went away, and do not know where he has gone.

Q. Is the timekeeper under you?—A. In our department.

Q. Who is the timekeeper?—A. Douglas Balsden.

Q. How long has he been here?—A. He was here previous to the time I have been here, probably a couple of years, he was clerk before I came, formerly from the Michigan Central in St. Thomas.

Q. Is the yardmaster under your jurisdiction?—A. No, sir.

EDWARD ALLEN, sworn, examined.

By the Commissioner :

Q. Are you a fireman?—A. No, sir.

Q. What are you?—A. Working in the shops.

Q. What is your position in the shops?—A. Labourer.

Q. I thought you were a drill hand?—A. No, sir.

Q. That is what I have noticed here; you were born in Pennsylvania?—A. Yes, sir.

Q. Your people live over there in Pennsylvania still?—A. Yes, sir.

Q. Where was it you worked before you came to St. Thomas or Walkerville?—A.

Oil City.

Q. When did you leave the Oil City neighbourhood?—A. 13th July last.

Q. Where did you go to from there?—A. I came to Walkerville.

Q. What induced you to come to Walkerville?—A. On a visit.

Q. To whom?—A. To J. W. Hocking.

Q. Who was Mr. Hocking?—A. Foreman of the shop.

- Q. In Walkerville?—A. In St. Thomas.
 Q. Was he foreman of the shop at Walkerville at the time?—A. Yes.
 Q. Is he a friend of yours?—A. Yes, sir.
 Q. Did he ask you to come over?—A. No, sir.
 Q. How was it you called on him?—A. He used to live there four or five years, and I and his son were chums, and I just came over to see him.
 Q. And he employed you?—A. Yes, sir.
 Q. Did you write to his son about coming over?—A. No, sir.
 Q. Did his son write to you?—A. No, sir.
 Q. Sure; did you not keep up correspondence?—A. I got one or two letters.
 Q. And he invited you over?—A. No, sir.
 Q. And you moved with the shop from Walkerville to St. Thomas?—A. Yes, sir.
 Q. Are you a Welshman?—A. Some.
 Q. You are not an American?—A. I was born an American.
 Q. How old are you?—A. Twenty.

JAMES L. EBERTS, called by Mr. Coburn, sworn, examined.

By Mr. Coburn:

- Q. You are in the employ of the company?—A. Yes, sir.
 Q. And for how long?—A. Going on eight years.
 Q. That is for the Père Marquette and the Lake Erie before them?—A. Yes, and for the Erie and Huron.
 Q. Your employment has been in Canada altogether?—A. Yes, sir.
 Q. And you are now conductor?—A. Yes, sir.
 Q. How long have you been conductor?—A. Going on five years.
 Q. What do you say about the condition of the road now and as it was a year ago. Would that cover the period in question?
 The COMMISSIONER.—My impression is it would.

By Mr. Coburn:

- Q. How does the condition compare so far as the work of the men is concerned?—A. It has been all right with me.
 Q. Has there been any improvement or otherwise in the past two years or past year?—A. Yes, there has in the past year.
 Q. Improvement in your work?—A. Yes, sir.
 Q. And pay?—A. Yes, sir.
 Q. That is, you get more money and earn it easier?—A. I do not earn it any easier. I have to work for it just the same.
 Q. But you get over the road easier?—A. Yes, we have engines to get over the road with.
 Q. You are a Canadian?—A. Yes, sir.
 Q. And have not been threatened with dismissal to make way for an alien?—A. Not yet.

By the Commissioner:

- Q. What line do you run on?—A. On the Michigan Central, east of St. Thomas.
 Q. Any accidents on that line within the last few months?—A. Not to my knowledge.
 Q. You have better engines than you used to have?—A. Yes, sir.
 Q. A good deal better?—A. Yes, sir.
 Q. More money spent in improving the system?—A. Apparently so.
 Q. I suppose the old adage that money makes the mare go comes in true here?—A. Yes.

SESSIONAL PAPER No. 36d

Q. I suppose we can all better our condition if we have the money?—A. I think so.

Q. You work just as hard as you ever did for the money you get?—A. I do not work quite so hard as I used to.

Q. You do not require to work so hard because you have better facilities?—A. Yes, sir.

Q. Better facilities?—A. Yes, sir.

Q. Do you know about the runs on the other parts of the division?—A. Very little.

Q. You do not know much about them?—A. No, sir.

By Mr. Coburn:

Q. When you speak of better facilities do you refer to anything besides the improved power?—A. Well, that I do not know, Mr. Coburn. I do my work, that is about all I can do.

Q. Do you find any improvement in train orders and despatching?—A. The train orders—we used this Michigan Central system.

Q. You have worked west of St. Thomas since the new management?—A. Very little.

By the Commissioner:

Q. Did you know Mr. Cameron?—A. Yes, sir.

Q. How did you find him as to ability to work?—A. All right, so far as I was concerned.

Q. Qualified for his position?—A. That I could not say.

Q. So far as you knew, yourself?—A. Yes, sir, so far as I knew.

Q. Perfectly satisfactory to you and to the men generally?—A. Yes, sir, he was to me.

TREWIN A. GILBERT, called by Mr. Coburn, sworn and examined.

By Mr. Coburn:

Q. How long have you been employed by the Père Marquette?—A. About three years.

Q. And before that?—A. By the Wabash and Grand Trunk, jointly.

Q. In Canada?—A. Yes, sir.

Q. You are a Canadian?—A. Yes, sir.

Q. And your present work is what?—A. Conductor on the east end.

Q. That is east of St. Thomas?—A. Yes, sir.

Q. You heard Mr. Eberts' evidence just before you?—A. Yes, sir.

Q. Is there anything that you wish to change?—A. Nothing.

Q. You confirm what he has said?—A. Yes, sir.

ROBERT J. WARDELL, called by Mr. Coburn, sworn, examined.

By Mr. Coburn:

Q. How long have you been employed by the company?—A. A little better than four years.

Q. And before that?—A. I was working all over.

Q. Railroading?—A. Part of the time, and part of the time in the brickyard with my brother.

Q. You are a Canadian?—A. Yes, sir.

Q. And conductor on the west end at the present time?—A. Yes, sir.

Q. How long have you been working at that?—A. As conductor?

Q. Yes?—A. As a regular, since July last.

4-5 EDWARD VII., A. 1905

Q. You were promoted to that—A. Yes, sir.

Q. How do you find the work now, as compared with a year or eighteen months ago?—A. In what way do you mean?

Q. I mean of getting over the road?—A. We make better time and have better engines, at least our engines are in better shape; it seems we can get over the road in better time.

Q. Due at all to the better despatching?—A. To a certain extent, yes, they help us more in getting over the road.

Q. You think the despatchers help in getting over the road?—A. Yes, sir.

Q. Then, I understand, too, that your trains are made up to better advantage under the new order of things?—A. Well, take it as a rule, they are, out of here.

Q. You used to be overloaded and delayed in that way?—A. Not so much in being overloaded as it was our cars were not put together; supposing you are leaving here, you would be delayed so much at terminals. Now your trains are built up in better shape than they were, and they are easier handled.

Q. Has anything ever been said to you about making way for aliens?—A. Not to my knowledge.

Q. You have never been threatened or felt uneasy?—A. No, never felt uneasy yet.

Q. I understand it used to take anywhere from four to six hours to get through Blenheim yards?—A. It was pretty bad there sometimes, blocked up pretty well.

Q. It used to take that long sometimes?—A. It never took me that long; I have been there quite a while; Blenheim is far better than it was.

By the Commissioner:

Q. You heard what Mr. Eberts said about better class of engines than you had?—A. Yes.

Q. You agree with him?—A. Yes, sir.

Q. You heard his statement about Mr. Cameron as to trainmaster, do you agree with him?—A. Yes, sir.

Q. You were under Mr. Cameron?—A. Yes, sir.

Q. Did he perform his duty satisfactorily to the men and to the public, as far as you knew?—A. So far as I knew, yes.

Q. Then, what facilities have they given you that you did not possess before, since December 1 last?—A. I think our engines are put up in better shape than they were.

Q. Capable of doing better work than you were able to do before?—A. I think so.

Q. Is that the great advantage in getting through the country quicker?—A. Well, I could not say.

Q. What is the great advantage, then?—A. I do not know, it seems to me we can get over the road better; in fact, our engines can stand better and more usage than before.

Q. It is because of your engines being better you are able to get across the country quicker?—A. I suppose that is the reason.

Q. Is there any other reason to your knowledge?—A. Our yards are in better shape than they were at that time.

Q. How?—A. They are kept cleaner, you can get in and out better, our sidings are kept in better shape.

Q. In what way?—A. They are kept clear.

Q. That is, cars are not left remaining on the siding?—A. No, if you have a meeting, one train can take the siding and the other out, and there is not so long delay in getting by.

Q. What was the delay before?—A. The sidings were blocked.

Q. What occasioned that?—A. I cannot tell you that.

Q. Whose fault was that?—A. I would not like to say.

Q. Had they sufficient engines to work the system before?—A. Not at that time, I don't think so.

SESSIONAL PAPER No. 36d

Q. Was not that the reason?—A. I would not like to say that, because that is out of my jurisdiction altogether.

By Mr. Jeffery:

Q. We heard yesterday about a better supply of water recently, they were suffering for lack of water, is that correct?—A. They seem to have a good supply of water at the present time.

Q. But they were suffering under the old management for lack of supply?—A. That is liable to happen under this management.

By the Commissioner:

- Q. Any accidents on your line?—A. Not very often.
- Q. Any lately within the last few months?—A. Nothing serious.
- Q. No one discharged in consequence of any?—A. Not that I am aware of.
- Q. Any one laid off?—A. They may have been suspended for a few days.
- Q. Who?—A. I do not know, I say they may have been.
- Q. You do not know who have been?—A. No.
- Q. Do you know of any accident that has been on the road within the last two or three months?—A. That one at Blenheim, a broken journal, the other day.
- Q. Who was that?—A. Conductor Hutchison.
- Q. He was dismissed?—A. I do not know.
- Q. You have not seen him since?—A. No.
- Q. When was that?—A. I think it was last Wednesday, I would not be certain.
- Q. That is Monday or Wednesday?—A. Somewhere along there.
- Q. Do you know what the accusation against him was?—A. No, sir.
- Q. Or how the brake took place?—A. All I heard was a broken journal.
- Q. Not a burned-out journal?—A. I do not know, I was not there.
- Q. Do you know anything about the accident on the Grand Trunk siding at London?—A. No, sir.
- Q. Are not these accidents posted up in the car premises in any way?—A. Not necessarily, no.
- Q. I mean as a notification or warning to the different conductors?—A. No, sir.

WILLIAM CHAMBERLAIN, called by Mr. Coburn, sworn, examined.

By Mr. Coburn:

- Q. How long have you been in the employ of the company?—A. About three years.
- Q. And before that where were you employed?—A. The Michigan Central.
- Q. Here in Canada?—A. Yes, sir.
- Q. You are a Canadian?—A. Yes, sir.
- Q. You are at present conductor on the west end?—A. Yes, sir.
- Q. How long have you been working at that shop?—A. Conductor since last December.
- Q. That is four or five months ago?—A. Yes.
- Q. Promoted to that I suppose from breaking?—A. Yes, sir.
- Q. You heard the evidence of Mr. Wardell?—A. Yes, sir.
- Q. And does that express your views on the subject?—A. That is all I know.
- Q. You confirm what he said?—A. Yes, sir.
- Q. It has not been hinted or suggested to you that you ought to make way for anybody else, have you heard anything of the sort?—A. Not that I know of.
- Q. In regard to your own position or any other employee's position on the road?—A. No, sir.

By the Commissioner:

- Q. Who promoted you to the position of conductor?—A. Mr. Cameron.
- Q. When?—A. Last December, the early part.

4-5 EDWARD VII., A. 1905

Q. You had known Mr. Cameron for some years?—A. Three years.

Q. You have heard what Mr. Eberts and Mr. Wardell say about Mr. Cameron, do you corroborate their statements with reference to him?—A. He was all right to me.

Q. The great change, I understand, was what the other conductors stated, the power being improved, do you agree to that?—A. Yes, sir.

Q. That is the greatest change in the road?—A. The road has been helped too, and sidings and water tanks

Q. You were without sufficient water tanks before?—A. Yes.

Q. You knew of such matters as a brakeman better than as conductor?—A. Yes, sir.

Q. Additional sidings were put in then?—A. Yes.

Q. Since when?—A. Within the last year, since I came.

Q. That is the last twelve months or so?—A. Yes.

Q. They have been coming in by degrees?—A. Yes, sir.

Q. So that you have a better system to-day than you had any time in the history of the road?—A. Since I have been on.

Q. I suppose the reason for that is the large expenditure of money?—A. I suppose so.

Q. Did you hear about this accident to Hutchison?—A. No, sir.

Q. Did you see it?—A. No, I saw it afterwards.

Q. What was the trouble?—A. A broken journal, I believe.

Q. Did you see it?—A. No, sir.

Q. You did not know Hutchison was dismissed in consequence of that?—A. I heard this morning he had been dismissed.

Q. And the brakeman, too?—A. One brakeman, I believe.

Q. Do you know whether they were at fault in connection with the broken journal?—A. I could not say, I never saw it.

Q. Is that liable to happen at any time?—A. Yes, sir.

Q. And a conductor?—A. You cannot always tell when a journal would break.

Q. He would not be responsible for breaking a journal?—A. I cannot see why he would.

Q. You think it would be pretty hard for a conductor to be dismissed if a journal breaks?—A. Yes.

Q. You would not like that yourself.

By Mr. Coburn :

Q. There have been no new water-tanks put up at all on the west end?—A. This last year I said they have been coming along, I could not say exactly when.

The COMMISSIONER.—Within the last twelve months.

Mr. COBURN.—Not at all, there is one in course of construction, but there have been none completed ready for use.

Q. Where has any tank been put up in the west end?—A. At New Canaan.

Q. There is no new tank at New Canaan?—A. They have put one in; I was never over till I got promoted, and that was three months. I do not know when they put it there.

Q. You heard what Mr. Wardell said about the difficulty of getting through the Blenheim yard?—A. Yes, sir.

Q. Does that correspond with your experience there?—A. Yes, sir.

Q. And very much the same trouble at Chatham?—A. Yes, sir.

Q. And that has been improved?—A. Yes, sir.

Q. Very greatly?—A. Yes, sir.

Q. No new sidings at either place in the last three years?—A. They have been extended, I think, in the last three years in Chatham; I could not say for that for sure.

Q. None at Blenheim the last three years?—A. Not that I know of.

Q. So that the improvement there must necessarily be due to improved handling?—A. Yes, sir.

SESSIONAL PAPER No. 36d

By the Commissioner :

Q. New engines, particularly new engines that will go faster and get out of the way quicker, is not that it?—A. Yes, sir.

By Mr. Coburn :

Q. New engines would not help you if cars were left inconveniently placed?—A. No, sir.

Q. And sidings left blocked?—A. No, sir.

GEORGE GUBB, called by Mr. Coburn, sworn, examined.

By Mr. Coburn :

Q. How long have you worked for the Père Marquette?—A. In my seventeenth year.

Q. That is the Père Marquette and Lake Erie?—A. Yes, sir.

Q. As an engineer?—A. Yes, and fireman.

Q. And now as travelling engineer?—A. No, just engineer.

Q. On the west end?—A. I am on the London and Port Stanley at present.

Q. Do you know the west end well?—A. Yes.

Q. And have been over it in the past year?—A. Yes, sir.

Q. In the past three months?—A. Yes, sir.

Q. Are there any new engines on the west end at all?—A. No, not new engines.

Q. New engines are all running east from St. Thomas?—A. From St. Thomas east.

Q. What do you say about the improvement in handling traffic over the west end under the new management?—A. I have not been over the west end but once in two months.

Q. We will go back since December, from December on?—A. In the matter of freight do you mean, or generally?

Q. Handling traffic generally, and special freights?—A. The power is in better shape now than it was.

Q. Due to what, principally?—A. I consider better facilities for keeping it in repair.

Q. What else?—A. I do not know of anything else, except the new shop.

Q. Handling of cars at different points have anything to do with it? Despatchers have anything to do with it?—A. They have more sidings in order to get trains by better; that helps traffic over the road.

Q. What about Blenheim? Do you get through Blenheim now any better than you did before?—A. I cannot say in the matter of freight. I have not been on freight work myself, and I am not in a position to say.

Q. You are a Canadian?—A. Yes, sir.

Q. You have not been asked to make way for anybody from the other side?—A. No, sir.

Q. Nobody suggested that they were better than you?—A. They treated me all right.

By the Commissioner :

Q. You are one of the old men?—A. Yes, sir.

Q. You look very young?—A. Always lived good.

Q. You used to be road foreman of engines?—A. I was for some time.

Q. When?—A. For about three years previous to the first of this year.

Q. What was your salary as road foreman?—A. For the last year I got \$100 and expenses.

Q. You are now engineer?—A. Yes, sir.

Q. Is that a better position?—A. I think it is.

Q. More money in it?—A. About the same, that is unless you work overtime.

4-5 EDWARD VII., A. 1905

Q. And if you work overtime you earn the extra money?—A. Yes. You get extra pay for extra work.

Q. Why were you relieved from the position of foreman of the road engines?—A. I got a letter from the master mechanic advising me that he had had instructions from the management to appoint an assistant master mechanic for the Buffalo Division, and I would be relieved of my duties of road foreman of engines, as he would have charge of the engines on the road in addition to his other duties.

Q. Who was the assistant master mechanic they appointed?—A. Mr. McManamy.

Q. That was the gentleman that Mr. Christie referred to?—A. He referred to Mr. McManamy.

Q. It was Mr. Christie who wrote you?—A. Mr. Christie wrote to me.

Q. He was master mechanic of the whole system, was he not?—A. Yes, sir, at that time.

Q. And you received your instructions from him?—A. Yes, sir.

Q. Do you remember when that letter was received by you?—A. It is some time in November, if I remember right.

Q. Dated about the 27th November?—A. It is somewhere about that. I would not be sure now.

Q. Do you think this is a copy of that letter?—A. Yes, sir, that is it.

Q. That is a copy of the letter you received:—

‘WALKERVILLE, ONT., Nov. 29, 1904.

‘Mr. G. GUBB, R.F. of E.,

‘St. Thomas, Ont.

‘DEAR SIR,—I have had orders from the management to appoint an assistant master mechanic on the Buffalo Division. He will have supervision of the engines also.

‘This will relieve you of your duty as road foreman of engines some time next month, and Mr. McManamy will notify you about the time he can dispense with you as road foreman of engines, and you can arrange to pick out your run on the road.

‘I thank you very much for your past services, and hope you will have success with us.

‘Yours truly,

‘(Signed) W. K. CHRISTIE,

‘Master Mechanic.’

That is the letter?—A. Yes.

Q. And you gave up about first December?—A. First January.

Q. A month afterwards?—A. Yes.

Q. And handed over the work to Mr. McManamy?—A. Yes.

Q. Who took your place?—A. Mr. McManamy.

Q. He is not foreman of road engines?—A. There is no road foreman of engines.

Q. He takes charge of that work?—A. Yes.

Q. Do you know who actually does the work you used to do?—A. Nobody but him.

Q. What were your duties as road foreman?—A. To travel on the road from one engine to another, and see the men were doing their work economically and intelligently, and see that the engines were in proper repair, and if they were not see they were made so, and I also kept the men in their places as regarding seniority and the like of that.

Q. That was a higher position than that of an engineer?—A. It was considered a promotion.

Q. You considered it such when you obtained that position, did you not?—A. Yes, sir.

Q. Then you were reduced to engineer from that position on the first January in consequence of receiving this letter?—A. Yes.

Q. You were not dissatisfied with that?—A. I cannot say I was not.

SESSIONAL PAPER No. 36d

Q. I thought, from what you said before, you were not dissatisfied?—A. I was not dissatisfied, I was perfectly satisfied with the change.

Q. You are more at home now?—A. Yes, sir.

Q. Which is your run now?—A. At the present time running between London and Port Stanley.

Q. Are you at home now more than you used to be?—A. Yes, I am at home every night.

Q. All night?—A. Yes, sir.

Q. You live here, in St. Thomas?—A. Yes, sir.

Q. It is the London men that are kicking up the fuss in consequence of having to remain longer here than in London?—A. What I read in the papers?

