

should anyhow like to inform Sir Alexander what are the views of the Canadian Government as regards the signing and sealing of the Commissions.

Yours very sincerely,

A. S. REDFERN

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DEA/9323-40

*Le sous-secrétaire d'État aux Affaires extérieures
au secrétaire du Gouverneur général*

*Under-Secretary of State for External Affairs
to Secretary to Governor General*

Ottawa, April 22, 1943

RE: APPOINTMENTS OF CONSULAR OFFICERS

May I refer to your letter dated April 15, 1943, in which you let me know the results of discussions with Sir Alexander Hardinge.

I note that the Private Secretary to the King agrees that there is no necessity to seek the King's formal approval for the appointment of the Consul General at New York. I feel justified in assuming, therefore, that in future cases it will not be essential to bring prospective appointments to the attention of the Governor General.

Sir Alexander Hardinge has raised the question as to whether the Commission should be signed by the King or by the Governor General. He points out that the Government of the Union of South Africa submits such Commissions for the King's signature, the basic reason for the practice being that a Commission signed by the Governor General will not, in the eyes of the foreign government concerned, command the same attention and respect as one signed by the King. He points out that, on the same principle, the King's personal exequatur for a foreign government's consular officer is not in general given save on a Commission signed by the Head of the foreign State.

I think that the Government would prefer that such Commissions should be signed by the Governor General and passed under the Great Seal of Canada. The Commissions as drafted are Commissions from His Majesty the King appointing the officer in question. In the cases presently under consideration, I am satisfied that the Government of the United States will not question the validity of a document issued in the name of the King and under the Great Seal of Canada appointing a consular officer. The recognition of such a document by the Government of the United States will establish a weighty precedent for future cases. I do not think that other governments will be inclined to question such Commissions, if the precedent has first been established in the case of appointment in the United States of America.

The Government would, I am sure, be disinclined to follow any course which would appear to question the authority of an Instrument issued under the Great