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GREAT BRITAIN AND
THE DOMINIONS

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GREAT BRITAIN AND THE DOMINIONS

[Lectures on the Harris Foundation 1927]

By

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FOREWORD

The first, second, and third institutes on the Harris Foundation dealt respectively with European, Far-Eastern, and Mexican affairs. The fourth institute, from June 21 to July 8, 1927, dealt with "Problems of the British Empire." India and the Crown Colonies, which, together with Great Britain, the Irish Free State, and the Dominions, constitute the British Empire in the usual sense, were only touched upon incidentally in the public lectures; consequently this volume has been given the title, *Great Britain and the Dominions*. The internal structure and foreign policy of the Empire as a whole are, however, dealt with, especially in the lectures by Sir Cecil Hurst. The lectures are all printed substantially as delivered during the institute, with the exception of that on New Zealand by Mr. Condliffe, which was prepared by request after the institute was over.

The qualifications of the authors to speak authoritatively on the subject with which they deal are in part indicated on the title-page. Sir Cecil Hurst has been connected with the British Foreign office for twenty years, has participated in many international and imperial conferences, has written numerous articles on legal subjects, and is editor of the *British Yearbook of International Law*.

FOREWORD

Mr. Smiddy was professor of economics and dean of the faculty of commerce at University college, Cork, before becoming first Irish minister to the United States. Mr. Dafoe, besides a long experience as editor of one of the most important liberal papers in Canada, the *Manitoba Free Press*, represented the Canadian department of public information at the Paris Peace Conference in 1919 and has written several books, including *On the Canadian Battlefields*, *Laurier: A Study in Canadian Politics*. Sir Harrison Moore, long dean of the faculty of law of the University of Melbourne, has served as constitutional adviser of the government of Victoria, and has written many books on legal subjects, among them *Act of State in English Law*, and *The Constitution of the Commonwealth of Australia*. Mr. Condliffe left his professorship of economics at Canterbury College, New Zealand, in 1927 to become research secretary of the Institute of Pacific Relations, with headquarters at Honolulu. Mr. Louw has served as trade commissioner of the Union of South Africa to the United States and Canada by appointment of the Union government. Mr. Fletcher left his law practice in South Africa to accept an appointment under the British Foreign Office as director of the British Library of Information in New York.

QUINCY WRIGHT, *Executive Secretary*

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THE BRITISH EMPIRE AS A
POLITICAL UNIT

By SIR CECIL J. B. HURST

THE BRITISH EMPIRE AS A POLITICAL UNIT UNDER INTERNATIONAL LAW

It is not easy in the course of three brief lectures to deal intelligibly with such a subject as the British Empire as a political unit under international law. The British Empire is a strange complex. It is a heterogeneous collection of separate entities, and yet it is a political unit. It is wholly unprecedented; it has no written constitution; it is of quite recent growth; and its development has been amazingly rapid. These are all characteristics which it is essential to bear in mind if one tries to understand how the British Empire functions as a political unit, yet they are circumstances which people very often forget. Some people perhaps have never realized them.

It is quite useless to compare the British Empire of today with any of the great empires of the past. I doubt whether any of the latter possessed a single trait in common with the subject of these lectures. It is equally useless to compare the British Empire with any of the great powers of the modern world because there you will find that in every case the chief characteristic is the strength

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—I might almost say the omnipotence—of the central government: if the central government weakens, the whole entity collapses. Look at the China of today, a country in a state of seething disintegration merely because of the complete collapse of the central government; and yet if one only counted heads, China would be today the greatest power in the world.

My subject is the British Empire as a political unit under international law. If that title were interpreted strictly I ought perhaps to leave on one side everything which relates to what I may term the internal functioning of the Empire, that is to say, the relations between the component parts of the Empire themselves. But that I cannot do. I can and shall leave out of account everything which relates to the purely domestic concerns of the separate units, but one cannot understand the functioning of the Empire in international law—or rather in international relations, i.e., the relations between foreign powers and the Empire as a whole or between foreign powers and individual units of the Empire—without knowing how the various units of the Empire conduct their relations *inter se*, because their method of conducting their relations *inter se* is reflected in their dealings with foreign states.

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Furthermore, one must have some clear idea of what this British Empire or British Commonwealth of Nations consists of, and therefore I trust you will forgive me if I attempt first some rough diagnosis or classification of the numerous entities which are united by the common bond of allegiance to our King.

Of Great Britain the mother-country I need say but little; it is the part of the Empire with which as a rule foreigners are better acquainted than with any other; it is at any rate a country which is no stranger to the governments of the world in international affairs. It is one with which for centuries they have been accustomed to conduct their relations. It is one whose characteristics make it an object of interest and sometimes of study to most of the people in this country, whatever may be the feelings they entertain toward it.

Then there come the five great self-governing dominions: Canada, Australia, New Zealand, South Africa, and the Irish Free State. These are the units whose existence and whose status in the world of international affairs is today such a puzzle to many people. Even if their present status is at first a little difficult to understand, everyone ought to try to understand it. It is a source of dissatisfaction to the statesmen of the dominions that the

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position of their countries should not be understood; and if it is not understood by foreign governments it will lead to mistakes in the handling of particular questions, and out of such mistakes will grow friction and mistrust.

These five dominions stand in a category by themselves because they have all been admitted to separate membership of the League of Nations.

Next comes in a class by itself Great Britain's oldest colony, the Dominion of Newfoundland. Newfoundland is admitted to membership in the periodical meetings of the Imperial Conference in London on precisely the same footing as Canada or South Africa; she enjoys the same measure of autonomy; she is mistress of her own destinies to the same extent as they are; yet she has never been admitted as a member of the League of Nations. I do not know that she even aspires to that somewhat burdensome recognition of the full measure of freedom which she enjoys. If Newfoundland looks to the mother-country to a greater extent than do some of the other dominions for the conduct of her relations with foreign powers, it is only because she chooses that path for herself; not because she is forced or bound to do so.

Let me take next, because again it occupies a class by itself, the youngest of the self-governing

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units of the British Empire, Southern Rhodesia. I say the youngest because it was only in 1923 that the territory was formally annexed to the British Crown; up till then the administration and government of the country had been vested in the British South Africa Company. Southern Rhodesia has not yet been admitted to membership of the Imperial Conference, but she again is mistress of her own destinies. The government is in the hands of a cabinet which is responsible to the legislature.

Next I must mention India, in area approaching 2,000,000 square miles and its population over 300,000,000, a huge dependency already enjoying a great and increasing measure of self-government. By a resolution of the Imperial War Conference of 1917 India was given the right to be fully represented at all future Imperial Conferences, and now her members sit there on the same footing as the representatives of Canada or of the other dominions. India was also admitted as one of the original members of the League of Nations on the same footing as the other parts of the British Empire. These measures are of course a recognition of the fact that India is on the road to the status of a fully self-governing nation in the Empire. The rapidity of her progress in that direction lies in her own hands. Her status today is regu-

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lated by the Government of India Act, 1919, and provision is made in that enactment for the re-examination of the situation in ten years' time after the passing of the Act to see what further progress is possible in the policy of the full realization of responsible government in India.

Of the remaining units which the British Empire comprises I need not attempt to give any detailed account. They are multitudinous in number, infinitely various in form, and differ widely in the degree of development to which they have attained. They have this much in common: that in every case, but in varying degree, one of the self-governing units of the Empire is responsible for them. In most cases it is that of Great Britain, but Australia, New Zealand, and South Africa all have dependencies for the government of which they are responsible. Theoretically that responsibility involves sufficient control to insure fulfilment of international obligations, but each of these units is in touch with the outer world and in each of them events may and do happen which give rise to international questions.

The outstanding characteristic of the earlier units which I mentioned is the autonomy which they possess. In the great self-governing dominions that measure of autonomy is now complete. In the

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words used in the *Report of the Imperial Conference of 1926* to describe the status of Great Britain and the dominions, they are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations.

That status of equality with Great Britain to which the dominions have now attained has been a matter of recent and of rapid development. It is because of the rapidity of the development that misconception is so prevalent as to the extent and the nature of the autonomy which the dominions enjoy.

Perhaps it will help toward a clearer understanding of the problems connected with the Empire as a unit if I attempt a rapid survey of the colonial policy of Great Britain during the last century. It will help to explain why there has now come about this complete autonomy of the dominions.

A century ago the British colonies overseas were, speaking broadly, in the enjoyment of what was termed representative government wherever the settlers of British or other European origin

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formed the predominant element in the population. Representative government meant in some form or other a governor, appointed by and responsible to the King's government in London, and in whom was concentrated the executive authority, though he was sometimes assisted by an executive council chosen by himself and responsible to himself alone, the legislative power, including the power to tax, being vested in an elected Assembly. The result of this division of powers between the executive and the Assembly was perpetual conflict. However much the Assembly might dislike the policy of those responsible for carrying on the government, it had no power to dismiss them. On the other hand it had unlimited power and unlimited opportunity to make the conduct of government impossible. Government could not be carried on without money, and if the Assembly would vote no supplies, there was no money. The government was in the hands of the governor, and the governor was responsible to London; but he could not carry on the government without the help of the Assembly. If the system worked at all it must have been because of the mutual forbearance and good sense of the responsible ministers in London and the people of the colony. The position of the governor of the colony must frequently have been intolerable. It is of

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course true that the first to feel the inconvenience of any breakdown in the government were the people of the colony themselves, so that they had no encouragement to refuse supplies. Friction, however, was as a rule incessant. When relations became too bad the antagonism culminated in definite defiance and resistance to the government. It was outbreaks of this kind which led to the dispatch of Lord Durham in 1838 to investigate the turmoil into which affairs had fallen in the two provinces of Upper and Lower Canada.

Lord Durham's report on the condition of things in British North America and his recommendations for their improvement has become a classic. It advocated the adoption of what is termed "responsible government," that is, the vesting of executive authority in a body of men responsible to the legislature, so that the legislature, without whose active collaboration in the way of enacting laws and imposing taxes the government cannot be carried on, becomes the real controlling authority.

It is an essential part of the system of responsible government that as soon as the executive government ceases to retain the confidence of the legislature it goes out of office. Parliamentary government in England today as it emerged toward

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the end of the eighteenth century and came to its full development in the nineteenth is founded on this principle. The acceptance of the Durham report by the ministers of the Crown in England, even though they did not realize it at the time, meant that parliamentary government in Canada would in the long run develop along the same lines as in Great Britain. Nay, more, it was bound to produce in the long run a parliament which would claim to exercise all the rights which were enjoyed by the parliament at Westminster. Nor could this result be confined to Canada. The acceptance of the plan for one dominion entailed its application in due course to all the self-governing communities which should subsequently come into being.

From the point of view of the dominions the important point to note is the evolution from a position of dependence to one of freedom from control. These great communities have all the time been climbing a ladder. Now they have reached the top; but the climbing process is common to all the communities which form part of the Empire. Each of them, whether the population is predominantly white or predominantly colored, is gradually, as it develops in strength and capacity, passing upward from the stage in which the community is wholly subject to control exercised from London

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to that in which the measure of control diminishes, and so on to that in which the control has ceased entirely. The dominions of today were but crown colonies in the past. The crown colonies of today will be dominions in days to come. There is nothing static about the British Empire.

What I have said previously does not, of course, apply to Ireland. The Irish Free State has come into being as a dominion by a different route. It has done so by the abrogation of the political union with Great Britain which had lasted for a century.

The sad and sometimes blood-stained history of the relations between Great Britain and Ireland before the treaty of 1921, which gave the southern parts of Ireland the status of a dominion with the same position in all respects as Canada, lie outside the scope of my subject. It is now a page that has been turned. We are concerned only with the present position which the Free State enjoys.

It is equally important to consider this same feature of the gradual evolution of the dominions from a position of dependence to one of freedom from control from the point of view of Great Britain. It was Great Britain which in days gone by exercised the control which has now passed into the hands of the dominions themselves. If the acquisition of complete control over their own affairs

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is regarded by the dominions as a gain, it would seem that the disappearance of her control should be regarded by Great Britain as a loss. Does she so regard it? Speaking as an Englishman, I do not and I cannot believe that any intelligent Englishmen do so. If regret at the disappearance of this control is not the general view in England, it is because the modern conception of colonies has completely changed. In early days when the commercial aspects of the colonial connection were the only point considered, a colony was regarded as nothing more than a source of raw materials and an outlet for manufactures, an overseas estate to be administered and exploited. No wonder that in those days perfect subordination of the colony to the parent state was considered the only possible basis of the connection. The material advantage of the parent state came first; the welfare of the colony was a secondary matter whenever its welfare and the interests of the parent state did not coincide. If that view had been permanently held in Great Britain it is certain that she would always have opposed the grant of increased powers to colonial governments. Still more would she have set her face against anything approaching the recognition of the perfect autonomy of the dominions today. She would indeed have regarded the upward prog-

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ress of her dependencies along the path of freedom and of self-control as so much loss to herself.

That she has not done so is to her credit, for to no country can the purely commercial aspect of the connection between a parent state and a colony have been more important than to a country like Great Britain, which lives by her foreign trade and is dependent for that trade on imported foodstuffs and raw materials and an outlet for her products. I do not suggest, however, that Great Britain adopted a liberal colonial policy such as that advocated in the Durham report merely in a fit of altruism. She did it because there were solid advantages. Discontented colonies were a source of weakness, not of strength. If conflicts between the governor and his council on one side and the legislature on the other became acute, there was always the risk of the conflict leading to a rising or to rebellion. Outbreaks of this kind entailed criticisms at home of the conduct of affairs by the government in office at the moment and they entailed expense. Peace and prosperity in the colony was an advantage to the government at home.

I do not wish to rest the case wholly on the material advantage of adopting a forward policy. No other, even though men were unaware of it at the time, could have endured.

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During the eighteenth century the manufacturing and trading interests in England had been able to force the government to maintain the connection with the colonies on the basis of what was known as the commercial system, a system under which the colonies were called upon to subordinate their commercial life for British protection against foreign aggression. Bitter experience in North America and in Ireland had taught the government in Great Britain what the fruits were of such a policy, and by 1839 this old *view* as to the basis of the connection with the colonies was dead, and with it disappeared the need of maintaining a control over the local political life of the community.

Again it was a different England which had to deal with the Durham report from that which maintained the strangle hold on the commercial life of the colonies during the eighteenth century. The Great Reform Bill of 1832 had been passed; the day of the rotten borough was over. It may only have been chance, but I think myself it was deep political instinct which led to the acceptance of the idea of allowing the people of the colony liberty to manage their own affairs. No other policy was consistent with the nature of the mass of the British people. The great contribution which Britain has made to the science of government is the

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idea of liberty and good government through freedom. No people which has won its own way forward along that path is likely for long to deny it to others. There may be occasions when a step forward may seem to have been required and not to have been taken, but in time the national instinct will reassert itself and the step forward will be made, if it is one for which the moment is ripe.

Whatever may have been the underlying cause, however, of the adoption by the British government in 1839 of the Durham report, it is the fact that in the twentieth century Great Britain accepts, and accepts gladly, the new status of complete equality with herself to which the dominions have attained. The period of subordination has, so far as they are concerned, come to an end. Even if the position of *primus inter pares* is given to her by the dominions she will enjoy it only because they give it to her, and not because she has a prerogative claim to it as of right.

If you ask me for evidence of the fact that Great Britain has accepted gladly the new status of the dominions, I would only say this: The principle of equality was more definitely proclaimed by the last Imperial Conference in 1926 than it had been before. When the report of the proceedings of that Conference was published it met with a chorus of

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approval in the newspapers. That immediate expression of approval by the press has not been challenged by public opinion during the months which have since elapsed.

The full political freedom of the autonomous communities of the Empire is the outstanding feature of today, but it is equally true that all these communities are united by a common allegiance to the Crown. The unity of Empire through the common sovereignty of the Crown results in there being many common interests, particularly in the domain of external affairs. Common interests are best served by common action. How can common action best be secured? Obviously the best method would be by unification of control.

Ever since the principle of "responsible government" came into effective operation there has been in some minds a feeling after some machinery for achieving unification of control in matters in respect of which common action is required. There was no need for it before that date because common action was insured by the subordination of all parts of the Empire to Great Britain. When once another government came into being within the Empire which was responsible only to its own legislature, there were the elements of potential disruption. For a time the problem did not come to the

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front because all that was advocated in the Durham report was complete autonomy in local matters, while reserving control over imperial matters and vesting it in the hands of the authorities in London. But where was the line to be drawn between matters of imperial concern and matters of local concern? And if it were possible to draw it, by what machinery was it to be drawn?

An attempt to do so was made and was made more than once. Sir William Molesworth, a great authority on colonial matters, proposed in 1850 that an exhaustive definition of the powers conferred on the governments of the colonies and those reserved to the government of Great Britain should be embodied in an act of parliament. Again in 1855 the attempt was made by one of the colonial governments in Australia, and a measure was prepared which it was proposed that the imperial parliament should enact, attempting to separate and to define the local powers and the imperial powers, the former being under the control of the colonial government and the latter under the control of the authorities in London.

It is fortunate that these attempts failed. If they had succeeded they would have been fatal to the gradual development of constitutional practice, and it is this alone which has rendered possible the

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progress of the dominions to the complete control of their own affairs. Progress would have been checked at the point reached in the early fifties, that is, pretty well the same as the stage reached by the acceptance of the recommendations of the Durham report, whereas with no mechanical fetter imposed by a statutory definition, progress toward complete control by the self-governing colonies over their own affairs was not long in beginning. One by one the subjects, which in the Durham report were to be treated as imperial matters, subject to the exclusive control of the authorities in Great Britain came to be regarded as matters which the colonial governments were entitled to regulate for themselves. In time the conduct of foreign affairs and, to some extent perhaps, defense seemed to be the only matters left.

In many minds this tended to produce alarm; it was feared that the disruption of the Empire could alone result from this unfettered power of decision enjoyed by the colonies in matters which were really matters of common concern to the whole Empire. There began to take shape a movement toward imperial federation. Particular upholders of the movement had their own plans, but nothing short of a scheme which provided for some central imperial parliament, chosen by the peoples

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of the self-governing parts of the Empire, and an imperial executive, responsible to such parliament and exercising control over foreign policy and over defense, the central imperial parliament being given power to impose taxation to be expended on matters which were subject to its control, would or could have met the aims of the promoters of the movement.

For a time during the eighties under the guidance of the Imperial Federation League the movement made headway. Interest in the colonial parts of the Empire was then strong in England, and the added strength which real unity would bring to the Empire as a whole made an attractive appeal both in England and overseas to all who considered the question. Statesmen and politicians professed to be upholders of the movement; many really were enthusiastic supporters; but then the pendulum began to swing the other way. A central imperial parliament in which was vested the control of certain subjects must mean divesting of some of their functions the parliaments which had exercised that control hitherto; and what parliament was willing to surrender any part of its prerogatives in this way?

An even more formidable, though perhaps less frequently enunciated, objection was the inequality

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of the elements to be united by the federal bond. Any central parliament to be chosen by the peoples it is to have power to tax must be chosen upon some basis which shall roughly represent the numerical importance of its constituents. If the distribution of seats in the proposed imperial parliament had ignored the population basis altogether and had been made on a basis of equal representation for each of the federated units, the result would have been grossly unfair to Great Britain. If the population basis had been adopted, the result would have been as grossly unfair to the units overseas. The scheme would have exposed them to taxation and control by a parliament of which Great Britain elected a majority.

By 1893 the body called the Imperial Federation League, which had been formed to foster the movement, came to an end; but the work it had done had quickened and encouraged the movement in favor of strengthening the unity of the Empire. Nor had the last been heard of the idea of establishing some central authority for the Empire with executive functions and powers of control so as to secure common action in matters of common interest.

At the Imperial Conference of 1911 the Prime Minister of New Zealand brought forward a resolu-

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tion in favor of the appointment of an imperial council of state. This council was to contain representatives of the self-governing parts of the Empire and was to deal with matters of common interest *to* the whole Empire, such as peace and war, naval defense, treaties, and foreign relations generally. The discussions which this resolution led to are all to be found recorded in a blue book,¹ and they show conclusively the insurmountable objections to the adoption of any such scheme where the units to be linked together are so unequal numerically as, let us say, Great Britain and New Zealand.

The Prime Minister of Great Britain summed up the difficulties in one sentence: "So far as the Dominions are concerned this new machine could impose upon the Dominions by the voice of a body in which they would be in a standing minority a policy of which they might all disapprove, a policy which would in most cases involve expenditure and which would have to be met by the imposition on a discontented community of taxation by its own Government."²

The recognition, however, of the need for common action in matters of common interest to the

¹ Imperial Conference, 1911 (Dominions, No. 7), Cd. 5745.

² *Ibid.*, p. 71.

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Empire was steadily becoming more general, and the movement in favor of creating some machinery insuring such common action received a fillip toward the close of the war through the activities the Round Table Group, a body of enthusiast-Imperialists with branches in Great Britain and in all the dominions. How else, it was argued, could a citizen from overseas of the great British Commonwealth of Nations find the full expression of his rights of citizenship if there were questions which to him were vital, such as the adoption of policies involving for his country the risk of war, which were decided by a government responsible to a parliament sitting at a far distant place and in the election of which he could take no part?

The diagnosis of the evil was correct enough; it was the remedy prescribed which was wrong. The instinct of the peoples of the Empire was leading them at this very time to claim under the stress of war a frank recognition of the full autonomy of the dominions and of the equality in status between Great Britain and the dominions, with the consequential right of the dominion governments to a voice in foreign policy. Fortunately also the political instinct of the people in Great Britain was leading them to a frank acceptance of this claim. A central imperial authority with power to coerce

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the self-governing units in the Empire cannot be reconciled with such a claim, and some such central authority is of the essence of any scheme of imperial federation.

Common action on matters of common interest remains just as necessary, even if it cannot be achieved by the method of unifying the control. Some means of facilitating such common action must, therefore, be found. Mere sending of dispatches between the different governments of the Empire is inadequate. It is too slow; and communications by cable are insufficient. Just as diplomacy by correspondence has proved itself inadequate in international affairs and has been supplemented by diplomacy by conference, so some additional method of arriving at a common line of policy is necessary for the governments of the Empire. One such method is found in the periodical meetings of an imperial conference.

I need not attempt a long account of these imperial conferences. They now play an important part in the working of the machine of the Empire. Yet they grew up almost by chance.

In 1887 there was celebrated in London the Jubilee of Queen Victoria's Reign, and to the festivities which were held in London the leading personages in all the colonies were invited. Use was

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made of the opportunity which thus presented itself for representatives of the governments of the self-governing colonies to meet together and discuss matters of common interest. This first meeting was all very tentative. There was uncertainty as to who should be invited to take part in the proceedings, and the opening ceremony was actually attended by representatives of the Crown Colonies, i.e., the colonies which had not reached the status of self-government. That the conference must meet on a purely consultative basis was recognized from the outset. Even champions of the Imperial Federation Movement realized this.

The value of the interchange of opinions which had taken place must have been realized. Though no agreement was come to as to the meeting of another such conference, there was a feeling that such meetings must and would be held. Questions had been under discussion which were of abiding interest to all who took part in the conference, and the opportunity for expressing opinions was too valuable to be lost.

Ten years later another such conference assembled in London on the occasion of Queen Victoria's Diamond Jubilee. In the interval there had been a conference on similar lines at Ottawa, which was mainly concerned with the establishment of

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the Pacific cable, an important link in the chain of imperial communications.

In 1902 another great imperial function, the coronation of King Edward VII, gave the opportunity for holding another conference. Five years later came the Conference of 1907, and the Conference of 1907 was one of great importance, for it adopted a constitutional resolution which for the first time gave precision to the organization of the Imperial Conference and still remains the basis of its existence. It is worth quoting in full:

That it will be to the advantage of the Empire if a Conference, to be called the Imperial Conference, is held every four years, at which questions of common interest may be discussed and considered as between His Majesty's Government and his governments of the self-governing Dominions beyond the seas. The Prime Minister of the United Kingdom will be ex-officio President, and the Prime Ministers of the self-governing Dominions ex-officio members of the Conference. The Secretary of State for the Colonies will be an ex-officio member of the Conference- and will take the chair in the absence of the President. He will arrange for such Imperial Conferences after communication with the Prime Ministers of the respective Dominions. Such other Ministers as the respective Governments may appoint will also be members of the Conference, it being understood that, except by special permission of the Conference, each discussion will be conducted by not more than two representatives from each Government, and that each Government will have only one vote.

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During this period the work of the Conference was crystallizing, but at the same time its outlook, or rather the outlook of its members, was changing, and there are points in the Resolution which I have just read which are worth noting. The name of the Imperial Conference was adopted for the first time; hitherto the conference had been called a Colonial Conference. The approach toward the status of equality between Great Britain and the dominions was marked by the parallel positions assigned to their respective prime ministers. It is no longer the colonial secretary in Great Britain who is regarded as the minister with whom the dominion representatives will confer. Most important of all is it to remember, though this fact does not appear in the wording of the Resolution, that it was adopted after there had been laid before the governments concerned suggestions emanating from the responsible minister in Great Britain in favor of organizing the Conference on the basis of making it an imperial "council" and of providing it with a permanent secretariat.

The interesting feature of his suggestions as to the future organization of the Conference is that they show that the important role which the Conference must play in enabling the several parts of the Empire to co-operate and to take common ac-

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tion when required was already seen. It was clear that the Conference had come to stay; it was equally evident that its main weakness was the fact that it only met at intervals. Some connecting link was wanted between one conference and another. What the author of these suggestions was searching for was some machinery which should keep the Conference alive as an organ for consultation in the inevitable intervals between the meetings.

One more Conference was held after 1907 before the war, that of 1911, a Conference rendered noteworthy by the attempt of New Zealand, to which I have already referred, to establish an imperial council of state with executive powers and a parliament elected by the whole Empire.

The war of 1914 was the testing time for the Empire. It proved many things, among them that the Empire was not a political structure which would fall to pieces in a moment of dire stress. It showed that in such a moment of emergency the extent of the help which the dominions would provide was not affected by the right of their governments to decide that question for themselves. They can be trusted to gauge the requirements of the situation just as well as any central body. It showed also that if the peoples of the dominions are going to give effective help in such a crisis, they

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are entitled to see, and will see, that their own governments take an effective part in the handling of the questions out of which the political tempest has arisen, and that some way of enabling them to do so was essential.

The war thus indicated the problem which had got to be solved. The complete and perfect solution may not yet have been found; without doubt, however, we are nearer to the solution than we were. The war did more than indicate the problem. It showed that the difficulty of finding a solution will not lead to an abandonment of the search for one. The Empire will go on experimenting until it finds the best solution.

In 1921 all the prime ministers of the Empire and representatives of India met again in London. Outwardly this meeting differed but little from an Imperial Conference, but it went by another name. Officially it was described as a Conference of Prime Ministers. The bluebook recording its activities shows that it revived the precedent of the Imperial War Cabinet. The dominion ministers sat with the members of the British Cabinet to deal with foreign and imperial questions of immediate urgency which arose during the sitting of the Conference.

I have just used the term "Imperial War Cabinet." It may be well that I should explain it. While

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the war was in progress and in order to insure the more effective conduct thereof, the machinery of government was completely reorganized in Great Britain. A War Cabinet came into being, and its members with one exception were relieved of all departmental responsibility, so that they might devote themselves wholly to questions relating to the war. An Imperial War Cabinet was organized by inviting the representatives of the dominion governments to sit with the members of the War Cabinet for deliberation about the conduct of the war and the discussion of the larger issues of imperial policy connected with it. This was the body momentarily revived in 1921 during the Conference of the Prime Ministers of the Empire. The Imperial War Conference met on occasions and dealt with non-war problems affecting the Empire as a whole.

The outstanding decision to which this Conference of Prime Ministers came was that there should be no conference on the constitutional relations of the different parts of the Empire. In 1917 the Imperial War Conference, one of the bodies I have just described, passed a resolution to the effect that the readjustment of the constitutional relations of the component parts of the Empire was too important and too intricate a subject to be dealt with during the war, and that it should form the subject

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of a special imperial conference to be summoned as soon as possible after the cessation of hostilities.¹ In that year the dominion representatives must have thought that their new status required formal sanction. By 1921 they had come to the conclusion that the developments since 1917 had made their new status an accomplished fact and had rendered a constitutional conference useless.

Since that date there have been two recognized meetings of the Imperial Conference—that of 1923 and that of 1926—but the atmosphere surrounding the Conference had been profoundly changed by the second part of this same resolution of 1917 to which I have just referred. It is worth quoting:

The Imperial War Conference deem it their duty to place on record their view that any such readjustment, while thoroughly preserving all existing powers of self-government and complete control of domestic affairs, should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important portion of the same, should recognise the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations, and should¹ provide effective arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action, founded on consultation, as the several Governments may determine.²

¹ Cd. 8566, p. 5, resolution IX. ² *Ibid.*

II

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When once peace was made after the war the main difficulties confronting the belligerents were internal problems of reconstruction, and within the Empire these problems had to be faced by the individual governments: they were not matters involving common action. What the post-war meetings of the Imperial Conference had to face was the new problem besetting the conduct of foreign affairs. The constitutional resolution of 1917 had laid stress on the right of the dominions and India to an adequate voice in foreign policy and in foreign relations, and on the importance of continual consultation and of concerted action founded on consultation.

This equal participation in foreign policy was a profound change. Only six years before, at the Conference of 1911, the Prime Minister of Great Britain had stoutly maintained that the responsibility of the British government in such grave matters as the conduct of foreign policy, the conclusion of treaties, the declaration and mainte-

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nance of peace or war, and indeed all those relations with foreign powers could not be shared, but the resolution of 1917 made all these questions matters of common concern to the whole Empire, and therefore matters in which action was to be common.

The Conference of 1923 set itself to work to try to find a method of giving effect to this new plan, and as a first step elaborated an important resolution with regard to the negotiation, signature, and ratification of treaties.

The recent Conference of 1926 carried matters a stage further still. The procedure for treaty-making outlined in the resolutions of 1923 was revised and elaborated.

Exhaustive consideration was given to the subject of consultation between the British government in London and the dominions in matters relating to foreign affairs during the intervals between the meetings of the Conference. Everybody realized that united action in matters of common concern is only feasible if the machinery of consultation works smoothly and efficiently. If no very fundamental changes in the existing means of communication of information and of consultation have resulted from the work of the Conference, it is because what is wanted is the amplification of the

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methods already in use and the development of the habit of making use of them.

There was a noticeable absence at the recent Imperial Conference of doubt as to the status and the role of the Conference. The tentative atmosphere which, according to the books, marked the first conference forty years ago had disappeared. The men who came to the Conference of 1926 were sure of their own position and sure of the role in the Conference which the dominions they represented were entitled to play. Once more it showed what an advantage it has been that the Imperial Conference has never had any written constitution to hamper its development.

It does not even possess any formal rules of procedure. The eight governments whose representatives form part of it meet on a footing of equality, except that by general consent and in accordance with the resolution of 1907 the Prime Minister of Great Britain takes the chair.

An agenda is prepared and circulated some time before the meeting, each government being at liberty to add to the agenda any question which it desires to bring forward. The sessions are private but many of the speeches are published *verbatim*, and the public is kept fully informed of the progress of the Conference and of the subjects under dis-

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cussion, and at the end of the Conference a record of the conclusions and resolutions is published as a parliamentary paper.

Voting, if there is any, takes place by governments, not by individuals, but voting consists only in ascertaining the views of the responsible representatives of each government. There is no voting in the sense that questions can be decided by a majority. The Conference works on a purely consultative and advisory basis: it has no power to bind a single government or parliament. Its recommendations are of course not likely to be rejected by the governments concerned, because no government or parliament rejects lightly the conclusions in which its own prime minister has concurred, but executive or binding force does not attach to the resolutions of the Conference as such. It is only through subsequent confirmation by the governments or parliaments concerned that the work of the Conference can be said to receive legal sanction.

The important point to bear in mind is that the functions of the Imperial Conference are merely consultative; it does not encroach on the jurisdiction or impair the responsibility of the individual governments and legislatures. If it were not so those bodies would soon become jealous of its influence.

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Still less does the Conference possess the power to coerce a government which dissents. A proposal which fails to meet with unanimous approval falls to the ground.

It is now the custom for the British foreign secretary to give the Conference an ample and detailed summary of the work of his department in foreign affairs, so as to make the members appreciate the motives underlying the policy he has been pursuing, the success which has attended his efforts, and the difficulties that the situation is presenting at the moment. Then comes the opportunity for the dominion ministers to give similar explanations of the policy which they are following in foreign affairs.

On some special matters of importance at the time definite conclusions may be reached; for instance, the 1926 Conference passed a resolution recording its appreciation of the policy followed by His Majesty's government in Great Britain in connection with the Treaty of Locarno, but the chief value of the discussions which follow on these explanations on foreign affairs is that the purpose underlying the policy becomes understood and appreciated and the possibilities of misunderstanding during the interval before the next conference thereby greatly diminished.

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Great attention is also devoted to questions of defense and to the principles underlying co-operation in all matters of defense.

It must not be thought, however, that the Imperial Conference confines its discussions entirely to matters of high policy. All matters of common interest fall within its scope, and it is by co-operation in these lesser matters, particularly the promotion of inter-Empire trade, that common action on the larger questions of high policy can best be secured. It is by the practice and the habit of co-operation that identity of view can most easily be secured and divergence of aim avoided. To show you how multifarious are the activities of the subcommittees of the Conference, let me read you the list of the subjects dealt with in the fourteen reports of the Economic Subcommittee of the Imperial Conference of 1926: wool statistics, statistics of foodstuffs in cold storage, Empire statistics, industrial standardization, oil pollution of navigable waters, unification of rules relating to bills of lading, conventions relating to limitation of ship-owners' liability and maritime mortgages and liens, convention relating to the immunity of state-owned vessels, valuation of goods for customs purposes, the imperial shipping committee, immunity of state enterprises from taxation, taxation of non-

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resident traders, exhibition within the Empire of Empire cinematograph films, surveys of Empire trade.

No question of common interest to the whole Empire is too small to be broached at the Imperial Conference; nor on the other hand is any question shirked because it is difficult. Again, no question of common interest to the whole Empire is of greater importance than defense; and defense has played an important part in the discussions of every Imperial Conference. It is at the Imperial Conference that the important conclusions on the subject of defense are reached, but for the detailed study of all the problems connected with defense there exists another organ called the Committee of Imperial Defense.

This Committee was instituted in Great Britain after the South African War. That war had shown that there existed serious shortcomings in the system of co-ordination between the naval and military forces in England, and in order to meet these defects the existing cabinet committee on defense was reorganized in 1904. Let me quote a sentence from the report of a small committee under whose auspices this reorganization took place:

The British Empire is pre-eminently a great naval, Indian and colonial Power. There are, nevertheless, no means for co-

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ordinating defence problems, for dealing with them as a whole, for defining the proper functions of the various elements, and for ensuring that, on the one hand, peace preparations are carried out upon a consistent plan, and on the other hand that, in times of emergency, a definite war policy, based upon solid data, can be formulated.

The burden of the defense of the Empire rested at that time chiefly on the shoulders of Great Britain, and it was mainly as an element in the machinery of government in Great Britain that the Imperial Defense Committee was envisaged at the time of its creation. The prime minister of the United Kingdom was always to be the president, with absolute discretion in the selection and variation of the members. As "the cornerstone of the whole edifice" there was to be a small permanent secretariat.

The scheme embodied in this report was accepted and the Committee of Imperial Defense came formally into being on May 4, 1904.

The prevailing note of the organization is its elasticity. In theory the prime minister of Great Britain is the only member, but he can summon anyone he wishes to its meetings, and by regular practice the cabinet ministers at the head of the great departments of state in London responsible for the fighting services—the navy, the army, and the air force—and their chiefs of staff, with the

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chancellor of the exchequer, the foreign secretary, and the secretary for the dominions, and also the permanent secretary of the treasury are summoned to all the meetings. These constitute the regular nucleus. Others are summoned according to the subjects under discussion.

Larger questions of policy are discussed and conclusions arrived at in full meetings of the Committee, but a full use is made of the system of referring special questions to subcommittees for consideration and report. The number of such subcommittees is very large and their personnel infinitely various. Men are appointed to serve on them solely according to the special qualifications which they possess for the task. In a speech to the last Imperial Conference the Prime Minister of Great Britain stated that in the year ending March 31, 1926, the meetings of the Imperial Defense Committee and its subcommittees were attended in the aggregate by 430 different persons, including 19 ministers of the crown in Great Britain, 6 representatives of the Overseas Empire, 142 service officers, 157 civil servants, and 48 outside experts.

In the course of its existence the Defense Committee has had under consideration, not only the great principles surrounding the defense of the

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Empire, but every detail and every aspect of the vast problem which that defense constitutes. The Committee was responsible for thinking out the questions which would arise in the event of a possible war with Germany, and to the success which attended its efforts in that direction testimony is borne by Sir Julian Corbett in his *Official Naval History of the War*:

Whether the scale on which we prepared was as large as the signs of the times called for, whether we did right to cling to our long-trying system of a small army and a large navy, are questions which will long be debated, but, given the scale which we deliberately chose to adopt, there is no doubt that the machinery for setting our forces in action had reached an ordered completeness in detail that has no parallel in our history.

Let me repeat that the functions of the Committee of Imperial Defense are purely advisory. The Committee (or its subcommittees) investigate, report, recommend. The cabinet concerned decides. I say the cabinet concerned because it is not always the cabinet in Great Britain. The Committee is so organized that representatives of the dominions can and do take part in its deliberations whenever matters of interest to them are under discussion, and at times when the Imperial Conference is meeting, defense problems are discussed, not at meetings of the Conference, but at meetings of the

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Committee of Imperial Defense. During the Imperial Conference of 1911 it was resolved that one or more representatives appointed by the governments of the dominions should be invited to attend meetings of the Committee of Imperial Defense when questions of naval and military defense affecting the overseas dominions are under consideration. The proposal that a defense committee should be established in each dominion was also accepted in principle, and in due course such committees were set up in South Africa, Canada, and Australia.

Participation by the dominions, as also by the crown colonies, in the work of the Defense Committee is not achieved, however, only by representation at the meetings. They are kept informed of the results of the Committee's labors, so that in the light of the Committee's reports the decisions can be taken and plans prepared on matters falling within the sphere of the governments concerned.

I have laid some stress on the work of the Defense Committee and the success of its labors because it is an outstanding example of successful co-operation between the British and dominion governments upon the basis of mutual help and advice without the smallest attempt on the part of Great

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Britain to impose her views or to force acceptance of her wishes. It is because the Committee only makes recommendations that its influence is so great. It is the influence that must attach to recommendations made after patient inquiry by the highest expert authorities in matters of common concern. The decision is left to those who alone are competent to take it constitutionally. Said Lord Balfour in 1904:

It is of the very first importance that our functions should be so restricted that we cannot interfere with administration in any way either at home or abroad. It is only by thus strictly limiting our functions that we can have that authority which I hope we shall more and more gain in the general scheme of Imperial Defence, and that our opinions will carry that weight which will be all the more effective because there is behind them no power of coercive authority.

The method of the Committee of Imperial Defence is now being extended into another field. In June, 1925, another committee on similar lines was set up, called the Civil Research Committee. It will consist in the same way of the prime minister of Great Britain and such other persons as he may summon. It will be purely an advisory body and will have no administrative or executive functions. It is charged with the duty of giving connected forethought from a central standpoint to the development of economic, scientific, and statis-

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tical research in relation to civil policy and administration.

As an example of the field within which the Committee is at work and of the multifarious subjects with which it will have to deal, let me read the list of its nine subcommittees which are at present at work: tsetse fly, mineral content of natural pastures, native dietetics, Severn barrage, British pharmacopeia, Kenya native welfare, Empire supplies of quinine, research co-ordination, geographical surveying.

Work of this kind cannot be restricted to the geographical limits of a particular country; on many subjects the committee must, in order to obtain really valuable results, work on an Empire-wide basis. I have no doubt that before this Committee there lie activities as extensive and as valuable as those of the Committee of Imperial Defense, and that equally valuable co-operation between Great Britain and the dominions will take place.

The equality of status of all the self-governing communities of the Empire is the feature which has attracted most attention among those who have studied its recent developments, but let us be clear in our minds as to what we mean by equality. The equality among men, in which we all believe

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now, does not mean equality in stature any more than it means equality in wealth or in temperament. What equality means among the autonomous communities of the Empire is the absence of any power of control by one community over another, the idea which is expressed in the words "in no way subordinate one to another in any aspect of their domestic or external affairs" which figure in the formula adopted in the Imperial Conference Resolution of 1926.

This equality in status is not inconsistent with the continued existence of legal rights now vested in the Parliament of Great Britain, or in the ministers of the crown in Great Britain which are not vested in the dominion parliaments or ministers, provided that those rights are only exercised in respect of any dominion in accordance with the wishes of the parliament or the people or the government of the dominion concerned. The parliament at Westminster frequently exercised in former days its power to enact legislation which is operative in the dominions, and the right to do so still exists. It is because these powers were freely exercised in the past that traces are still to be found of the inequality of by-gone days.

These traces of inequality are now in process of being swept away, or are being reshaped so as to

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fit into the modern mold. Let me give you examples to make my meaning clearer.

The constitutions of the various dominions confer power upon their parliaments to enact laws for the peace, order, and good government of the country. It is held that legislation enacted under this power has no validity outside the limits of the dominion or colony concerned. On the other hand, no such limitation applies to the laws enacted by the Parliament at Westminster. Here we have a distinct inequality between the powers of the parliaments of these autonomous communities within the Empire, and an inequality of this kind can only be eradicated by some measure which shall confer upon the dominion parliaments the right to legislate with extraterritorial effect. It was therefore agreed at the last Imperial Conference to set up a committee to report *{inter alia}* on the present position as to the competence of the dominion parliaments to give their legislation extraterritorial operation and as to the practicability and most convenient method of giving effect to the principle that each dominion parliament should have power to give extraterritorial operation to its legislation in all cases where such operation is ancillary to provision for the peace, order, and good government of the dominion.

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Again certain rights still exist of disallowing legislation enacted by a dominion or a colonial parliament. Under the theory of the British constitution all legislation which is passed by the legislature requires the royal assent before it comes into force. In a dominion the prerogative of giving the royal assent to legislation is exercised by the governor-general, but bills on certain questions must be reserved for consideration by the authorities in London. In practice "the authorities in London" means, not the king in person, but the king acting on the advice of his ministers responsible to his parliament in Great Britain. So long as, let us say, a measure passed by the parliament in Canada may be disallowed on the advice of ministers responsible to a parliament elected by the people of another country, the equality between the two parliaments is unreal. Here then is another relic of former days which requires correction, but in this case the correction can be effected by a change in practice, a singularly simple change even if it effects a profound modification in the constitutional position which has existed hitherto. All that is necessary is an understanding that the king will not be advised by his ministers in Great Britain to disallow legislation passed by a dominion parliament except in accordance with the wishes and desires

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of the dominion government. As the Prime Minister of Canada stated in the Canadian House of Commons on March 29 of this year:

The moment that the British Government came forward with what was a broad liberal principle and said that they would, as far as this power of disallowance was concerned, exercise it in a constitutional way, namely, where there was a self-governing Dominion they would recognise equality of status and they would have the power of disallowance exercised only on the advice of the Ministry of the Dominion concerned, then all possibility of agitation was at an end.

It has been frankly recognized at meetings of the Imperial Conference that equality of status does not necessarily mean equality of function. It is still the fact that in some respects Great Britain is fulfilling functions on behalf of the Empire; the burden of these functions is not as yet equally distributed among all the autonomous communities. Until there is equality of burden there cannot be perfect equality of function.

There is nothing peculiar in the fact that it should be so. The units of the Empire are at different stages of development. Communities with vast areas still waiting to be brought into settlement require all their resources for the development of their lands, and it is only gradually that they will be able to share to the full in this burden

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of the maintenance of services by which they are now content to benefit.

The position is slowly changing, but at present it is the fact that the main burden of the defense of the Empire and the main burden of the upkeep of the machinery for maintaining relations with foreign powers falls on the people of Great Britain. These are no doubt only exceptional and passing characteristics; they are not inherent necessities of the situation; but so long as they continue they naturally enlarge the special functions which Great Britain discharges on behalf of the Empire as a whole.

How long these special functions will endure is only a matter for speculation. It is certain that they will only last as long as their continuance is a matter of mutual advantage.

I said just now that in the main the burden of the maintenance of the foreign services for the conduct of relations with foreign powers falls on Great Britain. Within recent years you have seen the establishment at Washington of two dominion diplomatic representatives, a minister acting for the Irish Free State and a minister for the Dominion of Canada. Every dominion is entitled, if it so desires, to nominate its own diplomatic representatives at any foreign capital to take charge of its interests

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and the interests of its citizens in that country. Whether the practice will spread I cannot tell you. It will do so if the dominion governments feel that their interests will be better served by making such appointments. Unless they feel that, I should opine that they will prefer to continue the existing system and make use as heretofore of the British diplomatic service as the medium for their communications with foreign powers. Since their return to their own countries after the Imperial Conference, both Mr. Bruce, the prime minister of Australia, and General Hertzog, the prime minister of South Africa, have stated that their governments do not intend to appoint special diplomatic representatives.

The formula adopted by the last Imperial Conference proclaiming the equality of the autonomous communities of the Empire continues with the reminder that these communities are united by the common allegiance to the crown. It is the crown and the common citizenship which flows from allegiance to the crown which constitute the links which bind the Empire together.

Writers of textbooks on international law describe one class of "composite international persons" as a "personal union," and they state that a personal union is in existence when two sovereign

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states and separate international persons are linked together through the accidental fact that they have the same individual as monarch.¹

The British Empire is not a personal union. It is linked together by more than the accidental fact that it has the same individual as monarch for all the communities of which it consists. The fact that they all have the same individual as monarch is not accidental.

It must be remembered that under the British theory of government all executive authority is vested in the crown and the oneness of the crown means the oneness of the executive authority throughout the king's dominions. The king's government in different parts of the Empire may be carried on by different ministries and through the medium of different ministers, but the authority which they are exercising is only so much of the king's executive functions as is delegated to them.²

¹ Oppenheim, *International Law*, 3rd ed., I, 154.

² Note the case of *Williams vs. Howarth*, Law Reports, 1905. Appeal Cases, 554. The plaintiff, Howarth, enlisted as a member of the second Australian contingent for the South African War upon the terms that he was to receive 105. per day. He proceeded to South Africa and performed his part of the contract. In South Africa he received pay from the imperial authorities at the rate of 4s. 6d. per day and subsequently received the balance of his 10s. per day from

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If the relationship between the autonomous communities of the British Commonwealth of Nations were no more than a personal union, the states would constitute toward each other foreign

the Australian authorities. He brought suit against the defendant as nominal defendant on behalf of the crown or government of New South Wales to recover the sums for which that government claimed credit as already paid to the plaintiff by the imperial authorities in South Africa, maintaining that such sums were no part of the 10s. which the New South Wales government had agreed to pay him. The trial judge and the Supreme Court of New South Wales upheld the plaintiff's contention upon the ground that there was no evidence that the payments made by the imperial authorities were made on behalf of the New South Wales government. The Privy Council reversed the decision and advised that a verdict should be entered for the defendant, saying:

"The plaintiff was in the service of the Crown, and his payment was to be made by the Crown. Whether the money by which he was to be paid was to be found by the Colony or the Mother Country was not a matter which could in any way affect his relation to his employer, the Crown.

"The learned Acting Chief Justice in giving his Judgment in this case said, 'The King has no concern with payments for services rendered in this colony; the obligation is with the Government of New South Wales' and so far as their Lordships can understand, this is the ground upon which the Judgment rests. But with great respect to the learned Judge, this is entirely erroneous. The Government in relation to this contract is the King himself. The soldier is his soldier, and the supplies granted to His Majesty for the purpose of paying his soldiers, whether they be granted by the Imperial or the colonial legislature, are money granted to the King, and the Appropriation

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states. "A personal union" says Oppenheim,¹ "is not, and is in no point treated as though it were, an international person, and its two sovereign member-states remain separate international persons." It was in order to emphasize the fact that the relations between the various parts of the Empire are different in character from the relations between all or any of them together and a foreign power that the last Imperial Conference agreed upon the desirability of securing a change in the form of treaties in which any part of the Empire participated. Since 1920 the practice has been growing up of concluding treaties in the name of the state. This was the case in the peace treaties concluded after the war. The words "British Empire" do not form a convenient composite name to describe the political unit to which all the autonomous units of the Empire belong. It is, as the report of the Imperial Conference states, the king who is the symbol of the special relationship between the different parts of the Empire, and it is

Act, whenever an Appropriation Act is passed, simply operates to prevent its being applied to any other purpose.

"Under these circumstances the money paid was money paid for the service rendered to the King, and no other payment could possibly be due upon the contract declared upon."

¹ *International Law*, I, 154.

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in his name therefore that the Conference desired that all treaties should be concluded. If this were done it would render superfluous the incorporation of a clause, such as had figured in some treaties concluded in recent years, to the effect that the terms of the treaty must not be regarded as regulating *inter se* the rights and obligations of the various territories which are subject to the same sovereignty. If I may put the matter in one short sentence I would say that the common allegiance to the crown prevents the relations between the different communities of the Empire from being international relations.

This legal aspect of the crown's function in the constitution is by no means the most important element in the part that the king plays in the British Commonwealth of Nations. A body politic must have a head, and that head must be there either by hereditary right or by some method of choice. The necessity of having to choose the head of the state, whatever the method adopted, in order to provide the British Empire with something in the nature of an elected president would lead to the disruption of the Empire. No one unit of the Empire would feel the least interest in, much less any enthusiasm for, the process of election. One can well imagine a homogeneous community like

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Australia or New Zealand taking a fervent interest in the election of a president for itself, but what interest would ten millions of Canadians take in the election of a president when the votes to be cast would run into millions, when the candidates for election might be men whom Canada had never seen and who might never have visited the country, and when the man to be elected would have his seat of office overseas and would merely be represented by a governor-general? General Smuts put the matter tersely but correctly on one occasion when he was making a speech in England and used these words: "You cannot make a republic of the British Commonwealth of Nations, because if you have to elect a President not only in these islands but all over the British Empire, who will be the ruler and representative of all these peoples, you are facing an absolutely insoluble problem."¹

I am putting first the consideration in favor of the retention of the monarchy which is of greatest weight from the point of view of the self-governing communities of the Empire, but if you will think for the moment of India you will see how hopeless a presidential election in the Empire would be. India with its three hundred millions of inhabitants—India moving steadily toward the realization of

¹ May 15, 1917.

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responsible government and advancing, therefore, toward the day when education will have entitled all her toiling workers to participate in such an election, and yet an India which will always be an Eastern country and where it is only the idea of a personal ruler which will appeal to the masses of the people—What would be the result? An election in which it would be rank injustice if the preponderant elements were not in India, but of which India herself would be the first to spurn the results. Apart from all questions of personal loyalty, of sentiment, of tradition, and of devotion to a sovereign for work well done, the crown is indeed the keystone of the imperial arch in the British Empire.¹

Unfortunately the importance of the functions exercised by the king accord but ill with the widely scattered Empire over which he reigns. Physically it is impossible for him to be in every place at once. His political functions can only be exercised in person in Great Britain. Elsewhere they must be exercised on his behalf by a representative, a governor-general or a governor or whatever may be the name by which the representative is called.

In the dominions I think it may now be said

¹ *Proceedings of the Imperial Conference of 1917*, p. 46.

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that the governor-general has at last come to his own as the king's representative. This is the result of the work of the last Imperial Conference. The report of the Inter-Imperial Relations Committee says:

In our opinion, it is an essential consequence of the equality of status existing among the members of the British Commonwealth of Nations that the Governor-General of a Dominion is the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain, and that he is *not* the representative or agent of His Majesty's Government in Great Britain or of any Department of that Government.¹

Up till then the position had been obscured by the fact that the governor-general is and must be appointed by the king on the advice of his ministers in Great Britain. It was natural, therefore, that he should be regarded as their representative after he reached the dominion in which he was to fulfil his functions, and that he should be used as the channel of communication between them and the dominion government. Now this will, it seems, be changed:

It seems to us [says the same report] to follow that the practice whereby the Governor-General of a Dominion is the

¹ *Summary of Proceedings of the Imperial Conference of 1926*, Cmd. 2768, p. 16.

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formal official channel of communication between His Majesty's Government in Great Britain and His Government in the Dominions might be regarded as no longer wholly in accordance with the constitutional position of the Governor-General. It was thought that the recognised official channel of communication should be, in future, between Government and Government direct. The representatives of Great Britain readily recognised that the existing procedure might be open to criticism and accepted the proposed change in principle in relation to any of the Dominions which desired it. Details were left for settlement as soon as possible after the Conference had completed its work.¹

The change will serve still further to draw a distinction between the autonomous communities forming the British Commonwealth of Nations and the rest of the British Empire. In India and elsewhere the governor-general or governor will still remain under the orders of the government in Great Britain in respect of all matters for which that government is responsible.

So much for the crown, the first great link which binds the Empire together. The second great element in common between the parts of the Empire is the common nationality which springs from allegiance to the king; and here we must distinguish between the nationality which is shared in common by all the subjects of the king, to whatever

¹ *Ibid.*, p. 16.

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part of his dominions they belong, and the nationality or citizenship which is enjoyed by those who belong to one of the great autonomous communities and which is not shared by those who belong to another dominion or to some other part of the Empire.

The larger nationality, the status of the British subject, is, of course, regulated by legislation, but hitherto the legislation on the subject has mainly been enacted by the parliament at Westminster. It is now a matter of understanding between the governments of Great Britain and the dominions that no change will be made in this legislation except after agreement to which they all are parties. By this means uniformity in the law can be preserved, and uniformity in such a matter is of great importance, though the need of unanimity between seven governments may have its inconveniences.

At the last meeting of the Imperial Conference there was a marked divergence of view on the question whether amendments should be introduced into the British legislation on the lines of the American Cable Act enabling a woman who married an alien to retain her nationality of birth. Some governments were against the change; some were in favor of it. As unanimity did not prevail, the change will not be made. To do so would

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be to depart from the understanding that no change should be made without a unanimous decision by the parliaments within the Empire.

Legislation has been enacted in some, but not in all, of the dominions to regulate the more restricted citizenship of that particular community.¹

For many years past it has been recognized that the government of each of the autonomous units of the Empire has unfettered control over all questions relating to immigration into its territory. Where the question gives rise to problems of difficulty it may be advantageous that precision should be given by legislation to the categories of persons who are to be regarded as so closely identified with the country as to be entitled to entry as of right.

