

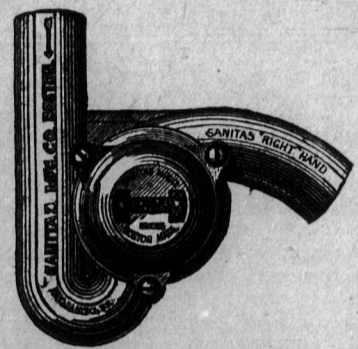
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**WITHIN THE EMPIRE; AN ESSAY ON Imperial Federation.**

BY Thomas Macfarlane, F. R. S. C.

**CHAPTER VIII.**

**A Parliament of Parliaments.**

When Mr. Hofmeyer made his proposal at the Colonial Conference for creating an Imperial revenue, one of the reasons he gave for preferring it to a system of subsidies was that the latter "would practically amount to a tax, and where you have a tax the people who bear the tax sooner or later ask to be represented." He was evidently of opinion that the advantage which would accrue to all parts of the Empire, from a system of discrimination in favor of British Trade, would be sufficient compensation for their various contributions by means of the Imperial revenue duty. It is very doubtful whether this view would be accepted generally. Duties on imports, even when the latter are foreign, are taxes nevertheless, and however indirect the manner of contributing towards Imperial purposes might be, it would infallibly bring with it a demand for representation. "No taxation without representation," is a political axiom which seems at the present day to be universally accepted.

How to provide such representation for the various peoples of the British Empire is a problem the discussion of which most people would gladly postpone, until some other preparatory step had been proposed and taken towards Imperial Federation. But it would seem impossible to delay the consideration of this subject in view of the fact that the first step must always be taxation for imperial purposes. Contributions towards the common defence or the improvement of the means of communication within the Empire, must beget a claim for representation in an Imperial Parliament. The House of Lords and the House of Commons in England are together frequently called the "Imperial Parliament," but this is probably only by courtesy. How can a parliament or a ministry be truly Imperial which is the creation exclusively of the inhabitants of the United Kingdom? It is unjust that Colonists who may have to suffer severely in time of war should have nothing to say as regards the conduct of foreign affairs, upon which the continuance of peace or the outbreak of war depends.

This consideration is one which received a good share of attention at the time the Imperial Federation League was formed in England, and the late Mr. Forster expressed himself regarding it in the following words:—"If we ask the Colonies to tax themselves for defence against possible attack from foreign powers, if we remind them that it is not just that we at home should bear more than our fair share of the cost of protecting them from invasion, we must confess that their demand for some participation in imperial foreign policy will gather strength, and therefore again we come to the conclusion that, if the Empire is not to be broken up, there must be an organization for mutual defence, and for common control of foreign policy."

Mr. Forster also addressed himself to the discussion of the proposals which had been made for the parliamentary representation of the whole Empire, and his views should certainly be made the starting point for considering the problem of an Imperial Senate. He says (for although dead he speaketh,) "There are two proposals for parliamentary representation. (1) The admission into the House of Commons of members for the Colonies, and probably at the same time, an addition to the House of Lords of Colonial Peers. (2) The formation of a new and paramount representative assembly, which shall bear the same relation to our Parliament at home, and also to the Parliament of the Dominion and of the other Colonies, as that which Congress bears to the American State Legislatures, or the German Reichstag to the Prussian or Bavarian Landtags."

"In the one case the Colonial representatives would sit in a house which would discuss and attempt to solve, not only all Imperial questions, but all those affecting the imperial government of the United Kingdom; and in the other case they would be members of an assembly which concerned itself with imperial questions only."

"Now the first of these proposals appears to me impracticable, or at any

rate most difficult to work. The colonial representatives might be members of the House of Commons either with or without the power of taking part in home legislation; if they possessed such power, their interference would be looked upon with jealousy; if they did not possess it, their exclusion would be both difficult and objectionable; and it would not be easy to draw the lines betwixt imperial and domestic questions, or to decide when the Colonial member should be debarred from voting or speaking. True it would be possible in theory to avoid this anomalous position; the assembly representing both the United Kingdom and the Colonies might deal with the internal affairs of the Colonies as well as with those of the United Kingdom; but it will be admitted that in practice this arrangement could not work. The Colonies would not accept it for a moment, and they would be right in their refusal, for the large majority of the governing body would have neither the knowledge nor the will to attend to their affairs. In comparison with questions affecting England or Ireland or Scotland, those relating to Canada, Australia or the Cape would be neglected; the parliamentary block would be intolerable. Neither the present House of Commons, nor any possible representative assembly, with any possible division of labour would be able to add to the supervision of foreign policy, and the provision for the army and navy, not merely the multifarious subjects for legislation and discussion, every day increasing in number, which affect the relations of the inhabitants of the United Kingdom to one another and to their government, but also similar questions in the colonies with all their varied interests and conditions.

