THE FOUNDATIONS OF COLONIAL SELF-GOVERNMENT.

By Sir John R. O'Connell, M.A., LL.D.

[Read, April 27th, 1917].

The assembling of representatives of the self-governing Dominions and of India for the Second Imperial Conference, which is now taking place in London, has suggested to me the propriety of inviting the attention of this Society to the foundations and development of the constitutions of the self-governing Communities of the Empire and their relations, both fiscal and constitutional, with the Imperial Government. I approach this inspiring subject with much diffidence, because I am conscious that some of the questions which present themselves require for their discussion a familiarity with constitutional law and principles and a knowledge of Colonial history, which I do not possess. In spite of these difficulties in my task, and conscious of my inability to discharge it adequately, I venture to lay before you this evening a summary of the constitutions under which what I may describe as our greater Colonies have made such amazing progress in population and in material prosperity, because it seems to me that there never was a time when full and accurate knowledge of the principles and development of Colonial Self-Government was so necessary as it is to-day.

Such a survey seems to me to be eminently within the province of this Society. We have again and again considered our fiscal system in its different aspects, so far as it concerns this country alone and as related to England. The manifold problems arising in reference to the regulation, encouragement and extension of trade have from time to time been discussed. Questions of taxation of food and other commodities have received much attention. The Society has from time to time considered the amendment and extension of certain forms of legislation regulating semi-Imperial interests, which might with advantage be made

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part of the common body of jurisprudence of the entire Empire. Various other problems of concern to the Empire, as a whole, have from time to time been the subject of our discussions. I think it may fairly be claimed that a better understanding of such Imperial problems will be helped by a knowledge of the machinery by which the law-making functions of the various parts of the Empire are regulated. This investigation is well worthy of the attention of all those who believe that all wise government is based on legislation by the people for the people, and who are convinced that the prosperity of any country depends upon the recognition of the right of its people to make their own laws for the ordering of their own affairs.

There is another reason why I think this subject is worthy of your attention. There was a period extending over several generations, and coming down almost to our own day, during which the Mother Country did not realise the moral and material advantages to be derived from the possession of her colonies. A certain school of political thought in England seemed to assume, as a matter of course, that as soon as the Colonies attained a certain standard of power and organisation that a desire would arise to sever their connection with the Mother Country, and further, that when this time came, no obstacle ought to be put in their way. The Colonies, on the other hand, conscious of the influence of this train of thought, felt that the Mother Country regarded with indifference the immense struggle in which they were engaged to overcome the untamed forces of nature, and to establish at the other ends of the world for people of the English-speaking races a reign of social order and constitutional government based on principles under which they had lived and which they had learned to value at home. There was a period within the memory of some of us when, under the influence of sentiments such as these, the Colonies might one by one, as they came to the plenitude of their strength, have broken off from the Mother Country almost without any effort on her part to retain them. Happily, these short-sighted views gave place to a wiser policy. The inspiring conception of a group of states all enjoying free institutions, self-governing, increasing in prosperity and power, came to be widely accepted, while the material advantages of the trade of these prospering countries, and the benefit of their strength and help, are now fully recognised, with the result that the bonds which unite our Colonies to us are being drawn ever closer and closer. The events of the past few years, and the part which the Over-seas peoples have taken in the present

War, prove that the time has arrived for a closer union for the purposes of Imperial Administration.

It is inconceivable that we should continue to accept the services and sacrifices of the sons of the Empire beyond the seas, that we should take all the soldiers they can send us, and the additions to our War Ships which they offer us, and that their coasts should remain exposed as part of the territory of the Empire to hostile attack, while we withhold from them any voice in the administration of Imperial affairs. It seems to me to be inevitable that as soon as peace is established a complete reconstruction of the Imperial fabric must be effected, based on the principle that all Imperial concerns—Peace and War—the Army and the Navy—the relations between nations carried on by diplomacy, International and Imperial trading, the relations between the Empire, as a whole, and foreign countries in trade and otherwise, the establishment of a Supreme Court of Law for ultimate appeal for the Empire, and, so far as possible, the assimilation of all forms of constitutional government for its different parts—so far as those parts are ready for it—are all matters which interest and affect our Colonies hardly less than the United Kingdom, and, therefore, that their right to a voice in their conduct must be admitted. This tremendous struggle in which the Empire is engaged must profoundly modify many things, and it is evident that it cannot fail to involve a complete readjustment of the relations between the Mother Country and the Dominions, based on the principle that there must be adequate Imperial administration and defence for every part of the Empire, the burden of which must be borne proportionately by the Empire as a whole.

The British Empire, as it exists to-day, is composed of a large number of States, scattered over the entire globe and administered under the widest possible variety of forms of government. Firstly, we have the great self-governing Communities, built up through generations, and even in some cases through centuries of self-sacrifice and of elemental struggle, by the people of these islands—the Dominion of Canada, the Commonwealth of Australasia, the Union of South Africa, and the Dominions of Newfoundland and New Zealand—all enjoying full responsible government with fiscal autonomy and complete control of their own affairs, with ministers elected by Parliament and answerable for the conduct of public affairs to the Parliament which elects them.

Secondly, we have certain colonies, such as Bahamas, Barbadoes, Bermudas, Jamaica, Malta, and others, the affairs of which are administered by a Council partly elective and promulgation of Orders in Council.

The third group comprises colonies such as Hong-Kong, Trinidad, Gold Coast, Fiji Isles, Ceylon, British Honduras, and others, which are governed by a purely nominated Council, and in which the Crown has a direct power of legislation, even irrespective of the nominated Council, by promulgation of Orders in Council.

A fourth type of Colonial Government is that which is administered by a Governor appointed by the Crown, who administers the affairs of such Crown Colonies without either the control or advice of any representative of the subjects of these Colonies; and somewhat similar to these there are certain Colonies the affairs of which are administered as Protectorates under the Colonial Office, the Foreign Office, the Indian Government, or the Admiralty.

I propose to deal only with the first group of these States—those enjoying full responsible Government under freely-elected Parliaments which have complete control of all the affairs of the countries which elect them, administered by a responsible Government, answerable to the electors by their own chosen representatives in Parliament. These Colonies may be considered, as regards their form of government, as of two kinds — Federal Colonies, such as the Dominion of Canada, the Commonwealth of Australasia and the Union of South Africa, and Unitary Colonies, such as the Dominions of Newfoundland and New Zealand. The oldest of these great self-governing communities—that which is now known to us as the Dominion of Canada, consists of the Province of Quebec, Ontario, Nova Scotia, New Brunswick, Prince Edward Island, Manitoba, Saskatchewan, Alberta, British Columbia, with Yukon, which was admitted into the Dominion in 1895. The first step in Canadian self-government goes back to 1764, when the Colony, which then consisted of three administrative districts—Quebec, Three Rivers, and Montreal—was placed under a single government, and provision was made for the calling of a General Assembly; but, as the French Canadians objected to the form in which the Test Oath was proposed to be administered, no Assembly ever met. Ten years later the English Parliament, as it then was, passed the "Quebec Act," which confided the government to a Governor and Legis-

lative Council all nominated by the Crown. Even in its imperfect form, the benefits of local control over local interests became so manifest that, in 1769, Prince Edward Island was erected into a separate Colony, and in 1784 New Brunswick and Cape Breton also received representative institutions. A few years later—in 1791—Canada was divided up by Act of Parliament into two Provinces: Upper Canada, now corresponding with the Province of Ontario, and Lower Canada, now corresponding with the Province of Quebec, and this province was given a legislative Council or Upper House nominated by the Crown, and a House of Assembly elected by the people on a limited franchise.

In the first thirty years of the nineteenth century the principles of democratic government and the responsibility of the executive Government to the legislative authority had not yet been settled, and thus there resulted a struggle in Lower Canada, and to a somewhat less extent in the other Province, for supremacy between the elected House of Assembly and the Executive.

