

No. 16.

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BILL

**An Act to regulate Freight and Passenger
Rates on Railways.**

First reading, February 14, 1900.

Mr. REID.

OTTAWA

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An Act to regulate Freight and Passenger Rates on
Railways.

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows :—

1. In this Act, unless the context otherwise requires,—
- 5 (a.) The expression “railway” includes all bridges and ferries used or operated in connection with a railway, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement or lease. Meaning of “railway.”
- 10 (b.) The expression “transportation” includes all instrumentalities of shipment or carriage. “Transportation.”
- (c.) The expression “carrier” means and includes every common carrier to which this Act applies. “Carrier.”
2. This Act shall apply to common carriers engaged in the transportation of passengers or property wholly by railway or partly by railway and partly by water when both are used, under a common control, management or arrangement, for a continuous carriage or shipment, from one province of Canada to another province of Canada, or from any place in Canada to an adjacent foreign country, or from any place in Canada through a foreign country to any other place in Canada, and also to the transportation in like manner of property shipped from any place in Canada to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in Canada and carried to such place from a port of entry either in Canada or in an adjacent foreign country : Provided, however, that this Act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one province and not shipped to or from a foreign country from or to any province as aforesaid. Application of Act.
3. All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property shall be reasonable and just ; and every unjust and unreasonable charge for such service is prohibited. Charges to be reasonable.
4. If any carrier directly or indirectly, by any special rate, rebate, drawback, or other device, charges, demands, collects or receives from any person, a greater or less compensation for No special rate to be made.

any service rendered, or to be rendered, in the transportation of passengers or property subject to the provisions of this Act, than such carrier charges, demands, collects, or receives from any other person for doing him a like and contemporaneous service in the transportation of a similar kind of traffic under substantially similar circumstances and conditions, such carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited. 5

No undue preference.

5. No carrier shall make or give any undue or unreasonable preference or advantage to any person, or locality, or any particular description of traffic, or shall subject any person, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage. 10

Or discrimination.

6. All carriers shall afford all reasonable and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any carrier to give the use of its tracks or terminal facilities to another carrier engaged in the same business. 15

Rates to be equalized.

7. No carrier shall charge or receive for the transportation of passengers or of the same kind of property under substantially similar circumstances and conditions any greater compensation in the aggregate for a shorter than for a longer distance over the same line, in the same direction, the shorter being included with the longer distance; but this shall not be construed as authorizing a carrier to charge and receive as great compensation for a shorter as for a longer distance: Provided, however, that upon application to the commission appointed under the provisions of this Act, such carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation of this section. 20 25 30 35

Combinations

8. No carrier shall enter into any contract, agreement, or combination with any other carrier for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in case of any such agreement, each day of its continuance shall be deemed a separate offence. 40 45

Schedule of rates.

9. Every carrier shall print, and keep open to public inspection, schedules showing the rates, fares and charges for the transportation of passengers and property which it has established and which are in force at the time upon its route. 2. Such schedules shall plainly show the places upon its railroad between which property and passengers, will be carried, and shall contain the classification of freight in force, and 50

shall also show separately the terminal charges and any rules and regulations which in any wise change, affect or determine any part or the aggregate of such rates, fares and charges.

3. Such schedules shall be plainly printed in large type, and 5 copies for the use of the public shall be posted in two public and conspicuous places, in every depot, station or office of such carrier where freight or passengers, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

10 4. Any carrier receiving freight in Canada to be carried through a foreign country to any place in Canada shall also in like manner print and keep open to the public inspection, at every depot or office where such freight is received for shipment schedules showing the through rates established and 15 charged by such carrier to all points in Canada beyond the foreign country to which it accepts freight for shipment; and any freight shipped from Canada through a foreign country into Canada, the through rate on which has not been made public as required by this Act, shall, before it is admitted into 20 Canada from such foreign country, be subject to customs duties as if it were of foreign production.

