

he could, but that under present conditions it would take two months to deliver it.

"On cross-examination by Mr. Peters on behalf of the railway companies, the record shows—

"MR. PETERS: Have you any lumber contracts taken which you accepted on condition that the rates remain the same as at present? Haven't you got orders now booked where you are protected in case of advance in freight rates?"

"MR. ADOLPH: Yes, as soon as we understood that there was an application."

"MR. PETERS: You did not mention that. I thought you were going to mention it. How long have you had orders like that?"

"MR. ADOLPH: Probably three weeks."

"MR. PETERS: Not longer than that?"

"MR. ADOLPH: I do not think so, and we have not a great many taken under those conditions."

"MR. PETERS: They are all taken that way now?"

"MR. ADOLPH: A man would be a very poor business man to take them any other way."

"What may be said of lumber may be said of every other commodity handled by the railways. The fullest publicity has been given the railways' application for increased rates. The shippers have had notice of it for upwards of eight months. They have certainly had as much notice as they would have had if the railway companies had gone to the unnecessary expense of filing every tariff before the question was considered by the board. Speaking generally, they have been in a position to protect themselves by taking orders at the point of production, subject to the cost of railway haul, whatever that might be. The only notice under the act that the railway companies are obliged to give is 30 days. Shippers, in the present instance, have had notice, as already stated, of over eight months. Doubtless there has always to be more or less inconvenience and perhaps loss suffered every time a rate advance is made, but this trouble is caused just as much by other advances in any necessity whether it be supplies or labor. With the notice that the shippers have had in this instance, this inconvenience should have been reduced to an irreducible minimum if the ordinary precaution, as defined by Mr. Adolph himself, had been adopted. As it is now, there will still be delay before the increases are put in. The whole of the railway demands have not been given effect to. Instead of a blanket rate increase, effect has been given to the position taken by the lumber interests and specific advances are made, resulting in the necessity of having new tariffs provided. In all probability, this will take some time, and until the appropriate tariff is provided the judgment of course cannot be carried into effect. The circumstances and publicity of the application are such that no application for a stay of the judgment ought to be granted.

"This disposes of all requests for suspension of the judgment, except in so far as the movement of wheat is concerned. The position here is entirely different. I would give effect to Mr. Fowler's application. Wheat buyers and country elevators are not permitted to carry on business in the ordinary course, in so far as wheat is concerned. They are compelled by the Board of Grain Supervisors for Canada to purchase wheat at a specific price. They are also compelled by the same board to sell wheat at a specific price. Mr. Fowler's figures, which were not disputed by the railways, show that the Board of Grain Supervisors has held these grain buyers down to a price which will certainly permit of no excessive or unreasonable profit, but will possibly result in some loss, certainly in loss having regard to the activities of the buyers, in so far as wheat itself is concerned.

"In view of the artificial position, therefore, of wheat, brought about by legislation doubtless necessary in view of war conditions, and in view of the position in which wheat purchasers have been placed, I am of opinion that the increases allowed for the carriage of wheat ought not now to be made effective. I would postpone the effective date of rate increases for the transportation of this commodity until June 1 next. This will enable all wheat purchased at the old rate and subject to the old conditions to be hauled to Fort William before the new rates take effect.

"The like conditions do not apply to coarse grains, nor indeed to any grain other than wheat. In my opinion, the effective date of the judgment ought not to be postponed, having regard to these commodities. The board's judgment was issued on Dec. 26, 1917. It was then made public, and the parties to the issue were advised as to the board's action. The judgment was given the fullest publicity by the press. Under the Railway Act, tariffs may be filed by the railway companies of their own motion, or may be directed by the board; and the board in directing tariffs to be filed may designate the date at which any tariff will come into force. In view of all the circumstances, railway companies ought to file the necessary schedules and tariffs to take effect not earlier than Feb. 1, 1918."

The board passed general order 212, Jan. 15. After reciting the applications by the railways, the hearings, written submissions in it referred to the judgments given by the Chief Commissioner on Dec. 26, 1917, and Jan. 15, 1918, and to general order 213, Dec. 26, 1917, it provided as follows: It is ordered that, subject to the provisions of the Crownest Pass agreement and the judgment of Dec. 26, 1917, which is hereby made part of this order, the special freight tariffs issued under the authority of the judgment, except those applying on wheat, in carloads, to Port Arthur and Fort William, be published and filed at least five days previous to the date on which they are to become effective, which date shall not be earlier than Feb. 1, 1918; and it is further ordered that the rates authorized by the judgment to be charged on wheat, in carloads, to Port Arthur and Fort William only, may be made effective not earlier than June 1, 1918.