In 1837 the increasing antagonism between the Executive Authorities and the Legislature culminated in rebellion, which broke out in Upper as well as in Lower Canada. The only significance which that episode now has for us lies in the fact that the causes which produced the armed rebellion of 1837 are precisely those which have produced similar results wherever the same disturbing causes exist. In Upper Canada (Ontario) a narrow clique known as "the Family Compact" monopolised all influence in the Executive Council and the Government to the exclusion of the elected representatives of the people and the reservation of large tracts of land for the endowment of the Anglican Clergy was bitterly resented by the non-conformist settlers. In Lower Canada (Quebec), the rapid increase of English settlers caused the French Canadians to feel that their security was threatened, and that the new settlers, different alike in origin and in creed, would diminish the political influence which they had so long exercised uncontrolled.

The problem of Colonial Government had not yet been solved. The essential principle of the responsibility of the Executive to the majority of the Lower House, or elective chamber, had not yet been recognised. A considerable part of the Colonial revenue was raised not by resolution of the Legislature, but under the authority

of Imperial Acts, and was administered by the Governor and his Council without the control or concurrence of the legislative body. Moreover, being dependent for their positions on the approval of the Colonial Office, the Governor and his Council transferred to London the settlement of all matters of any importance, though, needless to say, the Colonial Office could not be properly cognisant of conditions in the country while, unfortunately, for a long period it was out of sympathy with the aspirations of the Canadians. Though from 1826 onwards the Mother Country adopted a policy of killing Canadian self-government by kindness, she could not bring herself to adopt the essential principle of granting to the Colonists the control of their own affairs. Happily for the future of Canada, Lord Durham was sent out as Governor-General and High Commissioner. That great administrator—to whom, with his friends, Edward Gibbon Wakefield and Charles Buller, is due perhaps more than any other man the consolidation of the Empire in its early days—was only five months in Canada when, owing to the vehement attacks of Lord Brougham in Parliament, he was recalled. This short experience, however, was sufficient to enable Lord Durham to grasp the fundamental principles of Colonial government, and to prepare a report, which not only laid down the framework of the constitution of Canada, but may be said to form the basis of the constitutional system of all the Self-Governing Colonies of to-day. As the result of Lord Durham's report, an Act was passed in 1840, by which the two provinces were re-united with a partly-elected legislative council and a wholly-elected legislative assembly consisting of an equal number of members from each province. The grant of responsible government in Canada was followed a few years later by the establishment of the same system in Nova Scotia, New Brunswick, and Prince Edward Island. The increase in prosperity and in population, especially in Upper Canada, led to the demand for increased representation in the Canadian Legislation—a claim which was strenuously resisted by Lower Canada. As the struggle proceeded, it became evident that the only satisfactory solution would be the separation of the two provinces and their reunion under a Federation into which the other Colonies in North America should be admitted. Accordingly, in 1867, the British North America Act (30 Vic., cap. 3) was passed which united Ontario, Quebec, New Brunswick and Nova Scotia into the Federal Dominion of Canada. The Act (Sec. 146) provided that

Columbia and Newfoundland, Prince Edward Island and Ruperts Land and the North-west Territory, might be admitted into the Federation with the consent of the Dominion, and under this provision Manitoba entered the Federation in 1870, British Columbia in 1871, Prince Edward Island in 1873, Yukon in 1898, and Saskatchewan and Alberta in 1905.

The Executive of the Dominion of Canada, as it exists to-day is vested in the Crown, and is exercised by a Governor-General appointed by the Crown, who is advised by a Privy Council chosen and summoned by him. The Cabinet is a Committee of the Privy Council, formed of the principal members of the Government. The supreme legislative power is vested in a Parliament consisting of the King, a Senate, and a House of Commons. The Senate consists of ninety-six members, appointed for life by the Governor-General. Each member of the Senate must have a property qualification of $4,000, must be 30 years of age, and must reside within the province for which he is appointed, and he receives an allowance of $2,500 per annum. The House of Commons consists of 234 members, and each member receives a maximum allowance of $2,500 per session, with deductions for non-attendance. I have prepared the following tabulated statement, which will show at a glance the numbers of the Senate and the House of Commons of the Dominion Parliament and in Provincial Legislatures of the Provinces.

[TABLE.

TABULAR STATEMENT showing the particulars of the Provinces of Canada and of the number of representatives in the Dominion Parliament and in the Provincial Legislatures of Canada.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
				Representation in Dominion Parliament.					Provincial Legislation.			
Provinces.	Area in Square Miles.	Population.	How Constituted.	No. of Members in Senate.	Tenure.	No. of Members in House of Commons.	Tenure.	Seat of Government of Provincial Legislature.	No. of Members in Legislative Council.	Tenure.	No. of Members in Legislative Assembly.	Tenure.
Quebec ...	706,834	2,003,232	Imperial Act 30 Vic. cap. 3 (1867) and Amending Acts.	24	Nominated for life.	65	Elected for five years unless sooner dissolved.	Quebec	24	Appointed for life.	81	5 years
Ontario ...	407,262	2,523,274	do.	24	do.	82	do.	Toronto	—	—	111	4 years
Nova Scotia...	21,428	492,338	do.	10	do.	16	do.	Halifax	21	Nominated for life.	38	5 years
New Brunswick	27,985	351,889	do.	10	do.	11	do.	Frederic-ton.	—	—	48	5 years

Prince Edward Island.	2,184	93,728	do.	4	do.	3	do.	Charlotte-town.	—	—		4 years
Manitoba ...	251,832	455,614	do.	6	do.	15	do.	Winnipeg	—	—	49	5 years
Saskatchewan	251,700	492,432	do.	6	do.	16	do.	Regina...	—	—	54	5 years
Alberta ...	255,285	374,663	Imperial Act 30 Vic. cap. 3 (1867) and Amending Acts; and Alberta Act, 1905.	6	do.	12	do.	Calgary	—	—	56	—
British Columbia.	355,855	392,480	Imperial Act 30 Vic. cap. 3 (1867) and Amending Acts.	6	do.	13	do.	Victoria	—	—	42	4 years
Yukon ...	297.076	8,512	do.	—	—	1	do.	Dawson	—	—	10	3 years
North West Territories.	1,242,224	18,481	—	—	—	—	—	—	—	—	—	—

The legislative powers of the Dominion Parliament, and of the Legislative Assemblies of the Provinces of Canada, are specifically defined in Sections 91 and 92 of the British North America Act, 1867. In view of the importance of these provisions, I have considered it desirable to set them out in full.

VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

POWERS OF THE PARLIAMENT.

91. It shall be lawful for the Queen, by and with the advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces: and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated: that is to say:—

1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.
3. The raising of Money by any Mode or System of Taxation.
4. The borrowing of Money on the Public Credit.
5. Postal Service.
6. The Census and Statistics.
7. Militia, Military and Naval Service, and Defence.
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.
9. Beacons, Buoys, Lighthouses, and Sable Island.
10. Navigation and Shipping.
11. Quarantine and the Establishment and Maintenance of Marine Hospitals.
12. Sea Coast and Inland Fisheries.
13. Ferries between a Province and any British or Foreign Country, or between Two Provinces.

14. Currency and Coinage.
15. Banking, Incorporation of Banks, and the Issue of Paper Money.
16. Savings Banks
17. Weights and Measures.
18. Bills of Exchange and Promissory Notes.
19. Interest.
20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery.
23. Copyrights.
24. Indians, and Lands reserved for the Indians.
25. Naturalisation and Aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.
28. The Establishment, Maintenance, and Management of Penitentiaries.
29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

EXCLUSIVE POWERS OF PROVINCIAL LEGISLATURES.

