

As already pointed out, a reduction, under Statute has been made in the rates on grain and flour. Through the Board's instrumentality, a reduction on cattle was made. The article of lumber and coal are dealt with specifically in the present Judgment.

Reference has been made to the greater earning power of Western Lines, it being contended there is greater earning power both gross and net. At the same time, the larger mileage in the West, specific reference being made to the Canadian Pacific mileage, may be noted.

The fundamental matter, however, in the present application, so far as the position of Manitoba and Saskatchewan is concerned, is in terms of the reference to the Board by the Governor-in-Council, to ascertain whether there is an unjustifiable discrimination existing as between the rates applicable in the Provinces of Manitoba and Saskatchewan and the rates applicable east of the Lakes. Alberta was not represented by Counsel; but what may be found in regard to the justification or otherwise of the difference between rates in Manitoba and Saskatchewan as compared with the section east of the Lakes will have application to the situation in Alberta as well. While it is set out, as above, that Alberta was not represented by Counsel, it may be said that Counsel for the Province of British Columbia dealt with certain phases of the situation concerned in his application as if interests of Alberta and British Columbia were more or less identical. At the same time, it is not set out in the record by any submission from the Province of Alberta that Counsel for British Columbia was representing Alberta.

In dealing with the situation as between Manitoba and Saskatchewan on the one hand and the section east of the Lakes on the other, the very fair and candid statement made by Counsel for the Provinces of Manitoba and Saskatchewan, which was in substance that mileage is not the fundamental criterion of discrimination must be given weight. It is necessary to look to the particular facts affecting the rate adjustments in the particular sections.

The Western Rates Judgment, in dealing with the establishment of special class rates from Lake Superior and Pacific Coast termini, stated, inter alia, that as to lake termini between Port Arthur, Fort William and Westfort and points west thereof, there should apply to and from points east of Winnipeg the Prairie territory town tariff basis, subject to the rates to Winnipeg and St. Boniface as maximum; that to and from Winnipeg and St. Boniface the rates should be no greater than those of the Prairie standard tariff for 290 miles; that to and from points