

find that double system of procedure is extremely inconvenient.

On section 21,

The MINISTER OF THE INTERIOR. The latter portion is not very well worded. I move to amend by inserting in line 32: "The practice and procedure for obtaining such orders and giving such security, and the practice upon which the same may be granted, shall be as nearly as may be the same as upon an application for security for costs." I wish to provide that the principles upon which the court shall act in granting security for costs, shall be the same as in ordinary cases. I do not want to change the principle, but I want to leave the court to deal with the case under this Act as in an ordinary case.

Sir CHARLES HIBBERT TUPPER. I do not think these words improve it. "Practice and procedure" are covered by a large part of the section, and apply to the whole.

The MINISTER OF THE INTERIOR. My law clerk took the view that this amendment should be made. The court is given power to make an order for security for costs. Now, supposing a man makes an application that the opposite party shall give security for costs. There are certain principles on which the court acts. It does not ordinarily give such an order except on certain specified lines. If, for instance, a person against whom an order for security is applied owns real estate within the jurisdiction of the court, security will not, in some of the provinces, be demanded. There are a number of special holdings in respect to security for costs, and what I desire is that the section should make it perfectly clear that the court shall apply the same principles in this case as in cases of ordinary litigation. The hon. gentleman indicates that "practice" covers it.

Sir CHARLES HIBBERT TUPPER. That is the difference between practice and procedure. Procedure would be insufficient, but practice is the application of principles, and principles would thereby govern the granting of these orders. Practice seems to involve the principles of procedure.

Mr. BORDEN (Halifax). Very likely the words "practice and procedure" would cover the point, but I do not see any harm in adding the words of the Minister of the Interior. I call his attention to the words, "may in his discretion." We know how the word discretion is used by judges, but I am not so sure as to the interpretation in a statute of this kind. It might give the judges a wider discretion than the language in the subsequent sections of the Bill would indicate.

The MINISTER OF THE INTERIOR. My view is that if the words, "in his discretion" were properly interpreted, it would

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not make any difference. As, however, they appear to be surplusage, I move to strike them out.

Section, as amended, agreed to.

On section 22,

The MINISTER OF THE INTERIOR. This section is for the purpose of removing doubt that arose from the fact that the local legislature deals with property and civil rights and we deal with real property as set out in the Territories Real Property Act. The local assembly has passed a Creditors' Relief Act. There are four judges on the bench, and two have decided that this does not affect claims on lands, because, they say, the Dominion has not changed the powers of the legislature in regard to such claims, and therefore the Act of the legislature is ultra vires. Two judges hold that the Act is good, and consequently there is a deadlock. There seems no reason why the legislature should not have the right to settle the question of priority.

On section 23,

The MINISTER OF THE INTERIOR. This is to permit the registration of an estate less than an estate in fee simple.

On section 24,

The MINISTER OF THE INTERIOR. This section provides that plans may be registered, not covered by the formalities of certain Acts.

Bill as amended reported.

LAND GRANTS TO NORTH-WEST MILITIA.

The MINISTER OF THE INTERIOR (Mr. Sifton) moved second reading of Bill (No. 123) to make further provision respecting grants of land to members of the militia force on active service in the North-west.

Mr. DAVIN. What class of volunteers is this intended to relieve?

The MINISTER OF THE INTERIOR. Those who were entitled under the special Act to land warrants.

Mr. DAVIN. I did not know there was a single case remaining to be met.

The MINISTER OF THE INTERIOR. It is just to extend the time; the time ran out.

Motion agreed to, Bill read the second time, considered in committee, and reported.

THE INDIAN ACT.

The MINISTER OF THE INTERIOR (Mr. Sifton) moved second reading of Bill (No. 144) to amend the Indian Act.

Mr. DAVIN. The Minister of the Interior should now explain the changes which