

## APPENDIX No. 5

the provinces can follow them as far as they are suitable for their own individual needs. One of these basic principles for instance, is whether it is better to lease mineral lands or dispose of them outright. Another question is that which has come up this afternoon, whether the mineral rights could not be absolutely separated from the surface rights. In discussing this matter, it was the unanimous opinion of the Mining Institute that that distinction should be drawn, that one of the greatest handicaps to the development of the mining industry was the uncertainty as to where the rights lay and the uncertainty regarding the title. When you give away the mineral rights along with the surface rights in many cases it is absolutely impossible to get any clear title, and of course if you cannot get a clear title you cannot have the development of the industry. Just how that works out is exemplified by what Mr. Rowatt has said with regard to the amount of labour which is now necessary to discover whether a settler has a mining right or not. The Mining Institute say that if there was that absolute separation, if the disposal of the mining rights were in a department which has nothing to do with surface rights, there would be a clear cut line, and while it would not be retroactive it would operate for the future. Of course some mineral rights have been disposed of but if you made that distinction in the future for the greater part of Canada, this question would never come up. This was another reason why the Mining Institute wished to have this question investigated. As was pointed out, they did not know of the establishment of this committee when they passed that resolution. Therefore, they put it in the form of a resolution recommending the appointment of a Royal Commission. They wish to have these fundamental principles laid down so that they could apply to the future. Some of the troubles which they complain of are due of course to the fact that the mineral mining rights of the Dominion lands come under the regulations. As Mr. Congdon pointed out, these regulations are not as satisfactory as an Act of parliament. Mining men are all agreed, I think, that they would rather have bad laws than good regulations.

Mr. CONGDON.—Have them permanent.

Mr. BROCK.—They would know where they are at, as the expression goes, and when any change was contemplated in an Act the attention of mining men would be called to it and they would have an opportunity of bringing objections to it before the Act was passed. To give an example of one of the disabilities which mining men complain of, one of the members of the Institute was trying to get some mineral rights in the west which were supposed to be vested in the Crown and on which a royalty would have been payable. But he would also have had to make arrangements with settlers, and they also asked a royalty. He was willing to pay either the settler or the government, but he did not see why he should be held up for two royalties. There are questions like these which the Mining Institute could bring before you.

The CHAIRMAN.—Along the lines of the remarks just made, one of the difficulties and it is a very great difficulty, is this, that the mining prospector or the mine owner making an endeavour to secure capital to carry out a large enterprise meets with a great deal of difficulty. Under our law it is difficult to secure capital for the reason that when men who invest considerable blocks of money in such enterprises want to know what security they have for investment, when they put their solicitors to look into our mining laws, they find they are only regulations not made by parliament, not made by the representatives of the people in the sense that laws are made but are made simply by order in council which is subject to change. I know of many in my own personal knowledge who would otherwise have invested but who would not invest a dollar under these circumstances. It seems to me if it is possible for this committee to remove that difficulty it would be a good thing. If the committee are agreeable it would, I think, be well for us to ask certain members of the Mining Institute to attend our next meeting, and perhaps it would be an advantage to ask Mr. Clark, of Toronto, who is also a member of the Mining Institute. He has been connected with it I know, for fifteen years. I had myself a connection with it years