

O.R. rule against the consignor, it can be appreciated that it would be impossible for the railway to concern itself with subtle questions of ownership, or whether the property in the goods carried had actually passed or not. The railway accepts and carries the goods "O.R.," let the owner be whom he may.

It is pointed out that in some cases the railway refuses to accept perishable freight unless marked "owner's risk" or released, refusing the 50 per cent. advance rate sanctioned by the Rule. The wording of the Rule is—"in cases where the shippers decline to accept such receipts endorsed 'owner's risk' or to sign such releases, the goods *may* be received for shipment," &c. In this particular the Rule may be somewhat ineffective, the railway having power to do more than protect itself—to charge as freight any rate it pleases, or insist on any classification, the only alternative to the shipper being to accept the "O.R." endorsement. The Railway Act (Sec. 241) does not contemplate any refusal to "receive, convey or deliver any passenger, goods or thing," but legislates against it, and provides a penalty of fifty dollars. It is obvious that with some classes of goods, dangerous explosives, for instance, a rigid enforcement of this Section of the Act would be impossible; but for the general run of O.R. goods the railway should not be entitled to refuse to carry at the 50 per cent. advance. In other words the word "may" in the Rule should be changed to "shall."

TORONTO, April 26th, 1900.

HON. A. G. BLAIR,

Minister of Railways,
House of Commons,
Ottawa, Ont.

DEAR SIR,—Your esteemed favor of the 23rd inst. has been duly received, together with a memorandum made by the Law Clerk of the Department, and has been placed before the Freight Rates Committee of the Board of Trade, in reply to which I am instructed to forward the following:—

Your frank admission that the engrossing duties you have to discharge incident to the Session of Parliament prevents you from giving the particular point the study necessary to express a definite personal opinion on the matter emphasizes the views so frequently expressed by members of our Board, viz.: that there should be a separate, independent tribunal permanently established so that there would not only be ample opportunity to thoroughly examine these matters, but also that there might be a continuous policy adopted dealing with the Railway Companies. In other words, the railways pursue a steady, aggressive policy, which could only be carried on by officers with the entire business and history of the companies, and the public require a similar, permanent organization, having the same advantages for acquiring a like knowledge of all the facts.

Your Law Clerk justified the approval of the Rule in 1899 because it was approved in 1897, and the approval of the Rule in 1897 because it was approved in 1893, and in answer to my request for the authority for this Rule says: "The answer must simply be that no authority is necessary." This is obviously incorrect. The companies must have authority of what they do, and the authority must be the Railway Act. If the Act authorizes this Rule, then your clerk should point out the clause. The goods covered by this Rule are not restricted to perishable goods, as understood in this connection; the great bulk of them can be carried with the utmost safety if they receive anything like reasonable care and despatch. I must also point out that although the Rule was adopted in 1893, it was not put into force until the present year.