International Status of the British Dominions with Respect to the League of Nations

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THE INTERNATIONAL STATUS OF THE BRITISH DOMINIONS WITH RESPECT TO THE LEAGUE OF NATIONS*

By Article I of the covenant "The original members of the League of Nations shall be those of the signatories which are named in the annex to this covenant and also such of those other states named in the annex as shall accede without reservation to this covenant." Among the original signatories named in the annex are: The British Empire, Canada, Australia, South Africa, New Zealand and India. By article III the assembly "shall consist of representatives of the members of the League. . . . At meetings of the assembly each member of the League shall have one vote and may not have more than three representatives."

The provision for British representation is perhaps the most striking feature in the constitution of the assembly. The United Kingdom, strange to say, loses its identity as an international state and in so doing forfeits its right to distinct representation. It is absorbed in the British Empire and secures representation as a part of that empire. India and the self-governing colonies, on the other hand, are accorded a privileged position in the League. They are given separate representation in their own names and are furthermore represented through the British Empire. Their international status, like their constitutional, is indeed a most anomalous one. They have achieved the miraculous in their constitutions, since they have combined the attributes of nationality with the status of dependency. In short, they defy all scientific classifications according to the recognized forms of modern states. They stand in a distinct category of their own; they are both states and colonies at one and the same time.

* [This article, though complete in itself, is a continuation of the subject discussed by the same author, Representation on the Council of the League of Nations, 4 MINNESOTA LAW REVIEW 147. Ed.]


The explanation of this political anomaly must be sought in the constitutional development and organization of the British dominions.

The gradual transformation of the colonies from mere possessions into autonomous nations has largely escaped the attention of the outside world. The process at first was essentially constitutional in character, but lately it has taken on certain international aspects. At the time of the grant of responsible government to the colonies about the middle of the nineteenth century, certain subjects were reserved for the exclusive determination of the imperial government and parliament. Among these questions were imperial fiscal policy and foreign relations. The reservation of the treaty making power was regarded as essential to the maintenance of the unity of the empire. A treaty concluded by the crown on the advice of the imperial ministry was automatically binding on all the overseas possessions in the absence of express language to the contrary.

The colonies soon found, however, that this power seriously limited their rights of self-government, particularly in respect to fiscal matters, about which they were especially sensitive. They accordingly protested to the Colonial Office against this restriction and after considerable discussion the British government agreed that for the future, commercial treaties should not be automatically extended to the colonies but that the latter should have the option of adhering to such treaties within a specified period of time. Not long after the colonies went one step further and claimed the right of separate withdrawal from imperial treaties. The British government again gave way and in compliance with the colonial demand adopted the policy of inserting an express provision in its commercial agreements safeguarding the independent rights of the dominions to withdraw upon due notice. According to present constitutional practice, therefore, the British

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3 In his celebrated report, Lord Durham expressly reserved “the regulation of foreign relations and of trade, etc.,” to the mother country. Lewis, The Government of Dependencies, Introduction by C. P. Lewis, p. xxxi.
5 Ibid. The imperial conference of 1911 adopted a resolution “that his majesty's government be requested to open negotiations with the several foreign governments having commercial treaties which apply to the overseas Dominions with a view to securing liberty for any of those dominions which may so desire to withdraw from the operation of the treaty without impairing the treaty in respect to the rest of the empire.”
government, in the words of Sir Wilfrid Laurier, never negotiates a commercial treaty without putting in a stipulation that the treaty will not apply to Canada or any of the self-governing dominions except with their consent.⁶

But the colonies were by no means satisfied with these concessions. They were desirous of securing the additional right of independent negotiation with foreign powers. In 1879 the Canadian government declared in a memo to the imperial authorities "that the large and rapidly augmenting commerce of Canada and increasing extent of her trade with foreign nations is proving the absolute necessity of direct negotiations with them for the proper protection of her interests."⁷ The British government objected strongly at first to the full recognition of this claim "as equivalent to breaking up the Empire" but by way of compromise agreed to the policy of associating colonial delegates with the imperial representatives in the negotiation of treaties, though the power and responsibility of conducting the negotiations were still retained by the British diplomatic officers. The procedure to be followed was laid down by Lord Ripon:

"In order to give due help in the negotiations, her majesty's representative should as a rule be assisted by a delegate appointed by the colonial government either as a plenipotentiary or in a subordinate capacity as the circumstances might require. If as a result of the negotiations any arrangements were arrived at they would require approval of her majesty's government and by the colonial government and also by the colonial legislature if they involved action before the ratification took place."⁸

By this procedure the British government hoped to secure "at once the strict observance of existing international obligations and the preservation of the unity of the empire."

But this mode of conducting negotiations soon underwent an important modification. The colonial representative, as we have seen, was expected to act in a subordinate or advisory capacity to the British diplomatic officer, but in actual practice he soon

acquired an equal and quasi-independent status. It was then but a short step to the practical elimination of the British representative from the course of negotiations. The Canadian reciprocity treaty with France in 1907 marked the triumph of the principle of colonial autonomy in foreign affairs. In a dispatch to the chargé d’affaires at Paris, Sir Edward Grey declared:

“The selection of the negotiator is principally a matter of convenience, and, in the present circumstances, it will obviously be more practical that the negotiations should be left to Sir Wilfrid Laurier and to the Canadian Minister of Finance, who will doubtless keep you informed of their progress.

“If the negotiations are brought to a conclusion at Paris, you should sign the agreement jointly with the Canadian negotiator, who would be given full powers for the purpose.”

In speaking of these negotiations in the House of Commons, Mr. Balfour stated:

“The Dominion of Canada technically, I suppose it may be said, carried on their negotiations with the knowledge of his majesty’s representatives, but it was a purely technical knowledge. I do not believe that his majesty’s government was ever consulted at a single stage of those negotiations. I do not believe they ever informed themselves or offered any opinion as to what was the best policy for Canada under the circumstances. I think they were well-advised. But how great is the change and how inevitable. It is a matter of common knowledge and may I add, not a matter of regret but a matter of pride and rejoicing that the great dominions beyond the seas are becoming great nations in themselves.”

In theory, however, the principle of imperial unity was still maintained. The colonial delegates were appointed by the British government and the treaty itself was duly submitted to the imperial government for examination and final ratification. The negotiations, it is true, were carried on by colonial representatives but the treaty derived its legal character solely and exclusively from its imperial sanction. In short, from the legal standpoint, a treaty thus concluded, was an imperial and not a colonial agreement. The autonomy of the dominions was in law far from complete.

