

THE TRUE TEMPER OF EMPIRE



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THE TRUE TEMPER OF EMPIRE

G.B.

WITH COROLLARY ESSAYS

BY

SIR CHARLES BRUCE, G.C.M.G.

LATE GOVERNOR OF MAURITIUS, OF THE WINDWARD ISLANDS, ETC.
AUTHOR OF 'THE BROAD STONE OF EMPIRE'

We have seen attempts, in the lifetime of some of us here to-night, attempts in Continental Europe, to govern by pure repression. Has one of them really succeeded? They have all failed. There may be now and again a spurious resemblance of success, but in truth they have all failed.

VISCOUNT MORLEY OF BLACKBURN
Address to Indian Civil Service,
July, 1908.



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NOTE

I DEFINE the true temper of Empire as a temper which mingles wisely and in fit proportions the sovereignty of the central authority with the liberties of the constituent areas. In the essay which gives its title to this volume and in the corollary essays, except the last, I have discussed the operation of this temper in the maintenance of an United Empire; in the last I have discussed the operation of the same temper in the maintenance of an United Kingdom.

I do not regret that, in presenting in a collective form essays addressed to a variety of audiences or readers, it has been found impossible to avoid repetition in the statement of principles and imperial declarations of policy, such as Queen Victoria's Proclamation to the Princes and Peoples of India in 1858. In such declarations is to be found the creed of the new Imperialism, and a solemn renunciation of the creed of the old that it is the duty of the sovereign authority to impose its will on the constituent areas, and that as

between them might is right. I would have an authorised litany of such declarations prepared for use in the ceremonial observances of Empire Day all over the Empire.

AFTER this Note had been passed for the press, the King-Emperor's Proclamation at the Durbar, transferring the seat of government from Calcutta to Delhi, was published. It marks a stage of advance in the policy of strengthening the sovereign authority by the devolution of power to the constituent areas in all matters of local concern. It is a recognition that the supreme function of Imperial statesmanship is to convert the spirit of nationality, with its pride of national traditions, from a separating to a connecting force. Every essay in this volume is a vindication of the principle underlying the Proclamation.

13th December, 1911.

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THE TRUE TEMPER OF EMPIRE

FOREWORD

THIS Essay was read at the Annual Summer Meeting of the Victoria Institute, on the 26th June, 1911, within the octave of the Coronation, and at the meeting the Institute adopted the following

LOYAL ADDRESS

To their Most Gracious Majesties the King and Queen.

"The Members and Associates of the Victoria Institute or Philosophical Society of Great Britain, assembled on the occasion of their Annual Summer Meeting, and within a few days of the Coronation of His Majesty King George V. and of Her Majesty Queen Mary, desire humbly to assure their Majesties of their deep and loyal devotion, and to express the hope that their Majesties' reign, now so auspiciously begun, may be marked by the progress of philosophical and scientific thought hand in hand, with a deep reverence for the Great Truths of Holy Scripture, and that their Majesties may ever reign in the hearts of a thoughtful and Christian people."

Signed on behalf of the Council and Members,

HALSBURY,

President of the Victoria Institute.

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

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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	8,000,000	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

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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

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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 dispatch 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 by 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 diffusing 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 encour-

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agement, 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 idea 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 interpreting 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

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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 lifetime—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 policy, 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

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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 recognises 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 recognises 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 realise 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

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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

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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 themselves, 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 1842 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 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

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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." And yet 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 consequences 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 American 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

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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.

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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

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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 con-

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siderations 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 workman 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 practical energy of Mr. Chamberlain, inspired mainly by the forceful scientific reasoning of Sir William Thiselton-Dyer, 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 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 received 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 *bonâ fide* anxiety to assist them they will respond. In May, 1907, the latest date of

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 are 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

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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 2½d. 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 recognise that what has been called the cash-nexus, is not the only relation that links the King's overseas 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 how often it is the impossible that happens. The charge got itself reduced to one shilling a word. In 1887, Mr. Henniker Heaton, at the Royal Colonial Insti-

tute, 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 interests 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

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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 imperatif* 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 happily 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.

THE MODERN CONSCIENCE

IN RELATION TO THE TREATMENT OF DEPENDENT
PEOPLES AND COMMUNITIES

FOREWORD

THIS essay was one of the papers on Inter-racial problems, communicated to the First Universal Races Congress opened in the great hall of the University of London, on the 26th of July, 1911. The object of the Congress was to discuss, in the light of science and the modern conscience, the general relations subsisting between the peoples of the West and those of the East, "with a view to encouraging between them a fuller understanding, the most friendly feelings and a heartier co-operation." The method adopted was to invite representatives of East and West to submit their views in a series of papers on the problems of social political life common to all civilisations, but which East and West, Orient and Occident, the so-called white and the so-called coloured peoples—for the terms were used interchangeably—have attempted to solve by diversity of process having its origin in diversity of environment. The papers and the opinions set out in them were submitted as the basis of discus-

sion at the sessions of the Congress, and exhibited an altogether unexpected unity of motive and purpose among the contributors. This unity was maintained throughout the sessional discussions. Every speech and every phrase acclaimed was a profession of faith on the part of representatives of the West in the Christian formula, "Do unto others as ye would they should do unto you," and on the part of representatives of the East in the corollary formula accepted at a period long anterior to Christianity, "Do nothing to others which you do not wish they should do to you." Either formula is an expression of the fundamental principle underlying the policy of British rule in Asia. The date of the Congress was therefore happily opportune, falling within the interval between the central ceremony of the Coronation in Westminster, with its subsidiary ceremonies in Ireland, Wales and Scotland, and the contemplated Coronation Durbar in India.

I.

By conscience I mean an inherent mental faculty which enables a man to judge and to appreciate the judgment of others on the consequences of his actions. It is the function of this faculty to control his physical instincts, which have their roots deepest in human nature; the lust of the flesh, which secures the continuity of his family, and the pride of life, which prompts him to labour for the necessities, comfort, and luxury of his family and their

multiplied descendants. Both of these instincts are subject to the law of human nature that a man will, if he can, take from others anything they have which he desires. On the other hand, conscience is itself controlled by two forces. Darwin says: "At a moment of action man will, no doubt, be apt to follow the strongest impulse, and though this may occasionally prompt him to the noblest deeds, it will more commonly lead him to gratify his own desires at the expense of other men. But after their gratification, when past and weaker impressions are judged by the ever-enduring social instinct and by his deep regard for the good opinion of his fellows, retribution will surely come. He will then feel remorse, repentance, regret, or shame; this latter feeling, however, relates almost exclusively to the judgment of others. He will consequently resolve more or less firmly to act differently for the future, and this is conscience."

I define this rather as one of the forces that control conscience, and express it in the phrase, "man's conception of his duty to his neighbour." The other force is the influence of man's belief in supernatural agencies, expressed in the phrase, "man's conception of his duty to God."

Man's conception of his duty to his neighbour has been modified by three relations of affinity—race, creed, and colour; and each of these affinities has been the motive of conflict between the communities it has included and those it has excluded.

The history of civilisation is the history of the evolution of conscience in controlling the policy of the included to the excluded communities in these

conflicts. It presents an orderly process of development through three stages, each exhibiting a dominant policy—a policy of extermination, a policy of servitude, and a policy of amalgamation. By amalgamation I mean union in the same community as masters and servants, as fellow-labourers, as fellow-citizens, and, if possible, but not necessarily, as connected by intermarriage.

For the purposes of this paper I accept the ethnologic distribution of mankind into three primary groups of races, Caucasian, Mongolian, and Æthiopic or Negro; and, bearing in mind the broad issues which the Congress is invited to discuss, I use the phrase modern conscience in the sense of the conscience of the white races of the Caucasian group professing the creed of Christianity, in whatever part of the world they may have established themselves on a common territory under a common government.

Adopting the pragmatic method of interpreting a conception by illustrating its practical consequences, I propose, after briefly tracing the evolution of this conscience in the area of origin, to consider its influence, first, on the treatment of the Semitic and Indian races of the Caucasian group, and then on typical races of the Mongolian and Negro groups. I may add that, in considering the treatment of dependent peoples and communities, I embrace in the term servitude exclusion from civic rights; in the term amalgamation I include treatment as potential citizens with a view to amalgamation.



II.

Western civilisation is the product of three civilisations, Grecian, Roman, and Teutonic, superimposed by racial forces, and welded into unity by Christianity. Each of the earlier civilisations established and maintained itself by the tyranny of a race claiming an inherent monopoly of a capacity of self-government, and asserting the corollary claim of a monopoly of capacity to govern others grouped under the designation of barbarians or inferior races. In turn each was displaced by the inferior races revolting against the methods by which the claim of superiority was enforced, and substituting a new civilisation based on the same claim and enforced by the same methods. But each of these civilisations, in superimposing itself, chose and assimilated what it considered best among the institutions of the earlier deposits. The fundamental principle of Grecian civilisation was the cult of purity of race as an instrument of physical and intellectual superiority; to this the West owes all that it can claim of originality in philosophy, literature, and art. To Roman civilisation the West owes the spirit of legality and municipal association under a common code of laws supported by the discipline of a common military system. To Teutonic civilisation the West owes the spirit of liberty—the liberty that allows the individual to be master of himself, his actions, and his fate, so long as he does not interfere with the liberty of others. Each of the earlier civilisations had established and sought to maintain itself by concentration of power and the liberty to

exercise it in the hands of a small privileged class. In each the policy of the included class offered to the excluded masses the alternative of extermination or servitude. The policy of Greece was expressed by their poet Euripides at a period of the short-lived empire of Athens, when the area of recognised purity of descent and the privileges of citizenship were practically limited to a few thousand residents within a radius of a few miles from the Acropolis :

*“βαρβάρων δ’ Ἕλληνας ἄρχειν εἰκός, ἀλλ’ οὐ βαρβάρους,
μήτερ, Ἑλλήνων· τὸ μὲν γὰρ δοῦλον οἱ δ’ ἐλεύθεροι,”*

freely interpreted, “It is fit that Greeks should govern the inferior races, but not that inferior races should govern Greeks—for they are slaves and we are free.”

The alternative of extermination was exhibited when after the revolt of Lesbos, an Æolian colony, in spirit more Athenian than the Athenians, sentence of death was passed on the whole male population, though revised for reasons of expediency.

The policy of Rome was expressed by Virgil in the famous lines—

*“Tu regere imperio populos, Romane, memento,
Parcere subjectis et debellare superbos,”*

interpreted, in practice, “Make slaves of all who submit, and exterminate all who resist.” In pursuance of this policy, while the fiction of citizenship was being constantly extended, the privileges of citizenship were being constantly restricted, until the destinies and fortunes of millions fell under the absolute command of a few thousands concentrated in the capital. Concentration so compact, power so

colossal, monopoly so exclusive, luxury so frantic, the world had never seen. Meanwhile the provinces were ruined by a system of tribute expressly designed to cripple their resources and their power of resistance. What the tribute left became the easy plunder of corrupt governors, rapacious officials, commercial adventurers, and usurers associated in the disastrous system which entrusted administration and commercial exploitation to the same hands. The alternative to submission was declared in the historic phrase attributed to a British chieftain: "*Ubi solitudinem faciunt pacem appellant.*"

The revolt of the inferior races grouped as Northern barbarians, and the assertion by the Teutonic race of the principle of liberty—that government by an alien power is no government at all—was followed by the fall of the Roman Empire in the West and the disintegration of its constituent parts. The period of chaos known as the Middle Ages witnessed a resettlement of Europe by a process of distribution into separate and independent principalities, united by geographical and political affinity and governed by leaders who owed their elevation to the elective principle of choice by their fellow-warriors. It was during this chaos, justly called the seed-time of the modern world, that Christianity and civilisation became interchangeable terms in Europe, and in the expansion of Europe which resulted from the discovery of America and the oversea route to Asia. The empires of Greece and Rome had been really agglomerations of tribes. Christianity created nations by making religion a vital part of politics and making a common creed a

bond of union superior to the disintegrating forces of race.

The era of Christian civilisation has been marked by two periods. In the first, the most persecuted of creeds sought to superimpose itself on the creed of its persecutors by the same methods by which races held to be most inferior had superimposed their civilisation on the civilisations they supplanted—methods in direct negation of its profession. In the second period, Christianity has accommodated its policy to its profession and reconstructed Western civilisation on the principle of amalgamation, interpreting freedom to mean liberty of person and conscience with equality of opportunity for all under a settled government.

In respect of the ultimate issue of amalgamation by intermarriage during this era, it is well to remember that, up to nearly the close of the eighteenth century, it remained a capital crime for a priest to celebrate marriage between a Roman Catholic and a Protestant.

This is how Guizot in an often-quoted passage has described the social, communal, national, and international relations of Western civilisation :

“ Toutes formes, tous les principes d'organisation sociale y co-existent, les pouvoirs spirituel et temporel, les éléments théocratique, monarchique, aristocratique, démocratique, toutes les classes, toutes les situations sociales se mêlent, se pressent, il y a des degrés infinis dans la liberté, la richesse, l'influence.”

The modern conscience demands the extension of the principles which have established this civilisation into its relations with the East.

III.

The fundamental principle of Judaism was a belief that the Jews were a chosen people appointed by God to be His instruments in working out His plan of creation, primarily within their own community and subsequently in the relation of their community to the whole non-Jewish world. Under the influence of this conception practically every event that happened to the individual or to the community, every vicissitude of personal fortune, every variation of public prosperity or adversity, in health or disease, in abundant harvests or famines, was explained as a direct supernatural judgment and award, not as a consequence of natural laws. Consistent with this conviction was their conception of a future state. It embraced no idea of the resurrection of the individual in a divided spiritual form in another world. It meant the continuation of the community in a constantly multiplied posterity which was in time to people the world and make it the area of a civilisation of which they should have the exclusive monopoly. The means by which this end was to be attained was a policy summarised in the command of the Lord of Hosts transmitted to Saul through the prophet Samuel: "Now go and smite Amalek, and utterly destroy all that they have and spare them not; but slay both men and women, infant and suckling, camel and ass." It was, in short, a policy of extermination, but it was of the very essence of the policy that in proportion as it enlarged the area of its activity it demanded an augmentation of its agents. To meet this the

natural increase of heredity multiplied by polygamy and concubinage had to be further fortified by the adoption of prisoners of war, male and female, into the community under conditions of servitude. Under the operation of the cosmic law of action and reaction the policy was adopted in retaliation by every community with which it came in conflict and menaced with destruction or servitude. To quote the words of an illustrious member of their race :

“The attempt to extirpate them has been made under the most favourable auspices and on the largest scale ; the most considerable means that man could command have been pertinaciously applied to this object for the longest period of recorded time. Egyptian Pharaohs, Assyrian Kings, Roman Emperors, Scandinavian Crusaders, Gothic Princes and holy inquisitors have alike devoted their energies to the fulfilment of this common purpose. Expatriation, exile, captivity, confiscation, torture on the most ingenious and massacres on the most extensive scale, a curious system of degrading customs and debasing laws which would have broken the heart of any other people, have been tried in vain.”

The exigencies of space make it impossible to trace the process of the modern conscience in substituting for this policy of extermination, expulsion, and debasement a policy of amalgamation. Within the whole area of Western civilisation, except in Russia and Roumania, the Jews enjoy full civil and political rights, and there is no country in which they are not recognised among the foremost representatives of art, learning, and science. In social life they enjoy the favour of Courts, and their alliance in

marriage is sought by Christian families who within the last century would have considered such an alliance a social crime of capital magnitude. The most persecuted of races has now, through its dominant control over finance, acquired a practical ascendancy over the press of Europe, and, through these combined agencies, a large measure of control over the ultimate issue of peace or war. Most wonderful, perhaps, of all, in the issue of war a Jew has by common consent of the civilised world been chosen as President of the International Red Cross Society.

IV.

The elements of conflict in Western civilisation, and between Western civilisation and Judaism, have been race and creed. The conflict between Western civilisation and the ethnologic groups that have now to be considered is exasperated by an additional element, the conflict of colour. The question that concerns us is whether the modern conscience, which, in the relations between white races divided by differences of race and creed has substituted a constructive policy of amalgamation for a policy of extermination or servitude, is to prolong its activity into territories where social groups are divided by differences of race, creed, and colour, or whether in such territories the policy of an earlier conscience is to be revived. I deal first with the policy of the modern conscience in relation to the coloured races of India.¹ It was concentrated in the

¹ I have omitted a passage tracing the evolutionary process, under the influence of which the modern conscience substituted social service as a basis of ascendancy for military force. It is more fully dealt with in my essay on *Crown and Congress in India*.

Government of India Act, 1833, and set out in an explanatory dispatch of the Board of Directors, accompanying the Act. It consisted in respecting the beliefs of others without weakness, and defending them without brutality. It virtually established a protectorate, a relationship which was to develop into an internationally recognised system and to play an important part in the relations of Western civilisation to dependent peoples. It undertook the protection of the people against foreign aggression and in the conduct of foreign affairs, while within the limits of its jurisdiction it declared that the people should be protected in the enjoyment of their religion and personal law; that the fiscal policy should be controlled by the interests of India; and that so far as consistent with its position as an umpire, whose duty it is to secure equal protection to many general interests, the Government should admit the native population to offices of trust and emolument. Its avowed purpose was to educate the conflicting elements of the population by methods which it was believed would qualify them, though probably at a remote period, for a political union to be established on the basis of personal liberty and equality of opportunity, under a settled government of their own election and responsible to themselves.

But the most resolute advocates of this policy were also the most resolute in declaring that premature efforts to accelerate the end would not only insure the immediate downfall of British power, but would replunge the people of India into a state of anarchy greater than that from which they had been

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relieved. The wisdom of this reservation was soon to be justified by the Mutiny of 1857, which for a moment, but only for a moment, arrested the activity of the modern conscience. Nothing in its history is more remarkable than the rapidity with which it asserted itself in the work of reconstruction that followed.

Queen Victoria's Proclamation to the Princes and Peoples of India in 1858 established the fundamental principle of the modern conscience in the declaration that "Her Majesty sought her strength in the prosperity of her people, her security in their contentment, and her reward in their gratitude"; and the subsidiary policy in the declaration that "No native shall, by reason only of his religion, place of birth, descent, colour, or any of these things, be disabled from holding any place, office, or employment under the Government."

I need not dwell on the measures recently taken by the Government, in the direction of giving the natives of India a larger right of admission to high posts in the administration and in the councils of the Empire. But I may just refer to a subject which will be treated in a separate paper, the extra-territorial rights of natives of India migrating under indenture into British Colonies. Underlying a variety of systems there is established the fundamental condition that they must be admitted as potential citizens.

A word remains to be said on amalgamation by intermarriage between Europeans and Indians. Such marriages are not generally favoured by either community, and at present the tendency is for each to

prefer a social relation which has been justly compared to the relation of the fingers to each other and to the hand.

V.

I pass from the coloured races of the Caucasian group, generally classed as brown, to the coloured races of the Mongolian group, generally classed as yellow. The modern conscience had hardly declared itself in the Proclamation of 1858 to the Princes and Peoples of India, when the old aggressive barbarianism of Europe reasserted itself. Under the fiction of a beneficent partnership between commerce and religion for the civilisation of China, the Western Powers associated themselves in a policy of invasion, appropriation of territory, massacre, rape, plunder and sacrilege hardly paralleled in history. This formidable enterprise served as a warning to a kindred race in the little empire of Japan. At the time so little was the East known to the West that Professor Charles Pearson and other accepted authorities, engaged in forecasting the future of the coloured races in cosmopolitan civilisation, failed to take Japan into account. In 1863 the British Minister, in a report on the condition of Japan, showed that under a system of self-government originated and administered by native enterprise, shut out from all intercourse with the rest of the world, the Japanese had secured peace, order, and the material prosperity of a population estimated at some thirty millions of souls. But the object-lesson exhibited in China warned them to anticipate the aggressive expansion of Western civilisation. They determined, therefore, to adapt

their own ancient civilisation to modern circumstances. They recognised that the secret of Western expansion was to be sought neither in a monopoly of intellectual capacity inherent in a race, nor in a monopoly of moral capacity inherent in a creed. They found it in an acquired monopoly of capacity in the application of science to industrial uses, in the development of natural resources by scientific methods, in the appropriation of the profits of development to naval and military armaments for the defence of territory already acquired by conquest, the constant expansion of the area of acquisition, and a monopoly of all sea-borne commerce by sea supremacy. In 1868 the imperial oath of accession was revised in the formula known as the Oath of the Five Articles. After a vow to establish the principles of constitutional government, it gave a pledge that knowledge would be sought throughout the whole world so that the welfare of the empire might be established.

Within forty years the issue of the war between Japan and Russia in 1904-5 had given proof of a complete mastery of Western methods in every area of activity, and gained Japan admittance to equality of rank with the greatest of the Great Powers of Western civilisation. Politically, the theory of a monopoly of capacity inherent in a trinity of race, creed, and colour peculiar to the West was destroyed. The moral confidence and self-respect which had stimulated aspirations for self-government in every community of the East within the sphere of Western government, protection, or influence were confirmed and quickened. The economic results were even

more far-reaching. The capacity of the East to organise industry in the development of local resources, and to retain for local uses the profits of production, manufacture, and distribution by land and sea, and thus to enter into commercial competition with the West, was revealed. And no time has been lost in demonstrating the extent to which this competition is likely to contribute to the wealth and independence of the East at the cost of the West.

A result of the war of 1904-5 is worthy of special mention from the point of view of the process of the modern conscience in the East as well as in the West. An official report on the organisation and resources of the Red Cross Society of Japan has been published and circulated among the branches of the Society in Great Britain as a model scheme superior to any that has yet been organised in the West.

I will add only a word on the subject of amalgamation by intermarriage between Europeans and the races of the Mongolian group. In Asia such marriages are not more favoured than marriages between the European and Indian communities. In America it is different. The evolution of the modern conscience in the relations between Europeans and the American races of the Mongolian group of distinctive colour, generally designated as red, has been of particular interest. On no races have the policies of extinction and servitude been practised with more relentless severity. But while these policies have resulted in the practical extermination of the race in North America, as an efficient factor in civilisation, in all the more tropical parts of

Latin America the autochthonous races representing the survival of the fittest are steadily assimilating the descendants of their conquerors and producing a new type—a type admirably endowed with the qualities which constitute a capacity for self-government in the conditions of its environment.

VI.

I pass to the function of the modern conscience in the treatment of the negro. The negro has been a slave in Africa and Asia from the earliest period of recorded time; in Europe and America from the close of the fifteenth century, when the discovery of a sea route to the East first brought Western civilisation into contact with him on the coasts of Africa and led to his compulsory migration to America. From the outset the methods of barbarism applied to the Jews were resorted to, not with a view to his extermination, but to ensure the perpetuity of his servitude. Conscience and instinct combined for the fulfilment of this common purpose. The ingenuity of physical torture which subjected the manhood and womanhood of his race to the passions of greed, cruelty, and lust was supplemented by moral torture of even superior ingenuity. For him religion was limited to the doctrine that he must rely on submission to a life of torment without hope on earth as the only hope of salvation from an eternity of torment in hell.