The common allegiance to one sovereign and the common citizenship which flows from that allegiance may seem but slender grounds on which to base the assertion that the British Empire is a political unit in any proper sense of the term under international law. I can well conceive that some may question whether foreign powers can reasonably be expected to treat this complex body politic as a unit.

At the beginning of my first lecture I drew attention to the fact that the British Empire as

¹ Canada, the Irish Free State.

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you see it today is wholly without precedent, and I should be the first to admit that it is difficult to define with precision wherein lies its political unity.

It is sometimes more easy to give a description than a definition, and I am inclined to think that it will help toward a correct appreciation of the political unity of the Empire if you will think for a moment of that common factor in human life, the family. The British Empire presents many of the characteristics of the family.

Nations are, after all, groups of human beings, and they often display the failures of human beings. Members of a family seem sometimes to be dissatisfied with each other. They often bicker with each other quite hotly, but if anybody outside the family ventures on criticism of the family he finds to his surprise that the family quarrels are purely domestic. Members of the family do not at all appreciate criticism from outside; if anybody who is not within the family circle makes so bold as to go beyond criticism and venture upon action or behavior which the family regards as injurious to its interests, he finds at once that any little differences between members of the family disappear and they unite in resentment at his behavior.

It is just the same with the British Empire. When they can do so without risk its members feel

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at liberty to express their opinions about each other freely, and if those opinions are uncomplimentary they still see no reason why they should not give vent to them, but the moment they are confronted with some outside menace the family feeling asserts itself and all they think of is the common front.

Families are something different from mere fortuitous groups of individuals. You cannot make a family by contract. You can make an alliance by contract, and in the same way you can agree to put an end to your contract. But a family is something you can neither make nor unmake by the mere agreement of its members.

It is the same with the Empire. Like a family it has grown up. It has emerged through the gradual expansion of the overseas settlements or conquests of the English, and from the growth of the political life of those communities. As they became stronger they became more self-contained, more able to stand alone, but the ties which united them to the parent state have remained intact.

One may push the analogy farther still. There is a time in every family when the children are young and the parents must care for them, but the day comes when the children grow up and can think and act for themselves. Sometimes the parents do not realize that the children are grown up

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and want to go on doing for them things which the children consider that they can do for themselves and which they want to do for themselves, and then the children have to assert themselves and to explain that they really are grown up. That is not far from what has happened in the British Empire. The daughter states have grown up, perhaps more rapidly than the mother-country realized, but the day came when the mother-country wanted, and wanted very badly, the help of the daughter states, and they gave it; and after that both sides realized that the daughter states really were grown up, that they had reached the fulness of their stature.

But what happens in human life when people are fully grown up and able to shape the destinies of their own life? The ties which link them to the other members of the family are still there, still strong, all the stronger perhaps for being seen less; and if there are matters of business on which the members of the family want to act together, the understandings which result from relationship will make it very much simpler to work together in common, without an elaborate organization and without any written agreement setting out the rights and the duties of each.

One thing is certain: there are many matters of

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business on which the members of the British family of nations must act in concert. This is particularly so in the case of foreign affairs which affect the interests of the whole group. The day has gone by when these general questions of foreign affairs, questions affecting the interests of the whole group, can be left to one member of the group to conduct without reference to the others.

It is only recently that this day did go by. I have already mentioned the speech in which the Prime Minister of Great Britain refused bluntly, so recently as 1911, to admit that the British government could share with any other government the responsibility for the final decision in such grave matters as the conduct of foreign policy, the conclusion of treaties, the declaration and maintenance of peace, or the declaration of war.

When first the principle of responsible government for Canada was accepted by the British ministers in 1839 the control of all relations with foreign powers was regarded as a matter to be vested entirely in the home government.

It is only gradually that the other right of governments within the Empire to any voice in the management of foreign affairs even on matters exclusively affecting themselves has come to be recognized.

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One of the first milestones along the path of emancipation from the principles of the Durham report was the undertaking given in 1855 to the government of Newfoundland by Mr. Labouchere, then secretary of state for the colonies, that Newfoundland should not be subjected to any treaty obligations by the government in Great Britain without being consulted.

It was in connection with commercial treaties that progress was most marked and most rapid. In the early days—the forties and fifties—it was thought that commercial policy must be uniform for the whole Empire, and consequently, Great Britain having then committed herself to the doctrine of free trade, it was felt that the parliament at Westminster must retain a right to control commercial policy for the colonies as well as for herself. Consequently responsible government was not at first regarded as comprising the right of a colony to frame its own tariffs. Canada before long took a definite stand on this point and by 1859 maintained with success its right to control its own tariffs. From there it was but a small step on to the negotiation by a self-governing colony of its own commercial treaties, first in conjunction with, and then separately from, the representatives of the mother-country.

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There is no doubt that the authorities in London regarded with some misgiving the prospect of the dominions enjoying complete independence in the control of their commercial policy. Great Britain had taken her stand on Free Trade and her commerce would suffer if it were shut off by high tariffs from the colonial markets. Free trade was a policy which had been adopted on the supposition that its advantages would insure that other countries would follow suit. It was a matter of surprise and regret to see the colonies apparently blind to the advantages of the system and disposed to abandon it, and if the imperial authorities were unable to control the commercial treaties of the colonies, how could they insure the maintenance of free trade?

However, the situation was accepted. Step by step the commercial treaties negotiated by the imperial authorities in London have ceased to be applicable to the other parts of the Empire unless they are formally extended to them by notification, and from about 1890 onward provision was always made for enabling any such separate part of the Empire to terminate its participation in the treaty without affecting the continuance of the treaty for the remainder.

The common clause figuring in the commercial

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treaties concluded by Great Britain up till now has been conceived in such terms as the following:

The present treaty shall not extend to any of the Dominions, colonies, possessions, or protectorates of either Contracting Party unless notice of the desire of such Contracting Party that the treaty shall apply to any such Dominion, colony, possession or protectorate shall have been given to the other Contracting Party before the date of one year from the date of the exchange of ratifications of the present treaty.

As regards the Dominions, colonies, possessions and protectorates which may have adhered to the present treaty, either of the Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice.

The right of a dominion on the other hand to frame its own commercial treaties with a foreign power was recognized in 1884, and now the dominions are disposed more and more to do so and to conclude such treaties for themselves and not to rely on those negotiated by Great Britain. Whether they will go farther in this direction one cannot tell. It depends on whether they find that the terms secured for their commerce by means of treaties restricted in operation to their own territory are better than those obtained through a treaty operating on the British side over a wider area. Commercial treaties are always matters of

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bargain. Each party wants to secure an outlet for its own commerce, and to secure that outlet it will give favorable terms to the commerce of the other party. The English market is an object of attraction to all foreign countries, and to secure an assured right of entry to that market a foreign government may be willing, especially in these modern days when Great Britain has shown signs of toying with the idea of protection, to give more favorable terms to the commerce of the other party if that other party includes Great Britain than it would do if it were a single dominion. It is not impossible, therefore, that in the future we shall see a tendency toward commercial treaties concluded on a more imperial basis than in recent times. Now that the people of the dominions realize that they can, if they wish, regulate their commercial relations by treaties exclusively their own, they may find after all that they can drive a harder bargain by making their treaties on a wider basis.

Even before the war the dominions were beginning also to figure independently as participants in technical non-commercial treaties.

In the Radiotelegraphic Convention signed in London in 1912 all the dominions figured in the list of states participating, and in a convention concluded in 1913 for insuring the safety of life at

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sea, a form of preamble was adopted grouping the dominions with the United Kingdom, but showing their separate plenipotentiaries.

The dominions had for many years before then participated in the postal conventions as separate parties, but these are more in the nature of agreements between postal administrations than between states.

Separate participation in political treaties came later. It was due to the quiet and unostentatious revolution effected by the war that the dominion governments, largely under the wise and capable leadership of Sir Robert Borden, then prime minister of Canada, demonstrated that they must, in justice to their own peoples and to the burdens that their peoples had shouldered in that struggle, claim to participate in the conclusion of peace on an equal footing with other nations. Do not forget that in the course of the war Canada lost as many men as the United States. The same is true of Australia. Was it to be wondered at that peoples which had borne such a part in the struggles on the battlefield should insist that their representatives should not be excluded from the council chamber when the moment came for the conclusion of peace? Something more also was wanted than mere representation in the council chamber; a treaty indicates

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upon the face of it the countries between which it is concluded and the plenipotentiaries through whom they contract. If the dominions were to be given what they considered to be their just due, some means would have to be found of indicating on the face of the treaty their participation in it, and the only proper way of doing so was through plenipotentiaries for whose appointment they were themselves responsible.

This was achieved. If you look at the Treaty of Versailles, the treaty by which the Allied Powers made peace with Germany, there you will see in the preamble the names of all the dominions and of India figuring among the states by whom the treaty was concluded, and you will see the names of the plenipotentiaries by whom it was signed on their behalf.

The struggle to secure participation in the Peace Conference for the dominions upon the footing that they were separate political units was not with the representatives of Great Britain, but with the representatives of foreign powers. The papers which have been published in Canada¹ show that firm insistence on the part of all the British representatives was required before the point was gained.

^x Hansard (Canada), LIV, 21.

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The new footing on which the dominion plenipotentiaries participated in the signing of the Peace Treaty necessitated a change in the formal instrument—known as a full power—which is issued to the plenipotentiary who signs a treaty. In the British Empire a plenipotentiary is appointed by, and acts on behalf of, the king. It is the king who issues to him the full power; but the king is the king of all his dominions, and not of one only. If satisfaction was to be given to the desire of the dominions that they should take part in the conclusion of peace as separate political entities, the full power which each dominion representative was to receive must be limited in some way to the dominion which he represented. He was not to act merely on behalf of the king as sovereign. What Canada wanted was that the Canadian representative should sign on behalf of Canada, not that he should sign generally on the king's behalf; if he did that, his signature would bind Australia as much as Canada, and the signature of Australia's representative would bind Canada. Consequently words were introduced into the full powers issued by the king to the dominion plenipotentiaries which restricted their authority to that of signing on behalf of the dominion on whose behalf they were acting.

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The full power issued to a dominion plenipotentiary, for instance, was worded as follows:

Now know ye that We, reposing especial trust and confidence in the wisdom, loyalty, diligence and circumspection of Our right trusty and well-beloved X have named, made constituted and appointed as We do by these presents name, make, constitute and appoint him Our undoubted commissioner, procurator and plenipotentiary in respect of Our Dominion of Y, giving to him all manner of power and authority to treat and conclude any treaties and to sign for Us and in Our name in respect of Our Dominion of Y everything so agreed upon and concluded.

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With the right secured for the dominions to conclude their own treaties, to figure as separate units in the conclusion of the general treaties to which the king was a party on behalf of the Empire as a whole, with the further right secured, even if not then exercised, to conduct if they so desired their own relations with foreign countries through the medium of their own diplomatic representatives, it began to be necessary to consider the other side of the picture.

The conduct of the major share of the foreign relations of the Empire still remained in the hands of the Foreign Office in London. It was with the foreign secretary in London that foreign powers were accustomed to do business; if they wanted to negotiate a treaty they wanted to be able to negotiate the treaty in one place and with one set of men; they could not negotiate in seven different places at once; furthermore, they had no means of telling whether the treaty was one of general interest to the whole Empire or of interest to Great

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Britain alone. The question whether a treaty was of sufficient interest to a dominion government to make it necessary for the dominion to participate in its conclusion was a matter of domestic interest, not one for the foreign power to see to.

All this quickly became apparent in the years succeeding the Peace Conference at Paris in 1919. If on the one hand foreign powers were continuing to deal with the Foreign Office in London on the assumption that it was entitled to speak for the Empire as a whole, and on the other hand dominion governments did not want to be bound by what the Foreign Office did unless they themselves had consented, machinery was required to insure that the dominion governments knew what the Foreign Office was doing. But that was not all. The dominion governments were entitled to negotiate treaties, and therefore the British government must know what the dominion governments were doing.

The first step toward meeting the new requirements was taken by the Imperial Conference of 1923. As might be expected, the conclusions arrived at were a little tentative. Governments were feeling their way. The resolution¹ agreed to deals

¹ The text will be found in *Summary of Proceedings of the Imperial Conference of 1923*, Cmd. 1987, p. 13.

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with the three stages through which all treaties must pass, negotiation, signature, ratification.

As regards negotiation, the resolution provided that:

a) It is desirable that no treaty should be negotiated by any of the governments of the Empire without due consideration of its possible effect on other parts of the Empire, or, if circumstances so demand, on the Empire as a whole.

b) Before negotiations are opened with the intention of concluding a treaty, steps should be taken to ensure that any of the other governments of the Empire likely to be interested are informed, so that, if any such government considers that its interests would be affected, it may have an opportunity of expressing its views, or, when its interests are intimately involved, of participating in the negotiations.

The intention of these paragraphs was that a government should have the opportunity of deciding for itself whether or not its interests will be affected by the contemplated negotiation. The question should not be settled for it by another government. The point is one of importance because no government can tell whether the interests of another government will be affected. What is more important still no government likes to have a question of that sort decided over its head. The dominion governments want an assurance that the British government is not going to try to arrogate to itself the power to decide whether the interests

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of a dominion government are affected, and the government in London wants to make sure that it will not find suddenly that its interests have been prejudiced by some action taken by a dominion government in complete ignorance of the fact that the interests of another government were affected.

Experience showed that the language employed in the 1923 resolution was not sufficiently explicit on this point, and in 1926 it was made more plain.

On the subject of negotiation the 1923 resolution continues as follows:

c) In all cases where more than one of the governments of the Empire participates in the negotiations, there should be the fullest possible exchange of views between those governments before and during the negotiations. In the case of treaties negotiated at International Conferences, where there is a British Empire Delegation, on which, in accordance with the now established practice, the Dominions and India are separately represented, such representation should also be utilised to attain this object.

d) Steps should be taken to ensure that those governments of the Empire whose representatives are not participating in the negotiations should, during their progress, be kept informed in regard to any points arising in which they may be interested.

In 1926, when the subject again came under consideration, it was found that one point had been overlooked in the resolution of 1923, and that was

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the difficulty created for a government contemplating the conclusion of a treaty and conducting the negotiations, if, after doing all that was required of it in the way of keeping the other governments informed, it was left by them or some of them in ignorance of their views. The conduct of negotiations is rendered impossible if at the last moment a government whose co-operation is necessary for the ratification of a treaty of general application, and therefore requiring ratification on behalf of the Empire as a whole, and which had been kept informed of the negotiations and has offered no objection, or even perhaps displayed no interest, suddenly expresses opposition to the conclusion of the treaty and refuses to concur in the ratification without which the treaty cannot come into force. Such action not only puts the government conducting the negotiations in an impossible position; it is equally unsatisfactory to the foreign government with which the treaty has been signed.

The soundness of this point was recognized by the Imperial Conference of 1926, and the report of that body provides that:

When a government has received information of the intention of any other government to conduct negotiations, it is incumbent upon it to indicate its attitude with reasonable promptitude. So long as the initiating government receives

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no adverse comments, and so long as its policy involves no active obligations on the part of the other governments, it may proceed on the assumption that its policy is generally acceptable. It must, however, before taking any steps which might involve the other governments in any active obligation, obtain their definite assent.

Where by the nature of the treaty it is desirable that it should be ratified on behalf of all the Governments of the Empire, the initiating government may assume that a government which has had full opportunity of indicating its attitude and has made no adverse comments will concur in the ratification of the treaty.¹ —

You will notice the phrase in the foregoing about a treaty imposing no active obligations upon a government. Let me just show you what they mean. We have to think of treaties which impose no obligations on a government to do anything, and yet where the treaty must be recognized as binding on that government. Suppose, for instance, the government in Great Britain negotiates a treaty with Siam under which she waives the extraterritorial rights to which British subjects were previously entitled in that country. New Zealand feels that her interests in Siam are infinitely less than those of Great Britain and is content to leave the matter in Great Britain's hands. She knows all about the negotiations, does not ask to

¹ *Summary of Proceedings of the Imperial Conference of 1926*, Cmd. 2768, p. 22.

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participate, and expresses no objection. Siam, on her side, is entitled to insist that the treaty should be made binding on all British subjects. She is, therefore, entitled to expect that all the dominion governments will concur in the treaty being ratified on behalf of the Empire as a whole. Siam cannot be exposed to the risk of New Zealand saying at a later date that she was not bound by the treaty and therefore it did not apply to New Zealanders. This is a case where, though the treaty will not make it necessary for New Zealand to do anything, and therefore will impose no active obligation upon her, she must nevertheless concur in the ratification so that it may be concluded on behalf of the Empire as a whole. Acquiescence in the negotiation and conclusion of such a treaty by one part of the Empire is deemed, under the resolution which I have just quoted, to pledge the other governments to concur in the ratification in due course.

Where the treaty will oblige the several governments each to do something when the treaty comes into force this rule is not to apply. Active obligations are imposed in that case, and the express concurrence of the several governments must be obtained.

The second part of the 1923 resolution deals

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with the signature of treaties. It formally recognizes the practice which had been initiated a year or so before to the effect that a treaty which imposed obligations on one part of the Empire only should be signed only by a plenipotentiary acting on behalf of that part.

At an earlier stage it had been the custom for a treaty relating exclusively to a part of the Empire other than Great Britain always to be signed by a British minister or diplomatic representative abroad, even if it were signed as well by a representative of the dominion. In 1923 Canada negotiated with the United States a treaty for the regulation of the Halibut fishery, and when it was about to be signed questioned both the propriety and the utility of the British Ambassador at Washington adding his signature to the treaty in addition to that of the Canadian representative. The government in Great Britain hesitated and then agreed. The question had to be faced of what the addition of the signature of the British Ambassador implied, when the stage had been reached, as it then had been, that a dominion was at liberty to negotiate and conclude a treaty on a matter exclusively affecting its own interests. It was felt that in the eyes of the foreign state with which the treaty was concluded the Ambassador's signature might be

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taken to imply a pledge by Great Britain that the treaty should be carried out, and Great Britain was in no position to give that pledge. She had no means beyond the powers of persuasion of forcing Canada to carry out the treaty, and in the circumstances it was, from the British point of view, better for the Canadian signature to stand alone on the treaty. Canada desired that the signature of the Canadian plenipotentiary should stand alone for a different reason. She wished it to indicate her ability to make her own treaties for herself. It was fortunate that the two points of view coincided.

Treaties with another state which on the British side impose obligations on more than one part of the Empire were, according to the 1923 resolution, to be signed "by one or more plenipotentiaries on behalf of all the governments concerned." The language is a little vague. It suggests that the intention of the framers was that in such cases the plenipotentiary acting on behalf of the government in Great Britain would be empowered to sign on behalf of all. The 1926 resolutions have restated and amplified the practice which is to be followed in these cases. Each part of the Empire which is to be bound by the treaty is to figure in the preamble, and a signature is to be affixed by a

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plenipotentiary authorized to act on its behalf. The same plenipotentiary may be authorized to act on behalf of several different parts of the Empire, and the language employed in the resolution is not inconsistent with the authority to act on behalf of those different parts being conveyed by a single full power, provided that in it the different parts of the Empire on whose behalf it is issued are specified.

The Conference agreed on a specimen form of treaty and annexed it to its report. If possible all treaties to which any part of the Empire is a party are to be made in the name of the king "as the symbol of the special relationship between the different parts of the Empire/' The British units are to be grouped together and the particular parts of the Empire for which each plenipotentiary acts will be specified. No general authority is to be given—to use the technical phrase, no unlimited full power is to be issued—enabling the bearer to sign on the king's behalf generally so as to bind the whole Empire. The reason for this is that the principle is now accepted that the full power issued by the king authorizing the recipient to sign a treaty on behalf of any particular part of the Empire is issued on the advice of the government responsible for that part. No government has au-

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thority to advise the king to issue a full power in respect of the territory subject to another government, and if the whole Empire is to be covered by the signature of the several plenipotentiaries, each of the responsible governments must advise the issue of the necessary full powers.

The system as just described must sound a little complicated, but it will work quite simply.

The third part of the 1923 resolution deals with the ratification of treaties.

The ratification of a treaty is the act of the king, and constitutionally the king must act on the advice of his ministers when he gives the ratification, and the ministers on whose advice he acts must be the ministers responsible for the part of the Empire affected by the treaty.

In some parts of the Empire now there is a move in favor of submitting all treaties to Parliament before they are ratified, and apart from this some treaties necessitate parliamentary action in the form of legislation or the provision of money before they can be carried out. It is for the government of each part of the Empire on whose behalf the treaty will be ratified to decide whether parliamentary action or approval therein is required.

I have already referred to the fact that the do-

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minion governments secured separate representation at the Peace Conference in Paris, 1919. Once the opposition to there being any separate dominion representation at all was got over, the Paris Peace Conference was a conference at which it was unusually easy to arrange for representation in a way that satisfied the dominions. It was a very large conference. There were a great many powers represented, and a great many plenipotentiaries to represent them. The Great Powers were allowed five delegates each, and the smaller powers, two. It was thus easy to arrange for the dominion governments to have two delegates each in addition to the five who represented the Empire generally.

Since that date various other international conferences have been held, but it has not as a rule been possible to repeat the Paris arrangements, and some of the alternative plans which have been tried have not given satisfaction to the dominion governments.

This question of representation at international conferences is dealt with at some length in the report of the proceedings of the Imperial Conference of 1926.¹

¹ *Summary of Proceedings of the Imperial Conference of 1926*, Cmd. 2768, p. 26.

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The separate membership of the League of Nations which the dominions and India enjoy excludes any difficulty in the case of conferences which meet under the auspices of the League. The dominion governments receive the same invitation as all other states, and can nominate their own delegates if they wish to be represented.

The difficulties arise where the conference is convoked and the invitations are issued by some individual government. The dominion governments cannot easily participate as distinct political entities in a conference to which they are not invited, and it has happened sometimes in recent years that they have not received separate invitations, the only invitation received being addressed to His Majesty's Government in Great Britain.

The Imperial Conference Resolution of 1926 recognizes three methods of representation as possible in any case where the various parts of the Empire desire to be represented at an international conference.

The first is by one or more common plenipotentiaries, that is to say, all parts of the Empire participating in the conference would be represented by the same delegate or delegates, but he or they would receive separate authorizations in respect of each part. As I have said already, the

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full power which is given to a plenipotentiary is issued by the king on the advice of the ministers of the part of the Empire which the plenipotentiary is to represent. The method employed in appointing the plenipotentiary is for the dominion government concerned to execute some formal instrument recording its desire for authority to be conferred upon the person named to act on behalf of the dominion. This is forwarded to London and is treated as an application for the issue of the king's full power, which is then transmitted in due course to the person named.

If all the governments concerned desire the issue of a full power to the same individual, there is no need for more than one such full power to be signed by the king, provided that it mentions specifically all parts of the Empire on behalf of which the plenipotentiary is authorized to sign.

The second method of representation is by a single delegation composed of individual representatives of Great Britain and each of the dominions. With this system, if Great Britain and each of the dominions exercise their right of nominating a representative, the Empire delegation will consist of not less than seven men. It is this which makes the system a little unwieldy, though the difficulty

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can be diminished if one or more of the units concerned nominate the same individual to represent them.

This plan was followed at the Washington Naval Disarmament Conference in 1921. There was on that occasion a single British delegation composed of six individuals representing between them all parts of the Empire.

Theoretically, the system I have just described seems the natural plan to adopt. In practice it has its disadvantages. A delegation must speak with one voice. If the delegation represents seven different governments and comprises individual representatives of all those governments, they must agree beforehand on the line to be followed on every point which may come up for discussion. Until such agreement is reached the delegation cannot state its view. You may say that this may happen in any large delegation attending a conference, but in these cases there is always one man at the head of the delegation in a position to make his voice prevail in case of disagreement. With the British Empire all the governments are equal and none is subordinate to another. Agreement must, therefore, be reached between the individuals concerned. Nevertheless, for subjects on which the Empire has an agreed policy and for

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conferences to which a separate invitation for each dominion government is not given, this plan of a single Empire delegation is a convenient mode of representation.

The third method is that of a separate delegation to represent each part of the Empire which takes part in the conference, the same method as is adopted in League of Nations conferences. It is in many ways the most convenient method and it is particularly appropriate for conferences on technical subjects on which the dominion governments may have interests to care for which do not coincide with those of Great Britain. Where this mode of representation is adopted, co-operation between the different delegations is insured by meetings of all the delegates to discuss any points which are coming up for consideration.

Convenient though it is for the Empire, this third method of representation has not hitherto proved itself the most easy to achieve. Foreign powers have on occasions shown a hesitation in accepting the idea that if they are to treat the British Empire as a unit, it should be represented by seven delegations. And again, if the conference is one in which only a few powers are invited to take part, to have one of them coming with seven delegations tends rather to overload it.

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All this machinery connected with treaties and conferences which I have described may sound cumbersome, but it must be remembered that each of the seven autonomous governments in the Empire is entitled to make its voice heard in connection with the direction of foreign affairs and the control of foreign policy; and, as no one of them is subordinate to any other, no treaty can be made for it without its own concurrence. Cumbersome though it may sound, it works successfully.

The cardinal feature of the resolutions adopted by the Imperial Conferences of 1923 and 1926 is the distinction between treaties which affect or are of interest only to one particular part of the Empire and those of wider import, and the leaving to the particular part of the Empire concerned unfettered control over the former while providing for consultation and co-operation as regards the latter.

The same principle has been followed with regard to the sphere assigned to the diplomatic representatives appointed at Washington by two of the dominions. When first it was proposed that Canada should have her own minister at Washington, anxiety was expressed in some quarters that it would add greatly to the difficulties of the British ambassador there. He and his Canadian colleague

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might receive instructions which would oblige them to pursue conflicting courses on matters of common interest to the Empire.

In fact it was the Irish Free State which was the first dominion to set up its own diplomatic representative in the United States, and the fears just indicated have proved to be groundless. Overlapping and confusion have been avoided by following the same principle as that which applies to the conclusion of treaties: unfettered control over questions and relations appertaining exclusively to the government or country which the diplomatic agent represents, consultation and collaboration in all matters which are of common interest, and, above all, close contact between the ambassador and the minister so as to insure harmonious and friendly co-operation in their work.

The recognition which was given to the new status of the dominions in the work of the Peace Conference in Paris and in the form of the Treaty of Peace is also to be seen in the framework of the League of Nations.

If you look at the Covenant, which is the charter or constitution of the League, you will see that a list of the original members of the league is given in an annex. The form in which British membership is provided for satisfies both the two outstand-

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ing characteristics of the British Empire: the unity of the whole and the autonomy of the parts.

The names of the states come in alphabetical order. When you reach the words "British Empire," you will see immediately after them, but set back a little so as to show that they constitute part of the British group, the names Canada, Australia, South Africa, New Zealand, and India. The Irish Free State was only admitted as a member of the League at a later date.

Satisfactory though the form is in one respect, in that it recognizes the distinct international personality of the dominions, it is unsatisfactory in another respect, in that it entirely omits Great Britain, and Great Britain is not a wholly negligible part of the Empire. Great Britain only finds herself within the League as an unmentioned element in the British Empire.

How this came about it is a little difficult now to tell. It probably originated in the fact that the plenipotentiaries representing Great Britain at the Peace Conference were furnished with full powers from the King which contained no words of territorial limitation and enabled them to act on his behalf generally. Their signature to the Peace Treaty was not limited in its operation to Great

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Britain. Technically it applied to all the King's dominions.

Whatever the purpose of this arrangement in the Annex to the Covenant, it has not worked well in practice. If the object was to lay stress on the unity of the Empire as a political entity, the effect has been the opposite, because in the ordinary work of the League it has tended to render the words "British Empire" synonymous with Great Britain and to create the impression that the dominions were something outside the Empire. If at a meeting of the Assembly the representatives are called upon to come up to the tribune to cast their votes in, let us say, the election of the president, and the South African delegate is seen to vote in the name of South Africa while the delegate of His Majesty's Government in Great Britain is seen to vote in the name of the British Empire, it necessarily suggests that South Africa is no part of the Empire.

Until the terms of the Covenant are amended and account is taken of the existence of Great Britain it is bound to happen that for some purposes the words "British Empire" are taken as meaning Great Britain—for instance, the share of the expenses of the League which falls to the lot of the Empire must be paid by Great Britain.

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The dominions, who pay their own share, could not be expected to contribute also a share of the other.

In the activities of the two deliberative bodies of the League, the Assembly and the Council, a satisfactory rough working rule as between the delegates from London and those from the dominions has been arrived at.

In the Assembly, where the dominions and India are separately represented by delegations of their own on exactly the same footing as other states, the delegation which sits and acts under the name of the British Empire represents Great Britain.

In the Council, where the Covenant provides that one of the permanent members is to be the representative of the British Empire, the situation is a little different. For the last three years it has been the practice that the British foreign secretary should himself attend the meetings of the Council. Just as the work of his department in London comprises the care of the foreign relations of the whole Empire so far as the dominions are content that it should be transacted through the normal diplomatic channel, so in the work of the Council at Geneva the British representative has to bear in mind interests wider than those of Great

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Britain and the parts of the Empire not separately represented in the League.

To see exactly what this means one must remember the distinction which was drawn in connection with treaties. There are treaties which must be binding on the whole Empire in the sense that they must be recognized by the whole Empire—passive obligations—and there are others which must be binding on the whole Empire because they necessitate some action by the various governments, treaties imposing active obligations. So in the work of the Council there are some matters which are of interest to the dominions because of their bearing on questions which are of importance to the Empire as a whole: everything which tends toward peace and harmony among the states of the world. In these matters the British member of the Council is something more than a mere representative of Great Britain. While nominated by His Majesty's Government in Great Britain and primarily responsible to them, he is bound, in view of the constitutional position of the British Empire and the established practice in foreign affairs, to consult fully with the dominions before agreeing to any action which may affect their interests. On the other hand, in matters which specially affect a dominion, the dominions, like all other

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members of the League, get the benefit of the rule in Article 4 of the Covenant that any member of the League not represented on the Council shall be invited to send a representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting its interests. Let me give an example. The Union of South Africa holds the mandate for what was formerly German Southwest Africa. If a question comes before the Council relating to the exercise of that mandate, the delegate of South Africa comes and sits at the table because the interests of his state are specially affected.

The rule I have described works well in practice. It enables the delegate appointed by the government in Great Britain to care for the interests of the dominions without of course empowering him to undertake on their behalf any specific obligations, except where he has been specially authorized to do so; and it justifies him also in keeping the dominion representatives informed as to what is going on within the Council when matters of difficulty are being dealt with as to which secrecy must be observed, but which nevertheless are of great interest to the dominions.

This analysis of the dominion position as regards the Council will enable one to see why the

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dominions are eligible for election to the Council on the same footing as other states, members of the League, not permanently represented on the Council. The eligibility of the dominions for election to the Council was expressly recognized by the framers of the Covenant of the League at Paris in a letter, dated May 6, 1919, signed by President Wilson, M. Clemenceau, and Mr. Lloyd George, and given to Sir R. Borden. Its terms are as follows:

The question having been raised as to the meaning of Article 4 of the League of Nations Covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that, upon the true construction of the first and second paragraphs of that article, representatives of the self-governing Dominions of the British Empire may be selected or named as members of the Council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt, it would be entirely removed by the fact that the articles of the Covenant are not subject to a narrow or technical construction.

No one will deny that the body politic which I have been describing—the British Empire as a unit—is a cumbersome machine. In international relations it can only work smoothly and efficiently if its internal machinery for consultation and for exchanging information is satisfactory.

For the last twenty years every Imperial Con-

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ference has laid stress on the need for organizing the most efficient method of consultation. In the course of that period one or two experiments have been made, and in time no doubt some system will be reached under which the government in London will have its representatives in each dominion capital—now that the governor-general is likely to cease to act in that capacity—and each dominion will maintain in London a representative who will handle on behalf of that dominion political questions in addition to the financial and trade questions with which the time of the existing High Commissioners is so largely occupied. At the moment that stage has not been reached, though tentative efforts are being made in one case at facilitating personal contact with British ministers by the establishment in London of a personal representative of the dominion prime minister.

The hesitation on the part of the dominion governments may in part be due to the feeling which is said to have inspired Sir Wilfred Laurier's reluctance that Canada should be taken too much into consultation by the imperial government. Consultation necessitated some indication of concurrence in, or dissent from, the policy under consideration, and concurrence entails a measure of responsibility for the policy adopted. Dissent

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equally implies some measure of responsibility for the non-adoption of the policy which had been proposed. Sir Wilfred would have preferred to hold aloof from the policy which British ministers followed, because that policy was bound to be in the main a European policy.

Since the war the interdependence of the units of the Empire is more thoroughly recognized, and the dominion governments realize that if they expect to be entitled to make their voice heard in matters of foreign policy they cannot avoid all responsibility for the policy which may be followed.

The difficulty of finding the perfect machinery for consultation is that one must not create something unnecessarily cumbrous; so long as the dominion governments are kept fully informed by the government in Great Britain of all that is passing, the machinery for consultation does not require to be elaborate. For a time during the war the Canadian government maintained a resident cabinet minister in London, but this has now been dropped. It is doubtful whether any member of a dominion cabinet stationed in London for the purpose of maintaining contact with the government in London would feel that his work was sufficient to justify his absence from the political arena in his own country.

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Apart from the difficulty of finding the perfect machinery for consultation between the various governments concerned, the advantages of united action in the field of international relations render it wise not to alter too hastily the methods by which the foreign relations have been conducted in the past, so long as the dominions are kept fully informed of what is going on and have an opportunity of explaining their point of view so as to prevent their being committed to anything they do not like. The whole subject is rendered more difficult for some of the dominion governments because of the views of the more unthinking elements in their country who cannot disabuse their minds of the idea that the government in London wish to maintain the dominions in a position of subordination, who know too little of the conduct of affairs to realize the advantages of united action, and who believe that if London consults the dominion governments at all the latter are sure to fall a prey to the nefarious schemers in Downing Street.

This is but a passing phase. Downing Street may have made mistakes in the past. Great Britain is a democracy, and a democracy of forty million people, and the remarkable thing today is, not that the government and the people in England sometimes suffer from a momentary forgetfulness

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of the status of equality with themselves which the dominions have attained, but that they should have accepted the position and absorbed the idea with the readiness that they have displayed.

At an earlier moment I drew a comparison between the relationship between the different parts of the Empire and that between the members of a family. The obligation which each government in the Empire, and in particular the government in Great Britain, has accepted to consult with the governments of the other autonomous communities of the Commonwealth is, as I say, bound to make the conduct of relations with foreign states more cumbrous and therefore more difficult; and if each government has accepted and is loyally striving to fulfil that obligation, it is due to the family feeling which prevails among all the units of the Empire.

And what of the future?

Has the recognition of the autonomy of the communities which constitute the British Commonwealth of nations weakened the ties which bind the Empire together? The answer, I feel confident, is "No." To an outside critic attempting to size up the situation by applying purely logical standards, the Empire may seem to be the frailest of political structures. So it seemed, I think, to

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some in 1914, and the mistake tended greatly to their own undoing. In truth, it is the full recognition of the right of each of the great self-governing communities of the Empire to be the master of its own destinies which renders it so unlikely that the connecting bonds of Empire will snap. What this full recognition of their autonomy has done is to eliminate from relations with the mother-country the elements that chafed and embittered the sentiments of the dominion peoples, and it is these elements that would have weakened and might ultimately have worn away the connecting bonds. Frank acceptance of the status of equality will have strengthened, not have weakened, the bonds of Empire.

But, you may ask, Granted the status of equality and full autonomy, how long will the Empire last? The answer I would give is simple in the extreme. The British Empire will endure so long as it serves a useful purpose, so long as its constituent elements find it better to belong to it than to stand alone. It is unlikely that the British Empire could have survived the ordeal of the war unless it is fulfilling some purpose which is useful to its members, and I can see no adequate reason for thinking that the purpose it is fulfilling today will change in the immediate future.

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The foreign policy of the Empire may be summed up in one phrase, "Seek peace and insure it." So long as that remains the watchword of all those who are responsible for guiding the destinies of the Empire, and so long as the forms of government remain as democratic as they are today, it is not likely that any of its governments will embark upon enterprises so hazardous, or adopt a standpoint so selfish, as to endanger the unity of the whole.

THE POSITION OF THE IRISH FREE STATE
IN THE BRITISH COMMONWEALTH
OF NATIONS

By TIMOTHY A. SMIDDY

THE POSITION OF THE IRISH FREE STATE IN THE BRITISH COMMONWEALTH OF NATIONS

The constitutional status of the Irish Free State in the British Commonwealth of Nations is essentially the same as that of the other self-governing dominions. The first article of the treaty between Great Britain and Ireland cites: "Ireland shall have the same constitutional status in the community of nations known as the British Empire as the Dominion of Canada"; and the second article of the treaty points out that the position of the Irish Free State in relation to the Imperial parliament and government shall be that of the Dominion of Canada; and the law, practice, and constitutional usage governing the relationship of the Crown, of the representative of the Crown, and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State. This status is further defined in the first article of the constitution of the Irish Free State, which declares that the Irish Free State is a coequal member of the community of nations forming the British Commonwealth of Nations. In fact, this statement expresses in a formal manner

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and emphasizes the rank and the nationhood of every member of the Commonwealth.

The Imperial Conference which was held last November and which has been referred to as the "charter" of the British Commonwealth of Nations defines the position and mutual relation of the different members thereof: "They are autonomous communities within the British Empire; equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations." Yet, while the Imperial Conference thus defined the mutual relationship of the nations in the British Commonwealth to one another and to foreign countries, it has been asserted by some writers that the application of the term "charter" is inaccurate because the Conference only expressed in a formal manner the actual practices and constitutional usages governing the relationships of the Dominions, Irish Free State, and Great Britain to one another. "It is really a register of conditions as they exist rather than a programme of the future." The necessity of clarifying their relationships was of paramount importance in so far as many ambiguities and uncertainties have thereby been removed.

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While the Irish Free State has some times been implicitly referred to as a dominion, it is not so, while yet it has the status thereof. In fact, Ireland has always been a nation and had a parliament of its own as old as that of the British parliament. Its exclusive right to legislate in internal as well as external affairs had been formally acknowledged in 1782, and the two Kingdoms of Great Britain and Ireland were acknowledged as coequal. The Act of the Union of 1800 which united the two kingdoms into one United Kingdom is in itself an acknowledgment of this coequality.

The people of Ireland never accepted the Act of Union of 1800, and throughout the nineteenth century they strenuously fought against it and in no unequivocal manner claimed their right for independence. That century of trial, of distress, and partial failure never damped the ardor and faith of the Irish people and of their kith and kin in other countries in the cause of freedom for Ireland. With each political revolutionary endeavor the waves of freedom washed higher and higher over the breakwaters erected to break them, and while at times they were set back and suffered apparent defeat, yet they ever advanced again more formidably than before, until finally they broke their barriers and again ushered into Ireland the power to con-

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trol her own political, economic, and cultural destiny; and this was achieved by the treaty signed between Great Britain and Ireland on December 6, 1921.

The underlying principle of the British constitution and also of the British Commonwealth of Nations has been mainly that of political evolution. Neither has a written constitution but consists mainly of conventions or practices and constitutional usages. These conventions, though their non-observance would not thereby bring the person who acts in conflict with them within the jurisdiction of a court, and though many of them are not enunciated as acts, yet they have been the governing force in regulating the functions of both Great Britain and, recently, of the nations comprising the British Commonwealth of Nations. This difference between legal rules and conventions, though not quite parallel with that between written and unwritten laws, might be differently expressed as the difference between legal power and constitutional right. Among conventions one could classify, for instance, the personal liberty and freedom of speech of the subject, the right to follow any particular religion, the power of the crown to veto an act of the British parliament. Though the king has the legal power to do so, yet he has not the

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constitutional right and it would be revolutionary for him to exercise his legal powers. A similar relationship exists now between the governor-general of a dominion and the parliament of that dominion. Again, representative government rests on the principle that the crown or its representative acts on the advice of ministers who have the confidence of the lower house of parliament. This is a constitutional convention, and yet has no legal sanction.

The constitution of the Irish Free State differs from that of Great Britain in so far as it has a written constitution and puts into written form and converts into positive law many of the principal conventions of the British constitution. For instance, the constitution of the Irish Free State states that the liberty of a person is inviolable, that freedom of conscience and the free profession and practice of religion are guaranteed to every citizen; the right of free expression of opinion as well as the right to assemble peacefully and the right to form associations and of free assembly are similarly guaranteed. These rights are inherent in the British constitution, but are not expressed in actual laws. It is a convention of the British constitution that parliament should meet at least once a year, and appropriations of supply and the army act make this necessary; but this convention becomes

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a positive law in the Irish Free State constitution. Further, Article 37 of the constitution of the Irish Free State declares that money shall not be appropriated by vote, resolution, or law unless the purpose of the appropriation has, in the same session, been recommended by a message from the representative of the crown acting on the advice of the Executive Council. This is not a law in the British constitution, but a convention, and one of very important implication, the non-observance of which would make representative government, on the basis of party system, unworkable, in so far as each particular member of parliament would constantly be urged on by his constituents to propose financial schemes which would have a purely local character. Hence this important convention and law by which money shall be appropriated only on a motion from a minister is of paramount importance.

Again, the position of the president of the Executive Council is defined under the Irish constitution, whereas the rights and duties of the prime minister of Great Britain are nowhere recorded. In fact, the prime minister in the British constitution is, as Sir William Anson said, "unknown to law"; the term does not occur in any act of parliament among the records of either house.

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The relationship of the British cabinet to the British parliament is defined by convention, but not by law; whereas this relationship is legally enacted in the constitution of the Irish Free State and differs in one important respect from that of the relationship of the British cabinet to the British parliament. While the British parliament creates, in the last resort, the cabinet, yet the British cabinet can dissolve, without its consent, the British parliament whether it has or has not the confidence of the latter. In other words, the creature can destroy its creator; whereas in the Irish Free State constitution the Executive Council or cabinet can not dissolve Dail Eireann (parliament) unless it retains the support of the majority of the Dail. In this respect the Irish cabinet cannot to the same extent influence in a division those members of parliament whose minds are not quite definitely made up on the issue at stake.

The British convention by which cabinet responsibility is collective is made positive law in the constitution of the Irish Free State.

Proposals have been made, even as late as last November at the Imperial Conference, that a written constitution should be drafted for the British Commonwealth of Nations; but it was pointed out that, on account of the complexity of the Brit-

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ish Commonwealth of Nations, with its far-flung territories and peoples having different characteristics, different histories, and different stages of development, any attempt at such a written constitution would defy all efforts. Hence, all that could be achieved in the way of any approach to a constitution was a definition setting forth the actual status of those parts of the British Commonwealth of Nations which had reached full economic, political, and cultural development, and describing in a formal way their actual constitutional practices and usages. Perhaps this is wise on account of the continuous adjustments that are necessary to changing political, economic, and cultural circumstances, and any attempt at federation or form of political unity among them would be neither feasible nor prudent. Hence the unifying principle which has already shown itself operative is autonomy. "It is because the British Empire has not a doctrinaire spirit but has always been ready to fit itself to a shifting environment that it has endured." There are no hard and fast rules about it, and that is one reason why it emerges successfully from crises. And it is calculated that autonomy and absolute equality of status, by which no member of the Commonwealth is subordinate to any other, even to Great Britain herself, will

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beget a moral bond which will be very much more cohesive than any political bond. A short retrospect would reveal the extent to which conventions and usages have already rendered obsolete much of the form of machinery that existed for carrying out the relations of the Dominions and Great Britain. The constitutional practices of Canada itself have deviated a long way from the British North America Act of 1867. Even since the signing of the treaty between Great Britain and Ireland in December, 1921, the principle of evolution has asserted itself in the greater independence of the Dominions and the Irish Free State from the political machinery of Great Britain. It is recognized that the Dominions and the Irish Free State have the power to initiate and negotiate treaties with foreign powers. The first concrete case of this treaty-making power by a dominion was the Halibut Fishing Treaty between Canada and the United States in 1923. Naturally, no dominion can make a treaty with a foreign power involving active or consequential obligations for another dominion or Great Britain.

As a further illustration of the coequality of the Irish Free State and the Dominions with one another and with Great Britain one might mention the fact that an envoy extraordinary and minister

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plenipotentiary is duly accredited to the president of the United States to represent the interests of the Irish Free State, and this has recently been followed by the appointment of a diplomatic representative of Canada. Reciprocally, the United States has appointed a minister to Ottawa and to Dublin. The Irish Free State, like other dominions, has also its representatives at the League of Nations, where they have the same status, rights, and privileges as the members of any other nation represented there. For instance, at the last sitting of the Assembly of the League of Nations the delegates of the Irish Free State asserted their claim to one of the vacancies on the council of the League. The minister for external affairs, Mr. Desmond Fitzgerald, denied the right of particular groups to be represented on the council in any specified proportion, and also that of any group to choose from among its members a state which the Assembly would be compelled to elect.

The status of the governor-general of the Irish Free State or any dominion has been essentially modified by the Imperial Conference of last November. Until then the governor-general was representative of His Majesty's government, but now he represents the Crown as such, and not the government of Great Britain. In other words, he

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is a viceroy, and communications from a dominion or the Irish Free State government to the British government no longer go through him as a channel but direct from government to government. In other words, he represents the person of the king. This change in the status of governors-general exemplifies in a striking manner the fact that the only bond linking together the various nations of the British Commonwealth of Nations is the British crown or, one might say, the person of the king. A further illustration of this personal unity is the change that was effected at the same conference in the title of His Majesty the King. Instead of the title "George V, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India," his title now reads: "George V, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India." This change would suggest that George V is king of Great Britain, king of Ireland and of each of the British dominions, thereby manifesting the person of the king as the symbol of unity of the whole Commonwealth. This evolution of the British Commonwealth of Nations is aiming at, and has succeeded in effecting, a syn-

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thesis of the idea of the national independence of each member of the Commonwealth with the idea of a unifying principle. It is a living illustration of unity amidst great diversity and variety. Naturally, underlying this symbolism of the king or crown are the ideals of common interest, common purpose, common institutions, and common understanding. We have co-operation and no coercion, and the bonds which bind the various nations are bonds which are intangible. And as far as the Irish Free State is concerned, whether these symbols signifying our membership in an association of free nations are "bands which attach or bonds which chafe" is to be determined by future experience; and since the establishment of the Anglo-Irish treaty we have been free to work out our national life in our own way without hindrance or interference from any outside source whatever. *In fact, as Mr. Kevin O'Higgins, vice-president of the Irish Free State, recently stated, "The British Empire of Queen Victoria and John Mitchell is as dead as that eminent queen and that great patriot."*

Nature has placed Ireland and Great Britain in close contiguity to each other, which geographical contiguity begets for Ireland a relationship to Great Britain more intimate than that of any other member of the Commonwealth. This relationship

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is exemplified economically by the extent to which Great Britain is a market for Irish commodities. For instance, 98 per cent of the exports of the Irish Free State are consigned to Great Britain and northern Ireland, and only 2 per cent to all other countries. Of the imports to the Irish Free State, 85 per cent are consigned from Great Britain. For instance, the value of the exports of the Irish Free State to northern Ireland exceeds by five times the value of her total exports to other countries, and is 20 times the value of her exports to the United States. The possibility of a substantial and immediate increase in our exports to Great Britain are very great, and the government of the Irish Free State has devised schemes and effected legislation by which this trade can be increased both in quantity and in quality. Meanwhile, we are desirous and are endeavoring to increase our trade also with other foreign countries, but on account of the nature of our commodities, which are mainly agricultural, and the existence of tariffs in other foreign countries, the possibilities of a greatly increased trade are not very great in the immediate future. For instance, our consigned exports to the United States were valued for the year 1926 at £306,000 or \$1,500,000; on the other hand, our consigned imports from the United States for the same

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period reached £5,000,000 or \$25,000,000. Per person, the Irish Free State sold goods valued at £13 15s. to Great Britain and northern Ireland, and this is greater than the figure for any other country except New Zealand and Denmark. As regards purchases per person from Great Britain and northern Ireland, the Irish Free State came second by goods valued at £15 14s. The Irish Free State ranks fourth as an absolute purchaser of commodities, while it is twelfth in the supply of goods to Great Britain and northern Ireland. Hence these facts, from an economic point of view, show the extent to which Ireland and England are interdependent economically; in fact, more so than any two countries on the face of the earth.

If one of the tests of self-government is ability to insure stability and to lay the foundations for an economic and cultural development that will create for the average citizen the opportunities for a full life, the people of the Irish Free State have already during the last five years amply justified their claim to be allowed to govern themselves.

The establishment of the Irish Free State in the early part of 1922 found Ireland, like all other countries in Europe, suffering from the economic depression caused by the Great War. This was in itself sufficient justification to discourage the en-

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thusiasm and blast hopes to rehabilitate the economic structure of the nation. But there was added to this task that of making good the destruction caused by the Anglo-Irish War and of re-establishing the morale of a people which had suffered from such a strife. Further, within six months after the establishment of the Irish Free State there arose a civil war which was waged for nine months, with all its ill consequences of destruction to life, property, and morale. In spite thereof the work of reconstruction and efficient legislation went on, and there has been laid within the last five years a solid foundation for the building of a sound, shapely, economic and cultural edifice. All that remains now is to lay thereon the bricks, stone, mortar, and furnishing of a structure of which we shall be justly proud. The fruits of freedom are already manifest, and of our liberty to work out our destiny in our own way. Perhaps a few of the achievements of our government and people will suffice to illustrate this.

A constitution was evolved which in the estimation of students of political history leaves very little to be desired, and it takes a high place among the democratic constitutions of the world. Parliamentary and executive institutions and machinery had to be organized and made to function. The

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electoral law and machinery for registration were revised and amended; a judicial system had to be devised that would be more consonant with the requirements of the people; a trained police force had to be recruited and organized, which is esteemed by everyone for its efficiency and loyalty to duty.

It is difficult to estimate the total cost of the destruction caused by the civil war. But the abnormal cost of the army organized to cope with it was \$60,000,000, while there were paid in compensation for material damage \$35,000,000. In all, exclusive of consequential damage, the cost was \$95,000,000.

The Irish Free State being essentially an agricultural country, particular attention was given to place the Irish farmer in a position to compete with the modern methods of production, handling, and merchandizing agricultural products that are operative among his competitors. For this purpose the Land Act of 1923 was enacted by which those farmers who had purchased their land under the previous land acts were enabled to purchase their holdings under favorable terms, and by which the last vestiges of landlordism were removed from the nation. Dairy produce acts were enacted by which all eggs and butter for export had to be graded,

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packed in a proper manner, and shipped only from licensed premises. The good effects of these acts are already visible, and during the past year eggs from the Irish Free State have obtained high prices as compared with those of its competitors. By the Live-Stock Breeding Act inferior types of bulls are being eliminated, and within a few years the quality of our cattle will be substantially increased. An agricultural credit organization is about to be established, the object of which is to cheapen the cost of the farmer's raw material by purchasing at wholesale prices, thus producing a better article, and through co-operative marketing and reduction of transportation costs, to obtain a better price. In other words, the aim is to bring the farmer into business to make it possible for him to produce and sell in accordance with the methods of mass production and sale—thereby effecting the ideals of the pioneer of co-operation, Sir Horace Plunkett: "Better farming, better business, and better living for the farmer."

By the amalgamation of twenty-six railways which were operative in the Irish Free State into one, freight charges and passenger fares have been substantially reduced and more expeditious delivery of agricultural commodities has been achieved.

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The introduction of the sugar beet industry has already met with more than the expected success. The large yield and quality of the beet and of the sugar manufactured therefrom have proved the suitability of the Irish soil for this industry.

While the Irish Free State is essentially an agricultural country and is likely to remain so for many years, yet it is desirable to bring about a better balance between agriculture and industry and to find means of employment for our increasing population, and thereby stem the tide of emigration. To achieve this object the government considered proposals submitted to it for the hydro-electrification of the river Shannon, the largest river in Great Britain and Ireland. Consideration of this project was rendered all the more imperative in consequence of the deficiency in Ireland—as far as is known—of coal that could be produced at an economical price. Our annual bill for the importation of coal and oil for power and illuminant purposes is \$20,000,000, which is comparatively a large item in our imports. Hence, to supply from our own resources power for these purposes was imperative if this could be achieved on an economic basis. After the scheme was approved by a committee of the four leading hydro-electricians of the Continent of Europe, the government proceeded with a

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scheme which will be productive of power within fifteen months. The scheme is divided into two stages. When the first is completed there will be available ninety thousand horse-power at a cost of \$26,000,000. It is estimated that the cost of production per unit will be as cheap as any produced in Europe, thereby providing cheap power for industry and bringing light and cheer to every village in the Irish Free State of five hundred inhabitants and up.

A tariff commission has been set up consisting of three of the most efficient civil servants of the state, thereby removing the influence of politics from the imposition, the increase, and decrease of any tariff. Tariffs of a moderate amount have already been imposed on commodities for which the country is particularly suited. As a result thereof, forty-nine new factories have been established since 1925 and an extension of many existing factories has resulted. It is estimated that as a result thereof there has been employment provided for ten thousand workers.

A trade loans (guaranty) act has been passed, the object of which is to make it more easy for firms to obtain capital for the establishment and development of their undertakings.

The total amount paid out of the treasury for

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housing purposes is \$7,500,000. Fourteen thousand houses have been created or are in course of erection.

Taxation has been substantially reduced. Income tax since 1922 has been lowered from 6 shillings in the pound to 3 shillings in 1927, 50 per cent. The duty on tea, which was 16 cents per pound in 1924, has been abolished, as also the duties on cocoa and coffee, while the duty on sugar was reduced from 5! cents to 2 cents. The grants in aid to relieve the local taxes of the farmers have doubled by a contribution of \$3,000,000. The estimated amount for the year's revenue, 1927-28, is \$115,000,000. Since 1921 the taxation has been reduced from \$56 per head to \$38 per head. This is a very notable achievement when one considers the amount of economic construction that has been effected. The total national debt is \$81,000,000 and only \$62,000,000 when our national assets are taken into account. In other words, our national debt is only 52 per cent of one year's state revenue. Our national loan recently stood at £100. This loan was issued at £95 sterling, thereby showing an appreciation of 5 per cent. Our budget substantially balances; while an interesting fact is that the Irish Free State is a creditor nation, the citizens of which have invested upward of \$1,000,000,000

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in British government and foreign industrial securities.

