

to price and terms. That would be fair and reasonable. But that is not what is said. The notice claims that a right exists, which the issuer knew did not exist. Surely it is not unfair to suggest that the reason for this claim is to mislead and deceive. In effect agreements thus obtained are obtained by fraud and duress, and probably therefore voidable.

RAILWAY TICKETS AND TRAVELLERS.

Is a railway ticket in its ordinary form, exclusive evidence, between the traveller and the conductor, of the traveller's right to be carried?

Upon no question, under the law of carriers, has there been a greater diversity of legal opinion than upon the question as to whether a railway ticket is, as between the passenger and train conductor, exclusive evidence of the passenger's right to passage, or, whether such right can be established outside of the ticket by extrinsic evidence. The frequency that the courts are called upon to consider this question makes it an important, as well as interesting one.

Ordinarily a railway ticket for passage is regarded as a mere token, voucher or receipt adopted by the carrier for its convenience, to shew that the passenger to whom it was issued or sold has paid the required fare for his right to be carried: 25 Am. & Eng. Ency. Law, 1074, 1075; Elliott, Railroads, s. 1593; Thompson, Carriers of Passengers, 65; Fetter, Carriers of Passengers, 711 and cases cited; *Petrie v. Penn. Ry. Co.*, 42 N.J.L. 449; Article on "Tickets" in 1 Har. Law Rev. p. 20. It is merely evidence of such right and cannot be said, in its ordinary form, as such a token or voucher, to constitute the sole contract for passage between the carrier and passenger. As one author puts it: "Tickets issued by a railway company to a passenger are prima facie evidence of a contract between the railway company and the passenger, to transport the latter and his personal baggage from the station named therein as the place of departure, to the station named therein as the place of destination": Wood on Railroads (2nd ed.), 1634.