When after three hundred years the modern conscience bethought itself to bring the negro within the area of activity of the ethical process of humanity that had reconstructed Western civilisation on a basis

of liberty, two things were made clear—the strength of his racial vitality and the arrest of his intellectual development by disuse. Through all the history of his race he had been excluded from every influence which in the course of thousands of years had contributed to give the faculty of conscience of the white man mastery over his instincts. Every manifestation of the existence of such a faculty in the negro had been repressed with merciless severity. And now the modern conscience is confronted with the declaration, on the part of those who resist it, that in the negro no such faculty exists, and that in its absence he is organically disqualified from admission to the rivalry of life in competition with races of the Caucasian type on a footing of equality of opportunity.

The reply of the modern conscience is an appeal to the experience of the brief period that has elapsed since the negro has ceased to be a slave, in the sense of being a chattel by legislative enactment. It is admitted that, when the French Revolution restored the rights of humanity to the white man and to the negro, both adopted the same methods of revenge. But the faculty of conscience latent by disuse revealed itself, when the Government of the United States declared his liberation, in a manner to which Western civilisation can hardly supply a parallel. When the Southern planters were fighting for the enslavement of the negro race, they went off to the war entrusting their wives and children to the protection of their slaves. Not an outrage occurred, scarcely a case of theft or breach of trust. A thousand torches, it has been said, would have

disbanded the Southern Army—there was not one. Since the emancipation that followed the civil war the coloured population have devoted themselves to redeem the consequences of arrested development by methods expressed in the formula “being worked means degradation, working means civilisation.” In the Tuskegee Industrial University they have established an institution which has sent out many thousands of graduates instructed in the application of scientific methods to every branch of human industry, while the authorities are able to declare that they cannot find a dozen not usefully employed, nor one ever convicted of crime. Animated by this spirit, in less than half a century the coloured population of some ten millions, starting from a depth of poverty and ignorance never perhaps reached in the history of any people, and encountering at every step the most formidable opposition that the forces of avarice, jealousy, hate, and fear have been able to command, have acquired ownership in land to the extent of some 30,000 square miles, more than the combined area of the States of Belgium and Holland, and moveable property estimated by hundreds of millions. At the same time they have achieved distinction not only in industry and commerce, but in the learned professions and in the free enterprises of art, literature, and journalism. These results are a remarkable proof of capacity of assimilation to social environment, as well as of capacity of competition on a footing of equality of opportunity.

The whole area of British tropical colonies into which a negro population has been introduced by

compulsory migration in conditions of servitude exhibits the same results. And these colonies supply data for a much more reliable estimate of the future possibilities of amalgamation by intermarriage than any supplied by the United States of America. They show the steady development of a process which is reducing the populations of pure European and pure African descent, and substituting for them a new type, analogous to the type produced in the tropical parts of Latin America by assimilation of the white and so-called red autochthonous races, and like that type remarkably endowed with the qualities that constitute a capacity for self-government in the conditions of its environment.

Turning, however, to the country of origin of the negro races in Africa, we find the modern conscience still engaged in a formidable conflict with the ancient conscience and its policy. In 1842 the modern conscience declared itself in a Proclamation of Queen Victoria which gave a political constitution to Natal on the express condition that "there shall not be in the eye of the law 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." In 1858 the old conscience declared itself in the Grondwet (fundamental law) of the South African Republic, which asserted that "the people will suffer no equality of whites and blacks either in State or in Church." In 1898 the British Empire went to war in defence of the modern conscience, and justified it at the cost of many lives

and many millions of treasure. In 1908 the Imperial Parliament by the Union of South Africa Act abandoned it.

This result has determined the condition of conflict between the ancient conscience and the modern in three areas of Africa. Within the Union of South Africa the methods of the old conscience are still at war with the influence of the modern. This was made sufficiently clear in a statement by a leading representative of the Union. "The ideal of making South Africa a white man's country can only be accomplished by a general displacement of the natives through a large employment of whites. The whites must rule, but if the natives were educated and enfranchised, that would mean the replacement of the whites by natives." Outside of the Union, within the area of the Congo, the old conscience continued to assert its ascendancy by the old methods until it, quite recently, roused the modern conscience to revolt. The conflict is still being waged. Within the vast areas of equatorial Africa contained by the limits of the Crown Colonies, Dependencies and Protectorates, the modern conscience expressed in the terms of Queen Victoria's Proclamation of 1842 absolutely controls the policy of government and administration.

Attention is at present directed to a race of the Oceanic division of the Æthiopic group, of which little account has hitherto been taken. The Papuans have proved the strength of their racial vitality in surviving the methods of a policy which has nearly exterminated allied branches of their race in Australia. With their racial vitality they have preserved the

instincts of savagery in an unwritten code, which does not recognise murder as a crime, but sometimes as a duty, sometimes as a necessary part of social etiquette, occasionally as a manly form of relaxation and sport. The treatment of the Papuans under a judicial system administered in the spirit of the modern conscience is one of the most remarkable experiments of the century.

VII.

In conclusion it is submitted that in the treatment of dependent peoples and communities the modern conscience rejects as a fallacy the claim of Western civilisation to a monopoly of the capacity of self-government based on an indivisible interrelation between European descent, Christianity, and the so-called white colour. It recognises that while this interrelation has evolved a capacity for self-government in an appropriate environment, a similar capacity has been evolved by an interrelation of other races, creeds and colours appropriate to other environments. It maintains, therefore, that the conflict between West and East must be adjusted on the same principle that has adjusted the conflicts of race and creed in the West, the principle of freedom interpreted as liberty of person and conscience and equality of opportunity for all, without distinction of race, creed, or colour, under a settled government.

History, reason, and recent experience in Japan warn us that the adjustment must be made not in the spirit of the popular refrain, "East is East and

West is West," but in the spirit of a nobler poetic formula—

"God's is the Occident,
God's is the Orient."

This is the spirit of the modern conscience in the treatment of dependent peoples and communities.

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CROWN AND CONGRESS IN INDIA

FOREWORD

THIS essay was published in *The Empire Review* in 1907. I have therefore retained the designation of Mr. Morley as a member of the House of Commons. His transition to the House of Lords is a practical illustration of the imperial uses of a Second Chamber.

The year 1906 opened in India with a remarkable demonstration of loyalty to the Crown on the occasion of the visit of the Prince and Princess of Wales; it closed with a session of the Indian National Congress, marked by proceedings and expressions of opinion that have caused some misgivings as to the sincerity of the earlier demonstration. An orderly narrative of facts is sometimes more effective than argument, and it may be that such a narrative of the facts which have established the British Empire in India may serve to show that the events of the closing year are not inconsistent with the professions of loyalty that ushered it in. It exhibits the process of evolution which has established an ascendancy based on social service for ascendancy based on coercion by military force. The conception of social service as the only true

basis of ascendancy is not peculiar to Christianity, but it has never found more direct and clear expression than in the words of Jesus, "I am among you as he that serveth." It has never been symbolised with more appealing simplicity than in the service of the washing of feet.

I.

THE EAST INDIA COMPANY.

On the 22nd of June, 1813, the House of Commons was engaged in discussing a resolution favouring the toleration of missionary enterprise in India. In the course of debate a member who opposed the resolution threw out some insinuations on the character and labours of the missionary Schwartz, whom he described as a politician as well as a preacher. In reply Mr. Wilberforce thanked the member for reminding him of it; "Schwartz," he declared, "was a politician, but not a volunteer in that service. He became a politician at the earnest and importunate entreaty of the East India Government; because, having to negotiate with Hyder Ali, they could find no one on whose integrity and veracity that chieftain would confide but Schwartz, the missionary. He therefore became a politician and an accredited envoy; because as a missionary he had secured to himself the universal confidence both of the Mahometans and the Hindoos." The career of Schwartz thus presented offers curious points of analogy to the origin, progress and

present circumstances of the British Empire in India.

In its origin the commercial enterprise of the East India Company had this in common with the missionary enterprise of Schwartz, that the purpose of each seemed by its very nature to preclude the possibility of the undesigned consequences it brought about. A company of merchants, strong, at first, only in the weakness that disarmed jealousy, devoted themselves to their work in a spirit of conciliation which secured the confidence of their native environment. But it was an environment of conflicting powers in which the exigencies of self-preservation compelled them to defend their persons and interests, and when they had shown that they possessed a military spirit as superior as their commercial character, they became an object of admiration to the native powers, who in process of time courted their alliance and aid against each other.

It will be possible, I hope, even within the very narrow limits to which I must confine myself, to give an intelligible idea of the circumstances of the native environment in which the East India Company engaged itself in politics.

The rise and fall of empires in India has followed the universal law by which the power of races developed in the bracing atmosphere of a temperate zone asserts itself over tropical communities, and in turn yields to the enervating influences of the area in which it has asserted itself.

Under the operation of this law the aborigines of India had been, in prehistoric times, displaced by a Dravidian population. Entering through the passes

of the north-western frontier—the avenue of approach to the conquerors of India in all ages prior to the advent of the East India Company—groups of this race established the use of the Tamil, Telugu, and allied languages. In turn, at a period nearly coincident with the earliest records of history, they were crowded out, or subjugated and assimilated in the central mountainous regions and the tablelands of the Deccan, by an Aryan invasion of Hindus from Central Asia, who gave their name to Hindustan, and gradually brought the whole country under the dominion of Hinduism.

The Hinduism which dominated India for over 2,000 years was a political system of three estates, a sacerdotal caste of priests and lawgivers, a military caste, and a civil population engaged in industry and commerce. It had many points of analogy to the feudal system of the Middle Ages, and points of closer analogy to the Russian system prior to the abolition of serfdom. Its strength lay in the co-operation of the spiritual power of the priesthood with the temporal power of the military; its weakness in the revolt of the civil population against the tyranny thus engendered. In time this revolt led to the establishment of Buddhism, a system which stood to Hinduism in much the same relation as Protestantism to Roman Catholicism, and for about a thousand years Buddhism became the dominant power in India. But the principles of sacerdotalism and militarism have in them elements and forces of cohesion which proved superior to the tendency of Buddhism towards segregation and individualism.

Buddhism was expelled from India, and for five hundred years a new Hinduism, modified but weakened by the spirit of Buddhism, became the dominant power. It was a period of social splendour and distinction in literature and art, but such periods have often coincided with a process of degeneration and decentralisation which has made them an easy prey to adventurers of a hardier race. In due time Central Asia supplied the forces of a fresh invasion which substituted for the Hindu system of a sacerdotal and military aristocracy, the Mohammedan system of a despotic power exercised by a social democracy under the influence of religious enthusiasm, swayed by rulers who claimed civil and military obedience as the direct agents and oracles of God. The Mohammedan dominion continued so long as its vigour was renewed from the hardy trans-Himalayan territories of Central Asia, but following the universal law it declined under the enervating influence of the tropical plains of India.

The period that followed had its analogy in the conflict between Paganism and Christianity, and the consequent segregation of State units which followed the fall of the Roman Empire. The rise of the Mahrattas against Mohammedanism failed to establish a power sufficient to control the disintegrating influences which converted India into the loot of princes and powers supported by Pindarries and other organised bandit systems ready to play the part of the *condottieri* in mediæval Europe. It was during this period of struggle for the fragments of the broken Empire, when every province was distracted by petty wars or groaning under the

oppression of chieftains, each prosecuting his separate scheme of rapine, encroachment and ambition, that the East India Company by a course of conduct, at once courageous and adroit, secured the confidence alike of Hindus and Mohammedans, and found their alliance courted by rival powers.

In this way they became involved in the complications of a political State, in spite of the remonstrances of their directors at home, who, believing the policy of their agents to be hostile to their own commercial interests, denounced at every step the progress made towards territorial power in India. When at last the directors found it impossible to control their agents, who had become the lords of a vast territory and the dominant power in the field of Indian politics, they invoked the aid of the British Legislature, which eventually seconded their efforts.

II.

UNDER CONTROL.

Pitt's Act of 1784 declared the pursuit of schemes of conquest to be "repugnant to the wish, the honour and the policy of the British nation," and sought to give effect to the declaration by giving the British Parliament a general control over the government of India, modified by provisions expressly designed to save the interests of India from being made subservient to the interests of political parties in England, or to the private interests and fortunes of the Company's agents and servants. These provisions of the Act mark the first stage of a policy which has eventually resulted in making the interests

of India the first consideration of the Government of India, and has substituted for successive systems in which the will of the stronger party, exercised in its own interests, has been submitted to by the weaker from the law of necessity, a supremacy of disinterested protection maintained by a sentiment of loyal attachment and confidence.

The next stages in the history of the policy were marked by the Charters of 1813 and 1833, which put an end to the Company's commercial monopoly, and established free trade with India and China. It is worth noticing, however, that during the discussion of the Charter of 1813 a declaratory resolution, asserting the sovereignty of the Crown and affirming that the first duty of Parliament in legislating for India was to promote its interests, was proposed and lost. And in view of arguments recently urged by the Indian Industrial Congress at Benares, it is interesting to note that the free trade advocated at the time was a one-sided system, which did not contemplate the free import of Indian manufactures. A speech by Mr. Tierney on this subject might have been made at the Indian National Congress. He declared that the so-called free trade was no free trade at all. He said :

“The general principle was to be that England was to force all her manufactures upon India, and not to take a single manufacture of India in return. It was true they would allow cotton to be brought ; but then, having found out that they could weave, by means of machinery, cheaper than the people of India, they would say, ‘ Leave off weaving ; supply us with the raw material, and we will weave for

you.' This might be a very natural principle for merchants and manufacturers to go upon, but it was rather too much to talk of the philosophy of it, or to rank the supporters of it as in a peculiar degree the friends of India. If, instead of calling themselves the friends of India, they had professed themselves its enemies, what more could they do than advise the destruction of all Indian manufactures?"

While the discussions in Parliament on the Charters of 1813 and 1833, which terminated the existence of the East India Company as a trading corporation, showed clearly that they were stepping-stones to the transfer of the Government of India from the Company to the Crown, a corresponding change was going on in India in the constitution of the civil service of the Company. The policy which promoted these changes had for its object to secure the attachment and loyalty of the native community, both Hindu and Mohammedan, by giving them a greater share in the civil administration of the country, and holding out to them the prospect of obtaining places of trust and emolument. The policy was expounded with admirable force and cogency by Sir Thomas Munro, in official minutes during his tenure of the office of Governor of Madras from 1820 to 1827. The principles of government which he constantly advocated were, that the people of India should be permitted to enjoy their ancient laws and institutions, and be protected against the interference of public officers with their religion; that the fiscal policy of India should be controlled by the interests of India; and that, so far as consistent with its position as an umpire,

whose duty it is to secure equal protection to many general interests, the Government should admit native agencies to offices of trust and emolument, more especially in the revenue and judicial departments. In an important minute on the state of the country and the condition of the people in 1824, he declared that, even if we could govern India by means of Europeans only, the attempt to do so would be morally and politically wrong, because in proportion as the natives were excluded from the higher offices and a share in the management of public affairs, their interest in the concerns of the community would be lessened, and their character degraded.

“Let Britain (he said, speaking of the moral effect of such exclusion) be subjugated by a foreign Power to-morrow ; let the people be excluded from all share in the government, from public honour, from every office of high trust or emolument, and let them, in every situation, be considered as unworthy of trust, and all their knowledge, and all their literature, sacred and profane, would not save them from becoming, in another generation or two, a low-minded, deceitful, and dishonest race.”

Thus it seemed that in England and in India the way was being made plain for the transfer of the Government of India from the Company to the Crown in the happiest circumstances. But the Charters of 1813 and 1833 contained provisions which were to become, at least, a main contributory cause of the peril of our Empire in 1857. Pitt's Bill had contained a clause intended to remove restrictions on missionary enterprise, but it was

opposed in the House, and abandoned by the Minister. The Charter of 1813 included the establishment of an English bishopric, and the concession of greater liberty to Christian missions. The selection of the first bishop was not fortunate. He was a stickler for official precedence, military salutes, and State ceremonials, and all these things conveyed to the Hindu and Mohammedan communities the impression that the Christian religion was to be made a part of the political system of the Government of India.

Prior to 1833, the government of the Company had not only tolerated the religions of Hinduism and Mohammedanism, but had recognised them as parts of the political system, by connecting itself through its servants with the management of religious revenues and endowments and the regulation of ceremonies and festivals. After 1833, the policy of Parliament was to substitute for this system a system of universal toleration, and thus to place all religions on the same footing. The policy was so plausible that it was adopted in spite of the passionate remonstrances of the Directors and the natives of India. It was feared, and not without reason, that the Church of England might seek to enforce toleration by the same processes by which the Church of Rome had sought to enforce obedience. Of such methods India had had experience under successive systems and no others were conceivable. It was shown that civil and legal rights were so closely interwoven with the fabric of the Hindu religion, that the policy could not be carried out without interference with the whole

body of the Hindu law, and in particular with the law of inheritance. The danger was recognised, delay after delay was obtained, but in 1850 an Act was passed which, in order to carry out the policy, virtually abolished the Hindu law of inheritance. The consequence of the Act may well have been in the mind of Lord Dalhousie, who was responsible for it, when he wrote to the Board of Control in 1855, that though India was tranquil, he would like to "cut it into the flesh of her Majesty's Ministers" that India was tranquil only because of our military strength. It was not long before the Mutiny cut into the flesh of Parliament and people the lessons of two hundred and fifty years, and brought about the assumption of the government of India by the Crown on the principles set out in the Queen's proclamation of 1858.

The object of my narrative has been to trace the evolution of these principles.

III.

UNDER THE CROWN.

What then is the India of to-day, after nearly fifty years of government in accordance with the principles of 1858?

Geographically, India may be sufficiently described as a huge triangle, having for its base the great ranges of the Himalayas and the Hindu-Kush, and for its sides the waters of the Indian Ocean. The base constitutes a land frontier of some 6,000 miles, marching with Persia and Russia (since we have included Afghanistan in our sphere of influence) on

the west and north, and with China, France, and Siam on the East. The sides have a sea-board of nearly 4,000 miles. Within an area equal to the Continent of Europe, exclusive of Russia, it includes a population of nearly the same numerical strength, but infinitely more divergent in nationality, in language, in social usages and prejudices, and in material interests. But all these diverse interests are subordinate to the forces generated by the distinctive ethnical, religious, and social characteristics of Hindus and Mohammedans. The population of over 300 millions includes about 70 per cent. of Hindus and over 20 per cent. of Mohammedans.

Politically, the territory includes an area of over a million of square miles, with a population of over 240 millions under the direct control of the Imperial Government, and an area of nearly 700,000 square miles, with a population of over 60 millions, under its partial control, through the agency of feudatory States. Including military officers in civil employ and others, about 1,200 Englishmen are employed in the civil government of this vast Empire; on the average, about four members of the ruling race to every million of the people. It is obvious that such a position can only be maintained by the consent and confidence of the people, and it is well to understand how this consent and confidence are maintained.

In the first place, it has been shown that up to the time of our advent in India, dominion was held by successive Asiatic powers invading the base of the peninsular triangle, and displacing or subjugating an enervated and distracted population.

Our advent arrested the process, which, it is as certain as any deduction from historical facts can be, would otherwise long before this have introduced a Russian invasion across the base. But more than this, our advent coincided with the rise and development of maritime power, and, while our military organisation protects the base, our naval supremacy secures the sea-board of the sides of the triangle. And our naval supremacy not only protects the sea-board against foreign invasion, but the avenues and highways of that commerce on which the wealth and prosperity of the country largely depend. Even if all India were combined in such a way as to justify a system of self-government after the type of the United Kingdom, it would take generations to organise a maritime power to replace that which we supply. So that in our military and naval protection we may reasonably find a source of confidence, and a material support of our position.

Here it may be convenient to point out that—paradoxical as it may seem—the permanence of our power is largely, I may say mainly, conditioned by the fact that it is not exercised by or on behalf of a permanent British population. Our connection with India has passed through three stages: in the first its object was the profit of a private company; in the next, the interests of the United Kingdom; in its last and present stage, the private and national interests of the United Kingdom are only such as are inseparable from the interests of India, which are the first consideration. But during no stage have we been in any sense colonists, either by invasion or by peaceful migration. In this way our

administration has been saved from the effects of that law of enervation which weakened the efficiency of the descendants of migrants from temperate zones after generations of residence in the plains of India. The vigour of our administration, both civil and military, is constantly renewed by the infusion of fresh blood.

And this factor of our power is closely connected with another. The visit of the Prince and Princess of Wales has strikingly illustrated the loyalty of India to the Crown. "I am not," said Hyder Ali a hundred and fifty years ago, "I am not alarmed at what I see of the forces and resources of the Company, but at what is unseen," and the speech was accepted as correctly representing an important factor in the strength of the Company's position. The sentiment sprang naturally from the observation that a handful of individuals were able to draw support at pleasure, and to an apparently unlimited extent, from an unknown power. And it still survives, no longer indeed a sentiment of alarm, but a sentiment of loyal devotion to the Crown, approaching almost to idolatry, rooted in the faith that behind the things that are seen, the Collector, the Judge, the Governor, the Viceroy, there is an unseen thing, the source, not only of all power, but of security of life, liberty of person, freedom of conscience, and absolute equality before the law for rich and poor of every race, colour, and creed. It may be called the Crown, it may be called the British *raj*—during the reign of her late Majesty it was known to millions only as Queen Victoria—but by whatever name it may be called it is scarcely

conceivable that without the sentiment of loyal devotion to the Crown, the civil government of India could be maintained by a handful of Englishmen.

During the visit of the Prince and Princess, the sentiment of loyalty to the Crown was in no part of India more conspicuously manifested than in the feudatory States. I do not propose to discuss the relations of these States to the Government of British India, but it is certain that the loyal attachment of the feudatory princes adds largely to the security of our power, not only by reason of the military services they are able to place at our disposal, and which they have spontaneously offered when danger has threatened, but by the example they set to the whole of India. It has been justly remarked that their example "counteracts in a large measure the efforts of those who would seek to stir up discontent, and emphasises in a remarkable manner the advantages of an Empire founded on the confidence of the many tribes, castes, and religions of India as a whole."

And this brings me to the question which underlies the proceedings and resolutions of the Indian National Congress—the question by what measures it may be necessary or wise to broaden and strengthen the foundations of our rule. Eighty years ago Sir John Malcolm declared that the most prominent error in the relations of Parliament to the political government of India was an endeavour to fix dogmatically what is constantly changing. Mr. Morley's recent speech—admirable alike in tone and temper, in courage and caution—proves that he, at least, desires to avoid the error.

