

the applicants at the expense of the railways' traffic? If the rates over this joint ocean and rail route were under the control of this Board, one would have the machinery to work the matter out, and would be able to give the shippers all the benefit of this competition, and at the same time preserve some reasonable proportion of profit between the competing routes; but as the matter is presented, we have carriers outside of the Railway Act, free and unfettered as to external control over rates and facilities, attempting to make use of the Act, to divert to themselves the legitimate traffic of the railway companies by the enforced application to that traffic of tariffs that were not intended to apply. So long as there is no Government control over ocean traffic, control over the land rates must necessarily produce the exporter or importer but a limited benefit. In the present case, upon a shipment from Hamilton to Montreal, this Board has control over the rate for that 375 mile haul, and it is that power that is asked to be exercised that traffic may be moved from Montreal to Victoria, 7000 miles, at rates to be established at the carriers' will, and free from control or interference. The Board is anxious that the shipper should be allowed to avail himself of every competitive condition of carriage, and every available route, but in the exercise of its powers must have equal regard to the interests of all concerned; and while the granting of this application might have some advantage to shippers of certain commodities, it seems, upon the information now before us, that it should be refused.

A very considerable volume of traffic has moved under the domestic bill rate over this route; what is there to guarantee the shipper that if the export rail rate were applied, the through rate in question would not proportionately rise? It could be put up apparently by those controlling the Tehuantepec National Ry., even against the protest of the two steamship companies, and if that were done, how would the shipper have been benefited by the granting of this application and would not the railway companies have been injuriously affected by an improper or unwise exercise of the powers of the Board? If the alternative ocean route were under control, one could preserve the existing rate, if that were proper, to the shipper, or otherwise deal with it as might be just, but as matters stand the position does not justify our interference.

In the Seattle rate case the Interstate Commerce Commission referred to traffic originating at South Bend and destined to Spokane, going via New York over the Tehuantepec National Ry., thence to Seattle and by rail to destination; also that the route offered active competition to the railways as to all traffic originating east of a line drawn between Buffalo and Pittsburg, and it is interesting to note that all the traffic that has moved via this route has carried the domestic and not the export rail rate. No application has been made to the Interstate Commerce Commission similar to the present, and if this traffic can move from eastern U.S. points to New York under the domestic rate, I do not see why it cannot here.

The applicants, in the alternative, asked for the application of tariffs for "furtherance" to Maritime Provinces, Newfoundland, the West Indies, etc., in the event of not getting the export rate. This was not covered by the formal application but was discussed at the hearing. These so-called "furtherance" tariffs are the necessary result of competitive conditions at Boston and New York, and compelling their application to this B.C. traffic would be no more equitable than requiring the railway companies to apply the export rate.

It was argued for the applicants that if they were unsuccessful in obtaining relief, Canadian traffic for B.C. points would go via New York, and the haul would be lost by the Canadian railways as well as by the Elder Dempster Co. It would seem, however, from a regulation of the Customs Department, that this is not possible, as unless the traffic went in British ships from New York to Puerto Mexico, they must be treated upon arrival at B.C. ports as imported, and would be liable to duty. The following is the regulation:—

"Except as otherwise ordered, goods in transit from one part of Canada to another part of Canada, wholly or partly by water carriage through the U.S., shall be transported in British registered vessels under customs manifests, and the transfer of such goods from car or vessel, and vice versa, shall be made in the presence of a special officer of the Canadian Customs and be certified by him. The salary of the special officer shall be paid by the carrier applying for his services."

The water route travelled by the Canadian Mexican Steamship Co. from Salina Cruz to B.C. ports is covered by an order in council of May 29, 1909, granting that company an additional subsidy of \$25,000 upon the understanding that "the steamships performing the service on the Pacific shall fly the British flag."

It will, of course, be understood that the reasonableness of the westbound rail rates is not involved in this controversy. They are not attacked either in evidence or argument, and the sole contention was that the eastbound export rates should be arbitrarily applied to this new route.

