

*National Parks*

ment here in Ottawa. These officials are the magistrates and constables, and any person within that restricted community who may incur the enmity, or shall I say suspicion of an official, could easily become a victim of such petty persecution as that official might choose to impose upon him. These officials are given powers which are not given to constables in cities. The Solicitor General will agree with me that the right of search without warrant or legal process is a very extraordinary power.

Mr. CANNON: Exceptional.

Mr. STEVENS: It is a very exceptional power.

Mr. CANNON: Our customs officials have that power given to them for special reasons.

Mr. STEVENS: Those officials are restricted by the limitations of their duty. These are very exceptional powers, aggravated if I may say so by the insular condition of the community. I have no desire to argue in a hypercritical spirit, but rather with the desire of bringing about a realization that we may be going too far.

Mr. STEWART (Edmonton): Does my hon. friend mean too far with the penalties?

Mr. STEVENS: I was referring particularly to the powers conveyed by section 5 to certain officials of the park. Those officials might be wardens, road foremen or watchmen.

Mr. STEWART (Edmonton): Particularly wardens.

Mr. STEVENS: Yes, that may be so. These people would be clothed with the right of search without a warrant.

Mr. CANNON: "Where he has reason to believe."

Mr. STEVENS: Yes, of course, but that means nothing. They may have reason in their own minds to believe some one has been fishing with a spotlight. They could say that. This leaves the matter wide open for persecution. What I was going to suggest is this: Why should not the power of administration of justice be under ordinary officers appointed, let us say, by the provincial authorities? Let me go back to the illustration I gave of Stanley park. Stanley park is policed by a policeman of the ordinary police staff of the city of Vancouver. He goes round the park and he exercises the power of a policeman just as any ordinary policeman would do. He is appointed by the city council or the police commission. He is not a peculiar

[Mr. Stevens.]

official of the park clothed with special powers of a policeman. In other words, if we could, so to speak, reverse this thing, let the province administer the laws, appoint the magistrates and appoint the constables for policing purposes—

Mr. STEWART (Edmonton): Does my hon. friend suggest that the provincial government appoint the police?

Mr. STEVENS: I say: Why could not the administration of the laws, in the absence of a municipal authority, be under the control of the provincial authority?

Mr. STEWART (Edmonton): My hon. friend is confining his remarks pretty largely to the communities that would otherwise be municipalities, while the necessity for the right to search on view is for the proper administration of the parks which are purely and simply game preserves. If this were not so, we might as well cease to try to keep them as game preserves, because my hon. friend knows that all along the eastern boundaries of these two parks and along the boundaries of the parks of his province there are located settlers, residents, and if the constables are not there, these people may come in during the season when it is difficult to detect them and clean out our game preserves. As regards the question of arresting on view, our game wardens have that authority. Under the British Columbia Game Act the warden has identically the same right to search, confined of course to game; otherwise you could not have effective administration and preserve the wild life. In our parks we have a great deal of difficulty in preventing poaching, particularly with the thousands and thousands of tourists who are visiting the parks at all times, and also in the winter season when the parks, as I say, on the western and eastern boundaries are fairly easy of access by individuals who wish to go in and make a livelihood by taking game. I confess I think the penalty is fairly heavy, but it is one that has been in vogue since 1913. There was no change whatever in that section; I am simply embodying the old section in this measure. As regards the complaint of my hon. friend that the wardens who will be the constables should not have the right to search on view, particularly in the manner specified in this legislation, may I say that if they did not have that right it would be a great handicap to the enforcement of the game act within the park.

Mr. STEVENS: Should the constable not be compelled to bring the individual before an independent magistrate as quickly as possible?