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File #2-983.

The Soldier Settlement Board



Canada.

Office of the Chairman.

OTTAWA - 10th February, 1925

Dear Mr. McBride:

I have had under consideration a letter addressed to you by Mr. Alfred J. Grindlay of Kamloops, B.C. which I now return.

The desire of Mr. Grindlay that the Board should release its charge against his soldier grant has already been the subject of correspondence between us and the solicitors acting on his behalf, Messrs. MacIntyre & Chalmers.

In order that the position of the Board in this matter may be clearly understood, I would point out that the Act permits us no latitude in a case of this kind. For your information I quote section 26 of the Act:-

"When a settler obtains Dominion lands, whether
"by soldier grant or otherwise, and whether before
"or after having secured from the Board any advance
"pursuant to this Act, while there is owing by him
"to the Board any sum or sums of money as the result
"of any sale made to him by the Board, or otherwise
"by reason of the exercise by the Board of any of
"its powers under this Act, such sum so owing shall
"constitute a first charge on the lands so obtained
"and no patent shall be issued to such settler therefor
"until such sum or sums, with accrued interest, have
"been fully paid or repaid."

From this you will observe that the soldier grant is automatically charged by the Statute with any sum or sums of money owing to the Board as the result of a transaction under the Act. The Board of course has no power whatever to diverge from the Act and, therefore, has no power to withdraw the charge against the soldier grant. Nevertheless, I may say for your information that while we cannot release any settler from liability for any deficiency that may occur nor do we intend to press any claim for the deficiency against any settler whose general conduct, while holding Board property, has been honest and above censure. This is the most that we can do, and it is possible we may be open to censure as public servants for not making a more vigorous attempt to collect in accordance with the terms of the Act.

Mr. Grindlay may be assured that should

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