

Freight Rate on Tank and Still Structural Material from Sarnia to Regina.

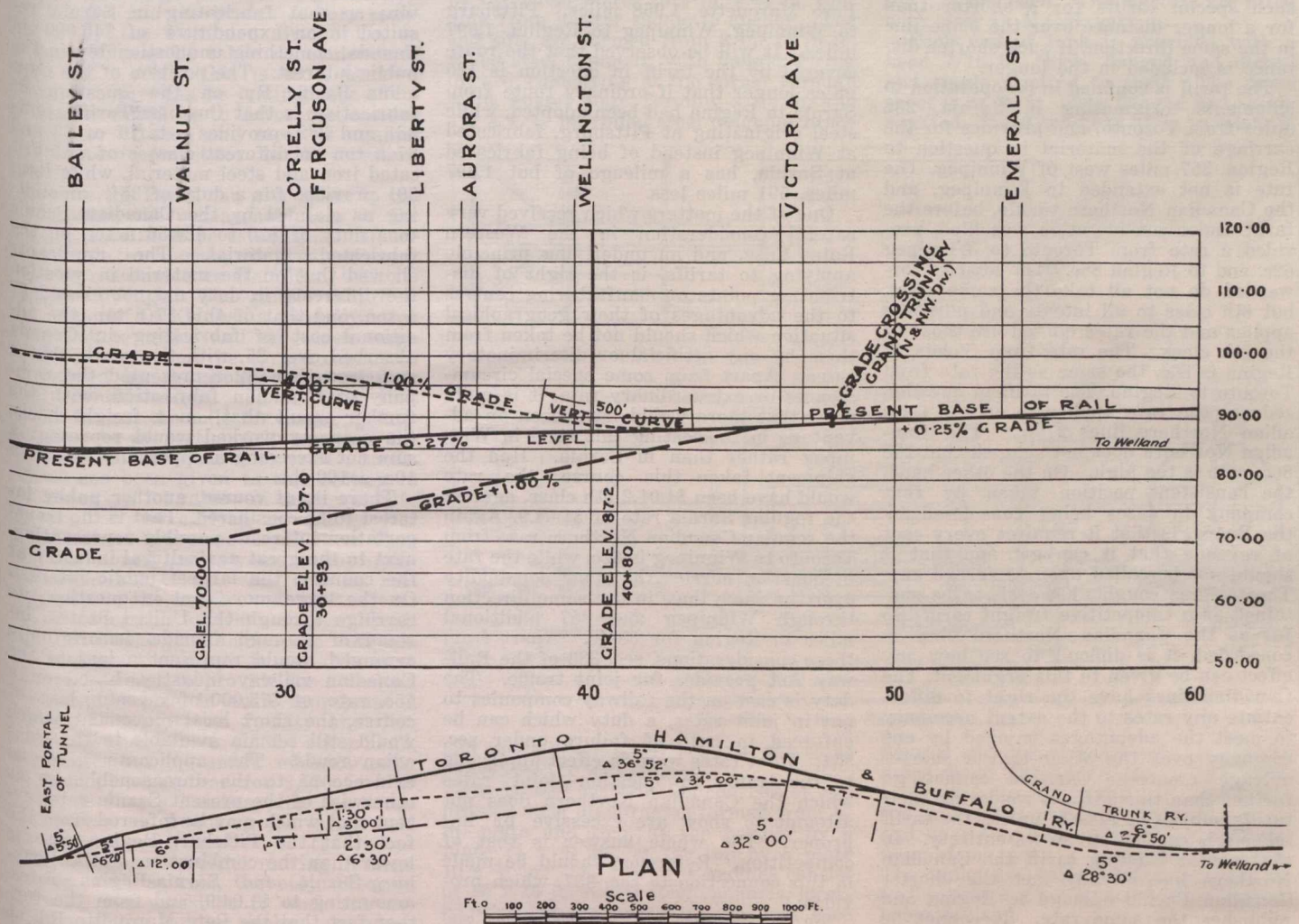
The Chief Commissioner of the Board of Railway Commissioners, Sir Henry L. Drayton, K.C., has given the following judgment, which has been concurred in by Commissioners McLean and Goodeve:

At the Board's sitting held in Ottawa on Feb. 9, two cases closely related were heard, and considered together. The one involved the consideration of Special Freight Tariff C.R.C. no. E. 732, issued by the Canadian Northern Ry., the company being required to support the tariff and show cause why it should not be cancelled as being made in contravention of

of oils and gasoline was confined to a three months period, and as during that period, which may be termed the "peak," three or four times the number of containers and transportation facilities (tank cars, and the like) are required than at other times of the year, it determined that it was necessary to erect a refinery in Regina and distribute from that point. Desiring to have the steel materials necessary for the erection of the plant fabricated in Canada and at their Sarnia works, the Imperial Oil Co. approached the Pere Marquette Rd. with

International Boundary refused to reduce their rate and probably brought pressure to bear upon the Pere Marquette, so as to prevent the long haul on the movement out of Sarnia being enjoyed by the United States companies.

The Canadian carriers were then approached, but the Imperial Oil Co. was unable to obtain any concessions from any of the carriers having connection with Sarnia. The Canadian Northern, however, subsequently agreed to put in the tariff in the question and filed it. The special rate of 75c. that the Imperial



Schemes for Track Elevation and Depression in Hamilton. Toronto, Hamilton & Buffalo Railway.

the "Equality" and "Joint Tariff" provisions of the act. The other application was one made by the Imperial Oil Co., for an order under sec. 344 of the Railway Act, requiring that a joint tariff should be filled from Sarnia to Regina, at a rate of 75c. per 100 lbs., applicable on tank and steel structural material. The Pere Marquette Rd. and the Canadian Pacific, Canadian Northern, and Grand Trunk Railways being interested, either in portions of through movements or in alternative routes. Reference to the circumstances under which the so-called Canadian Northern Proportional Special Tariff came to be put in is necessary.

The Imperial Oil Co., carrying on a very large business in the Northwest, stated that in view of the fact that by far the largest part of the distribution

the view of obtaining a special rate from the Pere Marquette of 75c. to Regina. The Pere Marquette representative agreed to make this special rate of 75c. transportation to be made via Chicago over the lines of the American companies connecting with that system, with the result that the American lines would get the long haul. The Imperial Oil Co. thereupon obtained its materials in Pittsburgh, shipped them to Sarnia, and have at least in part already fabricated them. The movement is considerable, some 5,000 tons being involved. The Pere Marquette then declined to maintain the rate, or indeed to put it into effect; and, while nothing is said as to the reason for it, I take it for granted that the Canadian roads over whose tracks the shipment would have to go to Regina from the

Oil Co. desired in the first instance from Sarnia to Regina was required so as to meet Pittsburg rate of 93.9c. to Regina, the rate from Pittsburg to Sarnia being 18.9c. As the Canadian Northern has no connection with Sarnia, the traffic from Sarnia to Toronto, moving on the Pere Marquette and Canadian Pacific railways would pay the established rate of 16½c. and, therefore, it became necessary that, in order to equal the 75c. rate as desired by the Imperial Oil Co., a special rate of 58½c. should be made by the Canadian Northern from Toronto to Regina. The tariff that company filed is said to be a Special Proportionate Freight Tariff of rate on Tank and Still Structural Material from Toronto to Regina, and is made applicable only on shipments originating at Sarnia and does not apply to points