

ous difficulty could arise, because the Government would carry that view out. I do not feel very strongly wedded to the clause myself, and if my hon. friends on the other side object to it, I shall not insist upon it.

Mr. DAVIN. If it is to meet the case of postmasters only, they could be specified. But, I may say to the hon. Minister that in such cases they generally transfer the offices. Where a postmaster is elected to the assembly, he transfers the office to his sister or daughter.

The MINISTER OF THE INTERIOR. That is the way they have in the Territories.

Mr. DAVIN. Yes, that is a way they have. I think it would be better to specify the officers. For instance, it would be convenient to have the agent of the Dominion lands a member of the assembly. Take the case of Mr. Pearce, who was resident in Calgary—I do not know whether he is still resident there—he is an important officer and it would be undesirable that he should be a member of the assembly. We pay him \$3,000 a year, I think, and he is a good officer.

The MINISTER OF THE INTERIOR. The present state of affairs has not caused any serious difficulty heretofore, and I presume the people in the Territories can get along for another year while we have time to consider the matter. I move that the clause be struck out.

Section struck out.

Bill, as amended, reported.

#### LAND TITLES ACT, 1894.

The MINISTER OF THE INTERIOR (Mr. Sifton) moved the second reading of Bill (No. 132) further to amend the Land Titles Act, 1894.

Mr. DAVIN. This is a very important matter, and the hon. gentleman (Mr. Sifton) while introducing it did not fully explain the changes. I think he ought to tell the House what he proposes.

The MINISTER OF THE INTERIOR. I did not explain the Bill on second reading. I said that it would be better, as it was a complicated Bill, to explain it in Committee of the Whole.

Motion agreed to, Bill read the second time, and the House resolved itself into committee.

(In the Committee.)

On section 2,

The MINISTER OF THE INTERIOR. The clause which this section amends is the clause which defines the word "instrument," and the words "or affecting" are inserted after the words "relating to." The object is to widen the interpretation of the

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word "instrument." It has been suggested and contended that the words "relating to" require local description in order to make them applicable. So, unless the instrument has local descriptions, it would not come within the definition of an instrument. So, the words "or affecting" are put in for the purpose of covering such instruments as caveats, executions and satisfactions of judgment.

On section 4,

The MINISTER OF THE INTERIOR. This is the old clause:

The registrar shall not receive or enter in the day-book any instrument except an execution against lands, caveat, mechanics' lien, transfers by a sheriff or municipal officer, or orders of a court or judge.

The words "or municipal" are left out. Then we insert "transfers on sale of lands for taxes or certificates or orders of a court or judge." The result of the amendment is that transfers on sales of lands for taxes, certificates, or orders of a court or judge, are registered without the production of a duplicate. The words "municipal officer" are struck out because they practically have no municipal officer there. It is really the officers of the school districts who perform the duties.

On section 5,

The MINISTER OF THE INTERIOR. The legislation of last session or the session before, gave the Lieutenant-Governor of the North-west Territories power to deal with the closing and alteration of road allowances. Then, the question arose as to the conveyance of land which had formed a part of the road allowance before the change took place. This is a provision to cover that.

On section 9,

The MINISTER OF THE INTERIOR. This is rendered necessary by the difficulty that arises owing to the fact that it has been held that a mortgage given by a settler was not an assignment within the meaning of the Dominion Lands Act, so that when the registrar comes to deal with an application for a certificate of title under the Real Property Act, he may find a mortgage there given by a man who had no right to give it, and yet it is of record in the office, and he has to take notice of it.

On section 10,

The MINISTER OF THE INTERIOR. The effect of sections 10, 11 and 12 taken together, is to amend the Act so as to take away the special provisions in the Act for foreclosing a mortgage or incumbrance, and to leave the mortgagee or incumbrancee a remedy with the Supreme Court of the North-west Territories, so that the practice will be uniform. This provision has been strongly recommended by the judges who