

THE
WHITBY
PORT PERRY
AND
LINDSAY
RAILWAY
DIARY

C. H. RIFF

is yet incomplete. Yes, their delays, contractors amongst with outsiders—the opening of the gone bye, the men Whitby and Port Perry to cause a laugh, with the bungling this is the position of day to-day. And in public suffers. The generously gave \$50,000, and its citizens the piper, who has never dancing. The town of Whitby gave their reap no benefit. We, have been waiting and completion of the road, this place, which we beneficial to us. But we may have had the undertaking, is raising. We were told not new blood" had been concern; but, it must this blood has not in or better life into the, all faith in this railway lost. The cause of all delay and trouble is of the Directory of the Standard affirms that Mr. of Whitby, is the sore; we heard that gentleman's y. However, the "Standard" Draper in such a way himself, he must either or stand convicted of and confidence placed people of Whitby, and contemporary says:—er Draper is the Presi- posed principal owner of this same Mr.

it is held by the Bank or Trustees, and stands a better chance of being sold and used on another road than on our railway.

Then say they—There is the Engine. Yes, certainly, an old cast off engine, bought at Portland, for an old song, repainted, and named the "Seagoy"—P. W. & P. P. R. R. Co. But on a small line above on the tender, we find these mysterious words—"The property of C. Draper, J. Bigelow, T. Paxton, E. Major, J. Holden, A. Ross, and J. Dryden." Consequently the old worn out wheezing Locomotive is not after all, the property of the Company is bankrupt and cannot buy an Engine, or that the Company like dishonest traders, are putting their property out of their hands to defraud their creditors. Once more our attention is directed to the platform cars; but these cars are only rented from the Canada Rolling Stock Co., and for annual rent, some twenty per cent is to be paid on a "fancy cost."

Then we are told to look at the Station Buildings. Yes the northern ones under lock and key, in the possession of the mechanics, who are holding on for their honest pay; and the Whitby one just peeping above ground, when all is stopped for want of funds. Once again say they, look at the road beds and grading. Yes—all under a good stiff mortgage of \$160,000. What is really left! Nothing but taxes for the Municipalities and—yes—the ties—that is the small foot end to change the gauge—nothing else for your correspondent."

Now, all this is simply disgraceful.—So much trickery, deception, selfishness and humbugging, we firmly believe, was never before witnessed in any enterprise in Canada. The time for completing the road, with the present men

track and other mishaps would occur, but as yet they had met with nothing of the sort. He felt sure the Narrow Gauge Railway would do all the business required up through this part of the country for the next twenty-six years. Thanking them for drinking his health in such a warm manner, he concluded amidst loud cheers.

Mr. Joseph Gould, one of the directors of the road was next called on. He said he felt honoured in being called on, he was glad to see so many present who took an interest in the narrow gauge system. He welcomed them on the part of the people of Uxbridge. They have hitherto been shut out from communication with other towns for want of telegraph or Railway communication. Now they were within two minutes of communication with Toronto as they could reach there in less than ten hours. He felt sure the long it was in use the more convinced would they be of its success. It had taken long time to construct and bring same to its present state; they had had difficulties to contend with but had over them. They would make money by opening this road. They would make money by opening this road. It was a new feature in the railway system. He must say that Mr. Laidlaw was father of this railway system in Canada. He assured them that since that they had built this railway the property in the town of Uxbridge was worth five times the value before Uxbridge voted her \$50,000 in the fall of '68. Other towns had voted their bonus in '69. Toronto had helped them munificently and if those who had thrown obstacles in the way had instead used their influence in the interests of this railway would have run to Cannington this. He felt sure that this road was a benefit to them. Several parties opposed the road had made a profit of 90,000 feet of lumber this year would pay all the railway taxes would have to pay. This very

LOCOMOTIVE SEIZED.

The following telegram to a city paper is rather suggestive. This road it would seem is bent upon being unfortunate. Not long since the only locomotive they had on the line was seized by the Sheriff for debt. No sooner do the Company purchase another than it is also seized for trying to pass it through the custom house for less than its value. Would it not be well for the present incapables to resign, and let fresh hands run the one horse Machine. The telegram is as follows:

WHITBY.—A locomotive, purchased for the Port Whitby and Port Perry Railway Company from the Portland Locomotive Company, has been seized at this port, for being entered under value. The engine was purchased at \$11,500, and it was entered at \$4,590. Mr. Warren, the collector of customs, ascertained that three of the same priced locomotives had been entered by the same Company for the same railroad, at \$9,500 each, and made the seizure, and reported the case to Ottawa. Political influence, it is stated, will be brought to bear on the latter end to have the seizure released.

Uxbridge Journal
MAY 9
1872

WHITBY.

There are five ice boats owned at the bay.

The townspeople are beginning to find the advantage of having a Market, by getting butter and eggs from 2c to 3c cheaper than they formerly could, and farmers receive the cash.

The traffic receipts of the Whitby, Port Perry and Lindsay Railway for the week ending February 14th, 1880, were:—Passengers, \$401.32; freight, \$1,225.19; mails and sundries, \$58.20; total, \$1,685.21. For the corresponding period of last year, \$975.29. Increase, \$708.92.

The town Council will hereafter pay \$3 to the team that is first hitched and takes the fire engine to any fire within the corporation and brings it back to the engine house after the fire is over.

The new Post Office is being handsomely fitted up, and when finished will be very complete, the plan of boxes, drawers, &c., being a great improvement on former arrangements.

While the morning train for the North on the Whitby, Port Perry and Lindsay railway was being made up at the Grand Trunk junction on Thursday last, the mail and baggage cars caught fire, and were completely destroyed. The fire originated in the smoking department, which formed part of the mail carriage. A high wind prevailed, and the cars being exposed on the track all efforts were rendered futile in extinguishing the flames, which suddenly burst out and enveloped the carriages. The mail car was insured, and belonged to the Whitby, Port Perry and Lindsay Railway Company. The baggage car belonged to the Midland Railway Company. The mail matter was not on board at the time, and was despatched in another car.

The leading fashionable event in town last week was the marriage of Capt. Wm. Sherwood, of the steamer *Noraman*, to Miss Jennie Shaw, eldest daughter of Rev. John Shaw, president of the Toronto Methodist Conference. The interesting ceremony took place in the Methodist Tabernacle, in the presence of a large congregation, at 4 p. m. on the 18th inst., and was performed by the bride's father, assisted by Rev. T. W. Jeffery, of Cobourg. Mr. J. M. Shaw, Mr. George Carveth and Master Robbie Shaw acting as groomsmen, and Misses Annie Sherwood, Clara Snaw and Lulu Shaw as bridesmaids. After the ceremony a reception was held at the parsonage from 4:30 to 6 o'clock, and was attended by a large number. A large number of valuable presents were bestowed. After supper the usual toasts, with responses, were given, and at 9:45 the happy pair took the evening express for Toronto and other points westward.

February 26

1880

Uxbridge

Port Whitby and Port Perry Railway.

AN EXCURSION PARTY.

Last week, a large party, numbering between thirty and forty, assembled at the Union Station, Toronto, on their way to make a trip on the Port Whitby and Port Perry Railway, to which they had been invited by Mr. James Austin, the President of the company. The road has been in running order and carrying freight since the beginning of 1872, but the enterprise was languishing when in May last the road was purchased by the present Company as a private Commercial stroke. With the double purpose of displaying the prospects of the road and its connections through an almost unknown country, and of giving their numerous friends a pleasant holiday trip, the Directors determined upon a start, which was effected, after the inevitable delay of an hour and a half at the Union Station, the party going in a chartered car. On arriving at Whitby the party assumed the proportions nearly that were continued throughout the journey. The plan of the route was proceeded upon the P. W. and P. P. Railway to Port Perry, there to embark on a steamer, traverse Lake Scugog and river, and thence across Sturgeon Lake to Bobcaygeon, which was to be the terminus of the excursion. This, it was contemplated would require two days' travel, and with this in view, the company had prepared at different stations on the route for the entertainment of the entire party, whose numbers were increased amazingly during every halt for refreshment.

The road from Whitby to Port Perry—20 miles—is finished, all but the ballasting of small portions. It has been very easy of construction, as there is only one embankment of considerable extent, and one short cutting. The country on the line of road presented a very fine, thrifty appearance. Our small holiday train passed on rapidly, by Brooklin and Myrtle stations, and

now, however, we touched ground, when a competent navigator immediately pushed the boat off with a pike pole. The travelling was slow, but we reached Lindsay at last, where we see the first locks, where no delay occurred in transshipping the company to the "Vanderbilt," a very trim little steamer, with neatly fitted saloon and promenade deck, covered with an awning. The river travel continues twelve miles further to Sturgeon Lake, where our journey is to end. Beyond Lindsay the river banks assume a changed appearance. The channel in this reach of the river is both deeper and wider than that above Lindsay, but it presents difficulties to navigation. On we sail, down the Sturgeon Lake to Fenelon Falls, where are the saw mills of Smith & Co., Green and Ellis, Hillyard & Mowry, D. G. Smith, and McArthur Bros., making probably 12,000,000 feet each, and with a capacity for 100,000,000 feet. There is almost unlimited water power here. We made but a short stay, and putting out into the lake, which is a charming sheet of water with clear limestone shores, we arrived about dark at our journey's end. Bobcaygeon is an Indian word signifying "swift rapids," as before the lock was built here the river had a considerable descent within a short distance. Here dinner had been provided in the Forest House, kept by Mr. Simpson. And here, after dinner, was the event of the day—the speech-making. After the cloth had been removed, Mr. Austin, who occupied the chair, gave the usual loyal toasts which were responded to with enthusiasm. It was late when we got back to Lindsay, where the Company had to thank Mr. Michie for being provided with beds in several very excellent hotels. By noon next day we had reached Port Perry, our home path, and here we parted with Mr. J. Bigelow and Mr. Trounce. The trip had been one of unmingled pleasure, and all were loud in praise of the admirable and liberal arrangements.

Mara Council.

Uxbridge
Journal

August 21
1873

OPERATION—ABANDONMENT.

C. N. R. v. PORT PERRY, ONT., et al.

(File No. 39310.3.)

Board of Railway Commissioners. February 3, 1936.

Carriers IV D—Railways—Operation — Abandonment — Effect of abandonment on business and community interests predominant factor involved—Bus and truck service.

The C.N.R. applied for leave to abandon the operation of that portion of the Port Perry Subdivision between Whitby Town (M. 2.8) and Cresswell (M. 32.8), a total distance of 30.0 miles.

With the exception of Port Perry, the line proposed to be abandoned passes through farming communities of minor importance, along which there are no industries of consequence being developed. A good concrete highway parallels the railway and most of the territory affected, served by bus and truck facilities. Port Perry is the business and commercial centre of a large farming community. The line had not been maintained in a good and safe condition for operation, with the result that train movements—the service had been reduced from a daily to a bi-weekly mixed service—were restricted to a speed of 10 m.p.h. The line had been operated at a loss.

Held, upon the evidence, that public interest would be served by rehabilitating and operating the line between Port Perry and Whitby. Abandonment of that portion of the line between Cresswell and Port Perry, to take effect 30 days after the date of the Order, approved. The direction and Order to be without prejudice to the company's making a further application if so advised after the expiration of 2 years, provided future operation shows a continued loss in revenue.

