

THE Railway and Marine World

With which are incorporated The Western World and
The Railway and Shipping World, Established 1890

Devoted to Steam and Electric Railway, Marine, Grain Elevator, Express, Telegraph,
Telephone and Contractors' interests

Old Series, No. 210.
New Series, No. 128.

TORONTO, CANADA, OCTOBER, 1908.

For Subscription Rates,
See page 727.

Entered as second-class matter, March 5, 1908, at the Post Office at Buffalo, N. Y., under the act of Congress of March 3, 1879.

Regulating the Common Carrier.

By William Whyte, Second Vice-President
C.P.R.

It is a self-evident truth that the development and prosperity of any new country depends upon its transportation facilities. Production without transportation is often impossible, and always unprofitable; consequently the fertile Canadian prairies lay untilled, and the lead, the copper, the coal of the West remained undisturbed where a generous Providence placed them. The forests were choked, and the fish multiplied in the myriad of lakes and rivers; and the great silence was broken only by shouts of sportsmen, the snapping of steel traps set by the Hudson's Bay traders and the creaking of Red River carts. The Canadian West was a sealed empire waiting the touch of steel rails to open its doors to the world. One would naturally suppose, therefore, that the Canadian Government, fearful of discouraging railroad construction at a time when it was sorely needed, would have moved slowly in the matter of enacting a railway regulation measure which, in the United States, at least, would have been considered drastic. But the Government saw clearly that, while additional transportation facilities were of vital importance, yet, at the same time, efficient railway regulation was an absolute necessity to the development of the West, and, instead of resorting to dilatory tactics, it met the situation squarely, adopted the Railway Act; and, when the bill had gone into effect, the wisdom of the course which it had taken at once became apparent to all. Although it is not generally known, it is, nevertheless, an established fact that no country in the world has so great a mileage per capita as Canada now has. Then, add to this the fact that contracts have been let for hundreds of miles of additional railway, consisting in part of feeders which will suck up and bring to the main lines the crops from the newly developed wheat regions—and you will understand that Government regulation is not necessarily a fatal drag on a nation's railway prosperity.

Canadian railways are regulated by a board of three Commissioners, who are appointed for life. The chairman of the Board receives an annual salary of \$10,000, and associate members \$8,000. This board is authorized to employ the services of experienced railway men as experts in the different branches of railway work. The Commission is endowed with powers that would make a citizen of the United States, accustomed to the weak and ineffectual efforts of the Interstate Commerce Commission, gasp with astonishment.

The publicity recently accorded the affairs

of several large railways in the United States, as a result of the proceedings of the Interstate Commerce Commission, has been the means of arousing considerable interest in all parts of Canada, and, as a natural consequence, Canadians, ever on the outlook for improvements in all things, have compared their Dominion Railway Act and the powers of their Railway Commission with the Interstate Commerce Commission. The



C. B. FOSTER,

Assistant General Passenger Agent, Canadian Pacific Railway,
Pacific Division.

result of the comparison is interesting indeed. Whenever railway regulation, considered necessary for the public good in Canada, is adopted, there is no cry of "confiscation" on the part of the railway companies; no much-mooted abstract questions as to the constitutionality of the Act are raised, and no protracted and expensive legislation ensues. The authority of the Board's members is plenary within its jurisdiction, and its decisions and orders may be made rules of any Superior Court. There is no appeal from their decision, unless the Board itself grants an appeal, except on questions of jurisdiction or to the Governor in Council. It is to be noted in this connection that when the statute authorizing this Board of Commissioners and defining their immense powers in railway regulation was enacted,

it was with the approval and co-operation of most of the Canadian roads. This statement will be pregnant with interest to a citizen of the States who is familiar with the railway situation in his own country. It is, nevertheless, true in every particular. The Canadian's characteristic respect for the law is primarily responsible for this most satisfactory result. All classes seem to agree in the sentiment: "It is the law; it must be obeyed." The railways realized at once that such action on the part of the Dominion Government could not fail to operate to the mutual benefit of the Canadian people and, in the end, to their own benefit.

In one step Canada has accomplished what the United States has not been able to do in years of effort. The powers of the Railway Commission under the Railway Act are infinitely greater and more clearly defined than are those of the Interstate Commerce Commission under the Interstate Commerce Act, and, in comparison, the latter seems ridiculously weak and ineffectual. The power of the Railway Commission within its jurisdiction over the railways in Canada is absolute, and its duties and powers are set forth in the Railway Act. Such is not the case with the Interstate Commerce Commission. It might be well to mention a few of the more important powers extended to the Railway Commission which the Interstate Commerce Commission does not seem to possess.

It possesses jurisdiction over telegraph or telephone lines operated by railway companies, and all matters pertaining thereto. It can order the abolition of grade crossings where it considers them too dangerous to the community to be permitted, and can order the railways to construct subways or overhead crossings, or the installation of safety appliances at level crossings. It has the power to regulate the running and operation of trains, and can order changes in schedules or operation of additional trains to give better service for the accommodation of business. Railway companies must report to the Board all cases of fatal or serious injury. All agreements for the sale, lease, or amalgamation of railways must be approved by the Board. The Board may order the allotment or distribution of cars where there may be question of discrimination. Railway companies must submit to the Board plans of all branch lines, spurs, sidings, or railways of any description whatever, and the approval of the Board must be secured before the work can be commenced. This applies, also, to all works, bridges, etc., which the railways may desire to construct. The Board may order the construction of bridges over navigable waters, and the regulations respecting the construction of such bridges are included in the Railway Act. The Board may exercise jurisdiction