

Hon. Sir MACKENZIE BOWELL—No doubt that is correct. I know a case where a lawyer had drawn two affidavits, and when one was presented to a man to sign, he found the affidavit which had been read to him was not the one which he was asked to swear to; but the man who was making the affidavit knew that his name was John Burns, or whatever it was, and I do not know that there is a member of the Senate or the House of Commons, if a false statement might be laid before him, who would not know certainly whether he was signing as John Kerr or some other name.

Hon. Mr. KERR—Or John Howell.

Hon. Sir MACKENZIE BOWELL—Yes, but that is not my name. If an affidavit were presented to me, I would know if I was Mackenzie Howell as George A. Cox, and if I swore to the affidavit of George A. Cox I would be committing perjury knowingly and wilfully. A man who makes an entry for a homestead must know at the time what his own name is.

Hon. Mr. TALBOT—Supposing a resident of the United States or Great Britain, or some other country, or some of his family got into disgrace, suppose it was himself, perhaps innocently, and he came to this country under an assumed name, and applied for a homestead?

Hon. Mr. LOUGHEED—That would not be personation.

Hon. Mr. TALBOT—I think it would, because he is under an assumed name.

Hon. Sir MACKENZIE BOWELL—There is a provision for that in the Election Act. If a man's name is put down improperly on the list, he can still vote.

Hon. Mr. TALBOT—I think it will be perfectly safe to leave it as it is.

Hon. Mr. FERGUSON—It occurred to me with regard to this clause that it was something very remarkable that the minister should have the power to condone the offence, but probably on a closer inspection I would hardly come to that conclusion. He may punish the man for personation and perjury, and then the question arises if a

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man suffers the penalty for the offence of personation and perjury whether he should forfeit his right to make an entry, assuming he had a right. I think we might stop earlier in the clause, that an entry made through personation could be cancelled. If a man endures all the punishment arising from the offence under the criminal code, why should there be any condition that he should not be allowed to make an entry at all; and if you get rid of all that you will get rid of this ugly proposition that the minister shall have a discretion which will look almost like condoning an offence.

Hon. Mr. LOUGHEED—I move to strike out the words 'unless the minister declares otherwise.'

The amendment was declared lost.

The subclause was adopted.

Hon. Mr. SCOTT—I propose to add as subclause 9 to clause 15, the following:

Everyone is guilty of an indictable offence and liable to two years imprisonment who buys, trades or sells, or who professes to buy, trade or sell land or any interest in or control of land open to homestead entry, or for which homestead entry has been granted before patent has been issued.

Hon. Mr. TALBOT—In many cases, in some portions of the west, where land companies have obtained the odd numbered sections, for example the Canadian Pacific Railway, they have got what we call dummies to enter on the even numbered sections, and they have gone round to people in the United States saying: 'we will sell you the odd numbered section and give you the right to enter on an even number section,' and then permit the dummy to withdraw.

Hon. Mr. LOUGHEED—I quite approve of the principle embodied in the amendment; but it seems to me it may be fraught with considerable danger to innocent parties. The impression does prevail with many who are not familiar with our land laws, among many homesteaders for instance, that they can sell their homesteads. Supposing a homesteader who may have served two or three years, who may have completed all his duties before the patent issues undertakes to sell his homestead,