From Week to Week

In the latter part of an examination of "Conservatives in Opposition," The Tablet touches on what we believe to be the essence of Conservative weakness, which, to avoid a lengthy quotation, we may summarise as its inability to decide whether property is property, or just something labelled property held on a varying and restricted tenancy at the whim of an electoral majority.

Hitler is supposed to have said that any lie can attain belief if only it is big enough, and the sheer nonsense which has obtained currency in regard to the nature of property goes some distance to prove the point. It is a mere matter of history that security of person and security of property have always been associated, and it is certain that if the so-called Conservative Party is to have any future it must awaken to the spiritual implications of its special responsibility—the dignity and inviolability of the individual and his inherent interests, of which property is one.

The present attitude of apologising for the institution of private property, and at most waging a feeble rearguard action for its emasculated remnant, leads, where no doubt it is intended to lead, to Moscow, Wall Street and Tel-Aviv.

The Listener, that rather drab fungus on the "B".B.C. tree (or should we say Branch?) prints in its issue of March 10 a broadcast by M. Postan on the Middle Ages. Perhaps we ought to know M. Postan as an authority on the Middle Ages, but the point is not of importance for our present purpose, which is to note the contrast between his (or her) obvious wish to denigrate the period dealt with, and the two pictures which illustrate the reprint.

One is a portrait of a merchant banker, handsomely clad in what appears to be velvet edged with fur—a man of fine bearing and dignified countenance, who might easily pass as a modern Church dignitary. And the second, from a fifteenth century MS is entitled (by The Listener, presumably) "villains reporting to their lord to receive orders about their work on his land" (our emphasis). Unfortunately for the general effect, the picture indicates a group of handsome well-clothed, booted, and hatted men in an austere Gothic hall, conversing with a worried-looking "master" who might easily be a modern estate owner except that he is better dressed than most. The two pictures are effective in discounting the letterpress.

It is impossible to obtain any insight into the condition of affairs in this country until it is realised that it is under attack, not merely from outside but from enemies entrenched in our midst, controlling much, though perhaps not all, of the propaganda, legislation and information we receive. To say that we have a Fifth Column working to compass our destruction, while true, is to convey a mental conception which itself is one of the weapons used against us. More than perhaps any other device, that of "false unity" through selective publicity, is frustrating real cohesion.

The object of this is, of course, to "bring the weight of public opinion to bear." It is linked with the myth of the "sovereign majority" and it is of some interest to notice that although it may be spurious in every particular—it may be founded on complete ignorance or worse, or may not even exist as a coherent opinion in any form—nevertheless, it can be invoked with success, because the components of it bear no responsibility for their opinions, and are not much concerned if they are misquoted.

In the same issue of The Listener to which we have referred above, there appears a reprint of a broadcast by a Mr. Humphrey House entitled "Bengal Lights." We understand that Mr. House also writes for the New Statesman.

On the basis of "when I lived there for a short time before the war" and a new edition of Hickey's Memoirs, Mr. House compares 20th century Calcutta with "the city of palaces" of the nabobs ("a phase of history no Englishman can conscientiously be proud of") (sic). "I have been struck by the likenesses, the underlying similarity of attitude" (except of course in Mr. House) "shared by these monstrous nabobs and the milder, less spectacular British who haunted Park Street and Chowringhee, Ballygunge and Alipore, ... the vulgarity, the go-getting, pale editions of the special vices, there remained ... all the traffic ... the thought came into British heads that it was nearly time for a sundowner ... a new life seemed to break. One at home in the flat, a few more at the club before dinner, something with dinner, drink added on to drink. After dinner, the drinking could move on to one of the equivalents of Hickey's taverns ... heavy talk in clubs ..."

Premising that the writer of these notes lived for part of each year in Calcutta for six years, belonged to most of the reputable clubs (much of the talk in which covered every field of interest), and never during the whole of that period saw (outside the European mill foreman who did so much to destroy British prestige) a drunken Englishman or Scot, we can leave Mr. House to his special brand of Colonel Blimp. God made him; and there are many like him in the Socialist Heaven. But the choice of him to broadcast a presentation of the British in India is another matter. That is the work of Fifth Columnists, systematically pursued for the past ten years at least. It is going on in Ottawa and Canberra as well as in London, and in every case is anti-British. It is designed to wipe out even the memory of the Pax Britannica, the magic of palabra de Inges and to present their New Order, with its thousands of imported Mr. Sydney Stanleys, as something really admirable.