92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated: that is to say:—

1. The Amendment from Time to Time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant-Governor.

2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes.
3. The borrowing of Money on the sole Credit of the Province.
5. The Management and Sale of the Public Lands be- and the Appointment and Payment of Provincial Officers.
4. The Establishment and Tenure of Provincial Offices longing to the Province and of the Timber and Wood thereon.
6. The Establishment, Maintenance and Management of Public and Reformatory Prisons in and for the Province.
7. The Establishment, Maintenance and Management of Hospitals, Asylums, Charities and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
8. Municipal Institutions in the Province.
9. Shop, Saloon, Tavern, Auctioneer, and other Licences, in order to the raising of a Revenue for Provincial, Local or Municipal Purposes.
10. Local Works and Undertakings other than such as are of the following Classes:—
    (*a*) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province;
    (*b*) Lines of Steam Ships between the Province and any British or Foreign Country;
    (*c*) Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada, or for the Advantage of Two or more of the Provinces.
11. The Incorporation of Companies with Provincial Objects.
12. The Solemnisation of Marriage in the Province.
13. Property and Civil Rights in the Province.
14. The Administration of Justice in the Province, including the Constitution, Maintenance and Organisation of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.

15. The Imposition of Punishment by Fine, Penalty or Imprisonment for enforcing any Law of the Province made in relation to any Matter within any of the Classes of Subjects enumerated in this Section.
16. Generally all Matters of a merely local or private Nature in the Province.

It is interesting to note, as an example of one type of self-governing constitution, that the Dominion Parliament has exclusive legislative power in all matters except those specifically delegated by the Constitution to the provincial legislatures—i.e., the residue of legislative power abides in the Dominion Parliament. Our other Commonwealth affords an example of the converse system under which certain specified subjects of legislation affecting the interests of the Commonwealth generally are surrendered by the Colonial legislatures to the Federal Parliament, while the residue of the powers of legislation remain in each Colonial legislature.

As this paper is concerned with the forms and framework of self-government rather than with the results produced by it, it is unnecessary that I should dwell on statistics of increase of population or growth of trade within the past fifty years in Canada.* I think, how-

* The following table of population may be found to be interesting and suggestive :—

Provinces.	1871	1881.	1891.	1901.	1911.
Prince Edward Island ...	94,021	108,891	109,078	103,259	93,728
Nova Scotia ...	387,800	440,572	450,396	459,574	492,338
New Brunswick	285,594	321,233	321,263	331,120	351,889
Quebec ...	1,191,516	1,359,027	1,488,535	1,648,898	2,003,232
Ontario ...	1,620,851	1,926,922	2,114,321	2,182,947	2,523,274
Manitoba ...	25,228	62,260	152,506	255,211	455,614
Saskatchewan	–	–	–	91,279	492,432
Alberta ...	–	–	–	73,022	374,663
British Columbia	36,247	49,459	98,173	178,657	392,480
Yukon ...	–	–	–	27,219	8,512
Northwest Territories ...	48,000	56,446	98,967	20,129	18,481
Totals for Canada	**3,689,257**	**4,324,810**	**4,833,239**	**5,371,315**	**7,206,643**

ever, that I should call the attention of this Statistical Society to the immense advantage from the point of view of the development of her trade and commerce which Canada derives from the fact that she has control of her own customs, and that she is able to levy her own export and import duties. The exhaustive and searching analysis of statistics made available in the Canada Year Book, 1914—published in Ottawa in 1915—the last available—will be appreciated by anyone who has attempted the almost impossible task of reconstructing the statistics of Irish trade, and especially of Irish exports and imports, from the confused and imperfect returns available in this country as the necessary consequence of our present fiscal system.

Moving across the globe from the far North to the extreme South, we come to the other great self-governing community of members of the English-speaking race. It may be said to date its discovery from the arrival of that Captain Cook, whose travels and voyages were, I am sure, a source of wonder and of delight to the boyhood of many members of this Society. In 1770, Captain Cook, on board H.M.S. "Endeavour," set sail for the Pacific to explore the Southern Seas, when, sailing South-westward, he discovered New Zealand, and thence, turning Eastward, he reached the east coast of Australia, where the naturalists

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The following is a Summary by decades of the Exports and Imports, and of their values *per capita*, and for the last five years :—

AGGREGATE EXTERNAL TRADE OF CANADA, 1870-1915.

Years.	Total Exports.	Total Imports.	Aggregate trade of Canada.	Value per capita.			Ratio of Exports to Imports
				Exports.	Imports.	Total Trade	
	$	$	$	$ cts.	$ cts.	$ cts.	p.c.
1870···	73,573,490	74,814,338	148,387,829	21.29	21.66	42.95	98.34
1880···	87,911,458	86,489,747	174,401,205	20.85	20.52	41.37	101.64
1890···	96,749,149	121,858,241	218,607,390	20.20	25.45	45.65	79.40
1900···	191,894,723	189,622,513	381,517,236	36.05	35.63	71.68	101.20
1910···	301,358,529	391,852,692	693,211,221	43.57	56.65	100.22	76.91
1911···	297,196,365	472,247,540	769,443,905	41.52	65.97	107.49	62.93
1912···	315,317,250	559,320,544	874,637,794	42.23	74.91	117.14	56.38
1913···	393,232,057	692,032,392	1085,264,449	50.69	89.19	139.88	56.83
1914···	478,997,928	650,746,797	1129,744,725	59.32	80.59	139.91	73.60
1915···	490,808,877	629,444,894	1120,253,771	60.33	77.36	137.69	77.97

of his exploration party, on landing, were so amazed at the unknown and wonderful plants which there abounded that they christened the place Botany Bay. Captain Cook took possession of the entire of the Eastern Coastline in the name of the King, under the title of New South Wales. From shortly after this time until 1823, New South Wales, which was the first part of the Australian continent to be colonised, was administered, more or less inefficiently, by a succession of military governors. In 1823 the government by military administrators was superseded by Crown Colony Government, with a legislative Council of seven members, subsequently increased to fifteen—all nominated by the Governor. Two years later Tasmania—the next settlement to be established — became a separate colony with executive and legislative councils of a similar type. In 1842 the government of New South Wales was again enlarged, and the system of Crown Colony Government, with a wholly nominated council, gave place to government by legislative council consisting of thirty-six members, of which twenty-four were elected on a moderate franchise and twelve were nominated by the Crown. The Executive, however, remained in the hands of the Home Government. As the continent became more populated, and its future became more assured, the demand in various districts for local administration increased, with the result that in 1851, Victoria, South Australia and Tasmania each received separate constitutions under representative bodies, consisting of legislative councils partly nominated and partly elected on a limited franchise, the number of Crown nominated members being usually one-third, while the elected members were two-thirds. Five years later these representative constitutions gave place to full responsible government under the form of a Parliament consisting of a Legislative Council which, in New South Wales and Queensland, is appointed by the Crown for life, and in Victoria, Tasmania and South Australia was elected for a term of years, and a Legislative Assembly elected on a broad franchise. In 1859, after several years of rather acute agitation, Queensland separated from New South Wales, and was constituted as a separate Colony, when she had at once conferred upon her the enjoyment of the same responsible type of government which the other colonies then possessed. Thus within half a century of the colonisation of most of these districts they had all entered into the enjoyment of full legislative powers with the entire good-will of the Mother Country, and with a

