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Commutation Fares from Brampton.

In our last issue we gave in full the judgment delivered by J. P. Mabee, Chief Railway Commissioner, on Nov. 23, concurred in by Commissioner S. J. McLean, dismissing the application of F. W. Wegenast against the G.T.R., alleging discrimination against the town of Brampton, Ont., as compared with the town of Oakville, in the matter of commutation tickets and applying to the Board for relief. Commissioner Mills gave the following dissenting judgment Dec. 24:

The G.T.R. Co. admits that it has been, and is now, discriminating against Brampton as compared with Oakville in the matter of commutation tickets. Discrimination in tolls or rates against any person, commodity, or locality, is prima facie unjust, and should be disallowed by the Board, unless facts are stated and reasons given which are sufficient to prove that, under the special circumstances and conditions of any case in question, the difference in treatment "does not amount to an undue preference or an unjust discrimination" (Railway Act, sec. 77).

In every case of a lower toll given to one person, commodity, or locality than is given to another person, commodity, or locality, "under substantially similar circumstances and conditions," "the burden of proving that such lower toll or difference in treatment does not amount to an undue preference or unjust discrimination, shall lie on the company" (Railway Act, sec. 77).

A great deal of so-called evidence was given in this case; but very little of it bore even remotely upon the point at issue, viz., whether or not the admitted discrimination against Brampton as compared with Oakville in the matter of commutation tickets is just and reasonable. The railway company made an effort to justify the discrimination; but its failure to do so was, in my opinion, most signal and complete. The only witness called in defence was G. T. Bell, the company's General Passenger and Ticket Agent, who went at length

into an explanation of the reasons why the company had issued commutation tickets to Brampton and other places for a number of years, and why it had ceased to do so, especially in the case of Brampton. M. K. Cowan, counsel for the railway company, stated that the commutation tickets were withdrawn from Brampton because "they had not been taken advantage of"; and Mr. Bell testified that they were withdrawn on account of a demand, backed by a threat, from the business men of the town, because so many Brampton people were availing themselves of the commutation tickets to purchase goods in Toronto. Note Mr. Bell's evidence on this point. Question by Mr. Fullerton: "When you were giving commutation tickets to Brampton, the traffic got so large that it alarmed the Brampton mer-

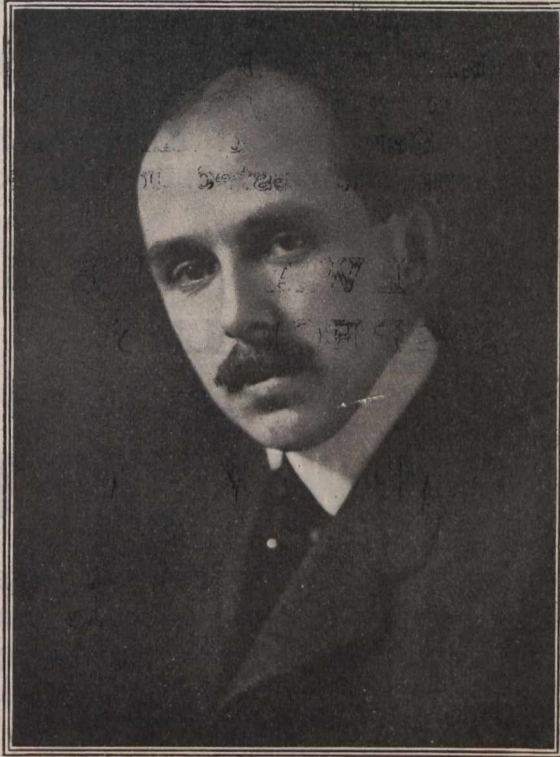
chants, and they, as you said, put a pistol to your head?" Answer by Mr. Bell: "It got enough for them to get excited"; but, he adds, "it was not the class of traffic the rate was put in to cultivate. It was people doing business and living in Brampton, and coming in daily to the city." Further—question by Mr. Cowan: "Is it possible to bring up a suburban service between here and Brampton by commutation tickets?" Answer by Mr. Bell: "I cannot believe it possible in the

people in Oakville, during this experimental stage, had bought homes in the country that they might have to sacrifice if the cheap rates were withdrawn"; but, further on, he stated that he could not tell how many people living at Oakville were doing business in Toronto when the company decided to continue the tickets to Oakville and withdraw them from Brampton. He was, he said, "just stating the general principle"; but he gave no evidence as to how many then had or now have

vested interests in Oakville, neither the number of the people nor the extent of their interests; nor any evidence as to the amount of property which might be sacrificed, especially in view of the fact that there is now an electric line between Oakville and Toronto; nor anything which would be called evidence as to whether or not there were and are similar vested interests in Brampton, from which town there is no competing electric line to Toronto. The population of Brampton is nearly double that of Oakville; the two towns are practically the same distance from Toronto. Mr. Bell's evidence proves that there was a very considerable amount—to the merchants of Brampton, an alarming amount—of daily traffic between Toronto and Brampton when the commutation tickets were withdrawn; and the evidence of other witnesses examined at the hearing tends to show, without actually proving, that, with commutation tickets such as those sold to the people of Oakville, the G.T.R.'s suburban traffic between Brampton and Toronto would be much greater than that on the G.T.R. between Oakville and Toronto.

I would not at present be disposed to order the issue of any class of tickets which would reduce the company's revenue, but it was not urged that commutation tickets such as those asked for by Brampton would result in a reduction of revenue. The regular return trip ticket from Brampton to Toronto costs \$1.10; and a 55-trip commutation ticket, good for one month, costs \$7.15. The former is purchased only by people who

must, or think they must, travel; and the latter (the cheaper ticket) appeals, not only to those who must do a certain amount of travelling, but also to the much larger number of people who need not travel, but will do so for a consideration—an inducement offered in the way of rate reduction, combined with the possibility of a greater variety of goods and better bargains in buying and selling; but no one can avail himself of the benefit, or supposed benefit, of the cheaper ticket until he has paid the company \$7.15, which is sure income to the company whether the purchaser makes the whole or only a small proportion of the trips within the month covered by the ticket; and so for each succeeding month. Hence it seems almost certain that the use of commutation tickets such as the above on ordinary trains, without any additional ex-



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conditions existing." Thus the company is represented as withdrawing the commutation tickets from Brampton at the dictation of the business men of the town, because so many people were going "daily to the city," and at the same time justifying the withdrawal on the ground that it was then, and is now, impossible to develop a reasonably profitable suburban traffic between the town and the city,—traffic of the kind which the company desires; but no evidence is given to prove that the admitted discrimination against Brampton is not unjust or unreasonable.

Mr. Bell stated that, after making an experiment with commutation tickets, the company had withdrawn them from certain places, including Brampton, and had decided to continue them at Oakville, because "some