

should like to see an amendment to the effect that the title should go to the wife, or that she should be named as administratrix. Otherwise she may have to go to great expense in securing the administration of the estate. I know of dozens of cases in Ontario where women have had to undergo great hardships and to live almost on charity because of provisions in wills that there must be an administrator.

Mr. DOUGLAS: The principle involved in the change suggested is involved in the amendment to clause 16, where in the case of a deserted wife the entry of her husband is granted to her. So I do not think the minister is departing from the spirit of the Act when he grants the patent direct to the wife of a deceased soldier in a case such as that brought to his attention this afternoon.

Mr. ROCHE: I think that there the deserted wife is recognized as the head of the family, and she performs the rest of the homestead duties.

Mr. DOUGLAS: In the explanation it says that the patent shall be granted to her on proof being furnished that she has completed the required six months' residence in each of three years.

Mr. McCRANEY: If I understood the point taken by my hon. friend from North Simcoe (Mr. Currie), the suggestion is, not that the homestead of the deceased soldier shall go to the widow, but that in the case of intestacy, it shall go to the widow, and otherwise to the persons named in the will.

Mr. CURRIE: In case there is no will.

Mr. McCRANEY: Before the department would come to such a conclusion it must have the certificate of the proper Probate Court that no probate has issued and no letters of administration have been granted.

Mr. CURRIE: In the case of a soldier only one signature to the will is required, and on the back of his passbook there is a simple blank form of a will. There is a probate department attached to the War Department here which looks after the estates of deceased soldiers, and ascertains if they have left wills. Probably within three months it would be definitely known whether a soldier had left a will, and if no will had come to light in that time, then his homestead should go to the widow. I am quite willing to trust the widow. Because perhaps one woman in a thousand goes wrong, that is no reason why this Parliament should legislate against the rest of the women.

Mr. McCRANEY: My hon. friend states as a fact that one witness is sufficient for a soldier's will. My recollection is that such a will is good so far as personal property only is concerned, not for the purpose of devising lands. I think you will find that is the case not only in Saskatchewan but in a number of the other provinces.

Mr. CURRIE: I do not think that any provincial law or any law we may make will override the Army Act.

Mr. ROCHE: The Soldier's Settlement Bill provides that the privilege of taking up land is accorded under that Act to the widow of a soldier just as to a returned soldier, and therefore she would participate in the loan of \$2,500—as a soldier would, besides having her pension.

Mr. DOUGLAS: The minister should not overlook the fact that the homestead of a deceased soldier is not his homestead, because he has not earned it, and that the department is giving certain privileges to the wives of deceased soldiers inasmuch as they are granted exemption from fulfilling the conditions under which the man got his homestead entry.

Under these conditions, it would only be fair that the department should grant to the wife the complete title to that homestead, as a mark of favour. She is not earning that homestead any more than the man earned the homestead until the conditions are fulfilled, but, in the unfortunate case of the man being killed, the department is lenient enough to grant him the homestead. Why not make the homestead issue direct to the wife?

Mr. ROCHE: There seem to be divergent views in the House in regard to this section. I do not wish to spend all day on it and we can allow it to stand.

Section stands.

On section 5—issue of homestead letters patent to British subject only:

Mr. OLIVER: Perhaps the hon. gentleman would give us a short explanation of the many subsections, and it might not be necessary to read them.

Mr. ROCHE: Provision is made for:

1. Issue of patent in the name of an alien entrant killed in action whether he was a member of the British or Allied forces.
2. Provision for the issue of patent to an alien serving with the British or Allied forces, who has completed his duties but cannot secure naturalization.