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JOURNAL OF
THE TRANSACTIONS
OF
The Victoria Institute,
OR,
Philosophical Society of Great Britain.

EDITED BY THE SECRETARY.

VOL. XLIII.



LONDON :

(Published by the Institute, 1, Adelphi Terrace House, Charing Cross, W.C.)

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1911.

THE ANNUAL SUMMER MEETING.

BEING ALSO

THE 521ST ORDINARY GENERAL MEETING

WAS HELD IN

THE LECTURE HALL OF THE ROYAL SOCIETY OF ARTS
(BY KIND PERMISSION), ON MONDAY, 26TH JUNE, 1911,
AT 4.30 P.M.

LIEUTENANT-GENERAL SIR HENRY L. GEARY, K.C.B., VICE-
PRESIDENT, TOOK THE CHAIR.

The Minutes of the last Meeting were read and confirmed.

An address to the King (see p. 316) was unanimously adopted.

The Chairman then introduced Sir Charles Bruce, G.C.M.G., who read the Annual Address.

THE TRUE TEMPER OF EMPIRE.

By Sir CHARLES BRUCE, G.C.M.G.

BACON in his *Essay of Empire* wrote: "To speak now of the true temper of Empire: It is a thing rare and hard to keep"; and, in a speech in the House of Commons, he illustrated the meaning he assigned to the phrase by reference to Vespasian's eulogy of Nerva: *Divus Nerva res olim dissociabiles miscuit, Imperium et libertatem*, Nerva did temper things that before were thought incompatible or insociable, Sovereignty and Liberty." Proceeding to compare the Government of Nerva, who "tempered and mingled the sovereignty with the liberty of the subject wisely," with that of Nero, who "interchanged it and varied it unequally and absurdly," he led up to the conclusion that "the true temper of Empire" is exhibited in the state of things which exists when the two contraries, sovereignty and liberty, are mingled in fit proportions. While I have adopted Bacon's phrase as the text of my address, I do not limit myself to the interpretation of the idea of Empire implied in his essay. He understood by the term "Empire," the sovereignty of an individual over the liberties of the constituent elements of a single administrative unit. "Kings," he observed, "deal with their neighbours, their wives, their children, their prelates or clergy, their nobles, their second-nobles or gentlemen, their merchants, their commons, and their men-of-war; and from all these arise dangers, if care and circumspection be not

used." These dangers he illustrated in detail, indicating the true temper in which they should be guarded against. For my purpose to-day I define Empire as an aggregate of administrative units, of diverse constituent elements, professing allegiance to a central sovereign authority, and I define the true temper of Empire as a temper which "mingles wisely and in fit proportion" the sovereignty of the central authority with the liberties of the constituent areas.

Geographically, the British Empire is an aggregation of scattered territories separated by oceans and continents, subject to every variety of climate, comprising societies fundamentally dissimilar and in every stage of physical, intellectual and economic maturity. Collectively, they include one-fifth of the territorial surface of the globe, and more than one-fifth of its inhabitants, while the natural factors of distinction between the temperate zones and the tropics have determined a political classification into four main groups, approximately exhibited in this table.

	Area in square miles.	Population.
United Kingdom	120,000	44,500,000
Dominions	7,500,000	18,000,000
Crown Colonies	1,860,000	40,000,000
India	1,800,000	300,000,000

I submit as a self-evident proposition that the existence of the British Empire depends on a recognition of the United Kingdom as the seat of a sovereign authority, and on the methods of exercise of this authority in relation to the Dominions, the Crown Colonies and India. I propose to discuss the true temper of Empire in the exercise of this authority in politics, economics and defence. In the term "politics," I include all that relates to executive, legislative and social functions; in the term "economics," all that relates to the development and distribution of natural resources; in the term "defence" all that relates to the maintenance of internal order and protection against foreign aggression. The temper of the sovereign authority in the United Kingdom in relation to the Dominions has been exhibited in a policy based on a mutual desire that they should remain in the empire, each building up a nationality in its own way, and gradually increasing its autonomy, until a

state of things has been reached in which they exist as nations, enjoying complete autonomy in politics, economics and defence within the area of their respective territories, the condition of their adhesion to the empire being complete liberation from the control of the Imperial Parliament. The question that is now testing the temper of the British Empire, so far as the Dominions are concerned, is the nature of the association that is to exist in the relations of these isolated autonomous units with the sovereign authority, with each other, with the Crown Colonies, with India and with foreign nations. Lord Beaconsfield, in a speech at the Crystal Palace on Midsummer Day, 1872, clearly indicated the difficulties to which the grant of self-government to the Colonies, without intelligent anticipation of its bearing on their relation to the rest of the Empire, has given rise. He said: "Self-government, in my opinion, when it was conceded, ought to have been conceded as part of a great policy of Imperial consolidation. It ought to have been accompanied by an Imperial tariff, by securities for the people of England for the enjoyment of the unappropriated lands which belonged to the sovereign as their trustee, and by a military code which should have precisely defined the means and the responsibilities by which the colonies should be defended, and by which, if necessary, this country should call for aid from the Colonies themselves. It ought, further, to have been accompanied by some representative council in the metropolis, which would have brought the Colonies into constant and continuous relations with the home Government. All this, however, was omitted because those who advised that policy—and I believe their convictions were sincere—looked upon the Colonies of England, looked even upon our connection with India, as a burden on this country, viewing everything in a financial aspect, and totally passing by those moral and political considerations which make nations great, and by the influence of which alone men are distinguished from animals."

It is not out of place to recall that in 1868 an Association called the Colonial Society was formed having for a main object the holding of a Conference in London of representatives authorised by their respective governments to consider the organisation of "some central body in the Constitution of the Empire, with effective legislative power and an influence over the laws and destinies of the Colonies." Lord Granville, however, on September 6th, 1869, addressed a circular despatch to the colonies dissociating himself from any connection with the propaganda of the Society, and strongly objecting to any

collective representation of the Colonial Empire in London. Nevertheless, the propaganda of the Society, and of the forces it represented, has resulted in the organisation of the constitutional apparatus styled the Imperial Conference, to discuss and advise on all questions affecting the relations of the Dominions with each other, with the Crown Colonies and India, and with foreign nations.

I do not propose to discuss the exercise of the autonomous authority of the Dominions within the areas of their jurisdiction. I shall devote myself to a consideration of the true temper of empire in the exercise of the sovereign authority of the United Kingdom in the Crown Colonies, and India. These territories contain some 350 millions of British subjects, aliens in religion, race, language, manners and customs, whose adhesion to the British Empire is conditioned, not by liberation from the control of the Imperial Parliament, but by the maintenance of that control, because on the efficiency of its exercise their existence as free communities depends.

Bacon in one of his essays grouped the areas of activity in which it is hard to reconcile sovereignty with liberty as "religion, justice, counsel and treasure." In the application of my text to the sovereignty of the United Kingdom represented by Parliament in the Crown Colonies and India, I may conveniently discuss it under these heads.

OF RELIGION.

In the term religion, I include education. The policy of the Imperial Parliament in the area of religious activity has long been to extend to the constituent parts of the Empire the operation of the policy which has controlled the relations of the State to the Church in the United Kingdom. The broad principle of religious toleration may be said to have been definitely accepted by the Imperial Parliament in 1828 when Lord John Russell, during the passage of the Act to repeal the Corporation and Test Acts, declared that "Statutes imposing penalties and restrictions on account of religions can be justified on no other ground than that of necessity. When that ground is taken away, the Acts remain in all their naked deformity of principle, and that principle is religious persecution." In the very same year, the policy of religious liberty was extended to our colonies in Africa in the fiftieth Ordinance of the Cape Legislature. It was confirmed in 1842 when a Constitution was granted to Natal, conditionally on the acceptance by the

Volksraad of a Proclamation by Queen Victoria in these terms : "There shall not in the eye of the law be any distinction of persons, or disqualification of colour, origin, language or creed ; but the protection of the law in letter and in substance shall be extended to all alike." The Proclamation was published by the Governor on May 12th and on August 8th, the conditions contained in it were formally agreed to and accepted.

This Proclamation, following closely the abolition of slavery, has always been considered by the coloured races as the Magna Charta of their liberties in Africa.

