

have been used to show actual increases, which we say have not taken place. So if they had applied this increase, and it was not sufficient to give them the necessary revenue, they would have had to come back and ask for another increase.

It would have accelerated the competition. But not all of the traffic we have today we are going to hold. A lot of it is going back to the railroads. It is moving backwards and forwards all the time.

Mr. CHEVRIER: Did you come before the board on the 17 per cent hearing?

Mr. MAGEE: No; we were not present at the appeal on November 24, when the question of subsidy was first raised. We were not able to be there because we were not participants in the freight rate application. We have tried not to bother the board any more than we can help. We have tried to maintain a responsible attitude and not go around to the board with a lot of frivolous submissions and briefs. But this certainly jolted us, and perhaps we are the ones to blame, and did not foresee what might happen.

Mr. CHEVRIER: Do you think you should come within the jurisdiction of the board?

Mr. FISHER: That is the key question.

Mr. MAGEE: We are concerned about the situation that existed on the appeal, a situation in which we were not in a position to defend ourselves when other interests—the provincial governments—argued before the cabinet on the basis that the proper thing to do was to take off the 17 per cent increase and put in a subsidy to cover the full amount of that increase.

Mr. FISHER: I have a question which relates to what has been said. Your relationship with the Board of Transport Commissioners has been merely one of going, on occasions, and appearing before that board? The board has no call on you to appear before it, has it?

Mr. MAGEE: We have no status before the board at all, under the Railway Act. The board has so ruled. We did present an application to the board for disallowance of a very wide range of competitive rate cuts in western Canada in 1957, and the board held that we had no status as a party interested, and dismissed our application. That was their interpretation of the Railway Act.

However, they did proceed to hold a hearing on that particular matter, on their own motion, which they are empowered to do under another section of the act, and permitted us to appear as witnesses.

However, we have no rights before the board under the Railway Act, so far as we can see—except as a representative of shippers. Of course, those who ship trailers on flat cars are shippers, even though they are truckers.

Mr. FISHER: I have a contentious question to put at this time. From your experience in that particular hearing, or subsequently in any other relationship which you have had with the board, have you had any reason at any time to reach the conclusion that perhaps the board, with its very wide powers, is oriented too much toward the railway interests?

Mr. MAGEE: We have been before the board very seldom because of the fact that under the Railway Act we have no rights. Under the Transport Act we had no rights until 1955, when a very limited right of appeal, and a very broad right of appeal in regard to agreed charges, was created.

So far as any matter that we place before the board is concerned, we feel that the board looked at it fairly, and took the information that was before it and gave the best decision they could give; and we have not argued about it after.