

Telegraphs Act

The act requires the company, before exercising any of its powers, to obtain the approval of the governor in council of the plan, site and location of its telegraph, the shore approaches, its stations on land and related works.

When Newfoundland united with Canada in 1949, certain companies such as Cable and Wireless Limited and Anglo-American Cable Company Limited were authorized by Newfoundland to operate cables landed in Newfoundland. Western Union and Commercial Cable Company also land their cables in that province. In particular, Cable and Wireless Limited, a company incorporated in the United Kingdom, operates a cable between the United Kingdom, Newfoundland and Nova Scotia, but this company is not authorized under the Telegraphs Act to land its cables in Canada and is not a company coming within part III of that act. It is proposed to bring Cable and Wireless Limited under this part of the Telegraphs Act so that Cable and Wireless Limited in conjunction with Canadian Overseas Telecommunication Corporation may be authorized to construct and operate certain cables in connection with the commonwealth telegraphs agreement, 1948, to which, as you know, Canada is a party.

It is considered to be within the intent of the terms of union of Newfoundland with Canada to have part III of the Telegraphs Act apply to companies authorized under the laws of Newfoundland prior to union to construct and maintain submarine cables extending beyond the limits of that province. The bill, as I said, is a simple one and there is no doubt that parliament has the necessary jurisdiction to enact the proposed amendment.

Mr. Thomas M. Bell (Saint John-Albert): Mr. Speaker, I agree with the parliamentary assistant that this is a routine bill but there are one or two clauses in it—I will not refer to them particularly now—which to my mind are in conflict with the Newfoundland aspect of the matter. I feel that there may be some overlapping. I do not mean that there is not authority under the constitution to pass this legislation, but there are one or two points involving the existence of Newfoundland previously and I think they should be taken into consideration.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Applewhaite in the chair.

On clause 1.

Mr. Bell: I quite realize the implications of clause 1 (c) on section 18 in the act, but there is mention there of a New York, Newfoundland and London Telegraph Company

[Mr. Langlois (Gaspé).]

with rights existing at this time. I do not know what their position would be under the new section.

Mr. Langlois (Gaspé): When you read section 18 of the Telegraphs Act, Mr. Chairman, you will note that this section only says:

"This act does not affect any franchise, right or privilege that the New York, Newfoundland and London Telegraph Company or any other company, or person lawfully entitled thereto, actually acquired and exercised or operated in Prince Edward Island before and up to the said 1st day of July, 1873, under and subject to the provisions of any act of the legislature of Prince Edward Island made and passed before the said 1st day of July, 1873" . . . etc.

This has nothing to do with the proposed amendment, since the proposed amendment does not deal with that particular company but with companies which were in operation in Newfoundland prior to the union of Newfoundland with Canada.

Mr. Bell: The point I am making is that you are seeking to put in an extra section in the middle of the act, and there are other sections which make definite mention of Newfoundland when it was not a part of Canada. While section 18 has no direct bearing on clause 1 (c) and might not be in conflict with it, I am certain that section 39 is.

Mr. Langlois (Gaspé): I hope the hon. member will indicate in a clearer manner just how section 39 comes into conflict with the proposed amendment.

Mr. Bell: I appreciate that it is confusing, but you are taking a section and adding it to the middle of part III of the Telegraphs Act. I maintain that some of the other sections of the Telegraphs Act are in conflict with that section you are reading because at the time the Telegraphs Act was drawn up Newfoundland was not a part of Canada. There are instances in some sections where Newfoundland is referred to as a separate country. I feel some consideration at least should be given to these sections that are farther on in the act.

Mr. Langlois (Gaspé): I must admit that I do not see the point which the hon. member is trying to make. The existing sections in the Telegraphs Act are not being amended, and will have the same effect as they have had since this act was put into force. Whatever is said in section 17 of the act, either in the two existing paragraphs (a) and (b) or in the new paragraph (c) which we are adding today, will be governed by whatever is said in the following sections. I should like the hon. member to explain further how these sections could come into conflict with the proposed amendment.