IV.

CONGRESS AND CONFERENCE.

It is to be regretted that the proceedings of the Congress were admittedly based on a policy of agitation, a method none the less to be deplored because it has been borrowed from the United Kingdom. "The fashion of carrying great questions by clamour—of overawing the legislature by agitation—of getting up meetings of interested or fanatical partisans, and calling their resolutions the expression of public opinion," was a subject of complaint in connection with Indian affairs a hundred years ago, and it has been continually gaining strength by the general policy of Government after Government in home and colonial affairs to yield little to reason, and not much to agitation, until an outburst of violence has brought questions "within the domain of practical politics."

The President of the Congress was determined to make this clear, and the last General Election, South Africa and Ireland supplied him with abundant stores of ammunition. Ireland also supplied the happy thought of associating the singing of "Bande Mataram" with shouts of "God save the King-Emperor." For the twenty years of the existence of Congress, *Svaraj*, or Home Rule, has been its aim and object. The phrase "self-government like that of the United Kingdom or the Colonies," in which the demand was presented on this occasion, was, perhaps, suggested by Mr. Morley himself when in his speech in Parliament on the Indian Budget he said: "You cannot give universal

suffrage to India, and *I do not insist that India should be on the same footing as our self-governing colonies like Canada.*" So that, on the whole, it would be a mistake to judge the proceedings too seriously as proofs of a popular sentiment inconsistent with the loyal demonstrations called forth by the visit of the Prince and Princess of Wales.

As regards the claim for self-government, the result of the Congress has been "to set back the clock"—to borrow another phrase from Mr. Morley's speech—for some time. The professed and no doubt sincere desire of the Congress to secure the co-operation of the Mussulmans of India was the cause. Whatever may be thought of such a constitution in England, the Mohammedan community of India perfectly understand that under responsible government, even with proportionate representation, they would inevitably be submerged by the Hindu numerical majority. A Mohammedan Educational Conference was opportunely sitting at Dacca, and lost no time in determining to form an "All India Moslem League" to counteract the tendencies of Congress and protect their own rights and interests by promoting a public opinion of loyal attachment to the British Government. Seldom has our position in India been justified in a more effective object-lesson. But the outcome of the Congress and the loyal action of the Mohammedan community make it all the more necessary to recognise the spirit of progress abroad in India, and from the proceedings of the National Congress, the Mohammedan Educational Conference, and the Industrial Congress

held at Benares earlier in the year, we may gather a pretty clear idea of legitimate aspirations in which all are agreed.

They may be briefly summed up as follows :

The development of the resources of India from within by the encouragement of agriculture, manufacture, and commerce in accordance with the most approved scientific methods adopted in the United Kingdom.

The organisation of metallurgical and textile industries for the utilisation of native produce, so as to enable the country to manufacture for home consumption and export its own raw materials.

Irrigation works and increased facilities for transport by railway extension and low rates.

An improved system of credit for industrial and commercial enterprises.

“Svadeshi,” or the encouragement of native, in preference to foreign manufactures.

A fiscal policy which shall include duties of customs for revenue purposes with reciprocal preferential treatment of trade between India and the United Kingdom and the Colonies.

If I had space to enter into details it would be even more clearly seen that the new spirit in India, to which Mr. Morley made sympathetic allusion in his speech on the Indian Budget, is the spirit which has recognised within the last few years, with steadily increasing faith, that the economical salvation of

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each constituent part of the Empire is to be found in the development of its material resources and their utilisation, first for home consumption and then for export. It is the spirit which founded the Imperial Institute, reformed and broadened the system of secondary and university education in the United Kingdom and in the Colonies, created the Board of Agriculture and reorganised the work of Kew Gardens, and added a new department to the Board of Trade. Above all, it is the spirit which under the inspiring genius of Mr. Chamberlain has adapted the Colonial Office system to a new constructive policy, designed to meet the exigencies of a modern world constantly demanding fresh sources of supply and new areas of activity for the forces generated by the progress of industry and the growth of commerce.

It is hardly necessary to add that the new spirit in India has been quickened by the example of Japan, and a study of the methods by which that State has become from a *quantité négligeable* a power of first-rate importance in the commerce, industry, and politics of the world.

And, as means to the end in view, India is united in desiring :

The government of India in the interest of India, and the rigid exclusion of the exigencies of English party politics.

An extension of the representative element in the legislative council.

A larger employment of Indians in the higher offices of the State.

A readjustment of the land revenue system.

As regards the exclusion of English party politics from questions affecting India, it is unfortunate that in practice Parliament has persistently acted in a way contrary to its own repeated declarations from the day of the passing of Pitt's Act in 1784, to Mr. Morley's speech on the Budget in July last. The question of an extension of the representative element in the Legislative Council has been referred by the Viceroy to a committee, and I can only venture to express a hope that if the elective principle is to be introduced at all, it should be by a method adapted to secure the representation of interests by groups, by some process other than a property or pecuniary franchise. Such a standard of qualification for a share in the government is generally inconsistent with the religion, personal law, and usages of the East. To the question of the employment of Indians in the higher offices of state, I have referred in my narrative; and as regards a readjustment of the revenue system, the principles at issue are identical with the questions of land tenure in the United Kingdom that occupy so large a place in present politics.

So that of the proposals suggested by the new spirit at work in India, it cannot be said that any of them lies outside the line of a steady and uniform development and adaptation of the policy of the British power in India, which it has been my purpose to trace, and there is certainly nothing in them to indicate revolutionary tendencies inconsistent with the demonstrations of loyalty to the Crown that followed the progress of the Prince and Princess of Wales through India.

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THE PASSING OF THE CROWN

FOREWORD

KING EDWARD VII., on his accession to the throne, promised to work until his last breath as a constitutional monarch for the welfare and amelioration of his people, and King George V., in his Declaration in Council on his accession, gave solemn assurance of continuity of service in the same spirit.

IN the national mourning for the death of King Edward VII. history will recognise that his people had reason to find consolation in the circumstances that have made it, perhaps, more true of him than of any other monarch to whom the phrase has been applied, that he was *felix opportunitate mortis*—happy in the moment that linked the perfect work of the past with the promise of the future.

For centuries hostility between England and France has been a fixed and abiding condition of our foreign relations, a peril to the peace of Europe, and, by reason of innumerable points of contact and conflicting interests, of the world. During the long

reign of Queen Victoria, the sincerity of her Majesty's desire to establish friendly relations seemed more than once to have achieved fulfilment, conspicuously during the period of the Crimean War; and yet the affair of Fashoda, a trifling incident in itself, during the last year of her reign, brought the two nations to a moment as critical as any that had imperilled their relations since her Majesty's accession to the throne. Within two years from the date of King Edward's coronation, the rickety structure of diplomatic opportunism on which peace had rested had been replaced by a substantial domicile on a solid foundation. The present *entente* does not rest solely on commercial interests, often a fruitful cause of conflict, but on a common life, common traditions, analogous institutions, in short, on a general community of principles in political and social life. The laborious negotiations that found formal expression in the Agreements of October 14th, 1903, and April 8th, 1904, were, on the testimony of all entitled to speak with authority, brought to a happy issue by the skill and dignity with which the influence of King Edward was brought to bear on them.

The circumstances demanded the exercise of these qualities. The position of a constitutional sovereign limits the freedom of his activity in foreign affairs. The King found England not only alienated from continental Europe but arrogant in the pride of its splendid if perilous isolation. He had, therefore, the twofold task of guiding ministers in a policy of peace and goodwill which he had no decisive voice in initiating or determining; and of securing for ministers the confidence of a nation at

once exulting in its isolation and exasperated against the Powers that had brought it about. English ministers and foreign diplomatists have borne testimony to the manner in which King Edward exercised his influence while keeping strictly within the bounds of his constitutional powers. As regards the confidence of the nation it was accorded to him as of right because he had won the hearts of the people. As Lord Rosebery declared "he had won them before he came to the throne." When it behoved him to be a king he was a king, but all the time he was a man with a man's heart, a man's nature, and more than a man's compassion for those who were less well placed than himself; he loved peace and he loved the poor."

But there were other circumstances of moment. The King's devotion to the cause of peace which secured the Agreement with France inevitably led to points of contact with the aspirations of other nations and the susceptibilities of their governments. At every such point the King showed his mastery of the Imperial art of holding his own with dignity and yet with a frank appreciation of the claims and feelings of others and a transparently honest consideration for them. *The Times* has justly observed that no comments upon the King's reign or upon his character could be more appreciative or more flattering than those of the German press. The press of every nation has borne similar testimony, and has spoken for the people. Monarchs and accredited representatives of every civilised Power have spoken for their Governments. And if circumstances have attached a particular value to the voice of the

German press, the nation has recognised with admiration the splendour of the testimony of respect paid to King Edward VII. by the German Emperor.

The consequences in their bearing on the internal relations of the Empire were quickly manifested in those territories which, though now under British supremacy, were originally colonies of France, or which are geographically and otherwise closely connected with French colonies and interests. All these territories, and they include a not inconsiderable area of the King's oversea dominions, were during the nineteenth century perilously sensitive to the capriciously changing temperature of relations between England and France. An immediate result of the Anglo-French Agreement of April, 1904, was the settlement of difficulties arising out of the claims of the two nations in Newfoundland, causes of controversy for over a century. It was an incident of this controversy that prompted Lord Beaconsfield to declare, exactly half a century before King Edward's coronation, "that these wretched colonies were a millstone round our neck." A larger consequence of the Agreement was a wave of imperial sentiment travelling in ever-widening circles across our oversea dominions associated with French traditions and interests, until it broke in a splendour of enthusiasm at the celebration of the tercentenary of the first colonisation of Canada by France. But the spirit of peace that had moved the waters in the North was not exhausted. In the following year it breathed over the South, and King Edward lived to see the crowning glory of the Union of Africa.

And yet while the King was moulding, out of traditions and interests that had been abiding forces of separation, links of union in the foreign and internal relations of the Empire, the spirit of discord, cast out from its accustomed areas of activity, had taken refuge in the bosom of political parties in the United Kingdom. The nation was divided against itself. The exasperated passions of class, creed and races—even of sex—threatened to destroy the legacy the King had designed to bequeath to the Empire. Then he died; and in a moment the mute appeal of the great Peacemaker touched the conscience of the nation and silenced the clamours of faction. *Felix opportunitate mortis.*

The phrase has been applied to other monarchs, but in the case of King Edward it has a peculiar, perhaps unique significance. The work of his Majesty's life was not limited to the accumulation of a splendid legacy to the Empire; it included thought for the fitness of the guardian who was to hold the heritage in trust. Trained in infancy, adolescence and manhood in all the arts of kingship, the appointed guardian at the appointed time has assumed the trust with a unique experience of the principles, policy and practice of imperial administration. By principles, I mean the fundamental laws of government that the nation has accepted as in accordance with the ordinances of nature and the will of God; by policy, the general application of those principles to an infinite variety of environment in the constituent parts of the Empire; by practice, the expedients of individuals to meet particular cases.

A sailor's life is a constant illustration of the meaning I attribute to the terms.

During the thirty years that have elapsed since King George first went to sea in 1879, he has visited almost every part of the Empire. Presiding at the annual dinner of the Royal Colonial Institute in 1908, he was surrounded by citizens of our oversea dominions, by men who had directed the government of colonies and dependencies or were occupying the highest positions in the colonial service; and yet there was no one present who had landed on so many different points of British soil, or had equal opportunities to appreciate the value of each as a factor in the Imperial system. His opportunities had been twofold; first, in earlier years in the frank communion of a sailor's life; later in the grave confidences of intercourse with responsible statesmen as heir to the throne and representative of the Sovereign.

I need not refer to the earlier years, except to recognise their value in the foundation of the superstructure. In speaking of the later years, I will follow the usual classification of the Empire in three groups—the self-governing Colonies, India and the Crown Colonies. In February, 1901, in his speech from the throne at the opening of the first Parliament of his reign, King Edward said:

“The establishment of the Australian Commonwealth was proclaimed at Sydney on January 1 with many manifestations of popular enthusiasm and rejoicing. My deeply beloved and lamented mother had assented to the visit of the Duke and Duchess of Cornwall and York to open the first Parliament

of the new Commonwealth in her name. A separation from my son, especially at such a moment, cannot be otherwise than deeply painful, but I desire to give effect to her late Majesty's wishes; and as an evidence of her interest, as well as my own, in all that concerns the welfare of my subjects beyond the seas, I have decided that the visit to Australia shall not be abandoned, and shall be extended to New Zealand and the Dominion of Canada."¹

The history of this progress must be studied in Sir Donald Wallace's *Web of Empire*. In brief, their Royal Highnesses found throughout Australia an Imperial sentiment made up of three forces: a feeling of affection for the old country akin to that which finds expression in the songs, "Home, Sweet Home" and "Auld Lang Syne"; a feeling of patriotic pride in the glorious history of the United Kingdom, as expressed in "Rule Britannia"; and a feeling of loyalty and devotion to the dynasty as expressed in the National Anthem. That the visit contributed to strengthen and confirm these feelings we all know. "In the Victorian House," the *Auckland Weekly News* of June 21, 1901, aptly observed, "we have a monarchy which is strong in the tactful spirit born of sympathy with the people, and of a generous trust in the sterling qualities of the nation at large. Victoria displayed this tact in every act. Edward is famous for it. George of Cornwall has made for himself in Auckland thousands of friends by the unflinching and generous manner in which consideration for others has governed his words

¹ The visit was further extended to include South Africa.

and his deeds. And this quality—shared both by Queen Alexandra, who has so long been among the idols of the British nation, and by Princess May, whose youthful beauty is outshone by her kindness—is not merely superficial, acquired in a school of deportment as among the requisites of Royalty, but is the result of the passionate identification which our Royal Family has established between itself and the nation. Every worthy movement for the elevation of our people, for the development of our arts, our sciences, and our industries, for the elimination of distressful conditions, for the protection of the weak, for the training of the strong, finds championship in the Victorian House."

In South Africa, still in a state of war, the spirit that inspired the tour was finely expressed in a speech addressed to a deputation from Cape Colony on August 19. After alluding to the state of the country, the Duke concluded :

"That South Africa may soon be delivered from the troubles that beset her is our most earnest prayer, and that ere long the only struggle she knows may be an eager rivalry in the arts of peace and in striving to promote the good government and welfare of the community."

From South Africa the voyage was continued direct to Quebec, a distance of over three thousand miles. It was the Prince's fifth visit to Canada, and his last words, in a letter addressed to the Governor-General, Lord Minto, were :

"We have seen enough to carry away imperishable memories of affectionate and loyal hearts, frank and independent natures, prosperous and progres-

sive communities, boundless productive territories, glorious scenery, stupendous works of nature, a people and a country proud of its membership of the Empire, in which the Empire finds one of its brightest offspring.

“Our hearts are full at saying farewell. We feel that we have made many friends in all parts of the Dominion, and that we owe and gladly extend to its people our sincere friendship and good wishes. May the affectionate regard which all races and classes have so generously shown us knit together the peoples of Canada, and strengthen the existing ties that unite the Empire.”

This visit may be said to have prepared the way for the enthusiasm of the welcome accorded to the Prince of Wales on his sixth visit to Canada in the summer of 1908 as King Edward's representative at the tercentenary celebrations.

Meanwhile in the winter of 1905-6, the Prince and Princess of Wales had made a progress through India which called forth demonstrations of equal enthusiasm in Rajput capitals and Moghul cities, among Princes and peoples, among Hindus, Mahomedans, and Parsis, from Peshawar in the north to Mysore in the south, from Bombay in the west to Calcutta in the east. Everywhere they had witnessed the miracle of British rule by some 1,200 Englishmen, Scotsmen, and Irishmen employed in the civil government of over 230 millions of people, and in the partial control of over 60 millions more—people of diverse nationalities, languages, social usages and prejudices. And they had shown an equal sympathy with all. If they had extolled the



services of the Viceroy, of Governors and Commissioners, they had no less recognised the inspiring genius of British rule in the humbler persons of the district officer and the memsahib; the memsahib who, when the district officer is struck down by fever, takes his place, consults with the police, advises the villagers, becomes doctor, nurse, inspector of sanitation, commissariat officer, controller-general of affairs; the memsahib who, when the district is disaffected and her husband's duties compel him to absent himself, receives a revolver from his hand with the parting words: "If they come, shoot the child first and then shoot yourself."¹

The progress through India was an appropriate prelude to the fiftieth anniversary of Queen Victoria's Proclamation to the Princes and Peoples of India in 1858. On that anniversary, King Edward, reviewing the past "with clear gaze and a good conscience," gave a gracious promise of larger liberties and responsibilities in measures of political reform. This promise he lived to see happily fulfilled.

The princes and peoples of India who welcomed with enthusiasm the Prince of Wales as representative of King Edward in 1905 have, while mourning his Majesty's death, acclaimed, with sober dignity befitting the moment, King George as his successor.

If the reign of King Edward VII. has marked an epoch in the history of the self-governing Colonies and India, it has been not less memorable for the expansion of British rule in the Crown Colonies as the result of a cosmopolitan struggle for the control

¹*A Vision of India as seen during the Tour of the Prince and Princess of Wales*, by Sidney Low.

of the tropics. The Crown Colonies, though still comparatively little known, have now an area larger than the territory of British India including the native States. And in no part of the Empire are King George V. and Queen Mary assured of a more loyal devotion to the throne and to their persons.

In their Imperial Tour of 1901 King George and Queen Mary visited the Crown Colonies of Ceylon, the Straits Settlements and Mauritius. I will speak only of Mauritius, where it was my privilege to receive them as Duke and Duchess of Cornwall and York. Mauritius in area and population is a small colony, but to their Royal Highnesses nothing could be small that touched the interests of the Empire, and within an hour of their landing they had transubstantiated into an Imperial ideal the material elements of colonial existence. The Duke's reply to the addresses of welcome presented had animated the little colony with an inspiring sense of Imperial services accomplished and generously acknowledged. He said :

"We have looked forward with keen interest to visiting your beautiful island, rich in its honourable traditions, in the history of literature and statesmanship: proud of its association with naval achievements that shed equal glory on England and France.

"We deeply sympathise with you in that combination of adversities altogether beyond your control, under which you have suffered during the past ten years.

"Meanwhile, the whole Empire has watched with sympathetic admiration the constancy and courage by which you overcame your difficulties and the

spirit that prompted you to contribute generously—in spite of your own imperilled fortunes—to the relief of your suffering fellow-subjects in India, the West Indies and in South Africa.”

The words of sympathy found an echo in every heart when the following day brought news of the death of the Empress Frederick of Germany. And if this sad incident limited the opportunity for popular manifestations of enthusiasm, every moment of their Royal Highnesses' stay strengthened a link in the chain of devotion that grappled the little island to the Empire. Every hour gave proof of a kindly consideration for others, every day revealed an alert grasp of the bearing of a variety of interests on the general welfare of a complex community and an impartial sympathy with what is best in each. Diversity of race and creed in the Crown Colonies as in India lies at the root of every administrative problem. Fortunately there is a point of union. The mystery and miracle of our unwritten constitution lie in the power of the Crown so to reconcile diversities and even contradictions that they can exist without destroying the unity of the Empire.

In Mauritius, as elsewhere, the power of the Crown was long known only by the name of Queen Victoria. The visit of their Royal Highnesses was accepted as a message of assurance that it had passed to King Edward VII., and the gracious sympathy with which the message was delivered will for ever associate it with the lives of King George and Queen Mary.

WHAT THE CORONATION MEANS TO THE COLONIES

FOREWORD

THIS Essay and the following, entitled, *What the Coronation Durbar means to India*, were written at the request of the Northern Newspaper Syndicate. Through that Agency they have, I hope, already contributed something to a more general appreciation of the political and economic interdependence of the constituent parts of the Empire. They have been revised, with some additions, and adapted to their place in the present series of Essays.

THE Coronation means to the Colonies a ceremonial trial and assay of the perpetuity of the living link that unites each and all of them to the Empire. The Empire may be compared to a planetary system, including four bodies, the United Kingdom, the self-governing colonies, the Crown colonies, and India, each revolving in a sense on its own axis, and held by natural attraction to the central force—the person of the King.

The territories of the British Colonial Empire cover an estimated area of nearly ten millions of square miles, largely exceeding the area of the Dominion of All the Russias, more than twice the area of the Republic of France, with its colonies and dependencies, eight times the area of the Empire and colonies of Germany, three times the area of the United States of America with their extra-territorial acquisitions, and more than twice the combined area of the Empires of China and Japan.

THE DOMINIONS.

The laws of political and economic geography, following the natural factors of distinction between the temperate zones and the tropical, have determined a constitutional cleavage between the groups known as self-governing and Crown colonies, and usage is assigning to the former the designation of Dominions. In illustrating what the Coronation means to the Colonies, I may, therefore, conveniently speak of the self-governing colonies, including Canada, Newfoundland, South Africa, Australia and New Zealand, as Dominions. Geographically the Dominions cover approximately eight millions of square miles, with natural resources sufficient to supply the United Kingdom with every product of the temperate zones in the way of food and the raw materials of manufacture; and as they number less than twenty millions of inhabitants, it is impossible to exaggerate their importance as agencies for the readjustment of the congested population of the overcrowded urban areas of the United Kingdom.

Politically the adhesion of the Dominions to the Empire is conditioned by their complete liberation from the control of the Parliament of the United Kingdom. The position they claim is a relation of partnership with the United Kingdom on the basis of equality as autonomous nations, and as such they hold the Imperial Parliament has no more right of control over their affairs than their Parliaments have over the affairs of the United Kingdom. Consistently, they declare their loyalty to the Crown to be determined by the same conditions as determine the loyalty of subjects to the Crown in the United Kingdom—the constitutional exercise by the Crown of its prerogatives. It has been justly declared that the pivot of the Empire is the Crown and the peculiar interpretation of prerogative enshrined in our constitutional law.

THE PREROGATIVES OF THE CROWN.

