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Acuté and chronic diseases successfully treated. Consultation free for a limited time.—155 Germain street, near Ferry. Phone 4103, Saint John, N. B. Piano Instruction

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Mission secretary, 8
pieces walnut bedroom
s u i t e, refrigerator,
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BY AUCTION
at salesroom, 96 Germain street on

at salesroom, 96 Germain street on Tuesday afternoon, Oct. 6th, com-mencing at 8 o'clock. F. L. POTTS, Auctioneer



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Auctioneer, of 82
Germain Street,
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Slip at 10.30 Tuesday
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Pronouncements Register Dissent Of Two Railway Commissioners From McKeown-Oliver Decision

Boyce and Lawrence Maintain Other Members Had no Right to Issue Order Reducing Freight Rates on Grain Moving Westward Against Ruling of Majority of Board-Full Texts of Statements Are Given

HEREWITH is printed the text of the rulings of Commissioners Boyce and Lawrence of the Board of Railway Commissioners in the matter of freight rates. The judgment of Hone H. A. McKeown, chairman of the board, ruled that the application of British Columbia for an order reducing the freight rates on grain moving westward for export to the same rates proportioned to distance, as those on grain moving eastward tor export, hould be granted. In this ruling Hon. Frank Oliver, another member of the Railway Commission, concurred. The reduced rates have been in effect since Sept. 15, although an effort has been made to have the order re-

The text of the rulings of two dissenters, Commissioners Boyce and Lawrence, is here presented. The ruling of Commissioner Boyce was as

On August 29, last, after this case had been discussed at more than one meeting of the board, presided over by the Chief Commissioner, my brother Commissioner Lawrence and I informed the Chief Commissioner in writing through the secretary of the board that if it was proposed to deliver any judgment, purporting to deal with the matters involved herein apart from the general rate investigation, of which the subject is a part we desired to express our views.

The ethics involved in excluding expression of opinion in dissent of members of the board by this method.

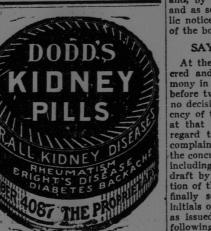
QUOTES ORDER.

Early in July this board proceeded in pursuance of the direction contained in the order-in-council, P. C. 886, dated 5th June, 1925, which, inter alia, directs the board—

"to make a thorough investigation of the rate structure of railways"

UNKNOWN TO THEM, HE SAYS.

The judgment of the minority of the board was, however, issued without the knowledge of Commissioner Lawrence or myself, and order thereupon was signed by the Chief Commissioner, without according to me or to Commissioner Lawrence, as members of the board, the most usual and ordinary courtesy of perusing and preparing our opinions upon such judgment before an order issued in terms thereof. As I and my brother Commissioner Lawrence promised the Chief Commissioner Lawrence promised the Chief Commissioner that we would express ourselves, I am obliged, for the reasons just stated, to do so after the order has been issued but as part of the judgment of the board upon this complaint as it presents itself to me now. I refrain from further comment upon I re INKNOWN TO THEM, HE SAYS.



ORNS Rub them frequently with Minard's and get speedy



Early in July this board proceeded in pursuance of the direction contained in the order-in-council, P. C. 886, dated 5th June, 1925, which, inter alia, directs the board—
"to make a thorough investigation of the rate structure of railways and railway companies subject to the jurisdiction of Parliament, with a view to the establishment of a fair and reasonable rate structure which will under substantially similar circumstances and conditions be equal in its application to all territories and localities;"

draft. At two meetings of the board that draft was considered and settled, and, by direction of the board, when, and as settled by the board, that public notice was issued by the secretary of the board under date of July 9 last.

SAYS NO RULING GIVEN.

At the time said notice was considered and settled by the board, testimony in this complaint had been heard before two members of the board and no decision had been given. The tendency of this complaint was referred to at that board meeting and, with due regard to this and all other pending complaints in like condition and with the concurrence of all members present, including the Chief Commissioner, the draft by him submitted for consideration of the board was changed, and, as finally settled, and evidenced by the initials of the Chief Commissioner, and as issued to the public, contained the following clause:

"Testimony now before the"

"Testimony now before the"

sufficient notice as to the other railway (C. P. R.) It is difficult to conceive that such a condition of things should be possible in this country, and, in view of the provisions of the Railway Act and the rules and practice of the board, and of what is generally accepted as a fundamental basis of natural justice, but the facts I state are, as I find them from the record of the proceedings, and were fully brought to the attention of every member of this board by strong protests from the railway, off repeated and insisted upon, before any decision was prepared.

REGISTERS DISSENIT.

The judgment of the minority members of the board, is put forward as part of the judgment of the board upon the general rate investigation required be made under the Order-in-Council, P. C. 886, cited. It is so expressly made plain in the opinion of the condition of the processible in this country, and, in view of the provisions of the Railway Act and the rules and practice of the board, what is generally accepted as a fundamental basis of natural justice, but the facts I state are, as I find them from the recent of the bo

is issued to the public, contained the following clause:

"Testimony now before the board in cases already heard and in which no decision has been given is not to be repeated. New and material evidence in such cases may be submitted in the usual way."