benefit to these communities which it is impossible to overestimate. The latest chapter in the history of self-government in the Australian continent contains the story of the federation of these states. So far back as 1855, when the Colonies were vested with responsible government, the creation of a general assembly to deal with questions common to all the colonies was mooted, but the movement got no further until 1885, when an Act of Parliament was passed creating a council of delegates from each Colony which signified its willingness to join. Although this Federal Council possessed certain legislative functions, its main purpose was deliberative. It held meetings from 1886 to 1889, but as New South Wales declined to send delegates, and South Australia was only represented at the last conference, little progress was made towards the establishment of a Federal Council which should have executive as well as deliberative functions. In 1891 an Australian Convention met in Sydney and agreed on a draft bill to establish a Federal Commonwealth, but the bill aroused no popular enthusiasm, and failed to commend itself to any of the Colonial legislatures. Although this measure obtained no large measure of support, the principles underlying it became more and more acceptable to the peoples of Australia, with the result that in 1895 the premiers of all the Australian Colonies decided to ask their legislatures to pass a bill enabling the electors to select ten persons to represent each colony at a new convention. The result of this conference of the elected representatives of the Colonies—other than Queensland, which was not represented—was a bill which was submitted to the votes of the electors for acceptance or rejection. In Victoria, Tasmania and South Australia the bill was approved by large majorities. In New South Wales the majority in favour of the bill was insufficient, under the enabling Act of that state, to allow it to be carried. Western Australia stood out, as New South Wales would not come in, and Queensland did not join in the negotiations. The negotiations were resumed in a more constructive spirit in the following year at a conference of the Prime Ministers, in which Queensland was represented, and certain alterations were then made to meet the objections of New South Wales. A bill for a referendum on the subject was then submitted to the New South Wales legislature. After a struggle between the two houses, which had to be ended by the appointment by nomination of twelve new members to Senate to overcome

the opposition of the Upper House, the Bill passed, and this time on the Referendum the Federation Bill was accepted by a substantial majority in New South Wales, a course which was followed by all the other Australian Colonies. This acceptance of the Federal Constitution by the Australian Colonies was approved by an Act of the Imperial Parliament, which received the Royal Assent on 9th July, 1900, and came into force on 1st January, 1901.

I annex a tabulated statement which I have prepared to show at a glance the constitutions of the Federal Parliament and the Colonial legislatures.

[TABLE.

TABULAR STATEMENT showing particulars of the States of Australia, and of the number of representatives in the Commonwealth Parliament and in the State Legislatures of Australia.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
				Representation in Commonwealth Parliament.					State Legislature.			
States.	Area in Square Miles.	Population.	How Constituted.	No. of Members in Senate.	Tenure.	No. of Members in House of Representation.	Tenure.	Seat of Government of State Legislature.	No. of Members in Legislative Council.	Tenure.	No. of Members in Legislative Assembly.	Tenure.
New South Wales.	309,460	1,861,522	Commonwealth of Australia Constitution Act, 1900 (Imperial Act) 63 and 64 Vic. c. 12.	6	Elected by the electors for term of six years.	27	3 years unless dissolved.	Sydney . .	56	Nominated by the Crown for life.	90	—
Victoria ...	87,884	1,430,667	do.	6	—	21	—	Melbourne	34	Elected for six years.	65	Elected for three years.

South Australia.	380,070	441 690	do.	6	—	7	—	Adelaide	20	Nine Members retire every three years.	46	do.
Queensland . .	670.500	676,707	do	6	—	10	—	Brisbane	39	Nominated by Crown for life.	72	do.
Western Australia	975,920	323,018	do.	6	—	5	—	Perth ...	30	Elected for six years.	50	do.
Tasmania ...	26,215	201,416	Do., and Constitution Acts Amendment Act, 1911.	6	—	5	—	Hobart	18	do.	30	do.

The constitution of the Commonwealth of Australia differs in an essential feature from that of Canada. The Colonies of Australia remain self-governing States, with governors appointed by and responsible directly to the Crown through the Secretary of State for the Colonies. Each State retains full powers of taxation and of legislation, except in so far as they have delegated these powers—thirty-nine in number—to the Federal Parliament, and the residue of all legislative power for each Colony abides not in the Federal Parliament, but in its own Colonial Parliament. As I quoted the sections of the British North America Act of 1867, which defined the Powers of the Parliament of Canada, I think it may be useful for the purposes of comparison to quote sections 51 and 52 of the Commonwealth of Australia Constitution Act, 1900 (63 and 64 Vic., cap. 16), which defines the powers of the Federal Parliament.

PART V.—POWERS OF THE PARLIAMENT.

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to:—

(i.) Trade and commerce with other countries, and among the States.

(ii.) Taxation; but so as not to discriminate between States or parts of States.

(iii.) Bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth.

(iv.) Borrowing money on the public credit of the Commonwealth;

(v.) Postal, telegraphic, telephonic, and other like services.

(vi.) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth.

(vii.) Lighthouses, lightships, beacons and buoys.

(viii.) Astronomical and meteorological observations.
(ix.) Quarantine.
(x.) Fisheries in Australian waters beyond territorial limits.
(xi.) Census and statistics.
(xii.) Currency coinage, and legal tender.
(xiii.) Banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money.
(xiv.) Insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned.
(xv.) Weights and measures.
(xvi.) Bills of exchange and promissory notes.
(xvii.) Bankruptcy and insolvency.
(xviii.) Copyrights, Patents of inventions and designs, and trade marks.
(xix.) Naturalisation and aliens.
(xx.) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth.
(xxi.) Marriage.
(xxii.) Divorce and matrimonial causes; and, in relation thereto, parental rights, and the custody and guardianship of infants.
(xxiii.) Invalid and old-age pensions.
(xxiv.) The service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States.
(xxv.) The recognition throughout the Commonwealth of the laws, the public acts and records, and the judicial proceedings of the States.
(xxvi.) The people of any race, other than the aboriginal race, in any State, for whom it is deemed necessary to make special laws.
(xxvii.) Imigration and emigration.
(xxviii.) The influx of criminals.
(xxix.) External affairs.
(xxx.) The relations of the Commonwealth with the islands of the Pacific.
(xxxi.) The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws.

(xxxii.) The control of railways with respect to transport for the naval and military purposes of the Commonwealth.

(xxxiii.) The acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State.

(xxxiv.) Railway construction and extension in any State with the consent of that State.

(xxxv.) Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State.

(xxxvi.) Matters in respect of which this Constitution makes provision until the Parliament otherwise provides.

(xxxvii.) Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliament the matter is referred, or which afterwards adopts the law.

(xxxviii.) The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia.

(xxxix.) Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

52. The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order and good government of the Commonwealth with respect to—

(i.) The seat of Government of the Commonwealth, and all places acquired by the Commonwealth for public purposes.

(ii.) Matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth.

(iii.) Other matters declared by this Constitution to be within the exclusive power of the Parliament.

The following particulars, showing the increase in the population of the Commonwealth of Australia, and in the development of its trade, may be of interest:—

TABLE OF POPULATION.

Year.	Total Population.
1860	1,145,585
1870	1,647,756
1880	2,231,531
1890	3,151,355
1900	3,765,339
1910	4,425,083
1911	4,568,707
1912	4,733,359
1913	4,872,059
1914	4,940,952

Oversea Trade of the Commonwealth of Australia from 1863 to 1913.

Year.	Recorded Value.			Value per Inhabitant.									Percentage of Exports on Imports.
	Imports.	Exports.	Total.	Imports.			Exports.			Total.			
	£1,000.	£1,000.	£1,000.	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*	Per cent.
1863	21,248	19,336	40,584	17	4	7	15	13	7	32	18	2	91·0
1873	24,567	26,370	50,937	13	17	10	14	18	2	28	16	0	107·4
1883	35,454	30,058	65,512	14	9	9	12	5	8	26	15	5	84·8
1893	23,765	33,225	56,990	7	2	7	9	19	4	17	1	11	139·8
1903	37,811	48,250	86,061	9	14	3	12	7	10	22	2	1	127·6
1913	79,749	78,572	158,321	16	12	0	16	7	2	32	19	2	98·5

When we turn to our Colonial possession in South Africa it becomes unnecessary to trouble you with a history of the origin and gradual development of self-government in the States which now compose the Union of South Africa as the legislative assemblies of those Colonies were extinguished by and merged in the Union of South Africa under the South Africa Act, 1909 (9 Edward 7, ch. 9) passed by the Parliament of the United Kingdom on 20th September,

