

Now in effect this is an application to compel the railway companies to take 25 cents off the tariff that they have filed. The tariff is a one-way fare plus 25 cents; and in effect the request is that the railway company be compelled to carry at a one-way fare and cut off the 25 cents. The law does not give us jurisdiction to do anything of the kind.

We have had applications from different sources, one in particular from Montreal a year or two ago, to compel the railway companies to issue excursion tickets to some ice festival or ice palace or something they were having down there. We had also one from Sherbrooke in connection with a snowshoe association. The railway companies came to the conclusion that issuing excursion fares for meetings of that kind was not in the interest of the country. It was advertising that the country was cold, that the people engaged in the luxuries of ice palaces and the like, and they did not think that was good for immigration purposes. They said, We will not issue return tickets or excursion fares to demonstrations of that sort. We were asked to intervene and we held that we had no jurisdiction to intervene.

A railway company issues tickets to 300 people or more and we are asked to say that 300 is too many, that it ought to be cut down to 250 or 200. The answer is that the statute does not give us any authority to do anything of the kind. The railway companies have the right, if they like, to apply the regular return trip fare to any number of persons travelling from the same place to the same place, or as these people do, to these gatherings.

The application we think must fail upon both heads; first with reference to the 25 cent charge; and second with reference to the contention that 300 is too many.

I think it would be advisable for the railway companies to revise this unfortunately worded clause and set forth more clearly what evidently the intention was when the tariff was filed.

MCLEAN, COMR. (*dissenting in part*):—In regard to the tariff, I have indicated already the view I take in the matter. I differ slightly from what the Chief Commissioner has said. I cannot quite see that the tariff as worded falls within the definition of a toll contained in section 9 of chapter 61 of 7 & 8 Edw. VII. I think it is legitimate to assume that when the association saw fit, acting for the company, to put in the words "defray expenses," put in small capitals and