

hope you don't mean to say that He blunders when He gives anybody a pretty face."

"Handsome is that handsome does," was the favourite reply of Sarah Lister, Hugh Lister's wife.

"That is all nonsense," Lavinia protested; "handsome is that handsome is. Why cannot you take things as you find them, and not be trying to show that a cherrystone is the best part of a cherry."

Lavinia was a bit flighty herself before she settled down as the wife of Sep Loom, and her advocacy was not a very fortunate circumstance for Annice. As Sarah Lister said, when Lavinia was not present—

"There was a deal of talk about Lavinia at one time. The best of being careful all your life is that you are not tempted to talk silly when you give your opinion about things."

Philip Gledwin saw no fault in Annice, and if a neighbourly meddler dropped a hint about the dangers of the world, and the need for young people, young girls especially, being circumspect and careful, he listened to them in his own quiet, respectful manner, just as he would if he had been listening to a disquisition on the desirability of wool and cotton having a good fibre.

Philip always urged Spence to compete for the Scholarship; and when it was known that the bequest would not be disputed, he was puzzled to see that Spence was disheartened about something. Annice noticed it too, and she told her brother that Spence was "as dull as a fiddler at a funeral."

Neither Philip nor his sister knew anything about Spence's feeling towards Hilda. How could they, when he had never breathed his secret to anybody?

But it was something which Philip said one night which brightened Spence's hopes, and made him resolve to compete for the Scholarship, though he had almost decided to remain at the loom and bury all his ambition.

Spence and Philip were talking together, and Annice was busy with household duties. The subject of conversation was the gossip about Caster and Hilda. Philip did not believe they would ever make a match of it, and he gave his reason as follows:—

"A mate of mine at the Mills, who comes from Milltown, was telling me to-day that Caster is courting a young woman near his home, called Luton's

Madge, that is the name Jake Binns gives her, and he says she is the finest looking-girl in those parts. I never knew Jake Binns to tell a lie."

Spence knew that a great joy was showing itself in his face, and he suddenly turned to look at Annice. She was standing near the table, and gazing at Spence with terror in her eyes. She recovered herself, however, and left the room. Spence felt uneasy. Had he betrayed himself? What did Annice mean by that look?

But the conversation decided Spence to make the great plunge. He sent in his name as a candidate, and when the examination was held he obtained the Scholarship with ease.

For the first time since his boyhood he was invited to the Knoll, after his success was assured. Mrs. Travis wanted to congratulate him. She had not forgotten Thew Norland's kindness to her at the time of her marriage. The two other daughters of Abel Claxton were present, Emma and Jane. They dined together, and a pleasant evening was spent. Hilda and Spence had been too intimate since childhood for him to feel any embarrassment in her company. But how his heart was beating! and what visions of the future passed before his mind!

On the following day Spence was leaving Mordene to take up his abode in Milltown as a student at the County College. He called to see Philip Gledwin on his way home, and found Philip alone, with wretchedness depicted on his face.

"Are you ill?" Spence asked.

"No, I am not ill," replied Philip. "You go away to-morrow, and I have made up my mind to go away too."

"Where will you go? Is anything wrong? Can I help you?"

"No. Nothing is wrong. I think I shall go to London. I will write and let you know when I am settled. Now good-bye, dear old fellow, good-bye."

Philip was nearly breaking down, and Spence could not find in his heart to ask any more questions. He could hear somebody sobbing in a heart-broken fashion upstairs, but he went away, sad and mystified, to spend his last night, or the few hours which remained of it, with his father and grandmother.

END OF CHAPTER THE THIRD.

WHAT IS A ROYAL COMMISSION ?

BY GEORGE HOWELL, M.P.

THERE appears to be a considerable amount of misapprehension in the minds of many persons with respect to the appointment, the functions, and the powers of a "Royal Commission." Some forty years ago a very able writer* published a work entitled "Government by

Commissions Illegal and Pernicious," in which he vigorously attacked the system of Crown-appointed Commissions, as being opposed both to constitutional principles and to ancient practice. It is not quite clear whether that clever and learned writer did not, in some respects, confound two things essentially different, namely, Royal Commissions of Inquiry, and Crown-appointed Commissions for Administrative

* J. Toulmin Smith, Barrister-at-Law. Published by J. Sweet, Law Bookseller, Chancery Lane.

purposes. It is certain that some of Mr. Toulmin Smith's strictures scarcely applied to the former, although in numerous instances they were strictly applicable to the entire system of Crown-nominated Commissions.