Q. That is what I refer to?—A. Yes.

Q. Have they got any reason for that?—A. I do not know that they have been making any fuss.

Q. You have not been running, as you told Mr. Coburn, on the west?—A. No, not for some time.

Q. Do you know anything about this accident at London lately?—A. I do not.

Q. You were not in it?—A. I do not know what you refer to.

Q. There was an accident at London a few days ago at the London siding of the Grand Trunk; there was a Grand Trunk car on the siding at London, opposite the Grand Trunk station, on the Grand Trunk tracks, the Père Marquette running the cars back to the Père Marquette yards, and they ran in and caused some damage—

Mr. COBURN objected to any question being asked about this accident, as he had to appear in the matter at London.

By the Commissioner:

Q. The great advantage of the present system is in consequence of the improved engines?—A. Yes, as far as I can see.

Q. And they have been improved since the new régime has taken charge?—A. Yes.

Q. They could have been improved at any time for years before, if the money was forthcoming?—A. I think so.

Q. You knew Mr. Cameron?—A. Yes, sir.

Q. You have heard what Mr. Eberts and the other gentlemen have said with reference to Mr. Cameron's abilities as trainmaster?—A. Yes.

Q. Do you corroborate their statements?—A. Yes, he always treated me well.

Q. And was a good trainmaster?—A. As far as I know.

Mr. COBURN.—Mr. Pyeatt may be able to say something in regard to some of the matters that were brought out since he was here before.

The COMMISSIONER.—I shall be glad to hear him.

JOHN SAMUEL PYEATT, recalled.

By Mr. Coburn:

Q. Unfortunately, I was not here all through the investigation, and I am not very familiar with the names of those who were alleged to have been displaced; but I would ask you, Mr. Pyeatt, in regard to Mr. Knight, to offer any explanation you think fit in regard to him?—A. Mr. Knight's services generally were not satisfactory, and I think he was so reported to me by Mr. Cain, that he admitted to him that he was not a train despatcher, a first-class train despatcher, and could not do the work that we required done on the Père Marquette to handle the amount of business we were attempting to handle, with the facilities we had for handling it. Mr. Knight makes the statement that he was paid \$60, and the other three despatchers were paid the same, I believe; the salary was \$65 a month, and the other three were more. Mr.

4-5 EDWARD VII., A. 1905

Knight was sent to Courtright as agent and operator, which he said he would like to have, and a man was paid for ten days or two weeks, perhaps a little longer, to teach him the duties of agent, because he did not understand them, he said. He was there a few days after that, and telegraphed me, asking to be relieved, because he could not do the work. He came to St. Thomas soon after that, and was given a position as operator at the London and Port Stanley passenger station—

Q. Was there any reason why he should not have been able to do the work, was there anything specially difficult about the work?—A. No, the work was very simple, a small station.

Q. It is a flag station?—A. No, it is a regular station, but the work—

Q. The passenger work is very light?—A. Yes, and the freight work light, too. He stated that his salary there was \$45 a month. There are some express commissions in addition to that; I just do not know how much they amounted to, but the position, when it was given to him, was entirely satisfactory, so I understood, and considered to be as heavy as he could do, and he admitted, after he tried it, he could not do it. He resigned the first day from the London and Port Stanley passenger station, where he was placed as an operator.

Q. Was there any reason for dissatisfaction with him except as to his capacity for a position?—A. None whatever.

Q. Did you know as a matter of fact what his nationality was?—A. I had no idea.

Q. And did not ask?—A. No.

Q. Anything of that sort enter into your policy in employing him?—A. No, sir.

Q. Then can you speak as to Mr. Kirpatrick, or will Mr. Cain speak as to that?—

A. Mr. Cain is more familiar with the work of the despatchers than I am, because he is in closer contact with them. I knew in a general way the complaints against them all the time, because I knew the work was not satisfactory and we had plenty of cases to show it was not.

Q. What was the chief cause of dissatisfaction?—A. It was their inability to figure ahead and make meeting points without delays and to properly handle trains.

Q. They were delaying trains constantly for longer periods than was necessary?—A. Yes, sir.

Q. Do you know anything about the hours of the present chief despatcher?—A. They are continuous as long as he considers it is necessary for him to remain on duty, he has worked a good many nights all night, not only during the snow blockade, but before and since, and especially when he first came here; I think he averaged 16 hours a day, and perhaps longer; a good many days much longer, and understood that it was his duty.

Mr. COBURN (to the Commissioner):—I have not any other questions to ask. If there is anything you have that you think Mr. Pyeatt can explain or should explain I should be very glad if you would ask him.

By the Commissioner:

Q. You were not in as good a position to know Mr. Knight's abilities and capabilities as Mr. Arnum, I suppose?—A. Well, I was not quite as close to Mr. Knight, I knew a great deal about the work of despatchers.

Q. Are you a despatcher yourself?—A. No, sir.

Q. Never operated?—A. No, sir.

Q. So that so far as the actual practical work was concerned you were not as well acquainted with it as Mr. Arnum or Mr. Knight?—A. I think I am.

Q. Is not that a pretty strong assumption?—A. That may be a rather conceited view of it, but I hope not; I believe I understand the duties of despatcher.

Q. Although you have never acted as such?—A. No, sir.

Q. You understand the duties of despatcher as well as Mr. Arnum or Mr. Knight?—A. I hope I do.

SESSIONAL PAPER No. 36d

By Mr. Coburn:

Q. You judge by results?—A. No, you judge despatching by their order and the movement of trains.

By the Commissioner:

Q. You have heard what Mr. Arnum stated in the witness box as to no complaints having been made against Mr. Knight's work until you came?—A. Yes, sir.

Q. Was not he in a position to state that?—A. He was in a position to have discovered it.

Q. And to be able to state it honestly if it was so?—A. According to his judgment, yes.

Q. Is he not capable of forming a judgment of that nature?—A. There is a difference in our opinions. Mr. Arnum might think I was not capable of judging; if that is his opinion I consider he is not.

Q. You think Mr. Arnum is not capable of judging as to the qualifications of a despatcher?—A. I think he ought to be.

Q. Is he or is he not, not what he ought to be?—A. I think that is a fair sample that he is not.

Q. Do you think he is not capable of judging?—A. Yes, sir.

Q. Although he has been in that service for a number of years?—A. Yes, sir.

Q. Have you intimated that to him, that he is not a capable despatcher?—A. That Mr. Arnum is not a capable despatcher?

Q. Yes?—A. I think he is a capable despatcher.

Q. Is he not capable of judging what a capable despatcher is?—A. I do not think he is, if he considers those two gentlemen capable despatchers.

Q. From your standpoint?—A. Yes, sir.

Q. And yet you know nothing of it practically?—A. I think I do.

Q. Never operated?—A. Not with my hands.

Q. Your mind always operates, not your hands?—A. I endeavour to work with my mind.

Q. Still, I suppose an operator would not do very much good for the Père Marquette if he only operates with his mind?—A. No, we have men who operate with their hands and others who operate with their minds, and some use both.

Q. And these men operated with their hands and minds combined?—A. Yes, apparently more by their hands than by their minds.

Q. Why do you say so?—A. Because the work was not satisfactory.

Q. Mr. Arnum's work was not satisfactory?—A. No, sir, his work as a train despatcher is satisfactory.

Q. Not as chief despatcher?—A. Mr. Arnum was chief despatcher a very short time, not long enough for me to judge very well as to what he would have done.

Q. Mr. Pyeatt, you are judging and stating he is not qualified as a chief despatcher, that is what you are stating?—A. I speak from what he says of two despatchers.

Q. That is his knowledge of their work, as against your knowledge without any practical experience. What percentage do you pay to London for the Port Stanley division, or do you pay any?

Mr. COBURN.—We have a written lease on a sliding scale.

By the Commissioner:

Q. Has the company paid any percentage of late years?—A. Yes, sir.

Q. Has it been as high since you took possession as it was formerly?—A. I have not noticed.

Q. Could you ascertain that?—A. I can.

Mr. COBURN.—Your Honour has not seen this mornings paper. The London paper has it all in.

4-5 EDWARD VII., A. 1905

Q. After you took possession you, I suppose, requested better facilities than what the former superintendent had, and better rolling stock, from the management?—A. I recommended some additional side-tracks, which were put in, that I considered necessary.

Q. And also new engines, you made that recommendation?—A. That is a sort of a chronic recommendation of a superintendent, to recommend new engines.

Q. You are not in a position to use that word yet; you are not a chronic superintendent, you are only superintendent since December?—A. I asked for no new engines.

Q. What did you ask for with reference to the running facilities of the road, can you tell me?—A. In a short time after I came here, I asked for two or three additional engines from the other side; they were not new engines.

Q. No new engines?—A. No, sir.

Q. Mr. McManamy was requested to get them?—A. I made application to the general superintendent for the new engines.

Q. And you have obtained six new engines since then?—A. Yes, sir, we have received six new engines very lately.

Q. This is within the last few months?—A. Within the last forty days.

Q. And you received other engines previous to that?—A. We received two engines at first, and two a little later for a short period.

Q. You have returned some of these?—A. All of them, soon after we got them.

Q. Soon after you got them, you got your others into a condition to do the work properly?—A. Yes, sir, and the railroad in a condition to handle the engines over.

Q. And the work was done more expeditiously in consequence of that?—A. In consequence of the improved condition of the engines and cleaning up of the division, taking cars off side-tracks, and having a systematic way of leaving cars at terminal points, where they may be got out by trains running in different directions, so that they would not have to switch for several hours at one point to get their train as they passed through.

Q. You were better enabled to do that in consequence of these engines?—A. Not at all.

Q. I thought the better the engine, the better the work?—A. Always, but they do not help you arrange your yard.

Q. If you have an engine that can take the cars out of the yard quicker, surely that would help?—A. That has nothing to do, I believe, with the arrangement of the yard, the business of the yard.

Q. Do you understand that yourself?—A. The arrangement of the yards?

Q. Yes?—A. I think so.

Q. Do you leave that to Mr. Cain?—A. Mr. Cain has direct supervision over the yards.

Mr. COBURN.—There is a statement here, in this paper, as to the earnings. (Hands London newspaper to the Commissioner.)

By the Commissioner:

Q. Have you made up a statement since you came to take charge— A. Showing the earnings and percentage?

Q. Yes?—A. No, sir; I would have to get that from our accounting department; if it is published there, I dare say it is correct.

Q. Where would you have to get it?—A. From Cincinnati.

By Mr. Jeffery:

Q. This is the one the city auditor went through?—A. That was done very recently at the request of my office to audit the accounts, and that is the result of it, I am sure; I did not know it had been published.

SESSIONAL PAPER No. 36d

By the Commissioner :

Q. You are doing more of a through line work than formerly?—A. More since July, they made a through line since July, 1904.

Q. And the business has increased in consequence of that?—A. Yes, sir, in December we were handling about 700 cars a day. We are handling now from 1,000 to 1,200 a day on the same track.

Q. That is almost double since the 1st December last?—A. Yes.

Q. Is that in consequence of the larger trade in connection with other lines in the States?—A. No, sir, in consequence of our ability to handle, it was diverted around the Buffalo division by Toledo and other points; it was given to other railroads because it could not be handled.

Q. By your railroad?—A. Yes.

Q. And since then it has come through your way?—A. A larger amount.

Q. And a larger amount has been made?—A. Yes.

Q. Because a through line has been made, a larger business has been carried on?—A. The through line was in existence in July last, as I say.

Q. That is since the through line has been made the business has almost doubled?—A. Yes, sir, more than that, I think; I do not know what it was before, but I should imagine it was that.

Q. At least doubled at any rate?—A. Yes, I think that is a very low estimate.

EVERETT E. CAIN, recalled by Mr. Coburn.

By Mr. Coburn :

Q. What have you to say in regard to Mr. Knight?—A. Well, I had a great deal of complaint about Mr. Knight's work in general. He was not a despatcher; he delayed trains in making his meeting point, and I finally called him into my office and told him that I did not consider him a train despatcher, and while I did not want to do him an injustice, I would like to take care of him in some way. He said, 'Mr. Cain, I realize I am not a despatcher, and never have been, but I have been getting along the best I could.' I said, 'I do not doubt that.' I said, 'I would like to take care of you, but we cannot keep up with that kind of despatcher. If I could not handle my job I would not hold it.' I said, 'You, no doubt, could hold a station,' and I said, 'that is as good a position; you are getting \$65, and you can get \$65 out on the line. Now, you are labouring under difficulties; you do not know what you are doing, you are just guessing at it.' He said, 'Well, he would be glad to take a station.' I told him I would try and find out what we could do with him, and would do the best we could in that line, and when we were wanting a man at Courtright I arranged to send him there, and thought he would be well pleased, and that he should appreciate that we were trying to take care of him; no discrimination at all, and when I heard he could not handle Courtright then I was not surprised he could not handle a job as train despatcher, because an operator that could not handle Courtright station after he had somebody to teach him ten days or two weeks could not handle any position, not capably.

Q. Do you know anything as a matter of fact about his nationality?—A. No, I never knew anything about it, in fact I did not know the nationality of any of the men in the office outside of Mr. Pyeatt and myself.

Q. Did you ask any of them?—A. Never thought of it.

By the Commissioner :

Q. Do not overlook Gilhula?—A. Oh, Gilhula, I really thought Gilhula was an American till he talked about it over here, and all the time I knew of Gilhula in St. Louis I never knew he was a Canadian. We do not pay any attention to that point over there.

Q. What about Mr. Kirkpatrick?—A. Mr. Kirkpatrick was a young fellow. I took quite an interest in him when I came here, and I would continually talk to him

4-5 EDWARD VII., A. 1905

about various things in handling trains, called him in my office several times, and told him I would like to make a train despatcher out of him, but I did not think he understood his business very well, but I wanted to see him get along—told him, told Mr. Black (Mr. Black is still in our employ). I also called him in several times along about the same time, and told him we had nobody to bring here as despatchers, that they did not need to be afraid at all, to go right along and work like they had been before we came here, and that we wanted them to get along; and I had several of these talks with Mr. Kirkpatrick, and he always seemed to take them very graciously, and said he appreciated, and was going to do his best. I was going up the line along about some time in February, I guess it was; we had had an engine off the track in the derail at Chatham; it had been off the track there for something like 15 to 16 hours, and had the main line blocked, and our freight trains had been badly delayed. I got on engine 199 with 45 or 46 cars going to Sarnia. Mr. W. O'Lome was conductor—we were on the engine coming into Wallaceburg, and we had about twenty minutes I presume to make the next station for the passenger train. I said, 'O'Lome, you get off and tell the despatcher that I said give us whole main track order at Clancy,' that is the meeting point. It was a very stormy night, we could not see very far ahead and the wind was blowing. So we pulled right on to the tank. I said, 'O'Lome, you be watching for your signals, and we won't delay the passenger train except for five or ten minutes.' We pulled up to the tank. I came over to the engine, and he said he had an order which says 'Meet number 14 engine—I forget the number—at Clancy.' I says, 'Well, why did not he give us the main line? It would save time?' He said, 'I do not know, I asked him for it.' I did not say anything more about that, and we pulled over to Clancy, and we could not see very far ahead, and we stopped some distance from the switch because we were afraid to pull up by the switch, and really a little afraid they would pull in. We could see the head-light up there, but we could not tell whether it was on the main line or side track, and the brakeman went up and said the passenger train was coming up the side track, something unusual if they had an order to meet us there, something unusual, because they had the right track, and it would have been a very good meeting point, and it would have delayed neither train if the order had been given like I said, giving us right to the north switch instead of the south switch. I came in, I did not get in here for two or three days, and I called Mr. Kirkpatrick to my office and told him to bring his train order book in. He came in with it. I says, 'Look back at such and such a date, I want to see your order.' He looked at the book. He says, 'Mr. Cain, I have changed books since that, and the other book is out there.' I said, 'That is all right, I will take your word Kirk; what kind of an order did you give number 14 with engine 199 when we were going north the night of this accident?' He said, 'I gave order to meet 199 there.' 'You did not give them an order to take siding?' 'No.' 'Why did you not?' He said, 'I did not know you wanted me to.' I said, 'Did not the operator at Wallaceburg tell you I said to give us whole main track order?' He said, 'No.' I said, 'It is all right then. I do not blame you at all.' I thought then it was a little strange, but I took his word for it. I was on this passenger train with Conductor Pearce three or four days afterwards and I asked him, 'How was it you took siding at Clancy the night engine 199 had an order to meet you there?' He reached down in his pocket and said, 'I have an order to take sidings.' He pulled out an order which said, 'Take siding, and meet engine extra north 199 at Clancy.' I knew then Mr. Kirkpatrick was lying to me. I did not mind him being a poor despatcher, but when a man cannot tell you the truth you had better get rid of him. A despatcher is really an official of the company, and his work would be reliable. I did not say anything to Kirkpatrick about it, I had not time, and I was figuring relieving him, but I guess he must have found out I heard about it and he resigned. Why he has a grievance I cannot say. He resigned, and of course they possibly thought they could make some capital out of it, on account of the way things have been lately.

SESSIONAL PAPER No. 36d

By Mr. Coburn:

Q. If he had not resigned you would have dismissed him?—A. Yes, I would have discharged him for making a false statement, which is customary on railroads.

Q. In regard to the traffic getting over the road, I understand, a year ago it used to take very much longer than it does now?—A. I think there is no doubt about it, in first place we had a great deal of trouble at Chatham and Blenheim, and I think any of our train men running west out of here will tell you the same thing.

Q. I was going to ask you if the power was responsible for that?—A. No, the power could not have affected Blenheim or Chatham whatever, it was the condition of the yard and the manner they had in setting out and picking up cars. When they set out their cars there was no distinction made as to whether it was Blenheim proper, or north-west, east or south, the first track they would get to they would slam it in on, and have all conditions of cars.

Q. And some official of the company would be responsible for that?—A. Yes, I have seen trains delayed there ten hours picking up a train of 25 or 30 cars. They had cars in the gravel pit a couple of miles above town, and Blenheim west had three tracks, and down town they had three tracks; the conditions there were as bad as they could have been. They had a passing track there that has not been blocked since, and that was always blocked before. You heard what those conductors said about being delayed meeting trains on account of having tracks filled. I left instructions there that this track should not be blocked under any circumstances, put up a bulletin to that effect, and also that cars for the east would be set out on the scale track at Blenheim, and nothing else should be set out on that track. Cars for the north on the dock track, and cars for the west on the Blenheim west track, or something in that line, a track for each direction. I do not think we have had a train that has been delayed there since that time more than two hours no matter how many cars they had to pick up. Before it was hard to get them through under four or five hours, and it was a bad place for trains to meet, and a very important station, a junction point. That also applies to Chatham. Chatham was a point that had a number of side-tracks, that there was no understood rule at all about where they would leave their cars. We had a switching engine there, and still they did not have their cars switched together. If a train would come in there to pick up ten or fifteen cars for the north they would have to switch them. Now I think they find them all switched together. I think most of our trainmen can tell you that. That accounts for the delay and the congested condition when we came here; and Walkerville it applies the same way. There was no rule there about the way things should be switched. In fact it applies to every point on the line if it is a point where trains reduce and pick up, and so forth. It is a very important point on any railroad.

Q. I understand bad order cars were left indefinitely on passing tracks?—A. Any where.

Q. Frequently on passing tracks?—A. Yes, sir.

Q. So that if a train came there with passing orders they had to get it passed first?—A. Possibly chain the car up to handle it.

Q. These are now reported by the despatchers; there is a bulletin issued?—A. What is that?

Q. In regard to passing tracks blocked?—A. When a passing track is blocked, the despatcher is supposed to notify all trains as to that, especially if it is a bad order car there should be an order put out for it.

Q. Were any instructions, verbal or otherwise, ever given to your knowledge in regard to the employment of aliens or Canadians, or discrimination between one and the other?—A. No, I employ all the men myself, that is all the train men, I recommend them.

The COMMISSIONER.—He answered that yesterday.—A. Yes, there is no distinction, they all look alike.

The COMMISSIONER.—That is if they are white.

4-5 EDWARD VII., A. 1905

Q. You were speaking about the congested state of affairs at the time you came here?—A. Yes, sir.

Q. You knew nothing about it previous to that?—A. No, I found it bad enough without going back.

Q. You do not know how the state of affairs existed prior to that?—A. No, sir, only what I have heard the trainmen say; I had quite a number of them—whether they were jollying me or not I cannot say—come to me and say they were making their money much easier than before, it was quite a different railway.

