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July 22, 1959

Sir Joseph Pope Papers

The semi-official papers of Sir Joseph Pope are in the Public Archives. Most of them carefully sorted and arranged by Pope himself in his last years. I have utilized these papers in my studies.

Sir Joseph Pope's biography, written by his son, Lieut. Gen. Maurice Pope, has been in the hands of the Oxford University Press for a couple of years. It is now expected to be published toward the end of this year, 1959.

Sir Joseph Pope's personal diaries have recently been deposited in the Public Archives, but under seal. It is not expected that they will be opened for inspection or available for research at least until the publication of the biography, and possibly later.

I have talked with General Pope on these matters, but have not had access to any private papers of Sir Joseph Pope under General Maurice Pope's control.

K.P.K.

January 30, 1959.

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THE DEPARTMENT OF EXTERNAL AFFAIRS:

A HISTORY

PART I.

THE POPE EPOCH

(1909-1925)

K.P.K.

1958.

THE DEPARTMENT OF EXTERNAL AFFAIRS

A HISTORY

Part I. 1909-1925

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1.

INTRODUCTION

Introduction

The Department

The Canadian Department of External Affairs, instituted in 1909, is approximately a half century old. Its history may be roughly divided into two parts, with the year 1925 as the watershed.

In its first phase, from 1909 to 1925, it was principally an administrative bureau, performing more efficiently routine duties which had previously been performed by the Privy Council Office and the Secretary of State's Department. From 1909 to 1912 it was an offshoot and adjunct of the Secretary of State's Department; from 1912 it was an adjunct to the Prime Minister's Office. It was scarcely an advisory department on foreign policy, except for the personal aid given after 1913 to the Prime Minister by its legal adviser, Loring C. Christie. It was the headquarters of no permanent Canadian diplomatic missions abroad, although the International Joint Commission, the Canadian War Mission in Washington, the Commissioner General's Office in Paris, and after 1921, the High Commissioner's Office in London, were nominally under the Department's jurisdiction. It was a documentary centre and a passport office, but it was not a "Foreign Office".

In the second phase, after 1925-26 - which is not part of the present study - the Department became more like a "Foreign Office"; it helped more to advise and guide Canadian foreign policy; it actively participated in the business of external relations and diplomacy; it was the headquarters of a Canadian diplomatic

service abroad; it became dynamic instead of static, and its staff progressively increased to cope with Canada's new powers, responsibilities, and activities in foreign affairs.

In the first phase - some sixteen years - Sir Joseph Pope was the dominating personality, the deus ex machina, from 1909 till 1925. In the second phase, Dr. O.D. Skelton was the dominating personality and deus ex machina from 1925 until his death in 1941 - some fifteen years; thereafter there was a series of shorter-term Under-Secretaries, assisted by a larger group of influential senior aides, and a rapid expansion of staff and premises.

In the present survey, the background, prior to the Department, covering mainly the period of 1900-1909 is described; the creation of the Department in 1909 and its reorganization in 1912 are next described. Its structure and operation during the period up to 1925 are described. And notes are given concerning the principal characters - Premiers Laurier, Borden, Meighen and King, the Secretary of State Charles Murphy, the Under-Secretary Sir Joseph Pope, and their mutual relationships. The early steps toward the development of diplomatic representation abroad are described in a final chapter.

In general, this is more of a study in the field of public administration than in the field of foreign policy. It is not appropriate in this survey of the first period of the Department to outline Canada's external policies and relations. This has been amply

done in various other detailed histories.* The Department, as an administrative bureau, played but a small role in the foundation of Canada's foreign policy and the development of its evolving imperial relationships. Except possibly for the work of L.C. Christie, the Department was not concerned with policy. This was left to the Prime Ministers and Cabinets. Throughout this study, the Department of External Affairs appears as a form of machinery, or an additional apparatus in the general machinery of government. The development of Canada's foreign relations would have gone on without the Department, but in a more cumbrous manner; the Department was instituted to expedite and facilitate the operation of those increasing relations. It did not provide a road-map; it served as a more efficient engine. It was essentially functional.

Imperial Connection

Nevertheless, a few notes may be sketched to give the setting of the Department of External Affairs. Canada, in the first decade of the century, was still a new country, thinly populated by between 5,300,000 (in 1901) and 7,200,000 (in 1911) inhabitants widely settled in the far-scattered areas of a half-continent. Since 1867 the primary task of government had been to unify the provinces, to assist immigration and settlement, to integrate the racial groups and maintain

* Such as those of Glazebrook, Kennedy, Berriedale Keith, Porritt, Skilling, Brebner, Borden, Skelton, Massey, Rowell and others.

cohesion between them, and to foster the economic development of a potentially rich productive country which was still under-developed and, except in the older eastern centres, largely a frontier for pioneers. Macdonald for fifteen years, and Laurier for fifteen years, devoted their energies mainly to this gigantic domestic task.

Alongside of the new Dominion of Canada lay the United States, older, more populated, richer, and more powerful. Canada had to live with this neighbour, and share the continent with it. Their interests interlocked. After periods of war, there was an era of peace; but problems of boundaries, commerce, and fishing rights persisted with irritating effects.

Sir Wilfrid Laurier illustrated this when he said in the House of Commons in 1909:

> Look at the volume of business of an external character which has been transacted during the past year. We had the French treaty negotiated by us, of course with the concurrence and approval of the imperial authorities; we had another treaty dealing with the long pending question of the interpretation of the treaty of 1818 in relation to our Atlantic fisheries. . . Then we have had another treaty, also negotiated in Washington, with reference to the fisheries in the inland waters. We have another treaty to mark again the boundaries between Canada and the United States. . . Then, we have had another and most important treaty which is now engaging the attention of the American senate. . . that is, a treaty to settle in a friendly spirit all difficulties which may arise in the boundary waters between Canada and the United States. . .

Laurier continued: "This alone will show to the House that Canada has reached a position where foreign relations have assumed a very important character. . . We have now a population which cannot be less than six million and is probably more; our trade last year

grew to the very large figure of $600,000,000. Under such circumstances it is not extraordinary that the volume of foreign affairs has assumed such proportions as to make it indispensable that we should have officers, trained for the purpose, whose business shall be to deal with such questions and such questions alone." (1)

Canada, of course, was still a British colony, and so remained until 1926. While self-governing at home, it was not autonomous in its external relations. The Imperial Government in Great Britain directed, and acted for, the Dominion in all its external relations. The Colonial Office, the Foreign Office, and the British diplomatic and consular organization abroad, were the imperial agencies in London that acted for Canada.

It is true that there were growing breaches in this centralization of control. The Colonial Office, even more than the Foreign Office, showed an understanding and some sympathy for Canada's aspirations for greater autonomy, and was alive to the rising forces of nationalism. The Governor General ceased to be an old-style colonial executive Governor and became a faithful adviser to the Canadian Government and interpreter to London of the Canadian scene and mood; he realized his diminishing responsibilities face to face with responsible government. Canada, while not having its own consuls, had its own officials - emigration agents, commercial agents or "trade commissioners" (some of whom had quasi-consular functions), provincial agents-general in London, a High

(1) H. of C. Debates. March 4, 1909.

Commissioner in London, and a Commissioner General in Paris. These representatives had no full diplomatic powers, and normally were appointees of the Dominion only with the consent of the British authorities, but they were in direct communication with Ottawa, and were the forerunners of Dominion diplomatic representatives abroad. Macdonald, Thompson, Tupper and Laurier, as Prime Ministers, went themselves as co-negotiators, and in other cases they sent Cabinet Ministers to negotiate and occasionally counter-sign agreements.

Canada had also attained a limited right to enter into relations with foreign countries, notably in the negotiation of commercial treaties. Early in colonial history such treaties were concluded solely by agents of the Imperial Government; later, representatives from the Dominion were used as advisers to the British officials; and still later, Canadian representatives were appointed plenipotentiaries along with the British diplomatic agents. It was not long before Canadian plenipotentiaries began to play the dominant role, and, for example, in the Canadian-French Treaty of 1907 the Canadian representatives, with the consent of the Foreign Office, carried on all negotiations and the British Ambassador signed the agreement as a mere formality. In the same year, Canadian envoys went to Japan and, under the eye of the British Ambassador in Tokyo, negotiated a Canadian-Japanese immigration agreement or modus operandi with the Tokyo Government.

The power to make political treaties with foreign governments was still guarded much more jealously by the

Imperial Government, although frequently the procedure approximated to that used for commercial agreements or conventions. The Colonial Office and the Foreign Office retained the overriding authority and responsibility, and on both the British and Canadian sides this was accepted because the British had the experience and the diplomatic machinery, and the Canadians, generally speaking, did not.

This centralization of the system remained basic until 1926. As late as 1921, Mr. Lloyd George described it in the following terms in the British House of Commons on December 14:

> The machinery is the machinery of the British Government - the Foreign Office, the Ambassadors. The machinery must remain here. It is impossible that it could be otherwise, unless you had a Council of Empire, with representatives elected for the purpose. Apart from that, you must act through one instrument. The instrument of the foreign policy of the Empire is the British Foreign Office. That has been accepted by all the Dominions as inevitable.

In a series of articles published in The Times of February 2-6, 1925, this position was again outlined:

> Great Britain is in a special position for another reason. Her political traditions enshrine the experience of international dealing of many centuries. She possesses an excellent and world-wide diplomatic service, and her people contain an extraordinary percentage of ex-Ambassadors, Governors, High Commissioners, and other public officials, who have had first-hand experience in all parts of the globe, and who spend their time in educating the public opinion of their country about the outside world, in Parliament, through the Press, from the platform. Great Britain has external interests, and a nervous system which probably keeps her in closer touch with world affairs than any other country in the world.
>
> The position of the Dominions is entirely different. Until the World War, none of them had any direct experience of an international kind.

> They were young communities, almost entirely absorbed in the arduous work of settling empty territory, building houses, roads, railways, schools, and the other primary equipment of national, political and economic life. Not one of them had any diplomatic service or any means apart from occasional newspaper articles of first hand information about world affairs.(1)

Nevertheless, for some time before the War of 1914, the practice had been to allow Dominion representatives to take part in political negotiations in which the Dominions' interests were unmistakably involved, but the British member, unlike his fellow in commercial negotiations, continued to function as an important part of the delegation. At times, the British dominance irked the Canadians, when they felt that their own interests were subordinated to British interests; and, at the time of the unfortunate Alaska Award, Laurier expostulated and complained that Canada still lacked its own treaty-making power; but in later years he took the position that the British control over Canadian diplomacy was essential, inevitable, and satisfactory. In relations with the United States, this acquiescence was in large part due to the excellent cooperation of the British Ambassador, James Bryce, on behalf of Canada. "The presence of Mr. Bryce at Washington," remarks Berriedale Keith, "was marked by great success in treaty-making," and on 15 December, 1909, in the House of Commons Sir Wilfrid Laurier emphatically declared his dissent from the idea of sending a Canadian attaché to Washington on the score that Mr. Bryce's work sufficed for all purposes. In January, 1911, he again eulogized his services. The treaties concluded were of high value,

(1) Cit. in Toynbee: British Empire Foreign Relations after the Peace Conference. p.14.

the Arbitration Treaties of 1908 and 1911, the Boundary Waters Treaty of 1909, the Fisheries Arbitration Treaty of the same year, the Passamaquoddy Bay Treaty of 1910, the Pecuniary Claims Treaty of 1911, and the Pelagic Sealing Treaty of 1911.(1)

In almost all of these, Canadians assisted in the negotiations,; the Government in Ottawa, as well as Downing Street, guided Bryce, and even the Governor General, Earl Grey, used his influence. In all these instances, the diplomatic unity of the Empire remained unimpaired, and the appointment of any Canadian representatives was made through the Imperial Government.

In questions of foreign policy elsewhere, mainly in relation to Europe, Britain acted for the Empire with scarcely any consultation with the Colonies or Dominions, and for the most part without their direct interest. The idea of the Dominions taking any part in general policy was absent; the Governments overseas were not anxious to be burdened with responsibility, and the Imperial Government was not willing to cumber its action by discussions with the Colonial Government.(2) Laurier repeatedly declared that in these matters Canada was not prepared to interfere or to assume co-ordinate responsibility; nor in fact was it at that stage competent to do so, being inexperienced in the intricacies of European foreign policy.

Despite Canadian criticism or complaints in certain cases, Canada before the First War, and before

(1) Berriedale Keith: Responsible Government in the Dominion, II. p.866.

(2) Ibid. See pp.872-3 for examples.

Borden's reforming efforts, was not yet very adequately developed in the business of diplomacy, had only a limited interest in international affairs other than relations with the neighbouring United States, and was content to leave this business to the Imperial Government and British Foreign Office. On the whole, British diplomacy during the period to 1911 did not serve Canada badly.

Moreover, there were numerous opportunities for the Dominions to keep in touch with the British authorities and with one another, through the periodic Colonial Conferences, in 1887, 1897, 1902, 1907, 1909, and the Imperial Conference in 1911, and subsequently in Imperial War Cabinet and Conference meetings in London during the War. Closer imperial federation was frequently discussed and at times resolutely fostered by the Imperial Government, but it met with a cold reception by certain Dominions who saw in federation, or any modified form of it, a scheme of government whereby they would exchange their existing or desired autonomy for a feeble voice in policies about which, for the most part, they were not concerned.

Professor Dawson sums up the situation prior to 1914 thus: "Unfortunately for the Imperialist cause, the past history of British diplomacy had created much hostility and little gratitude in the Dominions; the evils were remembered, the merits soon forgotten. . . On the other hand, it would be quite inaccurate to think of the Dominions before the War as fretting under the hardship of Imperial control in foreign affairs. although it is true that they were at times uneasy re-

garding this subordination, they did not often resent or object to it, for they realized that greater powers would have to be accompanied by equivalent obligations. To advise, with the expectation of having the advice followed, implied taking responsibility, and on this both Mr. Asquith and Sir Wilfrid Laurier agreed: the former was unwilling to relinquish the responsibility of the Imperial Government, the latter was unwilling to assume it on behalf of his Dominion." (1)

The result of this situation, up to 1914, was that Canada's external affairs were acquiescently allowed to be controlled, as they had been for more than half a century, by the Colonial Office in Downing Street and the Foreign Office in Whitehall. There was, then, no need of a Canadian Foreign Office, but merely of an administrative bureau to facilitate internal business and assist the Prime Minister in technical matters.

The Department of External Affairs played an almost invisible role; it was, as has been said, a tool, an apparatus. It was not, in its first phase, a political department, but an administrative department. That is principally what Pope had claimed for it, and how it functioned under his aegis; it was what Earl Grey, the Governor General, had envisaged it - as a bureau to assist the Prime Minister; that is how Laurier accepted and regarded it, and how Borden utilized it.

(1) R. McGregor Dawson: The Development of Dominion Status, 1900-1936. p. 15.

I. [redacted]

2.

