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THE RELATION OF IMPERIAL  
TO COLONIAL GOVERNMENT.  
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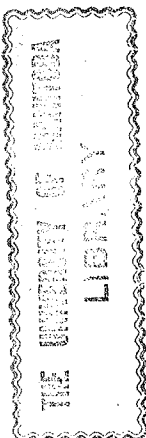
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THE RELATION OF THE IMPERIAL  
TO COLONIAL GOVERNMENT.

"Not clinging to some ancient saw;  
Not master'd by some modern term;  
Not swift nor slow to change, but firm;  
And in its season bring the law."

The recent war in South Africa stimulated discussion on Imperial federation. Those who advocate the measure claim that it would be beneficial to both Great Britain and her colonies, especially to the latter; that it would secure a balance of interests and definite co-operation in war. This implies that the system which rules the Empire is inadequate to the requirements; that it does not secure, under the present circumstances, due consideration for the welfare of all British subjects alike; in brief, that there is some lack of cohesion, harmony or efficiency in the group of legislative institutions by which the Empire is governed. This demands earnest consideration of these institutions and particularly of the relation between the Imperial and colonial governments. It is that thought which has prompted me to an examination of the present subject: to give a short description of the system which rules the Empire, with special emphasis upon the governmental relation of the mother country to the colonies. This calls for a definite aim and I will endeavor to show that there are cohesion, harmony, and efficiency in the government of the Empire, secured by the present relation of the Imperial parliament to the legislatures of the colonies. What that relation will be in the future is a different though related question and will be touched on slightly after I have given a description of the present relation, in government, between the colonies and Great Britain.



As children in body and mind resemble the parent, so the governments of the colonies resemble in constitution, legislation, and administration that of the mother country, and the bond of sympathy providing for mutual welfare which exists in one case is found in the other. The child can become almost independent on reaching a certain age or stage of growth and development, say that of responsibility; yet he is always bound by certain ties to the parent; and this is true of a colony having responsible government. Such a colony has all the interests and privileges which the term responsible represents, yet it is always subject to Imperial control. Therefore it is necessary to point out to what extent the home government controls such colonial institutions and to what extent the colonies have independent action. It will be found that these relations aim at securing the best interests of each part of the Empire subject to the welfare of the whole.

A weighty factor to this end lies in the crown; its influence permeates all forces controlling the affairs of the Empire. In the British Isles that influence is of a more direct nature than in the colonies; the sovereign is only represented in the latter, but the effect of the Crown is none the less felt. The position and influence of the sovereign in the mother country must first be noticed.

Before the revolution of 1688, the position of the sovereign was more of an absolute nature than after that event; he selected his ministers not from the majority in parliament--his councillors were not responsible to that institution. But the revolution placed the sovereign and his advisers in proper relationship to the Lords and Commons; the ministers became responsible, the sovereign irresponsible, and the ultimate power was with parliament. That is, now, 'the king can do no wrong;' his personal advisers are alone responsible for any

any executive acts of the sovereign. If he cannot agree with his advisers, he can dismiss them, and invite others to his council; and if he cannot obtain advisers to agree with him and accept responsibility, he must either make concession or appeal to the people. If they return a verdict against the will of the sovereign, he must give in to their wishes. That is, though the sovereign is irresponsible for all acts of government, yet the royal functions which are connected with his official position are regulated by law, or constitutional precept, and they must be performed by him for the good of the people only, and not to satisfy his own will.

From the preceding it might be inferred that the sovereign is a mere dependent of political party. That is not so. He may propose a measure and share in its discussion. The ministers have a right to discuss in private before placing their conclusions before him in council for his approval. And the sovereign is free to accept or reject such advice. This places him in the best position to prevent abuses; he can observe and check selfish and unworthy aims, and exert towards his ministers for the benefit of the public a strong influence for good, capable of uprooting party or narrow tendencies. He has every chance of obtaining the best information: his position is constant; he has at his disposal the thought and conclusions of the wisest in the land; he has no party motive, his one aim is the welfare of the Empire. Of the Imperial political system, the Crown is the resultant and controlling force.

The sovereign is represented in each colony by a governor. The person chosen for this position is recommended by the secretary of state for the colonies to the sovereign for his consent; provided, that the approval of the prime minister is obtained, which is especially required in filling that office in the more important colonies.

The governors are the political bonds that connect the colonies with Great Britain. Their effect may be compared with the function of the protoplasmic threads of a certain class of colonial protozoa: all the small cells are bound together by cementing material and threads of protoplasm. It is difficult to decide whether the group is one animal or a collection of individual animals: each cell performs the life functions breathing, feeling, eating, and in that respect there is independent existence; but there are those bonds between them consisting of substance which is the essential of life. That last fact inclines to the opinion of the unity of the whole group -- a single animal. Many Scientists uphold that view. -- The governors secure cohesion in the group of political institutions of the Empire.

