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"What is the importance of the King in the British Commonwealth?"
Summary of Essay.

1. Events of last six years justify deeper enquiry into the meaning of the Empire.
   (King's position in United Kingdom a separate subject)

2. The Empire since the War:
   a. The emancipation: the Struggle of Westminster
   b. The Crown Colonial Empire
   c. India
   d. The new Dominions: their rights and powers - complete autonomy.
      e.g. Especially South Africa.

3. The King's legal position in that Empire.
   a. Royal insignia
   b. Honours
   c. Governors General
   d. The Great Seal
   e. The appeal to the King in Council

   Conclusion: King's legal power & control practically nil.

4. But Commonwealth means more than its constitutional structure; otherwise it would never have endured.
Ties of Blood, tradition, British culture.

5. Cause of democracy
6. Cause of peace

Unity of action vital to all

United Kingdom is most important part.

'Equality of status does not mean equality of function.'

because of

1. The European influence + prestige.

2. The navy.

5. Therefore King's position enhanced.

His real importance:

a. The last link
b. Pageantry, e.g. of coronation.
c. Influence in India as a personal ruler.
d. Personal connection with Empire.

3. e.g.: i. George V

ii. Edward VII.

6. But Abdali's evens showed how much Empire is dependent

on Monarchy.

7. George VI's task is to maintain his position as

'KING OF ALL HIS PEOPLES'.
"What is the importance of the King in the British Commonwealth?"

Every age appears at the time as an age of crisis. But none may be so called with more justice than the present, post-war, age. Further, not least of the crises it has witnessed are those which have both altered and shaken the British Empire. The concurrence, within the space of six years, of the Statute of Westminster, the death of George V, and the Abdication crisis, has led us to enquire more deeply into their paradoxical structure, to search for its very fundamentals.

Whatever vital changes have altered the face of the Empire, the monarchy stands firm, symbolising in the person of the King a unity and splendour and continuity. The King's position, too, has been radically changed, both in relation to the whole Commonwealth and to the mother country, internally. But we must leave the latter relationship outside the scope of
this essay, it being a distinct and vast subject of its own.

The Empire of Queen Victoria became obsolete when the growing-up of the several nations inside it culminated in the Great War. For in the War the 'Dominions' first realised their power and their importance. At the peace, in a world-wide orgy of national feeling, they established their freedom by entering the League of Nations as separate members, and proceeded to define and destroy every imperial anomaly. Eventually the decisions made in 1926 were legalised and put into practice. Dominion status was defined. Complete legislative independence was won. The Statute of Westminster confirmed that Great Britain and the Dominions were autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations.

The Empire since 1931 is therefore divided into three parts: the Dominions, India, and the Colonial Empire. The division between colony and Dominion is not hard and fast, for, with the exception of the Irish
Free State, every Dominion has once been a colony. Newfoundland has renounced Dominion status for economic reasons; Southern Rhodesia and Ceylon are in transitional stages, the former being hindered only by the smallness of its population. But in the Colonial Empire power is vested in the Colonial Office, the Governor (appointed by the King in consultation with his ministers at home) has great administrative powers, and an Executive Council, nominated by him, assists him. The King's influence, however, is only that with which he exercises over the Colonial Office and colonial policy. The connection of the Crown and its functions will come under the discussion of the Empire as a whole.

India holds, if not necessarily, a unique position. For her, too, there has been an emancipating movement starting with the 1919 Act, up to 1935, but here demands for Dominion status must be withheld until the problems of illiteracy, religious feud, and economic strain have been solved at least partially. In Indian reform George V, after overcoming an inherited skepticism, played no mean part. But more important was his connection with the Indian princes and Indian sentiment. Victoria had accepted the title of Empress, and had sworn hard for the better treatment of the princes; she had achieved
honours to India, and had herself prepared the inclusion of Indian troops at the second Jubilee.