In Asia, the Government of India Act, 1833, declared that "no person by reason of his birth, creed or colour shall be disqualified from holding any office," and the Directors of the East India Company in transmitting it to their Agents in India, sent out elaborate instructions in order that "its full spirit and intention might be transfused through the whole system of administration." After declaring that they understood the meaning of the enactment to be that there should be "no governing caste in India ; that whatever other tests or qualifications might be adopted, distinctions of race or religion should not be of the number ; that no subject of the king, whether of Indian, or British or mixed descent should be excluded from any post in the covenanted or uncovenanted service," they declared that "out of this there arises a powerful argument for the promotion of every design tending to the improvement of the natives, whether by conferring on them the advantages of education or by diffusion among them the treasures of science, knowledge and moral culture." If the Mutiny of 1857 arrested for a moment the confidence of the Imperial Parliament in the policy of 1833, nothing in the history of the Empire is more remarkable than the rapidity with which it reasserted itself in the Proclamation of Queen Victoria to the princes and peoples of India. Lord Morley has recently called attention to the retention of the title "Defender of the Faith" in this memorable instrument. It was urged that in translation, it would convey to the Indian mind the idea of Defender of a creed antagonistic to the creeds of the country, and Lord Derby regarded it as a doubtful title "considering its origin." Apart from the significance of the title in this Proclamation, it is of really Imperial importance to remember the interpretations to which it has accommodated itself. Conferred on Henry VIII. by the Pope in 1521 in recognition of his defence of the Catholic Church against the doctrine of Protestantism, within a few years that sovereign had deserted from the service of the

Catholic Church and accommodated himself to an interpretation of the title confirmed by Act of Parliament as Defender of Protestantism against the Catholic faith. The repeal of the Corporation and Test Acts and the passing of the Act enabling Jews to sit in Parliament in the very year of the Proclamation had made the retention of the title practically inconsistent with any other interpretation than Defender of the equal liberties of every Faith. In any case, the words inserted by the Queen herself in the Proclamation make her Majesty's interpretation clear to all time: "Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and desire to impose our convictions on any of our subjects." The terms of the Proclamation proceeded: "We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.

"And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service the duties of which they may be qualified by their education, ability, and integrity duly to discharge."

"Arising out of this," as the dispatch of 1833 argued, the policy of the Government has been to associate with a religious system based on the principle of toleration, an educational system designed to serve at once as an instrument of equality in the areas of physical and intellectual capacity.

Lord Beaconsfield summed up the imperial importance of physical health in the phrase, "*Sanitas sanitatum, omnia sanitas*," but it was left to Mr. Chamberlain to realise the extent to which the agencies of beneficial occupation in the tropics—industry, commerce, good government and defence—are dependent on the preservation of health against tropical diseases. The exigencies of space make it impossible for me to trace even in outline the varied direction of his energies in the work it was given him to do. The measures by which he sought to secure, and to a large extent succeeded, in securing health, strength and efficiency in our tropical possessions may be classed as—scientific research and investigation of the causes of tropical diseases; education in tropical pathology for all medical officers

serving in the tropics ; the collection and publication of reliable annual records of work and research ; the preparatory measures necessary for the production of a complete Imperial Pharmacopœia ; and provision for the care of the sick by trained and skilled nursing.

The imperial result of his activity may be briefly summed up. On his initiative or with his encouragement, the attention of the Empire was directed to the study of tropical diseases ; research expeditions were sent abroad ; the cause and nature of diseases that have long ravaged the tropical world were discovered, and the means of prevention investigated ; new diseases affecting men and the lower animals in new spheres of our Empire have been brought to light and studied with a view to prevention and cure. Already the result of these researches has been an appreciable addition to the security of life and the comfort not only of British subjects engaged in the work of administration or in commercial and industrial enterprises, but of multitudes of natives. And to secure uninterrupted continuity in the work of research, medical men have been trained in schools which have served as models for other nations and have been taken advantage of by students from many parts of the world.

I turn to the uses of education as an instrument of social equality in the area of intellectual capacity. Mr. Cobden declared that "Education is the sole title to constitutional franchise, the sole guardian of political liberty, the sole qualification for self-government." In the same sense, an American administrator, in the Philippines, has recently summed up the colonial policy of the United States in the phrase, "We stake our whole job on the education of the people." Mr. Huxley well expressed the object and methods of our policy in comparing the modern and the mediæval ideal of the University : "The students to whose wants the mediæval University was adjusted looked to the past and sought book-learning while the modern looks to the future and seeks his knowledge of things." Macaulay, in his essay on Bacon, traced to that philosopher the origin of the modern system, the object of which he tersely declared to be the good of mankind, in the sense in which the mass of mankind always has understood and always will understand the word good. In another passage, he declared that two words form the key of the Baconian philosophy, Utility and Progress ; contrasting it with the philosophy it was destined to supersede, he declared that "The ancient philosophy dealt largely in theories of moral perfection, which were so

sublime that they never could be more than theories; in attempts to solve insoluble enigmas; in exhortations to the attainment of unattainable frames of mind. It could not condescend to the humble office of ministry to the comfort of human beings." Adopting the pragmatic method of illustrating a conception by its practical consequences, Macaulay summed up the results of the philosophy of Utility and Progress in a memorable passage: "It has lengthened life; it has mitigated pain; it has extinguished diseases; it has increased the fertility of the soil; it has given new securities to the mariner; it has furnished new arms to the warrior; it has spanned great rivers and estuaries with bridges of form unknown to our fathers; it has guided the thunderbolt innocuously from heaven to earth; it has lighted up the night with the splendour of the day; it has extended the range of the human vision; it has multiplied the power of the human muscles; it has accelerated motion; it has annihilated distance; it has facilitated intercourse, correspondence, all friendly offices, all despatch of business; it has enabled men to descend to the depths of the sea, to soar into the air, to penetrate securely into the noxious recesses of the earth, to traverse the land in cars which whirl along without horses, and the ocean in ships which run ten knots an hour against the wind. These are but a part of its fruits, and of its firstfruits. For it is a philosophy which never rests, which has never attained, which is never perfect. Its law is progress. A point which yesterday was invisible is its goal to-day and will be its starting point to-morrow."

This was written in 1840, and the three score years and ten—the accepted limit of a life-time—that have since passed have wonderfully confirmed the assertion that the point which yesterday was invisible is its goal to-day and will be its starting point to-morrow. On this law of Utility and Progress is based the whole educational system of the Empire in every stage of gradation from the infant school to the modern University.

OF JUSTICE.

In the term justice, I include the functions of the legislature and the judicature. Within the administrative units of the Crown Colonies and of India, is to be found a mosaic of legal systems bewildering in their number and complexity, the result of a principle, intimately allied with the principle of religious toleration, which has governed English history throughout its career of colonisation and conquest. The essence of this policy has been to adapt itself to the peculiar requirements of every

individual accession to the Empire, and our methods have consequently been as various as the communities for whom the legislation was designed. They may be grouped, however, in two systems—applicable respectively to territories obtained by settlement and those which have come to us by conquest or cession. In the case of settlements our policy is indicated by the Act of Settlement of William the Third: "If there be a new and uninhabited country found out by English subjects, as the law is the birthright of English subjects, so wherever they go they carry their law with them; and therefore such a new found country is to be governed by the laws of England." The principle was not confined to uninhabited countries. It was the basis of the old factory system established in many not necessarily barbarous states, where the settlers carried with them "not only their own laws but the sovereignty of their own state; and those who lived among them and those who became members of their community became also partakers of and subject to the same laws." Briefly, it may be said that in all settled territories the common law of England is the foundation of the local law. In territories acquired by conquest our policy has been, in the first instance, to preserve the established law in so far as it was not fundamentally at variance with our conception of justice, for it would obviously be inconvenient and unwise to replace the existing system by a body of laws of which the inhabitants were ignorant, and for which they might be in civil and political character entirely unprepared. In either case on its fundamental law every territory has erected and continues to erect a superstructure of local laws adapted to its own requirements and changing circumstances, borrowing largely from the United Kingdom and the other units of the Empire. The result of this process has been the accumulation of masses of legislative material formidable in bulk and intricacy, a natural consequence of the conditions under which the work of legislation is carried on. In the Crown Colonies all legislation is liable to be amended, modified or reversed to meet the exigencies of party politics in the Imperial Parliament, the shifting mind of the Colonial Office, or the views of governors who often follow each other in rapid succession, and are apt to subordinate continuity of policy to individual motives, generally laudable no doubt, but not seldom capricious. In these circumstances, it is not to be wondered at that in many or most of our colonies the actual condition of the laws has been found to be one of confusion, contradiction repetition and disorder. To remedy this state of

things legislative activity is being directed to two main objects, codification and assimilation. In the term "codification," I include the preliminary or collateral process of consolidation. Consolidation is the term used for the combining of two or more statutes into one. Codification means putting into the form of a statute laws which have only been found in text-books or reports of decided cases or partly in such books or reports and partly in statutes, statutory regulations and Orders in Council.

