

Cross-Appeal by Railways

Railway board hears objections to note decision

On Friday, January 10th, Sir Henry Drayton, on behalf of the Railway Board, granted the Manitoba Government and the firm of J. H. Ashdown, of Winnipeg, as a shipper representing the public, the right to appeal to the Supreme Court on questions of law from the recent judgment of the board granting an increase in freight and passenger rates to Canadian railways. The Canadian Northern, on behalf of the railways, was also granted the privilege of taking a cross-appeal to the Supreme Court in support of findings of the board relating to the Crow's Nest agreement.

It was agreed that F. H. Chrysler, K.C., for the Manitoba Government, and F. H. Phippen, K.C., for the C. N. R., would appear before the Supreme Court when it meets next month and present their cases. Leave to appeal was granted by the board after the hearing of brief arguments by Mr. Chrysler, for the Manitoba Government, Mr. Phippen for the C. N. R., and E. W. Beatty, general counsel for the C. P. R., the two latter opposing the application.

IN EFFECT FEBRUARY.

The chairman of the board announced that there would be no stay in proceedings in regard to the judgment. It will go into effect on February 1, subject to possible modifications, arising out of representations made by the grain, lumber and other interests which asked that enforcement of the new schedules be deferred at least for a time.

The order of the Railway Board, based upon the judgment of December 6, putting the new rates into effect February 1, was made public to-day. It is as follows:

"It is ordered that, subject to the provision of the Crow's Nest Pass agreement and to the provisions of the judgment, the standard tariff of maximum mileage tolls approved by the board to be charged between stations of the individual steam railway systems subject to its jurisdiction may, by new tariffs to be submitted for the board's approval, and be published in the Canada Gazette, as required by sections 327 and 331 of the Railway Act, and following such approval and the publication, made effective not earlier than the first day of February, 1918, be increased as follows:

Standard passenger tariffs applying between stations on railways east of and including Thornton, Alberta, and east of and including the lines of the C. N. R. between Edmonton and Athabasca and the C. P. R. between Edmonton and MacLeod through Calgary, where the existing standard toll is less than three and one-half cents per mile by fifteen per cent, subject to a maximum toll of three and forty-five-hundredths cents per mile.

Standard freight tariffs in the Province of Alberta west of and including Canmore and Edson, and in the Province of British Columbia, excepting between ports of call on the Arrow, Slokan, Kootenay, and Okanagan Lakes and the Columbia River, also the standard freight tariff of the Edmonton, Dunvegan and British Columbia Railway Company, by ten per cent.

Standard freight tariffs of railways east of and including Crow's Nest, British Columbia, Canmore, Alberta, Nordegg, Alberta, and Edson, Alberta, also those applying between port of call on the Arrow, Slokan, Kootenay and Okanagan Lakes and the Columbia River, by fifteen per cent.

And, it is further ordered, that, in the interest of uniformity, the only fraction rate (if used) in the said standard freight tariffs be the subject to be accounted the equivalent, inclusively of twenty-five-hundredths to seventy-four-hundredths of a cent.

CHALLENGING BOARD'S JUDGMENT.

In requesting leave to appeal to the Supreme Court, Mr. Chrysler said it was the desire of the Manitoba Government to challenge the judgment of the board on a question of law arising out of the agreement between the Manitoba Government and the C. N. R. in respect of freight rates. He quoted the portion of the judgment dealing with this agreement and said it was the desire of the Provincial Government to ascertain the correct necessity or otherwise of the attitude assumed by the board which had claimed that it is not bound by the agreement.

He stated that in case of any objection to the status of the Manitoba Government he had been asked to say that the firm of J. H. Ashdown had consented to have its name associated with the application.

Mr. F. H. Phippen, in objecting to the application being granted, said that an appeal to the Supreme Court would cause a delay and that would have a serious effect on the railways. At least two of the railways must receive early assistance if they are to be operated in the best interests of the public. Mr. Phippen then argued that there was no legal ground for an appeal, because there was no question of the right of the board to fix rates.

Mr. Beatty, on behalf of the C. P. R. supported the views expressed by Mr. Phippen and expressed the hope that, should the application be granted, the order would become operative on the date fixed.

Sir Henry Drayton said that it would be subject to any modifications that might be made.

In granting the request of the Manitoba Government, the chairman said that it had always been on the question of law. While firmly convinced of the correctness of the board's decision, it was desired, he said, to have such a grave matter decided, and to settle definitely the powers of the board in such agreements as the one in question.

Mr. Phippen then asked for leave to enter a cross-appeal as to the Crow's Nest agreement, and the request was granted.

GRAIN MEN'S APPEAL.

Mr. F. O. Fowler, of the Northwest Grain Dealers' Association, took charge of the case for the grain men, and opened by saying that neither the grain exchange nor the dealers had any desire to take exception to the general increases awarded the railways in the board's judgment.