But this procedure was too cumbersome for the colonies. They desired direct action without imperial interference. Aus-

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10 Myers, Representation in Public International Unions, 8 J. of Int. Law 106; Ewart, The Kingdom Papers, p. 5.
tralia led the way by entering into an agreement with the Japanese consul in the commonwealth for special facilities of transit and trade for Japanese students, tourists and merchants. This precedent was followed by Sir Wilfrid Laurier in a number of important agreements with the consular representatives of foreign nations at Ottawa. These negotiations were carried on with the full knowledge and approval of the British government, but the latter took no part whatever in the making or execution of the same. The agreements took the form of concurrent legislative action on the part of the contracting parties in order to avoid the necessity for formal ratification on the part of the imperial government. In commenting on one of these treaties, Sir Wilfrid Laurier declared:

"It has long been the desire, if I mistake not, of the Canadian people that we should be entrusted with the negotiation of our own treaties, especially in regard to commerce and this looked-for reform has come to be a living reality. Without revolution, without any breaking of the old traditions, without any impairment of our allegiance, the time has come when Canadian interests are entrusted to Canada, and just within the last week a treaty had been concluded with France—a treaty which appeals to Canadians alone and which has been negotiated by Canadians alone."

But these agreements, it will be observed, are almost exclusively of a commercial character. The imperial government has retained to a much larger degree its original control over matters of a distinctly political character. The colonies, however, have begun to invade this special preserve. It has long been a recognized principle of imperial policy that the British government must consult the dominions in respect to all political treaties which affected their interests. This policy was successfully followed in the course of British negotiations with the United States over the Newfoundland fisheries and with France in the...
case of the New Hebrides. An even more striking example of the growing independence of the dominions may be seen in the recent treaties with the United States regarding arbitration and pecuniary claims. In both these treaties the British government expressly reserves the right to obtain the concurrence of the dominions whose interests are affected by the reference of the dispute to arbitration.

As the dominions are still an integral part of the empire from the standpoint of international law, they have not yet secured the right to send and receive diplomatic officers. The consuls who are accredited to the dominions enjoy, it is true, certain limited diplomatic privileges and exercise, as we have seen, quasi-diplomatic functions. But they are not actually invested with a diplomatic character and powers. Two of the colonial governments, however, have set up distinct departments for the direction of international affairs. In 1900 the Australian government created a department of external affairs and a few years later Canada followed suit. The Canadian act provides that:

"The secretary of state . . . shall have the conduct of all official communications between the government of Canada and the government of any other country in connection with the external affairs of Canada and shall be charged with such other duties as may from time to time be assigned to the department by order of the governor in council in relation to such external affairs or to the conduct and management of internal or intercolony negotiations so far as they may appertain to the government of Canada."

These departments are no mere shams.

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18 Ibid, p. 1113.
19 This act did not divest the Imperial Parliament "of its authority over the external affairs of Australia and commit them to the Commonwealth Parliament. Australia did not acquire the right to correspond directly with foreign powers but could deal with them only through his majesty's government." In other words, external meant "external to the Commonwealth, not external to the Empire." Tupper, op. cit., p. 13. This interpretation of the powers of the dominions was not acceptable to Sir Wilfrid Laurier and he accordingly framed the Canadian act so as to empower the secretary of state to deal expressly with foreign countries. Ewart, The Kingdom Papers, p. 77.
20 Canada, 8 and 9 Ed. VII, No. 13. Sir Wilfrid Laurier declared that Canada had "now reached a standard as a nation which necessitates the establishment of a Department of External affairs," Ewart, The Kingdom Papers, p. 77.
21 Mr. Asquith attempted to limit the authority of the Canadian government to intra-imperial negotiations but the Canadian act expressly confers the power of international negotiations with any other country. Ewart, The Kingdom Papers, p. 77.
series of international agreements with European and American states on a variety of subject matters, both commercial and political in character.\textsuperscript{22}

The most striking illustration of the new treaty-making powers of the dominions may be seen in the recent treaty concluded between this country and Great Britain on behalf of Canada\textsuperscript{23} for the creation of a joint international commission for the settlement of all disputes between Canada and the United States. The three Canadian representatives on this commission, it should be observed, are appointed by the Canadian government, not by the British, and are solely responsible to the government and Parliament at Ottawa. By article 10 of this agreement it is provided:\textsuperscript{24}

"Any questions or matters of difference arising between the high contracting parties involving the rights, obligations or interests of the United States or of the Dominion of Canada, either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate and on the part of his majesty's government with the consent of the Governor-General in council."

The treaty-making power of an independent state could scarcely extend further. There is here no semblance of colonial dependency. On the contrary, the Canadian government treats with the United States on terms of equality. From this point it is but a short step to the establishment of direct diplomatic relations between Ottawa and Washington and in a recent statement Sir Robert Borden has announced his intention of appointing a permanent Canadian representative at Washington in the near future.

But the international interests of the dominions are not confined to their immediate neighbors; they touch the whole outside world. By force of circumstances they have also become in a limited sense world powers, since they have world interests and are immediately affected by the determination of world policies. The dominions, therefore, were very much annoyed at the action of the British government in calling the naval conference of 1909

\textsuperscript{22} Tupper, op. cit., p. 16; Ewart, The Kingdom Papers, p. 80.
\textsuperscript{23} This convention was first drawn up between the Canadian and American governments and was thereupon submitted to the British government for formal acceptance and ratification.
\textsuperscript{24} Charles, Treaties, Conventions, International Acts, etc., between the U. S. and other powers, 1910-13, vol. 3 p. 44; Ewart, The Kingdom Papers, p. 79.
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and agreeing to the celebrated declaration of London without consulting them in regard to the matter or affording them an opportunity of participating in its proceedings. They accordingly took advantage of the imperial conference of 1911 to raise the whole question of the right of the dominions to be consulted in respect to the negotiation of international conventions.\textsuperscript{25} The British government frankly admitted its fault and promised to mend its ways.\textsuperscript{26} The conference accordingly agreed:

"(a) That the Dominions shall be afforded an opportunity of consultation when framing the instructions to be given to British delegates at future meetings of the Hague Conference, and that conventions affecting the Dominions provisionally assented to at that Conference shall be circulated among the Dominion governments for their consideration before any such convention is signed; (b) that a similar procedure where time and opportunity and the subject matter permit shall, as far as possible, be used when preparing instructions for the negotiations of other international agreements affecting the Dominions."\textsuperscript{27}

An even more significant revelation of the development of the international autonomy of the dominions will be found in the separate representation of the colonies at international conferences. The practice of sending colonial representatives to international congresses of a general social and economic character has long prevailed, but in the case of political conferences the colonies have been either omitted altogether or included in a subordinate capacity as advisers to the imperial representatives.\textsuperscript{28} At the international fur seal conference in 1911, for example, the Canadian under-secretary of external affairs was associated with the other British delegates since Canada had a material interest in that question.\textsuperscript{29}

The right of India and the self-governing colonies to separate representation at international conferences was first clearly recognized in the International Postal Union. As the dominions had their own national postal systems, it was not only natural but also necessary that they should have an independent voice in the determination of matters of common concern. At the International Postal Convention at Rome in 1906 the British Empire was repre-

\textsuperscript{25} The Prime Minister of Australia, Hon. A. Fisher, moved; "That it is regretted that the dominions were not consulted prior to the acceptance by the British delegates of the terms of the Declaration of London," etc. Proceedings of The Imperial Conference, 1911, p. 97.