Concurrently with, or supplementary to the work of codification, there is a growing tendency to undertake the work of promoting uniformity of legislation throughout the Empire by assimilation.

Speaking generally, the true temper of Empire recognizes that the assimilation of the laws of the component units cannot be carried to complete uniformity. Its aim is to find a measure of uniformity consistent with the preservation of their individual nationality.

The work of assimilation divides itself naturally into two areas of activity, criminal and civil law. In the assimilation of criminal law and procedure, the fundamental principle of the Victorian era has been to substitute for enactments of cruel severity penalties in accordance with the more humane spirit which recognizes that the object of the criminal law is not only the punishment of crime, but the reformation of the criminal class. It is difficult for us to realize the cruelty of the penal system of England up to a time within the recollection of persons still living. From the Restoration to the death of George III. in 1820, a period of 160 years, no less than 187 capital offences were added to the criminal code, while the subsidiary penalties of imprisonment and the lash continued to be applied with indiscriminate severity, even beyond the middle of the nineteenth century. In the assimilation of criminal law and procedure in the Crown Colonies the principles of the Indian Penal Code have found general acceptance, but the process has been slow. In 1869 the work of constructing a Penal Code for all the Crown Colonies based on the Indian Penal Code was undertaken by Mr. Robert S. Wright (afterwards Mr. Justice Wright). After three years of unremitting labour a code was produced and for ten months was under revision by Sir FitzJames Stephen. Conferences and discussions followed, leading to a concurrence on almost all the important points of difference; in 1875 the Draft Code was placed in the hands of the Secretary of State. Sir Henry

Taylor, commenting on this code, in a note in his *Autobiography*, in 1884, wrote: "What has become of it I have never heard. It was sent out to all the Crown Colonies, and the authorities of Jamaica at least, if not of the others, were ready and desirous to enact it, when a postponement was directed by the Home Government, I believe in order that Sir FitzJames Stephen's Criminal Code for England might take precedence, and any results of the discussion of that code might be available for the improvement of the other. How many years may pass before the British Legislature can be got to adopt such a measure as a Criminal Code for England, no one can tell, and in the meantime the benefits which the Crown Colonies might derive from theirs are thrown away. Such was the fate for no less than twenty-three years of the Indian Code constructed by Lord Macaulay and his brother commissioners, during which years more than two hundred millions of our Indian subjects were deprived of the inestimable benefits conferred upon them when it was enacted in 1860." Since this was written very general use has been made of Sir FitzJames Stephen's Code.

In advocating approximation to uniformity, in civil law, it must be remembered that there are classes of legislation in which even assimilation must be exercised with caution. I mean legislation affecting the personal law and religion of non-Christian communities, and especially legislation governing marriage and the law of inheritance. Inseparable from this class of legislation are laws affecting the political status of British Christians or non-Christians of non-European birth, outside of the administrative unit which constitutes their country of origin, that is, in short, the civil and civic status of natives of the Crown Colonies and India in the Dominions. The influence which these questions are exercising on the unity of the Empire is admitted, and it is impossible that they can be settled by local legislation. If a settlement is to be found it must be by the Imperial Conference. A proposal to submit them to the Imperial Conference was first made, I believe, by *The Times* a few years ago, when the formidable difficulties in the way of a settlement were clearly stated.

Should they be submitted to the Imperial Conference they must be discussed with reference to the exigencies of three groups of colonies—colonies in temperate zones, independent of the assistance or co-operation of coloured races, such as Canada; colonies in the tropical belt of the world, dependent on the coloured races for the elementary operations of industry, such as the West Indies; and colonies in sub-tropical zones where

the white man is associated with coloured races in the conditions generally prevailing in South Africa. Above all, the discussion will have to take into account the claims of India and the Far East. The true temper in which these questions should be submitted to the Conference by the Imperial Government was wisely indicated by *The Times*: "We have to state our own view. We should do so without reserve, taking the delegates so far as possible into our confidence as regards our whole foreign and Imperial policy, and laying down quite frankly the necessary conditions of our support and sympathy. Our present system of admonition, tempered by cajolery, and quite untempered by any serious bestowal of confidence, has not the influence upon colonial opinion which some statesmen would like to believe. A franker and more outspoken attitude, if accompanied by a real appreciation of the colonial point of view, would be better statesmanship and truer flattery. A genuine tradition of meeting colonial opinion wherever possible would soon bring that opinion half-way towards ours."

Outside the areas of religious and racial conflict a gradual assimilation of the law in matters affecting economic interests is of equal importance to the United Kingdom, the Dominions, the Crown Colonies and India. In one category may be mentioned laws affecting merchant shipping, bills of exchange and other commercial documents, patents, trade and merchandise marks, copyrights, monopolies in restriction of trade, and trade disputes. In an allied category may be mentioned laws affecting the administration of justice, the jurisdiction of foreign courts, and the execution of foreign judgments in British courts. In a third and distinct category may be mentioned laws affecting health and sanitation or aimed at promoting social morality in many aspects.

In the work of assimilating the legislation of the Empire, a basal principle has been the attainment of the greatest possible uniformity in regard to matters of Imperial moment consistently with a just recognition of local custom where this can be maintained without prejudice to Imperial interests. In the carrying out of this purpose an influence of recognised importance has been exercised by the Society of Comparative Legislation. The Society was established in 1894, mainly for the purpose of obtaining and diffusing a knowledge of the course of legislation in different countries, but more particularly in the several parts of the Empire. The work of the Society has always been heartily approved by the Colonial Office, and in 1902 Mr. Chamberlain invited both the self-governing and

Crown Colonies to adopt an organised method for the interchange of ideas and information between all parts of the Empire as to matters of legal importance and the promotion of unity of law and procedure. The Society justly claims that by the method adopted each member or part of the Empire may now easily ascertain the legislative methods and work of all other parts. The many *Statute Books* have by means of annual summaries, digests and indices, published by the Society, been made accessible as they never were before. The activity of the Society has recently been consolidated in the publication of a work entitled *The Legislation of the Empire*, edited under its direction by Mr. C. E. A. Bedwell. It presents a survey of the enactments of more than eighty legislative assemblies in the British Empire.

Intimately associated with the problem of uniformity in legislation is the problem of uniformity of judicial decision, and among the questions urged for consideration by the Imperial Conference the constitution of an Imperial Court of Appeal for the United Kingdom, the Dominions, the Crown Colonies and India is certainly not the least important.

OF COUNSEL.

In the term Counsel I include, for my present purpose, the constitutional advisers of the Sovereign, representing the group of advisers from whom Kings, in Bacon's time, took counsel, and in dealing with whom care and circumspection was needed to avoid dangers likely to arise. The main principles underlying the Sovereign's relations to his constitutional advisers in the government of the United Kingdom are, in brief, that the Sovereign is irresponsible; that for every act of his prerogative his ministers are responsible to Parliament. The recognition of these principles has been followed by a recognition of the duty of the Sovereign to select as his ministers persons enjoying the confidence of Parliament, and to retain them as his advisers so long, and only so long, as that confidence is continued.

It is not necessary to trace in detail the stages of evolution which have established these principles in the constitution of the United Kingdom. What concerns us is rather to consider their adaptation to the constituent parts of the Empire.

