The Weekly Mail.

TORONTO, FRIDAY, AUGUST 15, 1873.

PROROGATION AND A COMMISSION.

It is with no little satisfaction that we point to Wednesday's proceedings, looked forward to with so much interest, as in a respects confirmatory of the views expressed in *The Mail*. His Excellency, acting in the spirit of his Halifax speech, in which he said, "to those men alone "whom the deliberate will of the Canadian "federated Parliament of the Dominion "may assign to me as my responsible advisers can I give my confidence," prorogued Parliament, according to the understanding of the 23rd May; announcing in his Speech that a Commission which, we have reason to believe, will consist of three Judges, would be immediately appointed to take evidence in the Great Slander, and that so soon as the evidence was on record, he would call Parliament together for such action as the Grand Inquest of the country may see fit to take.

We are fully satisfied that his Excellency's course will, far from surprising any reasonable man, commend itself to the good sense of the community. The Opposition Press, it is true, have been enlarging for weeks upon this tart of the chief organ, which we take *verbatim et literatim* from its columns :—"It seems "clear that the petitions of the Province "of Canada to Lord DUFFERIN can have "but one result—the concession of that "which the people ask." But every thoughtful man must recognize in such words the language of faction and of revolution. They imply that the Government admit the truth of the accusation, hurled at their heads; they imply that the Governor-General should have declared want of confidence in a Cabinet which is largely sustained in Parliament; they imply that his Excellency should refuse to take the advice of his constitutional advisers—those men whom, we be said at Halifax, "so long as they are "maintained by Parliament in their position," so long is he bound to give their "his unreserved confidence, to defer to "their advice and loyally to assist them "with his counsels." In a wholesale indictment for corruption it would be most unseemly—we say it with all due respect—for the Governor-General to appear in the character either of judge or of executioner. His place is to hold the balance evenly between Parties, favouring neither one Party nor the other. What, a few days since, we said we were prepared to loyally to abide by whatever course Lord DUFFERIN would take, we made the remark without the slightest mental reservation. We were satisfied that he would act constitutionally—that he could not shove himself a partizan. His conduct is so rational, so proper, so entirely consonant with the principles of Responsible Government that some Reformers, in Parliament and out, can quarrel with it. All thoughtful men must admire it, and respect his Excellency the more for the firmness with which he has pursued the right course despite threats and intimidation.

When the Committee appointed by Parliament met Wednesday morning, Mr. JAMES MCDONALD being absent, they were unable, as might have been expected from their meeting on Monday, to agree upon a report. That was not very material, however. At best it was not desirable for the Committee to have done more than to report that, owing to the disallowance of the Oaths Bill, they had been unable to proceed with the work delegated to them. A constitutional means of bridging the difficulty was then in order; and we find the Globe, of Friday, saying that his Excellency has satisfied public expectation in naming a Commission. Judges to take the evidence on oath. Several of the Grit papers were willing to accept such a Commission—in all the Party leaders authorised their brave words: "Committee—no Commission." A better thinker than any of the Grit editors, and from the product of whose pen the entire tribe have been exhorted, and, we may add, has strongly advised the step which the Governor-General has taken, thus writes:—"A Royal Commission," says the writer of "Current "Events," in the August number of the Canadian Monthly, "appointed by the Governor-General himself, not by the Minister using the "Governor-General's name, and consisting of Judges or other persons unconnected with Party politics, and in whose character the nation has confidence, is probably the best tribunal available in the absence of any proper division in the Parliament of the "Constitution." A condition precedent of a correct judgment is that these witnesses shall be taken upon oath. The best possible means by which this can be done is such a judicial Commission as his Excellency has advised Parliament that he is about to issue. Its members will possess the confidence of the public, and it is impossible to deny that every step taken will take will be regarded with the greatest possible satisfaction.

