

## REPORTS AND NOTES OF CASES.

## Dominion of Canada.

## BOARD OF RAILWAY COMMISSIONERS.

Killam, C.C., and Bernier, C.]

[July 14.]

*Interchange of traffic—Interswitching—Railway Act, 1905, ss. 253, 266, 267, 271.*

The Canadian Pacific Ry. Co. applied to the Board for an order directing the Grand Trunk Ry. Co. to afford proper facilities for the interchange of traffic between the companies for a branch to be constructed by the Grand Trunk from a point on its line between London and St. Mary's to the line of the Canadian Pacific, between London and Toronto, and to fix the amount to be charged for such interchange of traffic and interchange of cars. The lines of the two railways in London before the construction of this branch were a considerable distance apart. Those operated by the Grand Trunk through London were in existence long before the construction of the Canadian Pacific. The former company has extensive terminal properties at that point. The business of the latter in the same city is comparatively small. By means of the branch railway cars have access to a number of business premises to which the Canadian Pacific had heretofore no direct access, and this company can in this respect offer the Grand Trunk very few advantages as compared with what they will acquire.

For this reason it was claimed that in the division of rates a very large proportion should be assigned to the older company—much greater than that which would be a fair remuneration for the mere services to be rendered by that company in the transportation, loading and unloading of cars over the branch.

*Held, 1.* It has never been the policy of the law to offer compensation for loss or injury occasioned to enterprises, such as railway companies of long standing by the coming into existence of new ones. The public good is the only question to be considered. The provisions of the Act as to interchange of traffic are not for the purpose of benefiting one railway company at the expense of another, but wholly in the interest of the public; and the law cannot recognize anything in the nature of a goodwill in the business of either company affected for which the other should give compensation.