From reliable sources, we learn that the Planners have collapsed on the very easiest field for planning which exists—the motor car industry. Cars are being dumped abroad regardless of cost of production, the average price received being £229 per car, which includes many of the highest priced vehicles for which, if they are allowed to be sold, several
thousand pounds is asked of the home buyer. Nevertheless, in spite of this insane policy, sales are far below schedule, and some of the colossal factories which have been rushed up for single-model export types are running on not much more than half time.

So far as we can judge, the performance increases 'the Government's' popularity.

Mr Walter Lippman, in the most matter of fact words, has explained that all that "Britain" is getting out of "Marshall Aid" is the debt. The goods, or their equivalent, are all going abroad, and much of the receipts is going for interest on 1914-18 Debts.

This country is the sport of High Treason. Whether the ostensible Ministers are fools or rogues we do not know. Both fools and rogues are involved, and we can see no alternative but to put the fear of God into them, and their eager imitators—if it can be done.

PARLIAMENT

House of Commons: March 6, 1949.

BRITISH NORTH AMERICA BILL

Considered in Committee.

[Mr. Bowles in the Chair]

Clause 1.—(CONFIRMATION OF TERMS OF UNION).

Sir Alan Herbert (Oxford University): I beg to move, in page 1, line 19, at the beginning, to insert "Subject as hereinafter provided."

I do not think the Committee stage of this Bill need detain us long because half of the Amendments I do not intend to press severely and the others, I have gathered privately, may be out of Order. As you rightly say, Mr. Bowles, these first two Amendments can be conveniently discussed with the two new Clauses. I would like to get it formally on the record, if only for the instruction of the members of another place to which this Bill may go, so far as I know, that these Amendments and new Clauses together propose a different solution of this difficult problem from that which was proposed in the reasoned Amendment on the Second Reading.

Briefly, the suggestion is that this House shall accept—and indeed it accepted on the Second Reading—the principle and the terms of the Bill as they appear in the Schedule to the Bill, but because we do not know enough about them and because they have not been discussed with Newfoundland, they shall be sent to the Government of Newfoundland, according to the British North America Acts, and, when they have been discussed and approved by the Parliament of Newfoundland, they shall automatically have the force of law. The difference between that suggested procedure and the procedure suggested on Second Reading is that in that case there would be no more recourse to this Parliament, and we shall have an end of it. I will not weary the Committee by repeating the arguments used on the Second Reading.

Lieut.-Colonel Sir Thomas Moore (Ayr Burghs): I support the Amendments proposed by my hon. Friend. As the Committee will appreciate, the new Clauses are really the basis of our argument in regard to this Measure. I would remind the right hon. and learned Gentleman who will be answering that there is no hostility to confederation as such, but merely to the hasty and unconstitutional method of bringing about confederation. If Newfoundland wants confederation, then let the Committee accept these Amendments, which will enable a duly constituted Parliament of Newfoundland democratically elected by the people of Newfoundland, to decide whether they want confederation or not. If this Amendment, which gives us the power to discuss the new Clauses, is accepted, and the new Clauses are accepted, that will meet our arguments and will satisfy the uneasy feeling that exists in the House of Commons and in the country regarding the state to which we are committing the people of our oldest Dominion.

The Attorney-General (Sir Hartley Shawcross):... We readily accept the view—that however strong the case for the Bill might be on grounds of policy, nothing should induce us in these important matters affecting the relationship between the different countries in the Commonwealth—a relationship which does not rest upon the iron framework of any rigid constitution but which is founded largely in unwritten laws, in conventions, in practice and in even less tangible ties of association—to depart from the law, the practice or the spirit of our constitutional doctrines. One comes at once to the question of how it is said that the present Bill does or may involve some conflict with the law, the practice or the spirit of our constitution, the things that we should certainly, on both sides of the Committee, wish most strongly to maintain. As I understand it, there are said to be four ways in which we may be departing from the law or the spirit of the constitution in these matters.

It is said, first that Confederation with Canada can only be effected under Section 146 of the British Nationality Act, 1867; secondly, that what it is thought to do here involves an infringement of the Statue of Westminster, 1931; thirdly, that in view of the terms on which Responsible Government was suspended in Newfoundland in 1933, what is now being done should only be done on a request from a Legislative Assembly in Newfoundland; and finally, it is said—this is a point which has given us some anxiety and which we have considered most carefully—that the present legislation should await the advice which may be tendered to His Majesty by the Judicial Committee of the Privy Council in an appeal from the Supreme Court of Newfoundland which is at present pending.