The financial policy of the government has been conservative throughout, so much so that already a large amount of non-recurrent expenditure has been defrayed out of revenue.

Further, the government has completely reorganized education and put it on a Gaelic basis. Prior to the establishment of the Irish Free State, primary, secondary, and university education was unco-ordinated and under the control of three different authorities with no connecting links between them. Attendance at school is compulsory for all children between the ages of six and fourteen. A commission has been set up with the object of devising the best means for industrial and commercial education. The commission includes experts from Sweden and Switzerland, so that we shall be in a position to develop a system by which continuation education and technical education can best be integrated with general education.

These are some of the achievements of the people and government of the Irish Free State during the short time of its existence, and they give promise of the realization of the destiny at which Ireland has ever aimed.

Ireland is a mother-country: her sons and

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daughters have contributed in a large measure to the building of the dominions of the British Commonwealth, especially Canada and Australia. In 1920-21 there were 365,747 Irish-born persons living in England and Wales, 105,033 in Australia, 93,301 in Canada, 34,419 in New Zealand, 12,289 in the Union of South Africa, 8,414 in India, and 1,037,234 in the United States of America. In these countries there resided 1,817,457 persons born in Ireland, 43.0 per cent of the population of Ireland in 1926. Further, in the United States in 1920 there resided 4,136,395 persons of Irish origin (both of whose parents were Irish born, or one of whose parents was Irish born); and there were 1,107,817 persons of Irish origin in Canada in 1921 (origin in Canada is traced entirely through the father).

The attachment of the Irish race in foreign lands to their motherland and their reverence for her traditions and ideals is a well-established historical fact. Their interest in the development of her political freedom and economic prosperity is obvious to any observer. The more this freedom is an established fact, the more the absolute equality of status of the Irish Free State with that of Great Britain herself and of the other dominions manifests itself in the ordering of her own life, the greater will be the moral bonds which bind her

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to her associates in the British Commonwealth of Nations. The more this absolute equality is realized in fact, the greater will become our friendship for Great Britain, and the greater will be the solidarity of the British Commonwealth through contentment among the people of the Irish Free State and their kith and kin in the dominions.

Mr. Cosgrave, when receiving the freedom of the city of Manchester last November, said: "I feel that your people and mine, separated for centuries by a tragic series of events, can now give an example to the world of what may be achieved by free association between free nations. We have the most profound conviction that present relations will ripen into sincere and lasting friendship."

In the wider realm of international affairs the Irish Free State can play an important part which her membership in the League of Nations enables her to achieve. She is free there to express her ideals for the peace and harmony of mankind. She is in a particularly favorable position to effect this, as she has no foreign territory, has no enemies, and is not likely to foster any in time to come. She has a fertile ground on which to sow her ideals among the millions of her children scattered throughout the world. She hopes in no small way in this assembly of nations to help to make prevail ideals for

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the peace and betterment of mankind. As Mr. Cosgrave said on the occasion of the admission of the Irish Free State to the League of Nations:

It is our earnest endeavour to co-operate with our fellow members in every effort calculated to give effect to these ideals—to mitigate, and, whenever possible, to avert, the ancient evils of warfare and oppression; to encourage wholesome and to discourage unwholesome relations between nation and nation; to enable even the weakest of nations to live their own lives and make their own proper contribution to the good of all, free even from the shadow and the fear of external violence, vicious penetration, or injurious pressure of any kind.

THE PROBLEMS OF CANADA

By JOHN W. DAFOE

THE ECONOMIC AND POLITICAL PROBLEMS OF CANADA

Canada shares many problems with the world. We are troubled, as every other modern nation is, by the need of adjusting our methods of government and our social and business regimentation to the increasingly complex processes of civilization. These I do not propose to discuss. Then we have problems relating to our external relationships: to Great Britain and the world generally, and to the United States. These come within the scope of lectures to be delivered later. Today I deal with the larger domestic difficulties of Canada.

For a clue to the origin of many of these problems it is only necessary to look at a map showing the areas of population and settlement, the division of the surface into arable soil, forest, mountains, and waste, the lines of communication, and the natural channels of transportation. Superimpose upon this another map showing the racial origins and the religious divisions of the people, and you will begin to comprehend the reasons for the remark feelingly made by Sir John A. Macdonald,

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the first premier of the Confederation, which was as feelingly echoed by Sir Wilfrid Laurier, that Canada is a very difficult country to govern. Canada would be thus seen as a country of immense width, with but little depth, the areas of settlement and cultivation making a mere ribbon along the boundary adjacent to the United States. Nor is this narrow belt of settlement and development continuous; it is broken into sections by physical barriers. There are five natural and economic divisions in Canada. There is the area of the Maritime Provinces, jutting out into the Atlantic, predominantly English-speaking, drawn close to the adjoining New England states by an economic urge which, being blocked of fulfilment on grounds of national policy has aided powerfully in bringing about a state of feeling which constitutes one of the difficult problems of Canada at the present time.

More than half the state of Maine lies north of the projection of the southern boundary of the province of Quebec eastward to New Brunswick, and this great wedge of American territory has isolated the Maritimes from the central provinces, thus accentuating economic and political divergencies. The intercolonial railway, built to unite the upper and the lower provinces, had to make a de-

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tour of 300 miles from a straight line in order to remain upon Canadian territory, and from this original handicap there has flowed a train of political and economic ills ending just the other day in a remarkable legislative expedient of which further mention will be made.

Going westward, we come to the two central Canadian provinces, Ontario and Quebec, with about two-thirds of the total population. Here settlement is continuous. There is no clash of economic interests; nevertheless the division of this area between two provinces, one overwhelmingly French-Canadian and the other as pronouncedly English-speaking, with long traditions of friction and a fixed resolve not to see things politically in the same light, makes them two distinct communities.

Between the settled portions of the central provinces and the prairie country there is nearly a thousand miles of rocky waste country, with mere patches of arable land. This is the great wedge of the pre-Cambrian shield, which in the past has effectively divided Canada into east and west. The prairie country of Canada is an extension northward of the great American fertile belt. Here we have a vast central plain, some 800 miles in length, filling the country from the western edge of the

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pre-Cambrian shield to the Rocky Mountains. The economic and business interests of this vast territory diverge sharply from those of eastern Canada, and as a large percentage of the population know nothing of eastern Canada, having come direct from Great Britain, Europe, or the United States, the differences between these two sections of Canada are apt to take the form of violent political disagreements. All Europe is represented in the population of the prairie provinces, though the settlers of British and Canadian origin are in easy control of political and economic activities. Then come the Rocky Mountains, and beyond them, looking out on the Pacific and feeling more and more a community interest in the problems that center in that vast ocean, is the province of British Columbia.

We thus see in Canada a great diversity of economic interests and a diversity of race which tends to find political expression. These form the background to our recurrent and continuing difficulties. Many of our problems are intertwined with our history. We have inherited them from earlier generations, and even after they have been long quiescent there is always a possibility of their breaking out anew, often as the result of maneuvers by party tacticians.

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How did it come about that communities as widely separated as these were sixty years ago, with such diverse interests, came together in a federal union? Federations are notoriously difficult to bring about, as the early history of the American union shows. They are usually the result of economic and political pressure. In the making of Canada the political idea was dominant, though economic considerations, in the case of central Canada, were not lacking. The Confederation of Canada was an attempt to give body and existence to a political abstraction. It was the outcome of an effort, conscious and unconscious, to create a political entity on the northern half of the North American continent which would be strong enough to resist absorption by the United States. In carrying out this idea there was a defiance of geographical and economic facts. Goldwin Smith used to say that Canada was an attempt to defy geography, and he predicted that the laws of nature would override the will of man. There was a time when it looked as though this pessimist was right; but these doubts no longer assail us. Canada is an exhibit against the theory of economic determinism as the arbiter of the fate of nations. Canadians are celebrating in this year 1927 the sixtieth anniversary of the union of the Canadian provinces in the

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faith that Canada has taken a definite and assured place among the nations of the world.

Confederation of the colonies, which for long was a visionary idea whose achievement was projected far into the future, was early in the sixties of the last century suddenly transformed into a task which had to be accomplished, so its advocates believed, in a race against time. George Brown, one of the fathers of Confederation, in his speech in the Confederation debate, gave in one brief paragraph a list of some of the forces which were behind the political movement for confederation. He said:

The civil war in the neighboring republic; the possibility of war between Great Britain and the United States; the threatened repeal of the reciprocity treaty; the threatened abolition of the American bonding system; the unsettled position of the Hudson's Bay Company, and the changed feeling of England as to the relations of great colonies to the parent state—all combine at this moment to arrest earnest attention to the gravity of the situation and unite us all in one vigorous effort to meet the emergency like men.

You will note in that statement a reference to the "changed feeling of England as to the relations of great colonies to the parent state." This has reference to the very widespread feeling in England during the fifties and sixties, which was shared by leading members of all political parties, that the

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inevitable destiny of the Canadian colonies was friendly ultimate separation from Great Britain and their establishment as independent communities to be retained in the orbit of English influence by a sentimental regard for the mother state. But the prospect of their absorption into the American Union was an altogether different matter. When Alexander T. Gait, representing the Canadian government, tried to interest the British government in 1858 in the project of confederation he said it was a choice between confederation and annexation. But he was listened to with incredulity by the Colonial Secretary. It became a very different matter, however, when the Civil War broke out between the North and South and relations between the United States and Great Britain neared the breaking-point. At once the question of the defense of Canada against possible attack arose; and the British government made it quite clear to the Canadian colonies that in the event of trouble they would be expected to look very largely after their own defense. It was this feeling of apprehension, this belief that following the war the Canadian provinces would be subjected certainly to economic disciplining through the abrogation of the reciprocity pact and possibly to military invasion—the papers and political speeches at the time

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were full of these alarms—that brought home to the Canadian people the desirability of getting together to face whatever emergencies might arise. They proposed to create a British-American nation. The idea of the Canadian public men was that this nation should be in close alliance with Great Britain. But it was quite evident that the view was strongly, though of course not universally, held in Great Britain that it would be safer, both for Canada and for Great Britain, if this federation should become a distinct nationality, though bound by ties of affection and self-interest with the motherland. Thus we find Queen Victoria in her journal under date of February 12, 1865, recording a conversation with one of her ministers as to whether it would not be best to let Canada go as an independent kingdom under an English prince.

But whatever the solution, the first necessity was to get the provinces federated with the least possible loss of time. And for this reason the difficulties in the way were dealt with with a view to immediate results and without much consideration for possible after-trouble. The Maritime Provinces, after their hot fit for confederation at the Quebec conference, cooled off after their delegates returned with the completed plan. Prince Edward Island

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withdrew for the time being; New Brunswick, the matter being referred to its electors, declared against it by a strong majority, a decision which was reversed on a second appeal to the electors. In Nova Scotia opinion against the scheme was overwhelming, but it could not register itself because an opportunity to vote was not given to the people. It was the powerful influence of the imperial government, exerted in various ways, which was instrumental in bringing these provinces into confederation. The Nova Scotia dissentients who, as the first election for the Dominion parliament showed, were in a great majority in the province, could get a hearing neither at home nor at London; and they saw the marriage between their province and Canada carried through despite their attempts to forbid the banns. On Confederation Day flags flew at half-mast in the province of Nova Scotia and newspapers appeared with mourning rules. The purpose of the architects of confederation to get Nova Scotia irretrievably into the federation and trust to the future to reconcile her to her fate was thus carried out. These Bismarckian tactics left a bitterness in the minds of the people of the Maritime Provinces, especially in Nova Scotia, which has been bearing fruit right along for the last sixty years and made necessary remedial legislation of a

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somewhat startling character at the last session of the Canadian parliament. The Maritime Provinces are still the weak spot in the Canadian federation.

Confederation as originally carried out comprised only four eastern provinces, with an area only one-tenth that of the present Dominion of Canada. The political reason for confederation applied as well to the extension of the original area. Provision was made in the British North America Act to take over the vast territories then under control of the Hudson's Bay Company; if the western prairie country were left without a strong government it was feared that the tide of United States settlement moving northward would pour into these vacant places, to be followed in due time by incorporation within the American union. The new Dominion therefore at once set about securing the transfer of this territory, which included all the British territory north of Canada and westward to the Rocky Mountains. The transfer was effected in 1870, and Canada received an accession of three million square miles of territory with a total white population of perhaps 25,000. To the west there still was the colony of British Columbia, isolated and remote, and nervous about its isolation. To induce British Columbia to join confederation.

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Canada, then a country with less than four million people and of very limited wealth, assumed the enormous responsibility of building a transcontinental railway within ten years. The fathers of confederation did not lack courage; nor, as the sequel has shown, vision. In 1873 the little colony of Prince Edward Island came in, completing the edifice of confederation.

The necessity at confederation of conserving the rights of the French with respect to their laws, institutions, language, and schools resulted in the incorporation in the constitution of provisions which have given rise to a whole series of related problems. In the parliament of the old Canadas their parliamentary representation was sufficient to protect their rights; but in the larger parliament they would be in a minority. Therefore they sought and obtained guaranties of the most binding character. The result was the imbedding in the Canadian constitution of provisions over which furious controversies have arisen during the last sixty years. To illustrate let me draw attention to Section 93 of the British North America Act, which has to do with education. Obviously Lower Canada, overwhelmingly French and Catholic, would not consent to education being under the control of the federal parliament, which would be predomi-

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nantly Protestant and English-speaking. Therefore it was provided that the provinces should have exclusive jurisdiction over education. But this general provision did not fully meet the needs of the case. There was an English Protestant minority in the province of Quebec which did not want to be subjected to the unrestricted control of a French Catholic majority. There was a Catholic minority in Upper Canada which equally wanted to be protected against the Protestant majority. So Clause 93 was framed to meet, as it was supposed, all possible emergencies. After giving education exclusively to the provinces it proceeded to make various reservations. The existing educational rights of the minorities in Upper and Lower Canada were imbedded in the constitution, and it was further provided that if any province interfered with a right or privilege enjoyed by an educational minority by law or practice at the time of the union, or which had been, subsequent to the union, conferred upon them by the legislature of the province, an appeal would lie to the Dominion government, which, sitting as a court, could find against the province. In the event the Dominion parliament became charged with power to enact overriding educational legislation to the extent

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necessary to give effect to the rinding of the Dominion government.

Arising out of this clause there have been repeated struggles of the bitterest type, owing to the stirring up of racial and religious feelings. An attempt by the Conservative government in 1896 to enforce the remedial provisions of Section 93 against Manitoba brought it to the ground and ushered in the long era of Liberal supremacy. Ten years later the Liberal government, by applying the spirit of Clause 93 to the legislation creating the new provinces of Alberta and Saskatchewan, that is, by providing that educational rights enjoyed by the minority under territorial ordinances had become part of the basic constitution of the provinces, precipitated a controversy which threatened the very life of the government and so prejudiced it in the judgment of the people of Ontario, who take a particularly keen interest in questions of this kind, that it lost heavily in electoral strength and never recovered the position which it held before this question arose. At the moment these questions are dormant; but recent occurrences show how lightly the sleeping dogs lie.

The province of Alberta, when created out of the territorial domain by the Dominion parliament

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in 1905, was given a constitution which contained a provision continuing in perpetuity the minority school system which had been established in the territory. *In* the first provincial election the right of the Dominion thus to restrict the right of the province exclusively to make laws relating to education was somewhat questioned; but the government of the province accepted the limitation, and for twenty years the school system thus established was accepted without question. Alberta, like the two other provinces carved out of the territories of Canada, does not own the crown domain. In 1925 Alberta and the Dominion reached an agreement by which the natural resources were to be transferred to the province, and included in them were certain lands set aside for school purposes which had been administered as a trust by the Dominion, the interest being handed over yearly to the province. Under the Alberta constitution these funds were allocated in perpetuity between the majority and minority schools. When the terms of the arrangement for the transfer of the resources were given out, Mr. Henri Bourassa, noted parliamentarian and special champion of French interests, demanded that additional guaranties be given that the minority schools should always get their proportion of this grant, these to take the form of a

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clause reaffirming the original stipulation which was to be ratified by the imperial parliament, an operation which would remove any possible doubt of its validity.

The provision was wholly unnecessary if the clause in the Alberta constitution was valid, and the Minister of Justice, himself a French-Canadian, declared he had no doubt that it was valid; yet on the principle of taking no chances, of making assurance doubly sure, the whole political strength of the powerful French-Canadian group lined up behind Mr. Bourassa; and the Dominion government added the provision demanded to the measure providing for the transfer. Immediately the embers of religious and racial passion began to break into flame throughout Canada. The Alberta legislature refused to accept the provision; the transfer of the resources was deadlocked; the heather began to burn in Ontario; and there was every prospect of a furious racial and religious struggle of the kind which had on so many occasions profoundly disturbed the peace of the country. Fortunately the Alberta and Dominion governments by agreement impounded the question in the courts, where it still lies. The Canadian Supreme Court has found the provision in the Alberta act valid; and it is the expectation that the Judicial

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Committee, to which the case is now being carried, will confirm this judgment. If so, the whole episode will be shown as futile and unnecessary; as merely an attempt to drive nails in a door already securely locked and bolted. The incident is enlightening in two respects: as showing how these sectarian fires are still burning underground, and as exemplifying a political tendency which has in it possibilities of trouble. This is the alert watchfulness of the French-Canadian group for openings by which they can employ their political strength in the federal field for the widening and furthering of the causes which they have particularly at heart: the right of the Catholic minority to have everywhere their own religious schools, and the further right to make French a language of instruction in these schools if the pupils are mainly of that race.

Within the federal jurisdiction the rights conferred on the French at confederation have never been questioned and have indeed been made wider than called for by the strict letter of the law; both languages are official in parliament and the federal courts; all government publications are issued in both languages; and the French have their due share of the offices and the honors. But the matters which are particularly close to the hearts of the French—education and the employment of

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French in the schools—come within the ambit of the provinces; and there are conditions in some of the provinces which the French-Canadians violently denounce as a denial of the spirit of confederation. They conceive Canada to be, like South Africa, a two-stream country; in every province, whatever the nature of its predominant population, the French, they claim, are morally entitled to their own religious schools and the official recognition of their language. Unfortunately for them their legal rights in the provinces fall far short of these claims. Ontario, by regulation, imposed English as the language of instruction in the higher grades of the Roman Catholic public schools; this was challenged in the courts, but its validity was upheld. In Manitoba the legislature nearly forty years ago abolished French as an official language and replaced the dual system of schools by a common school system; the competency of the province to do these things was established after litigation covering many years. These actions were deeply wounding to the French-Canadians. Formerly they denounced them as breaches of the treaties and invasions of legal rights; but since the decisions of the courts they have based their case on moral grounds.

There was a perfect illustration in Parliament last session of the tendency to which I refer and

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the reaction to it of representatives of the English provinces. A French member submitted a resolution instructing the government to give a preference in appointments to the civil service to those who could speak both French and English. This was supported by the claim that Canada was a bilingual country, French being an official language, and that the French citizens were entitled to be served by officials familiar with their tongue. Mr. Hocken, an Ontario member and an officer in the Orange order, the great Protestant organization, denied these claims. Canada was not a bilingual country, and French was not, as an official language, on a parity with the English. The official language of Canada, he said, was English; the French had official recognition only to the extent set forth with particularity in Section 133 of the British North America Act: its use in Parliament and the federal courts and in the publication of the journal and records of Parliament. Mr. Bourassa did not deny that Mr. Hocken's interpretation might be legally correct; but he swept it aside as a repudiation of the understanding which, he claimed, lay beneath the confederation agreement. He said (Hansard, March 2, 1927):

In those days it was not thought necessary to state in so many paragraphs of the constitution that a natural right

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which had been enjoyed for three centuries by the founders of the country, the pioneers of Canada, those who made it possible for England to keep Canada a British country, should be continued and should not be curtailed by a narrow interpretation of the text of the law by narrow-minded individuals. Therefore the spirit of confederation, the spirit of amity and good will which had made confederation possible was preserved, although they did not recite those rights of nature, those rights of the spiritual soul of a nation, in so many articles of law. They did not expect that a time would come when groups or individuals claiming to be their political heirs would narrow it down to such a measure that, because the right of a national language is acknowledged only in one single article, you must not see that it is kept alive in the political activities of the nation.

This French-Canadian two-stream theory and the arguments by which it is supported are not accepted in the English provinces; there the majority of the people hold that the French privileges are confined to the province of Quebec, to the federal field, and in certain provinces to rights strictly defined by law. There is here a very real disharmony between the two great Canadian races. The French-Canadians are a proud and persistent people; they will not forswear their claims, even though they may deem it impolitic in certain provinces to press them at this time. The possibility that in English provinces the full French claims as to schools and language will be conceded is very

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remote. There is, however, on the part of the English-speaking majority in these provinces a more tolerant spirit toward the French-Canadian fellow-citizens. The ignorant and offensive attitude, once all too common, that French is the inferior tongue of a conquered people has pretty well passed away. It is being more and more recognized that command of the French language ought to be part of the equipment of every educated Canadian; and the compulsory teaching of French in the secondary schools could probably be readily obtained by the French if they would accept this in settlement of their claims. So long as the question remains in the provincial arenas, where it belongs, it will do harm only to the extent to which it breeds a sense of grievance in the French-Canadian mind; the danger lies in the possibility of federal interference with the provinces, under pressure from Quebec. The attempted intervention in Alberta is a case in point; and there is a suspicion that the repeated hitches in the negotiations to transfer the natural resources to Manitoba are not unrelated to a plan, as yet in the background, to force the province to agree to a modification of its public school system as a condition of receiving the public lands.

The second group of allied problems which de-

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mand continual consideration from the people of Canada and at times become so acute as to threaten the stability of confederation arise from the fact that the policies affecting taxation, transportation, banking, and other business interests, favored by the sections of the Dominion which politically are best able to give effect to their wishes, are unacceptable to other sections which find it difficult to give effective expression to their opposition. For over forty years Canada has had what those elements in Canada which do not like it regard as a high tariff. This tariff, put into effect by the Conservatives in 1879, ^{was} considerably modified in 1896, and it has been overhauled at intervals since that time by both parties; but it remains in its incidence essentially protectionist. The provinces of Ontario and Quebec, relatively even more powerful then than they are now, united in 1878 to destroy the low tariff with which Canada had begun national housekeeping; and though they are now in strong political opposition to one another on other grounds, they still constitute the protectionist citadel. Ontario supports the Conservative party which is in favor of increasing the tariff to the United States level; Quebec uses its influence within the Liberal party, to which it is attached on other than fiscal issues, to keep in check the move-

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ment which is ever present in the party to transform the tariff into one for revenue only. There has been an immense increase in manufacturing—whether due to the tariff or to other causes—since the adoption of the protective tariff, the value of the total annual production rising since 1880 from \$300,000,000 to \$4,000,000,000. The two central provinces, Ontario and Quebec, have had the lion's share of this development. The last census showed eight out of ten persons employed in industrial pursuits resident in those provinces. Only in these provinces is production by mass methods possible. The other seven provinces have less than one-third of the manufacturing establishments of Canada, with less than one-fourth of the capital invested in manufacturing. In fact the manufacturing industries in the outlying provinces are in considerable measure small establishments to meet local needs in cases where the element of time enters as a factor.

This centralization of manufacturing power is more than matched by a centralization of banking power. We have no local or territorial banks in Canada, except one small bank in Saskatchewan which has a number of branches. Our banks are practically all national in scope; others cannot live. A bank organized to serve a particular area essays a hopeless task. Either it fails and is quickly ab-

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sorbed by some stronger bank, or it succeeds, in which case it is only a matter of time until its shareholders get an offer from some of the big banks too favorable to decline. Forty years ago there was a bank with headquarters in Manitoba; its existence was short and full of trouble. Twenty years ago another bank was founded in Winnipeg by a group of local men; it has been absorbed by a larger bank. The Union Bank of Canada, originally an eastern bank, transferred its headquarters to Winnipeg a few years ago, owing to the great extension of its business in the western provinces; it was taken over some two years ago by the Royal Bank. At confederation the Maritime Provinces had five local banks; they have either been absorbed or, enlarging themselves to national institutions, they have removed their headquarters to Montreal or Toronto. Not many years ago there were thirty-four banks in Canada; in 1922 there were seventeen; today there are eleven. With the exception of the small bank before noted, there are no banking headquarters outside of Quebec and Ontario. The tendency to further consolidation is evident; and bankers, to whom this tendency is agreeable, look forward to a situation not unlike that in Great Britain, where the Big Five divide the banking business of the country.

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One of the inevitable problems of the future will arise over this question of banking. The praises of our banking system are sung to the skies, especially by bankers; and it has many virtues: flexibility, stability, universality; a branch of one of the banks can be found in practically every hamlet in the country; but it does not lack its critics, apart altogether from the long-haired cranks who advocate fiat money and other nostrums. There is an increasing body of opinion behind various suggestions looking to radical changes in our banking system, among them the establishing of a national bank of issue with rediscounting facilities. So far as Western Canada is concerned there is a growing feeling that we must make it possible for local banks to exist in competition with the branch banks of the nation-wide institutions. The bland assurances that under the existing system credit facilities are as available to commerce and industry in the newer provinces as in the centers of mass production in immediate proximity to banking headquarters are not very convincing, and a resort to political action to check a tendency which is becoming increasingly oppressive is very probable.

We have with us too the problem of agricultural credit, short, intermediate, and long term. Our banking system is based upon the three months'

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turnover which experience in all countries has shown to be unsuitable for agriculture; but no satisfactory alternative system of financing agricultural and livestock operations has been worked out. Manitoba has experimented with a short-term system of rural credits with unsatisfactory results; the heavy losses ought not, however, to be charged wholly to the system, because the experiment was tried at a very unpropitious time. Long-term credit is extended to farmers by the provinces of Manitoba, Saskatchewan, and Alberta, and the federal government is also inaugurating a scheme for loans of this character. Any remodeling of our banking system will undoubtedly take notice of the need of agriculture for credits suitable to its conditions.

This question of the griefs of the outlying provinces over the business and banking domination of the Central Provinces may be profitably examined in relation to what have come to be known as maritime grievances. Immediately following confederation a legislature was returned in Nova Scotia under instructions from the electorate to re-establish Nova Scotia as a British colony, independent of all connection with Canada. These efforts failed, largely because the imperial government hardened its heart against the appeals of the

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delegation sent to London, telling it in effect that high considerations of policy made it necessary for Nova Scotia to remain in the Canadian union whether it liked it or not. Hopes, however, were held out that the Dominion government would consider the complaints of the province and do what it could to meet its views; and in keeping with this an increase in Dominion grants to the province for a period of ten years was arranged. This was accepted as satisfactory by Howe, leader of the anti-confederates in the Dominion house, who signified his approval by entering the government. His party refused to follow him, and Nova Scotia took up her lot as a member of Confederation in a sullen and dissatisfied spirit. Twenty years later a provincial election was fought and won on the issue of secession from the Confederation, and there were from time to time indications that the old anti-confederate spirit still burned.

This condition, however, was obscured by the fact that the people of the Maritime Provinces entered with great zest into the political battles between the two Canadian parties. In federal elections at least, local grievances and disabilities were overshadowed by devotion to party standards which meant the acceptance and support of policies dictated by the central Canadian provinces. The

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loss of the reciprocity treaty with the United States in 1866 had dealt a staggering blow to the prosperity of the Maritime Provinces. Deep in the hearts of the people of these provinces, from that day to this, has been the hope that the American market could be regained. Yet upon the two occasions when reciprocity with the United States was an issue in federal elections, the Maritime Provinces, against their obvious material interest, returned a substantial majority of members opposed to freer trade relations with the United States. A large proportion of the people of the Maritime Provinces, especially in New Brunswick, are descended from American forebears who fled to those provinces after the revolting colonies established their independence; and they responded, with a readiness which resulted in a stampede, to the suggestion made for party purposes that the proposition for enlarged trade was in reality an attempt to seduce them from their British allegiance.

It is, therefore, not remarkable that the leaders of the national political party took but little stock in the complaints which arose from the Maritime Provinces between election times. But a few years ago this subordination of material interest to political zeal came to an end. In the general election of 1921 the Conservative party, then in power in the

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Dominion, met with an overwhelming defeat in the Maritime Provinces. The incoming Liberal government flattered itself that this meant nothing more than that the electors of the Maritime Provinces had decided to be hereafter loyal Liberals; but soon it began to suffer disillusion. By-elections for the Dominion parliament went against government, while the Liberal governments of the three provinces one of which had been in power for over forty years, went down in rapid succession. In the Dominion general elections in October, 1925, the Liberals exchanged places with the Conservatives, carrying only six of the twenty-nine constituencies embraced within the Maritime Provinces. All this smashing of administrations was marked by vigorous assertion of something termed "maritime rights/" accompanied by complaints of breaches of the Confederation agreement, of unjust treatment in transportation rates, of discrimination against maritime ports, with threats of secession if remedies were not sought and applied. The moment it became evident that the people of the Maritime Provinces really meant business and proposed to use their political power to make things uncomfortable for existing governments there was action. The Dominion government appointed a Royal Commission, under the chairmanship of Sir An-

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drew Duncan, to look into the complaints which had "from time to time been made on behalf of the people of the Maritime Provinces that the interests of the Maritime Provinces have suffered as a result of certain legislative and administrative measures adopted from time to time by the successive parliaments and governments of Canada."

The provincial government of Nova Scotia, which had been elected to take the province out of confederation, made an official declaration in August, 1868, of the evils which, in its opinion, had already followed in the train of union. Says the memorial of the Annand government:

It has been in existence one year; we have already had our tariff raised and our indirect taxes very highly increased; we have been saddled with vexatious duties; we have had all our revenues from customs taken from us, and we have been placed on a trifling allowance which is totally insufficient for our support; refusal to renew the reciprocity treaty and the consequent closing up of our coal trade and the general stagnation of commerce are probably chargeable on confederation and its natural effect of excluding the manufactures of United States from the Maritime Provinces by means of a high Canadian tariff.

The memorial went on to declare that "Canada and the Maritime Colonies, having separate interests, required different systems of trade and, therefore, the regulation of trade and commerce being ex-

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clusively vested in Canada our interests will always be liable to be sacrificed."

These were the forebodings of an outlying province which realized that the central provinces could, and would, make the fiscal policies of confederation. Let us now see to what extent they were realized, in the judgment of Nova Scotians. In 1925 Hon. F. B. McCurdy, a Nova Scotian with large interests who had represented his province in the Dominion parliament and also in the Dominion governments, gave to the Canadian Club of Toronto his estimate of the conditions which had been brought about in that province by sixty years of confederation. He declared that the uniform fiscal system of Canada, involving a relatively high tariff, bore heavily on Nova Scotia, which found its export trade impeded thereby, while its geographical position made it impossible to manufacture successfully for the Canadian market. Our forefathers," said Mr. McCurdy, "opposed the transfer of authority in matters of trade, taxation, and the fisheries because they believed it would prove inimical to their interests in the long run, and so it has turned out." The exercise of these commercial powers by the Dominion parliament had been constantly prejudicial to the interests of Nova Scotia. He quoted Mr. Fielding, minister of fi-

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nance, a Nova Scotian, as saying in 1923: "I remember when there were twenty wholesale houses in Halifax, all doing a prosperous business. Today there is hardly one of them left. They have all been driven out by Montreal." The hopes held out at Confederation that Canadian trade would flow through the maritime ports had been belied. "Instead of being on the main street of trade and travel, Nova Scotia finds herself isolated commercially. She is seagirt, but shut off from the rest of the world by high tariffs established for the benefit of the central parts of Canada." The pre-confederation maritime community maintained five local banks; three had been absorbed by Canadian banks and the other two had moved their headquarters to Central Canada. Mr. McCurdy, conceding the hopelessness of expecting Central Canada to modify her views as to fiscal policy, asked that the Maritime Provinces within the circuit of confederation should be allowed a measure of fiscal freedom which would enable them to frame fiscal policies for their own needs. That Mr. McCurdy was not a voice crying in the wilderness is shown by the fact that shortly after he delivered his address the legislature of Nova Scotia adopted a memorial reaffirming his views and declaring that the federal control of "taxation and trade should

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be relaxed in such a manner that the interests of Nova Scotia may be prejudiced no longer."

The Duncan Commission, appointed because of these protests and their political consequences, toured the Maritime Provinces in 1926, taking evidence, and in August submitted their report, recommending that certain specified palliatives should be applied for the purpose of removing the sense of grievance and neglect which they found to be justified by the circumstances. The suggestion by Mr. McCurdy, and of which there was also a hint in the memorial of the legislature, that the Maritime Provinces be empowered to make special laws as to the tariff and taxation, could not, of course, be considered, since to grant this would be equivalent to disruption of the union; but amelioration within the inclosure of confederation was freely recommended and as freely accepted by the government. In keeping with this a number of important measures were adopted by Parliament at its last session. *Ont* provided for a cut of 20 per cent on outgoing railway rates from points in the Maritime Provinces over the old line of the Intercolonial (now merged in the Canadian National) running to the Central Provinces. This will mean a further loss to the Canadian National on this section of at least \$2,000,000 a year; and this

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loss is to be met by grants from the public treasury.

This is an innovation of moment; it means that the Dominion government may make a political, instead of strictly economic, use of the public-owned railway provided it is prepared to meet any resulting loss. The government provided for an increase in the annual cash grants to provinces in keeping with the recommendation pending a re-examination of the whole basis of provincial subsidies. The original arrangement was that the provinces should forego customs and excise taxation and take in lieu thereof a per capita grant of eighty cents up to set limits of population; but the provinces have long since repented of this agreement. Whereas in 1868 about one-fourth of the money collected by the Dominion from customs and excise came back to the provinces in cash grants, in 1925 the proportion was less than one-twelfth. The necessity of giving additional cash help to the Maritimes has reopened this whole question, and the Dominion government has found it necessary to convene a conference of the provinces which is to be held this coming autumn to consider this and other problems. A notable recommendation was that the Dominion government should endeavor to make a trade treaty with the

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United States providing for the free entry of fish into that country; to this the government replied that its willingness to make a treaty of this kind with the United States at any time was a matter of official record; nor could it resist the temptation to remind the people of the Maritimes that when the Liberal party offered them such a treaty in 1911 a majority of them voted against it. "We believe," Mr. King, the prime minister observed, somewhat tartly, "that to the defeat of the proposed reciprocal trade agreement, more than to all other factors combined, may be traced the causes of existing depression in the Maritime Provinces."

The two million people who occupy the great prairie plain out of which the provinces of Manitoba, Saskatchewan, and Alberta have been carved are also critical of the fiscal and taxation policies favored by the commercial centers in eastern Canada, and have in recent years developed a political technique which has enabled them to defend themselves against extensions of these policies. The prairie country can only exist by trade with the world. It grows, in a good season, about four hundred million bushels of wheat a year, with a home consumption of about seventy million bushels. The surplus has to be sold abroad. It also exports large quantities of coarse grains, dairy products, and

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cattle. It needs outside markets, a large volume of imports to pay for these exports, and machinery and supplies at the lowest possible point in order to keep down production costs. This last consideration brings in such questions as banking and interest charges. Further, they want low transportation charges by land and sea. On practically all these points they come into conflict with the fixed views of the financial and manufacturing centers of Eastern Canada. They regard a high tariff as tending to add to their production cost, to increase their transportation charges by sea by limiting return cargoes, and to restrict external markets by making it difficult for the purchasing nations to pay for their foodstuffs by return shipments. The West has thus always been a stronghold of low-tariff sentiment; and, unlike the Maritime Provinces, it has not put its material interests lower than its party allegiances.

When, some six or seven years ago, the people of Western Canada came to the conclusion that both of the traditional political parties in Canada were in reality wedded to the maintenance of the existing fiscal system, and possibly to their enlargement in directions which they disapproved, they abandoned both parties and sent an almost solid contingent of independents and farmers to Ottawa.

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In the election of 1921 the three prairie provinces sent forty-three members to the federal parliament. Not a single Conservative candidate was elected, the Conservatives being traditionally the high-tariff party. The Liberals did not fare much better, with only two straight party candidates elected. The other forty members were made up of independents, low-tariff Liberals, United Farmers of Alberta pledged to bring about a reorganization of Canadian political parties on class lines, and Progressives, a word used to describe candidates pledged to bring about tariff reduction in the interests of agricultural production. With some twenty-five members with Progressive leanings elected at the same time from the old province of Ontario, the insurgent group in Parliament, whose presence there meant popular reaction against standardized fiscal policies, constituted one-fourth of the total membership of the Commons Chamber. They were the second-strongest party in the House; and if they had been thoroughly organized, with a definite program to which they all could have adhered, they might have become the controlling factor in that parliament, in which no party had a majority. In fact they found it impossible to work harmoniously together but their presence in the House, and the need under which the new Liberal government

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rested of securing their support at critical times, compelled for the first time a frank consideration by political leaders and commercial interests of the reasons for this uprising.

The Liberal party, which was traditionally low tariff, had undoubtedly been captured by a strongly organized protectionists combination within its ranks, but faced with the menace of possible growth of the Progressive movement it resumed an attitude of moderation on the tariff, leaning rather to the low-tariff side; and this left the way open to the Conservatives to come out boldly as believers in a tariff for Canada modeled strictly on that of the United States. We had two successive general elections in Canada in 1925 and 1926, fought on questions of the tariff, of administration, and of constitutional developments, with the result that in the second election—that of last September—the West again, mainly on the tariff issue, rejected fifty-three out of the fifty-four Conservative candidates who stood for election, creating a situation of which the high-protection advocates now find themselves obliged to take cognizance.

A cognate problem is that of transportation policy. Our freight-rate structure has grown up gradually over sixty years, and imbedded in it are anomalies, preferences, vested interests of one kind

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and another. Here again conditions favor the powerful Central Provinces. In the recent freight-rate investigation it was shown, not for the first time, that railway mileage in the Prairie Provinces is the most profitable; capital costs are lowest, operating costs are less than in the east. But this does not mean that western rates are lower than in the East; it is the other way about. This is defended on the ground that the water competition of the great lakes and canals forces lower rates than would otherwise be charged. We have in Canada the same set of rate problems that you have in the United States. Our transcontinental roads fix rates to the Pacific coast in competition with the Panama Canal and make the rates to inland points equal the through rates to the coast plus the local rate back; over which there is the clamor that also arises in your western states. The railways try to recoup themselves for the low rates which they make to keep freight away from the steamship lines by keeping the rates up in territory, such as Western Canada, which lends itself to railway monopoly. These districts resist; and, failing redress, take political action, which is sometimes effective.

We have seen that the national treasury has been obliged for the sake of national unity to assume 20 per cent of the outgoing freight costs from

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points in the Maritime Provinces. The Western Provinces have in the past five years waged a tremendous and successful battle in Parliament against the railways, backed by Eastern opinion for the maintenance of statutory maximum rates on eastbound wheat and flour. These rates were fixed thirty years ago, but they were suspended under war conditions to permit the horizontal raising of rates. The struggle was to abolish the suspension and bring back the statutory rates. Only the fortunate fact that the West's parliamentary representation was insurgent, and therefore not amenable to party control exercisable in the East, enabled the West to win. It has been amply established in the recent rate investigation that the statutory rates are highly remunerative; but if the West had not been able to protect itself the two railways would have collected an additional \$30,000,000 apiece a year to make up for hard sledding elsewhere. The right of Parliament and the government to intervene at all in the matter of rate-making is disputed by the railways and their powerful backing; they say that these questions should be left solely to our Railway Commission, a body of six which has long since lost its reforming zeal and is now mainly a caretaking agency for the railways. But, the subordination of the Commission to the government, which

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is, of course, responsible to Parliament, is unquestionable; and it may be said that the people who have reason to fear that they may be called upon to make good railway losses elsewhere will never consent to Parliament making a complete delegation of its powers in this respect. The Railway Commission is now engaged in the task of rebuilding the freight-rate structure of the whole Dominion; and the result of its deliberations will certainly not escape the keen scrutiny of Parliament.

There are other Canadian problems which might be discussed, but I can do no more than make a note of them. There are the problems of immigration and emigration—how to get more people into the country and how to keep those already there from escaping in too large numbers to the United States. This is really a subproblem to that of inducing and maintaining a reasonable measure of prosperity. Immigration will increase and emigration will fall to its natural dimensions if we can so solve our problems of taxation, banking, transportation as to make Canada a desirable country to live in. There is the problem of our foreign citizens. Will they become good Canadian citizens? There is every indication that they will if they get the sympathy and co-operation they have a right to expect from older Canadian citizens. The melt-

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ing-pot is visibly at work in Western Canada. There is in the melting-pot, however, a divisional wall: we have two melting-pots. The Northern-European immigrants, Protestant in religion, are being absorbed without difficulty by the English-speaking people; one such race—the Icelandic—less than fifty years in the country is now an indistinguishable part of the Canadian population. The peoples from Central Europe, Catholic in religion, are also intermarrying. English is becoming the common language, though progress in this direction is slow where the new Canadians have settled in blocks.

We have problems affecting the relations between the provinces and the Dominion. Our constitution divided powers between the Dominion and the provinces, giving the residuum of power to the former; but we have accumulated a body of judge-made law which, at least in the opinion of some, has considerably modified the plans of the fathers. There will have to be a reallocation of these powers in the not-too-distant future if the Dominion is to be given an adequate control of questions of trade and commerce and the people are to be protected from a too burdensome duplication of taxation. This involves the question of making over our constitution, a delicate matter for a country which has no power of amending its own

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constitution and has no defined and accepted procedure by which its amendment can be sought from the British Parliament. Here is a constitutional question over which there may be fireworks. The three Prairie Provinces seek the transfer of their natural resources from the Dominion, which is necessary to put them on an equality with the other provinces—a thorny question. There is to be this year a conference between the Dominion and the provinces at which these questions between them will come up for at least preliminary consideration.

In what I have said about these national problems I trust [have not convinced you that I was unduly optimistic in saying, at the beginning of this address, that Canadians were confident that they had surmounted the challenges of geography and of economic diversity and that Canada's existence as a nation was assured. Our problems are serious. Our differences go deep; but they are not likely to become dangerous, because modifying agencies come into action as the flashing-point is neared. The greatest threat to national tranquility has come from the attempt of powerful sections to impose policies designed to serve their special interests, but euphemistically termed national, upon less powerful sections by virtue of their numerical

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strength, their control of commerce, credit, and transportation, and their naturally great influence with both political parties who alternately govern the country. If these policies had been pushed relentlessly through by weight of numbers, regardless of protests, which was in keeping with the temper of many of our industrial magnates and of some of our political leaders, there might have been an explosion. Canada was saved from this by the failure to get the two central provinces together in a single party pledged to apply and extend these policies, and by the resistance by legitimate political weapons of the electors of the lesser provinces. It is now, I think, recognized that in a country of vast extent and conflicting interests like Canada, which is further a federation and not a unitary state, something more is necessary to a national policy than enough power in one locality to put it over. There must be a decent regard for the opinions and interests of all partner provinces. We are learning, in short, the virtues of policies of moderation and compromise in order that there may be the greatest possible development of an average public opinion throughout the whole Dominion upon our major issues. Policies which do not command a reasonable measure of support in each of the provinces are obviously not national and can only be enforced

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at the country's peril. Full recognition of this governing principle which the logic of events will insure must bring about a change in the estimate of the policies of trade and taxation necessary to bring about a balanced and harmonious development which will be reflected in a measure of prosperity common to all parts of the Dominion. Canada is and must continue in ever growing measure to be a trading nation that buys and sells in all the markets of the world. Canada cannot be isolationist, and her policies must take cognizance of this fact. One consequence of this acceptance of the realities will be that it will break the mood of irrational imitation of the United States policies in which we have lain entranced for over forty years. The two countries are not alike, but different; and policies suiting one well, might prove very detrimental to the other.

The growing sense of national unity also tends to discourage extreme policies, to frown upon sectional selfishness or racial intolerance. The parts out of which confederation was fashioned are being brought closer together; the gaps between them are contracting. The great wedge of wilderness and rock which split Canada in two is revealing itself as the greatest storehouse of mineral wealth in the world. The thin belt of settlement and population

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tends to become continuous; and it is also widening. Canada looks steadily northward, seeing in the waste places opportunity and possibilities. Next year at the latest the shriek of the locomotive will waken the echoes of Hudson Bay, our great, silent, lonely, inland sea. Interprovincial trade grows. National news services keep each province more fully posted than formerly with what is going on elsewhere in the Dominion. All these tendencies and influences work to bind Canada together in a union indissoluble because it embodies the hopes and ambitions, the aspirations and the faith, of the ten million people who are proud to call themselves Canadians,

II

CANADA AND THE BRITISH EMPIRE

It is a commonplace that Canada has been the laboratory of the British Empire: a place where theories of government have had their first practical test; where, upon the breakdown of theories, other policies have been suggested and applied. It was to Canada that the scheme of government for dependencies worked out after the American Revolution was first applied; and it was in that field that the issue was joined between this scheme of government and the newer, and also older, theory of relationship between Great Britain and communities of British citizens overseas. The controversy between the government of Great Britain and the American colonies, which ended in tragedy, and the century-long readjustment of relations between Canada and Great Britain, ending in a happy solution, centered in reality around a single issue: Should the British Parliament, representing an electorate comprised within the territorial area of Great Britain, have control over citizens who had gone overseas to found colonies? The root of this

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controversy is clear when we consider the origins of the American colonies. The charters of these colonies were granted by the King-in-Council anterior to the Revolution of 1688, which established the supremacy of the British Parliament and set limits to the kingly prerogatives. They were granted by the King in his own person; not by the King on the advice of ministers responsible to a parliament. From this pregnant fact flowed the constitutional doctrine of colonial freedom from the rule of the Parliament of England. "The political relations of the colonists/" says an American writer, "were to the crown, not to the government of England; nor were they in any respect subject to parliamentary legislation. They were not citizens of the realm, but subjects of the crown, having only such rights as it granted them in their charters."

This made the colonists subject to those prerogative rights which the people of England found oppressive and from which they sought to escape by such desperate expedients as civil wars and revolutions; but in fact these prerogatives bore but lightly on the liberties of the colonists. Their remoteness from the seat of kingly authority, their poverty, and the practical operation of the legislative bodies that grew up under the charters com-

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bined to circumscribe the powers of the royal governors. The institution of the jury made the enforcement of royal laws impossible unless these were in accord with local opinion; while their control of the powers of internal taxation gave the assemblies or colonial "courts" a predominant authority.

After the American revolution a loyalist jurist of New York who found refuge in Canada expounded to the governor of Canada his views as to the causes of the revolution. "My Lord," wrote Chief Justice William Smith to Lord Dorchester, in 1790, "an American assembly, quiet in the weakness of their infancy, could not but discover, on their Elevation to Prosperity that themselves were the substance, and the Governor and Board of Council were shadows in their political Frame. All America was thus, at the very outset of the Plantations, abandoned to Democracy." Seeley, in his *Expansion of England*', notes that "the old colonial system admitted no such thing as the modern crown colony." The English colonies, "subject to certain fixed restrictions in the matters of trade, were absolutely free." "Some of them were from the beginning practically independent states."

Not that there were not clashes with the local governors over the prerogative powers of the king.

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Until the approach of the revolution any American protest against overseas tyranny would be certain to have reference to some exercise of the prerogative; and it was not until the Parliament of Great Britain showed an unmistakable intention of asserting and enforcing its authority over the colonies that they took refuge, as the lesser of two dangers, behind the prerogative of the king. Until the movement became openly revolutionary by the formal identification, by the colonists, of the King with the British Parliament as forces equally to be defied, it was the habit of the colonists to avow obedience to the King. Benjamin Franklin, agent for the colonies, urging before a parliamentary committee the repeal of the Stamp Act, drew the American distinction between King and Parliament. "The sovereignty of the crown, I understand; the sovereignty of the British legislature I do not understand." "America," he said further, "is not part of the Dominions of England, but of the King's Dominions." And the first Continental Congress, on the very eve of rebellion, in a petition to the King declared, "We wish not a diminution of the prerogative."

As the power of the Parliament of England, and later of Great Britain, grew in the seventeenth and eighteenth centuries, and the rights of the monarch

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diminished, Parliament assumed as a matter of course that it had jurisdiction over the colonies. When in the days of the Commonwealth the crown disappeared, the Long Parliament formulated a theory of Empire which has only within the past year been formally abandoned, after destroying the First Empire, and involving the Second Empire in a century-long disputation. The Long Parliament declared its authority over "the people of England and of all the Dominions and territories thereunto belonging."[>] That doctrine was thereafter held by the British Parliament; but this did not affect relations with the American colonies because there was no exercise of the claimed power which provoked resistance. As against Ireland, which also held the view that its parliament was not subordinate, the British Parliament found it necessary to assert its authority in 1719. Dean Swift, in defending the Irish claim, let loose a devastating idea upon the world. "In reason," he said, "all government without the consent of the governed is the very definition of slavery"—a phrasing not improved upon by Jefferson and Wilson. The conflict with the American colonies came when the British Parliament, upon the successful conclusion of the French War, embarked upon its program of enforcing British taxation laws by British officials in British courts

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located in America. It may be noted that no challenge to the British Parliament's legal right to do this was made in Great Britain even by those who deprecated the exercise of this power as inexpedient. Burke's position was that while the British Parliament had the power to tax, it had not the right to do so—here is the doctrine of "constitutional right" which has played so large a part in the later development of the Empire. The view of Dr. Samuel Johnson that the American legislative assemblies were "our vestries" was universally held in theory. To the claim thus put forward the American colonies offered resistance; and no reconciliation being possible between opinions so widely divergent and so strongly held, the difficulty had to be resolved by the sword.

One of the commonest historical misstatements is that the Second Empire succeeded where the First failed because British statesmen had profited by the lesson taught by the American Revolution. Nothing could be wider of the mark, as all historians recognize. "It is impossible," says Professor H. E. Egerton, "to maintain that Great Britain profited by the loss of her American colonies so as to approach colonial questions in a new spirit." Instead in the British official mind there developed the fixed conviction about the American Revolu-

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tion that as that trouble had arisen from the belief of the colonies that they ought not to be subject to the British Parliament, it would be necessary, to avoid a recurrence of trouble, to make it clear beyond all question that the remaining colonies were subject in all respects to that Parliament and that any rights given them were always subject to this overruling authority. The Constitutional Act of 1791, which gave constitutions to Upper and Lower Canada, is a museum in which this perfected system of imperial government is displayed in all its detail for the edification and instruction of students of history.

Let us look at this new model system of government as exemplified in the case of the newly created colony of Upper Canada. There is at the head a governor appointed by the British government and responsible to it for carrying out instructions received by him at the time of his appointment and in subsequent despatches. To aid him there are an executive council, appointed by the British government at the instance of the governor; a legislative council similarly appointed; an elected legislative assembly with a limited control over public finances. These bodies are noted in the descending order of their importance as they were regarded by the makers of this constitution. Permanent and

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growing sources of revenue were put at the disposal of the governor. The Home Secretary expressed the view that if there had been similar provisions in connection with the American colonies, they would have been retained "to this hour in obedience and loyalty." It was the hope of the drafters of the constitution to make the legislative council a hereditary body, the purpose being to "establish a body of men having that motive of attachment to the existing form of government which arises from the possession of personal or hereditary distinction." Colonel Simcoe, the first governor, rejoiced in the protection which an appointed council would afford him against a possibly "tenacious and untractable assembly," chosen by "the elective principle," about the wisdom of which he had his doubts. Thus the new colony began business on the new plan, which it was thought afforded a guaranty to officials and governor that it would be obedient and contented in its subordination.

The organization of the governing bodies and the services followed along inevitable lines. The population of the colony was almost entirely made up of refugees from the American colonies, known to history as United Empire Loyalists. All the social classes of the American colonies were represented in this loyalist population: backwoodsmen,

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farmers, merchants, men of the official, professional, and officer type. The latter classes were called upon to fill the public offices and the positions in the legislative and executive councils. The Church of England was made the state church. The arrangement was an ideal one for those who belonged to the upper strata of society. The governor, coming to the colony with very extensive powers, found himself at once in the hands of the executive council which represented the official class, the aristocracy so far as there was one, and the ruling church. It was emphatically an organization where "all the best families had all the best offices." The legislative assembly was little more than a debating society. By such means the evil virus of democracy which had contaminated the American colonies was excluded from the body politic.

Thus the Second British Empire started on its way, safeguarded, as its directors thought, from the tendencies in political thinking which had brought the First Empire down. The scheme was much too perfect to be workable. In its nice balances and adjustments it overlooked one thing: the instinctive repugnance of Anglo-Saxons to authoritarian systems of government and their ineradicable desire to govern themselves. The record of the constitutional evolution of government in

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Canada, which now goes back over a century, is the story of an instinctive struggle to return to the earlier and more natural conception of Empire relationship: freedom of the overseas communities *from* control by the British Parliament, in which they were not and could not be represented—a movement which at the same time was neither Republican nor Separatist because there was in it nothing that questioned the great fact of allegiance to a common king.

Not until a very recent period did the goal of this evolutionary process become visible, the spirit of this program of self-government reveal itself. The early reformers builded better than they knew. They battled for obvious things, necessary for the peace, order, and good government of the colonies: popular control of the purse, self-government in local affairs. As these were acquired new needs revealed themselves; and as Canada acquired or assumed the power to deal with them she transformed herself from military dependency to crown colony; from crown colony to self-governing dominion; from self-governing dominion to nation. Durham, in recommending responsible government, fixed its bounds, which it was not in fact possible to do. "When a nation was made," says Lucas, "it was not possible to set bounds to nation-

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al aspirations, or to uphold the limits within which he proposed to grant responsible government." There can in fact be no stopping short of the achievement of full powers of self-government in the whole field of Canadian interests. This fact would have been apparent earlier if the legislative powers of Canada were centered in a single parliament instead of being distributed throughout a federal union. The great achievement of the Imperial Conference of 1926 was that it accorded full recognition to the theory that dominion parliaments are not subject to external control.