5. No advance shall be made in the rates, fares and charges so established and published, except after ten days' public notice, which shall plainly state the changes proposed to be 25 made in the schedule then in force, and the time when the increased rates, fares or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. Reductions in such 30 published rates, fares or charges shall only be made after three days' previous public notice, to be given in the same manner as notice of an advance in rates.

6. When any carrier has so established and published its rates, fares and charges it shall be unlawful for it to charge, 35 demand, collect or receive from any person a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares and charges.

7. Every carrier shall file with the commission hereinafter 40 provided for copies of its schedules of rates, fares and charges which have been so established and published, and shall promptly notify such commission of all changes made therein. Every carrier shall also file with the said commission copies of all contracts, agreements or arrangements with other carriers, 45 in relation to any traffic affected by the provisions of this Act, to which it is a party. In cases where passengers and freight pass over continuous lines or routes, operated by more than one carrier, and the several carriers operating such lines or routes establish joint tariffs or rates or fares or charges for such 50 continuous lines or routes, copies of such joint tariffs shall also in like manner be filed with the said commission. Such joint rates, fares and charges on such continuous lines so filed shall be made public by such carriers when directed by the said commission, in so far as the commission deems practicable; 55 and the commission shall, from time to time, prescribe the measure of publicity which shall be given to such rates, fares

and charges, or to such part of them as it deems it practicable for such common carriers to publish, and the places in which they shall be published.

8 No advance shall be made in joint rates, fares and charges, shown upon joint tariffs, except after ten days' notice to the commission, which shall plainly state the changes proposed to be made to the schedule then in force, and the time when the increased rates, fares or charges will go into effect. No reduction shall be made in joint rates, fares and charges, except after three days' notice to be given to the commission as is above provided in the case of an advance of joint rates. The commission may make public such proposed advances, or such reductions, in such manner as it deems practicable, and may prescribe from time to time the measure of publicity which carriers shall give to advances or reductions in joint tariffs. 15

9. No carrier, party to any joint tariff, shall charge, demand, collect or receive from any person a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare or charge is named thereon, than is specified in the schedule filed with the commission and in force at the time. 20

10. The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form when found expedient. 25

11. If any carrier neglects or refuses to file or publish its schedules or tariffs of rates, fares and charges or any part thereof, as provided in this section, such carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any court of competent jurisdiction in the judicial district wherein the principal office of the carrier is situated, or wherein such offence is committed, and if such carrier is a foreign corporation, then in the judicial circuit wherein such carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the Queen at the relation of the commissioners appointed under the provisions of this Act; and the failure to comply with its requirements shall be punishable as contempt; and the commissioners, as complainants, may also apply, in any court of competent jurisdiction for a writ of injunction against such carrier to restrain it from receiving or transporting property among the several provinces, or between Canada and adjacent foreign countries, or between ports of transshipment and of entry and the several provinces of the Dominion of Canada, as mentioned in the first section of this Act, until such carrier has complied with the provisions of this section. 30 35 40 45

No agreement to prevent continuous passage of freight.

10. No carrier shall enter into any combination, contract or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freight from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage or interruption made by such carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place 55

of destination unless such break, stoppage or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this Act.

5 **11.** If any carrier does, causes to be done, or permits to be done, anything in this Act prohibited, or omits to do anything in this Act required to be done, such carrier shall be liable to the person injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act. Damages to person injured.

10 **12.** Any person claiming to be damaged by a carrier may either make complaint to the commission as hereinafter provided for, or may bring suit in his own behalf for the recovery of the damages for which such carrier is liable under the provisions of this Act, in any court of competent jurisdiction; but such person shall not have the right to pursue both such remedies, and must in each case elect which one of the two methods of procedure herein provided for he will adopt. The court before which any such action brought for the recovery of damages is pending may compel any director, officer, receiver, trustee or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit. How claims for damages to be made.

