

TO HIS EXCELLENCY the DUKE OF DEVONSHIRE K.G., G.C.M.G.,
G.C.V.O., P.O. etc, etc, GOVERNOR GENERAL OF THE
DOMINION OF CANADA:

MAY IT PLEASE YOUR EXCELLENCY.

We, the undersigned Commissioners, appointed by Royal Commission, under the Great Seal of the Dominion of Canada, pursuant to a report of the Committee of the Privy Council approved on the 14th day of August, 1919, to enquire into the facts concerning certain charges made by the Reverend Kennedy H. Palmer, of Guelph, and certain additional matters referred to in an address by the Hon. Sir Sam Hughes M.P., which are fully set out in the said Order-in-Council, (which charges are hereinafter specifically dealt with) in so far as such charges involve allegations of impropriety or misconduct on the part of the Minister of Justice, the Department of Justice, the Minister of Militia and Defence, or the Department of Militia and Defence, report that, having taken upon ourselves the burden of the said Commission, sittings were holden at the City of Ottawa on the 25th day of August, and the 8th, 9th, 10th, 11th, and 12th days of September, 1919, where we were attended by Sir Sam Hughes in person, and by counsel for the Reverend Kennedy H. Palmer, and by counsel for the Minister of Justice and the Department of Justice, the Minister of Militia and Defence, and the Department of Militia and Defence, and by counsel for the Society of Jesus and St Stanislaus' Novitiate, Guelph, whereupon, and upon hearing the evidence adduced, and what was alleged by Sir Sam Hughes, and by counsel aforesaid, and after weighing and considering said matters beg to submit the following report:

Under the provisions of the Military Service Act, 1917, Section 2, Subsection (I)

"Every male British subject within one of the classes described in Section 3 of this Act shall be liable to be called out as hereinafter provided on active service with the Canadian Expeditionary Force for the defence of Canada unless (a) he comes within the exceptions set out in the schedule"

The schedule to the Act excepts from its operation

" (6) Clergy including members of any recognised order of an exclusively religious character and ministers of religious denominations existing in Canada at the date of the passing of this Act"

Much that took place giving rise to the matters investigated before us arose from the failure of those concerned to rightly understand the full effect of this statute. It clearly excepts from the operation of the Act not only ministers of religious denominations but also "members of any recognised order of an exclusively religious character" existing in Canada at the date of the passing of the Act.

This provision of the statute was not intended to except from the operation of the Act theological students either Protestant or Catholic. This was so held by the Central Appeal Judge on test cases taken before him. If a theological student was a member of any recognised order of an exclusively religious character he was then excepted from the Act, not by reason of the fact that he was a theological student, but by reason of his membership in the

order in question. A number of Catholic theological students were members of religious orders and so were not liable for service under the Act. Many other Catholic theological students were not members of such orders and were, therefore, liable for service, and did not claim to be excepted from the Act by this provision. This misunderstanding of the situation is manifest, for example, in the letter from the District Military Representative, at London, of 28th November, 1917, in which, in referring to this institution he says:

"There are 39 students in the Novitiate Jesuit Class. The Rector claims that these men cannot be classed amongst those required to report for service or claim exemption and has declined to do so.

There is a very strong feeling in Guelph that these men not being ordained ministers do not come within the clauses of the Act exempting them from service and that they should be required to comply with its provisions."

The same misunderstanding is found in a letter from the Military Representative to the Rector of the Novitiate bearing date 30th November, 1917, in which he says :

"I understand from communications I have had with your Rector and with your counsel, Mr Kerwin, that you are of the opinion that Novitiate members are exempt under the wording of the Act, but according to what I am told such wording only applies to the ordained clergy of all denominations and it is not intended to apply to those who are not ordained, but who are serving a term of probation but are students such as I understand you have in the Novitiate."

The position of the members of the Jesuits order residing in the Novitiate was placed before the Hon Mr Guthrie, who is the member for South Wellington, which includes the City of Guelph, and on October 29th, 1917, he telegraphed the Minister of Justice as follows:

"At Jesuit Novitiate school in Guelph there are some 30 or 40 members of the Order including ordained priests, lay brothers, and novices. My understanding was that all these were excepted under Military Service Act, and do not require to present themselves for examination or apply for exemption. Military Representative here states that instructions have been received from London that all students at College must apply for examination and afterwards claim exemption. Please wire me definitely upon this point and if necessary send definite instructions to London Military Headquarters to cover this case."

