

rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule, or regulation in so far as the same is part of the law of the Dominion.

3. *Power of Parliament of a Dominion to legislate extra-territorially*.—It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

4. *Parliament of United Kingdom not to legislate for Dominion except by consent*.—No act of Parliament of the United Kingdom passed after the commencement of this Act, shall extend or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested and consented to the enactment thereof.

Clauses 5, 6 and 7 deal with the power of Dominion Parliaments in relation to merchant shipping and Courts of Admiralty, and to the British North American Acts as they apply to Canada. None apply to New Zealand.

8. *Saving for Constitution Acts of Australia and New Zealand*.—Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia or the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.

Clause 9 deals with the States of Australia and Clause 10 exempts Australia, New Zealand and Newfoundland from the provisions of sections two, three, four, five, and six unless adopted by their respective governments. Clause 11 states that the expression "colony" shall not apply to a Dominion or any state or province of a Dominion, and the final clause merely cites the title of the Act as the Statute of Westminster, 1931.

The Statute evoked only moderate enthusiasm in Australia and practically none in New Zealand, for both Dominions did not consider it an entirely

necessary document. But it was of vast importance to the Irish Free State, the Union of South Africa, and Canada, all of which had as leaders strong advocates for national sovereignty.

South Africa emphasised its provisions by passing in 1934 the Status of the Union Act, the status being declared that of a sovereign independent state not subject to any future British legislation without the consent of its own Parliament. The Irish Free State passed a new constitution in 1937, which followed the abolition of the oath of allegiance to the King and of the office of Governor-General, representing the Crown. It established the virtual republic of Eire, complete with a president.

*But it was probably the abdication of King Edward VIII which provided the most interesting example of the working of the new constitution. Because of the preamble to the Statute, the Dominions had to be consulted over the abdication, and this provided the South African leader (General Hertzogg) with an opportunity to emphasise the equality of status of the United Kingdom and the Dominions and the consequent divisibility of the Crown.*

Again in 1939, when Hitler invaded Poland, the Dominions were free to act independently in declaring war on Germany. This freedom of action was dependent on the Statute of Westminster. It will be recalled that General Hertzogg exercised the right under the Act of not following Britain and the other Dominions in declaring war on Germany. It was not until Field Marshal Smuts succeeded in dislodging Hertzogg that South Africa entered the war.

Whatever the future of the British Commonwealth is, the Statute of Westminster is certain to play an important part. In the consideration of future problems which may arise with regard to India, South Africa, and the expanding parts of the Empire, it will be well to bear in mind the provisions of the Statute.