Were Parliament deprived of its legitimate voice in the matter, by putting off the next session until the usual time of meeting, namely, February or March next, there would be at least a colourable reason for the charge that the Government were seeking to stifle enquiry. His Excellency has guarded against such an accusation by declaring that he will call Parliament together so soon as the evidence has been taken by the Commission. A couple of months will probably suffice for the assembling of the Commission and for the complete discharge of its duties. No one who values the character of the public men of the Dominion, who prizes our country above Party, who desires to get at the truth, and the truth only, can properly object to the wise and constitutional course taken by the Governor-General. A Liberal statesman himself, the nominee of a Liberal Government, he has stood close to the teachings of his Party, in declaring for the people's right, that, in placing himself unfairly between the people and a revolutionary faction, Lord Dufferin has made himself sufficiently conversant with Canadian political history, we may feel sure, to admit that the penalty of disregarding the faction's threats. His noble constitutional conduct may—no doubt will—gain him the ribald abuse of Mr. ALEXANDER MACKENZIE and his followers; but he will rise higher than he has ever yet stood in the honest public opinion of this country for his manly defence of the people's rights.

A WANTON INSULT TO THE GROWN.

THE gushing loyalty of the members of the Opposition took the way of BOB ACRES' courage, when they found that Lord DUFFERIN, as a constitutional ruler, refused to comply with their unconstitutional demands. A miserable and irresponsible rabble was charged in the outcry by an assault on one of the Governors-General, but in this case the "great "Reform" Party has deliberately sought, with malice aforethought grossly insulted the QUEEN's representative by its chosen leaders and members elect. The groans and caterwauls with which the Opposition greeted his Excellency's message to the Commons were at once the mutterings of a thwarted faction, and a declaration of war by so-called "Liberals" upon the illustrious nominee of a Liberal Government for doing his duty and upholding the right. Their refusal to attend the Governor-General's summons to the Senate was an aggravation of the insult. Shame on such fanatical Shame on that greed for power, which makes men disloyal when they are baulked! Fortunately Lord DUFFERIN at least suspecting the character of the faction, had prepared himself for a tempest of abuse. He evidently had a presentiment of the disgraceful scenes of Wednesday when at Halifax Said he in his speech there:—"Some "times, of course, no matter how disconnected he (the Governor-General) personally may be with what is taking "place, his name will get dragged into "some controversy, and he may suddenly find himself the subject of hostile criticism by the press of whatever "Party may for the moment be out of "humour. But under these circumstances he cannot console himself with "the reflection that these spasmodic "outbursts are as transitory and licentious as the disciplina applied occasionally to their idols by the unsophisticated worshippers of MUMBO JUMBO."

The reception of his Excellency's messenger when he came to ask the presence of his faithful Commons in the Senate was worthy, well and indeed worthy, of MUMBO JUMBO's howling dervishes. The Grits vented their spleen chiefly on the high official who in support of the people's rights stood by the constitution and between them and a carnival of grab. Loyal subjects! Tried and trusty supporters of the prerogative! Responsible Government! It shall now see the skin-depth of "Reform" loyalty. Self before Party! Party before the Queen! Country last! Let every loyal "Reformer" at once discover the brutality of his leaders at Ottawa Wednesday, or share in the contempt with which the world regards those "who become re-"bellious when they cannot become "omnivorous!"

It will be remembered that the prorogation of Parliament to September 22nd is merely the formal prorogation of forty days. The calling of new session is a prerogative act, and his Excellency has declared that the new session will be called when the evidence taken by the Commission has been reported to him.

INTIMIDATION.

