

K. F. McCloskey

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OTTAWA

COMMERCE AND FOREIGN INVESTMENT IN CANADA

CHANGES IN THE CANADIAN EXTERNAL SERVICE

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(a)

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EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED STATES

(b)

EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED STATES

(c)

(A) INTERNATIONAL NEGOTIATIONS AND AGREEMENTS

1. Application of compulsory military service to aliens and certain other groups previously exempt, press statement of October 1, 1942.

1. Up to the present time the regulations respecting compulsory military service under the National Resources Mobilization Act have applied only to British subjects "ordinarily resident in Canada". Nationals of Allied countries in Canada have not been compelled to do military service, either in the forces of their own country or in the forces of Canada. Certain British subjects who have been in Canada for over a year have not been liable to military service merely because they "belong" to some other part of the Commonwealth and are "ordinarily resident" there. The Canadian Government has now taken action to remove these inequities.

2. Declarant Aliens. - First, provision is being made for recognition of the status of aliens who wish to become Canadian citizens. Such aliens may become "declarant aliens". All declarant aliens have, by an amendment to the National War Services (Recruits) Regulations, been made liable to compulsory military service on the same basis as Canadians. By Orders-in-Council which have been passed under the War Measures Act a "first paper" procedure has been established analogous to that existing in the United States. Henceforth, a man or woman who has reached the age of eighteen years and who desires to be naturalized must, at least one year before he petitions for naturalization, file a declaration of intention before the Clerk of the Court in the judicial district in which he resides. The declaration of intention consists of a declaration by the alien that he intends in good faith to become a British subject and to reside permanently in Canada and that before being naturalized he will renounce his former allegiance. The Secretary of State has power to refuse to accept a declaration from an alien whom he does not consider fit to become a British subject. A person from whom a declaration of intention is accepted will be a "declarant alien" and other aliens will be "non-declarant aliens". The machinery for accepting declarations of intention is now in process of being set up by the Secretary of State. It will not be in operation until January 1, 1943. All aliens in Canada who have reached the age of eighteen years and who intend to make Canada their permanent home will have the opportunity after the New Year to apply for the status of "declarant aliens" and by so doing show their willingness to accept voluntarily the same liability to compulsory military service as citizens of Canada.

3. Non-Declarant Aliens.

(a) United States citizens - United States citizens in Canada are from now on subject to compulsory military service on the same basis as Canadians, with the proviso that

any non-declarant United States citizen will be given a chance when called up for military service by Canada to choose service in the United States Army or Navy in lieu of service in the Canadian forces. When a non-declarant United States citizen receives from the Divisional Registrar his order for medical examination - that is the order to present himself for a preliminary medical examination - he will also be informed of his right to elect to serve in the armed forces of the United States. If he is found physically fit he will be sent an application form for induction into the armed forces of the United States. He may fill out this form at any time previous to enrolment in the Canadian Army. If he fills out the form the Canadian authorities will forward a copy of it to the United States authorities, together with the report of the medical examination given to him by the Canadian Army at a Military Training Centre. On receipt from the United States authorities of notification that the individual is acceptable to them, the Divisional Registrar will send the individual to a designated reception point for induction into the armed forces of the United States. This procedure is set forth in an exchange of notes with the United States dated September 30. It is analogous to that which the United States has adopted in respect of non-declarant Canadians in the United States who are called up for military service under the United States Selective Training and Service Act.

(b) Citizens of Allied countries which are raising forces in Canada, i.e. Belgium, Czechoslovakia, the Netherlands, Norway, Poland and Yugoslavia.