THE COLONIAL OFFICE

The Colonial Office

The Colonial Office was an ancient institution, almost as old as the British Colonial Empire itself. In the seventeenth century, after the Revolution of 1688, colonial affairs were supervised by the various departments of the English Government, the Admiralty, the Treasury, and the Privy Council. Administrative duties were assigned to a sub-committee of the Privy Council - the Council of Trade and Plantations, established in 1660; this functioned until 1782. Within it was a Secretary of State for the Southern Department, who assumed executive responsibility for colonial affairs. In 1768 a Secretary of State for the American or Colonial Department was appointed. In 1782 both the old Board of Trade and Plantations and the Secretary of State for the Colonial Department were abolished, but two years later were reconstituted. In 1794 a new Secretary of State, for War, was created, and the Colonies were turned over to him in 1801, when he became Secretary of State for War and the Colonies. With able Under-Secretaries, a "Colonial Department" was instituted under the Secretary of State for War and the Colonies; and this acquired the name of the Colonial Office. In 1854 a division occurred, and a separate Secretary of State for the Colonies was created, and this arrangement lasted until 1925, when a separate Dominions Office was created, under a separate Secretary of State for Dominion Affairs from 1930.

During a major part of the nineteenth century, the portfolio of the Secretary of State for the Colonies was not considered an important post, and the Office was under constant criticism both at home and abroad. Many of the Secretaries of State were undistinguished

in that Office; their tenure was generally brief, averaging about two years. They were, of course, Cabinet members of the political party in power.*

The reputation of the early Colonial Office was preserved, however, by its permanent officials who by long service were men of great experience. Sir Henry Taylor was associated with the Office for nearly fifty years, Sir William Bailie-Hamilton for forty-four years, Sir James Stephen for thirty years, Sir John Bramston for forty years, Sir Frederic Rogers, Sir T.F. Elliot, Sir R.G.W. Herbert, and Sir R. Meade each served in the Office for twenty-one years.

In the nineteenth century the Colonial Office was small. One journal(1) in 1894 remarked: "Look at the map, with our possessions dotted and sprawling over the globe, and compare their demands with the capabilities of that

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* "Secretaries of State come and go, sometimes with disconcerting frequency, according to the disposition of Providence, of Prime Ministers or of the electorate, but the Office goes on." (Sir Charles Jeffries: The Colonial Office. p.14).

Note: For the period under the present review, the first quarter of the twentieth century, the Secretaries of State for the Colonies, with whom the Canadian Government had officially to correspond, through the Governor General, were the following:

June, 1895 - Joseph Chamberlain	Dec. 1916 - W.H. (Viscount) Long
Oct. 1903 - Alfred Lyttelton	Jan. 1919 - Lord Milner
Dec. 1905 - Earl Elgin	Jan. 1921 - Winston S. Churchill
Apr. 1908 - Earl (Marquis) Crewe	Oct. 1922 - Duke of Devonshire
Nov. 1910 - Lewis Harcourt	Jan. 1924 - J.H. Thomas
May, 1915 - Andrew Bonar Law	Nov. 1924 - L.C.M.S. Amery

The Permanent Under-Secretaries during the same period were:

1897-1900 - Sir Edward Wingfield
1900-1907 - Sir Montague Ommaney
1907-1911 - Sir Francis Hopwood (later Lord Southborough)
1911-1916 - Sir John Anderson (who first entered the
1916-1921 - Sir George Fiddes Colonial Office in 1879).
1921-1925 - Sir James Masterton Smith

(1) Examiner, London, April 2, 1894.

dingy small building in Downing Street, with five superiors and sixteen clerks therein. Many a union workhouse has a stronger administrative machinery." But in the early part of the twentieth century the Colonial Office came into its own, and the portfolio of Secretary of State for the Colonies became, along with that for Foreign Affairs, one of the most important of the Principal State Secretaryships. In 1900 the staff numbered ninety-nine, and the volume of correspondence had risen by that year to 84,000 letters and despatches. The original Colonial Office was established in a poorly-built edifice, No. 14, in Downing Street; but this became so notoriously dilapidated that in 1875 a new building was erected, one of its sides facing Downing Street and another opening on to Whitehall. The Home, Foreign and India Offices shared the same great Renaissance-style edifice.

It was this institution which served as the basic link between the Imperial Government in Great Britain, and Canada. Its particular agent in Canada was the Governor General, nominated by the Colonial Secretary as his ambassadorial representative. As though supporting a suspension bridge, the Colonial Office on one shore and the Governor General on the other, were the pylons that carried the links of official communication between the Mother country and the Dominions.

The growing spirit of nationalism and imperial equality that infused the self-governing Dominions, manifested itself at the Colonial Conference in 1907, when the organization of the Colonial Office came under discussion. The ever-present sensitivity to status made

the Dominions conscious that they were no longer mere Crown Colonies administered by British governors; and therefore they wished to be controlled, if controlled from London they must be, by an organ distinct from the organ responsible for the more politically backward Colonies. Largely for psychological reasons, they wished to be emancipated from a colonialistic administration. At the Conference of 1907, Mr. Deakin of Australia and Sir Joseph Ward of New Zealand urged that the Colonial Office should be reformed from an organization based on geographical lines to one based on relative status. The result was the division of the Colonial Office into three instead of two branches, by the creation of a new "Dominions Department", under a senior Assistant Under-Secretary. The Crown Colonies Department and the General Department continued. In his despatch (Cd.3795) of September 21, 1907, announcing this change, Lord Elgin wrote in part:

> The first of these three Departments will be known as the Dominions Department, the term being used to differentiate the status of the self-governing provinces of the Empire from that of the Crown Colonies. All the business of every kind connected with the self-governing communities will be included in its scope, though certain matters of general routine must necessarily be shared with the General Department; and the staff of the Dominions Department will, with the exception mentioned above, be in no way concerned with the Crown Colonies.(1)

This was only a step. From 1908 to 1911 the Governor General of Canada, Earl Grey, urged with what he thought was the support of Laurier, that the British authorities establish an independent Dominions Office under a separate Secretary of State; but, even

(1) Cit. in Dewey. The Dominions and Diplomacy. I. p.121.

pursuing this aim personally after his return to England until the War of 1914 terminated his efforts, Grey made no headway, and a separate Dominions Office did not materialize until 1925.

At the Imperial Conference of 1911, the question of a separate Office, or even a Department under a separate Permanent Under-Secretary for Dominion Affairs, was renewed, mainly by the New Zealand Premier, but was unsuccessful. Sir Wilfrid Laurier on that occasion - disappointing the expectations and hopes pf his Governor General, Earl Grey - was lukewarm, and declared:

> The whole object of this motion is, as I understand the motions that go before it, to provide a means of communication between the Imperial Government and the autonomous Governments of the Empire. Such a means of communication already exists, and, for my part, I must say that we are quite satisfied with the present system. The Colonial Office has been reorganized some three years ago, and I repeat what I said in Parliament, that in its present form it has given to us at all events in Canada, ample satisfaction. As to whether it would be advisable to further bisect the present organization, or put it on a different political standing, though I and my colleagues are satisfied with what exists we would not offer any objection if the other members of the Conference are disposed to press the point.

The Australian representatives did not discuss the proposal, and the representatives of the Union of South Africa said that they found the arrangement of 1907 working very satisfactorily and stated explicitly that they did not desire any further bifurcation of the Office. Thus the Colonial Office, through its Dominion Department, continued to dominate and control the official relationships between the Home Government and the Dominion Government overseas, using the Governor General as the official channel of correspondence, for the period covered by this survey, i.e., until the new

Dominions Office took its place in 1925 and the channel of the Governor General was eliminated in 1927.

[redacted]

3.

THE GOVERNOR GENERAL AND DOMINION EXTERNAL AFFAIRS

The Governor General

The position of the Governor General was a complex one. He personified the Crown in its relation to the territory: he was appointed, on advice of the Secretary of State for the Colonies, by, and held office at the pleasure of, the Sovereign. He acted as the Sovereign's representative in ceremonial matters. In certain prescribed matters he exercised the constitutional functions and prerogatives of the Crown, with respect to Parliament, to the Privy Council, and assent to legislation. These prerogatives in the domestic field of Canadian government need not be examined here. But in addition, he was the nominated representative and agent of the British imperial government of the day, through its organ the Colonial Office; he was responsible to the Secretary of State for the Colonies, and was the latter's "ambassador" overseas. In a third capacity, the Governor General was subject to the advice of the Dominion Government, and was its link with the Imperial Government.

In relating to external affairs matters, the Dominion Government could express its wishes to the Imperial Government, and these would be transmitted through the Governor General and the Colonial Office; if they concerned matters relating to foreign countries, the Colonial Office passed them on to the Foreign Office. Vice versa, the Foreign Office and the Colonial Office, through the Governor General, could inform, consult or advise the Canadian Government on matters of external concern. In each case, the Governor General was constitutionally and normally the sole channel of external

communication; how that operated will be examined in the next chapter. But besides being a post-office between the Crown and the Canadian Government, or between the home Government and the Canadian Government, the Governor General could, within limits and depending on his personal inclination, interpose his own views or advice in either direction; and exercise his personal influence on "his" Ministers in Canada or on the Colonial Office in England. His powers were largely what he made of them, although Royal Instructions circumscribed him in any excessive interference or assertiveness.

The personal role of the Governor General under a system of responsible government in the Dominion, while in some lights very limited, was not altogether a cypher. He could privately advise or consult with his Ministers. As Lord Dufferin, in the 1870's had said at the National Club in Toronto:

> The head of the State in a constitutional regime is the depository of what, though undoubtedly a very great, is a latent power - a power which, under the auspices of wise parliamentary statesmanship, is never suffered to become active, and his ordinary duties are very similar to those of the humble functionary we see superintending the working of some complicated mass of steam-driven machinery. This personage merely walks about with a little tin vessel of oil in his hand and he pours in a drop here and a drop there, as occasion or the creaking of the joint may require, while his utmost vigilance is directed to no higher aim than the preservation of his wheels and cogs from the intrusion of dust, grits or other foreign bodies. (Roars of laughter).

Again, when Lord Aberdeen was being sworn as Governor General in Quebec, on September 18, ~~1886,~~ 1893, he described his role:

If, and because, a Governor General is in the

> service of the Crown, he is therefore, in a literal and absolute sense, in the service of Canada. In other words, aloof though he may be from the actual executive responsibility, his attitude must be that of a ceaseless and watchful readiness to take part, by whatever opportunities may be afforded him, in the fostering of every influence that will sweeten and elevate public life, to observe, study and join in the making known the resources and development of the country, to vindicate, if required, the rights of the people and the ordinances and Constitution, and lastly to promote by all means in his power, without reference to class or creed, every institution calculated to forward the social, moral and religious welfare of all the inhabitants of the Dominion.

In this conception, both Lord Aberdeen and Lady Aberdeen contributed a great personal share to the social and cultural life of Canada, and gave what assistance they could to the Laurier administration.

Sir Wilfrid Laurier himself spoke of this contribution when he said: "The Canadian Governor General long ago ceased to determine policy, but he is by no means, or need not be, the mere figurehead the public imagine. He has the privilege of advising his advisers and if he is a man of sense and experience his advice is often taken." (1)

In several cases, moreover, the Governor General, while generally leaving policy-making to his responsible government, undertook to give what assistance he could by undertaking the role of active diplomacy himself on behalf of the Dominion where he was serving. In particular, Governors General in Canada took a considerable if unobtrusive part in the relations with the United States. This was especially important when Canada did not have diplomatic representation separate from Great Britain and could not formulate its own policy without the approval and cooperation of the British Government. The Governor General was

(1) Skelton: Life and Letters of Sir Wilfrid Laurier. II. p.85.

uniquely qualified, for he could use his influence with the British Government on behalf of the Dominion, with the Canadian Government as the representative of the Crown and the imperial authorities in Great Britain, and sometimes, with the United States Government, although Britain had her Ambassador at Washington. This influence was not negligible in securing good relations with the United States in so far as that could be done by social means and the interchange visits of the heads of the two States.

Those social visits, or unofficial correspondence, with the British Ambassador or with American leaders, were occasionally used as means to review unofficially and tentatively matters which were of common interest to the two countries, although their diplomatic character was restricted to informal and private relations. As gestures of goodwill and friendship to a great neighbour, they had their value, and served to create an atmosphere in which more formal diplomacy could work. In a later year, President Roosevelt remarked that there was nothing to prevent him and Lord Tweedsmuir from sitting on the same sofa and soliloquizing aloud; and if one overheard what the other said, that was unavoidable.

There were numerous instances of the active part which various Governors General played personally in the conduct of Canada's external relations, especially with the United States. Lord Dufferin made visits to Chicago and Detroit, and to British Columbia via

Chicago and San Francisco; in 1877 he visited an International Exposition at Philadelphia, and the next year received an honorary degree from Harvard University. He proposed to the Governor of New York State the creation of a National Park at Niagara Falls, a suggestion which was later adopted. Lord Lorne was an enthusiastic supporter of the idea of Dominion High Commissioners or Agents-General in Great Britain, (Galt and Tupper were appointed successive High Commissioners for Canada during his term of office), and wished to see them given greater representative powers than either the British or Canadian Governments were prepared to accord. The Marquis of Lansdowne, while Governor General, paid a short visit to England in 1886 in connection with the settlement of the prolonged fisheries dispute between Canada and the United States; and took a great personal interest in the first Colonial Conference, held in London in 1887. His biographer, Lord Newton, wrote that "his service as an intermediary between the Home Government, the American Government, and the Canadian Government had been of inestimable value." (1) The Earl of Minto paid a visit to the United States in October, 1899, when he was the guest of President Theodore Roosevelt. He went to England, together with Sir Wilfrid Laurier, the Lieutenant-Governors of the Provinces, and many other Canadian notables, to the Coronation celebrations in August, 1902, and took an active interest in the Colonial Conference held in London at that time.

(1) Lord Newton: Lord Lansdowne. p. 54.

He also was active, with the Canadian Government, in connection with Canadian participation in the South African War, when Canada sent a volunteer contingent of 6,500 officers and men to join the British forces.

The next Governor General, Earl Grey, (1904-1911), played an even more significant part in all matters concerning Canadian external relationships.

Earl Grey

The 4th Earl Grey was a brother-in-law of Lord Minto. His grandfather had been Prime Minister; his uncle had been Colonial Secretary in 1846, and was the first British Cabinet Minister to proclaim that the Colonies were to be governed for their own benefit and not for the Mother Country's; his father had been Private Secretary to Queen Victoria. He himself had visited several parts of the Empire, was Commissioner of Rhodesia, and had had connections with South Africa. He was appointed Governor General of Canada in 1904, and arrived at Halifax on December 10th of that year, where he took the oath of office.

Among his many diplomatic activities, he entertained as his guest at Rideau Hall, Rufus Choate, the United States Ambassador to Great Britain; and was the guest of the Pilgrims of New York. He made a most friendly gesture to the United States by writing to President Roosevelt formally presenting the portrait of Benjamin Franklin which had come into the possession of one of his ancestors during the Revolutionary War of 1773 - a gesture which was deeply appreciated by that country. (1)

(1)Grey of Howith's Correspondence: Vol.13.Folder 7. Doc. 003492.

