

1939, and following a proclamation of the Governor in Council to that effect, the Board has also the power to issue licences to ships engaged in the transportation of passengers or goods on the Great Lakes, as defined in Sect. 2, subsection 1 (f), of the Transport Act, 1938.

The procedure of the Board is informal, as suits the nature of its work, for experience has shown that hearings in strict legal form lead the parties to the argument to take uncompromising attitudes. If possible, matters are settled by recommendations to the carrier or the shipper; thus, during 1938, 97.41 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, and so the grievances of those who could not afford to appear in person or pay counsel went unredressed. The itineraries of the Transport 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 (now the Board of Transport Commissioners) 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, 1938, the Board gave formal hearing to 10,545 cases. Its decision was appealed in 121 cases, and 6 cases were referred for the opinion of the Supreme Court of Canada, 78 of these, including the above references, being to the Supreme Court of Canada and 49 to the Governor General in Council. Of the appeals, 13 of those carried to the Supreme Court and 3 of those to the Governor General in Council were allowed.

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 of traffic handled. 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, equipment, finances, and traffic.

Historical Sketch.—Construction was begun on the first Canadian railway in 1835. This was a line only 16 miles long between Laprairie and St. Johns, Que., intended to expedite the journey between Montreal and New York. It was officially opened July 21, 1836, the motive power being the steam locomotive "Dorchester",

* 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, a list of which is given in 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.