So far as it is possible to define in a phrase the prerogatives of the Crown and the rights of the people in the Dominions, it may be said that the King reigns through his representatives while the people govern and administer through their representatives. The exercise of the prerogative in legislation is now practically limited to two cases; where, in the opinion of the law officers of the Crown a colonial enactment is *ultra vires*; and where a colonial enactment, if allowed, would directly prejudice imperial interests. Outside of the area of legislation, the prerogative of the Crown has three principal areas of exercise; in the relations of a Dominion with all other communities, whether

parts of the British Empire or foreign countries; in defence against external aggression; and as fountain of honour. It would be difficult to exaggerate the importance to the Dominions of the exercise of the prerogative in their relations to the other constituent parts of the Empire and foreign countries. The Crown by its control over the legislation of the Crown Colonies and India is able to regulate the conditions on which those vast territories with their infinite variety of natural resources, complementary to the products of the Dominions, shall be made available to them as markets of supply and demand. Not less important is the exercise of the prerogative in the matter of their foreign relations, the Crown alone having power to enforce the obligation of treaties in which the interests of the Dominions are concerned by its naval and military forces. Up to quite recent times, the Dominions have failed to appreciate the full extent to which their prosperity and even their existence has depended on the exercise of the power of the Crown in the area of defence. They have taken it for granted that their defence against foreign aggression and the protection of their sea-borne commerce were secured by an automatic exercise of that power as a condition of their adhesion to the Empire. In this assumption they have been able to appropriate to productive works of development, as well as to vast schemes of internal communication by railways, waterways and cables, the expenditure which, as independent nations, they would have had to devote to defence. It is now being realised that the reciprocal obligations between

the Crown and the Dominions demand a distribution of the burden of maintaining the supremacy of the sea. The exercise of the prerogative of the Crown in the grant of honours and dignities, including the dignity of the Peerage, need not be insisted on at length, but it always has been, and as long as human nature remains what it is, will continue to be a factor in the relations between the Crown and its subjects.

Such are in brief the mutual obligations of the Crown and the Dominions of which the Coronation is a symbol and pledge.

THE CROWN COLONIES.

To the Crown Colonies the Coronation has an even fuller meaning. In respect of the exercise of the prerogative of the Crown in their relations with other parts of the Empire and to foreign countries, in their defence against foreign aggression and the protection of their sea-borne commerce, and as fountain of honour, they stand in the same position as the Dominions. But in the Crown Colonies, the Crown not only reigns, but governs and administers.

The Crown Colonies occupy an approximate area of nearly two millions of square miles mainly in the tropics, including territories of an infinite variety of natural resources complementary to the products of the temperate zones. The wealth of their agriculture, forest, mineral and power resources have been sufficiently indicated in my essay on "The True Temper of Empire," and need not here be further elaborated.

THE CONFLICT OF COLOUR.

But to understand the meaning of the Coronation to the Crown Colonies, we must consider not only their commercial value, but the conditions necessary to their development and to the existence of their populations as civilised communities. Experience has shown that the climatic conditions which have been a main factor in determining the character of the European, and have endowed him with capital, skill in organisation, and a knowledge of scientific methods, have unfitted him for the elementary manual labour necessary to develop the resources of the heat belt of the world. This can only be done by races of tropical origin adapted to the climate by the process of ages, and the physical characteristics of these races are always distinguished by a colour pigment resisting climatic influences. They are of three main types,—the Caucasian, including the brown East Indian; the Mongolian, including the Red American and the yellow Chinese and Malay of Asia; and the Negro type, including many races of black men mainly habitant in Africa. All these races include individuals and communities of different stages of civilisation, but they have this characteristic in common, that only individuals or groups in the lowest stage of civilisation will consent to work under races alien in origin, creed and customs. Confronted with this fact, the policy of the white man to all these has passed through three stages,—a policy of plunder, a policy of servitude, and a policy of amalgamation. A study of the history of western civilisation shows that the policy of the

white man to the white man in Europe has passed through the same three stages, and at the root of all the problems of British Rule in the Crown Colonies lies the question how far and by what methods the fundamental principles of government established in the United Kingdom and in the Dominions can be applied to them, in other words, whether the principles of a policy which has adjusted the conflicts of race, creed and class can be extended to a policy which will adjust the conflict of colour.

THE PRINCIPLE OF EQUAL OPPORTUNITY.

The essential principles of this policy may be briefly stated. It demands a constitutional system constructed to secure the representation of three forms of capital,—landed property, accumulated personal property or capital, and the property every man has in his own intelligence and labour. It demands that the power of the State shall be retained in the hands of the more competent classes while making those classes accessible to all. It demands a system of laws enacted, not for the benefit of a governing class but for the benefit of the governed. It demands a religious system based on the principles of toleration; a system of sanitary laws to serve as an engine of equality in the area of physical capacity. It demands a system of labour based on the principle that the relation of the employer to the workman shall be a relation of contract. In a word, the fundamental principle of the policy is the principle of equal opportunity without distinction of race or creed or class.

The pre-Victorian years of the nineteenth century were marked by steady progress in the application

of these principles to the various social groups of the United Kingdom distinguished by race, religion and class; the Victorian era will be memorable for all time by a policy of endeavour to make the area of application of these principles coincident with the limits of jurisdiction of the Crown's prerogatives. As means to this end, and because the policy has not always found acceptance among colonial communities of European origin, the Crown holds not only complete control over the legislatures of the Crown Colonies, but the right of direct legislation by Orders in Council, and it not only governs but administers, through its executive and administrative officers, every one of whom is responsible to the Crown.

THE ONLY TRUE POLICY.

Not many years after the accession of Queen Victoria, in 1842 the policy was distinctly declared when a constitution was granted to the colony of Natal conditionally on the formal acceptance by the Volksraad of a Proclamation by the Queen, "That there shall not be in the eye of the law any distinction of persons or disqualification of origin, language or creed; but the protection of the law in letter and in substance shall be extended to all alike." In 1858 a Proclamation of the Queen to the princes and peoples extended the fundamental principle of British rule to the Empire of India. But the policy has not found universal acceptance among European colonists, and in the same year 1858, the conflict of colour was openly declared in the Grondwet, or funda-

mental law of the Dutch South African Republic, which stated that "The people will suffer no equality of whites and blacks either in State or in Church." It would be folly to ignore the strength of the sentiment underlying this declaration wherever white men and the coloured races are brought into conflict of interests. The adjustment of interests between capital and labour in Europe is a source of constant political danger, and is certainly not easier where capital is white and labour is coloured. For half a century the policy of the Crown in the Crown Colonies has been controlled by a recognition that the balance of interests is not capable of mathematical adjustment, that its agents must be patient of delay and content to meet any occasion that may arise with sobriety of mind and temper and with flexibility of resources, adhering at the same time with tenacity and courage to the faith that the British Empire can only be maintained by the principles that have established it.

Steady adherence to this policy, in this spirit, has satisfied both white and coloured races that it is the only policy that can secure liberty of person and conscience and equality of opportunity to all under a settled government.

AN UNSEEN POWER.

In estimating what the Coronation means to the coloured races of the Crown Colonies it must be borne in mind that deep in the minds of all the races of Africa and Asia within the Empire there lies a conviction that behind the things that are seen, heads of departments, judges, governors, there

is an unseen power, the source of security of life and property, liberty of person and conscience, and equality before the law for the rich and poor of every race and creed—the power of the Crown. The Coronation means a pledge that, though the person of the sovereign may pass, the power of the Crown remains.

Comparing the mutual obligations of the Crown and the people in the Dominions, we find that, whereas in all matters of Imperial and foreign concern these obligations are almost identical, they differ in this, that within the borders of the Dominions, the Crown reigns, the people govern and administer, within the territories of the Crown Colonies the Crown reigns, governs and administers. This apparent conflict of interests may seem irreconcilable with the unity of the Empire, but the link of conciliation is supplied by the Crown. We have seen that the adhesion of the Dominions to the Empire is conditioned by their liberation from just that measure of control by the Crown which is held by the Crown Colonies to be a condition of their existence as civilised units of the Empire. So it may be said with equal truth of all the Colonies that the Coronation means to them a ceremonial trial and assay of the perpetuity of the living link that unites each and all of them to the Empire.

WHAT THE CORONATION DURBAR MEANS TO INDIA

THE Coronation in Westminster Abbey concentrated within a ceremonial of a few hours the traditions of many centuries, and the subsequent ceremonials in Ireland, Wales and Scotland had a similar effect in concentrating local traditions. Concentration on the traditions of India is already anticipating the Coronation Durbar. It is profitable to recall that the traditions of the sixteenth century in their association with the history of self-government present a singular analogy to the traditions of the sixteenth century in India. The reign of Akbar, the most illustrious of the Moghul Emperors, from 1556 to 1605, nearly coincided with the reign of Queen Elizabeth. Within twenty years from his accession he had not only conquered but conciliated all the Moslem and Hindu princes of Northern India, and made Delhi the seat of government of an empire, not indeed coincident with the limits of British India, but embracing the whole of India north of the Deccan. The policy of his administration may be summed up in a few words.

THE POLICY OF AKBAR.

While he had a religion of his own to which he was firmly attached, he did not seek to impose it on

others. Hindus and Moslems were promoted to offices of trust and emolument in the public service without distinction of creed, according to merit, the posts filled by Hindus including the most important of all, that held by his favourite courtier and virtual prime minister. That he was not hostile to Christianity is recorded by an inscription in Arabic letters over a doorway of the noble mosque he erected at Fatehpur: "Said Jesus, on whom be peace! The world is a bridge, pass over it, but build no house there." Supported by an executive and administrative system thus impartially constituted, he aimed at securing the material welfare of his Dominions by the construction of irrigation works and roads; he protected commerce from internal disorder by an efficient civil police, and from foreign aggression by a powerful military establishment. For the adjustment of taxation for purposes of revenue a land survey was undertaken, and statistics of the population and resources of administrative areas were prepared; schools were provided for the instruction of Moslems and Hindus alike, and their literature received equal encouragement. A writer of distinction on Indian problems has attributed the downfall of Akbar's Empire to the absence of representative institutions as an instrument of continuity independent of the caprice of princes. All historians are agreed that it was brought about by failure of continuity in the policy which established it. His successors had little sympathy with Akbar, and were careless to maintain his system; while the most powerful of them, Aurungzeb, during his reign of nearly fifty years (1658 to 1707) directly reversed

his policy of religious liberty and equal rights for Moslems and Hindus. The death of Aurungzeb, a fugitive from the exasperated forces of Hinduism, was followed by the complete break up of the Empire. It was during the consequent period, when every province of India was distracted by the conflicts of rival powers prosecuting their separate schemes of plunder, that the East India Company, reverting to Akbar's policy, by a course of conduct at once courageous and adroit, secured the confidence alike of Hindus and Moslems and found their alliance courted by the rival powers.

QUEEN ELIZABETH'S MERCHANT VENTURERS.

To realise all that the Coronation Durbar means, it is necessary to remember that Queen Elizabeth, shortly before the close of her reign, had sent an embassy to Akbar, to solicit his favour and protection on behalf of an association of merchants who had petitioned her to grant them privileges for the carrying on of trade with India. On the 31st of December, 1600, she granted these merchants a charter of incorporation under the title of "Governors and Company of Merchants of London, trading to the East Indies." This was the first charter under which the merchants of England commenced their commerce with India. Their original capital was the modest sum of seventy-two thousand pounds, divided into fifty pound shares. It was to be the destiny of this Company to reconstruct Akbar's Empire on the principles on which he had founded it. The limits of space make it impossible for me to trace its history during the period of two

centuries and a half between the date of its first charter and the transfer of the Government of India from the Company to the Crown in 1858. It shows two principal stages, divided by Pitt's Act of 1784. That Act gave the British Parliament a general control by a Board of Commissioners expressly designed to serve the interests of India from being made subservient to the interests of political parties in England, or the private interests and fortunes of the Company's agents and servants. An Act of 1813 put an end to the Company's monopoly of trade with India and enlarged the powers of the Board of Control.

TERM OF POSSESSION.

The guiding principle of the Company's administration at this period was declared by Sir Thomas Munro in a Minute on the state of the country written on the last day of the year 1824: "We should look upon India not as a temporary possession, but as one which is to be maintained permanently, until the natives shall in some future age have abandoned most of their superstitions and prejudices, and become sufficiently enlightened to frame a regular government for themselves, and to conduct and preserve it. Whenever such a time shall arrive, it will probably be best for both countries that the British control over India shall be gradually withdrawn. That the desirable change here contemplated may in some after-age be effected in India there is no cause to despair. Such a change was, at one time, in Britain itself at least as hopeless as it is here."

In another Minute he declared that, in his own view, there was no reason why natives should be excluded from any office for which they were qualified "without danger to their preservation of their own ascendancy," that ascendancy being in the last resort dependent on British supremacy.

It must be borne in mind that at this period the Government of the Company not only tolerated the religions of Hindus and Moslems, but recognised them as parts of their political system, by connecting itself with the management of religious revenues and endowments and the regulation of festivals. At the same time Christianity was rigorously excluded from their political system.

RELIGIOUS EQUALITY.

It would be difficult for me to summarise the general policy of the Company's administration more appropriately than in the terms in which I have summarised the political system of the Emperor Akbar. It is of singular historic interest to note that after two centuries of disruption the political principles which had consolidated Akbar's dominions were again consolidating the fragments of the broken Empire and adding to them, under the government of the heirs of Queen Elizabeth's Merchant Venturers. The Government of India Act, 1833, renewing the Charter of the Company, was an extension of the principles of the Act of 1813. It put an end to the Company's monopoly of trade with China, and gave legislative sanction to the general policy of the Company by declaring that "no person by reason of his birth, creed or colour shall be disqualified

from holding any office under the East India Company." The Agents of the Company were at once instructed by the Directors to transfuse the full spirit of this declaration through the whole system of administration by the "promotion of every design tending to the improvement of the nation, whether by conferring on them the advantages of education or by diffusing among them the treasures of science, knowledge and moral culture."

In 1850, a quarter of a century after the date of Sir Thomas Munro's Minute, Mountstuart Elphinston wrote, "I conceive that the administration, of all the departments of a great country by a small number of foreign visitors in a state of isolation produced by a difference of religion, ideas and manners, which cuts them off from all intimate communion with the people, can never be contemplated as a permanent state of things. I conceive also that the progress of education among the natives renders such a scheme impracticable."

THE INSTRUMENT OF EDUCATION.

Mountstuart Elphinston had been Governor of Bombay from 1819 to 1827, and on his return to England had declined the governor-generalship of India. While he was recording, in retirement, his experiences and opinions of the principles and policy of Indian administration, Parliament was forcing on the East India Company measures which were in a few years to frustrate its policy and terminate its existence. In the year 1836 Macaulay was advocating an educational system avowedly designed to undermine the religious and social life of Hinduism.

In October of that year he wrote: "The effect of this education on the Hindu is prodigious. No Hindu who has received an English education ever remains sincerely attached to his religion. Some continue to profess it as a matter of policy, but many profess themselves pure Deists and some embrace Christianity. It is my firm belief that if our plans of education are followed up there will not be a single idolater among the respectable classes in Bengal thirty years hence."

Macaulay was at this time Legal Member of the Supreme Council of India, and supplemented the duties of that office by acting as Chairman of the Committee of Public Instruction as well as President of a Commission of Enquiry into the Jurisprudence and Jurisdiction of our Indian Empire. It was inevitable that the Indian community should associate the organisation of his educational system as an instrument of conversion with the pressure of Parliament in forcing on the East India Company the enactment of measures avowedly designed to encourage conversion to Christianity by relieving converts from the restrictions of their religion and personal law. Alike by Hindu and Moslem law religious apostasy carried with it the forfeiture of all rights of inheritance. The charter of 1833 was followed by an agitation promoted in Parliament in favour of relieving converts to Christianity from this disability. The ultimate issue of the agitation illustrates how easily a benefactor may become a malefactor merely by extending his activity into an area where it is not due. The advocates of the measure desired the extension to India of the

English Toleration Acts. They failed to recognise a distinction between religious liberty among groups enjoying equality of right of access to political power in a homogeneous self-governing community, and the liberty of an alien dominant race enjoying a monopoly of legislative and administrative control, and avowedly declaring its intention to use its monopoly as an instrument of conversion. In 1845 the draft of an Act, known to history as the *Lex Loci* of that year, was published in the *Gazette*, one of its clauses enacting that "so much of the Hindoo and Mahomedan law as inflicted forfeiture of rights or property on any party renouncing the communion of these religions should cease to be enforced as law in the Courts of the East India Company."

QUEEN VICTORIA'S PROCLAMATION.

For five years the enactment of this and other clauses was delayed by a conflict between a parliamentary party in England aiming at the conversion of India to Christianity by the joint forces of education and legislation, and the East India Company urging that the Indian laws of inheritance were interwoven with the fabric of religion. A Bengali memorial declared that from the moment the proposed clauses should become a part of the law applicable to the Hindus, their confidence in British rule would be shaken. A memorial from Madras denounced the proposed legislation as a direct act of tyranny, and declared that the British Government "treading in the path of oppression would well deserve, what it would assuredly obtain, the hatred and detestation of the oppressed." It was only on April 11, 1850,

the year in which Mountstuart Elphinston penned the words I have quoted, that Lord Dalhousie allowed himself to be persuaded into approving the enactment of the Clauses of the *Lex Loci* published in draft in 1845. I need not further discuss the analogy between the causes of the disruption and downfall of the Empire consolidated by Akbar and the contributory causes of the Mutiny and the downfall of the East India Company. If the parliamentary forces which had secured the passing of Lord Dalhousie's Act had had their way, and if the popular passions that too often control Parliament had been allowed to determine the policy of the Crown after the Mutiny, history would have repeated itself. An Empire established by the policy of Akbar would once more have been destroyed by the policy of Aurungzeb. India was saved by the Crown. It is not easy to define the prerogatives of the Crown, but they may be illustrated by the practical consequences of their exercise in the Proclamation of Queen Victoria to the Princes, Chiefs, and Peoples of India of November 1st, 1858. After declaring that the Crown, with the assent of Parliament, had resolved to assume direct supremacy over the territories of India "heretofore administered in trust for us by the East India Company," and after a pledge to respect the rights, dignity and honour of native princes "as our own," the Proclamation announced, "We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fill. Firmly

relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. 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."

THE CROWN IN INDIA.

The exercise of the prerogative of clemency was then assured to all who had been misled and desired to return to their duty, excepting certain offenders in regard to whom "demands of justice forbid the exercise of mercy." The Proclamation concluded, "When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the government for the benefit of all our subjects resident therein. In their prosperity will be our strength, and in their gratitude our best reward." I need not labour the proposition that

the principles of the Proclamation are essentially the principles of Akbar's system interrupted for nearly two centuries by the action of his successors, re-asserted by the East India Company chartered by Akbar's contemporary Queen Elizabeth, and again interrupted by the action of the Imperial Parliament. Nothing in the history of Empires is more remarkable than the energy with which the interruption was arrested and the policy of Akbar resumed in 1858, three hundred years after the accession of Queen Elizabeth to the throne of England and the accession of Akbar to the throne of Delhi. Fifty years later, on the anniversary of Queen Victoria's Proclamation, the King-Emperor, Edward VII., issued a Proclamation in which he declared that he surveyed the labours of the past half century with clear gaze and good conscience. For the future His Majesty gave assurance that steps were being continuously taken towards obliterating distinctions of race as the test for access to posts of public authority and powers, and that measures were being framed to extend the principle of representative institutions. The valour and fidelity of His Majesty's Indian troops, "their martial instincts, their splendid discipline and their faithful readiness of service were extolled." Lastly, the continuity of the Crown in its sympathy with the people of India was declared: "The welfare of India was one of the objects dearest to the heart of Queen Victoria. By me, ever since my visit in 1875, the interests of India, its Princes and Peoples, have been watched with an affectionate solicitude that time cannot weaken. My dear son, the Prince

of Wales, and the Princess of Wales, returned from their sojourn among you with warm attachment to your land, and true and earnest interest in its well-being and content. These sincere feelings of active sympathy and hope for India on the part of my Royal House and Line, only represent, and they do most truly represent, the deep and united will and purpose of the people of this Kingdom."

The promises of King Edward's Proclamation in respect of access to posts of public authority and power, and the extension of representative institutions, have been fulfilled by the political reforms incorporated in the India Councils Act 1909, which marked a stage in the progressive assimilation of the constitutional status of India to that of the Colonies. The Act, which will always be associated with the name of Viscount Morley of Blackburn, made important changes in the constitution and functions of the legislative councils, and gave power to make changes in the executive councils of the provinces. An analysis of the type of colonial constitution adapted by the Act to the circumstances and requirements of India has been given in my essay on "The True Temper of Empire."

By a happy coincidence the valour and fidelity of the Indian troops were in the year of the Proclamation illustrated by the publication of Colonel G. I. Younghusband's *Story of the Guides*. It gives proof that if the Mutiny had its origin among Indian troops, it was by the valour and fidelity of Indian troops that India was saved. It recalls that to the deathless heroes who fell at Kabul in 1879 a national memorial stands at Mardan recording that :

"The annals of no army and no regiment can show a brighter record of devoted bravery." It recounts the glorious story of the relief of Chitral in 1895, and carries on the record to the gallant achievements associated with the Malakand and Dargai in the frontier campaign of 1897.

At the Coronation Durbar the King-Emperor George V., with his Consort, Queen-Empress Mary, will assure the Princes and Peoples of India of the continuity of the attachment with which they returned from their visit in 1907 as Prince and Princess of Wales.

QUEEN-EMPRESS MARY AND THE WOMEN OF
INDIA.

In King George's Declaration in Council on his accession to the throne his Majesty was pleased to say "that he was encouraged by the knowledge that he had in his dear wife one who will be a constant helpmate in every endeavour for their people's good." The words were received with as profound an appreciation in India as in any part of the Empire, and the Coronation Durbar will revive many grateful memories of Queen Mary's visit to India as Princess of Wales. During the first days of that visit the key-note of her Majesty's motive was struck at an entertainment given in her honour in Bombay. In reply to an Address presented to her she said, "I thank you all very warmly for your kind and grateful greetings. I know the feeling which has prompted you to present this Address to me, and you certainly have succeeded in making my first impressions of India bright,

happy and hopeful. One of my chief objects in this tour is to see as much as possible of my Indian sisters; for I believe the more I see of the reality of your lives the more I shall admire and esteem the high qualities for which the Indian woman is renowned. If my first impression, so charming and so powerful, becomes fixed as I travel through India, then to use the words of your Address, I shall carry home agreeable memories, and a sympathy which will bring us into a close bond of mutual esteem, regard and goodwill." And on the eve of her departure from India her Majesty wrote, "It has indeed been a wonderful tour, and we have learned much from our varied experiences. The religion in India interests me exceedingly." If it is permitted to define the function of the Queen in the constitutional relations of the Crown to India, it may be said that, it is to reconcile the conceptions of the West and the East in respect of the place of woman in civic and domestic life. In the West there are large classes of women, professional and leisured, among whom the interests of the civic life have definitely displaced that of the domestic life. In the East the domestic life continues to be regarded as woman's proper and characteristic sphere, and the family as a social unit determines the whole conception of society. Since her accession to the throne, Queen Mary has been accepted as the symbol of a life in which a noble conception of domestic duty is united with a not less noble conception of duty in civic life.

"PURDAH" LADIES IN THE WEST.

