

## APPENDIX No. 5

various territories, takes the matter up it must be a very serious matter and there must be some basis of dissatisfaction. That is quite evident. Of course I cannot cite any special case, but it seems to me that perhaps the parties who have been interested in getting up that resolution might be cited as witnesses in order to give testimony why they passed that resolution and wherein the dissatisfaction consisted. One of the parties who urged that resolution is an eminent mining lawyer, Mr. Clark, of Toronto. I think if he were called here to give testimony he would convince you in a very short time that it was necessary that the mining regulations should be codified.

Mr. W. R. SMYTH.—Is that Mr. J. M. Clark?

Dr. HAANEL.—I do not know his initials but I know he is the author of a book on mining.

The CHAIRMAN.—I know the man very well. He is very well posted on mining.

Mr. W. R. SMYTH.—He may be posted on mining law but he does not know anything about mining.

The CHAIRMAN.—I suppose he knows no more about mining than the average lawyer who has looked into the thing. What is your pleasure we should do with this resolution of the Canadian Mining Institute which has been referred to us. That is the most important body of mining men assembled together in the country and I think their representations are not made without cause. I think they are worthy of very careful consideration by this committee. I would like to hear from the members what they think we ought to do.

Mr. CONGDON.—I think the first thing is that we are not going to recommend any Royal Commission. At the time that resolution was passed it was not known that a committee of this kind had been appointed. This committee can discharge the functions of a Royal Commission. In the next place an endeavour has already been made to get between two covers the laws relating to this. One of the defects in the regulations, and I think Mr. Rowatt will appreciate this, is that they are not so accessible as Acts of parliament. You can find Acts of parliament, but it is one of the hardest things to find these regulations that touch here, there and everywhere and one is never sure what amendments have been made. With regard to the laws they can easily be got, but necessarily, many of these regulations are somewhat primitive at the present time because under them no great mining operations have been carried on and laws relating to mining must grow very largely as the industry grows. It is useless to attempt to make mining conform to laws. The laws ought to conform to mining. I think by calling the attention of the Institute to the fact of the appointment of this committee and to the fact that the committee has got together all the regulations and all the laws relating to the subject and telling them that we would be pleased to hear at any time anything the Institute has to offer showing the direction in which those laws could be improved—that is about the only answer we could give. I think there is a more important matter even than this. Mining laws are always defective and we can never make them anything else. The only thing to do is to try and get them as perfect as possible. What this committee specially wants to know is the mining resources of Canada, the fields to which these laws are applicable, the work contemplated at the present time. The most desirable work which this committee could undertake is to endeavour to get together and to present to the world in a consolidated form the laws and also the fields for mining operation in the country.

The CHAIRMAN.—What have you to say to this last paragraph?—“That the Dominion government take early action to complete the organization of the Department of Mines by transferring to it the complete administration of all mining lands subject to its control.”

Mr. CONGDON.—I say with regard to that that it is a most difficult question because you must still maintain uniformity in regard to the lands under the Interior Depart-