

if necessary, continued arbitration. No other method, he insisted, could be a fair one to all interests. The C.P.R. stood ready to arbitrate.

In closing the case for the U.S. lines Mr. Eustis outlined the position of the roads he represented as follows:

U.S. lines do not ask that Canadian lines be barred from a share of U.S. traffic.

Differentials have been failures wherever used.

The C.P.R. can set up no fair claim to a differential.

If the C.P.R. is entitled to a differential, many U.S. roads are more entitled to like concessions.

According to the argument of the C.P.R. respecting the participation of U.S. roads in Canadian business the C.P.R. has no right to do business in San Francisco at all.

U.S. lines do not ask any advantage where the C.P.R. can fairly compete with them, but deny that the C.P.R. is entitled to any advantage over U.S. roads.

They believe that the burden of proof is upon the C.P.R. to show that it is entitled to a differential, & that unless a clear case has been made by it no differentials should be allowed.

"I can guarantee for the west that if the C.P.R. will stop its shotgun policy we can get along together & it will secure a fair share of any business to which it is entitled. If it does not Congress is going to interfere."

This last statement was made by Mr. Eustis because of Mr. McNicoll's testimony that Mr. Eustis had threatened the C.P.R. unless it would settle its difficulties with the U.S. roads. "I told Mr. McNicoll," said Mr. Eustis, "that if the C.P.R. would stop making unreasonable demands & be fair it will have no trouble in getting along in this country, but that if it persisted in its unreasonable demands the U.S. would probably pass laws that would tend to control seriously the extent to which all Canadian railroads may do business in this country."

Mr. McNicoll states that the C.P.R. handed in its brief to the I.C. Commission on Aug. 13 along with the other railways interested in the investigation.

Mr. Clough Repudiated.

The Minneapolis Journal says: "Ever since the controversy concerning who ate the first apple, it seems to have been human nature to shirk responsibility for questionable transactions. Whenever a railway cuts rates & is taken to task by its associates for having violated its agreements, it falls back on the excuse that some other road has previously cut the rate. The standing argument of the railways, when they do something which they recognize as improper, is to charge the blame to the Canadian Pacific. They must have some scapegoat, & to save trouble with some home competitor they charge it up to the Canadian Pacific."

"It was not surprising, therefore, because it was according to custom, when a prominent road cut the rates from the twin cities to Chicago, a few days ago, to see an authorized interview appear simultaneously in all the papers announcing that the cut was made to meet the rates of the Canadian Pacific. The Canadian Pacific has no road from the twin cities to Chicago, but that makes no difference in the accusation. If the Czar of Russia should appoint an American railroad manager to take charge of the Siberian railway, the manager would undoubtedly, from mere force of habit, cut the rates in order to compete with himself, & charge it up to the nefarious conduct of the Canadian Pacific, because it runs a steamship line from Vancouver to Hong Kong. This would be as sensible & as brilliant a display of common sense as holding

the Canadian Pacific responsible for the cut between the twin cities & Chicago.

"The Soo, which is one of the United States connections of the Canadian Pacific, has always maintained an independent position, refusing to be bound by combinations & the pools, & has thus proved a thorn in the flesh. This policy has proved of great advantage to the public, & in reverse ratio to the public advantages obtained through the Soo the hostility of the other lines has been incurred. Consequently, no matter what comes up, they see only the ghost of the Canadian Pacific & the Soo."

"The jobbers & manufacturers of the twin cities, & the farmers of the Northwest, know & appreciate the services which the Soo has rendered them, both directly by carrying their freight, & indirectly as a leverage which has prevented combinations & extortions they would otherwise have had to endure. No higher compliment could be paid to the Soo & Canadian Pacific for what they have accomplished on behalf of the public, than the universal & unanimous effort to hold them responsible for everything which occurs in the railway world. If the Soo could only be dragged into coming into the combination to fleece the public there would be no further outcry concerning the Canadian Pacific. The public is to be congratulated upon the situation, & will consider itself protected so long as the Soo & Canadian Pacific continue in their present independent position."

A Western Rate War.