NEW EVIDENCE.

Both the Canadian Pacific Railway
Company and the Canadian National
Railways, in writing, asked for leave
to submit to the board "new and material evidence" in this case as such
notice in plain terms gave all parties
to this or any other proceeding before
the board the undoubted right to submit. Their application stood to be
dealt with as I presumed, as a part of

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the procedure in hearing the general case, and those applications are still standing for decision. All matters of rate complaints affecting any locality in Canada, so stood from and after 8th July last, to be dealt with under the procedure outlined in board's procedure contained in its public notice of that date

EFFECT ON REVENUES. The Canadian National Railways, whose revenues would be affected by any judgment granting this application to the extent of over a million dollars annually, protested that it had not even had notice of the hearing of this complaint and no opportunity for preparing its case at the hearing. After a careful and anxious examination of the proceedings, I find, as a fact, that no notice of hearing was ever given to the Canadian National Railways under the rules of this board, or otherwise, and what examination of the complaint did take place at the hearing at Vancouver in November, last, was, as far as the Canadian National Railways is concerned, entirely without due notice of hearing or service of complaint. The notice of hearing to all other parties was shorter than that usually allowed for such a hearing at a far distant point. The Canadian National Rail-

REGISTERS DISSENIT.

The judgment of the minority members of the board, issued as the judgment of this board, is put forward as part of the judgment of the board upon the general rate investigation required be made under the Order-in-Council, P. C. 886, cited. It is so expressly made plain in the opinion of the Chief Commissioner.

I entirely dissent from such being, in any way, binding upon the board, because:

(a) The board has, as a body, prescribed publicly the practice to be followed in making its investigations under the said Order-in-Council, and by its public notice had specially stated, that in cases, like the present, where testimony could be given. The railways having demanded that right and given notice that they intended to avail themselves of it, the case was not closed or ripe for decision;

ion;
(b). There was no investigation,
whatever, of the complaint since,

in terms of the Order-in-Council P. C. 886: HOLDS DECISION AGAINST IT Cigarettes

HOLDS DECISION AGAINST IT

(c) Since the Order-in-Council passed, the whole subject of the whole rate investigation was in the hands of the board as a whole, and whatever had been held—or had been—or could be, provided for until the periods of time for filing and answering complaints, and terms of notice generally of 9th July outlining preliminary steps to the hearings had respectively expired and been complied with.

(d) The whole case, as it now stands, having been laid before the board, as part of the general investigation, the board lirst, without a dissenting voice, had precluded itself from dealing with this case, except as a part of the general investigation, and, records, by a majority vote, at a meeting called by the Chief Commissioner to consider the desision upon this complaint, had decided that no such decision should be given except as part of such general investigation. The Largest Independent Brand in America Dock Street.

QUOTES RESOLUTION.

QUOTES RESOLUTION.

(e). The hearing of the complaint at Vancouver at which all evidence upon which judgment was based was conducted without notice to the Canadian National Railways which had protested against its validitity and its protests had not been even considered by the board.

The judgment of the Chief Commissioner, therefore, is clearly not the judgment of the board, but is contrary to the principles laid down in the board's notice to the public of 9th July, last, above referred to, and to a meeting of the board, passed at a meeting of the board, passed at a meeting of the board, possed at a meeting of the board, held this 2nd day of September called by and presided over by the Chief Commissioner for the purpose of considering this complaint is either a part of the General Rate Investigation or it is not. The answer in Parliment was that it is such a part and is to be dealt with by the board as such a part. The board itself has so dealt with it in its notice of 9th July and its resolution of the III has a part and is to be dealt with by the board as such a part. The board itself has so dealt with it in its notice of 9th July and its resolution of the III has a part and is to be dealt with by the board as such a part. The board itself has so dealt with it in its notice of 9th July and its resolution of the III has a part and is to be dealt with yet board as such a part. The board itself has so dealt with it in its notice of 9th July and its resolution of the III has a part and is to be dealt with by the board as such a part. The board itself has so dealt with it in its notice of 9th July and its resolution of the III has a part and is to be dealt with by the board as such a part. The board itself has so dealt with it in its notice of 9th July and its resolution of the III has a part of the III has a part and is to be dealt with by the board active to the principles and part. The board itself has so dealt with it in its not of the part and itself has so dealt with it in its not of the part and itself has

"Whereas order-in-council P. C. 886, of June 5th, 1925, directed the

"to make a thorough Investigation of the rate structure of
railways and railway companies subject to the jurisdiction
of Parliament, with a view to
the establishment of a fair and
reasonable rate structure which
will under substantially similar
circumstances and conditions
be equal in its application to
all territories and localities;"
theing set out that this was—
"so as to permit the freest pos-"so as to permit the freest pos-

"so as to permit the freest possible interchange of commodities between the various provinces and territories of the Dominion, and the expansion of its trade, both foreign and domestic, having due regard to the needs of its agricultural and other varied industries."

