

the other he always has the right to advise and to warn his ministers and his people as his ministers and people ought in turn to respect and honour his advice and warning as they would respect and honour the advice and warning of any other person of equal experience and wisdom. It may be safely said, however, that the last vestige of arbitrary despotic kingly power has vanished under the British monarchy.

Possibly, however, the theory of principle of The Crown under British constitutional forms of government may be best explained by a scientific analogy, and this is clearly permissible since The Crown, as we all know, like any other office of state is merely a device in the science of applied government. The Crown, then, to state it briefly, is conceived as the centre of sovereign will in the body politic, just as the centre of gravity is conceived to be the centre of gravitational energy in physical bodies. Just as each atom in a physical body is endowed by nature with its modicum of gravitational energy, so each atom, each human unit, in the body politic is endowed by nature with its modicum of sovereign free-will. In order, however, that the vast mass of free human wills may be made to act in an orderly way, each in relation to its neighbour units and the whole in relation to other foreign bodies politic, it is necessary to conceive of the multitude of free units in each mass as focussed or centred at a single point. This point is The Crown. The Crown therefore is really a scientific hypothesis, a hypothetical centre of orderly action in the life of a free people. It is a curious fact indeed, which may be pointed out here, that Sir Isaac Newton published the first edition of his Principia, in which he first described the law of universal gravitational movement in the year 1688, the very year in which the Limited Monarchy became an accomplished fact in British history. So closely is our best scientific thinking and our best political thinking sometimes unconsciously associated together! In any case, this theory best explains the great outstanding difference between the Limited Monarchy and its great rival the Presidential or republican system of free government. Under the republican system, where the Chief Magistrate, the President, is elected to office by the full force of public opinion, too much real energy, some of us think, is thrown towards the centre of the body politic, so that the President is placed in a position where he may play the virtual despot during his fixed term of office, or where he may be burdened with responsibilities of state too heavy for any one man to bear. Furthermore, the Limited Hereditary Monarchy adds at least some slight element of scientific continuity and stability at the centre of the mass which is often wanting under the republican system with its constant, uncertain displacements at the centre at each recurring presidential election.

Finally, we must not altogether overlook the sentimental side of the Monarchy. Do what we will to be guided solely by pure cold reason, none of us, happily being human, can ever quite wholly refuse to recognize the claims of sentiment and fancy. Sentiment is the original source and spring of all things human. Indeed,

what we usually call our human plans and policies are, when rightly understood, only our native sentiments and instincts clothed in hopeful visions of the future our dreams made real. We can never quite escape the stories of Kings and Queens and Princes and Princesses which we learned on our grandmothers' knee. We can never quite escape from the influence of tradition and fond memory. We think in images and symbols, abstract complex ideas are usually quite beyond the wisest of us. Possibly the ornate symbolical habiliments of the Monarchy may sometimes be paraded over much in educated critical democratic communities, but their influence and significance are essential in the government of such subtle fanciful peoples as, for example, the people of India. For primitive people and for children, the citizens of the future, these forms and images are the only means we have of teaching them to think loyally at all. Even republics have their flags, and a real human person, a real king, must always be in the nature of things of much more intense human interest than a bit of cloth. It is safe to say, in any case, that the maintenance of the Monarchy is essential to the maintenance of the British Commonwealth. Clearly no President elected only by the voters of The United Kingdom would be long recognized by the voters of the self-governing dominions overseas. Let us now turn to the Monarchy in Canada.

Section 9 of the B. N. A. Act reads as follows: "The Executive Government and authority of and over Canada is hereby declared to continue and be vested in the Queen." And Section 17 reads: "There shall be one parliament for Canada consisting of the Queen, an Upper House, styled the Senate, and The House of Commons."

Notice en passant that the Governor-General is not mentioned in these sections. Indeed it is a curious fact that the office of Governor-General was not constituted by the Act. The framers of the Act seem to have assumed without question that the Governorship would continue to exist by practice in the future as it had existed by law in the past. But innocent as the section seems at first it may in the end have very far reaching results. If the section means what it says then Canada is and always has been a kingdom. By fiction of law the King is conceived to reside at Ottawa as he really resides in the flesh at Westminster. Doubtless the section was placed in the Act by the provision of Sir John MacDonald who, as we all know, wanted to call the Union, The Kingdom and not The Dominion of Canada. Finger prints of the incorrigible old dreamer like this are to be found everywhere in the Act. But note the consequences. Under the old colonial system Canada could not carry on diplomatic negotiations with foreign kingdoms or powers or send ambassadors or diplomatic representatives to foreign courts. But if Canada be a veritable self-contained kingdom this power is indubitable. But the matter does not end here.

We must not forget that the real King is not the King in person, but the King acting on the advice of his ministers. Now since there are two Kings, one real and the other constructive, the first at Westminster and the other at Ottawa it also follows

that he has two groups of ministers, one the Cabinet at Westminster and the other the Executive Privy Council or Cabinet at Ottawa. By which of these groups, then is His Majesty to be finally advised in case the two groups advise differently? That is the real problem. To this question I think the answer is clear, that he must in such cases be finally advised by his Imperial ministers, for he is advised primarily and originally by his Imperial ministers who reside where he really resides in person and only in a secondary or derived sense by the Ministers who reside where he merely resides by fiction of law. Obviously, however, this is a matter to be settled in each case by friendly negotiations between the two groups of ministers, and there is always abundance of room for friendly negotiation in any free, flexible system of government. It is impossible to settle all problems of policy by constitutional devices. In any case this clash between the two rival ministries seems to be the real question which came to the surface in the recent incident arising out of Pacific Halibut Treaty with the United States. The Hon. Mr. Lapointe insisted that he alone should sign the treaty on behalf of His Majesty the King advised solely by His Majesty's Canadian Ministers and Sir Auckland Geddes, the British Ambassador at Washington, insisted that he also should sign the treaty on behalf of His Majesty advised by His Majesty's Imperial Ministers. As a result of this incident—still I understand in official abeyance—and the published official statement of the recent imperial conference, it now seems clear that in future His Majesty will be advised solely and finally by his Canadian ministers on all questions, home and foreign, which chiefly affect Canada or only affect Great Britain and the other overseas dominions in a minor or remote way. If this be so, the incident referred to has certainly, whether for better or for worse I dare not say, marked a long step forward in the direction of Canadian autonomy. This brings us down to date on this question. The next office in line is

II.

The Governor-General.

Read again at this point section 9 of the B. N. A. Act cited above and ask yourselves the question what then in view of this section is the real constitutional position of the office of Governor-General of Canada. Clearly he is not a viceroy and none of the personal privileges and immunities of royalty, therefore, attach to his office. He is, apparently, the real presence of the King at the Capital of Canada where His Majesty resides as we have seen, in a spiritual sense only by fiction of law. Or less abstractly, the Governor-General is the agent, the long right arm, if you will, of His Majesty reached across the Atlantic down the St. Lawrence and up the Ottawa to perform for the King on Parliament Hill those formal and signatory duties which His Majesty would perform in person were he present in the flesh. The office of Governor-General, therefore, is purely formal and signatory and in this way the constitution of Canada has probably gone