been tried and the Court had, by its judgment, declared the facts submitted not to be a sufficient cause for revocation, the Lieutenant-Governor in council might immediately proceed to annul the defendants' charter. If, having, as a suitor, obtained the opinion of the Court, the Crown is not obliged to abide by the decision which it has so invited, it is difficult to understand why it should be bound to await the actual pronouncement of a judgment, which it may disregard when given.

There are some reasons why, if I at all doubted the lack of jurisdiction to grant the order asked, I should hesitate to hold the Crown's rights, statutory or prerogative, to be in abeyance pending this action.

That the Court has not jurisdiction, at the suit of a subject, to command, or to restrain, the Crown or its officers acting as its agents or servants, or discharging discretionary functions committed to them by the Sovereign, is established by many authorities, of which, as one of the most recent, I may refer to The Queen v. Secretary of State for War, [1891] 2 Q. B. 326, 334, 338. For the exercise of the powers or the discharge of the obligations with which the Court is here asked to interfere, the Attorney-General is answerable and responsible to the Crown alone. He owes no duty to the defendants.

No precedent has been cited for the granting of such an injunction on the application of a subject-defendant, though many suits affecting rights of the Crown have been maintained by the Attorney-General in England and her colonies. Such actions are in fact the suits of His Majesty, instituted by his law officer, the Attorney-General, and it is not therefore surprising that the research of the learned counsel for the defendants has unearthed no instance of any such anomalous order as that which he now asks, by which His Majesty, through the instrumentality of this Court, would restrain himself in the exercise of functions of his executive government. Cockburn, C.J., says: "This Court cannot claim even in appearance to have any power to command the Crown; the thing is out of the question:" The Queen v. Lords Commissioners of The Treasury, L. R. 7 Q. B. 388, 394.

Upon the argument before me counsel for the defendants suggested that, though the order asked should be refused, an expression of opinion that the Attorney-General should, pending this action, refrain from pursuing the course to which the defendants have taken exception, would be respected by him. While I have no doubt that the Attorney-General would pay due regard to any proper expression of judicial opinion,