

or that description of rolling stock, that the provision contained in this clause was desirable.

Hon. Mr. TISDALE. Has the minister considered what might be the financial effect of it? I think the Minister of Justice will agree with me that when we make a definition of the words 'rolling stock,' nothing else can be included. The words 'rolling stock' has been defined by a long series of decisions, just like the words 'working expenses,' which we have never changed, and millions of dollars depend upon the meaning of the phrases 'working expenses' and 'rolling stock.'

The MINISTER OF RAILWAYS AND CANALS. This clause will have no retroactive effect, it only applies to what may be ordered hereafter. If there has been any contract in which the words 'rolling stock' are used, that contract would not be affected by this Act.

Mr. LANCASTER. I am afraid this clause goes a little further than the minister intends. We are now discussing clause (v.), which is a part of section 2 of the Bill, and the very first words of this section are:

In this Act, and in the special Act incorporating any railway company to which this Act or any part thereof applies, unless the context otherwise requires—

The context might mean a good deal more than this Act provides for. We must read clause (v.) in the light of the first words of section 2. As my hon. friend from Norfolk (Hon. Mr. Tisdale) says, these special Acts are passed every day, and it might be the context of a special Act.

The MINISTER OF JUSTICE. I understand the hon. member for Norfolk to say that it is dangerous to introduce this change because it may affect existing contracts. I do not think it is possible it can affect any existing contract. That is my opinion, expressed off-hand.

Mr. BORDEN (Halifax). According to the views expressed by my hon. friend from Norfolk, that word 'rolling stock' has attained a meaning through a long series of decisions. Assuming that he is right, then certainly you might possibly change the meaning of a contract by this legislation. The Minister of Justice will see that it would be possible. For example, if the words 'rolling stock,' as used in this Bill, had a particular meaning assigned to it by a series of decisions, then it would bear that meaning in the contract. You have the meaning of the words 'rolling stock' ascertained by judicial decisions. A contract has been made reciting the provisions of the special Act, reciting the provisions enabling rolling stock to be charged, and you have this Act affecting the meaning of the words used in the special Act.

The MINISTER OF JUSTICE. My hon. friend suggests that possibly, if a contract

Hon. Mr. BLAIR.

had been passed previous to this Act coming into force, the meaning of the words 'rolling stock' in it, might be affected by this Act.

Mr. BORDEN (Halifax). No, I would not go that far. There might be a good deal of force in the observations of the Minister of Justice with regard to that, but you do not need to go that far. You might take a case where arrangements have been made for drawing up a deed. Negotiations have been going on, you draw up the deed, and it would have possibly the meaning assigned to it by this statute.

The MINISTER OF RAILWAYS AND CANALS. If hon. members will reflect upon the nature of the questions likely to arise, their minds will be set at ease. If you turn to the old Act, subsection (x.) of the corresponding section, you will find the question of rolling stock comes up in this way:

The expression 'working expenses' means and includes all expenses of maintenance of the railway, of the stations, buildings and works belonging thereto, and of the rolling and other stock, and movable plant used in the working thereof.

The term 'rolling stock,' I think, is never used in any special Act, according to my recollection. There is no possibility of any misapprehension arising as to the interpretation and meaning of it, if I am correct in what I say, and I think the recollection of every hon. gentleman will coincide with my own. The object of the incorporation of this clause in the Bill is more particularly to define for the purpose of this Act and of the administration of a railway commission under it, what is the meaning of 'rolling stock' rather than leave it to uncertainty. I do not know of any legal interpretation that has been given by a court in any case of the word 'rolling stock,' but we have proposed that this commission may require that a certain kind of rolling stock shall be provided for a certain purpose and they may indicate just what shall constitute that rolling stock. They shall say whether there shall be a snow plough or a flanger as part of the rolling stock, or whether it shall consist of any other of these particular descriptions of cars which are mentioned in paragraph (v.) It is only in the matter of administration that there might be any serious question arising at all.

Hon. Mr. HAGGART. The argument of the hon. Minister of Railways and Canals is, that any railway can come under the special provisions of this Bill and can get its charter under the Act. Is there any provision of that kind in the Bill?

The MINISTER OF RAILWAYS AND CANALS. These railway companies would come under the control of this commission.

Hon. Mr. HAGGART. Not under the control but the provisions as to the charter would apply to them.