

an amendment to the Railway Act, the regulation of telephone, telegraph and express rates was given to the Commission, but with narrower powers than were given to it in dealing with railways.

The procedure of the Board is informal, as suits the nature of its work, for experience has shown that hearings in strict legal form give the parties to the argument uncompromising attitudes. If possible, matters are settled by recommendations to the railway company or the shipper; thus, during 1930, 95 p.c. of the applications to the Board were settled without formal hearing. The Railway Committee had kept its station at Ottawa, giving only formal hearings, so that the grievances of those who could not afford to appear in person or pay counsel went unredressed. The itineraries of the Railway Commission are arranged so that evidence may be taken at the least expense to those giving it.

The Chief or Assistant Chief Commissioner, depending upon which one is presiding, gives final judgment on points of law when, in the opinion of the Commissioners, the question is one of law. On questions of fact the findings of the Board are final and are not qualified by previous judgments of any other court. Questions of law and jurisdiction are differentiated. In the first case, the Board may, if it wishes, allow an appeal to the Supreme Court; in the second, the applicant needs no permission to present his appeal.

The Railway Committee of the Privy Council, being a Committee of the Cabinet, was responsible to Parliament. When the powers of the Committee were made over to the Railway Commission the responsibility was retained, but necessarily by a different means. There is now provision for an appeal from any decision to the Governor in Council, who may also of his own motion interfere to rescind or vary the action of the Board, but the power to rescind or vary usually consists in referring to the Board for reconsideration. From its inception until Dec. 31, 1930, the Board gave formal hearing to 9,764 cases. Its decision was appealed in 94 cases, 53 of these being to the Supreme Court of Canada and 41 to the Governor General in Council. Of the appeals 11 of those carried to the Supreme Court were allowed and 3 of those to the Governor General in Council.

## PART II.—STEAM RAILWAYS.<sup>1</sup>

### Section 1.—Historical Sketch.

The first Canadian railway was constructed in 1836 between St. Johns and Laprairie, Quebec, with the object of shortening the journey between Montreal and New York. A second railway from Montreal to Lachine was opened in 1847, and a third line to St. Hyacinthe in 1848. In 1850, however, there were only 66 miles of railway in all Canada.

**Commencement of the Railway Era—The Grand Trunk.**—The railway era in Canada may be said to have begun in 1851, when an Act was passed providing for the construction of a main line of railway between the two Canadas. The result was the completion of the Grand Trunk Railway between Montreal and Toronto in 1856, its extension westward to Sarnia in 1859, and eastward to

<sup>1</sup> Revised and checked by G. S. Wrong, B.Sc., Chief of the Transportation and Public Utilities Branch of the Dominion Bureau of Statistics. This branch publishes an Annual Report on Steam Railways, as well as numerous other reports, for a full list of which the reader is referred to Chapter XXVIII of this volume.