\textsuperscript{26} Speech of Sir Edward Grey, Ibid, p. 114.

\textsuperscript{27} Ibid, p. 15; Myers, op. cit. p. 85.

\textsuperscript{28} Keith, Imperial Unity and the Dominions, p. 277.

\textsuperscript{29} Ibid.
sented by six delegates. The colonial representatives, it is true, were officially accredited by the British government through the secretary of state for the colonies, but in fact they acted independently and not as part of the British delegation. At the London conference on electrical units and standards in 1908 separate votes were likewise accorded to Australia, Canada and India. The United States also extended a special invitation to the Canadian government to be present at the international conference at Washington for the protection of industrial property.

An important new precedent was established at the Radio-Telegraphic Conference in 1912. Heretofore, as we have seen, the British Empire has been represented in form at least by a single delegation. But on this occasion the delegates of the four great self-governing dominions appeared with special credentials under the great seal authorizing them to represent their respective dominions with full powers and on terms of absolute equality with the delegates from Great Britain. The colonies had at last secured a status equal to that of the mother country; and foreign states had given quasi-international recognition to that fact by accepting their credentials. The precedent laid down in this case was followed two years later at the International Conference on the “Safety of Life at Sea,” at which Canada, Australia and New Zealand were represented by fully accredited plenipotentiaries.

“The essential difference from the new as compared with the old practice,” as Professor Keith points out, “lies of course in the fact that the plenipotentiaries of the dominions are now no longer merely plenipotentiaries for the United Kingdom. In the case of their being included in the British delegation, the vote of

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30 Ibid, p. 278. Additional representatives were given to the greater nations "by according votes to groups of colonies." "The British colonies," Mr. Sayre remarks, "are the only ones which have not always voted with the mother country." Sayre, Experiments in International Administration, p. 24. By the Agricultural Convention of 1915, provision was made by Art. 10 for the admission of colonies into the Institute "on the same conditions as the independent nations." For a full discussion of the question of representation at international conferences and on international unions, see Myers, op. cit., p. 81-108.

31 Keith, op. cit., p. 1133.

32 Keith, Imperial Unity and the Dominions, p. 278.


It was agreed at this conference that colonies should be admitted to future conferences with one vote for each colony, the limit of votes for each sovereign being six. "Great Britain's relations with her self-governing colonies fixed her multiple representation." Myers, op. cit., p. 97-99.

34 Keith, Imperial Unity and the Dominions, p. 278.

35 Ibid.
the British delegation must be cast in the same sense, whatever the views of the different members; in the case of separate plenipotentiaries the votes of the several plenipotentiaries might be very differently cast. This involves of course the curious position that his majesty may through one set of plenipotentiaries declare one view and through another another view. But it is merely a common sense recognition of the diversity within the uniformity of the empire. It is no more curious than the existence of independent governments within the empire pursuing different policies in many respects.”

The constitutional significance of these precedents, it is safe to assert, has not been properly appreciated by the people of the United Kingdom. Still less has their international significance been understood by foreign nations. The separate representation of the dominions at these conferences carried with it as a necessary corollary the due recognition of their distinct international status on the part of foreign nations. The transition from a colonial to an international status had been going on so gradually and unconsciously that the powers did not realize what was taking place until they found themselves confronted at the peace conference with a series of significant precedents.

The fact that these conferences dealt primarily with non-political questions does not affect the principle at stake. No clear-cut line can be drawn between commercial and political questions. In this day of international competition in trade and commerce, every economic question is bound up potentially if not actually with important political issues. The point of the matter is that the dominions had secured international recognition of their autonomy and that recognition was as full and complete as it could well be, short of the recognition of their absolute independence.

This modification in the status of the dominions was carried through the more easily by reason of the fact that it involved no material change in the outward form of the imperial constitution. The political evolution of the imperial constitution, like that of the mother country, has been concealed from the general public by a camouflage of legal fictions. The external form of the constitution has been preserved amid all the changes in its spirit and operation. The international position of the colonies furnishes an excellent illustration of the application of this principle. To the outside world the empire was still a constitutional unit. The imperial government had surrendered none of its legal powers to the ambitious dominions. The representatives of the colonies
appeared at the international conferences in the guise of British delegates rather than as representatives of independent states. They owed their commissions to the crown and their acts were subject to the ratification of the imperial government. The unity and supremacy of the empire were apparently amply safeguarded by the ultimate authority of king and parliament. But few of the political leaders of foreign states were aware of the fact that imperial control had lost its effectiveness and that from a constitutional standpoint the colonies had practically become independent nations.

In dealing with this topic early in 1914 Mr. Myers declared:36

"Moreover, in the developments of recent years such large aggregations of territory as the British Empire have shown a tendency to break up into self-governing dominions; and by the technical rules of international law the sovereignty of these divisions of the empire is only perceptibly inchoate, even if it is optional. The Dominion of Canada, for instance, is probably quite as much entitled to fall within the definition of a sovereign state—though it prefers its membership in the British Empire—as was Montenegro entitled to fall within that definition before the Balkan War, notwithstanding the numerous servitudes placed upon it by the Ottoman Empire from which it was separated and by Austria-Hungary to which it was adjacent. The emergence of these inchoate sovereignties constitutes a new fact which diplomacy must face."

Such was the constitutional and international position of the dominions in the spring of 1914. The dominions had good reason to be satisfied with the progress they were making in the international world. They had won a partial recognition of their international status without the sacrifices of their constitutional position in the empire. They were soon to learn, however, that their triumph entailed heavy international obligations. They had claimed the right of nationality; they were now to be called upon to assume its full responsibility. The world war was the test of their nationalism and they nobly stood the test.