"These objections would not apply to the Congress proposed. There is nothing anomalous or in itself impracticable in an Imperial Parliament with subordinate Parliaments; but, though it may be the ultimate form of federation, I think at present any attempt to establish it would be premature. This proposal would, I fear, be regarded with some suspicion in the Colonies, for populous and rich and powerful as many of them already are, they are yet aware that at present and for some time to come, they would be dwarfed individually, and even if combined would be weak in comparison with England; and there is no denying that the project would be startling, and at first sight unacceptable to British public opinion. Why, it would be said, force upon us the difficulties of a paper Constitution and State Rights, and the necessity of some tribunal to decide when these rights are, infringed or unduly extended?"

From this quotation it is evident that Mr. Forster looked upon a representation of the Empire in the House of Commons as an impossibility, and indeed the people of the United Kingdom did decide, when appealed to, not very long since, against Home Rule and that the House of Commons should continue to be the Parliament of Great Britain and Ireland. To propose colonial representation in it would be as unreasonable as to give the United Kingdom representation in the Dominion Parliament. An Imperial Senate should not be subject to disruption and dissolution at the will of any local political party in England or elsewhere.

Mr. Forster further regarded the formation of an uppermost Imperial House as an undertaking of the most extreme difficulty. This is a view similar to that of Sir Charles Tupper who could not see much hope for Parliamentary Federation in our day, because it seemed to involve the creation of a Supreme Parliament over the present Houses of Lords and Commons. In a most able essay (one of those presented to the London Chamber of Commerce, and selected for publication) it has been shown by Mr. C. V. Smith, that to create an entirely new Federal Parliament would involve a change of the most radical and sweeping description, and subject the English Constitution to too severe a strain. If such a new creation were indeed indispensable the difficulty would be very great, but it would be well to ask whether this is really the case. Would not the necessity for the invention of a completely new uppermost House disappear if the present House of Lords could be utilised?

The idea of representing the Colonies there has been put forward by another of the leaders of the Federation movement, Lord Rosebery, in the following words:—"As regards tentative experiments in the direction we are seeking, I may be considered to be a person of one idea on this subject; but I do believe it might seriously be considered by the House of Lords, if delegates from the Colonies might not be ad-

mitted to sit as do delegates in the Senate of the United States. Of course that would be a large change, but not so large as it at first appears. The main objection always urged is that of distance. I think that question has been conclusively dealt with by Mr. Smith," (the present leader of the House of Commons), "but I would point out an even more recent illustration. I refer to the State of California which, when a territory and at a distance of weeks from the main seat of Government, sent delegates to the Senate of the United States without the slightest difficulty. I do not believe in the difficulty of distance; and I believe a tentative experiment in the House of Lords would not interfere with the financial control of the House of Commons over the affairs of the Empire." There can be no doubt that this idea points out the right direction in which to work for the realisation of a scheme of Imperial representation. This we are inclined to maintain, although Lord Rosebery is since reported to have said that there is a fatal objection to the introduction of Colonial representatives into the House of Lords, which is "that the colonies do not want them there." This remark may be true if applied to the Upper House as at present constituted, but it would not apply if it were, with proper deliberation, transformed into a Parliament for the Empire.

No doubt the House of Lords has "already emphatically refused the appeal made by Lord Rosebery to institute an inquiry whether its constitution as a legislative and representative body does not stand in some need of revision after the wear and tear of seven hundred years." But the House of Lords has also given frequent proofs that it knows when to yield, and it might perhaps be prevailed upon to reform itself and become a useful Imperial Institution. At the present time there seems to be a class of people in England, who, little though they realise it and little as they may desire it, are preparing the minds of the English people for such a change by their persistency in lowering the tone of the House of Commons, while disparaging the House of Lords. Why should that Upper House be gradually deprived of every sphere of usefulness? Why should it not rather become the Parliament of the British Federation?