Let me travel rapidly along the road of this development. There are several roads of constitutional development which merge at confederation into a common highway; but I shall deal only with Upper Canada and afterward with the united provinces of Canada, without prejudice to the claim made on behalf of Nova Scotia that its achievement of freedom of government is more significant and honorable because there no acts of violence stained the record. When Upper Canada was given its limited constitution the fact of direct control and supervision by the British government was accepted as right and proper. But in a few years the demand began to be made that the control of the Legislative Assembly, the elected body, over public

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funds should be strengthened in order that public grievances might get a better hearing from the governing powers. The history of the earlier struggle between the English Parliament and the prerogative powers of the crown was repeated, on a diminutive scale, in the backwoods of Upper Canada, the resisting power in this case being the governor and the governing clique. If there was a democratic instinct to expand popular rights, there was a bureaucratic and Tory instinct to oppose every suggestion of change as a treasonable undermining of the structure of Empire. To set up centers of local power was to impair the authority of the motherland; it was the thin edge of the wedge; those advocating it were Republicans in disguise; and so forth. This note was sounded as early as 1792, when Governor Simcoe found serpents in his Eden. He smelled republicanism in two members of his executive council who disagreed with some of his policies. It has been sounded within the last six months over the appointment of a Canadian minister to Washington. It has, in fact, been pretty continuously in the air between these two dates.

The scheme of government put into effect in Upper Canada became speedily a vested right of the governing oligarchy in whose bosom each gov-

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crnor in turn reclined; and it was defended with the fury, bitterness, and unscrupulousness which always marks the struggles of a caste in defence of its privileges. Every step along the road to self-government was resisted as a step away from Empire unity and toward separation, republicanism, and annexation to the United States. To ask for enlarged powers over taxation for the Assembly was a plain manifestation of treasonable designs. Baldwin's formula for responsible government—that within certain bounds self-government should be as complete in Canada as in Great Britain and should be secured by the same parliamentary methods—struck them as monstrous. When, following the rebellions and Durham's report, the British authorities modified the system to the extent of requiring the governor to seek his executive councilors in the popular chamber, it meant simply that the governor became his own prime minister and stepped directly down into the arena of party politics. This meant that if the governor became a party leader there would be another party in opposition to him, and, of course, this opposition became at once a treasonable conspiracy. One governor put himself on record as declaring that while there could be parties in an independent country, they could not be tolerated in a colony where op-

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position to the governor meant treason to the Empire.

In the state papers dealing with the demand for responsible government we find the reasons why it could not be given, if the accepted view of Empire government was to prevail, stated over and over again with patient clearness, never more convincingly than by two governors who in succession expounded to Robert Baldwin the illogicality of his whole system. Sydenham thus expressed himself: "Either the governor is the sovereign or the minister; if the first, he may have ministers, but he cannot be responsible to the government at home and all colonial government becomes impossible. He must, therefore, be the minister, in which case he cannot be under the control of men in the colony. " His successor, Sir Charles Metcalfe, declared that Baldwin's theory of responsible government was a perversion of the accepted theory. Sydenham explained to the colonial secretary the line he had been obliged to take: "I have declared that to attempt to make a council responsible to anyone but the governor for advice tendered to him is incompatible with colonial government and can never receive the sanction either of His Majesty's government or Parliament." Lord John Russell pointed out the logical absurdity of the argument

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for responsible government in a few compact sentences:

Can the colonial council be the advisers of the Crown of England? Evidently not, for the Crown has other advisers for the same function and with superior authority. It may happen, therefore, that the governor receives at one and the same time instructions from the Queen and advice from his executive council totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if on the other hand he is to follow the advice of his council he is no longer a subordinate officer but an independent sovereign.

Never was the dilemma created by responsible government more trenchantly put. It never was answered because logically it could not be. All that was left to be done was to ignore it, put it aside, and forget about it. After eight years of stubborn resistance in the face of the determined attitude of the reformers in Upper and Lower Canada and in Nova Scotia the British government conceded the principle, and embodied in the principle, as Lord John Russell clearly foresaw, was the implication that in Canadian matters the crown of England could be advised exclusively by Canadian ministers. The winning of responsible government was the great step toward the attainment of Dominion independence. All subsequent achievements were trivial in comparison with it. "I confess," says a

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Canadian historian, "I am sometimes astonished how lightly Canadians seem to regard this most dynamic achievement in our history. Picture, if you can, the English-speaking world today had the Dominion, seventy-five years ago, like the original thirteen colonies been forced into bloodshed and violent separation. Without false modesty I should be inclined to say that the winning of responsible government saved the Second Empire, and in the process of saving the Second Empire, Canada laid the foundation of the Commonwealth as we know it today."

Moreover, this was an almost wholly Canadian achievement. It is, I know, customary to credit Lord Durham with the authorship of our system of responsible government, but it is very doubtful if the scheme of responsible government which was in Durham's mind was the system which ultimately came into force. The hybrid scheme of government brought in by Sydenham and continued by Metcalf, by which the governor was also prime minister with an executive chosen by him from the assembly, was defended by them—and, what is more convincing, by Buller and Wakefield who had assisted in the preparation of the Durham report—as a fulfilment of Durham's recommendation. The true father of responsible government was Robert

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Baldwin. He set forth the scheme with perfect clearness in a letter to the Colonial Secretary in 1836; and later supplied Durham with a copy of this memorandum. I might say that this document was not known to exist until it was found in the Durham papers after their transfer to the Canadian archives some four years ago. Baldwin, though a man of notable moderation of views, refused to have anything to do with the Sydenham makeshift; and it was his unflinching opposition that finally obliged the British government to throw up its hands and concede responsible government on the terms of Baldwin's demand, though they did so in the conviction, of which many proofs were given in the next fifteen years, that it meant inevitably the separation of the colonies from Great Britain. Baldwin was the founder of the modern British Empire; and there ought to be a monument to him in every dominion capital. A memorial to him somewhere in the immediate neighborhood of Downing Street would also be in order.

All the enlargements of the powers of self-government arose naturally out of the operation of the principle of responsible government. Among these was the winning of fiscal freedom in 1859, the right to negotiate commercial conventions, the limitation of the governor-general's instructions in the

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seventies as the result of representations by Edward Blake, the separate representation of Canada in the Peace Conference and in the League of Nations, the negotiating of the Halibut Treaty in 1923: all these were successive entrenchments upon the theory of the indivisible sovereignty at the center representing the crown as advised by the King's British ministers, and as such they were viewed with concern by officialdom in London and by a large public in Canada as successive manifestations of a separatist tendency.

"Separatist" has been the term invariably applied by the holders of the conservative view of Empire to everyone from Baldwin down who has advocated increase in the governing powers of Canada. It has been idle for them to protest their fidelity to that conception of the Empire which has at last taken form as the Commonwealth of British Nations. Waiting of Baldwin and his associates, Lord Metcalfe said, over eighty years ago, "I regard their faint profession of a desire to perpetuate the connection of the colony with the Mother Country as utterly worthless." A later and wiser governor, Lord Elgin, wrote the Prime Minister of Great Britain that Baldwin was worth more to British connection than a regiment of soldiers. This is still the spirit in which these changes are

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viewed by those who hold to the older conception of Empire. That conception has, of course, changed somewhat; it has been unable altogether to resist modernization. The simple views which were held so strongly from 1792 to 1850 have long since been regarded as archaic; but the attitude that the attainment by the Canadian parliament of full powers is incompatible with the continuance of the Empire or Commonwealth persists. There must be, for those who cling to the ancient point of view, a supreme center of authority; and its seat, for the present at least, must be London. They would be very willing to have this central government the government of an imperial federation; but with this an unattainable dream they hold grimly to the doctrine that, in the last analysis, Canada must be subject to the authority of the British government—that is to say, the final and determining advice to the King, in matters of high policy, is to be given by his British ministers.

It is the virtue of the constitutional declaration by the Imperial Conference of 1926 that upon this issue, which is the heart of the imperial controversy, it is clear beyond all possibility of questioning. Great Britain and the dominions are now defined as "autonomous communities within the British Empire, equal in status, in no way subordinate

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one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the crown, and freely associated as members of the British Commonwealth." A good many ingenious minds have been busily engaged in the last six months trying to make it appear that this is meaningless verbiage; but their efforts have been vain. The words are clear and they were meant to convey the idea they express. They are far-reaching in their effects; because they express the settled and unanimous judgment of the prime ministers of the British nations that the doctrine upon which the Second Empire was built—that ultimate authority in the Empire was vested in the government of Great Britain—is now obsolete; and that the Third Empire, or Commonwealth, must be built upon the doctrine of absolute equality of the parts.

The making of this declaration has profoundly changed the relationship between the theory of Empire and the facts. Hitherto the theory of Empire has been that the dominions are subordinate to Great Britain; and it has been necessary to interpret the theory in the light of facts to prove that this conception of Empire has been yielding to realities. The new theory of Empire is that there is no subordination of any part to any other part;

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and we see those to whom this doctrine is distasteful trying to water down its significance by pointing out that it is not in strict accord with the facts. They say that the Colonial Laws Validity Act is still in operation; that the merchant shipping of Canada is controlled by the imperial acts; that the preamble to the British North America Act clearly avows the subordination of Canada; that the legal right of veto still exists; and so forth. The facts which were once despised because they seemed to cast some doubt upon the theory of perfect subordination have become the last hope of the believers in a centralized Empire. Comfort is also taken from the observation in the declaration that "principles of equality and similarity, appropriate to status, do not universally extend to function/' a phrase which is hopefully regarded as reducing the main declaration of the Conference to matchwood.

Nevertheless the transforming power of the new principle of Empire relationships avowed by the declaration will be manifest as time goes on. The definition of complete equality will stand, unchanged and unchangeable; the limiting facts have no necessary permanency; they are removable at the instance of the dominion which finds them inconvenient. General Hertzog, the prime minister of South Africa, it is known, submitted to the Im-

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perial Conference a very brief declaration of equality. After setting forth the equality in status of the British nations the declaration went on to state that where a dominion did not live up to its opportunities in this respect it was to be assumed as being a consenting party to the limitations. That in reality is the present position of the dominions; but it has now been declared to be a transitional position terminable at will by each dominion. Equality of function there may not be at the moment; but in the case of a dominion which aspires to exercise all the rights and accept all the responsibilities of nationhood there will be a rapid advance to equality in this respect. There has thus been brought into the matter of Empire relationship a flexibility that was greatly needed. If New Zealand desires to remain, in practice, subordinate, leaving all her international functions to be exercised by the British government, it is her right to take this course; but the progress of other dominions is not hereafter to be limited by her reluctance to undertake responsibilities to which, at the present time, she does not feel equal.

On the other hand, if Canada goes forward exercising more and more fully her national functions there will be no occasion hereafter for the public men and the newspapers of other parts of the Em-

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pire to lecture her on the impropriety of her course. When in 1923 Canada undertook to negotiate a treaty for the protection of the halibut fisheries in the North Pacific with the United States, limiting the application of the treaty solely to Canada, there was a chorus of criticism from all over the Commonwealth. Mr. Bruce took the stump in Australia to express his fears that Canada was chopping down one of the supports of Empire; and the *Times* in London thundered in its most Jove-like style. The making of this treaty was a venture, out of due time perhaps, in the exercise by Canada of her rights as a nation; and among those who were mystified were the worthy senators of the United States, who took several months to learn that Canada could, in fact, make a treaty with the United States in her own right.

Hereafter there should be no misconceptions in the Empire or outside of it about the further exercise by Canada of her right to look after her external affairs; it means nothing but the carrying into practice of the theory of imperial relationships which has been formulated and made known to the world by the Imperial Conference of 1926. That there will be no such misconceptions is perhaps too much to hope. Legalists and pundits are fighting a rearguard action in defense of their theories.

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The fact that, as the dominions express an intention of taking over functions now exercised on their behalf by the British government, the latter must consent to the extent in many cases of renouncing present powers by legislative or treaty instruments leaves in their minds the conviction that the British government will be able to exercise an option, thereby establishing in very definite fashion its ultimate supremacy. What they do not understand and cannot get through their heads is that a legal right could not be exercised in this way in the face of a recognized constitutional right without bringing the whole structure of imperial relationships to the ground. There is no likelihood of any such bankruptcy in Empire statesmanship as a clash of that kind would reveal.

Canada accepts as satisfactory the declaration of Empire relationships made by the Imperial Conference. Nothing less would have been acceptable to her ambitions and her susceptibilities. It does not follow that she will proceed immediately to claim and exercise all the powers and rights which are now hers for the taking. There will be those who will favor things going on as they are, the declaration being allowed to remain nothing much more than an ornament for the national mantelpiece. There will be those in favor of some under-

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standing by which the British government will continue to function for us in the outside world, subject to some right of consultation. The people who declare that Canada should make a contribution proportionate, to her population and her overseas trade to the cost of the British navy and think that Canada should be content to have her interests in the United States and elsewhere looked after by ministers appointed by the government of Great Britain belong to this school of thought. And there will be the great and ever growing nationalist body of opinion which will expect Canada to develop steadily to the point where she will exercise on her own behalf all those functions which mark the fully developed nation.

It may be that hereafter these divergencies of view will take the form of domestic political issues by which Canadian political parties will be distinguished from one another. Heretofore the question of imperial relationships has not been a continuing factor in Canadian politics. While the Conservative party is traditionally the "loyal" party and has found it politically profitable, at certain political crises, to charge their opponents, the Liberals, with a desire to "disrupt the Empire"—as witness the elections of 1891 and 1911, when advocacy by the Liberals of freer trade relations

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with the United States was denounced as a disguised movement toward political union—it is an unchangeable fact that in office the Conservative party since 1854, when the old Tory party was made over on broader lines by John A. Macdonald, have shared with the Liberals the credit of taking advantage of every favorable occasion to vindicate the right of Canada to enlarge her powers of self-government. Sir John A. Macdonald put an end to the custom of the governor-general attending council meetings, vindicated the right of Canada to make her own tariffs without interference from Downing Street, and denied any obligations by Canada to take part in Empire wars until the mutual obligations of Great Britain and Canada in this respect were set out, formally, as the result of negotiations. The earlier plan to federate the Empire was shipwrecked largely through the effective resistance offered to it by Sir John Macdonald and his colleague, Sir Charles Tupper. Sir Robert Borden, during the later years of his premiership, by the position which he took upon such external questions as Canada's right to membership in the Peace Conference, the League of Nations, and the International Labor organization and such domestic matters as the power of the imperial government to requisition Canadian shipping in war time,

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made inevitable the early and complete recognition of equality of status for the dominions. It was not until the Canadian people realized the significance of these acts that they saw clearly the goal to which the road upon which they had been travelling for two or three generations led. As for the Liberals, their record as consistent advocates of ever widening powers is without blemish save for a momentary hesitation in the interregnum between the leadership of Sir Wilfrid Laurier and the leadership of Mr. King, when the party tacticians flirted with the idea of appealing to the imperialist sentiment of the country against the nationalist policies of Sir Robert Borden. Sir Wilfrid Laurier met and successfully baffled the masterful Joseph Chamberlain, who had a vision of a highly centralized empire. The present Liberal government, under the premiership of Mr. Mackenzie King, by its course with respect to the making of the Halibut Treaty in 1923 and by its polite refusal to accept the special responsibilities of the Lausanne Treaty because Canada was not represented in the negotiations, supplied the final evidence of the need for a frank reconsideration of the whole question of imperial relationships.

The Conservative party of Canada is at present without policy or program. Mr. Meighen retired

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from the leadership following the defeat of his government last September; and a national convention of the party has been called for October of this year in Winnipeg to choose his successor and decide upon policies. Those who have temporary charge of the party certainly showed, in the last session of parliament, an inclination to make an issue of the question of imperial relationships. They appeared to be in favor of the constitutional declaration of the Imperial Conference provided no steps were taken to give effect to it by an extension by Canada of her external activities. Conservative tactics in respect to this question were governed in large measure by a hope that thereby the party might strengthen its appeal to the French-Canadians, who at present are overwhelmingly Liberal. The French are strongly nationalist, with certain reservations. They have been taught to think that it is necessary, for the protection of their special privileges, that the appeal to the Privy Council should remain, and that the power to amend the Canadian constitution should continue to be vested in the Parliament of Great Britain. Since the spirit of the declaration of the Imperial Conference is not in harmony with the retention of these vestigial remnants of subordination, the Conservatives have hopes that, by stressing the contention that further

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advances toward full nationhood, to which the Liberals are committed, will weaken their guarantees, they will detach French support from the Liberal party. It would be premature to say that the tactical maneuvers of last session foreshadow a permanent policy. But Ernest Lapointe, the leader of the French Liberals, has shown his readiness to meet the issue, if raised, by an emphatic declaration that the protection of French-Canadian privileges does not depend upon Canada remaining in a position of subordination to the British courts or the British Parliament. It will be regrettable if this becomes a domestic political issue, but if it does it will have no effect beyond slowing down the pace of Canada's advance.

No one who knows anything about the history of Canada or the currents of national feeling which are setting in in that country will have any doubt as to Canada's future constitutional development. The evolutionary movement toward full national existence, in function as in status, is not the result of volition; it is the irresistible growth of a natural urge. Canada has to grow into full national stature just as the vigorous youth must develop into manhood; it is the law of her being. Every new exercise of power creates the necessity for further extensions; and once a power is exercised it becomes a

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permanent part of Canada's national equipment. Thus, the Canadian embassy at Washington has been established for only four months; but it is not an experiment; it represents a considered and permanent addition to our functions of government. There will be other Canadian ministers in other capitals as the need for them becomes apparent; Canada will take over, with grateful acknowledgment for past services from the British minister. There are people who see in this movement to attend to our own business with our own officials, paying the cost ourselves, a manifestation of unfriendliness toward Great Britain. Not to let the British government attend to our external business, charging the expense up to the overburdened British taxpayer, is, to these victims of the colonial complex, to display ingratitude toward Great Britain for her past services. This is, of course, wholly to misjudge the spirit of this development, which is one of full recognition of our great obligation to Great Britain, with an abounding readiness to co-operate in every way consistent with maintaining our national self-respect. Canada, by her geographical position, her wealth, actual and potential, her considerable and growing population, is no insignificant country; her people feel with increasing keenness that she must assume, as rapid-

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ly as possible, the burdens and responsibilities that go with the station she has acquired in the world.

President Lawrence Lowell of Harvard, in a recent article in *Foreign Affairs*, made a just appraisal of this tendency on the part of the dominions to reach out and take hold of new powers. He says:

In the absence of any attempt at federation, which has of late been out of the question, the evolution of self-government has borne its logical fruit. It has brought the Dominions to a condition of full constitutional independence. No doubt the powers that appertain to such a condition will be used sparingly at first, but they can hardly fail to be applied more and more freely as the larger Dominions become more conscious of nationhood and come into more direct relations with other countries. The process of development that has produced the present situation has been continuous and may be expected to continue.

What, you may well ask, remains of the Empire? It seems to me that, in the former sense of the term, not much remains; and it would greatly simplify our own thinking and remove some of the fog which descends upon the minds of outsiders when they contemplate the puzzle of the British Empire if we should cease trying to maintain the position that while everything has changed nothing has changed. What remains is an association of free nations who have a peculiar relationship to one

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another—a moral, more than a legal, obligation to one another which insures common action in matters of high policy because failure to act together would reveal a moral disunity which would mean the dissolution of the community. This is the mystery of the British Empire, and it is, I think, understandable, without too much effort. The Empire is, I should say, a moral unity; it is therefore a political unity in the larger sense of that term; and it functions as a diplomatic unit when these large questions of common interest emerge. This moral unity is woven of many strands: an allegiance to a common king, wide and deep strains of common blood, a common British citizenship, a kinship of ideas and feelings, a similar outlook on the world, and above all an instinctive sense of a common destiny.

But it is possible, I cannot but think, to push the theory of common foreign action and policy too far, clear away from the world of actual affairs into a field of dialectic disputation. This tendency arises from adherence to a conception of sovereignty which can no longer control realities. Put in a nutshell it is this: There is one high contracting party for all the British nations; therefore there must be unity in external manifestations of action and policy. Now this fits in perfectly with the theo-

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ry of the Second Empire; the high contracting party acts upon the advice of his British minister and all the subordinate nations are bound. It should work quite well with a federated empire, with a common organ of government; but there will never be, so far as can be foreseen, a federated empire. But when you have a common high contracting party with six sets of advisers, not one of whom can advise on behalf of all his territories, what is the situation? It would be idle to pretend that we have not a problem here. It would be futile to claim that there is not diversity of view about the right solution. But it will be solved, as all previous problems have been solved, not by the scoring of points in debate, but by the march of events. *Solvitur ambulando* would be a fitting motto for the British Empire. We go forward; the difficulties disappear; the shadows flee away.

In fact, by this very process the difficulties are now being resolved; precedents have been and are being made which modify the abstract theory. When from the stresses of the World War and its aftermath the doctrine of the autonomous dominion and its right to a share in the determination of foreign policy emerged, the most ingenious and persistent efforts were made to fit this doctrine into

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the existing framework. The idea was that so far as the outside world was concerned, it must not know that there had been any change whatever in the relationship of the component parts of the Empire; it would continue to deal solely with the British Foreign Office, which would thereafter represent a single policy for the Empire and all its parts to be arrived at by processes as yet undefined, but covered by the large and spacious word "consultation." But that in some way the Foreign Office must be the only visible external agency for all the British nations was a fixed belief. Complete proof of this is supplied by Lloyd George, who, speaking as prime minister in December, 1921, in the British House of Commons, said that "the position of the dominions in external affairs has been completely revolutionized in the course of the last four years." Under the new system the dominions must be "consulted" about foreign policy. "The machinery is the machinery of the British government: the Foreign Office, the ambassadors. The machine must remain here. It is impossible that it could be otherwise unless you had a council of Empire where you had representatives elected for the purpose. Apart from that you must work through one instrument. The instrument of the for-

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eign policy of the Empire is the British Foreign Office. This has been accepted by all the British dominions as inevitable."

I venture the observation that while that conception of policy outlined by Lloyd George may survive as a theory, it has in fact been profoundly modified by events. The milestones on the road to disillusionment as to the possibility of centralizing all the external activities of all the British nations in the Foreign Office were the Washington Conference of 1921, the Chanak episode of 1922, the divergencies in views of the Canadian and British governments about the Lausanne conference in 1923, similar divergencies with respect to the composition of the interallied conference in London in 1924, the Locarno conference of 1925, the formal recognition by the Imperial Conference in 1926 that whatever the international personality of Great Britain may be, that is the international personality of Canada if she chooses to put it on. A milestone a year. And I should not be surprised to learn that 1927 has added another milestone in the processes by which the British personnel at the Disarmament Conference has been chosen.

Locarno is perhaps the best example of how the theory of common action based on prior consultation does not always prove equal to situations that

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arise. If that principle had been rigidly followed Great Britain would have pleaded her inability to join the conference until she could either speak for all the dominions or induce them to have their own representatives; or, having attended alone, she would have professed her inability to sign the pact and to assume the responsibilities involved until all the dominions agreed to sign also. No doubt Great Britain kept the dominions fully advised, but she entered the conference alone and signed the treaty alone, with the reservation, formerly necessary but no longer necessary, that the dominions were free from the special obligations of the pact until they signed themselves. No dominion government, I am sure, objected to Great Britain's course in respect to either of these acts. They felt that this was something in which Great Britain had a direct interest and they were willing that Great Britain should have a free hand to forward her own special interests even though her guarantees involved the possibility of war in which they would be, at least technically, involved. But the same consideration that led Great Britain to decline to associate herself with the understanding also reached at Locarno with respect to the eastern European boundaries, that she was not directly interested, operated to keep the dominions, or at

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any rate Canada, from assuming special obligations with regard to the western boundary. There were several reasons why Canada did not attend the conference and sign the pact; one very good one was that public opinion would not have supported the government had it taken this course. Canada is a democracy and the government cannot run counter to the wishes of the people. It is to be noted, however, that the British government did not lack critics. General Smuts denounced its actions as in contravention of what he understood it had been decided Empire policy would be, and said that this precedent, if followed, would break up the Empire, or something to that effect.

Locarno is the perfect illustration of the fact that the action of the Foreign Office of Great Britain cannot wait upon and be dependent upon approval by five overseas governments; under those conditions the Foreign Office could not serve the interests specially committed to its charge—those of Great Britain and its dependencies. It therefore goes ahead and attends to its affairs; and the dominions are perfectly willing that it should. But these policies and acts are not the acts and policies of the British Empire; they are the policies and acts of Great Britain, one of the constituent parts of the Empire. But where the Foreign Office pro-

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poses to deal with matters in which one or all of the dominions are affected, those dominions being advised will come in; and the result will be an Empire policy or instrument, as for instance the 12-mile treaty negotiated with the United States on behalf of the whole Empire by the British Foreign Office in 1924.

In fact, however, these complexities and difficulties about which there is so much discussion are matters wholly within the family. There is no need for any mystery in relation to contacts between an outside country and the British Empire or any British nation; though to attain this end it may be necessary to have a further statement for the information of the outside world. To take the case of the United States, for instance, when it deals with a British nation or the British Empire it simply needs to know with whom it is dealing; and when it signs an instrument it needs to be informed as to what the other signatures stand for. A simple matter of business. If it wants an understanding with the Empire on some matter upon which it is proper that there should be such an understanding there will never be the slightest difficulty in discovering that the British Empire is a diplomatic unit. If it wants a treaty with respect to the protection of rum-running on its northern boundary

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it looks to Canada alone. What your state department needs to guard against is making an agreement with one of the six British nations and imagining that it has thereby made an agreement with all six. But I believe that your officials are sufficiently alert and informed about the internal relations of the British Empire that they will not make this mistake more than two or three times. The British nations, of course, owe it to themselves and to the world to perfect an interimperial diplomatic system that will make it certain that the international business of the family firm will be handled with promptitude and by the right department. Again a simple matter of business organization which will I think be attended to shortly.

There are, as I have said, many people in the British Empire, in all parts of it, who dislike these developments; and they relieve their feelings by thinking up all sorts of hypothetical and conjectural developments and demanding that they be told how they are to be met. I do not deny that there is a possibility of anomalies and difficulties arising, which in prospect appear to be alarming; but statesmanship does not consist in providing ready-made solutions for every conceivable emergency that may arise, but in dealing, with knowledge and sagacity, with emergencies when they arise. Most

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of the hypothetical problems which are posed by those to whom the solution of the imperial problem as reached is unacceptable have to do with the question of war. None of these questioners and doubters appear ever to have heard of the League of Nations. They live in the pre-war world where nations delivered ultimatums and declared war overnight. If the League of Nations and all that it stands for were to go by the board there are questions of imperial relationships, at present of only academic interest, to which answers would have to be found. Chief among these would be the matter of to what degree one British nation could involve another in active war by pursuing an individual policy to the point of embarking upon hostilities. There would be little profit in exploring the possibilities of such a situation; but one thing can be said with perfect confidence that events, if the necessity arises, will confirm it. The principle of equality will apply here as elsewhere. The power of declaring war and involving all the British nations in the responsibility of being at least in a state of war, if that is to be the rule, will not be the prerogative of one of the British nations; it will be common to them all.

But meanwhile the British Commonwealth goes on its way in the belief that the world has got past

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the stage of the waging of wars by individual nations in furtherance of national aims and ambitions, and in the expectation that if the British nations are called upon to take part in the future in war it will be under the sanction of the League and in conjunction with other members of the League in the defense of the worlds peace. If the League of Nations thrives and develops, the problem which most disturbs the doubters of the new imperial relationships can never arise in acute form; if this venture in idealism should collapse, the British nations, like all other nations, will have to take stock of their position in a world made doubly dangerous by the failure of this experiment.

Putting these questions aside, it can be foreseen that the future of the British Commonwealth is one of consistent development in each of its constituent parts of that sense of nationality and that expression of this feeling necessary for its own social and national unity, taking place side by side with processes of integration which will tend to bring these nations closer together in knowledge, in sympathy, in understanding, in readiness to co-operate where the need arises. These two developments are in harmony, not in conflict; in the recognition of this fact—so difficult for minds trained in the Austinian conception of sovereignty and in the

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old view of Empire—there lies the assurance that so many need: that the profound, even revolutionary, change in Empire relationships now impending will not impair in fact that community of interest and feeling which has in the past, and so notably in the crisis of the great war, revealed the British nations as a whole, one and indivisible.

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A question under constant discussion in Canada is whether there is more gain than loss in our contiguity to a country so rich, so powerful, and so alluring as the United States. Would it be better for us if we were removed, as Australia is, from continuous immersion in a flood of American influences of all kinds which would leave us free to make a selective choice, as the Australians do, of the features of American civilization we wished to adapt to our uses? It is not my intention to sum up losses and gains and endeavor to strike a balance. In keeping with the general scheme of these lectures, I propose chiefly to discuss the effect which the proximity of the United States has had upon our political and constitutional development; but to one or two of the outstanding items upon the two sides of the ledger your attention might be briefly directed.

First among the disadvantages which we suffer from the intimacy of our relations with you is the loss of population. In the seventy years from 1850 to 1920 nearly two million Canadians emigrated to

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the United States. In the latter year there were in the United States 1,117,878 native-born Canadians, as against 6,832,747 in Canada. There was therefore some ground for Goldwin Smith's remark in 1891: "The Americans may say with truth that if they do not annex Canada they are annexing Canadians." This drift of population is not wholly due to difference in economic levels. The large cities of the south with their wider opportunities will always prove a lure to our adventurous and ambitious youth; we shall always, like Scotland, breed and train men who will go out to conquer success in other lands. Everywhere in the United States one meets Canadians who have achieved high distinction in their adopted land, leaders in transportation, banking, and commerce, college presidents and professors, statesmen, journalists, and writers. The transfer of the young Canadian to congenial surroundings in the United States is made astonishingly easy by geographical contiguity, identity of business and social customs, and by a welcoming attitude on the part of Americans generally. To this loss of population there has been an offset since the turn of the century. In 1921 there were 374,000 native Americans resident in Canada; and in addition there was a large immigration from the United States of people who first

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settled in that country and then moved north into western Canada. In the matter of population the balance is thus heavily against us; but the account is not yet closed. We look forward to a renewed volume of immigration from the United States, ultimately to reach large proportions as our natural resources are developed and the pressure of population forces up the price of agricultural land in the United States. There are those in Canada who fear a large American immigration because of its possible bearing on Canada's political future; but Canadians generally welcome Americans. They will take a chance on their turning into good Canadians when they take up permanent residence with us. It has been our experience to date that this is what happens.

The outstanding gain which accrues to Canada from her close contact with the United States is the ease with which she secures United States money for developmental purposes. Foreign capital investments in Canada now top the five-billion mark; more than three billions of this represents the United States investment in Canada. Much of this money has come in since the war; without it Canada would still be prostrate from the deflation which followed the peace. Canada could not have obtained money in these quantities from the

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British markets; and for the much less amount there obtainable much higher interest rates would have had to be paid owing to exchange and other conditions. The financial editor of the *New Statesman*[^] London, after a study of the situation on the ground, wrote in May of this year:

A potent factor in the recovery of Canada is that she can get phenomenally cheap capital from her rich southern neighbour. It may be said that the bonds of interest uniting the two countries carry incredibly low interest. That Canadian cities can borrow more cheaply than the British Government is attributable to the fact that the United States investor understands Canada and the Canadian dollar, and regards it as part of his own economic system. The inflow of all this cheap American capital, which is spent in Canada and makes employment, is of inestimable advantage to the Dominion.

Here again there are those who see in this huge investment of United States capital a possible menace to our future political independence. But I have never heard of a Canadian city seeking to sell debentures or of a Canadian company seeking money for developmental purposes refusing to consider offers by United States investors if these were the best in the market. Canada to a much greater extent than formerly does her own financing; but enormous supplies of outside capital will be necessary if the development to which we look forward takes place; and the United States is the only possi-

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ble source from which the great bulk of this money can be obtained. Again we shall have to take a chance; but I might add that the apprehensions I have noted are not generally held. They are chiefly voiced by a group of alarmists forever a-twittering with fright as they note the increasing development of trade and financial contacts between the two countries in spite of political attempts to discourage commercial relations.

One patent reason for our singular susceptibility to American influences—we sing your songs, read your publications, talk your slang, adapt your social and business innovations, link up with your business and fraternal organizations—is the kinship between the English-speaking Canadian and the American of Anglo-Saxon origin. The obvious similarity of the two peoples is commonly explained on the ground of descent from a common ancestry in Great Britain. But between Americans of the original stock and English-Canadians, other than relatively recent arrivals, there is a much closer relationship, a fact the significance of which is not generally recognized. English Canada is the child of the old British-American empire which came to an end with the American Revolution. The first generation of Canadians in the Maritime Provinces and Ontario were Americans with more than a cen-

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tury of life in the English colonies behind them. This movement began in Nova Scotia before the Revolution. Nova Scotia was an American colony which did not revolt. At the close of the revolution nearly four millions of the King's American subjects became citizens of the new American Republic; forty thousand turned northward and accepted exile in the northern wilderness which was still a British possession. Included in these there were die-hards and irreconcilables, being in the main men of wealth and high position who found themselves utterly ruined by the revolution; but in large part the colonists were people who, while not in sympathy with the policy of the British government, did not believe that the situation called for renunciation by them of their British citizenship and their allegiance to the King. These colonists, with habits of mind formed by their sojourn of more than a century in the democratic life of the original colonies, laid the social and political foundations of the Canada of today. They fixed the channels of thought, determined the focal points of national feeling, and left their impress for all time upon the country they brought into being. There is hardly a Canadian of the third generation who does not derive in part from this virile, tenacious stock.

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One good reason why Canada is never likely to be annexed to the United States is that these 40,000 original settlers would forbid it from their graves. Between these exiles in the northern wilderness and their kindred and former neighbors who became American citizens there were feelings of dislike, suspicion, and apprehension. The American leaders were a little chagrined and disturbed at their failure to extend the revolution to the whole continent; to the north the British flag still flew and the British drumbeat greeted the morning. The exiles in Canada on the other hand looked forward with fear to the day when the struggle would be renewed and they would be pursued into their forest fastnesses by Americans bent upon ejecting Europe from the continent, an apprehension which found fulfilment in the War of 1812.

Despite these fears and hatreds, however, the British-Americans and the Canadians were one family; divided by civil war and a blood feud, they were kinsmen still. The British-Americans brought into Canada and established there customs and institutions with an American background, chief among them the common school supported by taxation; and on the part of many there was an incompatibility of temper with projects for giving the colonies an established church, a landed gentry,

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and a governing caste which in time had political consequences. They brought with them American variations in language and in intonations. "In the very tones and words," says Sir Robert Falconer, "closer racial affinities are shown between Canadians and their neighbors than exist between the people of the south of England and those of the lowlands of Scotland. Experts in philology maintain that the present accent of the average people of large portions of Ontario has been derived mainly from Americans, either loyalist or later arrivals, who came from Pennsylvania and western New York."

Such being the starting-point of English Canada, it was inevitable that the political and constitutional development of the country should be powerfully affected by the contiguity of the United States and the possibilities that were felt to be inherent in that geographical relationship. Indeed, the influence of the southern colonies upon Canada antedates the revolution. The Quebec Act of 1774 was an astonishing display of tolerance in religion and politics, having in mind the attitude at that time and for the next fifty years of the British king and the British parliament toward every proposition to lighten the disabilities under which the Roman Catholics of Great Britain and

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Ireland suffered. It established the Roman Catholic church in the province of Quebec, confirmed the French feudal system, brought English residents in the province under French laws, and enlarged the boundaries of the province to include all the unorganized British territory north of the American colonies. The "statesmanship" of this legislation has been much lauded; but it meant nothing except that the British government, which would yield nothing to the English colonists to reconcile them to a continued connection with Great Britain, was prepared to concede every concession and guaranty asked for by the clerical leaders of the French colonists in the hope of securing their active support in the conflict which they foresaw. "Canada," says Duncan MacArthur (*Canada and Its Provinces*^{I I I}, 44) "would remain British by becoming French and could then be used as the instrument for subduing the revolting colonies. With the loyalty of Quebec assured, French-Canadian troops could be poured into the New England colonies and insurrection soon suppressed." The Quebec Act was one of the proximate causes of the American Revolution, as the Declaration of Independence makes clear. This act exercised a major influence on the subsequent political development of Canada; its enactment was a turning-point in Cana-

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dian history. This legislation, with its wide-reaching effects in both countries, was the first fruits of the policy, observed for the next ninety years, of considering, with respect to legislative enactments and administrative act, what their effect would be upon the relations between the United States and the British-American colonies.

The elaborate system of government devised for the Canadian provinces and set out in the Constitutional Act of 1791, with its concentration of authority in the hands of an appointed governor and its limitation of the power of the Assembly, was admittedly intended to safeguard these possessions from the possible ill effects of the American example. There is something pathetic and child-like about the dreams of Sir John Graves Simcoe, the first governor of Upper Canada, as set out in his voluminous state papers. Colonel Simcoe had been through the whole revolution, from Bunker's Hill to Yorktown; and he carried with him to the new loyalist province a hope that there in the wilderness a community so exactly the counterpart of Great Britain in its political and social organization would be created that by contrast the popular government of the new Republic would be discredited. He held firmly to the belief that at least half the Americans were still devoted to British

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institutions; he issued invitations to them to come to Upper Canada; he had visions of a great and constant immigration from Vermont and Connecticut. Upper Canada was to have a landed aristocracy, ready made from the leading figures in the Loyalist movement; an established Anglican church, all other denominations to be frowned down; education was to be turned over to this church; and the participation of the people in government, both municipal and provincial, was to be kept within narrow limits. Upper Canada, in his opinion, held a strategic position of great importance in relation to the United States; and as he was convinced that the peace was only a truce, he hoped that in due time Upper Canada, as fashioned by him, would be instrumental in restoring the King's dominions in America.

Poor Simcoe encountered many disappointments and retired broken-hearted in a few years' time. One of his chief griefs was that the people of Upper Canada, upon whom he counted so wholly, were unsympathetic to his ideas. Thus the people, in preference to "half-pay officers," elected to the Assembly "one-table men," that is, men who ate with their hired help. Simcoe was forever discovering dangerous evidences of sympathy with the popular methods of government which he identified

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as republicanism. In short, it became evident very early that the Loyalist settlers in Upper Canada—or at least a very considerable element among them—had no intention of submitting tamely to a deprivation of those democratic rights of self-government which they had enjoyed in their old homes. Just as the movement for the restoration of these rights began to make its appearance there came the War of 1812. To the Americans this war may have appeared as a vindication of rights at sea; but to the Canadians it was merely a pretext for an attempt to bring them into subjection to a rule from which they or their fathers had fled. "It is absurd," said Henry Clay, who was the chief architect of this war, "to suppose we shall not succeed. We have the Canadas as much under our command as Great Britain has the ocean, and the way to conquer her on the ocean is to drive her from the land. I am not for stopping at Quebec or anywhere else; but I would take the whole continent from her and ask no favors."

The American Revolution would have left no permanent bitterness between the Americans and their Canadian kinsmen. There was about this tragedy the inevitability and some of the dignity of a Greek drama; and the protagonists of the rival causes would have learned in retrospect to respect

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one another's principles. But the attempted war of conquest in 1812, which brought every adult man in Upper Canada into the fighting lines, planted in the Canadian mind a fear of the Americans which was to affect the national policies for a century, and is to this day a political factor of importance in Ontario. As for the constitutional movement, it stopped it for twenty years; and when it was revived it had to carry the weight of the charges, constantly made against its leaders, that they were annexationists in disguise.

Nevertheless United States influence, quite unconsciously exercised, played its part in giving Canada self-government. When Lord Durham, in his report, urged the British government to throw over its system of governing the colonies by an official responsible to it and grant self-government to the British-American colonies, he pointed his argument with comparisons between American and Canadian conditions. "To Lord Durham," says Lucas, "the United States were a bright illustration of the blessings which flow from responsible government, coupled with wise treatment of public lands." To the suggestion that the proper remedy for the situation in Lower Canada, where the struggle for larger powers of government took also the form of a feud between English and French, was

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a government imposed from above, he had an apt reply:

The maintenance of an absolute form of government on any part of the North American Continent can never continue for any long time without exciting a general feeling in the United States against a power of which the existence is secured by means so odious to the people; and as I rate the preservation of the present general sympathy of the United States with the policy of our Government in Lower Canada as a matter of the greatest importance, I should be sorry that the feeling should be changed for one which, if prevalent among that people, must extend over the surrounding provinces.

Of still greater bearing on the future of Canada was his long-visioned declaration that political resistance to the all-surrounding influence of the United States could not be permanently expected from weak and subordinate provinces; there must be a countervailing influence only possible by the transformation of these provinces into a nation. "If we wish," he wrote, "to prevent the extension of this [American] influence, it can only be done by raising up for the North American colonist some nationality of his own; by elevating these small and unimportant communities into a society having some objects of a national importance; and by thus giving their inhabitants a country which they will be unwilling to see absorbed even into one more powerful." This same idea was given expression

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to anew ten years later by Durham's son-in-law and successor in the governor-generalship of Canada. "By creating such a country as might so fill the imagination and satisfy the aspiration of its sons," wrote Lord Elgin, "the danger of absorption with its great neighbor might be forever set at rest." Here we have the root idea which had partial fulfilment in confederation and has now come to full flower in the assumption by Canada of the rights and power of nationhood.

But confederation might have remained a mere dream had not the apprehensions aroused by the immense disturbance of the American civil war compelled the public men both of Canada and Great Britain to bring the project down from the clouds and make its fulfilment a matter of urgent practical politics—as has been set forth in an earlier lecture. Perhaps confederation could only have been effected at the time it was; it certainly could not have been effected then had it not been for indirect but powerful pressure from United States events and influences.

Again at a turning-point in our history the determining influences came very largely from south of the line. And in the making of our federal constitution the United States played its part as an object lesson, to the minds of the makers, of the

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danger of not giving sufficient power to the central government. Hence the provisions in the British North America Act giving the federal government the reserve powers and vesting it with the veto power over provincial legislation.

One further effect of United States influence upon our constitutional development is to be noted. Here the influence was silent, not consciously exerted; and it operated only in the mind of a timid British statesman. Yet the results to Canada were most unfortunate. In the draft of the British North America Act prepared by the Canadian statesmen Canada was termed a kingdom. This was the ardent desire of Sir John A. Macdonald, who was at the head of the Canadian delegation which visited London to watch the passing of the Act. Had Canada come into existence as a kingdom the whole constitutional development of the country for the past sixty years would have been different. The use of the word would have been an announcement to all, including colonially minded Canadians, that Canada had ceased to be a colony and had become a nation, an auxiliary kingdom in the British system. Instead the word "dominion" was substituted; and it blurred for everybody—for Canadians themselves, for British officialdom, for the people of Great Britain—the significance of the establish-

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ment of the Canadian confederation. No one but the monarch could have used the phrase "Our Kingdom of Canada"; but the words "our dominions overseas" can come trippingly from the tongue of any enthusiastic orator in Great Britain, conveying the impression lurking in his own mind that these dominions are in some way the appanage of the people of that country. This unfortunate change of name was due to fear of American opinion. Writing to Baron Knutsford in 1889 Sir John Macdonald said: "It was made at the instance of Lord Derby, then foreign minister, who feared the first name would wound the sensibilities of the Yankees. I mentioned this incident in our history to Lord Beaconsfield at Hughenden in 1879, ^{w n o} said, 'I was not aware of the circumstance, but it is so like Derby—a very good fellow, but who lives in a region of perpetual funk.' "

Out of Canada's belief that it was desirable in her interests that she should have a good deal to say about how international business arising from contacts between Canada and the United States should be dealt with came the gradual recognition that it was necessary that she should take full charge of her external affairs so far as they affected the United States. Since national status was necessary before Canada could look after her external

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affairs, this feeling of the Canadians that they should deal directly with the Americans had a good deal to do with the speeding up of our evolution toward nationhood. This desire, first to have a hand in and then to take over ourselves the business of dealing with Americans, arose partly from the natural feeling that since they were our affairs we had a right to have a good deal to say about how they should be handled; but still more from our understanding of the fact that their presence was necessary to discourage the Americans from acting too freely upon the belief, which they held firmly until yesterday and which is not yet entirely extinct, that the control of the British government over Canada was so absolute that if the United States could only get it in a sufficiently favorable mood it could do what it would with Canada or her interests without regard to Canadian sentiment.

There are many evidences of this belief on the part of American public men in the troubled years following confederation. The creation of the Canadian confederation was not favorably received at Washington; it was regarded as a challenge to that "manifest" destiny which Seward sketched for Canada in 1868. American statesmen saw an easy way of adjusting the serious difficulties between the United States and Great Britain through the trans-

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fer by the latter of Canada as a settlement of all claims. Senators Sumner and Chandler made public speeches in these terms; and Sumner further set out his view in a letter to Hamilton Fish, secretary of state in Grant's administration. Upon at least two occasions Fish broached the subject to Sir Edward Thornton, the British minister at Washington, who parried the question by pleading that the Canadians would not hear of any such proposal. Canadians viewed these overtures with jealous fear because they were quite aware that there was a considerable sentiment in England favorable to Canada taking her way into the American union. They were told by the *Times* in 1869 that no one in England would object if they were quietly to slip into the Union. In the following year Lord Lyons, who had been British minister at Washington, wrote Lord Clarendon that he wished "we were well and creditably out of the scrape" of having North American possessions. "I agree in every word you say," wrote Clarendon in reply, "about our possessions in North America, and wish that they would propose to be independent and to annex themselves." With ideas like these current in high places the presence of Sir John A. Macdonald in the British delegation which journeyed to Washington in 1871 to make a treaty in settlement of

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outstanding differences was highly essential to the interests of Canada. He has left in his personal correspondence a lively account of his experiences. He found it difficult to make the Americans understand that the British government had "no dispensing power as a paramount authority which would override any action of the Canadians." When Lord de Grey, the head of the delegation, tells them this cannot be done, "they pooh-pooh it altogether." On the other hand the British commissioners seemed to have only one thing in their minds: "to go home to England with a treaty in their pockets settling everything, at no matter what cost to Canada."

The American official attitude then and for long after was that Canada was completely subordinate to Great Britain; that, therefore, Canada in her own behalf would welcome "freedom" in the form of union with the United States; or conversely that Great Britain, having this complete control, could do as she pleased with Canada and Canadian interests in her dealings with the United States. Canada's rejoinder was to take thereafter a large part in all negotiations with the United States in which her interests were involved, and generally to keep a suspicious eye on the United States. Sir John Macdonald, whose views governed Canadian poli-

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cy for the first twenty-five years of confederation, was incurably suspicious of the United States. "Tupper will tell you," he wrote to a friend in 1890, "that every American statesman (and he saw them all in '88) covets Canada. The greed for its acquisition is still on the increase and God knows where it will end."

A Canadian representative was associated with the British representative in the abortive reciprocity negotiations of 1874; and this became the invariable rule until in 1923 Canada established her right to make her own treaties with the United States. Further, in questions arising in the ordinary diplomatic routine the Canadian government claimed and exercised a power of consultation and intervention which sometimes interfered with the orderly processes of negotiation. Thus, there were recurrent troubles over the enforcement by Canada of the provisions of the 1818 convention which forbade American fishermen from fishing within three miles of the Canadian shore and of drying fish except on the shores of unsettled bays. Macdonald differed violently with his British colleagues in the Washington conference about the propriety of accepting the proposals of the United States for the settlement of these difficulties. "The United States commissioners," wrote Macdonald, "found our

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English friends so squeezable in nature that their audacity has grown beyond all bounds." With the abrogation of the fisheries provisions of the Washington treaty in 1885 the question again became acute; and the United States government again found the inconvenience of negotiating ostensibly with the British government but having in fact to deal with a much more exacting government at Ottawa. Mr. Bayard, secretary of state of the United States, wrote in 1887 ¹⁰ Sir Charles Tupper about the "awkwardness" of the situation. "Nothing," he said, "could better illustrate the embarrassment arising from this amorphous condition of things than the volumes of correspondence published severally this year relating to the fisheries of the United States, Great Britain, and the government of the Dominion."

The solution of the problem suggested by the Liberal party, then in opposition, was the appointment of a Canadian minister at Washington and the taking over by Canada of the control of her relations with her neighbor. Thrice in the ten years between 1882 and 1892 did the Liberals unavailingly press this suggestion upon the Canadian parliament; but this solution, though rejected, remained thereafter within the consciousness of the Canadian people, and in the course of forty years got itself

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acted upon. During their fifteen years of office from 1896 to 1911 the Liberals took no steps to give effect to the policy in this respect advocated in opposition; but in other ways they established more direct contacts between Ottawa and Washington. Thus the reciprocity agreement between Canada and the United States in 1911 was negotiated directly between the two governments. This, however, was not a treaty, but an agreement for concurrent legislation. More significant was the treaty of 1909 relating to boundary waters, by which a tribunal of six commissioners, three from each country, was established, with quite remarkable powers. In addition to acting in a judicial capacity in all disputes arising out of boundary waters, the commission may consider any question or matter of difference between the two countries which may arise, which is referred to it by the governments, a majority being authorized to make a finding. "It is not too much to say," said the *American Journal of International Law* in 1912, "that it constitutes a permanent international tribunal between Canada and the United States to which any questions or matters arising between them may be referred and decided by the principles of law and justice."

The establishment of a Canadian minister at

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Washington was expedited by the war. Canada found it necessary after the United States entered the war, to maintain a war mission in Washington. This was to all intents and purposes, for the time being, a Canadian legation. After the war the mission was withdrawn, but a member of it was attached to the British legation to look after Canadian affairs. In 1920 Sir Robert Borden arranged with the British government that Canada should appoint a minister to Washington and secured the approval of the Canadian parliament, but six years were to elapse before the actual appointment was made—a delay into the reasons for which it might be well not to inquire too curiously. The acceptance of a Canadian minister by the United States government and its reciprocal action in sending a minister to Ottawa proved a great disappointment to certain colonial elements in Canada to whom all these increasing manifestations of nationhood were displeasing. They hoped that the United States would put Canada "in her place" by refusing to accept a minister from Canada on the ground that whatever Canada might be in the light of constitutional conventions, she was incontestably only a colony still under the terms of the British North America Act. There were certain grounds for this expectation since the United States authorities

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have apparently found it difficult to understand the evolution of Canada to national status by means of precedent and convention in the absence of formal and legal registration of the changes. It was the representatives of the United States, President Wilson and Mr. Lansing, who at the outset objected to the appearance of representatives of the Dominions in the Peace Conference at Paris; they could not see, at first, that they had any claim to distinct representation. When the Dominions were admitted to the League of Nations the United States Senate challenged their right to membership by the Lenroot reservation.

Most notable of all, as revealing a persistent misapprehension of Canada's position, was the attempt of the United States Senate to add reservations to the Halibut Treaty in 1923, the effect of which would have been to make it an Empire and not a Canadian treaty. As the purpose of Canada in negotiating this treaty had been to establish her right to make treaties on her own behalf in matters solely affecting Canadian interests, this reservation showed either a singular misunderstanding of Canada's position or a reluctance to admit that Canada had the powers she claimed. Canada was obliged to stand on her rights even at the risk of endangering the treaty; and later the United States

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Senate quietly abandoned its reservation and the treaty came into effect. In view of these incidents there were perhaps some grounds for the expectation, confidently expressed by a Canadian newspaper at the time of Mr. Massey's appointment as Canadian minister to Washington, that while he might be allowed to play about in Washington, the United States government would continue to deal with the British minister as the only one legally qualified to represent Canada. But with the acceptance of the Halibut Treaty and the welcoming of the Canadian minister Washington may be said to have accepted Canada, notwithstanding anomalies in the situation which puzzle the legalistic mind, as a nation to be dealt with on terms of equality. The two countries are now in full and intimate diplomatic relationship.

Between the Canadian and the American capitals there is already a great and growing diplomatic traffic testifying to the urgent need of direct relations; but most of this has to do with matters of routine. There are no serious questions outstanding between the two countries, but there are matters of some importance which may at any time become subjects for diplomatic negotiations. One such question is the suggested agreement for the building of a waterway from the Great Lakes to

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the ocean by way of the St. Lawrence River, deep and wide enough to permit the ordinary ocean freighter to tie up at the wharves of the ports of the Great Lakes. As long ago as 1922 the United States Secretary of State suggested the negotiation of a treaty "looking to the deepening of the waterways which would enable ocean-going ships to reach the Great Lakes." The Canadian government replied, through the British ambassador, that "having regard to the magnitude of the project and the large outlay of public money involved, the Canadian government is of the opinion that it is not considered expedient to deal with this matter at the present time." Though since then the Canadian government has had the project under consideration by a specially appointed commission and has had detailed estimates compiled by a board of engineers, it may be stated that the Canadian government is still of pretty much the same opinion that it was in 1922: it does not find it expedient, for reasons quite well known to those familiar with the Canadian political situation, to make up its mind as to whether or not it favors this project.

In Canada, as in the United States, there are areas which are bitterly hostile to the project through fear that it will affect existing transportation interests injuriously; and it so happens that in

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Canada this feeling is strongest in the province of Quebec, whose support is indispensable to the life of the present Liberal government. The great transportation companies may be assumed to be far from enthusiastic over the prospect of the completion of the waterway; and there are powerful private power interests which regard with disfavor the development of a great additional volume of power, necessarily under state auspices. It may, therefore, be accepted as a fact that Canada will not come to a decision on this matter until the United States government makes up its mind and submits a definite proposition to go on with the work. When such a proposition is made Canadian public opinion in favor of the project will manifest itself with sufficient force to insure the necessary reciprocal action by Canada upon terms mutually satisfactory.

The opposition to the enterprise, which arises in fact almost wholly from private fears, is put ostensibly on high public grounds. "The basic objection to the projected international development of the St. Lawrence River," says the *Montreal Gazette*, which has been active in opposition, "is that under the proposed arrangement Canada will relinquish for all time the control of navigation and power resources that are part of the Canadian

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heritage." Hon. L. A. Taschereau, premier of Quebec, in a newspaper interview, (*Toronto Star*, January 19, 1927), gave four reasons for his opposition: (1) it would mean joint control by Canada and the United States of a Canadian waterway; (2) it would involve the export of Canadian power; (3) it "would hurt very much the port of Montreal;" (4) its cost would be too great for Canada.

The objections based on supposed loss of control by Canada over power and navigation are not real; there could and would be no impairment of Canadian control in either respect. The principle upon which navigable waters flowing from one country into the other are to be made available to both countries was settled long ago—in fact, in the peace treaty by which the independence of the United States was recognized. Under the mistaken idea that the Mississippi rose in British territory, that treaty provided that this river from its source to the ocean should "forever remain free and open" to both British and American citizens. The Jay treaty in 1794, in its provisions relating to boundary waters, provided for their free use by citizens of both countries for the transport of goods. It was, however, provided that goods while in process of being transported through outside waters could not

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be sold. These rights were confirmed in subsequent treaties; and in 1871 in the Treaty of Washington it was provided that the St. Lawrence waterway to the sea "shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada not inconsistent with such privilege of free navigation." The same rights were conferred upon Canadians in connection with the Yukon, Porcupine, and Stikine rivers. The principle has thus been very clearly established. There is common usage of the waters, but there is no limitation, apart from this, of the police powers of each country over the waters lying within its boundaries. To represent the proposition to complete the St. Lawrence waterway as an insidious attempt to invade the sovereign rights of Canada is an attempt to mislead the public. On this point there can be no difficulty; but the political opposition of Montreal and Quebec based upon fears, probably wholly groundless, that they may suffer injury, will keep Canada from actively participating until a decision shall be made necessary by the submission of a definite proposition by the United States government.

