

By that section the provincial authority is limited by the powers this bill confers. It says:

—in so far as the exercise of such powers may be consistent with the powers hereby conferred.

Has the federal authority any right to invade the provincial control of property and civil rights by the appointment under the great seal of magistrate? I question whether we have that right.

Mr. McLEAN (Melfort): There might be a conflict of jurisdiction in certain matters. For instance, the provincial authorities control the highways, the tourist traffic, and so forth, but the federal authorities control the national parks.

Mr. STEVENS: That does not answer my point at all.

Mr. McLEAN (Melfort): Further, there are federal officials throughout these park areas and they know a great deal more about the parks and the regulations governing them than the provincial authorities. It would be almost impossible to secure the policing of these parks by the provincial authorities because it is a tremendously expensive proposition. The federal officials being in all the park areas are in a much better position to preserve the game than if provincial officers had to be sent for.

Mr. STEVENS: That is not my point.

Mr. McLEAN (Melfort): That is the point the hon. gentleman was making, the conflict of jurisdiction.

Mr. STEVENS: The hon. gentleman does not get my point at all. He is a thousand miles away from it.

Mr. STEWART (Leeds): The administration of justice within a province and the constitution of the courts is entirely a matter of provincial jurisdiction. This parliament appoints judges, but the organization of the courts and everything connected with the administration of justice within the province is under the control of the province. For instance, in a province we appoint a justice of the peace, and that justice of the peace has power to try offences against federal statutes, provincial statutes and municipal regulations.

Mr. CANNON: If we say so.

Mr. STEWART (Leeds): You do not say at all in the province of Ontario what the power of a magistrate shall be. It comes under the general right of the province to deal with the administration of justice in the province.

Mr. CANNON: By means of the provisions of the criminal code giving them that jurisdiction.

Mr. STEWART (Leeds): The British North America Act provides for that. Here is the point that I wish to discuss. Is this park a part of the province? The only ground, it seems to me, upon which we could justify the appointment of a justice of the peace to administer laws within a province would be that this park was really not a part of the province, which I understood it to be.

Mr. STEWART (Edmonton): There seems to be something wrong with my hon. friend's deduction. If the federal authorities under the federal police act had the right to appoint a police magistrate in the Banff national park, which is not changed in any particular by this bill, then clearly the federal authorities have still the right to do this. Either they were wrong when they appointed magistrates before or they were right.

Mr. STEWART (Leeds): It was entirely under federal jurisdiction; it was not handed over.

Mr. STEWART (Edmonton): That may be so far as the land is concerned, but my hon. friend must bear in mind that the provincial authority has not been extended owing to the fact that the provinces are getting back their natural resources. They are operating under identically the same laws; there is no change in their position. True, we have the lands and resources under federal control, which now passes to the provinces, but that does not confer upon them any wider power than they had previously when the federal authority appointed magistrates. I am speaking as a layman. I merely ask the lawyer members how it comes about that we are denied the right we had previously, although there has been no change.

Mr. CANNON: The jurisdiction belongs to us; we are at home. It comes to us under the terms of section 91, Dominion property.

Section agreed to.

Section 6 agreed to.

On section 7—Regulations.

Mr. GARDINER: If I may go back to section 6 for a moment. What is the position as to the control of water powers in the parks?

Mr. STEWART (Edmonton): We control them within the parks always. If my hon. friend has the fear that they might be controlled to the detriment of the rights of the