

of the people of this country, if they do not mark with the strongest disapprobation the extreme, unjust and unpatriotic course which has been taken in making the charges, in causing the delays in investigating them, in publishing *ex parte* and false statements founded on stolen letters, and finally in refusing to appear before the Royal Commission.

4. The fourth alternative named is an address by the Commons to the Governor-General praying him to issue a Commission to inquire into the charges. Yet such a Commission could do only what has already been done in a more speedy manner by just such a Commission as the House would get. Their report was finished before the Commons could have been summoned to petition the Crown.

What other course then was there so wise and patriotic, so just to the accused if they were innocent, so just to the country in bringing them to justice, if they were guilty, as the appointment of a Royal Commission, "instructed," in the language of the Royal speech "to proceed with the inquiry with all diligence, and to transmit their report as well to the Speakers of the Senate and *"House of Commons as to myself?"* While these pages are passing through the press a despatch, dated Oct. 8, has been received from Lord KIMBERLEY, Colonial Secretary, "fully approving your (Lord DUFFERIN's) having acted in these matters 'in accordance with constitutional usages'—in the prorogation of Parliament on Aug. 13, and appointment of a Royal Commission.

We have stated that the House of Commons cannot take evidence on oath, nor of course empower its Committees to do so. The Canadian House of Commons has the same rights and privileges which the Imperial House of Commons had in 1867, when the British North American Act (the Act confederating the Canadian Provinces) was passed. We give the following from the report of the Committee of the Imperial House of Commons, for

1869, touching the examination of witnesses on oath before the House, showing the powers claimed by the English Commons at that time (1869) and of course subsequently to the passage in 1867 of the B. N. A. Act. A Select Committee of the British House of Commons, appointed to inquire and report whether any further provision should be made for the examination of witnesses on oath before the House of Commons, made their report on the 21st of June, 1869.

Sir THOMAS E. MAY, for many years Clerk Assistant to the House of Commons, and who has written largely on Parliamentary law, stated before the Committee that he "thought it quite incontestible, 'that there are neither authorities nor precedents to support any claim on the part of the House of Commons, by its own inherent right, to administer oaths at the present time; such a power can only be given by statute.'"—*Page 1, Report.*

Mr. Speaker BOUVIER said, in his evidence:—"My opinion concurs with the opinion he (Sir T. E. MAY) has given." Viscount EVERSLEY, who had been Speaker for 18 years, from 1839 to 1857, said, in his evidence before the Committee: "I have seen the inconvenience of the House of Commons not having that 'power' [of examining witnesses on oath]. 'The House was obliged to have recourse to most irregular and, I believe, ILLEGAL PRACTICES, to obtain the examination of witnesses on oath by appointing members, who were magistrates of Middlesex, to swear witnesses. 'Where punishment would follow an inquiry, that inquiry ought to be on oath. The committees of the House of Lords do not examine upon oath in cases where a witness is asked for his opinion, but they examine upon oath where it is necessary to bring out a fact.'" *Reports 1868-9.*

An Act was passed, 16th August, 1871, the first section of which enacts that—  
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