There is also the ever present matter of trade relations. Ever since the denunciation sixty-one

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years ago of the Marcy-Elgin reciprocity agreement there have been periodical attempts to put trade relations between the two countries in a preferred position by treaty or statutory arrangements. All these attempts have failed; and each has been marked by the stirring up of old enmities and jealousies, the fanning into flame of the smoldering embers of national dislikes. In the Canadian tariff law there are provisions looking to reciprocal relations. There is a declaration of Canada's willingness at any time to enter into negotiations "with a view to the making of a commercial agreement between the two countries that may be deemed mutually beneficial" and a provision by which the Canadian government can, by order-in-council, lower the existing duties on certain agricultural products imported from the United States in the event of the president, by virtue of the powers vested, reciprocally lowering duties on the same products imported into the United States. Mr. King, the Canadian prime minister, has also expressed the hope that the appointment of a Canadian minister at Washington may facilitate the making of reciprocal arrangements. Of the desire of the people of the two countries to trade with one another there is no doubt. In spite of tariffs carefully designed to discourage Canadian-Ameri-

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can trade it ran last year to well over a billion dollars, being considerably more than 50 per cent of Canada's total external trade. Canada is, on a per capita basis, much the best customer the United States has.

Despite these proofs of the volume and the profitableness of this trade it is not desirable, in my opinion, that any further attempts should be made to encourage it by special concessions set out by statutory agreement. These are apparently impossible to obtain; and if they were obtained they would not endure beyond the moment when one party to the arrangement found, or imagined it found, that the other party enjoyed an advantage from the arrangement. While the people of the United States and, to a somewhat less extent, the people of Canada hold to the extraordinary view that international trade is not barter for mutual benefit, but war in which there must be victor and vanquished, the tariff relations between the two countries will make a minimum of trouble if they are cold-blooded and realistic in their character. Canadians, notwithstanding their gesture in the tariff act, realize this. They recognize as a hard fact about which they make no complaint that notwithstanding the fact that Canada is the best customer the United States has, it and its trade receive

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not one iota of consideration from the tariff-making authorities of the United States. The United States buys from Canada what it is in her interest to buy, but she would shut off tomorrow imports of any class, no matter what the resulting disaster to Canada, if any considerable interest, sectional or manufacturing, were to make a demand to this effect. As witness the prohibitive tariff on stocker cattle and the raising by executive action of the duties on wheat and other grain. In return Canada makes her tariff without regard to its effect on American trade. If Canada does not match tariff for tariff with the United States it is due simply to the judgment of her people that it is not in her interests to enter into a competition of this character.

In the long run this policy of tariff aloofness will do more to bring about better trade relations than attempts to make special arrangements in advance of public appreciation of the worth of such arrangements. In any attempt now to induce the acceptance of reciprocity it is necessary for each side to claim that it has the best of the bargain, an argument reciprocally fatal to the adoption of the agreement. When in 1911 President Taft wrote Theodore Roosevelt that the reciprocity agreement would make Canada an adjunct to the United

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States and prevent Canada from entering into preferential tariff agreements with the other nations of the British Empire he did much more than convince Roosevelt that the arrangement was a good one; he, by the same letter, torpedoed the Liberal government in Canada which had made the arrangement. That stately ship was seen no more.

As a by-product of this mutual policy of aloofness which must necessarily be followed for the present, some Canadians hope that we shall be able to get away, to some extent, from the fascination which your tariff policies have long exercised over the minds of our people. For nearly seventy years we have been playing the sedulous ape to your fiscal experiments. It was in 1859 that the *Hamilton Spectator*, whose editor came to be known as the "father of protection/* advised a tariff policy for Canada. "The freetraders, so called," said the *Spectator*, "have been worsted, and they have probably learned by this time that their nostrums are by no means palatable to the people of this country. Though this country is not, and we trust never will be, republican, its material interests are the same as those of our republican neighbors. Canada, therefore, wants no untried theory of trade and industry, seeing that we have the actual and dearly bought experience of the United States." In 1925,

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sixty-five years later, we had a general election in Canada, fought out on the issue that we had no option but to make our tariff a close approximation to that of the United States. "Our course is mapped out for us," said Mr. Meighen, the leader of the Conservative party on that occasion, "and we must follow it so long at least as the United States pursues a protective tariff." "The United States," Mr. Meighen continued, "necessarily and inevitably influences us more than the course of all other countries." The country was flooded with literature insisting that our economic salvation depended upon slavish imitation of United States fiscal policies. Our economic conditions, it was claimed, were fixed by external influences over which we had no control. This contention, put forward with great vigor and strongly backed by Canadian industrial interests eager for high tariff, just missed getting the approval of the Canadian people. Fought over again within a year, this policy met with a decisive check which resulted in the retirement of the political leader primarily responsible for it and the calling of a Conservative convention, on democratic lines, to reconsider party policies.

The view that Canada, in making tariff policies with a single eye to her own interests, can do better than imitate the United States is being held by an

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increasing number of Canadians. The United States appears to be committed for a long time to come to unshaken faith in the efficacy of a system by which it sells abroad but seeks to make it difficult to take payment in the form of return goods. Any such policy would be highly injurious to Canada. We cannot finance our sales abroad by credits which take the form of permanent investments in the purchasing country. We must take payment in goods; therefore our tariff must be a competitive one, giving local industries a reasonable advantage but compelling them, subject to this, to face external competition. The growing recognition of this fact will tend to keep the tariff levels of the two countries far removed from one another. Canada is today mildly protectionist in contrast with the United States. The indexes of tariff levels prepared for the recent world-economic conference showed the United States level on manufactured articles at from 35 to 40 per cent, while the Canadian level is from 20 to 25 per cent. It is the resolute purpose of many Canadians, constituting, I trust, a majority, to maintain that spread while the United States remains devoted to high protection, in the belief that it is highly to our advantage to do so. With such spreads it is easy to see that the negotiation of any durable

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reciprocity treaty between the two countries is impossible. On this question of the tariff we must each go our own way.

The American and Canadian peoples have come now to the era of good feeling, mutual respect, and thorough understanding. There is an end to whatever feeling may once have existed in the United States that a British nation to the north was an uncomfortable neighbor. There is an end, on our side, of the old apprehensions and suspicions. We are all in agreement with what President Harding said, in a speech delivered on Canadian soil within a week of his death: "The bugaboo of annexation having become extinct long ago, let us go our own gait along parallel roads, you helping us and we helping you." And thus Canada has come to the place where she plays her part as a sort of *liaison* officer between the English-speaking nations. We are American by more than the common inheritance of blood and ideas which we share with you. We are, with you, the fashioners and practitioners of what may be called American civilization, which, though in part derived from the western civilization of Europe, is indigenous to this continent, being the product of men politically free and in great measure economically free, functioning in keeping with their talents and opportunities in a plastic,

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not a rigid, social and economic environment. Our membership in the British Commonwealth gives us a window on every continent; our outlook, our knowledge, and our sympathies must, by virtue of this fact, be wider than the North American continent. And we are by way of being internationalist in our growing recognition that we must do business with the whole world. We are, therefore, in our own family conferences, in international gatherings in which the United States takes part, and in the ordinary everyday contacts of diplomacy, often enabled to play the role of interpreter, to use a word which has become a commonplace.

There has already been a classic illustration of the service which Canada in this role can render the English-speaking world. The Imperial Conference met in 1921 with the intention of renewing the Anglo-Japanese alliance. Mr. Hughes, of Australia was vociferous that this should be done; not to do it, he held, would be to insult our faithful ally. The British government unquestionably wanted the treaty renewed for reasons which no doubt seemed sufficient to them. It was Mr. Meighen, the Canadian prime minister, who gave the Conference the information, which the other prime ministers lacked, as to the effect which the renewal of this treaty would have upon Anglo-American relations.

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Mr. Meighen's obvious knowledge of the facts and the courage with which he presented them gave pause to the Conference. It did not advise the renewal of the treaty; and out of that fact there flowed, in happy sequence, the Washington conference, the four-power treaty, the limitation of armaments, the acceptance by Japan of a lower ratio, the subsidence of anti-Japanese suspicions in the United States, and in Australia too; and the enormously improved international situation. If Mr. Meighen had not had the special knowledge which was his by virtue of his contacts with American opinion, the British nations, with the best intentions in the world and in ignorance of the effect of their acts, would have brought about an embitterment of relations between the United States and the British Empire.

In the other field is not Canada making the United States familiar with that mysterious, unique, but very tangible reality, the British Commonwealth? Canada is to Washington officialdom a practical demonstration of how the British system works. It requires to be demonstrated, for I doubt if anyone can explain it.

Services of this character are of a value not easily estimated to a movement which is steadily taking form in the world, the emerging brotherhood

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of English-speaking nations. I spoke the other day of the British Commonwealth as a moral unit, but is there not appearing a larger, more inclusive unit of the same kind? The unifying power is the language, though there is an inner strand of common blood. The very words of a language dealing with these matters are in the nature of moral and political definitions; they color and fix the convictions of those who speak them. As a man speaketh, so he is; and there is going on all the time and everywhere, officially and otherwise, the discovery that the nations which speak English come together by the natural attraction of their minds. In what this foreshadows in the way of future co-operation lies one of the world's great hopes. Not that this carries with it any suggestion of concerted force to keep the world in order. We have had too striking an illustration of the limitations of force to look for this. Force may indeed defend the territories of democracy, but it cannot extend its boundaries. For this there is need for weapons of the spirit. What has democracy to show for itself, in lands like yours and mine, that a world tired of misgovernment and strife should turn to it? If we can say: "Democracy works. Here are its fruits: liberty for the individual, for the community; order, happiness at home and peace abroad," then indeed

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we can offer a leadership to which the world will respond.

Here is a task for us in which there is room for honorable competition between these two countries, so closely akin, so truly devoted to democratic ideals, yet employing different methods to the same ends. Have we anything to show the world in vindication of the democratic faith we profess? There stretches the boundary between us, 4,000 miles long, without a fort, without a gun, without a sentry, in a peace unbroken for 112 years; there are the Great Lakes which bear on their waters only the peaceful ships of commerce. On the one side a powerful nation which abstains from these physical symbols of its might; on the other a nation relatively weak, reposing absolute confidence in the good faith of its neighbor, with never even a passing sense of that feeling of insecurity which hangs like a thundercloud over nations which put their trust in guns and intrenchments and conscript armies and Napoleons, real or pinchbeck. These are the fruits of the democracy and brotherhood which we cherish and practice. Are they not worth while?

THE IMPERIAL AND FOREIGN
RELATIONS OF AUSTRALIA

By SIR WILLIAM HARRISON MOORE

THE DEVELOPMENT OF AUSTRALIAN SELF-GOVERNMENT

It would be unbecoming that I should begin this series of lectures without an expression of my appreciation of the honor that you have conferred upon me by inviting me to be present, and without acknowledging on the part of the Australian universities the courtesy and liberality of the University of Chicago. We in the Australian universities have indeed every reason for gratitude for the brotherly interest you have shown in us in many ways and on many occasions. Let me add that it is to the work done in conferences of this sort that those of us who are especially concerned in the study of international and constitutional relations are more and more looking, both for reasoned national points of view and for opinion detached from the polemics and the rhetoric which characterizes so much of the political treatment of public questions, whether in the press or the legislature. The Williamstown Institute of Politics, the Institute of Pacific Relations, and your own Norman Wait Harris Foundation, to mention no others, are

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but instances of the intellectual co-operation of nations in which the United States is blazing a trail for us all.

The subject of this institute is "Problems of the British Empire/' and had I been left without guidance I might have doubted—with the recent contributions of Sir Robert Borden, Mr. Rowell, and Professor Zimmern before me, all delivered under the auspices of foundations similar to this in North American universities—how I should glean in so well-reaped a field without either wearying you by the repetition of much that was already familiar or by losing myself and my audience on details of a technical and often controversial kind. For a brief survey of the Empire in its infinite variety, I know nothing more comprehensive and instructive than the extract from an address given in New York by Sir Robert Borden in 1915 and printed in the notes to his *Canadian Constitutional Studies* (pp. 143-44). My one natural approach is that of the constitutional lawyer; and I know from experience how much impatience is aroused by constitutional questions, and how little suited many of them are for public oral exposition. But I have been given a lead; my special contribution to our broad subject is the "Imperial and Foreign Relations of Australia." Necessarily the Canadian points of view are

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better known to you than the Australian, not merely because Canada is nearer to you than Australia but because Australia has been less articulate than Canada in these late eventful years. That is in itself a significant fact which will form part of my subject. It will involve some consideration of internal conditions, as to which Mr. Dafoe, during his recent visit to Australia, formed interesting and instructive opinions which it will do Australians good to ponder over.

Australia is an island continent with a coast line of 11,300 miles situated between the 10th and 44th degrees of South latitude, and longitudinally between the 113th and 153rd parallels, her East coast washed by the Pacific, her West by the Indian Ocean. This coast looks out, at great distances indeed, on Africa, Asia, and America, of which Asia is nearest, making India, China, and Japan in some sort neighbors. On the north and the east our outlook on the continents is through myriads of intervening islands. The area of Australia is nearly 3,000,000 square miles—almost identical with that of the United States—of which nearly 40 per cent is in the Tropics. The population in 1926 reached 6,000,000, of which 99 per cent is of European extraction. Eighty-four per cent are Australian born, 1 per cent are from the British

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Isles, about 3 per cent are from other countries. The native-born are so far of British origin that in the official commonwealth yearbook the Australian is described as "little more than a transplanted Briton." The population is distributed among a great number of occupations, of which the striking thing is that in recent years the number of those engaged in manufacturing and other secondary processes has come to exceed the number of persons engaged in primary production by nearly 21 per cent, and 62 per cent of the whole population is classed as "urban." The social condition of the people is illustrated by a table prepared recently by the commonwealth statistician which places the standard of comfort realized by the weekly wage of the working class in our capital cities as substantially on a level with that of your great cities in the United States.

The density of population is 2.02 to the square mile, as compared with Europe, 122; Asia, 64, North and Central America, 18; or, taking particular countries, Great Britain, 396; Italy, 352; China, 101; British India, 225; Japan, 320; United States, 37. The actual settlement extends inward from the coast line on the East and South, and a corner of the Southwest, the density rapidly diminishing as the distance from the coast increases. The dis-

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parity of population to area in Australia is often exaggerated by disregard of certain limiting conditions upon development and therefore upon population. Of the 3,000,000 square miles it is estimated that not more than 21 per cent is suitable for close white settlement, while 20 per cent is classified as "almost useless"; 56 per cent is pastoral land, ranging from good to fair, and 3 per cent is suitable for tropical agriculture (Griffith Taylor, *Australia, Physiographic and Economic*). The population at the present rate of increase will reach ten millions about the middle of the century.

The total value of production (which is liable to considerable fluctuation) was in 1924-25 about £450,000,000 (\$2,196,000,000). The total oversea trade—exports, £162,000,000; imports, £157,000,000—was for the same year £319,000,000. Of Australian exports, 53 per cent went to British countries; 42! per cent being to Great Britain itself. Over 71 per cent of the exports went to European countries; but of individual countries, save for Great Britain and France, two non-European countries, Japan with 7 per cent and the United States with 5 per cent, were the principal customers. Note that in Australian imports the United States, with 24! per cent, stand second only to Great Britain, with 44 per cent. The commonwealth and

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state governments together owe debts abroad to the amount of £485,000,000, interest on which has to be provided principally in London.

One other matter I must add. In the great war the Commonwealth, whose population in 1914 did not exceed 5,000,000, raised an expeditionary force of 420,655 men, of whom 337,060 embarked from Australia, and had a list of 212,376 casualties, of which 58,871 were deaths. In addition there was the personnel of the Royal Australian Navy. The present annual charge to Australia for war service (including interest on debt, pensions, and repatriation) is about £30,000,000 sterling, or about £5 per head of population.

In these dry statements of fact lies a great part of Australia's relation to imperial and foreign affairs. Her geographical situation is one of isolation from the lands peopled by her own race; she is, as has been said, a lonely outpost of Western civilization in a profoundly alien sea.

The disparity between her population and her area is more, rather than less, remarked as time goes on, and we have to add to Asia the pressure of population in Great Britain and in Continental Europe. The matter of European occupation is complicated by the fact that so much of Australia lies within the Tropics and may therefore suggest

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itself as a field for expansion of Asiatics already within the British Empire. Asiatic movements therefore are a matter of deep concern to Australia, whether they are on the mainland or among those islands in the Pacific which may have a strategic value; and the sensitiveness which marked Australian opinion long ago—sometimes it was thought in Great Britain rather unreasonably—at the presence of European powers in the Pacific undoubtedly becomes more acute when the question is one of the advance of an Asiatic power. Thus her situation and her policy of a "white Australia" form her notions at once of foreign relations and of defense: concentration upon a single area, wherein her interests are obvious and vital. Even the "internal communications" of such a country depend largely on the safety of the seas.

The fact that our products for export consist almost exclusively of foodstuffs and raw materials relates us to the problems of every industrial country in the world, and more closely as their industrial character makes them more dependent on these supplies.

If geographically we are neighbors of Asia, economically we are as yet part of the European system. Britain is our principal customer; it is from her that has come the capital which has enabled

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us not merely to develop the resources of a new country expeditiously, but also to enjoy, during that development, comforts and amenities of life which have rarely fallen to the pioneers of any country. The fact that our trade is so largely external trade, that it is necessarily sea-borne, that it has to traverse half the globe before it reaches its destination, makes Australia a partaker of the British interest in the freedom of the seas and in sea-power. The fact that Australian trade is so preponderantly British trade relates it peculiarly to British economic health, whether we regard Great Britain as a purchaser of our exports, a source of supply for commodities which we cannot ourselves produce, or as the provider from her surplus wealth of capital for our development. While, then, in foreign relations our vigilance is reserved for the Pacific as bearing directly upon our ideals of a white Australia, the wider interests of Great Britain, even those which seem most purely European, have their reaction upon us. And not merely in relation to our trade; the capacity of Great Britain to sustain the major part of the burden of defense goes to our whole security.

The experience of the great war has demonstrated our relation to world-politics as part of an Empire with world-interests and spread through-

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out the world, the more as the center of world-politics has in many ways, in consequence of the war, shifted from Europe to the Pacific. It presents the matter of self-government in a new light. It fosters the notion of economic self-sufficiency as a matter of national safety.

The homogeneous character of our population has freed Australia from the political difficulties which arise from the separate nationalities of Canada and South Africa; still more of course from the social dangers that belong to the divisions of India and to those countries in which national differences are intensified by racial differences. Ireland, indeed, has contributed to Australia, as to other lands, some of her historical sense of grievances, but it has played a subordinate part in our politics and has not been a disturbing social factor.

When we have proclaimed a "white Australia" we have thought of an Australia occupied by people of British stock, thus minimizing the problem of "assimilation" of immigrants, whether in respect of our political institutions or our social conditions, with constant emphasis on our standard of living, to the maintenance and improvement of which more than in most countries the direct activities of government have been addressed. This consideration—the high standard of living for the average

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man—is the absorbing interest which dominates Australian policy, internal and external, fostered no doubt by the proportion that our manufacturing and urban workers, with their facilities for organization, bear to the whole population, but perhaps resting more fundamentally on the political and industrial power of the essential industries: coal, shipping, and wool-shearing.

I have said that my own natural approach to our subject is that of a constitutional lawyer, and as you know, the problem of the Empire or of the Commonwealth has been stated in terms of government and political organization—a development of the old problem of reconciling national unity with self-government. But it is commonplace that our institutions are to be understood only through their development, a truth which holds not merely for the study and the classroom but, as the report of the Imperial Conference of 1926 recognizes and declares, in their life and work. If therefore it is necessary to consider the self-government of Australia—what it means both in institutions and in content—it is necessary to trace its development. It is true that Australia begins in 1788 as a penal settlement, established as a direct consequence of your own independence, the first, but by no means the last, point of contact between your history and

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our own. But from the first there was also in view the foundation of a colony and civil government, and Australian institutions passed through a rapid series of changes in conformity with the change in her social condition. An autocracy, with an organization on a military model, is modified by the introduction of a nominee council of executive officers; then a legislative council, also nominee, with a preponderance of officials but including some private settlers, is given by an act of the British Parliament of 1823, an act conceived in the spirit of the Canada Act of 1774, and, like it, based upon the existence of fundamental social divisions and conflicts which in the same territory made two communities; in Canada it was British and French; in New South Wales it was emancipists and free settlers, thus making an elective legislative assembly impracticable. In 1842 a modified representative legislature was established, consisting of two-thirds elected members and one-third nominees, partly official, partly settlers. But the movement for a fuller self-government was inevitable in a British community, and Lord Durham's report on Canada, widely read and discussed in Australia, showed the way toward responsible government. A Constitution Act of 1850, which provided constitutions for the other Australian colonies on the

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New South Wales model, while making no actual change in the New South Wales government, contained a provision authorizing the legislature to reform itself on whatever model it pleased; in other words, the constitution of the legislature was treated as a matter for the colonists themselves, and thus the Act became the foundation of the principle in Australia that the making and amendment of the constitution is a matter of self-government.

Two things may be noticed in this development. First, that the constitution was established, not by charter or other mere act of the crown, as were the constitutions of the colonies here, but by act of Parliament; and as successive constitutions down to and including the Commonwealth Constitution of 1900 were established by the same means, the paramount authority of the imperial parliament in Australia could not be challenged by those who owed their existence to its act, though the Privy Council has developed an interesting theory that colonial legislatures, while constituted by act of Parliament, are not delegates of Parliament. In the second place, the form of government which I have described—the inclusion of officials in the legislative council—prepared the way for the cabinet system, and so helped to form a conception of self-government which ultimately gave to the

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problem of an imperial authority certain formal and practical difficulties.

The next step is the attainment of responsible government in 1855, of which the central feature is that the colonial executive ceases to be responsible to the British ministry and becomes responsible to the colonial legislature. The battle of principle had already been fought out in the case of Canada. On the one hand there is the verdict of Durham: the entire separation of the legislative and executive powers of a state is the natural error of a government desirous of being free from the check of representative institutions. On the other hand there is the apprehension of Lord John Russell: It might happen that the governor would receive at one and the same time instructions from the Queen (i.e., from the British ministry) and advice from his executive totally at variance with each other; if he obeyed the home instructions he must ignore the responsible ministers, and if he followed the advice of his council he would be an independent sovereign. In Australia, too, there were opinions that responsible government was perfectly incompatible with a dependency of the crown, and was suited only to the circumstances of an imperial, i.e., sovereign, state (Deas Thomson, colonial secretary of New South Wales in 1844). The reconciliation

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was found in the limited field of responsible government. In the sphere of internal and domestic concerns local responsibility would be complete, and the British government withdrew its claim to control either legislative or executive action. Justice and police, religion and education, public health, the systems of land administration, the development of the territory by public works, the public service from ministers downward, taxation by whatever means, and expenditure—all these lay clearly on the colony's side of the line. Foreign relations, high policy, and defense were imperial matters. The colonists accepted the division: their exclusive control over the things that seemed to matter was acknowledged; "imperial matters" did not appear to threaten any serious interference with self-government as they conceived it. They had no thought of separating themselves from Great Britain, and they were well content to leave responsibility for foreign policy and defense in the hands of the British government. Australia was remote from the hum of European politics; the Russian war then proceeding was localized in the Crimea; it was the rumors of war, not war itself, that reached them. Neither defense nor foreign relations had as yet any peculiar Australian significance. For the rest, cosmopolitanism, not national-

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ism, was the political creed becoming dominant among British people; and the year 1851, which marked the first general advance of the Australian colonies on the lines of representative institutions, was the year of the Great Exhibition, symbol of perpetual peace and the triumph of humanity.

The division of "imperial" and "domestic" affairs was indeed vaguely conceived, and the colonists would have preferred a more precise statement of "imperial" matters. But a government with international responsibility is averse from precise legal limitation of its functions, and the British government declined to tie its hands.

The working out of the system thus belonged mainly to the political, rather than to the legal, arena. On the one side there is the colonial legislature, with power to make laws in all cases whatsoever: a general and not a special grant. On the other side there is the equally general power of the British Parliament with paramount authority, and the power of the crown, on the advice of its British ministers, to disallow any act enacted by the colonial legislature. Within these legal limits the delimitation of imperial and local interests, the responsibility of British ministers, and of colonial ministers must be effected by good understanding and good sense.

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I have said that the working out of the system was mainly a political, not a legal, matter. Even as to that, one great Australian student of public law held it to be untrue; in Parliament and as Chief Justice of Victoria, George Higinbotham contended that the delimitation was a matter of statute law, without finding many to agree with him. There were, however, certain legal aspects. Colonial legislatures had always been deemed to be subject to a vague limitation of power in that they could not make laws repugnant to the laws of England. You have not been unfamiliar in this country with the notion of fundamental limitations in legislative power and with the difficulties involved in giving definiteness to them. Such a notion in the British system would sharply distinguish the colonial legislature from the sovereign British Parliament. What were those English laws which overrode all colonial legislation? The answer was given by the Colonial Laws Validity Act of 1865—none save an act of the British Parliament expressly or by necessary implication applying to the colony—a provision which removed a very dark cloud from colonial legislation and established the principle that it was to the British Parliament, and not to subordinate legislatures, that we must look as a model for determining colonial

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legislative power. The same statute also made clear what some Australian judicial decisions had made doubtful, the complete power of the colonial legislatures to amend their own constitutions, a power the extent of which was perhaps only fully appreciated within the last few years when the Privy Council sustained the power of the parliament of Queensland to institute the referendum, to abolish the second chamber, and to alter the constitutional tenure of judges by simple legislative enactment, here again sustaining the plenary power of the legislature against the opinion of an Australian court.

In one respect legal doctrine as to the powers of colonial legislatures coincided with the conventional limitation to local and internal affairs. It has become settled law that a colonial legislature, as a mere local and territorial legislature, is restricted to legislation for the colony, not only in the sense that it cannot give authority to its enactments in the courts of other parts of the Empire, but that the matters dealt with may be so far extra-territorial that they are *ultra vires* in the colony itself. What such matters are no one quite knows, but the Privy Council has held that an act of New South Wales giving jurisdiction to its courts in the case of a bigamous act committed outside the colony would not be a valid source of jurisdiction

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to those courts. This distinction between the British Parliament and colonial legislatures applies to this day, and while in Australia it has not been a matter of serious inconvenience, it is not without some inconveniences, and Canada and the Irish Free State have, not unnaturally, seen in it a derogation from their equality of status, and demand that it shall disappear. It is one of the matters which the Imperial Conference of 1926 has remitted to a conference of constitutional experts.

Imperial matters, as we have seen, included obviously foreign affairs and defense. But if the colonial authorities were concerned with merely local and territorial matters, were there not many things which transcended this, and, as being of more than local importance, were therefore necessarily imperial, i.e., matters controlled by the British government? There are, as every constitutional lawyer knows, the different aspects of the same matter; immigration is an obvious instance, internal from one point of view, from another a matter of general concern to a government charged with external relations. Then there is the wide range of matters in respect of which there is such a common interest that uniformity throughout the Empire is essential, and that uniformity can be secured only by the action of the British government.

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But uniformity pressed upon different conditions and upon different views soon clashes with self-government. The Australian colonies were British indeed, but were conscious of many differences from Great Britain; their political center of gravity was socially different, and they became marked, not without bitter internal contests, by a growing and characteristic definiteness of social aims. Plainly, if self-government was to be theirs in the only sense in which they understood it, that is, the complete control of matters of which they have become conscious as deeply concerning their social condition, with divergence of outlook, the region of interests guarded by the British government must narrow. That is precisely what happened. Where the restraint was exercised by the British government over colonial legislation the control was withdrawn and acts of the colonial legislature ceased to be disallowed, as, for example, affecting adversely the interests of persons non-resident in the colony, or making possible complications of domestic status (as marriage and divorce laws). In other cases, where the control came through imperial legislation, the legislation was repealed and the ground left clear for the colonial legislature. Gradually the Australian legislatures draw into their undisputed field of self-government

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such matters as tariff systems, external trade, colonial shipping, marriage and divorce, naturalization and immigration. The history was one of a continually expanding sphere of self-government as the colonies grew in population, wealth, and importance, and as with increasing definiteness they developed social policies of their own.

The foundation of the Commonwealth of Australia in 1900 by the federation of the six colonies was the recognition of an expansion of interests of self-government in the case of each colony beyond what that colony could by itself effectively control. With the electors, interstate free trade and a common fiscal policy perhaps counted most, with some faint hope of a reduction in the expenses of government. With experienced politicians there were the proved futility of conference and agreement as a means of securing common action, the need for not merely concerted, but a single system of, defense, and the need for a single voice in dealing with the British government as shown in the history of relations in the Pacific. There was no hint of separation or of loosening the imperial connection; there were none of the misgivings which attended the introduction of responsible government, or even the foundation of the Dominion of Canada; federation would strengthen the Empire.

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The colonial conference held in London in 1897 on the occasion of the Jubilee of Queen Victoria affirmed as a principle of Empire that it was desirable where practicable to unite in a federal union colonies which were geographically united. The outburst of enthusiasm throughout the Empire on that event, the completion of the sixtieth year of Queen Victoria's reign, occurred in the brief interval between the first and second sessions of the Australian convention in 1897; and before federation was achieved in 1900, the South African War had given Australians another opportunity of proving their devotion to the unity and prestige of the Empire. At all times the British government has given cordial sympathy to projects of union. As far back as 1850 it has sought to associate the creation of separate colonies in Australia with some machinery for common action; in 1873 *It* was urging that many of the matters of trade would be simplified by a customs union; in the affairs of the Pacific, as well as in such minor matters as the mutual extradition of criminals, it was embarrassed and sometimes impatient at having to wait upon the agreement of six distinct governments. It hoped that defense, raised at conferences in London in 1887 and 1897, would be accepted as a responsibility as far as contribution to the navy was con-

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cerned: it was aware of Australian interests which were not embraced within the earlier conceptions of responsible government, but which were interwoven with larger imperial interests of which the colonies could not judge; and while having no plan of imperial federation, it recognized that any acceptance of a share in the responsibility for imperial defense must involve some association of the colonies in deliberations on defense and foreign relations.

A reduction in the number of governments to be consulted, as well as the greater resources of a federation, opened out more hopeful prospects of concerted action and of conferences as a means thereto. The first conference held after the establishment of the Commonwealth, that of 1902, affirmed the advantage of regular periodical meetings, and in 1907 the Imperial Conference became an institution under that name, and its constitution as a conference of governments with governments was established.

The commonwealth constitution is a federal constitution which in its system of distribution of powers follows the United States Constitution and not that of Canada; that is to say, the special powers are with the commonwealth, the reserved or residuary power is with the states. In the enu-

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meration of commonwealth powers we see an indication of the extended matters which had floated into the life of the colonies: the influx of criminals, immigration, aliens and naturalization, "the people of any race other than the aboriginal race in any state for which it is deemed necessary to make special laws," the relations of the commonwealth with the islands of the Pacific, fisheries in Australian waters beyond territorial waters, and finally "external affairs," thus vaguely and generally described. The federal power includes also naval and military defense and foreign and interstate trade. The constitution provides the power for the commonwealth to undertake the government of any territory which may be acquired by it—a provision under which the government derives its constitutional authority to administer Papua (British New Guinea), Norfolk Island, and (it is deemed) German New Guinea. One of the first departments of executive government set up by the Commonwealth was the Department of External Affairs.

The relations of Australia to foreign countries were of course still part of the foreign relations of the Empire, and as such were conducted by the British government. It might have been expected, however, that the whole relations of the British government with Australia should be relations with

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the Commonwealth government. But here we depart in a notable respect from the constitution of Canada. The framers of the constitution, a convention elected by the people or nominated by the government of the several colonies, had determined to refuse to the Commonwealth even the appearance of control over the governments of the states. The states were determined that in the exercise of their exclusive powers—and these covered the wider range of legislative activity—their freedom should be as complete as heretofore. They insisted therefore that the office of governor should be retained in the states, that his appointment should remain in the crown, and should not be controlled by the Commonwealth government, that the nominal supervision of their legislation should remain in the British government, and that they should retain the power of direct communication with the British government on all matters arising out of their affairs. If they were to be independent of control, no doubt they were right; the chances of interference from a remote government with well-established principles of relation were much less than if the same powers were vested in a government on the spot. Just as in Canada a constitution resting on authority superior to that of any legislature or government in Canada ap-

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pears to have given a sense of security to certain interests there, so in Australia the states relied on their direct connection with Great Britain as a security for their status and their powers. The position caused a great deal of friction between the Commonwealth and the states in the earlier years of the constitution. The states, for instance, pressed that the complaints of a foreign government as to the non-observance of a treaty of commerce in the state of South Australia should be handled between the state and the British government without the intervention of the Commonwealth; that the British government should, at the instance of a state government, take up the case of persons who had grievances against foreign powers, irrespective of the views of the Commonwealth government, and that they, as well as the Commonwealth, should be members of the Imperial Conference.

In all these matters the British government, so far as its discretion went and the law allowed, took up the position that by the constitution all external responsibility for every part of Australia was vested in the Commonwealth and divested from the states. One phase of the controversy is perhaps of interest to an American audience. An early and persistent constitutional question with us has been

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the matter known in the United States as the immunity of instrumentalities. A principal reason given by the Supreme Court of Victoria for rejecting the decision of the Supreme Court of the United States in *McCulloch vs. Maryland* was the difference between the two constitutions lying in the fact that Australia being within the British Empire, there was a common authority, viz., the king on the advice of his British ministry, which could disallow the legislation of either Commonwealth or state if it was satisfied that either had abused its powers to the detriment of the other. The high court of Australia, in overruling the decision, pointed out that recourse to the British government for political intervention to settle internal disputes was wholly inconsistent with the self-government that Australians had enjoyed and which it was one of the purposes of the constitution to enlarge; that it would be "revolutionary" in nature and disastrous in its effects on imperial relations. The British government has consistently supported the Commonwealth and has insisted that all adherences to treaties should be on behalf of the Commonwealth and not of a particular state or states. No other course, particularly in these later days, was conceivable. But it has difficulties of a kind that you know something of under your own Constitution:

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the power of acceding to treaties is in one authority i.e., the Commonwealth government, while the power of enacting legislation necessary to carry them out may be in another, i.e., the state government. With the increasing range of matters brought within international agreement the difficulty is accentuated. We in Australia experience it in regard to the labor conventions emanating from the League of Nations or the International Labor Office, which usually deal with matters within the exclusive power of the states. Even in the Imperial Conference the Commonwealth government has sometimes to acknowledge its incompetence in respect of matters brought up for discussion by reason of the fact that the constitution has left them exclusively in the hands of the states.

The long-drawn-out contest—it lasted nearly twenty years—as to the application in Australia of the inferences which have been drawn in the United States from the federal principle which belongs to both constitutions is explained by the fact that before federation the development of the powers of the colonies had proceeded on its legal side, through the attribution by the Privy Council of the characteristics of the British Parliament, a sovereign and not a delegate authority, to the colonial legislatures, and that both Commonwealth

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and states in their organization have the system of responsible government. The relation of these three principles—federalism, parliamentary sovereignty, and responsible government—to the actual working of constitutional government in Australia is a subject full of interest equally to American and British students.

In the larger subject of imperial relations, "responsible government," "parliamentary government,"* has affected us in more ways than one. In the first place each of the members of the British Commonwealth—with some qualification in the case of the Irish Free State—conducts its own government by means of the "cabinet system," and Great Britain and the dominions alike find it difficult to conceive any different system or to tolerate the escape of any political or administrative authority from responsibility to a definite legislature. That is where every suggestion of an "imperial" organ, whether cabinet, council, or even secretariat, finds a stumbling-block. In the second place the conventional, flexible, adaptable methods which form the cabinet system in the relation of king, ministers, and parliament have formed the relations of the British government and the self-governing colonies, both in the institution and the development of responsible government. This flexi-

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bility, the absence of formal and legal limitation, has come itself to be deemed a principle of these relations, an integral part of self-government, to which every suggestion of a formal or rigid constitution for the Empire was an offense.

From the enumeration of powers of the Commonwealth and the history of the federal movement it might have been expected that the political history of the Commonwealth government would have been essentially a history of Australia in external relations, detached from the social and economic struggles which were ranging parties on new lines and which would find their arena in state politics. But the Commonwealth government was entirely unable to be representative of Australia and yet stand outside the dominant political interest, which was internal social policy. From the first this interest pervaded Commonwealth politics and governed Commonwealth action. This was due partly, but by no means solely, to the position of the Labor party, which in the earlier years held the balance of power in the commonwealth parliament, and in later years itself either provided the government or the alternative government. The protective customs tariff was linked with "the new protection," whereby an "excise" was devised which would substantially give power to Common-

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wealth tribunals to regulate wages and labor conditions in protected industries. The device was unsuccessful; it was held by the high court of Australia to be unconstitutional, as an invasion of the sphere reserved to the states. During the early years of federation the issue which made and unmade ministries was the use that should be made of the power to establish arbitration in industrial disputes. This matter, little thought of at the framing of the constitution, was regarded as a sort of power-in-reserve for such rare disputes as might involve the whole country. Even when the act which had been the subject of so much turmoil in the commonwealth parliament at last passed into law, a leading Australian politician declared that it was bound to be a dead letter. But in fact, apart from the war, the history of the Commonwealth might be written in terms of the "Commonwealth Arbitration Act," in Parliament, in general elections, in projects of constitutional alteration, and in conflict in the courts. At last the conditions of Australian industry have been brought as effectively under Commonwealth regulation as if the original attempt, by means of the "new protection," had succeeded.

The powers selected by successive Commonwealth governments for action were those which

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could be turned to the account of current policies of "social and economic justice." A Trade-marks Act provided for the "union label"; a Land Tax Act was passed, not to raise revenue, but to "favor land settlement by 'bursting up' large estates"; immigration and commerce were regarded from a similar standpoint. Some of the attempts withstood the constitutional assault on them; some did not. Where there was failure in the courts, again and again an amendment of the constitution was sought, and this was uniformly unsuccessful.

Those who had expected that, once federated, Australia would play an active and continuous part in Empire affairs were during the first ten or twelve years of the Commonwealth struck and almost dismayed at the apparent absorption of the Commonwealth government and Parliament in internal matters. There can be no doubt that this attitude of the politician expressed the sense of the country. Australian nationalism was asserting as its predominant characteristic the establishment and maintenance through government action of a social life based on an ever improving standard of comfort for the worker and his family; and in the Commonwealth, rather than in the states, it found its line of least resistance in the absence of a conservative upper chamber of the legislature. It ac-

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counted for a great deal of Australia's attitude or lack of attitude toward "imperial" questions. Literally, in her crowded politics she had not time for them.

In such discussions as we are engaged on here we shall lose perspective if we do not remember that our particular subjects—defense, foreign policy, and unity—are in the background and are subjects of occasional consideration only while social and economic matters are constant. It adds to our difficulties in gauging the probable course of future development in those matters which constitute imperial relations that they have not, save on the one question of conscription in 1916, been a live party issue calling for the definite formulation of a policy. Our difficulties are added to by the fact that during the period of rapid development since 1916 the Labor party has not been in power in the Commonwealth government.

Though in the background, the sense of Empire unity and of Empire ideals was not absent, and on occasion expressed an Empire policy not always concurring with that of the Imperial government i.e., the government of Great Britain. The resolutions of the Australian parliament, as those of New Zealand, against the introduction of Chinese labor in the South African gold fields after the South

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African War, the fervent denunciations of Alfred Deakin, were in fact the expression of an Empire ideal; while Canada declined to associate herself with the protest as an interference with the affairs of another community, Australia repudiated any such limitation. Affirming the principle of self-government as itself an imperial interest, Australia was led to another protest in the same year against British interference with the execution of death sentences passed by a court-martial in Natal. There is an imperial policy in the provision of the Australian Postal Act 1901 forbidding any government contract for the carriage of mails by any ship not manned by white labor and in the Preference Bill of 1906, restricting the Australian preference to British goods to such as were imported in British ships manned exclusively by white labor. In both cases the action of the Australian government embarrassed the British government in its bearing upon the status of Indians; in the first case the result was the dissociation of the two governments in mail contracts; in the second, the bill was found to infringe certain treaties and therefore was dropped. It was at least possible to claim, as was fervently claimed, that Australia was not pursuing a narrow nationalism, but was exercising her right to express her view of the essentials of Empire

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unity even when the matter was one outside her own borders.

And here I may remark on one characteristic of Australians which, with New Zealanders, perhaps marks them off from other parts of the Empire, and qualifies their nationalism. Their sense of unity and citizenship in the Empire has been strong. The British government might in times of stress be a "foreign government," but the same speech would refer to the people of Great Britain as "our fellow-countrymen." In 1907 the state premiers in Australia are found affirming the individual right of every British subject to the protection of the British government, irrespective of the view taken of the case by either Commonwealth or state government, the occasion being the alleged ill treatment of a Queenslander at San Francisco. Commonwealth prime ministers, visiting Great Britain for a conference of "governments with governments"—Alfred Deakin in 1907, Mr. Hughes in 1918 and 1921, Mr. Bruce in 1923 and 1926—have no hesitation in telling their fellow-countrymen in Great Britain what in their opinion from an Empire standpoint British policy should be in matters which they deem to concern all, even when those matters are well within the range of British "party politics." They are not strangers or guests in an-

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others house; they are at home everywhere within the Empire. There is some truth at any rate in the comment that, just as an earlier generation of imperialists conceived the Empire as "Great Britain," one expression of Australian nationalism has conceived it as "Greater Australia," to which other parts of the Empire must be "educated."

II

SPECIFIC PROBLEMS AND THEIR EXTERNAL RELATION: "WHITE AUSTRALIA," THE ISLANDS OF THE PACIFIC; ECONOMIC POLICIES

The British found Australia a practically uninhabited country. The aborigines were few in number, small tribes leading a primitive nomadic life without domestic animals or beasts of pasture, subsisting precariously upon the scanty natural resources of the country, the berries and the insects, the shellfish on the coasts, and more rarely the wild birds and marsupials, and finding nothing in the natural conditions to stimulate an economic development. The northern lands had failed to attract the settlement of Asiatics, as indeed they have failed to do since, as is shown by the history of the northern territory at one time conceived of as a land suitable for development by Chinese colonization.

When we speak of the resources of Australia we must remember that they have been created by the initiative and intelligence springing from a highly organized economic system which provided at once the men and the capital, the transport and

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the markets necessary to realize what, without these, was hardly even the promise of wealth. There is nothing in Australia's conditions or in her history to suggest that the development that has taken place has been at the expense of any possible Asiatic development, or that any field for Asiatic settlement existed save as the result of European pioneering. Whether the economic development of Australia or any part of it by Europeans could have been facilitated by the greater use of Asiatic labor is a question which may invite conjecture. A distinctive feature of Australian life has been the predominance of an ideal of social life over the plantation or settlement—the "colonial"—notion, the development of a territory.

The "white Australia" policy as an internal and domestic policy seeks to realize in the territory of Australia a certain type of community and to define by measures which operate within that territory the elements and conditions deemed essential to produce and preserve that type. It is compounded of many elements. There is the economic, a phase of the policy of protection which directs itself against the cheap laborer as tariffs do against the product of cheap labor. The attitude of Australian labor toward immigration generally has been one of fear lest the immigrant should sap the standards

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of Australian workmen; the lower the standards of life the "cheaper" the labor in the immigrants' country, the greater the menace. The fact that Asiatic standards were peculiarly low, that Asia was geographically nearest, that labor was on account of its cheapness an Asiatic export—Australia had some experience of indentured labor—that populations in India, China, and Japan were dense and were believed to be seeking an outlet in new lands, concentrated attention upon Asiatics as the most obvious danger. Such a feeling may be aroused in regard to any other class of immigrant, irrespective of race or color, according to the degree of danger to be apprehended. One of the earliest acts of the Commonwealth Parliament imposed severe restrictions upon the entry of any immigrants under contracts, and the "Six Hatters' Case," in which the Act was almost immediately applied to immigrants from Great Britain, aroused much angry feeling in the United Kingdom. More recent illustration may be found in the hostility, since the war and since the immigration restriction laws of the United States, toward immigration from Southern Europe: in 1925 an Immigration Act gave power to the government to exclude aliens of any nationality, race, class, or occupation on various grounds, and the Act has in fact been used

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to found arrangements defining the conditions of immigration with the Italian, Greek, Czechoslovakia!!, Yugoslavian, and Albanian governments.

Among the grounds specified in this Act for exclusion are that the persons "are deemed unlikely to become readily assimilated or to assume the duties and responsibilities of Australian citizenship within a reasonable time/' Here another element presents itself, which, like the economic, is wider than a "white Australia" policy, but has fallen within that description because the Asiatic was in the picture and others till recently were not. The impossibility, where there is a certain divergence of social type, of people welding together to form a single community, the difficulties and dangers which arise where distinct communities establish themselves in territory under a single government, the embarrassments that attend democracy where a part of the population does not share the political consciousness, the danger to democracy conceived of as a social system from a class or caste division of labor—all this "unassimilability" which may exist as between peoples of the same race is intensified of course by racial differences, as to the family relations and the position of women in society, of which the Anglo-Saxons among Western peoples are perhaps peculiarly conscious. In the

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words of Alfred Deakin: "A united race means not only that its members can intermarry and associate without degradation on either side, but implies one inspired by the same ideals, and an aspiration towards the same ideals, of a people possessing the same general cast of character, tone of thought, the same constitutional training and traditions." The question has seemed nothing less than whether the continent shall be Asiatic or European in its destiny.

Whatever the means employed, and though they are confined to internal measures of government action, the "white Australia" policy is Australia's attitude toward the world, and is as characteristically national as has been the British "command of the seas" or the United States "Monroe Doctrine," with which as a fundamental principle of national life it was in fact frequently compared, and notably by the Australian Prime Minister at the Peace Conference, 1919.

Important measures to realize it were amongst the earliest acts of the Commonwealth Parliament after its establishment in 1901. The use of indentured labor from the Pacific Islands to work the sugar-cane fields of Queensland had been for years a burning matter in the politics of that colony. The Commonwealth Parliament passed an act for the

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repatriation of the Kanaka laborers, and provided for the maintenance of the industry by heavy protection to enable it to be carried on by white labor. It has demonstrated that this tropical industry is possible physically for Europeans, but the achievement has been at a heavy cost to the consumer of sugar, whether for domestic use or for industry. The other measure was the passing of immigration restriction acts; but of these it is necessary to speak historically, for they form an important chapter in imperial relations as approached from the Australian end.

As early as the sixties Australian legislation of a discriminating kind directed against "the subjects of a State at peace with Her Majesty," viz., China, began to engage the attention of the imperial government. Such legislation tended to embarrass foreign relations; it might even be inconsistent with treaties. In 1877 the disallowance by the Crown of a Queensland bill imposing high gold-field license fees on "Asiatic and African aliens" caused high indignation. The Queensland government declared that both the colony's right of self-government and its civilization, its political and its social system, were involved, and found some support from her sister colonies. During the eighties New South Wales and Victoria became deeply con-

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cerned at the increase of Chinese immigration and met the situation by legislation of increasing stringency. In 1886 and 1887 the Chinese government was protesting to Great Britain against the discriminatory laws, and the British government, now coming to recognize that immigration belonged to self-government, was seeking a *modus vivendi* which should avoid the offense of discrimination and yet not impede immigration generally, while the colonial governments were growing impatient of constitutional control and international susceptibilities.

In 1892 the Premier of New South Wales was appealing to "the higher law," "the law of the preservation of society" against all other authority, whether that of "Her Majesty's ships of war, Her Majesty's representative on the spot, or the Secretary of State for the Colonies," a dangerous symptom indicating a state of tension comparable only with that produced by the continuance of transportation in earlier days. The matter entered on a new phase when it was proposed to extend the anti-Chinese legislation to "all colored races," which brought Japan and British India within the scope of the restrictions. The British government was even more concerned with this development. Charged with the maintenance of friendly relations

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with Japan, it had to deal with a country just emerging as a Great Power, whose government, conscious of a varied social order of aristocratic tradition, was incensed at restrictions which, aiming at a particular evil, appeared to brand Japan as a nation of coolies. The British government had also to consider the effect on India of measures "contrary to the general conceptions of equality which have been the guiding principle of British rule throughout the Empire."

Ultimately, at the Colonial Conference held in London in 1887, the British government made a suggestion which was accepted by the colonies, viz., a general measure of legislation enabling the colonial authorities to apply to any person whomsoever an education test, viz., ability to write in a European language selected by the colonial executive. This was the method adopted by the Commonwealth Parliament in the Immigration Restriction Act, 1901, which is still in force. Japan took exception to the slight implied by the specification of a European language, but the British government declined to interfere and Japan did not press the matter further. The Anglo-Japanese alliance was effected in 1902, and Australia was soon able to conciliate Japan by two concessions: (1) the alteration of a "European" language to "any pre-

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scribed language;" and (2) an arrangement whereby students, merchants, and others visiting Australia for limited time under special passports issued by the Japanese government were exempted from the test.

Similar arrangements were made in the case of China and India. I may add that as a result of the Imperial Conference of 1923 Australia has been able to conciliate India in two respects: first of all by admitting Indians resident in Australia to the Commonwealth franchise; secondly, by admitting them to the benefit of old-age pensions.

The main contact of the Australian colonies with foreign affairs was through the reaction of their domestic policy upon certain foreign relations of the Empire. But there was one matter which, clearly standing outside internal affairs because outside Australian territory, began to enter into Australian life and to arouse Australian concern. That matter was the islands of the South and West Pacific. As far back as 1853 Sir George Greg, then governor of New Zealand, called attention to the significance for Australia and New Zealand of the French annexation of New Caledonia, and in 1870 one of the earliest conferences of ministers of the Australian colonies was discussing the islands.

The lawlessness of the relations between natives

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and European traders, first in Fiji, and then in other islands; the influx of French criminals from New Caledonia, and the fear that the French transportation system might be extended to other islands, notably the New Hebrides; the danger that some other power—and Germany now comes on the scene—might annex New Guinea and acquire a dominating strategic position; trading interests based on Australia—all these things led to claims that Great Britain should make annexations of Pacific isles. Britain on her side was reluctant to increase her possessions and was aware of extensive other interests and relations with France and Germany in other parts of the world, from which the Pacific islands could not be isolated.

In addition, there was the question of cost. Could the British government obtain an effective guaranty for the cost of enterprises in which the people of Great Britain were not concerned directly, except so far as they were of interest and importance to the Australian colonies? The colonies on their part viewed with impatience, and often with contempt, the "imbecile" hesitations of Great Britain, but were not in a hurry to give the guaranties. However, Fiji was annexed by Great Britain in 1874, and in 1883 the Queensland government startled the Empire by annexing a portion of New

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Guinea. This act of presumption on the part of a government with no status in foreign relations was at once repudiated by the British government. But a convention of the Australian government resolved that "further acquisition of dominion in the Western Pacific south of the equator by any foreign power would be highly detrimental to the safety and well-being of the British possessions in Australasia," and from 1883 at any rate the common interest in the islands was one of the forces that made the federal movement. The fact that this interest was shared by the Australian colonies with New Zealand for a time made it appear likely that New Zealand would be a member of any new political union to be formed.

German activity in the Western Pacific, apprehensions of which had stirred the Queensland government in 1883, did in fact shortly afterward lead to the British annexation of that part of New Guinea uncontrolled by any European power. The territory annexed was administered under the government of Queensland, and in 1906 was transferred to the commonwealth of Australia; it is now known as the territory of Papua. Meantime the control of the New Hebrides group, shared by Great Britain and France, was interesting Australia, mainly through the connection of the mis-

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sionary efforts in the group with the churches in the commonwealth. The commonwealth government was definitely assuming the position that in the settlement of questions affecting the Pacific group it should have a share.

Economic policy is perhaps the most striking instance of the transition from imperial control to self-government, followed by a movement, as yet tentative, toward co-operation. The abandonment of the "old colonial system" with its intra-Empire-exclusiveness and preferences under British control synchronizes with the inauguration of responsible government in the colonies; the navigation acts had been repealed in the twenties, and the year 1846 marks the close of an era and the opening of another in British trade policy. But the new policy of free trade was conceived of not less than the old as an imperial policy; it was a gesture toward all the world, and its beneficent effects upon foreign countries and international relations would be impaired if His Majesty was found in any part of his dominions to be departing from it. In the language of a later time, it proclaimed free trade and the "open door" as a fundamental principle of the relations of the British Empire with foreign countries, a main instrument of universal peace and prosperity. Canada struck the first blow at

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this when in 1859 she established against British opposition a constitutional right to use a customs tariff not for revenue only but for the protection of industry. The despatch in which the Canadian government defined its claim is one of the most notable documents in the history of responsible government; perhaps one of the most fateful in the modern history of the Empire. But the British government was still able to cling to part of its policy. It could no longer insist on a free-trade policy in the self-governing colonies, but it could and did insist that there should be no discriminations and no preferences; that to this extent the "open door" was a principle of Empire relations to the whole world, and therefore a British responsibility.

Upon this principle it conducted its relations with foreign countries and based its commercial treaties. Although in the case of Canada the contiguity of the provinces was allowed to make some exception in favor of reciprocal trade agreements, the constitutions of the Australian colonies imposed on each of them a prohibition of any preference or discrimination even amongst themselves. With New Zealand they claimed at any rate this right. The British government urged that the object would be attained consistently with the princi-

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ple itself if the Australian colonies would, by a customs union or otherwise, form themselves into a single unit within which free trade should prevail. The colonies were unwilling to do this, and in 1873 they prevailed. The restrictions were removed so far as to permit preferences as amongst themselves. But they were still subject to restrictions so far as concerned the imposition of differential duties in the case of other British territories, including Great Britain herself, or of foreign countries, and the imposition of duties contrary to treaties.