25 **13.** Any carrier,—or if such carrier is a corporation, then any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation,—who, alone or with any other corporation, company or person, party, wilfully does or causes to be done, or willingly suffers or permits to be done anything in this Act prohibited, or who aids or abets therein, or wilfully omits or fails to do anything in this Act required to be done, or causes or willingly suffers or permits anything so directed or required by this Act to be done not to be so done, or aids or abets any such failure, or is guilty of any infraction of this Act, or aids or abets therein, shall, upon conviction thereof in any court of the province within the jurisdiction of which such offence was committed, be liable to a fine not exceeding five thousand dollars for each offence; and if the offence is an unlawful discrimination in rates, fares or charges for the transportation of passengers or property, such person shall, in addition to such fine, be liable to imprisonment for a term not exceeding two years, or to both such fine and imprisonment, in the discretion of the court. Penalties.

45 **2.** Any carrier, or, if such carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation who by means of false billing, false classification, false weighing, or false report of weight, or by any device or means, knowingly and wilfully assists, or willingly suffers or permits, any person to obtain transportation for property at less than the regular rates then established and in force on the line of transportation or such carrier, shall upon conviction thereof in any court of competent jurisdiction within the district in which such offence was committed, be liable for

each offence, to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both, in the discretion of the court.

3. Any person or any officer or agent of any corporation or company, who delivers property for transportation to any carrier or for whom as consignor or consignee any such carrier transports property who knowingly and wilfully, by false billing, false classification, false weighing, false representation of the contents of a package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the carrier or its agents, obtains transportation for such property at less than the regular rates then established and in force on the line of transportation shall be deemed guilty of fraud, and shall, upon conviction thereof in any court of competent jurisdiction within the district within which such offence was committed, be subject for each offence to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both, in the discretion of the court.

4. If any such person, or any officer or agent of any such corporation or company, by the payment of money or other things of value, or by solicitation or otherwise, induces any carrier, or any of its officers or agents to discriminate unjustly in his, its or their favour as against any other consignor or consignee in the transportation of property, or aids or abets any carrier in any such unjust discrimination, such person, officer or agent shall, upon conviction thereof in any court of competent jurisdiction within the district in which such offence was committed, be liable for each offence to a fine not exceeding five thousand dollars, or to imprisonment for a period of not exceeding two years, or to both, in the discretion of the court, and such person, corporation, or company shall also, together with the said common carrier, be liable, jointly or severally, in an action brought by any consignor or consignee discriminated against in any court of competent jurisdiction, for all damages caused thereby or resulting therefrom.

Inter-provincial
Commerce
Commission.

4. A commission may be established, to be known as the Inter-provincial Commerce Commission, which shall be composed of five commissioners, appointed by the Governor in Council. Not more than three of such commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any carrier, or holding stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall be competent to act as a commissioner. The commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

Powers of
commission.

5. The commission may inquire into the management of the business of all carriers, and shall keep itself informed as to the manner and method in which such business is conducted, obtain from such carrier full and complete information necessary to enable the commission to perform the duties and carry out the object for which it was created. Upon the request of the commission, any county attorney in any province

to which the commission applies, shall institute in the proper court and prosecute under the direction of the Attorney General of Canada all necessary proceedings for the enforcement of the provisions of this Act and for the punishment of all violations thereof, and the cost and expenses of such prosecution shall be paid by the Crown; and for the purposes of this Act the commission shall have power to require by subpoena, the attendance and testimony of witnesses, and the production of all books, papers, tariffs, contracts, agreements and documents relating to any matter under investigation.

2. Such attendance of witnesses, and the production of such documentary evidence may be required from any place in Canada at any designated place of hearing.

3. In case of disobedience to a subpoena the commission, or any party to a proceeding before the commission, may invoke the aid of any court of Canada in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section; and any of the courts of Canada within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to a carrier or other person, issue an order requiring such carrier or person to appear before such commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

4. The testimony of any witness may be taken, at the instance of a party in any proceeding or investigation depending before the commission by deposition, at any time after a cause or proceeding is at issue. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court in any of the provinces, or any clerk of a court, or any chancellor, justice or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness, and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

5. Every person deposing as hereinbefore provided shall be cautioned and sworn to testify the whole truth and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

6. If a witness whose testimony it is desired to take by deposition is in a foreign country, the deposition may be taken

before an officer or person designated by the commission or agreed upon by the parties by stipulation in writing to be filed with the commission.