I will try not to be too technical and too long, but it is, perhaps, important that a view should be placed on record in regard to these matters. I will deal with each of these matters in the order in which I have stated them. There really is nothing in the first point standing alone. Section 146 of the 1867 Act was in a sense an enabling Section. It enabled Her Majesty, by an Order in Council and without the necessity of any further statute or legislation of the United Kingdom Parliament, to admit Newfoundland into the Canadian Confederation on a request from the Legislatures of the two countries; but it really cannot be suggested that thereafter that was the only and exclusive means by which union between Newfoundland and Canada could have been effected. All that the Statute did was to provide a method short of legislation by the United Kingdom Parliament by which union could be brought about, but that legislation by the United Kingdom Parliament could still have brought about exactly the same result is really, I venture to
That no law should be passed by the United Kingdom Parliament for legislation, even if it had been, which manifestly it was not, a condition precedent to legislation by the United Kingdom Parliament to pass Statutes binding in Newfoundland, but Newfoundland never did adopt it. In consequence, the operative parts of the Statute of Westminster—Sections 2, 3, 4, 5 and 6—never at any time applied to Newfoundland. In any event, Section 7 of the Statute of Westminster expressly excluded the alteration or the amendment of the British North America Act, 1867, from the scope of the Statute of Westminster. Even if, therefore, the Act had been adopted by Newfoundland, there would still have been that exclusion by Section 7 of the effect of the Act on the old 1867 Statute. One can, therefore, quite safely say—and I have confidence in advising the Committee about this—that there is nothing contrary to the Statute of Westminster in what is now being done.

Sir A. Herbert: Would the right hon. and learned Gentleman say something about the Preamble to the Statute of Westminster?

The Attorney-General: To say that there is nothing contrary to the Statute of Westminster in what it is now sought to do is, as the junior Burgess for Oxford University (Sir A. Herbert) obviously has in mind, by no means to conclude the matter. I speak with great diffidence about this, because it must sound very much like a lecture on constitutional law, and there is nothing I should less wish to deliver to the Committee than that. As the junior Burgess for Oxford University knows very well, our constitution—and this, I think, is one of its very greatest merits—consists in part of written laws which are enforceable in the courts and in part of doctrines or conventions which, although they are not directly enforceable in the courts, do in fact effectively control the machinery of government. Although, when dealing with these conventions, we have not got written rules which we can go to court and immediately enforce, I should certainly not wish to rank them any lower in importance than the ordinary rules of law which are immediately enforceable in the courts.

The relationship between the different Commonwealth countries within the Commonwealth is very largely founded upon conventional doctrines of this kind, which the Executives and the Legislatures rightly regard as fettering their own position and their own power and as being binding upon them. I mention that for this reason, that although Newfoundland did not adopt the Statute of Westminster it had for some years prior to 1931 undoubtedly been the constitutional position and the accepted constitutional convention that no law should be passed by the United Kingdom Parliament to extend to any Dominion, except at the request and with the consent of that Dominion, and that doctrine was embodied and enshrined in the recitals which are set out in the Preamble to the Statute of Westminster. Setting them out in the Preamble gives them no greater legal effect. They are not part of the substantive enactment itself, but the conventions are in fact set out in the Preamble in a way which leaves no doubt at all as to their existence as constitutional conventions. Those conventions before the Statute of Westminster and in the Preamble to the Statute of Westminster did undoubtedly apply to Newfoundland, although Newfoundland did not so adopt the body of the Statute itself.

Probably that meets the point the junior Burgess of Oxford University had in mind, and I would agree at once that unless something had subsequently happened to alter the constitutional status of Newfoundland and to do away with the conventional doctrines which otherwise would apply to her, the doctrine I have just mentioned about the legislative powers of the United Kingdom Parliament would no doubt have been conventionally applicable to the present legislation. But, of course, something did happen after the Statute of Westminster and after that conventional doctrine had been firmly embodied in the Preamble to the Statute. What happened was that Newfoundland abdicated her position of equal sovereignty as a member of the Commonwealth and it was only to those countries in the Commonwealth which enjoyed equal sovereignty with each other that the convention ever applied as a constitutional convention or was ever intended to apply by the Preamble to the Statute of Westminster.