Upon the facts as they now stand, no order will be made; but the dismissal of the application must be without prejudice to the rights of any person interested in this matter to any relief the Board may deem proper upon a different set of facts being presented to it.

**Claims Against the Government Railways.**—An act to provide for the adjustment of small claims arising in respect of the operation of the Government railways has been passed by the Dominion Parliament. It provides that suits for amounts not exceeding \$200 may be taken in any provincial court having jurisdiction, under the ordinary rules of procedure, in every respect as "in like cases in the said court between subjects." The process shall be issued against the "Government Railways Managing Board," and may be served on any member of the Board, on any officer of the railway, or any person specially authorized to receive the same; no personal liability being attached to any of them. In determining any action the court shall be governed by the rules and principles of law which should be applied if the Crown were defendant and consented to the court's jurisdiction. If the provincial courts have not the necessary jurisdiction, the cases may be transmitted to the Court of Exchequer and dealt with as if they had originated there. The Managing Board is authorized to pay out of any money appropriated for that purpose damages or costs adjusted in any action brought under this act.

**Advance in Passenger Fares.**—The Boston and Albany Rd. issued a tariff recently, effective June 1, advancing local fares on its main line from 2c to 2½c. per mile—substantially the basis which was in effect prior to 1906, at which time a voluntary reduction was made. This action is made necessary on account of the sharp advance in the cost of everything that enters into the conduct of railway transportation and the consequent demand for increased revenue, of which the passenger traffic must of course produce its share.

### Quebec Public Utilities Commission.

F. W. Hibbard, Chairman Quebec Public Utilities Commission, in a recent address at Montreal, reviewed fully the commission's object and scope. After a general review of principles governing the control of public utilities, he stated that the public had, under the act, power to complain to the Commission, which would, after hearing evidence, adjust the matter about which there was a difference. In general, he said, every company and person supplying any service to the public and liable to the enactments of the Quebec Legislature is within the jurisdiction of the Commission. The Commission had no right to set aside or disturb the terms of a contract between a municipality or a person on a public utility, except in the case of a monopoly; neither had it anything to do with cases of damage. The Commission had general supervision over all public utilities under its authority; it superseded the authority of the Railway Committee of the Province. It might require and regulate the carrying of goods upon any tramway, fix all tolls for any public utility, but always subject to any contract existing, regulate the placing of rails, posts, wires, conduits, pipes and other appliances along, across, over or under any road, street, square or water course; settle difficulties as to use of streets, roads, etc., between municipalities and public utilities; see that wires are so placed and supported that they are neither dangerous, unsightly nor obstructive; upon the application of any city, town or village compel the putting of wires under ground upon the conditions the commission may fix. In the carrying out of these powers it might require the construction or demolition of any works, or that they should be altered and repaired, and decide how and at whose expense this, or any of it, shall be done. It might also take entire possession of any public utility and all its property and powers, using and exercising them until its orders have been carried out. The consent of the Commission must be obtained to any amalgamation of one public utility with another; and an appeal could be made to the Attorney General to secure the dissolution of any corporation which refused to obey the orders made.

The Commission has prepared rules regulating the proceedings before it, and the chairman said at a meeting held in Quebec recently, that these were being printed for distribution. It had been decided, said the Chairman, to carry out the rules now observed by the Dominion Railway Commission and similar organizations in the United States. Anyone could appear before the Commission in support of his own complaint, but otherwise advocates only could appear.

**Concrete.**—In the 19th edition of Trautwine's Civil Engineer Pocket Book, issued in 1909, there was given a mass of information concerning concrete, plain and reinforced, and its use in structures of all kinds. This information has been collected out of the Pocket Book, brought up to date, added to and issued in a separate volume, provided with thumb index for handy reference. The subjects dealt with include:—Strengthening materials, general principles, transverse strength, cement mortar, cement sand, mortar, concrete, reinforced concrete, experiments, specifications, cost. Following this is a bibliography of the subject and an index covering 12 pages. The publishers are John Wiley and Sons, 43 and 45 East Nineteenth St., New York City, and the price of the book is \$2 net.