Without delaying to defend the opinion as to the advisability of calling volvox a single animal, I would like to emphasize a little more the position and influence of a governor. They are those of a constitutional monarch. His ministers take upon themselves the responsibility of his political acts: he is responsible to only the supreme power which gave him the authority. His advisers must represent the majority in the popular assembly. A refusal on his part to follow their advice means their resignation and an invitation, by the governor, to others to take the responsibility of his executive acts. If he fails to obtain such advisers, unless he recedes from his attitude, an appeal must be made to the people. This settles the difficulty. That is, in local affairs, the will of the colony must prevail. The advice of ministers is followed in most cases, but the special duty of the governor is to supervise, to preserve an impartial attitude towards political parties, to see that the best interests of the colony are secured, subject of course to the welfare of the whole Empire. From his lofty position he has

a good view of affairs; he is not blinded by prejudice or self interest; and the superior qualities of knowledge, wisdom, and tact for which he is selected enable him to pass just and proper judgment upon matters placed before him for his consideration and consent.

As regards the management of the internal affairs of his government, the governor is like a constitutional monarch acting in harmony with his councillors, interfering with their line of action, if at all, only as a friend and impartial adviser. But whenever any question is urged concerning Imperial interests, his functions as an independent officer are called into play. He must see to it that there shall be no loss to the Empire. In this duty he is not sure of support from his advisers; they might consult the interests of the colony, or of their own ambition. He may often have to act against their will, either by exercising his power of veto on enactments or by placing the matter for decision before the home government. In such matters the governor stands alone; there is no one to assist him or share his responsibility. The Imperial government looks solely to him.

But there are certain constitutional principles concerning the office of governor, which secure and strengthen the value of his position and influence, and deserve special notice. He holds office at the pleasure of the Crown, but his period of service is usually limited to six years. This preserves impartiality of conduct in the governor by preventing him from forming fixed relations with the colony. His impartiality is further secured by this rule. "He is prohibited from receiving presents, pecuniary or valuable, from the inhabitants of the colony, or any class of them, during the continuance of his office; and from giving such presents; and this rule has to be equally observed on leaving his office." "Whether they are made directly to himself, or in trust for him, or to some mem-

ber of his family, so that he may have the enjoyment of them is obviously immaterial." It may be added "that they (the rules) rest on no consideration affecting the honor of gentlemen selected by the Crown to fill situations of this high importance, but on the necessity of preserving them in the eyes of the public, free from all suspicion." The governor must have positively no party spirit: anything of that kind is in direct violation of the very essence of his duty. He is not a weight to tip the scale of politics; he is at the head of affairs to observe and to preserve balance. It is the paramount duty of the king's representative to obey the law and to have as care that every act of legislation or administration coming within his official notice is transacted strictly in conformity with the law. In addition, it must be noticed that the person selected to be a colonial governor is invariably of a superior quality: he is intellectual; his early training has been attended to with scrupulous care; study of constitutional law and experience in connection with the governments of the minor dependencies of the Empire make him specially fitted for his position. And then, moving in the highest society of the older countries, travel, and acquaintance with leading men of the nations are all conducive to culture: these are the privileges enjoyed by those from among whom a governor is usually selected.

The preceding constitutional principles concerning his duties and functions, and his superior qualities as a man are what give value to the office of a governor. No executive functionary could be better suited to fulfil the duties which fall to the lot of a governor of a colony. For example: to constitute and appoint all judges, commissioners, justices of the peace, and other necessary officers and ministers; upon sufficient cause, to remove or suspend from office any person holding any office under the Crown in the colony, so far as the same may

be lawfully done. "To exercise all powers lawfully belonging to the king in respect of the summoning, proroguing, or dissolving the parliament" of the colony. Does not the governor secure and preserve efficiency in the government of the Empire? "It is his duty also to set a high social example and to interest himself not only in the general progress of the colony, but as far as possible, in the personal welfare and prosperity of the colonists engaged in the great battle of colonial life. And he generally does in these matters. He makes periodical progress through the colony over which he rules, and is hospitably entertained in the centres of population." "He is free to constitute himself in an especial manner the patron of these larger and higher interests, as of education and of moral and material progress in all its branches, which unlike the contests of party, unite, instead of dividing the members of the body politic".