Sir A. Herbert: I quarrel with the word “abdicated.” It is very important.

The Attorney-General: I accept the correction of the hon. Gentleman. “Temporarily abdicated” is a more accurate phrase—abdicated, at all events, for the time being, the position of an equal sovereign country which hitherto she undoubtedly enjoyed within the Commonwealth. That occurred when the 1933 Newfoundland Act was passed . . . The effect of the 1933 Act, both as a matter of law and as a matter of the less tangible conventional doctrine, was that sovereign equality was at least suspended for the time being, and for the time being—that is to say, during the period in which the 1933 Statute was in operation—neither the Statute of Westminster nor the conventional doctrine of sovereign equality had any possible application to Newfoundland.

The true position in law—and I am expressing my opinion to the House about a legal matter subject always to the qualification that law is not an exact science—after the 1933 Statute had been passed, was that the United Kingdom Parliament enjoyed complete sovereignty, unfettered sovereignty, over Newfoundland and that Newfoundland, although in name a Dominion, was in fact a Colony. During this period, the United Kingdom Parliament passed a number of Statutes applicable to Newfoundland and it is significant that not only did nobody at any time doubt the capacity of this Parliament to pass Statutes binding in Newfoundland, but in the Statutes which were passed, Newfoundland was always ranked with Colonies and not with Dominions, as we called them then. I have three such Measures in my hand . . .

During this period of temporary abdication, this period of suspension, a request to the United Kingdom Parliament for legislation, even if it had been, which manifestly it was not, a condition precedent to legislation by the United Kingdom Parliament.
The Social Crediter

This journal expresses and supports the policy of the Social Credit Secretariat, which is a non-party, non-class organisation neither connected with nor supporting any political party, Social Credit or otherwise.

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Treason is Secret

Phineas Finn and the Ballot

Social Credit Secretariat

A meeting for subscribers to The Social Crediter is being arranged by the Social Credit Secretariat to take place on the morning of Saturday, April 23, at the Cora Hotel, Upper Woburn Place, W.C.I. The chair will be taken at 10-15 a.m., by the Deputy Chairman of the Secretariat, Dr. Tudor Jones. Subscribers who desire to be present are requested to apply for tickets as early as possible to The Social Credit Secretariat, 7, Victoria street, Liverpool 2, marking the envelope “London Meeting.” It is desired that the number of those attending the meeting who wish to lunch at the hotel afterwards be ascertained.
Mr. Huxley's Ape and Essence

The reception given to Mr. Huxley's latest book in the 'general press' and in the casual comments of readers is a further indication of the decreasing ability to draw conclusions from events. It has often been a temptation, in dealing with the exponents of a creed such as Marxism, to treat facts as things to be selected or rejected according to whether they fit a subjective notion, to exalt isolated facts in their own right to the status of absolute truth. It somehow seems easier to say "Look at the facts," because their meaning is so obvious to us that we sometimes mistakenly regard it as self evident, than to try and explain the difference between distorting facts to suit an idea and subjugating them so that they can be seen in a correct relationship to man's cumulative knowledge of other events, or experience, and his latent natural power to perceive the things that matter in his surroundings. Outside these surroundings we see what we have been taught to look for, and our elevation of facts without premises is, in a sense, part of our groping attempt to deal with the situation where there are so many wrong teachers with wrong premises who lay emphasis on facts which, regarded from the perspective in which they are set forth, will inevitably lead to the wrong conclusions. We say that with facts alone, and without the teachers, although there will be many who understand nothing, there is always a better chance that some will succeed in establishing a just relationship between the mind and things; that they will reach what Sir Richard O'Sullivan described so excellently in a recent lecture to the Oxford Newman Society, as "the turning point where we see the same things as before but as part of a pattern instead of in isolation just as we might once have seen from the top of a hill many ships out in the bay, ships that might be coming or going for we can know no more about them than that they are ships, and yet when we look again as evening is approaching and they are all moving in the direction of the harbour we see the same ships but we also see a pattern imposed upon them which tells us something about each of them we have not previously seen. It is such a vision that we receive at the turning points of our own lives or in history."