There was a gradual and reluctant abandonment by Great Britain of the system which treated commerce as an integral part of the foreign relations of the Empire, and the maintenance of a principle for which she was responsible. British commercial treaties were made so as not to apply to the self-governing colonies unless they voluntarily adhered to them: an application of this was when in 1897 Australia and New Zealand declined to adhere to the commercial treaty with Japan in 1894; if they adhered they might at pleasure denounce **them**. Soon, too, it became the practice for Great Britain at the request of a colony to negotiate separate treaties of commerce for the colony; gradually the colony or dominion became more closely associated with the negotiation, until final-

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ly, as you know, the Halibut Treaty of 1923 was signed by the Minister for Canada alone without the signature of the British plenipotentiary.

While maintaining in the case of purely British treaties the principle of the "open door," the British government concerned itself with dominion treaties merely to see (1) that the formal unity of the Empire was not impaired: all such treaties were required to be in the name of the king; (2) that they did not conflict with any existing treaty applicable to the dominion; (3) that they were not adverse to the interests of any other part of the Empire; (4) that any advantage conceded by way of preference to a foreign country was made available also to the rest of the Empire. The controversy between Great Britain and Canada on the Halibut Treaty with the United States challenged all these. So far as they consisted in claims of the British government to control relations, they must be taken to be abandoned in the resolutions of the Imperial Conference of 1926, if they had not disappeared before.

The complete severance of the unity of the Empire in trade was not effected without embarrassment; it presented some international difficulties. Thus at one stage Germany made it clear that if the trade policy of a dominion invited retaliation,

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that retaliation might not be confined to the dominion concerned; it might be applied to Great Britain. Numerous treaties negotiated under the older regime and applicable therefore both to the Dominions and Great Britain were still in existence. When at the request of the government of the commonwealth of Australia the British government sought to open negotiations with Italy and Austria for the withdrawal of the commonwealth from the treaties with these countries, Italy refused to consider the matter and Austria asked whether the object of the commonwealth was to prepare the way for a preference to British vessels against those of foreign nations. The Imperial Conference of 1911 passed a resolution in favor of attempts being made generally to secure such separate liberty of withdrawal.

In one aspect this story is one of conflict between "imperialism" and "self-government," of attempts of one community to exercise control over another "rightly struggling to be free." But in another aspect this imperialism is an assertion of the open door; its faith is that international peace cannot be dissociated from economic policy: that the Empire has a mission and a principle to promote the conditions which make for peace, and from its world-spread interests can, by its economic policy,

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profoundly affect world-peace. In other words, it is directed to that "economic disarmament" which is coming to be regarded as not less essential than military disarmament.

Meantime there is another part of the story. In the colonies and the dominions themselves there grew up a desire for closer trade relations among themselves and with Great Britain. In the course of the controversies we have been considering, in one conference after another, colonial and dominion representatives are pressing the matter of preference as an "imperial policy" effected by agreement and co-operation among them. Reading the story of colonial and imperial conferences we get another picture which blurs the former and appears to present Great Britain and the dominions in a different role. The British government presses the subject of naval and military defense—the matter of war; the dominions turn persistently to trade—the activities of peace. A mere common purpose of defense may be suspected of aggressive tendencies unless it can show a common interest to be defended. Community of sentiment, kinship, and historical tradition, when they exist, are powerful but they may not be able to withstand the fissiparous influence of a diversity of interest. The Empire was too narrowly and too suspiciously built on a

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basis of common defense; a preferential system throughout the Empire might lighten the burden of defense and solve the question of contributions by earmarking for defense purposes the produce of the differential duties levied throughout the Empire on imports from foreign countries. But there was a real belief that it was a nobler conception of Empire to regard its members as taking advantage of the sentiments that united them, and the extent and variety of their resources, to bring these resources into co-operation for their mutual benefit. Trade was the life of each—of Great Britain with her great industrial population and her dependence on raw materials and foodstuffs from overseas, the dominions with their vast territories, their need of material development, the nature of their products—overseas markets were a need common to all. In particular, as the world in general had not responded to the British gesture of free trade, as she found her foreign markets and even her own market "invaded," had not the policy of Cobden and Bright, and English Victorian liberalism been tried, and failed?

Supporters of the new policy could point to the growth of the United States and Germany under protection. Foreign countries could not rightly object to, or claim the benefit of, preferences ex-

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changed under such a system because they were in fact a part of the internal political system of the Empire, adapted to the special conditions of what was in all international relations a single entity.

In Australia the very terms of the commonwealth constitution, requiring the commonwealth government for ten years to return three-quarters of the customs revenue to the states, in effect required the raising of a large revenue from customs and most of the colonies had before federation definitely adopted a protective system. The early years of federation were years of contest between a revenue tariff and a protective tariff, in which the latter became increasingly the "settled policy of the country."

In Australia development has come increasingly to mean an all-around and not a one-sided development, commercial and industrial as well as pastoral and agricultural, a policy which in its more extreme forms becomes an aspiration for economic self-sufficiency, a notion which later received some stimulus from the war. Preference in Australia has been founded on protection to Australian industries. The primary producers and those engaged in industries most closely connected with them have been solaced for the additional burdens they have to carry by the protected home markets; as these

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became insufficient, advantages in other markets have to be sought.

With the unquestioned constitutional right to determine for herself what industries should be selected as of sufficient national importance for protection, and the degree of support they required from a customs tariff, together with the accepted practice whereby tariff concessions, at any rate between Great Britain and the dominions, were not even matters of bargain, but a "free gift," a policy which, starting from the effective protection of Australian industry, had no difficulty in principle in working out a system of preferences.

It was another thing of course for a free-trade country like Great Britain to adapt her system to preferences. Such a policy threatened an immediate increase in the cost of food and raw materials to Great Britain; nor was she entirely satisfied that in time of war the balance of advantage was not on the side of free imports. But some weakening of the older principle may be noticed when the British government, acquiescing in the claim of the dominions to make preference treaties with foreign countries, claimed that she and all other parts of the Empire shall be admitted to the advantages given by such treaty to a foreign power. Shipping, however, was a more delicate matter, and when at

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the Conference of 1902 the dominions resolved that it was advisable to consider retaliation against countries which monopolized their own coastal trade, Great Britain declined to assent so far as concerned trade between Great Britain and the colonies. Where advantage could be given without a change of the fiscal system it was given. The most signal instance of this, and one which has been an immense factor in making British capital available for the extensive schemes of development undertaken by the Australian governments, was the Act of 1900 which permitted trust funds to be invested in colonial government loans.

After 1903 the conversion of Chamberlain added a powerful British force to the representations of dominion statesmen, and the example shown by the preferences to British goods, first by Canada, and, following the Conference of 1902, by Australia, New Zealand, the Cape, and Natal, inevitably raised the question whether Great Britain would not reciprocate. Under the Australian tariff of 1908, 65 per cent of Australian imports from Great Britain came in under the preferential tariff. Apart from Chamberlain, the most enthusiastic and most powerful supporter of the new policy was probably Alfred Deakin, the Australian representative at the Imperial Conference of 1907; his conviction

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that the British government was not to be moved, that—in his own words—the door was banged, bolted, and barred, while it did not weaken his attachment to the Empire, shook his confidence in its future.

During the war the notion of economic co-operation within the Empire grew in strength and was affirmed by the Imperial Conference of 1917. In the revision of the Australian tariff in 1910, preference to British goods was substantially increased, so that under that tariff 95 per cent of imported British goods came in under preference, and the difference between the duties actually paid by such goods and what would have been payable under the general tariff was in 1924-25 about £8,000,000. On the British side the preference amounted to £45,000 only, and in the Imperial Conference of 1923 the Australian Prime Minister urged that this was not reasonable treatment of Britain's second-best customer. On the other hand it must be remembered that dominion preferences as first introduced were designed rather as an offset to the heavy burden of defense expenditure which fell on Great Britain, that the dominions had certain other advantages in recourse to the London money market from the fact that their government loans were trustee securities and that Australia in

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particular was making a very full use of her opportunities.

It must also be remembered that Australian tariffs even against Great Britain were rising, and though British manufacturers enjoyed a tariff advantage against foreign competitors, they found increasing competition in Australia itself. And even in relation to the foreign manufacturer there is the outstanding fact that while in 1913-14 Australian imports from the United Kingdom were 52.4 per cent and from the United States 13.9 per cent, in 1923-24 they were 45.2 per cent and 24.6 per cent, respectively.

In 1923 an imperial economic conference sat concurrently with the conference on political affairs, and one of its results was the establishment, on the motion of the Australian Prime Minister, of an Imperial Economic Committee as a permanent institution for investigating and reporting on matters referred to it. In 1926 there was no separate economic conference, but the numerous committees of the Imperial Conference, linked to various permanent bodies set up in recent years by Great Britain, testified to the growing importance of this side of imperial relations. The impetus came both from the British and the Australian ends, according to the need of each. British trade has to en-

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deavor to surmount tariff barriers increased in number and height. It suffers from two sorts of competition: that of the United States, with its vast home market, mass production, relatively low costs, and high standard of living; and that of other countries in which, whatever other factors there are, the low labor costs and a low standard of living are factors in cheap production. Her trade hampered, an unprecedented number of her workers unemployed, so that her exports have to carry the value of the non-producers' consumption in addition to her overseas war debt, she is invited to consider whether the whole Empire may not become in a fashion a home market, and mass production become possible at competitive rates without sacrifice of the standards of the British worker.

On the Australian side, in addition to those primary industries in which production is greatly in excess of the consuming power of the present population, there are secondary industries based more or less directly upon the primary and restricted to a limited home market because production costs are too high to face the competition in foreign markets. Australia must forego the production and face loss of capital, unemployment, and possibly loss of population, or find a protected market, or reduce her production costs, which appears to

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mean the acceptance of a lower standard of living by her people. As her secondary industries expand, the range of her production in which these alternatives present themselves extends.

The constitutional right of each member of the Empire to determine for itself the conditions of immigration has long been recognized in substance; it was specifically affirmed at the Imperial Conference in 1918. But the matter of a better distribution of population is one of mutual concern—to Great Britain with her congestion and her unemployment, to the dominions and notably to Australia, with their great territories and sparse population. Migration and settlement then became an imperial problem, in which each has needs enough to induce co-operation. But neither the one nor the other is served by the mere transport of masses, left to find themselves in an intricate society. The cost of repatriating our own returned men after the war is evidence, if any were wanted, of the task of fitting great numbers into the economic life of the country. The absorptive power of a country is limited by economic conditions, and these call for the most careful examination. They can in a limited degree be modified and controlled, but their neglect would be paid for by depression, by a lowering of the standard of life, and by the extension

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of the problems of unemployment from England to Australia—all conditions which in the end would react disastrously upon the natural flow of immigration to the country, as indeed experience has shown in the somewhat violent fluctuations we have experienced in our history.

The normal growth of population in Australia is considerable, the average rate of increase over forty years is 20 per thousand per annum; it is now slightly above that, and is indeed greater than that of any other country but New Zealand. The lukewarmness of Australians toward immigration has been to some extent at any rate due to a knowledge of its risks. Her opposition to Asiatic immigration has been economic more than racial, as is being demonstrated by the hostility of her labor organizations to the immigration of Europeans accustomed to lower standards of living as soon as such immigration was threatened by post-war conditions in Europe and particularly by the consequences of recent changes in the immigration laws of the United States. Immigration must be preceded by such development as will rapidly absorb the newcomers. Development means money, but it means much more, for the mere spending money may mean merely the imposition of additional burdens. Again, you must proceed with care, for

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the urban workers who constitute British surplus labor are not the people who will most rapidly adapt themselves to rural life and rural production. Finally, there is the problem of finding markets overseas for your increased production. The existence of these problems is now fully understood both by the British and Australian governments, and since the Conference of 1923 each has recognized that they could only be solved by active co-operation. Both governments are anxious to explore the means for attaining the end they have in view, and have come to regard the economic problem as one like the problem of defense—to be solved on lines of self-government, indeed, so far as authority is concerned, but not in isolation and only by each keeping steadily in view a policy which aims at meeting the needs of both, where the action of each is complementary to that of the other.

The Empire Settlement Act passed by the British Parliament in 1922 enabled the British government to assist in financing migration. The British and Australian governments share equally in financial contributions toward the passages of approved immigrants, the actual contribution ranging from the full amount of the fare in the case of children and domestics to one-half in some other cases. Again, under an agreement of 1925, loan

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moneys totalling £34,000,000 are made available for developmental purposes, the object being to expedite the absorptive capacity of the country, the British and Australian governments contributing a portion of the interest, and the actual expenditure being undertaken by the states. In consideration of the states being provided with this cheap loan money they are required to absorb over a period of ten years approximately 450,000 new settlers from Great Britain. The machinery for carrying out this scheme is, on the Australian side, the Development and Migration Commission recently established by the commonwealth government. By this Commission all schemes to be carried out under the agreement must be approved. The functions of the Commission are extensive; they include an economic survey of the resources of the commonwealth. The personnel of the Commission is strong; it is free of political influence; and it may prove to be an important and powerful factor in the development of a country where traditionally the government plays an active part in development.

Thus, self-government and nationalism within the Empire lead to schemes—some would say dreams—of an effective Empire policy of economic co-operation. In the most obvious matter—customs tariffs—there is little indication of any nearer

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approach of British and Australian opinion in fundamentals; as, for instance, that Australia is prepared to reconsider the industries selected for protection, in the light of the conditions and needs of British industry, or that Great Britain is likely to use her position as a market to bargain for the free entry into Australia of commodities subject to duty. Australian policy still puts first the inducement to manufacturers abroad—whether in Great Britain or elsewhere—to establish themselves in Australia behind a protective tariff. But an opinion is growing that more careful examination is necessary of the industries which can be so established without exacting too high a price from the consumer in a limited market and without hampering production; even our Tariff Board issues a warning against the continuous succession of claims for higher duties based on high production costs, and claims for higher wages based on increased prices of commodities.

Serious economic investigation is, somewhat late in the day, entering into our tariff discussions, and the measures taken by the commonwealth government both in Australia and at the Imperial Conference recognize that such investigation, comprehensive in character and undertaken in a spirit of scientific detachment, must be at the back of

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political action. Such investigation must check the indiscriminating tendencies of the post-war years; whether such a check would favor an extension of an Empire policy of preference is doubtful. There are of course other considerations of a broader kind: whether—bearing in mind the principles to which as members of the League of Nations all are covenanted, "to make provision to secure and maintain equitable treatment for the commerce of all the members of the League"—such a policy should be regarded as a beacon light to other countries, showing them the way of safety, or as a retrograde movement intensifying the international economic conflict contrary to the spirit and intention of the Covenant. There are questions also how far such a policy in some of its possible manifestations accords politically or even juridically with the new relations of the members of the British Commonwealth as readily as it would when the British Empire was still internationally a simple political unit. But the interesting feature of recent developments appears to be the determination to explore fields and methods of co-operation which are not exceptionable or controversial, and which, if successful, will not narrow but enlarge trade relations, not merely as between the members of the Empire, but with foreign countries.

THE LATEST PHASE: AUSTRALIA IN FOREIGN RELATIONS; THE LEAGUE OF NATIONS; THE NEW STATUS OF THE DOMINIONS

The Australian prime minister, Mr. Hughes, was among the first of the British and dominion statesmen during the war to call attention to the need for revision of a constitutional arrangement whereby the issues of peace and war and the policy on which they depend were decided by Great Britain alone: that it was the negation of a self-government which had been declared as late as 1911 to be "absolute, unfettered, complete." And it was Mr. Hughes again who protested against the acceptance of the armistice terms without the concurrence of the dominion ministers in London, a strange omission considering the position that the Imperial War Cabinet had assumed. But whatever views the Australian government had on the subject of constitutional revision—and it is certain that they had no definite constructive policy—at the time when the method of representation of the dominions at the Peace Conference was under discussion, we learned some time after the event

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that the commonwealth government informed Mr. Hughes, the prime minister, who was then in London, that in their opinion he ought not to seek for separate representation for the dominions at the Conference. They probably considered that the special interests of Australia, of which the principal, immediate matter was the disposal of the Pacific Islands belonging to Germany, would be more effectually supported by the united strength of the Empire than by any separate representation, and were alarmed at the possible consequences to the larger interests of Australia of any weakening of Empire unity, whether in diplomacy or defense. Mr. Hughes, however, did not separate himself from the other dominions in the demand for separate representation, and at Paris availed himself very fully of the distinct status accorded to the dominions as champion of the rights of small states at the Conference as against the Great Powers, and in pursuit of what he deemed to be the specific interests of Australia.

In Australia the new status of the dominions, whether in its relation to Great Britain or to foreign countries, aroused no very great interest, and opinion generally was satisfied with Mr. Hughes's reference to the Athanasian creed for the explanation of the British Empire. Neither in 1919 nor

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in 1926 was there the controversy, enthusiasm, or dismay evident elsewhere; there was no consciousness of any serious change, and any limitation on freedom and self-government involved in the imperial relation has been so light as to be more than offset by the responsibilities and perils which might arise from any serious change. In the controversies raised by Canada and (in the case of the Washington Conference) by South Africa, in assertion of the rights belonging to the "new status," Australia had no part, though Washington, Lausanne, and the Dawes Conference at London were equally matters of grievance to her as to other dominions, if she had cared to make them so. Undisturbed by the questions of constitutional right, she readily co-operated with the British government in adhering to the abortive Anglo-American-French Treaty of Assistance, and replied to the famous "Chanak" telegram with an offer of aid. In the discussions which have taken place as to the improvement of means of consultation the present Australian government has at any rate made suggestions, and has for the last two years had a *liaison* officer in London who is in the closest touch with the Foreign Office but who furnishes reports based on his own impressions and information from whatever quarter received. The interest which successive Aus-

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tralian governments have shown at the conference in air communications and wireless telephones has been not solely or primarily in these as instruments of war or trade; it is because continuity of discussion, and that intimate and personal, is the very life of co-operation.

The Peace Conference was for Australia as for other dominions the first occasion on which the Dominion had the opportunity of separately expressing its own foreign policy. In general matters Australia was identified with the British delegation; but she was able to make use of her position among powers with special interests to bring these separately before the Council of Great Powers. There were two major matters affecting Australia's special interests, and both concerned Japan. One of these was the Japanese claim for the recognition of racial equality in the Covenant of the League; the other was the fate of the former German possessions in the Pacific. On the principle of equality of nations Baron Makino proposed that the Covenant should include a clause whereby the contracting parties should accord to all alien nationals of states members of the League equal and just treatment in all respects, making no distinction either in law or in fact on account of their race or nationality. The proposal was not adopted, and there was some

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uncertainty in Japan itself as to whether it did or did not include immigration. Baron Makino, according to reports, separated the subject of racial discrimination from the economics of the control of immigration, but when the Australian and South African ministers suggested that immigration should be excluded from the enunciation of principle, the Japanese representative, it is said, would not agree. Eventually, when a modified form of amendment to the preamble was not adopted, the Japanese recurred to their original proposal but forbore to press its adoption.

The first activities of the Australasian forces during the war had been the occupation of the German possessions in New Guinea and Samoa, and this, with the occupation of the remaining German possessions by Japan, secured that during the war they should not be hostile bases of operations. At the Peace Conference Australia and New Zealand were concerned that the island should not be in any hand which in war might menace their security or their trade. As so often in respect of the continent itself, as well as of the Western Pacific islands, your Monroe Doctrine has been thought to furnish an analogy, and at Paris Mr. W. M. Hughes worked it not merely to support a claim for annexation to Australia, and for resisting the Japanese claims to

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the islands occupied by them; but, on his return to Australia, to suggest an exemption from the sphere of the League of Nations—"While the Monroe Doctrine exempts the two Americas from the jurisdiction of the League of Nations, we will not allow anything relating to our sphere in the Pacific to be regarded as a proper subject for submission to the tribunal/'

In view of the commitments of the British government to Japan, if for no other reason, Mr. Hughes was unable to exclude Japan from the northern islands. As to his demand for annexation, the claim could hardly be allowed consistently with the principles professed by the allied and associated powers. The claim for annexation was probably ill-advised even so far as Australia's immediate object was concerned. Her interest in the islands is mainly in relation to her defense; and her defensive responsibilities would have been increased and not diminished by annexations which would have left both Japan and Australia at liberty to fortify their possessions. The solution whereby the mandate system was adapted to the islands—though bitterly contested at the Conference by the dominion ministers against President Wilson—was entirely satisfactory to Australian opinion, which asked no more than that the islands should not be a source of pos-

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sible danger, and was certainly not anxious to increase oversea territorial responsibilities.

The "C" mandates under which Japan, Australia, and New Zealand—and, in the case of Nauru, the British Empire—administer the Pacific islands under the League of Nations, are under the common provisions against fortification and for the protection of the native population, but have the special characteristic that otherwise the territories are so far treated as ancillary to the special interests of the mandatory that they may be governed as an integral part of the mandatory's territory, and therefore stand outside the equal opportunities for trade and commerce provided for in the "A" and "B" mandates. Japan unsuccessfully attempted to obtain the insertion of a clause providing equally for this as in the other classes of mandate, but ultimately withdrew from a reluctance to see the question of the issue of mandates any longer unsettled. She coupled her withdrawal, however, with a warning that she could not acquiesce in the submission of Japanese subjects to a discriminatory and disadvantageous treatment in mandate territories. Nor, so far as I know has the United States acquiesced in the differentiation of the "A" and "B" mandates on the one hand from the "C" mandates on the other.

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In the administration of the mandate for New Guinea, the commonwealth has agreed to a general non-discriminatory tariff for the territory, and has, during the present year, exempted the territory from the operation of the Navigation Act, whereby all trade between the Territory of Papua and Australia was carried on under the restrictions of the Act. There are, however, applied to New Guinea the restrictions upon immigration which are applicable to Australia itself, partly in view of a system of administration which treats the development of the territory as primarily a matter of the development of the native population and is reluctant to embarrass that development by the incursion of Asiatic elements as, say, in Fiji; partly no doubt to prevent possible foreign complications which might attend the presence of large numbers of alien Asiatics there.

As a mandatory under the League of Nations Australia has of course a special relation with the League. But a word must be said about her attitude to the League regarded in a more general way.

The League of Nations as an ideal commended itself to Australian opinion without generating either a feeling of increased present security or any very real appreciation of the obligations and responsibilities that it imposes. The sanctions of the

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Covenant have not made any deep impression on Australia, and probably there was no part of the Empire that more heartily concurred with the British government in rejecting the Geneva Protocol on the ground that its emphasis on sanctions might weaken the moral force of the League.

Public interest in the League, as in all foreign affairs, is intermittent, but the departure of delegates to the Assembly of the League arouses attention, and on their return their personal experiences and impressions are eagerly sought. The contacts which are made at the Assembly by leading public men are a valuable political education, not merely to them, but to Parliament, since the review presented on their return covers the whole field of world-politics. It is right to add that almost without exception our delegates have brought back with them a deep conviction of the value of the League and a new hope for international peace from its existence and its work.

Separate membership of the League was not conceived of as an abandonment of the unity of the Empire, and when leaders like Mr. Watt have spoken of the danger of Australia and the League having a "direct wire" for communications, it has been as the warning of a disruptive tendency rather than of anything serious actually accomplished.

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Like other dominions, Australia accepts the constitutional doctrine that each determines for itself the part it will take in any war in which the Empire is engaged, without serious thought that the obligations she has undertaken by the Covenant may be inconsistent with that perfect freedom, still less without any notion that the Covenant in certain events may establish a state of war between the different parts of the Empire. She has accepted the League in the faith that it stands for principles for which she, in common with the rest of the Empire, stands; among them the freedom to determine for herself when she will act and in what measure.

The general faith that the British Empire would never be at war except for some cause justified by the Covenant would no doubt draw strength in a particular case from the actual countenance of the League. Australians, like citizens of the other outer dominions, do not share the sensitiveness of Great Britain in regard to the European theater when the issues do not obviously concern great interests; they neither understand nor sympathize with the role played heretofore by the Great Powers as arbiters of the destinies of Europe and its contiguous countries. The substitution of the machinery of the League of Nations for action in such cases by one or more powers, separate or

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concerted, is one of the most reasonable hopes of League achievement, and in proportion as it is achieved, the League will serve the unity of the Empire. But in any major contest Australia's response to the call that the Empire was in danger would be a more instinctive act than her response to the call of the League. The action of the Australian government on the Chanak telegram in 1920 is interesting. The Australian prime minister, Mr. Hughes, replied to the British inquiry that in the event of war breaking out between Great Britain and Turkey, the commonwealth would be prepared to send assistance. He then cabled to the Australian delegate at Geneva instructing him to bring the matter before the Assembly of the League, then in session.

There is no indication that Australia regards the League as a recourse for settling differences within the Empire itself; just as she has her own domestic questions, so she would probably consider questions within the Empire as domestic, which the members must find a means of settling for themselves. What those means are we have not yet troubled to consider; but it was considered a quite natural thing that the boundary question between the British and Irish Free State governments should be referred to the Judicial Committee of the Privy Council, as other constitutional questions,

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some arising in Australia, have been. Experience gained in the Assembly by Australian representatives has made lawyers at any rate more conscious of the differences of approach to issues by Continental and South American minds from those trained in the common law. This may affect their view in regard to any scheme for the compulsory submission of disputes to the Permanent Court; it would certainly affect them where the matter involved our own public law with its historical background. At present the consciousness of membership of the Empire is more vivid than consciousness of membership of the League; a breakdown in Empire machinery would weaken the faith in the League which rests in no small degree upon the example that the Empire is deemed to afford of an experiment in co-operative statesmanship.

On the other hand Australia has the feeling, peculiarly strong in new countries with a great field of internal development before them, that secured peace is essential to the fulfilment of her tasks and aspirations; it is a long-standing commonplace that a burden of defense commensurate with that of European countries would destroy the very conditions which are essential to her growth. As the inability of Great Britain to carry the burden of naval defense becomes more manifest, and as the domin-

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ions come to realize that their security depends more than hitherto upon their own peace-time efforts, we may expect to see a keener interest in the League as an instrument for reducing armaments and protecting peace. The limited confidence in the League as a center of international relations is of course not unconnected with the fact that some great states stand outside it; that this abstention of the United States and Russia, and the ambiguous position of China, peculiarly affect the region nearest Australia; that the question of the Pacific has necessarily been treated internationally by conference and treaties outside the League; all of which, to those not in close contact with its work, appears to emphasize the European activities of the League.

Canada, on the one hand, and Australia and New Zealand, on the other, have had certain distinguishing characteristics in their outlook on foreign relations and defense, and therefore Empire relations. Canada, in her neighborhood with the United States, was involved in relations which were essentially international, matters of high policy, belonging to the major relations of states: questions of territory and boundaries, rights of navigation and power in boundary waters, the lakes and rivers, and rights of fishery in the open sea.

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This class of matter can never be conceived of as domestic or internal merely, and the claim to control or influence such matters is frankly a claim to control or have a voice in foreign relations. Also, as between neighbor states with a land boundary, there is a whole multitude of miscellaneous matters in which co-operation is necessary if each is fully to enjoy its own; they are mutually complementary. There is a position comparable with that which existed among the colonies in Australia, and intensified of course as population grows and settles upon the boundaries; in spite of federation we have numbers of such questions in Australia today which we attempt to deal with by conferences and agreements between the states' governments and between their administrative organs. The condition of Europe today is a witness to the economic need of such arrangements, and a great part of the work of the League of Nations is directed to bringing them about.

As between Canada and the United States, neither can conceive of these matters as purely domestic; they are plainly international; and if they are to be settled it must be, not by the action of one only, but by agreement, whether we are dealing with winter access to the Atlantic or migratory birds. Then when you consider the people

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themselves, their intimate relations, the understanding which each claims to have of the other (Has not Canada often been declared to be the interpreter of America to the British Empire?), and the fact that, as Lord Bryce testified, the greater part of the work of a British ambassador at Washington was in relation to Canadian affairs, it was inevitable that, whether we regard the one class of her relations with the United States or the other, Canada would be perpetually reminded of the incompleteness of her self-government if all these relations were conducted through the medium of the British government and were therefore withdrawn from her final control. Her efforts therefore were naturally directed to securing a status which included direct diplomatic relations, thus raising the question whether such a status was compatible with any other situation than that of a wholly independent state separated by every legal tie from the British Empire. She has perhaps considered foreign relations more from the standpoint of everyday work than as something which might involve her very existence.

The position of Australia has been wholly different. She has had no land neighbor to give rise to essentially international relations, whether of high policy or intimate co-operation. The coun-

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tries upon which she looked out were profoundly alien in their race and civilization; she had no contacts with them, whether regarded as peoples or governments, which encouraged the hope of mutual understanding; her domestic policy was one of isolation from them, and her international policy in reference to the Pacific islands was merely to make the isolation more complete. In this isolation Australia in fact has hardly been conscious of a foreign policy as such, and indeed a view current in the Labor party and expressed by some of its leaders is that Australia needs no foreign policy and no foreign relations, through her own or any other government, except her relation with the League of Nations.

For the government of her own territory and the control of her social conditions she has long had ample powers under her commonwealth and states' constitutions; to exercise these powers without interference—to exclude whom she pleased; to determine the conditions on which people admitted from abroad should live, the occupations they might follow, the disabilities they should be under; to settle her own economic policy, her tariff, the conditions of the import and export of goods—these were the things in which she was interested. The acts to be done, the restrictions imposed

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operated within her own territory or on the coasts which were within her legislative limits, if they were not contrary to international law who had a right to complain? Without demanding any new power or claiming any new status, her sole control over her domestic conditions sufficed as a principle. Her great concern in international affairs was, as it had been in constitutional affairs, to secure the utmost extension of the category of domestic jurisdiction. With an international status she used her opportunity at Paris to support Clause 8 of Article XV in the Covenant of the League of Nations, whereby if a dispute is claimed by one of the parties and is found by the Council of the League to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report and shall make no recommendation as to its settlement.

Clause 8 is in Australia almost like the sacred articles of your Declaration of Independence, and it is commonly understood, rightly or wrongly, to put the guaranty of the League behind domestic jurisdiction and immigration, the fundamental of the White Australia, as a matter of domestic jurisdiction. When the Protocol of 1924 was under consideration practically the only question

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discussed in Australia was whether it strengthened or weakened the security of paragraph 8, and the weight of public opinion against it in the end was a belief that the amendment boded no good. Along the same lines, but directed to a different subject, has been the Australian policy toward the Economic Conference and the economic inquiries of the League—in the commonwealth parliament before the Assembly of 1926 and in the Assembly itself the Australian government expressed anxiety lest extensions of League functions should threaten the exclusive right of a state over its tariff policy in respect of imports and the disposal of its products.

We have seen the Australian hesitation at separate representation in the Peace Conference, and the doubts entertained in some quarters as to the wisdom of separate and direct relations of Australia with the League of Nations. Mr. W. M. Hughes made it clear that he counted on British support to prevent any adverse ruling of that body on a subject which Australia regards as a matter within her domestic jurisdiction. Since the last imperial conference Mr. Bruce has made it known that his government has no intention of seeking separate diplomatic relations in any foreign country.

Foreign relations, which presented themselves

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to Canada as matters of everyday business with the United States, have presented themselves to Australia as something rare but vital, becoming matters of foreign relation only if the right to treat them as matters of domestic policy was challenged. From this standpoint it is the major issue, the possible "aggression" that colors your view of foreign relations. In such matters the concern of Australia is not the barren right to enter into separate relations with foreign powers, but an assurance that the whole weight of British diplomacy is on her side whether the matter arises within or without the League of Nations.

The new status of the dominions has been dealt with by Sir Cecil Hurst and Mr. Dafoe, and it is not for me to traverse the ground which they have covered. Once again the crown has been made the instrument for the expansion of self-government, and it is interesting to recall the words used in 1901 by the president of the group of ministers who drafted the latest statement of imperial relations at the Conference of 1926. On the death of Queen Victoria, Mr. Balfour said: "In my judgment, the Crown in our Constitution is not a diminishing but an increasing factor. It is increasing and must increase with the growth and development of those free self-governing communities, those new com-

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monwealths beyond the seas which are bound to us by the person of the sovereign, who is the living symbol of the unity of the Empire."

We have now extended to external and international relations the constitutional formula for domestic and internal affairs—that (in the words of the Borden memorandum of 1919) the Crown, the supreme executive in the United Kingdom and in all its dominions, "acts on the advice of different Ministers within different constitutional units."

But no change is suggested in the nature of the kingship, and the unity and indivisibility of the crown—a doctrine familiar to lawyers and nowhere more insisted on than in the high court of Australia—is maintained, so that there is not one kingship for Great Britain, another for Canada, a third for Australia, and so on. The Empire is a subsisting political entity, and not a mere alliance or association of states. Such, I conceive, is the present position.

A political unit which conducts its international relations through various channels is not indeed unknown; there was a right of separate diplomatic representation in some of the states of the German Empire, and the states comprising the old Germanic confederation were represented in foreign relations both separately and through the con-

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federation. But an Empire which repudiates logic, and, in the language of the Conference of 1926, "defies classification and bears no resemblance to any other political organization," undoubtedly presents the objection that it thrusts its constitutional arrangements into international relations. It is perhaps fortunate that it is with you, the people of the United States, to whom constitutional difficulties in international relations are not unknown and with whom we share so much in the way of legal and political thought and tradition, that our new system is likely to be on trial, since it is with you alone that as yet any of the dominions have entered into diplomatic relations.

One of your great jurists has said, "The life of the law is not logic but experience," and this is true of public law and political systems perhaps even more than of the common law. We are familiar in the British system with the distinction between legal power and constitutional right, and it appears sometimes to be suggested that all the difficulties of the Empire are solved by the acceptance as orthodox of declarations of constitutional right. The maintenance of any sort of union will depend on how these rights are exercised. Where the king is in diplomatic relations with a foreign country through two different sets of ministers it is conceivable that

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one set of ministers, say the Canadian, may be anxious to conclude a treaty which is adverse to the interests represented by another, say by Great Britain. Great Britain would no doubt press its views on the Canadian government, but if unsuccessful with them it could not be debarred from using its influence with the United States to prevent the conclusion of such a treaty. Plainly, action of that kind would be fatal to any sort of union; a "personal union" could not long survive it.

The system of imperial relations on which we have entered depends little on formal and legal ties. That its primary condition is good will and mutual understanding is emphasized in the proceedings of the Imperial Conference of 1926. That is no new thing in British government; both the cabinet system in any part of the Empire and responsible government in the relations which existed between the British and colonial governments have demanded this in a high degree. But it will require statesmanship, too, on the part of all the governments concerned to work a system in which so much of formal unity as involves supremacy and subordination has been abandoned without the substitution of new constitutional means of insuring unity in action. Its success will depend upon the degree of association which it is possible to establish

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between the British government and the dominions; upon the willingness of the British government to impart the fullest information and take counsel in the formulation of policy in sufficient time to make consultation a reality; and upon the readiness of the dominions to advise and co-operate. More than ever it will be necessary for each to convince the others that its interests and its policy are bound up with the maintenance of the interests and the achievement of the policy of the rest, and that both interest and policy are consistent with principles which each can accept. We miss in the report of the Conference of 1926 the firm declaration of the Conference of 1921 that "the whole weight of the Empire should be concentrated behind a united understanding and common action in foreign affairs."

There is an obvious possibility that such a position as is now established may work on the one hand so as to release the British Foreign Office from the cumbersome and dilatory courses involved in the consultation of the dominions, and it is in this sense that the resolutions of the Conference of 1926 have been welcomed in some quarters in continental Europe; on the other, that it may lead dominions to treat British foreign policy and diplomacy as something outside their concern, or may lead Great

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Britain, heavily burdened as she is, to disinterest herself in the fortune of a dominion. This, rather than any complication from separate action in foreign diplomacy, is the risk so far as concerns Australia, and the growth of such a habit readily formed at a distance and out of direct contact with affairs would undoubtedly weaken the present feeling of solidarity and impair or perhaps destroy the impulse to common action in an emergency. We may recall as a warning the words of Mr. Ramsay Mac.Donald some years ago: "If the Empire is ever to be broken up, the fatal act will be done when nobody is aware that anything very revolutionary is taking place."

But I will not end in a minor key. My colleagues have referred to tradition, to kinship, to common aims, to like institutions as cementing our union. I do not underrate these, and I have emphasized the importance of good will and mutual understanding such as has been inspired by the last imperial conference. Indeed, as was observed by Sir Tej Sapru, a representative of India, at the Conference of 1923, it is a main purpose of such conferences not merely to formulate specific methods of co-operation, but to foster the spirit of mutual sympathy and understanding upon which the will to co-operate must depend. I will merely add

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a few considerations which appear also to be relevant.

The doctrine of "equality of status"—the principle which now governs interimperial relations and our relations toward foreign states—is perhaps not so simple as it sounds. Long chapters of international law are devoted to its exposition, and they are not marked by entire agreement as to its implications. Already, within the British Empire itself, if you look at the proceedings of the Imperial Conference of 1923 in the debate raised by the representatives of India, you may see some differences of opinion as to what is in congruity with the principle. It presents too some difficulties in its application to the particular type of dualism that we have adopted in Australia. American scholars have shown the inadequacy of equality to define the whole relation of states in international law, and I cannot doubt that in constitutional relations it must as a workable system accommodate itself to other facts.

One of these is that in international affairs the weight of Great Britain is still immeasurably greater than that of any dominion or all of them put together, and in proportion as any dominion withdraws itself from association with the Empire it diminishes the influence it can exert, whether in

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world-politics or in regard to its own immediate and perhaps vital affairs. How save through the Empire and through the opportunities it affords could the dominions have such influence as they exercised at the Imperial Conference of 1921 on the subject of the renewal of the Japanese Alliance and in the promotion of the Washington Conference? Apart from the British Empire, the freedom and equality of Australia and New Zealand would be a very barren right indeed.

Canada and the Irish Free State have diplomatic relations with the United States; Great Britain has her diplomatic and consular agents in every part of the world, and none of the dominions has general interests which would warrant an extension so much beyond its resources; they are content to enjoy the advantage that the British machinery affords them. But it is in the light gained from such agents in all parts of the world that foreign policy is made and particular acts determined on. The Australian government has declared that it is no part of its policy to send or receive diplomatic representatives.

In these considerations we have certain facts which bear upon the exercise of the constitutional right of separate action. The imperial conference recognizes "that the principles of equality and

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similarity appropriate to status do not universally extend to function," and that in the general conduct of foreign policy, as in defense, the major share of responsibility must for the present rest with the British government. Another factor is that in the British Empire there is a prevailing sense of unity as an individual relation of citizenship. Our conferences of governments, our description of dominions as nations must not mislead us to think of Empire unity as consisting solely in the relations which are established between governments or of the Empire itself merely as an association of collective entities: the common allegiance to the crown is an individual, not a collective, relation. Nor are we members of the Empire merely as being Australians or New Zealanders. The consciousness of relation expressed in the term "British subject," the unbroken continuity of community which it implies, is a fact which consolidates the Dominion itself, strengthening the tie of attachment to it as part of a greater whole; it is not to be distinguished from, but is of the same nature as, nationhood. No doubt the dominions vary in the prevalence of this individual feeling; but those in which it is least prevalent have the least internal unity.

I recall Renan's definition of a nation:

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A spiritual principle resulting from the profound complications of history; a spiritual family, not a group determined by the configuration of the soil a great solidarity constituted by the sentiments of the sacrifices it has made, and by those which the people are disposed to make. It supposes a past; it is however summed up in the present by a tangible fact: the consent, the clearly expressed desire of continuing the common life. The existence of a nation is (if the metaphor be permissible) a continued plebiscitum, as the existence of the individual is a perpetual affirmation of life.

In the words of Mr. Ramsay MacDonald, the Empire is more than safety, or order, or pence: it exists for richness of life.

THE ATTITUDE OF NEW ZEALAND
ON IMPERIAL AND FOREIGN
AFFAIRS

By J. B. CONDLIFFE

THE ATTITUDE OF NEW ZEALAND IN IMPERIAL AND FOREIGN AFFAIRS

New Zealand is, except for Newfoundland the smallest of the self-governing dominions. It is also the most remote from the motherland. These two facts, taken in conjunction with the special features of New Zealand's history, are quite adequate to account for the distinctive policy which the Dominion has steadily followed in imperial affairs.

In order to understand the bases of that policy it is necessary to remind ourselves of the circumstances under which the islands became a part of the British Empire. New Zealand is *par excellence* a colony of settlement. Although the British title to occupation rested securely upon Captain Cook's declarations of annexation in 1769, there was no effective exercise of sovereignty until 1840. In the early years of the nineteenth century European settlements began precariously as a result of sealing, whaling, and similar pioneering ventures. The original settlements were lawless and provocative of many Maori outrages; but the British government persisted in its refusal to undertake definite responsibility for the islands. Even after the missionaries came in 1814 it was more than twenty

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years before the British government appointed a British Resident in 1835. The instructions to this official were obviously based upon the precedent of resident advisers to Indian potentates, although in New Zealand there was no paramount native chief, but a great number of independent warlike leaders perpetually at feud with each other. The British Resident was placed in a hopelessly futile position, but the missionaries in the meantime had attained great sway over the Maori tribes, and when a British governor with proper powers arrived in 1840, they were able to persuade the leading chiefs to sign the Treaty of Waitangi ceding the sovereignty of their lands to the British crown. Upon this instrument, a short treaty of three clauses signed by the drawing of over five hundred *moko* (facial tattoo) patterns in lieu of signatures, rests the good feeling between the Maori race and the British government. "This treaty," says a Maori address of welcome to a new governor, "has been rained upon by the rain; it has been exposed to the blast of the storm; but the words are still clear; they cannot be obliterated."

While Governor Hobson was negotiating the treaty in the North, the first Wakefield settlers were endeavoring to establish themselves at Wellington. Their arrival had antedated the governor's by ex-

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actly a week. Indeed, the dispatch of their ships was the last inducement necessary to stir a reluctant government to action. For many years Downing Street had opposed a steady, passive, and at times active, resistance to Edward Gibbon Wakefield's colonizing schemes. When he at last determined to force the issue by sending out colonists without government sanction, the government, inspired largely by missionary influences, counter-moved by sending a governor with instructions to recognize the native chiefs and if possible negotiate a treaty with them.

Hobson's advent and the promulgation of the treaty together struck the settlers a heavy blow. Not that they were disloyal. The contrary was the case. But they saw the old feud between the government and the company transferred to the new land, and the provisions of the treaty confirmed their worst fears. The natives ceded sovereignty but were confirmed in the ownership of their lands, while private individuals were restrained from purchasing those lands except through the crown.

These provisions, invalidating as they did land purchases already made and subjecting all titles to prolonged inquiry and delay, were a source of much distress and loss to the first Wakefield settlers in Wellington, Nelson, and New Plymouth. For at

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least a decade the progress of those infant settlements was checked, and great hardships resulted to the settlers from the solicitude of successive governors for the welfare of the native people.

There is no occasion in this place to do more than mention the Wakefield theories of colonization which were thus responsible for the organized settlement of New Zealand. Edward Gibbon Wakefield, the prophet of colonization, has written his name into the history of Canada and Australia; but it was in New Zealand that his theories were tested in the fullest degree. The New Zealand Company, which was his creation, settled Wellington, Nelson, and New Plymouth; the Canterbury Association founded Christchurch and named it after the Oxford college which had provided many of its leaders; the Otago Association, in its settlement of Dunedin, drew heavily upon members of the Free Kirk immediately after the schism in the Scottish church. The New Zealand of the forties and fifties therefore consisted of the official settlement in Auckland (then the seat of government) and the vigorous, independent democratic and semireligious settlements farther south. These southern settlements, peopled by men and women of high spirit and attainment, offered a striking parallel to the first scattered settlements of the

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Pilgrim Fathers on the eastern seaboard of America. Isolation, independence, and provincial spirit, a strong religious feeling, a passion for self-government, and an extraordinarily high level of character among the settlers are equally characteristic of both these great experiments in British colonization.

There is, however, one all-important difference to be noted. The Wakefield settlers came to New Zealand urged by a sense of privilege and mission. They left the motherland to plant new Britains overseas voluntarily and deliberately. Their numbers included many idealists who sought freer opportunities in a new land—many among them were younger sons of noble families; others were trade-unionists and Chartists, or members of the infant Free Kirk of Scotland—but none among them were driven from the land they loved by persecution or misgovernment. In consequence they were loath to regard themselves as exiles. They were still British, and in their new far-away home their only fear was lest they should lose touch and perhaps be forgotten in the politics of Britain. No one can read their letters, their first poems, their public speeches, without realizing how large a place their continued British citizenship claimed in their thought. One must remember too that they were

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politically minded above the average. The first parliaments, both provincial and national, disclosed a quite unusually high level of political thinking and forensic skill. It is hardly to be wondered at, therefore, that the first public reference to the possibility and desirability of imperial federation which the historian of the British Commonwealth was able to find was in John Roberts Godley's farewell address to the settlers of Canterbury in 1852. It was essential in Godley's thinking that some means should be found by which active citizenship might be exercised under the British constitution even in far-away New Zealand. In an age which had not been disillusioned of parliamentary democracy it was natural that federation and parliamentary representation should have appeared to his mind as the ideal of his desires. Indeed, it is not long since this ideal, impractical as most people recognize it to be, was still agitated in responsible quarters in New Zealand. Political imagination in the Dominion has not always remained at Godley's high level, nor kept pace with the times.

Despite great economic and political changes, this passionate loyalty to the British crown and to common citizenship in the British Empire (the term "Commonwealth" is not very commonly used in

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New Zealand) remains the basis of the Dominion's imperial and foreign policies. The exclusiveness of the original Wakefield settlements has been broken down. The gold rushes of the sixties and the assisted immigration of the following decade brought in a flood of new settlers who had scant sympathy with the somewhat aristocratic ideal that lay behind Wakefield's theories. The government of the colony passed into the hands of the newcomers and steadily tended in the direction of state socialism. The social and political ascendancy of the original settlers was destroyed; but their ideals and aspirations have persisted. In the course of nearly a century the population of New Zealand has begun to develop characteristic qualities reflecting its origin and environment. Three-fourths of the people are native born, and in recent generations the legend of high endeavor and noble aspirations so characteristic of the first Wakefield settlers has become a powerful formative agent in the teaching of citizenship in the schools. The spirit of the pioneers is reconquering their descendants.

It is to be remembered also that New Zealand, in proportion to its size, has a very heavy volume of immigration, and this immigration is almost wholly from Great Britain, so that nearly 99 per cent of the population is British born. The total

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population is now approximately 1,400,000, and new settlers from Great Britain average more than 10,000 annually, so that the connection with the motherland is kept fresh by constant new contacts.

The close connection of the motherland and her farthest dominion has other varied aspects. It is difficult to overestimate the strength of "the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection." The newspapers have direct cable services and print surprisingly large quantities of British news; British journals (and few others) circulate among a people which reads more on the average than most communities; the university colleges and many other educational institutions are largely staffed from British universities; literature, music, and art, even politics, are apt to be influenced very directly by judgments and happenings in the motherland. To some among the younger generation the closeness of these ties savours of intellectual tutelage. It is probable that the development of a distinctive New Zealand literature and art has been delayed by the acceptance of British forms and standards. But with most people and until recently such a thought has hardly risen into consciousness.

The closeness of these spiritual ties is reinforced

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in a very practical way by economic interest. The very smallness of the Dominion is important both economically and politically. New Zealand politicians are apt to be very proud of the fact that they can boast the highest value of international trade per head of any country in the world. For the year 1925 the exports amounted to approximately \$190 per head, and the imports to \$184. While it is true that these statistics afford a valuable index of the variation of productivity and prosperity from year to year, yet their very size indicates that the small New Zealand community is dependent to an uncommon degree for the necessities of its life upon overseas trade.

Moreover, this trade is necessarily all sea-borne and the greater part of it must go halfway around the world, to its chief market, which is, of course, Great Britain. Eighty per cent of the total exports of New Zealand produce goes directly to Great Britain, either for consumption or for re-export, and from Britain is derived 52 per cent of the total imports. In the case of individual exports the proportion taken by Great Britain is considerably higher, and this is particularly true in the great bulk cargoes: wool, meat, butter, and cheese. To these facts it must be added that British shipping shares with local companies a virtual monopoly of

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overseas trade; British financial institutions supply the circulating capital which shifts this trade half-way around the world, and the commercial transactions arising out of the trade center in London. It is not too much to say in addition that virtually all the overseas capital invested in the Dominion is British. It would not be politically possible for a New Zealand government to follow the example of certain Australian states and borrow upon the New York market. On the contrary, both the national government and local bodies are supported by public opinion in deliberately accepting British tenders which are, within a reasonable margin, higher than competing tenders from foreign countries. This sentimental preference is in addition to substantial tariff discriminations under the policy of imperial preference. In the same way, though not to the same extent, there is a predominance of British interests in the overseas capital which is invested in industrial and commercial enterprises. There is a widespread, if not well-founded, distrust of foreign investment, and it is not many years since the United States government felt bound to inquire concerning the discrimination which certain antitrust legislation was alleged to have effected against an American firm.

Such facts as these, vital as they are in the sen-

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timent and economic interest of the Dominion, are quite adequate to account for the characteristic attitude which responsible New Zealand statesmen have consistently taken on imperial questions. This attitude may be summed up briefly as a fervent loyalty to the British crown, distrust of constitutional changes within the Empire, lukewarmness toward the League of Nations, and readiness to co-operate in imperial, and especially in naval, defense. There can be no reasonable doubt that in all of these points public opinion generally supports governmental policy. A glance through the letters communicated to the "Round Table" by the New Zealand group will disclose a preoccupation with the British navy which is not characteristic of any other Dominion group. While it may be true that the small group of private individuals which prepares these letters tends to be extreme in its views, it is an extremism which merely sharpens average opinion.

A summary glance at a few of the outstanding imperial incidents of the post-war period may serve to exemplify New Zealand policy. Even before 1914 New Zealand statesmen had made themselves synonymous with "robust imperialism." After his return from the colonial conference of 1897, Mr. Seddon, at that time the uncrowned "King Dick"

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of New Zealand, annexed the Cook and other islands and so began New Zealand's little island empire. The desire to assume responsibility for the scattered islands of the South Pacific goes, indeed, right back to the earliest years of New Zealand history, when the first bishop, Selwyn, had his letters patent drawn to include all the islands up to the Equator, and the great governor, Sir George Grey, wrote of a federation of the islands under New Zealand's leadership.

The outbreak of the Boer War in 1899 gave Mr. Seddon another opportunity which he took by offering contingents of troops to assist the British forces. The success of his initiative on this occasion prepared the way for his tactics at the colonial conference of 1902, when he brought forward a series of resolutions in favor of imperial preference, an imperial reserve force, the strengthening of the Australasian naval squadron, the opening of the diplomatic and colonial services to qualified men from the Dominions.

The next incident of importance was Sir Joseph Ward's offer upon his return from the defense conference of 1909 to give a battle cruiser on behalf of the Dominion to form part of the British battle fleet and be stationed in the North Sea. At the same time universal military service was intro-

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duced, not without opposition, and Lord Kitchener was invited to visit and report upon New Zealand defense. These actions, while no doubt partly prompted by the desire to follow the tradition of initiative and leadership in imperialism built up by Seddon, were not unwelcome to New Zealand opinion. They illustrate clearly also the almost naive willingness to support and assist British policy without any of the questionings and local independences and nationalisms which Mr. Dafoe has so well described in his study of Laurier and which took concrete form also in the building of the Australian Navy.

At the 1911 conference Sir Joseph Ward attempted a further coup by the proposal of a scheme which does not seem to have clearly distinguished between federation and confederation, but which was based apparently upon a hasty perusal of the Round Table studies then being privately circulated. This ill-timed effort has been so drastically criticized that it may well be left without further comment.

The whole-hearted response of New Zealand to the necessities of the Great War is too well known to need emphasis. Next only to Great Britain among the countries of the Empire the Dominion sent the largest quota of its population and the

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casualties were heavy. The prime minister, Mr. Massey, and Sir Joseph Ward, who had joined him in a coalition cabinet, spent a large part of the war years in London taking their share in the activities of the Imperial War Cabinet. When the Treaty of Versailles was signed Mr. Massey signed it under the arrangement worked out by the British Empire delegation at Paris.

At this point, however, a significant divergence of policy from that pursued by the other dominions begins to emerge. Three years later, in the course of the debate upon Sir John Salmond's report of the Washington conference, Mr. Massey expressed his dislike of the enlargement of the idea of "equality of status." "I am bound to say, Mr. Speaker," he declared, "that I have never liked the arrangement which was made in connection with the League of Nations. There was one dangerous feature in it. I did not agree with everything that has been said, that in signing the Peace Treaty we became independent nations. That is absolute nonsense, and the wish of the people who so expressed themselves was in many cases the father of the thought."

The occasion of this statement was the clear and able presentation, by His Honor Sir John Salmond, of the position which he conceived to be

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correct concerning dominion representation at the Washington Conference. It is common knowledge that the Prime Minister of South Africa had endeavored to get separate invitations to the conference for the dominions. Mr. Massey declined emphatically to support his request that a protest should be made. Sir John Salmond went as New Zealand's delegate to the conference, and his report to the government upon his return is a classic statement of New Zealand's position. The essential parts of this report are worth reproduction here.

Suggestions have been made in certain quarters, that by permitting the presence of the self-governing dependencies of the Crown at international conventions, such as those of Versailles and Washington, those Dominions have in some manner acquired a new international status—that they are now recognized for international purposes as independent states, although in their constitutional relations they remain portions of the British Empire. It is not easy to attach any definite meaning to this suggestion, but, whatever its precise significance may be, there seems no foundation for it in the facts as to the Washington Conference. The true significance of the presence of representatives of the Dominions at that Conference is not that those Dominions have acquired for either international or constitutional purposes any form of independent status, but that they have now been given a voice in the management of the international relations of the British Empire as a single, undivided unity—relations which

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were formally within the exclusive control of the government of Great Britain

The procedure of the Washington Conference was, in itself a clear indication that the Dominions were there, not in their own right as quasi-independent states, but merely as constituent portions of an undivided Empire. When any question came to be voted upon, for the purpose of ascertaining whether there existed that unanimous consent which was necessary for a treaty, the question was put to the British delegation as a whole, and was answered "Yes" or "No" by Mr. Balfour as the head and spokesman of that delegation, and on behalf of the British Empire as a whole. Although, in the process of discussion and negotiation, the representatives of the Dominions had and exercised the same right of audience as any other delegates, they never voted separately on behalf of their own Dominion on any question. The final decision in every case was that of the British Empire as an indivisible unity.

