

itself would be the only body that would interfere. I agree with my hon. friend that under the provisions of the act parliament would have that power. That would have to be done here.

Mr. BENNETT: Exactly. That is what I was saying. My hon. friend from East Calgary wanted to know whether or not they had it as a right or as a privilege, and as it stands now I say that this parliament has jurisdiction. That is the point I am making clear, that jurisdiction would have to be exercised by this parliament.

Mr. ADSHEAD: By parliament or by the governor in council?

Mr. BENNETT: By parliament or by delegation to the governor in council. That is exactly what we are doing here.

Mr. STEWART (Edmonton): I want to make it clear that you could not by order in council or by regulations under an order in council deny or cancel the educational rights enjoyed by those citizens.

Mr. BENNETT: The hon. gentleman is not a lawyer, but he will follow this. The statute says:

By act of parliament of Canada or by any regulation or power authorized by parliament.

In other words, parliament may act directly or indirectly. In this instance parliament is acting indirectly by section 7.

Mr. STEWART (Edmonton): Section 7 specifies by the governor in council.

Mr. BENNETT: But it could do it directly or indirectly. For instance, it deals directly with the appointment of stipendiary magistrates in subsection 4 of section 5. That is entirely new, because the old power has been swept away. As it stood before, the lieutenant-governor at Edmonton appointed the magistrate and the Dominion government paid him.

Mr. STEWART (Edmonton): For a short period.

Mr. BENNETT: Yes, and now the Minister of Justice is to appoint by commission one or more stipendiary magistrates within the park. In other words, the whole administration of justice in any other part of Alberta rests with the provincial authorities, but so far as the parks are concerned, the administration of justice is to be handed over to federal control through its appointees. Subsection 6 of section 5 provides that the governor in council, not [Mr. C. A. Stewart.]

the province, may appoint justices of the peace. Section 6 says:

Lands within the parks shall not be disposed of or be located or settled upon, and no person shall use or occupy any part of such lands, except under the authority of this act or of regulations made hereunder.

That is, no one may get a parcel of land in Banff except under this statute. This is dealing indirectly. That is, there can be no population in this area, no commercial activities. This may all be desirable, but I point out that during the last twenty-five or thirty years very considerable settlements have grown up in these areas and the government have received substantial sums of money for rentals, leases and matters of that kind.

Then you will observe that subsection 3 of section 6 provides:

No lands within a park, other than those specified in subsection 2 hereof, shall be patented or conveyed in fee.

And yet there are enormous areas in the Banff national park which have been patented—to the Canadian Pacific Railway Company, for one; to the Canadian Anthracite Coal Company, for two; the vast coal lands belonging to a great American company, for three; vast timber areas, for four; and leases within the park that I know of, for five. It is only fair to point out that the townsite of Jasper and the roundhouse and all the terminal facilities of the Canadian National are within Jasper park. I do not know to what extent lots have been sold for I have not inquired, but the whole system of bungalow camps maintained by the Canadian National is within that park. His permanent officials prepared and offered him this bill. He is told that it is all right and he brings it into this house. But look at the changes it makes. Look for instance at paragraph (h) of section 7:

the granting of yearly permits for—
(i) the grazing of horses and cattle.

and so forth. All that is controlled from Ottawa. It goes on:

(ii) the removal of sand, stone and gravel for constructional purposes within a park.

Mr. STEWART (Edmonton): The same provisions were in the old act. There has been no change since 1913. These provisions are taken from the old act.

Mr. BENNETT: Oh yes, but all the words underlined are new. Paragraph (h) also deals with:

(iv) the use in the parks of water for domestic or railway water supply purposes.