VISCOUNT SIMON AT ACCRINGTON.

Wednesday night, Jan. 14th, 1948.

Mr. Attlee in his latest broadcast spends a good deal of his time in trying to pursuade his hearers that adoption of Socialism involves no danger to the individual freedom of the citizen. I do not believe that that is true and now, after having the experience of more than two years of a Socialist Government in power, we are beginning to be able to test the argument by actual results.

Individual liberty does not, of course, mean that everybody can do exactly what he likes: every democratic State is bound to put on its members certain compulsions and restrictions. Taxes cannot be left to the free-will offerings of the tax payer; we all recognize the justice of bringing the help of the Community to those who need help most by systems of compulsory insurance and pensions, etc. But the Socialist goes much further. In fact he holds that something called the State can plan our lives and our trade for us better than we can plan them for ourselves. An immense pile of Regulations, Orders and Directions accomulates to tell us what we may not do; no lawyer in the land can tell you of his own knowledge what all these multifarious rules are, though the breach of any of them is a new criminal offence. Private enterprise is clamped down; more and more the idea grows that the ordinary citizen must do what he is told and is powerless in the hands of an immense machine.

There is a special danger to our liberties in all this, due to the circumstances of the time/. When supplies are so short, there must be regulations to try to secure their fair distribution. When our balance of trade is so adverse, the Government must take all proper steps to improve it. But the danger is that while we accept severe restrictions on our liberty for such purposes for the time being, we may not realise how much we are giving up, and may come to accept extensive restrictions on individual freedom as a normal

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Crown is a constant reinforcement of the same welding influence. If that influence were removed, it is very difficult to imagine what equally potent substitute could take its place. The different Dominions are the more likely to pull together because, while each is completely free to choose its own course, each alike share in this common relationship to the Crown.

The other two threads which have until recently contributed to the same end are (1) the commons status of citizens in the various parts of the whole as British subjects, and (2) in the sphere of law, the survival, though in a diminishing degree, of the Privy Council as the ultimate Court to which the aggrieved citizen should appeal.

Let us take the Privy Council first. I regret to have to say it, but I feel that there is much

force in the view that the existence of the Judicial Committee of the Privy Council as the final court of appeal in cases of litigation originating overseas is out of keeping with the trend of recent developments, which essentially depend on treating the United Kingdom as one government among equals. In form, at any rate, it is hardly consistent with the conception of absolute equality in status enjoyed by the Dominions and by the United Kingdom alike. The Judicial Committee is the final court of appeal for the Dominions, as far as this jurisdiction still remains to it; but it is not the final court of appeal from lower courts in the United Kingdom. Appeals arising in the United Kingdom go in the last resort to the House of Lords and the decisions of the House of Lords are binding in future cases, unless Parliament alters the law in the meantime; whereas judgments in the Privy Council, though of great weight and authority, are not treated by

English courts as final precedents. A judicial system which logically applies the principle of equality of status between the United Kingdom and a Dominion overseas ought, one would think, to have the same final court of appeal in both cases. This was the conception which Lord Chancellors like Finlay and Haldane urged should be pursued. But there is another much more important criticism. The members of the Judicial Committee are all appointed on the advice of the United Kingdom Government; no Dominion Government appoints anybody to sit in this supreme tribunal, though it hears Dominion appeals. It has long been the custom to include among the members of the Committee the Chief Justice of the principal Dominions and when any of these take part their contribution is most valuable. But that is not the same thing as filling up seats in this august tribunal by the nominees of Dominion Governments. Again, the

Judicial Committee always sits in Downing Street and the cases are brought over to be heard by it there, often, but not necessarily, with the assistance of Dominion counsel. In earlier days this was natural enough and arose from the fact that "the King in Council", to which appeal was made was the King of the United Kingdom advised by Privy Councillors of the United Kingdom who have been appointed by the King on the advice of a United Kingdom Government. If it had been found possible to transform the tribunal into a really Commonwealth body, containing members chosen by the Crown on the advice of the Dominion Governments as well as of members chosen on the advice of the Government here, that would have provided a supreme court of appeal in the composition and authority of which the Dominions had an equal share with ourselves.

Some of us argued for the necessity of some such change twenty years and more ago and further urged that the Judicial Committee should go circuit through the Empire. For, as I said in public and as "The Times" reported in 1928, "it is as quick to go from London to Ottowa as in the old days it was to go from London to Edinburgh." It is, I fear, too late to make this transformation now, and it is not surprising that the feeling should grow up in some quarters of the great Dominions that if we in this Island dispose of our own litigation by appeal to a tribunal within our own borders, it would be natural for litigation which begins within a particular Dominion to end within it too, and not to be brought on further appeal elsewhere. It is, of course, for the Dominions to decide, each for itself. The Irish Free State has abolished appeals to the Judicial Committee altogether. Criminal appeals have been similarly abolished in the case of Canada, and we read that the Dominion Government is proposing to the

Canadian Parliament this session to abolish also all other Canadian appeals to the Privy Council.

There remains what used to be the common bond arising from the view that everyone who is born within the Dominions of the Crown is a natural born British subject owing allegiance to the King and entitled to his protection equally with anyone born in the United Kingdom. That is a strong cement making for cohesion. Statutory provision for naturalisation of those who were previously foreigners could also be fitted in to this general conception, even though a Dominion had its own naturalisation law. This simple conception, which undoubtedly contributed to a sense of unity between all who were British subjects, is now treated asundermined in the British Nationality Act of last year, which itself claimed to be justified by the growth of a new conception, that of a local citizenship of a particular Dominion which was first developed by Canadian legislation. How far the

original conception will be overlaid by the new one time will show, but there can be no doubt that so far as this does happen the bond of unity derived from a common nationality is materially weakened.

Eire, indeed, has gone much further and the creation of whatis called "the Republic of Ireland", which will be outside the Commonwealth altogether and which repudiates any allegiance to the Crown, undoubtedly means that, in the international sense, Eire becomes a foreign country and its citizens become foreigners. Our domestic legislation may, of course, qualify that result in regard to Eire citizens residing here, though a number of detailed difficulties arise which are not at present solved. The future position of the new Dominions of India and of Pakistan is another uncertainty, the solution of which may have a close bearing on the main problem.

All this goes to show that changes are actually taking place which makes it of urgent importance for men of goodwill, who realise the potency and value of the Commonwealth conception, to consider anxiously and with progressive minds, how the future of this conception may be guided and shaped. The Crown has played an essential part in its past history. If some other threads are snapping or are wearing thin, the conception of the Crown as evoking a unifying force remains of greater importance than ever, and everything that will guard this conception inviolate or transform it into something which preserves its essence, is of first importance. It is a commonplace to say that the Commonwealth is a living thing, and not a structure of fixed and stereotyped design. But linving things may either grow stronger or fade away. The growing tree must have its roots deep in fruitful soil that feeds

it and sustains it and those who seek to live under the shelter of its branches must not be indifferent to the changes of time but, while conditions may alter, must do their utmost to preserve its strength and vigour.

FEBRUARY 10th 1949

Viscount Simon at Reading.

(Tonight, Thursday, at 8 p.m.)

Speaking in support of Mr. David Rissik, the prospective Conservative candidate for South Reading, Viscount Simon made a reference to the trial and condemnation of Cardinal Mindszenty in Hungary - "It is not merely the procedure, but the purpose of a criminal trial like this, which rouses such deep feelings among people like ourselves. The procedure under which an arrested man, before he is tried, is put under hours of private police pressure to make confession, is utterly repulsive to our ideas of obtaining evidence. That is exactly what happened to the Vickers engineers, whom the secret police of Soviet Russia seized in the middle of the night and carried off to prison in 1933.

They were not told at the time what was the charge, and one of them, as I well remember, was put under secret examination for ~~nineteen~~ 19 continuous hours on end by three successive teams of examiners, and after a break of five hours, was then put through the same experience for ~~seventeen~~ 17 hours more. The Foreign Office of that day was perfectly right in taking strong action, and ~~as a result~~ in the end, these British subjects, who were accused of the absurd charge of sabotaging the turbines which their firm were erecting for the Russian Government, regained their liberty. In this country, at any rate, once a man is arrested on suspicion of a crime, neither police nor Government nor prosecutor is allowed to force questions upon him about it until he chooses to offer to give sworn evidence in open court. But, even more important than a different method of procedure, is the difference in the purpose for which a criminal

prosecution is undertaken. In this country, the duty of the prosecutor is to put before the court the evidence upon which it can be judged whether the accused, who has the benefit of the doubt, is proved to be guilty of the particular offence charged. The prosecutor, who represents the public, is not aiming at getting a conviction at all costs; if he pressed the case unfairly he would be departing from his duty, even in the most serious charges of treason. The State wants acquittal if the evidence falls short of guilt. And we have learned to distrust confessions in doubtful cases, and prefer independent proof. But behind the Iron Curtain, and in countries working on the Soviet model, the object of a State prosecution for treason is quite different. The prosecution becomes an instrument of Government; it is a way in which the totalitarian regime is maintained against all criticism; it is a means by which objectionable people are got rid of. It is not undertaken with the object of

securing impartial justice at all. Its purpose is to strike down an individual for the greater security of those who have seized ~~the~~ power. That is the real gravity of the recent incident and of all similar cases. They are an outcome of the view which elevates the State so far above the individual as to involve the denial of human rights."

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C.U. Law Society,

Friday, February 18th. (? 1949)

"The Prosecution of a Criminal Charge,
Here and Abroad".