Heard at Port Perry, Ont., May 29, 1935.

I. C. Rand, K.C., with *A. D. McDonald* and *J. F. Pringle*, Gen'l. Supt. of Transportation, for the C.N.R.

J. D. Lucas, for the municipalities interested.

COMMISSIONER STONE:—Built under the charter of the Port Whitby and Port Perry R. Co. which later became the Whitby and Port Perry Extension R. Co., this line was opened for operation in 1877 and in the same year became known as "The Whitby, Port Perry and Lindsay Railway Company." It provided connection between Lake Ontario and Lake Scugog at Port Perry and from there "to the navigable water in the town of Lindsay and thence to Fenelon Falls." In 1882 in consolidation with other lines it became "The Midland Railway Company." In 1884 the Midland R. Co. was leased to the

G.T.R., and in 1893 amalgamated with the G.T.R. finally becoming part of the C.N.R. in 1923.

No ballast has been placed on the roadbed since 1915; it is very light and generally worn out. Ties are untreated and old. There are seven steel bridges in fair condition and six timber bridges in poor condition. Culverts are in poor condition. The rails are poor and in places badly bent. 16 miles were laid with 56-pounds rail in 1886, and 8 miles with 65-pound rail in the same year. The balance of 6 miles is laid with 80-pound rail. Train movements are restricted to 10 m.p.h., more particularly between Port Perry and Cresswell.

Application was made by the C.N.R. under s. 165A, s. 2(3), of the Canadian National-Canadian Pacific Act, 1932-33 (Can.), c. 33, and all other appropriate statutory provisions, for an order granting it leave to abandon the operation of its line between Whitby Town and Cresswell, a total distance of 30 miles.

On receipt of this application arrangements were made for investigation by the Board's officers. On March 20, 1935, a general inspection of the line was made by officers of the Engineering and Operating Departments of the Board and representatives were heard from Port Perry, Reach township, village of Brooklin, Scugog township, merchants and shippers. The case was heard by the Board at Port Perry on Wednesday, May 29, 1935.

Prior to March 9, 1931, the service consisted of a daily except Sunday passenger train, and a daily except Sunday mixed train connecting at Whitby Junction with main line trains east and west. Service was reduced on March 9, 1930, to a daily except Sunday mixed service; and on September 27, 1931, the service was further reduced to a tri-weekly mixed train service. In addition there was a tri-weekly mixed train service furnished between Whitby Junction and Brinlook crossing by the train operating over the Orono Subdivision. This service was further reduced to a bi-weekly mixed train service; also a bi-weekly service between Whitby Junction and Brinlook crossing.

In describing the territory involved the applicant states:—
“The line passes through a prosperous mixed farming country. The villages served are farming communities and are of minor importance with the exception of Port Perry, which is the busi-

ness and commercial centre of a large farming community. There are no industries of consequence being developed along this line. A good concrete highway (No. 7) parallels the line and is kept open all year. There is bus and truck competition serving most of this territory."

In support of the application the following summarized statements were submitted:—

Revenues accruing to:	Branch	Balance of System	Total
Oct., 1930-Sept., 1931	\$12,989 00	\$36,481 00	\$49,470 00
1933	4,005 00	21,472 00	25,477 00
1934 .....	.....	.....	34,644 00
Expenses incurred on:			
Oct., 1930-Sept., 1931	\$62,636 00	\$17,418 00	\$80,054 00
1933	32,267 00	10,375 00	42,642 00
1934 .....	.....	.....	42,980 00
System loss from operation:			
Oct., 1930-Sept., 1931 .....	.....	.....	\$30,584 00
1933 .....	.....	.....	17,164 00
1934 .....	.....	.....	8,336 00
Car movements on line:	Inward	Outward	Total
Oct., 1930-Sept., 1931	328	152	480
1933	241	68	309
1934	287	112	399

Referring to the various items included in receipts shown for 1930-31, counsel for the applicant explained that distribution of earnings as between the branch line and the balance of the system was divided on a mileage basis, and that the cash collections are insignificant as a check of representative months would not warrant adding more than \$50 to the amount already shown.

Maintenance of way and structure expenses during the same period was compiled on a yearly average covering the period 1928 to 1933 inclusive, and included \$2,040 for divisional superintendence, which may not become material or represent an actual saving. The balance of expense included operating and station costs carrying traffic over the other lines of the system, and an annual outlay of \$2,550 for provincial taxes.

Cost for placing the line in condition under which reasonable operation might be carried on was estimated by the railway company at \$10,000.

Counsel for the applicant further stated that Cresswell was approximately three-quarters of a mile south of Manilla Junction,

but the community would still be served by the railway. Sonya was of minor importance, but there was a substantial shipment of turnips from Seagrave. The country on the westerly side between Seagrave and Port Perry is a bit rocky and swampy, and it was suggested shipments from the vicinity of Seagrave could be taken care of from Blackwater Junction. Port Perry is the important point on the line, as during the period from October, 1930, to September, 1931, 193 carloads were shipped in and 32 carloads out, consisting principally of coal, lumber, slabs, grain and flour. In the same year the freight earnings were \$17,929, and total traffic \$24,390. In 1934 freight earnings \$18,926, total traffic \$21,027. The inward carload movements were considerably in excess of the outward movements at both Port Perry and Brooklin. Port Perry is on Highway No. 12 connecting with Highway No. 7 and the C.P.R. crossed this line at Myrtle, approximately 7 miles from Port Perry and the railway had recently inaugurated the pick-up and delivery service operating from Oshawa, which will serve all these points as far north as Port Perry; that this service would shortly be in effect and take care of outbound and inbound L.C.L. freight and what might formerly go by express.

Under examination by counsel a number of representative witnesses of various business interests located in Port Perry and adjacent farming activities opposed the application and gave evidence emphasizing the necessity for continued operation of the line as it meant the very life of the community and the business interests served.

It was stated that Port Perry had a resident population of 1,200 persons and was the only logical outlet for the inhabitants of the municipality of Scugog, an island 11 miles long and 33 miles in circumference, surrounded by Lake Scugog. This municipality was not served by the Burketon Junction-Lindsay line of the C.P.R. Decrease in rail traffic in recent years was due partly to the depression, but primarily to change in farming methods from seed grain to cattle raising, on account of penalties imposed by United States tariffs.

"Q. What has become of the said business?—A. Well, of recent years two unfortunate tariffs were put on by the United States. When the first tariff was placed, \$2.40 a bushel, we

still did business, but when it was placed at \$4.80 a bushel that was prohibitive. Tariff was placed probably five or eight years ago."

Cattle raising had not been a profitable business for the farmer, and with a substantial reduction in tariff on seed grain this business would again revive and bring additional revenue to the railway. Various business interests during recent years had changed hands, and these business interests had facilities for storage of coal, grain and other commodities, which would be a direct loss. The firm of Hogg & Lytle Co. contended their business would be cut in two by the closing of the line, two-fifths of which was done at Port Perry, and their elevator being worth \$30,000 would be a direct loss if operation were abandoned. The lumber interests at Port Perry would be considerably handicapped as competition was keen, and the business would not absorb the additional costs for trucking from Myrtle, seven and a half miles distant, the nearest rail connection to Port Perry. Half of the Township of Cartwright was served through Port Perry, which is considered by those in the trade as probably one of the best trading country points in the province for inward and outward freight. The Kroehler furniture manufacturers who previously shipped by motor-truck had found this method of transportation unprofitable and scrapped their motor-trucks, and in future furniture would be transported by rail.

In a brief submitted by Mr. J. D. Lucas, K.C., representing various interests opposing the application, it is contended that the districts along the railway, such as the village of Port Perry, were built up after the railway was constructed and as a result of the presence of the railway; that the development of the area, the municipal indebtedness for schools, public improvements, etc., has resulted from the development brought about by the railway; that it is not in the public interest to deprive or to hinder farmers in the marketing of their products at a time when the tendency of legislation and public feeling is in favour of assisting and re-establishing farmers and producers; that with the improvement of conditions it is inopportune to request the abandonment of the line until further opportunity is given to test its usefulness to the citizens of these communities; that if the railway is abandoned it will take away the possibil-

ities of the economic advancement of the communities served and farmers and others will be at the mercy of the ungoverned truckers; and that any saving to the C.N.R. from the operating loss currently present in the operation of the branch line is outweighed by the far greater loss which there would be to the municipalities served by the railway, etc.

The revenue received from passenger traffic does not warrant continued train operation. The abandonment of the line to movements of carload freight traffic, and its subsequent effect on the business and community interests, is the predominant factor involved, and applies more particularly to Port Perry and the municipality of Scugog than to other points.

Seagrave, 7.4 miles north of Port Perry, is the only station between Port Perry and Cresswell where cars are loaded. The loadings consist principally of turnips and grain hauled by the farmers, in some cases, 12 miles to the station. The only record shown for inbound movements was one car of cattle during the test period of 1930-31. It is alleged no serious inconvenience would be caused the farmer if the outward shipments were made from other adjacent stations, particularly those located west of Seagrave, as they could ship through Blackwater Station.

Approximately four-fifths of the carload freight movements are routed through Whitby to or from Port Perry and intermediate stations. The municipality of Scugog is served through Port Perry. The commodities hauled by the railway are heavy and bulky, for which proper facilities have been erected for storage at Port Perry. If transported by truck from Myrtle, a distance of $7\frac{1}{2}$ miles, or other available stations it is alleged the additional cost for truck haul plus rail charges would seriously handicap, and in some cases prohibit, the continuation of business industries at Port Perry, thereby reacting to the detriment of community interests in general.

The C.P.R. line east of Lake Scugog, formerly known as its Burketon-Lindsay line, was abandoned for service as of December 12, 1932; and authority has been granted for the abandonment of the C.N.R. line between Greenburn and Ronnac, known as the Orono Subdivision, from which line a former tri-weekly mixed service was furnished between Whitby Junction and Brinlook Crossing.

It was admitted by counsel for the applicant that it is questionable whether the charges for divisional superintendence would be actually saved by the abandonment of the line and might, therefore, reasonably be deducted from the various losses shown, as well as credit given for cash fares collected but not recorded in the statements.

If authority were granted for abandonment of that portion of the line between Porty Perry and Cresswell a substantial saving would be made in costs for operation, maintenance, provincial taxes, prospective rehabilitation expense, and would also reimburse the railway to some extent for material salvaged.

It will be noted from the statements filed that a considerable reduction was made in the losses shown in 1934 as compared with previous years. Much of this was due to economies put into effect by the railway company. It is alleged, however, that it would cost \$10,000 to rehabilitate this line for service, but this amount would be considerably reduced by the abandonment of that portion of the line between Cresswell and Port Perry.

Considering all that is involved in this case, I am of the opinion order should issue authorizing the railway company to abandon that portion of its line between Cresswell and Port Perry, to take effect thirty days subsequent to issuance of the order. The line between Port Perry and Whitby to be rehabilitated and operated to take care of traffic offering; the same to be without prejudice to any future application the railway company may desire to make after the expiration of 2 years, provided future operation demonstrates this segment of the line shows a continued loss in revenue.

McLEAN, A.C.C. and NORRIS, C., concur.

REGULATIONS FOR PREVENTION OF FIRES.

General Order No. 548

Board of Railway Commissioners. December 4, 1935.