In May, 1905, Lord and Lady Grey visited Washington as the guests of President Roosevelt and the British Ambassador, Mr. James Bryce. In 1906 Grey and Bryce each addressed a Peace Congress Banquet in New York, when Grey spoke on the benefits of arbitration in the settlement of disputes.

In May, 1906, Grey left on a month's visit to England to support Sir Wilfrid Laurier in his endeavour to impress on the members of the Imperial Government the importance of establishing a fast trans-Atlantic service between Canada and England, and thus making Canada "not only the national and God-appointed route but the accepted mail and passenger route between Great Britain and the Orient and those great British Dominions in the Southern Seas of New Zealand and Australia."

In 1908, in the interests of the Royal Military College at Kingston, Grey took a party from Canada to West Point, intending that he himself would visit incognito; but his identity was recognized and he was given full military honours at that American national military academy. In 1911, he proposed, subject to Admiralty permission, to make an official visit to the British West Indies in the newly-acquired Canadian warship Niobe; he believed that showing the Dominion flag in the British Caribbean would have a great Imperial value, and would strengthen the close ties binding Canada and the West Indies. This proposed trip, however, was cancelled when he was called back to England and replaced by H.R.H. the Duke of Connaught; the outbreak of war prevented the latter from fulfilling this project.

Other important events during Earl Grey's term of office were two federal elections returning Sir Wilfrid Laurier to power; the formation of the Provinces of Saskatchewan and Alberta out of the North West Territories; a great influx of emigration to Canada, especially from the British Isles; the Imperial Conference of 1907 in London; the Tercentenary Celebrations in 1908 of the founding of Quebec, with a great concourse of British, American, French and other naval warships; and 12000 Canadian troops; the death of King Edward VII in 1910, and Coronation of King George V in 1911; the defeat of the Laurier Government in September, 1911, over its proposals for reciprocal trade with the United States, and the formation of a Conservative Government under the Premiership of Hon. Robert (afterwards Sir Robert) Borden.

In May, 1909, at which time he paid a brief visit to England, it was announced that Lord Grey's term of office would be extended for the full period of six years, a term only exceeded by those of Lord Dufferin and Lord Minto. He did not, however, leave Canada until October, 1911, thus extending his Governor Generalship to seven years less two months. He sailed for England on October 13, 1911.

With respect to his vigorous diplomatic activities, Lord Bryce, former British Ambassador to Washington, said:

> The growing friendship and mutual understanding of the people of the United States and the people of Canada, a most happy and blessed change from the suspicion and jealousy of former days, owes a great deal to him, not only in respect of what he did at Ottawa, but also by the personal impression which the warmth of his heart and elevation of his mind

made upon all Americans, every private company, and every public audience, wherever he travelled south of the Canadian border. Being then in America, I had many occasions to see this and was not surprised, for these were the qualities which had impressed those comrades of his in the parliament of 1880. . . (1)

Such visits by the Governor General had to be made with great discretion and within the bounds of constitutional propriety, and always with the prior permission of the Colonial Office. In the Letters of Instruction which were issued to him by the sovereign, it was stipulated that "Whereas great prejudice may happen by the absence of Our said Governor General, he shall not, upon any pretence whatever, quit Our said Dominion without having first obtained leave from Us for so doing under Our Sign-Manual and Signet, or through one of Our Principal Secretaries of State." (2)

For example, in Lord Grey's visit to Albany in March, 1910, where he met President Taft, he wrote in a formal despatch to the Colonial Secretary: "I discussed the expediency of accepting the invitation so warmly pressed upon me, with Sir Wilfrid Laurier. We concurred that it would be discourteous to refuse the invitation, and having cabled to Your Lordship for the Crown's permission to accept, I left for Albany on the morning of

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During Earl Grey's tenure of office, King Edward VII was pleased to approve of the wife of a Governor General being designated as "Her Excellency", as befitted her position.(1) Grey himself was accorded what he considered the highest of all honours, in being created an Imperial Privy Councillor, and for his services in connection with the Quebec Tercentenary, but against his own wish at that time and occasion, he was also made a G.C.V.O.

(1) Elgin to Grey, January 12, 1906. Grey of Howith Correspondence. Vol. 13. Folder 7. (Doc. 003471).

(2) Instructions to the Governor General of the Dominion of Canada, 1878. This rule was essentially preserved in subsequent variations of the form of Instructions.

March 19th". In a letter a few days previously, he wrote, on March 18th, 1910, unofficially to Lord Crewe:-

> I go to Albany tomorrow, having accepted an invitation to a Banquet which Hughes, Taft and Root all expressed the hope that I might be able to attend. It would have been discourteous to refuse, and moreover Laurier was glad that I should have an opportunity of explaining to Taft the impossibility of Canada moving one inch from the position she has been obliged to take up if she is to remain in possession of her fiscal independence.
>
> A message having reached Laurier yesterday from Taft, that he would be glad to see him or Fielding at Albany, I am glad to say that Fielding is also going tomorrow, and that it will now be impossible to place the responsibility for what may happen on the Representative of the King. . ." (1)

This visit, like so many visits of other Governors General, to the United States, was a form of "softening-up" the United States authorities, from the President down, on a basis of social cordiality and intimacy, for the concurrent efforts of the Ministers to carry on their diplomatic negotiations. The Governor General felt that his participation in the discussions was part of his role and had a definite value. At the Albany meeting, while Grey did his part, Fielding did the negotiations and succeeded in getting a Canadian-United States tariff agreement. Grey was very gently admonished by Crewe for not having informed the Imperial Government, before the Governor General's approval was given, of the exact nature of the proposals under consideration. "Probably you are quite in agreement with me as to the principle of this, and only did not think it necessary to telegraph because the concessions made were so slight and unimportant. . ." (2) Grey replied on May 16th, making the excuses

(1) Grey of Howith's Collection. Vol.16. file 41. (Doc. 004294).

(2) Grey of Howith Collection. Crewe to Grey. Vol.16, File 42. (Doc. 004322).

that from Albany he had spent a week's holiday in New York, he had no cypher with him, that he wrote a full account by letter from Albany, and that the agreement had been reached very swiftly.

> Taft was up against the apparent necessity of levying the U.S. maximum tariff on Canadian imports, and was most anxious to be provided with an excuse for not taking a step, which, had it been taken, would have been followed by results most damaging to the friendly relations between the two countries.
>
> How to provide a Golden Bridge for Taft was the problem. The talk between Fielding and Taft occupied the greater part of a Sunday. In the course of this talk Fielding confided to Taft that the Sabbatarians of Canada would probably blame him for attending to public interests on Sunday. Taft's reply was to refer to the parable of the man who was not prevented by Sabbatarian principles from lifting the ass out of the pit. Fielding was much too polite to push the analogy home. He was pulling a very fat, heavy ass out of the pit, and it was just as impossible to obtain the permission of the Imperial Government for him to accomplish this rescue work, as it was for the proverbial Indian Stationmaster to obtain the permission of the Calcutta Government to kill the tiger who was eating the passenger. . . (1)

There were times when Grey's interest in Canadian affairs seemed almost too impetuous and independent, especially in his comments and suggestions to his friends or superiors in the Colonial Office, and also in his suggestions and proddings of the Prime Minister. He had to be reminded that he was not like an executive Governor of a dependent, non self-governing colony, but was a constitutional Governor General in a self-governing Dominion, who must at all times consult with the Prime Minister and not dominate him. Nor was he to accept too readily, as representative of the Imperial Government, measures proposed by the Canadian Government with which he was personally in sympathy, as implying that his own

(1) Ibid. (Doc.004326-7).

concurrence was officially that of the Government in London. In this regard, Grey wrote in a private letter to Lord Crewe on April 8, 1909:

> My relations with Sir Wilfrid Laurier are those almost of a colleague as well as those of a Governor General, and in discussing these questions with Sir Wilfrid Laurier I am careful to remember the dictum of the old Jesuit who pointed out that there was hardly any limit to what a man might accomplish if he would only allow other people to obtain the credit. If expressing myself sympathetically towards any suggestions I may receive from Sir Wilfrid, he quite understands that I am not speaking for His Majesty's Government until I deal with the matter officially . . ." (1)

Nevertheless, Grey took such an active interest in governmental policy that he betrayed perhaps a little of the manner of a Colonial Governor. He was as busy as a beaver; he read every document. He corresponded privately, as well as officially with Lord Elgin and Lord Crewe at the Colonial Office and with James Bryce at the British Embassy in Washington; and above all, with his Prime Minister.

Apart from the routine documents and despatches that came from the Colonial Office or British Embassy, and which were docketed in the Governor General's Office and passed in the routine way to the Under-Secretary of State for External Affairs for reference to other Ministries or to the Privy Council, Earl Grey bombarded Sir Wilfrid Laurier with numerous papers under his own hand, usually with his own observations and comments. These were more than the Governor General's "minuting" of documents; they were personal letters. There would be a separate long-hand letter on each topic; sometimes several

(1) Grey of Howith Correspondence. Vol.15. Folder 35. (Doc. 004184).

a day. In them he would make suggestions, or propose amendments or replies, or frequently would prod Sir Wilfrid to hasten Council action. He was a great prodder. It seems probable that Sir Wilfrid Laurier was so overburdened with administrative and Council business, besides his Parliamentary and public duties, that he could not keep abreast of all the diplomatic business, and the external despatches that called for decisions or replies. It is possible that Sir Wilfrid was slowed down by the Privy Council; in several instances he could not go forward as much as he and Grey personally wished, because of the known opposition of certain Ministers in the Cabinet whom he did not want to coerce or offend. It is possible that under the strain he was occasionally forgetful of outstanding matters that needed prompt attention. Grey was forever needling or "punching" him in personal notes. "May I remind you . . ." was a common theme of his numerous letters.

Grey spent a good portion of his day in his office in the East Block. He read the despatches, wrote his letters commenting on them, signed the large numbers of Minutes-in-Council, and personally studied most of his material, even trade statistics, making his own notes which he would then comment on, in more letters to the Prime Minister. In addition to this flurry of daily notes to Sir Wilfrid, he had consultations with him several times a week. Many of his notes concluded with appointments to "discuss further" the matter at issue "this afternoon"; or followed up such conversations

with such notes as "I omitted to mention, in our conversation yesterday", or "this morning". . . He would write notes to Laurier frequently asking him to come and dine, or "for our usual Sunday talk, about 5 p.m."

Local Contacts

Grey kept in touch not only with the head of the Government, Sir Wilfrid Laurier, but also with other Canadian Ministers from time to time. He made it a point - although very time consuming, as he said - to have personal interviews with all the Commons and Senate members once a year, to sound out their views and express his own. Besides his daily contacts and Sunday afternoon chats with the Prime Minister, where it seemed appropriate to clarify some official business, he sent for or corresponded directly with other Ministers - to Mr. Fielding, to Mr. Aylesworth, to Mr. Oliver, and others - asking for explanation, comment or advice.

If things went wrong, such as distorted press statements, or some failure in proper hoisting of flags or other ceremonial, he would personally send for the Minister or the Under-Secretary of the Department concerned, for a protest or an explanation; and then he would write an account of the matter to Sir Wilfrid Laurier. In the long struggle to obtain space in the East Block for the new Department of External Affairs, he personally called in, interviewed and appealed to Deputy Ministers such as Pedley, Pope, and others. When the question of a military-religious memorial service in Parliament Square on the occasion of the death of King Edward VII was being discussed, Grey not only corresponded with the leaders of

the denominations, but had personal interviews with them, reporting fully afterwards to Sir Wilfrid Laurier. He frequently called in Pope for consultation; and on at least one occasion, on Pope's absence, asked Walker to give him a memorandum on Pelagic Sealing - a curious (but with Grey, characteristic) intrusion into diplomatic business normally outside the role of a Governor General, and belonging rather to the Prime Minister or Secretary of State for External Affairs.

Nor was Grey averse to expressing his unsolicited advice, or protest, to the Prime Minister over other matters with which he disagreed, even though they were apparently of purely domestic or departmental concern. He had a very intimate friend of long-standing in James Bryce, then British Ambassador in Washington, (1907-1912), and was repeatedly reminding Laurier that Bryce was the best representative of Canadian interests in the United States that the Dominion could hope to have, and should be supported and commended accordingly. Numerous personal letters from Grey to Laurier make this point. Therefore Grey took umbrage when he learned that, without consultation with him, the Government proposed to appoint a Trade Commissioner to Washington, which he felt would be a reflection on Mr. Bryce.*

It is true that on some occasions Laurier felt that Bryce was partisan or one-sided in his efforts and seemed more concerned with keeping peaceful relations, through compromise and conciliation between the Imperial Government in Great Britain and the United States

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* Referred to in chapter 2 "Canadian Representation Abroad".

Government than with defending particular Canadian interests. Grey was aware of this misgiving, and tried to excuse or justify Bryce by reminding Laurier that Bryce had to serve as the agent not of the Colonial Office but of the Foreign Office, which had wider stakes in view than particular colonial matters. In a private letter to Lord Crewe, dated September 23, 1908, Grey referred to Bryce's visit to Ottawa: "We had endless talks with Bryce on international matters. Of course the F.O. always takes the part of the devil's advocate, for the sake of peace and quiet, just as the CO., in theory, is prepared to fight the world for one Canadian seal or one Newfoundland lobster." (1)

Despite his moments of misgiving or petulance, Laurier had, however, a confidence in Mr. Bryce which needed little persuasion by the Governor General. On December 15, 1909, Laurier emphatically declared in the House of Commons his dissent from the idea of sending a Canadian attaché to Washington on the score that Bryce's work sufficed for all purposes; and in January, 1911, he again eulogized his services. Bryce himself declared at the Ottawa Canadian Club on March 8, 1913, "A large part, the largest part of the business that I have had at Washington, is connected with Canada. . . Most of the business of the British Embassy at Washington is Canadian business - I should say at least three-fourths of it ... It has been my privilege to sign either eleven or twelve treaties . . . with the United States Government since I went to Washington, and of that whole number nine have been treaties relating to the affairs of Canada." (2) Grey actively interested

(1) Grey of Howith Collection. Vol.15. Folder 31.(Doc.664093).
(2) Ottawa Canadian Club Addressed, 1912-13. pp.183-4

himself in these negotiations and corresponded with Bryce, and convinced Laurier that Canadian affairs had never "in the past twenty years" been in better hands in Washington.

