

146 in admitting these Territories as territories, and that being so, it was doubted if it was any longer open to us, if we still had the power to admit them later on as provinces. That, I think, was the principal reason of the amendment of 1871. That was the principal object of that legislation, and I think it was also the principal effect of it.

Mr. LENNOX. If that contention is correct, what would be the effect now? Would that statute that was passed then be sufficient to cover the case with which we are now dealing?

Mr. BELCOURT. I cannot understand the hon. gentleman's question at all.

Mr. LENNOX. I understood the hon. gentleman to say that it was thought that the power of section 146 of the British North America Act was exhausted.

Mr. BELCOURT. I said a doubt arose.

Mr. LENNOX. That was supposed to be the reason for getting another Act from the imperial parliament. If that Act was necessary at that time, would that Act be sufficient for the present case, or would it be exhausted by the exercise of it at that time?

Mr. BELCOURT. I said that the Act of 1871 was passed for the purpose of allowing us to admit these provinces, on the supposition that the power conferred by section 146 had been exhausted.

Mr. LENNOX. I have not recently been looking at the section with this particular point in view, but my recollection is that the statute only provides for the case of Manitoba, and would not be sufficient to cover the new province now about to be admitted.

Mr. BELCOURT. It covered the case of Manitoba in so many words, but by necessary inference it covered the case of the Territories as well. The hon. gentleman must remember that when this Act was passed the Territories had been admitted into confederation as territories; Manitoba had been admitted as a province, and the Act of 1871 was passed, as I have said, for the purpose of allowing us a power which it was thought we had already exercised under 146 by admitting them as territories, a power to admit them later on as provinces. I say that by inference the Act of 1871 enables us to do that to-day.

There was another reason to which the hon. gentleman also referred, that is, the provision for the control of lands under the Manitoba Act. It was thought at the time that that was possibly *ultra vires*, and that was another reason why the Act of 1871 was passed; but one has only to look at the preamble of the Act of 1871 to see clearly and plainly that these were the reasons that prompted that Act. The preamble reads:

Mr. BELCOURT.

Whereas doubts have been entertained respecting the powers of the parliament of Canada to establish provinces in territories admitted, or which may hereafter be admitted into the Dominion of Canada, and to provide for the representation of such provinces in the said parliament, and it is expedient to remove such doubts and to vest such powers in the said parliament:

The preamble of the Act is plain, and seems to leave no question that the object of the Act was to remove the doubts to which I have made reference. Under the provisions of the Act of 1871 we have had the power ever since it was passed to apply to these Territories such provisions of the British Columbia Act as we saw fit. We have had the power to apply the original provisions of the British North America Act in whole or in part, in any modified manner that we chose, and we have had the power, as was pointed out by my hon. friend, to repeal these provisions and, from time to time, to substitute for them other provisions of a similar or of a different nature. As far as the Territories are concerned, it must be remembered that they came into the confederation without any special provisions applicable to them, that it was left to this parliament to determine, from time to time, what powers we should confer upon them. That seems to me to be absolutely justified. As I have pointed out, as every one knows, the Territories were then in their early infancy. They had a very sparse population, the whole matter was tentative; the jurisdiction which the Act conferred on them must necessarily for manifestly obvious reasons be a tentative one; and, therefore, it was provided, under section 2, that we might, from time to time, apply to them such provisions of the British North America Act as we should deem proper. I say that that discretionary power vested in this parliament with reference to the Territories was with reference to territories only, and not with reference to provinces. I say that under the Act of 1871 this parliament has not to-day the right to apply to any province coming into the union any but the original provisions, from section 1 to section 146, of the Act of 1867. I say that the Act of 1871 was made for the purpose only of the Territories, and cannot to-day have any application, and should not have any application whatever, when we are taking a province into confederation.

The Act of 1871 was passed for the purpose of completing the Act of 1867; not for the purpose of modifying it, not for the purpose of repealing any of its provisions, but simply in order to add to the Act of 1867 provisions which it was found had been omitted from that Act. Its scope was limited to the entry, control and government of new territories. Under the rules of construction, I submit that my argument is quite justified, because I think every lawyer in this House will agree with me that the modification of a