But a very high proportion of men have no chance of reaching that turning point without the guidance of a spiritual authority. Without this the object lessons and important facts that we give to the world can for the most part do little more than pin-prick the convictions of the less-devoted adherents of false doctrines, only to leave them along with many others in a morass of seemingly unrelated and pointless bits of information, where life is but a tale told by an idiot and where such a story as Aldous Huxley's, in which he tries to depict more clearly, in the form of an object lesson, what he has set forth in the form of argument in Science, Liberty and Peace, is merely another tale told by another idiot. It seems as if his parable will only be effective as a further reminder to those who have ears to hear and already know the lie of the land, but it is interesting to us in the light it throws on Mr. Huxley's own application of some of these earlier conclusions, which were left far too open to misinterpretation by the un wary. The fact that Mr. Huxley's 'larger public' is getting, in the most 'popular' form possible with such material, certain things which Social Crediters have known for some time is not unqualified advantage. His use of certain terms is exasperating for one feels sure they will be taken up the wrong way by some of those on the fringe of his present following. Nationalism comes in for its usual good hiding but why is there no mention of internationalism whose embodied international state would contain all the evils, which he attributes to the present omnicompetent state, in a greater degree? His descriptions of these evils leave no doubt that it is the commonly held theories of the all-powerful state that he condemns, the worship of an idol, and not the patriotism of men of homogeneous race and culture associating together for their common defence; and yet one feels that it is these who are providing the backbone of the resistance to internationalist propaganda, who will be the victims of the stick that the enemy may care to make out of any parts of Huxley in quotation. His misuse of the word truth, though he is here following in the footsteps of Pascal, is also unfortunate. By his context he means 'objective facts,' in the sense in which I have just referred to them, or in other words a part of the truth, and it is this very confusing of a part of the truth with the whole truth which has caused men to be led astray by many of the doctrines which he has shown to be so devastating in their consequences. If Aldous Huxley cannot make a distinction in words how can he expect lesser mortals to distinguish the realities. He quotes Pascal as saying "We make an idol of truth; for truth without charity is not God, but his image and idol which we must neither love nor worship," and then he comments "But in the last analysis, the name of every idol is Moloch."

Ape and Essence is the title of an unsuccessful script by an imaginary Mr. Tallis the finding of which on the Hollywood scrap heap is described in the introduction where Mr. Huxley soon begins his inimitable soliloquising. The script which follows describes California in two hundred years' time, its civilisation destroyed by atomic missiles in the third world war, and its rediscovery as a country of devil-worshipping ape-like creatures by a party of New Zealand scientists. A narrator plays the part of Greek chorus constantly reminding us of the connexion between what we see here and the things we have allowed to get out of hand in our own age.

In the introduction he points out the often fatal consequences which ensue when the artistic or academic turn of mind gains temporal power, for these by their very nature must be constantly simplifying and reducing matter to a form in which it can be apprehended. "But from the Parthenon and the Timaeus a specious logic leads to the tyranny which, in the Republic, is held up as the ideal form of government. In the field of politics the equivalent of a theorem is a perfectly disciplined army; of a sonnet or picture, a police state under a dictatorship. The Marxist... and the Fascist... simplify, they abstract, they eliminate all that, for their purposes, is irrelevant and ignore whatever they choose to regard as inessential; they impose a style, they compel the facts to verify a favourite hypothesis, they consign to the waste paper basket all that, to their mind, falls short of perfection."

Mr. Huxley's predilection for oriental mysticism makes him worship Gandhi as a hero, with little reference to the events in which Gandhi played a largely instrumental part. He does however make Gandhi a little object lesson of the mesalliance that sometimes takes place between oriental mysticism and science and other ideas imported from the west. "This man who believed only in people had got himself involved in the sub-human mass-madness of nationalism, in the would-be superhuman, but actually diabolic institutions of the nation state. He got himself involved in these things..."
imagining that he could mitigate the madness and convert what was satanic in the state to something like humanity. But nationalism and the politics of power had proved too much for him. It is not at the centre, not from within the organisation, that the saint can cure our regimented schizophrenia; it is only from without, at the periphery. If he makes himself part of the machine... Either he remains himself, in which case the machine will use him as long as it can and, when he becomes unusable, reject or destroy him. Or he will be transformed into the likeness of the mechanism with and against which he works." However the inability to learn from object lessons is evidently so widespread that even Mr. Huxley has failed to learn from his own, for he later on hankers after the alliance of Eastern mysticism with the west when he makes his Arch-Vicar of Belial say "Just think if they [ourselves] had made the best! Eastern mysticism making sure that Western science should be properly used; the Eastern art of living refining Western energy; Western individualism tempering Eastern totalitarianism. Why, it would have been the kingdom of heaven. Happily the grace of Belial was stronger than the Other One's grace."

