

## APPENDIX No. 5

I merely make the statement to show that the fruit growers have tried to place before the Railway Commissioners a number of their complaints.

A. That is a very reasonable statement, and I think, it shows that the matter has been attended to.

Q. Well, it has been attended to, but as far as the fruit growers are concerned they have had no redress.

A. He admits that the Board has ordered the railway companies to carry apples to concentration points at a reduction of one third.

Q. Just a moment,—the railways must give one-third rebate on apples to concentration points?

A. Yes.

Q. But as to stop-over privileges and the other requests in regard to fittings for refrigerator cars, no attention has been paid to it.

A. Pardon me, I do not think it is quite fair to say that, because this man writes and admits that it has been attended to, but he says that the question of fittings for refrigerator cars has been held over until April. That has been done in order to enable the railway companies to make an inventory of their cars and to make a return of the number of cars that have slat floors and the number that have not; when we have that information the Board will be in a position to take such steps as may be considered necessary. With regard to the stop-over privileges the Board did not grant that because it had no power to do so; that is the view taken by the Board. Legally the railway companies are entitled to charge their tariff rates from the original shipping point to the point where the car is to stop for completion and then again the local tariff rate from the point where the car stops to the final destination. That is their right, but in practice they do give stop-over on certain classes of traffics which in their judgment requires such stop-over, as in the case of live stock. In that case they give stop-over privileges because the drover goes out in the country and buys a small bunch of cattle here, and another small lot there, and rather than have to drive them by road, to the deterioration of the cattle, the companies have given stop-over privilege to pick up and concentrate these small lots.

Q. But I think they charge for it?

A. Oh certainly, but shippers do not pay the local rate, they get a through rate, with an additional charge for the stop-over privilege. The Board has really not much to do with this question beyond seeing that any stop-over privilege that has been granted does not injuriously affect the interests of another shipper who also wants stop-over privileges. In other words, if there is no injurious or unjust discrimination shown the board has no power under the Railway Act to order the railway companies to do this. That is the view taken in that decision, but the matter of rebate was taken up and the board ordered them to carry these apples in less than carload lots into these concentration points, to be selected, branded, etc., as a reduction of one third from the local rates. The board believed it had the power to do that.

Q. I have a statement from Mr. P. W. Hodgetts, Secretary of the Fruit Growers' Association of Ontario, in which he says that the complaints of the Fruit Growers before the Railway Commission are as follows:

'The most notable is that of the express rates. The hearing in connection with the whole matter of the express tariffs was in 1909. Up to the present practically no relief has been given to the fruit grower in regard to these rates other than the reduction on the rate to Winnipeg and the West, which was ordered by the Chairman at an early date after the hearing. We were told that other rates would have to wait until the whole question was decided upon.

'A matter affecting particularly the Forest fruit growers was that of joint through rates. The Chairman stated in his report, 'we have come to the conclusion that the companies engaged in the express business in Canada must estab-