

The requirement of the re-issuing of Letters of Credence by reason of the demise of the Crown, is entirely consistent with the view expressed in this and in the preceding memorandum¹ with regard to the necessity for renewal of instruments of appointment. The creation of or the appointment of a person to an office is a matter of English or Canadian Law, as the case may be. The question of the effect of the demise of the Crown upon such an office is purely a matter of the English or the Canadian Law, and properly governed by the appropriate legislation.

On the other hand, the matters dealt with by the Letters of Credence, or Letters of Recall are matters which relate to the recognition in a foreign country, which recognition would primarily be determined by international usage and custom, and which could not properly be governed by the English or Canadian legislation.

5. It is necessary to note that, in the case of Mr. Massey and Mr. Herridge, the position is somewhat different. Mr. Roy is in the same position as Sir Herbert Marler.

In the case of the two Ministers to the United States, Letters of Credence were issued, but no Commissions. Their Letters of Credence could not properly be regarded as appointments. They are not directed to the Minister, but to the foreign Sovereign. In these instances, the Minister must be regarded as having been appointed without formal act.

15.

*Le chargé d'affaires aux États-Unis au secrétaire d'État
aux Affaires extérieures*

*Chargé d'Affaires in United States to Secretary of State
for External Affairs*

DESPATCH 80

Washington, January 24, 1936

Sir,

In continuation of my Despatch No. 65 of January 22nd, 1936,² I have the honour to enclose a copy² of the reply received from the Secretary of State to my note informing him of the death of His Majesty King George the Fifth and of the accession of His Majesty King Edward the Eighth. I direct your attention to the feeling expression of sympathy included in this note by the Secretary of State. This I have promptly acknowledged in a communication, of which I also append a copy.²

2. It may be of some interest to you for me to append a brief account of steps taken here to show respect to the memory of His Majesty King George the Fifth. On the morning of January 21st the Secretary of State, accompanied by the Chief of Protocol, called on me at the Legation and also called on the British Ambassador, the South African Minister, and

¹ Voir le doc. 7/see doc. 7.

² Non reproduites/not printed.