

It is unfortunate that the clause in the tariff that has been referred to was worded as it is. It was not necessary to use the word "fee" and it was not necessary to set out in that clause that this charge was to be made with a view of defraying expenses. It does not say distinctly that it is intended to raise a fund to defray the expenses of the special agent, but to defray expenses generally I should think would be the interpretation of those words. There is no more necessity of putting words "to defray expenses" in this document than there would be to put those words in any special freight or passenger tariff or any standard freight or passenger tariff that a carrier might file. Everybody knows that the law authorises railway companies and carriers to levy tolls with the view first of defraying expenses; and then if, as sometimes happens, there is anything left over, it goes to those whose money has been put into the enterprise. Probably if the word "fee" in the expression I have referred to had not been in this tariff it might not have been open to, and probably would not have invited the attack that has been made upon it. We come to the conclusion that this 25 cent charge is a toll or charge made in connection with the transportation of passengers. That is the first thing we find.

Secondly, we find, possibly not without some hesitation, and admitting that the matter is arguable, that that 25 cent charge is covered by this tariff, although in the unfortunate form to which I have adverted, and that the railway company is within its right in making the charge.

I can understand how some of these delegates who attend these conventions may feel about the payment of this 25 cent charge. But before we interfere, this fact must be remembered, certainly carrying passengers for a cent and a half a mile is carrying them for a pretty low charge. This is a concession made by the railway companies to people travelling in large numbers. The railway companies have discretion in connection with reducing fares. The law does not give this Board any jurisdiction over railway companies to compel them to issue excursion rates. If this were an application to compel the railway companies to carry bodies of people of 300 or more at one-way fares, we would have no jurisdiction to compel the railway companies to put in any such tariffs.