Non-declarant citizens of those allied countries which are raising forces in Canada are, like United States citizens, henceforth subject to compulsory military service in Canada on the same basis as Canadians, and, like United States citizens, are being given the privilege of choosing service in the armed forces of their own country in lieu of service in the armed forces of Canada. The allied countries which are raising forces in Canada are Belgium, Czechoslovakia, the Netherlands, Norway, Poland and Yugoslavia. A national of one of these countries who, after receiving an order for medical examination, is found physically fit by his local doctor will be sent by the Divisional Registrar a form of option for service in the foreign force of his own nationality. If he does not send in this form within fourteen days of the date

of the communication from the Divisional Registrar he will in due course be called up for service with the Canadian forces. If he does send in the form it will be sent by the Divisional Registrar to the headquarters of the foreign military mission concerned which will make arrangements direct with him for his enlistment into their forces. An alien who under these arrangements joins the military force of his own country will not prejudice his immigration and naturalization status in Canada. If he should be discharged from that force outside Canada, he will have the right to return to Canada at any time within three months of the date of his discharge, provided that he was legally resident in Canada at the time he joined that foreign force. Applications for naturalization will not be prejudiced by absence abroad while serving with the foreign force and if the alien enlists in that force in Canada his service abroad with that force will be regarded as residence in Canada within the meaning of the Naturalization Act.

- (c) Stateless Aliens. - The National War Services Regulations have been amended to provide for the calling up of stateless aliens on the same basis as Canadians.
- (d) Enemy Aliens. - Enemy aliens, are, by the establishment of a first paper procedure, being given a chance to show their loyalty to Canada by applying for first papers and thereby voluntarily making themselves liable to military service if their application is granted. The Government is not, however, proposing to grant first papers automatically to any alien, and an especially thorough investigation will be made by the Secretary of State before an application is accepted from an enemy alien. Enemy aliens who prefer to maintain their enemy nationality and who, therefore, do not apply for first papers will not be called up for military service. Nor, of course, will enemy aliens be called up if their applications for first papers are not granted. The Government has no desire to include in the armed forces of Canada persons of whose loyalty to Canada there can be any possible doubt. In effect, what is happening is this: enemy aliens are not being subjected to military service but persons who are of enemy nationality but who are anti-nazi are being given an opportunity to serve in the armed forces of Canada by voluntarily accepting an obligation to military service. It is also important to bear in mind that the acceptance by the Canadian Government of a declaration of intention to apply for naturalization from an enemy alien or from any other kind of alien does not necessarily mean that the declarant will in due

course be granted naturalization. The Secretary of State of Canada will retain the full discretion which he at present possesses to refuse naturalization to any person.

- (e) Nationals of neutral countries or of allied countries (other than the United States) which are not raising forces in Canada. - The remaining non-declarant aliens in Canada are nationals either of neutral countries or of allied countries (other than the United States) which are not raising forces in Canada. These persons have been made liable to be called up for military service on the same basis as Canadians with the proviso that they may secure exemption on grounds of their nationality. The procedure for securing exemption on the grounds of nationality is as follows: when the alien receives his first call-up notice - that is his order for medical examination - he will be told that, within three weeks of the date of the order he must either present himself for medical examination to his local doctor or file a statutory declaration claiming exemption from military service on the ground of his nationality. Once he has presented himself to his doctor for physical examination, he will no longer have the right to claim exemption. An alien who claims exemption on grounds of his nationality automatically incurs certain heavy penalties. These penalties are set forth in Orders-in-Council which have just been passed under the War Measures Act. An alien who applies for exemption from military service on the ground of his nationality is thereby deprived forever of all rights and privileges to be naturalized in Canada as a British subject and becomes liable to deportation from Canada whenever such deportation may be practicable.

4. For reasons of security, the final decision regarding the enrolment of an alien will rest with the Canadian military authorities.

5. British Subjects. - The National War Services (Recruits) Regulations have been amended to provide that any British subject who has been in Canada for one year will be liable to compulsory military service just as if he were a Canadian. The Canadian Government has informed the other member states of the British Commonwealth that it will not object to the imposition on Canadians of similar obligations in other parts of the Commonwealth.