But, in the words of Beresford Keith: "She was Queen before she was Empress." George V was always primarily the Imperial King. His last words were to ask after the Empire. Thus, whereas no inducement had been able to lure his father from Europe, he visited India for the great Durbar of 1911. By his order the capital was changed to Delhi.

In 1919, further, the Chamber of Princes was set up, marking the end of the old epoch when any communication between the princes was considered illegitimate. Their position is still anomalous, as although they owe allegiance to the King, their position is more than their subjects are British. But their federation forms a solid Conservative bloc, very loyal to the throne - a loyalty which the 1935 Act enhances by sweeping away the control of the Secretary of State for India - Council Substitution to a King is more acceptable to Indian pride than the formal rule of an alien government.

Parliament.

But of post-war years have increased the formal influence of the Crown in India, Dominion status seems, legally, to destroy almost every vestige of its power. Since 1931, each Dominion legislates for itself,
and no law passed at Westminster applies to the Dominions unless they have 'requested and consented to it', as stated in the preamble. The Irish Free State would soon have the Imperial Parliament renounce the right of imperial legislation altogether. Both in that country and in the Union of South Africa a settling Act by the local parliament is necessary before an Imperial Act can come into force. Thus, a Dominion has the power to abolish by its own laws any right of the Crown to disallow or to withhold assent from received Bills. The Free State had never recognized the right of disallowance, and it has swept away the right of reservation. With one exception, the Union, too, has abolished both rights. But the Union Dominions still permit the right of the King to disallow to stand.

Externally, too, the autonomy is complete. Each Dominion may have its own foreign policy, although there is a convention that the ministers of the Dominions should consult and come to agreement with the rest on foreign affairs. Such intercourse is facilitated by the presence of the Dominion High Commissioners in London and of the United Kingdom Commissioners in Canada, Australia, and the Union. But nothing is binding, and South Africa, for instance, could sign any treaty independently by forcing the Governor-General (now merely his nominee and even
a party was) to use the Seal and Signet set up locally in 1934.

Beyond these undoubted rights some Dominions claim further ones. General Hertzog, drawing a parallel with Hanover and England in the eighteenth century, asserts the divisibility of the Crown. He claims that the King of England is now solely becomes King of South Africa only by virtue of the succession section of the Statute of the Union Act of 1934. Every Dominion, of course, accepts the English succession. Such was a pill which Mr. de Valera swallowed, before swallowing, with the jaw of abolishing the Governor General. But the Mediation served to prove the effectiveness of General Hertzog's assertion if not its legality.

The Irish Free State, going further, has enacted that the Irish citizen is not a British subject alive in the Free State. Both that country and South Africa therefore assert that Commonwealth relations are international and not municipal. Both claim the right of secession.

The Union claims the right of neutrality, although the majority of Empire opinion is against the validity of that right, and although to remain neutral in case of war would mean the breaking by the Union of the solemn promise to defend Swinburne. Beniedale Keith writes:

"In any case ... a declaration of neutrality would virtually ..."

N.C. In 1933 the F.F. State asked G. Birkett that she would do if F.F.S. needed. The Govt refused to give an answer.
mean secession from the Commonwealth.

This description of the position and rights of the Dominions itself gives some idea of the small legal importance of the King in the Commonwealth. Nominal, of course, all high powers of government are given in his name and derived from him. He is part of every legislature in the Empire, except the Irish. Ordinances, laws are enacted partly by him or his representative. In the Colonial Empire if, as we have seen, Parliament controls, crown legislation by Orders in Council or Letters Patent is quite common.

Further, the Crown superintends issues of coinage and stamps, and the King's head is the universal mark, except in Ireland. The Parliament which has cut every trace of the Crown from the Constitution has also swept every trace of the King from every form of its insignia. All honors proceed from the King and Canada, South Africa, Australia, and the Irish Free State have ceased to make recommendations on which alone the King may act as a ruler.

