

every way fitted to be entrusted with the most sacred interests of purity and virtue,—and it is meet that they should have been so spoken of—the simple fact of their appointment speaks of them thus, and points to them as men utterly incapable of guile—men who would turn from the very appearance of dissembling with abhorrence and disgust. How is it then that they descended from their lofty position to issue those deceptive subpoenas? Why did the commissioners thus throw around their court, of “no power,” the Lions skin? Was it not for a purpose? Was it not to deceive? And that they did deceive thereby, more than one are fully prepared to attest. Never would he who preferred the charges, have submitted them to the adjudication of the Commissioners had he not been grossly deceived by their empty show of power. Never would he have committed the mad act of hazarding the interests of morality and virtue in such a case, by intrusting them to the protection of an impotent court—a court destitute of “sufficient control” over witnesses. The extent of control that was absolutely indispensable in this case is clearly indicated by the subpoenas of the commissioners, as it is not to be imagined that they went further in feigning authority, than the case, in their judgment, made it necessary that they should have been actually invested with. Power to “command” witnesses, then, was necessary—and power to enforce obedience by the certainty of “pain and peril”—this amount of power the Commissioners knew to be necessary by their own showing, and knowing well that they did not possess it, why did they consent to act? Why did they not resign and recommend the appointment of a Parliamentary Commission that would possess all necessary power—or that the accused should prosecute his accusers? It would seem, however, that the Commissioners almost succeeded in persuading themselves, that the mere show of power was in their case nearly if not quite as valuable as its actual possession, and that the ends of justice were thereby almost if not fully as well served. That they would have all men believe this, is very evident from the following quotation from their Report:—

“So far as the Commissioners can learn all the evidence that could be brought to bear upon the subject, has been produced and heard. Every witness who has been named to us has been carefully examined, with the exception of the young woman mentioned at the end of the fifth specification of charges, who was ill in bed, and refused to be sworn or to give evidence.”

The meaning to be attached to the word “could,” in the above quotation, is all important. Few would suspect that it had any reference to the impotency of the court. That such, however, is the fact, all must admit who think sufficiently well of the “Leader” to believe that it did not wilfully fabricate the following for the purpose of damaging the Commission:—

“President,” (M. O’Reily),—“I wish we had power to bring him here. If we had we should deal with him very summarily. My impression is that we cannot do so.”

“Dr. Conner,—I am also under that impression.”

“Mr. Cameron,—It is strange that young Lillie was not served before leaving town. I have grave doubts about his having evaded a summons; for he had been seen in public several times after the summons was issued.”

“Mr. Dick,—The truth is just this. It has become known in the city that persons cannot be compelled to attend this Commission; and I feel willing to concentrate the case in this point.

“President,—I have scrupulously withheld my views on this subject till now, on that account.”

“Dr. McCaul stated that one of the witnesses called by Mr. Dick would not have attended the commission, had not he (the Dr.) persuaded him to do so.”

“Mr. Dick,—It is very generally known that this Commission has no power to compel the attendance of witnesses; and that is the reason why we have suffered the whole matter to concentrate in this case.”

“Mr. Daniell,—You say you have other witnesses; why not give them?”

“Mr. Dick,—I do; but it would be useless for me to give in their names.”

Thus the Commissioners learned most definitely that there were parties other than the young woman who refused to be sworn, who had evidence, and which the Commission “could” not bring to bear, simply because of its own impotency—its utter destitution of power to compel attendance. And then as if something had been wanting to complete the humiliation of the court, it must be told to its face by the party accused before it, that a witness whom it had commanded not to fail in appearing on his “PERIL” had actually mocked their command; and would not have appeared but for the entreaty of him against whom he had been commanded to appear! And this the Commission sat and heard without controversy and without indignantly resigning their appointment till Was ever humiliation more complete?—And finally, after Mr. Dick had told them that he had more names, and they had urged him to give them to the court—did he not tell them it was USELESS?—And certainly nothing could have been more absurd than for him to have continued giving in the names of witnesses after he knew that their appearance depended more upon the willingness of the accused to entreat attendance, than upon the power of the court to command it.

II. IN RELATION TO THE DEMAND FOR GUARDING AGAINST THE RECEPTION OF UNSUITABLE TESTIMONY BY COMMISSION COURTS.

Here let it be noted, that in order to prevent the sanction of an oath from being brought into contempt, the law very properly makes it a misdemeanour to be punished by the judges for any magistrate or other party to administer an oath in matters with which he is not officially connected—declares such oaths wherever taken *extrajudicial*, and hence utterly null and void; rendering it quite impossible to convict any person of perjury on such an oath, though every statement thereby sought to be confirmed was a well known, gross, and deliberately contrived falsehood. Yet the defence in this case presumed to lay three affidavits from one family before the Commission as evidence, all of which proved themselves to be *extrajudicial*. That they were as worthless and as positively illegal as forged bank notes, the commission knew, as every member of it was a lawyer; and in addition to their own knowledge they were definitely told so by competent counsel; and also that the magistrate who administered the worthless oaths had in each case committed a misdemeanour, which subjected him to indictment and punishment. Though told all this in plain and definite terms, which none of them attempted to contradict; this Commission, instead of treating the presentation of the illegal affidavits as a gross insult offered to the court—instead of immediately sending a message down to the Grand Jury, then in session, for the indictment of the magistrate who had presumed to administer the illegal oaths—this Commission—What did it do? IT RECEIVED THE ILLEGALLY EXECUTED AFFIDA-