Q. You are speaking from two or three weeks after you came here?—A. It took us possibly three or four weeks to get straightened out, but we finally got everything so that we could get over the road.

Q. You have heard what the conductors say, the great reason for the improvement was in these engines that they got?—A. We had no new engines at all.

Q. But you have had better engines since?—A. It was a long while before the engines were much better; one thing I understand was that our trains were badly overloaded.

Q. You heard what Mr. Pyeatt stated, that he got two or three engines from the other side immediately?—A. Not new engines, but in the statements which you got from the conductors you said new engines; they were not new engines.

Q. They were new engines to them. I suppose they might take it in that way; they were better engines than they had been accustomed to. Is not that the case?

Q. Were not they better engines than they were accustomed to?—A. What they mean by that—

Q. Were not they better than they were accustomed to have?—A. Those four engines were loaned for possibly a month or so and they were returned at a time when we needed them pretty bad, when they got in bad shape and we were forced to return them. What they meant by the new engines were engines that were being turned out with a lot of black paint on them.

Q. Were not these engines they got from Saginaw better than they had been using up to that time?—A. We had some engines here as good as them.

Q. Were not these engines better than they had been accustomed to using before that?—A. I say no.

Q. Then you heard what they stated that they were better engines?—A. They might have been in better condition.

Q. And would be better for power purposes?—A. No, we have some engines that were really larger.

Q. Do you wish to say that these men were stating what is not correct?—A. I think they were a little misled by the question you asked about new engines. That is the only point I am making.

Q. What they said was they were better engines and better power for the purpose for which they were used?—A. That can be taken several ways. We have two engines that were here at the time that we borrowed that are a larger class of engines, handling more cars than those engines you refer to; that is what I am trying to tell you, but they were really not better engines.

Q. These conductors say they were better engines; they are good men?—A. Yes.

Q. As good as Americans?—A. I do not make any distinction like you.

Q. Do not answer that way. As good as Americans?—A. Yes.

Q. You have had experience with both?—A. Yes, I never knew the difference; in fact they all seem like Americans to me; they all look alike and talk alike.

Q. They are equal to the Americans as conductors and engineers?—A. Yes; we have not brought Americans to take their place.

Q. You brought Gary; you state very plainly all these talks with Kirkpatrick and Knight, but you forgot to state you brought Gary?—A. Yes, we needed a despatcher pretty bad, and Gary was very much better than either of those men.

Q. Could you not get any one in Canada?—A. I could not at that time.

SESSIONAL PAPER No. 36d

Q. Did you not try?—A. Yes, asked the Michigan Central people if they had a man to let us have.

Q. Americans?—A. I do not think they have any Americans over there. I don't know of any.

Q. Do you know any at all?—A. Yes.

Q. Any Canadians?—A. I do not know; I did not ask.

Q. You did not advertise for a despatcher?—A. No.

Q. Let us see about this question of the dismissal of Mr. Hutchison, the conductor; you dismissed him, I understand?—A. Yes, sir.

Q. When was that?—A. I think it was the day before yesterday.

Q. Monday?—A. Yes, sir

Q. And the brakeman, too?—A. Yes.

Q. Two brakemen?—A. One brakeman.

Q. One brakeman was dismissed and one suspended?—A. Yes, sir.

Q. On what ground did you dismiss them?—A. For good cause. Do we have to investigate this case here?

Q. Is there any objection to your doing so?—A. Yes, sir, I think there is. I do not want to be disrespectful at all and I am trying to answer all your questions, but I think that is a bad piece of discipline to bring—

Mr. COBURN.—I might suggest this question: Where they dismissed because they were Canadians and to make way—

The COMMISSIONER.—No, let me ask it in the way I wish.

Mr. COBURN.—Then I think it is outside the investigation.

The COMMISSIONER.—I do not think it is outside the investigation if they were dismissed on one ground when the other ground would not enable them to dismiss them.

Q. They were dismissed because of an accident. I am not going into it so as to injure your case?—A. The only thing is I do not like to bring this up—

Q. You are not in court about it?—A. That is what I want to know.

Q. No one has sued you in connection with it?—A. No.

Q. And no one is likely to sue you in connection with it?—A. I do not think so.

Q. What was the ground you dismissed them upon?—A. For a burnt-journal; any road in the country will dismiss them for the same thing.

Q. Was it a burnt-journal?—A. No doubt on earth about it.

Q. Was it not a broken journal?—A. No, sir, it was a burnt journal.

Q. You heard what two men said they heard?—A. Yes.

Q. Was it a burnt journal or a broken journal?—A. A burnt journal.

Q. Who would know about that?—A. Mr. McManamy would be as good a judge as anybody; he is here.

Q. Who investigated it?—A. I did.

Q. Who else besides you?—A. No one besides me.

Q. Did Mr. McManamy?—A. Mr. McManamy helped pick up the wreck, but I investigated the accident. It was my duty to do that.

Q. And if it was a broken journal the dismissal would have been improper?—A. I would not have dismissed them if it was a broken journal.

Q. You heard what Mr. Arnum stated with reference to Mr. Knight and Mr. Kirkpatrick's manner in which they performed their duties?—A. Yes, sir.

Q. Entirely to his satisfaction?—A. Yes, sir.

Q. Have you anything to say as to that?—A. I think I have said enough about those young men to show what I thought about them.

Q. Have you anything to say as to what Mr. Arnum said?—A. Mr. Arnum could not be judged as chief despatcher; he had worked temporarily as chief despatcher when everything was bad, and I understood that he wanted to get out of it as quick as he could. There was no reason why Mr. Arnum should get up here and say they were not good despatchers. If I had been in his position possibly I would have said the same thing, that is as far as he was concerned.

4-5 EDWARD VII., A. 1905

Q. I do not know how you would have said the same thing unless it was true; now you wish to say Mr. Arnun was not telling what was true?—A. No, he might have said so.

Q. Had not he the experience to state so?—A. He might be a good despatcher and not able to judge, who else was.

Q. He had experience with these two men for some years?—A. No.

Q. For a long time?—A. No.

Q. How long was Knight there?—A. Knight did not work there as despatcher very long; I do not know.

Q. How long was Kirkpatrick there?—A. Six or eight months as despatcher.

Q. You had the experience of a week or two?—A. They were not very much of despatchers there to be train despatchers, the way they were handling despatching.

Q. He had the experience with these men during all that time and there were no complaints whatever made against their work?—A. There was as soon as we found their work—

Q. As soon as you came you complained against their work?—A. Yes.

Q. And you have explained why you dismissed them?—A. Yes.

Q. I will have to investigate that, because you have given hearsay evidence about what some man told you about the despatch, the order?—A. He gave me the copy of the order.

Q. Was Mr. Arnun not in a good position to state exactly the qualifications of these two men?—A. If he had been in the position of chief despatcher longer he possibly would have been, but he was new; he had just taken it over.

Q. How long did he act?—A. He only acted something like two weeks. It was new to him and he was so busy he had no time to pay attention to what his despatchers were doing, and everything was bad, and I am not finding fault with Mr. Arnun, but people have different opinions and I am positive in what I have told you, that neither Mr. Knight or Mr. Kirkpatrick were train despatchers.

Q. They have acted for a number of months as such?—A. But the Sarnia division they worked was more of a job as telegraph operator; it is only 66 miles and very few trains.

Q. You understand Mr. Knight worked the whole system all night after midnight?—A. I never knew he was on that.

Q. You did not know exactly what he was capable of doing?—A. Yes, I could see very clearly.

Q. Mr. Arnun—A. I think I know more about judging men of that class than Mr. Arnun does.

Q. And it was because of your knowledge of judging men—A. I am a practical train despatcher and worked a good many years on various roads, and I was always considered a good train despatcher, and I do not think these men were good train despatchers, and Mr. Arnun said there was no objection to their work and considered them good train despatchers, and I think he is evidently not capable of judging them.

JOHN McMANAMY, re-called:

By the Commissioner:

Q. You remember about this accident which occurred for which Mr. Hutchison and a couple of brakemen were dealt with?—A. Yes, sir.

Q. What was the trouble about the journal?—A. The journal was broken on account of it being extremely hot. I have the journal, or have the wheel and the axle and the piece where it was broken off at the Père Marquette shop, and it will speak very plainly for itself. In railroad circles it was what we call a burnt-off journal. Well, there never was such a thing existed as a burnt-off journal. They get extremely hot and break from the fact of being hot.

Q. This really was a broken journal?—A. It was a broken journal caused from being extremely hot and cutting. The metal on the outside of the journal was hot.

SESSIONAL PAPER No. 36d

Q. What caused the over-heating?—A. In the first place getting dry.

Q. Whose duty is it to look after the journal?—A. It is the conductor's; his duty on the road. After the train leaves the terminal it is the conductor's duty to see the train goes through safe and to look after the journals on the road.

Q. Is that a portion of the duty of every conductor?—A. Yes, sir, and every conductor is aware of it, that it is a portion of his duty to look after the journals after he leaves the terminal point, and a hot journal he knows he is responsible for it.

Q. How long would it be before he knew after it became hot?—A. I should judge the journal had been smoking and probably on fire for 10 or 12 or 15 miles.

Q. Where would it have commenced to smoke before it burnt it?—A. It would commence to smoke and the smoke would be plainly seen from the rear end of the train, and the smoke and smell could plainly be distinguished from the rear end of the train.

Q. Could that have taken place before leaving the station?—A. It could have taken place between stopping places, but there is positive proof they knew the journal was hot.

Q. How did they know the journal was hot?—A. As I understand it the brakeman borrowed an oil can and endeavoured to oil this particular box, and instead of stopping as he should have done he oiled it going along the road; so that he knew it was hot.

Q. How soon did they know it was hot after it became hot?—A. They would have sufficient time to stop and cool it; it would take a journal at least thirty minutes after it got hot before it could get heated to the extent it was when it was broken off. I saw the journal and I saw the box, and I have the axle at the shop. On top of the journal there is the journal brass or bearing, and on top of that brass there is a cast-iron wedge and this wedge had been red-hot. I saw the wedge when I picked up the wreck. The wedge itself had been red-hot, not only the journal and brass, but the wedge, and that wedge showed colour just the same as it would after being taken out of a blacksmith's fire.

Q. You do not know to what extent the brakeman did oil the journal?—A. No, because I was not present at the time, but that I understand was given in evidence, that he borrowed the oil can of the engineer to go back and oil the journal instead of stopping.

Q. Were they running at the time?—A. Yes, by getting down at the side of a car he could look at the journal and he could get the oil can in the box, and he could oil the box by getting on the end of the car.

Q. Your belief is it was burnt off in consequence of the neglect of the conductor to examine it before starting?—A. Yes, sir, there is no question about that.

Q. That is the reason he was dismissed from your employment?—A. Yes, sir.

Q. How many conductors are there on the Buffalo division?—A. I do not know.

Q. How many engineers are there?—A. In the neighborhood of sixty.

Q. How many firemen?—A. About the same amount.

Q. How many conductors are there, Mr. Cain?

Mr. CAIN.—About 30 or 35 conductors and about 100 brakemen.

Mr. Pyeatt stated that Mr. Gillhula's son was only engaged temporarily for about a week and is not now in the service.

The COMMISSIONER.—I desire to examine Mr. Cameron and Mr. Kirkpatrick, and possibly Mr. Knechtel, in Toronto; would next Monday answer your purpose to attend?

Mr. COBURN.—I am afraid I cannot count on any time next week.

The COMMISSIONER.—I suppose your agent could attend in Toronto?

Mr. COBURN.—Yes, I could arrange that. It is a little difficult to know how to instruct an agent without knowing what is coming up.

The COMMISSIONER.—I desire to examine Mr. Kirkpatrick, Mr. Knechtel and Mr. Cameron.

Mr. COBURN.—Mr. Knechtel never was here.

The COMMISSIONER.—After I examine Mr. Woollatt in the morning perhaps I will not require to call Mr. Knechtel.

Adjourned at 4.30 p.m. to 10 a.m. to-morrow morning.

Commission resumed at 10 a.m., April 27, 1905, at the Court House, St. Thomas.

PRESENT :

HIS HONOUR JUDGE WINCHESTER, Commissioner.

A. O. JEFFERY, K.C., for Dominion Government.

(Mr. Coburn was not present.)

WILLIAM WOOLLATT, sworn, examined :

By the Commissioner :

Q. I understand you were general manager of the Lake Erie and Detroit River Railway for a number of years ?—A. Yes, sir.

Q. Were you general manager from the beginning of the organization of that railway ?—A. No, sir.

Q. For how many years ?—A. I came to the road in 1889; I was traffic manager and general superintendent.

Q. General superintendent of the road ?—A. Yes.

Q. From 1889 to when ?—A. 1900.

Q. Then you became what ?—A. General manager.

Q. Prior to that, what had you been doing ?—A. With the Northern and North-Western Railway and the Grand Trunk Railway for seventeen years.

Q. What position did you occupy with the Northern ?—A. Clerk, and general clerk in the different departments, audit department and traffic department.

Q. So that you had been a railroad man for a long time ?—A. Nearly thirty-three years.

Q. What roads or lines had you charge of when you were general manager ?—A. The Lake Erie and Detroit River Railway system, which comprised the Erie and Huron and London and Port Stanley.

Q. That is just the same system that we understand under the name of Buffalo division of the Père Marquette railroad ?—A. Yes, sir, except since July of 1903 there has been added to the Buffalo division supervision of the running of trains from St. Thomas to the Niagara frontier.

Q. From St. Thomas east ?—A. Yes, sir.

Q. During that time who was your train master in charge of that system ?—A. K. R. Cameron.

Q. For how many years ?—A. For about five and a half years.

Q. Who were your despatchers ?—A. Fred. Arnum, Black and Kirkpatrick, with Knight as relieving despatcher.

Q. Who was your master mechanic ?—A. Stewart Austin until July, 1902, I think, or thereabouts.

Q. And then who succeeded him ?—A. W. K. Christie. Along in 1902, or early in 1903, the supervision of the officers of the Père Marquette Railway was extended over the Buffalo division.

Q. Then who was the civil engineer in charge ?—A. Owen MacKay.

Q. Who was the storekeeper ?—A. Knechtel.

SESSIONAL PAPER No. 36d

Q. Had you any district passenger agent?—A. No, sir; it was done under the general freight and passenger agent, Mr. Thomas Marshall.

Q. At London?—A. He was at Walkerville at that time.

Q. Had you any London office?—A. Just the general agent's office for freight and passenger work, the supervision of crews and so on.

Q. There was no district passenger agent at that time?—A. No.

Q. Who was your round-house foreman?—A. That was under Austin, as mechanical superintendent. I have forgotten the name of the foreman under him.

Q. At least how many years were these respective officials under you?—A. The mechanical superintendent would have been eight or ten years, and the chief engineer was assistant engineer when I came on to the road in 1889.

Q. And continued so until when?—A. The death of the chief engineer, till he was promoted.

Q. And Mr. Cameron five years or so?—A. Five and a half years as train master, and prior to that he had been some six or seven years as stenographer and dispatcher. He had been with the company some twelve years.

Q. And the storekeeper, Mr. Knechtel?—A. He had been with the company some five or six years, I think.

Q. What were the qualifications of these different officials for their respective offices?—A. I consider them perfectly competent.

Q. Had you any complaints against their abilities or qualifications?—A. No, sir.

Q. Were you satisfied with their qualifications?—A. Quite so.

Q. And the manner in which they performed their duties?—A. Quite so.

Q. No fault whatever to find with them?—A. No, sir.

Q. Did the public complain at all of the performance of their duties?—A. I think not, not to my knowledge.

Q. You think the public was perfectly satisfied?—A. Yes, so far as I know.

Q. When was it that the Père Marquette took charge of the old system?—A. In January of 1902.

Q. What condition was the road in at that time?—A. The physical condition?

Q. Yes?—A. In very good condition.

Q. Sufficient power?—A. To handle its local business.

Q. Had you a through business?—A. Not at that time, the through business about January 20, 1902.

Q. That was after the Père Marquette took possession?—A. Yes, sir.

Q. It was said here the other day that when Mr. Pyeatt took charge he found the power in very, very bad condition and the system generally run down; what do you say to that?—A. I think Mr. Pyeatt would be perfectly correct with reference to the power being in bad condition, because we had not shops sufficient to take care of the power, and we had more business than the power or facilities we had would accommodate, but so far as the general condition of the railroad, I do not think there was any—

Q. Mr. Cain stated that when he took charge the yards were congested and the trains were running in a very poor manner, what is the cause of that?—A. If there was such a congested condition it would be due to the lack of power to move the business.

Q. You think it is entirely a lack of power?—A. There is no question about that.

Q. What was the cause of lack of power?—A. The poor condition of the engines and the lack of facilities to get them in proper condition.

Q. Who was to blame for that?—A. The lack of facilities for the shops, of not having sufficient shop room.

Q. Who is responsible for the facilities?—A. The whole trouble was the through business was put on to us to handle before we had proper facilities for the handling of it. I think that condition existed on the entire Père Marquette system, as much on the other side as on this, for when I asked for power to move the business the

4-5 EDWARD VII., A. 1905

general superintendent informed me that they were just about as hard up for power on the other side as they were on this.

Q. And you did everything you could in order to get the power?—A. Yes, sir.

Q. Did you apply more than once?—A. Yes, frequently, and for sidings, passing tracks, as far back as, well, early in 1902.

Q. And continuously up to the time you left the service?—A. Yes, sir, went over the road with the former general superintendent, Mr. A. M. Smith, laying out where the sidings should be, but they were not forthcoming.

Q. What was the reason for that?—A. I don't know, that would be with the management.

Q. You had no control over that?—A. No, I could not spend money till they gave it to me to spend.

Q. Did they continue all the old officials on after they had taken charge, the Père Marquette?—A. Yes, sir.

Q. For how long?—A. The general order of the exercise of the jurisdiction of the Père Marquette officials over this division—

Q. We may call it the Buffalo division?—A. Yes, came into effect, my memory is, early in 1903, because it was on March 1—yes, it was March 1 that that order went into effect; my title was changed to superintendent of this division.

Q. At the same salary?—A. Yes.

Q. All the old officials continued at the same salaries they had been receiving from the former road?—A. Yes, sir.

Q. No increase made during your time?—A. Occasionally here and there, but no general increase.

Q. So that I may say that all the old officials were continued on until they left the service at the salaries they had been receiving from the Lake Erie & Detroit River Company?—A. Yes, sir.

Q. Were there any complaints to you about the manner in which the service was being carried on by the management?—A. No, sir, except that because of the lack of power we would be asked why we did not move certain business.

Q. Your answer was forthcoming?—A. That we required the power to move it.

Q. And did they not come to your assistance?—A. They could not furnish it; they had not it.

Q. I understood this want of power was a very distracting thing to yourself?—A. It was.

Q. So much so that you hardly knew which way to turn?—A. It caused my nerves to give out, and I had to resign on that account; nervous prostration.

Q. When did you begin to have such an attack from the over-work?—A. Probably about two years ago, eighteen months.

Q. Was it in consequence of the over-work and the anxiety in consequence of not being able to run the road as you wanted to run it?—A. Yes, sir; the vice-president and general manager put it in the matter of my taking the railroad to bed with me.

Q. And I suppose you did?—A. A good many nights I did not sleep because of it.

Q. When was it you put in your resignation?—A. Early in November of last year.

Q. What led up to that?—A. The doctor's advice that I must do one of two things, either quit worrying or quit railroading.

Q. Had not the management come to your relief up to that time?—A. As far as they were able to, but not sufficiently.

Q. Not sufficiently to relieve the strain?—A. No, sir.

Q. Nor the large amount of business that was being put upon you?—A. No, sir.

Q. And that large amount of business was in consequence of the through traffic?—A. Yes, sir.

Q. You were quite able with the facilities you had to attend to the local traffic?—A. Quite so.

Q. But with their taking charge and connecting with their own traffic in the United States and making it a through traffic the facilities were not equal to the de-

SESSIONAL PAPER No. 36d

mand?—A. That is it, sir. They sent over some fifteen large engines which were not sufficient to handle the through business

Q. Had you a sufficient number of employees under you to handle the business?

—A. Yes, sir; that is the local business.

