the intention was. I am only drawing attention to this because I think it shows clearly what the intention was.

Mr. GUTHRIE. The hon. members of this House who are of the legal profession will, I think, bear me out when I say that it is very questionable whether in the interpretation of a statute we have any right to go beyond the language of the statute itself. Sometimes it has been done, but the text writers on the construction of statutes are rather against allowing the language of debates in parliament or negotiations previous to the enactment, to influence them in any way in construing the enactment itself. I turn to section 146 of the British North America Act of 1867, and in this section, I submit, is to be found in seven words, the one single fact upon which the leader of the opposition or any of his followers who spoke after him, can hang an argument. These are the seven words :

Subject to the provisions of this Act.

For the purpose of my argument I desire to insert this section verbatim. Section 146 :

It shall be lawful for the Queen, by and with the advice of Her Majesty's most Honourable Privy Council, on addresses from the Houses of parliament of Canada and from the Houses of the respective legislatures of the colonies or provinces of Newfoundland, Prince Edward Island and British Columbia, to admit those colonies or provinces, or any of them, into the union, and on addresses from the Houses of the parliament of Canada to admit Rupert's Land and the Northwest Territory, or either of them, into the union, on such terms and conditions in each case as are in the addresses expressed, and as the Queen thinks fit to approve, subject to the provisions of this Act ; and the provisions of any Order in Council on that behalf shall have effect as if they had been enacted by the parliament of the United Kingdom of Great Britain and Ireland.

What I submit in regard to section 146 is this : that it provides a distinct means for the provinces or colonies, and the territories, to become a part of this confederation. A colony is described by the imperial Act, known as the Colonial Laws Validity Act, 1865 :

To include all of Her Majesty's possessions abroad in which there shall exist a legislature as hereinafter defined.

I can find no definition of what a province is ; there was no such thing as a British province strictly so called ; the term 'Colony' was applicable to them all. In section 146 of the British North America Act, Prince Edward Island, British Columbia and Newfoundland are described as 'colonies or provinces.' They had legislatures of their own and could enact laws of their own. It was provided in respect of these three colonies that they may come into confederation, and how ? Simply as the original provinces had confederated themselves by agreement, or upon a joint address of the Colonial House and of this parliament to Her Majesty she could pass an Order in Council admitting them into confederation. But not so with the Territories. The Territories had no voice in the matter whatever. They were, as described by the leader of the opposition, practically unpeopled portions of Canada, there were a few fur traders, numberless bands of uncivilized Indians and for the rest, herds of buffalo. My submission is this : that there is a distinction in section 146 which we must all recognize as the mode of admission. In one case colonies or provinces could come in by agreement on a joint address ; in the other case the Territories must come in on an address of this House approved by an Order in Council. The distinction is this : the colonial entities referred to in section 146 were to come in as provinces having rights subject to the terms of the British North America Act as stated in these seven words I have quoted. But for the Territories, it was provided that they should merely come in as a territorial enlargement of the country, an increased area for Canada ; that they should merely come within our boundaries and form a part of the Dominion of Canada, not subject to any agreement or compact they made but subject to our will approved by an imperial Order in Council. And that is the manner in which the provinces did come in. I notice that the leader of the opposition in one part of his speech takes grave objection to the proposal in section 2 of the present Bill, namely, that the British North America Act is made applicable to the new provinces with this exception :

Except in so far as varied by this Act.

These words seem to create indignation in the mind of the leader of the opposition if one may judge by the way he denounced them. He said : parliament has no right to alter the British North America Act of 1867, and the words in section 2 : except in so far as varied by this Act, have no place and there is no authority for inserting them. I mention this to show how other provinces came into the union. Turn to the case of Manitoba. The Manitoba Act was passed in 1870 before the Territory out of which the province of Manitoba was created became a part of Canada, and in section 2 of the Manitoba Act you will find that the British North America Act 1867 was made to apply :

Except in so far as varied by this Act.

Was that wrong ? was the Manitoba Act unconstitutional on that account ? Let us remember that these words were contained in the Manitoba Act and that they were ratified by the imperial parliament the following year. I take the case of British Columbia ; I take the joint address presented to Her Majesty in Council by the legislature of British Columbia and of this parliament, and I find that in section 10 of that joint