

*National Parks*

Mr. COOTE: I would not say that. I do not think we are making any greater effort here than under the old act.

Sestion agreed to.

On section 5—Park administration.

Mr. COOTE: In my opinion the magistrates should be appointed by the province. I have never been able to understand why they should be appointed by the Dominion government.

Mr. STEWART (Edmonton): What is the difference between the appointment of a provincial official to administer a provincial law and the appointment of a federal official to administer laws under the control of the federal authorities, who must of necessity administer those laws in accordance with the provincial law?

Mr. COOTE: I understand the minister to say that the laws of the province were to apply in these parks.

Mr. STEWART (Edmonton): Surely.

Mr. COOTE: So it is a provincial law.

Mr. STEWART (Edmonton): Except during six or eight years the police magistrates in the park were appointed by the federal authorities at Banff. Two at least I know of in my time who were appointed by the federal authorities. Later, owing to the amalgamation of the provincial and federal police, that authority disappeared and we had to have recourse for the time being to the provincial authorities and ask to make the appointments. But I may say frankly that Mr. Hunter was suggested to the government at Edmonton by myself as a fit and proper person to become police magistrate in Banff. He was appointed by the provincial authorities and is paid by the federal authorities.

Mr. STEVENS: He was appointed by the provincial government?

Mr. STEWART (Edmonton): Yes.

Mr. STEVENS: On your recommendation?

Mr. STEWART (Edmonton): Yes. I do not see how the appointment of the magistrate by the federal authorities is going to create any very great difference in the result.

Mr. STEVENS: I am not sufficiently posted in legal matters to be clear on this point. I understand that the appointment of a magistrate is the prerogative of the provincial

[Mr. C. A. Stewart.]

government. Are we infringing upon the right of the province to control property and civil rights by saying in subsection (4) of section 5:

The governor in council . . . may appoint, by commission under the great seal, one or more fit and proper persons to be stipendiary magistrates.

Perhaps the Solicitor General could clear up that point.

Mr. CANNON: I might give my hon. friend an example that will help him to understand the situation exactly. This park is reserved under our control, and we appoint the officials, including the magistrates, just as a city government appoints its officials to carry out municipal regulations. The cities themselves very often appoint recorders to see that the municipal regulations are observed.

Mr. STEVENS: Upon authority delegated by the province.

Mr. CANNON: May be. We are the authorities over the territory comprised in the national parks, and we appoint our own officials. As regards the civil law, I understand my hon. friend's difficulty. It is a complicated matter and it is rather hard to give a short answer to what seems to be a very simple question. The civil law applies to the province, but we as a government, under the British North America Act, appoint judges who administer the civil law in the province.

Mr. STEVENS: The Solicitor General has not grasped my point. The Minister of the Interior told us a moment ago that the magistrates were appointed by the province on his recommendation.

Mr. STEWART (Edmonton): Just recently. They were appointed by the federal government up until the amalgamation of the provincial and federal police.

Mr. STEVENS: That is in the past, but in this bill we have this new clause in which we say:

The governor in council, on the recommendation of the Minister of Justice, may appoint, by commission under the great seal, one or more fit and proper persons to be stipendiary magistrates within the parks, and such magistrates shall be at liberty to exercise any jurisdiction which may be conferred upon them by provincial authority in matters coming within the exclusive legislative jurisdiction of the province, in so far as the exercise of such powers may be consistent with the powers hereby conferred.