A Royal Commission of Inquiry is instituted by the express authority of the Sovereign, through a responsible Minister of the Crown, usually the Secretary of State for the Home Department. It may issue at the solicitation of the Government, or may be prompted by Parliament; most frequently it is called into existence either by direct action in Parliament, or by pressure outside, or by both combined. Sometimes the issue of a Royal Commission of Inquiry is found to be a most convenient mode by which a Ministry may retreat from a false position, or justify a change of policy, in regard to some matter not necessarily involving a party political conflict, or vote of want of confidence. An instance of this kind occurred in 1874, when the Government resolved to abandon the attitude of resistance to the demand of the working classes, for the repeal of the criminal laws affecting labour. The Royal Commission, then appointed, constructed a carpeted bridge whereby opponents, hitherto, became converted to a policy of repeal; the result being the Labour Laws, 1875.

Generally speaking, a Royal Commission is the outcome of pressure brought to bear upon the Government by adherents or opponents, or by both, with reference to some matter of importance, with regard to which there is not any general consensus of opinion, or upon which it is thought desirable to obtain reliable information, not readily accessible in any other way. Or it may be the Government find it to be a convenient method by which to satisfy the public, as regards some matter which is attracting much attention, when they cannot speedily decide which is the best course to pursue in reference thereto.

Take, for example, the Royal Commission on Depression of Trade and Industry, appointed in 1885. There were general complaints as to the condition of trade, and various conflicting theories were promulgated as to the causes and extent of, and the remedies for, the state of things then existing. So persistent were the complaints that no Government could well resist the demand for an inquiry. Having resolved to grant the inquiry, the next thing to be done was to constitute the Commission. The number, and to a large extent the character, of such a Commission is settled by the Government.

There seems to be no uniform rule as to the composition of a Royal Commission. Sometimes the more prominent advocates of a given policy are selected; at other times they appear to be purposely left out in the cold. But the Government take care that the Commission is so constituted that they shall have a majority, in certain eventualities. This secured, they select men of known integrity and ability, to whom overtures are made, with the view of inducing them to join the Commission. To use a common phrase, they are sounded as to their views, and as to whether they will consent to act on such Commission. This is done

individually until the list is finally made up. As a matter of honour, each of the persons sounded treats the communication, whether oral or written, as a confidential communication, which he is not at liberty to disclose.

The list of Commissioners having been completed and submitted to Her Majesty, the warrant constituting the Commission is issued. The commands of the Sovereign are communicated to the several Commissioners by the Secretary of State, thus: "Victoria R. Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, To Our right trusty and right well-beloved cousin and councillor;" if a Privy Councillor, and a Peer of the realm, and "Our trusty and well-beloved," if a Member of Parliament or private citizen of the realm. The names of the whole of the Commissioners are then set out in full, with their titles, if any, in order of precedence, "greeting." "Whereas we have deemed it expedient that a Commission should forthwith issue to inquire and report upon"—the subject of the inquiry is then briefly stated. The warrant then proceeds: "Now know ye, that we, reposing great trust and confidence in your knowledge and ability, have authorised and appointed, and do by these presents authorise and appoint, you the said"—then follow the names in the order first given, but without their titles—"to be Our Commissioners for the purposes aforesaid."

