Given under our hands, at the City of Montreal, this day of in the year of Our Lord one thousand eight hundred and sixty-three.

Commissioner.

Commissioner.

I, the undersigned Bailiff, do hereby certify and return, under my oath of office, that on the day of I did serve in the within named a duplicate of this *Subpæna* by speaking to and leaving the same with

Dated at Montreal, this day of 1862.

A trick of a similar nature was attempted after the decision of the *quo warranto*, when the form of summons was changed to a mere notification, dated 30th August; that the Commissioners "would resume and proceed with such investigation and inquiry upon such charges *as form the proper*† *matter of the inquiry and investigation* to be made, by and in virtue of the Commission issued by His Excellency, bearing date the 18th of February, 1863, for that purpose.‡

Is it possible to avoid the conclusion that the Commissioners were persuaded of the utter illegality of their acts?

A feeble attempt has been made in one of the daily papers to question the propriety of Mr. Justice Aylwin's conduct in going before the Commissioners and refusing to be sworn. To non-professional persons this may appear to have some weight, but his doing so was perfectly in accordance with the practice in such matters. Where there is a semblance of authority, the proper way is to inquire if it is real or usurped, and this is what Mr. Justice Aylwin did. But the Commissioners and their friends are indignant that he did not treat them and their proceedings with the contempt which, no one is more fully convinced than the Commissioners themselves, they so richly deserved.

It may be that a virtuous Executive will pay no attention to all these irregularities, in so far as regards this particular

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‡ *Vide supra*, p. 10. † What purpose?