American Affairs

On the major treaty problems, such as sealing, fisheries, international waterways and boundaries, arbitration, tariff questions, and relations of Canada with the West Indies and with the Orient, Grey was tireless. He studied every question in greatest detail; he kept up a steady flow of correspondence with the Colonial Secretary, the British Ambassadors in Washington, Tokyo, and elsewhere, and with Laurier and other Cabinet Ministers. He collected information as busily as a squirrel does nuts. On his western tour in 1910, going by coastal ship to the Yukon, he collected at first hand, data on trade, and territorial fisheries, and sealing; and faithfully scribbled off informative reports to the Prime Minister. If hastily written in any available black or red pencil on any rough paper at hand, on boat or train or in camp, he would ask his secretary, to whom he posted them, first to make typescripts in order that Sir Wilfrid could more easily read them.* Grey conducted himself as an Ambassador of the Canadian Government, not only in his speech-making, and his travels to the United States, but also in his zeal for collecting information and reporting it back to the Government, as conscientiously as any Trade Commissioner.

* Earl Grey was of the "old school", who believed that personal letters should be written by hand. Whenever they were dictated and typewritten to Laurier or to the ~~Colo~~ Colonial Secretary, he would invariably express an apology and excuse.

A curious revelation of the manner in which advice or suggestions were sought by him from other departments, is indicated in a personal note from Grey to Sir Wilfrid Laurier on April 18, 1910:

> In the desire to help you, if you will allow me to do so unofficially, I asked Walker in the absence of Pope, to prepare a memorandum which will explain to you in 5 minutes the exact position of the pelagic sealing question.
>
> Walker has made 2 suggestions:
>
> 1. That with the object of securing Canada against the possibility of losing the advantages of the Treaty by a possible migration of seals from the Pribilof Islands to other Rookeries in the Pacific owned by the U.S., the Treaty shd be amended in such a way as to include these Rookeries.
>
> This appears to me to be an excellent suggestion which does credit to Walker.
>
> 2. Walker also points out the unreasonableness of the clause in the Treaty making its acceptance conditional upon Canada dropping her outstanding claims v. the U.S. on account of the seizure or interference with the sealing vessels - Coquitlam, Wanderer, Favourite, and Kate. . .
>
> . . . You appear to have secured an excellent arrangement for Canada with regard to the seals, if the U.S. will agree to Walker's two suggestions . . . (1)

Japanese Questions

After the state tour across Canada of Prince Fushimi and his suite, Grey became enamoured with Canadian-Japanese relations. On the immigration aspect, he had fullest reports on the Vancouver riots and disturbances sent personally to him by the local Japanese consular authorities as well as the Canadian Commissioner of Enquiry, Mr. Mackenzie King; he exchanged reports with the Japanese Foreign Minister, through Sir Claude Macdonald, the British Ambassador in Tokyo. When the

(1) Laurier Papers. Vol.735. Governor General's Correspondence, 1910. (Doc. 206721).

Lemieux-Pope mission was sent to Japan to arrange a modus operandi on Japanese immigration, he wrote them himself with suggestions and advice, and sent them papers of information from his Office.

On matters of trade, he corresponded with Sir Claude Macdonald and the Colonial Secretary, and Sir Wilfrid Laurier, concerning the inadequacy of the Canadian commercial representative in Japan, - Mr. MacLean, an elderly man of 72; he obtained the appointment in his place of Mr. Preston; but soon he was again concerning himself over Mr. Preston's incompetency and unpopularity, and suggesting another appointee. He emphasized that a private Canadian commercial agent, possibly selected by the Canadian Manufacturers' Association, would be more effective than an official Trade Commissioner. Grey asked the Japanese Consul General for a statistical report on Canadian trade; this he examined with his Canadian experts and Department of Trade and Commerce, made his own comments and corrections, and sent them to the Colonial Secretary and the British Ambassador in Tokyo for further comment and elaboration. He was tremendously keen on the marketing of Canadian flour in the Orient, and had personal correspondence and interviews with the Japanese Consul General, Mr. Nosse, in Ottawa. This involved "changing the food-tastes of the Japanese from rice to wheat-flour", on which subject he wrote idealistic and optimistic letters. In his enthusiasm, he conceived the establishment of a Canadian Bakery and Sample Room in Japan, to introduce bread and other wheat products; and

on this too, he corresponded with Mr. Nosse and other Japanese, as well as with Preston, the Canadian agent, Mr. Lemieux and Sir Claude Macdonald. To Mr. Lemieux, on his Japanese mission with Pope, Grey wrote on October 23, 1907:

> I am sending you for your perusal en route to Yokohama, some papers referring to Japan which I think will be of interest both to you and to Mr. Pope.
>
> You will note that I have an offer from one quarter of $10,000 a year for five years and of $3,000 a year from another quarter for my Bakery, Tea and Sample Rooms Scheme.
>
> I have at the request of the Govt. marked time in relation to this matter, and I have been encouraged to hope that the business of educating the Orient to desire Canadian food will be undertaken by the Govt. (1)

Grey took a decided interest - largely considering wider imperial interests - in the question of Chinese and Hindu immigration or exclusion, and corresponded with the Colonial Secretary, the Secretary of State for India, and Sir Wilfrid on the subject, as well as taking a personal interest in the visit to India of Mackenzie King, whom he recommended should also look into Chinese matters while attending the Opium Conference at Shanghai.

This personal participation of Earl Grey in the conduct of Canada's external policies largely explains his concern to have the new Department of External Affairs located in the East Block, closely beside his Office, and his extreme annoyance when that arrangement failed and the Department was obliged to hive off to another building part way across town. (See chapter on "Premises"). Grey had utilized the valued services of W.H. Walker in his own Office, and expected that on

(1) Grey of Howick. Vol.26. (Doc.006594)

releasing him to the Department of External Affairs, he would keep him at least within arms reach in an adjacent office, as well as having Mr. Pope within reach for frequent consultation. His dependence on the nominal Secretary of State for External Affairs, Charles Murphy, was very much less; and indeed in one or two of Grey's letters to Sir Wilfrid Laurier he referred rather acrimoniously to Murphy, for whom evidently he did not have the same high regard as he had for Pope and Walker. He recognized the qualities of Joseph Pope in matters of protocol. In one letter he wrote by hand to Laurier, he said: "I have been looking into the tiresome Precedence question with that high authority Pope, & with his assistance, have prepared an amended table which I should like to discuss with you. . ."(1)

If considerable attention has been given to the role of Earl Grey, the Governor General from 1904 to 1911, it is because of his very influential role in the history of Canada's conduct of external relations during that period which coincided in part with the Laurier regime. Earl Grey was among the first, in 1908, to urge the creation of a special Department of External Affairs; he, with Lord Strathcona, was among the first, as early as 1906, to propose the appointment of a Canadian attaché to the British Embassy in Washington; (although he later withdrew this suggestion, and even objected to a subsequent proposal to appoint a Canadian Trade Commissioner to Washington); he was the proponent of a separate Dominions Office in London; he was in the lead in believing

(1) Laurier Papers. Governor General's Correspondence. (Doc. 207282).

that these offices should be directly under the control of the Prime Minister; and Grey personally was as energetic as any person in the Canadian Government in acting as Canadian diplomat and prime mover in the promotion of Canada's external relations.

Government House and the Governor General's Office.

The relatively undeveloped and countrified City of Ottawa, in the early days following Confederation, made Rideau Hall seem more remote than it is nowadays. For twenty years the Governors had lived in that village of New Edinburgh where it stood, and had driven along a country road which is now the Lady Grey Drive, when they travelled in state to open or close the Houses of Parliament, or to attend their office.(Lord Monck, the first official tenant of Rideau Hall, once came up to Parliament Hill by a navy-manned boat, in great formality!) It was surrounded by beautiful open country, close to the fast-running Ottawa River. It was not until 1888 that New Edinburgh was annexed to the City of Ottawa as Rideau Ward. Rideau Hall, in its spacious demesne, was originally the home of Thomas Mackay, whose tenants and employees called it The Castle, and was the centre of New Edinburgh. The Castle and some ninety acres of land were purchased as the official home of the Governor General of the new Dominion in 1868. It has been enlarged and renovated many times and has nearly a century's official history behind it.

The second Governor General, Sir John Young, afterwards Lord Lisgar, (1869-1872), used to remain at Rideau Hall, and his Ministers had to go to him if they

wished to see him. But his successor, the Marquis of Dufferin, (1872-1878), had an office set aside for himself in the newly completed East Block of the Parliamentary Buildings, and wrote to Macdonald that if Ministers desired to see him they need only telegraph(!) him any time between ten and three o'clock and he would come immediately to his office.(1) His statement that Ministers must not hesitate to come or to ask to see him clearly meant that he was anxious to keep in the closest personal contact with them and to keep himself informed on everything of importance that was going on.

Down the years, various Governors General adopted programmes of daily duty according to their various inclinations. There was an Office in Rideau Hall, where in later years, in the time of Grey, the Governor General's Secretary and certain other staff laboured; and there was also an Office in the East Block, where the Assistant Secretary of the Governor General worked and kept the documents properly flowing to the Privy Council, or the Prime Minister. Earl Grey, like later Governors General, seems to have made almost daily visits to the East Block, where he could consult with Sir Wilfrid or other Ministers, although Laurier also made periodical calls, often for Sunday tea or dinner, at Government House.*

(1) G.D. 6/27. Dufferin to Carnarvon. Dec.8,1874. Cit.in C. Neuendorff, op. cit. p. 144

* Various Governors General kept different schedules for visits to the Parliamentary Office. Lord Tweedsmuir (1935-40) for example, went up to the East Block once a week in the morning, where any of the M.P.'s who wished to do so could come and talk to him. (John Buchan, by His Wife and Friends. p. 236).

In 1941 the Governor General's Office in the East Block was discontinued and the space was used for other purposes; the Governor General and his staff establishing the Office entirely at Rideau Hall.

The journey in and out of town would be made by the Governor usually by carriage or in winter by sleigh, escorted by aides-de-camp, along the Lady Grey Drive and Sussex Street. When he did not come into town, his orderlies or messengers would commute, bearing despatches, probably by similar means, or by cab. Automobiles were not in general use prior to 1914, and the use of the word "taxi" for messengers' or secretaries' transportation first appears in the Auditor-General's reports in 1916-17. There was also a street-car service along the Sussex Street nearly to Rideau Hall, which apparently was also frequently used by the local messengers and couriers.

4.

GOVERNOR GENERAL AS CHANNEL OF COMMUNICATION

Governor General's Correspondence

Incoming Despatches

As has been explained, the Colonial Office, maintaining the established system toward the self-governing Colonies, regarded only the Governor General as the Imperial Government's agent and representative, and communicated solely with him. It appointed him, and sent him its Letters of Instructions; it instructed him how to advise and guide the Colonial Government in policy-making matters having any imperial or foreign implications. By secret, non-secret, confidential, and private despatches, letters and telegrams, the Governor General received advice from the Colonial Office, and then, according to the classification or at his discretion or on instructions, he communicated this to the Prime Minister or to the Privy Council for the use of the Ministers and Departments concerned.

Despatches from London, having been prepared generally by the Permanent Under-Secretary of State for the Colonies, or his assistants, but sometimes personally written by the Secretary of State, would, after signature by the latter, with a duplicate copy attached, be sealed and registered in the despatching room and placed in a diplomatic bag. Under the Instructions to the Governor General relating to correspondence, a schedule of the contents of each bag was also enclosed.

The volume of official correspondence received in Ottawa from London, emanating either from British Missions in foreign countries including the United States, or from sister Dominions, or from the British Government,

was not inconsiderable. In 1908, for example, the Governor General's Office received the following number of despatches through London:

From Colonial Office	1,252
From His Majesty's Representatives abroad ...	251
From Governors of Colonies	36
From His Majesty's and Foreign Consuls	57
Total ...	1,596 (1)

Transatlantic Postal Service

As Grey indicated in 1906, most of the transatlantic mail was carried to New York, but gradually the port of Halifax also came to be used for Canadian mail. Mail in the former case took about a week to ten days on the sea, and another day or two overland. Efforts were strenuously made, between the Canadian and the British Governments, to speed up this service, and to reduce the ocean time to about five and a half days by the use of speedier vessels, the nearer Canadian ports, and more frequent services.

In the early part of the present century, negotiations were carried on for the development of a Fast Atlantic Service, which meant, at first, the speeding up of transatlantic mails to something less than ten days. On January 29, 1906, Earl Grey wrote to Mr. Winston Churchill, then in the new British Government, urging, among other things, "the concentration of Atlantic Mail Subsidies on Steamers plying between U.K. and Canadian ports". He said: "With Sydney 1000 miles nearer to Liverpool than New York, Canada should be secured the advantage of her geographical position. It

(1) Memorandum on Departmental file 1 EA/57.

is monstrous that my London mails should reach me via New York, two sides of a triangle. The Chicago mails from the U.K. and all points West of Chicago should arrive via Canada."(1) Again on March 1, 1906, Grey wrote privately to Lord Elgin, the Colonial Secretary: "The C.P.R., as you are aware, will have two 18-knot steamers on the Atlantic next May. Negotiations are now in progress between the C.P.R. and the Allan Line, which will probably result in the sailing of one 18-knot steamer every week, thus bringing Canadian ports within five and a half days of the United Kingdom. . . The suggested improvement ought not to rest at this point. We ought to have 20-knot steamers sailing from the United Kingdom to Canadian ports on the Atlantic."(1)

Lord Strathcona, the High Commissioner in London, said in a speech in 1906: "In a few years I hope there will be steamers crossing from the United Kingdom to Canada in three-and-a-half or four days." And he never hid his own confident belief in the commercial success of a 25-knot passenger service between Britain and Canada. In February, 1907, he said - "I should be very glad if there were a faster service. The

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(1) Grey of Howith Collection. Vol. 13. Folder 7. (Document 003491).

(2) Ibid. Vol. 13. Folder 8. (Document 003506).

present services are very good, and are doing very well, but we want it faster yet." (1)

Although the frequency of sailings increased, the speed does not seem to have increased during the next four or five years. At the Imperial Conference of 1911, Sir Wilfrid Laurier, speaking on this subject of better Imperial communications, said: "We have at the present time between Canada and Great Britain four lines of steamers of first importance, the Allan Line, the Canadian Pacific, the Canadian Northern Line, which is known as the Royal George, and the White Star. They give a fairly good service, but it is susceptible of very considerable improvement. None of these lines, I think, are faster than 18 knots, if even that much."

(1) Beckles Willson: Life of Lord Strathcona. pp. 550-551.

Mr. Lloyd George interposed: "I thought the Canadian Pacific Railway had done 21 knots." Sir Wilfrid replied: "They are thinking of it, but they have not got it yet. We hope to have a similar service with 22 knots, and we are prepared, in Canada, to have a higher kind of service going as fast as 25 knots."(1)

Diplomatic Bags

The bags from London were placed in the custody of the British ship-captain, who of course was approved and authorized as a "safe-hand". During the winter months, if vessels arrived at Halifax, the bags were handed over to the Postal Authority, and were conveyed by postal channels to Ottawa. If, during the summer months, vessels arrived in Montreal, the same procedure was followed. If arriving at New York, the bags were either handed by the captain directly to the Postal Authorities, or were taken in custody by the British Consul, who would hand them over to the Post Office. (British bags addressed to the Washington Embassy went, in winter time, to New York, where the British Consul would take delivery and either send them by postal channel to Washington or hand them to a British Embassy courier if one were available. In summer time, the British Embassy had summer quarters in Maine or New Hampshire; and therefore British bags were shipped to Montreal and were picked up there by a British Consul, British Embassy official or courier and taken to the summer Embassy.)

