

under another name for a certain quarter section. It is not the fault of the wife or family, but of the man who committed the offence, yet the thing is done and the family is punished. It might be that the minister, under such circumstances, would let the family keep the property.

Hon. Mr. LOUGHEED—Somebody is bound to suffer for the man's wrongdoing in all cases of that kind.

Hon. Sir MACKENZIE BOWELL—Suppose a man stole a horse because he had none of his own; would you condone that offence on account of the family? This is a case where a man deliberately commits a fraud, and takes a false oath in making the entry. He therefore commits perjury in addition to the other offence. Why should the minister be permitted to condone that offence and let him make another entry.

Hon. Mr. SCOTT—The minister is the best judge, and you must leave some discretion to him. I think the fault with this Act is that the minister has tied it up too strongly.

Hon. Mr. TALBOT—He is tying himself up too closely.

Hon. Mr. SCOTT—I think he is making a great mistake. He is sweeping away all the orders in council, and binding himself by the Act.

Hon. Mr. LOUGHEED—Can my hon. friend conceive of any extenuating circumstances that would warrant a man making the affidavit he is bound to make in schedule (b) in which he solemnly swears to certain facts? He is guilty not only of personation but of perjury.

Hon. Mr. TALBOT—He could be punished under the Criminal Code.

Hon. Mr. LOUGHEED—He could, but the minister may grant him all the advantages to which an entrant would be entitled, namely a homestead and pre-emption.

Hon. Mr. BEIQUE—I would be in favour of enacting a punishment for impersonation, but discretion should be left with the minister, so that he might be

free to protect the family if he thought it advisable to do so. Improvement may have been made by the wife and children, and it would be a hard case if the minister was unable to make any allowance.

Hon. Mr. LOUGHEED—Provision is made for that. The next entrant upon taking up that homestead would have to pay for the improvements and the representatives of the entrant would be entitled to the consideration.

Hon. Mr. BEIQUE—If it were forfeited, the family would not get anything at all.

Hon. Mr. TALBOT—I see in the original draft of the Bill the minister in preparing made an explanatory note as follows:

Explanatory note.—This is a new provision. As personation in the making of entries is to be particularly guarded against, it is considered there should be special provision so that every one may be aware of the offence and the result of its commission, viz., ineligibility to obtain another entry. At the same time it is thought desirable to give power to the minister to remove such ineligibility, for there might be a case in which there would not be an intention to defraud.

Hon. Sir MACKENZIE BOWELL—How is it possible there could be no intention to commit a fraud when a man makes an affidavit declaring he is some other person? You are actually giving the minister who presides over that department power to condone or pardon these crimes.

Hon. Mr. KERR—Supposing a man comes in to make an entry. He personally does not know that there are conditions about it. The form is still in doubt by the clerk in the office where he goes to make the entry, with all these different entries in them, and it is handed to him and the clerk says 'sign that' and he does so. That happens in the case of very ignorant men, and sometimes in the case of intelligent men. I believe it is done by members of parliament and perhaps even senators.

Hon. Mr. LOUGHEED—Name?

Hon. Mr. KERR—And an affidavit signed and sworn which is not strictly correct.

Hon. Mr. PERLEY—That is not personation.

Hon. Mr. KERR—That is doing as solemn an Act as making the entry.