But the constitutional position of the Crown in the Commonwealth depends much more vitally on three factors: the appointment and position of the Governor Generals, the use of the Great Seal, and the right of Appeal to the King in Council.
We have already noted that Ireland has abolished the office of Governor General. No other Dominion has followed suit, because they do not consider that the office to-day is any slight of their autonomy. For although the Governor General is the King’s personal representative, the appointment is made solely according to the wishes of the Dominion. The dividing date was 1922. Before that the King’s friends and relations and ministers had been rewarded with that post. If Parliament could force its will, the King could at least suggest and dream, and no minister is in a position to disregard the sovereign’s advice. Further, it was the United Kingdom Parliament which counted. But in 1922 the Irish Free State, bold with victory, forced the King to nominate Mr. Tim Healy instead of the King’s choice, a peer to whom they found objection. A second victory over the near appointment in Ireland, led every Dominion to demand, in 1930, similar treatment. Since then the war has lost completely any control. Two years later Ireland forced the King to remove the present Governor-General, quite unjustly. The new nominee was a puppet living in a suburb villa, refusing even to wear to hinder to his hands. He played back £8,000 of his salary and signed performed every function demanded by the government.
In 1936 the office was finally abolished. In accepting these humiliating terms George V showed a courage and patriotism which alone may have kept the past of the Empire intact.

The other Dominions demand Governor-Generals to their liking. Sir Isaac Isaacs (1933) had hardly ever set foot in England. Mr. Patrick Duncan, being a party man, represents neither the Crown nor the Dominion as a whole, in practice. The King's importance as one of the few legal links of the Empire is thus almost completely destroyed.

No less has been the change since, in 1931, the King allowed the Irish Free State, on demand by them, to set up a separate great seal and sign for the Free State. Following suit, South Africa, by the Royal Executive Function's and Seals Act of 1934, further authorized the Governor General to use the seals and sign any document on the Cabinet's authority, if the King were unable to sign. As the Governor General is the Cabinet's nominee, it is possible to cut the King completely out of the Constitution. Other Dominions have declined to act likewise, but the path is theirs.*

Then, hardly, the appeal to the King in Council is optional and can be abdicated at will. Ireland has abolished it completely; Canada for criminal causes; the Union

*Except, perhaps, for Canada.
discussed, so also Australia. Ultimately, therefore, the King is no longer even nominally the supreme legal figure.

Were, therefore, the Empire bound by constitutional and legal links alone, nothing on earth could have saved the few that held fast through the King's person and position. The Crown itself has lost its hold in an age which has gloved in tradition breaking, it remains, especially, merely a symbol. But that symbol is made possible in a Commonwealth of young and aspiring nations because, fortunately, the Empire means something, legally far less, actually far greater than its constitutional structure. In the same way and to the same extent the King, too, has a deeper significance.

The Toronto Conference was in many ways a year of their significance. Canada's economic nationalism and isolationism had in no way impaired her loyalty; Ireland had realized that outside the Empire she had no hope of winning over the British crown; South Africa was learning to forget a bitter tradition. Rightly was recorded the unanimous "sense of the value of the Commonwealth," both for its own members and for the world as a whole.

The next year Mr. de Valera's Government agreed to share in the expenses of the new Imperial Economic Conference.
There are, further, many communal interests which are stronger links than any constitution. There is the same blood, the same traditions, the same heritage of British culture. A common language unites the Empire. There is the bond of the common cause of democracy—a bond which 'Manchester' and Fascism have done much to strengthen. No one doubts that the coming of a Fascist regime in England would shatter the Empire. The democratic tradition is fundamental.