1909. This great Constitutional Act may be fairly claimed to be the greatest proof which has ever been given of that success which has never failed to attend self-governing institutions of the English-speaking races in any quarter of the globe. The events of South African history are so recent that they are familiar to every member of this Society. The sorrows of the South African War of 1899-1902 have left their mark deeply written in the hearts and the memories of many at home hardly less than in South Africa itself. It is unnecessary to refer to the causes of that struggle. They were so far-reaching that they divided South Africa from end to end by the deeply-sundering lines of cleavage of nationality and of race. As we are learning hour by hour War is an appalling calamity, and not the least appalling aspect of it, alike for the victors and the vanquished, is its terrible result in material destruction, in homesteads destroyed, in the ruin of farms and granaries and barns, in the rooting up and wiping out of existence of those things which are relied upon almost as a matter of course for the permanent food supply of the nation. We may well believe that the South African War exhibited nothing of the unparalleled ferocity which is decimating the country from which the Central Powers are now reluctantly but rapidly withdrawing. It would, however, be idle to deny that much suffering and much material loss to the settlers of the Transvaal and the Orange Free State followed the three years' campaign, and this material damage must have been increased and rendered more difficult of repair as it extended over so large an area in a pastoral and thinly-populated country. The fact that a sum of at least £17,000,000—most of which was advanced by the Home Government—had to be spent on repairing the ravages of that war is but a slight indication of the magnitude of the struggle and of the miseries which followed in its train. And yet six years after the Transvaal and the Orange Free State were overrun and conquered, the path of true statesmanship, alike courageous and prudent—as we all recognise it to have been—clearly lead in the direction of giving back to these peoples all that at an immense price of suffering and of effort and of wealth we had taken from them, and, in common with the older Colonies of Cape of Good Hope and of Natal, of welding them into a Union governed by a Parliament elected on the broadest basis and endowed with powers wider than had ever before been confided to any Parliament within the Empire. The recent chapters in the History of the Union

of South Africa, the successful campaign in German South-west Africa under General Botha, and the splendid services of the South African contingent in the field, have emphatically proved that the courage which established the Union of South Africa has been amply justified.

It may be of interest to recall briefly the events which immediately led up to the establishment of the Union of South Africa. They are very fully set out in "the Minutes of Proceedings of the South African National Convention" published by the South African Government in 1911, to which anyone interested in these matters will do well to refer.

The grant of full self-government to the Transvaal in 1906 and to the Orange River Colony in 1907 forced on the attention of the statesmen of South Africa a variety of problems which it became increasingly evident could best be dealt with by united action on the part of a majority of, if not all, the colonies of South Africa. The problems of Asiatic immigration, of agriculture, of the mining industry, and especially the tariff question, forced to the front the vaster problem of which these were phases. A Convention of representatives of the South African governments assembled to confer as to tariff regulations gave place to a Convention summoned to consider Union. In May, 1908, an inter-colonial Conference, assembled at Pretoria, passed a resolution declaring that the best interests and the permanent prosperity of South Africa could only be secured by an early Union under the Crown of Great Britain of the several self-governing colonies; that the members agreed to submit the resolution to the Legislatures of their respective colonies and to take such steps as might be necessary to obtain their consent to the appointment of delegates to a National South African Convention, whose object should be " to consider and report on the most desirable form of South African Union and to prepare a draft Constitution." It was further resolved that the Convention should consist of not more than twelve delegates from Cape Colony, eight from the Transvaal, and five each from Natal and the Orange River Colony; and that Rhodesia might send three delegates, who should be entitled to speak but not to vote. The Legislative Councils and Legislative assemblies of the Cape of Good Hope, Natal and the Transvaal and the House of Assembly of the Orange River Colony within a few weeks passed resolutions approving of these recommendations and appointed delegates of the numbers proposed, and Rhodesia also came into line. The representatives of the four colonies

and Rhodesia met at Durban in Secret Session in October, 1908, and continued their sittings until 5th November, when they adjourned to 23rd November, when the sittings were resumed at Capetown, being continued until 3rd February, 1909. The Report of the Convention with the draft Bill was then submitted to the four South African Parliaments in Sessions specially summoned for that purpose and resolutions were passed by these Legislatures approving of the Bill. In the Colony of Natal the question whether it should enter into the Union was referred to the electors. A Referendum Act was passed to enable a ballot to be held to determine if Natal should join if certain amendments in the Bill proposed by that Colony were accepted. A Convention of the delegates was then held at Bloemfontein, which considered the amendments and the resolutions of the several Parliaments, and the Convention approved and passed its final report with the draft Bill in May, 1909. The Parliaments of Cape Colony, Transvaal and Orange River Colony met on 1st June, 1909, and having considered the amendments made in the Bill at the Bloemfontein Conference adopted it and requested His Majesty the King to cause the necessary steps to be taken for the authorisation of the proposed Union, and, at the same time, delegates were appointed by each of these Parliaments to proceed to London in connection with the passage of Bill through the Imperial Parliament. In the meantime the Referendum in the Colony of Natal took place and having resulted in a large majority in favour of the Union the Natal Parliament passed resolutions similar to those already passed by the other Colonial Legislatures and appointed delegates to represent it in London. The South African delegates on their arrival in London had conferences with the Secretary of State for the Colonies with the result that further amendments in the Bill were introduced, and thus amended it was passed rapidly through Parliament and received the Royal Assent on 20th September, 1909, and by a Royal Proclamation dated 2nd December, 1909, was brought into operation on 31st May, 1910.*

*In connection with this account of the steps which led to the creation of the South African Union it may be interesting to refer the reader to the account of the movement towards Federation in Canada extracted from Cambridge Modern History, vol. xi., pp. 770-771:—

"The final phase in the movement toward Confederation began in 1864, both in Upper and Lower Canada and in the maritime provinces. In June of that year a Committee of the Legislative Assembly appointed

The constitutional form of this Union of South Africa, it is interesting to note, differs essentially from the Federation of the Canadian Provinces, or of that of the Australian Colonies. It is not a federation of self-governing States, but a Unitary State, a Union of four States which previously had been self-governing, and two of which had previously been semi-independent. Prior to the Union the affairs of the Cape Colony were administered by the Governor and an Executive Council nominated by the Crown. Natal was also governed in the same fashion, while the Orange Free State and the Transvaal were self-governing Colonies. These were now united under a government in which the executive power was vested in a Governor-General and an Executive Council, summoned and chosen by him, and the legislative power is vested in a Parliament

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to consider the administration of public affairs reported in favour of 'changes in the direction of a federal system,' applied either to Canada alone or to the whole of the British North American provinces. In September, 1864, the Government of Nova Scotia, New Brunswick, and Prince Edward Island sent delegates, who assembled at Charlottetown to devise measures for a legislative union of the three provinces. As soon as the new Coalition Government heard of the conference at Charlottetown, the decision was made to send a delegation to bring before the Assembly the much greater question of the Union of all the provinces. The delegates of the Canadian Government were cordially received at the Charlottetown Conference, and it was decided to hold a Conference at Quebec under the sanction of the Imperial Government. After an interval of six weeks thirty-three delegates representing all parts of the country met at Quebec on October 10, 1864, with full authority to thresh out the matter. The Quebec Convention sat in private for eighteen days, and the outcome of the discussion of the thirty-three public men who composed it—they represented all shades of opinion—was an elaborate document of seventy-two resolutions which was subsequently submitted to the Imperial Government, and became the foundation of the Act of Union.

"The Canadian Legislature, in the summer of 1865, adopted addresses to the Queen, in which were detailed proposals for the great constitutional reform. This was followed by a Conference in London (December, 1866) of delegates from Canada, Nova Scotia, and New Brunswick, but not from Prince Edward Island. The Quebec resolutions, especially those which related to finance, were modified to meet the objections raised in the maritime provinces, but no other substantial change in the original scheme was adopted. So soon as the final details had been settled by the London Conference the Colonial Secretary introduced the historic measure, founded on the resolutions of the Quebec Convention, to the House of Lords on February 17, 1867. It was called an 'Act for the Union and Government of Canada, Nova Scotia, and New Brunswick; and for purposes connected therewith.' It passed rapidly through both Houses of Parliament, received the Queen's assent on March 29 as 'the British North America Act, 1867,' and came into force on July 1 as the law of the Dominion of Canada."

consisting of the King, represented by the Governor-General, a Senate consisting of forty members, of which number eight are nominated for a period of ten years, and thirty-two are chosen by the four provinces, eight being returned by each, and a House of Assembly consisting of 130 members, of which the Cape of Good Hope returns 51; Natal, 17; Transvaal, 45; and the Orange Free State, 17.