A prosecution for crime, as we know it in this country today, is a process for obtaining the decision of a tribunal to determine whether sworn evidence before the Court has established that the accused brought before it is proved to be guilty of the particular offence with which he has been charged. Such a prosecution is an instrument of justice, necessary to be used to vindicate law and order and to award due punishment to the guilty party. But there is another purpose for which criminal prosecutions for the most serious crimes, such as treason, have sometimes been

44

instituted in the past and carried through to the bitter end, - and indeed are apparently still being employed in some countries in the present. State prosecutions, especially for treason, are capable of being misused as a mere instrument of government policy, as a means of suppressing individuals whose views or influence are opposed to the powers that be, as a method of disposing of political opponents, as a buttress to support the existing régime, and as a warning to others of the danger of holding or expressing opinions that the authorities do not approve. In this latter case, the aim is not the impartial pursuit of justice at all.

We must not be too complacent in drawing this distinction, or imagine that in early days prosecutions were never used in this country for a purpose which was primarily political. I do not say that our ancestors were actuated by a bad motive, but it is certainly true that the intensity with which some prosecutions were pursued (e.g. Coke's ~~examination~~ abuse of Raleigh) and the method by which the alleged proof was obtained were very different from what we would tolerate today.

Consider, for example, the story of the suppression of the Order of Knights Templars. That Order was founded early in the 12th Century. Jerusalem had been captured by the crusaders in 1099 and the pilgrims, who flocked to the Holy Land,

were exposed to much danger and loss at the hands of robbers who infested the roads. A number of pious knights proposed to form a brotherhood to protect these pilgrims and to put down the robbers. It was St. Bernard, the Abbot of Clairvaux, who persuaded the Pope to give his approbation, and in 1128 this was done at the Council of Troyes. The rules of the new Order were of extreme austerity. The Knights were to have no wealth or landed possessions; they were to wear white cloaks; their food was to be simple; they were not to engage in sport. St. Bernard wrote a treatise describing the perfect Christian warrior. He might kill the enemies of our Lord without crime; if they were killed, it was to the profit of their souls.

In fact, the Knights Templars later developed into an immensely wealthy caste. Jerusalem was re-captured by the infidels and, in spite of successive crusades, was not retaken. By the beginning of the 13th Century the original purpose for which the Order was founded was gone. But in many countries of Europe the Templars had become ~~immensely~~ very rich; they owned vast tracts of land. They were bankers and money-changers; and they were a proud and domineering association. We all remember Sir Walter Scott's description of the Templar in "Ivanhoe". The numbers of the Order appear to be often exaggerated: the Knights themselves were apparently about 2,000 and with their followers might make a total of about 15,000. But their power and wealth were out of all proportion to their numbers.

What happened to them? The crown of France determined on their suppression and pressed this course upon the Papacy. Both authorities had strong reason to denounce the later developments of the Order. The Pope, in 1306, invited the Grand Master of the Temple and the Knights Hospitallers to come to France to consult about the means of recovering the Holy Land. The discussions dragged on without result and suddenly secret orders were sent to the various provinces of France which enlarged on the enormous wickedness of the Templars and directed that on the 13th October, 1307 these men were to be seized and their property confiscated. Torture was to be used to extract confessions. In Paris, the central seat of the Order, with all its treasure, was taken over by the king. The

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story was circulated that ~~these men~~ the Templars were all heretics and worshipped idols. The tortures of the Inquisition obtained all sorts of admissions from these miserable men. Later in the year the Pope communicated with other Christian countries in Europe stating that he was convinced of the truth of the charges and urging similar action, which was promptly taken. The bishops throughout Europe were enjoined to summon the Templars in their dioceses and to conduct an enquiry into their guilt. In England, Edward II was at first unwilling to act; the charges made against men previously held in high honour seemed incredible, but later, in this country orders were issued for the arrest of the Templars and the sequestration of their properties. The enquiry in London began on October, 20th, 1309. The prosecution found great difficulties in proving their case and the common law of England did not

countenance torture. But the King, exercising what were claimed to be his special powers, ultimately yielded and ordered that if the accused would confess nothing, torture was to be applied. Of the truth of the charges there seems to be absolutely no valid proof. In France, the measures taken were even more drastic than in England. Even when, under a promise of safety, some of the Templars came forward to defend their Order, after having previously confessed, they were dealt with as relapsed heretics and burnt at the stake. In the end the Grand Master, who had been in prison for five years, was brought before the Commission at Paris. He vainly denied the truth of the confession which had been extorted from him. His language on the scaffold is worth recalling:

'I do confess my guilt, which consists in having, to my shame and dishonour, suffered myself, through the pain of torture and the fear of death, to give utterance to falsehoods, imputing scandalous sins and iniquities to an illustrious order, which hath nobly served the cause of Christianity. I disdain to seek a wretched and disgraceful existence by engrafting another lie upon the original falsehood.'

Whether the Templars were guilty of any of the wickednesses charged against them may be a matter of dispute, but there are two things about their prosecution which cannot be denied. One is that it was undertaken mainly because the state wanted to exterminate what it regarded as a dangerous society, and the other is that the means employed to get evidence were horrible and barbarous.

Blackstone, who delivered the lectures which were afterwards published as his commentaries on the laws of England in All Souls College at Oxford in , deals in his fourth book with the awful subject of torture

and says that the trial by rack is utterly unknown to the law of England. It is indeed to the credit of our common law that it has never authorised torture as a means of extracting evidence. Blackstone observes, "It seems astonishing that this usage of adminstering the torture should be said to arise from a tenderness to the lives of men: and yet this is the reason given for its introduction in the civil law, and its subsequent adoption by the French and other foreign nations: viz. because the laws cannot endure that any man should die upon the evidence of a false, or even a single witness; and therefore contrived this method that innocence should manifest itself by a stout denial, or guilt by a plain confession: thus rating a man's virtue by the hardiness of his constitution, and his guilt by the sensibility of his nerves". Cicero had pointed out all that long ago, although the Roman law only accepted the evidence of slaves after they had been tortured.

The extraordinary thing is that it should ever have been supposed that the best possible evidence of a crime is that the accused confesses to it, whereas the more enlightened modern view is that it is more satisfactory to act on the sworn testimony of independent witnesses. A man may feel disposed to admit an accusation for more reasons than one, and certainly admissions obtained by torture are in private under pressure or the worst of evidence. Notwithstanding Blackstone's championship of our common law, he admits that torture "was occasionally used as an engine of state, not of law, more than once in the reign of Queen Elizabeth". Shakespeare knew that, and you may remember the conversation between Bassanio and Portia, which shows that the "young and learned doctor", who dealt with Shylock's claim, appreciated the untrustworthiness of the rack no less than the quality of mercy. Blackstone might have carried his

admission that torture was sometimes used to extract confession in this country to the 17th Century, and it is not without significance that the definite abandonment of such a practice which had been based on the extraordinary powers of the sovereign, is more or less contemporary with the increasing acceptance of Parliamentary authority, followed by the complete independence of the judges at the end of the Stuart period.

Modern research goes to show that, side by side with the righteous rule of the common law, there really existed down to that time an extraordinary jurisdiction attaching to the King himself and there were occasions when this sort of pressure was used under royal authority as an instrument of state. The truth is that when the powers that be feel that their position is insecure and is threatened, they attempt to go to any lengths to uphold it and, as they think, to overthrow the danger. We in this country live under the rule of law, not only because the spirit of our

people would not tolerate executive irregularity, but because we feel secure and content with the regular working of a constitutional and legal system. The execution of Charles I was a horrible event, but it was an event which occured when, in the view of his contemporaries, there was a fierce struggle between the divine right of kings and the necessity of parliamentary government. Inter arma silent leges is not merely a sententious ~~maxim~~ phrase; it is a reflection that when turbulence becomes acute there is a point at which regular processes of law tend to be disregarded.

Thus, while torture as a means of extracting confession was contrary to the common law, yet the "Tower rack" was regarded as an instrument which the Crown might use for political purposes and by this means the Privy Council might extort information for want of which the safety of the state might be in jeopardy.

Guy Fawkes was thus dealt with in 1605, but it was not used twenty years later to compel the murderer of the Duke of Buckingham to incriminate the King's parliamentary enemies, neither was it used on either side in the Civil War. The abolition of the Star Chamber in 1641 was another step which extinguished the use of special powers against suspects unprotected by the ordinary rules of procedure and evidence, though a great deal of the Star Chamber's work was that of a court of equality or was concerned with ordinary crimes. At any rate, it sat in public and its main vice was due to the fact that in its days executive and judicial functions were not as yet clearly distinguished.

But while in England the use of torture to extract evidence ended in the 17th Century, it was a regular and authorised method in the judicial system of France down to the French Revolution.

Consider, for example, the terrible story of Calas, who was broken on the wheel for a murder of which there was no proof and was nobly championed after his death by Voltaire. (In the latter half of the 17th Century there were notorious cases of convictions of the innocent by unscrupulous methods, like the perjury of Titus Oates and the bullying of Judge Jefferies, but physical torture was no longer applied to get evidence, so far as I know. Gradually the rules which were observed in criminal trials were being formulated. It began to be insisted that if documents were relied on, the documents must be produced; the objection to hearsay came later; the superiority of viva voce evidence which could be cross-examined in the presence of the tribunal and the accused was being recognised. But I think that fundamentally the thing that that improved the conduct of a criminal prosecution in England out of all knowledge was the establishment of a judicature which could not be removed at the will of

(See last two pages for further details) *

the executive and the insistence that the guilt of the accused could only be established if the evidence called by the prosecution was found to prove it.

