

ment. The hon. gentleman has made reference to the form of the commissions which are now issued, and which the hon. gentleman thinks are ludicrous in their character. I do not profess to be wiser in my generation than all the Attorney Generals who have preceded me, and all those who administered affairs of this kind in the various Provinces of Canada, and I think it will be found that the commission which we have issued is in substantially the same form as that established ever since the appointment of Queen's Counsel has been made by the Federal Government, and is substantially in the same tenor as the commissions issued by the Provincial Governments before Confederation. I think, further, it will be found, on a close comparison of that commission with the commissions that used to be issued by Her Majesty's Government conferring the rights of Queen's Counsel on practitioners in British North America, that the forms of the two are substantially the same. The commission simply confers the title *quantum valeat*, and does not profess that the precedence conferred upon the recipient shall justify him in asserting rank or precedence over any class or over any particular number of persons. It assumes that the decisions of the Supreme Court of Canada, when they are announced, are the law of the land, and being so, the precedence is to be regulated by the court to whom the patent is presented, and, in the ordinary course, confers on the recipient the right to rank next to the person who last received the authority. The hon. gentleman impugned the force and effect of the decision in the case of *Lenoir vs. Ritchie*, not only on the ground I have already referred to, that it proceeded on a point which really was not raised in the argument on the appeal, but likewise on the ground that the parties interested had not been heard. I am not able to agree with the hon. gentleman in that view of the case. It might have been more satisfactory if all the Provincial Governments had been invited to take part in that argument, or it might not. The question was raised in the Supreme Court of Nova Scotia between a barrister holding a patent from the Governor General and a barrister holding a patent from the Lieutenant Govern-

nor of the Province. Those two parties were all whose rights were immediately concerned in the subject under controversy. Although, in the litigation of those rights, doctrines of law were laid down which were exceedingly interesting to many persons outside of the immediate litigants, that is precisely the case with every important decision pronounced; and if we impugn the decision of *Lenoir vs. Ritchie* on the ground that every person who took an interest in the subject was not heard, we must take the ground that every decision of the courts of this country and of the mother country is inconclusive in establishing the law because the hon. member for Bellechasse or myself may have had, or intended some day to bring, a suit just like it, and ought to be heard, and, therefore, is not binding on us. Now, in replying to the observations of the hon. gentleman somewhat fully, as I felt bound to do in courtesy to him, considering the care he had bestowed on this subject, and the care and ability with which he brought it before the House, although I have followed him at some length, I do not propose to ask the House, and I hope he will not think of pressing it, for a decision of the legal question by a vote proposed in amendment to going into Supply. I do not propose this afternoon to state, and, I think, I am not called on to state to the House, what my opinion is as to the powers of the Provincial Legislatures or Governments with regard to the appointment of Queen's Counsel. That has been within certain lines decided by the Supreme Court of Canada. All I have ever said, in answering despatches which have come from any of the Provinces in reference to my report, is, that while the decision of the Supreme Court of Canada in *Lenoir vs. Ritchie* exists and remains undisturbed, we must recognise it to be the law of the land within the limits within which it proceeds, not extending those limits; and that, if any person, whether a Provincial or Federal appointee to this office or any other, is of opinion that the case of *Lenoir vs. Ritchie* does not deny the authority of the power which appointed him, it rests with the courts of the country to administer between him and those who contest his rights, the same measure of justice that was meted out