

whatever to exercise powers under the provisions of this Act relating to any matter which comes under the purview of Parliament, I need only refer to a few instances. Some years ago certain charges were made with reference to mail contracts entered into by the Postmaster General. A committee was appointed to enquire into the conduct of the Minister and of the parties who had made tenders for the contract, and on that occasion the Government declined to take any action in the appointment of the committee. Mr. Gladstone said, when the matter was first brought before Parliament, that the Government should take as little part as possible, and should be guided by the general feeling of the House in the matter, that whatever way the House proposed to conduct the enquiry the Government would assent to. At a later period Mr. Gladstone said: "He should have been glad if there had been such an indication of opinion on the part of the House as to have enabled the Government to judge what was the prevailing sense of the House, and if that had been expressed the Government would have been guided by it." Now, what was the rule laid down by Mr. Gladstone? It is obviously this: that when any charges are made affecting the conduct of a Minister, the Government will allow the House to appoint a committee to investigate the same, and if the House indicates the manner in which it desires that committee to be appointed, the Government will forward the wish of the House in the matter, but will take no part themselves in the constitution of a tribunal which is to enquire into their own conduct. Then we find that, at a former time, when Parliament had asked the Crown, and had, in fact, passed an Act requiring an investigation into the conduct of a certain constituency where corrupt practices existed, and when the Bill was first brought down, it was proposed to give the Crown power to appoint the Commissioners to make the enquiry. The Earl of Derby objected to that. He said in relation to the enquiry asked for into the conduct of the electors in the constituency, or of the candidate, that the Crown did not appoint the Commissioners by whom the enquiry was to be made; and the Bill, as it was carried through Parliament provided that when a petition was submitted to Her Majesty, asking that a Commission should be appointed to enquire into the conduct of parties at an election of the House of Commons, they in their petition should name the parties whom they desired to be appointed as Commissioners. In the Lancaster election case in 1867, Mr. Darby Griffith complained that the Government had not asked for a Commission to enquire into the corrupt practices that prevailed in that constituency. But, in reply to him, Sir George Grey said, that it was open to any member of the House to present a petition with a view of having it presented to Her Majesty, asking for an investigation, and to have himself named the Commissioners if the House chose to consent. In 1869 there were two important cases bearing upon this point. In one instance (Norwich election case) the Attorney-General presented a petition to name Commissioners; and at a later period, in the Dublin election case, Mr. O'Reilly made a motion in favor of a petition to the Crown, in which he named the Commissioners whom the Crown were to appoint to investigate a particular election. The principle observed in that case is one that lies at the basis of our own political system—namely, that no one should be appointed to enquire into his own conduct, or the conduct of those to whom he stands directly opposed. My objection to the Commission under consideration is, first, that it was appointed by the gentlemen who were themselves interested in the enquiry, for the purpose, if possible, of blackening their opponents and vindicating themselves; and, further, it was a Commission to enquire into matters of which Parliament alone, as the grand inquest of the nation, could take cognizance, for they were matters of public policy in which the Crown had no right to interfere in any way. If the provisions of the Act are

broad enough to interfere with the law of Parliament, they are broad enough to interfere with the ordinary administration of justice. They are no more limited against the administration of justice and the trial of parties for ordinary crimes than against the investigation of charges against a member of this House or a Minister of the Crown by a Commissioner appointed by that Minister himself. This whole question was raised in a very full and elaborate discussion which took place some years ago in reference to the Belfast riots. The Government issued a Commission to enquire into the origin of these riots, and the conduct of the police, with a view of ascertaining if the police were numerous enough to secure a due observance of the law and the preservation of the peace. The investigation was held with a view of further legislation and the rendering of the ordinary administration of the law more efficient than it had been up to that time. But in the course of the enquiry many matters were brought out incidentally which affected particular individuals, and it was held by some of the Judges that the publication of reports of the evidence and of the documents was not privileged, and that the parties who were injuriously affected by the publication would have redress against the Commissioners and parties who published the document. When Mr. O'Connell was a member of the Irish Bar, the House of Commons appointed a Commission to enquire into the corporations of Ireland, and in the course of the enquiry, certain charges were incidentally made against the Mayor of the City of Cork. The Commission asked a witness, if there was anything else he had to say, and the witness replied: "I have an instance of a £10 note slipping into the Mayor's pocket from off the Board room table of the House of Industry, and it never slipped out since." This was a statement made before a Commission. The Mayor was advised by eminent counsel to prosecute the party who gave the evidence for libel. The point was argued by Mr. O'Connell and Mr. Holmes, and it was insisted by counsel for the prosecutor that there was no power in the Crown to issue such a Commission, and that even an address of the House of Commons would not give it any validity. The case came by appeal to England, and the Lord Chief Justice of the day, in delivering judgment, said that it was contended that a right existed to report truly the proceedings of a court of justice; but that principle was not applicable in the present case, because this was a commission of enquiry and not a court of justice; it had not the characteristics of one, but was preparatory to some ulterior measure and for the purpose of enquiry merely. The evidence was entirely *ex parte*, and the proceedings bore less analogy to those of a court of justice than to those of a police magistrate or at a coroner's inquest. If, therefore, those proceedings were defamatory they might tend to prejudice the public mind and to defeat the ends of justice if the case were brought to trial. And Mr. Justice Burton said that it was impossible to say that those proceedings took place before a tribunal which had any analogy to a court of justice, for a court of justice had authority to hear and determine cases, whereas the tribunal in question could hear merely; the Commissioners were only to enquire into certain facts; they could not give an acquittal; they were empowered to hear evidence and that *ex parte*—not for the purpose of being communicated to the public, but of being returned to another place. He then said, that anything which might inflame the public mind when a man was likely to be tried, was a high crime and misdemeanour. There was another case—that of Mr. Balfe, in which the same principles were involved; and it was laid down by Lord Cairns, that it was an improper proceeding for the Crown to investigate any matter which properly belonged to Parliament, or could properly be referred to the ordinary tribunals of the country. Now, if the Commission in question is of such a character as it is represented to be, and if it was issued, as the hon. gentleman says, because certain