

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 Canada upon a question of law or a question of jurisdiction with leave of a Judge of that Court, or by the Governor in Council.* Two Commissioners are a quorum or 'panel' for the hearing of a case and it is not unusual for two panels to be sitting at the same time on different cases.

The Board has jurisdiction under more than a score of Acts of Parliament, including jurisdiction, under the Railway Act and the Transport Act, over transportation by railway and by inland water, and over communication by telephone and telegraph.

Under the Railway Act its jurisdiction is, stated generally, in respect of construction, maintenance and operation of railways that are subject to the legislative authority of the Parliament of Canada, including matters of engineering, location of lines, crossings and crossing protection, safety of train operation, operating rules, investigation of accidents, accommodation for traffic and facilities for service, abandonment of operation, freight and passenger rates, and uniformity of railway accounting. The Board also has certain jurisdiction over telephones and telegraphs, including regulation of the telephone tolls of The Bell Telephone Company of Canada, the British Columbia Telephone Company, the Bonaventure and Gaspé Telephone Company and the Yellowknife Telephone Company, over tolls for express traffic, and tolls for the use of international bridges and tunnels.

The Board has jurisdiction to inquire into, hear and determine any application by any party interested who complains that any company or person has violated or failed to comply with the Railway Act or a Special Act or any order made thereunder, or who requests the Board to make any order or give any direction, leave, sanction or approval that, by law, it is authorized to make or give or with respect to any matter, act or thing that by the Railway Act or Special Act is prohibited, sanctioned or required to be done. It has power to make orders and regulations generally for carrying the Railway Act into effect and for exercising jurisdiction conferred on the Board by any other Act.

Regulation of railway freight and passenger rates is one of the Board's principal tasks. Except for certain statutory rates, it has power "to fix, determine and enforce just and reasonable rates, and to change and alter rates as changing conditions or cost of transportation may from time to time require"; it may disallow any tariff that it considers to be unjust or unreasonable or contrary to any provision of the Railway Act; it may prescribe other tolls in lieu of the tolls disallowed, or require the railway company to substitute a tariff satisfactory to the Board. Since the end of World War II there has been a succession of applications for authority to make general freight rate increases and general telephone rate increases.

A review of transport regulation was undertaken by the Royal Commission on Transportation, under the chairmanship of the Hon. W. F. A. Turgeon, which held extensive hearings in 1949-50 and issued its Report in 1951. (See 1952-53 Year Book, p. 741.) Certain of its recommendations, including the following, were incorporated into the Railway Act by amendments made in 1951: the equalization of freight rates; the requirement that, when transcontinental competitive freight rates are published, the corresponding rates to intermediate points shall not be more than one-third greater than the former; the payment by the Government of Canada of the cost of maintaining the so-called 'bridge' lines of the transcontinental railway systems in Ontario (between Sudbury, Capreol and Cochrane, and between Port Arthur and Armstrong) up to the amount of \$7,000,000 annually, the amounts so received by the railways to be applied to reductions in freight rates between Eastern and Western Canada over the trackage referred to; and the requirement of a uniform classification of accounts to be prescribed by the Board of Transport Commissioners for the Canadian Pacific Railway and the Canadian National Railways.

* The Board's judgments are reported in *Canadian Railway Cases* and *Canadian Railway and Transport Cases*, and its judgments, orders, rulings and regulations are published by the Queen's Printer, Ottawa, in what is known as *J.O.R. & R.*