

Yet it would seem as if they belonged to the soldier, since the land was bought for him.

There are 8,606 active soldier settler accounts, and of these there are approximately 2,700 cases where the board acquired by purchase the mines and minerals with the land. In perhaps only a very few instances has the value of such mineral rights been raised or become an important issue. In fact, it has been found that within the boundaries of the proven oil area in Alberta there are only two active soldier settler accounts. The reservation of the mineral rights by the board has in some cases, however, caused the soldier a definite hardship. In one particular instance in Ontario a soldier settler who had paid his loan in full and acquired his title to the land, the minerals having been reserved, entered into an agreement of sale to sell the land to a third party. The latter found out that the settler did not own the mineral rights, and is endeavouring to rescind the contract on the ground that the settler cannot convey the full and complete title.

If my right honourable friend desires to examine more closely the fairly long statement which I have read, I will not move that second reading be given now.

Right Hon. ARTHUR MEIGHEN: I have listened to the statement, which is really an excellent one, and argues the matter from the standpoint of the measure as thoroughly as it could be argued. But I still do not agree with it. I cannot see the slightest contradiction in the legislation. The legislation defines land as including easements, hereditaments, roads, streams, and so on, and rights in the land. Rights in the land do not necessarily include properties under the land. I would say that even though the word "in" is used, the principle of *ejusdem generis* must apply; it includes everything of the nature of these things which have been described. Then the legislation says you are conveying to the settler—

Hon. Mr. DANDURAND: The original settler.

Right Hon. Mr. MEIGHEN: Yes—it says you convey only the land named and you reserve the mines and minerals. So, though the board may have got them, it does not convey them. It is forbidden by the Act to do so. The Act does not restrict the board to the cases of Dominion lands; it makes this prohibition apply to every single case.

Hon. Mr. DANDURAND: But what does my right honourable friend say to this argument? The soldier selected a piece of land. Then, instead of buying it outright, being unable to do so, he went to the board and said, "I want this piece of land and will pay so much for it." The board protected him by seeing that the price was fair, and proceeded to arrange with him for repayment. The board was then acting as agent of the soldier.

Hon. Mr. CALDER: But under a law that contained a certain provision.

Right Hon. Mr. MEIGHEN: Yes.

Hon. Mr. DANDURAND: But wait a moment. The board bought the piece of land for the soldier. When he had fulfilled his obligation and repaid to the last cent, he asked for his title. The board takes it for granted that it cannot take away from the title, but must give him anything that it received for him. It received for him a piece of land. The board says: "So much was paid for that piece of land. The soldier has repaid the amount the board paid for him, and has fulfilled all his obligations." Is there anything which would indicate that the board was to make any profit out of that transaction? If it is to retain the subsoil—the oil and the coal—and transfer only the surface of the land, then the Crown has made money, or has not returned to the soldier the piece of land he bought from the party who had the full rights of the subsoil. The board says: "We are acting as agents. We buy for this soldier, and we tell him that he can repay under certain conditions, and when he has done so, he will be entitled to the piece of land that he bought." But when that point is reached you would have the board say: "Oh, no, we will not give you back all that we bought for you. There is a valuable oil field under your land. We will retain it and will not hand over the property as we bought it for you."

I do not like to press my right honourable friend to accept this amendment without his full concurrence, but I think that if he will ponder over the situation he will come to the conclusion that the amendment is a fair one.

Right Hon. Mr. MEIGHEN: I do not doubt the good faith of the officer who wrote that memorandum. He is an able officer, whoever he is. But I do not think the Minister has the history of this thing right. As a matter of fact, the Crown bought the land and paid cash for it, for the purpose of sale to the soldier. The object of the procedure followed was simply that the soldier might be satisfied with the special piece sold to him. That is why the method was adopted of having the soldier select the land. The Minister says that the soldier bought it, the Soldier Settlement Board acting for the Crown, and that the soldier can say to the board, "I want that land and everything I bought." But the soldier did not buy the land. The Crown bought it and resold it to him, and he cannot say to the Crown or to the Soldier Settlement Board—the two are synonymous: "I