"We have been warned that an attempt will be made next term to arraign the conductors of this journal for contempt of court. The decision of the Judges in the THOMPSON case is to be invoked to show that comments made by a newspaper on a case before the courts exposes the writer to the risk of imprisonment. Good gracious! We are to receive a writ for $50,000 next Term a month before service of the declaration, from which only we shall have our first chance to gather the nature of the alleged offence, and we are meanwhile to hold our tongues about the Chicago THOMPSON—for we accept the parallel that far. This, then, was the purpose of the suit against *The Mail*. A writ was to be served in vacation, and so an endeavour was to be made for as long as possible to muzzle us on the character and doings of the Chicago THOMPSON. A very pretty device indeed! Because a newspaper is sued in July for having in June commented on an incident in a man's life that he stole a cow, the same paper then must not report the fact, if in August he is before the Police Magistrate for stealing a pig. The writ is to protect the thief from any announcement of his antecedents, and the public is to be shut out from information, that might be its only protection. Were such a strained construction of the doctrine possible one for one moment, we can see what it would more frequently have been exerted to. It could hardly have devoted upon the mediocre abilities of Mr. KENNETH MACKENZIE to be the first to try on so palpable a dodge. Before long, if we are correctly informed, he will have an opportunity of exhibiting his peculiarities as counsel for one who will appear as prisoner-at-the-bar in a far more important proceeding than this libel suit, which he has instituted against ourselves. It has been very painful to KENNETH to be so often shown up in *The Mail* as the recipient of the people's money so lavishly bestowed on him by the Grit Government of Ontario. Of course he has hated our exposure of him as a Grit pensioner. But we reverence old age and long service, and we not opposed to the system of pensioning, provided it is called by its right name. For instance we hold that the other MACKENZIE should be called the pensioner and not the President of the Isolated Risk Company. The system is one that we regard with especial favour, and we think it is scarcely as popular in Canada as it ought to be. KENNETH has seen a deal of service and lost as many elections as any man we know. He is getting old, but if he is true that the last half of a man's life is devoted to curing the follies of the first half, then KENNETH promises to be a fine case for the vital statistics of the Registrar-General. We have not yet sent half the list of his elections through man. He is, we admit, intensely respectable, and therefore just the man to be employed by a plaintiff whose own character will scarcely bear criticism. But KENNETH is not brilliant. The remembrance of his long as talented correspondent of this paper wrote that himself, KENNETH, and Mr. E. B. WOOD, were candidates for West Durham, KENNETH had been induced to retire in consideration of a gift of $400 from the Ontario Treasurer. Arguments were also brought, it was said, to bear on Mr. E. B. WOOD, which induced him to leave the field to Mr. WOOD. KENNETH on being shown this letter in our columns very seriously protested his ignorance of any such arrangement, and declared that he did not know Mr. BROWN by sight and could not recollect that he had ever met him. It evidently requires a surgical operation to get a joke into KENNETH's head. The Chicago man is imposing on this skull-thickness, and nothing less than craniotomy perhaps will convince him that whatever may be the nature of McMULLEN's charge against ourselves, of which we cannot yet possibly have any cognizance whatever, we are guilty of no contempt of court in publishing it.

1st. That we believe McMULLEN to be as bad a man as every newspaper in Canada not of the Grit stripe has stated him to be, and as mean and contemptible a man as ever sat at a gentleman's dinner-table.

2nd. That in the *Globe* of the 18th inst. there is an excellent argument against the farcical application of the contempt of court doctrine exhibited in the THOMPSON case.

3rd. That a newspaper speaking of a man who has sued itself, is in a very different position from a newspaper commenting on a suit between A and B. This hint will be useful to KENNETH when the declaration is served and when we know wherein we have offended.

4th. That we don't believe any jury in the world would convict *The Mail* of a libel for saying anything of this McMULLEN that we can recollect having said of a man so infamous as he is.

5th. That we are not aware on what MR. KENNETH MACKENZIE relies whereon to have us found guilty of libel, a libel being a spoken or written untruth; and to our knowledge we have neither said nor written anything that is not of this McMULLEN.

6th. That he will by no pettifogging attorney's trick intimidate us from discrediting a man who has already been proved guilty of falsehood by two a score of the men whom he has separately maligned.

