

*Department of Transport Act*

questions. One is the question of the arrangements between the railroads with regard to the exchange of rolling stock. I might refer the hon. member to what Mr. Gordon said in the sessional committee on railways and shipping. I think the reference is page 210. I think the hon. member will find there a broad statement of the situation.

**Mr. Low:** Would the minister give us the date?

**Mr. Marler:** I am sorry.

**Mr. Low:** What year is it?

**Mr. Marler:** It is this year's committee on railways and shipping, and the reference is found on page 210 and 211. I am merely going to quote one or two phrases from Mr. Gordon's evidence. He said:

Under the regulations every railway is committed to return the cars of another company by the most direct route.

That is the understanding among the members of the American Association of Railroads. He goes on to say:

When an American car comes into Montreal we are supposed to return it to them by the most direct route. We are not permitted to send it around to western Canada, for instance. We have to send it back although we are allowed to use it in load. There are, however, stipulations that we cannot keep it waiting indefinitely because we have not got a load.

Actually, Mr. Chairman, the arrangements between the railroads with regard to the use of rolling stock are, I think, mutually advantageous in a general sense providing they are carried out by all parties concerned. I think hon. members will realize the great difficulties, particularly when you have good rolling stock, in getting it away from railroads with less good rolling stock. There is a tendency in the railroad business to keep what one can as long as one can get away with it.

**Mr. Low:** The suggestion I made concerning a charge for increased demurrage for every day they keep the car out would be a good one?

**Mr. Marler:** If it were just related to box cars there might perhaps be some particular advantage. I would suggest that my hon. friend might like to see the distribution figures as between other cars. The hon. member would find that very often the balance against us is for refrigerator cars. Hon. members from the maritime provinces would be very much annoyed if anything were done to cut down the number of refrigerator cars. A good deal depends on whose ox is being gored at the particular moment.

**Mr. Low:** There would be some mutual advantage in hanging on?

**Mr. Marler:** It is a good idea to keep your ox out of the way, I think.

The other question was with regard to the regulations. I think what I said earlier with regard to the functions and duties of the transport controller does set forth, perhaps in a summary way, the functions that are carried out by Mr. Milner. I might draw to the attention of my hon. friend regulation P.C. 1954, No. 809, dated June 1, 1954. If the hon. gentleman has any difficulty obtaining a copy, I would be glad to make one available to him.

**Mr. Low:** Thank you very much.

**Mr. Johnson (Kindersley):** Mr. Chairman, there are two questions concerning which I would like information. One relates to a question I placed on the order paper concerning the authority for making the appointment of the deputy transport controllers. The other part of the question asked who made the appointment. Am I right in assuming that it is the minister who makes the appointment of deputy transport controller?

**Mr. Marler:** No, Mr. Chairman, the hon. member is not right in assuming that. I think the statute provides that the appointment of the controller and the deputy controller is made by the governor in council and not by the minister himself. In fact, if the hon. member will refer to section 6(a) 1(d), he will see that it refers to the appointment of one or more controller and one or more deputy controller. Both are appointed by order in council.

**Mr. Johnson (Kindersley):** On that same point, Mr. Chairman, I notice at page 239 of the proceedings of the standing committee on agriculture and colonization, when Mr. Milner was explaining the bottleneck he said:

It was a real problem at the start, but the thing has worked itself out now to where it is working very smoothly. Some time ago I appointed a man to act as my deputy in Montreal.

He then goes on to explain that that man has since been taken over by the Canadian wheat board as their Montreal manager, and so on. I wondered about the validity of the statement Mr. Milner made. I presume he recommended that someone be appointed but it says right on the record that he made the appointment.

**Mr. Marler:** Perhaps the hon. member would permit me to interrupt him. I think that is merely a way of speaking. I do not think anyone would suggest for a moment that it is in fact the transport controller who legally appoints the deputy and I am sure my hon. friend would agree it would be only natural that Mr. Milner would be consulted although he does not legally make the appointment.