I have prepared in tabulated form a statement showing the constitution and membership of the Union Parliament and of the four Provincial Councils.

[TABLE

TABULATED STATEMENT showing the particulars of the four Provinces of the Union of South Africa, and the number of Representatives in the Union Parliament and in the Provincial Parliaments

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.		
				Representatives in Union Parliament.					Provincial Legislature.			
Provinces.	Area in Square Miles.	Population.	How Constituted.	No. of Members in Senate.	Tenure.	No. of Members in House of Assembly.	Tenure.	Seat of Government of Provincial Legislature.	No. of Members in Provincial Council.	Tenure.	—	—
Cape of Good Hope.	276,955	2,564,965	South Africa Act, 1909, 9 Ed. 7, cap. 9.	8	Elected for ten years by Members of House of Assembly and Provincial Council sitting together. Eight additional nominated by Governor-General in Council for ten years.	51	Five years unless sooner dissolved.	Capetown	51	Elected for three years.	—	—
Natal ...	35,290	1,194,048	do.	8	—	17	—	Pietermaritzburg	25	—	—	—
Transvaal	110,426	1,684,212	do.	8	—	45	—	Pretoria	36	—	—	—
Orange Free State.	50,389	528,174	do	8	—	17	—	Bloemfontein.	25	—	—	—

As I have already quoted the sections of the Acts of Parliament defining the constitution and the powers of the Parliaments of Canada and Australia, it may be convenient that I should give the text of 59 Section of the 9 Ed. 7, chap. 9, which establishes the Union of South Africa. The Section, consisting of one short sentence, indicates the amplitude of the legislative powers vested in the Union. It is as follows:—"Parliament shall have full power to make laws for the peace, order and good government of the Union." The Provincial Councils of the four provinces have authority to deal with local matters, such as provincial finance, education (elementary), agriculture, charity, municipal institutions, local works, roads and bridges, markets, fish and game preservation, and all matters which, in the opinion of the Governor-General in council, are of a merely local or private nature in the province, and such other subjects as may be delegated to these Councils by the Union Parliament.

The three groups of self-governing States which I have now dealt with may be regarded as Federal Constitutions, although the Union of South Africa partakes more of the character of a Unitary State and less of the character of a Federation than either that of Canada or of Australia. It remains to examine the constitution of the other two self-governing Dominions which, consisting as each of them does of a single State, may be regarded as self-contained, and as freed from those problems of divergent, if not conflicting, aims and interests which sometimes arise in Federated Constitutions.

Newfoundland, our oldest Colony, which we have held continuously since 1623, was governed as a Crown Colony by a Military Governor, instructed from time to time by the Home Government until 1832. In that year Government was granted on a representative but not elective basis, with a nominated Legislature, to which, however, the Governor and his Executive Council were not responsible. This was abolished in 1855, when the Government of the Dominion was reconstituted. The Executive power was confided to the Governor, assisted by an Executive Council not exceeding nine members, and the Legislative power was conferred on the Parliament consisting of the King, represented by the Governor; the Legislative Council of 21 members, holding office for life and appointed as vacancies arise by the Ministry—thus giving these appointments a quasi elective character—and a House of Assembly of 36 members, elected for four years by the votes of the

people. Members of the Legislative Council receive $120 per session, members of the Legislative Assembly receive $200 or $300 per session according as they are resident or not in St. John's, the seat of the Legislature. Manhood suffrage and secret ballot prevail. The administration is modelled on that of the Mother Country. From the dominant party in the House of Assembly a Ministry or Executive Council is formed consisting of nine members, and this body controls affairs subject, of course, to its continuing to retain the support of a majority in the elective chamber. In the Legislature is vested collectively the power of making laws; jurisdiction over public debt and property; taxation of civil powers; the raising of loans for the colony's credit; and the conducting of all the public services. The right of the Assembly or elective House to originate money bills is fully recognised, and the Upper Chamber never interferes in such enactments.

The Governor, who is also the Commander-in-Chief in and over the Dominion and its dependencies, has amongst other powers that of summoning, opening, proroguing and dissolving Parliament. He has also power to give or withhold consent to any Bills passed by both Chambers, or he can reserve them for the signification of the Royal pleasure. No bills become law until assented to by the Governor.

The other unitary Dominion of New Zealand was withdrawn from New South Wales, and was proclaimed a separate colony in 1841, under the administration of a military governor. Notwithstanding that the succeeding decade was characterised by almost constant unrest attributable to various causes, not the least being the imperfections of Crown Colony administration, representative institutions were conferred on New Zealand in 1852, which were superseded three years after by a form of responsible government consisting of a General Assembly composed of the Crown represented by the Governor and two Chambers, a nominated Upper Chamber known as the Legislative Council, and an elected lower chamber known as the House of Representatives. The Legislative Council consists of 37 members, who were appointed by the Crown for life prior to September, 1891, but those appointed after that date held their seats for seven years only. In 1915, this system was amended, and it was provided that the Legislative Council should be elected (except three members representing the Maori tribes, who may be nominated by the Governor); and at the first election, which took place

at the end of 1915, twenty-four members were elected, and the remainder 40 will be elected from time to time at future elections when the terms of office of the present sitting members come to an end. The House of Representatives consists of eighty members (including four Maoris), elected by the people for a term of three years on the basis of adult suffrage, the only qualification for the franchise being residence in the Dominion for one year and in an electoral division for one month and being of full age. The powers of the General Assembly of New Zealand are defined by the New Zealand Constitution Act, 1852 (15 & 16 Vic., cap. 72) which enactment has been again and again amended in many important particulars. The section with which this paper is most concerned is Section 53, which prescribes the powers of the General Assembly, and this section remains unaltered. It is as follows:—"It shall be competent for the General Assembly (except and subject as hereinafter mentioned) to make laws for the peace, order and good government of New Zealand provided that no such laws shall be repugnant to the laws of England, and that the laws so to be made by the said General Assembly shall control and supersede any laws or ordinances in anywise repugnant thereto which may be made or ordained prior thereto by any Provincial Council and any law or ordinance made or ordained by any Provincial Council in pursuance of the authority hereby conferred upon it and on any subject whereon under such authority as aforesaid, it is entitled to legislate, shall, so far as the same is repugnant to or inconsistent with any Act passed by the General Assembly be null and void." (The last paragraph of this section has ceased to be operative as the Provincial Councils were subsequently abolished by the Abolition of Provinces Act, 1875, except in respect of provincial laws passed prior to this Act and not repealed). Section 54 precludes the House of Representatives or the Legislative Council from passing any money appropriation bill out of the revenue of New Zealand unless the Governor shall first have recommended to the House of Representatives (the popular chamber) to make provision for the specific public service towards which the money is to be appropriated. It is well settled that all money bills must originate in the House of Representatives and that the Legislative Council has no control over the appropriation of the revenue.

The legislative authority of the General Assembly is sub-

ject to the restriction imposed by Sections 56, 57, 58 and 59 of the Constitution Act, 1852. Section 56 provides that whenever any bill has been passed by the Legislative Council and House of Representatives it shall be presented to the Governor for assent by the Crown and he shall declare according to his discretion but subject to the provisions of the Act and to instructions which may from time to time be given to him. On behalf of the Crown he may assent to the bill or refuse his assent or reserve it for the signification of the Royal pleasure (in which case the reserved bill shall have no force until assented to), or before declaring his pleasure in regard to any bill he may make such amendments as he may consider needful or expedient, and may return such bill with such amendments to either chamber as he may think most fitting for the consideration of that chamber.