The position of the Dominions at Washington was essentially different from the position which they occupy at an assembly of the League of Nations. By the special and peculiar organization of that body, self-governing colonies are admitted as members in their own right as if they were independent states. Although by constitutional and international law such colonies are merely constituent factions of the Empire to which they belong, they are entitled by express agreement to be treated, so far as practicable, as if they were independent. But no such principle was recognized at Washington, or exists except for the special purposes of the League of Nations

No question ever arose on which it was found impossible

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to secure ultimate unanimity of decision within the British delegation. If, unfortunately, it had been otherwise, and if any Dominion delegate, either of his own motion or under the instructions of his Government, had found himself unable to agree with some proposal which commended itself to the Delegation, it would then have been necessary for His Majesty's general plenipotentiaries from Great Britain to determine in their own discretion the action to be taken.

If they were of opinion that the matter in dispute was of such minor importance, or related so exclusively to the Dominion itself, that the views of that Dominion ought to be acceded to for the sake of unanimity, this result could have been attained either by a modification of the terms of the proposed treaty or by excluding the dissentient Dominion from its operation unless and until it chose through its Government or Parliament to give it subsequent adherence. If, on the other hand, it was considered that the matter was of such general importance that dissent on the part of a Dominion should be disregarded in the interests of the whole Empire, it would have been within the authority of the plenipotentiaries of Great Britain to assent to the treaty on behalf of the Empire as a whole, without regard to such dissent.

The fact that the delegate of one of the British Dominions had failed to sign the treaty on behalf of that Dominion would have had no effect on the international operation and obligation of the Treaty. Any difficulty so unfortunately resulting would have been matter for negotiation and settlement within the borders of the Empire itself, but would have in no way affected the external relations between the Empire and the other contracting Powers

The Washington treaties, like all others which are nego-

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tiated by plenipotentiaries, come into force only on ratification. The ratification required by the constitutional law of the British Empire is that of His Majesty. No action on the part of New Zealand is legally required. In view, however, of the direct participation of New Zealand in the negotiation and execution of those treaties, it may well be thought expedient that the treaties should be submitted to both Houses of the New Zealand legislature in order that resolutions may be passed approving of their ratification by His Majesty.

Two other important incidents must suffice to illustrate the consistency with which New Zealand has followed the policy so clearly expounded by Sir John Salmond. The first was the procedure adopted in accepting the mandate for the former German territory of Samoa. In the Treaties of Peace Act, 1919, certain authority was given to the Governor-General in Council in case "the League of Nations may be pleased to confer upon His Majesty in right of his Dominion of New Zealand a mandate to govern the said Islands for and on behalf of the said League." Authority was taken under the Foreign Jurisdiction Act, 1890, of the British Parliament, since the New Zealand Court of Appeal in the case *Rex vs. Lauder*, 1919 (N.Z. Law Reports, 305) limited the jurisdiction of the New Zealand Parliament to the boundaries of the Dominion. Civil government was established in

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Western Samoa by an imperial order-in-council of March, 1920. The mandate from the League was later accepted as given to the imperial government and passed on to New Zealand through the ordinary constitutional channels. New Zealand therefore administers the mandated territory through a civil government whose constitutional authority is derived as the Dominion parliament's authority is derived from an act of the British Parliament.

The second incident is the signing of the Locarno Pact. It is no secret that Mr. Massey was strongly opposed to the Geneva Protocol which was the instrument evolved under the aegis of Mr. Ramsay MacDonald's Labor Ministry to supplement the covenant of the League. Mr. Massey, indeed, was thoroughly distrustful of the League from many points of view. In replying to Mr. MacDonald's letter in September, 1927, on the Singapore base, he said: "You say that your 'government stands for international co-operation through a strengthened and enlarged League of Nations.' In reply to that I must say that if the defence of the Empire is to depend upon the League of Nations only, then it may turn out to be a pity that the League was ever brought into being. The very existence of the Empire depends upon the Imperial Navy, and if, in the event of war, the Navy is to

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operate successfully, it must have suitable bases from which to work, and where repairs may be effected."

The Locarno treaty was, however, regarded both by Mr. Massey and by his successor in office, Mr. Coates, as coming under a different category. Both expressed themselves as anxious to have the treaty submitted to the New Zealand parliament for ratification in order that the Dominion might stand side by side with Great Britain. This course has not been adopted, however, in view of the expressed divergence of opinion in some of the other dominions and the desire to avoid any outward appearance of disunity within the Empire.

There is, however, no doubt as to the position of the New Zealand government, a position which has not varied in essentials since the close of the war. It was compactly put by a very influential leader of the government, the Hon. W. Downie Stewart, minister of finance, in the debate on the Locarno treaty. He denied the existence of the new status of the dominions and claimed that the supposed equality of the nations forming the British Empire had never been real.

No nation [he went on] has more authority than it has power, and for a small democracy like New Zealand to claim the right to make peace or war seems to me to be suicidal. All

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she asks is the right to be consulted before any decision is made.

If the King attempts to act on the advice of the Ministers in the five Dominions, most hopeless confusion will arise. The British Government, therefore, consults with the Governments of the other Dominions, and the ultimate responsibility for the advice given to the King must be taken by the Imperial Ministers in Great Britain.

In the same debate the Prime Minister (the Rt. Hon. J. G. Coates) made an even more emphatic statement:

The method [of consultation] that, has been adopted is this: the British Government carries on the negotiations. We express our opinions quite definitely, and if we think the arrangements under consideration are likely not to be in the interests of New Zealand, we say so. But if after this it is decided to go ahead we say to the British Government after knowing all the facts of the case: "Very well, if that is the arrangement to be made, we are prepared to stand by it."

It remains only to say that the report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926 has been received with somewhat mixed feelings in New Zealand. The phrases concerning dominion autonomy and equality of status arouse skepticism in influential quarters. Generally speaking, New Zealand writers and statesmen incline to the view that the less written about an imperial constitution or imperial relationships

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the better. The actual contents of the document are not alarming to New Zealand opinion, since they do little more than state the practice of consultation that has been growing up for many years in imperial affairs. Parliament has not debated the document, but press discussion has on the whole been cautious concerning it.

One thing is certain. The temper of the New Zealand people is such that any dramatic appeal will bring immediate support for the motherland. When Mr. Lloyd George's famous Chanak telegram was disclosed in such a way as to make it appear that war was likely, Mr. Massey cabled an offer of support if necessary and over 12,000 volunteers presented themselves without solicitation or any call for services! Included in the number were 300 nurses.

Up till quite recent years, there has been little effective opposition to such "robust imperialism" either in Parliament or in the country. There was no particular difference of attitude between Mr. Seddon and Sir Joseph Ward on the one hand and Mr. Massey on the other. But the advent of the Labor party in 1906 and its growth until it now forms the official opposition in Parliament have added a new element. Generally speaking, the Labor members are anti-imperialists; but they

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tend to believe in and support the conception of the British Commonwealth as a free association of nations working in loose international co-operation. Their view therefore tends to parallel the South African and Canadian conceptions of dominion nationhood. This conception, however, has not penetrated far into New Zealand opinion as yet. It is of interest to notice, on the other hand, that the Prime Minister has, since his return from the Imperial Conference, announced a contribution of £1,000,000, spread over a period of years, for the construction of the Singapore base. This is a bold course to take in a year of severe economic depression, and invites parliamentary and press criticism; but the government is strongly entrenched and public opinion can always be relied upon to respond to a dramatic gesture of imperial loyalty. There is not a great deal of analysis of the ultimate consequences of such gestures. New Zealand is very isolated and it is difficult to procure full information on which an analysis might rest. The one certain strong factor in every such situation in New Zealand is a deep and abiding emotion of loyalty to the motherland.

THE ECONOMIC AND POLITICAL
PROBLEMS OF THE UNION OF
SOUTH AFRICA

By ERIC H. LOUW

THE ECONOMIC AND POLITICAL PROBLEMS OF THE UNION OF SOUTH AFRICA

The subject matter of my lecture embraces both the economic and the political problems of the Union of South Africa, subjects which undoubtedly cover a very wide field. Economic and political problems are often closely related, but I venture to say that in no country are they so closely related as in the Union of South Africa. The reason for this will be apparent when I deal in detail with these problems. At this stage it will be sufficient to merely indicate what is probably the, chief reason, viz., that South Africa is not only a country with a white population divided into two distinct sections or races, each with its own language, racial characteristics, and historical traditions, but that there are also three other big elements in its population, viz., a native (Kaffir) population far in excess of the European; a large colored population, mainly Malay in origin; and in the province of Natal, and to a certain extent in the Transvaal, a relatively large Indian population. These three last-mentioned classes represent important sections of the population with varying standards of living

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and degrees of development ranging from the uncivilized state of the primitive native to that of the skilled colored artisan and the Indian trader, and then there are always those who have reached different stages midway between these two extremes/ Each of these stages or conditions brings with it new problems and new situations, and they are all factors in the economic and political life of the country. It will thus be appreciated why economic and political problems are in South Africa so closely related.

Before proceeding to discuss these problems I consider it necessary to state a few general facts regarding the Union of South Africa and its people. Judging from my experience since my arrival in the United States of America eighteen months ago, I think I will be reasonably safe in assuming that a fair number of my listeners know very little about the country, its people, and its history, and that under the circumstances they will not be able fully to understand and appreciate its problems. With the limited time at my disposal I can do no more than to mention only such facts as I consider necessary for a proper understanding of the problems to be discussed.

At the outset let me correct an impression which seems to prevail even among educated peoples,

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viz., that South Africa is still in a semicivilized state; that the bulk of the population is uncultured; that wild animals still roam across the plains of the Karroo, or on the slopes of Table Mountain. Even so well-informed a paper as the *New York Times* still refers to South Africa as the "Dark Continent," being evidently quite oblivious of the fact that the Union is a few thousand miles distant from these parts which may with some show of reason still be regarded as "dark"!

One of the causes which contributes to the misunderstanding of South Africa and its problems is the misleading and often prejudiced information and opinions published by persons who pay a short visit to South Africa and then proceed to write articles and books on our problems. South Africa has suffered much at the hands of these people, who unfortunately are often men or women who are either well known in their own countries or who contribute their articles to leading periodicals and reviews—or both! My attention has recently been directed to two such effusions by a Mr. Stanley High, who paid a short visit to South Africa as the representative of the Methodist Board of Foreign Missions. His recent article in the *Atlantic Monthly* can only be described as giving an entirely distorted and violently prejudiced account of South

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African affairs and politics. Whilst I have no authority to speak on behalf of the various Christian churches of South Africa, I do not doubt that, while they would welcome any honest inquiry into or investigation of the missionary work in which they are engaged, they, and South Africa in general, would appreciate it if the activities of investigators from overseas were confined to the work for which they were sent, and if they would refrain from discussing matters concerning which they have no knowledge whatsoever beyond the "hearsay" and often prejudiced information which they may have picked up during the course of a hurried visit. Americans have suffered in the same way at the hands of visitors from Europe, and they will therefore appreciate our attitude.

The "free lance" journalist is another offender. He culls information from various, and often irresponsible, sources, and then proceeds to write an article on, say, the native, or on the Indian question in South Africa, giving the impression that he is writing with the authority of "one who knows"!

In giving the preliminary information which I regard as necessary for a proper appreciation of South African problems I will first deal very briefly with historical events. This is necessary because some of our biggest problems flow directly from the

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somewhat disturbed and checkered history of the country, and they must thus be considered in the light of past events.

The first actual colonization of South Africa took place in 1652, when a Hollander, Johann van Riebeck, was sent by the Dutch East India Company to establish a small settlement there. This settlement gradually grew and spread farther inland under control of Dutch governors. Meanwhile Kaffir tribes had been moving southward, and the frontiers were the scenes of many conflicts between black and white. The effect of the European wars of the latter half of the eighteenth century was first felt in South Africa, when in 1781 an English fleet took possession of Cape Town. After that the Cape changed hands several times, and in the year 1806 it finally passed into the hands of England.

Some of the English governors were harsh and autocratic; there was much dissatisfaction and unrest, especially amongst the Dutch farmers; and in 1836 the "great trek" took place, when several hundred of the "Boers" migrated to the north, and there founded the republics of the Transvaal, the Orange Free State, and Natal. The story of the "great trek" is one of the most romantic and thrilling in the annals of pioneering. Later Britain claimed and took possession of Natal. Claims were

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also made to the Orange Free State and Transvaal, but after some fighting and subsequent negotiations the independence of these two republics was formally recognized.

In 1870 diamonds were discovered in Griqualand West, which at that time was part of the Orange Free State. Britain claimed this area, and eventually it was annexed by her, a solatium being paid to the Free State government.

A few years later the first discovery of gold took place in the Transvaal, and in the early eighties the world-famous Witwatersrand gold fields were opened. Meanwhile trouble arose between the Transvaal and Great Britain, and, following upon the defeat of the English troops at Majuba Hill, the independence of the Transvaal was recognized by Great Britain. The opening of the gold fields turned Johannesburg into a great mining camp, to which diggers and fortune seekers from all parts of the world flocked in large numbers. Abnormal conditions prevailed, and at that time there took place the notorious raid into the Transvaal, led by Dr. Jameson and backed by Rhodes, John Hays Hammond, and others.

This filibustering expedition proved a complete fiasco and was the cause of much racial bitterness in the country. The Transvaal thereafter entered

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into a period of comparative quiet, but the discontented elements generally associated with a mining area continued to make their presence felt: demands were made to which the Transvaal government refused to accede. Britain became an interested party, and all these happenings gradually led up to the Anglo-Boer War of 1899. This classic struggle terminated in 1902 with the loss of the independence of the two republics. They continued as crown colonies until 1906, when they were allowed self-government, and in 1910 the four British colonies decided to come together and to form the Union of South Africa as it exists today, one of the dominions in the British Commonwealth of Nations.

The population of the Union according to the last census was 8,529,108, of which no less than 6,857,000 were classified as "non-European," leaving a white population of 1,672,108. Of the non-European population approximately 5,000,000 are Bantus (Kaffirs) and 170,000 are Indians, the latter being chiefly in the province of Natal. In these figures are to be found the roots of two big problems later to be discussed. The European population is mainly of English and Dutch extraction, the latter being in a majority of approximately 200,000.

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The area of the Union is approximately 500,000 square miles, exclusive of the Southwest Protectorate, which is held by the Union under mandate of the League of Nations.

The climate of the Union is temperate, with a very small variation in mean temperature. Unfortunately certain areas are subject to severe droughts, and these, occurring as they do at frequent intervals, are a contributing cause to one of the economic problems of the country, viz., the increasing number of Europeans from rural areas who are being forced to leave the farms and who go to swell the class which is known by the term "poor whites," a term which unfortunately has come to be used for all classes of unemployed or "out-of-works," thereby doing a grave injustice to a large percentage of the so-called "poor whites" who are the victims of circumstance and droughts and who are anxious to "make good" if the opportunity offers.

A geographical feature which is of economic importance is that South Africa unfortunately possesses no waterways and no means for developing waterpower. Transportation is entirely overland, and in a country of immense distances this is a serious drawback. Fortunately this was fully appreciated, and governments of the past spared no pains

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or expense in developing a really remarkable railroad system, comprising 13,000 miles, under governmental control, forming a network of lines and reaching out to all parts of the sparsely populated areas, thereby speeding up agricultural, mineral, and industrial development.

Finally, a few words about the natural resources of the Union, the distribution of which is an important factor in the economic position of the country.

The primary industries are mining and agriculture. South Africa is without doubt the most highly mineralized portion of the earth's crust, being rich not only in gold, diamonds, platinum, and other precious metals and minerals, but having vast deposits of the many base metal and mineral ores which play so important a part in many modern industries. Since diamonds were first discovered the mineral output of South Africa has reached the colossal value of \$6,130,000,000. During the year 1926 the gold production was valued at \$211,000,000, and the diamond output at \$53,250,000. These figures give some indication as to the value of the mining industry to South Africa, particularly that of gold and diamonds. Apart from the value of the products, large sums are spent annually by the mines in wages, stores and materi-

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als, etc. The mining industry also contributes substantially to the revenue of the country, though there are many in the Union who feel that the gold mining industry's contribution is not commensurate with the profits derived. This is strenuously denied by the leaders of the industry, who *inter alia* point out that many of the mines are producing low-grade ore and that others have reached and are reaching the point of being practically worked out. This statement is thereupon countered by enumeration of the very big dividends paid by many of the mining concerns, and so the argument is kept up, reinforced by figures and statistics which often serve merely to cloud the real issue.

The question of the taxation of the mining industry, although not a burning political-economic one, has yet played an important part in recent parliamentary elections.

As the mining industry is the largest employer of labor in the Union, it is not surprising that labor and wage questions have loomed large in many of the problems associated with that industry. There have been frequent labor troubles ending in strikes and bloodshed and culminating in the Rand revolution of 1922. These labor troubles have figured prominently amongst the political issues of the past few years.

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The history of the diamond-mining industry has fortunately been a far more peaceful one, and in the political arena the industry has seldom figured prominently. The recent discoveries of large and extensive alluvial fields has opened up several big problems, economic, social, and otherwise, but it is confidently anticipated that many of these difficulties will be solved by recent legislative enactments which will give to the government effective control of the existing diggings and enable it to follow a definite policy in regard to future discoveries.

Before leaving the subject of the mining industry I might mention that the Union is fortunate in the possession of almost unlimited supplies of high-grade coal. There are at the same time extensive deposits of iron ore. Realizing the value of this combination the government has decided to give liberal assistance to the establishment of a steel industry, and there is at present a bill before Parliament making the necessary provision. Government assistance will be provided in the shape of \$2,500,000 in cash and by guaranteeing \$7,500,000 in debentures. This bill has become a political issue and it is being strongly opposed by the opposition in the House of Assembly.

We come now to the other primary industry of

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South Africa, viz., agriculture, including the pastoral industries. Whatever may have been the position of the mining industry in the past, there is no doubt that agriculture is assuming the position of the foremost and basic industry of the Union. The value of agricultural and pastoral production in 1923 exceeded that of mineral production by over \$130,000,000, and today the excess is probably considerably more. This development has been fostered by active governmental support and assistance in the shape of a well-organized and efficient agricultural department with a highly trained staff of experts and technical advisers. The agricultural industry has been further assisted and fostered by legislative enactment in regard to land bank and agricultural credits, co-operative marketing, governmental inspection, and grading of agricultural products, extermination of pests and diseases, financial assistance for irrigation projects, and also provisions in regard to land settlement which are considered to be in advance of anything yet attempted by any other country.

At this stage a short digression on the matter of land settlement, and the allied question of immigration, will not be out of place.

The matter of immigration is one of our economic problems concerning which there has been

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considerable conflict of opinion. On the one hand there are those who maintain that immigration should be strongly encouraged by the government and who base their attitude upon the undoubted fact that South Africa is in many respects a sparsely populated country with scope for closer settlement, and that with an overwhelming majority of natives it is highly desirable that the white population should be considerably increased. The other side, while admitting these facts, takes the view that while South Africa is faced with its own "poor white" and unemployment problem, provision should first be made for settling its own people on the land before the government can take a hand in bringing immigrants from overseas. This is the policy which is being followed by the Hertzog government, and considerable progress has already been made in land settlement schemes which aim at "bringing back to the land" many of the so-called "poor whites" who have been driven to the cities by droughts and other economic causes. No impediment is, however, put in the way of voluntary immigration, but care is taken to impress upon intending immigrants that possession of a working capital of at least \$8,000 is essential; in fact, the British Settlers' Memorial Association, which has as its aim the introduction of British settlers of

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the right type, has definitely stipulated for a minimum capital of \$10,000. There is no scope in South Africa for the artisan-labor type of immigrant. This is an outcome of the color problem, which I will deal with at a later stage.

Having dealt with the natural resources of the Union I will proceed to deal briefly with what is undoubtedly the most important development in the economic history of South Africa, a matter which has provided the subject for many heated discussions on the political platform and in the legislative assembly. I refer to the utilization of our natural resources for manufacturing industries within the Union, and the allied matter of tariff policy.

The establishment of industries in South Africa was not seriously considered until the period of the World War, when the country was thrown back upon its own resources and had to "find for itself." Several industries came into being, and very soon it was realized that we had in the past been depending upon overseas supplies for articles which could equally well have been manufactured in South Africa. During the period 1914-26 the number of manufacturing concerns has increased by over 200 per cent.

There has been a steady development and in-

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creasing industrial activity, especially during the past two or three years, and there is no doubt that this is due not only to a stronger feeling of South Africanism and self-reliance, but more especially to the tariff policy of the present government which came into power in 1924 with the expressed intention of giving protection and assistance to deserving industries. Practical effect was very soon given to the election promises by the revised tariff act which was passed by Parliament during the session of 1925 and which embodied as its main principles: (1) Protection of established industries which were deemed to be capable of further expansion, and the encouragement of new industries which after due investigation by the Board of Trade were considered to be deserving of protection by tariff and other means. (2) The free admission of materials (manufactured or raw) which are necessary for such industries. (3) The use of "civilized labor"—by which is meant laborers who live according to civilized standards—under certain circumstances as a condition for receiving tariff protection. (4) The use of the tariff as a means of negotiation or bargaining, not only with foreign countries, but also with Great Britain herself and with the sister dominions. In other words, the old established principle of a general preferential rate in favor of

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the British Empire was radically changed. Certain preferences are today given only in those cases where they are actually needed. For the rest, Great Britain can secure preference only on a *quid pro quo* principle. An important concession to Great Britain is that if "most favored nation treatment" is accorded to any foreign country, the minimum rates in question will automatically be also enjoyed by British exporters.

In drawing up the new tariff of the Union it is clear that the Board of Trade and Industries was guided, and also warned, by the experiences of other countries. Whilst giving protection to local industries, care has been exercised to avoid indiscriminate protection and also to safeguard against many of the evils attendant upon a declared protectionist policy. Not only is protection granted only after exhaustive inquiry and to concerns which have thoroughly justified their claim for assistance, but even after protection has been accorded a careful watch is kept upon the industries protected in order to prevent an abuse of the privilege through an undue rise in prices at the expense of the consumer. Furthermore, labor conditions in such industries are carefully scrutinized. By a system of suspended duties the government is able, simply by proclamation, to step in and to put the

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offending industry back on the minimum scale of duties. As regards the scale of duties themselves, it will be found that even in the case of protective duties the general average is about 30 per cent lower than that of the United States or Australia.

When the tariff bill was introduced into the House of Assembly in 1925 it was immediately subjected to strong criticism from the opposition benches. The opposition to the new tariff policy was twofold and was directed against (i) the general policy of protection underlying the tariff and (2) the partial abolition of British preferential rates. The debate on the first ground followed the usual and well-known protection versus free-trade lines of argument, pro and con. It is worthy of note, however, that the opposition ranks were somewhat divided on this point, and that a similar debate during the present session showed even a greater change. It can fairly safely be said that the bulk of South African political opinion is today in favor of reasonable protection for South African industries.

The other ground for opposition, viz., the abolition of a general British preferential rate, still continues to be a bone of contention, but here also the opposition seems to have quieted down somewhat. As this represents an important departure from an

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old established principle, it is desirable that I devote some attention to it. A revision of the position in regard to preference had been strongly advocated prior to the general election of 1924, and the new government did not hesitate to give expression to that feeling in its first budget. The main argument in favor of altering the system was that in its old form a general preferential rate was too much of a one-sided proposition, resulting in a loss of revenue to South Africa of about £600,000-£900,000 per annum. It was pointed out that in return, South Africa received from Great Britain preferences varying in value from only £100,000 to £200,000 per annum. It was further argued that a general preferential rate meant the sacrifice of revenue to the manufacturers of goods which had through their trade names or otherwise become firmly established on the South African market and therefore needed no tariff assistance. The mere trade name would insure a ready sale in competition with similar goods from other countries. It was therefore felt that the matter of preferential rates should be placed on a more equitable basis; in other words, that as far as possible a *quid pro quo* principle should operate. It was therefore proposed that a system of maximum and minimum duties be adopted, and that the preference granted

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to British goods should take the form of minimum duties on a number of specified lines selected after consultation with the British authorities and with due consideration of the requirements of Union industries and of the national revenue. In accordance with this principle the existing preference of 3 per cent was actually increased on several British-made articles which were experiencing keen competition from foreign competitors; in other cases the existing 3 per cent was retained; and in the rest it was abolished, leaving the matter of reinstatements to future negotiation and bargaining between South Africa and Great Britain or the dominions.

These proposed radical changes in an old established system were hotly contested by the opposition in Parliament. The opposition was based largely on sentiment, and it was argued that the change denoted a loosening of the ties between South Africa and Great Britain. A more concrete objection was that a *quid pro quo* for preference received was already given by Great Britain in the protection afforded to South Africa by the British fleet. Both these arguments were in turn contested by government speakers, who stated that British trade as such would in no way be prejudiced, and that the proposed changes were actuated solely by regard for the interests of South Africa, and not by

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a feeling of hostility toward Great Britain. As evidence of a desire to assist British trade it was pointed out that preferences had actually been increased in the case of certain British goods, and as a further gesture of good will the government agreed to allow "most-favored-nation treatment" to Great Britain whenever lower rates were extended to countries outside the British Empire. The government declined to accept the argument regarding the protection of the British fleet, pointing out that already the government had undertaken certain naval obligations, and further, that in any event the fleet was incidentally protecting valuable ocean-borne British trade to South Africa.

After a prolonged debate the tariff proposals were ultimately adopted and became law. Almost two years have now passed since the adoption of the new tariff, and in so far as the matter of British preference is concerned, the change effected seems to have had very little reaction upon the export of British goods to South Africa. During the year 1926 the value of these exports has increased by almost £1,000,000 sterling. Looking at the matter from the point of view of the British share of total imports of the Union, it will be found that the proportion fell only 1.7 per cent during that period. When regard is had to the fact that over the same

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period the proportion of British goods in New Zealand imports dropped by 3.08 per cent, and that of Canada almost 2 per cent, then it seems to be quite clear that the change in South Africa's preferential policy has in no way injured British trade.

The development of manufacturing industries in South Africa necessarily brought with it increased activity in labor and trade-union movements, and also an active interest on the part of the Union government in labor and industrial conditions, resulting in introduction of legislative enactments dealing with these matters. In considering labor and employment questions in the Union it must be borne in mind that the government of the day has to face not only the many difficulties which have been experienced by the people of other countries in dealing with these questions, but that in South Africa these questions are complicated by the presence in the country of a numerically superior native and colored population, in other words, by the presence of a source of cheap and often uncivilized labor performed by persons whose standards of living and whose outlook upon life is entirely different from that of the average European. It needs little imagination on the part of the stranger to South Africa to realize that the presence of this element in the laboring classes of the country

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contributes many new and difficult phases to an already difficult problem. The color question is dealt with later in my lecture, and this phase of the problem is merely mentioned now to give some indication as to the difficulties confronting the Union government in dealing with labor and industrial questions.

The most serious industrial troubles have been in connection with the mining industry. I have already referred to the strike of 1922 which developed into a revolution and resulted in considerable bloodshed. Apart from the mining industry, the most serious strike was that of the railroad workers, which led to a general strike and to eventual proclamation of martial law in certain areas.

During the earlier years of the Union strikes were of infrequent occurrence and never very serious. The first serious strikes occurred in 1913 and 1914. The years immediately following the great war contributed the largest volume of industrial unrest, due probably to the fact that while cost of living was on the increase, employers of labor were reluctant to accede to demands for increased wages. During 1915 only two strikes took place in the Union, while in the following years the number increased considerably, viz., twenty-three in 1918, forty-seven in 1919, and sixty-six in 1920.

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The growth of the trade-union movement in South Africa dates from the industrial troubles of 1913-14, and today practically every branch of labor is represented by its particular union. Certain consolidations have also been effected, and there is today a particularly strong organization known as the South African Industrial Federation. One of the strongest separate unions is that of the railway and harbor employees. Direct and independent negotiations between employers and trade-union representatives having been unsuccessful in preventing the many industrial troubles which had occurred since 1914, the government in 1924 passed the Industrial Conciliation Act, the aim and object of which is apparent from the title. Briefly put, this Act provides for the appointment by the government of mediators and umpires under certain circumstances and conditions. The Act can be set in motion by trade unions and employers' organizations which are registered in accordance with the Act. Awards made by arbitrators or umpires have legal binding effect, and strikes or lockouts are unlawful if they take place in defiance of such awards.

There is no doubt that this enactment has had a very salutary effect, which is evidenced by the fact that it is continually being resorted to, and

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that no serious strike has taken place since it came into operation.

A disturbing feature in connection with labor and industrial matters is the growth of a colored organization which, while ostensibly a trade-union, seems to be strongly influenced by racial and political motives. It is easy to see that in dealing with a mass of uneducated and half-civilized natives an educated native agitator has very fertile ground in which to plant the seeds of dissension, strife, and anti-European propaganda. This is one of the aspects of the native question with which I will deal later, and which is merely referred to at this stage as constituting a labor problem which may develop into serious proportions if not dealt with intelligently but firmly in its initial stages.

A ministry of Labour was instituted for the first time in 1924 when the present government came into power. It deals with all labor questions arising from industrial activity, and has up to the present fully justified its existence. A special advisory council of labor has been appointed for the purpose of acting as a co-ordinating medium between the general public and the working classes on the one side, and the Department of Labor on the other. Its functions are purely advisory.

The following are the more important legisla-

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tive enactments dealing with labor and employment problems: (i) the Industrial Conciliation Act, already referred to; (2) the Wage Act, for establishing minimum wage rates under certain circumstances and conditions; (3) Workmen's Compensation Act; (4) Factories Act; (5) Apprenticeship Act; (6) Miner Phthisis Act; (7) Workmen's Wages Protection Act.

I will now deal with the social, economic, and political problems which flow from the presence with the Union of different races both white and colored. I will deal first of all with the relations between the two dominant white races, English- and Afrikaans-speaking, respectively. At the outset I wish to make it clear that I am speaking as a representative of the Afrikaans-speaking (or Boer) section; while it would be idle for me to deny that my views and opinions are influenced by racial sympathy, I at the same time would like to assure you that I fully appreciate the importance and necessity of presenting an unbiased picture of racial conditions and problems in South Africa to an audience such as this, composed as it is of earnest seekers after information concerning my country and its people.

The matter of the relations between the two white races in South Africa cannot be considered

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or understood without reference to the past history of the country. Ever since the first British fleet sailed into Simons Bay, English and Dutch have been in frequent conflict with each other. The British occupation of the Cape in 1795, Slachters Nek Rebellion of 1815, the events leading up to the Great Trek in 1836, the occupation of Natal in 1842, the occupation of the Orange Free State in 1848, the first Anglo-Boer War of 1880, the Jame-son Raid in 1895, the three-year Anglo-Boer War of 1899-1902—all these clashes between Boer and Briton, which spread over a period of more than a century, could not but have their effect upon the relations between the two races, especially when regard is had to the fact that the last of these conflicts, viz., the Anglo-Boer War of 1899-1902, was a long-drawn-out struggle characterized by severe fighting and heavy loss of life, destruction of property, and the loss by the two republics of their much cherished independence. The memories of a bitter struggle do not die out in one or two generations, and while most men are prepared to forgive, the average man does not easily forget. That is true of all peoples and all nations. But lest you should think that I am unnecessarily raking up the ashes of the past, let me hasten to assure you that such is neither my desire nor my intention. I have

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been asked to deal with the political problems of South Africa; the relation between the two races has been one of our big problems, and in order to deal with it and to understand it there must be a frank realization and acknowledgment of the historical events to which the problem owes its existence. But mere mention of these historical events is sufficient. Further details or elaboration are unnecessary. It should now be abundantly clear to every reasonable person here present why the racial problem has played such a prominent part in South African politics, and why it still shows itself from time to time, e.g., in the language question, or in the flag controversy which is at present raging in South Africa.

But let me hasten to assure you that racialism, in the undesirable sense of the term, is rapidly disappearing in the Union. It may have received a temporary lease of life through the flag question just mentioned, but I feel confident that it will be purely temporary and short lived. Personally I am of opinion that relations between the two races have during the past two or three years been of the very best. There has been cordial co-operation and the growth of a spirit of friendship, a spirit which is being maintained and fostered by a realization on the part of both sections that there can be no real

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and genuine co-operation unless there be mutual respect for each other's history, traditions, and language. It was not always thus. Time was when the insistence on the part of the Afrikaans-speaking section for full language equality, in the spirit as well as in the letter of the law, was regarded as utterly unreasonable. Today the average English-speaking South African insists that his children should receive a thorough training in Afrikaans. This changed attitude is undoubtedly making for mutual respect and co-operation. Few English South Africans would today dream of suggesting (as was once actually done in public) that the historical monuments of the Boer section should be torn down. These are incidents of the past. The country is rapidly becoming thoroughly bilingual. The child at school is taught his first lessons in his home language. After a certain grade the second language is gradually introduced; and by the time the boy or girl passes out of high school he or she is thoroughly bilingual. A complete understanding of each other's language cannot but lead to a better understanding of each other's feelings and sentiments and to more cordial co-operation.

Another factor in bringing together the two races has been a growing spirit of South Africanism and national pride. This has been fostered in many

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ways, and particularly by the development of South African industries, whereby has been engendered a feeling of national pride in the home-made article. And then there is something else which in my opinion has contributed substantially toward the better feeling between the races, a factor the importance of which is not sufficiently appreciated. South Africa is a country of sportsmen; our cricketers, footballers, tennis-players, and athletes have won renown on the fields and running tracks of Britain and Europe. The enthusiasm for sport is in South Africa quite remarkable, due probably to the fact that there is no professionalism. There is nothing more likely to promote friendship and harmony between two sections or races as mutual participation in some form of sport; and in the same way there are few agencies whereby intense national feeling could be more easily roused than by the pride engendered through the success of a representative team of footballers pitted against the nationals of some other country. And when such teams are composed of representatives from both races it is easy to see that general participation in sport is bound to have wholesome and beneficial effects upon relations between such races.

In my remarks I have twice made reference to

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the flag controversy, and it is necessary that I deal shortly with it. The flag question has assumed the proportions of a first-class political issue, and cannot be disregarded in a discussion of South Africa's political problems.

At the outset I wish to say that I feel sure that the present government never imagined that the introduction of this measure would raise such a storm. And herein lies, I think, the proof of the government's sincerity, when giving the assurance that the introduction of the measure was in no way intended as an affront to British sentiment or actuated by hostility to Great Britain. The government's attitude is that in bringing forward this measure they sought to give expression to the growing feeling of nationalism and South Africanism, to provide a means for further developing this sentiment, and finally to give practical application to the autonomous status which was acquired by the dominions after the Treaty of Versailles and subsequently confirmed in writing by the Imperial Conference of October.

The present controversy is not concerned with the question as to whether there should be a distinctive South African flag. All parties appear to be agreed on that point. The sole point at issue is whether or not the Union Jack should be incorpo-

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rated in the new flag. The attitude of the government party is that a national flag can never be one in the true sense of the term unless it commands the affection and respect of all sections of the population; that in determining the design, etc., of such a flag, due regard must be had to the past history of the country and its people, and that the position in South Africa is entirely different from that of most of the other dominions, especially Australia and New Zealand, where the population is almost entirely of British descent. It is pointed out that in South Africa almost 60 per cent of the population is not of British descent; and what is more important is the fact that to the majority of that other section the Union Jack must necessarily be a reminder of the past, of a bitter struggle, and particularly of conquest by superior force of arms. Under the circumstances while there would be respect for the Union Jack as being the emblem of Great Britain, it would not be regarded with that true affection which should be ungrudgingly given to a national flag. For these reasons the government's proposal is for an entirely new flag, embodying neither the Union Jack nor the old republican colors. At the same time it was desired that both sections should be represented in the flag, and the design ultimately adopted was that of the Cross of

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St. George fimbreated in white, on a green field divided quarterly. In order that the people of the country themselves may have an opportunity of expressing an opinion it is provided that before the act can come into operation it must be confirmed by a general referendum. The measure also provides that the Union Jack shall symbolize the Union of South Africa's membership of the British Commonwealth of Nations, and that it shall be officially flown on certain specified occasions.

The opposition to the flag bill comes largely from the English-speaking section, and particularly from the province of Natal. The opposition is rooted in sentiment and there is undoubtedly a certain measure of suspicion that the bill is part and parcel of a movement to effect a gradual loosening of the ties binding South Africa to Great Britain. The design suggested by the opposition is a combination of the Union Jack with the flags of the two former republics. It is also argued that the introduction of the bill at this stage was entirely unnecessary, and that it has had the effect of reviving racial divisions and differences instead of answering to its avowed purpose of cementing these differences. The government's reply is that the bill was introduced in good faith and with honest intentions, and that much of the present opposition to the

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measure is political. It is strongly denied that there was any intention to hurt British sentiment, and that the British viewpoint has been met by the inclusion of the Cross of St. George and by expressly stipulating that the Union Jack, as the Empire flag, should be flown on certain occasions. The opposition declines to accept these assurances; and so the matter stands. Meanwhile the government is proceeding with the measure, and it is difficult to foretell what the outcome will be.

At this point it will be appropriate to deal with what has unquestionably been the biggest political issue in South Africa during the past fifteen years, an issue which has assumed the leading role in every parliamentary election. I refer to the matter of the relations between South Africa and Great Britain, and South Africa's position within the British Empire. This is a subject which is being specially treated by one of the other lecturers, but inasmuch as it falls within the scope of my subject, it is appropriate that it should receive consideration also in my lecture.

This question first came to the forefront in Union politics in 1912, two years after the establishment of Union, when General Hertzog (at that time a minister in the Botha cabinet) made his well-known De Wildt speech and for the first time

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enunciated the principle of "South Africa first"—words which later became the slogan of the present National Party. His actual reference to the imperial question on that occasion was as follows: "Imperialism is good for me to the extent to which it is useful for South Africa, but where it clashes with the interests of South Africa, I am a decided opponent of it." This statement immediately raised a storm of protest and resulted in a political crisis, General Hertzog being excluded from the new cabinet, which was formed by General Botha. The De Wildt incident changed the whole course of South African politics. General Hertzog became the leader of a new party which, starting with a membership in the house of about half-a-dozen, gradually grew until today that party is in power, with General Hertzog as prime minister.

The National Party having come into existence as a result of its leader's attitude on the question of imperial relations, it is natural that this question figured prominently in its program of principles. Article 4 of this program set out as one of the objects of the Party the attainment of "sovereign independence." It is not, however, stated whether such sovereign independence is to be attained within or outside of the British Empire. This article of the National Party constitution has been variously

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interpreted, the differences of interpretation being generally concerned with the matter of "secession," viz., whether the ideal of sovereign independence was synonymous with secession from the British Crown or not, and the related question as to whether a dominion possessed the right of secession at all. Whatever different interpretations and opinions may have been held in the past both within and outside of the National Party, it seems to be clear today, judging from the utterances of party leaders and journals on both sides, that, especially as a result of the report of the last Imperial Conference, sovereign independence is not necessarily synonymous with secession from the Crown; in other words, that sovereign independence can be attained within the British Commonwealth of Nations; and secondly, that in accordance with the decision of the said Conference, viz., that a dominion is now "master of its own destiny," it thereby possesses the right of secession, which it may exercise if so inclined.

In view of the prominent part played by General Hertzog in this important political issue and also in the recent Imperial Conference it is necessary briefly to review his attitude since 1912.

Speaking recently in the Union assembly General Hertzog made the following statement: "Ever

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since 1912 I have never preached anything else about our status than the doctrine now recognised in the declaration of the Imperial Conference." This statement seems to be borne out by an examination of Hertzog's utterances since 1912. In 1914, when discussing the matter of South Africa's participation in the War, he stated that South Africa possessed the right to remain neutral if she so desired. In 1917, in addressing the University of Stellenbosch, he said: "Side by side with the British Parliament, but by no means under them, we owe allegiance to the King of England as being also our sovereign. We are independent of Great Britain as a country, as a dominion. But on the King of England as our sovereign head we are dependent." In the following year (1918) in a speech at Paarl he said: "To us has been given (by virtue of the self-government granted in our constitution) the right to decide freely, without interference from any authority outside of our national circle, what we as a Nation shall, or shall not do." Last year, in addressing the students of Stellenbosch University, General Hertzog again stated his position regarding the independent status of the dominions, and on this occasion he laid down what subsequently became the basis of his attitude at the Imperial Conference, viz., that while there was the undoubt-

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ed theory as to the status of the dominions, a theory which was supported by *obiter dicta* of British statesmen, it was necessary in the interests of the Empire itself, and in order to secure real unity and co-operation, that the position should be clearly and unequivocally stated in writing by the Imperial Conference and published to the rest of the world.

Subsequently, on the eve of his departure for London, General Hertzog reiterated the position which he had taken up at Stellenbosch in the following words: "I shall urge at the Imperial Conference that the necessary steps be taken so that our national status and our title to international recognition can be published to the world." This intention was duly carried out, and at the first opportunity which presented itself, viz., at the opening of the Conference, the prime minister made his statement which at the time met with severe criticism both in England and in South Africa. It is not necessary for me to deal with the actual terms of the Conference report. These are well known by this time. It is, however, necessary to state how it was received in South Africa. On his return General Hertzog expressed himself as well satisfied with what had been achieved, and expressed confidence that as a result of the report

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there would be better co-operation as between the two races in South Africa, as well as between the various dominions and Great Britain. In a recent debate in the House of Assembly General Hertzog not only gave his views as to what had been secured by the report, but also stated what (in his opinion) constituted the real difference between the views held by himself and by his political opponent, General Smuts.

In the first place [said the Prime Minister] the Imperial Conference has made an authoritative declaration about our national status . . . That has never been done before.

In the second place, the Imperial Conference has in clear language acknowledged our independent national freedom.

In the third place, the declaration contains the settlement of a weighty political issue for the Dominions.

At this stage General Hertzog referred to what he had on previous occasions described as the "group unity," or "Empire state," or "superstate" idea sponsored by General Smuts:

I have already pointed out that the Rt. Hon. Member [General Smuts] and his Party were the protagonists of an authoritative Empire, to which the Dominions [at any rate, as far as foreign policy was concerned] would be subordinate. With that [kind of] Empire idea we would have nothing to do. We have always insisted that the Dominions by virtue of their self-government, had a claim to complete sovereign independence. The decision of the Imperial Conference was fa-

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vourable to the doctrine preached by me, and against that held by General Smuts.

So much for General Hertzog's views, which, generally speaking, represent the attitude of his party. The report of the Imperial Conference was, on the whole, well received, although there are some differences of opinion as to exactly what was secured.

I have dealt in some detail with the policy of General Hertzog and his party, inasmuch as they were directly responsible for raising the constitutional issue in 1911 and for keeping it alive during the years that followed. In several election campaigns the fight raged round the question of secession. General Smuts and his party maintained that Article 4 of the Nationalist program was synonymous with secession, and on this argument they based their opposition. General Smuts maintained that the higher status granted to the dominions after the Treaty of Versailles guaranteed entire freedom of action to the dominions, and as such should be satisfactory to the people of South Africa. (As indicated by extracts from General Hertzog's speeches, the Nationalist leader, on the other hand, maintained that General Smuts's attitude assumed the existence of a position of subservience on the part of the dominions to a super empire-state, es-

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pecially in matters of foreign policy.) General Smuts's attitude on these questions and on the meaning and scope of the Imperial Conference report is set out in the following extracts from his speech in reply to that of General Hertzog, to which reference has already been made. Referring to this report General Smuts said:

I think this Conference has done important work but do not let us misrepresent the work or exaggerate it Let me mention two cases: As far as this Report is concerned, the word "independence" over which we fought a battle royal in South Africa has been carefully avoided.

The value of the report is that it is an explicit recognition of fundamental facts and existing practices, and that it removes doubts and suspicions, also anomalies.

Do not let us today give any occasion for the idea that some revolutionary change has taken place within the Empire.

The Conference, instead of creating a revolution and making a new departure in the Empire, has been logically following the course which it and the Empire have always followed.

Dealing with the statement of General Hertzog regarding subservience of the dominions to a super-state, General Smuts denied that he had ever maintained such an attitude, and said that General Hertzog's assertion rested upon a misunderstanding of his policy. In reply to an interjection by the Prime Minister as to whether such subservience would not be the inevitable result of his (General

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Smuts's) "group unity" idea, the latter replied that "group unity" implied nothing more than consultative unity. In the main the attitude of General Smuts is that the Imperial Conference, while admittedly removing certain anomalies, merely reiterated and stabilized the existing position, and that General Hertzog's present attitude amounts to a "conversion" to his (Smuts's) point of view. This attitude is hotly contested by General Hertzog, who maintains that the removal of the so-called "anomalies" is of much greater effect than generally admitted, and that far more was secured than a mere reiteration of the existing position. These points were, however, dealt with in the quotations from Hertzog's recent speech in the House.

This then is the position reached in South Africa on the constitutional question up to March of this year when the debate before referred to took place. On that occasion the Prime Minister promised to allow time for a "full-dress" debate on the Imperial Conference report. Up to the present I have not received the reports of that debate. In this paper I have tried to give a fair and impartial statement regarding this problem which has figured so largely in South African political discussions during the past fifteen years. If I have fallen short in any way, then I can only say that it is entirely

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due to the fact that I had to treat a big subject merely as one of many which fall within the scope of my lecture, and that therefore my treatment must conform to limits of time and space, and consequently be somewhat sketchy.

Having dealt with the problems which spring from the presence in South Africa of two dominant white races, I will next deal with the colored races and with the problems, both political and economic, which they present. I will deal first with the Indian problem, leaving for the last the bigger and far more serious question of a black population far outnumbering the whites.

The Indian problem is one which fortunately does not extend to the whole of the Union and is confined mainly to the province of Natal, and to certain areas of the Transvaal. This problem is one of our own making, Indian indentured labor having been imported into Natal from 1860 until 1911, owing to the scarcity of local labor for the sugar plantations. These laborers were indentured for a period of five years, after which the vast majority settled in the country and took up market gardening, hawking, trading, and similar pursuits to which they showed themselves particularly adapted; so much so that they gradually came to play a very important part in the economic life of Natal

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and their presence there came to be regarded as menace to the Europeans who, living according to higher and entirely different standards, found it very difficult to compete with them. This problem gradually assumed larger and more serious proportions, especially when it spread to certain areas of the Transvaal and when it also began to take on a social aspect. Many of these Indians, owing to their remarkable success in business, combined with a cheap standard of living, grew prosperous, and in many cases even wealthy. No longer content to live in the Indian and similar quarters of the towns and cities, they began to seek a more congenial atmosphere, and there began a process of gradually "freezing out" Europeans from certain localities. An Indian would purchase a residence in a certain street, and the European living on either side would wake up one morning to find that he had acquired an Indian neighbor. Color prejudice will not tolerate this state of affairs, and the result is that very soon two more residences are in the market, and two more Indians become residents in that street which has always prided itself upon its respectability and social atmosphere. And so the process goes on. Within a comparatively short space of time the Indians are in complete possession and the Europeans are seeking quarters

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elsewhere, wondering for how long they will be left undisturbed there.

This, then, in short, is the Indian problem. Economically, socially, and also morally, the Indian has become an undesirable and even dangerous element in the population. The problem must be tackled! But how? About 75 per cent of the 170,000 Indians in the Union were actually born in the country, and in any event all Indians have acquired a Union domicile. There could thus be no question of compulsory repatriation. The only courses left were to limit immigration and by legislation to put restrictions upon the movements or activities of the Indian population. Various measures have been taken, the most important being the Immigrants Act of 1913, whereby immigration of Asiatic males into the Union is prohibited, except in the cases of the wives or young children of domiciled Indians.

In the Transvaal repressive measures were taken in the days of the old republic, and after the Boer War these measures were kept in force by the British military authorities and re-enacted after the granting of responsible government. These enactments restricted the movements of Indians and provided for their registration. There was strong opposition on the part of the Indian

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population, led by M. K. Gandhi, who returned to India in 1914 to become the leader of a new movement there.

Meanwhile the opposition of the European population, especially of Natal, to Indian trading activities continued to grow, and in 1924 the Class Areas Bill was introduced, which had as its main principle that of confining the Indian community to certain areas, especially in the matter of trading. This was not proceeded with at the time, owing to the dissolution of Parliament. Furthermore in Natal there had been introduced certain restrictions in regard to municipal affairs and the granting of trading licenses. Meanwhile there had been in operation since 1914 another scheme for alleviating the position, viz., the voluntary repatriation of Indians under the Indian Relief Act, whereby Indians were encouraged to leave the Union, the inducement being payment of railroad fare, sea passage, and a bonus after arrival at destination. In this way 20,384 Indians were repatriated between 1914 and June of 1926, 10,135 of these being adult males.

After the Hertzog government came into power they proceeded to introduce legislation which generally speaking followed the lines of the Class Areas Bill of the previous government.

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Meanwhile the Indian government had begun to take an active interest in the South African situation, and a series of communications passed between the governments concerned. As a result of these communications the Union government ultimately agreed to a round-table conference and an influential deputation was sent from India to take part in the deliberations. This conference was held *in camera*, and after fairly protracted deliberations it was announced that an agreement had been arrived at which was largely in the nature of a compromise. From the South African point of view the favorable features were, firstly, that the Indian government would in future actively assist in a repatriation scheme which is outlined, and secondly, that in future three years' continuous absence from the Union would entail loss of Union domicile, and thirdly, that minor children would not be allowed to enter the Union unless accompanied by the mother, if alive. The most important gain on the Indian side is the withdrawal by the government of its intended legislation before mentioned. Furthermore, it is formally recognized by the Union government that Indians should be given every assistance in enabling them to rise to and to conform to western standards of civilization, in matters of health, education, and the like. Then

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finally there is a half promise on the part of the Union government that the Indians may expect some relief in regard to the present provincial restrictions affecting the granting of trading licenses.

I have said that the agreement was arrived at in a spirit of compromise. Compromises are rarely so adjusted as to be quite satisfactory to both parties, and that remark certainly applies in the present instance. It is evident from authoritative opinions expressed on both sides that the agreement has been much more enthusiastically received in India than in South Africa, from which one may with a fair amount of certainty infer that India "has got the best of the bargain." In this lecture I have tried in most cases to refrain from expressing my personal opinions when dealing with controversial matters and problems, but in this instance I will venture the opinion that the Indian problem is still with us. The agreement may somewhat alleviate the position, but in the main the problem is yet to be solved.

There now remains for consideration what is undoubtedly South Africa's biggest and most serious problem, viz., that generally known as the native question. This is a problem concerning which volumes have been written, and it will be appreciated that in a general lecture of this kind

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I can do no more than to indicate, and to touch upon, its main features. First of all I think it necessary to explain certain terms or names commonly used in discussions of this problem. The term "native" refers to a member of one of the aboriginal tribes of Africa, and as a general rule can be taken to refer to the Bantu or Kaffir types, such as the Zulus, Fingos, Tembus, etc. There are no longer to be found in the Union any of the aboriginal Hottentots, or Bushmen, who were never hardy enough to survive as independent races. In contrast to the natives there is the class known as the colored, or more popularly the "Cape colored." It will be found that these are mainly of Malay origin, with a fair admixture (in the early days) of Hottentot blood. There is also a small percentage of European blood in this class, but it must be at once stated that in that respect South Africa has shown a fine example to the rest of the world, and offers a marked contrast to those other countries where white and colored races have been unable to live together without a considerable amount of miscegenation taking place. Whatever may be said against the so-called color prejudice in South Africa, it has at least been the means of keeping the European element comparatively pure. One of the main differences between the native and the

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colored is that while the native has retained his own language, and (as regards the majority) has adhered to his native customs and tribal organization, the colored section has adopted the ways, dress, and language of the European. The native is still a national entity; the colored element is not. It is important to bear in mind this difference between these two classes, since it forms the basis of the differential treatment to be discerned in the native and colored policies of the present government.

According to the census returns of 1921, the population of the Union was made up as follows:

European	1,519,488
Native	4,697,813
Colored and mixed	545,548
Asiatic	165,731

From this it will be seen that the true native population is approximately three times in excess of the European, and herein lies the seriousness of the native problems for South Africa.

The problem is both political and economic. Fortunately it has not yet become a social one, and is not likely to become so while the average South African European holds to his present views in these matters. In fairness to the native, and also to the colored section, it must be stated that nei-

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ther of these sections has ever claimed or desired anything in the way of social equality. Politically the position is that in the Cape Province, native and colored men possess the franchise or vote provided they conform to the requirements of the electoral laws, but not so in the other three provinces, where the vote is exercised only by the Europeans. The result is that in all Cape constituencies white and colored races vote together, and in certain constituencies the native or colored "block" is a fairly strong one, sufficiently so to play an important part in an election campaign. The political aspect of the native problem is, however, not so much concerned with the actual position as it exists today, but more particularly with what is likely to happen in the future, due regard being had to certain indications and tendencies which are already showing themselves and which are being viewed with misgivings by those who are determined that the white man shall continue to guide the destinies of South Africa.

Although the native today possesses the vote only in the Cape Province, it is quite evident that his fellow-natives in the other provinces will not be content with the perpetuation of a native element in this direction, and white South Africa must squarely face the position that sooner or later the

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inevitable must happen. The native is becoming educated, and it is a significant fact that although the bulk of the native population is still in a semi-civilized state, educational statistics show that the non-European attendance of schools is only 68,000 below that of the European. The spread of education amongst the natives means that every year an increasing number are able to conform to the very simple educational qualifications that are required in the Cape Province for enrolment on the list of parliamentary voters; that where today only a certain percentage of natives are able to conform to these requirements, the position will be very different in years to come. Assume now that the demand for the vote can ultimately be no longer denied to the natives of the other three provinces; take further into account the spread of education before referred to, and it needs little imagination to see that with a three-to-one superiority in numbers, the native vote will ultimately endanger the political supremacy of the white man in South Africa. Let me here add that not only is elementary education spreading fast, but there has been a very considerable increase in higher educational facilities for natives. Young natives who have received a liberal education are not content with the present state of affairs which gives them very little

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outlet for the knowledge and education which they have acquired, beyond engaging in the teaching profession, and the result is that many of these educated natives are becoming political agitators who make use of every opportunity to urge their fellow-natives to demand full political rights in all the provinces of the Union.

These, in short, are the main features of the political side to the native problem. There are few statesmen in South Africa who will dare to advocate the wholesale extension of the native vote to the whole of the Union. In fifty years' time (or even sooner) it may no longer be possible to refuse the vote. This is the question which General Hertzog aims at solving in the bills which he has recently introduced into Parliament, and which I will deal with later.