I doubt if it is always realised how far our modern rules go in protecting the accused from the possibility of injustice arising from irregularity. Even the unintended disclosure that he has been previously convicted will normally result in the discharge of the jury and of a re-trial in circumstances where the prejudice thus created is sought to be completely avoided. A former Lord Chief Justice was trying an old lag at Oxford, who was giving evidence on his own behalf, and in writing down what the prisoner was saying the judge innocently enquired "What was your last sentence?" "Three years penal servitude" the man replied, not understanding that he was only asked to repeat what

he had just said. A new trial at a subsequent Assizes was ordered at once. The system in this matter appears to be radically different in the French judicial system, with a preliminary questioning administered by a juge d'instruction. Again, our rule is that incriminating answers made to a police officer who has already got instructions to arrest, or even has already determined that he will arrest, are not admissible. I do not know who first formulated the maxim that it is better for ten guilty men to escape than for one innocent man to be condemned, but it is the key to our systems of prosecution in this country.

On the other hand, I have heard a learned judge in private contend that successive statutory changes in our criminal procedure work against the accused - at any rate if he is really guilty

Cambridge.

Jean Calas was a Protestant merchant at Toulouse. He had three sons and three daughters. His son Louis had embraced the Roman Catholic faith. In October, 1761, another son, Antoine, was found to have hanged himself in his father's warehouse. The crowd took up the idea that he had been strangled by the family to prevent him changing his religion. There was not the slightest truth in this, but after his body had been buried with much ceremony by the monks, the wretched father was charged with the crime and on denying it was horribly tortured. The whole procès-verbal survives with every question and answer and this has been edited by Lord Maugham. It is ghastly reading. Calas continued to deny the charge and was ultimately broken on the wheel and this was in March, 1762, less than 200 years ago. The widow laid her case before

Voltaire, who spent three years in agitating to get the decision reversed before the Council of State at Versailles. Finally, King Louis and the Council unanimously agreed that Calas was entirely innocent and annulled the proceedings at Toulouse.

The pathetic thing is to note the importance which the lawyers of that day, and especially the clerical experts, attached to torture as a means of getting evidence.

("The Merchant of Venice" - Act III. Sc. ii)

BASS.: Let me choose;
For as I am, I live upon the rack.

POR.: Upon the rack, Bassanio! then confess
What treason there is mingled with your love.

BASS.: None but that ugly treason of mistrust,
Which makes me fear the enjoying of my love:
There may as well be amity and life
'Tween snow and fire, as treason and my love:

POR.: Ay, but I fear you speak upon the rack,
Where men enforced do speak any thing.

"FUTURE ASSOCIATION WITHIN THE COMMONWEALTH"*

The Rt. Hon. Viscount Simon, GCSI.,GCVO.,
Hon.DCL.,Hon.LL.D.

Lord Hinchingbrooke, Ladies and Gentlemen, I am very glad indeed to find myself at this tribune, and much gratified to find so large an audience. I had better begin by saying that, when the subject of my discourse was suggested to me some months ago, I felt that it might provide a suitable opportunity for some remarks and some comments, but I think in the interval it has become increasingly clear that this subject of the future relations between members of the Commonwealth is becoming one of real urgency. The great institution, which is here housed and embodied, always endeavours to prepare itself to consider concrete proposals and difficulties associated with international affairs and Commonwealth affairs when they come forward, and what I am going to try to do is not to offer to you solutions - for, indeed, I do not feel competent to do that - but rather to call your attention to the situation which is likely to arise, and, in order that we may be better prepared to consider it intelligently and with profit, to remind you of the recent course of events, because we cannot judge how this matter will develop in the near future unless we have very clearly in mind the way in which it has evolved up to the position which it has now reached. My observations, therefore, are partly historical, partly critical, but not in any way intended to lay before you a future plan.

I begin with this observation, that we have been accustomed, for a great many years, to talk about "the Commonwealth" - the phrase used to be "the British Commonwealth" but apparently in some quarters there is a feeling of delicacy about using the fuller phrase. I do not feel any at all, but I am told that "the Commonwealth" is now the proper official expression; indeed, I have even had the argument put to me that it must be the proper expression because, after all, the Minister who is particularly charged with that branch of our affairs is known as the Minister for Commonwealth Relations and not the Minister for British Commonwealth Relations. I myself should not have thought that a very powerful argument. But it is a misfortune which we may note in passing, that this epithet "British" really has two quite distinct meanings, and it is perhaps natural that some people who are within that great association called the Commonwealth, and happy to be so, do feel that in one sense the use of that particular word "British" seems to imply what does not really exist, a sort of overlordship, a sort of superiority, at any rate in point of history and origin, over more recent elements in that great combination. It is very unfortunate that it should be so. Nobody minds, I think, in any part of the Commonwealth saying that he speaks English, though English would seem to be appropriate only to one portion - some people think rather an insignificant portion - of this single island, but everybody speaks English because they are perfectly well aware that it does not involve any sort of claim on our part, who happen to live here in this old country, to take up a position which is different from or superior to anybody else. But "British Commonwealth" is a phrase which in some quarters is becoming a little suspect, so let us call it "Commonwealth" and that will solve all difficulties and remove, what we all desire to do, the slightest feeling of suspicion on the part of anybody.

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* An address delivered at Chatham House on Thursday, 24 March, 1949, with Viscount Hinchingbrooke in the Chair.

The next thing to observe is that, in point of fact, though we all think we know what we mean by the Commonwealth, the phrase, in fact, has not got any definition at all, as far as I am aware. It is in one sense a word of no meaning; it does not exist in law and it is extremely difficult to find a phrase which is its equivalent. I was looking the other day at a very learned book written by a very able man, Professor Berriedale Keith, on the subject of Responsible Government in the Dominions. That book reached its second edition in 1928, just over twenty years ago, and this very erudite and accomplished commentator had the hardihood to declare that the British Commonwealth of Nations was an "odious phrase". He meant, of course, not in the least that he was against the conception, but that the expression does not really represent a defined concept which the jurist can equate with some formulated constitutional structure. I think many of the wisest men who have been the greatest adornments of the Commonwealth - Smuts, or Milner, or Laurier, or Churchill - would say that it is one of the merits of the phrase that it has not got a very precise formulated meaning. But that was twenty years ago, and when Professor Berriedale Keith wrote that sentence he really was writing it in reference, of course, to the situation then existing.

I want, in the first place, to call your attention to what the situation then existing really was in relation to what we call the Commonwealth, because it is most important to observe, how, in so short a space of time as twenty years, the whole application of this conception has fundamentally changed, so I shall go back to such a year as 1928, which will do as an example. At that date there really was a superiority, both of function and of legal and constitutional power, residing in the United Kingdom in respect of the Dominions as compared with the Dominions themselves. That is true, no longer, but twenty years ago it was true, and that contrast is very important to bear in mind when we consider where the Commonwealth may be going now, because it is very difficult to judge where a moving thing, a growing organism, is likely to develop, unless you remind yourself of how it had come in the recent past to arrive at the position where it is at this moment.

Twenty years ago constitutional equality between the nations of the Commonwealth outside this island and this country did not exist as it exists to-day. For example, to-day, if we avoid all matters of mere form and look at the real substance of it, a Dominion really chooses its own Governor-General. Whatever the form of the appointment may be, that is a fact. Twenty years ago no Dominion Legislature had any extensive power to make constitutional changes, even within its own ambit. Some of them were limited by express enactment, but you may say broadly that twenty years ago none of them could do so, or thought that they could do so.

Then again, the Irish Free State was bound by Treaty, signed on the one side by representatives of the Government, such as Mr Lloyd George, Mr Churchill and Lord Birkenhead, and signed on the other side by Irish patriots like Arthur Griffiths and Michael Collins. The Irish Free State was bound by Treaty to a form of constitution that was laid down in that document but, as I will remind you more fully in a few moments, that is no longer the case and, indeed, the present constitution of the Irish Free State, to say nothing of its future development, is not in accordance with that Treaty at all.

The same thing was true in the sphere of executive decision. I pass from legislation to the executive. There were already signs that we in this old country were recognizing that the Dominions had a larger part to play in deciding their own fate by executive action than used to be, but still, broadly speaking, until quite recently the legal and constitutional limits to a Dominion's executive action were very clearly confined at most to its own area.

Just as twenty years ago the Legislature of a Dominion had no power to overrule an Imperial law, as we call it, a law of Westminster which applied to the Dominion; just as twenty years ago nobody suggested that a Dominion Legislature could legislate in such a way as that its legislation had an operation outside its own boundaries, so until comparatively recently it was still the case that the decision of the Dominion Government, the executive, did not extend to such matters as making war and making peace, or making treaties. Of course, as we all realize, and I hope we are all very glad to realize it, that is not the situation now. But it is very important, I think, if we are trying to prepare ourselves to consider changes which may now come about, to realize what a complete transformation has taken place within the last 20 or 30 years.

