

inquire as to the wishes of the Colonies. There are still in operation many treaties made in that way, which are binding on the Dominions, although no representative of the Dominions was consulted in the making of them. But the Colonies and the Dominions are no longer treated in that way. With the development of responsible government and the growth of the Overseas parts of the Empire has come a general recognition of the right of the Dominions to manage their own affairs. To-day no treaty affecting Canada would be made, no negotiation concerning Canada would be undertaken, by the Imperial Government without a reference of the matter to the Canadian Government. In any case in which there is urgency from the Imperial point of view the assent of Canada would be specifically reserved in any agreement that might be made, and the Dominion would be allowed to determine later whether it desired to be included. In a negotiation with a foreign country relating specially to Canada, Canadian statesmen would be entrusted with the service, but they would act in an Imperial capacity. It was in that way that the commercial treaty between France and Canada was made, the Canadian Ministers having the matter in charge being fully accredited by His Majesty, along with the British Ambassador in Paris, as Plenipotentiaries for the purpose. The recognition of the right of the Dominions to manage their own affairs is about as complete as it could possibly be under our present constitutional system. There is not the smallest ground for fear that Messrs. Runciman and Law will take any action at the Paris conference that will adversely affect the interests of the Dominion or of any of them. If Mr. Hughes presses his request it may have to be granted, for under present circumstances the Imperial Government will naturally be unwilling to oppose the wishes of the Dominions. But the presence of Mr. Hughes at the table, with an implied right to play his own hand irrespective of the position that may be taken by Mr. Runciman and Mr. Law, is more likely to make for discord than for Imperial unity.

Royal Commission or Committee?

THAT there is need of an inquiry into the transactions of the Shell Committee of Ottawa concerning the supplying of munitions of war is no longer a matter of dispute. The question upon which division now exists is as to the body which shall undertake the inquiry. The Opposition leader moved for a Committee of the House of Commons. The Government have resisted this motion and determined to appoint a Commission composed of two eminent judges.

This is one of the not unusual instances where a pretty strong case can be made out on either side. As a matter of constitutional principle there can be no denial of the contention that the House of Commons, the representatives of the people, is the body charged with the responsibility of controlling the expenditure of public moneys, and the body to which all officials must account for their conduct in relation to such expenditures. To say that the House is incapable of being entrusted with the performance of its duty in this respect, through one of its committees, is to strike at the very foundation of popular government. If the House is not capable of directing and controlling, through one of its committees, an inquiry into the expenditure of money, what function of government is the

House fit to undertake? That investigations by Parliamentary committees are often marked by party strife, and often evoke conflicts that do not add to the dignity of Parliament, may be admitted. But that is true of all Parliamentary proceedings under the party system in a democratic country; yet nobody suggests that for this reason Parliament should be abolished.

While the Parliamentary inquiry is open to criticism in this respect, it is a fact that this very party feeling, regrettable as it sometimes is, makes for a thoroughness of search that is not always found in a more dignified judicial inquiry. For illustration of this we may turn to the Davidson Commission of Inquiry, which has not yet made a report. The Commissioner is a retired judge of acknowledged ability and the highest character. He is assisted by a legal gentleman of undoubted ability and integrity. Both unquestionably desired to do their duty. But who will say that the inquiries made by this tribunal have been as searching as those which take place before a committee of the House of Commons? The much-talked of Colonel J. Wesley Allison was a witness before the Commission. How much information was obtained from him? Is it conceivable that if his examination had taken place before a Committee of the House of Commons nothing more would have been elicited? The House Committee on Public Accounts has for over a month been endeavoring to find Col. Allison, to get information which the Davidson Commission failed to get. The system of committee inquiry has more merit than some are willing to place to its credit.

Royal Commissions are not always prompt and energetic. They usually begin with a flourish, but in too many cases they soon fall into very slow movement. Judges have other duties to perform, and easily find reasons for not being able to push their inquiries. Investigations of this kind have a habit of dragging along very slowly, until the people who at one time felt a keen interest in the matter in hand have forgotten what it was all about. Parliamentary committees, as a rule, stick to their work, and come to conclusions within a reasonable time. If, as often happens, they are divided in opinion, they have at least given the public all the facts of the case, and the people, thus fully instructed, can form their own conclusions as to the matters in dispute.

There is, however, one ground upon which the appointing of a Royal Commission may in some cases be successfully defended, even though it is to deal with a matter that properly falls within the scope of Parliamentary authority. If the session of Parliament is near its close, or far advanced, and if the matter to be inquired into is likely to necessitate a prolonged investigation, it might be inexpedient to keep Parliament in session for the purpose of the inquiry. The balance of convenience might be in favor of closing the session when the other business has been disposed of and leaving the particular matter in question to be inquired into by a Royal Commission. Perhaps the state of the sessional business may furnish such a reason in the present instance.

The limited extent of the investigation now contemplated is a matter in which the Government have left their opponents much room for criticism. The contention of the Government, up to a few days ago, that the business in question was Imperial and not Canadian, and therefore not open to investigation by the Canadian Parliament, had much force, although somewhat weakened by the admission that a part of the munitions bill would have

to be paid by Canada. But when this ground is no longer held, when the propriety and, indeed, the necessity of investigation is acknowledged, it is not easy to see how the Government can logically say, "we will agree to inquire into three or four things, but beyond that there shall be no investigation." Such a position cannot be maintained with success. The door, if opened at all, should swing wide for inquiry into the whole matter. The impression in some quarters that the Government are allowing such an investigation by Royal Commission as the Opposition leader asked by committee, and that the only difference between the two views is as to the choice of a tribunal, is quite erroneous. A friendly journal, the Montreal Daily Mail, says:

"The Government is wise in making the scope of the Royal Commission to investigate the operations of Allison, the approved of Hughes, as wide as possible. Apparently there's millions in it, and the honest elements in all parties should be informed as to what became of the huge commissions. Allison's operations at Morrisburg and Cornwall, where there were serious customs misunderstandings and irregularities, might well be taken from the wrangling politicians in the investigating committee and handed over to an independent body where 'log-rolling' would not be a feature, and where the rulings of a judge would replace those of a party server. Allison's evasion of customs imposts was, on the face of it, fraudulent, and it should be investigated to the last detail. Anything else will not satisfy the duty-payers of this country, who have felt the annoying application of departmental red tape in their contact with the Customs Department and its officers."

The Order-in-Council authorizing the appointment of the Royal Commission does not "widen the scope" to cover such an inquiry as our contemporary says is necessary. The Opposition leader's motion called for an inquiry into "all purchases of shells or other munitions or goods by the Shell Committee." The Royal Commission is authorized to inquire into only four contracts which were mentioned by Mr. Kyte, the member for Richmond, N.S., in his speech. The things so forcibly stated in the Mail cannot be touched by the Royal Commission. There is a passage at the end of the Order-in-Council which must strike all readers as extraordinary. The Royal Commission is to be empowered to investigate, besides the particular contracts mentioned, "such matters relating to the acts or proceedings of the Shell Committee as may be referred to the said Commission by"—by whom? Not by Parliament, not by the men who have brought the matter to public notice, not by any of the counsel to be engaged, but "by Order-in-Council from time to time." The charges, whether they are just or unjust, are against the Government, and particularly against one of the Ministers of the Government, and these Ministers are themselves to decide "from time to time" just what matters beyond the four contracts the Royal Commission shall be permitted to investigate! To give the parties accused the right to determine what shall be given to the jury is such a remarkable form of administering justice that there will be widespread surprise that it has been adopted by the Prime Minister. If he is wise he will speedily abandon the untenable position and throw open the door to the fullest inquiry.