

they then possess is rendered nugatory by the callous indifference of those whose duty it is to protect the holders of such certificates in the enjoyment of the privileges they have earned. It matters not at all if certificated telegraphers are out of work, and if their families are in want, so long as the Ottawa functionaries are able to take the line of least resistance and to avoid any conflict with the influential concerns which control the radiotelephone stations, ashore and afloat.

For sheer ignorance of the law and of the regulations, to say nothing of his obligations to administer both of them in the letter and the spirit, the letters of the deputy minister of Marine and Fisheries, shown in these columns, would be hard to excel. Setting himself higher than the law, assuming powers greater than those possessed by the Canadian government as a participant in the International Convention, he arrogates to himself the right to say whether a certificate is or is not necessary, in complete disdain of the practice of all other parts of the world.

All other countries may demand that their radiotelephone stations shall be operated by certificated men; but that means nothing to him. The United States government, notorious in some respects for its subservience to vested interests, leaves Canada far behind in radio law enforcement. Only Canada, of all nations, is small enough, apparently, to have its bond, as represented in a radio certificate, set aside by an individual charged to respect it.

It will be remembered that in September, 1924, the Canadian Radio Division protested against the practice of the Marine and Fisheries Department in permitting uncertificated persons to operate radiotelephone transmitters. The Director of Radiotelegraphs (Marine and Fisheries Dept.), Mr. C. P. Edwards, showed no disposition to enforce the law as it stands, although it was pointed out to him that many holders of government certificates were debarred from earning a living through the failure of the Department to insist that all operators of radiotelephone transmitters should possess the qualifications required by law.

That the Union's position is well taken will be seen from the following excerpts from the law and the regulations made in accordance with the law. We make no apology for quoting somewhat at length, for it is important that members should realize that no room has been left for the minister of Marine and Fisheries or his subordinates to enforce or not to enforce the law according to their personal predilections.

**Extracts from The Radiotelegraph Act (Act 3-4, George V., Chap. 43; assented to 6th June, 1913; amended 13th June, 1923).**

Sec. 2. "In this Act, unless the context otherwise requires, . . . . (b) 'radiotelegraph' includes any wireless system for conveying electric signals or messages including radiotelephones."

Sec. 10. "The Governor in Council may . . . . (b) accede to any international convention in connection with radiotelegraphy, and make such regula-

tions as may be necessary to carry out and make effective the terms of such convention and prescribe penalties recoverable on summary conviction for the violation of such regulations; provided that such penalties shall not exceed five hundred dollars and costs."

**Extract from Part II. of the Regulations (Revised to 1st June, 1923; issued by the Minister of Marine and Fisheries in accordance with Section 11 of The Radiotelegraph Act, Chapter 43, Statutes 1913).**

No. 7. "Private Commercial Broadcasting Licences. . . . The station must be operated by a person who is the holder of a 'First Class' or a 'Radiotelephone' Certificate of Proficiency in Radio."

**Extract from Part I. of the Regulations (Approved by the Governor in Council and issued in accordance with Section 10 of The Radiotelegraph Act, Chapter 43, Statutes 1913).**

No. 3. (i) "The provisions of the International Radiotelegraph Convention of London, 1912, and of the regulations annexed thereto, shall be observed by all 'coast stations' established in Canada, and by all 'ship stations' on board any vessel registered in Canada."

**Extract from the Detailed Service Regulations appended to the International Radiotelegraph Convention of London, 1912.**

Article 10. Sec. 1. "The service of the ship station must be carried out by a telegraphist holding a certificate issued by the government to which the ship is subject, or, in an emergency and for one voyage only, by another government party to the Convention."

Sec. 2. "There shall be two classes of certificates." (The first and second class certificates are then described; the distinction between the two being in the rate of speed at which the holder must be able to telegraph in the International Morse Code.)

As is partly shown by the foregoing quotations, the International Radiotelegraph Convention has the force of law in Canada; it cannot be modified in any way by any official. Such regulations as are issued in conformity with the Radiotelegraph Act also have the force of law (when duly published in the "Canada Gazette"), provided they do not conflict with the Convention. Thus, while the Department of Marine and Fisheries, charged with the enforcement of the Act, may make regulations to govern the details of procedure in certain cases, the Department's power to regulate is strictly limited in scope. In the important matter of the grades of telegraphers required to operate transmitting stations of various kinds, the Department has to be guided by the Act, the Convention, and—in the long run—by international custom.

The Canadian Radio Division, having protested vigorously at the laxity with which the law was being enforced, and having corresponded with the Department of Marine and Fisheries for several months in this connection, finally turned over the task of securing fair treatment for certificate holders to the Vancouver

District Council of the C. T. U. A.: The following correspondence will show, more completely than any attempted narrative, the very precarious position which the Department has sought to occupy:

Vancouver, B.C., 24 June, 1925.

The Deputy Minister,  
Department of Marine and Fisheries,  
Ottawa, Ont.

Dear Sir:

I am directed by the Vancouver District Council of the Commercial Telegraphers' Union of America to submit to you its view that the present practice of allowing uncertificated persons to operate radiotelephone transmitters, both on board ship and at broadcast stations ashore, is grossly unfair to the holders of government certificates, and is contrary to the purpose of the Radiotelegraph Act of 1913, and the International Radiotelegraph Convention.

The Radiotelegraph Act provides that the Minister of Marine and Fisheries shall make regulations to prescribe the class of radiotelegrapher who is to be carried on each class of radio station. Such regulations to be published in the "Canada Gazette." From the published regulations to which the Council has access, the classes of radiotelegraphers are not a matter of opinion, but are laid down in definitive terms. Broadcast stations are, under the regulations, required to carry radiotelegraphers in possession of either First Class or Radiotelephone certificates, and ship stations voluntarily equipped are required to carry one Second Class radiotelegrapher. But despite the fact that radiotelegraph inspectors are scattered throughout the country, the licences of the broadcast stations in the very towns where these officials function are in many cases irregularly endorsed. The usual formula inserted in the space provided for the description of the operator required to be carried on the particular station appears to be: "Any person who is competent, in the opinion of the Minister." The effect of this endorsement is that any person whatsoever, without even the degree of proficiency required to secure an amateur certificate, may operate the transmitter.

As far as the Council has been able to ascertain, no country in the world, other than Canada, condones such laxity in the observance of the International Convention and of the law of the land in respect to radiotelegraphy. In all other countries, broadcast stations are operated by competent telegraphers, who listen for distress calls and complaints of interference during intervals between transmissions, and ship stations are similarly staffed by holders of proper certificates.

This matter has been taken up by one of the subordinate units of this Union, the Canadian Radio Division, but has not hitherto apparently received the attention which might be expected from your department in a case so closely affecting the public interest. It has been stated by the Director of Radiotelegraphs, in your department, that, as no arrangements have yet been made for the conduct of examinations in radio-