An Indian writer has drawn attention to the significance of the presence in England of Indian ladies, as the Maharani of Baroda and the Begum of Bhopal, in connection with the Coronation ceremonies in London. While giving a charming picture of the home life and activities of Indian *pardah* ladies, he rightly emphasizes the interest they have taken in all their observant eyes have seen through their veils as an indication that women are taking their place, side by side with men in the great work that has to be done to their mutual aid and strengthening. In the same spirit the present position of woman in the West and in the East was discussed at the Universal Races Congress held in London shortly after the Coronation. It was urged that the woman of the East is already engaged in a process of self-transformation which can only end by endowing her with a full measure of civic and intellectual personality.

At the Coronation Durbar Queen-Empress Mary's gracious presence will be a symbol of conciliation between the *pardah* ladies, and the religion underlying their system, and the mem-sahib, and the religion underlying her life of social service,—the *pardah* ladies satisfied with their home for the centre of their activities and the material of their mental and emotional development, the mem-sahib illustrating by her daily life and example the conception of social service as the basis of ascendancy.

These are the things that the Coronation Durbar means to India.

BRITISH INDIANS IN THE TRANSVAAL

FOREWORD

THIS essay contains the substance of two articles that appeared in *The Empire Review* for the months of February and October, 1908. They were subsequently revised and published as a pamphlet, and circulated by the South Africa British Indian Committee.

I.

BEFORE THE WAR.

THE story of the British Indians in the Transvaal is a story of conflict between the Imperial Government, as trustees for the Empire of India, and the Local Government.

Either our claim to hold India in trust is an impudent act of self-assertion, or it is, to adopt a phrase of Mr. Gladstone's, the highest trust and function that Providence has ever assigned to any family of the human race. The laws of the trust are written, as it were, on tables of stone, in the Proclamation of Queen Victoria of 1858, and declare

among other commandments, that no native of India shall, by reason only of his religion, place of birth, descent, colour, or any of these things, be disabled from holding any place, office, or employment, under the Government.

And the Proclamation gives this pledge :

“We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and these obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.”

In accordance with the trust thus solemnly undertaken, the policy of the Imperial Government has ever since been controlled by the principle that accidents of birth or convictions of conscience which do not debar an Indian from equal rights in India should not debar him from equal rights in the constituent parts of the British Empire. It is getting, however, to be more and more evident that the adjustment of this Imperial policy to the conflicting interests and exigencies of the constituent parts is the problem of the century.

Burke, when charged with inconsistency, once declared that he maintained the consistency of his end by the adoption of variety of means, and it is certain that only in such a spirit can the principles of the Imperial policy be reconciled with the exigencies of the Transvaal in the adjustment of the status of British Indians. In the Transvaal the conflict of interests was defined with absolute clearness by the terms of the Grondwet or fundamental law which declared in 1858, the very year of the

Queen's Proclamation to India, that "the people will suffer no equality of whites and blacks, either in State or in Church."

It is impossible to find a solution of the present difficulties in the Transvaal without an understanding of the causes that have led up to them, but it is not necessary to trace these causes further back than the London Convention of 1884, which regulated the status of the South African Republic, as the Transvaal was then called. Article XIV. of that Convention provided that :

"All persons, other than natives, conforming themselves to the laws of the South African Republic (*a*) will have full liberty with their families to enter, travel, or reside in any part of the South African Republic; (*b*) will be entitled to hire or possess houses, manufactories, warehouses, shops and premises; (*c*) may carry on their commerce either in person or by any agents whom they may think fit to employ; (*d*) will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon citizens of the said Republic."

Such was the status secured to British Indians in the Transvaal by the Liberal Government of Mr. Gladstone, Lord Derby holding the office of Secretary of State for the Colonies, while the Duke of Devonshire, Lord Granville, and Mr. Chamberlain were members of the Cabinet. Incidentally, I may point out that the phrase "other than natives" as used in this Article, is distinctly opposed to the interpretation that has been placed on the word

"natives" in the Treaty of Vereeniging.¹ For, after the interchange of much correspondence the South African Republic passed the Asiatic Law (3 of 1885), by which "all persons belonging to one of the aboriginal races of Asia" were required to pay a fee of £3 for the privilege of trading or residing in the Republic; excluded from political and municipal franchise; prohibited from holding immovable property registered in their names; and restricted to residence in appointed streets, wards and locations. The interpretation, operation, and amendment of this law have been at the bottom of every conflict which has arisen between the Imperial Government and the Transvaal in respect of the British Indian community.

The interpretation put on the law by the Imperial Government, after the first amendment in 1886, was that it "was a sanitary measure, and consequently would not apply to traders and other persons of a superior mode of life, but to coolies only,"² and they held that it must be interpreted consistently with the terms of the London Convention, modified only in the sense in which they had accepted the law. On the other hand, the Government of the Republic held that the interpretation of the law rested with them, and that it referred to all Asiatics alike. After years of discussion the matter was referred to arbitrators, who, by their award in 1895, decided that the Government of the Republic was entitled to

¹ Clause 8 of the Treaty declared that "the question of the Franchise to natives will not be decided until after the introduction of self-government." The interpretation placed on the term "natives" included all persons of Asiatic origin.

² The Rt. Hon. Alfred Lyttelton to Viscount Milner, July 20, 1904.

administer the law "subject to sole and exclusive interpretation in the ordinary course by the tribunals of the country." A decision of the Supreme Court of the Transvaal in 1898 virtually abrogated Article XIV. of the London Convention and all the rights enjoyed under it by British Indians.

If the award of 1895 terminated the legal right claimed by the Imperial Government to protect the British Indians under the terms of the Convention, it could not terminate the duty of the Imperial Government to protect the interests of British subjects of whatever place of origin, and in particular to execute the duties of their trust as guardians of the rights of India solemnly undertaken in the terms of the Proclamation I have recited. Accordingly, from the date of the Award to the outbreak of war the British Government steadily maintained by diplomatic persuasion the interests of British Indians resident in the Transvaal, and their treatment formed part of the case against the South African Republic.

In respect of this part of the case, the British Indians in the Transvaal base their claims upon the following three simple propositions :

That the Imperial Government is the sole trustee of their extra-territorial and international rights and has the sole control of the power to have those rights respected :

That the Imperial Government, after asserting their trusteeship in the London Convention, muddled away the right to exercise it by proceedings which led up to the award of 1895 :

That having subsequently failed to secure the just rights of the British Indians by diplomatic negotiation and pressure, the Imperial Government recovered by the arbitrament of war the rights they had lost in 1895.

On these propositions they rest their faith that the Imperial Government is bound to execute its trust on their behalf after the war, in the same spirit in which it was executed before the war.

As to the spirit in which it was executed before the war there can be no doubt. The gospel of Mr. Gladstone and the Liberal party in 1884 is written in Article XIV. of the London Convention.

The gospel of Mr. Chamberlain was declared at the Colonial Conference in 1897 in the following terms:

“The United Kingdom owns as its brightest and greatest dependency that enormous empire of India with 300,000,000 of subjects who are as loyal to the Crown as you are yourselves, and among them there are hundreds and thousands of men who are every whit as civilised as we are ourselves, who, if that is anything, are better born in the sense that they have older traditions and older families, who are men of wealth, men of cultivation, men of distinguished valour, men who have brought whole armies and placed them at the service of the Queen, and have in times of great difficulty and trouble, such, for instance, as on the occasion of the Indian Mutiny, saved the Empire by their loyalty. I say, you who have seen all this cannot be willing to put upon those men a slight which, I think, is absolutely

unnecessary for your purpose (*i.e.* the restriction of wholesale immigration), and which would be calculated to provoke ill-feeling, discontent, irritation, and would be most unpalatable to the feelings, not only of Her Majesty the Queen, but of all her people."

Two years later Lord Lansdowne preached the same gospel :

"A considerable number of the Queen's Indian subjects are to be found in the Transvaal, and among the many misdeeds of the South African Republic, I do not know that any fills me with more indignation than its treatment of those Indians. And the harm is not confined to sufferers on the spot ; for what do you imagine would be the effect produced in India when these poor people return to their country to report to their friends that the Government of the Empress, so mighty and irresistible in India, with its population of 300,000,000, is powerless to secure redress at the hands of a small South African State !"

And this was the gospel Lord Selborne preached at Dumfries in the same year :

"Was it, or was it not [he asked] our duty to see that our dusky fellow-subjects in the Transvaal, where they had a perfect right to go, should be treated as the Queen in our name had promised they should be treated? If they agreed with him, and admitted that these were questions which we had to answer, as trustees before our fellow-countrymen and before history, then they would agree with him also that the path of duty was to be ruled, not by sentiment, but by plain facts. . . . We were

trustees for our brothers all over the world. . . . Trustees also for our fellow-subjects of different races and different colours. . . . Was the British Government going to make its name respected, and to have the pledges given by it faithfully observed? Was it going to see that the British subject, wherever he went all over the world, whether he were white or black, was to have the rights which his Queen had secured for him?"

What has been said will suffice to prove that before the war the policy of the Imperial Power in respect of the British Indians in the Transvaal was based on the obligations of duty undertaken in the terms of the Proclamation of 1858. It is important to bear this in mind, as quite recently an attempt has been made to argue that the terms of the Proclamation are limited to obligations of duty within the territorial limits of British India. I submit with confidence the proposition that to exclude from "the obligations of duty" protection from injustice and wrong outside the limits of the administrative unit which constitutes the country of origin of any group of British subjects, whether it be India, or a self-governing Colony, or a Crown Colony, is the direct negation of Empire. But the case of the British Indians in the Transvaal does not depend only on the acceptance of this general proposition. It is supported by vested rights and specific promises and pledges.

II.

AFTER THE WAR.

In 1902 the arbitrament of war transferred the Transvaal to the Crown in full sovereignty, and gave the Imperial Government absolute power to restore the status of the British Indians under Article XIV. of the London Convention, or to modify it in accordance with the interpretation it had placed on Law 3 of the South African Republic or in any other way, subject to the interpretation placed on the terms of the treaty of Vereeniging in respect of franchise. The eighth clause of the Treaty declared that "the question of granting the franchise to natives will not be decided until after the introduction of self-government." The Government had accepted the interpretation of the word natives as including all his Majesty's coloured subjects.

Under the Crown Colony form of government set up after the war, the Imperial Government expressly retained complete control over any legislation which might subject British Indians to any disability or restriction to which persons of European birth were not subjected, and this power was effectively exercised. In 1902 the High Commissioner submitted to the Secretary of State proposals of the Transvaal Government, to amend Law 3 of 1885, to which Mr. Lyttelton refused to assent on the ground that "it was impossible to defend what would practically be a continuance of the system of the South African Republic against which His Majesty's Government had so strongly and repeatedly protested." In

1903 proposals for the importation of coolies were submitted, to which the Indian Government promised assent only on the condition that existing disabilities affecting Indians in the Transvaal were removed. And in the same year Mr. Lyttelton declared in plain terms the views of the Government on proposals submitted by the High Commissioner for a contemplated Immigration Restriction Law :

“An apprehended trade competition from the British Indians now in the country, whose number is now comparatively small, and will, under the proposed restrictions on immigration, be in a diminishing proportion, cannot be accepted as sufficient reason for the legislation proposed. His Majesty's Government have steadily declined to allow this fear to influence their views in the past. On the contrary, for many years they repeatedly protested before the Empire and the civilised world against the policy and laws of the late South African Republic in relation to this subject. Those laws were, indeed, only partially enforced, while His Majesty's Government is now asked, not merely to sanction their strict enforcement, but to set aside by legislation the judgment of the Supreme Court, which has given to the British Indian rights for which His Majesty's Government have strenuously contended. . . .

“His Majesty's Government hold that it is derogatory to national honour to impose on resident British subjects disabilities against which we had remonstrated, and to which even the law of the late South African Republic, rightly interpreted, did not

subject them, and they do not doubt that when this is perceived, the public opinion of the Colony will not any longer support the demand which has been put forward."

Meanwhile the Government of the Transvaal had decided to put in force the provisions of Law 3 of 1885 respecting registration, and to register the whole Asiatic community. The objections of those who claimed that they had already fulfilled the requirements of the law were overcome by the formal announcement of the High Commissioner in the following terms :

"I think that registration is a protection to them. To that registration there is attached a £3 tax. It is only asked for once, those who have paid it to the old Government have only to prove that they have done so and they have not to pay it again. Again once on the register, their position is established, and no further registration is necessary, nor is a fresh permit required. That registration gives you a right to be here and a right to come and go."

If the Imperial Government did not oppose this measure, it can only have been that they accepted the voluntary action of the British Indian community and, at the same time, the responsibility for the assurance of the High Commissioner which was a condition precedent to it.

In 1904 the Letters Patent and Orders in Council setting up the form of government known as the Lyttelton Constitution were issued, and expressly reserved to the Imperial Government all the powers it had exercised under the Crown Colony system,

and which continued to be exercised, after a change of government, by Lord Elgin in the disallowance of the Asiatic Law Amendment Ordinance of 1906. Meanwhile the Lyttelton Constitution had been abrogated by the Letters Patent and Instructions providing for the Constitution of Responsible Government in the Colony of the Transvaal.

In a telegraphic dispatch from Lord Elgin to Lord Selborne of July 31st, 1906, published as an appendix to the Letters Patent, the Colonial Minister stated :

“The Letters Patent will provide for the reservation of any bill, whereby persons not of European birth or descent may be subjected to any disability or restriction to which persons of European birth are not also subjected, and no law sanctioning any condition of service or residence of a servile character will be assented to.”

The necessary provision was made in Clause XXXIX. of the Letters Patent, and, unless the word of the Sovereign attested by His Majesty's Sign-Manual has been pledged with a reservation which it would be treason to suppose, it knocks the bottom out of the contention that the Imperial Government cannot attempt to overrule the legislation of the Transvaal in matters within the range of the Clause.

I express no opinion on the constitutional rights of other self-governing colonies ; they are in no way involved in the question of the limits of the constitution granted to the Transvaal in circumstances without parallel in the grant of responsible government to other colonies.

And the same observation applies to the Instructions under the Royal Sign-Manual and Signet to the Governor of the Transvaal, in connection with the Letters Patent, which contain the following clause :

“In the execution of the powers and authorities vested in him, the Governor shall be guided by the advice of the Executive Council, but if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to us, without delay, with the reason for his so acting.

“In any such case it shall be competent to any member of the said Council to require that there be recorded upon the Minutes of the Council the grounds of any advice or opinion that he may give upon the question.”

I call attention to this because it was stated in the House of Commons by Mr. Winston Churchill, when Under-Secretary of State, that “it should be understood that His Majesty’s Government have no power to protect British Indians in the Transvaal from the operations of a law in force in the Colony.” And especially because in the specific case of the operation of the Immigrants Restriction Act it is provided that “The Governor may from time to time make, alter or rescind regulations not inconsistent with the provisions of the Act.” It is through the regulations made under the authority of this and similar Acts that their operation can be made intolerable by the Local Government and can be controlled by the Imperial Government.

I repeat that it is treason to suppose that the safeguards provided by the Letters Patent and Royal Instructions were merely professions "to save face," as the Chinese say. Nevertheless the Government which had disallowed the Asiatic Law Amendment Ordinance of 1906 enacted by the Government of the Crown Colony, allowed the practically identical Asiatic Law Amendment Act of 1907, and the Immigrants Restriction Act, the immediate causes of the agitation that has since been carried on. Further, the declarations of the late Prime Minister, in reply to a request that he would receive a deputation of the South Africa British Indian Committee, and of the Secretary of State and Under-Secretary of State for the Colonies in Parliament, seemed to justify the belief that the present Government had decided on a reversal of the policy which animated the Imperial and Indian Governments before the war, and had accepted the position that their power to influence the Transvaal Government is limited to advice.¹

III.

DECLARATION OF THE GOVERNMENT OF INDIA.

The consequences of the new system were not long in making themselves felt, not only in the Transvaal but in India. On January 30 last the

¹ The Prime Minister in his refusal to receive a deputation said: "The opinions of His Majesty's Government in this respect are well known. . . . But we do not see our way, at present, to make any further representation on the subject, or to *put forward claims, even if stated with moderation, which can only be dealt with by those in authority in the country.*"

Government of India in a dispatch to Lord Morley presented a formidable indictment of "the legislative and executive measures recently adopted in the Transvaal in regard to British Indian interests in that Colony."

"The disabilities," they urged, "to which these subjects of His Majesty are exposed have been discussed . . . and have formed the subject of severe criticism alike in the Anglo-Indian and vernacular press. The principle underlying the legislation recently adopted is indeed regarded as involving an unjustifiable invasion of the rights which Indian subjects of His Majesty are entitled, as such, to claim in any part of His Majesty's dominions."

After reference to many of these disabilities and a brief sketch of the operation of the Asiatic Law Amendment Act, 1907, and the Immigrants Restriction Act, they declared that, contrasting the then position of the British Indians with their position under the South African Republic, the contrast revealed no modification which could fairly be regarded as an improvement.

"We desire (they declared) to insist most strongly on the fact, which is admitted by his Majesty's Government, that the present condition of our Indian subjects in South Africa cannot be looked on as other than most unsatisfactory. The new legislation, while professing to be directed towards the confirmation of the rights of those already lawfully in the Transvaal, is obviously of a nature calculated, if worked on the present lines, to limit their privileges to an extent that the old law of

1885, the operation of which was so often called in question, did not effect."

And after urging that the removal of the real grievances that lay at the bottom of the agitation was of the highest importance, "we need not attempt (they concluded) to describe the deplorable state of feeling that will be created if it be once for all established that the Government is unable to protect its Indian subjects from worse treatment than they have had to endure in the same country under foreign rulers."

The grievances referred to in the body of the dispatch may be grouped under three heads; restriction of immigration; methods of registration; and disabilities in respect of tenure of property, residence, trade, education, and the use of public facilities of locomotion.

IV.

A SETTLEMENT THAT FAILED.

But while the Government of India was taking a broad and statesmanlike view of the situation, and incidentally but emphatically making it clear that the situation they deplored was the consequence of the deliberate act of the Imperial Government in assenting to measures against which they had themselves protested, and which it had been absolutely in their power to prevent, the agitation in the Transvaal, and consequently public opinion in England, were for the time focussed on the question of registration. The British Indians objected to compulsory registration so long as it was limited by racial distinction and enforced by methods which

they deemed to be in violation of their religion and usages. And here again the general objections had focussed themselves on the question of registration by finger-marks, a system introduced and defended as the only practical method of restricting the Asiatic community to the immigrants lawfully entitled to reside in the Colony and keeping back an alleged flood of surreptitious immigration. The dispatch of the Government to India, to which reference has been made, conclusively justifies the determination of the Indian community to resist the system of registration by impressions of the thumb and of each digit of each hand. This system had been adopted by the Transvaal Government and sanctioned by the Imperial Government on the ground that it was generally enforced in India without objection. On this point public opinion in England was completely misled. The dispatch declares "that while it is true that the system of finger-print impressions is generally enforced in India, it is only in the case of criminals that impressions of the thumb and of each digit of each hand are taken," adding that "the feeling of indignation with which British Indians in the Transvaal regard an obligation to comply with a method of registration usually associated in their native country with the criminal classes can be easily understood."

In the course of the brief but determined campaign of passive resistance against this system of registration some hundreds of influential and respected members of the Indian community were imprisoned. By the irony of fate it was terminated on the very day on which the dispatch of the Govern-

ment of India was written, by a compromise, the terms of which were embodied in a letter to the Colonial Secretary signed by Mr. Gandhi and two leading members of the resident Asiatic community, and a letter in reply from the Colonial Secretary. The arrangement was that the Asiatics should voluntarily send in applications for registration on certain conditions, that they should be registered by the proper officials, and that subsequently the matter should be brought before Parliament with a view to confirm the compromise. The conditions of registration were: that signatures should be accepted in place of finger-prints from those who possessed property qualifications or were otherwise known as residents, as well as from those who possessed educational qualifications sufficient to satisfy the test under the Immigrants Restriction Act; and that thumb-prints instead of digital impressions should be accepted from those who had conscientious objections to giving ten finger-prints. The conditions of registration were officially published, but the correspondence was marked and treated as confidential until legal proceedings made disclosure necessary.

The letter of the Colonial Secretary accepting the settlement was dated January 30, and on the next day Lord Morley in the House of Commons announced (amidst cheers) the settlement of the Asiatic difficulty in the Transvaal. The press in England and in India received the announcement with unqualified satisfaction. On the 4th of February Lord Ampthill in the House of Lords congratulated the Transvaal Government and the Indian community

on their conciliatory spirit in the adjustment of the difficulty, and the Imperial Government on obtaining the compromise. During the debate that followed, Lord Roberts expressed regret that an Indian Government official had not been deputed to confer with the Transvaal Government, and Lord Curzon deplored that the Colonial Office had shown a lack of the imagination necessary in dealing with Orientals. But the House of Lords concurred in the general satisfaction with which the announcement of a settlement was received, although neither Parliament nor the Press had authentic information of the terms of the agreement or of the circumstances in which it had been brought about.

But the announcement brought little satisfaction to those who had all along realised that the bottom-rock question of the controversy was not a question of finger-marks or other details, but the question whether the rights of civilised men should be conceded to British Indians lawfully resident in the Transvaal. A very few days sufficed to make it clear that the question of finger-marks was not really the cause but merely an incident of the controversy—an angry pimple on the surface of an unhealthy body politic. All that had been done was to conceal it with a decorative patch.

It is of the nature of treaties, conventions and agreements to contain the seed of future conflict, and this truth has found abundant illustration in South Africa from the London Convention of 1884 to the Vereeniging Treaty in 1902. Apart from

the elasticity and want of precision inherent in language, there is generally a very real desire on both sides to come to a settlement and a readiness to rely on a friendly spirit of conciliation in the interpretation of terms. In the present instance the agreement, by confidential letter and reply, led to immediate controversy in respect of the authority of the contracting parties and the interpretation of its terms.

As regards the authority of General Smuts, it was expressly stated by both parties that the agreement would have in some way or other to be confirmed by legislation. The authority of Mr. Gandhi and his co-signatories was obviously limited to the assurance given by them that they "would undertake to use all their influence to induce their compatriots to register, and withdraw all countenance from those who refuse to register or were not legally entitled to register." Their position justified Lord Roberts' regret that an Indian Government official had not been deputed to confer with the Transvaal Government. They could not, of course, claim authority to bind or pledge the three hundred millions of British India concerned, as will be seen, in the Transvaal difficulty. In these circumstances it was ominous that on Sunday, February 2, even before the debate in the House of Lords, a mass meeting of the white community was held in the Trades Hall, Johannesburg, to protest against the settlement. There had, all along, been a party who had hoped that the objection of the Asiatics to registration would lead to their expulsion from the Transvaal, and they lost no time in making their

plan of campaign clear by submitting a resolution, "That this meeting of the citizens of Johannesburg pledges itself to refrain from dealing with, or otherwise supporting the Asiatics in South Africa." At the same time it was decided to organise White Leagues on the Rand to give effect to the boycott by a system of co-operation.