"And whereas it is set out that due regard is to be given in particular to—

"(a) the claim asserted on behalf of the Maritime Provinces that they are entitled to the restoration of the rate basis which they enjoyed prior to

which they enjoyed prior to

which they enjoyed prior to 1919;

"(b) the encouragement of the movement of traffic through Canadian ports;

"(c) the increased traffic westward and eastward through Pacific Coast ports, owing to the expansion in trade with the Orient and to the transportation of products through the Panama Canal."

"Ard whereas the order-in-council has by its direction and by the wording contained in clause (c) above embodied as part of the investigation now before the board the consideration of the bearing inter alia of traffic westward through Pacific Coast ports, thus, of necessity, involving the question of rates on export grain;

"Therefore Be It Resolved by the board that, in terms of the direction so given to it by Orderin-Council P. C. 886, the matter of export grain rates via Pacific ports, and other matters, if any, pertinent to the investigation in which may have been held but judgment not rendered, must of necessity be dealt with as part of the general investigation and under the judgment to be rendered in connection therewith."

SAYS RESOLVE BINDING.

SAYS RESOLVE BINDING.

SAYS RESOLVE BINDING.

This resolution, in the presence of all the members of the board, was proposed by the Assistant Chief Commissioner and concurred in by Commissioner Lawrence and myself. The Chief Commissioner and Commissioner Oliver dissented therefrom, and in accordance with usual prosedure, in this, as in any other court, the majority governed and the resolution was carried, and is now a resolution of the board, governing the conduct of the general investigation of freight rates in Canada, and was binding upon the Chief Commissioner when he subsequently issued his judgment.

The Order-in-Council of 5th June last, specially, and in plain terms, deprecates "any partial or incomplete consideration of the freight rate structure, and calls for a thorough and complete investigation' of 'the whole subject of railway freight rates in the Dominion." SHREDS AND PATCHES.

The disposition suggested by the judgment now offered is not only contrary to the policy and principle laid down by this board by the quoted resolution, but it is a direct departure from the directions of the Order-in-Council as the whole rate investigation committed to the board by it, and would, in its effect, make of the investigation of the whole rate structure insisted upon by the Order-in-Council a thing of "shreds and patches," or no avail whatever, in the important work committed to the board of "the establishment of a fair and reasonable rate structure, which will, under sub-

establishment of a fair and reasonable rate structure, which will, under substantially similr circumstances and conditions, be equal in its application too all persons and localities so as to permit of the freest possible interchange of commodities between the various provinces, etc.," as in the resolution of the board as quoted. INCREDIBLE, GROTESQUE. In the debate in Parliament upon the amendment to the Railway Act in regard to Crow's Nest Pass agreement in Júne, last, the claims of the Province of British Columbia, as presented ince of British Columbia, as presented to two members of this board in Vancouver, last November, were presented to Parlament, which was urged to give relief by that legislation. Parliament, which had available to it, if it desired them, all the proceedings and evidence submitted at the hearing, declinad to

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accede to such request, and for the reason, clearly expressed, that the question was one for this board (not a minority, against a majority, thereof), but for the board to deal with as part of the Canadian rate structure, the investigation of which had then been committed by the Order-in-Council of 5th June.

try, and which it is palpably impossible judgment of the charman of the board, which cannot be productive, in my judgment, of that confidence and respect of all interests in Canada concerned in the general rate investigation, which it is most essential should be conserved and maintained.

OUOTES LETTER.

This complaint is either a part of the General Rate Investigation or it is not. The answer in Parliment was that it is such a part and is to be dealt with by the board as such a part. The board iitself has so dealt with it in its notice of 9th July and its resolution of 2nd September, and, therefore, it is a very simple conclusion that no decision of a minority of the board can dispose of the question involved, any more than a minority judgment of the board can dispose of the complaints of the Maritime Provinces. The one case is on par with the other, and, if applied, the absurdity would run through the whole rate investigation and render it futile and farcical.

I specially refrain from commenting

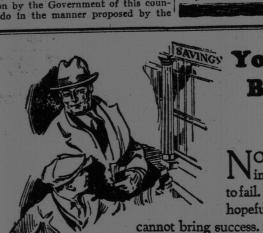
and farcical.

I specially refrain from commenting in any way on the merits involved in the complaint. I propose to deal with them when the time comes and according to the procedure laid down by the board, as I propose to deal with the complaints from every other province or locality in Canada, with an earnest desire to discharge my duty as a member of this board under the Order-in-Council and, after a careful and searching investigation of the Canadian rate structure in all, and not only one of its features, endeavor to do my part in fulfilling my duties and responsibilities with a view to the establishment of such a rate structure, as a whole, and with justice equally meted out to all localities, as is contemplated and insisted upon by the Government of this counto do in the manner proposed by the

Continued on page 17.

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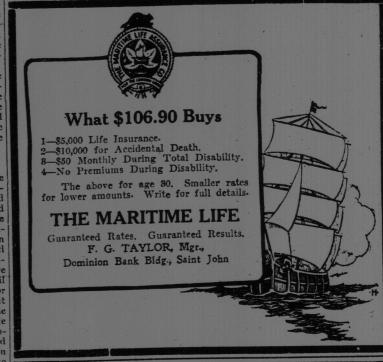
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