Q. Yes?—A. Quite so.

Q. And the through business?—A. Yes, sir.

Q. Had Mr. Cameron, the train master, a sufficient number of employees to handle his department?—A. I never heard any complaint he had not; always seemed to have sufficient men.

Q. How was it it became congested?—A. Because of the lack of power.

Q. Not a lack of employees?—A. No.

Q. Who succeeded you?—A. Mr. Pyeatt.

Q. When?—A. I think the circular appointing Mr. Pyeatt was on the 28th of November.

Q. Did you receive any notification that your services would not be required further?—A. No. I was advised by my general superintendent to take a long rest and when I was fit to come back to railroading they would have a position for me.

Q. When did he advise you to do that?—A. In November when I talked with him about my resigning.

Q. Last November?—A. Yes, sir.

Q. Did you follow his advice?—A. I have taken a good long rest.

Q. You are not applying for the position again?—A. Not just at present.

Q. You don't know what may take place in the near future?—A. No.

A. I suppose you are quite willing to take charge again if you are asked?—A. I feel my work at present is very congenial and I like it very much.

Q. Do you know what led up to Mr. Cameron's resignation?—A. No, sir, I do not.

Q. Had you anything to do with his resigning?—A. No, sir.

Q. You had no complaints against him?—A. No.

Q. Did Mr. Pyeatt consult with you with reference to the officials?—A. No, sir.

Q. Make any complaints to you with reference to them?—A. No, sir.

Q. Do you remember Mr. Bartlett?—A. Joe Bartlett, yes, sir.

Q. What was his position?—A. General foreman in the Walkerville shop.

Q. When did he leave?—A. About July or August, I think, of last year.

Q. In your time?—A. Yes, sir.

Q. Why did he leave?—A. I do not know the reason; the mechanical superintendent or master mechanic asked for his resignation.

Q. Who was the master mechanic at that time?—A. Mr. W. K. Christie, who succeeded Mr. Austin.

Q. Mr. Christie's head office was where?—A. At Saginaw.

Q. An American?—A. I do not know as to that, sir.

Q. Was Mr. Bartlett an American?—A. No, he was a Canadian.

Q. Do you know what Mr. Bartlett is doing now?—A. I do not know, sir.

Q. Who succeeded Mr. Bartlett?—A. Mr. Royce.

Q. Where from?—A. From Saginaw or Grand Rapids. I am not sure which.

Q. Where is Mr. Royce now?—A. I do not know, sir.

Q. Do you know who succeeded Mr. Royce?—A. No, sir.

Q. That was after you left?—A. Yes, sir.

Q. You had a stenographer or two in your department, Miss McLean was your stenographer?—A. Yes, sir.

Q. What satisfaction did she give to you in the performance of her duties?—A. She was perfectly satisfactory, she was a little nervous, but with allowance for that she was satisfactory.

Q. Did you find her capable?—A. Yes, sir.

Q. Qualifications quite sufficient for the work?—A. Yes, sir.

Q. You gave her a recommendation in fact when you left?—A. Yes, sir.

Q. She is no longer in the employ of the Père Marquette ?—A. No, sir, I believe not.

Q. Did you come in contact with Mr. MacKay as chief engineer ?—A. Yes, sir, quite often.

Q. Were his duties performed satisfactorily ?—A. Yes, sir.

Q. He is no longer in the service ?—A. No, sir.

Q. Mr. Leseur is at present occupying that position ?—A. I believe he is.

Q. Mr. Knechtel, storehouse keeper, do you know how he performed his duties ?—A. The stores department came under the general auditor and accountant, Mr. Leslie. I am not familiar with his work.

Q. Do you know when Mr. Knechtel left the service ?—A. Along in the fall, I think, of last year, September or October.

Q. Before you left ?—A. Yes, sir.

Q. Do you know why he left ?—A. No, sir.

Q. Did you know him ?—A. Quite well.

Q. Who succeeded him, do you know—Mr. Hunker ?—A. No, sir, I cannot tell the name

Q. Where was he from ?—A. From Saginaw shop.

Q. Who appointed him ?—A. The general storekeeper, I believe, at Saginaw.

Q. Was he an American ?—A. I do not know.

Q. You do not know where he is now ?—A. No, sir.

Q. What became of Mr. Knechtel ?—A. I believe he secured a position in Berlin.

Q. Was he dismissed from office ?—A. I do not know as to his leaving, sir.

Q. What was reported to you at the time ?—A. I understood he was resigning and leaving the company's service.

Q. You do not know the reason for it ?—A. No, sir—Colon, that is the name, I could not think of it before.

Q. He did not remain very long ?—A. He was there when I left.

Q. Was Mr. Arnun the chief despatcher in your day ?—A. He was acting chief despatcher at the time I resigned.

Q. You had nothing to do with the appointment of the chief despatcher ?—A. I sanctioned the appointment, that was all.

Q. The appointments were made—A. By the train master, subject to my approval.

Q. Was it necessary to obtain the approval of the superintendent of the system ?—A. I thought so.

Q. I mean the general superintendent, did he approve of the officials ?—A. I do not know about the general officials, but not of the chief despatcher.

Q. You had nothing to do with the others any other time ?—A. No, sir.

Q. What about different sidings on the different lines, were there a sufficient number of them to enable you to perform the work properly ?—A. No, sir.

Q. Did you complain to the management of the want of sidings ?—A. Quite frequently.

Q. And still none given ?—A. None given, as previously stated I went over the line with the general superintendent, Mr. A. M. Smith, last August, and we laid out different points where sidings would be put in, but they were not put in.

Q. Have they been put in since ?—A. I believe some have.

Q. And some enlarged ?—A. Yes, sir.

Q. To enable them to perform their work ?—A. Yes.

Q. Without these sidings and without enlargement of them could they have performed the work any better than you had it done ?—A. There would be serious delays, the smaller train would take the sidings and allow the larger one to occupy the main line.

Q. That is what you had to do ?—A. Yes.

SESSIONAL PAPER No. 36d

Q. Was Mr. Cameron ill for any length of time before he resigned?—A. Only for a few days.

Q. What were the requests you made for better facilities?—A. As to the number?

Q. Yes?—A. General request as to more power, I required at least six engines, and the larger passing tracks, better water facilities; those were the principal things.

Q. Did you get the water facilities?—A. No, sir.

Q. Do you know whether they have been obtained since?—A. I do not know.

Q. You do not know whether tanks have not been supplied since then?—A. No, sir.

Q. Do you know what has been done towards giving these facilities since you left the service?—A. No, sir, I do not.

Q. Do you know how many engines they have supplied?—A. No.

Q. Your son was at Port Stanley acting as agent there?—A. Yes, sir.

Q. When did he leave?—A. September of last year.

Q. Why?—A. Purely on his own account. He had the misfortune to lose his wife while there, and he felt he could not remain in Port Stanley after that, everything reminded him so of the happy home he had, and he could not remain.

Q. He is now living in Toronto?—A. In Montreal.

Q. From your very considerable experience as a railroad man would you have any difficulty in filling all the positions I have referred to with Canadians?—A. No, sir, I would not.

Q. Well qualified for the duties?—A. Perfectly.

Q. And even if some of those resigned you think you could have supplied their places with Canadians qualified and able to perform the duties satisfactorily?—A. Yes, sir.

Q. Without any difficulty?—A. Yes, sir.

Q. Would you go to the Wabash and the Michigan Central to get men?—A. I think I would have gone to some roads having Canadians, such as the Canadian Pacific, the Canadian Northern, the Canada Atlantic, the Intercolonial, any other roads in Canada.

Q. Not to the two American lines running through St. Thomas?—A. I think not.

Q. You would not likely get Canadians there?—A. There are a number of Canadians there.

Q. For these higher positions?—A. Probably not for the higher positions.

Q. But you think there would not be any difficulty in getting them from the other roads, or even apart from the other roads?—A. Yes, sir.

Q. Can you give me the number of hours that a chief despatcher should be required to attend to the duties of that office?—A. It depends on whether there is a day and a night chief; if there is no night chief a despatcher is usually on probably long hours from fifteen to eighteen hours.

Q. Continuous service?—A. Yes, sir.

Q. Don't you think that is rather long?—A. It is.

Q. Don't you think nervous prostration would very soon follow that?—A. I believe it would if continued.

Q. So that a man who was compelled to do that would want a better job elsewhere very quickly?—A. Yes, sir.

Q. How many foremen had you in the mechanical department?—A. One at Walkerville and one at St. Thomas.

Q. Who were they?—A. Bartlett and a fellow named Harry Mann in St. Thomas.

Q. Do you know if both these men are still in the service?—A. Bartlett is not.

Q. I understand he is in Manistee or some position over in the United States now; have you heard that?—A. I understood he went to the Pacific Coast, San Francisco.

Q. You were satisfied with Bartlett's work while you were there?—A. Yes, sir, of course he came directly under the master mechanic, I held the master mechanic responsible for that.

Q. That is the way it is still?—A. Yes.

Q. Do you think there would be any difficulty in obtaining a Canadian to act as district passenger agent in London?—A. I would not think so.

Q. From your knowledge as a railroad man?—A. Yes, sir.

Q. You think there would be no difficulty?—A. I would not think so.

Q. Mr. Gilhula wishes two or three questions to be asked of you. Did Mr. Gilhula make application to you for a position within the past two years?—A. I would not speak as to the exact time, but he had made application to me, I think, on more than one occasion.

Q. Do you know for what position?—A. Train despatcher or chief despatcher or train master.

Q. And did you give him any encouragement in that connection?—A. No sir.

Q. Do you know what reason Mr. Gilhula had for wishing to return to Canada to live?—A. My memory is that on account of his father and family connections living in Canada, he wished to come back.

Q. He assigned that as a reason?—A. Yes, sir.

Q. And I understand he has lost his father since then?—A. I believe so.

Q. Do you know anything about Mr. Cain's or Mr. Gilhula's abilities as train-masters and chief despatchers respectively?—A. No, sir.

Q. You did not know them previous to their being appointed here?—A. I think I met Mr. Gilhula on one or two occasions.

Q. As well as receiving applications from him?—A. Yes, but nothing as to his qualifications and ability.

Q. You do not know anything about the road since you left, the manner in which it has been conducted at all?—A. No, sir.

Q. I think that is all I have to ask you unless you wish to give any statement yourself?—A. No, sir, that is all.

Q. I am just told that the large number of beets that were grown in connection with the sugar factories congested your business considerably at Blenheim and Chatham?—A. That had to do with it as well as the general local business and the through business.

Q. Of course they have no such cause for congestion since the new management took place?—A. I believe they were just as badly congested last fall.

Q. Not since December 1?—A. No, the beet business is over before that, January 1.

Q. I am told there were 600 cars of beets stored a year ago?—A. No, sir.

Q. How many, do you know?—A. There would not be more than 150.

Q. On your road?—A. Yes, sir.

Q. Where would they be stored?—A. At Dresden, where there was a factory, and at Wallaceburg, where there was a factory, and some at other sidings waiting movement, probably altogether 150 or 200 cars.

Q. Of course that was owing to the want of power?—A. Yes, the want of power to move it.

Q. That is really the prime reason?—A. That is the kernel.

The COMMISSIONER.—Is there any other witness present, or any one else who wishes to give any statement with reference to this before I adjourn?—No one responded.

EVERETT E. CAIN, was recalled and examined.

By the Commissioner:

Q. Mr. L. E. Tillson was your general agent at Chatham?—A. No, agent.

Q. Agent at Chatham when you were appointed?—A. Yes.

Q. How many men had he under him then?—A. You refer just to the switchmen?

Q. In charge of the yard?—A. Yes, he had a yard conductor and one switchman.

Q. Did he ask for any assistance?—A. No additional help, he asked if he could not—this conductor Winegarden was running on the road, but he lived in Chatham—

SESSIONAL PAPER No. 36d

his home is there—Tillson said, 'Winegarden would be glad to take this yard for the winter as his wife is in bed in bad health, he can run it better than anybody else. Can I give it to him?' I said, 'Yes, that would be all right, if he can run it better than anybody else, give him the place.'

Q. Had he been complaining that it was impossible with the staff at his command to handle the traffic?—A. No, sir, not anything of that kind that I know of.

Q. Did you give him verbal instructions to hire another man?—A. No, sir.

Q. Only in the way you mentioned?—A. Yes, just merely to take another man's place.

Q. Not an additional man?—A. No. You see this man that he had in charge of the yard there, was a man, as I understand it, that he had just taken up there a while before—I do not know how long he had had him—but he said he was not giving satisfaction, he could not handle the yard. I said: 'If he cannot handle the yard put this other man in his place,' and the thing was all right. And I happened to look over something pertaining to the pay-rolls, and I noticed he was carrying two men with the yard conductor, two switchmen, and I immediately called Mr. Pyeatt's attention to it, and asked him if he knew about it, and he said, 'No, that is ridiculous.'

Q. Was that after he had been there about a month?—A. I think the new man had been on—we noticed it on possibly the first pay-roll—of course they were only gotten out once a month. We just called up Tillson.

Q. Did he state you had authorized him to engage him?—A. No, sir, he admitted that we had not, he did not make any argument at all on it. Mr. Pyeatt was the man that talked to him; I do not employ the agents, they are employed by Mr. Pyeatt, and of course I have something to do with the discipline and such things as that.

Q. Then Mr. Pyeatt asked him to pay the man himself, out of his own salary?—A. Yes, I think that was the way he put it, that they would ask him to pay that expense.

Q. Did he do so?—A. No.

Q. Who paid it?—A. The company. Of course it had been paid; that had gone in on the pay rolls; Mr. Pyeatt, I believe, asked him to reimburse the company this sum.

Q. And he never did?—A. No.

Q. What was the result of that?—A. Nothing at all, only Mr. Tillson resigned. He was not asked to resign; I am almost positive he was not asked to resign, that is my understanding.

Q. But rather than pay it he resigned?—A. Possibly that was his reason for resigning, but I understood from someone at Chatham that Tillson had resigned to go into the coal business; I have not seen Tillson since he resigned.

Q. Who took his place?—A. Mr. R. W. Youngs, our former agent at St. Thomas.

Q. Who was sent out to Chatham?—A. He was transferred from St. Thomas to Chatham.

Q. And he is there now?—A. Yes. I might add Tillson's work had not been satisfactory. We had been complaining to him a good deal, in a nice way. Tillson was well acquainted there, and had a good many friends, and I did not want to remove him. But we wanted him to get along, but he did not have hustle or push about him, that was the only thing. We realized he was well acquainted there and we wanted him to get out and get the business. He was not getting the business. Tillson was not a very aggressive man, in other words.

Q. Was not sufficiently active for your purpose?—A. I liked Tillson personally and we were always good friends, and are yet for anything I know. I have nothing against him, but I am positive Tillson was not asked to resign. He resigned of his own accord.

Q. That was all I wanted to put in so as to answer this letter I have received?—A. I of course did not handle the case myself; this is hearsay. I do not discharge or employ agents.

4-5 EDWARD VII., A. 1905

Q. The only question was as to you authorizing him to hire this extra man?—A. No, never did, and he didn't contend that at all. You realize that if I had done this when Mr. Pyeatt called him in—I did not call him in—he would have stated 'Mr. Cain told me to do this.' He did not say that. If it had been my mistake I certainly would have owned up and I would not try to throw it off on to somebody else.

Adjourned at 11.30 a.m. to 11 a.m. on Tuesday next, May 2nd, at the Court House, Toronto.

COUNTY JUDGE'S CHAMBERS, COURT HOUSE,
TORONTO, April 29, 1905.

Mr. Kirkpatrick having received a subpoena for St. Thomas, which was forwarded to his residence in Toronto, he called to see the Commissioner on Saturday, April 29th, 1905, and the Commissioner thereupon examined him with the understanding that in case the railway company or anyone desired to cross-examine or to re-examine him, Mr. Kirkpatrick would attend subsequently for that purpose.

WILLIAM A. KIRKPATRICK, sworn, examined.

By the Commissioner:

- Q. You are a despatcher?—A. Not at present.
- Q. You were a despatcher on the Père Marquette?—A. Yes, sir.
- Q. When did you first become such?—A. Ridgetown.
- Q. How long ago?—A. Two and a half years.
- Q. You were under Mr. Woollatt at that time?—A. Yes.
- Q. He was the superintendent of the railway?—A. Yes, sir.
- Q. Was that before the Père Marquette bought out the Lake Erie and Detroit River Railway?—A. Yes, sir.
- Q. Who was the chief despatcher above you?—A. Mr. Bailey.
- Q. Which trick had you?—A. The third trick.
- Q. What hour?—A. That was from eleven at night till seven in the morning.
- Q. You were midnight, then?—A. Yes.
- Q. What line had you charge of?—A. The whole system.
- Q. You continued at that work until you moved to St. Thomas in November or December last?—A. I think it was the first of September.
- Q. That was before the shop moved down?—A. Yes, sir.
- Q. Mr. Bailey's services were dispensed with after you moved to St. Thomas or before?—A. Afterwards.
- Q. And Mr. Arnum took his place?—A. Yes, sir.
- Q. Then Mr. Arnum resigned and Mr. Gilhula was appointed?—A. Mr. Arnum did not resign, but Mr. Gilhula was placed in there and Mr. Arnum was put on third trick.
- Q. After Mr. Gilhula came there were the duties changed in any respect?—A. Well, there was more work put onto the despatcher.
- Q. In what way could there be more work put on?—A. Looking for crippled cars and in work that had to be promptly attended to in the ordering of cars.
- Q. Who did that extra work previously?—A. The chief train despatcher or the car despatcher.
- Q. And that work was taken from them and put upon the trick despatcher, a great deal of the chief despatcher's part of it?—A. Yes.

SESSIONAL PAPER No. 36d

Q. So that the chief despatcher was not as fully employed after Mr. Gilhula came as he had been previously?—A. No.

Q. He had less work to do in fact than Mr. Arnum had when he was chief despatcher?—A. I believe so.

Q. That is what you saw while you were there?—A. Yes, sir.

Q. Then you were under Mr. Cain as well as Mr. Gilhula?—A. Yes, sir.

Q. Under both of them?—A. Yes.

Q. Then you had been under Mr. Cameron, too?—A. Yes, sir.

Q. Was Mr. Cameron qualified for that position of train master?—A. Yes, sir.

Q. Any complaints made about him at all?—A. Not that I am aware of.

Q. Never heard of any complaint?—A. No, sir.

Q. Neither from the officials above him nor from the public?—A. No, sir.

Q. Nor from those under him?—A. No, sir.

Q. He had been there for a number of years before you?—A. Yes, sir.

Q. Do you know whether he gave satisfaction to every one he had to do with?—

A. Yes, sir, I am satisfied.

Q. Do you know how he came to leave the service?—A. Being asked to resign.

Q. He was asked to resign, by whom?—A. J. S. Pyeatt, superintendent.

Q. Do you remember when that was?—A. About the 25th of December.

Q. What took place at that time?—A. Nothing in particular.

Q. Had he been doing anything that was improper, or was he not carrying out the orders of the superintendent, or why was he asked to resign?—A. He was asked to resign on account of the superintendent saying that the men should be disciplined more than they previously had been.

Q. Had the men been disciplined before that?—A. I think sufficiently, yes.

Q. Did he get work out of them as well as they got out of them after he left?—

A. Yes, sir.

Q. What was the real cause of the difficulty?—A. I believe Mr. Cain was a friend of Mr. Pyeatt, and the intention was to get rid of Mr. Cameron in order to place him.

Q. You think it was just for the sake of having a friend appointed in his place?—A. Yes, sir.

Q. They stated in evidence before me that the condition of the power was very bad when Mr. Pyeatt took office; do you know that?—A. Yes, sir. They had no shops in St. Thomas at the time, and the shop was at Walkerville where most of the repairing was done, besides having had a good deal of power coming from the other side.

Q. Were there not sufficient sidings for the moving of the trains and cars?—A. No, sir.

Q. Water?—A. No, sir.

Q. Not sufficient water?—A. No, sir.

Q. Did you know about the falling away of the local business?—A. Yes, sir.

Q. To what extent did it fall away?—A. I could not exactly say, only that agents along the line and every one was complaining; the agents complained of their business.