The difficulties in the way of such a change would soon disappear, if the House of Lords would consent to reconstruct itself, provide for the abolition of hereditary membership, the election to it for life of English Peers, and the representation in it of all parts of the Empire. This seems to be the least difficult way in which to create an Imperial Senate. It may seem absurd to make such a proposition in view of the fact that the total abolition of the House of Lords has been suggested. Still no one dreams that this can be done without their consent. The Upper House is not likely to commit political suicide and any other course would be revolutionary. To speak of abolition is therefore worse than useless, but it would not be impertinent to ask that the House of Lords should so change its constitution as to become the highest legislative body in, and be representative of the whole British Empire. Moreover the reform of the House of Lords is a subject which has of late seriously engaged public attention, and leading British statesmen have expressed themselves regarding it in such a manner as to show that it is now within the sphere of practical politics. It has heretofore been considered mainly from an English point of view, the Upper House being of course regarded as part of the parliament of the United Kingdom. The House of Lords does not however seem to be indispensably necessary for the good government of the British Isles, and surely a legislative body of such antiquity, dignity and stability is fitted for a higher purpose than merely confirming the decisions of the English House of Commons. The "expansion of England," and the multiplication of colonial communities, owning allegiance to British Crown, are surely demonstrating the necessity of some Imperial representative body in which their various sentiments and interests might find expression and protection, and it would probably ultimately be found to be matter for regret, should a reform of the House of Lords now be attempted and carried out without reference to the Colonial requirements. It seems, therefore, proper to discuss the subject from a Colonial standpoint, and to ascertain whether the House of Lords might not, with advantage to all concerned, be so reconstructed as to become the Parliament of the British Empire.

From recent events it is plain that the House of Commons is likely to remain permanently representative of

England, Scotland, Ireland and the islands adjacent. Nor is there any reason why, in matters concerning the British Isles, it should not be relieved from the necessity of having all its measures expressly sanctioned by a House of Lords. Although no such confirmation by any higher body would be necessary, the Crown would still possess the right to veto any of its measures just as it has this right at present, as well as the power to disallow Colonial legislation. By removing the consideration of Imperial affairs to an Upper House these would not escape the control of the House of Commons, because it would no doubt have the right to send a delegation to that House in the event of its becoming the Parliament of the Empire, to express its views, and influence legislation and action as regards Imperial affairs. By this arrangement such a division of the labour of legislation would be effected as would contribute very materially to the usefulness of both Houses.

In the admirable essay of which mention has already been made, Mr. C. V. Smith is of opinion that the admission of the Colonies can best be accomplished by their incorporation into the existing English Constitution as contemplated by Adam Smith in the following quotation, "There is not the least probability that the British Constitution would be hurt by the Union of Great Britain with her Colonies. That Constitution, on the contrary would be completed by it, and seems to be imperfect without it." The difficulties in the way are enumerated by Mr. Smith as (1) "the distance in point of space, and length in point of time, which have to be surmounted in the transit of persons and the transmission of intelligence from different parts of the Empire to the metropolis; and (2) the impropriety as well as impossibility of all the matters which at present engage the attention of the Parliament of Westminster, as well as the additional affairs which the change would inevitably bring under its consideration, being dealt with by a Parliament composed of representatives from all parts of the Empire. We shall find upon consideration that the first difficulty is purely chimerical, and that the second is in a fair prospect of being speedily removed by the national development of events." Further on Mr. Smith makes light of the objection as to space and time, and tries to show that "the natural development of events" will lead to "the establishment of subordinate legislative bodies in the different parts of the United Kingdom for the administration of local affairs," and make it possible for the present House of Commons to pay more attention to Imperial affairs, and to admit representatives from other parts of the Empire. Here it is that Mr. Smith's conclusions seem quite untenable. We are disposed to maintain that the transformation of the House of Lords into an Imperial parliament is a much easier task and would produce a far better result than the reconstruction of the House of Commons and the creation of several new legislatures within the United Kingdom. Without the latter bodies, Mr. Smith's plan would be a failure, for he comes to the same conclusion as did the late Mr. Forster with regard to Colonial representation in the House of Commons, namely that "it would be impossible to make any substantial addition either to the business or the numbers of our present House of Commons, without entirely destroying its efficiency." The constitutional arguments which Mr. Smith advances in favour of his scheme, are of course equally applicable to one which proposes a reconstruction of the House of Lords.

When we come to consider the representation of the whole British Empire, and to attempt an answer to Sir Hector Langevin's question, "Will our representation be based upon population?" it must speedily be acknowledged that the latter basis is utterly out of the question. India, with its 250 millions would very effectually prevent the realisation of anything of that sort. It must also be admitted that anything like representation by counties or divisions is impossible. A much more concentrated system of representation must be employed, otherwise the Imperial Senate would be too unwieldy; and yet we must have something broader than a Federal Council, such as that of Switzerland or such as was the old German Diet. It would seem most practicable to make the Imperial Senate representative of parliaments rather than peoples; of provinces rather than countries, of governments rather than of individual electors. This is the idea which has been put forward by Mr. Jas. Stanley Little, and which has been described by Lady Florence Dixie, as the creation of "a Parliament of Parliaments." Mr. Little's proposal is that, "the present

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