In response to this, on the following day the Honourable the Minister of Justice telegraphed the Honourable Mr Guthrie:

"Your wire yesterday. Members of recognised religious orders are under section two and the schedule to Military Service Act excluded from its operation; they therefore not bound to make application for exemption. The fact that such member of a religious order may be also a student does not affect his exclusion from the operation of the Act in his quality of member of the order. Am asking that the military authorities be communicated with."

This opinion of the Minister of Justice was communicated to the solicitor and to the Rector of the Novitiate, and also

to the Military Representative, and, according to the evidence of the Honourable Mr Guthrie, which we accept, also to the Reverend Kennedy H. Palmer.

Early in November, immediately after what the Rector thought was a final settlement of the controversy, he issued to each member of the order resident in the Novitiate in Guelph a certificate either that the member was "a member of the Roman Catholic clergy of Canada", and "also a fully recognised member of the exclusively religious order known as the Society of Jesus", or that he was "a fully recognised member of the exclusively religious order known as the Society of Jesus and resides at St Stanislaus' Novitiate, Guelph", and instructed that these certificates be kept in the residence, and that no member of the order should leave the residence without taking his certificate with him. Of the fact that these certificates were issued about this date we entertain no doubt.

Matters remained in this situation until the end of May, 1918. On the 30th May the Provost Marshal wired to the Assistant Provost Marshal at London, Major Hirsch:

"Please ascertain immediately from the Registrar why students at St Jerome's College, Kitchener, and the Novitiate at Guelph have not been called. Have there been any communications received by Registrar regarding this matter. If so, send copies. Handle with discretion. Decode at Headquarters."

On the following day 31st May, 1918, the Honourable the Minister of Militia having been informed by the Honourable Mr Guthrie that it was rumoured that two men named Newman and Craig were improperly harboured at the

Novitiate made a memorandum of instructions to one of his subordinates, Captain Tyndale, reading as follows:

"I am informed through a very reliable source that there are several men at the Jesuit College, Guelph, particularly men by the name of Newman and Craig, who are escaping military service. Steps should be taken to get after these men. There is also another very glaring case, and that is James Alexander, son of A.W. Alexander, Guelph. Can you have these cases followed up? Probably the Provost Marshal would help you. S. C. M. "

Captain Tyndale sent this memorandum over to the office of the Provost Marshal marking it "P. M. 'For you please' ".

This memorandum reached the hands of Captain Burrows, Staff Captain, Canadian Military Police Corps attached to the Provost Marshal's office. It was his duty to write a letter of instructions based upon the memorandum, but instead of doing so he forwarded a copy of the memorandum to the Assistant Provost Marshal (Major Hirsch) at London. This was done on the 5th June, 1918, his letter reading as follows:

"Novitiate Guelph, Ont..

"Herewith copy of a memorandum re marginally noted institution from the Minister of Militia this date. Might every effort be made, therefore, to have this place cleaned out at your earliest convenience."

The original of this letter was lost, and so not produced before us. The stenographer's notes shew that the expression used by Captain Burrows was "Cleaned up" and not "Cleaned out". From the copy of the letter upon the file it would appear that it was erroneously transcribed, and forwarded using the expression "Cleaned out".

The copy of the memorandum sent with this letter consisted of the first paragraph only. This arose from the fact that the case of Alexander had been dealt with. As appears by a contemporaneous letter Alexander was at Pettawawa Camp, and on the strength of the 64th Battery. The instructions issued by Captain Burrows to the Assistant Provost Marshal at London embodied in the last paragraph of his letter was entirely unauthorised by the Minister of Militia or the Provost Marshal.

Major Hirsch had in the meantime replied to the telegram of the 30th May on June 1st stating:

"The Public Representative is now sending questionnaires to these institutions, and I am personally going to visit them and procure nominal rolls of the inmates."

Major Hirsch (who was not at London in October and November 1917, and apparently did not know of what had then taken place), on receipt of Captain Burrow's letter enclosing the extract from the Minister's memorandum on 7th June, issued instructions to Captain Macauley, Deputy Assistant Provost Marshal as follows:

"You are hereby instructed to proceed to Guelph and visit the Bedford Farm, and make a thorough investigation as to the young men who are alleged to be residing in that place with a view to evading the Military Service Act.