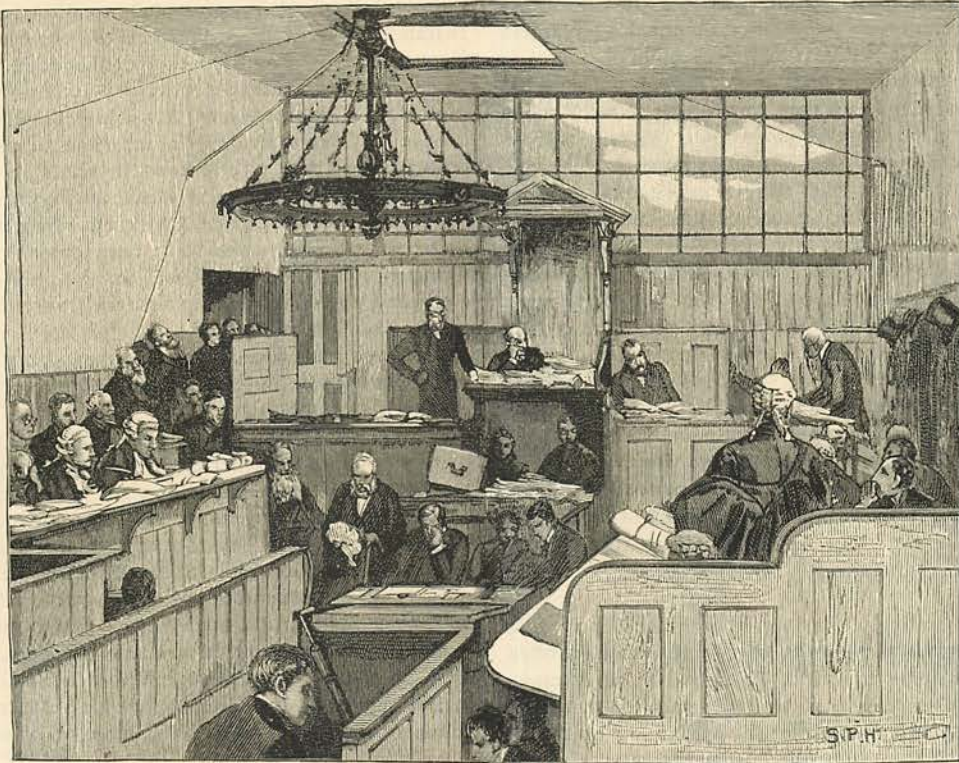
The general scope and mode of the inquiry is then set forth, the number that shall constitute a quorum is stated, and the powers of the Commission are defined. As some of these powers are disputed, it will be useful to give here an example of the kind of powers conferred:—"And for the better effecting of the purposes of this Our Commission, we do by these Presents give and grant unto you, or any six or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also to call for, have access to, and examine all such books, documents, registers, and records as may afford you the fullest information on the subject; and to inquire of and concerning the premises by all other lawful ways and means whatsoever." These, or similar words, are generally used in all such Commissions, the other portions of which vary according to circumstances, and the nature of the inquiry to be conducted.

The Chairman of a Royal Commission is usually, if not invariably, appointed by the Government, and his name stands first in the list of the Commissioners. The Secretary is also generally appointed by the Crown, and is named in the Commission; but there are exceptions to this rule. The Secretary to the Accidents in Mines Commission was, if we mistake not, appointed by the Commissioners. The first meeting is summoned by the Chairman; at which meeting the order of procedure is arranged, the days and times of meeting are fixed, and other details are decided upon. There is, as a rule, very little formality in the proceedings from first to last. Generally the Commissioners sit around a table and examine the witnesses, who

are also seated. After the first meeting the Secretary sends out the notices for successive meetings, summons the witnesses, obtains and arranges the documents, and prepares the general business of the Commission.

The proceedings of the Commission are reported by skilful short-hand writers; usually the same reporter attends throughout the inquiry, invariably the same remains during any one sitting. His "notes" are taken away from time to time, and are transcribed by others. By this means the greatest accuracy is

difficult to dispel. The position on a Royal Commission is an honourable one; it is also honorary. No member of a Royal Commission is paid, nor is there any emolument attaching thereto. The only paid officer is the Secretary. Witnesses are sometimes paid, but generally they only get their travelling and hotel expenses, if called from a distance. If scientific experiments are conducted and experts are called in, the Commission have power and authority to pay them. If the Commission is a roving Commission, and



THE ROYAL COMMISSION ON THE METROPOLITAN BOARD OF WORKS TAKING EVIDENCE
IN WESTMINSTER SESSIONS HOUSE.

insured, because the reporter knows the Commissioners, and is able to follow their questions with ease and facility.

It is seldom that the inquiry is conducted with open doors, but in some cases strangers are permitted to be present. In the Trade Union Inquiry in 1867, some officers of the Unions were allowed to be present; and at Sheffield and Manchester the inquiry was conducted in open court. Generally, however, it is held with closed doors, and little is known of the proceedings until the Report appears. If the inquiry is a long one, "Interim Reports" are issued from time to time, giving the evidence already taken, and such documents as are deemed useful and proper to be published.

It is popularly supposed that Royal Commissioners are paid, and some persons seem to sigh for the snug berth. This is one of the popular delusions which it is

required to visit distant places, each Commissioner who attends is allowed £1 1s. per day for expenses, and his railway fares. Even in this matter some curious instances have occurred. It is stated that Sir Frederick Abel was only allowed fifteen shillings per day when out conducting experiments for the Mines Commission, that being the amount allowed by the Department having the benefit of his services; but all the other Commissioners were allowed a guinea per day. Of course Sir Frederick was employed and paid by the Government, but considering the nature of the experiments he conducted, and the dangerous character of some of them, the deduction of six shillings per day, when away from home, in distant parts of the country, seems rather close shaving. Of course this information was not derived from Sir Frederick Abel, nor does he know that the incident is being mentioned.