Q. Was the through business increasing?—A. I believe so.

Q. And that, of course, caused a good deal of trouble?—A. Yes, sir.

Q. In consequence of their business increasing and the want of power?—A. Yes, sir.

Q. In what manner was the resignation of Mr. Cameron called for, do you remember—how did it take place?—A. When he was out on the road attending to his duties, on coming back one evening he found a letter on his desk asking for his resignation.

Q. Did you see the letter?—A. Yes, sir.

Q. What was the wording of it?—A. I could not exactly say, I do not remember exactly, only it asked for his resignation by, I think, January 1st. He thought it necessary on account of the men not being properly disciplined.

4-5 EDWARD VII., A. 1905

Q. What did Mr. Cameron say, do you remember?—A. He said he thought it was a very mean way of doing when he was trying to do his duty, and then instead of calling him in and speaking to him and telling him about it, he did it in rather a mean way, he thought.

Q. Had you heard Mr. Pyeatt previous to that complaining to Mr. Cameron for not attending to his duties?—A. No, sir.

Q. Did Mr. Cameron say he had been spoken to before that at all?—A. No, sir.

Q. You and Mr. Cameron were intimate?—A. Well, not any more so than any the rest of them, he was always rather intimate with the despatchers and anybody in the office.

Q. Necessarily so, I suppose?—A. Yes.

Q. Mr. Cameron is away out of the province just now?—A. Yes.

Q. Searching for employment?—A. I believe so.

Q. He has been idle since the 1st January up to the present time, so far as you know?—A. Yes.

Q. Unable to obtain employment?—A. I believe so, any suitable employment.

Q. You were under Mr. Cain?—A. Yes, sir.

Reporter read to Mr. Kirkpatrick Mr. Cain's statement in his evidence given on the 26th April as to the mistake made by Mr. Kirkpatrick, and Mr. Cain's reasons for deciding to dispense with Mr. Kirkpatrick's services.

Q. You have heard read what Mr. Cain stated about the mistake?—A. Yes, sir.

Q. What do you say with reference to that?—A. I remember of him calling me in on that occasion quite well, and I think he is wrong in saying that I lied about it. I remember taking my book in there, but I do not remember of saying that that was not the right book, but I think I proved to him that I was not in the wrong.

Q. From your book?—A. I do not remember whether I showed him the order in the book or not.

Q. And were you wrong at that time?—A. I do not think I was, no.

Q. Did he ever speak to you about it subsequently?—A. Not any more than calling me in at that time.

Q. That is the only time?—A. Yes, sir.

Q. Was that the reason why you resigned your position?—A. No, not that particular reason.

Q. What was the reason that caused you to resign?—A. We were not receiving proper treatment from our officials.

Q. Which ones?—A. Mr. Gilhula, especially.

Q. In what way did they treat you improperly?—A. Regarding the delays occurring, he would not reason with me properly, I do not think; I showed him on two or three occasions where delays could not be helped.

Q. You might explain that one you mentioned to me before so that it can be taken down in the notes?—A. In that case I gave a freight train, I think at Dresden, an order to meet a north-bound train at Everett, a flag station between Chatham and Dresden. The north-bound train, I think, for the reason of the engine failing at Chatham, was cancelled there and tied up for several hours, and the south-bound train had already been at Everett waiting for the north-bound train. The north-bound train engine was in such a shape that it could not be run light to Everett, but in order to get the south-bound train out of Everett an order had to be sent to him in some way by train to bring him to Chatham, for the train which he was to meet at Everett. A passenger train at Chatham instead of Everett. If I had given the order to the engine to carry Everett with an order to bring the south-bound train in to Chatham he could not have got out of Chatham ahead of the passenger train. I gave the passenger train an order to carry the conductor of the south-bound train at Everett to meet the north-bound train at Chatham instead of Everett. If I had given the order to the engine to carry out they could not have moved out of Everett before the passenger train, even if the north-bound train had run out ahead of the passenger train. I presume that this saved

SESSIONAL PAPER No. 36d

not only the expense of the trainmen in going out with a light engine to bring in the south-bound train, but also the expense of coal. Mr. Gilhula accused me of a delay of the south-bound train at Everett on account of not sending that light engine out of Chatham, which if it had gone to Everett ahead of the passenger train they could not have moved before the passenger train in the opposite direction.

Q. At other times he found fault as well with you?—A. Yes, sir, on different occasions, I cannot just state them, but I was not fairly treated, I don't think.

Q. Did you tell him so?—A. Yes, sir.

Q. What did he state?—A. Well, on one occasion at Dresden, I made a meet there, and I forget, but I think I had three or four trains with plenty of side track room, but one of the trains that was there derailed a car on the belt line, if I remember correctly, and the other trains could not get in, and he accused me of bringing those trains all to Dresden when there was plenty of room for twice the number of cars had not this train derailed a car, which I did not know of until I gave the orders at other stations. He accused me again of bunching up my trains. I explained to him that I did not bunch them up, that the delay was caused by the derailling of a car. That evening I spoke to him, after being relieved for the night, and I told him that I did not think it right to accuse me of that delay. He told me that he did not mean to say anything, that he was simply angry at something else at that time; but I did not think he should have accused me at the time of the delay, as the other despatchers and operators in the office were there, which did not look very well, when they knew the circumstances.

Q. Was it in consequence of this fault-finding from time to time by Mr. Gilhula that you resigned?—A. Yes, sir, partly.

Q. For any other reason then?—A. My intentions were to go west this year, that is if there was nothing else turned up in St. Thomas better than what I had in the office.

Q. What salary were you receiving?—A. \$80 a month.

Q. When was it you left?—A. February 13.

Q. You are now with the Canadian Pacific Railway, I understand?—A. Yes, sir.

Q. From your experience with the different railways are you of opinion that they could easily have obtained, or could have obtained, a Canadian to take charge of the despatching there as chief despatcher?—A. Yes, sir.

Q. Without much difficulty?—A. I believe so, yes.

Q. Provided they paid them a fair salary?—A. Yes, that was the trouble at the time; when this new chief despatcher came they raised him \$20 a month.

Q. More than they had been paying the previous chief?—A. Yes, sir.

Q. So that Mr. Gilhula is getting \$110 and the former chief was only getting \$90?—A. Yes, sir.

Q. You have already stated that the want of power was what was causing so much difficulty and delay?—A. Yes, sir.

Q. Did they supply power after Mr. Pyeatt took charge?—A. Yes, sir.

Q. Sufficient?—A. Yes.

Q. And put in sidings?—A. Yes, sir.

Q. As well as supplying water tanks?—A. They are putting in a supply of water tanks now.

Q. Do you know whether these were asked for before Mr. Pyeatt came?—A. I believe that the power was.

Q. But not obtained?—A. No, sir.

Q. If the old officials were there with this new power and new sidings, could they conduct the business just as well as the present officials are conducting it?—A. Yes, sir, I believe so.

Q. All the old officials previous to the new régime, were they acting in the interests of the railway?—A. Yes, sir.

Q. And constantly at work?—A. Yes, sir.

4-5 EDWARD VII., A. 1905

Q. And you know of no reason why such a man as Mr. Cameron and the others should have been dismissed?—A. No, sir.

The COMMISSIONER.—I think that is all. If the solicitors for the railway company want to cross-examine you I will let you know, so that you may come up again, and they can ask you any questions they wish?—A. All right.

Commission resumed at the Court House, Toronto, May 2, 1905, at 11 a.m., and adjourned *sine die* in consequence of the absence of Mr. Cameron from Toronto. Only Judge Winchester, the Commissioner, was in attendance.

PERE MARQUETTE INVESTIGATION.

TORONTO, Monday, May 15, 1905.

Before His Honour Judge WINCHESTER, *Commissioner*.

DR. ALBERT O. JEFFREY, K.C., representing the Dominion Government.

Mr. R. H. C. CASSELS, representing the Père Marquette Railway.

The Commissioner read the commission directing the investigation.

The COMMISSIONER.—I entered upon the inquiry on April 24, at London, adjourning to St. Thomas, and from St. Thomas to Toronto. I intended taking up the examination of witnesses in Toronto on May 2, and I adjourned until that day, but in consequence of being unable to obtain the witnesses I adjourned it until this morning, at ten o'clock. We will now proceed and continue the evidence.

The Commissioner having handed the extended evidence of William A. Kirkpatrick to Mr. Cassels to read before the inquiry was opened, Mr. Kirkpatrick was called for cross-examination.

WILLIAM A. KIRKPATRICK, recalled.

Cross-examined by Mr. Cassels:

Q. You state in your evidence that the reason you resigned from the employ of the Père Marquette Railway was that you were not receiving proper treatment from your officials, and in support of that you state that on various occasions Mr. Gilhula found fault with you for not despatching your trains properly, as he alleged, and for delays, in one case, a delay at Dresden and Everett, and in another case again a delay at Dresden; now I suppose when you are giving orders to get your train through at a certain time you have got to do that, or are you given your own time?—A. We are supposed to do it, yes.

Q. Is Mr. Gilhula not justified in complaining of your conduct when the trains did not get through?—A. No, I don't think so.

Q. Why not?—A. When a despatcher is not to blame he has no right to complain of the despatcher.

Q. You say here: 'Mr. Gilhula accused me of a delay of the south-bound train at Everett on account of not sending that light engine out of Chatham, which if it had gone to Everett ahead of the passenger train they could not have moved before the passenger train in the opposite direction.' Now, Mr. Gilhula evidently was of opinion that you should have sent that engine out?—A. Yes. Whether he was of the opinion or not, he said so.

Q. I am instructed that if you had not resigned when you did, that you would have been asked for your resignation in any event; do you know if that is correct?—A. I did not know anything of it, no.

Q. Mr. Cain was your chief at that time?—A. He was trainmaster.

SESSIONAL PAPER No. 36d

Q. He was the man who was directly over you?—A. Yes.

Q. Mr. Cain, I understand, states that you would have been asked to resign for having lied to him about some order which he had given you; had you heard anything of that?—A. No, I did not lie to him about the order.

Q. Were you aware that that accusation had been made against you?—A. Yes, I was aware of it—not until after I had resigned.

Q. No complaint was made to you at that time?—A. No. I was taken in about the matter and I showed Mr. Cain that he misunderstood the case, and then he turned around and said he found out a few days after, or a short time after, that I lied to him.

Q. Were you then brought up again?—A. No.

Q. No accusation was made then?—A. No.

Q. In your evidence given as to despatcher Cameron or train master Cameron, you were asked if Mr. Cameron was qualified for that position, and you answered, 'Yes, sir'; now, what means have you of knowing whether Mr. Cameron is qualified or not?—A. Why, as far as I knew, as far as I could judge, and as far as I heard men say, that I thought knew Mr. Cameron, he was qualified for the position.

Q. Who had you heard say that he was qualified?—A. I had heard the chief train despatcher.

Q. Who was that?—A. Mr. Bailey, I heard him say.

Q. When did you hear him say that?—A. Well, I cannot just state what time I heard him say that.

Q. Do you remember any other occasion on which you heard that stated?—A. No, I don't.

Q. Do you remember any other occasion on which you heard that stated?—A. I cannot remember any particular occasions I heard it.

Q. You make the statement that he is qualified; now, you must have some grounds for thinking or knowing that he was qualified?—A. Well, I believe he was from my own opinion.

Q. Just from your own observation?—A. Yes.

Q. You cannot say definitely when you have heard anyone state that he was qualified?—A. No; I never heard that he was not qualified.

Q. The question is whether you have ever heard that he was qualified?—A. Yes, I have heard that he was qualified, on different occasions. I cannot state just the particular time I heard that.

Q. Can you state who made those statements?—A. Mr. Bailey, I know for one.

Q. Any others?—A. No, only the despatchers in general thought that Mr. Cameron was qualified for the position.

Q. How do you know that they thought that?—A. Well, by the way they talked.

Q. How did they talk?—A. Well, they said often through conversation, or one thing and another.

Q. Surely you can tell me on what occasions they said those things?—A. No, I cannot remember on what occasions.

Q. Can you remember any one occasion where you have heard that said?—A. No.

Q. Did you ever hear of any complaints made against Mr. Cameron?—A. No, sir.

Q. Do you know whether Mr. Cameron gave satisfaction to his employers up to the time that he was dismissed or resigned?—A. I believe he did.

Q. Why do you believe he did?—A. I never heard any complaints.

Q. Did you ever hear the matter mentioned at all, one way or the other?—A. No, sir.

Q. Then why did you state in your evidence that you are satisfied that he did give satisfaction?—A. I never heard any complaints.

Q. How could you be in a position to know whether he gave satisfaction or not?—A. If there was any dissatisfaction we generally used to hear it around our offices, around the offices where we were.

Q. I suppose there might have been dissatisfaction without your hearing of it?—A. There might have been, yes.

4-5 EDWARD VII., A. 1905

Q. Do you know what the reason was for Mr. Cameron being asked for his resignation?—A. Not any more than I had seen in the letter.

Q. What was that?—A. Asking him to resign, that they thought the men should be disciplined, or something to that effect, and somebody should be put in a position there that would discipline.

Q. Are you aware of any other reason?—A. No.

Q. None whatever?—A. No, sir.

Q. Who was appointed in Mr. Cameron's place?—A. Mr. Cain.

Q. Who would make that appointment?—A. I could not swear that.

Q. You do not know?—A. No, sir. Mr. Pyeatt, I think, would have good authority, but if I remember correctly Mr. Trump and Mr. Cotter.

Q. Have you any opinion of your own as to why Mr. Cameron was asked to resign, apart from what appeared in the letter?—A. Yes. You mean outside of what appeared in the letter?

Q. Exactly?—A. Yes.

Q. What was it?—A. I believe Mr. Cain was a friend of Mr. Pyeatt's, and that he wanted to be placed in that position by Mr. Pyeatt.

Q. What reasons have you for thinking that?—A. Well, I had heard through the office that there had been correspondence between Mr. Pyeatt and Mr. Cain.

Q. Who had you heard that from?—A. I had heard it from the despatchers.

Q. What despatchers?—A. Well, I cannot just state that.

Q. It was just gossip?—A. Yes, just gossip. In fact, I knew myself that Mr. Cain and Mr. Pyeatt were corresponding; I saw a letter myself.

Q. Where did you see the letter?—A. I saw a letter in on the desk in the clerk's room when I was in there on business.

Q. Anything said in that letter about getting Mr. Cameron out of the way?—A. No.

Q. So that the only ground upon which you base opinion is just the common gossip that you heard about the office?—A. Well, not exactly.

Q. Do you know of any facts that would bear you out in that opinion?—A. Well, I had never heard anybody that was dissatisfied with Mr. Cameron, and that is generally the way to judge—by dissatisfaction.

KEITH R. CAMERON, sworn, examined:

By the Commissioner:

Q. I understand you were formerly trainmaster on the Père Marquette Railway in Canada?—A. Yes.

Q. When were you first employed as trainmaster and where?—A. At Walkerville, and my appointment took effect on July 1, 1899.

Q. What was the name of the railway at that time?—A. Lake Erie and Detroit River.

Q. Who appointed you?—A. William Woollatt, the general superintendent, approved of by E. Chandler Walker, the managing director.

Q. That is a Canadian line?—A. Yes, your honour.

Q. At that time it was under Canadian management?—A. Under Canadian management.

Q. What had you been doing previous to that?—A. Train despatcher and car distributor.

Q. Where?—A. At Walkerville.

Q. How long had you been in that position?—A. About five years.

Q. What had you been doing previous to that?—A. Stenographer, and doing some telegraphing—helping out in telegraph work.

Q. On the same line?—A. On the same line.

Q. For how many years?—A. About one year.

SESSIONAL PAPER No. 36d

Q. Was that your first acquaintance with railroad work?—A. No, sir, I was with the Grand Trunk about three years and a half previous to that.

Q. As what?—A. As messenger boy. In the first place I commenced with the old Northern and North-western in Toronto as a messenger boy, in the general superintendent's office; that was in 1887.

Q. Eighteen years ago?—A. Yes. I took up telegraphing and shorthand. After the amalgamation of the Grand Trunk and the Northern and North-western in 1888, the office that I was in was removed to Allandale. I remained there for about two years and a half. The first year and a half I was there I was stenographer for the superintendent at that time.

Q. Then you left there and went to the Lake Erie and Detroit River?—A. I left the Grand Trunk and went to the Duluth, South Shore and Atlantic at Marquette as an operator, and I remained there for nearly a year, and then came home.

Q. Came home and took a position on the Lake Erie?—A. Took a place on the Lake Erie in 1893.

Q. And you remained there until the end of December last?—A. Yes, your honour.

Q. What were your duties as trainmaster?—A. To attend to the running of trains, the proper handling of cars both on the line and at terminals. I also had charge of the agents and operators, recommended appointments, &c.

Q. And conductors?—A. Conductors, baggagemen and brakemen.

Q. All those were under your jurisdiction?—A. Yes, sir.

Q. You supervised their work?—A. Supervised their work.

Q. How long had you been acting as trainmaster on the Lake Erie before the Père Marquette took control of that line?—A. In 1899 until 1902. In January, 1902, the Père Marquette took control of the Lake Erie.

Q. What condition was the road in at that time when the Père Marquette took charge of it?—A. Very good for local business. We were a local line.

Q. You were merely a local line up to that time?—A. Yes, your honour.

Q. Running from?—A. From Walkerville to St. Thomas and London, Sarnia and Chatham.

Q. Had you control of the Lake Erie and Huron as well as the Lake Erie and Detroit River at that time?—A. Yes.

Q. There was an amalgamation between those two lines before the Père Marquette took control?—A. In 1898.

Q. In 1898 there was an amalgamation between the Lake Erie and Detroit River and Lake Erie and Huron?—A. Yes.

Q. What about the London & Port Stanley line?—A. The London & Port Stanley line was taken over by the Lake Erie and Detroit River in 1894. That was at that time operated separate.

Q. So that the Canadian system at the time the Père Marquette took control of it was comprised of the Lake Erie and Detroit River Railway, and that was composed of the original Lake Erie, the original Lake Erie and Huron, and the London & Port Stanley lines?—A. Yes.

Q. All in Canada?—A. All in Canada.

Q. I suppose you know whether those roads were bonused by the municipalities through which they ran?—A. I was aware of that.

Q. And the management of the different roads were in Canada?—A. Yes.

Q. What do you say at the time that the Père Marquette took possession as to whether the roads were in good condition, and were they sufficient for the local business that they were doing at that time?—A. Yes, your honour.

Q. When, then, was it that the through business was commenced on the line?—A. January 20, 1902, was set for the day, but the through business did not commence to come to us until about six or seven days after that.

Q. So that in January, 1902, the Père Marquette had a through business from their lines in the United States, through Canada to the Niagara frontier?—A. Yes.

4-5 EDWARD VII., A. 1905

Q. I am told they ran over the Michigan Central from St. Thomas east to the Niagara frontier?—A. Yes.

Q. That constituted their through traffic?—A. Yes.

Q. What was the result of their adding a through business to their local business?—A. After the through business commenced to get heavy we felt that short sidings were not of much help to us in the matter of crossing trains, but at that time some of the sidings were extended and put in better shape, and through business went along very well for some time.

Q. How long do you think?—A. From about 1902 until the first management took hold; that would be about the summer of 1902, July or August, I would not be certain about the months.

Q. Then there was a new management on the Père Marquette line?—A. Yes.

Q. Took hold of the whole system, and what took place then?—A. Things went along all right until the second management took charge, last fall.

Q. A second management took charge?—A. Yes.

Q. When did that take charge?—A. Some time last fall, about the latter part of September, 1904.

Q. Then what took place upon that management taking charge of the control?—A. So far as the Buffalo division was concerned—

Q. The Buffalo division is what we understand as the Canadian lines?—A. Yes. We were left entirely alone; that is there was no change made whatever until Mr. Woollatt resigned on account of ill health, and Mr. Pyeatt, the present superintendent, took charge on or about November 26 or 28.

Q. What was the condition of the road at that time?—A. It was very bad.

Q. Why?—A. Well, we were experiencing all kinds of trouble for the lack of motive power. What motive power we did have in the service was not of much use to us. We had been very short of water for some time; in fact we were running water trains from St. Thomas to Dutton, filling up the tank night and day. Our sidings were not long enough for the crossing of through freight trains. The small shops that the railway company had at Walkerville, which were built to accommodate five or six engines, were required to attend to the work of twenty-five and thirty and thirty-five engines, and they were simply unable to repair engines in anything like the time that they should in order to put them in good service. At that time a general workshop was being built at St. Thomas, but it was of course no use to us; it was only in construction.