Lastly there is the ideal of peace which the Commonwealth collectively and each member severally needs, to preserve the freedom of the individual and the freedom of the seas. To maintain the peace, the forces of peace must be strong; such strength unity alone can give. To execute a policy which suits the Empire, there must be a European concert and influence, and a large navy. These Great Britain alone can provide. Thus although the Commonwealth nations claim equality of status, they cannot claim equality of function; the main functions of foreign policy and defence must quite naturally fall on the mother country, and as long as this is so she will remain the heart of the Empire; dedication will be strong. But whatever the advantages of membership
of the Commonwealth may be, the Dominions still find it repellent to be subordinated to a co-equal Parliament. Therefore as a counterblast the King is enhanced and the subservience offered to him no longer fearing his authority the Dominions feel they may pay him homage without loss of dignity.

In a sense this is quite artificial, but no more so than everything in our Constitution; the British citizen shares his paradoxes. However artificial the basis of his loyalty and sentiment, it is certainly sincere.

As the ruler of an Empire bound by such bonds as all these, the King has an importance out of all proportion to his person. This explains the sumptuous of the pageantry connected with him, which would be a mockery did it honour his person alone.

The coronation ceremony, stimulating the imagination of the Empire, making us think of Kingship as well as of the King, displays the very essence of the Commonwealth. "Monarchy," a contemporary journal writer, "has entered every town and village, almost every home." The coronation is primarily imperial; it is the imperial crown which is home in the lamp-light.

The King's duty, then, is to represent more than "the ultimate sacrifices of the land which endure behind passing fames and the beaureaments." The monarchy
The importance of the personal connection thus becomes apparent. In India especially, where Parliament is anathema, Sovereignty, personal and glorified, arouses the most intense devotion. Abstract authority leaves the Indian cold. But a visible, personal, Emperor, such a figure as George V presented, binds both peasant and prince to him. The durbar of 1911 had untold effect; so also the honours of the princes at their visits to England. To use the imperial name in its purity appeals to Indian loyalty. It was a further masterpiece. And in the Colonial Empire at large, the Governor may personify the imperial spirit and make it something real and revered.
In the Empire as a whole the King's personal influence was realised by George V to be a vital part of the Empire. It himself said to his Parliament on the occasion of the Silver Jubilee:

"The Crown is the historic symbol that unites this great family of nations and races, scattered over every quarter of the earth. Contact with that 'family' became in his last years very real, and it was much facilitated by the boon of wireless. Personality radiating from the Throne is all pervassive; the Empire and the State would learnt to love him as a gallant gentleman, a ruler whose virtue only excelled his wisdom, a family man setting a pattern of family life for all. Under him the Empire was bound to draw closer in common allegiance and loyalty.

King Edward inherited the love devoted to his father; but he had also won it by the his actions in the Empire as Prince of Wales. "King George" it was written, "became a people's King. King Edward began as a people's King." But the tragedy of his abduction is more significant, as it is, than any might-have-beens. We need not consider the constitutional points which the crisis casted: the 'discontinuity of the Crown' as shown by the fact that legally George VI became King of South Africa & on December 16th, of
England on December 11th, and of the Irish Free State on December 12th; the problem of consultation and Dominion advice in an emergency; the niceties of the working of the Statute of Westminster. What is vital is that Statute, the basis of the Commonwealth Constitution, stood the test; and secondly, that it was shown how much is the monarchy the real basis of the Commonwealth. A strange unanimity characterised the responsible voices throughout the Empire. The monarchy stood, their held firm, the Throne proved to be greater than the King.

We may only offer George VI our loyalty and prayers in the great imperial task before him. His father's standard was unprecedentedly high. If he is permitted enough freedom from the desk to travel and to make himself 'the King of all his peoples', he will not fail to maintain it.
List of books used in preparation.

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The Round Table.

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'The British Empire' - Report by R.I.E.A.
'Political Institutions of Today' - T.K. Berry.
'Civitas Dei' - Curtis.
'Democracy and Empire' - Duchesne (1916).
'Select Statutes, Cases, & Documents' - Grant Robertson.

(The English Constitution' - Bagehot.)
'The English Constitution' - Amos.
'The Reign of King George V' - Somervell.