

society or association, or who maintains intercourse with or aids or abets any such society or association, shall be deemed guilty of an unlawful combination or confederacy. The ninth section exempts Lodges of Freemasons constituted under the authority of warrants from any Grand Master or Grand Lodge of Great Britain or Ireland; and an amendment passed in 1865 29 Victoria, chapter 46, extends the exemption to lodges of Freemasons constituted under the authority of warrants from the Grand Master or Grand Lodge of Canada. The seventh section of the statute imposes the punishment of an imprisonment for a term not exceeding seven years in the penitentiary, or for a term less than two years in the common gaol, upon any person who may be convicted upon indictment of having been guilty of such unlawful combination or confederacy.

This Statute is in force in the province of Quebec, and we are of opinion that the Orange Association falls within the description of societies mentioned, and that its provisions make the lodges established within its limits unlawful combinations and confederacies, and render their members liable to the punishment above mentioned.

Question 2.—Are their meetings and processions and public displays prohibited by our statutes?

Answer.—The Orange Association being prohibited by the statute above mentioned, its members cannot possess any right to hold meetings nor claim as such the right to walk in procession and make public displays in the Province of Quebec; but since the repeal in 1851 of the "Act to restrain party processions in certain cases," 7 Victoria, chapter 6, no statute exists which would authorize the civil or other powers to disperse a procession of Orangemen passing through the public highways in a peaceable manner. The law declares certain societies, within which we are of opinion that the Orange Association falls, to be unlawful combinations and confederacies, but it restricts its mode of enforcement to the individual punishment after conviction upon indictment of their members or abettors.

Question 3.—Can any Orangeman for administering the Orange oath to initiate an Orangeman, be criminally prosecuted under our Statute?

Answer.—The Statute of Canada, 37 Victoria, chapter 37, prohibits the administering of all oaths not authorized or required by law, it declares any person administering an oath not so authorized or required, to be guilty of a misdemeanor, and to be liable to an imprisonment not exceeding three months, or to a fine not exceeding \$50.00, at the discretion of the court. The oath to initiate an Orangeman is neither authorized or required by law, and any person administering it would therefore render himself liable to be prosecuted under this Statute for the misdemeanor created by it, in addition to the liability under which he lies for being a member of an unlawful society, under chapter 10 of the Consolidated Statutes of Lower Canada.

Question 4.—Can known Orangemen be arrested for attending as such their meetings or processions?

Answer.—Any person who becomes or acts as a member of a society prohibited by the chapter above mentioned of the Consolidated Statutes of Lower Canada, may be indicted as being guilty of unlawful combination or confederacy. Being of opinion as above stated that the Orange Association falls under the prohibition of the Statute, we hold that persons attending, as members, its meetings or processions within the Province of Quebec, are liable to be proceeded against under its provisions.

Question 5.—Can the known President or Secretary of such Association be prosecuted under our Statute?

Answer.—We are of opinion that they can.

Question 6.—Can the Officers of the said Association be forced to produce their form of oath and minutes of proceedings, and to testify generally in case of such prosecution?

Answer.—They would be required and compelled, like any other witnesses to answer all questions and to produce all papers under their control, of which the answer and production would not criminate themselves.

Question 7.—What legal means would you advise to have the question of the legality or illegality of the existence, processions, displays, &c., of the Orange Association in the Province of Quebec, determined so as to remove all doubt on the question hereafter?

Answer.—The way to obtain a judicial decision on the question of the unlawfulness in this Province of the Orange Association, would be