

within the right of the province to pass, and whether it interfered with or was a part of the jurisdiction which can be exercised by Parliament alone. On the argument of that case, it was contended by the Hon. Mr. Edward Blake and Mr. Haldane, now one of the British ministry, and one of the points which was made there was:

These decisions establish five rules of construction relating to the Act of 1867.

This is the argument, but it is adopted in the judgment.

One, the presumption is in favour of the validity of an enactment.

I will skip the others and go to number 5:

Subjects which, in one aspect, fall within section 92 may in another aspect and for another purpose fall within section 91.

That is the proposition which in effect was adopted by the court. I will not take time to read it. That is what is meant by the judgment I read first, referring to the judgment in that case. If we look at this Bill before us, it is perfectly plain that it is one of those which, like the assignment case, is clearly within the jurisdiction of the province, so far as its area and scope of enactment, and so far as it is also within the powers conferred upon it. First as to the location, clause 2 says:

A society which may be incorporated under this Act is a society for carrying on any industries, businesses or trades, (*except banking, as defined by the Bank Act, and insurance specified*) in or authorized by its rules, whether wholesale or retail including dealings of any description with land.

So that the words of the second section expressly precludes the idea of this being a bank within the scope of our Bank Act, or within the scope of what is authorized there.

Hon. Mr. LOUGHEED—I admit that. I refer to a savings bank.

Hon. Mr. KERR—Subclause C of this Bill reads:

In regard to a savings and credit society, such society shall not carry on any other business, and shall be subject to the provisions hereinafter contained.

So that the corporation which is to be incorporated here is to be one as distin-

guished from a bank, in the first instance as distinguished from a savings bank, which is different from a savings and credit society.

Hon. Mr. LOUGHEED—The restriction is that they shall not do a banking business as defined by the Bank Act; but they may do a banking business outside of the Bank Act.

Hon. Mr. KERR—I do not see where it says that.

Hon. Mr. LOUGHEED—The restriction being placed by clause 3 on it, would not the inference be that they could do business outside of what is defined by the Bank Act.

Hon. Mr. KERR—Look at what is defined by the Bank Act, and you will find it covers the whole system of banking. Then when we come back to the second part of it, I see the business of banking is excluded from it. Then we come to the question of the savings bank as distinguished from a savings and credit society:

In regard to a savings and credit society, such society shall not carry on any other business, and shall be subject to the provisions hereinafter contained.

So that it is confined in its operation to the business of a savings and credit society only. You will observe that because the method of investing money by the savings bank as it must be is one thing, and the question of a credit and loaning society is another business. Loans can be made on real estate. A savings bank is precluded from doing that.

Hon. Mr. DeBOUCHERVILLE—It can lend money.

Hon. Mr. KERR—Yes, but not on the same class of security. There is an exclusion of this class of business. They can lend money on a mortgage. Savings banks cannot do that, nor can a bank lend money on a mortgage. What can be done by this society? Remember it is not called a savings bank.

Clause 8 provides that:

Every society which carries on the business of credit and savings shall, every six months, make out and keep conspicuously hung up in its head office, a statement in the form in