

month or two ago, but the hon. gentleman will find, before the Bill passes another stage, that the License Act will be placed in a table of errata at the end.

Motion agreed to, and Bill read the first time.

#### TRANSFER OF LAND IN THE N. W. T.

Mr. THOMPSON (Antigonish) moved for leave to introduce Bill (No. 10) respecting the transfer of real property in the North-West Territories. He said: The Bill is one which I shall have to call the attention of the House to at considerable length, perhaps, when I come to move its second reading, because it involves not only a great many details but a great many principles in relation to the transfer of lands in the North-West Territories, which it will then be necessary for me to invite the House to consider most carefully. I may state now, as intimating the general outline of the Bill, what the measure proposes. I will begin by stating that it is substantially the Bill that was introduced in the Senate at an early period last Session and which passed that House with a number of amendments. I take the liberty, however, of inviting the attention of Parliament to certain features of the Bill which were eliminated in the Senate. It proposes, in the first place, that there shall be four registries for land in the North-West Territories: one in the Assiniboine district, one in the Alberta district, and two in the district of Saskatchewan. We propose in respect of titles already existing in the North-West Territories certain provisions which will have the effect of bringing all of them on the register. As regards future operations in land, that is to say in regard to all titles emanating from the Crown hereafter, it is proposed that the operation of the Bill shall be compulsory in the Territories. Land patents henceforth will be forwarded to the proper registry office and there take their place on the register; this is with a view of beginning a thorough system of registration of titles in respect to all future operations in land. In respect to lands to be brought on the register, of which the titles now exist, it is proposed that these registrars shall exercise a scrutiny for the purpose of ascertaining correctly the validity of each title and to identify the properties to which the titles appear to refer. The registrar shall then—and this applies both to existing titles and those to emanate from the Crown hereafter—issue a certificate of title, and this certificate shall, while outstanding, operate and give to the person named in it an indefeasible title, such certificate to be conclusive evidence as to the title, so that even the rightful owner, in point of morals and equity, shall have no right to recover the property against the registered holder. It will enable the transfer of land to be accomplished by entering into a memorandum of sale, the form of which is given in the Act. It will make the transfer exceedingly simple in form, available to every land owner, without necessity for professional assistance, and that memorandum to be consummated and the transfer of the title to be effected by presentation to the registrar, the holder of the property being identified and surrendering his outstanding certificate. This will enable land to be transferred as chattels are, as bank stock is, and as shipping is under Acts relating to these properties. Another important provision of the Bill, and one that did not meet with favor last Session in the Senate, is that which aims at the abolition of the distinction between real and personal property. It is proposed that land shall be in the position of chattels real in the North-West Territories hereafter, thereby at once sweeping away the doctrines relating to real property, which encumber its progress and transfer, and have created a good deal of difficulty in the acquisition and transfer of property in the older Provinces, to say nothing of the accumulation of diffi-

Mr. THOMPSON (Antigonish).

culties with which they have surrounded the acquisition and transfer of lands in older countries still. It is proposed, that on the transmission of land by operation of law, such as by bankruptcy or otherwise, the transfer shall be verified by the registrar and completed in much the same way as is done now in respect of shipping; but in relation to transmission by will or intestacy, instead of its being necessary that the registrar should ascertain the persons on whom the property devolves, there shall be a realty representative, who shall produce to the registrar the will of the deceased or the letters of administration, and that representative shall be regarded as the absolute owner of the property, to deal with it according to the will or according to the law of intestacy, it being the policy to take no notice of trusts and to provide that trusts shall not bind the land, although they may be enforced by the courts against the trustee, and, in some instances, against the land itself by decree. This is to accomplish the object of having every holder take his position on the register as being, to all intents and purposes, the absolute owner of the property. There is one additional provision that I should mention, and that is a provision for compensation for mistakes that may be made by the registrar in the discharge of his duties. It is obvious that, when we undertake to give an indefeasible title by the act of the registrar, we must provide against the contingency of a *bond fide* owner of property being divested of it by the error or mistake of the registrar; and this Act provides that compensation shall be made to any such owner who is so divested of his property. I am not prepared just now to say that the details of the Bill, in that particular, as now prepared, will be entirely satisfactory. It may be that, at a subsequent stage of the Bill, it may be found necessary to provide for an augmentation of the fund created by the present Bill, but I think that the explanations which will be made of the operation of the Act in countries where it has been adopted will be such as to allay the feeling of alarm which would naturally be excited by the idea of compensation being provided for the land owners dispossessed by the act of the registrar. I need not go into the details now, but I may say, in a general way, that the experience in the countries where this system has been adopted has been that an exceedingly light tax, based upon the value of the property brought before the registrar, has been found far more than ample to provide for the mistakes which have to be corrected. In South Australia—I think in most of the Australian colonies—one halfpenny in the pound on the property brought before the registrar has been found so far from being insufficient to meet the expense that it has accumulated, until it now reaches something like £8,000 or £40,000 sterling in one colony. The objects of the measure, and the features which I have stated are, then, in the first place, in relation to land in the North-West Territory, to give security of title equal at least to that provided in the other Provinces, and to some extent there, by the registration of deeds; in the second place, to provide for cheapness and ease of transfer far greater than can be provided under any system of registration of deeds whatever, and to provide, once for all, and at this early stage in the history of the North-West Territory, a system of land laws which will obviate for all time to come, in relation to those territories, the inconvenience, the expense and the difficulties in relation to the holding and transfer of land which have reached a serious magnitude in some older countries. I will be able, at a subsequent stage of the Bill, to lay before the House some details of the operation of Acts of this character in the countries in which this system has been adopted, but I think I am justified in saying now, in a general way, that the experience of every country in which it has been adopted,