Our colonial policy has passed through three well-defined stages. In the first the Colonies were left free to govern them-

selves, but their commerce was made completely subservient to the interests of the Mother Country. In the second, having, by tampering with their internal affairs, lost the North American Provinces, we sought to hold our Colonies more firmly by governing them from home. In the third, we made it our aim to provide them with Constitutions designed to train them into a capacity to govern themselves with a view to their ultimate separation as independent States.

In all the possessions of the Crown up to the secession of the North American Colonies, the constitutional establishment was formed after the model of the Mother Country, and consisted of an Executive Council corresponding to the Cabinet and a Legislature of two chambers, one nominated and the other elected. But while the constitution resembled that of the Mother Country in form, it differed in the essential particular that the Executive Council was not responsible to Parliament. The Executive and its departmental officers were the servants of the Sovereign and subject to the control of his ministers through his representative. Under this form of constitution, the Colonies were allowed self-government in local affairs, but their trade was limited by the strictest control in accordance with the universally recognised principle of European colonisation at the time.

The principle was concisely stated by Mr. Bryan Edwards in his *History of the British West Indies*:—

“The leading principle of colonisation in all the maritime States of Europe (Great Britain among the rest) was commercial monopoly. The word *monopoly* in this case admitted a very extensive interpretation. It comprehended the monopoly of supply, the monopoly of colonial produce, and the monopoly of manufacture. By the first, the colonists were prohibited from resorting to foreign markets for the supply of their wants; by the second, they were compelled to bring their chief staple commodities to the Mother Country alone; and by the third, to bring them to her in a raw or unmanufactured state that her own manufacturers might secure to themselves all the advantages arising from their further improvement.”

In the now general condemnation of the old colonial system, it is apt to be overlooked that a fundamental principle of the system was the appropriation of the profits of monopoly to the defence of the colonies in the widest sense of the term—territorial security against the attacks of warlike natives and foreign aggression, and the protection of their sea-borne commerce.

The secession of the North American colonies was followed by a change of policy. While the form of the constitution was retained in the remaining colonies, the power of the Executive, responsible only to the Crown, to control the local legislature was extended from matters of external commerce to domestic concerns. In the colonies acquired after the secession, the form of government adopted was the combination of administrative and legislative power in the Governor, aided by a Council of official advisers. The evolution of the constitutions of these colonies shows well-marked stages of development. We find in the earliest stage a Chief Executive Officer, styled Governor or Administrator or Commissioner, assisted by two or more official advisers, nominated by and responsible to the Crown and entrusted with legislative and administrative functions. In the next stage we have the administrative and legislative functions, separated by the creation of an Executive Council and a Legislative Council, all the members of both Councils being nominated by the Crown. In Legislative Councils of this type, usage led to a gradual process of development, marked by an increase of the nominated members to represent a larger area of interests. The next stage was the creation of a Council consisting partly of nominated and partly of elected members. This form of constitution was first set up in New South Wales, and by an Act of 1850 was extended to all the Australian colonies, except Western Australia. Lord John Russell, in introducing the measure, declared its object to be "to train these Colonies into a capacity to govern themselves." The dominant principle of this form of constitution was the combination in a single chamber of legislature of the popular element and its required check, the necessity for the check being the tendency of the representatives of the democracy to make concessions to popularity at the expense of the public revenue, and the reasons assigned for the Single Chamber combination being the difficulty of finding in young colonies the elements necessary for a Second Chamber.

The form of constitution set up by the Acts of 1842 and 1850 has served as a model after which, with many important modifications, designed to meet local circumstances, all the Single Chamber constitutions established in British Colonies and in India have been modelled. But the Act of 1850 contained provisions enabling the legislatures it set up to reform their own constitutions, subject to the approval of the Imperial Parliament, and under these provisions they were enabled to revert to the constitutional form of Government

by the Mother Country, represented by a Governor and Executive Council, a Legislative Council and a Legislative Assembly. It is impossible for me to trace the history of the conflict which delayed the concession to the colonies of the principle of the subordination of the Executive to the Legislature. It was realised that the logical consequence of this concession must be the liberation of the colonial governments from the supremacy of the Imperial Parliament. In 1775, Lord Mansfield declared in the House of Lords: "Take it upon which ground you will, the supremacy of the British Legislature must be complete, entire and unconditional or, on the other hand, the Colonies must be free." In 1837, Mr. Gladstone, in the House of Commons—I quote Viscount Morley—"took a firm stand against the pretensions in Canada to set their Assembly on an equal footing with the Imperial Parliament at home." That is exactly what Canada has done, with the result that the liberation of the Dominion Parliaments from the control of the Imperial Parliament has become the recognised condition of their adhesion to the Empire.

We have thus seen the development of three forms of Constitutional Government:—

1. Colonies in which the Crown has the entire control of legislation, while the administration is carried on by public officers under the control of the Home Government.
2. Colonies possessing representative institutions, but not responsible Government, in which the Crown has only a veto on legislation, but the Home Government retains the control of public officers.
3. Colonies possessing representative institutions and responsible Government, in which the Crown has only a veto on legislation, and the Home Government has no control over any public officer except the Governor.

I need not trace the development of the constitutional principle of the subordination of the Executive to the Legislature, and its consequence in each of the units of the Empire now grouped as Dominions. Before 1860 eight colonies had received responsible government; the Cape was added in 1872, Western Australia in 1890, Natal in 1893, and the Transvaal and the Orange River Colony in 1906. Thus the circle of our self-governing colonies in the temperate zones is complete. In 1867, the North American colonies, with the exception of Newfoundland, which remains a separate unit, were federated in the Dominion of Canada by the British North

America Act; in 1900 the Australian Colonies were federated by the Commonwealth of Australia Constitution Act; in 1909 the South African Colonies were unified by the South Africa Act; in 1910 New Zealand was declared to be a Dominion.

The formal recognition of the colonies of this class as Dominions, owing allegiance to the Crown but independent of the control of the Parliament of the United Kingdom, has been followed by much discussion of schemes having for their purpose a further constitutional development by the establishment of some form of Imperial Council to deal with the relations of the Dominions to each other, to the United Kingdom, to the Crown Colonies and India, and to foreign States, with the corollary question of the organisation of an Imperial system of defence. History will recognise the true temper of empire in the design of the constitutional apparatus styled the Imperial Conference for the discussion of all these questions.

The Australian Act of 1850 led to an amazing amplitude of experiment with a view to adapting its principles to every administrative unit of the empire. Imperial Acts, local Ordinances and Orders in Council followed in rapid succession with a resulting confusion that may be studied in Sir Henry Jenkyns' *British Rule and Jurisdiction beyond the Seas*. But throughout the confusion there can always be traced a line of bifurcation between the self-governing colonies and the Crown Colonies, following the natural cleavages of the temperate and tropical zones. Coincidentally with the gradual emancipation of the self-governing colonies experience was proving that our tropical colonies did not fulfil the conditions of a homogeneous population essential to the success of the form of government contemplated by the Act of 1850. It was necessary therefore to cast about for constitutions adapted to administrative units including communities of widely varied capacities, and in widely different stages of civilisation. It was wisely determined to limit the constitutional development of the Crown Colonies to the type described in the second of the three constitutional forms that have been enumerated, in other words the type created by the immediate provisions of the New South Wales Act of 1842, without the provisions of the Act of 1850 designed to form a bridge to the full liberties of self-government.

The essentials of the type of Legislature set up under this form of constitution may be briefly described. It is a Legislature of three dimensions—including in a single Chamber *ex officio*, nominated, and elected members. The *ex officio* members are appointed by the Crown in virtue of their tenure of certain

administrative posts generally associated with a seat in the executive Council and, as in the case of Ministers at home or in the self-governing Colonies, their vote in support of the Government is inseparable from their tenure of office. The nominated members include two groups—an official and a non-official group. The official nominees, as they are styled, are appointed by the Crown as experts in departmental administration as, for instance, the Heads of the Customs, Public Works, and Survey Departments. They are bound when called upon to support the Government by their vote, at the risk of being called on to resign their seat in Council, though not necessarily their departmental office. The non-official nominees are appointed by the Crown, on the recommendation of the Governor, as representatives of communities or interests. They may be said to owe a dual allegiance to the Government and the communities or interests they represent. The members of the third element of the Chamber are independent of the Crown and responsible only to their electors. When the number of *ex officio* and official nominee members combined is in excess of the number of non-official nominees and elected members combined, there is constituted a permanent official majority. In Colonial practice the Government can and does allow the system to work without an official majority, reserving the power to create such a majority in matters of supreme local importance, such as the passing of the estimates, or to comply with an Imperial mandate. This arrangement is carried out generally in one or two ways; either vacancies are left in the number of official nominees, or the Council may be dissolved and reconstituted with an official majority.

