

House resolved itself into Committee of the Whole on said Bill.

(In the Committee).

In reply to Mr. MITCHELL,

MR. MILLS said there were two or three hundred cases in Manitoba where different parties claimed the same property, and the Bill was for the purpose of enabling the Commissioner to report on the merits of their respective claims, and decide to whom the patents should be issued. The law provided that in cases of conflicting claims, advertisements should be inserted in newspapers calling upon the parties to submit their claims to the Commissioner. A time was appointed at which the Commissioner was to consider the claims and take evidence; but from a defect in the provisions of the law, the Commissioner was unable to proceed except with the concurrence of the parties interested. The great majority of the cases were therefore postponed, and the sitting of the Commission was postponed until the 1st May. The Commissioner made his report, and three months were allowed to elapse before any decision could be given by the Department upon any case, so that the claims of any party who might not have been notified were not likely to suffer.

MR. RYAN explained that claims were registered at the Land Office, and one of the officials was present, with all documents relating to the property in question, at each sitting of the Commission. He wished to guard the interests and position of non-residents who had claims to land in that section of the country, but who had no patents. The statement made by the hon. gentleman was very likely correct. Turning to 38 Vic., cap. 53, he found the following provision:

"The Governor may, from time to time, issue a Commission under the Great Seal, to such person or persons as he shall see fit, empowering him or them, or a majority of them, to investigate such cases as may be referred to them by the Minister charged with the administration of Dominion Lands, in respect of the following matters:

"1. Any such cases as may arise under the first and second sub-sections of the thirty-second section of the Act Thirty-third Victoria, chapter 3, and

"2. Any cases of adverse or conflicting claims between different persons to lands men-

tioned in the third and fourth sub-sections of the last mentioned Act, as the same are defined by the Act passed in the present Session of Parliament, intituled: 'An Act to amend an Act respecting the appropriations of certain lands in Manitoba,' in respect of which also it has been previously established to the satisfaction of the Minister charged with the Administration of Dominion Lands, that there has been undisturbed occupancy of the same as defined as last aforesaid."

Four distinct Acts were referred to. He held that when a Minister rose to explain the meaning of a short Act—as the hon. gentlemen termed it—such as this was, he should give some explanation to the House as to the effect of it before it was passed, as was proposed, *sub silentio*. Owing to the statement made, his objection was very much lessened, but he did hold that this Act, of which this Bill was an amendment, and of which it purported to be a remedial section, was most arbitrary, and he thought that it ought not to be continued in its present shape. It gave to the Minister, and the Minister alone, the power of making reference to the Commissioner of the matters in dispute that arose, when the only tribunal competent to settle titles as to property in such a case, should be the ordinary Courts of law. It should not rest with the will of any Minister, who might act arbitrarily, to have the power to refer to a tribunal to settle and determine claims between individuals. This point had struck him since he had referred to the Acts of which this Bill was an amendment. He hoped that when the hon. gentleman again brought forward an Act or Acts amending North-West Acts, he would have the whole of these Acts at hand and explain to the House the effect and bearing of the different Acts in question.

In reply to Mr. MCCARTHY,

MR. MILLS said, in the Act, provision for notice being given of the Commissioner's intention to sit and determine claims was made. He believed that in almost every case the names of the parties concerned were filed in the office, and inserted in a newspaper. All possible notice in this respect had been given.

Bill ordered to be reported.

House resumed.

Bill reported.

MR. MILLS.