On the next day, February 3, the seed of further conflict was sown. According to an affidavit made by Mr. Gandhi, he called on the Colonial Secretary to remind him that a condition of the agreement was a formal promise made to him, that if the Asiatics applied for voluntary registration the obnoxious Asiatic Law Amendment Act would be repealed. Mr. Gandhi declares that the promise was then repeated. General Smuts declares that no such promise was ever made.

The Johannesburg meeting made it necessary for General Smuts to vindicate his action, and this he did at once, with perfect frankness, at a meeting at Richmond on the 5th of February. After stating the alternative courses open to him he is reported to have said :

"Take the first alternative, putting the Indians who refuse to register over the border. . . . It was a very difficult international question—a question which would have given rise to serious complications—and the Government, after full consideration, decided that that course should not be adopted. The next alternative was to put the Indians in prison. He had sent every leader to prison, and hundreds more as well, and it had no effect. The policy of imprisonment was a very good policy as a

threat, but every sensible man knew it was a policy which could not be carried out in this country. He defied any Government to put 10,000 men in prison here. There were not prisons enough, and it was a physical impossibility, and it was also a moral impossibility, because he thought it would injure the reputation and prestige of the white people of the Transvaal."

After explaining the system of voluntary registration accepted, he proceeded to point out that registration would take place within three months, and the Colony would thus be in a position to prevent any further Asiatic immigration. He observed that few Asiatics had wives in the Colony, consequently the Asiatic population would decrease; in twenty years or more there would be no Asiatic questions, and then they could fight out the native question for themselves. On the subject of the boycott, after declaring that the Indians had vested rights in the country, he expressed himself in the following terms:

"When a man had a vested right in the country, the Government of the country had to recognise that right. If they thought he was a pestilence the matter was in their hands. They could buy from whom they liked, and do what they liked. He [General Smuts] would not interfere with them. He did not incite them to boycott the Indians. He gave them no advice. They knew what was best."¹

These proceedings added to the difficulties of Mr. Gandhi and his friends, who had undertaken

¹ See the report in Blue Book [Cd. 4327].

to use all their influence to secure the adhesion of the Asiatic community to the terms of the agreement. On Monday, February 10, Mr. Gandhi, while justifying himself for having accepted, under authority of public meetings held at the time, the principle of identification by digit impression, was very severely assaulted by some of those who were dissatisfied with the compromise. That a section of the Asiatic community maintained their hostility to the settlement is proved by the fact that on the 17th of May Mr. Essop Ismail Mia, a merchant of Johannesburg, who had supported Mr. Gandhi throughout and assisted the Government to carry out the compromise, was the victim of a similar assault.

The Colonial Office must have been inadequately informed of what was going on in the Transvaal, when, so late as April 1, a reply to the dispatch of the Government of India of January 30 was sent to the India Office declaring that "the immediate causes of friction had been removed by the recent settlement." It added that while Lord Elgin was fully alive to the disabilities unconnected with the Asiatic Law Amendment and Immigrants Restriction Acts, it would in his judgment be useless at the time to endeavour to secure further concessions for resident Asiatics.

Nevertheless voluntary registration proceeded with such success that on the 15th of June the Governor, in opening the Transvaal Parliament, was able to announce that practically the whole of the Asiatic population of the Colony, to the number of 9,072, had tendered voluntary registration, and that certificates had been issued to 7,617 lawfully resident

Asiatics. The satisfaction with which this announcement might have been received was modified by the circumstances in which it was made. By this time the policy of the Government and its adherents in the white community was clearly defined. It was to limit to the smallest possible number the Asiatics admitted to residence under the terms of the agreement, and thus reduce both the area of trade competition and the period within which the extinction of the community might be brought about by the process of nature, as explained by General Smuts. It sought further to accelerate the process of nature by restricting the liberty of the community in such a way as either to deprive them of all possibility of earning a livelihood, or at least to make existence intolerable. The legal means to be employed were such as I have already indicated as the real cause of the British Indian difficulty, disabilities attached to the tenure of property and segregation from the rights of the general community in respect of residence, trade, education, and the use of public facilities of locomotion by road and railway. Legislation was to be supplemented by boycott. It was a revival of the mediæval policy of Europe, the policy of the Church against heretics, of the Ayran race against the Jews.

The policy of the British Indian community was no less clear; it was to secure the benefits of the compromise for domiciled absentees, to maintain the non-racial character of the Immigration Law, and to obtain for the legally domiciled community rights of civil and religious liberty, subject, for the present, to exclusion from the municipal and political franchise,

from which they are held to be debarred by the interpretation placed on the terms of the Treaty of Vereeniging. On this general issue, the relations between the Government and the Asiatic community had become strained in respect of two points arising out of the agreement of the 30th of January. It was urged by the Asiatic community that they had accepted the conditions of voluntary registration on a promise that it would be followed by the unconditional repeal of the obnoxious Asiatic Law Amendment Act; and, further, on the understanding that the terms of the agreement were to include the right of re-entry of all absent Asiatics who had a legal domicile in the Colony. The Government declared that no promise of unconditional repeal had ever been made, and that the compulsory regulations of the Act would be made to apply to all Asiatics who had failed to re-enter within three months. They let it be known, however, that they were prepared to repeal the Asiatic Law Amendment Act, provided the Asiatic community would consent to an amendment of the Immigrants Restriction Act enlarging the definition of "prohibited immigrants" so as to include all domiciled absentees, as well as British Indians not domiciled in the Colony but entitled to enter under the general educational test of the Act. A racial test was thus to be substituted for the educational and moral test of the Act. There was to be a further provision that certain disputed cases of domicile were to be finally decided by an officer of the Government without right of appeal to the Supreme Court. Against these proposals the Asiatic communities have unanimously protested.

After fruitless attempts to arrive at a compromise they destroyed the provisional certificates issued to them as announced in the Governor's speech at the opening of Parliament, and resumed the campaign of passive resistance, suspended by the agreement of the 30th of January.

It is not within my purpose to give an account of the arrests, imprisonments, re-arrests, deportations, re-entries, prosecutions ostensibly under the licensing laws, but really for failure to re-register under the Asiatic Law Amendment Act, and other proceedings against the Asiatic community. They have not only had the effect of uniting in one common sentiment and purpose the whole Asiatic community in South Africa; they have united in indignant protest large and influential sections of the most loyal supporters of British rule in India. At a meeting in Bombay, presided over by his Highness the Aga Khan, a general agitation throughout India against the anti-Asiatic legislation of the Transvaal was advocated.

V.

INDIA'S PARTNERSHIP IN THE EMPIRE.

The question of the British Indians in the Transvaal cannot be isolated from the larger issue of India's place in the Empire. Mr. Chamberlain's tribute need not be repeated.

Lord Middleton not long ago, in speaking of India's partnership in the Empire, recalled the military services rendered in China and at Suakim.

The Times has recently reminded the Australians that without India Australia would never have been

a British colony, and that the maintenance of British power in India is a factor in far Eastern politics with which Australia is closely concerned.

On a lofty eminence in the Transvaal, looking towards Pretoria on the north and the Bezuidenhout Valley on the south, stands an obelisk erected by public subscription as a memorial to Indians in South Africa. On the east side a marble tablet is let into the monument, bearing in English, Urdu and Hindi this inscription :

Sacred to the Memory of British Officers,
Warrant Officers, Native N.C.O.'s and Men,
Veterinary Assistants, Nalbands and Followers
of the Indian Army who died in South Africa
1899-1902.

On the other sides are three tablets bearing respectively these words :

Mussulman.
Christian—Zoroastrian.
Hindu—Sikh.

But the British Indians in the Transvaal illustrate another area of activity in the partnership of the Empire. They form a small section of a large community—the community of his Majesty's Indian subjects who have migrated to many parts of the Empire in the belief that a British subject must be a British subject all over the world. Between the various groups of this community and between each and their common country of origin there exists the relation of the branches of a tree to each other and to the trunk and roots. It does not differ in principle from the relation of the United Kingdom to the communities of English, Scotch or Irish

origin in our colonies, and of these communities to each other. And in all the history of the Empire there is perhaps nothing more remarkable than the relations which have been brought to exist between the colonists of British and Indian descent, wherever these relations have been developed under the control of the British Parliament, and the mutual advantages that have been the outcome of these relations. They constitute a working partnership in colonisation between the United Kingdom and British India.

The process of ages, during which the inhabitants of temperate and especially of northern zones have struggled against the difficulties of their environment, has evolved a race strong of will, abounding in energy and enterprise, and above all fertile of brain in finding clues to the operations of nature and turning them to account by the application of science to economic uses. Further, the climatic conditions of their environment, by compelling the race to provide in summer for the exigencies of winter, have developed the faculty of acquisition and the habit of accumulation. Accordingly the British colonists, the predominant partners in the enterprise, had at their command capital, skill in organisation, and scientific methods of production. But the climatic conditions, which had been a main factor in determining their character, had unfitted them for the physical labours necessary to develop the resources of the heat-belt of the world, and their endeavours to supply the capacities they lacked form an instructive chapter in the history of civilisation. The methods which led to the wholesale

extermination of native races were followed by the African slave trade. With the abolition of slavery it became inevitable that many of the most fertile regions of the world must be abandoned unless they could be developed under some system in which consent should take the place of compulsion. After the failure of many experiments, there has been established a partnership of European and Asiatic colonists under the joint control of the Colonial Office and the Government of India. I need not discuss the terms of the partnership, but it is ruled by two conditions; first, by the restriction of Indian immigration to the requirements of the Colonial Governments; and secondly, by the condition that all immigrants shall be potential citizens. With a long, varied and intimate acquaintance of the Indian communities thus domiciled in our tropical colonies, I can bear testimony that, taking them generally, they are as faithful to their employers, as fair in their dealings, as obedient to the laws, and as loyal to his Majesty's throne and person as any community of the King's oversea dominions.

It would be difficult to exaggerate the importance to the Empire of this partnership in colonisation. It has withdrawn from congested districts of India and established in comfort, often in opulence, a part of the community constantly exposed to famine and disease; it has developed the resources of many fertile territories and supplied revenues adequate for their good government; it has enabled us to maintain our naval supremacy in the Caribbean Sea—according to Captain Mahan, the greatest nerve-centre in the whole body of European civilisation—and in the

Indian Ocean ; and above all, it has confirmed in the people of India, of every race and creed, the inspiring sentiment of an Empire established by their aid and to be maintained by their loyalty.

Lord Curzon in the House of Lords lamented a want of imagination on the part of the Government in dealing with the question of the British Indians in the Transvaal. In truth, very little imagination is required to appreciate the indignation with which British India, as a partner in making and maintaining the Empire, has resented the treatment of its colonists in South Africa, and the apathy of the Imperial Government in allowing the unassorted humanity of whites in the Transvaal to decree the degradation of the whole people of India on the ground of racial inferiority. Lord Ampthill has declared that the whole course of our administration in India justifies this resentment.

VI.

CIVIS BRITANNICUS.

I have asserted that the British Indians in the Transvaal are a branch of the great community of his Majesty's Indian subjects who have migrated to various parts of the Empire in the belief that a British subject anywhere is a British subject everywhere, but it would be absurd to claim for them any more than for other British subjects, nor do they claim for themselves, an unrestricted liberty of migration and residence. I will endeavour to make clear the nature and extent of their claim.

It is getting to be more and more evident that the existence of the Empire depends on a settlement of the question of the rights of his Majesty's Indian subjects beyond the jurisdiction of the Indian Government. On July 31, Lord Crewe intimated as much in a sympathetic reply to a deputation of the South Africa British Indian Committee introduced by myself, and on the same day Colonel Seely, in replying to questions in the House of Commons on the position of the Indians in the Transvaal, frankly associated himself with this opinion.

A great deal has recently been written on the subject, and the recent visit of the American fleet to Australia has called attention to the general question of the relation of the white to the coloured races, in its influence on the cohesion of the Empire, in a way I have no intention to discuss, but which it would be folly to ignore.

A proposal that the Imperial Government should take the initiative in securing a thorough discussion of the whole question of Oriental migration into British colonies by calling a conference, has been advocated by Lord Amphill, and more recently by Mr. Munro Ferguson and a group of Liberal members of Parliament. There is much to commend it, but it is doubtful how far the colonies are prepared to enter the conference with an open mind. The concession of an absolute and unconditional right of entry and residence to the coloured population of the whole world is obviously as impossible as absolute and unconditional exclusion. Should a conference be held it may reasonably be assumed that it will

discuss matters with reference to the exigencies of three groups of colonies—colonies in temperate zones, independent of the assistance or co-operation of coloured races; colonies in the tropical belt of the world, dependent on the coloured races for the elementary operations of industry; and colonies in sub-tropical zones where the white man is associated with coloured races in the conditions generally prevailing in South Africa. In sub-tropical zones, and at certain altitudes in tropical zones, the climatic conditions have produced native races incapable of strenuous physical labour, and impose similar disabilities on the white man. The recent report of the Transvaal Indigency Commission is very instructive in dealing with the problem of the "poor white" or "white trash" produced by these climatic conditions, not only in the Transvaal, but in the isothermic zones of America, while history has taught us that a policy of servitude inevitably leads to the extermination of the native races. The problem of the Conference will be to study the external relations of nature to man in the three groups of colonies and to find for each a policy appropriate to its natural necessities.

Whether the moment is opportune for such a conference is open to doubt. There is at present an epidemic of prejudice against the coloured races which has been justly compared to the outbursts of anti-Semitic fury in the Middle Ages. The question whether the hatred between the races is inherent and permanent, or whether it will yield to the influences that have controlled the position of the Hebrew race is not yet finally decided. It is well

to consider the present position of the Jews in the Empire after three hundred years of absolute exclusion from England and many centuries of endeavour to extirpate them as recorded by Lord Beaconsfield.

There is a curious analogy in the cases. If, in accordance with the sentiment of the time, it has been the modern policy of the white man to resort to degrading customs and debasing laws rather than physical torture and massacre, the unwritten law of lynching in America is being constantly applied to the coloured population with almost incredible ingenuity of malice. Quite recently an untried offender was placed on a pile of cord-wood, both being saturated with kerosene oil. "A match was touched to him," and not only was the conflagration watched with shouts of joy, but within a few hours thousands of post-card photographs were being sold in the streets. And this is done in days when it is declared to be the duty of all coloured races to acknowledge the inherent and permanent superiority of the white man. Nevertheless, deplorable as are such incidents in their nature and frequency, they do not disturb my confidence that the nobler instincts of humanity which have controlled the destiny of the Jewish race will in time secure for his Majesty's Indian subjects throughout the Empire a position free from legislative dishonour and disqualification.

President Roosevelt has declared that there is but one safe rule in dealing with black men as with white men—it is the same rule that must be applied in dealing with rich men and poor men—that is, to treat each man, whatever his colour, his creed or his social position, with every possible justice,

on his real worth as a man. That was the faith of Cecil Rhodes; I believe it to be the faith of the people of England.

In the meantime, however, we have to consider the specific case of the Indian as *Civis Britannicus* in the Transvaal. It is admitted by the Asiatic community that the right of entry must be restricted, and it is important to remember that they have constantly urged this. Mr. Chamberlain, in the extract I have quoted from his speech at the Colonial Conference in 1897, clearly showed that it was not the restriction of wholesale immigration he condemned but the methods by which the South African Republic sought to enforce it. Colonel Seely, in the speech to which I have referred, seemed to assume that the doctrine known as *Civis Britannicus* means that a citizen of the British Empire has a right to roam all over the world, reside where he will, behave as he will, and demand the constant protection of the Imperial Government. And he added that the doctrine has been temporarily abandoned. I agree with him in believing that the abandonment of the doctrine in this sense, if it exists at all, need not be regarded as a disaster. Reasonable restriction by reasonable methods was the claim advanced by Mr. Chamberlain, and since the Treaty of Vereeniging no claim for unrestricted immigration has ever been made either by the British Indian community or on their behalf. The question of the rights of the Indian in the Transvaal as *Civis Britannicus* is of a quite different order.

The claims made on his behalf are two: first, that his right of entry should be limited by reasonable

restrictions ; and secondly, that when legally domiciled he should be given civil rights. I have little to add to what has been said as to his claim in respect of right of entry ; it is, briefly that the right of entry on the same conditions of voluntary registration as were accepted under the agreement of January, should be given to all who can establish a legal domicile in the Colony whenever they choose to avail themselves of it,¹ and to a limited number of educated Indians, under the educational and moral tests required by the Immigrants Restriction Act. This claim is made to secure the admission of lawyers, doctors, priests, teachers and others whom the community deem necessary to preserve them from the communal degradation and eventual extinction which would be the result of the disabilities under which they lie in respect of education and other vital issues. As regards the civil rights claimed, Colonel Seely made a declaration of policy, which has commended itself to the general sense of the nation, in saying "that if any one is admitted under the British flag he must be a potential citizen and must sooner or later be given equal rights with all other men." In allusion to the policy of the Transvaal, having for its object to squeeze the domiciled Indians out by the methods I have indicated, he was equally clear. "He did not pretend that the Government was without concern for what must happen to the Indians when the policy underlying exclusion was carried beyond exclusion and pushed to the point of dismissing those who were in

¹They merely claim a fulfilment of the pledge given by the High Commissioner, "a right to be there and a right to come and go."

the country. It is a strong thing to ask that any subject of the King should be deprived of his living and sent about his business through no fault of his own."¹ It is good to find that in the only sense in which the doctrine of *Civis Britannicus* is urged on behalf of the British Indian in the Transvaal it is accepted by the Government.

But Colonel Seely suggests difficulties in the way of obtaining a recognition of the claim from the Transvaal Government, on the ground that it is a self-governing colony. I have endeavoured to make it clear that, whatever may be the constitutional position of other self-governing colonies, the Constitution of the Transvaal provided an elaborate machinery, designed expressly for the protection of the community excluded from the franchise by the purely arbitrary interpretation placed on the terms of the Treaty of Vereeniging. It seems nothing less than an insult to the intelligence of the Empire to declare that the issue of Letters Patent and Instructions setting up responsible government destroys the validity of reservations they expressly enact.

Will such a proposition be seriously entertained by the people of the United Kingdom who lavished treasure and blood largely to support the demand made on the South African Republic that the civil rights of civilised men should be accorded to the British Indians resident in that country? Was there an Englishman who did not support the demand? Was there a family—even among the humblest, who did not contribute to the costly

¹ See the *Times*, August 1, 1908.



purchase of the power to assert the rights we claimed? And are these rights now to be abandoned on a plea so futile?

Will such a proposition be accepted by the people of India? Is it consistent with the terms of the King's gracious message to India on the 50th anniversary of the Proclamation of Queen Victoria?

The only alternative is to admit that the Constitution of the Transvaal gives the Imperial Government ample powers to give effect to the policy it advocates with the assent of the nation. But in the exercise of these powers there is no reason why the reservations of the Constitution should not be dealt with as obligations under a treaty concluded with a foreign power and negotiations for their fulfilment carried on, by the Imperial Government and the Transvaal, in the same spirit and by the same methods as negotiations are carried on between allied or friendly nations. In the last resort there is, of course, the same tribunal of appeal. Otherwise the position of his Majesty's Indian subjects must become untenable, seeing that the Imperial Government is the sole trustee of their extra-territorial and international rights, and has the sole control of the power to have those rights respected.

If friendly representations to the Transvaal are made, as no doubt they will be made in this spirit, there seems every reason to hope that the policy declared by Colonel Seely may lead to an early settlement of the questions immediately in dispute, and finally to an effective and permanent settlement of the British Indian difficulty, not only in the Transvaal but throughout South Africa.

BRITISH INDIANS IN THE DOMINIONS

THE hope expressed in the final paragraph of my essay on British Indians in the Transvaal, to which this essay is supplementary, has not been realised, and the result of the last Imperial Conference has justified my apprehension that the time had not come for a settlement of the question of Oriental migration into British colonies by that agency. Nevertheless, something was done to clear the way by the precision with which the India Office submitted its views to the Conference.

Lord Curzon was urgent in pressing on the Unionist Government when in office the vital importance of effecting some acceptable settlement of the position of British Indians in the Transvaal while the Transvaal was still a Crown Colony. The Government accorded him their support and gave a guarantee of their sincerity in the Lyttelton Constitution. The underlying principle of that Constitution was that all questions of native rights, except the franchise expressly reserved by the terms of the Treaty of Vereeniging, should be discussed and a settlement arrived at, on the acceptance of which the grant of self-government should depend. Unfortunately a change of Government abrogated the Lyttelton Constitution and with the grant of

self-government the opportunity passed, and passed for ever. The story of the failure of the Imperial Government to effect a settlement of the position of the British Indians in the Transvaal, by friendly representations under responsible government, has been told. The result of the Union of Africa Act has been to extend the area of grievance of the British Indians in the Transvaal over the whole of South Africa, and to focus in South Africa the difficulties and dangers of the conflict of colour in the self-governing Colonies or Dominions. This is clearly shown in a Memorandum of the India Office submitted to the Imperial Conference on June 11th. It deals with the question of British Indians in the Dominions under two principal heads; the entry of new immigrants, and the status and condition of Indians who have been allowed to enter. On the right of entry the Memorandum declares :

His Majesty's Government fully accept the principle that each of the Dominions must be allowed to decide for itself what elements it desires to accept in its population. The extreme contention urged by some Indians, though not by those who speak with responsibility, that membership of the British Empire shall entitle any British subject to reside where he chooses, is disposed of by acknowledged political facts. At the same time it is of great importance to recognise that subjects of the King, however different in physique, customs, and religion, from the European races, are not aliens. It is not sufficiently realised that, for purely local reasons, the Dominions have adopted a policy which puts Asiatic British subjects on the same footing as alien Asiatics. In fact, for reasons noted above, the Dominion of Canada is more rigorous towards

British Indian than towards Japanese immigration. A second important fact, generally overlooked, is that some parts of the British Empire have adopted towards Asiatic British subjects a policy of exclusion which foreign nations have found unnecessary. It is of course the case that the tropical and sub-tropical possessions of European Powers correspond in climate and conditions to the British Crown Colonies, and do not reproduce those local conditions which account for the immigration policy of the Dominions. None the less, it is a striking fact that British Indians are allowed by foreign countries privileges denied to them by the Dominions.

It is useless to attempt to veil the fact that the policy of building up new nations of European blood within the Empire is absolutely incompatible with the idea that every British subject, whatever his race, shall have free right of ingress to any part of the Empire. This being so, all that His Majesty's Government is entitled to ask is that the immigration policy of the Dominions shall be so framed and expressed as to avoid wanton injury to the self-respect of non-European British subjects. The policy of basing exclusion upon an educational, not a racial, criterion, meets this requirement, although, in its application to individual cases, it admits of being administered so as to exclude Indians on racial grounds. Other methods of restricting immigration, without in statutory terms differentiating against a particular race, find place in the Canadian law, which gives power (1) to exclude immigrants deemed unsuited to local climate or requirements, or immigrants of any specified class, occupation, or character; (2) to require immigrants to be in possession of a certain minimum sum of money.

