

"Assuming that the Royal Commission has the power of which the Parliamentary Committee seems incapable, of examining on oath, it does not appear that any better step could be taken than to appoint it."

Lord DUFFERIN's answer to the memorial must, we think, satisfy every unprejudiced mind, that he could not have taken any other course than prorogue the House.

We may refer briefly to another point urged in the memorial, and it would seem from the language urged with intense feeling, that his Excellency would not remove the inquiry from the House of Commons, for it "would create," so say the memorialists, "the most intense dissatisfaction," referring, of course, to the reported intention of his Excellency to appoint a Royal Commission.

TODD vol. 2, p.p. 346-8 of his *Parliamentary Government* says :

"Preliminary inquiries by a Royal Commission are of inestimable service to the working of Parliamentary Government. Besides affording peculiar facilities for ascertaining facts, they frequently bring to light a mass of information upon the subject in hand which could be obtained in no other way, and the report of an able and impartial commission is often of the highest value in the instruction and enlightenment of the public As the means for the impartial investigation of every class of questions upon which the crown or Parliament may need to be informed, recourse may appropriately be had to Royal Commissions

"A Royal Commission may be appointed by the Crown, either at its own discretion, and by virtue of its prerogative or in conformity with the directions of an Act of Parliament, or in compliance with the advice of one or both of the Houses of Parliament . . . Since ministerial responsibility has been properly defined and understood, commissions have become a recognised part of our governmental machinery, and it is now freely admitted that when confined to matters of legitimate inquiry they serve the most useful and beneficial purpose."

The Canadian Act, 31 Vic., c. 38, also gives the authority to the Governor-in-Council to appoint Royal Commissions, and prescribes their powers to enforce the attendance of witnesses. This Act was first passed in 1846, and re-enacted in 1868, and extended to the whole Dominion.

Royal Commissions are not so unfrequent and exceptional resorts as many would have us believe. "They are now," says TODD, (vol. 2, p. 348), "an acknowledged part of the governmental machinery of the English House of Commons. In the fiscal years (1867-8) no less than twenty-three temporary Commissions of inquiry were sitting at one time."

The memorialists say :—"That the honour of the country imperatively requires that no further delay should take place in the investigation of charges of so grave a character, which it is the duty and undoubted right and privilege of the Commons to prosecute."

In this awkwardly constructed sentence it is manifest that "delay" is not the question uppermost in the minds of the writers, but the fear that the subject would be removed from the Commons and be thus no longer the subject of fiery declamation. The mixing up in the same sentence, of the "duty, rights and privileges of the Commons," with "delay" in the inquiry, in this and the following paragraphs, suggests not the fear of "delay," but the fear of speedy inquiry by the appointment of a Commission which could force the attendance of witnesses, examine them under the sanction of an oath, end the clamour, and substitute evidence for indefinite charges, or show the baselessness of those charges. For surely the memorialists must have known that the Commons could not examine witnesses at its bar under oath, nor empower a Committee to do it. To proceed at all, the House must first rescind its resolution that the evidence be taken under oath, or submit to great and indefinite "delays," as will be evident from the briefest consideration.

All the possible alternatives in the choice of the Commons are :—

1. The House could have examined the witnesses at its bar ;
2. Another Committee could have been appointed ;