

tionality of the Acts of the Legislature of the Province of Quebec, intituled respectively "an Act to incorporate the Society of Jesus" (50 Vic., cap. 38) and "an Act respecting the settlement of the Jesuits' Estates" (51-52 Vic., cap. 13). The Minister of Justice, to whom the said petition was referred, has submitted a report thereon, dated 10th day of July, 1889, stating that for the reasons therein set forth, the request of the petitioner is not one that can properly be complied with, and recommends that the petitioner be so informed, and that the certified cheque on the Bank of Montreal, payable to the order of the Deputy Minister of Finance, for the sum of \$5,000 deposited by Mr. Graham as an evidence of his willingness to bear the necessary costs of the Government in the matter of such reference, be returned to him.

The committee concur in the said report and the recommendations therein contained, and submit the same for Your Excellency's approval, and they advise that the Secretary of State be authorized to communicate the substance thereof to the petitioner.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council.

REPORT OF THE MINISTER OF JUSTICE.

To His Excellency the Governor-General-in-Council :—

The undersigned has had referred to him the petition of Mr. Hugh Graham, of the city of Montreal, requesting Your Excellency to refer to the Supreme Court of Canada, for hearing and consideration, an enquiry as to the constitutionality of the Acts of the Legislature of the Province of Quebec, intituled respectively, "An Act to incorporate the Society of Jesus" (50 Vic., cap. 38), and "An Act respecting the settlement of the Jesuits' Estates" (51-52 Vic., chap. 13), and he has the honor to report as follows :—

The former of these Acts—"An Act to incorporate the Society of Jesus"—was assented to by the Lieutenant-Governor of Quebec, and went into force on the 18th day of May, 1887, and no request has been made for its disallowance, nor was any question raised as to its validity, so far as the undersigned is aware, until nearly eight months after the passage of the second of the two statutes

mentioned in Mr. Graham's petition, the "Act respecting the settlement of the Jesuits' Estates," which was assented to, and went into force the 12th of July, 1888.

It may be further observed, as regards the Act of incorporation above mentioned (of 1887), the validity of which has lately been called in question, that that Act differs only from the Act incorporating the Jesuits passed by the Quebec Legislature eighteen years ago (chapter 46 of 1871) to which no exception has ever been taken, so far as the undersigned is aware, in that the Act of 1871 incorporates the Jesuits living within the city of Quebec, while the Act of 1887 is co-extensive with the provincial jurisdiction, and it differs also in certain other matters of mere detail, which do not appear to concern the validity of the enactment in any way. Mr. Graham informs your Excellency that "grave doubts have been expressed and exist regarding the legality and constitutionality" of the two Acts, first above mentioned, and that "it is desirable that an opinion should be pronounced upon the Acts by the highest judicial tribunal in the Dominion." He appears to have no other interest in the subject than as "a citizen of the Dominion of Canada and a taxpayer of the Province of Quebec." He is, no doubt, actuated by public spirit and by a desire to aid in removing causes of uneasiness and perplexity from the public mind.

In his position as "a citizen of the Dominion of Canada and a taxpayer of the province of Quebec" his rights, in respect to all such questions as may arise under the two statutes which his petition refers to, are mainly, if not altogether, under the care of the Legislature and Government which have been chosen to administer public affairs in that province under the provisions of the British North America Act. To state this proposition more explicitly, and to point out what appears to be the petitioner's position under the constitution as "a citizen of the Dominion and taxpayer of the province" in regard to the enactments which he now desires to be made the subject of judicial decision, the undersigned begs to call attention to the following points :—

1. The petitioner was duly represented in