

If the rate in question here, when granted and acted upon, was shewn to be limited in its operation to one specific instance, it might be extended by the Board to cover all similar cases; a possible consequence which the railway company must bear in mind when making its bargain. But that falls far short of prohibiting its being made at all.

Then again the carriage of traffic for the Dominion free or at reduced rates necessarily cannot include carriage for any other than the named shipper. Section 77 cannot be applied in the case of free carriage, for it is limited to the charging of lower tolls, and not to cases where no charge is made.

It must also be borne in mind that if a lower and non-discriminating rate for all settlers' effects is what is provided for, then there is no necessity for sec. 341. Section 326, sub-sec. 3, already gives power to lower the tolls on any class or classes of the freight classification, and at the same time that lower rate is subject to sec. 315, which provides for equality of treatment. The use of the words "reduced rates" indicates something less than the usual or normal rates previously fixed or used. The proviso at the end of sec. 341 to which I have referred is, therefore, a wholly unnecessary clause if sec. 319 governs, as it must do if action under sec. 341 is only to be upon the terms of equality to all.

It may be remarked in passing that in the Brampton case the question submitted to the Supreme Court was, whether sec. 341 was modified or affected by sec. 77 or any other section of the Act. The answer that sec. 77 is applicable may, therefore, have been intended to exclude the other sections, such as 315, 317, 319, and 320, which relate to the same subject-matter as 77.

These considerations indicate that the section now in question is intended to deal with exceptional cases of traffic upon a wholly different basis from the one underlying the tolls and tariff sections which cover the main general business of railways. Unless, therefore, the section in question is so expressed as to carry into its provisions some inherent disability not derived solely from the other sections of the Act, its plain terms should govern.

It is unnecessary to consider the liability which it was said would flow from erroneous quotation of rates acted upon by the shipper, or the effect of the bargain in this case treated as an illegal contract. But it may be pointed out that by the interpretation section of the Railway Act the word "charge," when used as a verb with respect to tolls, includes "to quote;" so that the statement of the rate, if different from the tariff rate, is pro-