"You will take with you for this purpose Inspector Minard of the C.M.P.C., Civil Branch and a sufficient number of men to enable you to put a guard over all exits and outline to prevent escape of any of the inmates before your investigation is complete.

"In case of meeting with any unforeseen

"difficulties or complications you will immediately get into communication with me. Please exercise the greatest tact and discretion in handling this matter."

It is to be noted that as a result of Captain Burrow's instructions, and these instructions the desire of the Minister that the cases of Newman and Craig who were supposed to be evading Military Service should be investigated, is thus, by the action of subordinates, expanded into an investigation of all the young men residing in the Novitiate.

Pursuant to these instructions Captain Macauley and Inspector Minard with constables, the party numbering eleven in all, went to Guelph and arrived at the Novitiate at 9.30 P.M. (daylight saving time) after most of the inmates had retired for the night. Guards were placed at the doors and constables "outlined", and Captain Macauley and Inspector Minard and some of the police entered the college, and Captain Macauley demanded that all the inmates of the establishment should be at once paraded before him.

By the Order-in-Council P.C. 1013 it is provided that on or after the 1st June 1918 any male person who apparently may be, or is reasonably suspected to be within the classes liable for military service by whom, or on whose behalf it is claimed that he is exempt from service, shall carry a certificate upon his person or in or upon the building or premises in which he is, showing that he is not liable for service, the certificates required in the case of clergy or members of any recognised religious order being signed by an office holder competent to certify to his membership.

The Order-in-Council further provides that any person

not having a certificate shall "prima facie be presumed to be a person at the time liable for military service and to be a deserter or absentee without leave", and he may be taken into military custody, and held until the fact be established to the satisfaction of a competent authority that he is not liable for military service.

No arrests were made by the military authorities in this district under this Order-in-Council until after the date in question.

It is now suggested that the raid made by Captain Macauley was justified because of the failure of the inmates of the institution to produce the certificates required by the Privy Council order. There is no suggestion in the report made by Captain Macauley that the occurrences on the night in question were justified by the requirements of P.C. 1013, and we are satisfied that the intention of the visit was not to call for the production of the certificates required by this Order, but for the purpose of asserting the liability of the young men at the Novitiate who were not clergymen, and who were of military age, to perform service. That this was the real object is evident from the report of Captain Macauley in which he states:

"I am firmly convinced that the majority of these men are defaulters under the Act, and in support of my belief I submit for your consideration the following information I gleaned from the Rector himself".

He then sets out these matters and adds:

"In view of this information I contend that these people do not come within the meaning of paragraph 6, schedule of exemptions Should my interpretation of this paragraph be wrong I beg to draw your attention to the fact that all

"young men of military age could avail themselves of the opportunities thus presented by institutions of this kind, for the express purpose of evading military service."

Upon the arrival of Captain Macauley at the institute those in authority including the Reverend Father Bourque, the Rector, demanded the production of his written authority to enter the building. Macauley refused to produce his instructions, although he says he had them with him, and although Inspector Minard produced and read in his hearing the terms of P.C. 1013 under which he was only entitled to enter the building "if generally or specially authorized in writing by the officer &c &c" , and "upon reasonable demand for admission and upon producing his authority in writing aforesaid".

Captain Macauley now seeks to justify his course in this respect by the statement that the demand for the production of his written authority came from the Reverend Father Hingston, and not from Father Bourque, but we find upon the evidence that the demand was made by Father Bourque as well as by Father Hingston who was acting as spokesman for Father Bourque, and in his presence. Father Hingston who had preceded Father Bourque as Rector of the Novitiate, had been overseas, and on his return was staying temporarily at the Novitiate, had been asked by Father Bourque to deal with these military men owing to his greater familiarity with military matters.

There is some conflict of evidence as to what took place thereafter, but this conflict is mainly as to immaterial matters. Captain Macauley sets forth his version of the affair in his report of June 10th 1918. Father Bourque wrote to the Minister of Militia and Defence on June 8th, 1918, setting forth the matter from his standpoint, and we think that the

facts are stated by him with substantial accuracy. There was however, no evidence that any of the police were in fact armed, and the statement as to the detailed search said to have been made of the dormitories was based on hearsay and probably has little foundation. On the other hand there is absolutely no foundation for the statement made in Captain Macauley's report that there was any attempt on the part of any of the inmates of the building to escape from it.