In pursuance of the powers conferred upon it by ss. 34, 281, and 287 of the Railway Act, and of all other powers possessed by it in that behalf; upon reading the submissions filed by the Railway Association of Canada for the railway companies in-

"The Railway is a people's railway from the beginning.

Whitby Town Bonus	\$50,000 and \$10,000 stock
Whitby Township bonus	15,000
Reach Township bonus	30,000
Scugog Township bonus	2,500
Port Perry bonus	20,000

"These bonuses were given so that this territory would have a railway for all time. In addition, the railway is now part of the National System, which is nationally owned. The people now have a moral right to have the service continued upon equitable grounds."

It has been pointed out by the Board on other occasions, regardless of the payment of subsidies or of agreements, the Board has absolute jurisdiction to authorize the abandonment of operation of any line of railway. If it had not, then the whole purpose behind the enactment of s. 165A of the *Railway Act* would be nullified.

The underlying principles applied and under which abandonments are considered can be found by referring to such cases as *Mun. of Archie v. C.P.R.* (1933), 41 C.R.C. 387; *Brandon, Sask., & Hudson Bay R. Co. v. Morden* (1935), 43 C.R.C. 188; and *V., V. & E. R. & Nav. Co. v. Keremeos* (1935), 43 C.R.C. 236. The main issue for consideration in such cases is whether or not the inconvenience occasioned by abandonment and consequential loss to the public outweigh the burden that continued operation of the line would impose upon the railway.

Having regard to all the factors involved in this application, in my opinion an Order should issue granting the application.

CROSS C.C., and WARDROPE A.C.C. concurred.

C.N.R. v. LATERREUR.

*Quebec Court of King's Bench, Appeal Side, Sir Mathias Tellier C.J.,
Létourneau, Gagnéault and Walsh JJ. and Gibsons J. ad hoc.
March 15, 1941.*

Railway III A—Accident—Damages—Negligence—"Trespasser, Invitee, Licensee"—Responsibility of Railway Company—Appeal.

Appeal by the Railway Company from the judgment of the trial Judge in an action for damages for negligence.

Respondent (plaintiff) had recovered judgment in the Superior

It was admitted by counsel for the applicant that it is questionable whether the charges for divisional superintendence would be actually saved by the abandonment of the line and might, therefore, reasonably be deducted from the various losses shown, as well as credit given for cash fares collected but not recorded in the statements.

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Whitby and Port Perry Railway

The *Chronicle* says that the last \$10,000 of the town of Whitby's \$50,000 bond debentures were handed over on Tuesday 1st August. The station at Whitby, has been built. The iron has arrived and the workmen have commenced laying the track. The first locomotive, the "Scugog," and several platform cars are now on the line, and the tracklaying and ballasting will go on with redoubled efforts until the road is in running order.

August 10
1871

Yes—the iron is there and it is held by the Bank or Trustees, and stands a better chance of being sold and used on another road than on our railway.

Then say they—There is the Engine. Yes, certainly, an old cast off engine, bought at Portland, for an old song, repainted, and named the "Scougog"—P. W. & P. P. R. R. Co. But on a small line above on the tender, we find these mysterious words—"The property of C. Draper, J. Bigelow, T. Paxton, E. Major, J. Holden, A. Ross, and J. Dryden." Consequently the old worn out wheezing Locomotive is not after all, the property of the Company is bankrupt and cannot buy an Engine, or that the Company like dishonest traders, are putting their property out of their hands to defraud their creditors. Once more our attention is directed to the platform cars; but these cars are only rented from the Canada Rolling Stock Co., and for annual rent, some twenty per cent is to be paid on a "fancy cost."

Then we are told to look at the Station Buildings. Yes the northern ones under lock and key, in the possession of the mechanics, who are holding on for their honest pay; and the Whitby one just peeping above ground, when all is stopped for want of funds. Once again say they look at the road beds and grading. Yes—all under a good stiff mortgage of \$160,000. What is really left! Nothing but taxes for the Municipalities and—yes—the ties—that is the small foot end to change the gauge—nothing else for your correspondent."

Now, all this is simply disgraceful.—So much trickery, deception, selfishness and humbugging, we firmly believe, was never before witnessed in any enterprise in Canada. The time for completing the road with the present men

August
31
1871

OPERATION—ABANDONMENT.

C. N. R. v. PORT PERRY, ONT., et al.

(File No. 39310.3.)

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The C.N.R. applied for leave to abandon the operation of that portion of the Port Perry Subdivision between Whitby Town (M. 2.8) and Cresswell (M. 32.8), a total distance of 30.0 miles.

With the exception of Port Perry, the line proposed to be abandoned passes through farming communities of minor importance, along which there are no industries of consequence being developed. A good concrete highway parallels the railway and most of the territory affected, served by bus and truck facilities. Port Perry is the business and commercial centre of a large farming community. The line had not been maintained in a good and safe condition for operation, with the result that train movements—the service had been reduced from a daily to a bi-weekly mixed service—were restricted to a speed of 10 m.p.h. The line had been operated at a loss.

Held, upon the evidence, that public interest would be served by rehabilitating and operating the line between Port Perry and Whitby. Abandonment of that portion of the line between Cresswell and Port Perry, to take effect 30 days after the date of the Order, approved. The direction and Order to be without prejudice to the company's making a further application if so advised after the expiration of 2 years, provided future operation shows a continued loss in revenue.

Heard at Port Perry, Ont., May 29, 1935.

I. C. Rand, K.C., with *A. D. McDonald* and *J. F. Pringle*, Gen'l. Supt. of Transportation, for the C.N.R.

J. D. Lucas, for the municipalities interested.

COMMISSIONER STONE:—Built under the charter of the Port Whitby and Port Perry R. Co. which later became the Whitby and Port Perry Extension R. Co., this line was opened for operation in 1877 and in the same year became known as "The Whitby, Port Perry and Lindsay Railway Company." It provided connection between Lake Ontario and Lake Scugog at Port Perry and from there "to the navigable water in the town of Lindsay and thence to Fenelon Falls." In 1882 in consolidation with other lines it became "The Midland Railway Company." In 1884 the Midland R. Co. was leased to the

G.T.R., and in 1893 amalgamated with the G.T.R. finally becoming part of the C.N.R. in 1923.

No ballast has been placed on the roadbed since 1915; it is very light and generally worn out. Ties are untreated and old. There are seven steel bridges in fair condition and six timber bridges in poor condition. Culverts are in poor condition. The rails are poor and in places badly bent. 16 miles were laid with 56-pounds rail in 1886, and 8 miles with 65-pound rail in the same year. The balance of 6 miles is laid with 80-pound rail. Train movements are restricted to 10 m.p.h., more particularly between Port Perry and Cresswell.

Application was made by the C.N.R. under s. 165A, s. 2(3), of the Canadian National-Canadian Pacific Act, 1932-33 (Can.), c. 33, and all other appropriate statutory provisions, for an order granting it leave to abandon the operation of its line between Whitby Town and Cresswell, a total distance of 30 miles.

On receipt of this application arrangements were made for investigation by the Board's officers. On March 20, 1935, a general inspection of the line was made by officers of the Engineering and Operating Departments of the Board and representatives were heard from Port Perry, Reach township, village of Brooklin, Scugog township, merchants and shippers. The case was heard by the Board at Port Perry on Wednesday, May 29, 1935.

Prior to March 9, 1931, the service consisted of a daily except Sunday passenger train, and a daily except Sunday mixed train connecting at Whitby Junction with main line trains east and west. Service was reduced on March 9, 1930, to a daily except Sunday mixed service; and on September 27, 1931, the service was further reduced to a tri-weekly mixed train service. In addition there was a tri-weekly mixed train service furnished between Whitby Junction and Brinlook crossing by the train operating over the Orono Subdivision. This service was further reduced to a bi-weekly mixed train service; also a bi-weekly service between Whitby Junction and Brinlook crossing.

In describing the territory involved the applicant states:—

“The line passes through a prosperous mixed farming country. The villages served are farming communities and are of minor importance with the exception of Port Perry, which is the busi-

ness and commercial centre of a large farming community. There are no industries of consequence being developed along this line. A good concrete highway (No. 7) parallels the line and is kept open all year. There is bus and truck competition serving most of this territory."

In support of the application the following summarized statements were submitted:—

Revenues accruing to:	Branch	Balance of System	Total
Oct., 1930-Sept., 1931	\$12,989 00	\$36,481 00	\$49,470 00
1933	4,005 00	21,472 00	25,477 00
1934 .....	.....	.....	34,644 00
Expenses incurred on:			
Oct., 1930-Sept., 1931	\$62,636 00	\$17,418 00	\$80,054 00
1933	32,267 00	10,375 00	42,642 00
1934 .....	.....	.....	42,980 00
System loss from operation:			
Oct., 1930-Sept., 1931 .....	.....	.....	\$30,584 00
1933 .....	.....	.....	17,164 00
1934 .....	.....	.....	8,336 00
Car movements on line:	Inward	Outward	Total
Oct., 1930-Sept., 1931	328	152	480
1933	241	68	309
1934	287	112	399

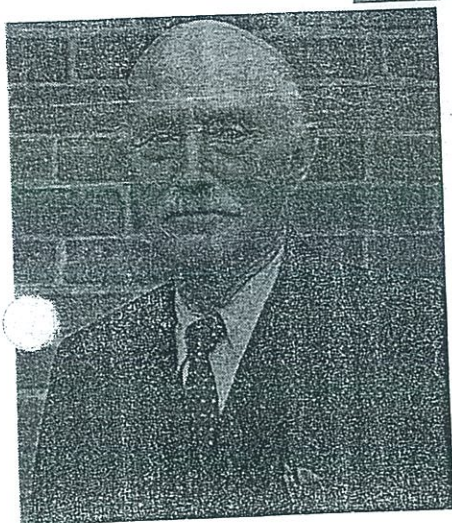
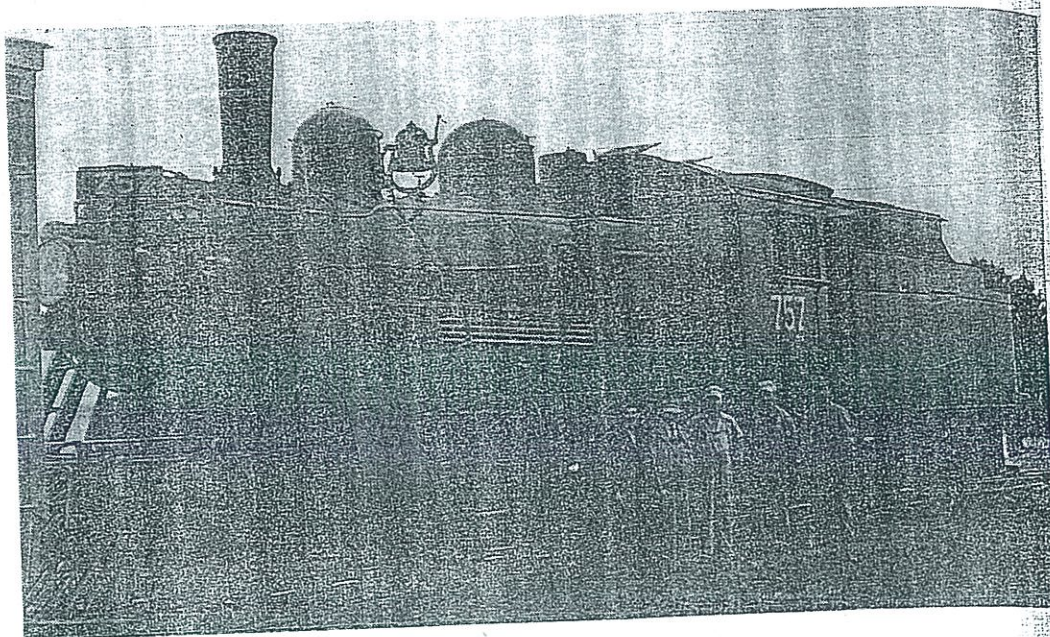
Referring to the various items included in receipts shown for 1930-31, counsel for the applicant explained that distribution of earnings as between the branch line and the balance of the system was divided on a mileage basis, and that the cash collections are insignificant as a check of representative months would not warrant adding more than \$50 to the amount already shown.