#### Approval of Freight Tariffs.

The Board of Railway Commissioners passed general order 215, Jan. 17, as follows: Re application of the undermentioned railway companies for approval of their standard freight tariffs of maximum mileage tolls. The said tariffs having been filed on the basis permitted by the Board in general order 213, Dec. 26, 1917, it is ordered that the following tariffs be approved; their rate scales to be published in at least two consecutive weekly issues of The Canada Gazette, preceded by the following notice: "The undermentioned standard freight tariffs having been filed for the approval of the Board of Railway Commissioners for Canada, and being found by the board to be in accordance with its general order, 213, and having been approved by general order 215, Jan. 17, 1918, the rate scales thereof are hereby published as required by sec. 327 of the Railway Act."

Algoma Central & Hudson Bay, C.R.C. 441; Algoma Eastern, C.R.C. 195; Atlantic, Quebec & Western, C.R.C. 20; Boston & Maine, C.R.C. 1842; Canadian Northern, C.R.C. W-1052, E-1007; Canadian Pacific, C.R.C. W-2300, C.R.C. E-3379; Central Vermont, C.R.C. 1204; Dominion Atlan-

tic, C.R.C. 552; Edmonton, Dunvegan & British Columbia, C.R.C. 65; Esquimalt & Nanaimo, C.R.C. 371; Glengarry & Stormont, C.R.C. 80; Grand Trunk, C.R.C. E-3735; Grand Trunk Pacific, C.R.C. 244; Manitoba Great Northern, C.R.C. 1352; Brandon, Saskatchewan & Hudson Bay, C.R.C. 1353; Crows Nest Southern, C.R.C. 1354; New Westminster Southern, Nelson & Fort Sheppard, Vancouver, Victoria & Eastern Ry. and Navigation Co., C.R.C. 1355; Red Mountain, Kettle Valley, Victoria & Sidney Railway, C.R.C. V-50; Halifax & South Western, C.R.C. F-51; Kettle Valley, C.R.C. 130; Maine Central Railroad, Supplement 2 to C.R.C. C-1184; Michigan Central, C.R.C. 2735; Napierville Junction, C.R.C. 191; New York Central, C.R.C. 1225, C.R.C. 1226; Pere Marquette, C.R.C. 2144; Quebec, Montreal & Southern, C.R.C. 640; Quebec Oriental, C.R.C. 29; Temiscouata, C.R.C. 300; Thousand Islands, C.R.C. 332; Toronto, Hamilton & Buffalo Railway, C.R.C. 1192.

On Jan. 24 the Board passed general order 215a, approving the following freight tariffs:—Moncton & Boutouche Ry., C.R.C. 29; Quebec Ry., Light & Power Co., C.R.C. 103.

#### Approval of Passenger Tariffs.

The board passed general order 214, Jan. 10, as follows: Re application of the undermentioned railway companies for approval of their standard passenger tariffs of maximum mileage tolls. Standard passenger tariffs having been filed on the basis permitted by the board in general order 213, Dec. 26, 1917. It is ordered that the following standard tariffs of maximum mileage tolls for the carriage of passengers be approved; the said tariffs, together with a reference to this order, to be published in at least two consecutive weekly issues of The Canada Gazette.

Canadian Northern Ry., C.R.C. W1492.  
Canadian Pacific Ry., C.R.C. E1064.  
Central Vermont Ry., C.R.C. 502.  
Dominion Atlantic Ry., C.R.C. 404.  
Grand Trunk Ry., C.R.C. no. E-2669.  
Grand Trunk Pacific Ry., C.R.C. 660.  
Glengarry & Stormont Ry., C.R.C. 2.  
Halifax & South Western Ry., C.R.C. no. P-77.  
Michigan Central Ry., C.R.C. 2441.  
Napierville Junction Ry., C.R.C. 92.  
New York Central Rd., C.R.C. no. NYC-191.  
Pere Marquette Rd., C.R.C. 580.  
Quebec, Montreal & Southern Ry., C.R.C. 262.  
Toronto, Hamilton & Buffalo Ry., C.R.C. 1209.

The board passed general order 214a, Jan. 17, approving of the following additional standard passenger tariffs of maximum mileage tolls: Great Northern, C.R.C. 1161; Maine Central, C.R.C. 214; Temiscouata, C.R.C. 66; Wabash, C.R.C. 996. On Jan. 24 the Board passed general order 214b similarly approving the following passenger tariffs: Boston and Maine Rd., C.R.C. 305; and Moncton & Buctouche Ry., C.R.C. 27.

The standard passenger tariffs referred to above provide for a first class rate of 3.45 cents a mile, instead of 3c as heretofore. The new rates also apply to and from Canadian border points and through fares to United States destinations have been advanced accordingly on the Canadian portion of the fares, so as to protect Canadian border points.

#### The Dominion Government on Appeal Suspends New Rates from going Into Operation.

On Jan. 24, members of the Dominion Government heard at Ottawa, the Manitoba, Saskatchewan and Alberta Government's appeal against the Board of Railway Commissioners' decision authorizing an increase of freight and passenger rates, the argument being presented by H. J. Symington, K.C., of Winnipeg, in an address occupying several hours. At the resumption of the hearing in the af-