Section 57 provides that the Crown may from time to time issue instructions to the Governor of New Zealand for his guidance in the exercise of the powers conferred upon him of assenting to, dissenting from or reserving for the signification of the pleasure of the Crown bills to be passed by the New Zealand Parliament and that it should be his duty to act in accordance with these instructions. It may be mentioned that by the Royal Instructions of the 26th of March, 1892, the following classes of bills were reserved for the signification of the pleasure of the Crown except in cases of urgent necessity, viz. :—

1. Divorce bills;
2. Bills whereby any grant of land, money or other donations or gratuity may be made to the Governor;
3. Bills affecting the currency of the Colony;
4. Bills imposing differential duties (other than those allowed by " The Australian Colonies Duties Act, 1873 ");
5. Bills inconsistent with Imperial treaties;
6. Bills interfering with the discipline or control of His Majesty's forces by land or sea;
7. Bills of an extraordinary nature, interfering with the Royal Prerogative, rights of non-resident subjects, or trade or shipping of the United Kingdom or its dependencies;
8. Bills containing provisions once disallowed or to whch Royal Assent has been refused.

There is a further provision contained in Section 58 that any bill assented to by the Governor shall be transmitted to

the Secretary of State (for the Colonies) and it shall be lawful for His Majesty in Council within two years of its receipt to disallow such bill, and it shall thereupon become null and void. It is, of course, understood that the General Assembly of New Zealand is not precluded from legislating on the nine classes of subjects I have mentioned, but only that the Governor is precluded from giving his assent without referring them to the Secretary of State for the Colonies for the signification of the pleasure of the Crown. Subject to these restrictions there does not appear to be any limitation of the subjects over which the General Assembly of New Zealand has power to legislate.

Every member of the General Assembly of New Zealand is entitled to receive payment in relation to his attendance in the discharge of his Parliamentary duties at the rate of £200 per annum if a member of the Legislative Council and £300 if a member of the House of Representatives in addition to actual travelling expenses in once proceeding to and returning from the place of Meeting of the General Assembly, but Ministers of the Crown in receipt of a salary and the Speakers and Chairmen of Committees in both chambers are entitled only to the travelling expenses and not to the allowance to members. These fees are subject to deductions for non-attendance of one pound five shillings in the case of members of the Legislative Council and two pounds per diem in the case of members of the House of Representatives for every day of absence except five unless prevented by illness or other unavoidable cause to be decided and certified by the Speaker of the chamber to which the member belongs.

The following tables of population and of trade extracted from the Official Year Book of New Zealand for 1915 may be of interest:—

Year.	Population (exclusive of Maoris and for annexed Pacific Islands to 31st December).		
	Males.	Females.	Totals.
1865	117,376	73,231	190,607
1874	194,349	147,511	341,860
1884	306,667	257,637	564,304
1894	363,763	322,365	686,128
1904	453,992	403,547	857,539
1914	568,161	527,833	1,095,994

Total Trade Exports and Imports from 1865 to 1914.

Year.	Total Exports.	Total Imports.	Total Trade.
	£	£	£
1865	3,713,218	5,594,977	9,308,195
1874	5,251,269	8,121,812	13,373,081
1884	7,091,667	7,663,888	14,755,555
1894	9,231,047	6,788,020	16,019,069
1904	14,748,348	13,291,694	28,040,042
1914	26,261,447	21,856,095	48,117,542

The Legislature of New Zealand, which was raised to the status of a Dominion by Order in Council of 9th September, 1907, has full and complete control of all the affairs of the Dominion, including the assessment, imposition and collection of customs, revenue and taxes.

Having now reviewed in some detail the framework of the constitutions of those great self-governing States—Federal and Unitary—which are the glory of our Empire, and which are alike examples of and the strongest arguments for the success of free institutions, let me call attention to certain outstanding characteristics in these communities, which go far to explain their progress in population, in prosperity, and in increasing loyalty to the Mother Country. The first is the growth, sometimes rapid, sometimes slow, but always inevitable, of the principle of responsible self-government, which vests in the people as a whole, without distinction of class or creed or origin, the right to mould their own destiny, and to direct and control their own affairs on democratic lines untrammelled by any outside influences. We have seen how in nearly all these Colonies the executive government, originally in the hands of a military governor, sometimes advised by a nominated council, and sometimes wholly irresponsible, was gradually superseded by an administration in which some of the members of the executive were selected on the elective principle, and that the tendency has always been that the number of the elected representatives should be enlarged, and the number of the nominated representatives should be gradually reduced. This form of representative constitution has in its turn invariably given way to responsible government, in which all the members of the lower or popular chamber were elected, and a large proportion of the members of the upper chamber also were chosen by election. This system, again, in many cases has been, or is being, superseded by one in which both chambers derive their authority

from the people by election on the broadest possible franchise. This record proves the rule that no free people, who have, in however tentative a degree experienced the results of the power to control their own affairs, will ever rest satisfied until the full measure of autonomous government is established. An equally important principle disclosed by such a survey is, that not less essential to the development of a community than the freedom of its parliament is the right of that parliament to the unfettered direction and management of its own fiscal system. Without the control of taxation no power or authority can abide in parliament. The constitutional principle established by the House of Commons through generations of struggle that the first essential of effective legislation is control of taxation has been raised again and again under different forms and at different times in the history of our Colonial Empire, and so often as the question was raised so often did our Colonies insist that the grant of legislative power would mean nothing to them unless it carried with it the recognition of their unfettered control of the imposition and administration of taxes. Responsible government reduced to its essentials depends on the duty of a self-governing people to raise such taxes by their own authority as will suffice for the good government of their country on such a scale of expenditure as they may determine. This is what the self-governing colonies are doing to-day. It is to be noted that, while under cruder and earlier forms of administration some of the colonies from time to time were involved in serious financial embarrassments, it would not appear that since the granting of the complete fiscal autonomy which they now enjoy there has been any difficulty in maintaining financial stability, notwithstanding the largely increased expenditure which the more generous conception of the duties of a state held by some of the self-governing peoples, especially in Australia, involves.

Closely connected with the fiscal freedom enjoyed by Colonial parliaments is the right which has been asserted by all of them to raise part of their revenues, while protecting their own manufactures, by imposing tariffs not only against foreign states, but also against the Mother Country, with the correlative right to enter independently of the Mother Country into tariff treaties with foreign States, when satisfied that it is their interest to do so. In this connection it may be pointed out that by the Customs Tariff Act, 1908, passed by the Commonwealth Parliament of Australia, which imposed a new scale of Customs Duties, preference rates were conceded on certain "goods the produce or manufacture of the United Kingdom." Similarly, the Customs

Tariff Act, 1914, of Canada, amending an Act of 1907, gives the Governor in Council power to impose a surtax not exceeding 20 per cent. *ad valorem* in the case of goods imported from foreign countries which treat Canadian imports less favourably than those from other countries. The New Zealand Customs Duties Act, 1908, imposes a tariff with preferential abatements of a similar character.

As the Colonies assert the constitutional principle established in the Mother Country that taxation shall be imposed only by the authority of Parliament, so they also affirm the rule that taxation is the prerogative of the lower or popularly elective chamber, and that all money bills must originate in the lower House. Section 53 of the British North America Act, 1867, provides that "Bills for appropriating any part of the Public Revenue or for imposing any tax or import shall originate in the House of Commons." The Commonwealth of Australia Constitution Act, 1900, provides (Sec. 53) that "Proposed laws appropriating revenue or monies, or imposing taxation, shall not originate in the Senate," and "The Senate may not amend proposed laws imposing taxation or proposed laws appropriating revenue or monies for the ordinary annual services of the Government. The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people." The Union of South Africa Act, 1909, contains similar provisions.