7. Witnesses whose depositions are taken pursuant to this Act, and the magistrate or other officer taking the same shall severally be entitled to the same fees as are paid for for like services in the county court or superior court. 5

Proceedings
where com-
plaint against
carrier.

16. Any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, complaining of anything done or omitted to be done by any carrier in contravention of the provisions of this Act, may apply to the commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the commission to such carrier, who shall be called upon to satisfy the complaint or to answer it in writing within a reasonable time, to be specified by the commission. If such carrier, within the time specified, makes reparation for the injury alleged to have been done, the carrier shall be relieved from liability to the complainant only for the particular violation of law thus complained of. If the carrier does not satisfy the complaint within the time specified, or there appears to be any reasonable ground for investigating the complaint, it shall be the duty of the commission to investigate the matter complained of in such manner and by such means as it deems proper. 10 15 20 25

2. The commission shall in like manner investigate any complaint forwarded by the railway commissioner or railway commission of any province at the request of such commissioner or commission, and may institute any inquiry of its own motion in the same manner and to the same effect as though complaint had been made. 30

3. No complaint shall be dismissed because of the absence of direct damage to the complainant.

Report of
commission.

17. Whenever an investigation is made by the commission it shall be its duty to make a report in writing with respect thereto, which report shall include the findings of facts upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the carrier to any party found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found. 35 40 45

2. All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who complained, and to any carrier complained of. 45

3. The commission may provide for the publication of its reports and decisions in such form and manner as it deems best adapted for public information and use, and such authorized publications shall be evidence of the reports and decisions of the commission therein contained, in all courts in Canada and of the several provinces without any further proof or authentication thereof. The commission may also cause to be printed for early distribution its annual report. 50

18. If in any case in which an investigation is made by the commission it is made to appear to the satisfaction of the commission, either by the testimony of witnesses or by other evidence, that anything has been done or omitted to be done in violation of the provisions of this Act or of any law cognizable by the commission, by any carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of such violation, the commission shall forthwith cause a copy of its report with respect thereto to be delivered to such carrier, together with a notice to such carrier to cease and desist from such violation, or to make reparation for the injury so found to be done, or both, within a reasonable time, to be specified by the commission; and if, within the time specified it is made to appear to the commission that such carrier has ceased from such violation of law, and has made reparation for the injury found to be done, in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission, and the carrier shall thereupon be relieved from further liability or penalty for such particular violation of the law.

19. Whenever a carrier violates, refuses or neglects to obey or perform any lawful order or requirement of the commission, the commission or any person interested in such order or requirement, may apply in a summary way, by petition, to the county court or superior court of the judicial district in which the carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement occurs, alleging such violation or disobedience, as the case may be; and the said court may hear and determine the matter, on such short notice to the carrier complained of as the court deems reasonable; and such notice may be served on such carrier, its officers, agents or servants in such manner as the court directs; and the court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity but in such manner as to do justice in the premises, and to this end the court may, if it thinks fit, direct, and prosecute in such mode and by such persons as it appoints, all such inquiries as the court thinks needful to enable it to form a just judgment in the matter of such petition; and on such hearing the findings of fact in the report of the commission shall be *prima facie* evidence of the matters therein stated; and if it is made to appear to the court, on such hearing or on the report of any such person, that the lawful order or requirement of the commission has been violated or disobeyed, the court may issue a writ of injunction or other proper process, mandatory or otherwise, to restrain the carrier from further continuing such violation or disobedience of such order or requirement, and enjoining obedience thereto; and in case of any disobedience of such writ or other process, the court may issue writs of attachment or any other process of the court incident or applicable to such writ or other process, against the carrier, and if a corporation, against one or more of its directors, officers or agents, or against any owner, lessee,