In colonies where this type of Legislative Council exists, it has usually been found advisable to strengthen the Executive Council by adding to the official members two or more unofficial members holding no portfolio as advisory representatives of the principal dividing or conflicting elements of the population.

If any excuse is necessary for an analysis of this type of colonial constitution in my address, I plead the importance of bearing in mind that the introduction of this type, with various modifications, not all in a democratic sense, is a principal factor in recent reforms in India, and marks a stage in the assimilation of the constitutional status of the Crown Colonies and India.

Whether the aspirations of those in the Crown Colonies and in India who look forward to a time when the barriers which oppose the assimilation of this status to that of the Dominions by a further process of constitutional development may be

removed, is a question lying at the root of much imperial unrest. In dealing with it the true temper of Empire is to be found in a spirit of caution in every procedure which has a tendency to bring into collision the usages and prejudices of communities, a spirit giving time for the slow and silent operation of desired improvements, with a constant conviction that every attempt to accelerate the end will be attended with the danger of defeat, but at the same time with a constant conviction that any arrest or reversal of an accepted policy will be no less certainly attended with danger of defeating the end. Sir Donald Wallace closes a chapter on Imperial Federation, in his *Web of Empire*, with a warning that in attempting to realise the closer union of the Empire, it is probable that many mistakes will be made. He suggests, however, that their number may be reduced by the adoption of the old Horatian maxim, *Festina lente*. Lord Beaconsfield gave the same advice in his caution that in practical politics nothing is more necessary than to distinguish between the excellence of a principle and its premature or inopportune application. And in the same spirit, the American philosopher, Waldo Emerson, declared that there is nothing more remarkable than the ease with which a benefactor may become a malefactor by extending his activity into an area where it is not due.

It is not enough that the local legislature should be dominated by this spirit. The fundamental difference between the status of the Dominions and the Crown Colonies and India in their relation to the Crown is that in the Dominions the Sovereign reigns, in the Crown Colonies and India he not only reigns but governs and administers through his ministers, who are responsible for a continuity of policy in the true temper of Empire. The greatest of all perils lies in the pressure brought to bear on ministers to make the interests of the Crown Colonies and India subordinate to the exigencies of party politics at home. I believe that the Council of India is an effective agency against arrest or reversal of policy in India; and the opinion seems to be gaining ground that a similar Council connected with the Colonial Office would be an equally effective agency in securing continuity and at the same time gradual development of policy in the Crown Colonies.

OF TREASURE.

In the term Treasure, I include all the natural resources of the constituent parts of the Empire and I define the true

temper of Empire as a temper which encourages and promotes the development of the resources of each constituent part in the interest of all. The cleavage between the Dominions and the Crown Colonies and India in respect of their political relations to the United Kingdom had its origin in the factors of natural environment that distinguish the temperate and tropical zones.

The new Imperialism is dominated by two main ideas—closer union with the Dominions in the temperate zones and the economic interdependence of the Dominions with the tropical Crown Colonies and India. The international struggle for the control of the tropics has brought home to us that no aggregation of nations in temperate zones can constitute a self-sufficing and self-contained Empire. It has forced us to realise the extent to which the great staples of the world's commerce come, not from the temperate regions but from the tropics. They fall generally under three heads, agricultural and forest resources, mineral resources, and power resources. The agricultural and forest resources may be divided into two main groups, articles that enter into the primary and constant use of every family, even the poorest; and raw materials for manufacture upon an adequate and constant supply of which a vast majority of the wage-earning inhabitants of the United Kingdom and of the temperate zones generally depend for the means of existence. To the former group belong, among many other products, sugar, tea, coffee, cocoa, spices, rice, bananas and citrus fruits, and tobacco; while to the latter belong cotton, rubber, fibres and oils. Among the commodities of the former group, sugar holds the first place, not only on account of the variety of its uses, but by reason of the many subsidiary agencies and interests dependent on its manufacture, cultivation and distribution. Lord Beaconsfield, in his life of Lord George Bentinck, picturesquely described the importance of the sugar industry: "Sugar has been embarrassing, if not fatal, to many Governments. Strange that a manufacture which charms infancy and soothes old age should so frequently occasion political disaster." And again, "Singular article of produce! What is the reason of this influence? It is all that considerations mingle in it: not merely commercial, but imperial, philanthropic, religious; confounding and crossing each other, and confusing the legislature and the nation, lost in a maze of intersecting and contending emotions?" Since these words were written, they have gained a much wider significance. With the abolition of slavery and other economic changes, the cost of labour in production and local transport threatened to

make the development of tropical resources unprofitable. The result of the changed conditions has been to supplement or substitute for the natural agencies of sunshine, manual labour and animal draught, the agencies of chemistry, engineering, and mechanical draught. And what is true of sugar is getting to be more and more applicable to the other commodities enumerated as of primary and constant consumption in the households of the people, by reason of the constantly increasing substitution of machinery for manual labour. In this way there has been opened to the British workmen a vast area of activity, in which he shares with the capitalist the profits of the development of tropical resources.

If we turn to the raw materials of tropical agricultural produce, cotton may be taken as illustrating the extent to which the temperate zones are dependent on the tropics, and among Mr. Chamberlain's many services to the Empire, not the least was the support which he gave to the British Cotton Growing Association. The national importance of the objects of the Association were set out in their prospectus in terms which are hardly yet generally appreciated. "It has been estimated that if all the cotton mills in this country were running three-quarters time instead of full time the loss would be not less than £300,000 a week, or at the rate of £15,000,000 per annum. A prolonged continuation of such a serious state of affairs cannot be contemplated with equanimity, and the cotton trade, in which it is estimated that 10,000,000 of the population of this country are directly or indirectly interested, has serious lessons facing it which must sooner or later react on the prosperity of the whole of the country, and eventually on other parts of the Empire.

"The objects of the Association are those of national importance, closely affecting not only spinners, manufacturers, and operatives, but also dyers, printers, bleachers, finishers, and other allied trades. Merchants, shippers and distributors are suffering severely; engineers, chemical manufacturers, colliery owners, machine-makers, bankers, lawyers, stock-brokers, insurance companies, railway companies, and shipowners, are affected by depression in the cotton trade. Owners of property, shopkeepers, brewers, provision merchants, farmers, and in fact all wholesale and retail dealers in every branch of trade, and all producers, are concerned in it directly or indirectly."

Among tropical forest resources rubber is of outstanding imperial importance. The value it has given our tropical estates may be illustrated by the case of Ceylon. In 1886, one

package of rubber of the value of twelve shillings was exported. The present annual value of the export exceeds £1,200,000. Rubber, though of many varieties, is entirely a tropical production and demand and supply are constantly increasing. It may safely be asserted that before long rubber will rival cotton in the importance of the subsidiary interests dependent on it, and as a factor in animating the struggle of nations of temperate zones for the control of the tropics.

In the development of our tropical estates, we have hardly touched the surface of their mineral resources. Apart from precious metals and gems the carbonaceous and bituminous minerals of the tropics, for instance, in the allied forms of asphalt and oil, within the small areas already surveyed, reveal possibilities of output likely to prove an imperial asset that is getting to be more and more appreciated. Vast as seem the capacities of the tropics for expansion in agricultural, forest and mineral resources, they seem to have an asset of even superior value in their power resources. The great falls and cataracts of their rivers are beginning to receive the attention of the electrical engineer and are being utilised as sources of electrical energy. To take a single instance. The caves of Mount Elgon in Africa are found to have been the home of vanished races, chosen under overhanging rocks in such a way that the cascades that fall over them obscure and protect the entrance. The utilisation of these waterfalls for the purposes of modern civilisation is now a question of practical engineering, and the day may not be far distant when the district may become the home of an industrial community able to generate electrical power sufficient to serve half the territory of Africa.

