

rests with the Federal Government. Federal and provincial representatives conferred at 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, a 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 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.

\* 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.*