

PREFACE

Canada is a country of railway companies. More than twenty-five hundred such companies have been chartered. Far fewer were built. Today, there are only two major railways—Canadian National and Canadian Pacific—plus a handful of regional carriers. Most of the other railways that were built have been abandoned or absorbed into the CN and CP systems.

The situation in the mid-1930s was similar although there were more independent carriers. The 1920s and 1930s were also a time of railway consolidation. Many railways were disappearing from public view, although they remained as separate legal entities held by other railways. It was not uncommon to have three, four, or five levels of corporate holdings between the railway company that originally constructed a section of track and the one which the public perceived as running the line.

Sometime in the late 1920s or early 1930s, Robert Dorman—then an employee of the Department of Marine—began keeping track of the statutory authority under which various railways were established and consolidated with other railways. Although the data was useful for governmental purposes, Dorman began this work as a labour of love. The material soon proved to be so useful that Dorman expanded the work and it was published in 1938 by the Department of Transport as *A Statutory History of the Steam and Electric Railways of Canada 1836-1937*. Ten years later Mr. Dorman—then the Department of Transport archivist—published a short addenda.

After 1938, the corporate structure of the Canadian railway system changed significantly. In the early 1970s, Doug Stoltz, then a law student at Queen's University, suggested to Transport Canada that the Dorman book be updated. This update would include not only events that had taken place since 1938, but also the correction of errors in the original publication and the identification of pre-1938 citations that Dorman had missed. The project caught the interest of Sandy Peel, director of Transport Canada's railway and highway policy unit, and Mr. Stoltz began his research. He has since served in the Law Branch of the House of Commons and the Faculty of Law at the University of Ottawa. Mr. Stoltz is currently with the Department of Justice, Legislation Section and continues to contribute newly-found material to the Statutory History.

Transport Canada was unable to complete the update, but through the efforts of Colin Churcher, Mr. Stoltz's research notes and handwritten manuscript were sent to the Canadian Institute of Guided Ground Transport for safekeeping and eventual publication. The task of preparing a publishable manuscript from the original Donnan edition and Mr. Stoltz's detailed notes was undertaken by Val Cottrill while a law student at Queen's University. In addition to preparing the manuscript, Mr. Cottrill also undertook extensive spot-checking of statutory citations and resolution of gaps in the citations. Partial funding for this task was provided by the Province of Ontario through the SEED Grant Program. Much of the final technical work in preparing this volume was undertaken by Mrs. Alice Pignal, CIGGT's Information Officer.

A deliberate decision was made to include in this update only the precis of citations of statutes affecting individual railway companies. Precises of general transportation legislation are available from various sources. Revision to Mr. Dorman's Indices will be left to some future date. The maps found in many copies of the original Statutory History were simply Department of Transport documents and not truly part of Donnan's work. Research for a set of historical railway maps—reflecting the information contained in this volume—is being undertaken by Historica Research of London, Ontario.

Another decision was to maintain the title *Statutory History*. Strictly speaking this volume is not a history book. Two generations of historians, lawyers and railway buffs, however, have treated Dorman as the definitive source. Maintenance of a well known name was more important than the use of a technically correct title such as "*Statutory Citations of Canadian Railways...*".

Two significant changes have been made in the Precis format:

Modern citation style (eg S.C. 1907, c. 55) has replaced the older style (eg 6-7 Edward VII, Cap 55).

Statutes which simply mention a subsidy contain other minor provisions have been cited in tabular form under the headings *Subsidy* and *Other*.

This book has been prepared using a specially-designed computer data base and direct output preparation software. This material may be obtained in electronic form by contacting the undersigned. CIGGT is also undertaking to maintain updates to this Precis and will publish these if demand warrants. Any additional statutory citations, corrections, and other material would be appreciated, particularly for changes that have taken place in the 1980s.

Charles Schwier
