

MR. HARDING: Might I ask General Hertzog a question in connection with his formula? If I understand aright, in the last draft discussed by the Prime Minister's Committee, the terminology implied that "the British Commonwealth" is a smaller conception than "British Empire."

MR. FITZGERALD: I believed it is argued in the Committee that it is not. It talks of "the Dominions who are members of the British Commonwealth." I have an idea, from when we had a draft of the thing, that it does not always use the word "Commonwealth" as interchangeable with "Empire." What is within the Empire is not the whole Commonwealth, but this states here, "members of the British Commonwealth."

MR. HARDING: I do not want to comment on the word, except broadly. The wording will have to be thought about a good deal.

MR. FITZGERALD: In reading over my draft I can see many flagrant errors of draughtsmanship, and I dare say others will see many more.

SIR FRANCIS BELL: Sir Cecil, having assured us of the difficulty of "the umbrella," and having himself substituted one "umbrella" for the other, now wants to know what the umbrella he has discarded means.

GENERAL HERTZOG: I understand the difference between Sir Cecil and Mr. Fitzgerald is only one of form. But you did not finish, Sir Cecil.

SIR FRANCIS BELL: May I point out one technical point in regard to the Head of the State? Would it not be better to say, "so far as this body is concerned must be made in the name of the Head of the State"? Saying that it shall be in the names of the Heads of the States seems like a dictation to the League. What we mean to say is, "any treaty that is made by us will be made by us in the name of the King." They may make it in whatever name they like.

GENERAL HERTZOG: "If a treaty is signed on behalf of the Empire or any part of it . . ."

SIR FRANCIS BELL: It might be read by the League as meaning that we say to them they must make all treaties with us in the names of the Heads of the States.

SIR CECIL HURST: That is the intention. A treaty would be between the Heads of States.

SIR FRANCIS BELL: It could be made between the King and the Irish Free State.

MR. LAPOINTE: May I suggest that we adjourn and appoint a Drafting Committee of three or four, to come to the next meeting of this Sub-Committee on Tuesday and submit what their combined wisdom has produced? I confess that General Hertzog's suggestion of the two paragraphs 3 and 4 becoming 1 and 2 appeals to me, so far as I am concerned. Then Mr. Fitzgerald has another draft.

MR. FITZGERALD: I was trying to convey what Sir Cecil Hurst said. I thought it conveyed clearly what he intended, and did not tend to derogate from our position in the League of Nations and internationally generally.

MR. LAPOINTE: Supposing Sir Cecil Hurst, Mr. Fitzgerald and Dr. Skelton get together and draft a Resolution. If it is accepted by the three of them I am sure we shall accept it on Tuesday. I think that would be the best way of expediting our work.

MR. HARDING: Might I suggest that not only should this sub-committee prepare a draft resolution—I am now looking at it from the point of view of the Secretariat of the Conference—but, if possible, that it should prepare a draft Report to Lord Balfour's Committee because time is getting so short? If it is not done soon, we shall be holding up the Conference.

MR. LAPOINTE: I am willing to accept the suggestion if the others do.

SIR CECIL HURST: The draft Report, I take it, will cover all the matters in E. 104 that are agreed, even though they may seem to be matters of some detail.

MR. LAPOINTE: I take it then that it is agreed that Sir Cecil Hurst, Dr. Skelton and Mr. Fitzgerald should form the sub-committee.

SIR CECIL HURST: You want it as soon as possible.

MR. HARDING: By Tuesday afternoon, the next meeting of this Committee.

SIR CECIL HURST: These things are much too important to scamp. Though we may not have agreed round this table altogether, it seems to me vastly preferable that we should quarrel round this table than round the table of an international conference. That seems to me above all things the point to bear in mind. We must arrange all these details that crop up so that there is no difference of opinion when we sit round an international table.

MR. FITZGERALD: It is better to fight here than in Geneva, I agree.

MR. HARDING: I do feel there will be a great outcry on the part of Lord Balfour's Committee if there is any delay over our Report.

(The proceedings then terminated.)

2, Whitehall Gardens, S.W. 1,  
November 12, 1926.

Memoranda

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