

and acquitted by an inquest of persons appointed on purpose, and then by a plea of *autrefois acquit* prevent a second and true examination of his crimes in Parliament.

"There is no example of this kind; and if such an *unheard of proceeding* should happen, it is left to consideration whether a Parliament would not vindicate the Kingdom against so gross and fraudulent a contrivance."

No precedent, in fact, can be found to justify the issuing of a Royal Commission in such cases. Parliamentary history does not furnish a single instance of bribery and corruption against a whole administration; it simply makes mention of a few trials of that description against one or two ministers, and they were all brought up before Parliament.—De Lolme, p. 92; Judge Hales, p. 195.

Referring again to the subject of Royal Commissions, Todd, vol. 2, p. 348, observes: "*It would be unconstitutional to refer to a Royal Commission subjects which are connected with the elementary duties of the Executive Government and with its relations to Parliament; or to appoint a Commission with a view to evade the responsibility of ministers in any matter, or to do the work of existing departments of State, who possess all needful facilities for obtaining information upon questions of detail, and who are directly responsible to Parliament, or to inquire into crimes and offences committed by particular individuals, and which are cognizable by the ordinary courts of law. Neither should a Commission be appointed unless the Government are prepared to give definite instructions to the Commissioners.*"

Todd refers to Hans Deb., vol. clxx, pp. 915-949; Ibid. M. Gladstone, vol. clxxv., pp. 1208, 1219; Toulmin—Smith on Commissions, pp. 150, 159.

The proof of the charges made being still, in part at least, held by the Hon. Mr. Huntington, it is not clear that Government can give the Commissioners any definite instructions in the matter. It is also evident that a common law exists which reaches the abuses of the Executive, so that the Statute does not apply here. In short, a Royal Commission can only issue to enquire into abuses committed outside of the Executive—the expression in the Statute: "the good government of Canada" being applicable only to certain relations of the Executive with the exterior of Parliament.

The Parliament of Canada possesses all the immunities and powers held by the House of Commons in England at the time