

that there will not be any good cause for changing it. So what is there to be afraid of. One or two decisions by the board will soon establish a principle and wipe out all fear of litigation, about which we have heard a good deal of talk. On the other hand, if it should turn out that there are some impossible situations, will it not be a good thing to have one escape clause by which you can go to the board and ask to have the situation rectified, or have the board to rectify it of its own volition? Are some of my honourable friends afraid of that? Is it not fair and proper? Let them take either alternative. Either there is a possibility that something which ought to be remedied may arise, or there is no such possibility. In the one case the amendment could do no harm; and in the other case it might be a very good thing to have it there.

I want to repeat what was said by my honourable friend from Inkerman (Hon. Mr. Hugessen). This is new legislation, but can anybody say that possible contingencies are to be disregarded, as though they could never happen? Can anybody say that even the Turgeon Commission had so prophetic a vision of the future as to be able to say that obstacles to the application of the one-and-one-third formula might not be encountered, and that in special cases it might not be wise to have provision for relief? Unless my honourable friends can say that such an eventuality is unthinkable, why are they afraid of this escape clause?

**Hon. Mr. Ross:** The additional one-third would be sufficient to take care of any case.

**Hon. Mr. Farris:** My honourable friend is making a more sweeping forecast than I should care to make.

**Hon. Mr. Ross:** The United States has not got the advantage of the one-third extra rate.

**Hon. Mr. Farris:** And the United States has not got the disadvantages of it either.

Opponents of this amendment have said that it will give the board power to increase the rate by more than one-third in excess of the transcontinental rate. Of course it will. And some of my honourable friends are worrying about possible litigation. Do they not know that this very formula for the one-and-one-third rate is itself open to constant litigation before the Board of Transport Commissioners? You could go before the

board every day of the week, if you could get an audience with them, and argue that we ought to lower the one-and-one-third rate to what they have in the United States. The bill in the form in which it came to us from the other house could give rise to fear of multiplicity of law suits, if there was in the bill any basis for that fear, which of course there is not.

Honourable senators, I am told by counsel for the Province of British Columbia, a distinguished lawyer, that he attended all the meetings of the Royal Commission on Transportation and the question of this one-and-one-third rate was never discussed before that body. That statement cannot be challenged. I asked Mr. Knowles about it in committee and his answer was evasive. It is true that the Spokane system was discussed, but this formula that was recommended in the report was pulled out of the blue. I ask my friend from Waterloo (Hon. Mr. Euler) on what basis he can justify his support of the recommendation which is, as he says, arbitrary.

**Hon. Mr. Euler:** I did not say I would support it.

**Hon. Mr. Farris:** Oh, I thought you did.

**Hon. Mr. Euler:** No. My own opinion was that this recommendation was taken out of the air.

**Hon. Mr. Farris:** Yes, it was taken out of the air.

It is said to be a compromise. Well, if that is so, what objection can any fair minded person have to it. I make that appeal to honourable senators, not because my province would be vitally affected, but because we are sitting here as judges. What objection is there to this? No one had an opportunity to argue about it before the Royal Commission, because the matter never came up there. What objection can there be to giving to the Board of Transport Commissioners—a tribunal which parliament has set up to adjust freight rates—the freedom to adjust freight rates when, in the board's opinion, circumstances justify an adjustment?

**Hon. Mr. Euler:** Would my honourable friend recommend that the clause be deleted altogether, and that the matter be left to the board.

**Hon. Mr. Farris:** I said at the beginning that that was what I felt should be done, but