It will not be disputed that each of the Dominions is under the strongest moral obligation to take no isolated action which would involve the Empire in

war with a foreign power. But it does not appear to have been thoroughly considered that each Dominion owes responsibility to the rest of the Empire for ensuring that its domestic policy shall not unnecessarily create embarrassment in the administration of India. It is difficult for statesmen who have seen Indians represented only by manual labourers and petty traders to realise the importance to the Empire as a whole of a country with some three hundred million inhabitants, possessing ancient civilisations of a very high order, which has furnished and furnishes some of the finest military material in the world to the Imperial forces, and which offers the fullest opportunities to financial and commercial enterprise. It is difficult to convey to those who do not know India the intense and natural resentment felt by veterans of the Indian Army, who have seen active service and won medals under the British flag, and who have been treated by their British officers with the consideration and courtesy to which their character entitles them, when (as has actually happened) they find themselves described as "coolies," and treated with contemptuous severity in parts of the British Empire. Matters like this are, of course, very largely beyond the power of any Government to control, but popular misunderstandings are such a fruitful source of mischief that it seems worth while to put on record the grave fact that a radically false conception of the real position of India is undoubtedly rife in many parts of the Empire.

The efforts of the British Government to create and foster a sense of citizenship in India have, within the last few years, undoubtedly been hampered by the feeling of soreness caused by the general attitude of the Dominions towards the peoples of India. The loyalty of the great mass of Indians to

the Throne is a very conspicuous fact, and it is noteworthy that this feeling is sincerely entertained by many Indian critics of the details of British administration. The recent constitutional changes have given the people of the country increased association with the Government, and have at the same time afforded Indians greater opportunities of bringing to the direct notice of Government their views on the wider question of the place of India in the Empire. The gravity of the friction between Indians and the Dominions lies in this, that on the Colonial question, and on that alone, are united the seditious agitators and the absolutely loyal representatives of moderate Indian opinion. The Government of India, while appreciating the Colonial point of view, cannot, and do not wish to, dissociate themselves from the general feeling of disappointment at the unwillingness of the Dominions to recognise that Indians are entitled to consideration. Many highly educated and well-bred Indians have a natural and laudable desire to see other parts of the Empire, but at present are deterred from visiting the Dominions. It is earnestly hoped by His Majesty's Government that the measures necessary to prevent such an influx of the lower classes of Indians as would modify the population of the Dominions and create grave internal difficulties will not be extended to visitors of good social rank, merchants of sound commercial position who have interests outside India, or students who have attained to University standing.

On the status of Indians who have been allowed right of entry and are residents in the Dominion the Memorandum continues :

It is in South Africa alone that there is any large resident Indian population, and its existence here is in the main due to the deliberate importation by

Natal (inaugurated under Crown Colony but continued under Responsible Government) of contract Indian labour. In Canada and Australia Indian immigrants have been comparatively few in number and have come on their own commercial business. But in South Africa—apart from the entry of some representatives of those Indian traders who have for centuries past done business on the east coast of tropical Africa—the Indian element is, in origin, due to the action of Government undertaken at the instance and in the interests of a very important section of the European population of Natal.

So far, then, as an Indian population exists, the Dominions can do much to allay unrest in India by abstaining from any administrative policy which could be represented as showing an intention to expel them, or to reduce them to a position of degradation. In South Africa Indians compete chiefly with European traders—often with a low class of Europeans of alien origin,—while in British Columbia they are in competition with white workmen. It is thus inevitable that from time to time this economic rivalry should lead to friction. But the treatment of Indian traders by municipal authorities in Natal has at times been flagrantly unfair, and even now security for permanence of trading rights is given by means of Appeal to the Supreme Court against licensing boards, only to individuals who already possess trading licences. The transfer of existing, or the grant of new, licences is entirely in the hands of municipal authorities. Certain schemes of legislation in Natal, and of administrative measures in the Transvaal, have caused much apprehension among Indians, and it is to be hoped that, when the Union has satisfied itself that safeguards against unlimited Asiatic immigration have been provided, it will be possible to treat the resident Indians generously.

Any system of generous treatment may be held to involve :

- (1) Avoidance of any measures calculated to take away the means of livelihood from respectable traders by vexatious regulations;
- (2) Restriction of sanitary measures to cover real sanitary needs, and regulations adequate to prevent the use of such measures as an indirect means of disturbing Indian residents;
- (3) The grant of educational facilities, which, of course, need not lead to the admission of Asiatic and European children into mixed primary schools;
- (4) A determination not to utilise immigration laws to banish lawful residents by means of legal quibbles, or to break up domiciled families, or to refuse temporary admission on visiting permit to relatives whose presence is urgently required by resident Indians. (Such an incident as the refusal of a permit to a son to attend the funeral of his father, which is alleged to have occurred in British Columbia, would create very bitter feeling amongst a people who attach supreme importance to funeral rites.)

It is practically certain that there will never be any large Indian population in Canada, Australia, or New Zealand, the Dominions in which the aboriginal population is small, and in some cases decreasing, and which will, in the ordinary course of events, be, for all practical purposes, purely European. But in South Africa not only does the native population so enormously outnumber the whites that unskilled labour will probably always remain in native hands, but a small Asiatic element has

existed for nearly two centuries. Cape Colony has found it possible to govern without friction and to utilise the "Malays" imported by the Dutch East India Company, who are Mahomedan in religion and distinctive in their social habits. They have established a position as fishermen, drivers, and petty agriculturists. It cannot be maintained that South Africa can accommodate only white and black, and has no place for the brown races. For although in a comparatively recently colonised area, such as the territories of the two former republics, this might be argued, Cape Colony affords an example of a large element, consisting not only of the "Malays," but of the "coloured people," which is intermediate in civilisation and habits between the native Africans and the Europeans. There is no intention to minimise the difficulties caused by the presence of an intermediate element whether of mixed blood or purely Asiatic. But it is believed that equitable administration can prevent these difficulties from becoming dangers.

The Memorandum of the India Office was submitted to the Conference by the Marquis of Crewe, who made a strong appeal in support of it, speaking with the advantage of having observed the question from two points of view, as Secretary for the Colonies and Secretary for India. But Lord Crewe's appeal, while evoking expressions of appreciation of British Indians in British India, was met by brushing aside all the more important points, and on these there was scarcely any exchange of views or deliberation. On a subject of essentially Imperial magnitude the Imperial Conference hardly took the main points into serious consideration, and was not pressed to come to any definite decision.

In the meantime *The Times*, in a series of articles on the causes of unrest in India, had called attention to the position of Indians in the Empire and especially to an outspoken declaration made in the Viceroy's Council by Mr. Gokhale, in moving a resolution to prohibit the emigration of indentured labour to Natal: "I am stating the plain truth when I say that no single question of our time has evoked more bitter feelings throughout India—feelings in the presence of which the best friends of British rule have had to remain helpless—than the continued ill-treatment of Indians in South Africa." The failure of the Imperial Conference to respond in any effective way to the appeal of the India Office is all the more to be regretted as the cordial assent of the Conference to the policy of generous treatment propounded would have added a welcome significance to the first Durbar to be held by a British Emperor in India as a symbol and pledge of the perpetuity of the principles of British rule declared by Queen Victoria's Proclamation on the passing of India under the Crown.

But the true temper of Empire knows no despondency nor despair. It anticipates that the Durbar will correct the failure of the Conference; and enforce recognition of the political and economic interdependence of the United Kingdom, the Dominions, the Crown Colonies and India; and, in particular, strengthen the influence of the Crown in the settlement of problems involving the status of British Indians in the Dominions.

IRELAND'S PLACE IN THE BRITISH EMPIRE

FOREWORD

THIS Essay was written on the invitation of the British Empire League, and published in the *British Empire Review*, but I am alone responsible for the opinions expressed. Some time ago Mr. Balfour declared that the natural order of progression in the evolution of an united kingdom shows three stages, isolation, federation, and union. He argued that consequently the substitution of a federal system for the present Union of Great Britain and Ireland would be a retrograde movement contrary to the order of nature. That would be a powerful argument if the Union had been arrived at by natural process of evolution. It loses all its force when union is the result of interference with the order of nature by the methods exhibited in this essay.

I.

THE problem of Ireland's place in the Empire was in the year 1903 reviewed by Mr. Bernard Holland

in his work *Imperium et Libertas* in a spirit of the sincerest sympathy tempered by the sanest judgment. He submitted that there were only three possible methods of dealing with it; the first, to make no large change at all in the existing constitutional status; the second, to place Ireland altogether on the footing of a self-governing colony; the third, to follow the Canadian method of 1867 and to decentralise the United Kingdom upon federal lines, retaining the unity, yet giving a real constitutional personality to the several component Kingdoms. Mr. Holland concluded with a warning that it would be wise to have the question coolly discussed while there was still a great Unionist majority, and that if that majority were overthrown it might be wrongly decided in a storm of passion. This article is written in the hope that the question may still be coolly discussed even in the storm of passion which has followed the overthrow of the majority.

The reasons that oppose a policy of no large change fall into two categories—those growing out of the historical relations between England and Ireland, and those growing out of the relations between the United Kingdom and the rest of the Empire. The history of the English in Ireland illustrates the danger of calling in a powerful ambitious neighbour to help in the suppression of internal discord. The danger was realised in very early times during the short-lived Empire of Athens, and has been fatal to many States. Internal discord in Ireland culminated in the twelfth century in the expulsion from his dominions of Dermott, Prince of Leinster, who took refuge in England and sought

assistance from Henry II. It was eagerly granted, with the result that the auxiliary Norman forces sent over to Ireland were not long in getting possession of the counties known as the Pale and expanding the area of their activity with such success that in 1172 Henry, supported by a Bull of Pope Adrian IV., the only Englishman who ever occupied the papal chair, assumed the title of King of Ireland, and consolidated his dominions by an organised system of expropriation of the Irish and resettlement by large grants made to Norman barons. This was the origin of the land question in Ireland and of a policy designed to solve it by rooting out the Irish from the soil, confiscating the property of the septs, and planting the country with English tenants. Had Ireland been left to itself the Norman invasion would probably have followed the course of the Norman invasion of England, and resulted in an Anglo-Irish union consolidated by intermarriage. But every step towards such a union was met by enactments of the English Government prohibiting the adoption by English settlers of Irish customs and the Irish language, while intermarriage was punished by mutilation and death. To the honour of Irish womanhood the blending of races otherwise than by lawful marriage was impossible. Nevertheless, an unconscious affinity of Aryan origin seems to have determined a process of evolution in the course of which great Norman families like the Geraldines became, as was said, more Irish than the Irish, and succeeded in establishing the principle, at least, of representative government in a Parliament appropriate to the environment. When the Plantagenet

dynasty came to an end the system had acquired sufficient strength to embolden the Irish Parliament to declare its independence and refuse allegiance to the Tudor dynasty. The disastrous result was to arrest the parliamentary independence of Ireland for nearly 300 years. In 1494 a Lord Deputy, sent over by Henry VII. with an overwhelming force, summoned a Parliament at Drogheda and secured the passing of the measure known under his name as Poyning's Act. All English laws were declared to have force in Ireland, and the legislative powers of the Irish Parliament were limited to measures previously approved in England by the King in Council.

Mr. Lecky has observed that Burke gives the real clue to Irish history from this period in asserting that the genius and policy of the English Government were directed to the total extirpation of the interests of the natives in their own soil; that this was the original scheme, and that it was never departed from for a single hour during the whole reign of Queen Elizabeth.

Lord Grey de Wilton, a Lord Deputy of Elizabeth, declared that the only way to deal with Ireland was by a "Mahometan conquest," and Mr. Froude has referred to the suggestion as "a cruel, but in the long run, a merciful one," if Ireland is to be kept in subjection. He shared with Carlyle the conviction that had Cromwell lived the experiment would have been worked out. A Mahometan conquest necessarily implies an indivisible association between the temporal and spiritual powers of the State, and this it was sought to secure by the agency of an established Protestant Church, the Catholic

Church having associated itself with the Geraldine policy which Poyning's Act was passed to suppress. The system was tried in circumstances most favourable to its success and by illustrious men of an illustrious age, including the Earl of Sussex, Sir Henry Sidney, Edmund Spenser, and Sir Walter Raleigh. And yet the career of each exhibited the same sequence of confidence, coercion and failure that has in recurring cycles followed the track of the Mahometan system in Ireland. The methods and results of the system as carried out in Munster by Raleigh are clearly set out by Mr. Froude. "The entire province," he says, "was utterly depopulated. Hecatombs of helpless creatures, the aged and the sick and the blind, the young mother and the babe at the breast had fallen under the English sword; and though the authentic details of the struggle have been forgotten, the memory of a vague horror remains imprinted in the national traditions." And the methods by which the system was resisted are imprinted not only in the national traditions, but in the national life. The land policy was countered by agrarian outrages, the sword of the temporal power by the dagger of the assassin, the methods of the Church by the organisation of secret societies. The result of the conflict was to convert the two principal elements of social order in a civilised State—the national sentiment and the national religion—into elements of disorder.

In this way the soil of Ireland became a medium for the cultivation of the bacillus of a fever of unrest under the pressure of any form of settled government. Nor was the area of disease limited to

the territory of Ireland. The policy of extermination by the sword had been supplemented by an organised system of evacuation by famine. In 1582 Sir Warham Sentleger informed Queen Elizabeth that his friends had starved to death 30,000 in six months in the province of Munster by destroying the crops. Under the Tudors many who escaped sword and famine took refuge on the Continent and accepted service in foreign armies. At a later period the policy of extermination was modified by expatriation to British Colonies under conditions of servitude, or penal transportation, a process which eventually gave way to more or less voluntary emigration under the strain of economic pressure, with the natural consequence that the Irish became the carrying agents of the bacillus of unrest into every constituent part of the Empire. And the periods of recurrence of the disease in an acute form always synchronised with periods of difficulty in England's home, foreign, or colonial affairs.

II.

The history of the English in Ireland for seven hundred years has confirmed the truth of the proposition that in the treatment of the native population in conquered territories there are only two possible policies—extermination or amalgamation. I accept this proposition as being in accordance with the ordinances of Nature, meaning by amalgamation union in the same community as master and servant, as fellow labourers, as fellow citizens, and, if possible, as connected by intermarriage. The policy of extermination having failed, it falls to consider what has

been done and what remains to be done to substitute a policy of amalgamation. While the policy of extermination was being pursued, with genius unfettered by scruple, by Raleigh, with the approval of Queen Elizabeth, the greatest of the Cecils, her Lord High Treasurer Burleigh, wrote in a letter to Ireland, in June 1582, that "the Flemings had not such cause to rebel against the oppression of the Spaniards as the Irish against the tyranny of England." Mr. Froude, commenting on this, observed that Burleigh possessed the rare quality of being able to recognise the faults of his own countrymen, and gives a lively narrative of his conflict with the great body of officialdom incorporated under the designation "Dublin Castle," which proved too strong for him. The official mind was declared by the Irish Lord Chancellor in a letter to Sir Francis Walsingham, in which he said that it would have been better "if ten years past the Governor had put on determination to subject the whole Irishry to the sword." Sir John Pope Hennessy, in an instructive monograph on *Raleigh in Ireland*, proves conclusively the pernicious influence of "Dublin Castle," or the inner circle of the Pale, in opposing the conciliatory policy of Burleigh, supported though it was by Elizabeth's Treasurer in Ireland, Lord Ormond, and subsequently by the Earl of Essex when Lord Lieutenant. It secured the recall and impeachment of Ormond, to whom Froude pays the tribute that to him "the Irish were human beings with human rights, while to the English they were vermin to be cleared off the earth by any means that offered." In 1585 it defeated a Bill for the repeal of Poyning's Act, an

indispensable step towards securing an independent legislature for Ireland, causing Sir John Perrot, himself a leading member of the outer, unofficial Pale, to declare in a letter to Walsingham: "There is no good meaning in the people of the Pale and borderers towards the composition intended, or anything else that is good. They have overthrown the repeal of Poyning's Act." In 1599, the year succeeding Burleigh's death, Robert Earl of Essex celebrated his entrance on office as Lord Lieutenant by a proclamation, "that every one of the Irish who was sorry for having gone in opposition to the Queen should receive forgiveness, that any of the men whose estates had been taken by the Saxons through oppression, violence, or illegality, would have a restitution of the same." The proclamation was emphasised by instructions to the judges to "treat the Irish people with caution and tenderness; to refrain from laying any heavy burden upon them or taking any severe course against them; to avoid making them desperate." His policy culminated in negotiations with Hugh O'Neill, Earl of Tyrone, resulting in an agreement to secure complete toleration for the Catholic religion and Irish self-government under the crown of the Queen. Raleigh was in England and *persona grata* at Court when Essex's transactions and policy were submitted for the approval of the Queen, and that happened which has often diverted the course of our Imperial history. The policy of the Governor was rejected by a combination of permanent officials in Ireland with powerful, but constitutionally unrecognised forces in England. By an irony of fate, consistent with the

inconsistencies that seem inseparable from things Irish, the contradictory policies of Essex and of Raleigh each brought its advocate to the same end on the scaffold.

In 1870 Lord Beaconsfield declared that Ireland should be governed according to the policy of Charles I., and not of Oliver Cromwell, the policy of Charles having been, as he had argued in a speech on the state of Ireland in 1844, to recognise an independent Irish parliament and a real Irish executive under the Crown. The policy of Charles, prompted by a desire to strengthen his cause by Irish aid, was a reflex of the action which in the twelfth century called England into Ireland to help in suppressing internal discord. It was the germ of a policy which has resulted in placing Ireland in a well-defined position as an auxiliary force, like the *condottieri* of mediæval Europe, at the disposal of either political party in England ready to pledge itself to support Ireland's political claims. It is summed up in the formula, England's difficulty is Ireland's opportunity, and the natural consequence has been a desire to increase the frequency and the cogency of the opportunities. Oliver Cromwell's policy was to destroy this cause of national danger by exterminating its agents. It failed, and the failure removed the policy for ever from the domain of practical politics. But the Irish remained vigilant and found their opportunity when towards the close of the eighteenth century England was fighting not only against France, Spain, and Holland, but against her revolted American colonies, with whose cause the dominant oligarchy in Ireland associated them-

selves. In 1782 Poyning's Act was repealed by the Irish legislature, the repeal being confirmed by an Imperial Act passed in 1783, declaring that "The Right claimed by the people of Ireland to be bound by laws enacted by His Majesty and the Parliament of that Kingdom in all cases whatever is established and ascertained forever, and shall at no time hereafter be questioned or questionable." The theoretical independence of the Irish Parliament thus constituted seemed so complete that its limitations were overlooked. It lacked what is now recognised as the fundamental principle of self-government, the subordination of the Executive to the Legislature. The Irish executive government was carried on after 1782 as before, by Ministers appointed from England and holding office conditionally on their obedience to the control of the English Government. It was a constitutional position analogous to that which in the nineteenth century presented to our Colonies in America, Australia and Africa the alternative of secession or the system known as self-government—a system which in the eighteenth century was not recognised or even contemplated. In Ireland at the time the only possible alternatives were secession or political union with Great Britain.

The difficulties which the pre-Union Irish Parliament, generally spoken of as Grattan's Parliament, was powerless to adjust were the usual factors of the Irish problem, land, religion, and defence. The property and power of the country had been conferred upon an English colony composed of three groups of English adventurers, poured into the country after three successive rebellions. And the

security of their tenure depended on the protection of England, conditioned in its turn by the maintenance of Protestant ascendancy. It is of importance to recognise that the policy of Grattan's Parliament was designed to adjust these difficulties by the emancipation of the Catholic community. The leaders of a Protestant Parliament, elected by an exclusively Protestant vote, and set up expressly to secure Protestant ascendancy, devoted themselves from the first and successfully to obtain for Catholics emancipation from civil disabilities and the Parliamentary Franchise. Its downfall followed the determined opposition of the English Government to the endeavour to carry the policy to a logical conclusion by enabling Catholics to sit in Parliament, and was accelerated by the methods adopted by the extremist supporters of the Irish policy. The geographical position of Ireland must always involve the danger of a possible strategic base for the operations of hostile forces ; and the danger was brought home by the proceedings of an association called the *Society of United Irishmen*. Organised for the purpose of obtaining Parliamentary reforms by constitutional measures, it was exasperated by the opposition of the English Government into recourse to the fatal experiment of calling in a powerful and ambitious neighbour and inviting the co-operation of France in aid of Irish rebellion.

III.

I am not concerned with the methods by which the Act of Union was passed. It was said of one of the promoters that he had metaphors in his mouth

and bribes in his pocket, and the epigram may have admitted of general application. But the Union has now existed for over a century, and what is really important is to consider what it has done towards the accomplishment of its purpose. As regards the land question, the process of replacing the absentee landowners of non-Irish extraction by a proprietary of Irish freeholders has been far advanced by a series of progressive Acts having two main objects, first, to secure for the tenant fixity of tenure and a fair rent by judicial revision of valuation; and, secondly, to facilitate the purchase of land by advances from Imperial funds or funds raised by pledging the Imperial credit. Intimately connected with these measures, in promoting the interests of the new proprietary, and in transferring to them local administrative powers, has been the assimilation of the local government system to that of Great Britain, and by the erection in Ireland of County Councils, which have set up central associations, on the principle of federal unions for co-ordination of policy. Supplementary to the County Councils Act, a new departure in local government has been made by the Agricultural and Technical Instruction Act of 1899, designed to develop the agricultural and industrial resources of the country by a machinery introducing the representative principle into economic administration. In respect of the adjustment of religious rivalries, the Union has disestablished and disendowed the Church of the Protestant ascendant minority and placed religion and education upon a basis of equality without distinction of creed. Mr. John Redmond, speaking

recently in America on the present prosperous condition of Ireland, is reported to have given a glowing account of the consequences of this policy in the improvement of the social condition of the tenant farmers, agricultural labourers, school teachers, school children, and scholars at the Universities. It is estimated that these benefits have been conferred on Ireland at a cost of some £200,000,000 to the British Exchequer during the last thirty years. And lastly, the Union has relieved the Irish Exchequer of practically the whole burden of defence against foreign aggression, and of a very considerable share of the burden of the maintenance of internal order.

