

sity, because diversity suits the constitution of our country and the habits of our people better than uniformity, and I hold that a co-operative society that might suit Quebec under its Act of 1906 might not suit Ontario; in fact we have no co-operative legislation like that, nor have they in any of the other provinces a law like Quebec, although it is, I believe, a very good law. I therefore plead not for uniformity but for diversity. Here is what Sir Oliver Mowat said on that question. Sir Oliver Mowat, the Attorney General of Ontario, in a report to the executive council of the province upon the decision in the Privy Council in *Hodge versus the Queen* says:

It is clear that an alleged or supposed expediency of the law being uniform throughout the Dominion on any subject which is otherwise within the exclusive jurisdiction of the provincial legislatures does not give jurisdiction to the federal parliament to create uniformity.

His argument is that a desire for uniformity does not give jurisdiction. I agree with the hon. leader of the Senate, that uniformity may be desirable in many ways, and uniform legislation in regard to criminal matters is of very great importance to Canada, and we have uniformity in that respect; but look at the diversity. We have the French code in Quebec in regard to civil matters. Is that any detriment to us? We had the Canada Temperance Act passed, for one reason among others, that we might have uniformity in regard to legislation. What is the upshot of that? Prince Edward Island abandoned the Canada Temperance Act of 1878, and passed its own Act, not absolutely different from the Scott Act as we commonly called it. Manitoba abandoned the Scott Act and adopted one of her own. We in Ontario abandoned the Scott Act and practically adopted the Manitoba Act, so that the Scott Act, useful as it has been, and much to the credit of the promoter, much to the benefit of this country, did not result in uniformity in temperance legislation, but in a variety of legislation on the subject, which suits us better. Prince Edward Island produced a temperance law of its own that was much more effective than the Scott

Hon. Mr. ROSS (Middlesex).

Act, and had the Manitoba Act prevailed in Manitoba I have no doubt it would have been more effective than the Scott Act. There we have had an attempt at uniformity on very high and noble ground, becoming a failure because of the peculiarities of our people. Here is an attempt to insist upon a co-operative Bill for the Dominion of Canada, that, if insisted upon, may fail just simply because in its various aspects it was not adapted to the various wants of our people. My hon. friend says that the Scott Act led to local option. The historical fact is, that local option preceded the Scott Act by 14 years. I think local option was passed in 1864.

Hon. Mr. SCOTT—The Dunkin Act.

Hon. Mr. ROSS (Middlesex)—And the Scott Act in 1878, and as a matter of fact in many cases where the Scott Act was tried, and where it did not succeed, local option has been adopted, so that although the Scott Act would give us uniformity in all the provinces, the people of Ontario, and some of the other provinces, prefer local option after their own fashion. My hon. friend claims that this Act takes away nothing from the province. If the provinces have exclusive jurisdiction in the matter of legislation of this kind, then it takes away exclusive jurisdiction. Of course we have, as I said a moment ago, not concurrence, because I do not think that is possible under the British North America Act, but we have parallel legislation in the matter of agriculture and immigration, and, I think, something like parallel legislation in the matter of education; but if it is the exclusive right of the province to pass measures of this kind, then this Bill would take something away from the provinces, and, as I said in the committee, if I may be allowed to state what I said there, if this Senate stands for anything by which it will have vitality, and by which it will have the respect of the people of Canada, it must stand for the purposes for which it was originally established, namely, to protect provincial rights. The Senate of Canada is the buttress of provincial rights, as the Senate of United States is the safeguard of the rights of the different states, and if we fail in that we fail in the purpose for