No economic question of the day is putting the temper of Empire to a severer test than the co-ordination of agencies and methods for the development and distribution of its tropical resources. Some of these I propose to consider.

Royal Botanic Gardens, Kew.

Dealing first with agricultural and forest resources, the Royal Botanic Gardens, Kew, have for a hundred and fifty years been the botanical headquarters of the Empire. Since 1900, Kew has been officially recognised as "*in the first place an organisation dealing with and giving assistance to His Majesty's government on questions arising in various parts of the Empire in which botanic science is involved,*" and as having so far "*a distinctly imperial character.*" Generally speaking, the primary

motive of Kew is a desire to enable the Empire to compete with the United States, Germany and France in the struggle for the control of the tropics by abandoning the crude empiric methods long discarded by those powers in favour of methods based on scientific knowledge and specially adapted to the local environment of the areas of production. The work may be divided into three heads. It provides a school of research and scientific and practical teaching; a central depôt; and a clearing-house. In the school, young men are trained for appointments at botanical stations throughout the Empire. There are at present about a hundred and sixty men, trained at Kew, serving in Asia, America and Australia. As a central depôt, Kew carries on the work of identifying the species of economic plants best adapted to climatic and other conditions in various parts of the Empire. As a clearing-house, it distributes to stations throughout the Empire plants likely to form the foundation of new cultures. In the exchange of plants from these stations, they are received at Kew, nursed to recovery, repacked and re-distributed. In 1898 the inspiring genius of Mr. Chamberlain brought Kew into effective association with the local stations with which it had been for many years in relation, by the corollary establishment of a department of economic botany in the West Indies in charge of an officer styled the Imperial Commissioner of Agriculture. There is probably no other organisation in any part of the tropics where such diversified work is carried on over so large an area and under such varying conditions of soil and climate, so that scientific and practical training can be given in the cultivation of crops suited to all tropical conditions. The department has served as a model for the formation of a series of departments carrying on the same work, the first being the Imperial Department of Agriculture in India.

Other departments have since been formed or reconstructed on similar lines in Africa, Asia, and the Western Pacific. And the work of these departments is supplemented by local associations working in connection with them, of which the Ceylon Agricultural Society may serve as an illustration and model. Sir Henry Blake has given an interesting account of this Society in 1908. "Its object was to bring all classes down to the smallest cultivators into closer touch with the Government, with each other, and with the scientific staff of the Botanic Department, for, if any improvement was to be hoped for, science must go hand in hand with labour. The central society was formed of all the members of the legislature, some of the principal inhabitants, European and native, of each

province, and all the members of the staff of the Botanic Department. Local societies were formed by voluntary action in every part of the island, and were affiliated to the Central Board of Agriculture. They receive all the publications of the Society, and every information that can be of use to cultivators is sent out in thousands of leaflets in Sinhalese and Tamil to the local societies. Every member pays a subscription, and the feeling of self-respect is preserved. Instructors are appointed by the Central Board, who, on invitation, are prepared to attend any meeting of local societies, and give practical instruction upon any matter under consideration; and the staff of the Botanic Department, who from the first have placed their services unreservedly at the disposal of the Society, answer readily any questions submitted to them, and of themselves issue valuable advice that strikes the director, the chemist, the mycologist, or the entomologist as being of service on the general question, or in the event of the occurrence of a pest or disease. The result has been quite equal to my expectations. I will not say beyond them, for my experience has shown me that if the people believe that there is a *bona fide* anxiety to assist them they will respond. In May, 1907, the latest date for which I have statistics, there were 1,200 members of the Central Society, and fifty-two local branches had been established with an aggregate membership of 4,000. Numbers of native gentlemen came forward, some giving considerable sums, others sufficient areas of land for experimental stations."

In estimating the value of the institutions organised since the foundation of the Imperial department of Agriculture for the West Indies, it must not be overlooked that they are the result of the indefatigable labours of Kew, where with a brief intermission, four men, Sir Joseph Banks, Sir William Hooker, Sir Joseph Hooker, and Sir William Thiselton-Dyer, have for nearly a century in face of formidable obstacles urged the organisation of local agricultural and forest departments as corollaries of Kew.

The Imperial Institute.

It was not till 1893 that Kew found a co-operative agency to follow up the commercial results of activity in the tropics. In that year the Imperial Institute was opened as a memorial to commemorate the fiftieth year of the reign of Queen Victoria. The functions of the Institute as a central department

co-operating with Kew and the agricultural and forest departments of the colonies and India were well explained by the Director, Professor Wyndham Dunstan, in his presidential address to the British Association in 1907. The main object of the Institute is to promote the utilisation of the commercial and industrial resources of the Empire, especially of India and the colonies, by the collection, exhibition, and description of the products of its component parts, and by scientific, technical and commercial investigation and trial of their uses. The Institute has thus two principal branches or departments, the Department of Exhibition for purposes of illustrating the present position of the colonies and India in every aspect, as well as for scientific and commercial reference, and the Scientific and Technical Department for the conduct of investigations and the supply of special information. The Institute now has a considerable but insufficient staff of experts at work in these two departments.

In the Department of Exhibition new and important methods of displaying and describing the permanent colonial and Indian collections have been constantly adopted with a view to making them an adequate and intelligible representation of the resources of the Empire, of value alike for educational and commercial purposes.

The methods of the Scientific and Technical Department of the Institute may be briefly described. It ascertains, at first through chemical investigation in its laboratories, the composition of every natural product of the Empire referred to it. The results are submitted to some of the principal manufacturers in this country, who assist in determining the technical value of the materials investigated; and finally, eminent merchants and brokers report on their commercial value in the light of the scientific investigation and technical trials. These methods for determining the uses and market value of the products are supplemented by surveys and investigations conducted in the colonies by qualified experts acting under the supervision of the Director of the Institute in order to ascertain the capacities of the colonies or areas of origin. It is, in short, an expert agency for gauging the value of the raw materials of our vast possessions and advising on their utilisation. The staff consists of men who have been scientifically trained with special reference to the numerous branches of this work.

The Scientific and Technical Department is now working in co-operation with the Agricultural and Mines Departments in the colonies. It supplements their operations by undertaking

such inquiries and investigations as are of a special scientific and technical character connected with agricultural or mineral development. Mineral surveys, under the supervision of the Director, and conducted by surveyors selected by him, are in progress in Ceylon, Northern Nigeria, Southern Nigeria, and Nyassaland, and preliminary arrangements of a similar nature have been made in connection with British East Africa, and with the Anglo-Congolese Boundary Commission in Uganda. All minerals found which are likely to be of commercial importance are forwarded to the Imperial Institute where they are examined and their composition and commercial value ascertained.

Associated with the principal departments of the Institute is a department of tropical service training for candidates selected by the Colonial Office for administrative appointments in East and West Africa. Courses of instruction, including accounting, law, tropical hygiene, and a wide range of subjects connected with tropical cultivation and tropical products are arranged for.

Transport.

The Royal Commission sent to the West Indies in 1897 found that facilities of transport were a necessary corollary to the establishment of a Department of Economic Botany, and on their recommendation services subsidised by the Imperial Government were established to carry on regular inter-insular communication and connect the West Indies with the United Kingdom, Canada, and America. It is indeed obvious that the harvest of fertile lands cultivated with industry, however indefatigable, by methods, however scientific and appropriate, may be rendered worthless by cost of conveyance to market. Naturally the question of adequate transport for our sea-borne commerce is engaging the attention of all concerned in our insular empire in the tropics, while at the same time the process of adapting to our recently acquired continental possessions in Africa the policy of liberal expenditure on facilities of communication which has from the first distinguished our rule in India, is being carried out with energy. The policy which fifty years ago advocated the abandonment of all commercial enterprise in tropical Africa has been succeeded by a recognition of the enormous possibilities involved in opening equatorial Africa to commerce and civilisation. Railway construction is a material guarantee of the sincerity of the new policy. The initiative was due to Lord Ripon, who ordered the preliminary surveys.