Nevertheless, we are confronted with a manifesto issued by the Nationalist Party, in which they declare that, ever since the foundation of the United Irish Party in 1880, it has been their settled practice and rule to isolate themselves from all demonstrations of loyalty, participation in which might be taken as a proof that Ireland is satisfied with or acquiesces willingly in the system of government under which she has lived since the Union. Adhering to this rule they refuse to associate themselves with the other representatives of the component parts of the Empire on the occasion of the Coronation of King George V. The manifesto closes with a declaration that when the day comes that the King will enter the Irish capital to reopen the ancient Parliament of Ireland, he will obtain from the Irish people a reception as enthusiastic as ever welcomed a British monarch in any part of his dominions.

The loyalty which deplors the methods of the

manifesto need not be deemed inconsistent with a loyalty which contemplates the possibility of a day when the missing link in the chain of attachment to the King's throne and person will be restored.

The Act of Union was almost immediately followed by the rebellion of Robert Emmet, and at no great interval by Daniel O'Connell's agitation for repeal. But the modern Home Rule movement may be said to date from the formation of the Home Rule Association in 1870, under the presidency of Mr. Isaac Butt. The Association declared its objects, and only objects, to be :

"To obtain for our country the right and privilege of managing our own affairs by a parliament assembled in Ireland, composed of Her Majesty the Sovereign and her successors, and the Lords and Commons of Ireland ;

"To secure for that Parliament, *under a federal arrangement*, the right of legislating for and regulating all matters relating to the internal affairs of Ireland, and control over Irish resources and expenditure, subject to the obligation of contributing our just proportion of the Imperial expenditure ;

"To leave to an Imperial Parliament the power of dealing with all questions affecting the Imperial Crown and Government, legislation regarding the Colonies and other dependencies of the Crown, the relations of the United Empire with foreign States, and all matters appertaining to the defence and stability of the Empire at large ;

"To attain such an adjustment of the relations between the two countries, without any interference with the prerogatives of the Crown, or

any disturbance of the principles of the Constitution."

Concurrently with Mr. Butt's movement, and with a view to counteract it, a policy was adopted which has always played an important part in Irish affairs, as, in particular, in the passing of the Act of Union. Its object was to conciliate influential leaders of the movement by the inducement of places of profit and dignity under the Crown, and so to make them a connecting rather than a separating force, not only within the United Kingdom, but, by the agency of Colonial and Indian appointments throughout the Empire. The experiment turned out disastrously. It was never encouraged by the Irish Nationalist leaders, but there was a perplexing amplitude of choice among candidates willing to accept office. Many, and perhaps the ablest and most influential of them, were at the same time anxious to keep on good terms with the Nationalist leaders, with a view to eventualities, by the exercise of methods which resulted in generating a new and dangerous species of the carrying agents of the bacillus of Irish unrest. A prominent exponent of these methods carried them out with so little discretion that in 1882 a loyal Australian colony, to which he had been nominated as Governor, refused to receive him. He was imposed on a Crown Colony, and a few years later the United Irish Party, under the leadership of Parnell, in reply to an application made by him, refused to find him a seat for an Irish constituency in the event of his resigning his office as Colonial Governor in order to associate himself with them.

Meanwhile, during the period of this disastrous experiment, Mr. Butt's movement was making steady progress. Mr. Chamberlain in 1886 declared that all his speeches on Ireland had been in favour of the federal system, though not committing himself to the details of Mr. Butt's scheme. In 1876, Sir Michael Hicks Beach (now Lord St. Aldwyn), speaking on a motion by Mr. Butt, favoured the principle of his proposal as the best form of Government that could be conceded, but contended that no such moderate demands would satisfy Ireland. The scheme seemed to be making good headway when Mr. Parnell associated himself with the Irish extremists, in demanding as a *minimum* the restitution of Grattan's Parliament with a democratic franchise and an executive responsible to it, while his speeches were understood, and could hardly fail to be understood, as aiming at complete national independence. In 1880, he became the leader of the United Irish Party referred to in the Coronation manifesto. In the same year Mr. Childers, then Chancellor of the Exchequer, came to the conclusion that "in a plan of federal Home Rule lay the salvation of Ireland." The congestion of business in the Imperial Parliament had suggested to him the question whether the time for adequately discussing at Westminster the often neglected affairs of the Empire might not be better obtained by relegating to inferior legislative bodies the purely local affairs of each of the three kingdoms, than by artificial restraints on the liberty of debate always distasteful to Englishmen. After a prolonged study of the federal systems of Canada, the United States,

and the German Empire he wrote: "Again and again I ask myself how it is that our race in the Great Republic and in the greatest of our Colonies requires and fully occupies all this parliamentary machinery (between forty and fifty legislative bodies, most of them with two Chambers each), while we imagine that we can adequately transact the business of England, Scotland and Ireland, and the Imperial affairs of the whole Empire with one Parliament only. I reflected how imperfectly, hurriedly and often badly that business was transacted."

In 1885 Lord Carnarvon, who in 1867 had passed the Dominion of Canada Constitution Act, and in 1877 had endeavoured unsuccessfully to secure the federation of South Africa, was undoubtedly disposed to consider the application of the federal system to Ireland. In the same year, in June, Mr. Chamberlain's sympathy with Mr. Butt's proposals found more definite expression in a speech at Holloway, and a little later, in October, Lord Salisbury admitted that it might be possible in the future to find a solution of the Irish problem in a plan of Imperial federation. In April 1886, Lord Hartington (the late Duke of Devonshire) thought that it might be possible to proceed with the application of the principle of federation when the basis of county government had been established; a condition which has now been fulfilled. A few weeks later Mr. Chamberlain, speaking on the first reading of Mr. Gladstone's Bill, said: "It appears to me that the advantage of a system of federation is that Ireland might under it really remain an integral

part of the Empire. The action of such a scheme is centripetal and not centrifugal, and it is in the direction of federation that the democratic movement has made most advance in the present century." On the second reading of the Bill, Mr. Chamberlain was more precise, suggesting again the present constitution of Canada, "not, however," he declared, "in the relations between Canada and this country—those are wrong lines, and lines against which I protest, and which mean separation—but in the relations *inter se* of Canada and the Dominion Parliaments. Those are the relations which I, for one, am perfectly prepared to establish to-morrow between this country and Canada."

I need not discuss the failure of Mr. Gladstone's Bills of 1886 and 1893. So sympathetic an observer as Mr. Bernard Holland declared that "it is difficult to imagine any measure, except the Home Rule Bill of 1886, so pregnant with future difficulties and quarrels as the Home Rule Bill of 1893." But it is well to remember the main causes of failure. The exclusion of Ireland from representation in the Imperial Parliament, contemplated by the Bill of 1886, made it a distinctly non-federal measure, and was recognised to be inseparable from the complete assimilation of the position of Ireland to that of the self-governing Colonies. The failure of the Bill of 1893 was mainly due to its intentional vagueness in the definition of the powers assigned to the Imperial and Irish Parliaments respectively. It was, in fact, deliberately drafted to satisfy at once the extreme section of Irish Nationalists and the English and Scottish members who, while in

sympathy with the Irish cause, would consent to nothing that might imperil the protection of the minority in Ireland or the general safety of the Empire. Already, in advocating the federal system in 1886, Mr. Chamberlain had insisted on a precise definition of the powers to be reserved to the Imperial Parliament. In this respect, the Dominion of Canada Act was admirable. It exhausted the whole range of legislative function, and whatever was not expressly given to the provincial legislatures was assigned to the Dominion Parliament.

IV.

The failure of Mr. Gladstone's Bill was followed by a long interval during which the pressure of party exigencies made it the policy of the Liberal leaders to declare that Home Rule was dead, while the new Unionist Party, though under no such delusion, was not eager to undertake a constructive Irish policy based on the federal principles which, during the discussion of Mr. Gladstone's Bills, had commanded the general assent of a large body of its members. This was partly, perhaps principally, due to the constantly increasing cogency of the arguments set out by Mr. Childers in 1880, by reason of the constantly increasing range and complexity of the business of Parliament in respect alike of home, foreign, Colonial, and Indian affairs. While foreign affairs were dominated by the growth of the German Empire, Colonial affairs by events in South Africa, and Indian affairs by questions of constitutional reform, home affairs were pressing to the front with

urgency. At a time when late sittings were the rule in the House of Commons, the demand for a more effective system of dealing with local concerns was expressed by a Scottish member of Parliament in the phrase, "We have to be satisfied with scraps of legislative offal thrown to us at four o'clock in the morning." Home affairs were further complicated by the exigencies of the Tariff Reform movement, the dissensions caused by it, and the consequent overthrow of the Unionist majority. In rapid succession the Budget of 1909, the Veto of the House of Lords, and the resulting constitutional crisis contributed to an accumulation of difficulties culminating in two General Elections which left the Irish Nationalists masters of the fate of the Government. Every session of Parliament since 1893 has illustrated the danger of this position, for every session has proved the increasing purpose and power of a compact body of Irish Nationalist members to make the primary objects of every measure, whether of the first Imperial magnitude or of minor local interest to England, Scotland or Wales, subordinate to the side-issue of its bearing on the interests of their party. Nor is this procedure limited to the activity of the Irish Nationalist Party in Parliament. It extends to the electorates. An analysis of the votes of constituencies in England, and more particularly in Scotland, in connection with the last General Elections, has proved the extent to which the representation of local interests is adulterated by the subordination of the Irish vote to the exigencies of the Nationalist Party. Moreover, the methods of obstruction adopted by the

Irish members, and their pledged supporters returned for English and Scotch constituencies by the Irish vote, have generated another danger. They have added largely to the congestion of parliamentary business, which under the plea that public business must be disposed of without delay, is furnishing the Executive with a plausible justification for liberating the public departments from parliamentary control, and thus transferring political power from the House of Commons to the Cabinet.

Never, perhaps, has England's difficulty presented to Ireland so favourable an opportunity as the overthrow of the Unionist majority created by the failure of Mr. Gladstone's Irish policy. But, *semper amari aliquid*, the activity of the Irish Party had exhausted its funds, and it was found necessary to recruit them by an appeal to the sympathy of Canada and the United States. In this enterprise they had to accommodate themselves to the motives of two widely divergent groups—the one animated by the spirit of Imperial unity and the other by the spirit of national independence. A great deal has been made in Parliament and in the press of the conflicting declarations made in the course of this campaign. But conflicting averments, a want of precision in terminology, the intoxication of verbosity, and even calculated misrepresentation are allowed so free a range in electoral warfare, that legislation will be practically impossible unless an agreement is arrived at to treat such inconsistencies as irresponsible chatter. It is deplorable that our party system should have accepted a morality so at variance with the generally accepted standard of private and

public life; it menaces the very existence of the parliamentary system, but in the present situation there is no reasonable alternative to accepting the declarations of the leaders of political parties in Parliament on the subject of any proposed measure as sincere, making the test of that sincerity the precision of the terms in which they are given force of law in the contemplated enactment.

In 1901 Mr. Asquith, speaking as a leading member of the Opposition at Ladybank, after declaring his opinion that the problem of Irish government had got to be more serious than ever, said: "I believe as clearly as ever I did that the two governing principles which I have preached among you, my constituents, ever since I represented you, are the necessity of maintaining the universal, absolute and unimpaired supremacy of the Imperial Parliament, and, subject to that condition, the policy of giving as large and as liberal a devolution of local powers and local responsibility as statesmanship can from time to time devise." In December 1909, speaking as Prime Minister, "on behalf of his colleagues, and, as he believed, of his party," he declared his belief, that the solution of the Irish problem could be found only in one way: "by a policy which, while explicitly safeguarding the supreme and indefeasible authority of the Imperial Parliament, will set up in Ireland a system of full self-government in regard to purely Irish affairs." "There is not," he added, "and there cannot be any question of separation. There is not and cannot be any question of rivalry or competing supremacy, but, subject to these conditions, that is the Liberal policy." On

the 15th of February last he affirmed in Parliament his adhesion to these declarations of policy; and on the same occasion Mr. Redmond defined the policy of the Nationalist Party in these terms: "Ireland's demand is for full legislative and executive control of all purely Irish affairs, subject to the supreme authority of the Imperial Parliament. The statute constituting the new Irish Parliament must settle what are purely Irish affairs; therefore that question rests in the hands of the present Imperial Parliament. The retention of Irish members in the Imperial Parliament, and what number of them shall be retained, must also, of course, be settled by the Imperial Statutes. When an Irish Parliament, as I have indicated, has been created, it will then be a ready-made portion of any federal system that Great Britain may create in the future." And in the same speech he said: "We are called Separatists. I deny that I am a Separatist. If I were a Separatist I would oppose and thwart in this House every measure of national reform for the people of Ireland. . . . We admit and accept the Imperial supremacy. We invite you to make it effective."

I quote these passages not, of course, to prove a unity of purpose between the Prime Minister and the leader of the Nationalist Party, but to show their consistency with the policy declared during the discussion of Mr. Gladstone's Bills by the leaders who opposed those Bills, and on the grounds of their opposition laid the foundations of the Liberal-Unionist Party. I hope that what I have said on this subject, though necessarily concise and



concentrated, is enough to establish their consistency, and I am confident that a careful study of the speeches I have referred to will confirm it. In this confidence, I submit that the solution of the Irish problem is to be found not in the disjunctive proposition Union *or* Home Rule, but in the conjunctive proposition Union *and* Home Rule.

Reverting to the alternatives stated at the commencement of this article, enough has, I hope, been said to show that a policy which would make no large change in the constitutional status of Ireland is impossible. As to placing Ireland altogether on the footing of a self-governing Colony, I rely on the declarations made by Mr. Asquith and Mr. Redmond in Parliament on the 15th of February last as sufficient proof that such a solution of the problem is equally impossible. The adhesion of the self-governing Colonies to the Empire is conditioned by their complete liberation from the control of the Imperial Government, and such a condition is absolutely inconsistent with these declarations. There remains the method of the Act setting up the constitution of the Dominion of Canada, known by its short title, The British North America Act, 1867. The provisions of this Act are equally consistent with these declarations and Mr. Chamberlain's declaration in June, 1886, that he was perfectly ready to establish "*to-morrow*" in the relations between England and Ireland the relations *inter se* of the Provinces of Canada and the Dominion Parliament. And Mr. Chamberlain's declaration was supported, as has been shown, in principle, at least, by others who were to be associated with him as leaders of



the Unionist Party, though at the time not prepared to act with equal promptitude.

v.

A study of the British North America Act, 1867, will make clear the precise limitation of the respective powers of the Dominion Parliament of Canada and the provincial legislatures. Chapter IV. of the Act deals with the distribution of legislative powers, and Section 91 enumerates twenty-nine classes of subjects falling within the exclusive legislative authority of the Dominion Parliament. They include: The regulation of trade and commerce; the raising of money by any mode or system of taxation, and the borrowing of money on the public credit; the postal service; Militia, Military and Naval service and defence; the salaries and allowances of civil and other officers of the Government of Canada; navigation and shipping; fisheries; currency, coinage and banking; marriage and divorce; criminal law, except the constitution of courts of criminal jurisdiction.

Section 92 of the Act enumerates sixteen classes of subjects falling within the exclusive power of the provincial legislatures, including direct taxation within the province in order to the raising of a revenue for provincial purposes, and the borrowing of money on the sole credit of the province; the establishment and tenure of provincial offices and the appointment and payment of provincial officers; the management and sale of public lands belonging to the province and of the timber and wood thereon; licences in order to the raising of revenue for

provincial, local or municipal purposes ; the solemnisation of marriage within the province ; property and civil rights in the province ; the administration of justice in the province ; and generally all matters of a merely local or private nature in the province. With regard to this last class of subjects, an important proviso to Section 91 expressly declares that "any matter coming within any of the classes of subjects enumerated in that section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of subjects."

Section 93 of the Act confers on the provincial legislatures the exclusive power of making laws in relation to education, subject to elaborate provisions to secure equality of denominational rights and privileges, with an express reservation of power to the Governor-General in Council to make remedial laws to prevent infringement of these provisions.

Chapter VII. of the Act deals with the judicature, and to this chapter Mr. Chamberlain, in 1886, rightly attached special importance. "The Judges of the land," he said, "by whom are they appointed? They are appointed by the Governor-General, and paid by the Dominion Parliament. In that way the Judges are independent, and are not likely to be affected by local influences which might prevail in smaller and subordinate bodies."

Chapter VIII. of the Act deals exhaustively with finance, under the heading of Revenue ; Debts ; Assets and Taxation.

It is, perhaps, hardly necessary to add that if the British North America Act were accepted as a

model for a new Act of Union between Great Britain and Ireland, the distribution of powers assigned to the Governor-General in Council, the Parliament of Canada and the Provincial Legislatures would be represented in the distribution of powers assigned to the King in Council, the Imperial Parliament and the Legislature of Ireland respectively. Such a system would in no sense imply a repeal of the Union; on the contrary, it has been justly described as "a true development—one which is conservative of the course of development which went before it; which *is* that development and something besides." I have shown how a large consensus of opinion in favour of such a system has been expressed by leaders of the Liberal, Unionist, and Nationalist Parties, and this consensus is the foundation of my faith that a settlement of the Irish question can be secured by the general consent of the parties. The difficulties in the way of such a settlement may be broadly divided into two categories, religious and financial. It is necessary to recognise frankly that while religious rivalries have exasperated, when they have not originated, all the internal discords of Europe, they were imposed on Ireland by the deliberate act and intention of England by the methods I have described, and that a main contributory cause of the failure of Grattan's Parliament was the steadfastness of its adherence to the policy of Catholic emancipation. I cannot bring myself to believe that the spirit which animated the Protestants of Grattan's Parliament is exhausted, nor can I assent to the proposition that the Roman Catholic community is incapable of a policy as

generous as that to which a Protestant Parliament sacrificed itself. Mr. Redmond, in a much-discussed article, has recently declared: "We will welcome any safeguards the most timid can suggest, as long as they are consistent with ordinary democratic principles, to prevent even the remote possibility of injustices to our fellow-countrymen of any creed." And on the eve of last St. Patrick's Day he declared that, whatever their history in the past may have been, the Nationalists desire to take Ireland as it is to-day, made up of the intermingling of many races and creeds, and that they will tolerate neither the ascendancy nor the exclusion of race, or creed, or class. He expressed his confidence that "a new and great treaty of peace between the British and the Irish peoples, a treaty based upon a combination of liberty and loyalty, would speedily make the unity of the Empire for the first time in its history a reality and not a name." "Perchance," he added, "that treaty might prove to be the forerunner, and in a certain sense one of the contributory causes, of another great treaty, whereby not merely the peace of the English and Irish peoples would be achieved, but the peace of the civilised world might be safeguarded."

I am aware of the pertinacity, and admit the sincerity with which these declarations may be met by the exhibition of declarations inconsistent with them. But, speaking generally, it may be averred without fear of contradiction that few, if any, of the great reforms that distinguish the modern from the ancient world have been carried otherwise than by, or with the support of, leaders who have modified,

revised or reversed opinions to which they have given public and reiterated expression. On the modern methods of accommodating rhetoric to the local exigencies of environment in political campaigns,* I need add nothing to what has been said.

The Nationalists now declare that their aim is peace with England, friendship with the English people, and their proper place in the British Empire. Let us be satisfied to submit their sincerity to the test of their acceptance of the safeguards they avow their readiness to welcome when defined with precision in the form of legal enactments in any Bill that may be presented to Parliament.

I pass to the financial problem. Mr. Birrell has declared that if any revision of the Union is to have a chance of success, a rational basis for the financial relations between Great Britain and Ireland must be established. In order to find such a basis, the Government is undertaking an actuarial inquiry to find out the present financial position. It would be absurd to anticipate the result of this inquiry, but in view of the magnitude of the Imperial interests involved, it may be hoped that the financial relations will be adjusted in the spirit exhibited by Burke in an address to his constituents in Bristol, in which he says: "To the argument of equal taxation I can only say that Ireland bears as many taxes as those who are the best judges of her powers are of opinion she can bear. To bear more she must have more ability, and, in the order of nature, the advantage must precede the charge." Now, underlying all the demands for a revision of the present system is a

confidence that when the disturbing elements of insecurity that find expression in agrarian outrages and riot are got rid of, a new era of security for the investment of capital in the development of agriculture, industry, and commerce will bring with it automatically the ability to bear the burden of a larger charge. I say nothing of a reduction of the enormous charges at present imposed on the revenue for the maintenance of internal order, more or less directly connected with the causes of the existing insecurity. Whatever may be the result of the inquiry now being prosecuted, in counting the cost account must be taken of the magnitude of the stake at issue. The issue is the determination of Ireland's place in the Empire—whether Ireland is to be a centre for the propaganda of union and loyalty, or a centre for the propaganda of separation and disintegration. It must be taken into account that the area of the process by which, as has been described, the genuine national vote of the constituencies in England and Scotland is vitiated by Irish influence is not limited to the United Kingdom. Since 1850, nearly five millions of Irish have carried the bacillus of discontent into the self-governing Colonies and the United States, influencing not only the relations between the United Kingdom and the rest of the Empire, but, to an appreciable extent, the relations between Canada and the United States. In the United States there is an estimated population of two millions "of Irish birth." In the Dominion of Canada there are nearly a million and a half of persons described as "of Irish origin." In Australia, and in South Africa, there are large

populations of Irish extraction or birth. And everywhere the influence of these groups of the constituencies in questions of Imperial or local concern is controlled by their direct or indirect bearing on the question of Ireland's position in the Empire. To readjust Ireland's place in the Empire, to convert the distinctive groups of Irishmen in Parliament, in the British electorates, and in the component parts of the Empire, from centres of disintegrating and destructive forces into centres of a co-operative and constructive policy is a special problem of the twentieth century and of the destiny of our race. It presents formidable difficulties, no doubt, but as Lord Morley said, in speaking of the analogous problem of India's place in the Empire, people who find political problems insoluble are unfit for political life. As a first step towards the solution of the problem, it is submitted that the disjunctive proposition Union *or* Home Rule must be abandoned in favour of the conjunctive proposition Union *and* Home Rule. And, as an instrument of a conjunctive policy, it is suggested that in the North America Act, 1867, is to be found a working model for a federal system approved in principle by leaders of the three political parties—Liberals, Unionists, and Nationalists—upon whose co-operation a settlement of the question of Ireland's place in the Empire depends. Lastly, for the timid who shrink from "impossibilities" and are loth to admit the truth of the maxim, to which history has supplied abundant testimony, that it is always the impossible that happens, I conclude with a parable from a page written by a noble woman, Agnes

Weston, in the records of her *Life among the Blue-Jackets*:—

“An old captain whom I knew well was discussing an evolution with his First-Lieutenant. ‘It’s impossible, sir,’ said the junior officer. ‘Impossible,’ cried the Captain, somewhat choleric; ‘reach down my dictionary, sir, and turn to the word *impossible*.’ He looked, and then said, ‘It isn’t in your dictionary; it’s ruled out with red ink.’ ‘No, sir,’ said the Captain, ‘it’s not in my dictionary, or in the dictionary of any naval officer; such a word is not used in the Navy.’”



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