

action is to be taken it should be by a resolution of the Peace Conference and not through a long-drawn out trial before a tribunal constituted for the purpose and really having only such authority as could be conferred upon it by the Peace Conference itself. Many telegrams urging the trial and punishment are reaching me from Canada.

I have asked General Currie to hold himself in readiness to be present in Paris during the deliberations of the Peace Conference. His assistance will be useful and it is quite appropriate that the Canadian Corps should thus be represented on that occasion.

I have etc.

[R.L. BORDEN]

5. *Extracts from Minutes of Fortieth Meeting
of Imperial War Cabinet*¹

SECRET

London, December 3, 1918

Sir Robert Borden was not prepared to agree without further consideration that a State trial would afford the best method of dealing with the ex-Kaiser. A trial before such a tribunal might become impressive in more senses than one if it were dragged out for many months or even for years, with the attendant opportunity for the ex-Kaiser to exercise his well-known art of posing and intriguing. In his opinion the public opinion of the world and the justice of the case would be better satisfied if the ex-Kaiser were dealt with by resolution of the Peace Conference. The proposal was to create an *ad hoc* tribunal to try the ex-Kaiser for an *ad hoc* crime and by *ad hoc* procedure. The tribunal was to be constituted not by the League of Nations but by the Allied belligerent nations. A sentence by a tribunal created by the Allied nations with whom the ex-Kaiser had been at war would not rank higher in point of fairness or justice than a sentence by the Peace Conference upon facts which were known and admitted.

The Prime Minister suggested that perhaps Sir Robert Borden would like to raise the question when the representatives of France and Italy joined the Imperial War Cabinet meeting at 11:15 A.M.

Mr. Chamberlain² hoped very much that Sir Robert Borden would do this, as he thought that a good many people held the view that a State trial would give the ex-Kaiser's friends too much opportunity for exalting him.

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¹Canadian representatives present: Sir Robert L. Borden and Sir G. E. Foster.

²Austen Chamberlain, Chancellor of the Exchequer, 1919-1921.