The energy of Mr. Chamberlain, his successor, the hearty co-operation of those on whose technical knowledge the success of the work depended, and the courage and endurance of those who bore the burden of the climate and the labour of construction is doing the rest. In 1898 there was not a mile of rail open to traffic in West Africa. Within five years, nearly 500 miles were open to traffic on the Gold Coast and in Nigeria and Sierra Leone, and these lines are now being run with success and rapidly extended. They have been constructed through dense forests, in a deadly climate, which, in spite of every precaution in accordance with approved principles of malaria prevention, caused constant change in the staff of every grade: amid difficulties arising from heavy rainfall, from scarcity and inferiority of labour, from conditions under which cargo had to be landed, as on the Gold Coast, by surf boats and lighters on an open roadstead; while native revolts and military operations interrupted and delayed the work.

Meteorology.

But it is after all the transport of our sea-borne commerce upon which the economic prosperity of the Empire mainly rests, and among the problems of transport in tropical seas is the problem of the security of navigation from cyclonic disturbances. The science of meteorology is of the first importance to the security of navigation, and the tropical island of Mauritius, exceptionally situated as a station for the study of the law of storms, has made a large contribution to the practical results of the study. This was mainly due to the devotion of a single man, the late Dr. Charles Meldrum. His work had two main results in determining the law of storms. By study of the logs of ships traversing the Indian Ocean, and plotting on a chart the direction and force of the wind, the barometer reading, the temperature, the state of the sea-currents experienced by every vessel as nearly as possible at Mauritius noon, on successive days, he obtained a series of weather charts, showing the horizontal circulation of the atmosphere with the barometric and temperature gradients from day to day. From these charts he discovered, and was one of the first to announce, that the wind in cyclones blows spirally towards the centre and not in circles round it as was previously supposed. The importance to navigation of this discovery can hardly be exaggerated.

I will not dwell here on the many other valuable results of the study of meteorology at this station. A recent writer in

Nature has called attention to the imperial importance of a knowledge of meteorology as an aid to security of navigation and sea-supremacy, and has pointed out that the success of the work in Mauritius should stimulate further endeavour and the provision of other stations. Dr. Meldrum's work was carried on for many years by Mr. J. F. Claxton, who has recently been appointed Director of the Hong Kong Observatory. His association with the Hong Kong University promises to be of substantial advantage to the promotion of the study of meteorology at that station.

Imperial Communications by Post and Telegraph.

Problems of transport and the security of navigation lead naturally to a consideration of the problem of imperial communication by postal and telegraphic systems. The first year of the reign of Queen Victoria witnessed the commencement of a popular movement towards a goal which was only recently reached. In the year 1837 Sir Rowland Hill first advocated a low uniform rate of postage between all places in the British Isles, irrespective of distance, and after a vigorous contest in Parliament a uniform penny postage rate came into force in January, 1840. After half a century of struggle, in 1890 a uniform rate of $2\frac{1}{2}d.$ to all parts of the Empire was instituted, and within the next ten years reduced to a uniform rate of one penny to all parts of the Empire except Australasia and the Cape. The uniform penny rate has now been extended to all parts of the Empire as well as to the United States of America. The names of two men will ever be associated with this economic reform—those of Mr. Henniker Heaton and Mr. Joseph Chamberlain. Mr. Henniker Heaton's advocacy of cheap postage was from the first associated with the advocacy of cheap telegrams, but it was not till 1908 that he definitely advocated a system of penny-a-word telegrams throughout the Empire. Without discussing the possibility of an early realisation of this proposal, a few words must be said in illustration of the interests of the Empire in ocean telegraphy and cheap telegrams. It has been justly declared that "submarine lines are the true nerves of the Empire; they are the nerves by which all the colonies are brought into simultaneous action with ourselves."

The interests of the Empire are fourfold; domestic interests, commercial interests, interests connected with the security of navigation and the supreme interest of defence. The true temper of Empire, while conscious of the claims of commerce,

does not fail to recognize that what has been called the cash-nexus, is not the only relation that links the King's over-seas dominions to each other and to the United Kingdom. When King George and Queen Mary returned from their colonial tour in 1901, and again after their Indian tour in 1906, his Majesty, then Prince of Wales, spoke earnestly of the need of a larger sympathy in the relations of the Empire; and perhaps only those who have lived in the Crown Colonies and India can appreciate the full significance of telegraphy as an instrument of sympathy. In most of the Crown Colonies the cost of telegrams is still prohibitive for domestic purposes. In the interests of commerce, which telegraphy supplies with the only instrument that can keep it in uninterrupted touch with the markets of the whole world, if a penny-a-word telegram rate is not at present possible, the experience of the past encourages us to hope, in spite of the combinations and methods which are the real obstacles to cheap telegraphy, a very great reduction of rate may be made. When the Atlantic cable was first laid, the minimum charge was £20 for a message not exceeding twelve words, and it was confidently asserted by the promoters of the cable that any reduction of that charge was impossible. However, in telegraphy, as in other things, the true temper of Empire recognises that it is always the impossible that happens. The charge got itself reduced to one shilling a word. In 1887, Mr. Henniker Heaton, at the Royal Colonial Institute, advocated the construction of a cable from the Cape of Good Hope to Australia. Sir James Anderson, who was present, said: "There is some talk of taking a cable from Australia to Mauritius across the route of the trade winds to the Cape. There is not even a sandbank on which to catch fish. There is not a port to which a cruiser or cable-ship can go to replenish their supply of coal, which they are certain to require to do. There are no ships going there. There is no trade and nobody wants to go there." Fourteen years later, a cable from Durban to Mauritius, and thence continued by an all-red route to Australia was laid, and arrangements were made to enable a chain of governors, on the opening day, to associate the whole Empire in a message of congratulation.

Passing to the interests of navigation in telegraphic communication, I need do no more than mention the transmission of weather telegrams indicating the track of cyclones and atmospheric disturbances. It only remains for a system of wireless telegraphy for communication with ships at sea to be established to complete the value of telegraphy for security of navigation.

In the last resort all interests are subsidiary to the vital interest of defence. All recent schemes of colonial defence are based on the principle of concentrating imperial forces at strategic bases. In the event of dangerous local disturbances or of foreign invasion, it is for the colonies to apply for aid from the nearest naval or military station, and to depend on their own police or territorial force during the period that must elapse before their requisition can be complied with. The success of this system obviously depends on adequate telegraphic communication.

OF DEFENCE.

It is evident that on adequate defence and protection the success of a policy of developing the resources of each constituent part of the Empire in the interest of all depends, and it remains to consider the true temper of Empire in the distribution of the burden of territorial defence and the protection of sea-borne commerce. The struggle for the control of the tropics which has proved our tropical possessions to be of political and commercial necessity has made it abundantly clear that naval supremacy is the condition of our tenure of them. I do not propose to discuss the principles of their defence, or any scheme of operations subordinate to those principles. But the questions of the incidence of the burden of imperial defence and of the basis of contribution are now demanding a solution with insistence. In a note to a return published by the Colonial and War Department in 1829, it is stated that "it has never been a principle of British rule to require that the Colonies should provide for their military defence," but at the same time the return showed that the Colonies did practically contribute £335,000 in the form of personal allowances called colonial allowances. To understand the significance of the return we must remember the source from which the expenditure on military and naval defence was originally provided.

Reference has been made to the old colonial system of commercial monopoly. It was out of the profits of this monopoly, in the extensive interpretation of the term indicated, and by the profits of the monopoly of the ocean and coasting trade secured by the navigation laws, that the cost of defence was met. Bacon, in addition to his essay on Empire, wrote an essay on *Plantations*, using the word in a sense much more nearly approaching the interpretation we now give to the word Empire than the sense in which he used the term. A

moment's consideration will suffice to show that the only source from which the revenue of the Plantations could be derived was the annual profit from the cultivation of the soil. Under the monopoly system, as we have seen, the colonists were compelled to bring the produce of this cultivation to the mother country alone, where on arrival the contribution of the colony was easily levied in practically the only way in which it could be imposed by duties of customs. The system, however it may now be condemned, had this advantage that the contribution varied automatically with the value of the produce, in other words with the capacity of the colony to bear the burden.