In so far as Royal Commissioners are concerned, the only piece of extravagance that can be charged to them individually and collectively, is a little light refreshment during a lengthened sitting.

The chief expenditure in connection with a Royal Commission is the cost of taking the evidence, and the printing thereof. This item is sometimes, often indeed, very heavy, as may well be imagined, when the extent of some of the inquiries is known and understood. In many cases the investigations have been carried on for several years, and have involved prolonged visits to various countries beyond the confines of the United Kingdom. Whether in all instances the researches undertaken, and the information obtained, were worth the trouble and cost, is a matter of opinion ; but it is doubtful whether the facts could have been collected satisfactorily in any other way. At any rate, public men will place more reliance upon evidence so collected and digested, by a body of impartial Commissioners, than they would upon the information obtained by a private individual, however able, competent, and distinguished he might be.

In an elaborate inquiry, the mass of evidence to be digested is enormous ; and the labour of preparing a Report thereon is immense. Here, again, there is often a difference of opinion as to the intrinsic value of a Report. But those who desire to investigate for themselves have the evidence at hand, by the light of which they can read and interpret the Report. There is also invariably an excellent index to the whole of the evidence and to the papers in the Appendix, so that every facility is given for a critical comparison of the Report with the weight of evidence. Even at the worst, if there is the bane, there is also the antidote, to render it innocuous.

The elaboration of the Report, or Final Report, as it is called, when "Interim Reports" are issued, is often a matter of some difficulty. The views of the Commissioners are frequently of a very opposite character, and the Chairman is invariably anxious to present a "unanimous Report." There is, therefore, a tendency to compromise here and there, to express the conclusions arrived at in very general terms, and to smooth down all minor differences of opinion. This is the reason why so many Reports are adversely criticised—they seldom satisfy extreme men on either side of the controversy. Notwithstanding, however, all this care and anxiety to be unanimous, it not unfrequently happens that there are divergences which cannot be reconciled. In this case, there is a majority Report and a minority Report. In other cases there is a general Report, with several individual dissentient Reports on specific points. Indeed, perfect unanimity is the exception, rather than the rule, as regards the Reports of Royal Commissions.

When the Final Report, or Reports, as the case may be, has or have been agreed to, revised, signed, and handed to the Minister of the Crown, to be laid before the Sovereign, the Commission is at an end. There is no kind of formal dissolution—no formality of any sort ; the work that the Commissioners were called on to perform has been completed, and they disperse,

often never to meet again. The usual friendly compliments are exchanged, and then they depart, each to his avocation or pleasure, often exceedingly glad to be relieved of their onerous duties.

There is one point of great importance to be remembered in connection with Royal Commissions, namely, every Commissioner feels bound, as a matter of honour, not to divulge what transpires before the Commission. It is regarded as a serious breach of confidence to make known the Report, or any portions of it, before it has been "laid before Her Majesty," and before it is issued by the authority of the Minister through whom it is presented to the Sovereign. Instances have occurred in which the contents of the Report have been anticipated by publication in newspapers, but such instances are rare. Even where such premature disclosures have happened it is difficult to believe that any individual Commissioner intentionally violated the confidence reposed in him. It is more than probable that, in private chat among friends, the points under consideration have cropped up, and that those partial disclosures have been carefully pieced together, and then published to the world. The Secretary, the short-hand writers, the transcribers, the printers, and all through whose hands the Report and proceedings pass, are bound to secrecy ; and, to their credit be it said, the confidence reposed in them is seldom if ever abused.

In a previous paragraph it is stated that some of the powers apparently conferred by a Royal Commission are disputed. These are : the right of administering an oath, of compelling the attendance of witnesses, of having access to books, documents, registers, and records. The commands of the Sovereign in these respects do not constitute law. It is seldom that they are disregarded, or set at defiance ; but a refusal to attend as a witness, or to produce the books, documents, registers and records, entails no disability, and carries no penalty. Coke says, with respect to the administration of an oath without warrant, with express reference to such Commissions, "Commissioners that sit by force of any Commission that is not allowed by the Common Law, nor warranted by authority of Parliament, that minister any oath whatsoever, are guilty of high contempt, and for the same are to be fined and imprisoned." And he adds, "Commissions of new inquiries, or of novel invention, are against law, and ought not to be put in execution."* Lord Abinger is equally strong in his declaration of the law. He says, "I am of opinion that the Crown cannot, by virtue of the prerogative alone, compel any subject to make communications or disclosures upon oath, or otherwise, except in a due course of the administration of justice." Sir William Follett expressed a similar opinion with reference to the Municipal Corporations Commission.