The powers which flow from legislative independence necessarily imply complete authority over Patents, Copyright, Navigation, Coinage, Posts and Telegraphs, and similar matters. Their importance is increased by the fact that the laws affect not only those within the area of the legislative authority, but not seldom far outside its boundaries. This subject brings into view an aspect of the relations of the Mother Country to the Colonies which has not yet been referred to—i.e., the practice of the Parliament at Westminster to enact what are described as Imperial Acts affecting the self-governing Colonies and which declare the law on the subjects to which they refer, overriding any enactment of the Colonial legislative authority on the same subject. Without entering on the delicate question of the precise effect of Imperial Legislation in the self-governing Colonies, it will be sufficient to point out that under the British North America Act, 1867, the Dominion Parliament, and under the Commonwealth of Australia Act, 1900, the Commonwealth Parliament, are given powers to legislate in respect of Copyright Patents, Navigation, Naturalisation, Posts and Telegraphs, etc., Currency Coinage, etc., the Navy, Military, Militia and Defence. As I

have already pointed out, the powers of legislation vested in the Union of South Africa under the South Africa Act, 1909, were so wide that no enumeration of them was possible; it is, of course, admitted that the Union Parliament has power to make laws dealing with these subjects. In this connection it may be well to point out that the Copyright Act of 1911 is an Imperial Act, which extends throughout the whole of the Empire, but is not to be in force in a self-governing Dominion unless enacted by the Legislature thereof, either in full or with modifications to adapt it to the circumstances of the particular community.

A somewhat similar question arises in reference to the Army, Navy, Militia forces, and forces of Colonial Defence. As we are all aware, these forces are constitutionally independent of parliament. They are the forces of the King, and in the enactments which I have just referred to it is declared that the Command-in-Chief of the Naval and Military forces is vested in the King, or in the Governor-General as his representative. As at home, the only control over these forces which can be exercised by the Colonial legislatures is the indirect one which arises from providing the money for the Army or Navy by taxation. Under the Canadian and Australian Constitutions, there are explicit provisions enabling those parliaments to make laws on these subjects, although the Australian Act is less wide in its terms, and would seem to restrict the use of the Army or Navy to the "defence of the Commonwealth and of the several States," and " to execute and maintain the laws of the Commonwealth." These communities are protected by an establishment of Militia. The Canadian Militia Act of 1904, which provided for the appointment of a Minister of Militia and Defence and a Militia Council of four military members, and one finance member, establishes an active militia raised by voluntary enlistment for three years' service, or, in case of need, by compulsory enrolment by ballot, and a reserve militia, which has not yet been organised. The principal duties of the Militia are defined to be "to support the civil power, and to defend the country from aggression." In 1911 the Commonwealth of Australia adopted a new Defence Scheme under a system of compulsory training, beginning with cadets of 12 to 18 years of age, followed by one year in the Citizen Forces as recruits, after which the men remain as soldiers for seven years, ending, as a rule, at the completion of the twenty-sixth year. This Citizen Army—such is its official title, which extends over all the States of the Australian Commonwealth — numbers nearly 60,000 men. With the permanent Militia Senior Cadets, for those preparing for

admission to the Citizen Army and those who, after leaving it are enrolled in the Rifle Clubs, the number of the Australian Militia is about 235,000 men. The circumstances connected with an apprehended occupation of the Island of British New Guinea by Germany some years ago was the remote cause of bringing what is now known as "the Royal Australian Navy" into being. Queensland—it was before the days of Federation — fearing the invasion of New Guinea by Germany, occupied it herself. The Home Government refused to sanction this step, stating that the Colonies had no authority to annex neighbouring islands in the Pacific. Germany finding New Guinea abandoned by Australia, took possession of part of it, with the result that Great Britain was compelled to take effective occupation of the Southern part of the island. These events raised the question of the Naval Defence of the Australian Continent, and the Home Government took up the position that if the Colonies required the use and protection of the British Navy it was not unreasonable that they should make some payment towards its upkeep. Australia thereupon agreed to make to the Mother Country an annual contribution towards the expenses of the Royal Navy. After a few years, however, it came to be felt that this payment voted by the Commonwealth Parliament, but expended by the Admiralty in London without the Australian Ministry having any control over it, was contrary to the true principles of responsible government. It was considered that the funds voted by the Australian Parliament for Naval purposes should be administered by the Australian Government, who were answerable to the Commonwealth Parliament. The Imperial Government, assenting to this contention, provided the beginnings of an Australian fleet, on which King George conferred the title of "The Royal Australian Navy." The Commonwealth agree to provide a certain number of ships of different classes, which are to be manned so far as possible by Colonials. The Australian Navy is to be one of the three divisions of the Eastern Fleet, working with the China and East Indian Fleets, and to be under the Imperial Command in war time, but controlled by the Commonwealth Government in times of peace, its headquarters being at Sydney.

I may be permitted, before bringing this paper to a close, to note very briefly certain tendencies in legislation of modern peoples of the English-speaking races when exercising the rights of full self-government. Of the wisdom or otherwise of such tendencies, it is not necessary to express an opinion in this paper. I merely note them as interesting phenomena in the study of modern con-

stitutional self-government. The most obvious of these tendencies is to broaden the basis of franchise, to extend the right to the vote, and to render easier and simpler the mode in which it is obtained. The tendency is generally to reduce the amount of the property qualification if it has been imposed as a condition of acquiring the vote, and in some instances to abolish it completely—a course which has been adopted in New Zealand. Influenced by the same motives, the franchise has been extended in the Commonwealth and in New Zealand to women on the same qualification as to men. Probably as the result of this broad basis of representation, we may note a settled policy to enact legislation intended to produce a more general and equal distribution of wealth. Thus, there has been a continuous struggle in Australia to preserve the unsettled lands in the possession of the government so as to make the profits available for the benefit of the community at large; and, secondly, where government lands are being sold, to secure that they shall be disposed of in small lots in order to prevent the concentration of large tracts of land in the hands of single owners.

The third aspect of democratic legislation manifested in our Colonies at the present time is the attention devoted to laws having for their object the amelioration in the condition of the working classes and the poor. This tendency is especially noteworthy in the Commonwealths of Australia and New Zealand, where it has become so marked as to be confused in some cases with Socialism. In all the communities of the Australian continent a system of old age pensions are in force. Invalid and sickness benefits are also in vogue, and under an Act of the Federal Parliament, passed in October, 1912, a grant of £5 is paid to the mother of every child born in the Commonwealth. Throughout the Australian continent education between the ages of six and fourteen is free and compulsory. In Australia, also, much attention has been concentrated on temperance legislation, and on the control, restriction and diminution of the liquor traffic. Total prohibition has been the law in some parts of New Zealand for some years. A system of local option prevails in the Commonwealth, and recently all licensed premises have by law been closed at 6 p.m. The temperance party in Australia believe that they will be able to carry total prohibition at no distant date for the entire country.

In these Communities, also, much attention has been devoted to industrial legislation and to the methods for the prevention and settlement of labour troubles and wages disputes by the establishment of Arbitration boards, Wages

boards, and similar expedients. Generally, it may be affirmed that the marked tendency of Australian legislation is in the direction of advanced social reform in its various aspects. The circumstances of the Canadian Dominion are such as to render this tendency less marked, although it is believed to be generally influencing the trend of public opinion, especially in British Columbia and the other younger members of the Federation. Quite recently a very strong temperance movement has attained much success in many parts of the Dominion. Ontario has, as the Americans say, "gone dry" with total prohibition. More remarkable still, the entire of the younger States have adopted the same policy, so that, as a recent writer pathetically puts it, "from the Great Lakes to the Pacific Coast there will soon not be a single place where the wayfaring man can get a glass of intoxicating liquor." The creation of the Union of South Africa is so recent, and the events which have since followed it have been so strenuous, that it is impossible as yet to form any opinion as to the probable tendency of legislation, especially in view of the strongly conservative character of the Dutch native population, who constitute an unprogressive farmer element scattered over the four provinces, outnumbering as they do the European population by about four to one.