As regards bags addressed to Ottawa, they came to the outlying C.P.R. Broad Street station. From there

(1) Proceedings of Imperial Conference, 1911. pp. 348-9.

a special "Royal Mail" street-car brought them to the Central Post Office. Arrival of diplomatic bags was communicated by telephone to the Governor General's Office, and an orderly or other messenger would be sent to collect them, and take them to Government House where they were opened and registered. These orderlies usually travelled by street-car, unless going between the Central Post Office and the East Block, when they went of course on foot.

Outgoing bags, which were sealed up at Government House, similarly were taken to the Post Office by orderly or messenger, and sent through postal channels to the port of steamship departure, where they were handed over to the custody of the Master of the vessel.(1)

Except for the inevitable delay in transit from London to Ottawa, by transatlantic steamship and overland rail - made more difficult in winter months - there was apparently no obstruction, as far as the Governor General's Office was concerned. No criticisms or complaints appear to have been registered over undue defects or delays caused in this Office. Cable messages were decyphered with reasonable speed; and incoming documents were noted, registered, and copied within the Office. The registers in those days were large manuscript ledgers, in which all items of correspondence were entered. Each despatch was then covered with a docket, bearing the

(1) This procedure has been related to the writer (March, 1958) by Mr. F.L.C. Pereira, former Clerk in the Governor General's Secretary's Office; J.F. Boyce, formerly Clerk in the Privy Council and Private Secretary to Sir Robert Borden; and A.L. Cooper, former Secretary-Clerk in the Prime Minister's Office and in the Department of External Affairs.

date and number, and the designation of the person to whom it was to be passed on.

The collection of incoming despatches was handed by his Secretary to the Governor General for his attention, information, and consideration of a reply if immediately called for.

A duplicate set was, prior to 1909, passed to the Privy Council Office, in the East Block, for appropriate distribution or transmission to Ministers concerned; after 1909, they were passed to the Under-Secretary of State for External Affairs for distribution. Frequently a copy was also directly sent, often under a handwritten covering letter or note, by the Governor General personally to the Prime Minister; after 1909, it was agreed and stipulated that the Prime Minister should be immediately shown copies of all such despatches as were transmitted to the Under-Secretary of State for External Affairs. What Pope described as "command" papers, which in the context seemed tc refer to routine despatches transmitting prints or other documents, were sent by the Governor General's Secretary's Office directly to the Ministers or Departments which they concerned, up to the 1909 reform, and thereafter, were distributed by the Under-Secretary for External Affairs.

Kinds of Correspondence

Communications from the Colonial Office to the Governor General consisted of secret, confidential and non-confidential despatches, as well as private letters. Secret despatches were not allowed to be shown

to anyone by the Governor General without express authority of the Colonial Secretary; confidential despatches could be shown to the Cabinet under obligation of secrecy, and the consent of the Colonial Office had to be obtained before any could be published. Some despatches were marked "private" or "most private and confidential"; but that depended on the whim of the Colonial Secretary. Naturally many such despatches were not brought to the knowledge of either the Cabinet or Parliament. If a despatch affected foreign affairs, the consent of the Foreign Office had to be obtained before its contents could be made known.

The Governor General, who knew more about local affairs than the Colonial Secretary, could sometimes use his discretion over withholding information he considered it unwise to divulge. Under responsible government, such official despatches seem almost invariably to have been shown to the Prime Minister and, at the latter's discretion, to the Privy Council, who would decide whether or not they would be shown to the legislature. Laurier declared in the House of Commons that he never had withheld any despatches from his Cabinet colleagues, but it is probable that this statement should be taken cum grano salis. Many of the private or secret communications received by the Governor General were shown to the Prime Minister in strictest confidence.*

* See Chapter 10 on "Debate on the 1909 Bill: Secrecy."

In addition to official correspondence, there had long been the practice of private and informal correspondence both from the Governor General to individuals in the Colonial Office, and from the Colonial Secretary of State or the Permanent Under-Secretary to the Governor General. Such letters were ordinarily for the latter's private and unofficial information. He exercised his discretion in privately showing these letters, or copies of them, to the Prime Minister, and in a few cases to some other Minister in whom he had confidence. Earl Grey was very frank and candid with Sir Wilfrid Laurier, and sent him, under a handwritten covering note and comment, many of these letters.

Besides passing on the Colonial Office correspondence, it was the habit of various Governors General to correspond personally and privately with the Prime Minister of the day. The degree of intimacy varied considerably. It depended on the Governor General's interest, zeal and degree of frankness; it also depended on the Prime Minister's attitude or experience or lack of experience; and on the working relations and spirit of cooperation between them.

As has been indicated, the correspondence of Earl Grey with Sir Wilfrid Laurier is revealing. They were also close friends. Grey wrote to the Prime Minister almost every day, on every subject of domestic, external or imperial interest. His letters were almost invariably written in long-hand, either in his East Block Office, or at Rideau Hall, or on the train while travelling, or

from hotels or camps. If the letters were typed he apologized. In one typed letter of 1909, he said: "I am just leaving for the Yukon, so please excuse my dictating a letter." In the Rockies, he wrote on the train, a long important despatch to Laurier, in a red pencil scrawled in rough, shaky script, on coarse paper; but forwarded it through his Secretary, asking him to produce a typewritten copy to be attached to his manuscript letter to Sir Wilfrid Laurier, in order that it might be more legible. A great many of these handwritten letters were notes of courtesy or familiar friendship, dealing with personal or social matters. A very great many, however, were covering letters transmitting formal despatches received from Ambassador Bryce or the Colonial Secretary, which he passed on to Laurier with lengthy and informative commentaries of his own. Occasionally he would similarly write long-hand letters to Pope, or to Mr. Aylesworth, Minister of Justice, or to Mr. Fielding when he was on a mission in Paris; he would invariably send a copy or summary of such letters to the Prime Minister for his information.

It would appear that most of these handwritten notes were passed through the Governor General's Secretary before delivery, and the latter would have a typewritten copy made in his office for the Governor General's files. Thus, in the Public Archives, the original letters from the Governor General are preserved in Sir Wilfrid Laurier's papers; and the typewritten copies are found in Earl Grey's papers.

Occasionally Earl Grey would submit, under his personal note, some communication from the Colonial Office or a British Ambassador, and would suggest the mode of reply, and would offer to prepare a reply, under advice, himself. For example, on December 24, 1909, he wrote to Laurier privately:

> I enclose a semi-official letter addressed to me by Mr. Bryce in his reply to my request for an expression of his views as to the possibility of making use of the opportunity afforded by the approaching Centenary of the Treaty of Ghent for the purpose of prolonging for another century the policy of the Rush-Bagot Treaty.
>
> As Mr. Bryce's communication covering Mr. Young's valuable memorandum has not taken the form of an official despatch, it does not require an official answer, but if you should desire to convert this semi-official communication into an official despatch, to be formally answered, I shall be obliged if you will return it to me and I will put it into proper shape. (1)

An illustration of the procedure of communication in the 1910 period is found in correspondence on the Immigration Bill. Lord Crewe, the Secretary of State for the Colonies, wrote a formal despatch "Canada. No.200" from Downing Street, on March 19, 1910, to Grey drawing attention to some misgivings over restrictions on British Indians: "My Lord, The Secretary of State for India has under consideration a copy of the Immigration Bill (No. 102) which was read a first time in the Canadian House of Commons on the 19th January last . . ." After communicating the substance of the India Office observations, the despatch concludes - "I shall be glad if you will lay this despatch before your Ministers." (2) Grey chose to deal with this in a private way. He wrote

(1) Laurier Papers. Governor General's correspondence, 1909. Letter No. 206458.

(2) Doc. 170289.

direct to the Minister of Interior, Mr. Oliver, on April 18, 1910, as follows:

Private

> Do you not think that the Minute No.713 with reference to Section 38 of the Immigration Act recently passed, giving authority to prohibit the immigration of British Indian subjects into Canada, would be more acceptable to the Government of India if it confirmed in words, the Secretary of State for India's presumption that the Government of Canada has no intention to discriminate against British Indian subjects because of race and colour, but only for economic reasons.
>
> A few words to above effect could easily be inserted in paragraph 2, without spoiling either the sense or the symmetry of the Minute. (1)

To this, Mr. Oliver replied in a "Personal" note of April 20th proposing an insertion "in accordance with your suggestion." Grey answered the next day:

> I am obliged for your letter of April 29th and heartily approve the suggested amendment to the Minute of Council.
>
> I return the original Minute as submitted to me for my signature, and shall be obliged if you will put it through Council in the amended form. (2)

The Minister, thereupon had an amended Minute typed, dated April 23rd, addressed "To His Excellency the Governor General in Council", and concluding:

> The undersigned begs further to recommend that the Right Honourable the Secretary of State for the Colonies be advised in this sense through the usual proper channels.
>
> Respectfully submitted
> (Sgd) Frank Oliver
> Minister of the Interior.

It may be supposed, in the lack of complete correspondence, that after this private exchange between the Governor General and one of his Ministers, the

(1) Laurier Papers. Vol.627. 170288.

(2) Ibid. 170286

Minute in Council went through the hands of the Under-Secretary of State for External Affairs to the Privy Council, and thence to the Governor General's Office in the normal manner.*

Sometimes the Governor General would write personally (in long-hand) to the Under Secretary, Mr. Pope, like the following of November 8, 1909:

> A Despatch has arrived from Downing Street dated 30 October, covering a report dated 30th September by Commander Edwards of H.M.S. Algeria in which the following statements are made: . . . (Earl Grey then added his own comments). I am inclined to think, after reading this report, that little good would be served in trying to make out a case, as you suggested to me the other day, that the seal herd is increasing. . . "

Incoming Telegrams

Incoming telegrams addressed to the Governor General were decyphered - usually at Government House - and were passed on to the Prime Minister in the same manner as despatches and letters. If the Governor General were absent travelling, copies of despatches or decyphered telegrams would of course be transmitted to him, but at the same time the Governor General's Secretary would transmit a copy to the Prime Minister's Secretary or Privy Council Clerk. For example, we find the following:

> August 13, 1909.
>
> My dear Lemaire,
>
> I enclose you a translation of Mr. Bryce's teleg. to the Governor General. I was under the impression that you had a copy of the Government Telegraph Code.
>
> Yours sincerely,
> C.J. Jones
> (Secretary to the Governor General)

---

* For some reason the originals of this correspondence between Lord Grey and Mr. Oliver are included in the Laurier Papers; possibly, as President of the Privy Council when the documents went to Council for approval, Laurier had retained possession of them in his files.

August 14, 1909.

My dear Lemaire,

I send for Sir Wilfrid Laurier's information a translation of a cable from Ld Crewe to Ld Grey received last night. Copy has been sent to External Affairs.

Yours,
C.J. Jones

As has been mentioned, the Office of the Governor General was in two sections. The principal office was in Rideau Hall or Government House, where the Governor General's official Secretary (first known as Military Secretary, later as Civil Secretary) functioned. All official despatches, diplomatic bags, and telegrams were initially delivered to this office at Government House. The secondary office was in the East Block, presided over by the Governor General's Assistant Secretary. Here most of the files were kept, copying was done, and distribution of documents and other papers to other departments or to the Privy Council was handled. Various Governors General made regular or intermittent visits to the East Block office, where they could receive callers, parliamentarians, Cabinet Ministers, and other departmental heads, etcetera, and could confer with the Prime Minister - who, however, almost as frequently visited the Governor General at Rideau Hall. Some Governors came into town daily; others three times a week or so.

During Sir Robert Borden's term, and presumably before that during Sir Wilfrid Laurier's term, incoming telegrams as well as mail for the Governor General were delivered and decyphered at Government House, and if the Governor General was in residence, they were immediately

shown to him there.*

J.F. Boyce states that in Borden's time, while he was Private Secretary to Borden, telegrams to the Governor General were decyphered at Government House, as they continued to be much later. This was apparently true also in 1909, as is implied in a private letter written by Grey to Lord Crewe, the Colonial Secretary, saying: "Here comes, Tuesday morning, March 2nd, a long cypher, evidently raising a new difficulty. I have my sleigh waiting to take me down to the city, as soon as the cypher is decyphered, and will have Laurier, Aylesworth and Gibbons, who is fortunately in Ottawa, to meet me. . ."(1) He would not need to wait at Rideau Hall if the telegram was in process of decoding in the East Block.

Another indication is found in a letter from Grey to Laurier dated May 14, 1910, concerning the accession of King George V. He wrote: "On my return from church last Sunday I read the cabled proclamation that had been decoded by my Secretary. . . A cable subsequently arrived. . . The proclamation as subsequently published was waiting in the Secretary of State's Office before either he or the Under-Secretary arrived at 2.30 on Sunday afternoon." It is to be inferred from this that between 12.30 and 2.30 the first decoded cable was shown to Grey at home, the second was decoded there and shown to him, an amended version of the Canadian proclamation was prepared and signed immediately by Grey and despatched

* Cyphering and decyphering of cable messages were not performed in the Department of External Affairs until about 1926, when the communication channel of the Governor General's Office was discontinued except for private messages. Mr. J.R.M. Walker, who had been Cypher Clerk in the Governor General's Office, was at this time transferred to the Department of External Affairs in the same capacity.

(1) Grey of Howith Collection. Vol.15. Folder 32. (Document 004138).

with all speed to the Secretary of State's Office in the East Block. It is inconceivable that these successive steps could have been taken and approved away from Government House, while the Governor General was at home.

Governor General's Messengers

The distance between the Governor General's Secretary's Office in the East Block, and the Governor General's Office at Rideau Hall was such that a regular messenger service had to be employed, and cabs, and later, taxis, were in greater use by that Office than by any Department. In addition to the cab-fares within Ottawa by the senior officers and the orderlies, street-cars were also commonly used; and occasionally a special Hewit Messenger Service as well. Apparently certain orderlies appointed from the Governor General's Guard were authorized to use cabs regularly; the others used them irregularly and amazingly economically. Over a year's period, often in deep almost impassable winter snow, the amounts spent on transportation in the Capital and out to the Rideau estate, seems extraordinarily small; cab fares must have been very low.

Outgoing Correspondence

In principle and in normal practice , from 1867 to 1926 the Governor General was likewise the sole channel of official correspondence and information from Canada, still regarded as a Colony, to the Imperial Government in England, and to foreign countries through the British Ambassadors abroad. (His official Secretary could address correspondence to British Consuls abroad).