The outbreak of war raised a number of perplexing constitutional and international questions for the dominions. The decision of the British cabinet bound the whole empire in law and in fact. Neutrality was out of the question.37 The colonies were all at war whether they wished to be or not. But the

36 Myers, op. cit., p. 84.
dominions were still free to determine what active part, if any, they would play in the war. The policy of non-participation held out great practical advantages. It was extremely unlikely that Germany would strike at the British colonies unless the latter saw fit to intervene in the European struggle. Canada might possibly have sheltered herself behind the Monroe Doctrine. But the dominions did not hesitate for a moment. Even before the formal declaration of war the governments of the respective dominions had promised to come to the assistance of the mother country in case of necessity, and with the opening of hostilities this pledge was backed up by the whole-hearted support of parliament and people.

The action of the dominions, as we have seen, was entirely voluntary. In theory the king is commander in chief of the military forces of the empire, but in fact the colonial governments maintain exclusive control over their own local militia. The British government could not raise a single man or dollar within the dominions without the express authorization of the colonial legislature. The dispatch of colonial troops over seas was the act of the colonies themselves and not of the British government or empire. The same principle was operative, though to a less degree, in the case of the naval forces of the colonies. Only two of the dominions, namely Canada and Australia, have adopted the policy of creating independent navies of their own. But these two governments immediately proceeded to put their ships at the free disposal of the British admiralty. The war was indeed an imperial war but the dominions went into it as free and autonomous allies in a common cause.

It was soon found necessary to devise new constitutional machinery to deal with this anomalous situation. The British government accordingly set up the so-called imperial war cabinet, in which the colonies were represented by the colonial premiers or other responsible ministers. The imperial war cabinet

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38 Sir Wilfrid Laurier was a staunch advocate of the freedom of Canada to determine whether she would take part in imperial wars or not. Ewart, op. cit., p. 157.
39 Both Sir Robert Borden and Sir Wilfrid Laurier declared that this would be a humiliating thing to do. The Round Table, No. 18, pp. 431-2.
41 By section 15 of the British North America Act the command in chief of all naval and military forces of and in Canada is vested in the sovereign. In Australia, on the other hand, it is vested in the governor-general as the king's representative.
42 Jebb, The Britannic Question, p. 36.
43 Report of the War Cabinet, 1917, Ch. II.
was not truly an executive body but rather a conference of British and over-sea ministers formed for the purpose of promoting imperial coöperation and of exercising a general supervision over the political and military policies of the empire during the war. In other words, the dominions were admitted into a constitutional partnership with the mother country for war purposes.

As the dominions had taken the part of full-fledged nations in the war, it was natural that they should seek to have an equal part in the peace settlement. Early in the war they had secured a promise from the British government that they would be consulted if possible in regard to the peace terms. Accordingly just prior to the conclusion of the armistice Lloyd George wired Sir Robert Borden to come to London at once "in order to participate in the deliberations which will determine the line to be taken" by the British delegates at the interallied conference which would precede the peace conference. This invitation, it will be observed, was to a preliminary imperial conference. There was apparently no intention on the part of the British government to invite the dominions to participate in the peace conference itself. But the Canadian premier declined to accept a minor rôle for his country and demanded an independent seat at the peace table.

"There is need of serious consideration as to the representation of the dominions in the peace negotiations. The press and people of this country take it for granted that Canada will be represented at the peace conference. I appreciate possible difficulties as to representation of the dominions, but I hope you will keep in mind that certainly a very unfortunate impression would be created and possibly a dangerous feeling might be aroused if these difficulties are not overcome by some solution which will meet the national spirit of the Canadian people. We discussed the subject today in council and I found among my colleagues a striking insistence which doubtless is indicative of the general opinion entertained in this country. In a word, they feel that new conditions must be met by new precedents. I should be glad for your views."

Lloyd George readily admitted "the importance" of this suggestion and with his usual diplomatic skill turned the inquiry into an additional argument for urging the immediate attendance of the Canadian premier. Accordingly Sir Robert Borden and three of his ministers sailed for London where they met the repre-

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44 Keith, Imperial Unity and the Dominions, p. 583, note.
45 Congressional Record, 66th Congress, 1 Sess., p. 7167.
46 Ibid.
47 Ibid.
sentatives of the other self-governing dominions and India. The colonial delegates then joined forces in pressing their demand for separate representation at the peace conference. But their claims were not conceded without a struggle. Unexpected opposition was encountered, according to Mr. Sifton, from "the most conservative representative of the British government and the representative of the most conservative people in Great Britain."48 The secrets of these preliminary conferences have not yet been divulged, so that we are left to speculate as to the person or persons referred to in this statement.49 We do know, however, that the Tory Imperialists viewed the colonial proposals with marked disfavor. They welcomed the preliminary conference of English and colonial statesmen as a means of formulating a common imperial policy but they insisted most strenuously that the empire should enter the peace conference as a unit and not as a group of separate delegations. The Dominion representatives succeeded, however, in winning Lloyd George over to their side. That settled the matter so far as the mother country was concerned. The British government determined to support the colonial contentions at the peace conference and did so most heartily.50 Various proposals were put forward as to the proper basis of colonial representation but it was finally agreed at the instance of Sir Robert Borden "that there should be a distinctive representation for each dominion, similar to that accorded to the smaller allied powers and in addition that the British representation of five delegates should be selected from day to day from a panel made up of representatives of the United Kingdom and the Dominions."51

The more difficult task of gaining the support of the allied powers had now to be faced. Matters moved smoothly at first. At a preliminary conference in London of the three chief European allies, France, Italy and Great Britain, the British proposal for the representation of the Dominions was accepted in principle. The question was again taken up by the council of ten at

49 Mr. Stevenson hazards the opinion that "it was probably Mr. Balfour or Lord Curzon and possibly both."
50 "In all these efforts," Sir Robert Borden declared, "the dominions had the strong and unwavering support of the British prime minister and his colleagues." The New York Sun, Oct. 7, 1919. The Congressional Record, op. cit., p. 8011.
the preliminary peace conference at Paris. At first "strong objection was made to the proposed representation of the British dominions." For this opposition, according to rumor, Mr. Lansing was chiefly responsible. The Dominions, however, refused to yield one iota of their claims and at a subsequent meeting of the entire imperial delegation "a firm protest was made against any recession from the proposal adopted in London." The proposition was now put up to President Wilson who finally recognized the justice of the colonial contention. With the withdrawal of American opposition the Dominion plan of representation was accepted without further controversy.

