

done, unless somebody had the provision put in for that very purpose. If it is intended that the three years residence necessary to enable a man to get his patent payment should begin either on the date of entry or on the day he commences his residence duties we ought to put in the amendment "in the succeeding three years." If we do not do that the homesteader will not know what his rights are, and some homesteaders will be getting their patents five or six years after they make entry, while in the case of other homesteaders certain Government officials might insist that their residence duties must commence immediately after making entry. If the amendment is carried as proposed it is very indefinite and liable to interpretation one way by one set of officials and another way by another set of officials.

Mr. ROCHE: I think it would make the provision entirely too restrictive to adopt my hon. friend's suggestion. There is in the Act at present a provision enabling the Government to cancel a homestead if patent is not applied for within five years. If a man is away from his homestead for more than six months there is always somebody on the lookout to cancel it, and it is very seldom that we do not receive an application for cancellation in such cases.

Section as amended agreed to.

On section 4—Issue of patent to disabled volunteer, a British subject or alien ally.

Mr. ROCHE: Section 23 of the Act, as it now stands, enables patent to be issued at once to any homesteader belonging to the Canadian forces who is disabled while on active service. It is desired to extend this to apply to members of the British or allied forces. It is further desired to provide, in case the holder of the land is killed while on active service, that the patent may be issued in his name immediately without the performance of further duties.

Mr. OLIVER: When a patent is issued in the name of a deceased soldier, in what way does the patent reach his heirs?

Mr. ROCHE: Letters of administration have to be secured in the ordinary course.

Mr. DOUGLAS: Supposing a deceased soldier left a widow and no will, would she be entitled to only one-third of the homestead.

Mr. ROCHE: Letters of administration would have to be applied for just as in the case of a civilian.

Mr. SCHAFFNER: Would she get the entire property?

Mr. ROCHE: That is for the courts to decide. The patent would issue in the soldier's name and the widow would no doubt apply for letters of administration.

Mr. McCRANEY: Why are letters patent issued in the name of the deceased soldier? Under the law at present I understand that if the homesteader dies, letters of administration are filed with the department, and the patent issues to the person mentioned in the letters of administration. I do not see that the minister is getting anywhere by this departure from the usual practice, because letters of administration must be obtained in any event. When the minister has received notice of the death of a homesteader, I understand that under the present law letters of administration, or letters probate, as the case may be, are filed and acting on that the minister issues the patent. Under this Act, in the case of a deceased soldier the patent will be issued and registered, and no one can deal with the land until the registrar receives the letters probate or the letters of administration, as the case may be. The whole thing has to be gone through in the same way in both cases, and I do not see why the minister is making this departure.

Mr. ROCHE: The hon. gentleman would prefer the old method?

Mr. McCRANEY: I do not see why you should deal with the homestead of a deceased soldier in one way and the homestead of a deceased civilian in another way.

Mr. CURRIE: Is it a fact that in some of the western provinces the widow of a soldier who dies without making a will does not inherit the property of her husband?

Mr. McCRANEY: I do not know of any case of that kind. In any event the law of the province governs the way in which the property shall be dealt with.

Mr. CURRIE: Is it not true that the Alberta law still holds against the widow? In other words, the children may inherit, but the widow cannot.

Mr. McCRANEY: As I understand it, the widow is entitled to one-third, and the children two-thirds of the property.

Mr. CURRIE: Six or seven years ago, one of my friends told me the first thing he did when he got married was to make