

Canadian Railway and Marine World

February, 1918.

The Question of the Increase of Freight and Passenger Rates Before the Board of Railway Commissioners and the Dominion Government.

Canadian Railway and Marine World for January contained a summary of the judgment given by Sir Henry Drayton, Chief Commissioner, on Dec. 26, and concurred in by four other members of the board, authorizing certain increases in freight and passenger rates on steam railways. General order 213, to put the judgment into effect, was issued Dec. 26, as follows:

Re applications of Canadian Northern, Toronto, Hamilton & Buffalo, Grand Trunk, Grand Trunk Pacific, Canadian Pacific, New York Central, Kettle Valley, and Great Northern Railway companies, and the Michigan Central and Pere Marquette Railroad companies, on behalf of themselves and other railway companies operating in Canada, subject to the Board's jurisdiction, for a recommendation to the Governor in council, under the War Measures Act, Statutes of Canada, 1914 (second sessions), chap 2, permitting all such railway companies to make a general advance in their tariffs of tolls of 15% on all class and commodity freight rates, except coal, and on all passenger fares, and a specific increase of 15c a ton on coal. Upon hearing the matter at Victoria, Vancouver, Nelson, Calgary, Edmonton, Saskatoon, Regina, Winnipeg, Fort William, Toronto, and Montreal, on June 5, 6, 16, 18, 19, 20, 21, 22, 25, 12, and 20, 1917, respectively in the presence of counsel for and representatives of the Canadian Pacific, Grand Trunk, Grand Trunk Pacific, Canadian Northern, and New York Central Railway companies, the Michigan Central Co., the boards of trade of Vancouver, Nelson, Calgary, Edmonton, Saskatoon, Regina, Winnipeg, Toronto, Montreal, and Kitchener, the Canadian Manufacturers' Association, Kitchener Manufacturers' Association, British Columbia Lumber & Shingle Manufacturers, Rat Portage Lumber Co., The Adolph Lumber Co., Retail Coal Dealers, Retail Merchants' Association of Canada (Manitoba Branch), Canadian Credit Men's Association, Winnipeg Implement Association, Stone Dealers' Association, St. Catharines Fruit Growers' Association, Willow Point District Fruit Growers' Association, Kootenay Fruit Growers' Association, United Farmers of Ontario, Saskatchewan Grain Growers' Association, Dominion Livestock Record Board, Western Livestock Association, Canadian Council of Agriculture, Department of Public Highways for Ontario, the Council of Trail, City of Winnipeg, Government of Manitoba, Associated Boards of Trade of Eastern British Columbia, Dominion Cannery, and Price Bros., the evidence adduced, and what was alleged; and upon reading the written submissions filed, judgment, dated Dec. 26, 1917, was delivered by the Chief Commissioner and concurred in by the other members of the Board, a certified copy of the said judgment being attached hereto marked "A":

It is ordered that, subject to the provisions of the Crowsnest Pass agreement and to the provisions of the said judgment, the standard tariffs of maximum mileage tolls approved by the board to

be charged between stations on the individual steam railway systems subject to its jurisdiction, may, by new tariffs to be submitted for the board's approval, and publication in The Canada Gazette, as required by the Railway Act, secs. 327 and 331, and following such approval and publication made effective not earlier than Feb. 1, 1918, be increased as follows, viz.:

Standard passenger tariffs applying between stations on railways east of and including Thornton, Alta., and east of and between Edmonton and Athabasca and the Canadian Pacific Ry. lines between Edmonton and Macleod, through Calgary, where the existing standard toll is less than $3\frac{1}{2}$ c a mile, by 15%, subject to a maximum toll of $3\frac{45}{100}$ c a mile.

Standard freight tariffs in Alberta, west of and including Canmore and Edson, and in British Columbia, excepting between ports of call on the Arrow, Slokan, Kootenay and Okanagan Lakes and the Columbia River, also the Edmonton, Dunvegan & British Columbia Ry. standard freight tariff, by 10%.

Standard freight tariffs of railways east of and including Crowsnest, B.C.; Canmore, Nordegg, and Edson, Alta., also those applying between ports of call on the Arrow, Slokan, Kootenay, and Okanagan Lakes and the Columbia River, by 15%.

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

Appeals from the Board's Judgment, and Extension of Time on Grain Rates.

On Jan. 10 several applications were made to the Board of Railway Commissioners in connection with its judgment of Dec. 26. F. H. Chrysler, K.C., Ottawa, on behalf of the Manitoba Government and J. H. Ashdown, a Winnipeg shipper, obtained leave to appeal to the Supreme Court of Canada on questions of law arising out of the agreement between the Manitoba Government and the Canadian Northern Ry.

F. H. Phippen, K.C., General Counsel, Canadian Northern, obtained leave to appeal to the Supreme Court against the board's finding in connection with the Crowsnest agreement.

In granting leave for these appeals the board decided that the going into effect of the new tariffs should not be affected thereby.

Mr. Fowler, for the North West Grain Dealers Association, asked that the advanced rates on grain be not put into effect until June 1.

C. C. Baker, for the Winnipeg Wholesale Lumbermen's Committee, asked for delay in putting the new rates on lumber in force.

The Chief Commissioner, on Jan. 15, gave the following judgement, which was concurred in by the Assistant Chief Commissioner, the Deputy Chief Commission-

er, and Commissioners McLean and Good-
eve.

"As a result of protests which were made by live stock shippers associations, lumber shippers' associations, and grain shippers' associations, as well as the application of the Manitoba Government for leave to appeal from the judgment herein, a sitting of the Board was held at Ottawa on Jan. 10, 1918, to consider these protests. It was determined at the sitting to give leave to the Manitoba Government to appeal on the questions of law on which that government desired to appeal to the Supreme Court of Canada. The other protests referred to were not disposed of. The matter that the board considered in connection with these protests was the effective date which should be given to the board's judgment. No appearance was made by any live stock shippers' association, and no representations were, therefore, made on behalf of their interests. Dr. Magill and Frank Fowler appeared for the grain interests and Messrs. Kelly and Bacon for the lumbermen.

"I first deal with the lumber situation. At the hearing it was asked that the effective date should be postponed until April 1 next. Other representations have been made in writing, asking that the effective date of the tariffs should be made Mar. 1, Mar. 15, and April 1. There is no doubt that the desire of the trade to escape the higher rates is general.

"The application in this case was lodged in April, 1917. Sittings of the board, at which the application for an increase of rates was heard, were held as far back as June 5, 1917, and the lumber interests were represented at these hearings. As far back as June 6 last, Mr. Mackin, Chairman of the British Columbia Lumber & Shingle Manufacturers' Association, said: 'We notice one of the railways has stated that it would like to have an emergency declared, and this rate made effective within 30 days. What would be our position with a great deal of business on our books at present sold on the basis of the old rate? Is it not reasonable we should be given sufficient time? We think 30 days is not enough within which to clean up that business.'

"He was asked the question: 'Are your contracts made in that day? In view of the present situation, the changed conditions, are you not making most of your contracts subject to that?'

"His reply was: 'We have for the last ten days been doing that. But most of the lumber is sold on the conditions I have named above.'

"Alex. Wood appeared at the same sitting for the Rat Portage Lumber Co. He thought that three months would be the least time within which orders filed could be got out. Mr. Adolph, of the Adolph Lumber Company, at the sitting held on June 16 in Nelson, B.C., showed according to his quotations, that he had 2,000 orders which would have to be delivered at the present rates, and that he had no right of cancellation. He also stated that he had to deliver his lumber within 30 days if