

mission. It is a knotty problem to mark the boundaries of competitive areas—to decide whether Nova Scotian manufacturers should be given rates which would allow them to compete west of Montreal, or again, whether high construction and operation costs in British Columbia should enforce a rate which prevents her goods from moving far into the prairies. By 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 1935, 96.1 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 General in Council, who may also of his own motion 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, 1935, the Board gave formal hearing to 10,286 cases. Its decision was appealed in 114 cases, 69 of these being to the Supreme Court of Canada and 45 to the Governor General in Council. Of the appeals, 13 of those carried to the Supreme Court were allowed and 3 of those to the Governor General in Council,

PART II.—RAILWAYS.

The treatment of rail transportation is divided into three sections dealing, respectively, with steam railways, electric railways, and express companies.

Section 1.—Steam Railways.*

The steam railway is still the most important transportation agency from the standpoint of investment and probably from that of traffic handled as well. Fortunately, the statistical field is more completely covered for this form of transportation than for any other, since there are fairly complete figures dealing with steam railway mileage and equipment, finances, and traffic.

* 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 XXIX of this volume. Certain of the financial statistics of steam railways are compiled with the co-operation of officers of the Department of Transport.