

Mr. LANCASTER. You want us to play hunt the slipper through the Act to find out what it means.

Mr. BORDEN (Halifax). If you insert the word 'verb' here you will have to say in (bb) 'the noun traffic' because the word 'traffic' is used as a noun and also as a verb, and in (cc) you will have to use the expression 'the noun train.' I never saw an expression like that in an Act before.

Mr. RUSSELL. I am quite sure I have seen it, but I do not remember where.

Mr. BORDEN (Halifax). It is very unusual. I should think the clause as it is at present is perfectly plain.

Hon. Mr. TISDALE. If I were to look hurriedly at this Act to find out what 'toll' means I would say that it did not include 'passengers.' You would never think of looking under the word 'traffic' to find out what 'toll' means.

The MINISTER OF RAILWAYS AND CANALS. These definitions take these forms in the present Bill, because they are precisely a transcript from the English Act.

Hon. Mr. TISDALE. Very well then.

The MINISTER OF RAILWAYS AND CANALS. If the hon. gentleman thinks it important, I have no objection to insert the word 'passengers.'

Mr. MACLEAN. It is clearer the way it is now, and we are following the English practice.

Hon. Mr. HAGGART. I suppose we can do almost anything by Act of parliament, but is it not stretching our powers by saying: that traffic means and includes passengers and all goods conveyed by railway and also the rolling stock.

The MINISTER OF JUSTICE. The old definition is worse.

The MINISTER OF RAILWAYS AND CANALS. The old definition says that traffic means animals, cars trucks and vehicles, and it is a wonder my hon. friend (Hon. Mr. Haggart) has not had many a hearty laugh over this clause in times past. I think this present definition is a great improvement on the old one, and I propose to improve it still further by eliminating some unnecessary words so as to make it read:

The expression 'traffic' means and includes passengers, goods and rolling stock.

Some hon. MEMBERS. Hear, hear.

On section 2, subsection ee,

Hon. Mr. TISDALE. That is new; what does it mean?

The MINISTER OF RAILWAYS AND CANALS. I think it is all right.

Mr. BORDEN (Halifax). In the first place, what is the use of saying that undue pre-

Hon. Mr. BLAIR.

ference means and includes an undue preference?

The MINISTER OF RAILWAYS AND CANALS. The operative section in the Act is section 253. It is an important clause, and I think it is pretty comprehensive.

Mr. CASGRAIN. It seems to me the expression undue preference is defined in that section. If that is the only section relating to it, I do not see why you need this definition here.

The MINISTER OF RAILWAYS AND CANALS. The expression undue preference is used in other parts of the Act. This clause may perhaps not be really necessary, but I do not think it is harmful.

Mr. CASGRAIN. Does the minister not think it might limit the meaning of the expression, and take away from the court the discretion which they should exercise? They would have to refer to this clause to find what undue preference meant, and they could not go beyond that.

Mr. BORDEN (Halifax). If it is covered by section 253, why not limit it to that section? At any rate, I cannot see any reason for saying that undue preference shall mean undue preference.

The MINISTER OF RAILWAYS AND CANALS. The courts have placed a distinct and precise meaning upon these words. What was aimed at here was that undue preference should be included, so that whatever meaning might be attached to those words should not be in the slightest degree circumscribed, but that if there was any additional expansion of the idea possible, it should be included. I do not attach very much importance to the clause.

Hon. Mr. TISDALE. It is a new clause, and section 253 is very full.

The MINISTER OF RAILWAYS AND CANALS. I will strike it out.

Subsection struck out.

On section 2, subsection ff:

The expression 'working expenditure' means and includes all expenses of maintenance of the railway, and all such tolls, rents, or annual sums as are paid in respect of property leased to or held by the company, apart from the rent of any leased line, or in respect of the hire of rolling stock let to the company; also all rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for; and also all expenses of or incidental to working the railway, and the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company; also rates, taxes, insurance and compensation for accidents or losses; also, all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors fees, agency, legal and other like expenses; also all costs and expenses of and incidental to the compliance by the company with any order of the board under this Act;