

RAILWAY APPEAL NOT LIKELY TO SUCCEED

Government Refuses to Postpone Increase in Rates, Which Went Into Effect on Monday—Will Hear Appeals at Once

APPEAL may be made from any judgment of the Board of Railway Commissioners to the Governor-in-Council. Although the government has in the past always refrained from interfering, and in fact has rarely been appealed to, yet some of the opposers of increased railway rates have decided to try to secure a modification of the rate judgment announced last week. An effort was, in fact, made to have the advance postponed, but without success. In a statement issued on September 13 the government said:—

"Telegrams have been received from different parts of the country protesting against the judgment of the Board of Railway Commissioners granting a general increase in railway rates, and requesting that the action of the board should first be suspended and afterwards set aside by the government. Many of the wires received have been sent under misapprehension as to the position of the Board of Railway Commissioners and its action to the government. The wires, indeed, would indicate that a belief exists which, if not prevalent, has at least obtained in certain parts of the country, that the Board of Railway Commissioners is merely a department of the government service. This is not the case, and it is important that the right position be stated.

Railway Control Non-Political

"In 1913 parliament decided that the control of railways was to be removed from direct departmental and political interference and provision was made for a Board of Railway Commissioners. The board was subsequently constituted and has since discharged the statutory and judicial functions assigned to it in a manner undoubtedly, on the whole, in the public interest and to the general acceptance of the people. It has not been interfered with by this or any other government. Instead of being a mere governmental department, the board is, by statute, constituted a court, and has the rights, privileges and independence of a court. The act, however, provides for an appeal to the Governor-in-Council, and reserves the right of the Governor-in-Council on such appeals to vary or rescind any order, rule or decision of the board. The practice that has grown up under this rule is well settled. The decisions of the board cannot lightly be interfered with. As a matter of fact, since the board commenced its operations, no judgment of the board has been set aside by the Governor-in-Council. In a case of the importance of the present it undoubtedly becomes the duty of the Governor-in-Council to go carefully into the whole of this issue, to hear the arguments that may be made, and, after becoming seized of the whole matter, to dispose of the appeal, having regard to the underlying principles of the Railway Act, the rights of shippers, the rights of the carriers, and the underlying national interests.

No Delay in Increase

"The question of a stay of the board's judgment has been as carefully considered as the very short time at the government's disposal renders possible. The board's judgment goes into effect on Monday, the 13th inst. The government has had before it the complete judgment of the railway commission embodying references to the evidence of the reasons for judgment. This has been carefully studied. As against this there have been, and, of course, could be presented, only brief contentions by way of protest. The judgment finds that the relief granted is necessary and should be applied, and this after the hearing of evidence and arguments on both sides. A suspension means more or less indefinite postponement, and if the judgment is right, would render impossible the remedying of any injustice done. The judgment of the commissioners, which, it should be pointed out, is unanimous, being concurred in by all the commissioners who sat upon the case, further indicates that the objections now urged were taken into account, and emphasized that such objections went to the measure of relief that

ought to be granted rather than to the claim that no increase should be made. The official judgment of the Inter-State Commerce Commission of the United States has, as well, been available for reference. This judgment, it may be noted, is now in force. A perusal of this judgment discloses that more general, and, in many cases, heavier increases have been granted to railways in that country. For example, on coal the Inter-State Commerce Commission has increased the rate 35 per cent. in western territory, and 40 per cent. in eastern territory. In Canada, the rates on coal are increased 10 cents per ton on all existing rates not exceeding 80 cents, and increased 15 cents per ton on all existing rates over 80 cents per ton and not exceeding \$1.50 per ton; and 20 cents per ton on all existing rates over \$1.50 per ton.

Less Than in United States

"It will be noted that the increase in Canada is very considerably the lower. Coal constitutes a large proportion of the total traffic of Canadian carriers. The rates on sand, gravel and crushed stone in the United States have been increased 40 per cent. for the eastern territory, 35 per cent. in the western. In Canada no increase whatever is allowed. On cordwood, slabs and mill refuse used for domestic fuel, the same increase has been granted in the United States, while in Canada the increase is held down to 10 per cent.

"The general increases allowed in American territory are reduced in the cost of milk movement, the increase allowed there by the Interstate Commerce Commission being 20 per cent. In Canada no increase whatever is allowed.

"Over and above this the increases in the United States are not limited as to time in the manner as to which increases in Canada are. The general increases of 35 per cent. in western territory and 40 per cent. in eastern territory allowed by the Canadian board are reduced, under the judgment, to 30 per cent. and 35 per cent. effective January 1 next, and, in addition, the railway companies are bound to submit monthly statements so that their earnings may be checked and reductions made in rates, in case the rates allowed proved unnecessarily high.

"It should also be noted that the increase in passenger rates is also limited. In the American territory the increase is 20 per cent.; in Canada the increase is 20 per cent., but in Canada the increase is to be reduced to 10 per cent. effective January 1 next, and on July 1 next the increase is cancelled altogether. No limitations are made in the American order.

"The above references are necessary to be taken into account when the government is asked to take the responsibility for the confusion and possibly the injustice that may be done at this date by interfering with the commission's order to suspend its application. The whole subject can, however, be fully gone into on appeal. Every facility will be given to argue the merits of all contentions advanced and to revise the entire order. If it should appear to be a case where the appeal should be granted and the decision modified or reversed, there could, if deemed proper, be provision for rebates of rates charged beyond those ultimately fixed. The government, while decided that it could not justify now a suspension of the order, will facilitate in every way the early hearing of the appeal."

FIRE SUFFERERS TO BE COMPENSATED

Definite assurance that sufferers from bush fires in Manitoba will be compensated for the loss of stock, crops and effects sustained during the August fires was given on September 9 by J. H. Evans, deputy minister of agriculture. Plans for an immediate survey of fire losses among the settlements that were burned out during the August fire plague were launched by the department on the advice and sanction of Premier Norris. Full information as to the destruction of livestock, feed, buildings and effects will be obtained, and on this information a definite plan will be formulated for the assistance of the sufferers.