

history of the company some of them were simply matters of prophecy. I do not know whether any of the company officials would be prepared to prophecy on them, but the company has always had the power to operate and to furnish the services set out in this clause. I wonder if some one would tell us just what this means?

Mr. MUNNOCH: The question goes back really to what is a line of telephone. A line of telephone, in the studies that I have given to this matter, include any combination of things that will enable you to communicate from one point to another. Now, it is true, as you point out, that perhaps when the bill was enacted originally radio was not known, but when the British North America Act was enacted radio was not known, and the Privy Council held that lines of steamships, railways and canals—I think that is the wording of section 92—included radio and similar works connecting for communication purposes two provinces.

The situation is simply this. I have given to the company the best opinion that I am capable of giving on the interpretation of the original Act combined with the British North America Act, section 92, under which we fall, but we are getting into the stage now where we will have to go on spending substantial sums of money in the use of radio facilities to augment and link together our lines. I do not want to find that at some day some court will disagree with my opinion and I think in the interests of the safety of the company and its investment that it ought to be made clear. That is the reason the words “has and always has had” are included. We believe we have had those powers if we go to the interpretation of our original statute and the federal laws, particularly back to the British North America Act and to the judgment of the Privy Council on it. I do not want to find after we had spent money that some court disagrees with my opinion.

Mr. KNIGHT: This might be called retroactive legislation, and the mere statement in the bill, if it is passed now, will protect the company in the courts in the future?

Mr. MUNNOCH: I am not really worried about what we have done up to now. I should like to be covered. We have done it under licence from the government in all radio steps we have taken, but while it, as you say, is in a sense retroactive we have not got very far in the radio field yet. We would like to be covered.

Mr. KNIGHT: It is an interesting point. I did not know that a mere statement would protect the company.

Mr. CHURCH: I am going to move an amendment that that clause be deleted. I was reading in *Everybody's Magazine* a couple of months ago about this program. We have a radio committee and they have not reported yet on this. It looks to me—

The CHAIRMAN: Are you ready for the question? The amendment is that clause 5 be deleted.

Mr. CHURCH: I am moving that it be deleted, the reason being that it should not be under the control of the Board of Transport Commissioners and secondly, it is going to give this company a monopoly, and thirdly, that television, radio and these other things are surely not a monopoly for a company such as this.

Mr. MUNNOCH: May I reply—

Mr. CHURCH: Just a moment; I am a member of the committee. I think the government must lay down a policy on it first. Why should we pass a clause like this over the heads of another branch of the government, the radio committee of the House of Commons which has not reported on it yet?

The CHAIRMAN: Are you ready for the question that clause 5 be deleted? All in favour of the motion please signify.