It is perhaps worth recalling the terms of Section 92A which was an amendment to the Constitution Act of 1867. It reads:

• (1200)

In each province the legislature may exclusively make laws in relation to

(a) exploration for non-renewable natural resources in the Province;

(b) development, conservation and management of non-renewable natural resources—in the Province, including laws in relation to the rate of primary production therefrom—

That is Subsection (1). Subsection (4) of Section 92A reads this way:

In each province the legislature may make law in relation to the raising of money by any more or system of taxation in respect of

(a) non-renewable natural resources—in the Province and the primary production therefrom—

It is quite clear that the intent of Section 92A(1) is that the non-renewable resources are within the jurisdiction of the Province. Yet, Mr. Speaker, we find those 50,000 acres, 80 square miles, is still retained by the Crown in right of the Dominion. This exclusive jurisdiction enjoyed by the Province over its natural resources and its power to levy taxes on the production of those resources does not restore to B.C. the 80 square miles of the so-called Dominion coal lands which the Crown in right of the Dominion now controls.

I cannot help but ask myself why that should be. British Columbia—and this is the conclusion one must draw—is the only Province that has had to pay in land losses to the Crown in right of the Dominion for having a railway pass over its territory.

How did this land get into the hands of the Crown in right of the Dominion in the first place? The story is long and devious, the details of which may not be yet fully revealed. In any event, the lands passed from the Province by grant to the B.C. Southern Railway as an inducement to the B.C. Southern Railway to build a line into southeastern British Columbia to open it up and to make the products of that area, coal and minerals, transportable through Canada rather than through the United States to its markets.

The lands in question are in the area through which the railway was to pass. It was eventually called the Crow's Nest Pass Railway. Once the B.C. Southern Railway had been acquired by the CPR and the CPR was prepared to build a Crowsnest Pass line from Lethbridge to Nelson, the Dominion Government stepped in to compel the CPR to cede 50,000 acres of coal-bearing land conveyed to it by British Columbia to the Crown in right of the Dominion. The Crown went further. It "selected" the land which was to be conveyed. That land and its riches are still in the hands of the Crown in right of the Dominion. They were not returned to British Columbia in 1930 when all non-renewable resources were returned to British Columbia as well as to Manitoba, Saskatchewan and Alberta so as to put the western Provinces on the same footing as the eastern Provinces, which entered Confederation with control over their natural resources.

Nor were those 50,000 acres returned to B.C. during the negotiations over the Constitution, although as we have seen, Section 92A specifically grants jurisdiction to the Provinces over all non-renewable resources in a Province.

This brings us back to Clause 62 of the present Bill. What does the federal Government plan to do with the lands under the provisions of this Bill? It is not quite certain. I have already read the text of that particular clause into the record. I note the Government of Canada may "hold, dispose of or otherwise deal with" the lands it selected under paragraph 1(i) of that Act.

From that I think there are a number of considerations that flow. First, I wonder whether we should examine the wording of this, what the Government of Canada may do this, that and the other. The French version of that particular article reads as follows:

Sa Majesté du chef du Canada peut posséder ou vendre les terres qu'elle a choisies conformément, . . .

I do not see that "the Government of Canada" and "*Sa Majesté du chef du Canada*" are exactly the same thing. I suspect that the French version was the version of the original Clause 62 and the English version followed. I do not think it was a very good translation. I understand there are examples of this.

If we look at the explanatory notes opposite on page 33a of Bill C-155, we find in the English version three different versions of the authorities that may do this, that or the other. In one case it is the "Crown in the interest of Canada". Second, it is "the Government" which selected the lands. Finally, we find it is the "Governor in Council" which may do this, that or the other.

In the French version of the same Bill, which is, of course, the Crow's Nest Pass Act, we find it is "*la Couronne, pour l'avantage du Canada*". I do not know whether "*la Couronne, pour l'avantage du Canada*" is being considered as an entity is or simply "*la Couronne*". We also find that it is "*Sa Majesté—en sera autrement disposé par Sa Majesté*".

Then we find it is "*le Gouverneur en conseil dans le but d'assurer un approvisionnement de houille suffisant et convenable*". I think there is some cleaning up necessary in this particular Bill so that we can determine exactly what it is that will be authorized under this Bill to do what the Bill provides it may do.

The Crow's Nest Pass Act of 1897 did two things. One was to require the CPR to carry certain products, including coal and grain, at fixed rates in return for which the CPR was granted running rights. Second, the Bill of 1897 conveyed 50,000 acres, 80 squares miles, to the Crown in right of Canada.

Today we have legislation before us that undoes one of those things. It withdraws the rate structure defined at the time to remain in effect in perpetuity, but it does not undo the other thing. It does not return to British Columbia the 50,000 acres of coal-rich lands which were ceded, if you like, by the railway—not by British Columbia, but by the railway—to the Crown. Why the one, I ask myself, and not the other?