

transportation facilities and operating practices, yet the railways have been so involved in the public interest that their regulation has been extended to become the most comprehensive of any industry in Canada.

In the meantime, conditions in the transportation industry have been drastically altered by the increasing competition arising from the advance of highway transportation. Unlike the competition that existed between railways in early stages of their development, today's competition shows little indication of starting a trend toward consolidation and a return to semi-monopolistic conditions within the industry. Because so many shippers now provide their own transportation, it is evident that a large part of the present competition between common carriers has become a permanent feature of the transportation industry.

It is not surprising that regulations, which under monopoly conditions were not onerous to the railways or were purely nominal in their effect, are now alleged to have become increasingly restrictive and hampering under highly competitive conditions. Regulatory authorities are therefore faced with the problem of piecemeal revision of their regulations—retaining those where railway monopoly or near-monopoly conditions still make them necessary in the public interest, and relaxing those where competition can be relied on to protect the public in order to enable the railways to meet this competition more effectively. The emphasis has shifted from the regulation of monopoly to maintaining a balance between the several competing modes of transport. Indicative of this trend is the amendment to the Transport Act passed in 1955, which extends the freedom of the railways to make contract rates with shippers known as agreed charges.

On Nov. 2, 1936, the amalgamation of the Department of Railways and Canals and the Department of Marine, together with the Civil Aviation Branch of the Department of National Defence to form the new Department of Transport brought under one control railways, canals, harbours, marine and shipping, civil aviation, radio and meteorology.

Road and highway development is mainly under provincial or municipal control or supervision. According to the Judgment of the Judicial Committee of the Privy Council dated Feb. 22, 1954, jurisdiction over interprovincial and international highway transport rests with the Federal Government. Federal and provincial representatives conferred in Ottawa in April 1954 on means of implementing that decision and on June 26, 1954, the Motor Vehicle Transport Act was passed by the Federal Parliament giving to all provinces, at their option, the authority to apply to interprovincial and international highway transport the same regulations respecting certificates of public convenience and necessity and rates as they apply to undertakings operating entirely within the province. This Act has since been proclaimed in seven provinces.

**The Board of Transport Commissioners for Canada.**—The Board of Transport Commissioners for Canada was created and initially named the Board of Railway Commissioners for Canada by the Railway Act 1903, and was given its present name by the Transport Act 1938. It was organized on Feb. 1, 1904, and succeeded to all the powers and duties of its predecessor, the Railway Committee of the Privy Council. It was also given additional powers and duties which have been greatly enlarged since that date. When organized, the membership of the Board consisted of a Chief Commissioner, Deputy Chief Commissioner and one Commissioner. In 1908 an Assistant Chief Commissioner and two other Commissioners were added. The Board is a statutory Court of Record, so constituted by the Railway Act and recognized as such by other courts, but it also has extensive regulative and administrative powers.

The great majority of applications and complaints to the Board are disposed of without hearing in open court, but public hearings are held in various places throughout Canada as the Board sees fit, particularly to suit the convenience of the parties and avoid expense to them. Evidence at public hearings is given under oath and interested parties appear personally or by counsel or representatives. The finding or determination of the Board upon any question of fact within its jurisdiction is binding and conclusive and no order or decision may be questioned or reviewed except on appeal to the Supreme Court of