Q. It was not finished?—A. It was not finished.

Q. And there was no work going on inside of it?—A. No work going on inside at all. We were very badly handicapped; at times that an engine required anything like a general repair, instead of holding that power at St. Thomas it was necessary to send it 127 miles west to Walkerville. There was a day lost, and a day lost bringing the power back to St. Thomas after it was put in shape for service.

Q. Mr. Pyeatt says in his evidence that at the time when he took control over the road he found it in a very bad condition indeed, and also that the trains were running very slow; can you account for that?—A. Trains were running slow on account of a great lack of power, and no water; that was the reason that trains were in awful bad shape. I never saw trains in such shape myself until that time. Our trains were coming to water tanks, and perhaps two or three or four trains would get bunched together, when the second man would be unable to get water, and he would simply have to pull his fire, and, using a railroad phrase, he would 'die' on the main line.

Q. The engine would go out of business?—A. Go out of business. They would have to pull the fire on account of there being no water.

Q. What efforts did you make to remedy all this?—A. So far as the water question was concerned, we hauled water from St. Thomas to Dutton night and day—had done that for over a month.

Q. Why could you not have tanks built upon the different lines at different places?—A. We had tanks. I might say that between Ridgetown and St. Thomas we had

SESSIONAL PAPER No. 36d

two tanks, one at Ridgetown, and one at Dutton, one at St. Thomas also; but one tank between the two points, which is 43 miles. There should have been another tank.

Q. Why was it not there?—A. I know that Mr. Woollatt when he was superintendent, was after the Detroit people dozens of times for water tanks, but they were never forthcoming.

Q. What about the power; why did you not get better and new power?—A. I know that Mr. Woollatt was after power as hard as he was after water. He was after power for days, but he never got it; and tracks and sidings, Mr. Woollatt was after sidings and he never got them, could not get them.

Q. I understand his health gave out because of the worry and the strain upon it in not being able to move traffic with the facilities that he had; is that correct?—A. That is correct.

Q. He himself stated that he was accused by the manager or general superintendent of taking the road to bed with him?—A. He spoke to me about that.

Q. And the strain was too great for his health?—A. Too great for his health.

Q. What Mr. Pyeatt said was that the trains were very late, running from thirty, forty and even fifty hours on a road 117 and 27 miles long; is that correct? Did it take that length of time to run that length of road?—A. At this time I don't recollect just how many hours it took some of the trains to run, but I rather fancy that Mr. Pyeatt in mentioning thirty and forty and fifty hours must refer to some trains that would be standing on the main line dead, as I mentioned a short time ago, for the want of water—remaining there for hours before we would get another engine to them. We were so situated that when an engine died on the main line with a train we would have to wait perhaps ten, twelve, fifteen and twenty hours before we could get a second engine to go after that train.

Q. And that was the cause of the delay?—A. That was the cause of numbers of delays, waiting for engines.

Q. Then you say that Mr. Pyeatt was appointed superintendent of this Canadian division or Buffalo as it is called, on or about the 28th November, 1904?—A. Yes.

Q. When were the offices moved from Walkerville to St. Thomas?—A. From Walkerville to St. Thomas they were moved about the 28th or 29th day; they were moved immediately.

Q. Immediately after Mr. Pyeatt's appointment?—A. Immediately. I believe the 28th or 29th.

Q. Were you also removed to St. Thomas at that time?—A. Previous to going to St. Thomas I was located at Ridgetown, and my office was moved from Ridgetown to St. Thomas on the 1st of September, 1904.

Q. So you were in St. Thomas before Mr. Pyeatt's appointment?—A. Yes, your honour.

Q. Your position was head of the transportation?—A. Yes.

Q. And as such I suppose you would come in contact with the superintendent?—A. Yes, directly under him. I would report to the superintendent.

Q. What did Mr. Pyeatt do with reference to the transportation that was under his jurisdiction at the time he was appointed?—A. He made no change.

Q. Did he consult you with reference to transportation?—A. Not a great deal; very little.

Q. Did he complain to you about the delays?—A. He did not.

Q. Did he make any complaints to you at all about the manner in which the transportation was looked after?—A. He made no complaints to me whatever. He spoke to me on two or three occasions about the general operation, admitting that we were up against it hard, and that we would have to do the very best we could, knowing at that time that it was a very hard proposition, but no complaint was made.

Q. No complaint was made to you with reference to the manner in which you were performing your duties?—A. No, your honour.

Q. Are you sure about that?—A. I am.

4-5 EDWARD VII., A. 1905

Q. Mr. Pyeatt in his evidence, states this : I asked him the question. 'Did you complain to Mr. Cameron about the difficulties the system was under?' and he said, 'Yes, sir.' Q. What did he say with reference to it?—A. At different times a great many things. Q. Did you specify particular instances, or did you merely state generally that the system was not up to the mark?—A. No, I complained of the time the trains were making. They were very late, running from 30 to 40 and 50 hours on a road 117 and 27 miles. Q. Did you explain how that could be overcome?—A. I had my ideas as to how it should be overcome. Q. Did you explain it to him?—A. Yes. Q. What did he answer?—A. He of course promised to do the best he could. Q. Did he improve it?—A. I don't think so.

Q. Now, what do you say to that, Mr. Cameron?—A. So far as complaints are concerned, Mr. Pyeatt is telling an untruth; and so far as suggestions are concerned, he made none of them to me. We at that time, as I said before, were up against a hard proposition, and we were doing all we possibly could to get things in shape, and I know that I was working—

Q. Then again I asked him: 'Q. How often did you complain to him about the state of affairs?' and he said: 'From December 1 until the time he resigned.' Then I asked him: 'How many times do you think during that month?' He answered: 'I have no idea.' Then I asked him: 'A dozen times?' And he said: 'A great many more than that.' Now, how about that?—A. Mr. Pyeatt spoke to me very little during my term with him as a train master.

Q. Did he make any complaint as to your not disciplining the men under you sufficiently?—A. He did not.

Q. Did he ever speak to you about the discipline of the road?—A. Never mentioned a word to me.

Q. Did he ever mention to you about the handling of the cars at the different yards?—A. On three or four occasions Mr. Pyeatt went to Sarnia, and on his arrival there, he would wire me at St. Thomas to clean up the line. That was all very well; he knew as well as I did that I did not have the power to clean up the line.

Q. That is, the engine power?—A. The engine power; yet he would wire me to clean the line up. If we had the power it would have been a very easy matter to have cleaned the line up; that would be no trouble whatever, but at that time we were waiting for engine power at our St. Thomas and Walkerville shops, hours, sometimes days, before we would ever get any.

Q. What yards were there that were complained about more particularly or congested more particularly?—A. The only congestion that we had last fall was at Chatham and Wallaceburg with sugar beet cars. Every fall since the sugar beet industry has located on the Lake Erie line we experienced some kind of a block with sugar beets from the fact that our connections—the Michigan Central, the Grand Trunk, the C. P. R. and the Wabash—perhaps in one day would give us 100 or 150 cars, bunch them to us, and in that way would cause a block. Other reasons are that the sugar beet people would at times be unable to unload the number of cars that we would expect them to. We would run the cars into Wallaceburg, where we did not have one-half the room to hold cars, to store them, and in that way, it would cause a block in our yards.

Q. What would you do in order to relieve the block?—A. Every train that we could put cars on to we did so. In order to relieve Chatham yard we would send cars to points between Chatham and Wallaceburg to store them in the side tracks in order to get them out of Chatham, get them away from there, make room for them. The cars then would remain until the Wallaceburg sugar people were in shape to take them, although I might say they always were very good in doing their share of the unloading, in helping the railroad company out.

Q. Your head office was at St. Thomas?—A. Yes.

Q. Is that where you looked after the whole district?—A. Yes.

Q. Did you remain in St. Thomas all the time?—A. No, sir. Well, my duties would take me out on the road a good deal.

SESSIONAL PAPER No. 36d

Q. For how long at a time?—A. Sometimes for one, two, three or four days, and perhaps then I would return to the office for a day or two, and out again.

Q. During those returns would you see Mr. Pyeatt at the office?—A. Not always. Last December, about the 6th of the month, Mr. Pyeatt wrote me to go to Wallaceburg to give my personal attention to the handling of sugar beets. I spent about 9 or 10 days there. You will understand from that, your honour, that while I was closed up in Wallaceburg giving my whole attention to the handling of sugar beets, according to Mr. Pyeatt's instructions, I was unable to look after my trains on the road in general. After Mr. Pyeatt took charge, even on the 1st of December or the 28th of November, up to the time he asked me for my resignation, which was on the 22nd day of December, deducting the 9 or 10 days from that that I was at Wallaceburg, would not leave me much time.

Q. There would not be much time to look after the road?—A. To look after the road and get after trains as I would like to have.

Q. Could another official have done the duties at Wallaceburg quite as well as you?—A. Well, we had no other official that could have been sent there, although a man could have been sent there to have performed those duties. It was a matter of seeing that the cars were handled properly. Of course, as far as Wallaceburg is concerned, on my own account I would certainly have paid them a visit; I would not have remained there 9 or 10 days straight if it had been left to me. I would perhaps have gone to Wallaceburg to-day, remained a day and get things in as good shape as I possibly could and trip off there to-morrow night perhaps or the morning afterwards and put in three or four hours and dodge around here and there. My way of working was to cover as much of the ground as I possibly could during the day, using every train possible.

Q. But Mr. Pyeatt's instructions were urgent, that you were to remain there for how long—for all the time that you were working?—A. He asked me to remain there until the sugar beet season was over with.

Q. Did he know how long that would continue?—A. He knew it would be something like two or three weeks. If I had remained at Wallaceburg until the end of the sugar beet season a letter from Mr. Pyeatt no doubt would have been sent to me at Wallaceburg asking for my resignation.

Q. What letter do you refer to now?—A. On the 22nd December I was out on the line. I went from St. Thomas to Walkerville, Walkerville to Chatham; it was then my intention to go from Chatham to Sarnia. About 30 minutes before the Sarnia train arrived I received a telegram from Mr. Pyeatt at St. Thomas advising me to come to St. Thomas to-night. I went to St. Thomas. On my arrival there I found a letter on my desk marked 'personal.' I opened it; it was from Mr. Pyeatt. He said: 'I believe the discipline of this division requires a change in train masters. Please let me have your resignation, to take effect January 1st, 1905.' At that time Mr. Pyeatt, Mr. Cain and Mr. Gilhula were in Mr. Pyeatt's office. I started to go to see Mr. Pyeatt. When I found that he was engaged I made up my mind I would wait longer to ask him what his message had reference to. I thought perhaps he wanted to see me about something else, although I had a very good idea why he called me in. But while I waited, the three of them had left there shortly after that, so that I had no chance to talk to him that night.

Q. Where is that letter?—A. I destroyed that letter. I did not think it was of any use to keep it and I destroyed it.

Q. At any rate you have given us the contents?—A. That was the contents of the letter, I think, word for word.

Q. Then when did you see Mr. Pyeatt after that?—A. This was on a Thursday night. Mr. Pyeatt was away from the office on Friday and Saturday. I took a walk down to the office on Sunday morning and saw Mr. Pyeatt. My first remark was: 'Well, I am out of it,' and he said: 'Have you anything in sight.' I said: 'The time has been very short for me to find something in sight.' He says: 'Well, I am sorry.' I says: 'Yes, perhaps.' I then said to him: 'Mr. Pyeatt, for my own information, out-

4-5 EDWARD VII., A. 1905

side of the contents of your letter to me that the discipline of the division requires a change, were my services satisfactory. I would like to know.' He says: 'Well, so far as I know they were; of course I have not known you a great while, but from what I understand your services have been.' Then I said: 'Your only reason for asking me to resign is that the discipline of the division requires a change? That I have not been hard enough after the men?' He says: 'No, you have not.' I said: 'I thought I had got after the men as hard as I felt proper; I have always been able to get good work out of my men at all times.'

Q. Had he before that complained to you that you were not hard enough on the men?—A. No, your honour, he did not; he never mentioned discipline.

Q. Did he suggest how you could become harder on the men than you were?—A. No, your honour, he did not.

Q. Had you any other conversation with Mr. Pyeatt subsequent to that date about your resignation?—A. Nothing whatever. That was the very first intimation I had when I opened the letter and read it.

Q. And he gave you no other reason for demanding your resignation?—A. Nothing whatever.

Q. What did you do upon receiving that letter and hearing that conversation?—A. Well, it always being my duty to carry out the instructions of my superior officer, I wrote out my resignation on the following day.

Q. Instead of consulting a lawyer?—A. Instead of consulting a lawyer. He asked me to write out my resignation, and I wrote it out.

Q. And you left there?—A. I left there. I was through there on the last day of December.

Q. So you had a little more than a week's notice of dismissal?—A. Yes.

Q. Was Mr. Cain there at that time?—A. I believe he arrived there that day.

Q. On December 22?—A. On December 22. He was there on December 22 because I saw the man myself.

Q. Had he been there before that?—A. Mr. Cain told me himself that he was in St. Thomas on November 29.

Q. What doing there?—A. He told me that Mr. Pyeatt had sent for him and he came to St. Thomas to look over the ground. While he was there he took sick, and he took a heavy cold, and he returned to St. Louis, and according to Mr. Cain's own words to me, that while he was in St. Louis, sick, Mr. Pyeatt had written to him six or seven times asking him why he had not replied to him, and saying that he was waiting for him to come. Mr. Cain further told me that before Mr. Pyeatt ever knew me or saw me or knew who I was, he made an arrangement with Mr. Cain to be his trainmaster when he was appointed superintendent of the Buffalo division of the Père Marquette Railroad.

Q. When did Mr. Cain tell you this?—A. Mr. Cain told me that on Sunday, the 25th day, last Christmas day, in his own office.

Q. How did he come to give you such a confidential chat as that?—A. He no doubt spoke of it perhaps unconsciously, but when we first met, he said that he was sorry to see me thrown out of a position, and the conversation commenced in this way:—'Oh, well, he says, us railroad fellows, you know, are up against these things sometimes, and we must expect them; I have been up against it two or three times; is this your first?' says he. I says, 'yes, this is my first.' And then he spoke to me in the way I have already mentioned.

Q. You hope it will be your last?—A. I hope so, your honour.

Q. Was Mr. Gilhula there at that time?—A. He was.

Q. He was in charge of the despatchers?—A. Yes, he was in charge of the despatchers. I might say that after receiving Mr. Pyeatt's letter on December 22, about half past ten at night, or at least the following morning about eight or half-past eight, I saw a circular announcing my resignation, and that Mr. Cain had been appointed on the above date, which was December 22.

Q. Have you got that circular?—A. I have.

SESSIONAL PAPER No. 36d

(Circular produced as follows.)

'PERE MARQUETTE RAILROAD COMPANY—BUFFALO DIVISION.'

ST. THOMAS, December 22, 1904.

Circular No. 1.

Effective this date, Mr. E. E. Cain is appointed trainmaster, vice Mr. K. R. Cameron, resigned.

Office at St. Thomas.

J. S. PYEATT,
Superintendent.

Approved:

W. D. TRUMP,
General Superintendent.

Therefore on that day there would be two trainmasters.

Q. I suppose there was no collision then, the only man that got hurt was yourself?

—A. I was the only one. That was already printed and distributed before I knew anything about it.

Q. That was distributed before you received the demand for your resignation?—

A. It would have been.

Q. This is marked Circular No. 1. This is his starting circular?—A. That is the commencing number. I noticed that when I received it, that I was No. 1 on the list.

Q. This had been printed before you found the letter asking for your resignation?

—A. It must have been.

Q. Because you received your letter when?—A. On the night of the 22nd, and that circular was distributed the following morning. It was out, distributed among the employees.

Q. And when did you resign?—A. On the 23rd day——

Q. So that your resignation was not in at the time this circular was being distributed?—A. No, it was not.

Q. Mr. Trump lives at Detroit?—A. Yes.

Q. So that if he signed this he must have signed it before you got your letter demanding your resignation?—A. He must have. He must have approved of it before that.

Q. They paid you your salary up to the end of that month?—A. Up to the end of December, and they paid me half a month extra. I asked for a month's salary in advance. They refused that. I wrote them the second time, stating that I thought I would be entitled to it, that I considered that I was discharged. They then said that they would not give me the month's salary, but on account of my long services they would gratuitously grant me half a month's salary.

Q. What were you receiving at that time?—A. \$125 a month. Mr. Cain, I understand, was appointed at \$150 a month; he told me that he was to get \$150 a month.

Q. Who was your chief dispatcher at that time?—A. Mr. Bailey.

Q. Had he been relieved up to that time?—A. He had been about ten days previous to that time, by Mr. Woollatt.

Q. That is for sufficient cause?—A. For sufficient cause.

Q. And who took his place?—A. Mr. Arnum.

Q. How long had Mr. Arnum been engaged on the road before being appointed chief dispatcher?—A. He came to us three and a half or four years ago, I am not just certain about the date, but during his term he had relieved the chief dispatcher on several occasions for holidays, for instance, and cases of sickness.

Q. How did you find him as to his qualifications?—A. His qualifications were all right.

Q. Satisfactory?—A. Very satisfactory.

Q. No complaints?—A. No complaints whatever.

Q. And he had been attending to the duties during all this difficult time?—A. During the difficult time.

Q. And gave satisfaction?—A. And gave satisfaction.

Q. Who were under him as trick despatchers?—A. Despatcher Black was the first trick despatcher, despatcher Kirkpatrick was the second, and despatcher Knight was the third.

Q. How long had they been on the road?—A. Despatcher Black had been with us about three years and a half, despatcher Kirkpatrick about two years, and despatcher Knight came to us somewhere about three years ago.

Q. What satisfaction did they give you as despatchers?—A. They gave us very good satisfaction.

Q. And they were on the road while those difficulties you have mentioned had to be contended with?—A. Yes.

Q. And Mr. Arnum resigned his position as chief despatcher after Mr. Gilhula came, or was it before Mr. Gilhula came?—A. I don't know that Mr. Arnum sent in a resignation or not, but I know that the way things were at that time he had got pretty well discouraged about not being able to get engine power to move our trains. In fact we were all very much discouraged at that time, because we could not get power, because of enough power was forthcoming we knew we would have been in pretty good shape, and in order to keep things going we were all working very late both during the day and night.

Q. Do you remember Mr. Gilhula's appointment?—A. When I returned to St. Thomas, on December 22, I saw a circular issued by Mr. Cain as trainmaster on that very same day, December 22, advising that Mr. Gilhula had been that very same day appointed chief train despatcher.

Q. Was Mr. Arnum still chief despatcher?—A. Mr. Arnum then had reduced himself to a train despatcher.

Q. Before that?—A. That very same day.

Q. And was Mr. Gilhula on the spot that very same day?—A. Mr. Gilhula was that day at work.

Q. And Mr. Arnum reduced himself to train despatcher from chief that same day?—A. That same day.

Q. Do you know what induced him to reduce his position?—A. Well, he had spoken to me several times that on account of the shortness of engine power he felt so discouraged to think that he would be expected to keep up his end of the work, with nothing to work with, and he felt that it was too hard on him, and that he would be far better off to take a position as a train despatcher and have regular hours. The hours that he was putting in at that time were simply killing him; that is what it would have done in a very short time.

Q. He would have followed Mr. Woollatt?—A. He certainly would, I think.

Q. Nervous prostration would have had its effect upon him?—A. It would, certainly.

Q. After Mr. Gilhula was appointed, did he continue doing the same duties that Mr. Arnum had been doing as chief despatcher?—A. Well, I believe he did. Of course you will understand at that time I was out of it. Although I was given until the 1st to resign, Mr. Cain took charge on that very same day.

Q. There could not be two train masters?—A. No. But while I was around the office for two or three days straightening up things and getting them in shape for Mr. Cain as best I could, I observed that Mr. Gilhula was acting as train despatcher. I might further say that my second intimation on the night of the 22nd was a circular from Mr. Cain as train master appointing Mr. Gilhula as chief despatcher.

Q. Is that circular No. 2?—A. I don't think that had a number on it at all.

Q. The train master's circulars are without number?—A. Well, I used to use numbers, and I don't think this one had a number. It might have been number one, perhaps it was. He would have his own numbers, and the superintendent would have his.

