

SIR FRANCIS BELL: You want to say "the King" will contract. If he contracts without any limitations of his contract, he contracts for the whole of his realm—you can omit the word "Empire." Then you want in the treaty, because you will have to make no end of treaties without us, some diplomatic words expressing whatever will be the equivalent of "in right of his Dominion of so and so," and leave out the others—if they agree; or leave it with the colonial clause.

SIR CECIL HURST: If he appoints his plenipotentiary to contract for Canada, and that plenipotentiary is nominated and signs the treaty, he does thereby sign for Canada and nothing else.

SIR FRANCIS BELL: Yes, but I think in a very great majority of the cases he will be forced to contract before he has got the ratification by the Parliaments of the various Dominions, so that he will have to contract himself alone by his own plenipotentiaries and reserve the right. I do not see how it is conceivable when the King makes an agreement with France, for instance, that it shall not be signed until the Parliament of Timbuctoo, we will say, has ratified the treaty. We are all saying that the Parliaments must ratify it, that is the idea, so that the general form, it seems to me, will be the form of a treaty with the colonial clause, and you want to modify the colonial clause so that it shall not imply that they would be bound by the mere signature of the King, if not excluded expressly.

SIR CECIL HURST: In a treaty which is going to be ratified, though in a sense the party is bound, the treaty does not come into force until it is ratified.

SIR FRANCIS BELL: But it comes into force as far as the King is concerned.

SIR CECIL HURST: Take Locarno, for instance.

SIR FRANCIS BELL: If you are going to wait for the ratification by the various Parliaments, the King of Great Britain, the Power, will have to be bound in the meantime if he is going to make any agreement at all.

MR. FITZGERALD: Is it not a matter of full powers? If powers are arranged so that he acts on behalf of Great Britain, and it is signed for Great Britain, is not that a limiting of the ambit of the thing to a certain portion?

SIR FRANCIS BELL: It will be generally a treaty by the King alone. You will not appoint your plenipotentiaries until your Parliament has ratified. The King will not appoint a plenipotentiary for you without your nomination.

MR. FITZGERALD: Quite, but if he appoints plenipotentiaries on behalf of Great Britain, of course, it applies to England.

SIR FRANCIS BELL: I would be quite content with that; but I do not think, after consideration, it would content you, because the King, if he appointed plenipotentiaries, would really be the King of you as well as of us, and it would seem to be a treaty that bound us all. If you put such words as "acting herein on behalf of his Dominion of so and so" and they are appointing plenipotentiaries on behalf of that, then you go on. If that form could be used diplomatically, that would seem to me really to meet the views of all of us.

GENERAL HERTZOG: I think we had better adjourn here as it is getting a trifle late.

MR. LAPOINTE: We will adjourn now; and I suppose we will not have a meeting to-morrow. The next meeting will be at 2-30 on Monday next. In the meantime, Sir Cecil Hurst will consider the suggestion of General Hertzog as to whether it can be done.

(The Meeting adjourned until 2-30 P.M. on Monday, November 8, 1926.)

2, Whitehall Gardens, S.W. 1,  
November 4, 1926.

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Printed for the Imperial Conference. December 1926.

SECRET.

Copy No. 6

E. (I.R./26/T.P.). 6th Meeting.

# IMPERIAL CONFERENCE, 1926.

## THE COMMITTEE ON INTER-IMPERIAL RELATIONS.

### Treaty Procedure Sub-Committee.

Stenographic Notes of the Sixth Meeting of the Sub-Committee, held in the Cabinet Room, Foreign Office, S.W. 1, on Monday, November 8, 1926, at 2-30 P.M.

Present:

The Hon. E. LAPOINTE, K.C., Minister of Justice, Canada (*in the Chair*).

#### Great Britain.

Sir C. J. B. HURST, G.C.M.G., K.C.B.,  
K.C., Legal Adviser, Foreign Office.

Mr. E. J. HARDING, C.B., C.M.G.,  
Assistant Under-Secretary of State,  
Dominions Office, and Deputy Secretary to the Conference.

#### Commonwealth of Australia.

The Right Hon. S. M. BRUCE, M.C.,  
Prime Minister.

#### Union of South Africa.

General the Hon. J. B. M. HERTZOG,  
Prime Minister.

The Hon. N. C. HAVENGA, Minister of  
Finance.

#### India.

Mr. G. H. SPENCE, I.C.S., Secretary to  
the Delegation.

The following were also present:

#### Great Britain.

Mr. H. W. MALKIN, C.B., C.M.G.,  
Second Legal Adviser, Foreign Office.

#### Union of South Africa.

Mr. D. STEYN, Private Secretary to the  
Prime Minister.

Mr. H. F. BATTERBEE, C.M.G., C.V.O. (Dominions Office)

Mr. F. E. F. ADAM (Foreign Office)

Mr. R. G. CASEY, D.S.O., M.C. (Australian Delegation)

} Joint Secretaries.

#### Commonwealth of Australia.

Mr. M. BONIWELL, Assistant Parliamentary Draughtsman.

#### Irish Free State.

Mr. J. P. WALSH, Secretary of the  
Department of External Affairs.

#### New Zealand.

The Right Hon. Sir FRANCIS BELL,  
G.C.M.G., K.C., Minister without  
Portfolio.

#### Irish Free State.

Mr. DESMOND FITZGERALD, T.D.,  
Minister for External Affairs.

Mr. J. COSTELLO, K.C., Attorney-General.

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