

not feel as strongly as I have done, but I do say that after the House of Commons has had this Bill before them for over two sessions, heard a large amount of evidence which has been printed and distributed, and practically passed it, that it would be a high-handed action of the Senate to throw the Bill out. On the question of jurisdiction the committee first reported to the House asking to take the opinion of the Minister of Justice. Some discussion arose on that, and the House declined. The Bill was sent back to the committee, and on that the committee, through the chairman, sent an invitation to the Minister of Justice, and he sent back an opinion, and it was on that opinion, I presume, that the committee came to this conclusion. I do not think that the opinion given by the Minister of Justice leads one to that conclusion at all.

Hon. Mr. DAVID—Has the evidence taken been printed?

Hon. Mr. SCOTT—Not the evidence in the Senate. The evidence in the House of Commons was printed, and part of it I have in my hand. I think the House will see that Mr. Aylesworth's letter leaves the Bill very much where it was before. While it admits that the provinces have jurisdiction—which was never disputed, I never for one moment stated the provinces had not jurisdiction—the conclusion one might draw from it was that it was quite proper for the parliament of Canada to adopt the Bill. There was one clause in the Bill that I asked to have struck out, the clause which would limit the Bill to local operations, and that was restricting banking operations by members of a society to a particular district. That was struck out in order to remove from it one point from which it might be argued that it was a local subject. My whole argument was based on this; that it was a good thing to do, and that we were not taking any powers from the provinces—that it was open to them to rival us in the facilities they might give in the formation of those associations, and for those reasons I thought the Senate might fairly adopt the Bill. The proposition will be that the report be not received, but that the House go into a Committee of the Whole on the Bill.

Hon. Mr. SCOTT.

Hon. Mr. DAVID—In view of the opposition made to this Bill by the four provinces, by the great majority of retail dealers and merchants; in view of the important question it involves, does the hon. Secretary of State not think that in order to give us time to consider the question, and in order to give us time to study the evidence which has been given, that the Bill should be postponed until next session? Perhaps there are some of the members of this House who, another session, would vote for the Bill, but who could not do it this year. After I had studied the question I might think proper to vote for the Bill. We should have time to compare this Bill with the legislation passed in other provinces, in order to really see if the Bill is required—to see if the working classes cannot obtain from the local legislatures all the powers and privileges asked for by this Bill.

Hon. Mr. SCOTT—I am able to answer the last question. The provinces have all the powers necessary to pass such a Bill. There is no question about that; but I mention that we have concurrent jurisdiction, and, therefore we are not robbing the provinces of anything. I have no doubt our action would be regarded as an encroachment that we should do anything of that kind; but that would be no reason for us refusing to act on the request of 150,000 of the labour element of this country. I have here the letter written by the Minister of Justice, which reads as follows:

Ottawa, 9th July, 1908.

Sir,—I have the honour to acknowledge your communication of the 7th instant, advising me that the Standing Committee of the Senate on Banking and Commerce desire my opinion as to the legislative jurisdiction of the Parliament of Canada to pass Bill (5) An Act respecting co-operation.

I recognize that it is my duty as official legal adviser of the Governor General and the legal member of His Majesty's Privy Council for Canada, to advise the Crown upon all matters of law referred to me by the Crown, and to advise the heads of the several departments of the government upon all matters of law connected with such department, but it would seem to me presumption on my part to offer advice to either House of parliament, or to the Standing Committee of the Senate especially when among its members there are many honourable and learned gentlemen more competent than I to form an opinion upon any doubtful matter of law.