Q. This would have been a special circular, maybe?—A. It might have been.

Q. It has been stated in evidence by one or two despatchers that Mr. Gilhula transferred some of the duties that the chief despatcher had been performing, and re-

SESSIONAL PAPER No. 36d

quired the train despatchers to do them so as to relieve himself; how is that?—A. Well, as I said before, I was not in their employ then; I observed while in the office that Mr. Gilhula was handing over extra work to the despatchers to attend to that in my opinion should have been attended to by himself, and during our term we always considered it was the chief despatcher's duty, and he always did look after it. For instance, if a car would break down on the road, instead of Mr. Gilhula getting to work and writing out a message instructing what to do in connection with this crippled car, he would simply stand in front of the despatcher while he was working with his trains and say to him verbally, do so and so and so. I didn't think myself that that was correct, although I spoke of it to nobody because it was none of my business, but I could not help but notice it. I considered that was putting too much work altogether on the despatchers. They have enough to do to keep their whole minds on the running of their trains.

Q. And the chief's duty is to look after such accidents?—A. That is his duty. If he went a little further perhaps the despatcher would be doing more than half the chief's duty.

Q. Who was the storekeeper in your day?—A. In my day, A. T. Knechtel was the storekeeper in Walkerville.

Q. When did he resign?—A. He resigned, I believe, some time last spring, about a year ago.

Q. Do you know why he resigned?—A. I do not. I did hear that he was getting pretty much worried over the work, that there was a man named Colon sent over there and that Colon at times was making it pretty hot for him; this man Colon came from Detroit.

Q. He was an American, was he?—A. He was an American citizen, I understood.

Q. Colon, however, disappeared?—A. He disappeared and I heard afterwards that he went to Saginaw.

Q. And he was followed by Mr. Hunker?—A. Well, I did not hear. I might say that at the time that Mr. Knechtel had charge, the stores department was located at Walkerville. Then they removed the stores department to St. Thomas, and they were taken charge of by some man from Saginaw who skipped out very shortly afterwards; he had a very peculiar name, and I don't remember it.

Q. The man from Saginaw skipped out?—A. The man that came from Saginaw. I understood he came from Saginaw to St. Thomas.

Q. That was not Mr. Colon?—A. It was after Mr. Colon.

Q. After Mr. Colon resigned or was transferred, another American came from Saginaw to St. Thomas, and he skipped out?—A. And he skipped out.

Q. And this Mr. Hunker relieved him?—A. This Mr. Hunker was appointed after him. I never heard the name before.

Q. Do you know whether Mr. Arnum was capable of performing the work of chief despatcher as it is being done by Mr. Gilhula now, or when you were there?—A. According to my experience with the same work, Mr. Arnum at all times gave every satisfaction.

Q. Do you know Mr. Tillson, the agent at Chatham?—A. I do, very well.

Q. How long had he been there?—A. He had been at Chatham about six years. I am not sure as to that date at all.

Q. What were his duties there?—A. He was the agent at Chatham. Previous to that he was general agent at the same point. In acting as general agent he had charge of the sheds, that is, the whole of Chatham including all departments, so that it was found that the work there was too much for one man to take charge of, and it was split, a foreman taking charge of the mechanical and the agent then taking charge of the traffic. Then from that time he has acted as agent at that point.

Q. How did he perform his duties?—A. Very satisfactory.

Q. Was he capable?—A. I believe he was.

Q. Did you come in contact with him very much?—A. Very often.

4-5 EDWARD VII., A. 1905

Q. Was he under you?—Well, not directly. He was directly under the superintendent, although I had a great deal of business to transact with him.

Q. Mr. Cain says: 'Mr. Tillson's work had not been satisfactory; we have been complaining to him a good deal, in a nice way. Tillson was well acquainted there and had a good many friends, and I did not want to remove him,' but we wanted him to get along, but he did not have hustle or push about him, that was the only thing. We realized he was well acquainted there, and we wanted him to get out and get the business. He was not getting the business. Tillson was not a very aggressive man, in other words.' What do you say as to that?—A. I can say that so far as hustle and bustle is concerned, that Mr. Cain speaks of, Mr. Tillson had been spoken of on several occasions; he always has certainly been lively enough.

Q. He has been the hustler of Chatham?—A. He has been the hustler both at Chatham and elsewhere on the line.

Q. You think that was uncalled for, for Mr. Cain to make any such statement about Mr. Tillson?—A. I certainly do.

Q. Did you know Mr. Bartlett?—A. I did.

Q. What position did he first occupy?—A. When he first came to Walkerville, being at that time an employee of the old Erie and Huron, he came to us, being transferred with the Erie and Huron. At that time he was a machinist in the shop. Some four or five years later on he was appointed foreman of the machine shop, and shortly after that he was appointed foreman for both machine shop and the mechanical department as a whole—for the whole mechanical department at Walkerville.

Q. When did he leave the service of the Pêre Marquette?—A. As near as I can remember he left about a year ago. I had heard from different people that matters were made pretty warm for him; that Mr. Christie, who was at that time master mechanic at Saginaw, had made it very disagreeable for Mr. Bartlett, and that he decided to get out and go west.

Q. And he went out and went west about a year ago?—A. I heard that he did.

Q. That would be before this new management took charge?—A. Yes.

Q. When the old officials were still there?—A. The old officials were still over the new management in Canada.

Q. Although I think Mr. Christie is not the master mechanic now?—A. No, I did hear that a Mr. Kellogg had been appointed. Mr. Christie, I understand, is his assistant.

Q. Did any complaint come from any source at all as to your work on the road after the American management had taken charge of this Canadian system?—A. I never heard any.

Q. Did any of the management commend your work?—A. Yes, your honour. Mr. Trump, who is now general superintendent, and at the time that I am about to mention he was assistant general superintendent, it was some time in October last, we were running at that time fast beef trains from Chicago to the Bridge and Buffalo, via Detroit, and the management decided to divert the freight via Port Huron, give it a trial, see what kind of a run we could make. During the time since the Pêre Marquette took hold of the Lake Erie, Mr. Trump has spent a great deal of time on our division, so that he knew it pretty well. Well, the first two trains that came to us I was wired to by Mr. Trump to meet him at Sarnia. He left Sarnia on the Suspension Bridge beef train, and he told me to leave on the Black Rock beef train, which would be about an hour behind him—that is, both of us would be on hand on each train to see that everything would be all right. We made very good runs, and he waited for me at St. Thomas that night, it was somewhere around midnight, and he told me that he had no criticism whatever, that every thing was going along very well on this division, and he advised me to keep things going in good shape. He says 'Keep after it, and keep things going, and everything will be all right.' I felt very much encouraged, and I remembered that.

Q. When was that?—A. This was some time the latter part of September or the first part of October last year.,

SESSIONAL PAPER No. 36d

Q. After leaving the service in December last what have you been doing?—A. When I found that I was to be relieved I made up my mind that I would take a good holiday. I felt that I was entitled to one; I had only had one holiday in eight years, that was three years ago, and I made up my mind that I would take at least two months' holidays in Toronto, this being my home, and at the same time I would get out of the heavy winter work on the railroad. I had my troubles a year ago this last winter, so I felt pleased, in a way, to know that I would get out of this last winter's troubles. I remained here until the 11th of April last, then I went west to the C.P.R. and engaged with them as an operator.

Q. You are now with the C.P.R. as operator?—A. With the C.P.R. as operator, doing relief work between Fort William and Winnipeg.

Q. At what salary?—A. At \$60 a month.

Q. So that you are reduced from \$125 to less than half that?—A. From \$125 to \$60. I might say that the monthly salary is \$55, then what makes the \$60 is overtime on Sundays. Getting overtime makes it \$60.

Q. So that it has been rather a severe punishment to you because you were a Canadian?—A. It has. It is quite a big drop, but I made up my mind that I would have to buckle right down and start over again.

Q. Is there anything else you would like to say?—A. I can say that Mr. Gilhula, the chief despatcher, when talking with me a day or two after the appointment, mentioned that he had been spoken to some time. 'In fact,' he said, I knew a long time ago that I was coming over here. I knew some time ago that I was coming over here.'

Q. Do you think he was telling the truth when he was telling you that?—A. That he knew some time ago that he was coming over? Oh, I believe he did.

Q. He was telling you that at any rate?—A. He was telling me that, that he knew some time previous to that that he was coming over as chief train despatcher.

Q. Had you anything to do with Miss Maclean as stenographer?—A. Yes. I had her in my office at Ridgeway for 3 or 4 months.

Q. Was she a capable stenographer?—A. Well, she came to me as a little girl and just started as a stenographer, but she turned out to be a very bright girl and a good stenographer.

Q. Gave satisfaction after a little work and experience?—A. She did, gave very good satisfaction and I was sorry to lose her.

By Mr. Jeffrey:

Q. To what extent did the change of management increase the number of cars to be handled—from the local to the through business; how much heavier was it?—A. Well, when the through business started with us—

Q. Under the local what did it amount to, the average handling?—A. We would handle about three hundred cars a day, and that would be a very good average local business.

Q. That was all you had before the through business?—A. Yes.

Q. Then when the first through business came?—A. When the through business first opened up we were getting about 18, 20, 25 cars a day at Sarnia. Very shortly after the first week it increased to 75, then to 100, then 125, 150; it increased very rapidly. The time was not long between. During that time of course we still had the facilities for handling local work only.

Q. Up to the time you left?—A. Up to the time I left we were still handicapped in a great many ways for the want of side tracks and power.

Q. Did you handle about the same quantity?—A. We had some additional side-tracks.

Q. But the same quantity of cars to handle?—A. They had increased still further, until the last year we made a connection at Windsor at Walkerville junction with the C.P.R. and we got several cars there, so that we were handling cars east and west between Sarnia and St. Thomas and Walkerville Junction and St. Thomas by the C.P.R. at Windsor; so that we were handling all kinds of cars in connection with the through

4-5 EDWARD VII., A. 1905

business. But I might say, to explain the siding situation during our time, that on several occasions we would have two 40-car trains to pass one another on a 26-car and a 28-car siding, and on several occasions the conductor of a 40-car train would have to cut his train in three pieces in order to make a passage.

Cross-examined by Mr. Cassels.

Q. You stated that at the time the road was taken over by the Père Marquette it was in a satisfactory state?—A. It was so far as local business was concerned.

Q. Then when was it that things first became unsatisfactory, and that you first found you could not handle the amount of business there was to be handled?—A. We always handled the amount of business there was to be handled, but we first felt the pinch when the cars began to come to us, the through cars, a little heavy, as I say, on account of not sufficient track room. But the company started shortly after that time to put in additional side track room. So far as the division between Sarnia and St. Thomas is concerned we were fairly well fixed, but since the great number of the through cars commenced to come to us via Windsor and the Canadian Pacific Railway we were not in any kind of shape on that Walkerville branch to handle through business, as we were on the other. No sidings were extended there or no new side tracks were put in on that Walkerville branch until about the middle of last December. I believe they were put in operation in January or the beginning of February after I left.

Q. So that from January, 1902, when the company was taken over by the Père Marquette, until the time you left, things were not in a satisfactory state?—A. I don't say so.

Q. I understood that was what you said.—A. No, we were handling our stuff very satisfactory up until last fall, when we were in such bad shape, up until the middle of the summer. So far as power was concerned we were at times in a bad fix for it, but nothing to compare with last fall. You understand all during the summer months our Mr. Woolatt, who was at that time superintendent, was doing everything that he possibly could to get extra power and extra side tracks, but he could not get them.

Q. Was the business in the fall much greater than it had been in the summer?—A. The business did increase quite a bit. It had increased a lot from the fact that we were working two ends that is Walkerville to Windsor and the Sarnia and Port Huron in both directions, that is, both east and west, north and south.

Q. You admit, then, that owing to the lack of water and lack of motive power, and also the lack of proper sidings, that the business could not be properly handled last fall?—A. It could not at that time.

Q. Do you think that it could have been any better handled by anybody else than by you?—A. I don't think so. I might say that Mr. Pyeatt and Mr. Cain and Mr. Gilhula admitted to me that we were up against the hardest proposition they ever saw, and that they wondered—Mr. Cain himself particularly wondered—that we ever got along nearly as well as we did; and a good railroad man would have seen for himself the condition of affairs.

Q. As to these delays in getting cars through Chatham, what was the cause of that?—A. That was strictly a matter of no power to handle our cars, then we absolutely could not get the power.

Q. Were those delays occasioned any other place besides Chatham?—A. That was during the sugar beet season. We had cars stored at Chatham and we had some cars at Sarnia, but so far as Sarnia was concerned it was no block, as we would call it. We knew the cars were there, but we simply couldn't handle them.

Q. What about Blenheim?—A. There were cars at Blenheim. There were lots of cars at Blenheim that could not be handled simply for the want of engine power. At Rondeau we were loading coal and were bringing up some forty or fifty cars every night, and we did not have the engines to send to them. On occasions we have sent engines out to make a clean-up, and before they would get out ten miles on the line they would die and we would have to bring them in.

SESSIONAL PAPER No. 36d

Q. Under the circumstances you think that you handled the work as well as it could have been handled?—A. I think that I did.

Q. I suppose there might be room for two opinions as to that?—A. Well, there might be, but from my experience in handling business on the old Lake Erie and Detroit River for pretty near twelve years, I think that I am in a good position to say how things should be handled.

Q. That was a different class of business, though, was it not?—A. A different class of business, but I have had experience with the through business for the last three years and have grown with it. I did not come to the road at that time a stranger; I grew up with this through business.

Q. Still it is conceivable that others might not think the work was well handled?—A. As far as opinions are concerned, I cannot say as to that. A man has the privilege of forming his own opinion, but I can say this, that so far as the through business is concerned on the Pèrè Marquette it is no trouble to handle it provided we have the necessary facilities for doing so.

Q. Then as for the want of discipline in your division, which was referred to by Mr. Pyeatt as the cause of your being asked for your resignation, had you heard that mentioned at all prior to the receipt of that letter?—A. I had not heard a word.

Q. It might be, I suppose, that Mr. Pyeatt for some time had been dissatisfied with the condition of the discipline of the men?—A. Do I think he might have been?

Q. Yes. Without going to you and making a complaint?—A. Well, I think it would have been only right and proper for the superintendent of a company to have told his trainmaster of it if he thought so.

Q. And you had no intimation of it at all?—A. No intimation whatever; in fact, as I mentioned before, Mr. Pyeatt talked with me but very little, I observed in the office, although I was not in the employ of the company, he was handing the business over to the despatchers, but I did not think that the despatchers ought to have been given it at all.

Q. I suppose it was for Mr. Gilhula to decide?—A. He had charge of the office; I did not interfere with him at all. But I mentioned that that was not our way of doing business—going to despatchers verbally and telling them to do so and so, and running the chance of getting them muddled up. May I speak again of a point that has just come to my mind?

The COMMISSIONER.—Certainly.

WITNESS.—In talking about Mr. Pyeatt, he admitted to me that Mr. Cain was a personal friend of his, and that he understood his way of working, and Mr. Cain understood his method of working, so that in that way he desired to have him come over here as a trainmaster for himself.

By the Commissioner:

Q. Mr. Cameron, as an old railroad man, and with a knowledge of the qualifications necessary for the different positions on a railroad, from superintendent, trainmaster and chief despatcher, right down to car-cleaner, are Canadians to be found to do the same work equally as well as Americans?—A. I feel satisfied they can, just as good.

Q. Just as good as Americans for each and every one of those positions?—A. For each and every position just as good men here for that work as over there.

LEWIS E. TILLSON, sworn, examined.

By the Commissioner:

Q. You were engaged on the old Lake Erie & Detroit River Railway as agent at Chatham, I understand?—A. Yes.

Q. General agent at first?—A. As general agent, yes.

Q. Then you continued on after the Pèrè Marquette took control of that system?—

A. Well, about a year previous to the Pèrè Marquette taking hold, I recommended that

the mechanical department be put under a foreman to take the duties of that department off me, as I had plenty of other work to do, and Mr. Woollatt did so; and then when Mr. Pyeatt took hold, he came to Chatham, and not getting certain questions answered, he told me personally that he would put me back over the mechanical department again, which he did.

Q. You have heard some evidence to-day, and there was a good deal of evidence given at St. Thomas, about the congested state of the yards at Chatham and Blenheim and along there. Can you give me any information with reference to the congestion?—

A. Well, under the normal conditions, Chatham can hold about 100 cars. Those are given to us from different sources. The Canadian Pacific Railway may hand us 10, 15 or 20 cars a day, including wheat, lumber and other products for the local mills which are situated on our tracks, for switching. We bring in from Sarnia anywhere from 5 to 20 cars of oil, which we hand to the Canadian Pacific Railway. The Grand Trunk hand us from 15 to 30 cars of wheat and other products for delivery to the local mills at other points out along the line. If those cars are not handled promptly, that is moved every day, we get congested.

Q. What was the difference between the handling of the cars prior to Mr. Pyeatt's régime, and subsequent to that?—A. Well, under the old management, and under the local conditions before we were handling through business, we had power sufficient to get our local trains out of Chatham daily, and get these cars back and forth between the transfers and the sidings, and also get them north, east and west.

Q. Has there been a superior method adopted since Mr. Cain's appointment, over what had been in existence previous to that?—A. Well, Mr. Cain simply had to get power somewhere or else he could not run the road.

Q. His method is better in consequence of having the power given to him?—A. He had more power given to him.

Q. And that is the only thing that made the conditions better?—A. Well, Mr. Cain was given more authority. In fact from my own observations Mr. Pyeatt says, 'Do as you please,' almost. From his actions I should judge that was his authority to Mr. Cain. In fact from my knowledge I think Mr. Cain is an operating man, even more so than Mr. Pyeatt.

Q. Mr. Pyeatt is an office man, with a knowledge of everything?—A. Well, on paper.

Q. When did you resign your position?—A. On the 3rd of April this year.

Q. What led up to that resignation?—A. During December and January, during the blockade, I could not keep the yard clear, and I told Mr. Pyeatt that I would have to have a better yard conductor, and that the only available man I knew—in fact a man that had handled Chatham yard for some years under the Erie & Huron and Lake Erie—was named Winegarden. He was then handling the sugar beet trains between Chatham and Wallaceburg, and it was just about to be wound up, the business had just about been completed. I spoke to Winegarden, and he told me that he did not propose to go into the yard and take yard wages at \$2.20 when he could make \$3 a day on the road; so I told Mr. Pyeatt what he said, and I recommended that he be given the road wages; that the extra blockade was costing us ten times that amount per diem in delays, loss of business. He said, 'Very well, you may put him on for a short time.' I did so, and in order to assist me, as with the heavy work he would have to do considerable head work as well as switching, I gave him a second man.

Q. Who had you there before?—A. Well, I had had some half dozen.

Q. Who was in the yard looking after that special work?—A. Well, just previous to Winegarden I got a man from the Grand Trunk, the name of George Clements, and he was in charge of the engine; but my opinion is that a switchman has got to be a born switchman—I guess there is only one man in ten that can switch; he has got to plan his work in his head, and plan his yard in his head, and before he goes at his work know how he is going to do it.

Q. Was he the only man you had to assist you?—A. No, I had Joe Winegarden,

SESSIONAL PAPER No. 36d

a brother of Hiram's, but he would not stay there. I had several brakemen, but just took them as I could get them. I never got a man to work there, only a few days.

Q. Have you a man named Mahon?—A. Yes, he was braking with Mr. Winegarden on the sugar beet train, and I had him acting as yard conductor for a few days, relieving Winegarden, who was sick. He is now the present yard conductor.

Q. Then you had Winegarden, Mahon and Clements?—A. Yes.

Q. Was it necessary to have three men at that time?—A. It was during the heaviest blockade.

Q. Did you consult Mr. Cain as to the appointment of those three men?—A. I wrote Mr. Pyeatt. My communications were always with Mr. Pyeatt.

Q. You were under Mr. Pyeatt, not Mr. Cain?—A. Well, a trainmaster's orders are all obeyed by agents and operators. Any order that was issued by Mr. Cain I would take the same notice of as I would by Mr. Pyeatt; but anything that affects the spending of money is always taken up with the superintendent.

