

international highway transport also rests with the Federal Government but these powers are exercised by the provincial highway transport Boards under the federal Motor Vehicle Transport Act of 1954.

Railway regulation was developed in a period when railways enjoyed a virtual monopoly of transport in the country. Measures to protect the public against excessive charges, unjust discrimination and other objectionable monopoly practices, together with measures to ensure safe operations, have over the years subjected railways to the most comprehensive regulation of any Canadian industry. In the intervening years the rapid growth of road, air and pipeline services has ended the railway monopoly for a large part of the total traffic available and has plunged the railways into a highly competitive situation.

A Royal Commission was appointed in 1959, under the chairmanship first of Hon. C. P. McTague and later of M. A. MacPherson, to inquire into the railway rate structure and other problems. Its findings were published in three volumes which appeared between March 1961 and July 1962. The report indicated a need to shift from regulating monopoly to maintaining a balance between the several competing modes of transport.

Legislation based on the findings of the MacPherson Royal Commission is before Parliament at this writing (January 1967) in the form of Bill C-231. The Bill defines a national transportation policy for Canada looking to the achievement of an economic and efficient transportation system making the best use of all available modes of transportation at the lowest total cost. It would create a new body, the Canadian Transport Commission, to carry out the functions now performed by the Board of Transport Commissioners for Canada, the Air Transport Board and the Canadian Maritime Commission. In addition, it would be responsible for regulating the pipeline carriage of commodities other than oil and gas, a comparatively new and promising transportation development. The Bill also defines a framework within which the interprovincial and international motor transport industry could be regulated by the proposed Canadian Transport Commission.

The general intent of Bill C-231 is to create a situation in which the development of the transportation industry and the protection of the public against excessive or discriminatory charges are accomplished in the main by competition between modes rather than by regulation and control. The railways would be relieved of some of the more onerous and outdated restrictions on their freedom to meet competition. On the other hand, a shipper who has no practical alternative to rail shipment could apply to have a maximum rate fixed for his goods by the new Commission. The Bill also provides a procedure to allow the railways, under safeguards for the public interest, to abandon lines and withdraw passenger services where they are no longer needed.

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. The Board, now consisting of a Chief Commissioner, an Assistant Chief Commissioner, a Deputy Chief Commissioner and three Commissioners, has extensive regulative and administrative powers and is also a statutory court of record, so constituted by the Railway Act and recognized as such by other courts. 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.*

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.

* 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.*