What were the beginnings of this later development ? When the Treaty of Locarno was signed, Sir Austen Chamberlain's Treaty, it was signed as far as the British side of it was concerned by the Ministers representing the Government of the United Kingdom. I think I am right in saying that the Dominion executives were only invited to concur afterwards, and they did noncur, but certainly there was no signature, no formal adhesion at that time to the Treaty of Locarno by any of the Dominion Governments or Dominion peoples. There was concurrence, and I have no doubt that they were privately and informally acquainted with what was going on, of course they were. On the other hand, when, at the end of the war of 1914-18, the Conference of Paris took place which led to the Treaty of Versailles, you will remember that the British Government of that day, with Mr Lloyd George at their head, provided that the authorized Government of each Dominion should be invited to be a party to the Treaty. If you examine the document, you will see that it is signed by Botha and Smuts, for example, and corresponding names from the other Dominions; and there you hada multilateral document on the British side which represented the fact, because it was a fact, of course, whatever the constitutional practice may have been, that the Dominions were acting, not indeed as separated elements from ourselves, but none the less as elements that were independent and entitled to sign or not as they wished - and, indeed, as everybody knows, a great statesman like Smuts had a great deal to do with the ultimate form which the Treaty of Versailles took.

Historically that goes back a little sooner, because, when Mr Lloyd George formed his Government in the middle of that war, he instituted a most important and significant change. He had a War Cabinet and he arranged that amongst the members of that War Cabinet should be the most prominent statesmen from each of the Dominions, and you will remember that they actually attended from time to time. They did not attend, as had sometimes happened before that, by invitation, because they happened to be in this island, and it was only respectful as well as useful to ask them to come into the Cabinet Room to express their views; they attended as full authorized members of a War Cabinet, which was quite a new conception in the development of British institutions. I think at the time that Mr Lloyd George may well have had in mind, and indeed it is evident from some of the documents which have been published, that possibly this might develop into a permanent Imperial Cabinet; it was not merely for the purposes of carrying on the war which we were carrying on in common, but for purposes after the war. The hope was that there should be a wider executive to which the different elements which make up the Commonwealth would all contribute a member or members. That, of course, did not happen. There were great difficulties due to distance, due to the inevitable preoccupation of statesmen in South Africa, or Canada, or Australia or wherever it may be, with their own domestic affairs, which made it very difficult. Possibly, if this marvellous invention of television combined with the instant communication of conversation from one side of the world to the other had been developed sooner, you might have had, after the war of 1914-18, an Imperial Cabinet meeting, not in the sense that everybody was physically present at 10 Downing Street, but by these wonderful new applications of modern science enabling people

to confer together face to face though they were thousands of miles apart. But, of course, things had not developed to that length, and I do not suppose they have even now, and therefore, the idea of a permanent Imperial Cabinet did not come to fruition, and we returned to the idea that the Cabinet that meets in Downing Street is a Cabinet of British statesmen in the narrower sense of the word "British".

Then, of course, there came two most essential developments well known to you all, but I think worth mentioning by way of reminder now. One was the report of the Committee appointed by the Dominion Conference of 1926, the Committee over which the late Lord Balfour presided, a Committee which was required to consider the position and mutual relations of the group of self-governing communities composed of Great Britain and the Dominions. And, of course, everybody has in mind, at least in general terms, the principal outcome of that Committee. It defined the position and mutual relations of the group of self-governing communities composed of Great Britain and the Colonies in these words: "They are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations." That is what is customarily referred to as the Balfour Declaration.

Like some other things to which Arthur Balfour laid his hand, that definition is a miracle of ingenuity. It aimed at defining what is in one sense indefinable, it satisfied for the time being each Dominion, even though different Dominions placed most reliance upon a different part of the phraseology. To South Africa, Canada, and , I think, to the Irish Free State, the point of insistence was that they were autonomous communities. I had better not conceal my own opinion - I think, in that matter, the Irish Free State was perfectly right. It is nothing but the grossest ignorance to imagine that you can look at Ireland as though it derived its institutions, its culture and everything that is really characteristic of it, from this country. It is, in fact, a country with its own culture , its own history, its own traditions, its own Saints, its own orators, a nd its own very special, and in some cases not altogether easy, nature. So it was quite right that those who represented the Irish Free State should have said, "Well, that is a very good Declaration of Lord Balfour's , because it is recognized that we are an autonomous community, and so we are". On the other hand, I think to Australia and to New Zealand what specially mattered at the time was that this beautiful collocation of words said that they were within the British Empire. That is what was so satisfactory and stimulating to them, and they were quite right too, equally right. Anybody who knows an Australian or a New Zealander, perhaps particularly a New Zealander, knows how amazingly close is the feeling which exists half way across the world between most of those people and this little island from which they are so largely sprung.

Everybody was pleased because this definition made it quite plain that the United Kingdom was itself no more than an equal of the others. At that time people had rather been disposed to talk about the United Kingdom and the Dominions, but from that time the right view was, and it is the right view, of course, that, important as we are - because, do not let us belittle our importance, it is quite considerable - we are in fact one unit among several equal units. Therefore, what I have called this miracle of ingenuity in the year 1926, gave a most pleasing sense of general satisfaction, rather, perhaps, like the Balfour formula about Palestine, which unfortunately has not been worked out to the general satisfaction of Jews and Arabs alike. But you had freedom, which was the prime thing; you had equality, which was another essential thing; and at the same time you had association, and it was common allegiance to the Crown which provided unity. That was in 1926.

Now, if I may speak for a moment as an old constitutional lawyer who has been responsible in his time for trying to turn more sentiments into Acts of Parliament than almost anybody living, I would beg leave to say that there is a very great difference between formulating the most ingenious proposition and putting the contents of that proposition on the Statute Book. That was the next task: what Plato would call "the next wave" in this business. It was the Statute of Westminster of 1931. Well, it is a great Statute, and it was passed, I think, by general consent. It is really the foundation upon which this increasing development and, in the proper sense, the independence of the different elements of the Commonwealth have been built up.

There are one or two things in it which perhaps you will allow me to repeat. This Act, which recited the proceedings of the Conference of 1926, and was an attempt to write into a Statute here in Westminster the very thing which had been thus agreed upon and proclaimed, started off with a lot of preambles. One Preamble to this Act says "Inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and whereas they are united by a common allegiance to the Crown" - I think it is as well now, to remember those words - "it would be in accordance with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the laws touching the succession of the throne or the Royal style and titles shall thereafter require the assent of all Dominions as well as of the Parliament of the United Kingdom".

I am sure that at the time that recital was written down, while it was satisfactory to parade the agreed position, nobody had in mind that it was ever likely to be practically important. But when the Abdication came, this Preamble assumed the most tremendous importance. I was one of the Ministers of the Crown at the time who had a share of responsibility in carrying out what was called the Abdication Act. That Preamble, which sounded so reasonable - and indeed it was so reasonable - had this consequence, that, if the Abdication was going to be carried through smoothly, it was absolutely necessary that at one and the same moment of time every one of the Dominions should agree with us as to what was to be done. Perhaps I may say, now that it is all over, that that did give cause for a little anxiety, not so much as to what they might say, because we had already ascertained that they would think the course proposed was right, but that it should all be said at the same moment. I sat up most of the night with a collection of eminent civil servants, and a certain number of ministerial colleagues representing various essential elements in this combination, almost like a staff officer writing out general orders, and arranging at what moment the proposed final declaration of the then King should be got back from the countryside where he was staying, and at what moment we should communicate formally that information to Ottawa, to Dublin, to Canberra, to South Africa, and so on, everything being timed with these two objects, which may sound very insignificant now, which were very important then: firstly, as messages had to be sent off at different times because the distances were very different, that none of them should reach their appointed destination too early, in time for the news to be telegraphed back and sold in an evening paper outside the Palace of Westminster before the House of Commons had heard of it; and secondly, that none of these messages should be sent too late, so that the good citizens in these various capitals all over the world should hear the news from their papers before their own Parliament had heard of it. That took a bit of doing. As a matter of fact, in the Record Office at this moment there is the original document which was drawn up that night, which gave a precise time-table by which these various steps were to be taken: coding, re-coding, telegraphing, revising, and all the rest of it. All I say is, that if anybody takes an interest in days to come in that particular document in the Record Office they will find it all went off without any sort of confusion or mistiming at all.

What would have happened if one of the Dominions had taken a different view from the rest is extremely difficult to say, because, of course, the King at that time was not ruling all over the Empire by virtue of the fact that he was King of the United Kingdom - he ruled here in the right of the Crown of the United Kingdom; he ruled in Australia in the right of the Crown of Australia; and so on. There were eight Kings, if I remember the number rightly, and fortunately the advice that was given to him as the Constitutional Monarch in every one of those different places by all these different Dominion Governments was exactly the same, and consequently there was absolute coincidence of view.

Well, that illustrates this kind of complication which the new development brought about.

Then, if you go on with the recitals, in the Statute of Westminster, "Whereas it is in accordance with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion." That, of course, is very important. In fact, in practice, that rule existed long before the Statute of Westminster; the old Parliament here would not have taken upon itself to legislate by the votes of English, Scots, Welsh, and some Irish members something which would apply to a Dominion without the Dominion's consent; but the formal recognition that each unit in the Commonwealth was going to make its own legislation for its own purposes, whatever other people said, was firstly defined in the Act of 1931. Then there were also some other recitals, and then there were enacted clauses, one or two of them extremely important for what happened afterwards.

The point is really this. Down to that time, great as were the powers of the different Dominion Parliaments, and welcome as they were to all people who understood the development of our constitutional system, nonetheless, down to that time the Dominion Parliaments were really restricted from making changes on their own account which went beyond a certain prescribed measure.