Were we to proceed any further with the convictions that we should like, enforced on KENNETH, not even the Chicago THOMPSON can get at them without first bringing his client into that box where he will be compelled to answer questions touching his character and antecedents. We know that he shrinks from the ordeal, and we know why. We know that he would invite us to stir so stinking a pool. Mr. MCMULLEN is clear out of notoriety. He aspires, in fact, to eliminate CURRAN's similie of the chimney-sweep, who had blacked himself by dark and dusky ways, and then called aloud to the neighbours to witness his dirty elevation.

THE ROYAL COMMISSION.

On the ground that the Oaths Bill was beyond the competence of the Canadian Parliament, Sir JOHN MACDONALD, on the 8th of April last, offered to cause the issuance of a Royal Commission to investigate the charges against the Government. It was not to be a Royal Commission after the fashion of ordinary Royal Commissions. It was not to be controlled by the Government nor governed by the orders of the Executive as to the mode of conducting business. But it was to be a tribunal, created by his Excellency, which would cause it, with full power to administer oaths, to send for papers, persons, and records, and if one to report the evidence direct to the *House of Commons*. That was its distinguishing feature. It was to be a tribunal, in fact, empowered with all the prerogatives of the Parliamentary Committee, subject, like the Committee, to the control of the House, but exceeding the Committee in the great and important power of being able to continue the inquiry under oath. A fairer tribunal could not have been established; more exhaustive and comprehensive one could not have been created under our Constitution. The Committee met, but it had lost its chief weapon, the Oaths Bill. The Premier then renewed his offer of transforming its members into Commissioners, and empowering them as before to report the evidence direct to the House. But Messrs. BLAKE and DOSTON, with sinister intent, raised a paltry excuse for refusing the Commission which ought to have prevented them equally from serving on the Committee, to wit, that they had been described as partizans! There the matter rested. The Committee could not carry out the desire of Parliament and the wish of the country by swearing the witnesses; and Messrs. BLAKE and DOSTON were unwilling to be invested with the oath power as members of a Commission gifted with all the rights and powers of a Court of competent Committee. Examination under oath was necessary in the interests of justice; it was the only mode of procedure by which the country could be satisfied that the uttermost power of official inquiry had been used to ascertain the truth. As M. DOSTON said on the 8th of April:—"The evidence would be "received with much more confidence if "it were taken under oath." In that view, then, the ignorance of a Commission of Inquiry appointed by the Government of Ontario. Of course he has hated our exposure of him as a Grit pensioner. But we reverence old age and long service, and are not opposed to the system of pensioning, provided it is called by its right name. For instance we hold that the other MACKENZIE should be called the pensioner and not the President of the Isolated Risk Company. The system is one that we regard with especial favour, and we think it is scarcely as popular in Canada as it ought to be. KENNETH has seen a deal of service and lost as many elections as any man we know. He is getting old, but if he is true that the last half of a man's life is devoted to curing the follies of the first half, then KENNETH promises to be a fine case for the vital statistics of the Registrar-General. We have not yet sent half the list of his elections through man. He is, we admit, intensely respectable, and therefore just the man to be employed by a plaintiff whose own character will scarcely bear criticism. But KENNETH is not brilliant. The remembrance of his long as talented correspondent of this paper wrote that himself, KENNETH, and Mr. E. B. WOOD, were candidates for West Durham, KENNETH had been induced to retire in consideration of a gift of $400 from the Ontario Treasurer. Arguments were also brought, it was said, to bear on Mr. E. B. WOOD, which induced him to leave the field to Mr. WOOD. KENNETH on being shown this letter in our columns very seriously protested his ignorance of any such arrangement, and declared that he did not know Mr. BROWN by sight and could not recollect that he had ever met him. It evidently requires a surgical operation to get a joke into KENNETH's head. The Chicago man is imposing on this skull-thickness, and nothing less than craniotomy perhaps will convince him that whatever may be the nature of McMULLEN's charge against ourselves, of which we cannot yet possibly have any cognizance whatever, we are guilty of no contempt of court in publishing it.

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