

"Whenever the Governor in Council deems it expedient to cause enquiry to be made into and concerning *any matter connected with the good government of Canada, or the conduct of any part of the public business thereof, and such enquiry is not regulated by any special law*, the Governor, etc." may appoint Commissioners to take the matter into consideration, etc.

It never was intended by that Act to disturb the functions of Parliament, as sanctioned by usage and precedent. The Act says expressly, it is to apply only when the "enquiry is not regulated by any special law, etc." Assuredly, under Responsible Government, ministerial responsibility is to the House alone. The issuing of the Royal Commission was a usurpation of the rights and privileges of Parliament, preserved and handed down to us after painful sacrifices on the part of our forefathers. If the British House of Commons has been jealous of any encroachment, it has been upon its rights and privileges. The Commons in 1678 impeached the Earl of Danby. He pleaded the King's pardon as a bar to the proceedings. Great stress was laid upon the fact that the power to pardon rested with the Sovereign. So jealous were the Commons of any encroachment, that they enacted 12 and 13, Wm. 3rd, c. 2, "that no pardon under the Great Seal can be pleaded in bar to an impeachment by the House of Commons." Also by the Bill of Rights, "That the freedom of speech, and debates, and proceedings in Parliament, ought not to be impeached or questioned in any Court or place out of Parliament." De Lolme, in his edition of the British Constitution of 1796, page 93, writing of proceedings by impeachment for ministerial misconduct, says: "It is against the Administration itself that the impeachment is carried on; *it should therefore by no means interfere*; the King can neither stop nor suspend its course, but is forced to behold, as an inactive spectator, the discovery of the share which he may himself have had in the illegal proceedings of his servants, and to hear his own sentence in the condemnation of his Ministers." In January 1692, upon a question from the Lords, the House of Commons replied, "They thought it a strange and foreign supposition that a great and guilty Minister, finding himself liable to an impeachment in the next session of Parliament, should, by his power, procure himself to be tried 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.