Maintenance of way and structure expenses during the same period was compiled on a yearly average covering the period 1928 to 1933 inclusive, and included \$2,040 for divisional superintendence, which may not become material or represent an actual saving. The balance of expense included operating and station costs carrying traffic over the other lines of the system, and an annual outlay of \$2,550 for provincial taxes.

Cost for placing the line in condition under which reasonable operation might be carried on was estimated by the railway company at \$10,000.

Counsel for the applicant further stated that Cresswell was approximately three-quarters of a mile south of Manilla Junction,

One of the oldest railroads in Ontario, the "Nip and Tuck", Canadian National Railways spur line between Port Whitby and Port Perry, has gone out of active service. Making the last run in July, the final freight train brought the line's 74 years of service to a close. Here, the crew, James Wheelan, engineer; Cliff Condre, fireman; P. Alexander, conductor, and Alf Becker, brakeman, gathers about the engine preparatory for the last run. BELOW—John Jeffrey, 84, of Prince Albert, Ont., a passenger on the first trip over the line more than 70 years ago, was the last passenger on the final run.



Early in July, the "Nip and Tuck", a part of the Canadian National System, and one of the oldest railroads in Ontario, closed its 74 years of service. It had a romantic career. Some of it is told in the following account published in the GAZETTE AND CHRONICLE, Whitby, under date-line Port Perry, July 8.

TODAY the "Nip and Tuck", one of the oldest railroads in the province, is but a memory, with the closing of the Port Whitby-Port Perry spur line of the C.N.R.

Yesterday, over rust-streaked rails, a puffing shunter engine hauled its last load. Today crews of workmen began tearing up the steel, which is destined to become material of war.

As the mournful call of the locomotive whistle echoed through the streets of Port Perry, and residents gathered for the last time to hear the rhythmic click of turning wheels fade in the distance with the last wisp of smoke, many of the more romantic memories of the line became once more vivid in the minds of the old timers.

Sir William Mulock, Chief Justice of Ontario, now 97, began his early law career for the railway and

his desk was in the old "head office" of the company, over the station at Whitby.

That the Port Whitby-Port Perry link should be but the first in a transcontinental line competing with the Canadian Pacific, which was projected at that time, was the dream of James Holden, managing director of the company in 1873. His untimely death by pneumonia in Western Canada in 1881 spelled the end of the dream which might have made Whitby the eastern terminus of a mighty road.

Once when the Nip and Tuck was in one of its many financial depressions, Sheriff Reynolds was ordered to attach one of the engines.

"It wasn't just as easy as that," J. F. Holden, 82-year-old son of the original managing director, recalls. "He finally decided he would stop the engine when it came into the station at Whitby and slap an order on it. We had wind of the plan, and the engineer was warned accordingly.

"Pulling through the station at Whitby, the engineer, Ben Sweet, could see a barricade of ties across the line near what is now the College road. Calling to his fireman to 'stoke her up', Ben opened the throttle full, and with a full head of steam headed straight for the barricade where the sheriff and his deputy waited.

"With whistle blowing and with great clouds of smoke the old engine took the barricade in its stride at 40 miles an hour. Ties flew in all directions when the cowcatcher hit the pile, and the sheriff and his man fled for their lives and never came back."

For the people of Whitby to see extra fast trains speeding through the town was not unusual—but when the trains were going extra fast it usually meant they were out of control.

Coming down the slight grade from Port Perry, sometimes a train that was loaded specially heavy would get the better of its brakes and speed past its stops at a great rate. On one occasion a load of mast timbers destined for Whitby harbor almost landed into the water, train and all, after roaring the entire length of the run out of control. It was brought to a stop within a few feet of the end of the rails.

The school trains, carrying scores of boys and girls from the back concessions to the halls of learning at Whitby, were sometimes hours late as snow blocked the rails. It was on one of these "snow blocked" occasions that James Holden, junior, serving as a relieving operator on the railway, was sent up to Port Perry where the operator was ill.

An opportunity to drive the engine was one that was not regarded lightly at that time, and the local steamed north with J. Holden, engineer pro-tem, at the throttle. Just north of Manchester, the line was blocked with heavy drifts, but under direction of the engineer, the amateur driver "opened her up" and plowed into the drift in a flurry of snow. The engine stalled, and half way through refused to move either ahead or back.

Crew and passengers spent the night in the train, but they didn't go hungry. With several cases of eggs and slices of bacon in the baggage car they all lived royally.

(Continued on page 15)

The "Nip and Tuck"

(Continued from page 14)

Excursions and outings along the railroad are among the many fond recollections of the older residents.

An outing in those days was really a day out—starting early in the morning and ending with daylight. Flat cars would be equipped with rough wooden benches and lined around with evergreen hedges. Behind the snorting old woodburner, billowing clouds of smoke and showers of wood ashes, the picnic party would be hauled up the grade at Port Perry.

At Port Perry the outing took to the water, where several scows equipped with benches and cedar hedges would be hauled around the lower end of Lake Scugog behind woodburning tugs.

The railway, however, wasn't built just for pleasure. It had its beginning in the rivalry of the three villages of Prince Albert, Manchester and Port Perry, back in the late 60's. Application for a charter for the line was made to the local Legislature in the same year that the Fathers of Confederation welded the provinces into a Dominion.

Starting as a line from Port Whitby to Port Perry, the road would join with another line to cross the continent to the Pacific, later extended to Manilla Junction, near Lindsay, with plans being drawn up to extend it through Ontario to Port William, and then farther west.

With approval of the charter in 1867, Joseph Bigelow was named first president, with Thomas Paxton, W. S. Sexton, Chester Draper, John Ham Perry, James Holden and Sheriff Williams associated with him.

Financing was taken care of by bonuses granted by Whitby Town, \$50,000; Whitby Township, \$20,000, and Reach Township, \$30,000. Stock was subscribed to a total of \$100,000, and a contract to build the line was let to J. H. Dumble, Cobourg.

Dumble started work, but sold out to C. E. English, of Toronto. The new company failed before the job was finished, and the railway company completed construction itself.

The line was originally built on the wide gauge plan, with one locomotive named "The Scugog" doing trojan duty in speeding the transfer of grain and timber to the schooners at Lake Ontario.

Despite popularity of the railway, it was financially unsound. Joseph Bigelow, who had money which he wished to put into the company, resigned his post as president to lend another \$40,000, which privilege he was denied as an officer. He was succeeded by James Dryden.

but the community would still be served by the railway. Sonya was of minor importance, but there was a substantial shipment of turnips from Seagrave. The country on the westerly side between Seagrave and Port Perry is a bit rocky and swampy, and it was suggested shipments from the vicinity of Seagrave could be taken care of from Blackwater Junction. Port Perry is the important point on the line, as during the period from October, 1930, to September, 1931, 193 carloads were shipped in and 32 carloads out, consisting principally of coal, lumber, slabs, grain and flour. In the same year the freight earnings were \$17,929, and total traffic \$24,390. In 1934 freight earnings \$18,926, total traffic \$21,027. The inward carload movements were considerably in excess of the outward movements at both Port Perry and Brooklin. Port Perry is on Highway No. 12 connecting with Highway No. 7 and the C.P.R. crossed this line at Myrtle, approximately 7 miles from Port Perry and the railway had recently inaugurated the pick-up and delivery service operating from Oshawa, which will serve all these points as far north as Port Perry; that this service would shortly be in effect and take care of outbound and inbound L.C.L. freight and what might formerly go by express.

Under examination by counsel a number of representative witnesses of various business interests located in Port Perry and adjacent farming activities opposed the application and gave evidence emphasizing the necessity for continued operation of the line as it meant the very life of the community and the business interests served.

It was stated that Port Perry had a resident population of 1,200 persons and was the only logical outlet for the inhabitants of the municipality of Scugog, an island 11 miles long and 33 miles in circumference, surrounded by Lake Scugog. This municipality was not served by the Burketon Junction-Lindsay line of the C.P.R. Decrease in rail traffic in recent years was due partly to the depression, but primarily to change in farming methods from seed grain to cattle raising, on account of penalties imposed by United States tariffs.

“Q. What has become of the said business?—A. Well, of recent years two unfortunate tariffs were put on by the United States. When the first tariff was placed, \$2.40 a bushel, we

still did business, but when it was placed at \$4.80 a bushel that was prohibitive. Tariff was placed probably five or eight years ago."

Cattle raising had not been a profitable business for the farmer, and with a substantial reduction in tariff on seed grain this business would again revive and bring additional revenue to the railway. Various business interests during recent years had changed hands, and these business interests had facilities for storage of coal, grain and other commodities, which would be a direct loss. The firm of Hogg & Lytle Co. contended their business would be cut in two by the closing of the line, two-fifths of which was done at Port Perry, and their elevator being worth \$30,000 would be a direct loss if operation were abandoned. The lumber interests at Port Perry would be considerably handicapped as competition was keen, and the business would not absorb the additional costs for trucking from Myrtle, seven and a half miles distant, the nearest rail connection to Port Perry. Half of the Township of Cartwright was served through Port Perry, which is considered by those in the trade as probably one of the best trading country points in the province for inward and outward freight. The Kroehler furniture manufacturers who previously shipped by motor-truck had found this method of transportation unprofitable and scrapped their motor-trucks, and in future furniture would be transported by rail.

In a brief submitted by Mr. J. D. Lucas, K.C., representing various interests opposing the application, it is contended that the districts along the railway, such as the village of Port Perry, were built up after the railway was constructed and as a result of the presence of the railway; that the development of the area, the municipal indebtedness for schools, public improvements, etc., has resulted from the development brought about by the railway; that it is not in the public interest to deprive or to hinder farmers in the marketing of their products at a time when the tendency of legislation and public feeling is in favour of assisting and re-establishing farmers and producers; that with the improvement of conditions it is inopportune to request the abandonment of the line until further opportunity is given to test its usefulness to the citizens of these communities; that if the railway is abandoned it will take away the possibil-

ities of the economic advancement of the communities served and farmers and others will be at the mercy of the ungoverned truckers; and that any saving to the C.N.R. from the operating loss currently present in the operation of the branch line is outweighed by the far greater loss which there would be to the municipalities served by the railway, etc.

The revenue received from passenger traffic does not warrant continued train operation. The abandonment of the line to movements of carload freight traffic, and its subsequent effect on the business and community interests, is the predominant factor involved, and applies more particularly to Port Perry and the municipality of Scugog than to other points.