During the course of the evening Marcus Doherty, son of the Minister of Justice, and two others had been arrested by Captain Macauley for supposed violation of the Military Service Act, and Marcus Doherty telephoned the information to his father at Ottawa. The Minister of Justice, thereupon, remonstrated over the telephone with Captain Macauley regarding his conduct, and pointed out to him the illegality of what he was doing, but he did not attempt otherwise to interfere with him in the discharge of his duties. Later in the night the Minister of Justice found that the Minister of Militia and Defence and his Deputy were both away from Ottawa, and he communicated with the Adjutant General. The Adjutant General then communicated with Major Hirsch at London and the latter thereupon instructed Captain Macauley not to arrest the inmates of the Novitiate, but to make a full report.

On the 11th June the Minister of Militia and Defence on receipt of the letter of complaint from the Reverend Father Bourque wrote to him expressing regret for the action taken by Captain Macauley, stating that the Adjutant General had taken steps for a most thorough investigation,

"and if the facts are as stated in your letter, which of course I do not doubt, I can assure

you that the error in judgment committed by this officer will be dealt with in a proper way as I will not tolerate any such action on the part of any military officer as far as the operation of the Military Service Act goes."

An investigation was then held by the Provost Marshal under instructions from the Adjutant General, the Adjutant General pointing out six matters in which it appeared to him that the Assistant Provost Marshal and his officers had been at fault. (See memorandum 12th June 1918)

1st, - "that the investigation was conducted at an unseemly hour, between 9.30 P.M. and 12.40 A.M., and that a demand was made for all members of the community to be paraded within the space of five minutes:

2nd, - "The threat that if the community was not assembled at once the officer would proceed to search the house for deserters and defaulters."

3rd, - "That the officer concerned did not have and did not produce the written authorisation required by the Order-in-Council in order to forcibly enter and search the premises, and in spite of the fact being brought to his attention.....he proceeded in direct violation of the law to carry on his work....."

4th, - That he authorised a force of police to form a cordon about the house, thereby making a demonstration of force which was undesirable and unwarranted."

5th, - "That he placed under arrest three members of the community who were told at 11 P.M., or

later to make ready to leave for the barracks. They were conducted under escort to the dormitories to make the necessary changes in clothing, although it is stated that none of these young men came under the Military Service Act."

6.- "That the whole proceedings were conducted in a high-handed manner calculated to create the impression that this religious community was in league with deserters and desirous of evading the law, and that secrecy and force were necessary to deal with the situation without regard to the essential principle of all police work that it should be carried out without friction."

The Provost Marshal went to London and Guelph, and carefully investigated the whole matter, and found both Major Hirsch and Captain Macauley to be at fault, his report as to Major Hirsch being:

"No such drastic action as that of surrounding this establishment with police should have been adopted. Either yourself, or an officer should have been detailed to visit the Rector or priest in charge, and all courtesy should have been observed. After all such means had been tried and failed then a report should have been sent in to the G.O.C. the District, and to me as Provost Marshal, with your suggestions as to further action."

With regard to Captain Macauley he was found by the Provost Marshal to be at fault:

1st,- In that "he performed this duty in mufti."

2nd,- "Even after he was warned that he was committing an illegal act, in that he had no written authorisation from either the G.O.C. or the A.P.M., he still persisted in carrying out this duty!"

3rd,- " His general behaviour towards the earlier part of the interview showed lack of tact and good judgment."

In view of the excellent reports the Provost Marshal had received as to the previous work of Captain Macauley he recommended the officer be transferred to Winnipeg instead of being dealt with in a more drastic manner as had been suggested by the Minister of Militia. With reference to the second of the findings as to the conduct of Captain Macauley it is now shewn that he had written authorisation but refused to produce it when demanded, although he knew that it was his duty to produce it without demand under the Order-in-Council. In this we think his conduct was most improper and unreasonable. With reference to the performing the duty in mufti he states that he was instructed to go in mufti by Major Hirsch, and Major Hirsch accepts responsibility for issuing those instructions.

Upon the evidence before us we think that the conduct of this raid was open to all the adverse criticisms found in the memorandum of the Adjutant General.

We are further of opinion that the Minister of Militia acted with entire propriety in apologising for the incidents which took place by reason of a series of bungles on the part of subordinate officials.

Dealing now with the specific charges referred to us as set forth in the Order-in-Council:

"1st.- The Department of Justice at Ottawa interfered with the Military Board at Guelph in their efforts to obtain information as to the status of the inmates of the Guelph Novitiate."