To this day, indeed, by its own request, the Dominion of Canada does not take upon itself to alter its own Constitution contained in the British North American Act of 1867, but applies formally to the Parliament of Westminster to do it for them. That is largely because the Dominion of Canada, of course, is a Federation in which there is a careful balance between provinces and central government, and for the protection of provincial rights it is desirable that that balance should be kept, or at any rate should be carefully negotiated before it is altered; then we are formally asked here in Westminster to carry through the necessary measures, and one or two have already been carried through, just as Newfoundland has just been added to the Dominion of Canada, or will be by the Royal Assent in a day or two.

In the same way, by the wishes of Australia, notwithstanding the Statute of Westminster of 1931, the Australian legislature did not acquire the power to alter its own Constitution as it liked. There again it is a question of balance between the central Commonwealth and the States of Australia, but in that case, although they have certain powers of modification, large modifications would be, at their request, made by the Parliament here.

and natural thing.

One very bad result of this excessive mass of re
tion is that the temptation to break the regulations (and t
means to break the law) is so great. That is why the Black
Market grows and spreads. How many people are there who can
honestly claim that if they have the chance of buying a con-
trolled article above the lawful price they do not seize the
chance, and comfort themselves with the reflection that if they
did not take the chance somebody else would. Time was when
British citizens deserved the reputation of being the most
honest people on earth. Decent people respected the law and
observed it, not because they were afraid of being found out,
but because it was the law. But if you multiply prohibitions
and create new penalties over such an immense field, the tendency
is for the law not to be respected, with consequences which may
very well lower the morale, and reduce the reputation of our own
countrymen.

While many regulations are plainly necessary for a
time, there are others about which much criticism seems to be
justified. Take the abolition of the basic petrol ration.
It is considered that this will save us from spending dollars
to the equivalent of £9 Million, and that is important. But
is that the only result of Mr. Gaitskell's decree? Last year
there were 100,000 Americans and Canadians who came as visitors
to this country, mostly in British ships which thereby earned
us a substantial sum in dollars. The Americans used to regard
Paris, Italy and Switzerland as their main holiday grounds in
Europe. But now, their principal wish is to visit Britain and
the British countryside. The effect of the abolition of the
basic petrol ration is to do immense damage to our hotels in ~~the~~
country districts; if the decree persists, many of them will have to close
down, and I have seen a calculation that if one-third of our
Trans-Atlantic visitors cease to come we shall lose as much in
dollars as we are hoping to save by the regulation.

from taxing taxes on petrol and motor-cars.

Add to this the impossibility of dealing fairly with the immense number of applications for exceptional treatment, and the resentment caused by one man being granted petrol while another is not, and consider also the heavy tax in Stolen revenue

The Irish Free State is, as it is true of many Irish things, very peculiar. It stood in quite a different position. There had been, as I reminded you, a Treaty, and that Treaty was in terms that said that the Irish Free State should have, as it demanded, a Constitution, and the Constitution was defined in considerable detail. It included, for example, the provision that it should be in principle on the same lines as the Constitution of Canada or other Dominions. It provided that there should be an ultimate appeal from the decision of the Irish Courts to the Judicial Committee of the Privy Council, and while therefore undoubtedly under that Treaty the Irish Free State was given an equality in constitutional status with other Dominions, at that date after the Treaty it could not constitutionally and lawfully have snapped its fingers at the Treaty and in its own Legislature in Dublin have devised quite a different Constitution for itself.

But the effect of the Statute of Westminster, (though it may not have been appreciated, I think, by some of the authors of that Statute at the time) has been to alter that - to alter it, I mean, as amatter of law, so far as law in these matters is important - and it is not the most important thing, but still it is as well to know how it stands. Anyone would have told you after the Irish Treaty that the Irish Free State had got a Constitution which was equal to the Constitution of any other Dominion, but that they could not fundamentally alter their Constitution simply by the decision of their own Legislature in Dublin. That is no longer true, because as soon as the Statute of Westminster was passed the provision was made here by our Parliament that any Dominion - and that included, of course, the Irish Free State - if it chose to pass a law which contradicted our previous law in the matter as applied to the Dominion could validly do so, and that the new law which was passed would override the previous law which had been made at Westminster.

The consequence was that, first of all, the Irish Free State Government, after the Statute of Westminster of 1931, got rid of appeal to the Privy Council, which was flatly in defiance of the Treaty. It proceeded to adopt a new Constitution in which the head of the Irish Free State was a President elected for so many years.

It retained, indeed, one connection with the British Crown, because the new Constitution authorized the passage of a Bill in Ireland which was called the External Relations Act, and it was passed, under which the Government in Ireland was authorized to use the machinery of our own diplomatic relations. That strand remained, and it remains at this moment, though an answer was given to me in the House of Lords only this last week which indicates that at a date next month that arrangement will completely cease, and the Republic of Eire, the independent sovereign Republic of Eire, comes into active existence, repudiating any sort of allegiance to the King on any account, and definitely leaving the Commonwealth.

Well, we will not spend time on matters which may be thought to be matters of theory, but, of course, there is no doubt in the world that, internationally speaking, that means that the Republic of Eire becomes a foreign State. You may like it or you may not like it, but that is what unquestionably will happen in two or three weeks.

Exactly the same thing happened when what were once the Colonies under George III on the Atlantic seaboard of America declared the independence of America, fought the British Crown - and incidentally got the best of it - so that in 1783 the British Government of that day acknowledged that they had become a sovereign independent republic, repudiating all allegiance to the King and no longer belonging to any portion of his Dominions. From that moment every citizen of that new entity, the United States of America, was internationally foreign, and the United States of America was foreign

to this country, though I am glad to say for the most part always very friendly to this country, and never more friendly than at the present moment.

That is the international consequence. I do not spend time in arguing it because I am afraid I have not got very great respect for anybody who can imagine that internationally any other result is possible . Of course, that is not to say that we could not pass laws of our own which make special provision for the treatment of citizens of Eire in this land, and, indeed, it has just been announced, in answer to a question which I put earlier this week, that the Government is very soon going to introduce some domestic legislation for that purpose. I am very glad it is so, because I may tell you, without letting you unduly into domestic secrets, that I do not want to have any unnecessary controversy with anybody who happens to come from Eire. Obviously we would be the best of friends, and we may make legislation to help to secure it, but internationally their country is a new foreign republic. That alone is enough to show that we really are approaching a very important, and it seems to me it may well prove a very critical, time in the development of relations within what we have been accustomed to call our Commonwealth.

Following on Mr Costello's announcement, perhaps still more following upon Mr Attlee's announcement that His Majesty's Government would not "regard" what Mr Costello proposed to do as making any serious difference, (as though an announcement from 10 Downing Street that they would not "regard" something or other could make any possible difference to the international situation - it makes none at all) we have the news that Mr Nehru has made a very striking announcement as Prime Minister of the Dominion of India. The announcement goes further than many people had expected, but imitation is a very strong element when these great Oriental Communities are watching what goes on in those areas where Parliamentary institutions have been long established. We are told that within a couple of months we shall have the declaration of an independent sovereign republic on the part of the Dominion of India.

All this shows that we are really in a situation which cannot be regarded as static. I am not saying at all that the ship is going to be shipwrecked, but perhaps I may use a metaphor which is not inapposite this week, we are rowing on tidal water and the tide may move very quickly, and the steering may become a very much more difficult operation than if we were lying on a smooth pool.

I shall tell you in conclusion where I think the real difficulty is going to arise. If you look at this subject as I do with the closest possible sympathy, with a deep belief in the fact that these Commonwealth relations represent a living growth, and not some fixed stereotyped framework which cannot be altered; if at the same time you keep your head and do not simply indulge in wishful thinking, you must ask yourself: "Well, what are the bonds, the strands, which keep the elements of the Commonwealth together ?" It is not race, because there are a great variety of races; it is not language, because there is an infinite variety of languages, especially now that the Dominions of India and Pakistan are new Dominions; it is not continuity, because these great areas are scattered all over the globe, and, while it has been convenient to paint them all red on the map, there is no continuous red. What is the thread that runs through them all and makes this greater unity in which all who are deeply moved by the conception of the Commonwealth take such pride and find such hope ?

Well, I think there were three things, three definite threads in this strand.

One was the thread of common citizenship. As long

as it could be said, "Well, it does not matter which part of the world you live in, you live inside the Commonwealth and you have the same citizenship as every other member of the Commonwealth", that was a very important silken thread. Whether for good or evil, the fact is that that thread has been broken. There is a Bill which we carried last year - a bill I did not at all like - called the British Nationality Act, by which in future you and I, if we happen to live in this island, are to be classified not as British subjects but as "citizens of the United Kingdom and Colonies", and other people are to be classified as "citizens of Canada" or "citizens of Eire". I dare say it is all right, it may be very convenient - indeed, I appreciate the argument that something of the kind had to be done because, at any rate in the case of Canada, they have gone on that line for some time. I am sorry, I must honestly say that I would much sooner call myself a British subject than call myself a citizen of the United Kingdom and Colonies. I cannot help feeling that when Lord Palmerston in 1830 undertook the defence of a Maltese Jew called Don Pacifico, and declared that he was entitled to say "Civis Britannicus sum", he would not have produced such hearty cheers as if he was entitled to say he was a citizen of the United Kingdom and colonies. A nyhow, that strand has in fact worn very thin.

Then what is the second one ? Well, the second one was the right of appeal to the Judicial Committee of the Privy Council. I have not the slightest doubt that that is so far weakened that it is likely to be more and more frayed. It is entirely within the rights of every Dominion to decide whether they would like such an appeal, and you can see that people who are equal to ourselves in status and in stature may well feel, "Why should we go on having our legal disputes finally decided by a lot of stuffy old gentlemen who sit in a room in Downing Street and call themselves the Judicial Committee of the Privy Council ?", and I think I thoroughly understand the reactions about that. Therefore, that one is not a very firm thread.