Q. Then what did you write to Mr. Pyeatt?—A. I wrote him that I would have to have Mr. Winegarden, and that it would be necessary to pay him equal to road wages, and he stated that they could not see their way clear to pay that wages, and he gave me in his letter the first, second and third pay—\$2.20, \$1.90 and \$1.80—if my memory serves me right; I am not certain as to that, though; and Mr. Pyeatt was there through the yard several times during this clean-up. Mr. Cain was there about every other day. He sent Mr. Youngs, the agent at St. Thomas there, who had been assistant trainmaster, and he says, 'Go up and give Tillson a hand,' and one day I had three engines working there for half a day. We simply could not budge. The C.P.R. transfers had about 60 cars—all it would hold; the Grand Trunk transfers had 30; the long siding had 60—I guess the long siding would hold about 90 full; the scale siding about 30 cars. These are storage tracks. The basin siding had about 30 cars. Our shed tracks and team tracks were full. To do anything at all we had to have men and power. Mr. Cain came up there on one occasion, he said 'You get a train together now and I will have a special engine sent from St. Thomas to take it out to-morrow morning. I did so. The engine did not turn up the following morning. In the meantime, current work was piling up; C.P.R. complained, Grand Trunk complaining; could not clear the transfer.

Q. Then, you are just relating this in sequence before your resigning?—A. Well, they blamed me for the blockade.

Q. Then what did you do?—A. I think Mr. Cain came up there one day when there were two men working, after the blockade was over; the third man was taken off, and from a letter that I saw Mr. Pyeatt have before him—which I took to be from Mr. Cain, although I didn't know—Mr. Cain had been complaining about the third man, and Mr. Pyeatt wires me to come to St. Thomas, and asked me by whose authority I had the third man there. I told him, his own—perhaps not directly, but indirectly—and I told him I certainly did not think that he was not aware of the fact that the third man was there. He says, 'Well, you will have to pay his wages.' I told him I was not able to pay employees' wages, but I would think over it; and, talking about other matters, I asked him if he was through with me. He said, 'When you tell me how you are going to pay the wages.' I said, 'Well, I don't know; I will see about it.' So I left. Nothing more was said, and, of course, I was hoping he would forget all about it, until some six weeks elapsed, and he wrote to me.

Q. Have you got the letter that you received from him?—A. Well, I have not the original. You have a copy, I believe.

Q. This is a copy of it?—A. Yes.

'ST. THOMAS, March 23, 1905.

'Mr. L. E. Tillson, Chatham.

'DEAR SIR,—About six weeks ago I advised you that you would have to make good the difference in expense of switching crew at Chatham for January and February.

4-5 EDWARD VII., A. 1905

Up to this time I have not heard from you. Please advise what has been done in connection with same.

‘Yours truly,

‘J. S. PYEATT,

‘*Superintendent.*

Q. You wrote an answer?—A. My reply was as follows:—

‘CHATHAM, ONT., March 25, 1905.

‘Replying to yours of the 23rd *re* above, I am asking timekeeper for particulars of time, and will advise you later, after giving it my serious attention.’

Upon receipt of the timekeeper’s time, I found that the amount come to about \$71 or \$72, and, of course, I wrote this previous letter to get a litte time. I then secured another job, and I replied to him on April 3, saying:

‘I cannot see my way clear to pay this amount, which I figure out to be about \$71.25. I, therefore, beg leave to tender my resignation, and would ask you to relieve me as soon as possible, advising when I may expect same.’

Q. Then you received a reply from Mr. Pyeatt?—A. Mr. Pyeatt writes me on April 10, and he says:

‘I beg to acknowledge receipt of your letter of April 3, resigning the position of agent at Chatham. I will arrange for your successor just as soon as possible, but in the meantime shall appreciate it if you will continue to look after the work there until appointment is made.’

Of course, he told me personally that he had no man in sight.

Q. Did he appoint any one temporarily?—A. No, he did not, and he had to take the best man he had on the road to take my place.

Q. Who was that?—A. Mr. R. W. Youngs. He was formerly assistant train-master and agent at St. Thomas.

Q. Has he been appointed permanently to Chatham?—A. He has.

Q. Who has succeeded him at St. Thomas?—A. His former cashier, Routh.

Q. Has that been a permanent appointment?—A. That has been permanent, too. Mr. Routh was chief clerk under Mr. Clipp, the agent at Suspension Bridge, but he was formerly in St. Thomas.

Q. The Père Marquette line has an agent at Suspension Bridge?—A. Yes.

Q. And he was taken from there to St. Thomas?—A. Yes, but he had been at St. Thomas as chief clerk previous to going to Suspension Bridge.

Q. And who has taken Suspension Bridge?—A. I don’t know.

Q. You don’t know whether an American has been appointed there or not?—A. Well, I think so, because I have heard of none of our boys going down there.

Q. None of the Canadians have gone there?—A. No.

Q. And there is some one there now?—A. Oh, yes, they will have to have a man.

Q. So that you believe an American has taken the place there?—A. I believe so. I do not know who it was.

Q. Has he increased the remuneration that you were getting to your successor?—

A. Well, Mr. Youngs was getting \$90 a month at St. Thomas.

Q. And that has been continued on, has it?—A. No, sir, that has been reduced to \$70 to Mr. Routh, and Mr. Youngs has been given \$90 at Chatham.

Q. His salary has been continued on at Chatham, that he had been receiving at St. Thomas?—A. Yes, sir.

Q. But Mr. Routh, who has taken his place, is only receiving \$70?—A. Yes.

Q. The amount that you would get?—A. The amount that I was getting?

Q. Are you quite clear that Mr. Pyeatt consented to give Mr. Winegarden \$3 a day for the week?—A. Yes, sir.

Q. And did he do so?—A. Yes.

Q. But he has refused to pay him for longer?—A. After the week, he said, ‘You will have to reduce Mr. Winegarden back to yard wages.’ In fact, Mr. Cain told me

SESSIONAL PAPER No. 36d

that Mr. Winegarden would have to take Chatham yard permanent or else go out on the road. You see, at the present time a man gets no promotion from the yard. If you take yard you must take it for good and all, the same as the passenger brakemen. If you take passenger work, why, you must keep it. The promotion comes through road work. If they want a passenger conductor they take the oldest freight conductors, then they do not take the baggage man out of the trains.

Q. Then who was the man that he asked you to pay out of your own pocket?—A. Well, it would be the third man. The youngest man would be Clements.

Q. Have they paid him?—A. Oh, yes, his salary came right along just the same.

Q. They wanted you to reimburse them for that?—A. Reimburse them.

Q. And that you did not feel able to do under the circumstances, or called upon to do?—A. No, because I thought it was a case of grind. I expect that I will get my salary if the pay car comes to-day. I don't know, they may take it out of my pay this month.

Q. You have not received your pay?—A. No, I would get it to-day if I were at home.

Q. What Mr. Cain says about that particular difficulty that you had with him is that you admitted that they had not authorized you to employ that man, and that you made no argument at all in reference to the payment of those men; how is that?—A. There was no chance for argument. I said he did, and he said he didn't, and he said I would have to pay it, and I said I wouldn't. I claim that if a man is put in a position like Chatham, if he is not capable of judging when these things are necessary, he should not be there. If you have got to ask at all times to spend a dollar in emergencies, why you had better get out of the job.

Q. I asked Mr. Cain this question: 'Q. But rather than pay it he resigned?' And his answer was, 'Possibly that was his reason for resigning, but I understood from someone at Chatham that Tillson had resigned to go into the coal business.' Was that the reason you resigned?—A. No, sir, I had no intention of resigning until they intimated to me they wanted me to repay.

Q. You heard me asking Mr. Cameron with reference to your work there, and you heard me reading what Mr. Cain had stated about that—'Tillson's work had not been satisfactory; we had been complaining to him a good deal in a nice way; Tillson was well acquainted there and had a good many friends, and I did not want to lose him, but we wanted him to get along, but he didn't have the hustle or push about him, that was the only thing.' What about that statement?—A. Well, as far as the making money, I made the money, kept the revenue up, increased the earnings; but they wanted me to work night and day, and I suppose go into nervous prostration, and I wouldn't do it.

Q. Did not Cain or Pyeatt make any complaints as to your work being unsatisfactory?—A. Well, just the once, the time he called me to St. Thomas.

Q. That was the time that you mentioned, about asking you to pay this man's wages?—A. Yes, it was simply a matter of congestion, and he said that he wanted me to stay in the yard; and he says, 'I also want you to look after the business, that is, the soliciting.' Chatham is, I suppose, like Toronto, it is competing, and if you get any business you have to go after it. Then he said, 'I don't see a light in your office after six o'clock.' I said, 'I don't work after six o'clock.' He said, 'Well, we do.' Well, I told him I had served my time at that; when I was an operator I had to work 16 hours a day for \$35 a month, but I didn't propose to do it any longer.

Q. Was it necessary to remain in the office after six o'clock for the purpose of soliciting business?—A. Well, he wanted me to stay in the yard a good part of the day and be yardmaster, yard conductor; get around town and solicit business the rest of the day; and then go to my office at night and do the office work. I looked after all my correspondence—overs and shorts and claims—and handled all the letters and correspondence through the office.

Q. What were your hours at that time?—A. Well, 8 o'clock to 6. Well, of

course, I had no stated hours. I come and go as I pleased as long as I saw the staff looked after their work. I had quite a large staff.

Q. And you got the business you thought that could be obtained in Chatham?—A. I certainly did. My switching earnings were about \$10,000 a year and my balance sheet was \$25,000 a year. My revenue inwards and outwards was \$1,000 a week, and it was increasing right along, and I did not think I was losing any business.

Q. What you have told me is that the reason for your resigning was their asking you to pay for the services of this man during that time?—A. That is the whole reason that I know of; I don't know of any other reason.

Q. And his services were absolutely necessary under the circumstances?—A. I judged so.

Q. And that is the reason you employed him?—A. That is the reason. At the time I had not the least idea that they were not aware of it, and I believe so yet; and I believe the letters are on file and could be found in Mr. Pyeatt's own office, where the third man was taken up, although in a railroad we always return; we don't take copies of inward letters, but we return them back with the correspondence, and of course the file stays together. I asked him in his own office, and told him that he would find that letter, and he referred to his chief clerk and he got the file, but he would not let me look at it.

Q. That is all, unless you wish to say anything you desire yourself?—A. There is nothing. Of course, there is a good deal of Mr. Cameron's evidence that I am personally acquainted with.

Q. That is as to the power?—A. As to everything he said.

Q. You have heard Mr. Cameron's evidence?—A. I was there when Mr. Cameron came there, and I have known Mr. Cameron's services from a boy up, and I can corroborate everything that he said.

Q. You never heard any complaints whatever being made as to the manner of his performing his duties?—A. None whatever. Mr. Woollatt always considered him a smart trainmaster and despatcher and stenographer, or else he would not have promoted him. We always got along with him first-rate. As to my ability, I was put into Chatham to fill a breach. Previous to my going to Chatham I was travelling freight and passenger agent, and in fact handy man for Mr. Woollatt.

Q. What additional facilities have there been provided since Mr. Pyeatt was appointed on the road?—A. As regards Chatham?

Q. Yes?—A. Well, as soon as we cleared the blockade everything was normal, and things went along nicely, and there was no trouble since—just for that time.

Q. What about siding? Is there sufficient siding?—A. Well, as soon as we cleared our long sidings and crossing sidings we had a place to handle our cars. The cars at Chatham must be handled daily. If we lose our switching engine for 24 hours we have got to double up before the next 24 hours—

Q. And it was for the want of power given to you that the blockade occurred?—A. Well, in fact we have local trains running from Sarnia to Ridgetown, what we called the local way freights. We have another one running from Chatham to Walkerville. These trains are supposed to leave Chatham daily. For days and days they did not run at all, and there is a large transfer from the Canadian Pacific Railway and Grand Trunk to us, merchandise particularly, and it is brought to our sheds and re-handled, marshalled and put in proper shape for the stations as they come along the line, and sent out every morning or every noon as the case may be, when the train goes; and if we don't get those trains out every day we are blocked, and I claim it is the fault of the lack of power. Of course, he blamed me.

Q. In Mr. Cameron's time had you blockades occurring at different times?—A. No, sir, Mr. Cameron always saw that the local trains took care of the work; and right now Mr. Cain has just begun to realize that the locals are the most important trains on the road, and he told me just at the time of this blockade, that he was going to do his very best to get those locals running, and he says, 'I will have them running next week,' and he did so, and there has been no more trouble.

SESSIONAL PAPER No. 36d

Q. Did he understand the conditions of affairs sufficiently to have prevented this blockade?—A. Well, it took him a week or two to get at it and find out.

Q. And he is now carrying out the principle upon which Mr. Cameron acted?—A. He has gone right back to the old system.

Q. And in consequence of that, blockades are not likely to happen again?—A. Everything is running nicely. For instance, I will give you an instance. Our local ways we make up through way cars, and for the different hauling points—one Walkerville, one Kingsville and one Leamington—and we marshal those cars so that they can be handled best by the train crews. Some days they may not be full, other days they may be. He went out on a train one day himself, and he wired me back saying, 'You are making too many way cars; put it all in one car.' Well, I did so. The train was late that day; they could not handle the cars and could not handle the freight; and I worked it that way for a couple of days, and went back to the old system, and have never heard anything more about it, so I guess he found he had made a mistake.

Q. I think you said that Mr. Cain had jurisdiction over you and the other agents, although you were directly under Mr. Pyeatt?—A. The train master. All agents and operators are under the jurisdiction of the train master, but he does not dismiss any without taking it up with the superintendent first.

Q. Have you had any conversation with Mr. Cain about Mr. Cameron's qualifications?—A. Not particularly about Mr. Cameron, no, but Mr. Cain when he first arrived, of course he visited Chatham several times, very frequently in fact—and speaking about the job as train master he said that Mr. Pyeatt had been after him for some three months, I believe that was the term. He did not want to come at first. Of course I might say on the start off, Mr. Cain and I were quite intimate and friendly of course, and to all appearances we are yet.

Q. He says so; he says at the present time you are friendly with him?—A. Very friendly, but this was only about a week after he came there that he said that he had this place in view for some three months; in fact Mr. Pyeatt had been after him for that length of time to come with him.

Q. Did he mention as to Mr. Pyeatt's policy with reference to the officials?—A. No, nothing was said. Mr. Cameron's name was not mentioned.

Q. Was any general statement made as to what Pyeatt was going to do with the Canadian officials?—A. Well, he said, 'We will have Gilhula here'—Jim, he called him. Of course I knew Mr. Gilhula personally in the old Canada Southern times; we used to work as operators together when he was a boy—and he says, 'They will soon have more Missouri Pacific men here.'

Q. Did he mention as to Mr. Pyeatt's policy as to dismissing Canadians?—A. Well, I took it when he said that, that any vacancies would be filled—there was none to be made, but they would be filled; my inference was from what he said, that it related to the new shop particularly.

Q. That was not quite open at that time?—A. No, the shops had not been opened at that time.

Q. Do you know whether many Americans are in the shops?—A. Personally I don't, but I understand that there are.

Cross-examined by Mr. Cassels.

Q. Do you know of your own knowledge that there are Americans in the shops?—A. Not of my own knowledge, no, I don't. I have never been in the shops personally.

Q. When did Cain make that statement to you?—A. He made that statement about two weeks after his arrival, in our jaunts through the yards, you know.

Q. Do you remember the exact words he used?—A. He says, 'Sam has been after me for two or three months.' Sam, that is Mr. Pyeatt; he calls Pyeatt Sam, and Mr. Pyeatt calls him Everett. 'Halloa, Sam,' and 'Halloa, Everett,' that is their salutation to each other; and he says, 'Sam has been after me for three months.' He was telling me some of his railroad experiences south, that is all.

4-5 EDWARD VII., A. 1905

Q. But as to bringing outside men there?—A. Well, I said, 'How are you getting along?' He said, 'Oh, Jim is there, and we will soon have more Missouri Pacific men;' and I took it that he meant as regards the shop men.

Q. He didn't say that?—A. He didn't say shop, but there were no other openings.

Q. To make a long story short, the reason of your resigning was that you were not satisfied to continue in that position on the terms that they wanted to impose?—A. I was not satisfied to pay the wages of employees.

Q. And you were not satisfied to work overtime after six o'clock?—A. Oh, well, that was not an argument in the case at all. My working after six o'clock would not help with the cars.

Q. What I mean is this—they thought that you could run that yard with two men; you thought you could not?—A. That is right. Whether they expected me to be the third man I don't know.

Q. And therefore you decided that you could not continue?—A. Well, the third man was not on only for a short time.

Q. But that was really the reason why you decided to resign, that you were not satisfied to go on on the conditions that they wished to impose?—A. I was not satisfied to work on their mode of handling the business.

Q. And before you resigned had you already made arrangements for some other work?—A. No, sir. As agent of the Père Marquette I was handling the business of the Lake Erie Coal Company, and of course while they are one and the same high up, they separate when it comes to the general managers; and to get the Lake Erie coal business in Chatham you have got to hustle. I have been getting the best part of that business, and of course you have to spend a quarter once in awhile, and I had been getting the contracts, for which Mr. Leslie allowed me a small commission—Mr. Leslie is the general manager. That is the only outside business, but I expected to keep that on just the same.

Q. Have you kept that on?—A. I have. Since I quit the Père Marquette I have had that contract enlarged a little, and I now hold contracts for every industry in Chatham except one, and they are located on the water.

Q. Did you know before you actually tendered your resignation that you would have that position?—A. Well, I did not work for that position until Mr. Pyeatt wrote and asked me. I thought if I could hold two jobs I would do it, and Mr. Pyeatt objected to my getting commissions, and wanted the commissions to go to the railroad.

Q. Is your position now better or worse financially than it was?—A. Well, it just depends on how much I hustle.

Q. Can you make more out of your present job?—A. Well, I hope so.

Q. So that you really have no kick coming?—A. No, I am not sorry and grieved for getting out of the Père Marquette.

Q. After Mr. Cameron resigned and Mr. Cain was appointed in his place, did you notice any change in the manner of working the road?—A. No, not until more power was given there was no change; in fact things were worse, because the local trains ceased to run.

Q. When was it after that more power was obtained?—A. Well, I cannot give you the dates.

Q. Approximately?—A. Well, I won't say. I know the blockade got moved; about 30 days.

Q. Do you know how much additional power they have? Did they get new engines?—A. Well, they got more engines from the other side.

Q. Do you know how many more?—A. I think they got nine, I am not sure.

Q. You don't know definitely?—A. No.

THE COMMISSIONER—Q. You say the service got worse after Mr. Cameron resigned until they got more power?—A. For a short time, owing to taking those local trains off—as far as I am personally concerned in Chatham, you know; not along the line. Of course the through business might have been as well or better.

SESSIONAL PAPER No. 36d

THE COMMISSIONER.—Mr. Cameron, do you wish to say anything more?

MR. CAMERON.—Nothing further that I think of.

THE COMMISSIONER.—Unless I hear something further I will send in my report immediately.

MR. CASSELS.—No further evidence to be taken at present?

THE COMMISSIONER.—No, not that I am aware of.

Adjourned sine die at 12.30 p.m.

INDEX TO NAMES OF WITNESSES AND PAGE OF EVIDENCE

NAME.	PAGE.
Allen, Edward.	67
Arnum, Frederick.	43
Austin, Stewart.	29
Britton, Edgar.	3
Cain, Everett E.	18
" " recalled.	79-92
Cameron, Keith R.	100
Chamberlain, William.	71
Cole, Walter H.	58
Dawdy, Austin J.	60
Eberts, James L.	68
Foreman, Rowland John.	35
Gilbert, Trewin A.	69
Gilhula, James R.	22
Groening, Werner C.	56
Gubb, George.	73
Hales, Owen.	48
Hunker, William L.	59
Kirkpatrick, William.	94
" " re-called.	98
Knight, Benjamin.	30
Leseur, Owen S.	26
McCarthy, Edward F.	65
McIntyre, Angus R.	63
McKay, Owen.	36
McLean, Amy.	54
McMillan, Edwin J.	47
McManamy, John.	49
" " re-called.	67-84
Meadows, William Walter.	38
O'Loughlin, John William.	34
Osborne, George M.	28
Penny, George.	61
Pyeatt, John Samuel.	6
" " " re-called.	75
Shoemaker, Charles Franklin.	41
Steel, Edna.	55
Tillson, Lewis E.	113
Tuller, Harry E.	39
Wardell, Robert J.	69
Welch, Charles.	64
Woollatt, William.	86