

Board at Winnipeg. They say there have been cases where such a power is desirable. For myself, I do not attach a great deal of importance to it one way or the other; it is a mere matter of convenience to the Land Board. I do not see the inconvenience mentioned by the hon. gentleman, but I would rather drop it than it should be necessary that every form which might be required to be altered would necessarily come before the Governor in Council. That would be giving an importance to the form that is not warranted. This change, I repeat, is urged upon me by the Dominion Land Board in Winnipeg as a matter of convenience, and the commissioner, who is giving a very great deal of attention to land matters there, and who is probably the most popular officer ever connected with the Government in the North-West, urges that this change would be convenient in the working of the Land Act.

Mr. BLAKE. Before we make such an important change, which, as I conceive, will place the forms all at sea, because it is the Minister who has to decide what the requirements shall be, we should have some greater reason for the change stated than that the Chairman of the Land Board thinks it would be convenient. The hon. Minister ought himself to have mastered the reasons why these officers desire this change, which, so far as we know, have not been given, because the Minister has not stated to us any reason. He simply says that the Chairman of the Land Board thinks the proposed change would be very convenient. This is a re-introduction of the appeals to Ottawa, which the Minister has himself declared to be most objectionable. It is not the Land Board that has to do this work—though perhaps next time we go into committee the duty may be assigned to the Chairman of the Land Board—but it is the Minister. Some one may say to the Land Board that he is unable to comply with the law, and ask what release he can obtain. The reply will be: None at present; but after this Bill passes, the application can be sent to the Minister of Interior, and he may order that the particular requirement that cannot be complied with may be dispensed with. The whole machinery is to be thrown at loose ends, not merely for a class of cases, but for a single case. Before the proposal of the Minister is acceded to, it should be shown that the wisdom of man cannot devise some different forms or an alternative set of forms that would be satisfactory. The hon. gentleman says he would rather abandon the clause than that it should be required that the Governor in Council should act in every case, but then it was the hon. gentleman himself who proposed to us that the Governor in Council should act; it is his clause. A few days ago he did not propose to abandon the clause, because it would be a wrong thing to ask the Governor in Council to interfere: that was what he asked the House to agree to. Now he says he is mistaken and that we had better drop it. I say that we ought to have some better reason for the course pursued—that reason being really, for parliamentary purposes, nothing at all. The mere statement that an officer thinks it convenient that this should take place is no reason for Parliament.

Mr. MILLS. This clause is practically doing away with the forms altogether. There is no difference between saying that there shall be no form required by law and saying that the Minister may vary those that are given in the law; the result will be exactly the same. Now, I think the Land Board or the Commissioner ought to have pointed out to the Minister in what particulars the law at present is found inconvenient. New experience from time to time will suggest a variation and modification in the forms required, and perhaps the introduction of new forms, but the Land Board, if it does its duty, ought to furnish the Minister with the information as the result of its own experience. If it had informed the hon. gentleman in what respects the present forms are found to impose impediments in the way of an

efficient and convenient administration of affairs connected with the Department, then the hon. gentleman might have introduced some variations in the existing form, or some additional forms, and so Parliament might have retained its control of those having to deal with the Land Department, and that is precisely what is required. But what the hon. gentleman proposes, if this clause is carried in its present form, or is amended as he suggests, is to leave those who are interested in the matter, and Parliament which is responsible for the law, in the dark with regard to what is done. Now, it would be a very easy thing, not with the intention perhaps of doing any wrong, but with the view of meeting a particular case of apparent hardship, to vary the form in such a way as, if it were made a general rule, would lead to very great abuses, and if it were not a general rule would also give rise to abuse, by furnishing one measure of relief to one party, and another and different measure of relief to another party. What we ought to do, as far as we can, is to substitute a law for the mere will of the Minister or officer engaged in the administration of public affairs, and in order to do that, there must be some uniform rule of action laid down which everyone who chooses may know, and which, if they choose to conform with it, will entitle them to a certain remedy and relief which the Minister or the Department will not have any authority to withhold. Now we do not want to place in the hands of any Minister of any party the power of determining what the rule of law shall be in a particular case; the law itself should determine that. I am satisfied that the Minister would do that which is best in his own interest and that of the public, by striking out the clause altogether, and requiring the commissioner to give him information on this particular point, and indicate in what respect the present forms are found to be defective. It will be an easy matter another Session to frame a series of additional forms, if so required, in accordance with the rules that experience shows are necessary. It is certainly most desirable that in these matters we should adhere to well-settled rules and principles, and that we should not substitute the mere caprice of the officer, far away it may be from the Department, by whom the Minister himself must in a large degree be guided, for what ought to be a settled rule of law.

Mr. CHARLTON. I fully concur in the opinion expressed by the hon. member for Bothwell (Mr. Mills), that the law should govern these matters rather than the will of the Minister; and I have felt for years disposed to make more radical changes in this matter than my hon. friend would seem to indicate. I believe the will of the Minister has been used, in place of consulting the will of Parliament, in matters relating to our public domain, greatly to the detriment of the public interest. I do not believe the Department of the Interior should be allowed to fix the price of land or the conditions of settlement, or to arrange as to the conditions of homestead entry. I believe that any regulations pertaining to the management of the public domain, dividing these lands into classes, fixing the price of those lands in the various classes—that all these should emanate from the Parliament of Canada, and that the Minister of the Interior should not be allowed to fix the price, and usurp the legislative functions of this House, as he has hitherto done. Now, commencing in 1879, between that period and the 23rd December, 1881, the Minister of the Interior usurped—I think I may properly use the term—

The CHAIRMAN. Is the hon. gentleman confining himself to the clause?

Mr. CHARLTON. I think so, Mr. Chairman—usurped the power of fixing the price of the land with reference to four different occasions. These regulations and the frequent changes which were made in them were the means of creating a great amount of confusion and discord and pre-