trustee, receiver, or other person failing to obey such writ or other process; and the court may, if it thinks fit, make an order directing the carrier or other person so disobeying such writ or other process, to pay such sum of money, not exceeding 5 dollars, for every day, after a day to be named in the order, that such carrier or other person fails to obey such writ or other process; and such money shall be payable as the court directs, either to the party complaining or into the court, to abide the ultimate decision of the court; and payment thereof 10 may, without prejudice to any other mode of recovering it, be enforced by attachment or order in the nature of a writ of execution, in like manner as if it were recovered by a final decree *in personam* in such court. When the subject in dispute is of the value of two thousand dollars or more, either party to 15 such proceeding before such court may appeal to the Supreme Court of Canada, under the same regulations now provided by law with respect to security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court 20 may in every such matter order the payment of such costs and counsel fee as shall be deemed reasonable. Whenever any such petition is filed or presented by the commission it shall be the duty of the county attorney under the direction of the Attorney General of Canada to prosecute; and the costs and 25 expenses of such prosecution shall be paid by the Crown.

Trial by jury. 2. If the matters involved in any such order or requirement of the commission are founded upon a controversy requiring a trial by jury, and the carrier violates or refuses or neglects to comply therewith after notice given by the commission as pro- 30 vided in the section eighteen, any person interested in such order or requirement may apply in a summary way by petition to the county court or superior court of the province in which the carrier has its principal office, or in which the violation or disobedience of such order or requirement occurs, alleging 35 such violation or disobedience, as the case may be; and such court shall by its order then fix a time and place for the trial, which shall not be less than twenty or more than forty days from the time the order is made, and it shall be the duty of the sheriff of the district in which the proceeding is pending 40 to forthwith serve a copy of such petition and order upon each of the defendants, and it shall be the duty of the defendants to file their answers to the petition within ten days after such service. At the trial the findings of fact of the commission as set forth in its report, shall be *prima facie* evidence of the mat- 45 ters therein stated, and if either party demands a jury or omits to waive a jury the court shall, by its order, direct the sheriff forthwith to summon a jury to try the cause; but if all the parties waive a jury in writing, then the court shall try the issues in the cause and render its judgment thereon. If the 50 subject in dispute is of the value of two thousand dollars or more, either party may appeal to the Supreme Court of Canada under the same regulations now provided by law with respect to security for such appeal; but such appeal must be taken within twenty days from the rendering of the judgment of the 55 court. For the purposes of this Act, except its penal provisions, the county courts and superior courts of the provinces, shall be deemed to be always in session.

Appeal to
Supreme
Court.

20. The commission may conduct its proceedings in such manner as will best conduce to the proper despatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no 5 commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. The commission may, from time to time, make general rules or orders for the regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, 10 to those in use in the courts of Canada. Any party may appear before the commission and be heard in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. The commission shall have an 15 official seal which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpoenas.

Working of
commission.

21. Each commissioner shall receive an annual salary of two thousand dollars. The commission shall have a secretary 20 who shall receive an annual salary of one thousand five hundred dollars. The commission shall have authority to employ and fix the compensation of such other employees as it finds necessary to the proper performance of its duties. Until otherwise provided by law, the commission may hire suitable offices for 25 its use, and may procure all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage as are paid witnesses in the courts of the provinces.

Salary of
officers of
commission.

Witness fees.

2. All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners 30 or by their employees under their orders, in making any investigation, or upon official business in any other place than in the city of Ottawa, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman 35 of the commission.

Expenses of
commission.

22. The principal office of the commission shall be in the city of Ottawa, where its general sessions shall be held, but 40 whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the Dominion. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties, in any part of Canada, into any matter or question of fact pertaining to the business of any carrier.

Where
sessions to
be held.

23. The commission may require annual reports from all 45 carriers, fix the time and prescribe the manner in which such reports shall be made, and require from such carriers specific answers to all questions upon which the commission needs information. Such annual reports shall show, in detail, the 50 amount of capital stock issued, the amounts paid therefor, and the manner of payment; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the

Annual
reports from
carriers.

number of employees and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses, the balances of profit and loss; 5 and a complete exhibit of the financial operations of the carrier each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freight, or agreements, arrangements, or contracts with other common carriers, as the com- 10 mission requires; and the commission may within its discretion, for the purpose of enabling it the better to carry out the purposes of this Act prescribe (if in the opinion of the commission it is practical to prescribe such uniformity and method of keeping accounts) a period of time within which all carriers 15 shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

Annual
report of
commission.