The third, make no mistake about it, was the fact of the common allegiance to the Crown. That was the one which was emphasized in the Balfour Declaration. That is the one which is referred to in the Preamble to the Statute of Westminster of 1931 from which I read, and it is, or has been, a most important and potent element of cohesion. Of course, it is formal, but nonetheless it has enormous power. These new communities where local politics are often very bitter and partisan felt an enormous strength from the fact that they were under a Crown which was known to be completely impartial as between one party and another. I think the very presence, from time to time, of the Sovereign and his wife in some of these now Dominions has had a most enormous effect in consolidating the Commonwealth sentiment. I think it only right that we should say here now - because he is somewhat under a cloud - that in his day we owed a very great deal to the young man who was then Prince of Wales, and who went all over the Empire, showing the most charming example of unostentatious and simple friendliness that any one representing His Majesty could desire. Well now, it is a very serious thing if that is going too, and I therefore end. I have been too long in propounding this question for your earnest consideration.

If those are the three strands in the string which has hitherto kept together this rope of pearls, and if each strand in turn breaks, what is going to keep those pearls together ? I frankly confess to you that at present I feel grave doubts as to the answer. It would be better, I think, that we should retain the reality of the Commonwealth between fewer members, than that we should abandon all reality in an elaborate sham, and pretend that we are just as many as we used to be and that what is happening does not make any difference. I do not see that anyone gains by that. Let us hope that we can find some further and surviving element of union. I certainly am not denying the possibility

but I search with such study as I have had and such knowledge as I have - and I search rather anxiously - for where some other element may be found. Friendliness is not enough. Economic union is not enough. I am afraid one must admit that a treaty is not enough, for we live in an age when a great many people do not find that treaties have great binding force, and in any case we do not want treaties to be limited to members of the Commonwealth.

While, therefore, I hold most firmly - as I am sure every student of this great subject does - that the Commonwealth has always been a matter of growth, it is a living thing, that it therefore becomes silently and most secretly transformed with the years, I still think that it is the essence of this living thing that it should have its roots in something real, and only then will it afford shelter and protection to all who live under its branches. While living things may grow and expand, it is also the quality of living things that they may wither and die, and it is because I feel so gravely anxious on this most important subject - one of the most important subjects about international relations that has presented itself in my lifetime; it is because I have, looking back through all my public life, taken the side of making for greater freedom for every element of the Commonwealth; it is because I so deeply respect the rights and the equalities of other people, and claim no sort of superiority or overlordship for England - it is for those reasons that I venture to put before you that this is the vital problem. As you see, I have asked the question, and I am not myself able to offer you to-night the answer.

VISCOUNT HINCHINGBROOKE (Chairman): Ladies and Gentlemen, I am sure I should be voicing all your feelings if I were now and later to thank Lord Simon most warmly for his comprehensive, very able and fascinating review of this great subject.

As I said at the beginning, the meeting is now open to questions and statements which should not exceed three minutes. Lord Simon has indicated to me that he would be glad to answer each question as it is put. Will speakers on rising please give their names.

DISCUSSION

Her Grace the Duchess of ATHOLL asked Lord Simon if he did not think that there were great things still which could keep the Commonwealth united, such as a common citizenship which had its root in moral qualities and historical tradition. She thought that the greatest common bond of that kind was love of freedom; the freedom that brought tolerance in individual and common life; the freedom which had been so gravely menaced particularly in the last war; the freedom which was being abused in countries only a few hundred miles from Britain's shores in a way which, ten years ago, would have been thought absolutely impossible in what were then considered civilised countries.

In the second place, the Duchess believed that there was a legitimate and modest pride in the knowledge that Britain had been the champion of freedom in Europe for several hundreds of years. Also, she thought pride and satisfaction could be derived from the great pioneer work that had been done in opening up so many new countries to civilisation; in the knowledge, also, that the administration of those countries had been increasingly inspired by aims which were based, in the long run, on the Christian faith.

She stressed that those were matters of very real, binding value, and she did not see why they should weaken as the years went by. She felt that those conditions had formed a very strong contribution to the value that was attached to common citizenship, although she did not wish for a moment to undervalue the sense of common allegiance to the King.

Lord SIMON said he was sure everybody felt a great deal of sympathy with what was at the back of the Duchess of Atholl's speech, but he thought the difficulty was that the thing on which she mostly relied was not something limited to the members of the Commonwealth, since Belgium, Norway and the United States were also dedicated to freedom. If that were to be the test, it really made for a Pact of freedom, for which there was a great deal to be said, but up to that time the conception of the Commonwealth had been not only a union between the great nations who shared a common sentiment, but it had been a conception of a union of peoples who had something which other peoples had not. That was why the voice of the Dominions, as Dominions, in the past had been so important.

Lord Simon said he wished to believe everything which the Duchess had said, and he did not in any way dispute the high sentiment which inspired her speech, but he thought there was a slight difficulty. Lord Simon said it was very easy to speak of Britain's own good administration and how much it had meant for the world. He held that view, but he was not sure that the new Dominion of the Crown in India would regard that as the most prominent feature of her history. The Duchess of Atholl had said that much depended on Christian civilisation but Lord Simon asked whether Christian civilisation applied to the Hindu or to the Mohammedan. The difficulty was that if you attempted to get the comfort of a sense of unity, by phrases which were a little general, you were assuming that the Commonwealth had depended on maintaining a series of points of view which, in fact, had not been common to every member of the Commonwealth. For example the British thought Britain had administered well, but he suggested asking the peasant who lived in Southern Ireland whether he thought the British administration had been good. Lord Simon

thought it was very difficult to find what they were searching for, both the common denominator, and something which was really an exclusive and special bond, even in the excellent considerations which the Duchess had mentioned.

The Rev. W. B. KERR wanted to know whether Lord Simon thought that countries like Eire, when they left the Commonwealth, should suffer the consequences of becoming foreign countries, or whether they should retain the privileges of being loyal members of the Commonwealth.

Lord SIMON did not think it was possible for them to retain both. He felt sure that, whatever Eire did, they would do from a high sense of conviction, and he would be the last man in the world to put the least obstacle in the way of their doing it. But he pointed out that internationally there could be no doubt that Britain had been able to secure for every member of the Commonwealth a recognition that it was part of a single and united conception. He very much doubted whether that could be said of a foreign country, and, while he was not quarrelling with every foreign country, least of all with an Irish foreign country, he did not think it was the same thing as finding what had hitherto been found, some definite and constitutional uniting bond which consisted especially in allegiance to the Crown. Taking an extreme case, he reminded the audience that nobody disputed that a Dominion was entitled, were Britain to become involved in war, to say, "We stay neutral", which was what the Dominion of Eire did on the last occasion, as she was entitled to do. But he added that nobody had yet said that a Dominion of the Crown or member of the Commonwealth could be Britain's enemy in war, and he thought it would be extremely difficult, were that situation ever to arise, for even the most ingenious and logical Irishman to say, "But I must have the best of both worlds, I am entitled to be your enemy but you must treat me as your friend".

Mr C. G. HANCOCK asked Lord Simon whether he considered it would be possible to allow India to be an associate member under the Statute of Westminster, and whether it would be desirable to do so in view of the advantages of the preference which she would get, and also in view of the fact that Britain did not want India to become a vacuum into which certain power might go.

Lord SIMON observed that one of the current ideas was that there might be a double-decker arrangement, with some people in the circle, and other people still associated in a circle which was not quite so close, but he foresaw great difficulties in that.

With regard to preferences, he pointed out that that was really a matter for negotiation between independent nations. Canada might think, "I will give England a preference" because she chose to do so, and some foreign countries might give Britain a preference too. But he explained that that was not necessarily limited to members of the Commonwealth at all. He said that the situation in relation to India was so very complex that though it was as well to be prepared, it was not possible to form any very clear ideas of what could be done until it was known what Mr Nehru desired to do.

Mr Joseph NISSIM first suggested that the Council should consider having Lord Simon's speech published, since Britain was now on the threshold of very great and critical events.

He heartily concurred with Lord Simon when he had said that nothing whatever should be done to weaken what was at the basis of British Commonwealth relations, namely, the common allegiance that was owed to the Crown. He thought that there was, and would continue to be, a British Commonwealth within the Commonwealth. He felt that there was another element whereby it was possible to differentiate in favour of those historically united with Britain for so many hundreds of years, that was a mutual exchange of full civic rights. He wondered if it would not be possible, if a State like Eire, or if India and Britain were to concede each to the other absolutely full and equal civic rights, then to say that there were certain associated states within the Commonwealth, and to describe the whole as the British Commonwealth and Associated States. He quite realised that that would need the consent of India or Eire to regard themselves as associate states, and therefore not absolutely foreign, but if they were not prepared to do that, then he thought Britain should have the same relations with them as with foreign states.

Lord SIMON said that the idea which had just been expressed was a very important one and one which he was sure had not been absent from the minds of people who had been preparing to face what was soon going to be a most important and critical question. It was possible to conceive, certainly in theory, that individuals living in different nations should nonetheless all share some extra overall association, which might be called a Commonwealth citizenship, but this would not be very easy to work out, since unhappily, it was not possible to be quite sure that war was banished from the earth. There were all sorts of things connected with common citizenship: co-operation in time of war; questions of treason; the sharing of confidences.

