

CANADA

TREATY SERIES, 1942

No. 19

EXCHANGE OF NOTES

(February 6, 7, 9 and 27, 1942)

BETWEEN

CANADA AND NEWFOUNDLAND

Constituting an Agreement

FOR A

COMMERCIAL AIR SERVICE TO
NEWFOUNDLAND BY TRANS-CANADA
AIR LINES

IN FORCE FEBRUARY 27, 1942

ANNEX

LICENCE GRANTED ON APRIL 30, 1942
BY NEWFOUNDLAND TO TRANS-CANADA AIR LINES
FOR THE TRANSPORTATION OF GOODS
MAIL AND PASSENGERS

Effective as from April 1, 1942



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SUMMARY

BETWEEN

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LICENCE GRANTED ON APRIL 30, 1942 BY NEWFOUNDLAND TO TRANS-CANADA AIR LINES FOR THE TRANSPORTATION OF GOODS MAIL AND PASSENGERS

Effective as from April 1, 1942



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**EXCHANGE OF NOTES (FEBRUARY 6, 7, 9 AND 27, 1942) BETWEEN
CANADA AND NEWFOUNDLAND CONSTITUTING AN AGREEMENT
FOR A COMMERCIAL AIR SERVICE TO NEWFOUNDLAND
BY TRANS-CANADA AIR LINES.**

I

The High Commissioner for Canada in Newfoundland to the Acting Commissioner for Public Utilities of Newfoundland

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

No. 9

ST. JOHN'S, NEWFOUNDLAND, February 6, 1942.

SIR,

Referring to the conferences which we have had with you and the Honourable Mr. Wild during the past two days respecting the commercial air service to Newfoundland by Trans-Canada Air Lines, I have the honour to put before the Commission of Government for their approval the following proposal:

The Government of Newfoundland will issue a permit to Trans-Canada Air Lines to operate a scheduled air mail passenger and express service over its territory, between airports in Canada and Gander and Torbay, and any other places in Newfoundland at which airports may hereafter be constructed by the Government of Canada with the approval of the Government of Newfoundland, and to which the Government of Newfoundland may consent to such service being extended, on the following conditions:—

1. The permit shall be from April 1st, 1942, renewable from year to year thereafter.
2. Six months' notice of cancellation may be given by either the Government of Newfoundland or Trans-Canada Air Lines.
3. The granting of this permit will not affect the Inter-Government agreement covering the operation of the Trans-Atlantic Air Service.
4. The Newfoundland Government undertake not to grant a permit for commercial flying between Newfoundland and the North American Continent which may compete with the traffic of Trans-Canada Air Lines under this permit without prior consultation with the Government of Canada.
5. Trans-Canada Air Lines shall provide a service comparable to that given on Trans-Canada Air Lines services in Canada.
6. The initial frequency shall be one round trip daily six days a week weather permitting, but this frequency of schedule may be increased without further permit.
7. The rates and regulations for the carriage of passengers and express shall be comparable to those prevailing from time to time on Trans-Canada Air Lines in Canada.
8. The conditions governing the carriage of mail by air on the service shall be agreed on by the Postal authorities of Canada and Newfoundland from time to time.

9. Trans-Canada Air Lines operations shall be conducted in accordance with Air Regulations of Canada, and the Air Defence Regulations and Customs and Immigration Regulations prevailing from time to time in Newfoundland.

10. The Government of Newfoundland shall exempt from Customs duties and taxes all aircraft, engines, parts and accessories, radio, motor tank trucks, materials for original construction and equipment of hangars and buildings at the aerodromes, and all other equipment necessary for the establishment and operation of the Service which may be imported by Trans-Canada Air Lines or by the Government of Canada. Provided that this exemption from duties shall not apply to vehicles or equipment of any class used on public high-roads other than motor tank trucks, nor to other articles or materials not specified above, e.g., office supplies and equipment, consumable stores, wearing apparel of all kinds, foodstuffs imported by or for the Company or to be used in any hostel or by its employees or passengers.

11. The Government of Newfoundland shall permit the entry, free of duty and taxes, of special aviation fuel and petroleum products necessary for the operation of the aircraft on the service.

I have the honour to be, Sir,

Your obedient servant,

C. J. BURCHELL,
High Commissioner for Canada.

II

The Acting Commissioner for Public Utilities of Newfoundland to the High Commissioner for Canada in Newfoundland

DEPARTMENT OF PUBLIC WORKS

ST. JOHN'S, NEWFOUNDLAND, 7th February, 1942.

SIR,

I have the honour to inform you that your letter to me of the 6th instant, No. 9, was considered in Commission by the Government this morning and I am instructed to say that, subject to the approval of the Right Honourable Secretary of State for Dominion Affairs and subject to the slight modification mentioned below, the Government accepts the offer therein contained.