The Colonial Office List of 1909 publishes the Regulations for His Majesty's Colonial Service as they were at that time (unchanged since those of 1878?) including Instructions to Governors respecting "Correspondence with the Colonial Office":

> 172. Governors or officers administering governments must address the Secretary of State for the Colonies in all correspondence with His Majesty's Government. Every communication, therefore, to whatever public department in this country it may more immediately relate, must be addressed to the Secretary of State for the Colonies, with the exceptions mentioned in regulations 192 to 207.
>
> 173. Despatches are classified, and should be dealt with as follows:
>
> (1) Numbered despatches which the Governor is to lay before his responsible advisers or the Executive Council, as the case may be, unless there be some special reason to the contrary, which should be reported to the Secretary of State in a confidential despatch. Such despatches may be published unless express directions are given to the contrary. Circular despatches and despatches from the Secretary of State marked "Accounts", "Honours", or "Miscellaneous" are to be treated in all respects as numbered despatches, unless also marked "Confidential" or "Secret".
>
> (2) Formal correspondence, such as schedules and records of telegrams, which should not be numbered.
>
> (3) Confidential despatches which the Governor may, if he thinks fit, communicate under the obligation of confidence to his responsible advisers or to the Executive Council, as the case may be. No confidential despatch, either to or from the Secretary of State, may be made public without his permission. The Secretary of State will only publish such despatches if he considers it desirable in the public interest, and will, as a rule, consult the Govenor before doing so.
>
> (4) Secret despatches, the contents of which the Governor is forbidden to communicate to any one without express authority from the Secretary of State.

174. Whenever it may be found necessary to address the Secretary of State confidentially the communication should be marked "Confidential"; but care must be taken that the series of numbered despatches shall contain a full report of all important transactions, a connected and complete account of what has taken place may be afforded by such despatches without adding those which are "Confidential". No reference to a confidential despatch should ever be made in a numbered despatch

x x x

208. Communications from the Governor to a British Consul-General should be signed by the Governor.

209. Communications from the Governor to a British Consul, a foreign Consul or Consul-General, should, in the case of a Crown Colony, be signed by a Colonial Secretary, and in the case of a Colony having responsible government, by the Governor's private secretary.

210. Communications from a Consular Officer to the Governor should be signed by the senior officer, not by a subordinate. (1)

(1) Colonial Office List 1909. o. 613 ff.

~~and Canadians abroad~~.

His instructions were sweeping; he could send secret and confidential despatches, sometimes his own, and sometimes forwarding communications or memoranda from Canadian Departments or the Privy Council, with or without his own gloss; he could send unofficial and private letters addressed to the Secretary of State for the Colonies; he was required to send numerous copies of Canadian statutes, legislative enactments, departmental reports, and other official documents; and collections of representative press clippings.

Under the Instructions to the Governor General of Canada of 1878, "Our said Governor General is to take care that all laws assented to by him in Our name, or reserved for the signification of Our pleasure thereon, shall, when transmitted by him, be fairly abstracted in the margins, and be accompanied, in such cases as may seem to him necessary, with such explanatory observations as may be required to exhibit the reasons and occasions for proposing such laws; and he shall also transmit fair copies of the Journals and Minutes of the proceedings of the Parliament of Our said Dominion, which he is to require from the clerks or other proper officers in that behalf, of the said Parliament". (1) This practice was retained until dropped from the Instructions in 1935.

Through all these methods, the Colonial Office

(1) Canadian Sessional Papers. 1879. No.XIV.
W.P.M. Kennedy: Constitutional Documents of Canada.p.675.

was not only kept informed of the progress of self-government in the Dominion and of its policies, domestic, imperial and foreign, but was also in a position to approve, disapprove, support or guide the Colonial Government. The Governor General played an intermediate role; informing Downing Street, passing on Canadian requests to Downing Street, adding his own advice or comments to the Canadian representations, frequently explaining to London and justifying, from his special knowledge and sympathies, Canadian policies. On occasion, in the past, he would even submit to the Colonial Office a draft of the reply they might consider sending to some Canadian enquiry or representation.

After the establishment in 1880 of a Canadian High Commissioner in England, this regular channel was supplemented by correspondence addressed by the Prime Minister direct to the High Commissioner, who was authorized on appropriate occasions to communicate or discuss the contents with the Colonial Office, Foreign Office, or other department of the Imperial Government concerned. This overlapping occasionally caused complaint on the part of the Governor General, or on the part of the High Commissioner if he were not kept concurrently advised of the Governor General's despatches to the Colonial Office.

During the First War, the practice also developed of direct correspondence between the Dominion Prime Minister and the British Prime Minister, but this again was supplementary to the regular official channel through the Governor General. Likewise, even in Laurier's

time, exceptions were introduced in direct correspondence, unofficially, between the Prime Minister and the British Ambassador at Washington, supplementary to the communications addressed by the Governor General either directly or through the Colonial Office, to the Ambassador.

Official mail to London (and/or Washington) was despatched in waterproof canvas bags, similar to those in use today. The frequency of outgoing bags seems to have been high, for in addition to the use of returnable canvas mail-bags bringing London correspondence, the Office of the Governor General's Secretary had an annual expenditure for the purchase of new canvas bags which, for the period 1895-1917 (after which the record ceases), averaged 176 bags a year or 3.55 bags per week.* This would represent the preparation of a diplomatic bag at an average of every second day, and this rate might be doubled if returnable

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* Purchase of Canvas Bags for Governor General's Office. (From Auditor General's Report).

			$
1895-6	16 doz.	192	56.55
1896-7	10 doz.	120	32.00
1897-8	15 doz.	180	58.75
1898-9	8 doz.	96	14.00
1899-1900	10 doz.	120	27.50
1900-01	4 doz.	48	13.40
1901-02	(103 linen	127	(87.46
	(2 doz.		(7.62
1902-03	14 doz.	168	51.30
1903-04	7 doz.	84	26.74
1904-05	171	171	78.89
1905-06	16 doz.	192	111.05
1906-07	...	...	...
1907-08	8 doz.	96	52.64
1908-09	18 doz.	216	165.73
1909-10	16 doz.	192	97.20
1910-11	2 (?)	(?)	51.36
1911-12	15 doz.	180	138.10
1912-13	12 doz.	144	88.14
1913-14	12 doz.	144	97.30
1914-15	420	420	212.97
1915-16	290	290	130.72
1916-17	350	350	105.00
1917-18	Not indicated	Not indicated	-
1918-19	" "	" "	-

Average per year - 176
Average per week - 3.55

London mail-bags were additionally used for return correspondence.

Although a few of these bags may have been separately prepared and addressed to other destinations, such as Washington, it was the established practice that correspondence addressed to the Foreign Office, or to Paris, Washington, or other British Colonies or Missions abroad, still had to be routed through the Colonial Office in London, so that it may be assumed that the majority of the bags were prepared for overseas despatch to London.

The Prime Minister was not entitled to see all the correspondence which the Governor General received or sent. In spite of this ruling, however, most of the numbered despatches sent to the Colonial Office seem ordinarily to have been the work of the Cabinet or of Departments and Ministries, and the Governor General had little if any part in them, though some earlier Governors wrote important numbered reports. Early examples of Governors General writing official numbered despatches may be found in Dufferin and Lansdowne. Grey also did so. The Governors General wrote more frequently and regularly in unnumbered and usually confidential personal despatches making their own comments on Canadian affairs. These letters were rarely shown to the Ministers.

Should Dominion Cabinet Ministers wish to correspond with the Colonial Secretary, this was generally done by means of memoranda drawn up by the Minister concerned and formally approved by the whole Cabinet. The Governor General would then submit the memoranda to the Colonial Office with his numbered covering despatch, and

usually with an unnumbered one setting out his own views. This would be answered, if an answer were called for, by the Colonial Secretary in a numbered or a confidential despatch, according to the nature of the subject, but if confidential, there would be simultaneous instructions whether it should be shown to the Cabinet.

In addition to despatches of various kinds, there were also private letters which were often more important than despatches for giving an insight into Colonial affairs. Some Governors, not intimate with any of the Colonial Office staff, would write despatches almost exclusively; others would write letters to the permanent head if they knew him better than the Secretary of State; others wrote occasionally to the State Secretary himself. Earl Grey was an excessively steady correspondent by means of personal letters to the Colonial Secretaries, such as Lyttelton, Elgin, Crewe and Harcourt, whom he personally knew. Sometimes he wrote a gossipy letter, almost every day, commenting on local politics and personalities, his own activities and travels, and on current diplomatic issues.

On December 11, 1905, Grey wrote privately to the new Colonial Secretary, Lord Elgin, (who was born in Canada) who succeeded Hon. Alfred Lyttelton:

> The appointment of the grandson of Durham and son of Elgin to the Colonies will be most acceptable to Canada, - and the consciousness that I can write you with all the freedom and lack of reserve which marked my correspondence with your predecessor is at once a great relief to me and I think a help to public business. I will, if you will allow me, continue the practice I followed with Lyttelton of writing to you fully in private letters on such current events in Canada as I thought would

> interest him, reserving for official despatches matters of routine and matters of interest affecting the relationship of Canada to the U.K. which I thought ought to engage the attention of H.M.G. (1)

Elgin replied, by hand, on December 22:

> The renewal of the Elgin-Grey correspondence of 60 years ago was one of the first things that crossed my mind when this Office was suggested to me. . . I shall only be too glad to write and to hear from you on the confidential footing of former days.. . " (2)

Outgoing Telegrams

Reference has been made to the development of telegraphic communication between the Governor General's Secretary's Office and the Colonial Office and vice versa, (and/or with British Embassies abroad, especially Washington), as a supplementary channel to the diplomatic mail.

Records are not available as to the number of Canadian messages sent by cable. The Auditor General's annual reports show, however, the scale of expenditure - rising steeply during the years of the First World War - on telegrams, by the Governor General's Office. (in a few instances, the several different cable companies utilized are separately indicated). The Governor General's Office was the main channel for external telegrams; but this did not preclude other departments maintaining their own overseas telegraphic contacts. After the Department of External Affairs was created, the expenditure on overseas telegrams by the Secretary of State's Office decreased and by the Department of External Affairs, especially during the war, increased. After 1927, the elimination

(1) Grey of Howith Correspondence. Vol.13. (Dco.003447).

(2) Ibid. (Doc.003457).

of the Governor General's Office as the main channel of overseas communication threw the main burden of telegraphic expenditures on the Department of External Affairs.

(The figures shown in the accompanying table are not wholly consistant, for at various times the telegrahpic rates were reduced, and the expenditures shown therefore would, under the reduced rates, represent a larger number of messages. From 1925, the figures given in the annual Auditor General's Report embraced "telegrams and telephones" together, instead of, as theretofore, separately. The overall costs of telegrams includes of course domestic telegrams, but the costs of these would be a relatively small fraction of the costs of overseas cable messages).

Synopsis

To indicate the routing of incoming or outgoing external correspondence prior to 1909, the following diagram is given:

Colonial Office

↓

Governor General's Secretary

↓

Governor General

↓

Governor General's Secretary — Kept some secret despatches. Passed on most despathes.

↓

Some secret despatches shown privately to Prime Minister, who did not show them to his Cabinet

Clerk of the Privy Council

↓

President of Privy Council
(Prime Minister)

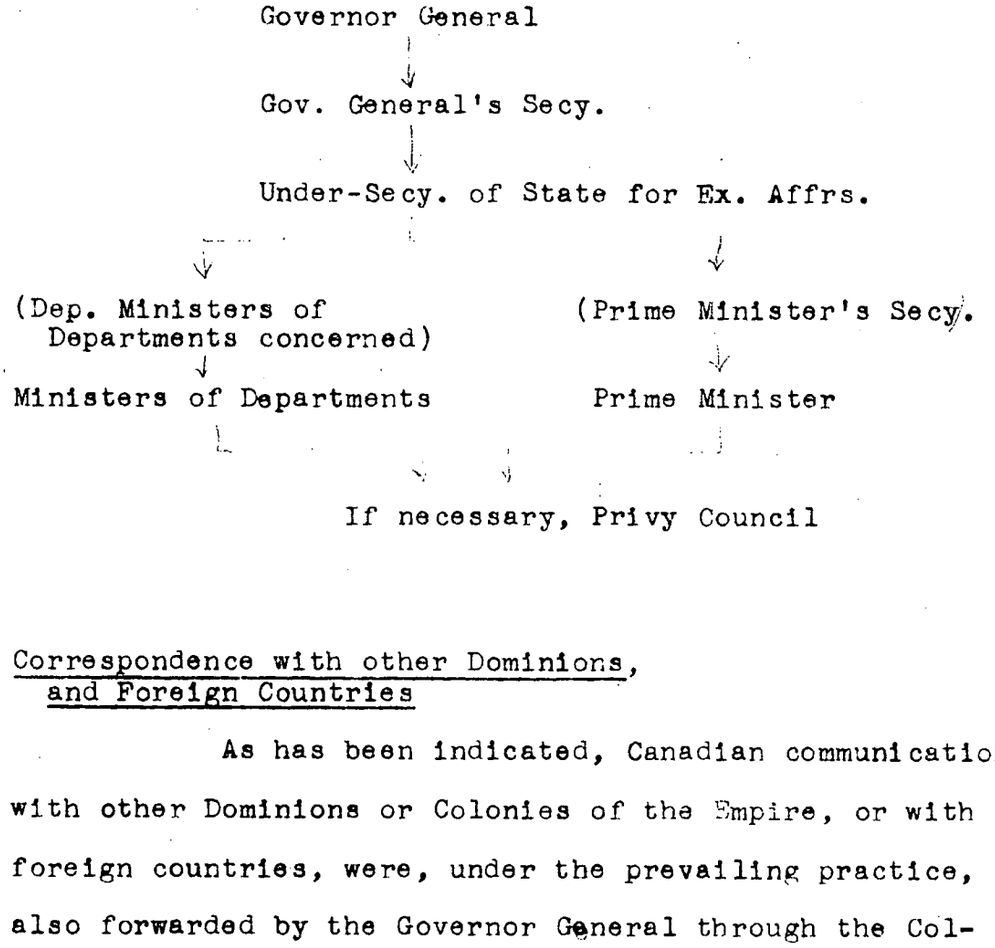
↓

Ministers of Departments concerned.

	Gov. Gen. Office $	Secretary of State $	Ex. Affrs. Department
1895-6	2673.62 568.18	1231.06 437.68	
1896-7	3632.19	673.11	
1897-8	2989.12 1952.80	329.24 79.48	
1898-9	3912.94	539.81	
1899-1900	5454.17	445.34	
1900-1	5081.38	1262.00	
1901-2	6891.81	910.54	
1902-3	2976.71	1118.92	
1903-4	2849.64	760.13	
1904-5	3376.94	1247.47	
1905-6	3952.69	528.60	
1906-7	-	481.64	
1907-8	3877.27	705.47	
1908-9	5231.56	1000.48	
1909-10	3540.89	520.32	109.95
1910-11	-	1313.72	200.47
1911-12	3886.89 51.26	1303.57	221.48
1912-13	4796.06	852.33	370.17
1913-14	3139.14	875.65	161.51
1914-15	4266.45	804.02	1243.41 195.83
1915-16	610.36 8458.81	935.64 1293.15	463.64 409.30
1916-17	1956.32 7308.63	719.54	563.14 424.47
1917-18	1378.18 9551.94		563.14 2017.88
1918-19	1683.51 6455.29		1503.53 23106.18
1919-20	5392.66		623.27 19289.94
1920-21	5392.66	1681.63	8697.31
1921-22	3444.74	2317.59	8580.51
1922-23	3076.14	1213.23	5249.41
1923-24	2145.37	1439.19	4016.97
1924-25	3916.12	1234.53	6555.41
1925-26	3822.68		7320.18 Tel. & telephones
1926-27	4020.32(Tel. & Tel.)		7147.30 " "

* Extra telegram charges under War Appropriation Vote marked in red.