Lord Simon asked what one could do if the various states that were all in the Commonwealth ceased to be on an equally confidential footing. Unless one felt reasonably sure that everybody respected confidences, and was equally determined to follow the same line - not necessarily when war broke out, but, in the very anxious consultations which might take place, for instance, under the Atlantic Charter, - it was not an easy thing to share confidence, and plan conditional schemes of possible defence, because it was essential to know who one's associates were, and how they would act when the crisis came. Lord Simon stressed that that was no reason why the methods of continued and close association should not be sought after; but he did feel that one should not talk as though this was all quite easy, and was to be secured by a double dose of the expression of goodwill, because it was not. It essentially involved something much more fundamental than that, which would have to be found in the most enlightened and progressive way.

Viscount HINCHINGBROOKE said Lord Simon had delivered such a brilliant, thought-provoking address and he asked the audience to accord a hearty vote of applause to him for giving them such a very comprehensive review, and for answering the many questions so ably.

Lord SIMON in thanking the audience said that he had hoped to make a thought-provoking address, but the worst of a "thought-provoking"address was that it tended to be "provoking" and if he had said anything which seemed to show a want of faith, he assured the audience this was not so. He hoped that they had not thought he had treated the matter from too legal or technical a point of

view, but all he wanted was that all serious citizens should realise that there was a very difficult problem approaching, and it could only be resolved by both hard thinking and generous comprehension.

5 May 1949

Chatham House,
St James's Square,
S.W.1.

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NATIONAL LIBERAL ORGANIZATION

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TO: THE NEWS EDITOR. 2nd February, 1950

FOR FAVOUR OF PUBLICATION.

VISCOUNT SIMON AT STAINES, FRIDAY EVENING, FEBRUARY 3rd.

Speaking on behalf of Mr. Craddock, the Conservative candidate for the Spelthorne Division, Lord Simon said -

"I speak as an old Liberal, and as a man who, since the financial crisis of 1931, has called himself a Liberal National or a National Liberal. I hope that my learned friend, Mr. Clement Davies, who aspires to be the next Prime Minister of this country, will not apply to the courts to restrain me and others from using this name, for he was for more than ten years a Liberal National himself, and a valued colleague of ours in the House of Commons. And I will tell you what I mean by a National Liberal. He is a man of Liberal origins and convictions, proud of the good work which the old Liberals did, in which he may have himself taken some part, who retains the Liberal spirit but refuses to remain embedded in the past and who recognises two immense changes which have come over British politics as compared with a generation ago.

"What are these two changes? First, the social reforms which the Liberal Party had to fight for are now the possession of the whole nation and, what is even more important, the spirit which inspired them is alive and vigorous in the modern Conservative Party. Anyone who recalls the improvements made in these reforms

between the wars, or who honestly informs himself of them, knows that it is ludicrous to speak of that period as a period of black reaction. It is the old Liberals and the new Conservatives who have done more for social reform than anyone else.

"But there is a second change which has come over the scene, and which it is essential to realise. There has arisen in great force a Socialist movement, based on the delusive doctrine of Karl Marx and proclaiming the nationalisation of the means of production, distribution and exchange - the same doctrine which has reached its logical conclusion in Soviet Russia, which Labour spokesmen admired so much not so long ago. Socialism is the enemy of Liberalism in all its aspects, and nobody is worthy to be called a true Liberal at this crisis who does not feel that our first job at this election must be to defeat the Socialists. It will be a hard fight and it can best be won by combining all available forces against them.

"That, however, is not the view of those who arrogate to themselves the title of the one and only Liberal Party. They boast that they are putting up more than 400 candidates and it is manifest that in most cases this will merely tend to split the anti-Socialist vote. They do not, of course, expect the great majority of these candidates to get in. They have only a nuisance value. A recent financial transaction

in which they have prudently indulged proves how limited their real anticipations are. A candidate who gets less than one-eighth of the votes polled has to forfeit to the State his deposit of £150. We read that the Independent Liberal Party Headquarters have thought it prudent to insure against the risk of losing up to 250 deposits. If that is the measure of their fear, in how many of the remainder do they hope that their man will be top of the poll? They are very wise, for in 1945, with 304 standing, only 11 were returned. The other Party organisations who are putting up candidates have not thought it necessary to take this remarkable precaution. But is not this a very frivolous way of acting when immense national issues turn on the result of a contest between Socialism on the one hand and a constructive progressive united policy put forward in the Conservative and National Liberal Manifestos on the other? The British elector, I trust, will not be specially interested in speculations at Lloyds. He will realise that the Liberal outlook in the widest sense permeates the programme of the only forces which by a combined effort can overthrow the Socialist Government. We can all respect the attachment which many good citizens feel for the old Liberal name, but the issues of 40 years ago are not the issu s of today, and it is no good to waste a vote, which in so many cases will only help the Socialist to get in, when the most urgent matter is that he should be defeated."

Viscount Simon at Exeter.

Speaking in the Town Hall, Exeter, on Monday Evening, February 20th, in support of Mr. John Maude, Lord Simon said -

"It is time that some word of protest should be uttered at these miserable attempts to belittle the qualities of Mr. Churchill as a political leader. These lesser men condescend to admit that he was a "good war Minister", but they insinuate that he is "not quite the man" to ~~lead~~ guide this nation in these difficult days of peace. Well, Mr. Churchill has been a peace Minister for many more years than the years when his voice and courage and imagination raised this unconquerable nation in its finest hour to rescue liberty for ourselves and for the whole free world. ~~But~~ He has shown himself a great peace Minister too. I was his colleague in Liberal Governments where he was a strenuous advocate and framer of social reforms, which are now the permanent possession of his fellow-countrymen. There are many who sneer at him now, who were resisting necessary re-armament when Hitler was preparing to break loose. When proposals were being made in 1934 for an expansion of the Royal Air Force, the Labour Party moved a vote of censure

against us and I am sorry to say that Opposition Liberals voted for that vote of censure, too. Even as late as 1938 these Liberals joined the Socialists in condemning the provision of further armament, which was overdue. Mr. Churchill said of this Opposition, "They have the same sort of look of pain and shocked surprise and disgust which came over the face of Mr. Bumble when Oliver Twist held out his little bowl and asked for more".

There are many people today who wish that Mr. Churchill had been part of the Government of this country in the days before the war. At the last Election they rejected him in the hope that the Socialists would establish the security for future peace. Does any sensible citizen think that this object has been achieved by the conduct of our affairs during the past five years? At Edinburgh Mr. Churchill made a sober and guarded suggestion for a new effort to try to cope with the danger that is rushing upon us. What happened? The whole free world sat up and took notice, because he is a figure of international authority and reputation. The best

that Sir Stafford Cripps can do is to attack him as a "guttersnipe", and Mr. Morrison dismisses the suggestion as a "stunt". What originality of phrase! What an impressive rebuke! They had better remind themselves of what they were saying when Mr. Churchill was warning the nation in its peril. And if it comes to a choice of vigorous language, I would back Mr. Churchill every time. It is not wise for the nation to waste its resources of political experience. There are not too many great men in the world, and in the mouths of smaller people, who have mismanaged our finances and devalued the £ and have no idea what to do when Marshall Aid ends, such retorts would be tragic, if they were not ridiculous."

Broadcast in Arabic Service of the B.B.C. 3rd May, 1950

JUSTICES OF THE PEACE.

English law and English legal tribunals have a long history. The law which is enforced in the courts is drawn from two sources - one, the Common law, which has grown up and developed over the centuries and which is expounded and applied by the judges, and the other the law enacted by the authority of Parliament, which modifies the Common law where this is felt to be necessary, or lays down the law about matters not dealt with by the Common law. In England, there is a very clear distinction between the work which the judges have to do and the work of the police or other administrative authorities. Judges do not make the law; they take the law as it is and apply it to the case before the court, and if there is a doubt as to the meaning or effect of the law, they interpret it as best they can, subject, as a rule, to the possibility of appeal to a higher tribunal. But

apart from the actual cases which come into court to be decided by judges, the administration of the law is in the hands of the police, and if the police do not duly observe the law and a citizen suffers thereby, the police can be brought before an English court and be required to pay damages or even to suffer imprisonment for a criminal offence, just like anyone else. English law is a complex thing, as it is bound to be ~~the case~~ when there is such an immense variety of rules to be observed and of problems to be decided, but the respect in which it is held by British people as a whole is the best security for it being observed and for the decisions given in the law courts to be accepted.

It would be a mistake to suppose that those who apply English law in the courts and exercise the judicial function are all professional judges, holding a salaried post and specially trained to know what the law is. In the High Courts the judges are, of course, professional men. They are appointed from among members of the Bar by the Lord Chancellor, who is

the highest judicial ~~official~~ authority in the land and is also a member of the Government, from among members of the Bar. Once appointed, they have a secure status and the independence of the English Bench, which is renowned all over the world, is secured by this arrangement. ~~But~~ Before a man is appointed a High Court judge, he will have had long experience as an advocate and counsel, advising private clients and arguing cases in court. In the same way the judge of each County Court is appointed from the ranks of the Bar by the Lord Chancellor of the day.

