

counsel have been obtained as to the mode in which the validity of the statute may be tested. The following case was submitted to Mr. Irvine, Q.C., judge of the Vice-Admiralty Court, Quebec:—

11 EQUITY CHAMBERS, }
Toronto, May 23, 1889. }

To the Hon. George Irvine, Esq., Q.C., Quebec.

Re Jesuit Estates Act.

DEAR SIR,—We write you at the request and upon the instructions of the Citizens' Committee, a committee appointed to use every effort to secure the voidance or disallowance, either through the courts or otherwise, of the Act passed by the Legislature of the Province of Quebec, 51-52 Vict., cap. 13, intituled "An Act respecting the settlement of the Jesuits' Estates."

Having this end in view, the undersigned, being the legal sub-committee of the above-named committee, desire to obtain your opinion upon the following points:

1. Is there any form of action or other proceeding by which the constitutionality of the Act can be tested, either in the Province of Quebec or elsewhere, by residents and taxpayers of the Province of Quebec or other private parties?

2. If No. 1 be answered in the affirmative, in what court should such action or proceeding be brought, and to which appellate court may the case be finally carried? Can it be carried to the Privy Council?

3. If the procedure in the courts of the Province of Quebec does not admit of an order being obtained restraining the treasurer from paying over the money, are you of opinion that the Judicial Committee of the Privy Council would entertain an application against the Government of the Province of Quebec to prevent them from paying over the money.

4. If the Dominion Government should refer this question to the Supreme Court, under the Supreme Court Act, could an appeal be taken to the Privy Council? If the opinion of the Supreme Court and the Privy Council under such a reference were given after the expiration of the delay of twelve months from the receipt of the Act by the Dominion Government, of what effect would such a decision be if adverse to the Act?

In connection with the questions above submitted for your opinion it may be well to mention that a petition has been already presented to His Excellency the Governor-General in Council by "The Protestant minority" of the Province of Quebec, pursuant to the provisions of the British North America Act, section 93, sub-section 3. We are informed that this petition was signed by some fifteen hundred members of the Protestant minority. It has been thought that the petitioners might apply for a regular hearing of this petition, and that in the event of its prayer being refused, this was a case in which the Judicial Committee of the Privy Council might entertain an appeal or grant leave to appeal.

(b) It has been suggested by some members of the legal profession here, that, according to the laws of the Province, an injunction would be granted against the Treasurer of the Government of Quebec, preventing him from paying over any money or doing any act or thing under the bill in question until after its constitutionality had been decided, the plaintiffs in such an action to be the representatives of the Protestant minority of Quebec.

We shall be obliged to you if you will kindly, in considering the two chief questions submitted for your opinion, also advise us of the feasibility of either of the two modes of procedure (a and b) above indicated, or by any other means by which the end of the committee may be attained.

Mr. Irvine replied as follows:—

QUEBEC, 7th June, 1889.

John T. Small, Esq., 11 Equity Chambers,
Toronto.

Re Jesuits' Estates Act.

DEAR SIR,—I regret to say that considerable delay has occurred in my answering your letter of the 23rd May last, in consequence of your communication having been mislaid and overlooked until your telegram was received.

I have now carefully looked into the matter and answer the questions you have submitted to me as follows:

1. I am of opinion that there is no form of action or other proceedings by which the