After the establishment of the Department of External Affairs in 1909, the routing of incoming and outgoing external correspondence was as shown in the diagram below:



Correspondence with other Dominions, and Foreign Countries

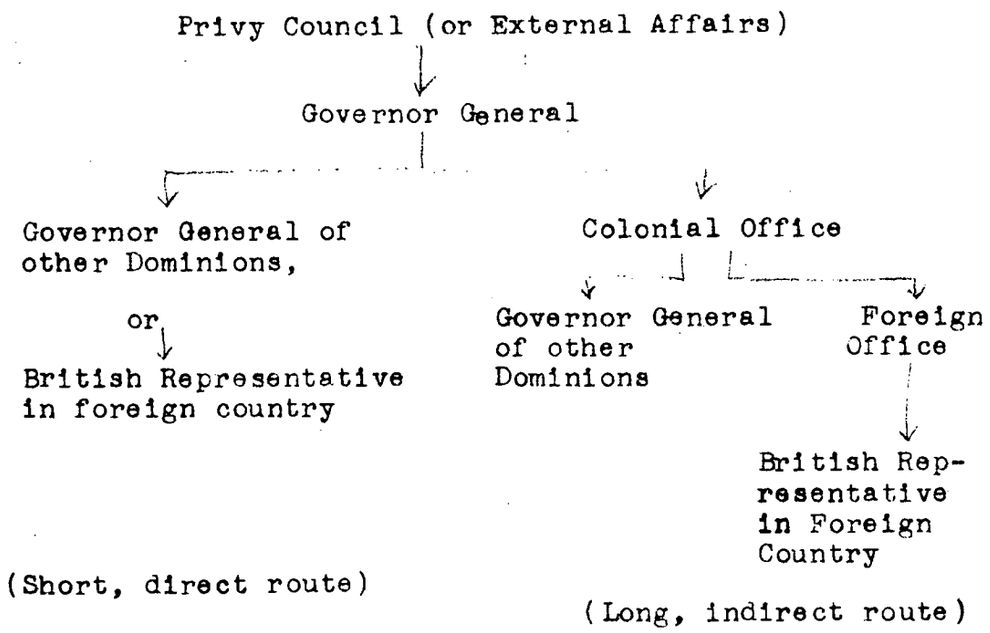
As has been indicated, Canadian communications with other Dominions or Colonies of the Empire, or with foreign countries, were, under the prevailing practice, also forwarded by the Governor General through the Colonial Office to the other Imperial countries, or through the Foreign Office to the British representatives abroad. This, of course, involved an unnecessarily long circuitous and delayed transmission, and was particularly illogical in relation to Canadian correspondence with the United States Government in Washington. It was the cause of many

American as well as Canadian complaints and impatience.

But the Governor General enjoyed, additionally, the right to communicate directly either to the Governor Generals or Governors of other British Colonies, or to British Ambassadors or Ministers in foreign capitals, provided that copies of all such official communications were simultaneously forwarded to London. The procedure likewise worked in the opposite direction.

With Other Dominions

With correspondence from Canada to other Imperial Dominions or to foreign countries, the system was generally as follows:



In the interchange of correspondence between the government of one dominion and the government of another, the long-established channel via London was still maintained as late as 1919, although it was permissible for one Governor General to communicate directly with another Governor General if he so chose. One illustration of this traditional procedure is found in a message of felicitation from the Government of the Union of South

Africa to the Canadian Government on the occasion of the foundation of the new Parliament Buildings in Ottawa. The telegram dated August 21st, followed by a confirmatory despatch, passed through two Governors General and the Colonial Office before reaching the appropriate department of the Canadian Government.

Canada
No.460

Downing Street,
6th October, 1919.

My Lord Duke,

With reference to my despatch No.355 of the 12th of August, I have the honour to transmit to Your Excellency for the information of your Ministers, a copy of a despatch from the Governor General of the Union of South Africa, enclosing a copy of the telegram sent to you on the 21st August, conveying a message from His Ministers for deposit in the corner-stone of the new Parliament Buildings at Ottawa.

I have the honour to be,
My Lord Duke,
Your grace's most obedient,
humble servant,
(Sgd) Milner

Governor General
His Excellency
The Duke of Devonshire, K.C.,
G.C.M.G., G.C.V.O., etc.,etc.,etc.

(Notation on file copy: "Referred to: Premier
Public Works").

This shows that the Government Ministers of the Union of South Africa sent their message through the Governor General of the Union, who sent it to the Colonial Office; the Secretary of State for the Colonies forwarded it to the Governor General of Canada. (The original cable, sent in code, was followed by a despatch enclosing a copy of the telegram). The Governor General of Canada passed this document to the Prime Minister: (the date-stamp of receipt reads: "Department of External Affairs: Prime Minister's Office").

The Prime Minister' Secretary (Mr. George W. Yates) forwarded a copy of these messages to the Deputy Minister of Public Works; who in a letter of acknowledgement addressed to Mr. Yates, said that the telegraphic message had been passed on to and received in the Department of Public Works just in time to be enclosed in the canister containing congratulatory messages, which was being inserted in the corner-stone of the new Parliament Building in Ottawa. (It is not clear why the forwarding of these South African messages to Public Works was done by the Prime Minister's Secretary, and not by either the Clerk of the Privy Council, pr by the Under-Secretary of State for External Affairs, which was the normal practice. Possibly there was a question of urgency involved.)

Foreign Countries (other than U.S.A.)

With correspondence from a foreign country to Canada, the procedure would be as follows:

An illustration of the complicated mode in which a foreign government would communicate its views to the Canadian Government over some proposed Canadian legislation, is to be seen in a case in 1913 of a French protest over a Canadian Bill which it considered violated a former (1907) treaty with France covering fishery rights.

In brief, the French Foreign Ministry instructed its Ambassador in London to address a note of protest to the British Foreign Office. This note was passed on to the Colonial Office, which forwarded it in the normal way to the Governor General of Canada. The Governor General's Office passed the despatch and copy of the French note to the Under-Secretary of State for External Affairs, again in the normal manner.

Meanwhile, and ahead of the Colonial Office communication, the French Consulate General in Montreal, under instructions from Paris, also addressed a despatch (in French) to the Under-Secretary of State for External Affairs, informing him of the action of protest taken in London by the French Ambassador to the British Foreign Office.

This latter communication from the French Consulate General, being received first, was passed on by the Acting Under-Secretary to the Prime Minister: (the "First Minister" was the title of address then employed); and also passed a copy to the Minister of Marine and Fisheries. The Prime Minister also wrote, both formally, and in a concurrent informal and personal letter, to the Minister of Marine and Fisheries, asking him to prepare

a memo. That Minister, after some thirteen days delay "for consideration" replied to the Prime Minister that he would first have to seek the advice of his colleague, the Minister of Justice.

Meanwhile, the Colonial Office note arrived, through the Governor General, and the Acting Under-Secretary repeated the same circulation of this document, confirming the French Consulate General's communication.

The text of this correspondence is given below: (1)

République Française,
Montreal, le 6 Mars.,1913.

Consulat Général de France,
Dans la Puissance du Canada.

Monsieur le Sous-Secrétaire d'Etat,

Je viens de recevoir l'ordre de M.C.Ministre des Affaires Etrangères à Paris de faire savoir aux Autorités canadiennes que le Gouvernement français protestait à Londres contre l'amendement, présenté sous le nom Bill 35, à la Chambre des Communes du Dominion, en vue de modifier le "Customs and Fisheries Protection Act", et relatif aux bâteaux étrangers pêchant dans les eaux canadiennes.

Selon l'opinion du Gouvernement français les dispositions de cet amendement sont contraires aux articles X et XI de la Convention franco-canadienne de 1907.

Je vous serais obligé de vouloir bien communiqués cette information à M.C. Premier Ministre ainsi qu'à M. le Ministre de la Marine et des Pêcheries et de m'en accuser réception.

Veuillez agréer, Monsieur le Sous-Secrétaire, l'assurance de ma haute considération.

Le Gérant du Consulat Général,
(Sgd) Raymond

Monsieur le Sous-Sécrétaire d'Etat,
pour les Affaires Etrangères,
Ottawa.

(1) From the Borden Papers. 2997.(1) (2). Public Archives.

In Pope's absence, Mr. Walker on March 10th forwarded the above note to the First Minister, Mr. Borden:

> I enclose herewith copy of a letter received from the French Consulate General in Montreal informing me that the French Government is addressing a protest to His Majesty's Government in London against the provisions of Bill 35, now before the House of Commons, being "An Act to amend the Customs and Fisheries Protection Act", as being in contravention of Articles ten and eleven of the Franco-Canadian Treaty of 1907.
>
> I am sending a copy of this in the usual course for the consideration of the Minister of Marine and Fisheries. Copy of the Treaty and of the Bill I enclose herewith for convenience of reference.

It will be noted that at this stage Walker merely passed on the note and documents to Mr. Borden without any explanatory or critical comment or minute. He did, however, ask the Minister of Marine and Fisheries, Mr. J.D. Hazen, for his views. Apparently Mr. Borden, both formally and informally, also wrote to Mr. Hazen, for among the Borden Papers are carbon copies as follows:

11th March, 1913.

> The Acting Under-Secretary of State for External Affairs has brought to my attention a protest which he has received from the French Consulate General in Montreal on behalf of the French Government respecting Bill No.35 now before the House of Commons. I understand from Mr. Walker that he is in communication with you in regard to this protest.

March 12th, 1913.

> I would be glad if you would give me at your convenience a memo upon the protest of the French Government against Bill No.35. The contention of the French Government declares that this amendment is contrary to Articles 10 and 11 of the French Treaty of 1907.

In these notes, the Minister of Marine and Fisheries replied to "My dear Premier", on March 25th:

> I beg to revert to your letter of the 12th instant, asking for a memorandum on the protest of the French Government against Bill No.35.
>
> I have been giving the matter consideration, but I think it well to procure the opinion of the Department of Justice before replying. I shall furnish you with the memorandum at the earliest possible moment. (1)

The further correspondence on this subject is not found in the Borden Papers, and might be in a departmental file. The only remaining letter pertaining to this relates to the usual follow-up, a month later, of a letter of transmittal from the Colonial Office, through the Governor General, of the French Government's protest to the British Foreign Office:

> Ottawa, 14th April, 1913.
>
> Dear Mr. Borden:-
>
> With reference to my letter of the 10th instant (sic) in which I enclosed a copy of one from the Acting Consul-General of France stating that his Government was presenting a protest to His Majesty's Government against the provisions of the Act to amend the Customs and Fisheries Protection Act, (Bill 35), I am now sending a copy of the despatch of the Colonial Office, dated the 2nd April, 1913, communicating the text of the note in which the French Ambassador represents the objections of his Government to the proposed measure.
>
> I am referring a copy of this despatch in the usual course to the Department of Marine and Fisheries.
>
> Yours very truly,
> (sgd) W.H. Walker (2)

Routing through the Colonial Office

A fundamental problem of communication was to be found in this practice, which constitutionally was

(1) In the mode of address, Borden is not addressed as "Sir" Robert Borden, and ~~thereafter~~ by his Fisheries colleague, at least, he is informally addressed as "Premier" and formally, as "Prime Minister".

(2) (Letter drafted by "A.L.C" - A.L. Cooper).

fixed, of routing all Canadian foreign correspondence, including that with the neighbouring United States, through the Colonial Office in London. As the Colonial Office controlled all the diplomatic relations of its overseas Colonies, this system was axiomatic; and indeed, while at times a matter of annoyance and protest, was never seriously questioned in principle. It was the price that was paid, at that period preceding the First War and even later, for the Colonial status of Canada within the Empire and its dependence on Great Britain as the Imperial centre and paramount government. In 1879 the Governor General, Lord Lorne, was informed by London that "The Dominion cannot negotiate independently with foreign powers and at the same time reap the benefit which she desires in negotiations from being part of the Empire."

Canadian-United States problems were among the most important of Canada's external affairs, and loomed large in her diplomatic relations, on such "neighbourhood"matters as boundary waters, fishing rights, boundary delimitation, commerce, tariffs, and consular matters affecting nationals. To a certain extent, Canadian commercial agents, later called Trade Commissioners, were assigned solely on the authority of the Canadian Government, to deal, semi-officially, with commercial matters; but this did not solve the major problems which were diplomatic and required attention at Washington. For this purpose, the services of the British Ambassador in Washington had to be used; but he could receive his formal instructions - ~~xxxx~~ Canadian instructions - only from the Foreign Office in London. Even when special Canadian

emissaries went to Washington directly, their status and powers had to be granted by London, and their diplomatic discussions had to be under the auspices of the British Ambassador upon instructions from London.

This grave limitation of the Dominion's freedom in diplomatic negotiation at times seemed to Canadians a serious handicap. Such a detour via Great Britain produced inconvenient and irritating delays.

For instance, during the fisheries discussions, the American Secretary of State, Hon. T.F. Bayard, wrote privately in a letter dated May 31, 1887, to the Hon. Charles Tupper, complaining of:

> "the embarrassment arising from the assumption by Canada of attributes of autonomous and separate sovereignty, not, however, distinct from the Empire of Great Britain. The awkwardness of this imperfectly developed sovereignty is felt most strongly by the United States, which cannot have formal relations with Canada, except indirectly and as a Colonial dependency of the British Crown, and nothing could better illustrate the embarrassment arising from this amorphous condition of things than by the volumes of correspondence published severally this year relating to the fisheries by the United States, Great Britain, and the Government of the Dominion. The time lost in this circumlocation, although often most regrettable, was the least part of the difficulty, and the indirectness of appeal and reply was the most serious feature, ending, as it did, most unsatisfactorily. It is evident (he concluded) that the commercial intercourse between the inhabitants of Canada and those of the United States has grown into too vast proportions to be exposed much longer to this wordy triangular duel, and more direct and responsible methods should be resorted to.

Tupper gave copies of this letter to Sir John Macdonald and Lord Lansdowne. (1)

This difficulty was also noted during the fisheries negotiations of 1899, in which Pope participated.

(1) Sir Charles Tupper. Recollections. pp.177-8.