Seagrave, 7.4 miles north of Port Perry, is the only station between Port Perry and Cresswell where cars are loaded. The loadings consist principally of turnips and grain hauled by the farmers, in some cases, 12 miles to the station. The only record shown for inbound movements was one car of cattle during the test period of 1930-31. It is alleged no serious inconvenience would be caused the farmer if the outward shipments were made from other adjacent stations, particularly those located west of Seagrave, as they could ship through Blackwater Station.

Approximately four-fifths of the carload freight movements are routed through Whitby to or from Port Perry and intermediate stations. The municipality of Scugog is served through Port Perry. The commodities hauled by the railway are heavy and bulky, for which proper facilities have been erected for storage at Port Perry. If transported by truck from Myrtle, a distance of $7\frac{1}{2}$ miles, or other available stations it is alleged the additional cost for truck haul plus rail charges would seriously handicap, and in some cases prohibit, the continuation of business industries at Port Perry, thereby reacting to the detriment of community interests in general.

The C.P.R. line east of Lake Scugog, formerly known as its Burketon-Lindsay line, was abandoned for service as of December 12, 1932; and authority has been granted for the abandonment of the C.N.R. line between Greenburn and Ronnac, known as the Orono Subdivision, from which line a former tri-weekly mixed service was furnished between Whitby Junction and Brinlook Crossing.

ed in the judgment dated February 3, 1936, it would have had the tendency to decrease the cost of operation and increase the traffic. I think it is clear the line has been kept in shape to handle all the traffic that has offered; and, I think it is also clear that if the line had been brought up to any higher standard, the out-of-pocket costs of operating from 1936 to the present time would have been substantially increased. The only commodities handled over this line are low-rated heavy ones; coal, coke, and cordwood make up more than 50% of the carload traffic for the calendar years 1937, 1938, 1939.

There were 3 coal merchants who gave evidence; 2 from Port Perry and 1 from Brooklin. When asked what the cost of moving coal from Whitby to Port Perry by truck would be, they were unable to furnish any figures as to the actual cost. Mr. Ressor, a coal merchant from Port Perry, undertook to file figures at a later date; and, on October 25, 1940, he filed the following letter, including a statement—

“Relative to the inquiry held at Whitby on Monday, October 21st, into the affairs of the Whitby Port Perry Branch of the C.N.R. and your request for an approximate estimate as to the cost of trucking coal to Port Perry.

“The following statement is figured on trucking from either Oshawa or Whitby and we feel is as conservative as can possibly be made, on a one year operation basis—

Original Capital outlay for 10-ton truck	\$5,000.00
Interest on investment at 5%	250.00
Depreciation	1,000.00
Operation (Driver)	900.00
“ (Gas, oil, repairs)	200.00
“ (Licence)	127.50
“ (Insurance)	50.00

Operations costs for one year \$2,527.50

“Our records show that we receive approximately 1,200 tons of Anthracite Coal in one year which would mean a trucking cost of over \$2.00 per ton.

“We thank you for this opportunity of laying these figures before you, and feel sure that they speak for themselves.”

The above figures of course are no guide to this Board. It

must be obvious to anyone that no practical businessman would purchase a 10-ton truck and employ a man for a year to haul 1,200 tons of coal a distance of 12 miles from Oshawa to Port Perry.

Coal dealers in Port Perry and Brooklin were therefore written to, as follows:

February 1st, 1941.

"With respect to the hearing held by the Board at Whitby on October 21st, 1940, on the proposed abandonment of the Canadian National line between Whitby Town and Port Perry, I am instructed by the Board to request that you file a statement of the 1940 mileage made by each of the trucks which you operated during that year. If the above is not available, will you kindly supply an estimated annual mileage.

"Please give this request your immediate attention."

On February 4, 5 and 19, 1941, the following replies were received:

"PORT PERRY, ONT., Feb. 3-1941.

"Your letter of the 1st received asking for mileage on our truck for the year 1940.

"We have only one truck and an estimated mileage for 1940 would be 9,000 miles."

"Trusting that this is the information you require, we remain,

"Sd- F. E. REESOR."

"PORT PERRY, ONT., Feb. 4th, 1941.

"Replying to your letter of the 1st we hereby give you the estimated mileage for our two trucks during the year 1940 which is 17,500 miles.

"This figure includes the distance covered by our trucks in delivering ice, lumber and fuel.

"Sd- LAKE SCUGOG LUMBER & COAL CO. LTD.

"per E. G. MITCHELL."

"BROOKLIN, Feb. 17, 1941.

"Your letter of Feb. 12 received, re haulage of coal. It is impossible for me to give you the mileage the trucks travel in cartage of coal as they haul gravel the greater portion of the time. The average haul would be a mile delivery. I cannot see what the delivery of coal has to do with the railway.

"Sd- W. F. CROXALL."

From the above information the Board's Transportation

Economist made a study of moving coal with a 2-ton dump truck by highway from Oshawa to Port Perry and from Whitby to Brooklin. The carloads of coal for 1939 were used because they were higher in that year than for any of the years covered in the statement accompanying the application. The result of the study has satisfied me that, allowing for the differential in the freight rate of 61c. per ton from Oshawa to Port Perry and of 36c. per ton from Whitby to Brooklin, that no serious burden would be imposed upon the community because of the added cost of transporting coal, if this application was granted.

In so far as available trucking service in the district affected by this application is concerned I give the following information given by the Ontario "shipped by truck" Directory for the year 1940-1941—

	Name of Common Carrier	Home Office	Frequency of Service
Port Perry	Cook's Transport	Port Perry	Daily to Toronto
	Henshaw Transport	Port Perry	Daily to Toronto
	Smith Transport Ltd.	Toronto	Daily to all points of importance in Quebec and Ontario
	Woodville Transport	Cannington	....
Brooklin	Henshaw Transport	Port Perry	Daily to Toronto
	McBrian's Transport	Brooklin	....
	Smith Transport	Toronto	Daily to all points of importance in Quebec and Ontario
	Woodville Transport	Cannington	

The C.N.R. operated, under contract, a daily trucking service for L.C.L. freight and express between Oshawa and Port Perry via Whitby; and, at p. 4975 (Vol. 678), it is stated by the applicant that it is the intention of the railway to continue the above service.

Counsel for the respondents, in a brief submitted on behalf of the Townships of Whitby, Reach and Scugog, and the Village of Port Perry, in opposition to the application of the C.N.R., states as follows (2nd paragraph)—

C.N.R. v. PORT PERRY et al.

(File No. 39310.3)

The Board of Transport Commissioners, February 26, 1941.

Railways II D—Operation—Abandonment—Highway transportation—
 Decrease in railway traffic—Revenues—Coal transportation
 by truck—Subsidies—Agreements—Jurisdiction—Principles
 applied—Section 165A of the Railway Act, R.S.C. 1927, c. 170
 (am. 1932-33, c. 47, s. 1).

This is a renewal of an application made in 1935 by the C.N.R. for approval of abandonment of operation of the Port Perry Sub-division between Whitby and Cresswell, Ont., a distance of 30 miles. Abandonment of that portion of the line between Cresswell and Port Perry was approved by Order No. 52747, dated February 6, 1936, without prejudice to the railway company's making a further application for abandonment of the portion of the line between Whitby and Port Perry if so advised, after the expiration of two years, provided operation showed a continued loss in revenue. (44 C.R.C. 369.)

From statements made at the hearing in 1935 it appears respondents were confident that if the line from Port Perry to Whitby continued to operate, there would be a substantial increase in traffic. The evidence shows that not only has there been no increase, but that traffic is decreasing.

The C.N.R. operates, under contract, a daily truck service for L.C.L. freight and express between Oshawa and Port Perry, via Whitby. The intention is to continue this service.

In the Board's view, no serious burden would be imposed upon the community because of the added cost of transporting coal by truck from Whitby to Port Perry if this application were granted.

Regardless of the payment of subsidies or of agreements (not confirmed by the Parliament of Canada so as to become, in effect, a Special Act of Parliament), the Board has absolute jurisdiction to authorize the abandonment of operation of any line of railway. Applying the principles laid down in the earlier cases, the main issue for consideration is whether or not the inconvenience occasioned by abandonment and consequential loss to the public outweigh the burden that continued operation of the line would impose upon the railway.

Held, having regard to all the factors involved here, that the application be granted.

[*Mun. Archie v. C.P.R.*, 41 C.R.C. 337; *Brandon, Saskatchewan & Hudson Bay R. Co. v. Morden*, 43 C.R.C. 138; *V. V. & E. Ry. & Nav. Co. v. Keremeos*, 43 C.R.C. 236, *reft to.*]

HEARD at Whitby, Ont., October 21, 1940.

W. E. N. Sinclair, K.C., for Village of Port Perry and Tps. of Reach and Whitby; Duncan B. McIntyre, for Town of

Whitby; *R. D. Ruddy*, for County of Ontario; *I. C. Rand*, K.C., for C.N.R.

The facts of the case are fully set out in the judgment.

STONEMAN C.:—In support of the application the applicant filed a statement setting forth a general description of the line, its special industrial relationships, its revenues and expenses for 9 months—April 1 to December 31, 1936, and for the calendar years 1937, 1938, 1939—an analysis of its freight traffic for the same years, and a map of the territory through which it runs.

A copy of the application and the statement was sent to all interested parties.

This railway was built under the charter of the Port Whitby & Port Perry Railway Company, which later became the Whitby and Port Perry Extension Railway Company; and in 1877—the year in which it was opened for traffic—became known as the Whitby, Port Perry & Lindsay Railway Company. In 1882, in consolidation with other lines, it became the Midland Railway of Canada. In 1884 the Midland Railway was leased to the G.T.R.; and in 1893, became part of it by amalgamation. Finally, in 1923 it became part of the C.N.R. Lines.

Under judgment, dated February 3, 1936, and Board's Order No. 52747, dated February 6, 1936, the Board approved of the abandonment of the line between Port Perry and Cresswell, and refused abandonment of the portion between Whitby Town and Port Perry, without prejudice, to a renewal of the application if the line showed continued loss of revenue.

Under the heading—"Physical Characteristics" of the Line embodied in the application—rail, bridges, culverts, ballast, ties, and drainage are shown to be in a condition described as fair to poor.

The line passes through a prosperous mixed farming country; Port Perry is the business and commercial centre. Among the industries located at Port Perry is a lumber company and a milling company; concrete highways closely parallel the line; bus service operates between Toronto and Lindsay, via Port Perry; and, the C.N.R. operate, under contract, a daily trucking service for L.C.L. freight and express between Oshawa and Port Perry, via Whitby. In addition, a number of trucking companies oper-

ate in and through the territory served by the
involved in this application.

The statement of revenues and expenses, covering a period,
April 1 to December 31, 1936, and calendar years 1937, 1938,
1939, shows a system loss, for the nine months—

April 1st to December 31st, 1936	\$5,253.00
Calendar year 1937	8,664.00
" " 1938	7,339.00
" " 1939	7,799.00

The Engineering and Operating Departments of the Board
made an inspection of the line on May 28, 1940, and submitted
reports dated May 29 and 30, respectively, wherein they agree
with the statements made by the applicant as to the physical
characteristics of the line, description of the territory, and the
bus and truck service operating.