6. Number of Persons Affected.- At the present time single men and childless widowers of the ages of 20 to 40 inclusive are being called up for compulsory military service. Persons who have married since July 15, 1940, are considered as single. The number of aliens in Canada who are either single or childless widowers and who are of the ages of 20 to 40 inclusive is 26,000, of whom 7,000 are United States citizens.

2. Exchange of notes between Canada and the United States on the application of compulsory military service to United States citizens residing in Canada, press statement of October 1, 1942.

1. Note of September 30, 1942, from the Canadian Minister in Washington to the Secretary of State of the United States.

"1. I have the honour to refer to your note of April 8, 1942, in reply to my note No. 222 of April 6 concerning the application of the United States Selective Training and Service Act of 1940, as amended, to Canadian nationals residing in the United States, and stating that the Government of the United States assures the Government of Canada full reciprocity with respect to the regime outlined in your note of March 30 under which Canadian nationals in the United States who have not declared their intention of becoming United States citizens may elect to serve in the naval, military or air forces of Canada in lieu of service in the armed forces of the United States. In your note you further state that the Government of the United States agrees to the understandings, limitations and assumptions set forth in numbered paragraphs 4 to 9 inclusive of my note.

2. One of these understandings is that the Government of the United States is agreeable to the Canadian Government imposing a liability to compulsory military service on United States citizens residing in Canada. A second understanding is that while non-declarant United States citizens in Canada will, prior to their induction into the naval, military or air forces of Canada, be granted an opportunity of electing to serve in the armed forces of the United States, this opportunity will not be granted to declarant United States citizens in Canada.

3. In accordance with these understandings the Canadian Government has recently imposed on United States citizens residing in Canada a liability to compulsory military service identical with that imposed on British subjects ordinarily resident in Canada, and the Canadian Government now desires to initiate a procedure satisfactory to the Government of the United States under which United States citizens in Canada who have not declared their intention of applying for naturalization in Canada may elect to serve in the armed forces of the United States, in lieu of service in the armed forces of Canada, at any time prior to enrolment in the Canadian Army.

4. The following proposals are made by the Canadian Government:

(a) Individuals who elect for service with the armed forces of the United States will be physically examined by the Canadian Army. The results of the examination will be forwarded to the proper authorities of the United States. On receipt from these authorities of notification that an individual is acceptable the competent Canadian authority will send the individual to a designated reception point for induction into the armed forces of the United States. If, on arrival at the reception point, the individual is found to be not acceptable to the armed forces of the United States, he shall be liable to be enrolled immediately in the Canadian Army.

- (b) In order that non-declarant United States citizens in Canada may be informed of the conditions of service in the armed forces of the United States, the Canadian Government suggests that the United States authorities give the Canadian authorities copies of a pamphlet setting forth the conditions of service so that the pamphlets may be made available to non-declarant United States citizens who are called up for military service by Canada.
- (c) United States citizens in Canada who elect to serve in the armed forces of the United States and are accepted by one of those forces and who return to Canada for permanent residence within six months after the termination of their service with the United States armed forces will not lose any rights they may have previously acquired under the Immigration and Naturalization Acts of Canada.

5. Acceptance by the United States of these proposals will not be construed by the Canadian Government as imposing any obligation on the United States Government to return to Canada United States citizens who may be deemed to be defaulters under the National War Services (Recruits) Regulations of Canada.

6. If these proposals are acceptable to the Government of the United States, this note and your reply thereto accepting the proposals shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter. The practical details may then be arranged directly between the appropriate governmental agencies."

2. the Note of September 30, 1942, from the Secretary of State of United States to the Canadian Minister in Washington.