Mr. Fowler stated that the total loss to the grain men if the new freight rates went into effect on February 1st would be \$349,087. He said that the actual wheat in store on December 15 was 23,457,394 bushels, and that the loss in wheat to the dealers would be \$253,339.

LOSS FOR ELEVATORS.

To show that the elevators stood to lose a considerable sum this year, Mr. Fowler submitted an item based on a crop of 200,000,000 bushels. On this crop, he estimated that the 3,300 Canadian elevators would handle about 188,000,000 bushels, or about 55,450 bushels per elevator. This would mean that each house would have a total earning of \$2,320.

Mr. Fowler closed by asking that even if the rates on other commodities were put into force on February 1, that on grain be not enforced at any rate until the first of June.

Mr. W. B. Lanigan, representing the C.P.R., replied to Mr. Fowler. He said that the railways had given notice of the fact that they were going to apply for an increase in rates as long ago as last April, and the grain supervisors could have arranged for a price which would have provided for the increase. The increased rate represented an advance a little over a cent a bushel. The railways were suffering because of the fixed price of wheat, as well as the grain dealers. Mr. Lanigan thought that, given good weather, the railways should be able to move a large portion of this before the rates went into effect. He admitted that many of the elevators were probably operating at a loss.

Mr. F. H. Phippen said that it was unfair for the grain men to complain of the increase. They should be willing to take the same risks as other business men. He charged that grain dealers had gone on buying grain at the existing rates after the judgment of the board had been made public.

Sir Henry Drayton stated that he would reserve judgment, and consideration was next given to the protest of the lumber interests.

Mr. G. C. Bacon, representing the wholesale lumbermen's committee, of Winnipeg, said that his organization had at present about fifteen hundred cars of lumber ready for shipment. The only reason that this lumber had not been shipped long ago, he said, was that they were unable to get cars from the railways.

Mr. Lanigan, representing the railways, said that there had been a plentiful supply of cars in the west during the fall months. Judgment was finally reserved, and the hearing adjourned.

RETURNED SOLDIERS AND LIFE INSURANCE

The problem of rating discharged soldiers which is now confronting the Life Insurance Companies is one which is causing a great deal of difficulty and anxiety. There is perhaps no class in the community to whom the public owe more than to the men returned from the front. A Life Insurance Company, however, is under obligation to consider the business point of view and to deal equitably with all classes of risks. It is expected that the Medical Directors of a number of Canadian Companies will confer on this and a number of allied subjects in the near future, so as to obtain as nearly as possible uniform action on the part of our Companies. In the meantime, in order not to incur the expense of a medical examination and to prevent rejections, we would ask our agents to submit to us informally all doubtful cases of this kind. This applies particularly to soldiers suffering from shell shock or gas poisoning.—North American Life House Organ.

CONIAGAS MINING COMPANY.

The annual report of the Coniagas Mining Company for the year ending October 31, 1917, places the output of that property at 1,344,267 ounces, which is a marked falling off from the preceding twelve months. Higher operating costs was another unfavorable factor encountered during the year. The enhanced price of silver tended to counteract the other influences, and the net returns was quite close to those of 1916.

Total revenue for the year was \$1,065,745, comparing with \$1,192,424 in 1916. A balance of \$775,905 was left after operating and administration charges had been looked after. After allowing for depreciation, etc., there remained \$641,344 to the credit of the profit and loss account. The deduction of two dividends aggregating \$300,000 and the addition of last year's balance brought the current balance up to \$1,668,360, against \$1,363,460 last year.

Little addition has been made to the ore reserves during the year. The company has secured the Ankerite Gold property, prospects of which are believed to be encouraging.

LAST WEEK'S RECORD OF ACTIVE MONTREAL STOCKS.

				— YEAR. —				
Sales.	Stocks.	Open.	High.	Low.	Last sale.	Net chge.	High.	Low.
998	Brazilian	32	32%	32	32½	+ ½	33½	32
241	Brompton	43	43	42	42½	unch.	43	41%
150	Can. Car. pref.	49½	49½	49½	49½	unch.	49½	49½
290	Can. Cement	*57	*57½	*57	*57	-1	*58	*57
1,190	Can. Steamship	40	41½	40	41¼	+1½	41½	39½
942	Civic Power	68½	70½	68½	70½	+2	70½	68½
1,443	Dom. Steel	*53%	*55%	*53%	55	+1¼	*56	*53
237	Dom. Textile	80%	82½	80%	82½	+1%	82½	80%
334	Laurentide	152	153½	152	153½	+1½	153½	152
190	Smelters	25	25	25	25	unch.	25½	25
372	Steel of Can.	51½	53	51½	52	+1	53	50½
BONDS.								
\$81,600	Can. Loan (1931)	92%	92%	92%	92%	+ ½	92%	92%
30,000	Do. (1927)	92%	92%	92%	92%	+ %	92%	92½
10,000	Quebec Ry.	60	60	60	60	unch.	60	60
UNLISTED SHARES.								
330	Tram, Power	31%	31%	30	30	-2	33	30