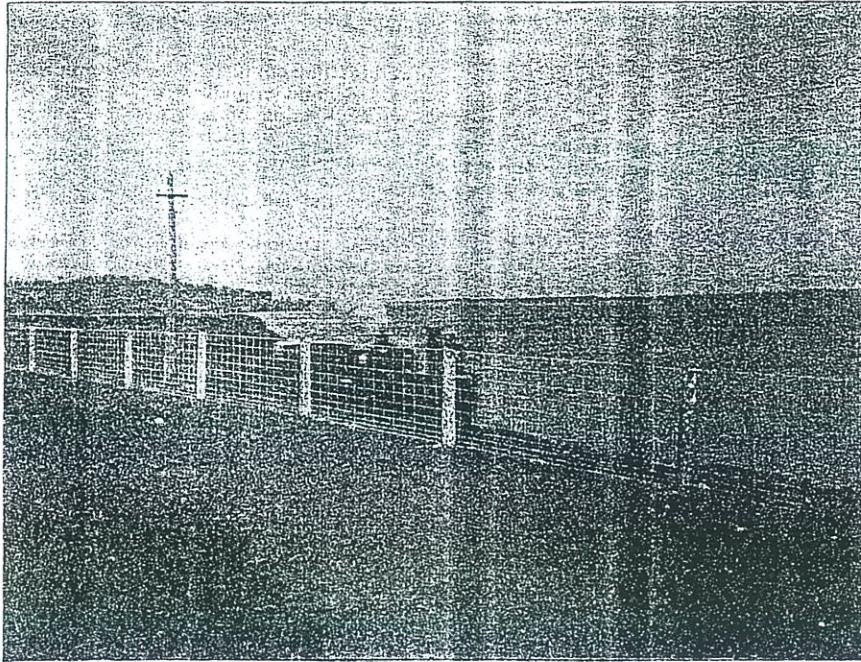
Witnesses for the respondent stated they were satisfied that
if figures were filed for the year 1940 they would show a sub-
stantial increase in traffic. The railway company was therefore
directed to file a statement setting out system revenue and car-
loads, by commodities, from January to September, 1940. This
statement was filed as a comparative one, for the 9 months
January to September, 1939-1940, showing total gross revenues—

9 months in 1939	\$16,633
9 " " 1940	15,755

which indicates a slight decrease in the first nine months of 1940.

As stated above, application was made for the abandonment
of this line, and judgment dated February 3, 1936, refused
abandonment of the portion between Whitby Town and Port
Perry, without prejudice, to renewal of the application, if the
line continued loss of revenue. It is evident from the judgment
that the respondents were confident that traffic would increase,
and statements made at that time convinced the Board that this
portion of the line should be operated for a sufficient length of
time to show whether, or not, those opposing the application
were correct in stating that, if the portion of the line from Port
Perry to Whitby Town continued to operate, there would be a
substantial increase in traffic. The line has operated up to the
present time and the statement filed is conclusive proof that not
only has there been no increase, but that traffic is decreasing.

At the sitting, held October 21, 1940, counsel for the respon-
dents suggested that if the line had been rehabilitated, as direct-



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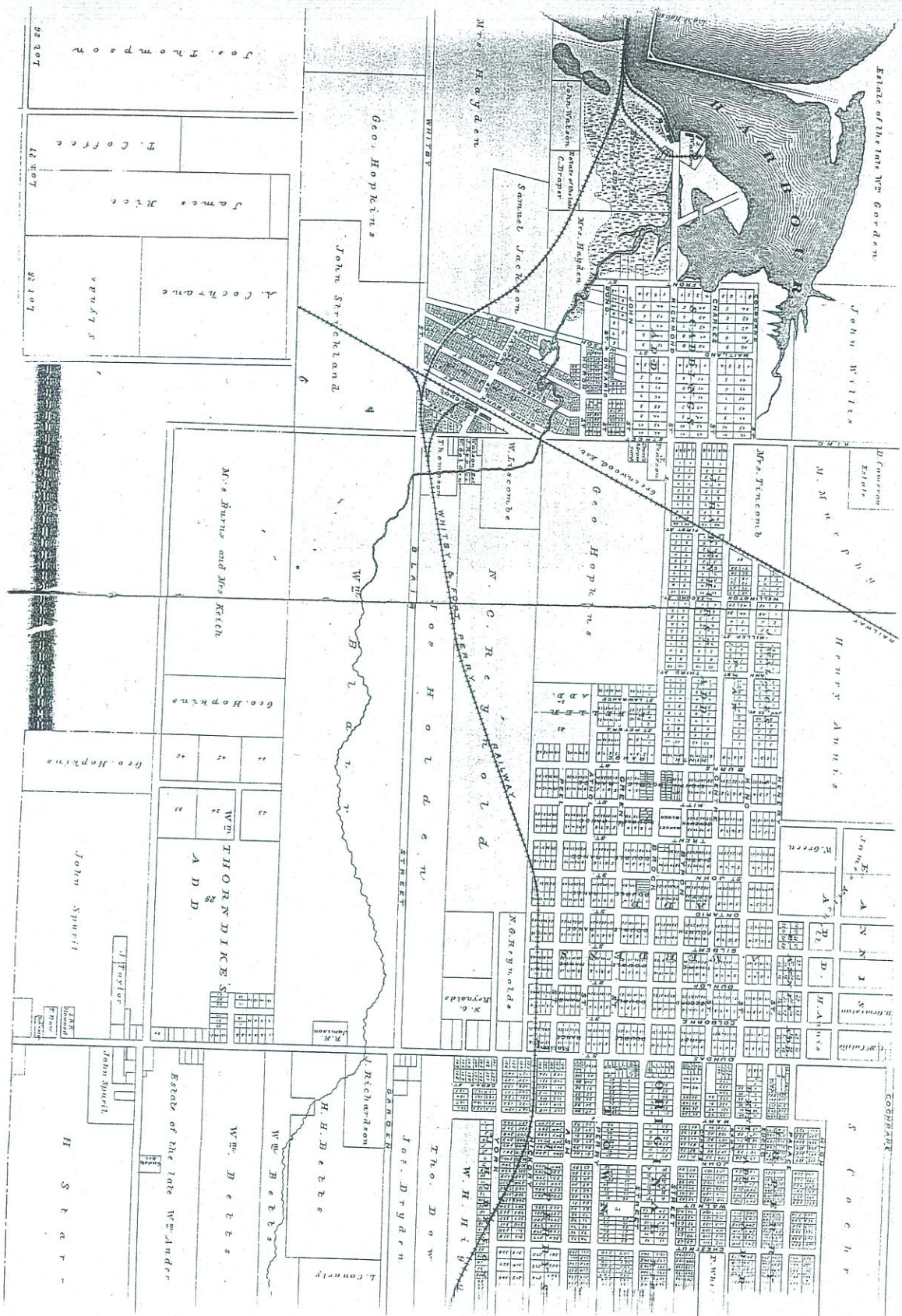
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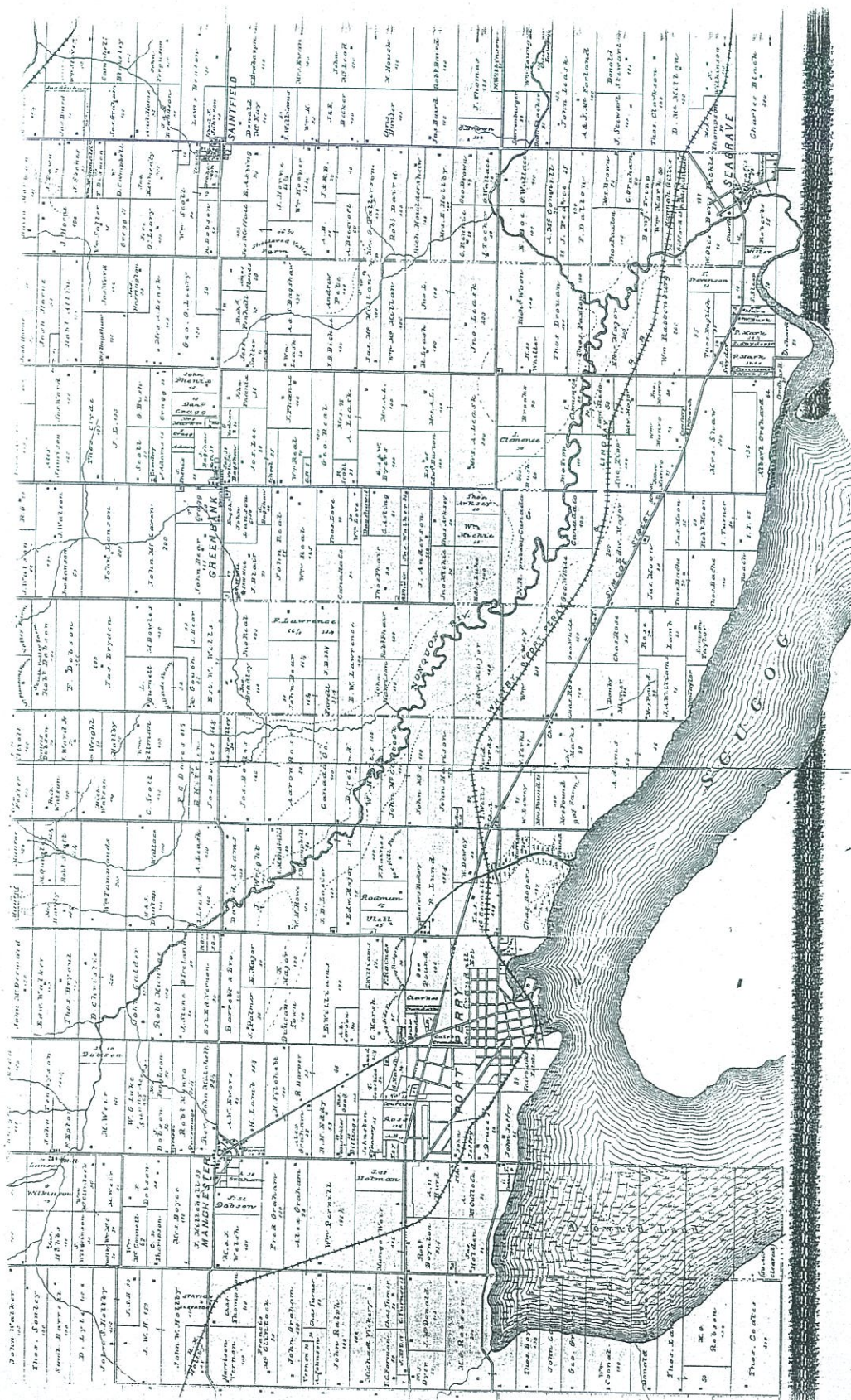
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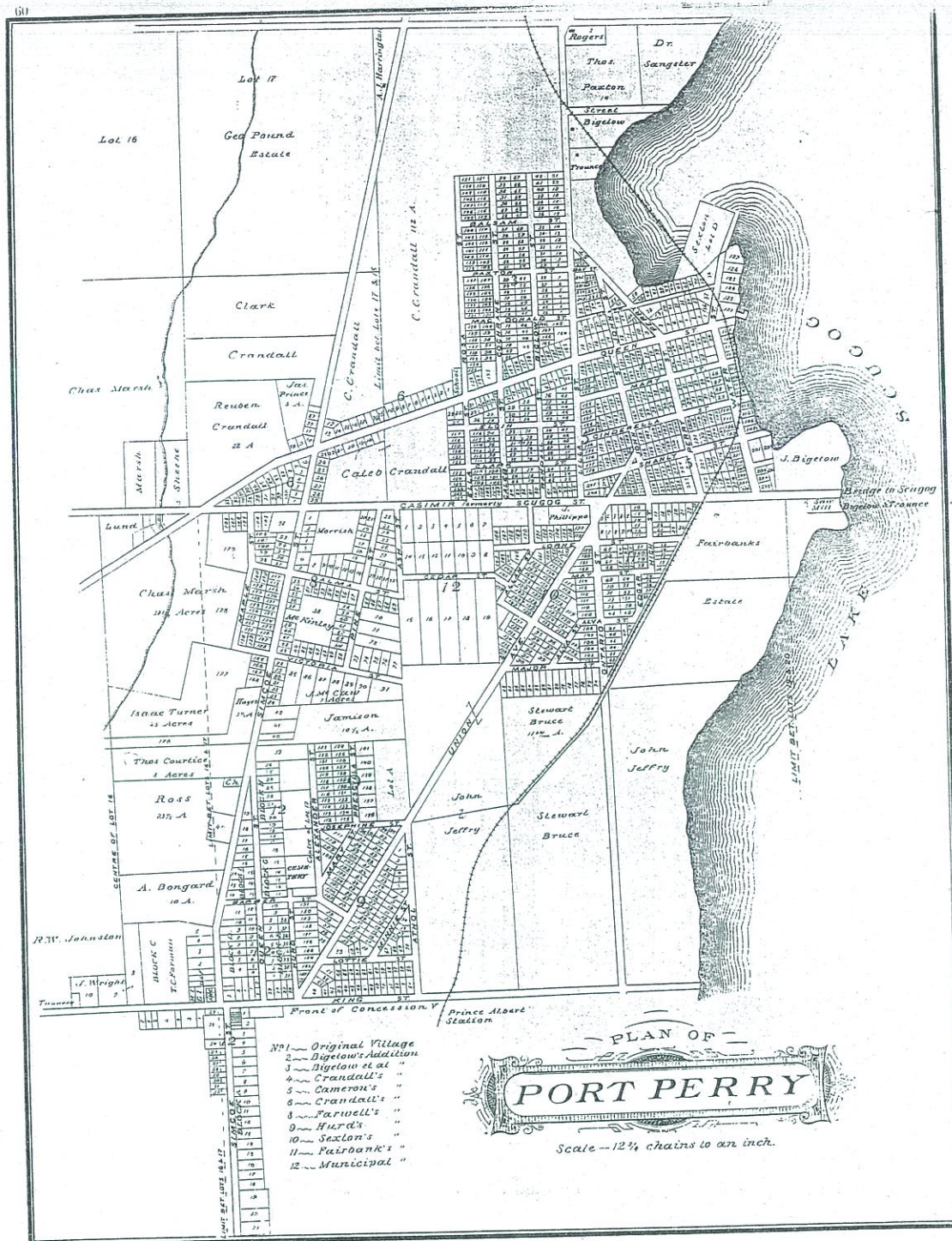