There is absolutely no foundation for this charge. The Minister of Justice the responsible legal head of the Dominion Government, was charged under the statute with the duty of seeing that the administration of public affairs was in accordance with the law. It having come to his knowledge that Macauley was acting illegally he adopted the entirely proper course of warning him of the illegality of his conduct, and of communicating with the Minister or the acting head of the Department having charge of the matter, and advising that instructions be sent to Macauley to desist until a full investigation could be made. In no other way is it suggested that the Minister of Justice or Department of Justice interfered.

"End.- That in doing so the Department extended special privileges to an institution which should have been treated like any other institution."

There is no foundation for this charge. The only institution against which a raid was directed was this particular institution. It is not shown that any privilege was ever extended to it.

"3rd,- That the Honourable C. J. Doherty interfered with Captain Macauley on the night of June 7th while he, Captain Macauley was carrying out the instructions of his superior officers."

This is covered by what has already been said.

"4th,- That the Department of Justice through its Minister, prevented the placing in military service of young men of military age residing in the institution."

There is no foundation for this charge. When applied to by the Honourable Mr Guthrie, the Minister of Justice gave his opinion as to the true construction of the Military Service Act. Later the opinion of the Department of Justice as to the position of the inmates of this Novitiate under the provisions of the Military Service Act was asked by the Department of Militia and Defence. The question was carefully considered by the Deputy Minister of Justice who gave his opinion to the effect that residents of the institute who were bonâ fide members of the order were not liable for service. This opinion was concurred in by the Judge Advocate General. It was followed by correspondence with the rector of the Novitiate who was asked to give, and gave very full information concerning the case of each inmate. Each case was thoroughly investigated and it was found that no one claimed as a member of the order was liable for service. It may here be said that there was no foundation whatever for the charge freely made in the letters and documents appearing in the file, that young men were being harboured by this institution so as to enable them to evade military service. At the time of admission of each member to the order his case was carefully investigated by the Rector, and in no case where admission followed was there found to be any improper motive.

It may facilitate the understanding of the situation if it is pointed out that the case of all applicants for admission to the Order receives the most careful consideration at the hands of those in authority. A "postulant" if he satisfies those in authority is admitted as a "novice", and then becomes a member of the Order. This novitiate lasts for two years, and if the novice during these two years desires to withdraw from

the Order he may withdraw, or, if he is found unfit he is rejected. At the end of the two years if he is found fit, and so desires, he takes his vows and becomes either a lay brother or a scholastic. In either case he is then a member of the Order for life. If a lay brother he performs such physical services as he is fit for. If a scholastic after fifteen years of training he is admitted to the priesthood. None of those received as novices in this institution was at the time of reception liable for military service, and since the armistice only one novice (a man named *Ryan*) has left the Order, his retirement being on account of his physical condition.

"5th.-That the press censorship instigated by a Minister of the Crown intensified the feeling that special protection was being given to the institution as Guelph."

There is no foundation for this charge. The Press Censor and the Minister of Justice desired that the incident should not be given publicity. This was not with any desire of promoting the interests of the Jesuits but entirely by reason of the fear that publication of the full details of the harsh and unjustifiable conduct of the military towards the members of this religious Order might arouse in other parts of the Dominion the feeling that members of the Catholic church were not being treated fairly under the law.

Under the terms of the Order-in-Council we were instructed to investigate these charges with the view of ascertaining whether any of the acts alleged were wrongfully done or improper in themselves.

In our opinion the Minister of Justice, the Minister of Militia and the Adjutant General, and the Provost Marshal acted

with great propriety, and with no other idea than to see that the law was fairly, firmly and uniformly enforced, and the rights and immunities granted by the Act were duly recognised. There is no foundation for the suggestion of any wrong doing or impropriety in their conduct.

Turning to the charges made by Sir Sam Hughes:

"1st.- That the Government improperly failed to make the occupants of the Novitiate register for medical examination or for service under the Military Service Act and the Government also failed to punish those harbouring defaulters in the Novitiate."

This charge is not proved and is unfounded. According to the terms of the Act, and the opinion of the Minister of Justice as expressed to Mr. Guthrie, the members of the order residing in the Novitiate were excepted from the operation of the Act, and were not called upon to register for medical examination, or for service.

