

the Board. By the Transport Act (c. 53, 1938) the name of the Board was changed to the Board of Transport Commissioners for Canada and its powers were extended to cover transport by water and by air, as well as by rail. The new Board has the same number of members and form of organization as outlined above for the former Board.

With regard to transport by rail, the powers of the Board, in brief, cover matters relating to the location, construction and operation of railways. The most important of these powers has to do with rate regulation. Passenger rates are divided into standard and special; freight rates into standard, special and competitive. Standard rates are maximum rates and the only ones that must be approved by the Board before they are applied. Special and competitive rates, being less than maximum rates, may be applied by railways without the Board's approval, provided that a change of rates has been advertised. But important rate adjustments usually come to the notice of the Commission, for the changed rate alters the extent of the territory in which a shipper can compete and on this account he is apt to appeal the case to the Commission. It is a knotty problem to mark the boundaries of competitive areas—to decide whether Nova Scotian manufacturers should be given rates that would allow them to compete west of Montreal, or again, whether high construction and operation costs in British Columbia should enforce a rate that would prevent 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. By the Transport Act, the Board now has the power also to issue licences to persons or concerns entitled to engage in transport by air on the air routes declared to be under its jurisdiction by the Governor in Council. Since Jan. 15, 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 1939, 96.4 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