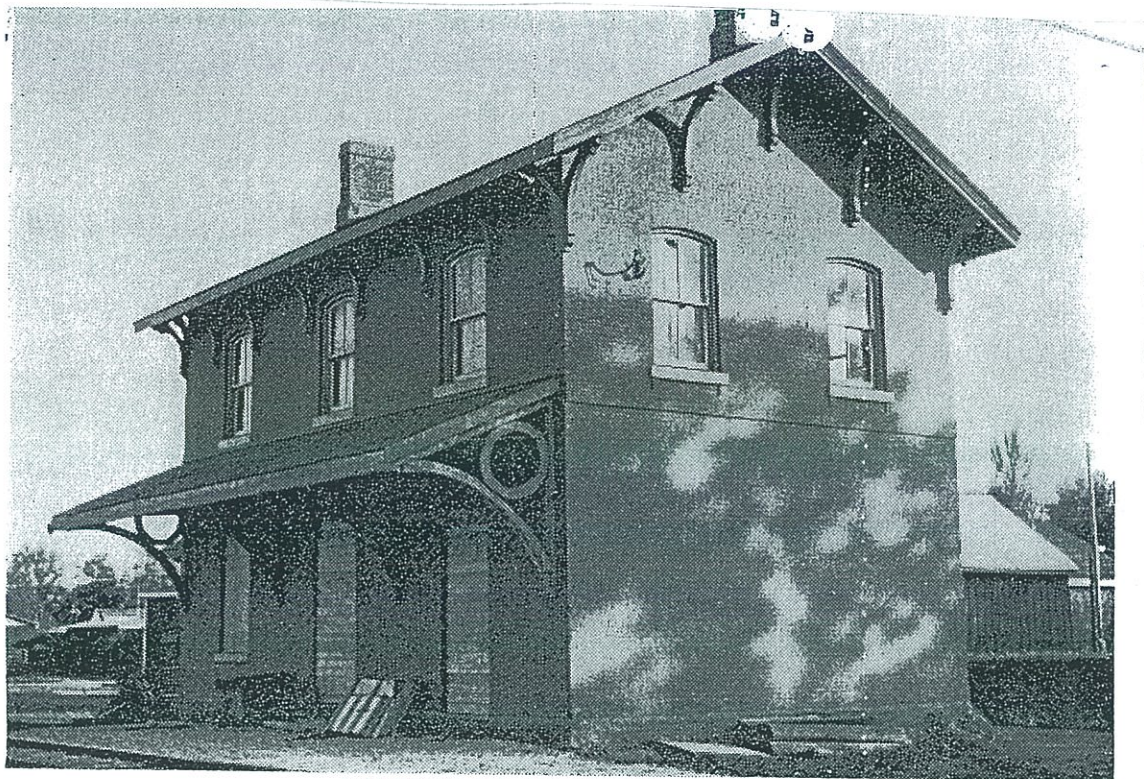
A postcard view of Port Perry station from the turn of the century. The grain elevator is on the left, just behind the station, while Lake Scugog is to the right. The locomotive was typical of the Grand Trunk's branch line stock.

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WHITBY'S FIRST RAILWAY STATION

wealth in iron ore of the area proved elusive and in 1893 operations were discontinued on seven miles of tracks between Madoc and Eldorado.

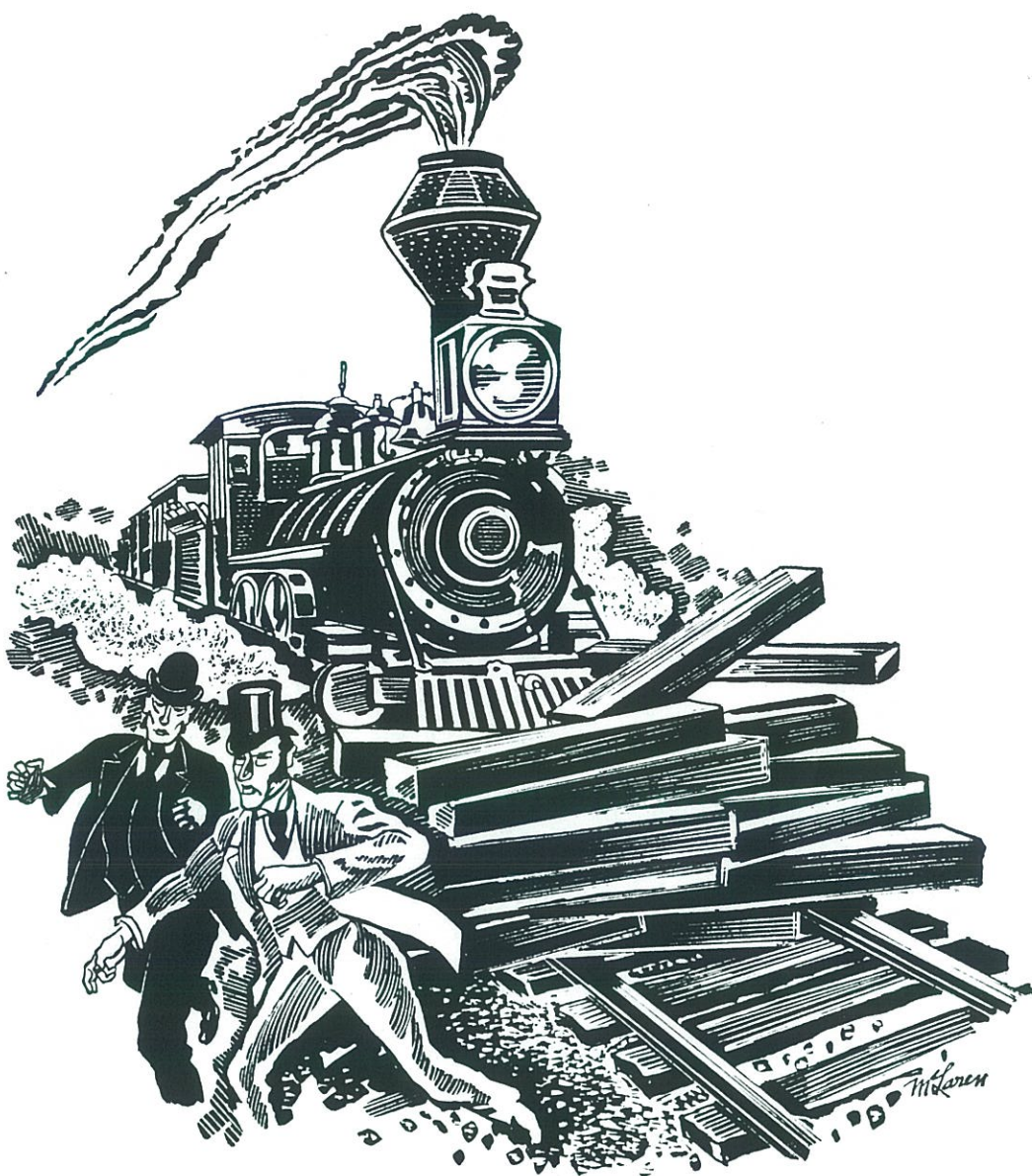
THE PORT WHITBY AND PORT PERRY RAILWAY COMPANY
THE WHITBY AND PORT PERRY EXTENSION RAILWAY COMPANY
THE WHITBY, PORT PERRY AND LINDSAY RAILWAY COMPANY

In 1868 the hamlets of Manchester, Port Perry and Prince Albert, clustered around the southern end of Lake Scugog, caught the railway infection. They enlisted the aid of James Holden, a prosperous citizen of Whitby, the nearest anchorage on Lake Ontario. The result was the incorporation on March 4th of that year of the Whitby and Port Perry Railway Company, with authority to build from "a point on Lake Scugog to a point on Lake Ontario." The shade of Peter Perry must have presided over this charter, for that pioneer had founded both Port Perry and Whitby, whose earliest name had been Perry Corners.

Whitby town provided a bonus of \$50,000, Whitby Township \$20,000 and Reach Township \$30,000. Of \$300,000 in authorized capital stock \$110,080 was paid in. The contract for the line, 19.47 miles in length, was placed with a Cobourg contractor, who threw it up. Eventually, the railway was completed by company engineers, and was opened for traffic in July 1871.