There is no foundation whatever for the allegation that the Novitiate was a harbour for defaulters. There was only one man resident in the Novitiate at the time of the raid who was liable for military service, a man named O'Leary. This man was a postulant for admission as a lay brother, and had been rejected; but as he was very insistent, he had been allowed to remain for a short time in the institution. It is said that he had already been overseas, and had been returned as unfit, but this was not proved. After the raid he was examined by the medical board and placed in category "D". He appealed to the Medical Board of Review from this decision and was placed in category "A2". He was then accepted for active service.

"2nd.- A member of the Government (Mr. Guthrie) informed a member of the Ministerial Association that 'Doherty says they are all right, and they are to be left alone.'

This was improper interference."

According to the evidence of the Honourable Mr Guthrie, which we accept, after he received the telegram above referred to from the Minister of Justice, in October 1917, he read this to the Reverend Mr Palmer. This is the incident referred to and does not constitute any improper interference.

"5.-The Justice Department improperly communicated with Macauley."

This has already been dealt with.

"7.- After midnight the Militia Department communicated with Macauley and improperly ordered him to retire from the Novitiate."

This has already been dealt with.

"8.- The Justice Department improperly ordered the press censorship."

This has already been dealt with.

"9.- The Minister of Militia apologised to the Principal of the Novitiate, and indirectly censured Macauley when the order should have been to the Principal to observe the law."

This has already been dealt with.

"11.- Godson-Godson visited London and it is claimed improperly and surreptitiously had certain letters removed from the Military files there."

Colonel Godson-Godson, the Provost Marshal stated that it was his duty, in the course of his investigation, to have taken away from London, on the occasion of his first visit the original documents concerning the matter which he was investigating. By oversight he did not do so, and upon a subsequent visit he took the letters from the file and removed them. In doing so he was within his right particularly as the production of these

documents was called for by the Adjutant General and the Minister. He would have acted more prudently had he communicated the fact that he had removed these documents to Major Hirsch, at any rate he should have left a memorandum, stating the fact of removal, in the files at London. In all Colonel Godson-Godson did he acted in absolute good faith.

"12.- Macauley was improperly removed to Winnipeg by the Militia Department."

In view of what has been already said in our opinion Macauley was treated most leniently by those in authority. Even if his own statement as to what he did is accepted he behaved with the utmost lack of tact and discretion in the discharge of a mission which called for the exercise of these qualities; he was cautioned by the document under which he was acting as to the necessity of exercising tact and discretion upon this occasion.

It is quite obvious to us that underlying the attacks made upon the Administration in connection with this matter was the suspicion entertained by many that the Minister of Justice was in some way seeking to shield his son who was an inmate of the Guelph institution from being called upon for active service. It was admitted before us by the Hon Sir Sam Hughes and by counsel for the Reverend Kennedy H. Palmer that there was no ground whatever for this suspicion or the statements which unfortunately had been widely published by the Reverend Kennedy H. Palmer and others. It was shown that these statements were absolutely unwarranted by the facts. Mr Marcus Doherty had been examined by the Medical Board at Montreal and was placed in category "E".

An endeavour was made in the course of the hearing before us to show that the raiding of this institution had been in express terms authorised by the memorandum of the Minister of Militia and Defence, and by the instructions issued by Captain Burrows.

The original memorandum of the Minister was produced in evidence before us, and the copy of the letter of Captain Burrows is a true copy of the letter as written (save for the uncertainty as to whether the expression used was "cleaned up" or "cleaned out"). The suggestion of Major Hirsch and the explicit statement of Captain Macaulay that both documents instructed "a raid" are without foundation in fact.

At the hearing before us counsel for the Reverend Kennedy H. Palmer put forward a suggestion that the Jesuit~~s~~ order was an illegal order in the Province of Ontario, and that, therefore, although the order was incorporated in the Province of Quebec, those who were admitted into the order in the Province of Ontario could not by reason of this illegality, become members of the order, and he invited us to express our opinion upon this point. We do not consider that under the terms of the Commission we were authorised to enter into any such inquiry. At the same time we think it right to say that we entertain no doubt that the "Society of Jesus", called the "Jesuits" is "a recognised order of an exclusively religious character". There is no question that the order is one of an "exclusively religious character", the only question is whether it can be treated as a "recognised order". In our view the Parliament of Canada must be taken to have intended that all de facto members of any religious order incorporated by any one of the Provinces should be included in the wide words of the exception granted.

All of which we respectfully submit.

6th October, 1919.

W. T. Rivett

J. A. Bishop