

## APPENDIX No. 5

*By Mr. Robb:*

Q. You say the British Columbia shipper has the advantage, if there is any?

A. Yes, West of Moosejaw.

*By the Chairman:*

Q. I think if you will just hand that statement in so that the figures can go on the record, it will be all that is necessary.

A. I will insert the figures in my evidence as a supplementary statement.

Mr. CHAIRMAN.—Now, Mr. Armstrong, perhaps we can go on with the matters that you were bringing to the attention of the Committee.

*By Mr. Armstrong (Lambton):*

Q. I was dealing with the matter of thieving and stop-over privileges. Has the Railway Commission nothing to do with the stop-over privileges?

A. No, except under the general clauses of the Railway Act to prevent unjust discrimination. What I meant, Mr. Armstrong, is that the lawful rate is the rate from the shipping point to the stop-over point, and then from the stop-over point to the destination added together, and that being the lawful tariff the Board believes that it could not step in and order them to carry the goods on the through rate with the stop-over privilege. That is the position the Board has taken unless it can be shown that the stop-over arrangements already granted are injurious to this man who requires it, that it is an unjust discrimination.

Q. Yes, but you understand that they have stop-over privileges with regard to other property?

A. Yes.

Q. And you think it would be unfair now to force the railways to give stop-over privileges to the fruit growers?

A. Well, I am not expressing my opinion, Mr. Armstrong, because the Board has already written a judgment upon it. I shall be glad to send you a copy of the judgment if you haven't one.

Q. I quite understand that they have not granted relief to the fruit growers along that line, so that I imagine from your arguments the decision to be along the lines suggested.

A. If you would like to have a copy of it I shall be glad to send it; it gives the reasons.

Q. The Secretary closes his letter by these words:

'In most cases the small growers would not take the trouble to go to law, even though all booked together these claims would amount to a very large sum each year.' So that complaints have been placed before the Commission in regard to the delay in transit. Has the Commission done anything in reference to that matter?

A. We frequently get claims of that kind, and I think we have dealt with that matter in a general way.

Q. I would just like to place before the Committee a letter from the Fruit Growers' Association in connection with the matter of the statements made here by the President of that Association which says:

'Early in October and November apples were ready for shipment, but for lack of cars did not have our orders out until the middle of December, and then the cars did not average a speed of more than five miles an hour, resulting in apples frozen and destroyed in transit as follows: Car shipped November 27th to Brandon, lost \$150; car shipped November 29th to Brandon, lost \$120; car shipped December 3rd to J. P. Kelly, Moosejaw, lost \$100; December 3rd, G. Stewart, Regina, lost \$100; December 6th, G. Stewart, Regina, lost \$200; November 21st, W. H. Ireland, Medicine Hat, lost \$17; November 19, Simons Fruit