Mr. WELDON. I draw the hon. gentleman's attention to the question of the word "occupant." Difficulty will arise with regard to parties holding by adverse possession, as to whether they can be considered as owners. A party gets a title by a possession of many years, but it does not vest the freehold in him in free and common soccage. It gives him a title—to use the expression of the late Lord Chief Justice Campbell, of England, a parliamentary fee. Although twenty years' adverse possession gives a man a title, it requires forty years—I only speak of the law of New Brunswick—before the legal title can be totally extinguished. I know a case which actually happened, where the property was held against the tenant by courtesy after twenty years' possession. We could not turn the party out, but the tenant, by courtesy, lived for thirty years as tenant by the courtesy, the title against him was barred, and after he died, the heirs of his wife came in and got possession. In that case the occupant would have a vote.

Sir JOHN A. MACDONALD. I do not think there would be any doubt about it. A title by prescription is just the same as a title by fee; and the law presumes an original title when there is a prescription. The form used to be: "Whereof the memory of man runs not to the contrary." That is supposed to be based on an actual conveyance, whether by the old system of delivery, the delivery of a clock, or delivery of a charter, a conveyance in writing. That prescription is diminished by slow degrees, but the principle is the same—a statutory title by prescription, in the first place, in fee simple, and in the next place in free and common soccage. There are so many kinds of tenure—free and common soccage, and, in the English law, copyhold.

Mr. MILLS. Adverse possession.

Sir JOHN A. MACDONALD. That is a statutory declaration that the party holds in free and common soccage, as far as the law of this country goes.

Mr. EDGAR. I think, as the hon. gentleman says, free and common soccage is not an estate, but a tenure. That tenure was introduced in 1791, and, as I understand, it only applies to lands granted from the Crown which shall be held in that tenure. It expressly says so in the statute, and it would give the estate, which I am sure the hon. gentleman desires to give in this case, as an estate of freehold, if that language were used.

Sir JOHN A. MACDONALD. We are getting off the track.

Mr. EDGAR. No; because it is on the word "owner."

Sir JOHN A. MACDONALD. Let that stand over.

Mr. EDGAR. In order to ascertain whether this clause is necessary or not, I would ask the hon. gentleman to look at it in this way; I had an amendment prepared, to add after the word "acres" the following words:—

Or not less than ten acres when the same are cultivated as a market garden.

On looking over it, however, I concluded not to put that in, because, under the Act, it does not matter whether we put ten or twenty or 200 acres in that clause, because the 7th and 8th sub-sections of the 4th section render it unnecessary.

On paragraph 7, "city,"

Mr. MILLS. The hon. gentleman defines a city and a town under this and the next paragraph, and they are both dependent on the action of the Provincial Legislature. Supposing a city in Ontario should be held to require a population of 10,000, and one in Manitoba 5,000, the hon gentleman will see that he might have a different property qualification in those places.

Sir JOHN A. MACDONALD. That is quite true, but you must have a definition.

Mr. MILLS. So we are not actually controlling the franchise.

On paragraph 10, "parish,"

Mr. WELDON. What is the meaning of "generally reputed to form a parish?" In Nova Scotia the parishes are purely ecclesiastical, and the townships are the civil divisions. In New Brunswick the counties are divided into parishes, which are the civil divisions, but ecclesiastical parishes are carved out of them. For instance, a portion of the parish of Sussex, in the county of King's, is divided for ecclesiastical purposes, but has no recognition as a civil division. There might be some difficulty in regard to that. The city of Portland also is divided into parishes for ecclesiastical purposes.

Sir JOHN A. MACDONALD. This, of course, is merely a definition. There are ecclesiastical parishes, and parishes which are known to the temporal law. In the seigniorial part of the Province of Quebec the word "parish" is held to be equivalent to "township," in the Eastern Townships, where the seigniorial tenure did not exist. This is to define a parish, when it used in the Act as meaning what is generally reputed to be a parish. In the Province of Ontario, for instance, there are ecclesiastical parishes, but the word does not come into force, because they are merely ecclesiastical divisions. In Quebec, they are not only ecclesiastical divisions but temporal divisions, quasi-municipal divisions. I do not think the hon. gentleman will find any difficulty in that.

Mr. WELDON. Would not those parishes, in Quebec, be formed by statute?

Sir JOHN A. MACDONALD. Some of them have existed from the early settlement of the country, and they are esteemed to be the statutory or ecclesiastical divisions of the country.

Mr. LAURIER. I would suggest, that as far as the Province of Quebec is concerned, we should make a special application. The hon. gentleman is quite right in saying there are some parishes which have existed from the earliest time. Of some of them it is impossible to find any record; still they exist now by statute. I think he might very well recognise that ecclesiastical authority. Under the present system, in Lower Canada, all the ecclesiastical parishes are recognised by the civil authority. The bishop first issues a decree, by which the territory to be formed into a parish is designated, and his decree is afterwards confirmed by the civil commissioners, and therefore every ecclesiastical parish is invariably acknowledged by the civil authorities. There is a reason for that, because no taxes could be levied for ecclesiastical purposes, for building of churches or anything else, unless the decree of the bishop, which constitutes the parish, is afterwards confirmed by the civil authority.

Sir JOHN A. MACDONALD. It will be no harm to leave it as it is now, because it simply says that whatever is reputed to be a parish, no matter what the original designation by the ecclesiastical or civil authorities, is called a parish in the definition. This has always been the definition running through all the statutes.

Mr. MILLS. We have never had to deal with an election law applicable to all the Provinces before. It seems to me that the hon. gentleman, in proposing this definition, intends it as descriptive of the parish spoken of in subsequent sections. Now my hon. friend beside me mentions the fact that in Nova Scotia the parishes are altogether ecclesiastical. Then in New Brunswick there are ecclesiastical and civil parishes. What we call a township in