

davit to the satisfaction of the Court or judge; and the writ of summons cannot issue upon such information without the authorization of the Court or judge.

"This writ, as well as the writs of *quo warranto*, *mandamus*, and prohibition, shall be in the same form as ordinary writs of summons."

These articles seem to afford ample means of testing the validity of the Act of incorporation. The Society of Jesus in the province of Quebec is undoubtedly acting as a corporation, as is shown by the preamble to the Act respecting the settlement of the Jesuits' estates, and it is so acting "without being legally incorporated or recognized," as mentioned in Article 997, if the Act of incorporation is invalid. If the doubts which the petitioner refers to are sufficiently grave and well founded to justify your Excellency's interference with such statutes, by insisting on their validity being made the subject of contention in the Courts, they are sufficiently grave and well founded to induce the Attorney-General of Quebec to proceed under the enactments just cited. The petitioner having, by the constitution, as "a citizen and taxpayer" the safeguards and remedies which are above mentioned, it seems unnecessary, and far out of the usual course, that he should pass all these remedies by and ask your Excellency to intervene, by a proceeding which is intended, as the undersigned will presently suggest, for widely different purposes. It may be added here that the questions which he desires to have raised and settled may be raised in the Courts at any time, by any person who has a direct and substantial interest affected by either statute, and that in any litigation which may so occur, or in the proceedings which may be instituted by the Attorney-General of Quebec, at the instance of the petitioner, resort may, and almost inevitably, will be had to the "highest judicial tribunal in the Dominion," which is the Court by which the petitioner alleges "an opinion should be pronounced upon these Acts."

If the Attorney General of the province of Quebec, in view of the specific enactments of the Code of Civil Procedure, before cited, does not deem it proper to interfere, and if

no individual having a direct and substantial interest in the questions raised should think it proper to interfere, or should think the doubts to which the petitioner refers not sufficiently grave and well founded to justify legal proceedings being taken, it is difficult to see on what grounds your Excellency should be called on to compel litigation, on the result of which no right of the Dominion of Canada would depend, and which could not even be serviceable as affording a guide to any action on the part of your Excellency's Government. The petitioner, however, considers, evidently, that in addition to the rights and remedies which are above mentioned, he may properly call on your Excellency to exercise, in regard to these Acts, the power conferred on you by "The Supreme and Exchequer Court Act" by referring to the Supreme Court of Canada, for an opinion, the questions which have arisen respecting their validity.

As to this, the following considerations are respectfully submitted: The provision which confers that power on your Excellency was undoubtedly intended to enable the Governor-General to obtain an opinion from the Supreme Court of Canada in relation to some order which his Government might be called on to make, or in relation to some action which his officers might be called on to adopt. For the guidance of your Excellency, or of your officers, the provision may be a valuable one, but, used as a means of solving legal problems in which the Government of Canada has no direct concern, however much they may interest or excite the public mind, as the petitioner seems to propose, or used to compel an adjudication on private rights and interests, it would be perverted, the undersigned humbly submits, into an arbitrary and inquisitorial power, anticipating and interfering with the ordinary course of justice. Used in that manner it would become in time a means of depriving the provincial courts of their functions to a considerable extent, as every important and influential interest affected by legislation would seek the opinion of the Supreme Court of Canada by application to the Governor-in-Council to have such opinion obtained, and the provincial courts would be