The position of the Dominion delegates throughout the controversy found admirable expression in a subsequent article by Sir Robert Borden:

"On behalf of my country I stood firmly upon this solid ground that in this, the greatest of all world wars, in which the world's liberty, the world's justice—in which the world's very destiny—were at stake, Canada had led the democracies of both the American continents. Her resolve had given inspiration, her sacrifices had been conspicuous, her effort was unabated to the end. The same indomitable spirit which made her capable of that effort and sacrifice made her equally incapable of accepting at the peace conference in the League of Nations or elsewhere a status inferior to that accorded to nations less advanced in their development, less amply endowed with wealth, resources and population, no more complete in their sovereignty and far less conspicuous in their sacrifices."

Thanks to this concession, the dominions were placed in a privileged position in the conference. They had their own separate representation in the general assembly of delegates and in addition were represented through the British Empire on the inner council of ten. The British government, as we have seen, treated the dominions with marked consideration by according them a permanent place on the British delegation by a system of rotation among the colonies.

"The adoption of the panel system," Sir Robert Borden declared, "gave to the dominions a peculiarly effective position. At plenary sessions there were sometimes three Canadian plenary delegates, two as representatives of Canada and one as representative of the empire. Moreover, throughout the proceedings of the conference the Dominion delegates as members of the British
Empire delegation, were thoroughly in touch with all proceedings of the conference and had access to all the papers recording its proceedings. This enabled them to watch and check those proceedings effectively in the interest of their respective dominions and placed them in a position of decided advantage. Dominion ministers were nominated to and acted for the British Empire on the principal allied commissions appointed by the conference from time to time to consider and report upon several aspects of the conditions of peace."

The panel system nevertheless was far from satisfactory in certain important respects. Under this system it was practically impossible for the dominions to secure adequate representation on the British delegation.\(^\text{57}\) The Dominion delegate who sat in that body could not hope to represent the divergent interests of the different colonies. This defect was overcome to some extent in practice by according to the several dominions special representation when their particular interests were affected. The dominions, however, were still placed at a disadvantage by reason of the fact that their delegation did not possess distinct voting power in the conference as was the case with the petty independent states. The dominions had secured a partial recognition of their international status but this recognition still fell short of the full political rights of independent states. They enjoyed the privilege of participating in the deliberations of the conference but they had no independent voice in the final determinations. They appeared in the conference as Dominion representatives, but they could vote only as members of the British delegation. This arrangement was manifestly a compromise which could not serve as a satisfactory basis so far as the colonies were concerned for their permanent representation in the proposed League of Nations.

Notwithstanding these concessions to the dominions, the other allied powers still found it difficult to readjust their political preconceptions of the British empire to the new conditions of affairs.

"It took some time," General Smuts subsequently explained,\(^\text{58}\) "for the position to be realized at Paris because so many of the powers were under the impression . . . that everything seemed to be under the tutelage of the British parliament and government. They could not realize the new situation arising and that the British empire instead of being one central government con-

\(^{56}\) Ibid.  
\(^{58}\) The Round Table, op. cit., p. 192.
sisted of a league of free states, free, equal and working together for the great ideals of humane government. It was difficult to make people realize this but afterwards they fully applauded and their approval was given as embodied in this international document. No doubt new forms would have to be made. No one recognized this more strongly than the British government itself but whatever the forms there was no doubt whatever about the substance of the new status of the dominions.

In the organization of the League of Nations the dominions scored their greatest victory. The views of the dominions on the constitution of the League were clearly expressed in a speech of General Smuts before the South African Parliament.

"The dominions felt very strongly that if there was to be a League of Nations in which the nations were to be equally represented, then that league should include the British dominions. They were determined to see that that recognition was given to us but they were equally anxious to see that nothing was done which would loosen the ties which bound together the British Empire. We kept both these things clearly before our eyes. Still we wanted our equality with the rest of the world recognized. We also wanted to remain in the British league of nations which has worked with such enormous success in the past and has worked together in this war, probably becoming the real organizer of victory for all the allies and the rest of the world."

In other words, the dominions were heartily in favor of the League, provided they could go into it as members of the British Empire with distinct rights and nationality. The demands of the dominions in this respect found ample satisfaction in the covenant. The dominions were accorded separate representation in the assembly with full voting powers, together with the right of representation in the council.

But the significance of this concession was not fully understood by all the members of the conference. An excellent illustration of the failure of foreign states to understand the new position of the dominions was afforded during the closing session in the controversy over the constitution of the International Labor Organization. The dominions were forced to fight their battle for separate representation all over again. As originally drafted, the labor convention did not "adequately recognize the status of the dominions." The Canadian delegation was much displeased at this omission. Sir Robert Borden accordingly moved in conference that the resolutions be amended by adding

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60 Cong. Rec., op. cit., p. 8011.
a provision authorizing the drafting committee "to make such amendments as were necessary to have the convention conform to the League of Nations in the character of its membership and in the method of adherence." Objections were again raised by some of the delegates to the special representation of the dominions but by keeping up the fight the colonial delegates finally succeeded in carrying their point. "As a result the labor convention was finally amended so that the dominions were placed on the same footing as other members of the international labor organization, becoming eligible like others to nominate their government delegates to the governing body."  

The dominions' delegates took an active part in the proceeding of the conference. From the very outset they showed a marked independence of judgment and did not hesitate to oppose their fellow members on the British delegation when their interests came in conflict with the policy of the mother land. The first public utterance of the Canadian premier was a protest against the policy of the greater powers in withdrawing important questions from the consideration of the general body of delegates.  

The interests of Canada in this respect coincided with those of the smaller nations. The Canadian premier was much more concerned about preserving the independent rights of the dominions in the conference than in maintaining the power and unity of the empire as a whole. The other Canadian delegates likewise played an independent part from time to time. Mr. Sifton was chiefly responsible for the separate representation of the dominions in the International Labor Conference.  

It is interesting to observe, moreover, that another Canadian delegate led the fight for the democratization of the constitution of the League. To this end Mr. Doherty filed a separate memo on his own account in favor of the creation of a world parliament made up of delegates from the parliaments of the respective members of the League. The entire delegation, it should be added, also entered a strong protest against any interpretation of article 10 which would automatically commit every nation of the

61 Ibid.  
63 Mr. Sifton was the Canadian representative on the commission which drew up the labor convention.  
64 Stevenson, op. cit., p. 750.
League to participate in the quarrels of other members or afford an unlimited guarantee of the territorial readjustments of the treaty of peace.

