

must be, as a rule, men of great weight and mark. But what I say is this, that these are busy men as well; and that it is not their regular business to act judicially at all; that they are political personages; that their opinions expressed on these occasions are not entitled to the same weight as the opinions of judges; and I add that such has been the experience of the hon. gentleman opposite when it suited him to seek the advice of the law officers, and that has not been very seldom. I could go over a long bead roll of cases, if it were not pretty late in the Session and in the evening, in which the right hon. gentleman found it convenient to shunt off a difficult question by sending over to the law officers and getting their opinion, and some of those opinions have been placarded as great authorities when it suited him to do so, while other opinions were obtained from time to time to which he paid less regard and gave less prominence. I say that of the three possible sources to which we might apply, the law officers are unquestionably the third. I hold that the Judicial Committee of the Privy Council and the Supreme Court both stand in rank of suitability for that purpose higher than the law officers. That is enough for me. I do not condemn the application to the law officers, but I maintain it would have been more expedient and more in the interests of the country to have applied to the Supreme Court. Now, the Minister of Justice has declared that these views are in fact old High Tory views, and I suppose that was rather based once again upon the idea that we are being called upon to vote something in the nature of condemnation of the Executive, for not complying with Mr. Graham's application. The hon. gentleman brought into the arena the court of high commission and the old ecclesiastical courts, and he told us of these extraordinary tribunals, with inquisitorial powers created by the supposed prerogative of the Crown in earlier and more evil days, denounced for years, found to be productive of great abuses, in the end wiped away from the institutions of the land by an indignant Parliament, which prohibited their re-erection by prerogative—though, of course, that Parliament which had annulled them, could of itself have re-

erected them. The hon. gentleman told us that those who supported this motion were advocating the doing something of the same sort, as the erection of these courts. What was the mischief of these courts? It was their coercive jurisdiction. They were unusual tribunals, out of the ordinary course of the law, by which the subject was to be vexed and aggravated, by which he was to be harassed in person and in estate, and that was the main objection to them. But the proposal which is made to-day is of another character. The hon. gentleman objected to this proposal at one time just because it was not coercive. He said the decision does not bind and you cannot make it binding, and, therefore, you should not get it at all; so that first of all he objects because it does not bind, and then he says it is like the court of high commission which was bad, because it did bind. No, Sir, the object in this case was not to vex and aggravate the subject. The object was, I think, a worthy object; it was to relieve the apprehension of the subject, by the opinion of an authoritative tribunal upon a legal question; upon which I quite agree a great majority of this House took a different view from that of the hon. member for North Norfolk (Mr. Charlton). We, of the majority, thought, as I believe we think still, that the objections which were taken to this Act were objections which would not be found to weigh in the balance. We thought they were objections which would not be maintained in the courts. But some of us at any rate—of whom I have shown you that I was one—thought, even during last Session, that the circumstances of the case were such, that we ought not to set up our judgments as absolutely conclusive upon this question; but that we might well resort to higher, to purer, to calmer, and to clearer light for a decision, which if given in the way we expected it would be given, would settle the question, so far as the agitators and those whom they were seeking to agitate were concerned; and which, if given in the other way, would furnish a just foundation for the exercise of that power of disallowance for which those agitators called.