But what is not always appreciated by foreigners who observe the working of the English judicial system and admire the complete fairness and impartiality of the decisions given in British courts, is that, in fact, there is another and much larger body of people in England engaged from time to time in deciding the less important criminal cases, (and some civil ones) which is not professionally trained but consists of men and women entrusted with this work simply because they are good citizens, who are prepared to render

this service for the benefit of their country. These people are called "Justices of the Peace." They too are appointed by the Lord Chancellor. They have to retire when reaching the age of 75 They are not paid any salary, though a recent Statute provides for their travelling expenses. They do this work, on the Lord Chancellor's invitation, without any remuneration, because they feel that it is an honour to undertake the duty and because they are trusted to discharge their judicial function honestly and without fear or favour. No less than 98% of the cases where a person is charged with a breach of the criminal law come before these Justices of the Peace, sitting in what is called the Magistrates' Court. In every town and in every part of every county Magistrates' Courts are held as often as necessary and they decide all the smaller cases of crime, after hearing witnesses as to the facts. The simpler cases of motoring offences, or of theft or assault, are usually dealt with by them. They cannot deal with more serious crimes, like burgulary or perjury or homicide, though in these cases also they conduct a preliminary hearing, when the

Ralegh Club, Oxford University.

6th February, 1949.

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evidence of witness enables them to say whether the accused should not be sent to be tried by a superior court. Again, these lay magistrates have jurisdiction to deal with the simpler aspects of matrimonial disputes. A very important part of their work is that of dealing with children, who have broken the law. This jurisdiction is exercised in a specially constituted court called the Juvenile Court, to which magistrates who are thought specially suitable for the work, both men and women, are appointed. Every Magistrates' Court has an officer attached to it, who investigates the circumstances of the child and a very great deal of care is taken in deciding what should be done with the boy or girl. There is the strongest objection to sending these juveniles to prison and a system has been devised by which the young offender, whose fault may be due to bad ~~influences~~ associates or bad guidance at home, is sent to a special school or to an establishment where he will be detained for a time and trained into better ways.

Now what is so interesting and remarkable about this English system of unpaid and non-professional magistrates is that it works so well, on the whole, as to enjoy the complete confidence of the public. The origins of the system are very ancient indeed. For centuries it has been customary to entrust judicial work of this sort to private citizens living in the locality where the offence was committed, and the present development is provided for in detail by Acts of Parliament, the last of which was passed only a month or two ago. The explanation of the success of this system is, first of all, that English lay in these matters, though necessarily in some respects complicated, is essentially a sensible thing and corresponds with the view which decent citizens hold to be right; and, secondly, because the sense of justice - what the Englishman calls "fair play" - is highly developed in the British character. Experience has shown that these Magistrates' Courts will deal with simple cases carefully and fairly; they will be sure to give the accused and his witnesses a proper hearing; and they won't find the

case against him proved, however unpopular or objectionable the accused may be, unless the charge is really made out. If the decision of magistrates is wrong in law, there are means for correcting it by application to a higher court, staffed by trained judges. But in the vast majority of cases this is not necessary, for the issues themselves are simple and the magistrates will decide them fairly enough.

The Englishman regards this system as an example of the way in which democracy, that is to say of the people governing themselves. There are some critics who have suggested that it would be an improvement to have on every Magistrates' Bench a chairman who is a trained lawyer. But this is not the general view, and those who know most about it would regard such a change as unwise and, indeed, impossible. There would not be enough professional lawyers willing to undertake these subordinate positions at the sort of salary which it would be reasonable to pay. Moreover, the decision of the sort of cases which come before these unpaid Justices of the Peace is well within their competence. They usually take the greatest trouble to do their work well; they apply their

common sense; they bring the law of the land to the notice of the people among whom they move, and they are discharging a public duty, which is at once the pride and the privilege of the good citizens who are nominated to perform it.

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THE CONSTITUTIONAL BASIS

OF THE

COMMONWEALTH.

The erudite author of "Responsible Government in the Dominions", writing in 1928, had the hardihood to declare that the "British Commonwealth of Nations" was an "odious phrase". He meant, of course, that the expression does not represent a defined concept which the jurist can equate with a formulated constitutional structure. As twenty years have passed since he wrote this, and his observation was made in reference to the situation then existing, it is useful to remind ourselves that at that date there really was a superiority of function and of legal power residing in the United Kingdom in respect of the Dominions as compared

with the Dominions themselves. Constitutional equality between the Nations of the Commonwealth and this country did not then exist as it exists today. For example, in 1928 the selection of a new Governor-General still rested with the Government here, though enquiries were no doubt made confidentially to find out whether the nominee would be acceptable locally as the King's representative. Today, a Dominion really chooses its own Governor-General, whatever the form of appointment may be. At that date no Dominion legislature had any extensive power to make constitutional changes in its own area. Even today, this is in large degree true, for the Constitution of Canada is very rigidly defined in the B.N.A. Act of 1867 and when Canada has desired to make a modification in that Act, it gets the Parliament at Westminster to effect the change by itself enacting it. Again, the

constitution of the Commonwealth of Australia is scheduled to an imperial Act of Parliament, though that constitution, dating from 1900, provides rather more latitude for its modification in some respects by action within Australia. In both cases the fact that the Constitution of the Dominion represents an agreed balance between the Central Government at Ottawa or Canberra and a number of separate provinces or states is an influence in favour of continuity. The New Zealand constitution is unitary, but its origin is in an Imperial statute prescribing its form in much detail. The Irish Free State was bound by treaty to a form of constitution laid down in that document, and the Irish Constitution Act, 1922, which contains such a constitution in its schedule, included a clause preserving the power of the Parliament at Westminster "to make laws affecting the Irish Free

State in any case where, in accordance with constitutional practice, Parliament would make laws affecting other self-governing Dominions". Moreover, twenty years ago it was recognised that a Dominion legislature would be exceeding its powers if it attempted to make laws with extra-territorial effect.

Equally important at that date were the limitations upon a Dominion's powers in relation to matters which are, in theory, within the executive sphere, such as making treaties or declaring war. The Treaty of Locarno was concluded before Dominion agreement had been secured, though such approval immediately followed. But Mr.Lloyd George had already taken a most significant step at the time of theParis Conference,

which led to the Treaty of Versailles of 1919, for each of the Dominions signed the Treaty as a contracting party. Indeed, during the war of 1914-18 Mr. Lloyd George had conceived and carried out the conception of an Imperial War Cabinet, which Dominion Prime Ministers attended as members. Such a Cabinet might have led to a central Cabinet in time of peace which would include Dominion members; and though this did not happen, the new development found more enduring expression in Mr. Balfour's famous formula as to the essential equality, in both internal and external matters, of the Dominions with ourselves. It is this conception which is embodied in the Statute of Westminster, 1931. The recital in that Act that "it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the Dominions

as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion" formally marks a turning point which in reality had already been reached in practice. A section of that Act expressly declared that the Parliament of a Dominion had full power to make laws having extra-territorial operation, and another section provided that in the future an Act passed by the Parliament of a Dominion would not be void or inoperative on the ground that it was repugnant to a law or enactment of this country. While the Statute of Westminster kept alive the limitation imposed by the constitutions of Canada, Australiam and New Zealand (of course with the assent and at the request of those Dominions to this restriction) it in effect enabled the Irish Free State to adopt a different constitution, even though the new form did not comply with the Irish treaty. And so in due course the Judicial Committee of the Privy Council decided.

The transformations which have taken place in consequence of, and following upon, the Statute of Westminster have developed apace. The King is no longer king over all territory under the Crown in virtue of the fact the he is King of this Island: in each of the Dominions he is King in right of that Dominion, and acts, as a constitutional Sovereign, upon the advice of the appropriate Dominion Cabinet. One logical consequence of this must be that on the issue of war or peace against or with a foreign country, each Dominion may claim to decide for itself. This became clear at the beginning of the war of 1939, when any Dominion might constitutionally have taken the same course as the Irish Free State. Fortunately for us all, none of the others did. An earlier, and very remarkable, example of the new situation was provided at the time of Edward VIII's Abdication in 1936, when every Dominion had to be consulted and all

took the same view. The first preamble in that Statute recites that "it would be in accord with the established constitutional position of all the members of the Commonwealth that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom." The necessary communications required very careful timing: the ground had to some extent been prepared beforehand by communications from London to the different Dominion Prime Ministers.

It is obvious that the unity sought to be preserved within this ring of equal communities, of which we in this Island are one, largely depends on the different parliaments and governments adopting a common point of view on essential matters of common concern. If a crisis arose in which the Crown in respect of one Dominion received advice, say as to declaring war, which was diametrically opposed to the advice it received as Crown in respect of another

Dominion, not only would action be weakened but most serious constitutional strain and many practical problems would arise.

What then are the main bonds which have survived and which of late years have kept together this free association which we value so much? I mean, apart from community of sentiment and tradition, what are the remaining constitutional threads? It seems to me that there are three, each of which needs to be examined in the light of the present day. They are:

First, and most important, the existence of the Crown as the symbol and expression of unity. Indeed, the Crown is much more than that. Its mystical presence gives to our common membership of this world-wide association something which is simple,

single and concrete. Seeing is believing, and we owe much to the present Duke of Windsor for what he did as a young Prince of Wales in travelling throughout the Commonwealth, with the result that so many in distant parts met him face to face and came under his charm. The unwearied devotion of the King and Queen and of other members of the Royal Family in undertaking exhaustive tours in every part of these territories not merely stirs enthusiasm but reveals to the ordinary man or woman the true nature of the bond. In place of the divine right of Kingship for which Charles I died we have the widespread consciousness that, "a King's a man for 'a that". The knowledge that it is impossible to associate the Crown with Party tactics of any kind gives Constitutional Monarchy a position which could never be effectively occupied by anything else. The fact that these different Governments are (except in the case of Eire) carried on in the name of the