Mr. Hughes, the Australian premier, was the obstreperous small boy of the imperial delegation. He was an ardent nationalist and a fervid imperialist at one and the same time. There were two subjects in particular in which the Commonwealth was most vitally interested, namely the question of racial equality and the disposition of the German colonies in the Pacific. As a nationalist Mr. Hughes championed the cause of a white Australasia. This brought him into a controversy with the Japanese delegates which greatly embarrassed the British government and even threatened to impair the Anglo-Japanese alliance. But that danger did not greatly worry Mr. Hughes since he knew that he could count upon the support of the other British colonies and the sympathy of the United States. To avoid a breach he was apparently willing to recognize the general principle of racial equality provided that the Commonwealth's control of immigration policy was in no way affected. In other words, he would admit the principle in theory but deny it in effect. Needless to say, the Japanese would not agree to such a sham settlement of the question. When the suggested compromise failed Mr. Hughes became an intransigent and kept up his fight against the Orientals to the very end. In fact, it required all the tact of Lloyd George and the pressure of the other members of the imperial delegation to prevent an open rupture between the two countries at the conference.

In the matter of the German colonies Mr. Hughes was a strong annexationist. He was as staunch an imperialist as Lord Curzon or any of the other adherents of the old school of Tory imperialists. He was a nationalist, however, even in his imperialism whenever the interests of Australia were involved; and in this case he was insistent that the German colonies in the southern Pacific should be added to the Australian Commonwealth and not placed under the jurisdiction of the British colonial office. He supported this policy not only as a just retribution on Germany for her crimes but also as a necessary measure of defense in the Pacific. Australia had long had a Monroe doctrine of her own and she did not take kindly to the presence of

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65 The Round Table, op. cit., p. 182-3.
66 Ibid.
foreign colonial possessions so near her own shores. But this policy did not find much favor with the British or other colonial delegations. If the policy of annexing the German colonies south of the equator was adopted, it was pointed out, a similar right of annexation must needs be conceded to Japan in respect to the northern group of German colonies. The extension of Japanese sovereignty to these islands would bring the Japanese menace even closer to the Australian shores. These counsels of wisdom ultimately prevailed and Mr. Hughes was forced to be satisfied with an Australian mandate for the southern Pacific in place of annexation.

The attitude of the South African delegates, Generals Botha and Smuts, was strikingly different from that of their Australian colleagues. They were the earnest champions of the policy of international reconciliation. They were both strongly of the opinion that the penalties inflicted on Germany were unduly severe, especially in respect to the provisions for the wholesale punishment of individuals. They maintained, on the contrary, that the terms should be modified in the interests of permanent peace and future friendship among nations. In short, the policy of General Botha was directed “to the end that a small number of the most prominent war criminals should be selected for summary judgment but that there should not be this indiscriminate hanging of the sword over Germany.”

The work of General Smuts at the conference is too well known to require extended comment. He was undoubtedly one of the great outstanding figures in that gathering of statesmen. To him perhaps more than to any other man save Lord Robert Cecil, we owe the project for a League of Nations; he was the great moderating influence throughout the course of negotiations and to him is largely due the mandatory system of colonial administration. It is safe to prophesy, moreover, that his open message in respect to the ratification of the treaty of peace and the League of Nations will go down in history as one of the most significant political documents of the age.

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67 At the intercolonial conference, 1883, a resolution was unanimously adopted “that the further acquisition of dominions in the Pacific, south of the equator, by any foreign power would be highly detrimental to the safety and well being of the British possessions in Australia and injurious to the interests of the Empire.” Parl. Pap. 1884.

68 The Round Table, op. cit., 197.

69 See statement of President Wilson to Foreign Relations Committee, Cong. Rec. op. cit., p. 4272.
The independent attitude of the dominions at the conference should convince the most doubting Thomases of the falsity of the cry of British domination in the League of Nations. The British government was not able to command the support of the self-governing dominions at the peace conference on all occasions and there is still less reason to believe that it can succeed in so doing in the League of Nations. The truth of the matter is that the dominions look at international questions from a colonial rather than an imperial point of view. They are nationalists above everything else. If the interests of the various states of the empire coincide, the empire acts as a unit, but if on the other hand they conflict, the several governments feel free to go their own way. The dominions are a law unto themselves. They have the power to make and unmake their own political futures. They have worked out their own distinctive fiscal policies within the empire and there is little doubt but that they will pursue the same independent policies with respect to international affairs. The colonies will appoint their own delegates to the League of Nations and these delegates will be responsible only to their own local governments and legislatures. The very disunity of the empire is the secret of its strength.

With the close of the conference the question of the status of colonies again came to the front over the method of signing the peace treaty. The form of signature of the various treaties concluded at the conference marks an important stage in the development of the constitutional and international life of the dominions.

"Hitherto," Sir Robert Borden explained,\(^7^0\) "it has been the practice to insert an article or a reservation providing for the adhesion of the dominions. In view of the new position that had been secured and of the part played by the Dominion representatives at the peace table, they thought this method inappropriate and undesirable in connection with the peace treaty. Accordingly I proposed that the assent of the king as high contracting party to the various treaties should in respect of the Dominion be signified by the signature of the Dominion plenipotentiaries and that the preamble and other formal parts of the treaties should be drafted accordingly. This proposal was adopted in the form of a memorandum by all the Dominion prime ministers at a meeting which I summoned and was put forward by me on their behalf to the British empire delegation by whom it was accepted. The proposal was subsequently adopted by the conference and the various treaties have been drawn up accordingly, so that the

\(^7^0\) Cong. Rec., op. cit., p. 8010.
dominions appear therein as signatories and their concurrence in the treaties is thus given in the same manner as that of other nations.

"This important constitutional development involved the issuance by the king as high contracting party of full powers as to the various Dominion plenipotentiary delegates. In order that such powers issued to the Canadian plenipotentiaries might be based upon formal action of the Canadian government, an order in council was passed on April 10, 1919, granting the necessary authority. Accordingly he addressed a communication to the prime minister of the United Kingdom requesting that necessary and appropriate steps should be taken to establish the connection between this order in council and the issuance of the full powers by his majesty so that it might formally appear on record that they were issued on the responsibility of the government of Canada."

