

Moreover, the Bill referred to has been passed by the House of Commons and in that view it would ill become a member of that House to question the constitutional power of parliament to enact legislation of this character.

I beg, therefore, to say by way of reply to your communication merely that in my opinion the subject with which the bill in question deals is within the legislative authority of any provincial legislature, unless it may be in so far as the Bill would authorize (if it does authorize) the incorporation of savings banks.

I have the honour to be,

Your obedient servant,

A. B. AYLESWORTH,  
Minister of Justice.

Hon. Mr. ROSS (Middlesex)—Before this question is put, I wish to offer a few observations, particularly as I do not believe the Bill is within the jurisdiction of this House; that it is an encroachment on the jurisdiction of the provincial legislature; that it is not necessary and is uncalled for in the existing condition of legislation in the various provinces. The committee to which the Bill was referred, took a good deal of pains to ascertain its power in the matter, so far as jurisdiction is concerned. We had direct representation from Ontario and Quebec, but I do not know that we had any direct representation from the other provinces, although we had a letter, I think, from the Attorney General of British Columbia who remonstrated or who rather argued, and I thought argued very successfully, in favour of provincial jurisdiction and exclusive provincial jurisdiction. The representatives of the provinces—and that is my own view if it is of any value—did not look upon this as a matter of concurrent or divided jurisdiction, but as a matter of exclusive jurisdiction, and in presenting their case they based their plea upon the British North America Act, which, it seems to me, is exceedingly clear, and to which I will just refer for a moment. Under the powers given under the British North America Act the provinces are authorized under section 11 to legislate for the incorporation of companies with provincial objects. Now, in all matters in regard to which the provincial legislatures have jurisdiction, the jurisdiction of the Dominion parliament is ousted, except perhaps in two or three, say immigration, agriculture and in a small way in regard to education. The argu-

ment is that if it is within the power of the provinces to incorporate companies with provincial objects, it is not within the power of the Dominion government to enter that domain. Section 16 makes it even stronger, for section 16 says that the provinces generally have powers in all matters of a purely local or private nature in the province. The argument is—and it is my argument—that these co-operative societies are purely local and of a private nature. They are local in this sense, that there is no society that has jurisdiction beyond the limits of its own members. It is confined in its duties, and in its operations to its membership. It cannot buy from or sell to any other persons except its members. If it is a credit and loan society, or what is called briefly a saving society, it can only loan to its own members, and only loan, deposit and receive from its own members; but it does not take power to itself apparently to borrow money from others to loan to its members. So that it is so distinctly private that its duties are confined to its own members. That brings it within the provincial jurisdiction, under clause 16 of the British North America Act. It is not only local but it is private. We incorporate insurance societies here, a head society with a right to establish agencies wherever it may, in all the provinces of the Dominion; but these co-operative societies have not the power to establish agencies. Each is an individual entity, a unit in itself, so that it is so distinctly private and so distinctly local that it exists at that particular spot and cannot exist anywhere else. There can be nothing in my judgment more distinct and clearly local than the jurisdiction of these societies. Without going into the matter as one might at this stage of the session, I may submit a brief quotation from authorities on the subject. The hon. leader of the Senate argues that it is desirable to have uniformity. Is it desirable to have uniformity? Is it not the whole policy of the federal system that uniformity is not desirable, that unity is not possible? If uniformity was the object, then we would have a legislative union as they have in the United Kingdom. We have a federal union because we want diver-