With the abolition of the monopoly system and the navigation laws, the fund which provided the mother country with revenues for military and naval expenditure disappeared while the mother country remained charged with the whole burden of imperial defence. The policy which brought about this result was based on the belief that colonies and India were alike politically mischievous and commercially useless. It was expressed in the phrase, attributed to Cobden, that "John Bull has for the next fifty years the task set him of cleansing his house of this useless stuff,"—the army and navy. The next fifty years brought about a complete reversal of the policy, and in the meantime, the steadily increasing burden had to be borne. The return of 1829 showed that a part of the burden was borne by a contribution from the colonies in the form of personal allowances. In 1859, a Departmental Committee was appointed to inquire into the whole question of colonial contributions to imperial defence. It reported that the colonies might be said generally to have been free from all obligations of contributing, either by personal service or money, towards their own defence; that the incidence of the small sums contributed was most unequal and chiefly borne by three colonies; and they particularly condemned the system of colonial allowances as most mischievous to our troops. This report was followed by the appointment in 1861 of a Select Committee of which Mr. Mills was chairman, to inquire into the defence of the colonies and the distribution of the cost between the Imperial Treasury and the colonial funds. It was found that the distribution of troops and the allocation of charges were based on no principle, and had grown up by chance modified by temporary exigencies. The general result of the report of the Committee was the decision of the Government that all colonies must bear the burden of their military establishments. It

must be remembered that during the 'sixties the idea of separation had grown to be a fixed purpose. This decision was immediately followed by the gradual withdrawal of all the Imperial troops from the self-governing colonies, a process practically completed in 1870. In the Crown Colonies, where it was found impossible to withdraw the Imperial troops, the military contribution was fixed on the basis of a capitation rate for each man on the strength, varying according to the branch of the service to which he belonged, and varying also in the different colonies. This system was a source of constant irritation, and has since been abandoned in favour of a contribution representing a percentage of the gross revenues of the colonies subject to certain deductions. As regards the Dominions, the question of their contribution is the gravest of the subjects submitted to the consideration of the Imperial Conference.

The conclusions of the Departmental Committee of 1859, were summed up by Sir Charles Adderley (afterwards Lord Norton) in a recommendation:—"That every part of the Empire should raise its own means of defence at home and at the sound of danger all should be ready to rally round the threatened point, the ocean being our proper medium of national inter-communication, and every enemy being made aware that on his temporary success in any quarter, the vengeance of the whole Empire waits." I conceive that this proposition expresses the true temper of Empire, but it has not always been accepted. In reviewing Seeley's *Expansion of England*, published in 1883, Viscount Morley wrote, "What is the common bond that is to bring the Colonies into a Federal Union? . . . Is it possible to suppose that the Canadian lumberman and the Australian sheep-farmer will cheerfully become contributors to a Greater Britain fund? . . . Is there any reason to suppose that South Africa would contribute towards the maintenance of cruisers? No, we may depend upon it that it would be a *mandat impératif* on every federal delegate not to vote a penny for any war, or preparation for war, that might arise from the direct or indirect interests of any colony but his own." History has signally falsified this prediction, and I venture to believe that the recommendation of Sir Charles Adderley's Committee commands the unanimous assent of the Imperial Conference. With that body it rests to find the practical methods of carrying it out. It will be a work of time. Sir Donald Wallace in *The Web of Empire* relates that a Canadian minister once said to him, "Believe me, the best way of strengthening the Empire is not to rush into

premature centralisation, but to strengthen the constituent parts, and to develop trade relations between them."

I conceive this to be in the true temper of Empire.

OF KINGS.

Although in the application of my text I have not adhered to the interpretation assigned to the word Empire by Bacon, the solemn ceremony of the Coronation suggests a word on the exercise of the true temper of Empire by the Sovereign in Bacon's sense of the phrase. I illustrate it by a parable from Macaulay's *Essay on Sir William Temple*. Referring to a conversation between Temple and King Charles II., Macaulay wrote: "He strongly represented to the King the impossibility of establishing either absolute government or the Catholic religion in England; and concluded by repeating an observation which he had heard at Brussels from M. Gourville, a very intelligent Frenchman well known to Charles: 'A king of England,' said Gourville, 'who is willing to be the man of his people, is the greatest king in the world, but if he wishes to be more, by heaven, he is nothing at all.' The King betrayed some symptoms of impatience during this lecture; but at last he laid his hand kindly on Temple's shoulder, and said: 'You are right, and so is Gourville; and I will be the man of my people!'"

This I consider to be the true spirit of Empire, but the conduct of Charles himself and his successors showed how hard it is to keep. It is always perilous to mark off history into epochs fixed by accession of sovereigns, but I venture to fix the date from which the true temper of Empire has been kept without solution of continuity by the sovereign of the British Empire as the date of the Coronation of Queen Victoria. The coronation of King George and Queen Mary may be accepted as a ceremonial trial and assay of the perpetuity of the temper.

NOTE.—*Many or most of the problems and points discussed in this address are elaborated in my work, THE BROAD STONE OF EMPIRE. It has not been thought necessary to encumber the address with notes of reference to its pages.*

DISCUSSION.

The CHAIRMAN said: I am sorry that Lord Halsbury* was unable to return in time to thank Sir Charles Bruce for his admirable paper. I venture to think that when the Volume of *Transactions of the Institute* comes to be printed no paper will be found in it of more general interest and value than this. One of the most remarkable things in it is the evidence that it gives that Sir Charles, among the manifold duties of his office of Governor of Mauritius, has yet found time to study the broad questions with which he deals so wisely. His was clearly not a post of idleness and retirement.

I will not presume to follow him in the capacity of critic, but I should like to say a few words on some of the points raised.

(1) Foreign Policy:—It is clear that this must always lie with the Central Authority; it would be impossible for every colony to have its own. I refer to such subjects as the denial of the rights of British citizenship to the coloured races who are members of the British Empire and subjects of the same King. The treatment of Indians in South Africa, and of the yellow races in Canada are cases in point. There is a tendency to treat these as “aliens” and to exclude them from their rights in the colonies on various pretexts.

(2) Transport:—In the colony I had the honour to govern there was not even a direct postal line of communication with the principal port. The only line was American, or by one indirect. Products which should have reached England if there had been direct British means of communication were diverted elsewhere. The evil is that if the mother country does not help, the colonies naturally turn elsewhere and form relations which are difficult ever to undo.

(3) Defence:—This I recognise as most difficult. The colonies are so widely scattered that effective co-operation is almost impossible. It is only by free consultation and in a spirit of real sympathy amongst all the colonies concerned that the problem can be solved. There must be the concurrence and co-operation of all when any one is attacked. As far as Lord Morley is concerned, all

* Lord Halsbury, the President, who had attended the meeting of the Council just before this meeting, had expressed his intention if possible of returning from another engagement in order to hear the close of Sir Charles Bruce's address.

I can say is that he does not appear to understand the minds of the real colonial representatives.

There is no discussion to-day, as this is the Annual Address of the Institute, and I will not therefore add more, but content myself by proposing a vote of warmest thanks to Sir Charles Bruce for his paper, and the expression of our highest appreciation of its contents.

This was seconded by Colonel MACKINLAY, who said we were very happy in the choice of subject at this time as well as of the Lecturer. Both Sir Charles and the Chairman* had been Colonial Governors; they were practical not merely theoretical men. We had been much enlightened this afternoon by what we had heard, and we all heartily join in the expression of loyalty with which the address closed. In comparing our Empire with any that has existed in the past, we could not shut our eyes to the fact that ours is far more complicated and contains far greater problems than were before the great empires of antiquity. On the other hand ours has elements of greater permanency; the influence of the Bible has caused our sway to be more sympathetic, as shown by the abolition of slavery and the provision of hospitals for the sick. He heartily seconded the vote of thanks to Sir Charles Bruce.

Sir CHARLES in reply said he only wished to say how grateful he was for the opportunity of expounding to the Members of the Institute the principles he had set forth, which had occupied the best thoughts of his life.

At this meeting a loyal address to Their Majesties the King and Queen was read and adopted with acclamation.—*See next page.*

* Sir Henry Geary was Governor of Bermuda 1902-1904.