Another phase of the same question bobbed up at the last moment, in respect to the ratification of the treaty by the several dominion parliaments. The British government was in a hurry to get the treaty out of the way and accordingly proposed that inasmuch as the dominion ministers had participated in the peace conference and in signing the preliminaries of the treaty, the king should proceed at once to ratify the treaty for the whole empire as he was constitutionally entitled to do. "The king," Lord Milner declared, 71 "by a single act would bind the whole empire as it is right he should do, but that act would represent the considered judgment of his constitutional advisers in all self-governing states of the empire because it would be merely giving effect to an international pact which they had all agreed to." But Sir Robert Borden had given "his pledge to submit the treaty to parliament before ratification on behalf of Canada" and he was determined to carry out his pledge. The principle of parliamentary ratification, he said, was as applicable to the colonial parliaments as to the parliament at Westminster. 72 In other words, he insisted that the same constitutional procedure should be followed in the colonies as in England. The signature of the Dominion plenipotentiaries could not be considered as equivalent to the tendering of advice to ratify in the case of the colonies when parliamentary ratification was deemed necessary in England in order to carry the treaty into effect in the mother land. In short, the Dominion parliament should be placed upon an equality with the British government. The Dominion delegates had signed the

71 Ibid, p. 7176.
72 Ibid.
treaty on behalf of their respective states. The Dominion par-
laments should likewise carry the treaty into effect by express
legislative action. A special session of the Canadian Parliament
was accordingly summoned to pass upon the treaty and in a
short period of time parliamentary approval was given to it by
resolution of both houses and an order in council was issued to
give effect to the same. Similar action was taken by the parlia-
ments of Australia, New Zealand and South Africa.

In laying the treaty before the South African Assembly General
Smuts referred to the significance of dominion signatures
to the peace treaty in the following terms: 73

"For the first time in history the British Dominions signed
a great international instrument not only along with the other
ministers of the king but with the other ministers of the great
powers of the world and although the tremendous importance of
this great act has not yet been fully recognized, there is no doubt
that the treaty signed as it has been with the parties to it not only
representative of the king in the British Isles but in the domi-
ions form one of the most important land marks in the history of
the British Empire. The dominions did not fight for status.
They went to war from a sense of duty, from their common
interests with the rest of the world vindicating the great prin-
ciples of free human government. Not only has victory been
achieved for the objects for which they fought but what for the
British Dominions is equally precious, they have achieved inter-
national, recognition of their status among the nations of the
world."

From this review of the theory and practice of colonial par-
ticipation in international affairs we may safely conclude that
there is absolutely no warrant for the frequent charge that the
British government skillfully manipulated the national preten-
sions of the colonies to secure its electoral or political predomi-
nance in the League. The special representation of the dominions
is not the result of a clever conspiracy nor is it a political subter-
fuge. It is rather a stage, though a most important one, in the
long-drawn out progress of the colonies toward a distinct nation-
al and international status. In the course of this progress, as
we have seen, they have often had to overcome the opposition of
the British government as well as of foreign states. But at last
they have realized the most of their desires in the formal recog-
nition of their status in the League of Nations, and that recogni-
tion has come with the full approval of all the allied powers
save the United States.

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73 The Round Table, op. cit., p. 192.
But the national aspirations of the colonies were not yet fully realized. The dominions still fell short of a complete international status. They were included, it is true, in the list of original members of the League of Nations, but they were not parties to the treaty of Versailles. According to the preamble of the treaty the terms of peace were drawn up by the five principal and associated powers, the United States, France, Italy, Japan and the British Empire and 22 other powers on the one side and Germany on the other, but the name of none of the dominions is to be found in the list of allied states. The treaty in fact is an agreement between sovereign states but as the dominions have not yet been granted international recognition as independent states, they were not legally qualified to enter into the agreement. From the standpoint of international law they were still subordinate parts of the British empire. From a strictly legal viewpoint it must be admitted that the signature of the dominions to the terms of peace and the subsequent ratification of the treaty by the several dominion parliaments were not necessary to the validity of that instrument, however advantageous they may have been from the standpoint of imperial relations. The signatures of the Canadian ministers, according to J. S. Ewart, one of the leading constitutional lawyers of the country, were a mere act of supererogation. They had no more value than would the signatures of the mayors of any municipalities in England or in Canada.\footnote{Ibid., p. 151.} The Dominion government and parliament according to this conception, were simply trying to assume an international importance which they did not legally possess. The acts of the Canadian plenipotentiaries were characterized by the Hon. W. S. Fielding as “an attempt to get a shoddy status where no real status exists.” The further pretense that Canada must give formal and definite approval to the treaty was “arrant humbug.”\footnote{Debate in the House of Commons, The Toronto Globe, Sept. 9, 1919.}

This criticism is undoubtedly correct as a general legal proposition, but it is nevertheless subject to two important qualifications. The treaty-making power of the crown is subordinate to the sovereignty of parliament.\footnote{Dicey, Law of the Constitution, p. 37.} For example, the king could not enter into an international obligation which would impair the personal or property rights of any of his subjects.\footnote{Wright, The constitutionality of Treaties, 13 Am. J. of Int. Law 264.} The intervention

\footnote{Ibid., p. 151.} \footnote{Debate in the House of Commons, The Toronto Globe, Sept. 9, 1919.} \footnote{Dicey, Law of the Constitution, p. 37.} \footnote{Wright, The constitutionality of Treaties, 13 Am. J. of Int. Law 264.}
of parliament would be necessary to give validity to any such engagement. The same principle is equally applicable to the colonies. In so far, therefore, as the peace treaty trenched upon the rights of the colonies, confirmatory action on the part of the dominion parliaments was necessary to carry the treaty into effect within the dominions. In other words, a treaty according to the English constitution is an international engagement; it is not a part of the law of the land. For this reason if for no other, the dominion governments acted wisely in submitting the treaty to parliament for ratification.

The criticism, moreover, is subject to a second qualification. The king can undoubtedly bind the whole empire by a declaration of war or by the conclusion of peace but in the exercise of these great imperial prerogatives he is subject, as we have seen, to certain conventions of the constitution. He is under a political obligation to consult his duly constituted advisers at home and if possible in the colonies as to the mode of exercising these powers. The legislative supremacy of the British Parliament over the dominions has long since disappeared in practice; the Parliament of Westminster is now a provincial and not an imperial body. A similar transformation is going on in respect to the royal treaty-making power. The ancient theory of the executive unity of the empire is going the way of the doctrine of parliamentary sovereignty. In practice the kingship has been divided. The separate signatures of the dominion ministers at Paris and the ratification of the treaty by the dominion parliaments is the most conclusive evidence on this point.

The problem of the international status of the dominions is in fact an outgrowth of the anomalous constitutional organization of the empire. The imperial constitution has a two-fold aspect, legal and political. According to the law of the constitution, the empire is a great unitary state; according to the conventions of the constitution, it is a confederation of free and autonomous states. The legal principles of the empire are hopelessly at variance with the working relations of the governments of the several states. The divergence between law and custom is as marked a characteristic of the imperial as of the British constitution. The system has worked well in actual practice and that is its chief commendation. The dominions have not

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79 Myers, op. cit., p. 108; Ewart, op. cit., p. 58.
troubled themselves about the legal fiction of the sovereignty of the British government so long as they have enjoyed the practical advantages of the management and direction of their own domestic affairs. In a word, the British Empire has itself become a league of nations.

