

The MINISTER OF RAILWAYS AND CANALS. Yes, the provisions would apply.

Hon. Mr. HAGGART. They would come under the special provisions of this Bill just as if they had received their charter under it and the argument of the hon. minister is that if they came under this Bill the terms of this Bill would apply to them as to rolling stock and as to the railway equipment just as if the charter had been issued under this Act and this might effect their bonds.

The MINISTER OF RAILWAYS AND CANALS. It cannot effect any existing contract at all. It does not apply to any existing contract. How could it affect any existing contract by any possibility?

Hon. Mr. HAGGART. That is just the question.

The MINISTER OF RAILWAYS AND CANALS. If so you could never change the law at all.

Hon. Mr. HAGGART. My argument is this: Here is a railway, say, the Pontiac and Pacific Junction Company, which has received a special charter. It chooses, instead of continuing under its special charter, to come under the provisions of this Bill and all its provisions in reference to railways will apply to that company and all the other special provisions of its charter are annulled. It is just in the same position as if it had received its entity under this Bill.

The MINISTER OF RAILWAYS AND CANALS. No, there is nothing annulled. This Bill recognizes that any special privileges or provisions or powers which have been conferred upon a railway company by any special Act are not taken away. They continue. This is a general railway Bill which applies to all railways, except where, under a special Act there has been an exception from some inconsistent provision named or power conferred. The General Interpretation Act says:

The repeal of an Act, or the revocation of a regulation, at any time, shall not affect any Act done or any right or right of action existing, accruing, accrued or established, or any proceedings commenced in a civil cause, before the time when such repeal or revocation takes effect; but the proceedings in such case shall be conformable when necessary, to the repealing Act or regulation.

Mr. BORDEN (Halifax). That is the General Interpretation Act?

The MINISTER OF RAILWAYS AND CANALS. Yes. We could not change the law at all for any purpose without damaging anybody unless we could do it in this way.

Mr. LANCASTER. We have a special interpretation clause in this Bill and one in the General Interpretation Act, and I would like to ask the hon. minister whether these

do not more or less conflict. The hon. minister has quoted the General Interpretation Act.

The MINISTER OF RAILWAYS AND CANALS. That gives the effect of the repeal of a law.

Mr. LANCASTER. Would it not be better to put in the very words he has mentioned and to say that this Bill shall not apply except in such and such cases? He says it would not apply to those companies that are operating under their special Acts. Would it not read better if that particular exception were put into the clause that we are now passing?

The MINISTER OF RAILWAYS AND CANALS. We would have to put it into every clause in the Bill. Unless the context of any Act incorporating a railway company, or any special Act, requires otherwise, then, these general provisions apply. What more could you possibly ask?

On section 2, paragraph (aa)—

Hon. Mr. HAGGART. You extend this to passengers as well as to freight?

The MINISTER OF RAILWAYS AND CANALS. I want to make a change. I beg to move that we insert in place of 'the expression' 'to charge,' the verb 'to charge.' My hon. friend (Hon. Mr. Haggart) asked me whether we include passenger rates as well as freight rates. Certainly. We have shortened the expression. You will find the word 'tolls' as it is defined.

Paragraph (bb) reads:

The expression 'traffic' means and includes passengers and all goods conveyed by railways and also all rolling stock.

I propose to strike out the word 'expression' and insert 'verb.'

Mr. BORDEN (Halifax). Does my hon. friend the minister think it a desirable amendment. I should think 'the word' would be much better, because later on you would have to say 'the definite article' 'the noun' and so on.

Mr. RUSSELL. I do not see any objection to the word which my hon. friend (Mr. Borden) thinks so ridiculous. I do not see why he should not say the verb 'charge' should mean such a thing.

Mr. BORDEN (Halifax). I never saw any drafting just of that kind. It may make it more definite but it is rather unusual.

Hon. Mr. TISDALE. In the old law the expression 'toll' or 'rate' was made to apply to passengers, but in this section you leave out the word 'passengers.'

The MINISTER OF RAILWAYS AND CANALS. You will find in section (bb) that the expression 'traffic' includes passengers.