24. The commission shall, on or before the first day of December in each year, make a report, which shall be laid before Parliament during the first fifteen days of the next 20 session thereof. This report shall contain such information and data collected by the commission as are considered of value in the determination of questions connected with the regulation of commerce, together with such recommendation as to additional legislation relating thereto as the commission deems 25 necessary, together with the names and compensation of the persons employed by the commission.

Exceptions
to general
clauses of Act.

25. Nothing in this Act shall prevent the carriage, storage, or handling of property free or at reduced rates for the Dominion, or the provinces, or municipal corporations, or for 30 charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, for the issuance of mileage, excursion, or commutation passenger tickets; 35 and nothing in this Act shall be construed to prohibit any carrier from giving reduced rates to ministers of religion, or to municipal corporations for the transportation of indigent persons, or to the inmates of orphan homes or other charitable institutions, including those about to enter and those returning 40 home after discharge, under arrangements with the board of managers of such homes, or institutions; and nothing in this Act shall be construed to prevent railways from giving free carriage to their own officers and employees, or to prevent the principal officers of any railway company from exchanging 45 passes or tickets with other railway companies for their officers and employees; and nothing in this Act contained shall in any way abridge or alter the remedies now existent at common law or by statute, but the provisions of this Act are in addition to such remedies: Provided, that nothing in this 50 Act shall prevent the issuance of joint interchangeable five thousand mile tickets, with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand or more miles. But before any carrier issues any joint interchangeable mileage tickets with special privi- 55

leges as aforesaid it shall file with the commission copies of the joint tariffs of rates, fares, or charges on which such joint interchangeable mileage tickets are to be based, together with specifications of the amount of free baggage permitted to be carried under such tickets, as carriers are required to do with regard to other joint rates by section six; and all the provisions of the said section relating to joint rates, fares and charges shall be observed by such carrier and enforced by the commission as fully with regard to such joint interchangeable mileage tickets as with regard to other joint rates, fares, and charges referred to in the said section. No carrier that has issued or authorized to be issued any such joint interchangeable mileage tickets shall demand, collect, or receive from any person a greater or less compensation for transportation of persons or baggage under such joint interchangeable mileage tickets than that required by the rates, fare, or charge specified in the copies of the joint tariff of rates, fares, or charges filed with the commission in force at any time, and the provisions of section thirteen of this Act shall apply to any violation of this provision.

26. The county and superior courts of the province shall have jurisdiction upon the relation of any person, firm or corporation alleging such violation by a carrier of any of the provisions of this Act as prevents the relator from having interprovincial traffic moved by the carrier at the same rates as are charged or upon terms or conditions as favourable as those given by the carrier for like traffic under similar conditions to any other shipper, to issue a writ of mandamus against the carrier, commanding it to move and transport the traffic or to furnish cars or other facilities for transportation for the party applying for the writ: Provided, that if any question of fact as to the proper compensation to the carrier for the service to be enforced by the writ is raised by the pleadings, a writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into court, or otherwise, as the court thinks proper, pending the determination of the question of fact: Provided, that the remedy hereby given by writ of mandamus shall be cumulative and shall not be held to exclude or interfere with other remedies provided by this Act.

Jurisdiction
of courts.

27. No person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he testifies or produces evidence, documentary or otherwise, before the commission, or in obedience to its subpoena, or in any such case or proceeding: Provided that no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Witnesses to
be protected.

Perjury.

2. Any person who neglects or refuses to attend and testify, or to answer any lawful inquiry, or to produce books, papers, tariffs, contracts, agreements, and documents, if in his power to do so, in obedience to the subpoena or lawful requirement

Penalty for
refusal to give
evidence.

of the commission, shall be guilty of an offence and liable to a fine of not less than one hundred dollars nor more than five thousand dollars, or to imprisonment for not more than one year, or to both such fine and imprisonment.