"I have the honor to acknowledge the receipt of your note No. 638 of September 30, 1942 proposing an arrangement under which American citizens residing in Canada, who have not declared their intention of applying for naturalization in Canada, and who may become subject to enrolment in the armed forces of Canada will, prior to such enrolment, be given an opportunity of electing to serve in the armed forces of the United States. You also state that acceptance of the proposals will not be construed by your Government as imposing any obligation on the Government of the United States to return to Canada any citizens of the United States who may be deemed to be defaulters under the National War Services (Recruits) Regulations of Canada. Your proposals are made on the understanding that the United States Government is agreeable to the Canadian Government imposing a liability to compulsory military service on United States citizens residing in Canada, and that the opportunity of electing to serve in the armed forces of the United States will be granted only to American citizens residing in Canada who have not declared their intention of applying for naturalization in Canada.

"I am pleased to inform you that the Government of the United States agrees to the Canadian Government imposing a liability to military service on United States citizens residing in Canada, and that the proposed arrangement as outlined in your note under acknowledgement is satisfactory to this Government."

"I am pleased to inform you that the Government of the United States agrees to the Canadian Government imposing a liability to military service on United States citizens residing in Canada, and that the proposed arrangement as outlined in your note under acknowledgment is satisfactory to this Government."

3. Fettering of Canadian prisoners of war by German authorities, press statements of October 9 and October 15, 1942

October 9, 1942

The Canadian Government communicated this evening to the Swiss Consul General in Charge of German interests a protest, in the strongest terms, against the fettering of Canadian prisoners of war by the German authorities, a measure of reprisal in violation of the Geneva Convention for the Protection of Prisoners of War of which the Canadian Government and people have learned with amazement and regret. The Canadian Government, which has been acting in consultation with the Government of the United Kingdom, will reluctantly take immediate counter action if the order for the fettering of Canadian prisoners of war is not rescinded before noon Saturday, October 10th. If such action has not been taken by the German Government by that time, an equivalent number of German prisoners of war, including both officers and men, will be put into chains.

The Swiss Consul General was informed that the Canadian Government would be very glad to cancel this order immediately on receipt of information that the German order for chaining the Dieppe prisoners has been cancelled.

October 15, 1942

When the Canadian Government's protest against the action of the German Government in chaining Canadian prisoners-of-war captured at Dieppe was made to the Swiss Consul General on Friday last, the Swiss Consul General was also informed that the Canadian Government would welcome the services of the Government of Switzerland as the Protecting Power for both belligerents with a view to securing an early settlement of the dispute and the freeing of the prisoners. The Canadian Government are now informed that the Swiss Government, in conformity with this request, have made an approach to the German Government.

The International Committee of the Red Cross at Geneva also offered their services, and the United Kingdom Government in consultation with the Canadian Government have informed the Committee that they have already invited the Swiss Government to take the matter up with the German Government. The British Government, in expressing their appreciation of the offer of the International Red Cross Committee, added that they must therefore leave it to the Committee in consultation if necessary with the Swiss Government to decide in what way their services can be made most effective.

4. Treaty between Canada and China regarding extra-territoriality, press statement of October 10, 1942.

The Prime Minister announced today that Canada is prepared to negotiate a treaty with China, by which Canada would relinquish the extraterritorial and related rights which Canadians have enjoyed under the terms of existing agreements between China and Great Britain.

Discussions have already been initiated with the Chinese Minister in Ottawa.

Similar treaties with China are being negotiated by the United Kingdom and the United States.

The relinquishment of extraterritorial rights will not in any way adversely affect existing land ownership by Canadians in China or facilities for travel, residence and trade in that country.

The result of the negotiation of the proposed treaty should be a further strengthening of the existing ties of friendship between the two countries.

On October 22, 1942, the Prime Minister announced that a reply had been received from the Chinese Government to the Canadian proposal to negotiate a treaty with China relinquishing Canada's extraterritorial and related rights in that country. In a letter dated October the 20th, 1942, the Chinese Minister to Canada, Dr. Liu Shih, stated that he had received instructions to convey to the Prime Minister, in the name of his Government, China's "sincere thanks for the generous offer the Canadian Government has made". Dr. Liu Shih also said that the Chinese Government gladly accepts the proposal and will enter into negotiations as soon as the Canadian Government is prepared to do so. Dr. Liu concluded his communication by stating his belief that "the conclusion of the treaty under contemplation will usher in a new era of auspicious relations between China and Canada".

