

With the above exceptions, all tariffs now in effect, either under the provisions of General Order No. 308, as amended by General Order No. 350, or as the result of voluntary action by the carriers, shall remain in force.

Ottawa, June 30th, 1922.

(sgd.) A. D. CARTWRIGHT,
Secretary, B. R. C.

"I Concur"

10 (sgd.) F. B. M.
S. J. McL.
A. C. B.
J. G. R.
C. L.

6. That your Petitioners hereby appeal by way of petition, under Section 52 of the Railway Act of Canada, 1919, and ask that said Order be varied and in part rescinded upon the following, amongst other grounds:

(a) The said Order is contrary to law and is against the evidence and the weight of the evidence.

20 (b) The evidence and the Reasons for Judgment show that the Board in writing its Judgment refused to take into consideration the implications arising from and the actual covenants contained in the agreement made between the Province of British Columbia and the Dominion of Canada at the time the Province of British Columbia entered confederation. The said agreement is contained in the Terms of Union ordered and declared on the 16th day of May, 1871, by Her Majesty by and with the advice of her Privy Council in pursuance and exercise of the powers vested in Her Majesty by the British North America Act 1867, but on the
30 contrary the Board, in refusing to give effect to the said agreement, exceeded its powers and jurisdiction in that it undertook to nullify and repeal certain terms of the said agreement.

(c) The evidence and Reasons for Judgment show that the Board refused to consider the implications arising from and the covenants contained in an agreement made between the Province of British Columbia and the Canadian Northern Pacific Railway Company whereby it was agreed by the said Railway Company that in consideration of certain guarantees of its bonds, that the said Railway Company would reduce its rates to the point that
40 rates in British Columbia would be no higher than those charged elsewhere on the Canadian Northern Railway system in Canada; the said agreement is contained in Chapter 3 of the Statutes of British Columbia 1910, and in so refusing to take into consideration the said implications and covenants, the Board exceeded its