It is no easy matter to fit this disjointed empire into the modern national organization of states. According to the political theory of today, unity and sovereignty are essential characteristics of a state. The Empire, however, is not a perfect political unit nor are the dominions sovereign states. The empire has both a single and a multiple personality; it is six in one and one in six. Sometimes it manifests itself as a great imperial state and again it appears as a loose alliance of more or less discordant nations with conflicting policies and interests. It is not surprising in the circumstances that foreign states have been puzzled as to what kind of an international family this is that is seeking admission into the League of Nations. The sons of the motherland have grown up, they have left home and set up establishments of their own, they have entered into contracts in their own names, but they still claim the rights and share the responsibilities of the old homestead and put off the day of their complete emancipation. In short, the dominions are minors in law but they have reached their majority in fact. They are minors in respect to common imperial matters; they are free-born states in all that concerns their particular interests. The empire is a unit for certain purposes; it is divisible for others. The line of demarcation between these purposes whether imperial or autonomous, cannot be clearly drawn as the dominions are constantly encroaching upon what are supposed to be imperial powers.

Such was the problem which confronted the delegates at Versailles. The conference had to choose between the principles of international law and the hard political facts; and when these two factors come into conflict there can be but one decision in the long run, viz., the law must give way. The conference wisely determined to stick close to the realities of the situation by laying down the principle of the unity of the empire for purposes of war and peace and by acceding to the demands of the dominions for separate representation in the League to safeguard their particular interests. This division is indefensible in principle but is justifiable in fact. The inclusion of the Dominion representatives in the peace conference and their subsequent admission into
membership in the League of Nations are simply an international recognition of the political fact that the dominions have passed out of the territorial stage of their existence into that of autonomous nations.

The covenant of the League is in truth one of the greatest constitutional and international documents in the history of the empire. It is scarcely an exaggeration to look upon it in somewhat the same light as the American Declaration of Independence. The time had indeed come "in the course of human events" for the dominions "to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitled them." The covenant of the League was both the evidence and the acknowledgment of that fact. In this case, it is true, the dominions have seen fit to work out their independence by peaceful methods within the empire rather than by war and forceful separation. If, then, the political independence of the dominions be acknowledged in fact it necessarily follows that the same right of separate representation must be extended to them as to independent states. Political character, not legal form, should be the real test of the right of admission into the League. The covenant of the League gives sanction to that principle.

The American public, it must be confessed, have been largely indifferent to what has been going on in the outside world. The Senate likewise has been provincialistic in its outlook. It is evident from the speeches of some of the members that they have been but dimly conscious of the constitutional changes that have taken place in the British Empire. They have shown no lack of appreciation of the war services and the social and economic development of the dominions, but they have failed to understand the peculiar nature of the relations of the dominions to the mother country and to foreign states. They have looked at the external form of the imperial constitution and not at its actual operations. Least of all have they realized the extent to which the United States government had already committed itself to the recognition of the international position of the dominions. The United States has long had a special interest in promoting the autonomy or independence of the dominions by reason of its intimate economic and political relations with Canada. Only a

80 Ibid., p. 107.
81 See speech of Senator Shields, Cong. Rec., op. cit., p. 7879.
few years ago Secretary of State Bayard protested against the circuitous mode in which the government of this country was obliged to carry on its negotiations with Canada through the British ambassador at Washington and the Foreign Office at London.\(^82\) This government, as we have seen, was among the first to recognize the nationalistic aspirations of Canada by entering into direct relations with Ottawa. It is not long since that Mr. Taft “invited the Canadian delegates at Washington to be present as guests at a diplomatic dinner at the White House.”\(^83\) The United States has constituted itself the foremost champion of nationalism and democracy throughout the world. It has always been among the first to recognize a new republican government or state.\(^84\) It is passing strange indeed in these circumstances to see this country now hanging back at a time when foreign nations are hastening to welcome the young democracies of the dominions into the circle of nations.

But in any case it would seem that the opposition of a small group of senators to colonial representation has come too late. The right of recognizing foreign states is primarily a presidential function. To the president is entrusted the power of dealing with foreign states and determining the legitimate governments of the same.\(^85\) When the president admitted the dominion delegates into the conference at Versailles, for all practical purposes he committed the United States to the further recognition of the dominions in the League of Nations. The Senate can undoubtedly lay down the conditions upon which this country will consent to enter the League. It can properly demand an equal voting strength with the British Empire or refuse to assume any obligations, as under the proposed Lenroot reservation,\(^86\) “to be bound by any election, decision, report or finding of the council or assembly in which any member of the

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\(^82\) Tupper, op. cit., p. 9.

\(^83\) “The effect,” as the Toronto Globe pointed out, “is to proclaim to the assembled ambassadors of foreign nations that the Dominion of Canada is sufficiently a nation to be regarded as not out of place among the real ones.” Ewart, The Kingdom Papers, p. 7.

\(^84\) Dispatch of Mr. Buchanan to Mr. Rush in respect to recognition of French Republic of 1848. 1 Moore, Digest of Int. Law 124.


\(^86\) Cong. Rec., op. cit., p. 9226; Allin, Representation on the Council of the League of Nations, 4 MINNESOTA LAW REVIEW 147.
League and its self-governing dominions, etc., in the aggregate have cast more than one vote," etc. But the Senate cannot withdraw, it is submitted, the recognition already accorded by the president to the dominions at the peace conference. In other words, the autonomous status of the dominions should be no longer open to question but the voting strength of the empire in relation to the United States still remains a proper subject for senatorial determination.

The nationalistic spirit is still running strongly in the colonies. Even the theory of British supremacy is beginning to prove distasteful. The dominions are looking forward to the goal of complete constitutional equality with the mother land and of international equality with foreign states. In the near future an imperial conference will be called to discuss the whole question of the future organization of the empire and the relation of its parts. There is no doubt whatever, in the judgment of Sir Robert Borden, but that that relationship "will be based upon equality of nationhood. Each nation must preserve unimpaired its absolute autonomy but it must likewise have its voice as to those external relations which make the issue of peace or of war." When that day comes the autonomy of the colonies will be complete.88

C. D. Allin.

87 Cong. Rec., op. cit., p. 8011.
88 It is interesting to observe that at the coronation of King George the representatives of the dominion were accorded rank with the diplomatic representatives of foreign states.