

Mr. BLAKE. Perhaps the hon. gentleman would tell us what the present provisions are for which these are to be substituted.

Sir HECTOR LANGEVIN. I am not in a position just now to say what it is, but I think it is exactly as before that Lands Act was passed: the certificates are made, and the patent is prepared and then sent to the Minister of Justice, and the certificate being obtained, the patent is engrossed, and so on. But so far as I can recollect, the new mode as adopted for the Dominion Land Act is much shorter, and thus the patents have a better chance of being issued in a very short time. The hon. gentleman will see that by the first clause, the Governor General may appoint a deputy for the purpose of signing these papers, and that signature will have the same force as if the Governor General had signed it himself. For the Department of Indian Affairs, the Superintendent General, or his deputy, or some other person that may be especially appointed for that purpose by an Order in Council, may sign. Then, after that, in his office it goes to the Secretary of State, and the same provision takes place. The Under Secretary of State countersigns the patents after the Great Seal of Canada has been fixed. I think the mode is an improved one, and will expedite business. If the Governor General were absent, of course the patent would have to be delayed, but it is provided that in that case the Deputy Governor may sign them; and the same with the Secretary of State, if he is away, the Under Secretary may sign them, or an official especially appointed for that purpose.

Mr. BLAKE. Then it seems under this arrangement that no one of the officers who are supposed to sign, may sign a patent. It may be signed by a deputy, after having been prepared and signed as prepared by the deputy of the Superintendent, and transmitted under the signature of the Under Secretary of State. You may have no one of the responsible Ministers, nor the head of the Executive, signing the patent at all.

Sir HECTOR LANGEVIN. No. But it must have passed through the office of the Superintendent-General of Indian Affairs, and after that the existence of the patent is merely a consequence of the action taken by the Minister or by the Governor General in Council.

Mr. BLAKE. I do not understand that it must necessarily come under the supervision of the Superintendent-General.

Sir HECTOR LANGEVIN. If it is an ordinary case, no; but if it is a special case it would come before the Minister who presides over the Department.

Mr. PATERSON (Brant). The delay in issuing patents for public lands does not often lie in obtaining the final signature of the Governor General after the patent has passed through the routine to which it is subjected. The delay is in the routine proceedings, and especially in getting the document through the Department of Justice. Whether an officer who could perform the work done in the Department of Justice might be attached to the Department of the Superintendent-General, I am not able to say; but it is in connection with the legal branch of the routine proceedings that the delay takes place. I presume delay does not often occur in connection with obtaining the signature of the Governor General; but that there is great delay in issuing patents is manifest to any hon. member who has been commissioned with the duty, as I have been, of looking after patents passing through the Department.

Sir HECTOR LANGEVIN. Under the old system every draft patent had to be prepared in the Department

Sir HECTOR LANGEVIN.

of Justice, and when that Department had declared that the patent should be issued the draft was returned to the Department of the Superintendent-General, where it was prepared and engrossed. By this Bill the patent would be prepared in the Department of the Superintendent-General and go through as fast as possible, consistent with the requirements of the measure, which provides that certain officers shall sign patents. Under the present system much time is lost that will be saved by the new mode, which is the mode adopted in the Dominion Lands Act.

Mr. MILLS. The hon. gentleman is mistaken in supposing that the patent is prepared in the Department of Justice. It is prepared in the Department of the Secretary of State. The Department of Justice merely reports as to whether the party making application is entitled to the patent or not, and after the patent has been prepared in the Department of the Secretary of State the Minister of Justice or his deputy may sign the patent; but the Department of Justice certainly has nothing to do with the preparation of the patent under the present law.

Sir HECTOR LANGEVIN. The patent would always go to the Department of Justice for examination. This would be avoided by the present Bill. One form of patent would be adopted and followed.

Bill read the second time, and the House resolved itself into Committee of the Whole.

(In the Committee.)

Mr. BLAKE. While I am quite willing that all unnecessary precautions and official delay should be got rid of, I view with some degree of apprehension the proposals of the Bill, of which the first clause is now before us. The Department of Justice is no longer to have any responsibility with regard to patents. There is no reason why the Department of Justice should delay in discharging its functions of supervising and approving legal documents; there is no reason why the business should not be promptly and efficiently performed by the Department of Justice. And, apart from that, under the provision of the first clause, coupled with the provisions of the other clauses, it is now proposed to abrogate the provision for the Department of Justice intervening and to make provision under which the patent may be signed by a deputy Secretary of State, by a deputy Superintendent-General of Indian Affairs, and in the end by a deputy Governor—all three deputies. No responsible Minister has to execute the document. I think there ought to be at least one signature of a responsible Minister to documents of this kind. It is only within a few months that very serious frauds or improprieties have been perpetrated in connection with the issue of patents for lands. We do not know how serious or to what extent those frauds have been, because we were told that a commission of enquiry had been appointed and the evidence would be brought before us at some future time, and in convenient phrase the public interests were said to be served by our not knowing anything about the frauds. In the face of the fact that existing precautions have not prevented certain improprieties in relation to the issue of patents, we are asked to relax the existing precautions, though we do not know in what particular they have failed. I do not want any unnecessary formal routine preserved, but I want precautions to be taken that patents shall be issued in proper form and that they shall not be issued to persons not entitled to them. The adoption of provisions whereby patents can be issued under the signatures of deputy heads are not such as are calculated to remove, but rather to increase, the apprehensions to be drawn from recent events.