5. Letters to Enemy and Enemy-Occupied Territories, press statement of October 17, 1942.

It was announced by the Department of External Affairs that Thomas Cook and Son Limited are authorized to receive letters addressed to enemy or enemy-occupied territory with the exception of the following places: German occupied France, the Channel Islands, Japan and Japanese occupied territory. Communications to prisoners of war or civilians interned abroad cannot be sent by this service. It is intended to enable Canadians to write to friends or relations in places to which the ordinary mail service has been suspended. Only personal correspondence can go forward in this way. Business communications will not be accepted. Regulations on the form of the letter must be carefully observed and these regulations may be obtained by writing to Thomas Cook and Son Limited, 75 King Street, West, Toronto. Correspondents who wish to obtain copies of the instructions above mentioned should, therefore, apply to Thomas Cook and Son enclosing a self-addressed and stamped envelope for the return of the instructions. It is important to read the instructions most carefully as any letter which does not

satisfy them will not be allowed to go forward.

This service is supplementary to the Personal Postal Message Service, the forms for which can be obtained at any post office. It is available for all countries for which the Thomas Cook service is available and also for Japan, Japanese-occupied territories, German-occupied France, and the Channel Islands.

6. Transmission of parcels to Canadian prisoners of war in Europe, press statement of October 25, 1942.

The Canadian authorities have been considering the possibility of increasing the number of food items which may be included in personal parcels sent by next of kin to prisoners of war in Europe.

It has been found that most Canadian prisoners of war are now reasonably well supplied with articles of clothing but that, although they are receiving standard food parcels sent by the Canadian Red Cross weekly, there is a constant demand from them for small luxuries and other less standard items of diet such as sugar, tea, coffee, candy, chocolate to add variety to their regular fare.

The question of the permissible items for inclusion in food parcels sent from the United States has also been under consideration at Washington and in view of the desirability of arranging reasonable uniformity of practice in this matter between the two countries, the Canadian and United States authorities are now discussing more liberal lists of permissible articles. It is understood that these lists will be issued within the next few days. While they may not be identical, since some items obtainable in one country may not be so easily available in the other, it is understood that they will be roughly equivalent. Consideration is also being given to the inclusion in the list of permitted articles of a wider variety of personal effects.

7. Exchange of Notes between Canada and Chile, September 23, October 9 - 12, 1942.

By an Exchange of Notes of September 23, October 9 - 12, 1942, between Canada and Chile the provisional application of the Trade Agreement of September 10, 1941, was extended for one year. (For the text of the Agreement of September 10, 1941, see Canada Treaty Series 1941, No. 16).

8. Exchange of Notes between Canada and the United States, October 5 - 9, 1942.

By an Exchange of Notes between Canada and the United States of October 5 - 9, 1942, the Agreement of November 10, 1941, for the temporary raising of the level of Lake St. Francis during low-water periods was extended to October 1, 194 .

(B) COMMONWEALTH AND FOREIGN REPRESENTATIVES IN CANADA

1. On October 21, 1942, Mr. Feodor T. Gousev, the first diplomatic representative in Canada of the Union of Soviet Socialist Republics, presented to His Excellency The Governor General at Government House the Letter of Credence accrediting him as Envoy Extraordinary and Minister Plenipotentiary to Canada.