A passenger rate war that will affect directly every fare in the western states & indirectly half of the tariffs of eastern & southern U.S. lines, was started Aug 8, when the Chicago Milwaukee & St. Paul reduced the rate between Chicago & St. Paul & Minneapolis from \$11.50 to \$8. The rate between Chicago & Omaha was cut from \$12.75 to \$9.25, & between Chicago & Kansas City from \$12.50 to \$10.50. Of course other lines met the rates of the C., M. & St. P., which charges the C. P.R. as the cause of making the cuts necessary. In its notice the C., M. & St. P. says the C.P.R. brought about a war of rates to Alaska points. The application of these low rates—about 60% below authorized tariffs—affected the Chicago-St. Paul situation to such an extent that Chicago brokers have had no difficulty in selling tickets for either St. Paul or Minneapolis for \$8. & \$8.50, & the same rates have been made by brokers from St. Paul to Chicago. The same war of Alaska rates has affected regular fares between Chicago & Omaha because the trans-Missouri lines also quoted low rates to Alaska. Brokers were, therefore, able to greatly under-sell the railways between Chicago & Omaha. To a limited extent the same is true as regards the Chicago-Kansas City traffic, though that is affected most seriously by a form of round trip ticket in use, which permits of a natural scalp of \$5. The C., M. & St. P. says it is weary of having the brokers doing its business, & that for this reason it makes the open reductions quoted.

"Sheer Nonsense."

Under the above heading the Railway World, Philadelphia, says in its issue of Aug. 13: "Railway officials are discussing the probable effects of the Interstate Commerce meeting at Chicago last week. They, as a rule, are anxious to have not only the Canadian Pacific, but all foreign roads, shut out of American territory, except where they can compete with them on equal terms. They are in favor of the highest tariff to prevent foreign cars coming into America & taking business from one point to another. They be-

lieve that the same rule that applies to foreign ships plying between American ports should work in the case of the railways. Some pretend to think that the exclusion of Canadian lines would enable Americans to maintain rates. Before the Canadian lines were constructed the American lines could not maintain rates, & are unable to do so in territory where there is no foreign competition. They have been at war with each other for months on packing-house-product rates from Kansas City, & are constantly cutting rates between Chicago & the seaboard. Tariffs are made only to be cut within a short time; in many instances before they are in print."

The Grand Trunk View.

Interviewed at Montreal, Aug. 3, Sir Rivers Wilson, President of the G.T.R., said:—"The rate war is of great concern to us, & our earnest hope is wiser counsel will prevail & a settlement be reached at an early date. I deny the charge that we are responsible for the trouble. We are all desirous of being on good terms with the C.P.R. The fight is really one between the trans-continental roads, & I am sure I have no influence with Mr. J. J. Hill, of the Great Northern. There is no justification for the C.P.R. demand for differentials. There may have been at one period, but the C.P.R. is now more than able to compete on equal terms. In regard to the trouble between the G.T.R. & C.P.R., respecting the North Bay line, the explanation is simple. The arrangement between the roads was liable to modification. We simply gave notice of its discontinuation in order to make a new arrangement with the C.P.R., but our proposals were not met."

One on Mr. McNicoll.

At the recent session of the Inter-State Commerce Commission in Chicago, General Passenger Agent Fee, of the Northern Pacific, produced some statistics about C.P.R. passenger traffic, based on reports from his agents, who he said had counted the passengers at Winnipeg & Pacific Coast points.

"How could your agents tell whether our passengers came from the U.S., or from our local points in the Northwest?" said Mr. McNicoll, of the C.P.R.

Before Mr. Fee could reply, General Passenger Agent Eustis, of the Burlington System, answered:—"Because you have no local business in the Northwest, Mac!"

Of course, as everyone knows, the answer was ridiculous, but it brought down the house.

A Railway Accident Case.

In the Divisional Court at Toronto, July 26, in the case of Chandler vs. Mich. Cen. Ry. Co., Judges Falconbridge & Street gave judgment on motion by plaintiff to set aside nonsuit entered by Meredith, J., at the trial at St. Thomas, & for a new trial. The action was brought by W. Chandler, a youth, who was severely injured by being run into by a train of defendant's while crossing a railway track near Tilsonburg late at night, & whose vehicle was also broken, for damages for his injuries & loss. The plaintiff contended that there was no evidence of negligence to go to the jury & nothing to show contributory negligence. Held, that every element of negligence of any statutory duty on the part of defendants was absent, & the nonsuit was properly entered. Wakelin v. London & Southwestern Ry. Co., 12 App. Cas. 41, followed. Motion dismissed with costs. J. A. Robinson (St. Thomas) for plaintiff. D. W. Saunders for defendant.