But Commissions of Inquiry can be, and often are, armed with statutory powers ; such Commissions then have, or may have, powers almost beyond those possessed by the High Court of Justice. For example,

* 3 Inst. 165. See also 2 Inst. 280 and 495 ; 4 Inst. 163 ; and 18 Edw. III. c. 1 and c. 4.

the Royal Commission, instituted in 1867, "to inquire and report on the organisation and rules of Trades Unions and other Associations, with power to investigate any recent acts of intimidation, outrage, or wrong, alleged to have been promoted, encouraged, or connived at by such Trades Unions or other Associations," were armed with statutory powers, and those powers were extended by a subsequent Act in such a way as to be practically unlimited. The Commissions under those Acts brought to light disclosures that shocked the public, and they were empowered to pardon, and did pardon, all who had taken part in such outrages.

Lord Randolph Churchill in moving for a Royal Commission "to inquire into and report upon the working of the Metropolitan Board of Works, and into the irregularities which are alleged to have taken place in connection therewith," expressly provided that such Royal Commission be "empowered by statute to take evidence on oath, to compel attendance of witnesses, to grant certificates of indemnity to witnesses in such cases as may be desirable and proper, and to call for all necessary records and documents." In this case, as in the preceding one, the Commission is armed with statutory powers, and can punish all who may withhold documents, refuse to give evidence, or who may give evidence falsely. These two instances are sufficient to show that Crown Commissions, unless armed with statutory powers, are without authority to compel, or to punish.

The question arises whether these Royal Commissions are really worth the expenditure and the labour which they involve. Upon this point there is, and well may be, a divergence of opinion. It is certainly doubtful whether the mass of valuable information which is collected by this means could be brought together in any other way. The Report and evidence of a Royal Commission have often influenced the decisions of Cabinets, and have frequently prompted, or, if not prompted, have accelerated legislation, especially on social and domestic questions. Legislation with respect to factories and workshops, friendly societies of all kinds, sanitation and health, mines and miners, the poor laws, labourers' and artisans' dwellings, education, endowments, municipal reform, and even statute law revision and amendment, all owe much to the careful inquiries instituted in the first place, or at some later stage, by Royal Commissions. Nearly all the remedial measures passed during the present century have been promoted, rather than retarded, by such investigations.

The great complaint against such costly inquiries is

that the information is hidden in voluminous blue books, which are inaccessible to the great mass of the people. The only way in which this valuable matter can be rendered more accessible is by distributing sets of such papers to public libraries throughout the United Kingdom. It is certainly deplorable that information gathered together at such cost, and with so much labour, should be practically unobtainable. It is questionable whether half a dozen libraries in this country contain a complete set of the invaluable Reports, of all the Royal Commissions that have sat since the Union. Some are notoriously difficult to obtain, others can only be seen at the British Museum, or in the Library of the House of Commons. The destruction of such Reports is positively sinful.

Space will not permit of any lengthened list of even recent Royal Commissions, but the following list may be of interest. The Royal Commission on the working of the Elementary Education Acts, appointed in 1886, has not yet issued its Final Report; but the three volumes of evidence already published fill 2,416 pages, and cost £1 5s. 6d. The First Report of the Commission on Civil Establishments, appointed in 1886, covers 684 pages, and costs 7s. 2d. That Commission is still at work. The Gold and Silver Commission, instituted in 1886, was revoked, and a new Commission was issued in 1887; two Reports have been published, consisting of 658 pages, and costing 7s. 4d. The Commission on Warlike Stores has published two volumes of evidence, &c., consisting of 1,254 pages, price 13s. 6d. The Royal Commission on Depression in Trade published five Reports, consisting of 1,724 pages, costing 19s. 11d.

Some of the more famous Royal Commissions of modern times are: On Accidents in Mines, Loss of Life at Sea, Technical Education, Agricultural Depression, Employment of Women and Children in Agriculture, Trade Unions, the Labour Laws, Factories and Workshops, Housing the Working Classes, Sanitary Condition of the Working Population, Municipal Corporations, Poor Laws, the Constabulary Forces, Criminal Law, City Guilds, Harbours, Ecclesiastical Revenues, Charities, Irish Church, Irish Land, and numerous others. Whatever may be the demerits of this mode of "new or novel inquiry," the desire for Royal Commissions is not abated; on the contrary, they seem more than ever in favour. In so far as they may aid in promoting wise and beneficent legislation, they are commendable; if their object is delay, they can be spun out so as to achieve that object in a manner which is open to severe criticism.