When the excitement of accomplishment had died away, it seemed doubtful that there was enough traffic to support a railway. Francis Shanly, once again the consultant, declared that an operating surplus of \$24,000 annually was as much as could be expected. The company strongbox was empty and a floating debt of \$167,000 remained. The line still required considerable expenditures (estimated at \$81,000) to make it safe and efficient.

This situation did not diminish the ardour of its supporters. Holden found an open-handed associate in Joseph Bigelow and the pair began to dream dreams. They came up with a plan for transforming the modest local venture into a transcontinental railway. On March 24th 1874 it became the Whitby and Port Perry Extension Railway, with authority to build almost anywhere in North America. When traffic returns confirmed Shanly's forecast (in 1876 operating revenues were \$48,810, operating costs \$29,670) reason regained its throne and the plans to reach the Pacific were amended to an extension from Port Perry to Lindsay, a distance of twenty-six miles.



*Discomfiture of the bailiffs:
Ben Sweet gives the old girl her head.*

On March 2nd 1876 the company got its third name: the Whitby, Port Perry and Lindsay Railway Company, the Lindsay extension being opened for traffic on August 1st of that year. The cost of the line was given (with great exactitude) as \$1,181,790.49. In addition to the paid-up stock, subsidies had been forthcoming from federal, provincial and municipal sources to a total of \$317,052, and an issue of \$690,000 in first-mortgage bonds had been sold.

The railway manifestly was unable to carry such a financial burden, but it had become a community pride and the citizens of Whitby closed ranks whenever it stood in danger. On

SIXTY YEARS OF TRIAL AND ERROR

one occasion John Bigelow resigned as President in order to be able to lend the company forty thousand dollars on a note of hand. There were other equally quixotic transactions and on critical occasions the staff did not scruple to take the law into their own hands. For instance, Sheriff Reynolds once stood beside a barricade which he had erected on the track in order to stop the train and serve a writ of seizure. But Engineer Ben Sweet twigged the lay, gave the old girl her head and charged the barricade, so that the sheriff and his deputy fled under a shower of sleepers.

There was a fine careless rapture about the operations of the Nip and Tuck, as the railway was known to its devotees. The grade from Port Perry to Whitby was downhill and it is said that on more than one occasion, when the brakes failed to hold, the train came within yards of fetching up in Lake Ontario. The line had no snow plough and in winter passenger trains often were stalled. No one seemed to mind; cases of eggs and crates of bacon were broached in the baggage car and crew and passengers lived cosily until the uncoupled locomotive had butted its way through the drifts and cleared the tracks.

Fortunately for the Whitby proprietors, the extension to Lindsay had given their property a nuisance value and as a result it was included in the Midland amalgamation of 1881. Today only the Lindsay-Manilla Junction section of twelve miles remains in operation.

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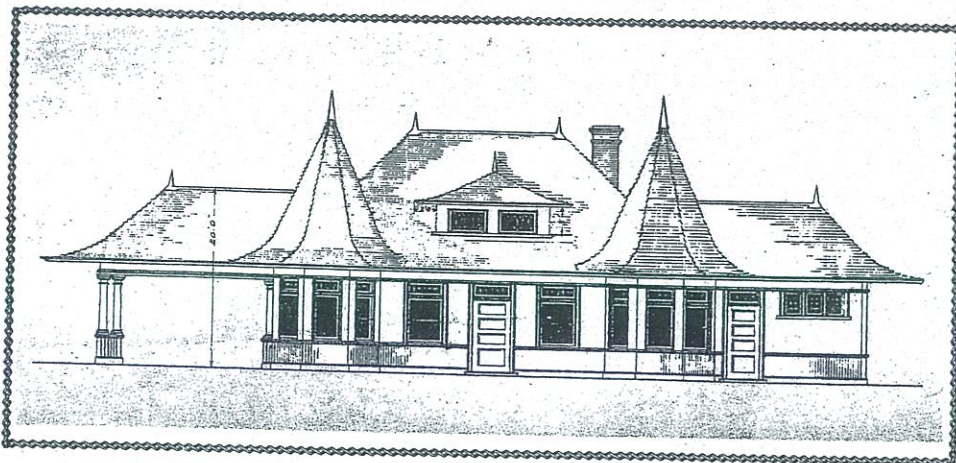
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A NEW LEASE ON LIFE...



...FOR AN OLD STATION

What happens to old railway stations once they have outlived their usefulness to the communities they have served? Where do old stations go when the passenger trains that once stopped at their platforms are discontinued? Most often, old stations just fade away into the background like old soldiers; to be sold and demolished, or converted to other purposes not intended when they were built.

However, for a few railroad stations in this country and in the United States, something better in life awaits them. A fortunate few stations are preserved and restored to their original function in the communities they have served; others are saved and become an asset to the community by serving as a home for a public-spirited organization in the community. Other stations are saved and become museums to a bygone era.

Whitby Station is one station that has been saved to become a definite asset to the town it once served in a rail capacity. The new home of Whitby Arts Incorporated, the station stands in a new location in the town of Whitby, Ontario, refurbished and restored to serve as the premises of Whitby Arts and their objectives of the promotion and encouragement of the visual and creative arts of every kind within the community. The station was acquired from Canadian National by Whitby Arts in the summer and fall of 1969, largely through the efforts of two dedicated women members of the organization and their "save the station" campaign.

The Whitby station had become redundant to CN's needs, as a new passenger station had been constructed between Whitby and Oshawa to serve both communities. Upon learning of the impending demolition of the building, the two women began their campaign to save the station as the result of conversations at a cocktail party. If the station was to be saved, it had to be moved away from its location on the CN Kingston Sub. Investigations were made as to a new location and whether the station could be moved. Whitby town council was approached on the project, and the council gave its approval to the plan. It was decided that the Town of Whitby would own the building and lease it to Whitby Arts Incorporated who would then operate and maintain it.

A location was found on land owned by the Ontario Government, and a small plot of land was purchased in one corner of the property to be the site of the new home for the station. Some delay was encountered in the moving date for the station, as permission to close the station was slow in coming from the CTC. Finally in the fall of 1969, permission was granted and the station was closed. In January, 1970, work began on digging under the station in preparation for the move. On February 16, 1970, a crowd of 300 huddled in the cold to watch the station bounce across the CN main line to Montreal, and across a field to its new site at the corner of Henry and Victoria Streets just south and west of Highway 401.

All through the spring, summer and early fall of last year, a dedicated group of volunteers worked hard to restore, refurbish and fix up the station both inside and out, even to the extent of putting a basement under the structure. Finally, the station was opened to an admiring public on Saturday, September 26th. Response has been so good that the station has been open on Saturdays and Sundays since then.

Let us look back in time and take a look at the history of the Whitby station and its predecessor building.



RIGHT: Whitby Junction station as it appeared around 1903. To the left is a GTR local train for Toronto. To the right is a local train bound to Lindsay.

The story begins in 1856, when on August 25th of that year the Grand Trunk Railway of Canada opened its Toronto-Montreal main line as far as Oshawa. A station was constructed by the GTR at Whitby, on the north side of the tracks, east of the base line crossing. A complex of freight sheds and other buildings surrounded the station, including a railway hotel on the south side of the track. The station served Port Whitby, a more active community than the Four Corners during the 1850's. At this station distinguished visitors such as the Prince of Wales, Prince Arthur and Baron Lisgar, the Governor-General, were greeted when they stopped at Whitby on their way to Toronto.

In 1872, the Port Whitby and Port Perry railway was built from Port Whitby to Port Perry, forming a junction with the Grand Trunk near the station. A passenger station was built on Dundas Street east to handle traffic from the north.

By the 1890's, a legal dispute developed between the Grand Trunk and the Town of Whitby over maintenance of railway property. Many residents felt the station was too far removed from the business centre of town which had shifted from the harbour to the Four Corners in the 40 years since the first station was built.

In 1902, the town and the railway reached an agreement. GTR constructed a new double track through Whitby, closed level crossings at Byron and Centre Streets, erected new bridges at Brock and Henry Streets, and demolished the old station.

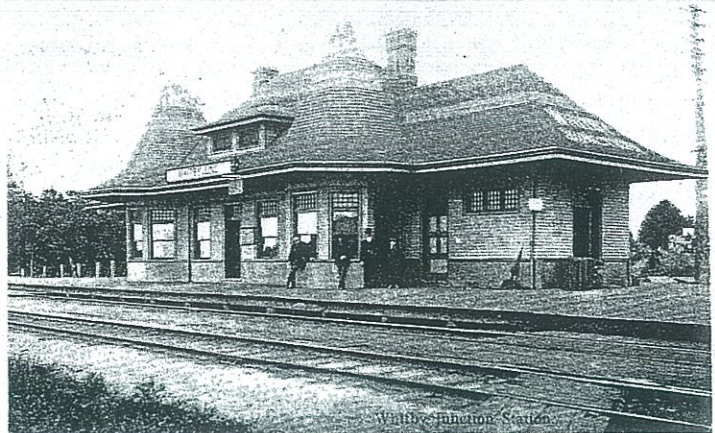
The new station at Byron Street, known as 'Whitby Junction', was built in the autumn of 1903, serving as a passenger stop and telegraph office. The name 'Whitby Junction' was spelled out in coloured shingles on the roof at each end of the building.

The first stationmaster at the new building was Fred Allin, who formerly tended the GTR Pickering station. William Vanvalkenburg was baggageman and later stationmaster.

A horse-drawn omnibus service was operated by William Newport to the junction station from the Ontario Hotel at Brock and Elm Streets. His bus met all passenger trains arriving at the station to take railway travellers up to the Four Corners. In 1910, the business was taken over by Joseph Heard.

In 1917, the Ontario Hospital for the Insane at Whitby was taken over by the Federal Government for use as a military hospital. In March, 1918, the Dominion Military Hospitals Commission built a railway line from the hospital to the Grand Trunk line at the station in Whitby. An agreement was made between the Military Hospitals Commission and the GTR, whereby the commission operated a donkey locomotive and a tramcar over 0.75 miles of track from the GTR freight siding at Whitby Jct. station into the hospital grounds. The donkey engine operated for a short while, but a Grand Trunk way freight with a coach made trips to and from the hospital as required.

Canadian National MLW C630 2022 is on the point of a westbound freight as it passes Whitby Station in the spring of 1969.
(David M. More)



Whitby Junction Station as it appeared about 1906.

The Port Whitby and Port Perry Railway was extended to Lindsay in 1877 and later taken over by the Midland and the Grand Trunk systems. Although the trackage to Lindsay was abandoned about 1941, the uptown station remained in use as a freight office until 1963. In December 1969, the building was demolished.

In 1922 the Grand Trunk system was nationalized by the Federal Government and incorporated into the Canadian National system. Canadian National operated Whitby Junction station until late 1969, when it was closed.

An art gallery now occupies the space formerly utilized by the baggage shed. A modern kitchen occupies the former dispatcher's office (the office, completely restored, sits in another part of the building). A potbellied station stove completes the restoration, serving now only as a receptacle for cash donations.

Whitby station continues to serve the town of Whitby as the home of Whitby Arts Incorporated, after many years of use as the CN passenger depot. The members of Whitby Arts are to be congratulated for their tremendous efforts in the preservation of the station, its moving, and restoration and refurbishing. It is hoped that other groups may undertake similar projects to save and preserve railroad depots in their local communities in the future.

[Material for this article kindly supplied by Mrs. W. G. Irwin of Whitby Arts Incorporated, and Mr. George Horner.]