This worship of the devil, as it is here portrayed, has a rather interesting sidelight. The description of the ritual and the symbolism brings out clearly what a small twist is what was satanic in the state to something like humanity. For imagining that he could mitigate the madness and convert it can and, when he becomes unusable, reject or destroy him.

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highly educated . . ."

Mr. Huxley seems to have replaced the solution, of a super-scientific union, which he offered us at the end of *Science, Liberty and Peace* by a sober expression of confidence, based on reality, and towards the close of his "script" Poole the liberal, congregational, New Zealand botanistexplorer chastened by his new experience is talking to the girl he has found to love him. She is hypnotised by Belial but not so strongly that she can't see the light when it is shone sufficiently brightly in her face. Referring to the devil, she begins: "It's too good to be right, I should be too happy if it were. He doesn't want us to be happy. There is a pause. 'Why do you say He can't hurt us?'

'Because there's something stronger than he is.'

'Something stronger?' She shakes her head. 'That was what He was always fighting against—and He won.'

'Only because people helped Him to win. But they don't have to help Him. And, remember, He can never win for good.'

'Why not?'

'Because He can never resist the temptation of carrying evil to the limit. And when evil is carried to the limit, it always destroys itself. After which the Order of Things comes to the surface again.'

'But that's far away in the future.'

'For the whole world, yes. But not for single individuals, nor for you and me, for example. Whatever Belial may have done with the rest of the world, you and I can always work with the Order of Things against it.'

There is another silence."—G. D. Gilling-Smith.

**PARLIAMENT (continued from page 3.)**

Kingdom Parliament, could *ex hypothesi* not have been a request from the Legislature of Newfoundland, for the Legislature of Newfoundland had gone. It could only have been made by some other method of popular expression. No such request was made by any method of popular expression for the restoration of self-government, but there has been a request for union with Canada. Even, therefore, if the constitutional convention had applied to Newfoundland and even if, contrary to the view I am submitting to the House as the better view, this Parliament had no right conventionally, as opposed to legally, to legislate for Newfoundland except at the request of the people of Newfoundland, the people have made the request in the only way open to them to make it in existing circumstances.

Finally, I come to the point on which it is said that various issues, including the issues about which I have been speaking, are raised in the pending appeal to the Privy Council and that our action in Parliament should await the decision of the Privy Council. I must confess at once that that is a very attractive argument and an argument to which, if it were at all possible, we would certainly wish to defer, even if it were only out of the high respect we hold for the Judicial Committee of the Privy Council. But it is not always possible for a sovereign Parliament to delay its legislative processes in case the supreme appeals tribunal should take a different view of the law from that which is at present laid down by decisions of the courts, which are binding statements of the law. Parliament, in proceeding with this Bill, is in fact proceeding on the basis of the law as at present ascertained and as laid down by the courts.

Professor Savory (Queen's University of Belfast): Will the Attorney-General say whether, if we pass this Bill into law, it will make a subsequent appeal to the Privy Council absolutely vain and nugatory?

The Attorney-General: I would not go so far as to say that it would make an appeal vain and nugatory, but it would certainly remove some of the intended practical results of the appeal. About that there can be no doubt... . . .

The position is that it would be most unfortunate if, after our legislation had been carried right through and received the Royal Assent, the Privy Council should take a view of the law different from that which had so far been laid down in the courts, including the Supreme Court of Newfoundland. In this matter the Committee has to weigh the risks of that happening, and the extent of the misfortune which would follow, against the manifest and certain misfortune which would result from delaying our legislation now. One of the manifest misfortunes which would result from delaying our legislation now would be that Canada would have to pass a new Statute, and there would at the best be a prolonged delay in bringing about confederation. Unfortunately—and we have explored the possibilities of this—the rules under which appeals are brought to the Privy Council do not enable the matter to be expedited so that it can be disposed of in the limited time which remains available.

I say "the limited time which remains available" because unless this Bill is passed into law before the end of March, the Canadian Statute will cease to be operative. The problem was therefore to get the Privy Council appeal brought on before the end of March. That seems to be quite impossible . . .