Secondly, there is the economic aspect of the problem, which is not merely a question of the future, but one which is today already seriously affecting the European workers of the country. In this aspect of the native problem two factors actively operate, viz., the numerical superiority of the native population compared with the white, and secondly, the very important factor that the uncivilized, or at any rate half-civilized, native, living according to the standards of his class, is

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able to work for a far lower wage than the average white worker who has to live according to civilized standards. The result has been that from the earliest days the lower grades of manual labor have been performed by natives, leaving it to the white man to engage in the better class of work or in semi-skilled or skilled labor. Gradually, in closer contact with civilized life and with the spread of education, the native began to adapt himself to other kinds of work, and ultimately entered the sphere of semiskilled labor. With increasing competition amongst employers of labor and the continual efforts to reduce working costs it is not surprising that employers were not slow to take advantage of the cheap labor offered by the natives. The result was an increasing use of native labor and an influx of natives from the kraals to the towns and cities. This could have but one result, viz., the gradual ousting of the European and civilized colored man from certain fields of labor, and today South Africa with its small white population is already grappling with a "poor white" and an unemployment problem. True, certain other factors have contributed to the existence of the latter problems, such as droughts and trade depression, but the most important contributing factor has undoubtedly been the keen and unequal competition between black

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and white in the field of labor. This competition has had not only serious economic results, but has also been the cause of industrial upheavals. As already mentioned in the earlier part of my lecture, the Rand strike, with the subsequent revolution of 1922, was a direct result of the competition between black and white, and may be regarded in the nature of a "writing on the wall," a warning as to what may happen on a much larger and more serious scale in the future if the policy of laissez faire and drift be allowed to continue.

I have indicated in broad outlines the economic aspect of the native problem. As in the case of the political aspects, I have not been able to go into any detail.

It is today generally admitted that the present position is the result of allowing the situation to develop unchecked, and this policy of drift is in turn to be ascribed largely to the fact that in the Cape Province the native has the vote, and is thus a factor to be reckoned with by political parties. Sporadic attempts have been made in the past to deal with the problem, but there has never been a determined and courageous grappling with the situation. The Native Land Act of 1913, the Report of the Beaumont Commission, the Native Administration Bill of 1917, and the Native Land Act

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of 1920—all these were well-meant attempts to deal with the problem, but at best they formed a basis for further action, which unfortunately was never taken.

This was the position in 1924 when a change of government took place in the Union. At an early stage in the life of the new administration it was indicated that the Prime Minister intended to seriously tackle the native problem, and in November of 1925 General Hertzog made his well-known Smithfield speech in which he gave an outline of his proposals. In 1926 these proposals were embodied in four bills which were laid on the table of the House, and in the following session, i.e., at the beginning of the present year, the four bills were formally introduced, passed the first reading, and were then referred to a select committee of the House. Full discussion and action on these proposals will take place during the 1928 session. Before proceeding to deal with these proposals it might be stated that friend and foe alike agree in paying tribute to the courage of the Prime Minister in coming forward with a policy which, if rejected, may mean not only the end of his government, but even of his own political career.

It was perhaps best put by the *Bloemfontein Friend*, a leading paper in the Union, as follows:

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A tribute should be paid to the high moral courage with which he [General Hertzog] has faced the biggest issue that has ever confronted this country. This courageous handling of the problem, coupled with a fine sense of justice in appreciating the Native view, that runs like a silken cord throughout the whole utterance, will make last night's speech live as one of the outstanding political orations of South Africa.

The Prime Minister's native policy which is in main one of political, economic, and (to a certain extent) territorial segregation, appears to me to be based upon a realization of the following facts and conditions:

- i. That in the matter of cultural, intellectual, and political development the native is still in his childhood as compared with the stage of development at which the European has arrived, and that there can for ninny years be no question of the native assuming full equality and responsibility with the European in the governing of the country. In other words, that the white man's right to leadership in South Africa is beyond dispute and must be assured.

2. That, having regard to the fact that the native population far outnumbers the European, full political equality throughout the Union might mean intrusting the destinies of the country, and the welfare of the white population, to the natives,

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who, as stated before, are still at the threshold of their development.

3. That there is a deep gulf between the European and the native population in the matter of national characteristics, customs, development, etc., and that these differences demand differential treatment in political and economic spheres.

4. That in a lesser degree this applies also to the differences between the undeveloped native and the class known as the "Cape coloreds," whose outlook upon life and whose language and customs are those of the white man. In other words, the Cape colored cannot be grouped under the same category as the native.

5. That, having regard to the before-mentioned differences, there must necessarily be a political and economic dividing line between the white man and the Cape colored on the one hand, and the native on the other hand; in other words, a policy of segregation is indicated.

6. That in formulating a native policy due account should be taken of the national characteristics and the tribal organization of the native, and that every facility should be given the native for developing politically and economically along his own lines and as far as possible within his own territorial areas.

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7. That native and European, each within his own spheres and areas, should be protected against each other, thereby removing possible causes for future disagreement and probable conflict.

8. That in fairness and justice to the native, the existing state of doubt and uncertainty should be ended and he should be frankly informed as to the policy of the European.

The foregoing eight points seem to me to be the main supports upon which General Hertzog has built his native policy, and upon which rest the four bills which I will now proceed to outline and briefly explain.

LEGISLATIVE PROPOSALS

i. *Franchise rights*.—First, there is the measure dealing with the political rights of the natives. General Hertzog's policy is (1) that full political rights for natives cannot be extended to the whole Union, and (2) that there must be uniformity. He therefore proposes that the natives of the Cape Province shall lose the franchise right which they now possess. Realizing, however, that there should be a *quid pro quo* for the privilege taken away, and that in any event the native population is entitled to representation in the Union Parliament, he proposes to substitute a Union native franchise for the Cape native franchise, whereby the natives of the

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Union will be given seven European representatives who will be directly elected by them and who will sit in the House of Assembly purely as representatives of native interests. They will have all the privilege of ordinary members except in two respects: (i) They will not be allowed to vote on a motion to increase their own number, and (2) they will, with certain exceptions, not be allowed to vote on a motion which has been declared by the government to be one of "confidence" or "no confidence." This is designed to prevent these seven members becoming "political tools" in an equally divided House.

As was to be expected, the strongest opposition to the Premier's proposals is in regard to the contemplated removal of the Cape native franchise. The right to vote is always a highly prized privilege, even though it may not always be intelligently exercised. There are, on the other hand, many who feel that the Prime Minister is actually giving more than he is taking away. In the first place the natives of the other three provinces are now securing direct representation which they never enjoyed before, and in the second place the Cape natives are now securing exclusive representation, whereas in the past they voted together with the Europeans.

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2. *A native council.*—The second bill embodies principle No. 6 previously mentioned, viz., that due account should be taken of native national characteristics and tribal organization in formulating a native policy. This bill provides for a native council for the Union consisting of fifty native delegates, of whom thirty-five shall be directly elected by the natives. This council, which will function as a sort of native parliament, will have the power to pass ordinances in regard to purely native matters. Furthermore, it will consider proposed native legislation and pass resolutions in regard thereto which must be submitted to, and be duly considered by, the Union Parliament. The council may also, on its own initiative, submit proposals and resolutions to the Union Parliament.

Here again the native will be given certain valuable rights and privileges which he today does not possess. The chief merit of this measure is that it will provide the native with a means of political development within his own sphere and along his own lines, and at the same time give him a means of conveying his desires to the Union Parliament in an authoritative manner. Here too the educated native will find an outlet for using the education that he has acquired.

3. *Land.*—The third bill deals with the difficult

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problem of land. The Prime Minister realizes that if his policy is to have any measure of success it is necessary that the native shall have the necessary land for his economic needs and development; that there shall be a strong inducement for those natives who have flocked to the cities to return to their own people and to the land. This measure, which is too complicated to deal with in detail, provides in the main for the release of certain land for native occupation and for the means of acquiring further additional land. The main purposes of this bill are to secure territorial and economic segregation and to assist in perpetuating the tribal organization which is peculiar to the Bantu races and which has functioned very satisfactorily in the past. No European will be allowed to acquire or to own land within the native areas, nor will he be allowed to carry on any trade or profession within these areas. All such rights and privileges are secured to natives only. Although no mention thereof is made in the bill, it has, however, been stated that the Premier's policy in regard to these native areas will apply also to labor to be done on government works or positions to be filled in government offices within the areas. Here again scope is provided for the educated native.

The bill then proceeds to provide for the con-

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trary case, viz., that of natives within European areas. It is freely recognized that the services of natives will continue to be required in certain fields of employment or labor, and special provision is made for natives to remain in European areas under certain conditions. The general principle will, however, be adhered to, viz., that except under the conditions just mentioned, the European will receive prior consideration within his own particular areas.

A final word regarding the areas to be set aside for the natives. I have seen it stated on several occasions in the American press that the Hertzog scheme contemplates relegating the native to unfertile and desert parts. Let me hasten to assure that these statements are entirely devoid of any truth. Already there are in existence large native areas in different parts of the Union, and from personal observation I can testify that these include some of the most fertile parts of South Africa. The further areas proposed to be allotted to the natives under the Hertzog proposals are likewise fertile and highly desirable; so much so that already a considerable measure of opposition to his bill comes from Europeans who are loath to see the natives taking possession of these lands.

4. *The colored man.*—The fourth bill takes ac-

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count of the undoubted differences between the colored and the native population, to which reference has already been made. The position today is that the colored man politically suffers under the same political disabilities as the native in the three northern provinces, and this bill is designed to alter that. Under certain specified conditions provision is made for the colored section to obtain in the three northern provinces the franchise right which hitherto they have never enjoyed. The Prime Ministers policy is briefly that inasmuch as the colored man is not a member of a distinct national entity, such as is the case with the native, and as his outlook upon life and his manner of living is largely that of the European, he must politically and economically be treated like the European, provided always that he conforms to the definition of a colored man as set out in one of the clauses of the bill.

These then are the measures by which the Prime Minister hopes to solve this great problem which faces South Africa. As was to be expected, there is considerable divergence and difference of opinion concerning these proposals, amongst leaders of both the European and native population, though there appears to be general agreement that the Hertzog policy is a sincere attempt to arrive at a satisfactory solution, and that it is the first

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really definite and constructive policy that has been put forward. It is also admitted that the Hertzog proposals are characterized by a deep sense of justice toward the natives and by an appreciation of their peculiar point of view. The fate of these proposals has yet to be decided, but I am inclined to the view that though they may be altered in certain details, the main principles will ultimately be adopted. The proposals are not in the nature of a makeshift or of a temporary remedy; they aim at a durable solution of the great problem which today hangs like a sword of Damocles over the heads of white and black alike. I am very glad to have had an opportunity of putting the facts of the case and the proposed solution before an audience of thinking men and women. Much has been written also in American newspapers and publications regarding this great question, and I regret to say that most of what I have read has been based either upon misinformation or upon racial or political prejudice. Then there are of course always those well-meaning people who preach sermons and propound doctrines on the subject of brotherly love and equality of all races, irrespective of color and other essential differences between such races—doctrines which fall to the ground immediately they are put into practice

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under actual existing conditions. In my lecture I have tried to give you a fair statement of the position, based largely upon my own personal knowledge of conditions in South Africa; I have explained to you the attitude and the policy of our Prime Minister; and I sincerely hope that I have thrown some light on a question which too often is obscured by the doctrinaire vaporings of armchair critics.

This brings to a conclusion my discussion of the political and economic problems of South Africa. I fear that I have exceeded the time ordinarily allotted to a speaker, but I am sure you will appreciate that in dealing with so wide and comprehensive a subject and with so many intricate problems it is very difficult to keep within definite limits. Furthermore, too brief and sketchy a treatment of intricate problems often results in misapprehension and confusion, whereby the very object of the lecture is defeated.

I have tried to present these problems fairly and dispassionately, and if I have succeeded in throwing some light on South African problems which you hitherto may not have understood, or if I have succeeded in disabusing your minds of erroneous impressions and conceptions, then I, for one, am well content.

SOUTH AFRICA AND THE
BRITISH EMPIRE

By ANGUS S. FLETCHER

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The subject of this address is capable of treatment in many ways. I have chosen to take up what seem to me to be the two or three questions of vital consequence to South Africa in her relations with Great Britain and with the Empire, to discuss them very briefly and leave with you what, in my judgment, are the signs of the future.

Let me at the outset answer the question, What do we mean by South Africa? The geographic unit which we see when we look at the map, namely, British South Africa south of the Zambesi, is composed of several states and territories differing widely in political and economic development. There is first the Union of South Africa, composed of the former self-governing colonies of the Cape of Good Hope and Natal and the two former republics of the Transvaal and Orange Free State, together with the harbor of Walvis Bay, (an enclave in the mandated territory of Southwest Africa); secondly, there is the self-governing colony of Southern Rhodesia, whose northern border is the Zambesi; thirdly, the native protectorates of Bechuanaland, Basutoland, and Swaziland; and lastly, the mandated territory of Southwest Africa,

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now under the tutelage of the Union. Political economic, and geographic considerations point to the ultimate consolidation of all these territories under one government.

Provision has already been made in the Act granting a constitution to the Union for the admission of Southern Rhodesia and the protectorates, and it is not inconceivable that the inhabitants of Southwest Africa, for whom the Union is trustee, may wish to fulfil their destiny as a constituent part of it. At the same time the economic life of the coast is inextricably bound up with the *hinterland* of the great peninsula of southern Africa.

The greater South Africa which I have described covers an area of nearly 1,250,000 square miles and contains a population of something like 8,750,000 persons. Or we may say that it is a territory two-fifths the size, with one-thirteenth the population, of the United States. More significant is the fact that of the 8,750,000 people in greater South Africa, only 17.9 per cent are of the white race.

The total imports and exports of greater South Africa were, in the year 1925, £75,000,000 and £88,000,000, respectively.

There are four degree-granting universities in South Africa, and 10,495 schools. From these ele-

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mentary facts you will see that while South Africa has attained considerable economic and cultural development and is a territory of great area, it is inhabited by a relatively small population, of whom less than one-fifth represent what we may call civilization, while the great bulk of the remainder are in a state of development which it is not unfair to describe as at best law-abiding barbarism.

Let us now turn to the past. The discovery of the Cape of Good Hope was one of the fruits of that golden age of adventurous seafaring of which the trade route to India was the prize and crown. Bartholomew Diaz in 1486, and Vasco da Gama in 1497, the Portuguese sailors, took the right turning where Christopher Columbus took the wrong, and blazed a trail to India while their unsuccessful rival was "blundering into America." It was its position on that all-important way to the East which for the first centuries of its history fixed South Africa's place in world-politics. Hence the early chronicles of the Cape are scarcely more than the guest book of an important, perhaps essential, wayside inn on the main highway of ocean traffic. When you visit Cape Town, as I hope most of you will, go to the general post-office. There you will see a fragment of a boulder on which is chiseled the name of a ship. This was the first post-office in South Africa.

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Under it and similar stones on the beach the sea captains of those early days placed their mail on their outward or homeward voyages, to be picked up by those proceeding in the opposite direction. This relic symbolizes the part played by the Cape in the history of a world without steamships and interoceanic canals; it suggests also the character of the settlement which gradually grew up under the shadow of Table Mountain.

The Portuguese, the British, and the Dutch, each at one time or another in the fifteenth and sixteenth centuries, laid claim to this useful half-way house, but it was the Dutch alone who were sufficiently enterprising to consolidate their claims, and it was under the Dutch East India Company that Cape Town grew from a post-office into a vegetable garden, from a vegetable garden into a colony.

The early history of this settlement was not very different in character from that of chartered company settlements before and since. The Dutch East India Company has been described as having been "in all things political purely despotic" and "in all things commercial purely monopolistic."¹ These attributes are perhaps essential for a char-

¹ E. B. Watermeyer, *Three Lectures on the Cape of Good Hope under the Dutch East India Company* (Capetown, 1857).

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tered company's success. For it attempts to reconcile the duty to secure profits for shareholders with that of providing peace, order, and good government within its sphere, and it is not unreasonable under those circumstances that chartered companies should seek to protect themselves against the interference of democratic ideas.

As might be expected, the Dutch settlers who were not officials of the company fought the battle of freedom against chartered company control with the same verve, the same obstinacy, that we have seen exhibited by British settlers who have found themselves similarly placed. They resisted political boundaries, legislative restrictions, and commercial monopolies just as persistently as have the citizens of Southern Rhodesia during the past thirty or forty years.

We need pause here no longer than is necessary to observe first that the "free burghers" of South Africa earned that significant title after a bitter struggle with their masters from the Netherlands, and second, that the pioneer spirit and desire for freedom from restraint which have been such marked characteristics of the South African early made their appearance.

South Africa had thus already witnessed the trials and tribulations of a democratically minded

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people ruled by autocratic methods when in 1795 Great Britain appeared on the scenes for the first time in the role of conqueror. She came on this occasion as the ally and agent of the Prince of Orange, the hereditary stadholder of the Netherlands, who was at the moment a refugee in Great Britain from French aggression. As she had seized the Cape on behalf of the stadholder, Great Britain returned it when peace was declared by the Treaty of Amiens after only eight years of occupation. But that was not the end of British association with the Cape, for the fate of South Africa was bound up with the great European drama, and in less than three years war had broken out again, with Holland once more under French influence, on the side of the enemy. Great Britain lost no time in seizing the Cape, and this time, by the Convention of London, she was allowed to retain it. She paid to the Netherlands the sum of £6,000,000 for the Cape, and other Dutch settlements, and so converted her title by conquest into a title by purchase. Thus Britain took the first step in the foundation of the great imperial domain of South Africa, out of which has emerged the Union of South Africa and from which the greater South Africa of the future is yet to come. She did so, not with the splendid vision in her eyes which is before the young South

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African of today, but for the prosaic reason to which I have referred, namely, that the Cape was the halfway house on the sea route to India. The strategic value of the Cape of Good Hope was great indeed to the power that was to recreate the Indian Empire itself under the royal standard; but time alone could discover in that remote and isolated settlement the potentiality of a great dominion.

The Union of South Africa is today one of the great self-governing states of the Empire, but 125 years ago the Cape of Good Hope from which the Union has sprung was little more than a small agricultural settlement in the southwestern part of the peninsula. The population consisted of some 25,000 whites, with about 30,000 slaves and perhaps 200,000 aboriginals. The white inhabitants were composed of hardy, adventurous, freedom-loving Dutch pioneers, with a strong strain of the ubiquitous French Huguenot. Already they had begun to range beyond the bounds of the settlement and were slowly penetrating into the vast and forbidding *hinterland*, trekking away beyond the official boundaries of the colony, hoping thus to avoid the restrictive laws of the Dutch East India Company.

So far as is known the aboriginals who were the

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first inhabitants of the Cape, and with whom the Dutch had at first to deal, were Hottentots and Bushmen. Both tribes have since become practically extinct, apparently overwhelmed by the strong medicine of civilization. Their place has been more than filled, for while they were dying out the Bantu, in strong and well-organized tribes was sweeping in a victorious tide down the well-watered strip along the east and southeast coasts of Africa, and over the easterly plateau. Before Britain appeared on the scenes these people had already clashed with the Dutch settlers in what is now the Eastern Province.

Thus at the very outset Great Britain came face to face with two of the most difficult of her imperial problems on the African Continent.

On the one hand she was confronted with the task of governing somewhat reluctant subjects of her own racial type and civilization, inspired like herself with a great tradition of political freedom, imbued with a keen pioneering spirit, and capable of extraordinary self-sacrifice. On the other she beheld a steady and seemingly inexhaustible invasion of barbarism. On the one hand the *voortrek-*

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ker shaking off unwelcome restraints and seeking pastures new, on the other the Bantu, lusting after blood and captives, cattle and the chase.

Here then were problems calling indeed for boldness in action, sympathy in treatment, wisdom in statesmanship. These problems I now propose to discuss:

It is probable that neither in Great Britain nor in South Africa would the questions involved in the clash of European civilization with Bantu barbarism, usually described in South Africa as the native question, be regarded as matters in which Great Britain or the Empire was concerned. The Union of South Africa is free to pass any legislation which it may wish on this, as indeed on any other subject. Nevertheless, an examination of the circumstances shows that Great Britain willy nilly is deeply involved in the native question in South Africa.

If we look at the map we see first that within the borders of the Union itself lie two imperial protectorates, namely, Basutoland and Swaziland, while contiguous on the northwest stretches a huge territory known as Bechuanaland, extending over the Kalihari Desert to the borders of Portuguese

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territory. The estimated area of these three protectorates is:

	Square Miles
Basutoland	11,716
Bechuanaland	275,000
Swaziland	6,638
Total	293,354

Their population, practically the whole of which is Bantu, numbers:

Basutoland	498,781
Bechuanaland	158,152
Swaziland	111,106
Total	768,039

These territories are governed by the crown acting through what is known as the South African High Commission, an office created in 1878, formerly held by the governor of the Cape of Good Hope, and now vested by separate commission directly from the crown in the successive governors-general of South Africa. In the high commissioner resides the legislative authority for these protectorates, an authority which is exercised, of course, independently of the South African Parliament.

North of the Transvaal we come to the colony of Southern Rhodesia, which since October 1, 1923, has undertaken to govern itself under respon-

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sible institutions, subject to certain restrictions concerning native policy. The population of this territory consists of 862,319 natives, 33,620 Europeans, and 3,734 Asiatics.

Crossing the Zambesi, we come to Northern Rhodesia, a territory of approximately 287,950 square miles, with a population of 1,106,524, of whom 4,424 are Europeans. Northern Rhodesia is governed by the crown through an administrator with the assistance of a partly representative legislative council. Bordering Northern Rhodesia on the east is the Nyasaland Protectorate, with an area of 39,956 square miles and a population of 1,210,344, of whom 1,462 are Europeans and 669 Asiatics. It is governed by the crown through an administrator, assisted by an executive and a legislative council. From Nyasaland and Northern Rhodesia we step into the territory now known as Tanganyika, formerly German East Africa, a territory now administered by Great Britain under mandate from the League of Nations. It has an area of about 350,000 square miles, with a population of 4,106,700, including approximately 2,400 Europeans, 10,000 Indians, and 5,000 others.

Continuing north we come to the Kenya Colony and protectorate, stretching to Lake Victoria Nyanza, in area some 248,000 square miles, with

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an estimated population of 2,606,509, of whom 24,776 are Asiatics, 9,753 Arabs, and 11,002 Europeans.

Northward of Kenya Colony and to the north-east of Lake Victoria Nyanza is the Uganda Protectorate, in area 110,300 square miles, with a population of 3,145,449, of whom 1,351 are Europeans and 7,229 Asiatics.

Finally, we reach the Anglo-Egyptian Sudan, the area of which is estimated at 1,014,600 square miles, and the total population at 5,855,000, of whom some 3,000 are Europeans.

Thus we see that Great Britain is responsible for peace, order, and good government of a native population numbering over 15,000,000 inhabiting a continuous strip of territory running from Basutoland in the Union to the southern border of Egypt, a distance of some 3,500 miles, and representing a total area of nearly 2,500,000 square miles.

How has Great Britain fulfilled her obligations to these native peoples so far as South Africa is concerned? The answer can be given in the words of that great South African, Chief Justice De Villiers. Writing to the poet Swinburne in 1901 in defense not of Great Britain but of South Africans, he says:

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The treatment of native races by Europeans is a very wide question, and I fear there are no European nations which can escape the charge of having at times been guilty of inhumanity. My own belief is that the English nation has as a rule displayed greater humanity in its treatment of subject native races than any other, and that is one of the reasons why I, in common with so many other South Africans, have worked unceasingly in support of the extension of British rule over the whole of South Africa by peaceful and constitutional means. . . .¹

But perhaps the best indication of the degree of success attained by Great Britain with these subject races is the fact that they never omit to remind her that they look to her to conserve their present rights, and especially to uphold the principles on which they are now governed, namely, that in native territories the interests of the natives themselves are the primary consideration.

I have already pointed out that provision is made for the ultimate inclusion of the protectorates south of the Zambesi in the Union, and it is significant that, knowing this, the native peoples of those territories, when discussing their destiny, constantly emphasize the imperial government's position as trustee of their interests. The attitude

¹ De Villiers to Swinburne, Bournemouth, England, December 1, 1907, quoted by Eric A. Walker (Professor of History in the University of Capetown), *Lord de Villiers and His Times* (Constable, London, 1924), p. 389.

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of the imperial government itself with regard to these protectorates was indicated by Lord Selborne, who was high commissioner at the time of the unification of South Africa. Apropos of the future inclusion of the protectorates of Basutoland and Bechuanaland within the Union, he made it clear that the British government regarded its obligations to the tribes inhabiting those territories as "obligations of honor of the greatest possible weight," and he took pains to point out that "these tribes surrendered themselves under the dominion of Queen Victoria of their own free will, and they have been loyal subjects ever since."¹ It is not surprising, therefore, that the imperial government insisted upon safeguarding the position of these peoples in the event of their territories coming under the government of the Union.

But even if the interest of the imperial government in the native problem did not rest on these specific obligations south of the Zambesi, it is clear that Great Britain's enormous responsibilities to the North must involve her in all fundamental developments in the South. It is a truism to say that political isolation is no longer possible. Certainly

¹ Selborne to De Villiers, October 20, 1908. Quoted in Walker, *op. cit.*

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when we realize that the completion of the Cape-to-Cairo Railway is within sight of this generation, that a continuous transcontinental telegraph line is already an accomplished fact, and that a motor journey from one end to the other of these territories is actually possible, to speak of confining the effects of South African native policy is absurd. It is plain that Great Britain will profit by the wisdom of South African policy, as she will certainly suffer if that policy should be unwise.

Whether she wishes it or not, then, Great Britain is deeply involved in the consequences of the native policy of the Union of South Africa.

Let us look now at this question as it presents itself to the South African. That aspect is well stated by Hon. Patrick Duncan in *Foreign Affairs** for January 1927, as follows:

Since the European first made effective settlement on its shores, about 270 years ago, he has gradually extended his hold upon the land. He has introduced his civilization, broken the power of the savage tribes who disputed his occupation, reclaimed the land to agricultural and pastoral uses, established mining and manufacturing industries. He has made the land his home. Its civilization came with him, and could not even now continue without him. And yet he sees this very civilization being turned against him by the descendants of those barbarous tribes among whom he had to win his way

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through many years of warfare. He has abolished the famines and inter-tribal wars which formerly kept a check on the growth of the native peoples, and these peoples are strong enough to withstand the physical degeneration which contact with civilization so often spreads among savages. They do not die out. On the contrary they increase and multiply. They take their part in the white man's industries and learn in the schools and educational institutions which he provides for them. It is no more than natural, therefore, that he should watch their gradual rise in civilization, slow though it may be, with some measure of apprehension for the future of his own race. As they turn to habits of industry, monopolize (as they almost do) the unskilled labour of the country, begin to push their way into skilled trades and even professions, the white man not unnaturally has fears that they may in time so encroach upon the field which his race has hitherto regarded as its own, as to prevent its normal expansion, reduce its numbers, and in the end threaten its political supremacy.

This fear lies at the root of what is called the "native problem" in South Africa.

How the people of South Africa may choose to deal with this vital problem is constitutionally a matter for themselves, and I am not concerned here to discuss the policy of the South African government on the native question. Nevertheless, the keystone of both British and South African policy on the native question is and can only be co-operation, and for this reason it is important to observe some fundamental characteristics of the latter. In the first place it has long been the tradition of all

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political parties in South Africa to approach this grave problem with extreme caution and a full sense of the responsibilities involved. It may be argued that the measures recently introduced into the South African Parliament by the present government, in so far as they mark a radical departure from the somewhat negative policy that has prevailed hitherto, are fraught with serious difficulty, if not danger. The proposals now under consideration aim at a modified form of segregation, political and otherwise, under a system uniform to the whole Union. This will involve taking away from the natives in the Cape Province the franchise, which they at present exercise on an equality with the white man. In its place the natives of the Cape will, in common with the rest of the natives in the Union, enjoy an elected representation in a native council and a nominated representation in the Union Parliament. The merits or demerits of these proposals are not within the scope of this address, but it is relevant to note that they have been made with straightforwardness, honesty, and courage on the part of the government of South Africa. They do not seek to avoid with phrases the difficult issues which immediately arise. They recognize **the** existing facts irrespective of their character, and state their purposes without reservation. They

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do not attempt to palm off on the native limited political rights as if they were full measure, and, however, imperfectly, they do recognise the necessity of at least one attribute of democratic institutions, namely, the right of consultation and advice.

And while the politicians are busy with their plans, with political and economic considerations in view, let us not forget what may in the end prove to be the most powerful influence of all. It is extremely significant that within the past few months there has been held in Cape Town a conference initiated by the Dutch Reformed church, which is the spiritual guide of practically the whole of the Dutch-speaking community in South Africa, with the active co-operation of the other churches, and in which native leaders participated to the fullest extent. The purpose of this conference was to establish a basis of facts relating to the life of the native, to clarify the issues, and to bring to bear upon the whole question the guiding light of Christian principles: "Under Divine guidance the white and black races are living in this country, and, alas, it is not clear to all, at least not clear to the vast majority, what white and black owe to one another, what duties they have to perform and what line of conduct they should follow." Approaching the grave problems before them in the

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spirit of these words of the moderator, Rev. D. S. Botha, this conference traversed the field of its labors with a frankness and thoroughness which give promise of constructive results in forming a sound public opinion.

I therefore conclude these observations as follows: South Africa is facing her responsibilities in the native question with courage and good sense and not without spiritual understanding. We need have no fears, therefore, of a hasty or ill-advised native policy on the part of her government; but on the contrary we may look for increasing co-operation with the imperial government in the establishment of the main lines of a sound native policy throughout the continent. Only thus can we hope for a happy issue for the Empire in Africa out of all these complexities.

I come now to a complication in the problem of the native which has proved extremely difficult and has involved one of the other member nations of the Empire namely the Indian question. It is connected with the native question, not of course because there is any racial relationship between the peoples concerned, but because in the minds of South Africans there is a similarity in the economic and social issues involved. Moreover, the East

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Indians of Natal were brought to South Africa largely, if not entirely, to compete with the native Africans as laborers.

During the 1860's the colony of Natal secured a supply of indentured laborers from India to assist in the development of the sugar-growing industry. It is the descendants of these laborers, reinforced by immigrants from India, who now number 150,000, and constitute the Indian question. They brought with them their own social customs and economic standards, and the white South African community has since discovered that in both respects there is a serious incompatibility with South African ideals and interests. We must remember that in Natal, which is hypersensitive on this question, the white community is an extremely small minority surrounded by ten times the number of aboriginal natives whose customs and standard of living are very different from those of European civilization. As the pressure of this alien group increased, attempts were made by the Europeans to restrict and eventually to eliminate the Indian community which they had so short-sightedly called into existence. It was in consequence of measures along such restrictive lines that Mr. Gandhi first appeared on the South African scene, and after a strenuous fight secured from the South

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African government what he called the "Magna Charta of Indian liberty in South Africa." This was the agreement of 1914 between himself and General Smuts, whereby it was stipulated on the part of India that except for the wives and children of South African Indians, no further immigration into the Union should take place. In return for this General Smuts gave certain assurances as to the existing rights and status of the Indian community in South Africa. It was hoped at the time that in this way the fears of European South Africa, arising out of the contemplation of unrestricted immigration, would be calmed, and that the restrictive measures against the Indian community would be allowed to disappear. General Smuts, speaking in the Imperial War Conference in 1917, declared:

I have always felt sure that once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India all the other questions would be subsidiary and would become easy and perfectly soluble.

Thus, with the great principle of restricting immigration on our statute book with the consent of the Indian population in South Africa and the Indian authorities in India the door is now open for a peaceful and statesmanlike solution of all minor administrative troubles."^x

¹ Quoted by Sir Darcy Lindsay, "The Indian Question in South Africa and the Round Table Conference," *Asiatic Review* (April,

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It should be pointed out here that the Indian community was not charged with any lack of loyalty to South Africa. As Mr. Burton, then minister of finance, declared: "It is only fair to say—and it is the truth—that we have found the Indians in our midst in South Africa, who form in some parts a very substantial portion of the population, are good, law-abiding, quiet citizens, and it is our duty to see that they are treated as human beings, with feelings like our own, and in a proper manner."¹

Nevertheless, soon after the war public opinion in Natal demanded that further restrictions should be placed on the Indians, in response to which certain restrictive measures were passed. Finally, in July, 1925, a bill was introduced in the Union Parliament providing for the segregation of the Indian community, both commercial and residential, and imposing restrictions on rights to trade and to acquire immovable property. It also prohibited, after 1930, the entry into the Union of the wives and children of Indians domiciled in the Union. Needless to say, this bill aroused the keenest feeling among the South African Indians, and still more in India itself. The Union government, while insisting upon the domestic character of the

¹ *Ibid.*

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problem, consented to a deputation from India proceeding to South Africa in order to ascertain the facts regarding the position at first hand. This deputation was able to secure the reference of the bill to a select committee before the second reading, the direct consequence of which was that the South African government decided to submit it to a round-table conference of representatives of the Union government and the government of India, with the purpose of exploring all possibilities of settlement. Largely owing to the good will and tact on both sides, and in spite of the great difficulties involved, these informal conversations led to a better understanding of respective points of view, which was embodied in an agreement now regarded on all sides with great satisfaction. The outstanding results of the conference are as follows:

1. The decision on the part of the Union government not to proceed with the areas-reservation bill, which had been the immediate cause of the crisis.

2. The recognition by both governments of the right of South Africa to use all just and legitimate means for the maintenance of Western standards of life.

3. Recognition by the Union government that the South African Indians who are prepared to con-

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form to Western standards of life should be enabled to do so.

4. The establishment of a scheme of assisted emigration to India or other countries where Western standards are not required; the government of India recognizing their obligation to look after such emigrants on their arrival in India.

5. The appointment by the government of India, at the request of the South African government, of an agent in the Union to secure co-operation between the two governments.

In making the announcement to the House, Mr. Malan, the Union minister concerned, declared that throughout the conference there was a remarkable absence of the spirit of bargain. "The decisions taken were arrived at solely and wholeheartedly with a view to a comprehensive and peaceful settlement." He then pointed out that the agreement was more in the nature of an honorable and friendly understanding than of a rigid and binding treaty: "The position truly described is rather that both governments have agreed on a solution, which to some indeed may not seem ideal, but which is at least practicable and peaceful and which holds out every hope of being effective, and that both have further agreed by means of mutual

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good will and co-operation to give this solution a fair and reasonable trial."

In referring to the Indian delegation Mr. Malan declared:

At the conference the honourable leader and others of the delegation displayed all that ability, sincerity, and keen desire for a real happy solution which inspire confidence and which belong to the essence of statesmanship.

Finally [he said], I feel assured that both this House and the people of South Africa join in the fervent hope that the reward of their labours will be the inauguration of a new era of peace and friendship, in the true interests of both, between our country and the country which they serve.¹

The spirit which this statement breathes is to my mind more important than the agreement itself, which after all is experimental rather than final. Here is an economic and social conflict upon which local feeling among the white South African community is very deep and can indeed only be appreciated by an acquaintance with the situation on the spot. Irrespective of the equities it must be recognized that in this problem there are all the makings of an obstinate controversy of the bitterest character within the Empire, a controversy in which Great Britain's position could only be one of difficulty and danger. And, while the

¹ *The Cape Times*, February 22, 1927.

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controversy has by no means been settled, the fact that the present government of South Africa has felt itself able to voice the sentiments which I have just quoted, and that, in addition, constructive steps have been taken to settle the matter satisfactorily to both sides, may well inspire us with confidence in the future relations of the parties concerned. Finally, these friendly and successful negotiations have shown clearly the value of personal round-table discussions in matters of this character, and point to a most desirable development in the technique governing relations between the component units of the Empire.

And now I come to what has proved South Africa's greatest sorrow in the past, which in the future will prove, I believe, her greatest source of strength: the conflict within her borders of British and Dutch.

The British era in South Africa began at a difficult period. The Dutch pioneers had pushed out the boundaries of the colony so that by reason of its tenuous lines of communication it was peculiarly exposed to the dangerous pressure of the advancing Bantu. The restiveness of the settlers under restraint, so far from subsiding, was stimulated by the coming of British control, which we

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must remember was not to be compared with the representative, not to say democratic, institutions which prevail in the more important crown colonies of today, and which of course was in no sense comparable to responsible government. It was in fact autocratic government, and, what was more to the point, it was benevolent or the contrary according to the disposition of the local autocrat. If the governor for the time being was unsympathetic to the somewhat unresponsive Dutch temperament there was little chance of understanding. If he would appeal to Caesar, it is sufficient to say that Caesar was remote and alien and the dice were always heavily loaded against such a procedure. In point of fact, however, the British governor was not always alien in disposition to his task. Like the peerage, colonial governors are not destitute of virtue! There were some wise autocrats, there were some gallant soldiers; there was that greatest of colonial governors, Sir George Grey, whose name will be honored throughout South African history as a greater and better Rhodes. But there were others, like Lord Charles Somerset and Sir Owen Lanyon, who were fatally gifted in accentuating those mannerisms of thought and speech which have led some people in the overseas empire to hold the unfortunate view that the Englishman

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is not a fellow-subject, but an alien and an unpleasantly superior person! It was a pity, even though it could hardly have been otherwise, that so delicate a problem in imperial relations as South Africa presented was not always in the hands of the most sympathetic and skilful of British administrators. But this is a counsel of perfection, and we must at least admit that, whatever may be said of some of the sovereigns' representatives of those earlier days, nothing has changed the deep affection with which South Africans of all parties have always regarded the monarchy itself. The name of Queen Victoria was as greatly respected by Dutch as by British. Even President Kruger felt obliged to explain that in referring to her late Majesty Victoria of glorious memory as a *kwaaië vrouw* he meant no disrespect, but merely that she was a lady with whom one must mind one's *p's* and *q's*! In which I think Mr. Strachey would agree he was incontestably right!

To return: Among the more serious specific causes of misunderstanding between the imperial government and the South Africans during the first half of the nineteenth century was the emancipation of the slaves. President Kruger gives the point of view of the Dutch in his *Memoirs*. Speaking of the reasons for the Great Trek, he says:

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My parents said they emigrated because the English first sold the slaves and, after they had got the money, set these slaves free again, and that the money which had been awarded in compensation was made payable in England where it could be received either personally or through an agent. The expenses entailed by this method of payment in many cases amounted to more than the capital, so that a great many preferred to sacrifice what was due to them, rather than be put to so much trouble and vexation.¹

There was much truth in this. As if the process of emancipation was not in itself a sufficiently disturbing economic revolution, administrative clumsiness introduced an element of bitterness which poisoned relations between the British and the Dutch for generations. As it was, the men, women, and children who made up the Great Trek carried into the wilderness with them a deep-seated grudge based, largely, upon a charge of breach of faith.

There was in addition profound distrust of British policy with regard to the native peoples, with whom the settlers were now almost constantly clashing. To the South Africans of those days British policy seemed to be vacillating when it should have been firm and consistent, sentimental when it should have been rational, weak when it should have been strong. Moreover, a change of

¹ *The Memoirs of Paul Kruger* (London: T. Fisher Unwin, 1902), p. 4.

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ministries in London wrought havoc with the policy in native affairs in South Africa, while the slowness of communications added enormously to the technical difficulties of both the local and home governments. Hence, too often the local government was placed in a position of having to go back on the people, frequently on occasions when lives and property had been sacrificed in what were the common interests. Perhaps nothing has contributed more to a dislike of Downing Street and crown-colony government by both British and Dutch in South Africa than the lamentable inconsistencies in policy and differences of outlook which prevailed during the nineteenth century between London and the Cape. On the merits of the case we need not dwell. Even if the home government was frequently right, the results of vacillating policy are always dangerous to relationships.

A combination of these main causes then—discontent with British native policy, or the absence of policy, bitterness regarding the sacrifice entailed by the emancipation of the slaves, a deep-seated desire for independence, and lastly a keen pioneer spirit—led to that great exodus of Dutch-speaking colonists in 1836 known as the Great Trek. Abandoning the fleshpots of civilization, such as they were, and above all the spiritual comforts of

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community life, they gathered together flocks and herds, goods and chattels, and headed north. It was a brave step. The African wilderness, glorious in its freedom, its sunlight, and its starry nights, offered them, it is true, herds of antelope for their guns and fertile valleys and pastures for their flocks, but it concealed cruel droughts and treacherous beasts of prey. Above all there was the hitherto unconquered Bantu bearing down silently and steadily from the north. Only the pioneer can fully understand the depths of sorrow which these people endured. Only the pioneer knows the deep thrill of their ultimate triumph. We who live in the era of universal transportation can only offer our tribute of respect to the obstinate courage and strong religious faith which carried the *Voortrekkers*, like the Covenanters of Scotland, through such tribulation. The story of this amazing odyssey has yet to be written, but the Great Trek fixed irrevocably in the spirit of the South African peoples a profound understanding of freedom and has become to their descendants a symbol of sacrifice which will never fade.

Out of the Great Trek came, after many vicissitudes, the two Dutch republics known as the Transvaal and the Orange Free State. Though a mere handful of pastoral families whose sole liter-

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ature was the Bible and whose only political equipment was a desire for freedom and a sense of social order, they established their political independence and earned the recognition of Great Britain.

The story of South Africa thenceforward during the remainder of the nineteenth century is the story of the development of the Cape of Good Hope toward the full enjoyment of responsible government and the maintenance of the independence of the Boer republics. The process of acquiring democratic institutions by the Cape Colony did not terminate until 1872, when it was granted responsible government by the crown. This process has been the experience common to all the dominions, and we need not dwell upon it here. In the meantime the two republics, and especially the Transvaal, were maintaining a more or less precarious existence against native tribes on their borders and financial difficulties at home, the burghers displaying a praiseworthy reluctance to pay taxes. Expansion in the direction of Natal had also taken place and that territory had become a crown colony. South Africa now consisted of four separate states.

British statesmen had early begun to realize the great economic burdens which the political subdivision of South Africa would place, with ever

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increasing weight, upon these various communities, and in consequence the federation of the Cape and Natal with the Dutch republics soon became an objective in British policy. The first attempts at federation failed, perhaps for essential causes, but probably because of faulty statesmanship. The British representative, Sir Bartle Frere, one of England's greatest proconsuls, who came to South Africa charged with the duty of bringing about federation, attempted the fatal course of taking a short cut, namely, the annexation of the republics. Sir Bartle Frere was unfortunate also in his colleagues. Chief Justice de Villiers, writing in 1879, declared: ". . . . As matters stand in the Transvaal less depends upon the measures introduced than upon the men who have to carry them out. If the proper men are selected I am thoroughly convinced that the Transvaal will in course of time become one of the most loyal colonies of the British Empire. If, however, obnoxious agents are employed, I greatly fear that although the inhabitants may never rise in open rebellion, the country will always remain the Ireland of South Africa."¹

The failure of Sir Bartle Frere's attempt put back the clock and inflicted a blow to British prestige from which it took long to recover. The

¹ Walker, *op. cit.*, p. 284.

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too hasty annexation of the Boer republics was in itself an act which aroused suspicion and hostility throughout South Africa. The agents employed were perhaps of that type to which I have already referred, and they were certainly ill suited for their work. After a short period of existence as crown colonies, during which the British forces became involved in a serious conflict with a large section of the population, the republics received back their sovereignty by the Sand River Convention of 1881, and the prospect of federation receded rapidly into the unknown future. The net result of this failure was to give an impetus to those very separating influences to prevent which British policy was directed, an impetus which was to lead ultimately to war and disaster.

While the Cape was winning its way to responsible government and the republics their way to independence, events occurred in the economic field of the greatest importance, not only to South Africa, but to the whole Empire.

In 1867 diamonds were discovered in the Cape Colony, and diamond mining on a scale unprecedented in the history of the world raised the colony from poverty to relative affluence.

In 1866 the discovery of the Transvaal gold fields, which led ultimately to the opening up of

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the huge gold-mining industry which we associate today with the modern city of Johannesburg, marked the entrance of an economic factor in the life of the Empire, and indeed of the whole world, of the first magnitude. On South Africa the effect was instantaneous. She grew and prospered beyond the wildest expectations of an earlier generation, and the Transvaal Republic, in which the gold mines were situated, became overnight a dominant factor in the South African scene, with potentialities of the most disturbing character to the conception of British hegemony in the Southern Continent. And now the unholy influence of great and suddenly acquired wealth began to work, and once again a short cut to unification was tried, to end in the humiliation and disaster of the Jameson Raid and the Boer War. I do not propose to trace here the long-drawn-out controversies with the Transvaal on one side and the imperial and sometimes the colonial governments on the other. Let me quote from a letter written by the distinguished South African I have already quoted to Mr. Chamberlain on December 5, 1900, in order to picture to you the state of feeling among the Dutch of the old colony at the time of the Boer War:

The so-called Dutch of the Cape Colony are in reality Britishers, for they are born subjects of the Queen of Great

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Britain, but being of a different race and in many cases speaking a different language they do not entertain the same feeling of personal devotion to the Mother Country that is felt by their fellow-subjects of English or Scotch origin. They were perfectly loyal, but they also had feelings of kinship towards their relations in the Transvaal and Orange Free State. They had no aspirations for themselves beyond retaining their share of self-government under the benign rule of Great Britain, and they would have gladly welcomed the voluntary union of the two States with the Colony under the same salutary rule. But it was a voluntary union they wanted, and they resented whatever they believed to be an injustice in the treatment of the Republics.

On the other hand the Transvaal suffered from its exotic advisers. As a recent writer has put it: "The Transvaal was a South African State in the making; the Continental party insisted on pretending that it was a State of the regulation European pattern. They tried to equip young David in Saul's armour to his own great hurt." Had President Kruger or the Volksraad followed rather the wise counsels of Dutch friends in the Cape and Free State the story of South Africa no doubt would have been very different today. But he was obstinate in refusing to compromise his country's independence, and failed to estimate the power of the modern economic system. It should be observed also that the Boer War was not simply a

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war between Great Britain and the two republics. It was a civil war between English-speaking and Dutch-speaking South Africans, a war between *hinterland* and seaboard, a war of big business against unsympathetic control. Lord Milner was right when he said of it, "The impending struggle is one of the most repulsive kind. Great Britain has nothing to gain by it, and South Africa will, for the time at least, suffer severely."¹

The Boer War ended in the surrender by the Dutch republics of their sovereignty in return for a promise of early self-government. And now events moved quickly. In what was under the circumstances a remarkably short time—largely because of a change of government in England—responsible institutions were granted to the two republics, and very shortly thereafter they, together with the Cape and Natal, formed the Union of South Africa under one sovereign government. But before this wished-for consummation was attained the short cut was attempted for the last time. During the period in which the Transvaal and Orange Free State were crown colonies, Rhodes, with the support of certain elements in Natal and the Cape, and perhaps some sympathy from Mil-

¹ Milner to De Villiers, Capetown, October 4, 1899. Quoted in Walker, *op. cit.*, p. 359.

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ner, proposed to bring about union by executive action, after having first placed the Cape parliament under an anaesthetic by suspending the Cape constitution. The proposal was brought before the conference of dominion premiers in 1902. It was a crucial moment in British imperial history. On being asked if Canada had any observations to offer, "Sir Wilfred Laurier rose and declared that if the motion were carried Canada would wash her hands of the Conference." British traditions had triumphed over an alien political technique which sometimes finds its way into British politics.

Meantime, though Liberals succeeded Conservatives at Westminster, they had learned their lesson and wisely retained the Conservative nominee on his personal qualifications as the Imperial representative in South Africa. Lord Selborne played a valuable part in the furtherance of union, making it clear that when the proper time came Great Britain would eliminate altogether what is called the imperial factor from the internal affairs of South Africa."¹ As he justly asked at the time: "Could any greater mark of confidence be shown in the people of South Africa?"

Thus the ideal of British and South African

¹ Selborne to De Villiers, December 28, 1908. Quoted in Walker, *op. cit.*, p. 463.

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statesmen was attained, not without bitterness and wrangling, but with the saving grace of the free will of all the peoples concerned, and the South African states had slowly secured political unity for themselves where attempts to impose it speedily from above had completely failed. In the words of General Smuts, union had "come about not as a forced thing, but as a ripe fruit fallen from the tree."

On November 4, 1910, the first parliament of the Union of South Africa was opened by His Royal Highness the Duke of Connaught in the name of the King. His Majesty's first union minister was one General Louis Botha, whose chief claim to distinction hitherto had been the defeats he had inflicted on His Majesty's forces. *Ex Africa semper aliquid novi*. No wonder that under these bewildering circumstances the advent of the Union was hailed by the smaller spirits on both sides as a surrender. It was indeed a surrender, a glorious surrender to an ancient British tradition and to a newly born South African nationhood.

The establishment of union was a climax in South African history, a climax and a beginning. Those who imagined that the new Union was now comfortably launched upon unbroken waters were bound to be disappointed. As the Apostle says:

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"Let not him that putteth on his armour boast as him that putteth it off." The apotheosis of the Duth-speaking element is not entirely congenial to every English-speaking South African. It is not a congenial matter to be the party against whom the tables are turned. The emphasis placed upon the equality of languages seemed to many South Africans gratuitous, for we have short memories in such matters. Had we not been in the habit of questioning the credentials of South African Dutch, a dialect which it could not be denied was a long way from the orthodoxy of High Dutch? Had we not scoffed at it as possessing no literature nor, for that matter, any other virtue to commend it, unless perhaps that it was a good medium for a good story? That this country dialect should embark upon a vigorous renaissance and demand full status as "Afrikaans," standing squarely upon South African, not upon European, legs, was an irritating if not unreasonable response to that criticism. It is not given to all, even to those of us privileged to belong to an Empire cast in so broad a mold as ours, to be tolerant in matters touching us so closely as language; but looking back it seems a pity that the English-speaking South Africans did not lead the way rather than hang back in becoming bilingual. It was good manners to do so,

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and that should have been enough. But it was also the wise thing to do, for the bilingual citizen of South Africa is a more useful citizen than the man who knows only one of his country's official languages.

And then, shortly after union, the world plunged into war. South Africa was soon involved at home as well as abroad. She had what we may hope was her last taste of civil conflict when General De Wet led a forlorn hope against the Union forces, and she sent troops to three fronts. The great war served many purposes, in South Africa as elsewhere. It fulfilled the prophecy made by the South African representative at the tercentenary of Quebec that the "Dutch inhabitants of South Africa would fight shoulder to shoulder with their British fellow-subjects for King and country."¹ It aroused with us, as with all the dominions and colonies, a strong sense of individuality. To some this national spirit was symbolized by the comradeship of the King's subjects on the battlefield, to others by the fact that our soldiers were South Africa's soldiers. This difference of emphasis has since been accentuated by party exigencies. There are some in South Africa who in consequence are anxious lest the treasured traditions which have

¹ De Villiers at Quebec, 1908. Quoted in Walker, *op. cit.*, p. 434.

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come to them through parents from overseas should be spirited away by a somewhat elusive evil genius which they imagine is seeking to establish republican forms of government.

Time alone can completely soothe these suspicions. The efforts of South African statesmen at best can hasten that healing process; at worst merely retard it. For the ultimate outcome is inevitable. The chief elements of the European population are so near an equality in numbers and so well matched in the tenacity with which they cling to their traditions that even if submersion of either by the other should crystallize from the vague aspiration of a few into the political platform of a party, it would be bound to fail. The same is true of secession. For, while all South Africans would unhesitatingly combine in the defense of South Africa or in the pursuit of South African ideals or South African interests, complete separation from the Empire does not at present fall within either category. And if the efforts of the party at present in power in the Union, in the direction of consolidating existing rights on such questions as the language, have in recent years been a cause of anxiety to many English- and Dutch-speaking South Africans, and perhaps to others in the Empire, a calm examination of the facts gives the

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opposite impression. If we are to gauge correctly the state of relations between South Africa and the Empire in recent years we must be guided by more substantial evidence than the speeches of party politicians. During the great war, in spite of an internal conflict which might easily have become sanguinary, South Africa took her place alongside her imperial allies, not under compulsion from Great Britain, but by the free exercise of her constitutional rights. South African troops reduced the two German colonies of southwest Africa and Tanganyika, and Delville Wood bears tragic witness to their sacrifice in France. This voluntary co-operation with the Empire can surely have only one significance.

In the recently concluded settlement with India we have also substantial evidence of a desire to co-operate with Great Britain and the Indian Empire.

Finally, we see the reception accorded to the declarations of the recent Imperial Conference by the South African government itself. As we know, in that Conference South Africa played an important part, and if it be true that General Hertzog went into it rather in the cautious frame of mind of a prospective litigant, he emerged confidently flourishing his declaration of rights as a full partner

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in the British Commonwealth of Nations. Let General Hertzog speak for himself:

By that declaration our national liberty and independence, both as regards nature and extent, have for the future been placed beyond all doubt and outside the reach of party squabble. What this means for us as a people and for our national welfare may be best realised if we should cast our minds back on the history of our country during the past century.

Not only has the demand for South African national liberty repeatedly been a subject of bitter struggle and suffering, but it has up to now always been the main cause of national friction and division between Boer and Briton, and for that reason has been employed by selfish politicians in order to foster party interests and self-interest.

The removal of this apple of discord must fill everyone with joy, but the further beneficial results which necessarily must eventuate from the declaration must inspire us with the greatest confidence for the future.¹

I conclude: South Africa and Great Britain must together set the standards that are to prevail in the adjustment of the aboriginal African to European civilization in the Southern Continent. To this task South Africa has brought courage, honesty, and a deep sense of the grave responsibility involved. Thus equipped, South Africa can bring to Great Britain invaluable co-operation in

¹ The *Cape Times* , December 21, 1926.

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her imperial responsibilities on the African continent.

In the Indian question, that problem of great imperial significance, South Africa has in her recent action exhibited a statesmanship which has lifted it on to a higher plane of understanding than has ever been possible hitherto.

And finally, as between English and Dutch, the blessed spirit of co-operation has succeeded those doubts and suspicions which have for so long brooded over the South African scene. The light of sympathy between the peoples grows steadily, if slowly, brighter, breaking through the clouds that gather round the rising sun. For a new and true South African people is in the making, training their energies to reap their rich material harvest and their minds to the enjoyment of the spiritual and intellectual traditions which are their inheritance. And lastly, a new nationalism is arising. The South African of tomorrow will reject the unbalanced patriotism of the party politician, will refuse to "heave his heart into his mouth," but dividing his love and honor between the great Empire of which he is a member and the nation of his own building, will emerge the type and model of the new British citizen.

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