

Hon. Mr. SCOTT—It was intended to apply to the Yukon.

Hon. Mr. LOUGHEED—My own impression was that it was intended that the Act should not stand repealed so far as the unorganized portions of the Territories and the Yukon Territories are concerned. I would refer my hon. friend to the orders in council repealing these Acts so far as Alberta and Saskatchewan are concerned. The orders in council will be found in the statutes of 1906-7 on page 103. They read as follows :

By order in council of the 23rd of July, 1906, under subsection I of section 1 of the Act 4-5 Edward VII, chapter 18, entitled An Act to amend the Lands Titles Act, 1894, and in view of the fact that the legislature of the province of Alberta, has passed an Act relating to the registration of land titles, it is ordered that the Land Titles Act, 1894, and each and every of its amending Acts, except the said chapter 18 of 4-5 Edward VII, shall be repealed in so far as they apply to the said province of Alberta, such repeals to take effect as provided by the subsection 2 of the above quoted section 1.

Vide Canada 'Gazette,' vol xl., page 364.

The same order in council was passed with reference to Saskatchewan. So that my hon. friend had better allow the matter to stand if he desires to look into it further.

Hon. Mr. SCOTT—It was brought up at the instance of the Church of England in the Yukon, in the unorganized districts there, and it was then referred to the Department of the Interior, and referred to the Department of Justice, who pronounced upon it. They thought it would meet the conditions in the Yukon and in other similar districts. I will call the attention of the Justice Department to it.

Hon. Mr. POWER—I wish to express the opinion that the language used here is rather too vague, and is liable to lead to subsequent difficulty. The clause reads :

123a. The bishop of any church, or any trustees of any church, or any congregation of any church, holding land for the purpose of such church or congregation shall respectively, with regard to such land and any dealings therewith, be deemed to be a body corporate and politic; and land so held shall devolve respectively upon the successor in office of such bishop or upon the successors in office of such trustees duly appointed in manner by law or by such church or congregation prescribed.

If the members of the church are to be deemed a body corporate, suppose there is a difference of opinion between the mem-

bers of the church—and those things happen—and the congregation splits in two, then where is the title to the land ?

Hon. Mr. SCOTT—The majority would rule.

Hon. Mr. POWER—I do not know ; perhaps it would. I do not think the language used here is, on the whole, the best suited for the purpose. I notice that in the province of Nova Scotia there is a provision with respect to religious congregations, a portion of which reads as follows :

1. (1) When any number of persons not less than 20, capable of contracting, desire to form themselves into a congregation of Christians for the public worship of God according to their peculiar rights and ceremonies, they may by deed by them executed in the presence of two or more witnesses, constitute themselves such congregation, and adopt a suitable name therefor and declare the place where the same is established, and the particular denomination of Christians with whose doctrines such congregation is connected.

(2.) They may also by such deed name two or more persons of the congregation to be trustees thereof, and give them the name of office, and describe by bounds any land conveyed to or in trust for the congregation for any purpose connected with such congregation and set forth the constitution of the congregation, the mode of admission of future members, by whom the right of voting at meetings shall be enjoyed, how the votes shall be ascertained and given, the manner in which vacancies in the trust shall be supplied and such other particulars as they think proper.

(3.) Every such deed shall be recorded by the trustees or other person on behalf of the congregation in a book to be kept for that purpose, and shall be registered in the registry of deeds for the registration district in which the congregation is established.

2. Upon the deed being so registered all the land described therein and all real and personal property granted to the congregation or to their use shall be vested in the trustees named in the deed for the use of the congregation.

I think that is a method of procedure which is less likely to lead to trouble in the future.

Hon. Mr. ELLIS—There is a phrase in the Bill here :

And land so held shall devolve respectively upon the successor in office of such bishop or upon the successors in office of such trustees duly appointed in manner by law or by such church or congregation prescribed.

This is a general law and makes provision for some law creating such conditions. It does not appear from what my hon. friend has read that what he refers to is prevented by that. There may be a