The modification suggested, and to which I understand you agreed orally on the telephone, is to para. 9, the words "defence regulations" being eliminated so that it will then read "Trans-Canada Air Lines operations shall be conducted in accordance with Air Regulations of Canada, the Air, Customs and Immigration Regulations prevailing from time to time in Newfoundland".

The Secretary of State's approval is being sought by cable and I will communicate with you as soon as I hear from him.

I am to add that the Government appreciates very much the spirit of friendly co-operation displayed throughout these negotiations and feel sure that the agreement now consummated will add another link in the happy relations between our two countries.

I have the honour to be, Sir,

Your obedient servant,

L. E. EMERSON,
Commissioner for Public Utilities (Acting).

III

The High Commissioner for Canada in Newfoundland to the Acting Commissioner for Public Utilities of Newfoundland

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

No. 11

ST. JOHN'S, NEWFOUNDLAND, February 9, 1942.

Dear Mr. EMERSON:

I have your letter of February 7th, your file AG-54. The modification to my proposal which you suggest in your letter is entirely satisfactory and makes the proposal read as was intended, but your wording is much better than mine.

I note this afternoon that in the despatch which I sent to Canada, I inserted the word "and" after the word "Canada" so that the modification to which you referred in your letter reads in the final copy which I have sent to Canada as follows:

"Trans-Canada Air Lines operations shall be conducted in accordance with Air Regulations of Canada and the Air, Customs and Immigration Regulations prevailing from time to time in Newfoundland".

May I suggest that you make the same change in your copy.

I am very pleased that our conferences resulted in so satisfactory an arrangement. I think that perhaps February 7th may be looked upon as a red letter day because, as a result of our conferences, Newfoundland has been brought closer to the main land of America.

Will you please also allow me to thank you personally for the courtesy which you extended to the visitors from Canada during their short stay here. They were all especially appreciative of your kindness in asking them to your own home on Thursday evening and for the expedition with which you dealt with the matter so as to enable them to get back to Canada on Saturday evening.

Yours faithfully,

C. J. BURCHELL,

High Commissioner for Canada.

IV

The Commissioner for Public Utilities of Newfoundland to the High Commissioner for Canada in Newfoundland

DEPARTMENT OF PUBLIC WORKS

ST. JOHN'S, NEWFOUNDLAND, 27th February, 1942.

Dear Mr. BURCHELL,

With reference to the third paragraph of the letter written to you by Mr. Emerson as Acting Commissioner for Public Utilities dated 7th February, 1942, in which Mr. Emerson informed you that the Secretary of State for Dominion Affairs had been asked to approve the Agreement reached between your Government and the Government of Newfoundland for a commercial air service to Newfoundland by Trans-Canada Air Lines, I write to inform you that an intimation of the Secretary of State's approval has now been received by telegram.

Yours faithfully,

W. W. WOODS,

Commissioner for Public Utilities.

ANNEX

DEPARTMENT OF PUBLIC WORKS
ST. JOHN'S, NEWFOUNDLAND

LICENCE FOR THE OPERATION OF A COMMERCIAL AIR SERVICE
FOR THE TRANSPORTATION OF GOODS, MAIL AND PASSENGERS
TO TRANS-CANADA AIR LINES

This licence is issued under authority of His Excellency the Governor of Newfoundland in Commission conferred upon the Commission for Public Utilities by Minute of Commission dated the 30th day of April, 1942.

Trans-Canada Air Lines is hereby authorized to operate a commercial air service for the transportation of goods, mail and passengers between airports in Newfoundland situated at Gander and Torbay and airports in Canada.

This licence is issued to give effect to an agreement made with the Government of Newfoundland contained in an exchange of letters as follows:—

Letter from the High Commissioner for Canada to the Acting Commissioner for Public Utilities dated 6th February, 1942.

Letter from the Acting Commissioner for Public Utilities to the High Commissioner for Canada dated 7th February, 1942.

Letter from the High Commissioner for Canada to the Acting Commissioner for Public Utilities dated 9th February, 1942.

Letter from the Commissioner for Public Utilities to the High Commissioner for Canada dated 27th February, 1942.
and the authority to operate an air service hereby conferred is subject to the provisions of the said agreement as in the said letters set out.

This licence shall have effect as from the 1st day of April, 1942, and subject to the provisions of the said agreement shall continue in effect until the 31st day of March, 1943.

This licence may be required to be replaced or supplemented by any permit or licence necessary for the operation of the air service under the provisions of any of the laws of Newfoundland.

W. W. WOODS,
Commissioner for Public Works.

30th APRIL, 1942.

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