. . . the appeal raises one point of critical significance. It is a point which I made in answer to a question put to me from the other side of the Committee. The appeal contends that the United Kingdom legislation would not be binding in Newfoundland. That view is based on the view that the Statute of Westminster applies to Newfoundland. It is a view which I venture to think is completely misconceived; and even if it were correct that it did apply to Newfoundland the legal conclusions which the appellants seek to establish from that fact may be completely erroneous. No Government and no Parliament in the United Kingdom would dream for a moment of seeking to over-ride the provisions of the Statute of Westminster in any independent Commonwealth country to which the Statute applied. That is one of the cases where convention, rather than the strict law of the Constitution, would effectively constrain the action of our legislature. But it is a very different thing to say that the Privy Council, or any other court in this country, could pass upon such legislation if in fact it did take place.

His Majesty's Government, if I may say so with respect, accept in this matter the very clear, very closely reasoned and very strong judgment of the Newfoundland courts, including the Supreme Court of Appeal in Newfoundland, as to the legal position as applied to the present case. We accept the view that there is nothing in the circumstances of this Bill which should in any way affect the present legislation. . . .

If the Privy Council do take a different view, and do so advise His Majesty, the position would not really be much worse than if we were to delay the present legislation. If the Privy Council did take that view we should at once
accept it, and we here, and Canada and Newfoundland, would have to start all over again. But so we should in any event. If we now delay the present Bill the Canadian Statute then ceases to be operative and this Bill will fall to the ground because it will no longer be in accordance with the request of the Canadian Legislature. We would therefore have to go through the whole of this process again and have a new Bill and a new Statute in Canada, further procedure in Newfoundland and eventually a new Bill in this House.

Sir A. Herbert: Those difficulties may arise, but the Government should have foreseen them as long ago as last July when the first representations on those lines were made. It is the folly of Ministers that has got them into this mess.

The Attorney-General: We take the view, and events have shown us to be right, that the action brought in Newfoundland was a frivolous and vexatious action.

Lieut-Colonel Sir Thomas Moore (Ayr Burghs). When he [the Attorney-General] referred to the abdication of sovereignty by Newfoundland he did not at that time mention the two specific qualifications to that abdication. They were, as he knows as well as we do, that when Newfoundland was again self-supporting and when she wanted back a responsible Government she should have it; secondly, if, unfortunately, the decision of the Privy Council should run contrary to the decision we take in this House of Commons then the whole processes which have been undertaken in this country by this House would have to be postponed, the Canadian Statute would lapse, and Canada, and ourselves and Newfoundland would have to start all over again.

I cannot follow the argument that the world would collapse simply because we would have to start again. It seems to me that it would be far wiser to start again, rather than to create this hatred, this contempt on the part of many thousands of people in Newfoundland—with 98 per cent. of British blood in them—or that they should have these feelings of animosity and resentment brought into their attitude towards us.

[We regret that we must interrupt our extracts from the Report of the Debate before reaching the later stages, including a speech by Sir A. Herbert.—EDITOR, T.S.C.]

H. J. Laski

Under the heading, “States’ Rights,” Frank C. Hanighen writes to the Human Events supplement, Not Merely Gossip, of March 2:

“Senator George reminded his colleagues that the upper chamber was not designed to be merely another legislative body, but a forum in which the forty-eight states should have permanent and equal representation, regardless of population and geography. To buttress his point, George quoted from a speech by the late Senator Frank Brandegee of Connecticut (who served in the Senate from 1905 to 1924), as follows: ‘Mr. President, I look at this right of debate not as a right, much less a privilege, which we are conferring upon ourselves as a matter of favour. I look upon it as a right which attaches to the sovereign states of the Union, each of which is represented here by two Senators, and whose sole method of putting its case before the people of the United States and before this body is through the voice of its two Senators. So I say that this is the forum of the states. This is a federated government, in which the states reserved the right of equal suffrage in the Senate of the United States, and made that the only provision of the Constitution which never should be subject to amendment.’

“We discussed this point with a learned friend, a student of constitutional law, and the literature on the subject. ‘I know of only one well-known writer who challenges the point of view stated by George and Brandegee,’ he remarked. ‘And who could that be?’ quoth we. Our friend replied, ‘Professor Harold J. Laski.’”

The Haldane Society

According to the Daily Telegraph for March 12, the Haldane Society of about 540 members of the Bar and other lawyers, which is affiliated to the Labour Party, is to proceed with a motion to withhold its executive posts from members of bodies unacceptable to the party. If the motion had been carried it would mainly have affected the Society’s Communist members, who are said to total over 30.

The motion had a majority but not the two-thirds majority required to make it effective.

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