Mr. Gousev was introduced to the Governor General by Mr. Norman Robertson, Under Secretary of State for External Affairs. The new minister delivered a short address, to which His Excellency the Governor General replied. Mr. Howard Measures of the Department of External Affairs was present and the Minister presented to the Governor General the following members of his Legation staff:

Mr. Gregori I. Tounkin, Counsellor
Mr. Sergei M. Kudriavtzev, First Secretary
Mr. Ivan I. Krotov, Commercial Attache
Mr. Vitali G. Pavlov, Second Secretary
Mr. Roman N. Ovsienko, Third Secretary
Mr. Feodor I. Vidiasov, Attache
Mr. Ivan I. Volenko, Attache
Mr. Nikolai P. Uspenski, Attache

Mr. Gousev was born on April 29, 1905 in the village of Zakropivenie, Leningrad district. After attending the local school and the pedagogical high school he worked as a school teacher. In 1932 he graduated from the State University of Leningrad and worked in the Executive Committee of the Soviets of the Leningrad district.

Mr. Gousev was appointed in 1937 to the People's Commissariat for Foreign Affairs of the U.S.S.R. For three years prior to his present appointment as Minister to Canada he was head of the Second European Department of the People's Commissariat for Foreign Affairs, which deals with affairs relating to the British Commonwealth of Nations.

Mr. Gousev is accompanied to Ottawa by his wife and small daughter. They are at present residing at the Chateau Laurier Hotel.

Address by Mr. Feodor T. Gousev, Minister of the Union of Soviet Socialist Republics when Presenting his Letter of Credence to His Excellency The Governor General October 21, 1942.

Your Excellency:

I have the honour to present you with the Letter of Credence accrediting me as Envoy Extraordinary and Minister Plenipotentiary of the Union of Soviet Socialist Republics to Canada.

I esteem it a high privilege to be the first Minister of the Union of Soviet Socialist Republics to Canada and I

shall do my best in order to fulfil properly duties entrusted to me by my Government.

I permit my self to hope that in fulfilling my duties I may rely upon your support and that of the Government.

I arrive in your country at a moment when the Red Army and the people of the Soviet Union in co-operation with Canada and the other United Nations, are fighting a titanic struggle against the enemy of all liberty-loving people of the World - against Hitlerite Germany striving to achieve world domination. In the struggle against Hitlerism close co-operation of all the United Nations is the necessary condition for the victory over the common enemy in the shortest possible time.

Permit me, Your Excellency, to express the confidence of the Government of the Union of Soviet Socialist Republics that the establishment of direct diplomatic relations and exchange of diplomatic representatives between Canada and the Union of Soviet Socialist Republics will serve the maintenance and promoting of friendly relations between two countries.

Reply of His Excellency the Governor General to Mr. Feodor Gousev, Minister of the Union of Soviet Socialist Republics,
October 21, 1942.

Mr. Minister,

I am greatly pleased to receive, in the name of His Majesty The King, the Letter of Credence accrediting you as Envoy Extraordinary and Minister Plenipotentiary of The Union of Soviet Socialist Republics to Canada. I extend to you, as the first diplomatic representative of your country here a very cordial welcome.

The establishment in Canada of a diplomatic Mission from the Soviet Union is welcomed with the utmost cordiality, and I assure you that in carrying out the duties of your high mission you may rely upon my co-operation and the support of the Canadian Government.

The unparalleled heroism and glorious achievements of the armed forces and people of the Soviet Union against invasion have aroused our unbounded admiration. In the titanic battle for the cause of Freedom and Justice which the people of the Soviet Union and the people of Canada are now fighting, in co-operation with the peoples of the United Nations, we are united in close association, and this comradeship in arms will, I know, form the basis of a wider and deeper friendship.

The Government of Canada shares the confidence of the Government of the Union of Soviet Socialist Republics that the establishment of direct diplomatic relations and the exchange of diplomatic representatives will serve to maintain and promote friendly relations between our two countries.

(C) CHANGES IN THE EXTERNAL AFFAIRS SERVICE

1. Mr. Frederick Hudd, Official Secretary in the Office of the High Commissioner for Canada in London, arrived in Canada during October for a brief visit.