To illustrate further the influence of a governor in the welfare of a colony extracts may be quoted from the speech of Earl Grey, delivered at Ottawa last month in reply to an address of welcome by the city council. "The way in which you have received us is the proof of your knowledge that our beloved sovereign takes the deepest and most lively interest in the well being of Canada, and in everything that is calculated to promote the happiness and prosperity of her people. His majesty remembers with the greatest pleasure his visit to Canada in 1860, when he laid the foundation stone of your stately Parliament Buildings, which are the pride of every citizen of Ottawa, and of every visitor, and his majesty has more recently learned from the Prince of Wales, and with the keenest satisfaction, the story of the remarkable developments that have taken place, and are still in progress, in every portion of your wide Dominion.



"It will be my proud and fortunate privilege to forward to his Majesty the King your confident assurances that you are enjoying the prosperity which is the result not only of your own energies, but of the free and liberal conditions under which you live.

"It will also be my proud duty to inform his Majesty the King that you are able to give your testimony to the glad and hopeful fact that racial and religious prejudices no longer exist in your broad Dominion, and that the energies and aspirations of your people are being directed in the path of moral, social, and intellectual progress. It will, I am certain, be a source of the greatest satisfaction to our sovereign to know that his French Canadian and other subjects in the Dominion are in hearty co-operation in working out together the magnificent destiny which awaits this country, and in making available for the uses of mankind the immense resources with which the country has been endowed by a bountiful Providence.

"You say in your address that all signs point to a time of national expansion and to a great and brilliant future, and I thank you for so readily assuming that no efforts on my part will be wanting in assisting the early realization of your anticipations, which are not less rational than inspiring."

The governor goes on to describe the boundless resources and magnificence of Canada, then he adds: "But there is one asset which you possess even more important than those to which I have referred, than those of area, riches, mystery, scenery, and climate, namely that which is represented by your national character. If you do not jealously guard the sacred fire of that asset, the others to which I have referred will be as dross and as the crumbling clay.

"If on the other hand, you keep, as your address informs me you will keep, the character of your people, high, strenuous, imaginative, heroidal and imperial, no one can venture to set a limit to the degree of the influence which will be exercised on the future of mankind by the great Canadian nation, composed as it is of all that is best in England, Scotland, and Ireland, and France, and privileged as it is to be a factor, and a factor of ever increasing importance, of that British Empire, representing already 400,000,000 beings, which is the greatest and most beneficent organization that has ever attempted to be the instrument of God on this earth.

"There is no reason, gentlemen, why the sons of Canada, if they are worthy of their fathers and of the country to which they belong, there is no reason why they should not, in the life time of your children, by reason of their number and of their character, exercise an all powerful and, in time to come, perhaps a controlling influence on the development of the majesty and destiny of the Empire, whose standard is righteousness and whose path is duty." Does not the governor secure and preserve harmony in the government of the Empire?

He is the medium through which the Imperial government controls colonial legislation. He either exercises directly his power to veto an act at variance with Imperial law and interests, or he reserves the bill for the king in council. In the old country the exercise of the power to veto has fallen into disuse, but that is not the case as regards the colonies. No colonial legislative body is competent to pass a law which is opposed to any Imperial statute intended to apply to that colony. Neither may a colonial legislature exceed the bounds of its assigned jurisdiction or limited powers. Should the limits of such authority be exceeded, it becomes the duty of the king or his representative to veto or disallow the illegal or unconstitutional enactment.

Again, in addition to this prohibitory attitude towards certain legislative measures of a colony, the Crown takes up the position of a tutor towards it in the earlier stages of its political existence. While the colonists are gradually attaining to a knowledge of the practical business of legislation in their limited sphere, the mature experience and enlarged political insight of statesmen who guide public affairs in the mother country should be utilized to the benefit of their fellow subjects in the colonies. This will often call for the guidance of Imperial statesmanship to correct and regulate immature and unwise efforts of legislation such as have occasionally proceeded from colonial legislatures before they had attained to sufficient knowledge and experience to enable them to discharge their responsible duties aright. The governor is the medium of that oversight and correction.

But in the case of a colony having responsible government, the governor has seldom to exercise the right of veto. He has as a general rule refrained from thwarting the local legislature, except in cases specified in the royal instructions to the governor which almost exclusively refer to matters of Imperial and not of mere local concern. However, it lies with the governor whether he will consent to a bill or not: whether to grant or withhold the royal assent, or to reserve any particular bill for the king in council. To illustrate the principle involved the following may be taken: a bill to create a supreme court for the Dominion of Canada was introduced in 1875 into the Canadian Parliament, and the ministers intended to prohibit any further appeals to her Majesty's privy council. They were notified, however, that the bill would not receive the royal sanction unless it preserved to the Crown its rights to hear appeals of all British subjects who might desire to appeal to the highest court in the Empire-- to the Queen in council. Accordingly, a proviso to that effect was inserted in the bill and it received the royal assent. The governor