Mr. Hay wrote to Joseph A. Choate, U.S. Ambassador in London, on April 28, 1899:

> You are by this time probably aware of the great difficulties that surround the arrangement of any controversy in which Canada is concerned. . . The habit of referring everything from the Foreign Office to the Colonial, followed by a consultation of the Canadian authorities by the Minister of the Colonies, produces interminable friction and delay.(1)

Yet again, Secretary of State Elihu Root (1905-1909) once said to a U.S. Senate Committee, in explaining why it might take six months to get through each stage of negotiations with Canada:

> I would make some proposition to the British Ambassador here. He would send it to the Foreign Office in London, the Foreign Office would send it to the Colonial Office and the Colonial Office would send it to the Government at Ottawa. (Root omitted to mention that the despatch would be addressed to the Governor General who would transmit it to the Privy Council, who in turn would designate what particular Minister would deal with it. F.H.S.) . . . Finally Sir Wilfrid Laurier would find some time to pay attention to it. (2) *

Similar complaints were heard in Canada, and although Laurier never wished to disturb this unwieldy system, and as he once said, he was quite content with arrangements as they are as long as Mr. Bryce was British Ambassador, there was one occasion at least when, annoyed more than usually, by dependence on British channels in matters of Canadian treaty-making, he heatedly declared

(1) W.R. Thayer: The Life and Letters of John Hay, II. p.205. Cit. in O.D. Skelton: Life and Letters of Sir Wilfrid Laurier. II. p.130.

(2) Cit. in F.H. Soward: The Department of External Affairs and Canadian Autonomy. 1899-1939. p.3.

* That blame fell not only on the British Colonial constitutional system, but also, on at least one occasion on the Americans themselves, is shown in connection with the Tupper negotiations in Washington in 1890 over the perennial seal-fisheries question. An unaccountable delay in the arrival of the letters expected from the Canadian representative aroused in Sir John A. Macdonald the disturbing suspicion that American agents were tampering with the mails, and young Stanley, the Governor General's son, was sent down to

(cont'd)

in Parliament that some more direct powers of negotiation would be desirable.(1)

Another example of the difficulties of this three-way channel of communication is given by O. D. Skelton, in referring to the Alaska boundary question. "The one protest which the Canadian Government had attempted to make, and which, if made, would greatly have strengthened its position, had been foozled by the British Ambassador at Washington. In 1889 Sir John Macdonald raised a definite protest against the occupation of territory bordering on the Lynn Canal, but in view of the fact 'that the Foreign Office disapproves of communication from Ottawa to Washington direct', he asked Tupper to ask Salisbury to instruct the British Minister to convey the protest to the State Department; Sir Lionel Sackville-West, writing from a comfortable summer hotel veranda, informed Mr. Bayard that some Canadians had raised some objection to some action of Americans about a charter somewhere in the Alaska region, whereto Mr. Bayard had naturally replied that it was not so, and the matter ended."(2)

A more detailed account of this episode was given in the House of Commons by Mr. Bourassa in 1931: "Mr. Dennis, /a surveyor of the Department of the

(Cont'd) Washington with new and important communications. Tupper was expected to use some polite pressure on the British Minister, Pauncefote, under the instructions of the Canadian Government, approved by the Governor General. (D.G. Creighton: Sir John A. Macdonald: The Old Chieftain, p.540).

(1) O.D. Skelton: Life and Letters of Sir Wilfrid Laurier. II. p.155, quoted in Glazebrook: Canadian External Relations, p.248.

(2) O.D. Skelton: Life and Letters of Sir Wilfrid Laurier. II. p.136.

Interior, in the west, wrote to Ottawa to obtain instructions. This was during the summer time, and the Minister of Interior sent a despatch to Sir John Macdonald, who was spending the summer at Riviere du Loup. Sir John Macdonald sent the letter to our representative in London, Sir Charles Tupper, who took the letter to the Colonial Secretary. After a couple of weeks the Colonial Secretary passed the letter over to the Foreign Secretary, who wrote the English embassy in Washington. At the time the English embassy was somewhat upset, because that was the summer when the English ambassador, Sir Lionel Sackville-West, had got into difficulty with the American government in connection with the presidential election, and to use a colloquial expression was in the process of being sacked out of the country at the request of the American Secretary of State. Naturally that took up some of the time of that gentleman before he could reply. Finally the reply of the Secretary of State was sent to the Foreign Secretary, who handed it to the Colonial Secretary, who sent it to the Governor General in Ottawa, who handed it to Sir John Macdonald. . . To put it shortly, after four months the department in Ottawa was informed. . . Here is a concrete example of the situation which existed between the two countries so long as we had to maintain our relations through that process of correspondence. Direct relations between Ottawa and Washington would have elicited the information in from eight to fifteen days." (1)

(1) H. of C. Debates, July 20, 1931, p.4338.

Much later, in 1906, Lord Grey, in Ottawa, was complaining to Lord Elgin, then Colonial Secretary, of this difficulty in intercourse with Washington. He wrote in a private letter on March 1st:

> Business between Canada and the United States is conducted as follows:
>
> 1. The P.M. of Canada approaches the Gov.Genl.
> 2. The G.G. approaches the C.O.
> 3. The C.O. approaches the F.O.
> 4. The F.O. approaches the British Ambassador at Washington.
> 5. Who then approaches the S. of State?
>
> The answer comes back the same circuitous route and is thus the subject of 10 separate communications.(1)

Speaking in the House of Commons in July, 1931, on the benefits of direct diplomatic representation, Mr. Marcel, M.P., said: After listening to the description given by the member for Labelle of our relations with the United States twenty-five or thirty years ago, and even before in the days of Sir John A. Macdonald, I feel impelled to mention an incident which occurred when I had the honour, in 1906 and 1907, of accompanying a distinguished body of Canadians to Washington. We were received by Theodore Roosevelt, the then president, and in his conversation he impressed very strongly upon us the absolute necessity of having Canada represented at Washington to do away with the circumlocution of communications between Canada and the United States by way of the British Foreign Office. That was twenty-five years ago, and in view of the position Canada has taken now, I have mentioned this incident to show that other countries like to be communicated with directly by representatives of this country." (2)

(1) Grey of Howith Collection. Vol.13. Folder 7. (Doc.003503).
(2) H. of C. Debates, July 30, 1931, p.4346.

Circumvention of Colonial Office

However, this difficulty became greatly reduced during the incumbency as British Ambassador in Washington of James Bryce and later Sir Cecil Spring-Rice. They adopted the practice of communicating directly either informally to Ministers of the Canadian Government on special subjects or officially and unofficially to the Governor General personally, or to the Prime Minister through the Governor General, while at the same time maintaining the customary indirect channel via London, through the Foreign Office and the Colonial Office. This by-passing of the trans-Atlantic routing saved many weeks and months of delay; and, instead, letters could be sent and answered within a matter of three or four days, not to speak of the increasing use of direct telegraphic communication between the Washington Embassy and the Governor General's Office in Ottawa.

Almost throughout the incumbencies of Earl Grey as Governor General and James Bryce as British Ambassador, old friends both, official and unofficial

correspondence flowed directly and continually between them, by-passing London unless, in the case of official communications, duplicates were sent to the Foreign Office and Colonial Office. Almost invariably Grey passed on to Sir Wilfrid Laurier, under cover of a hand-written note, the letters received from Bryce. While the channel via London continued to be used in certain cases, or where London's interest in certain negotiations respecting Canada had to be consulted, the practice of direct communication between Washington and Ottawa increased during the years following 1909.

(In this transmission, by rail, by post or special courier, letters were answered three days after their date of writing; and this fairly prompt span of time - in the days before air postal services - had to include the time lost in the despatching or registry rooms of the Washington Embassy or the Governor General's Office, messenger collection or delivery, and Post Office sorting.)

On March 3, 1910, the New York Herald published a despatch from the Herald Bureau in Ottawa, claiming that the use of the London channel for communications between Washington and Ottawa was a serious cause of delay; and even advocating a Canadian representative in Washington. The article referred to "recent reports that communication between the State Department at Washington and the Dominion Government at Ottawa was seriously delayed through transmission via the British Embassy." An editorial in the Montreal Herald was quoted as saying further:

> Naturally the British Embassy was the only place to serve notification respecting Canada. After waiting a while, not getting an answer, the Americans enquired again. . . Then it appeared that in Mr. Bryce's absence in the West Indies, the best the British Embassy could do was to write over to the Foreign Office to see whether this was to be handled on the basis of four trips across the Atlantic between letter and answer or whether it would be alright for Canadians to handle the business themselves. Fortunately, the Foreign Office very sensibly left it to Canada herself to settle with the States, and this answer came along about the time the Americans made their second inquiry. This time Canada was notified. . .
>
> If Sir Wilfrid Laurier had to make this week the speech he made one day before Christmas, he might not be quite so certain that the presence of a Canadian representative in Washington is wholly unnecessary in face of the efficiency of the British Embassy. It doesn't so much matter what his title might be, or in what order he might walk in to dinner, but if we had had one reasonably intelligent Canadian stationed in Washington this incident need never have occurred. . . The double crossing of the ocean between Washington and Ottawa is a very interesting survival, but really it isn't business, and it had better be eliminated in the interest of economy.

In retort to this erroneous press accusation, Bryce wrote a letter to Grey, dated March 5, 1910:

> A cutting from the Montreal Herald has been sent to us, cited by the N.Y. Herald, which states that communications from the State Department to this Embassy about tariff negotiations were delayed because the Embassy in my absence instead of informing Canada of the U.S. communications gave no answer to the U.S. and instead enquired of the F.O. what should be done, and did not let you know till the F.O. had given leave. I send you the cutting. This is of course an absolute fabrication. No delay whatever occurred here, except that which was due to one asking the State Department to put into writing what it had said orally, and this consumed only one day. As soon as their written communication arrived it went right on to you. I suspect that the fable was invented by the N.Y. Herald, which has been trying to make all the mischief it can between the Embassy and Canada, and that the Montreal Herald took it from the N.Y. Herald. I don't care what the U.S. papers say, but Canada is different, and it seems desirable to have this statement expressly contradicted, in order that it may be known that so far from communication with London causing delay, London was not asked about sending it on, and it was sent on at once with no delay at all. How the contradiction should be made, if you think it well to make one, you can judge better than I . . . (1)

(1) Laurier Papers. Governor General's Correspondence, 1910. Vol. 735. Doc. 206644.

Grey replied to Bryce on March 8th:

> Mr. Fielding has told the New York Herald man how completely mistaken he is in supposing that there has been any delay owing to the fact that the British Embassy at Washington is paid for by the London and not the Ottawa Government. Both Mr. Fielding and Sir Wilfrid Laurier know as well as I do that not a single moment has been lost. They are aware that there could not have been greater despatch if you had been the Officer of the Canadian Government. I will ask Sir Wilfrid Laurier and Mr. Fielding to take an early opportunity of making a statement either in the House of Commons, in answer to some question, or elsewhere, which will establish this point satisfactorily and conclusively. (1)

Attention has been given to the use of the Colonial Office, and the efforts to circumvent it, in Canada's external relations, particularly with the United States, because it remained until 1926 a definite factor in the conduct and machinery of Canadian diplomacy. Despite the irritation it sometimes produced, it was accepted in principle without serious question; and there is no indication that Pope or Laurier had any notion of altering the system. It was inherent in Canadian imperial position and external connections, as a Colony within the British Empire.

Correspondence with the British Ambassador in U.S.A.

Although the official channel of communication to foreign countries, even to such a neighbouring Government as that in Washington, had to be through the Colonial Office and Foreign Office in London, the practice gradually grew up of informal correspondence direct from the Governor General to the British minister or ambassador, and even from the Prime Minister to the British representative. Between Earl Grey and his close

(1) Ibid.(Doc. 206647).

personal friend, Mr. Bryce, in Washington, this practice had been regularly adopted; and, on occasion, Bryce and Laurier also corresponded directly, though informally, although Laurier saw to it that Earl Grey was kept fully au courant of any correspondence unofficially exchanged. Bryce made visits to Ottawa; had said that more than half his Embassy's business in Washington concerned Canadian affairs, and had been described as more of an Ambassador for Canada than for Great Britain. This exceptional spirit of cooperation naturally resulted in close correspondence by-passing the slow channel of London;(1) and also dampened any latent desire in Canada at that time for an independent Canadian diplomatic representative in Washington.

In 1911 Bryce had said it was an honour "to be the intermediary" in communications between the two countries, and "to be the embassy of Canada just as much as of the United Kingdom." (2)

This direct intercourse between Ottawa and Washington was found to be so convenient and expeditious that it was continued by the next Ambassador, Sir Cecil Spring-Rice, and Sir Robert Borden. Spring-Rice continued to adhere faithfully to the London channel in all his official communications with Ottawa, but adopted the practice of his predecessor of sending direct to the Governor General copies of his despatches to the Foreign Office in London on American affairs having any possible concern or interest to Canada. These

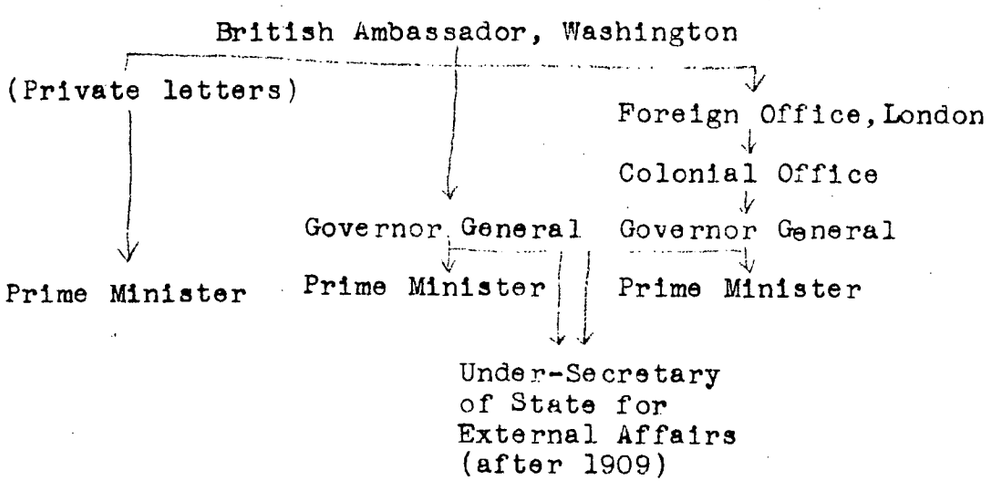
(1) See N.W. Rowell: The British Empire and World Peace. (Toronto 1922)(pp.188-90).

(2) Bryce: Proceedings of the Canadian Club, Toronto, 1911 -12. Vol.IX. See also Skilling. op. cit. p.226,note 20.

duplicates from Washington were passed on from the Governor General's Office to the Prime Minister, and also to the Under-Secretary of State for External Affairs, who then showed them to any other Minister who might be specially interested. Pope drew attention to this expeditious arrangement in a private letter to Mr. George H. Perley, dated July 17, 1913:

> I wished to call your attention this morning to the fact that Sir Cecil Spring-Rice has recently adopted a new line of sending to Canada copies of his despatches to Sir Edward Grey on a variety of current topics of general interest in the United States, such, for example, as Arbitral Commissions, Panama Canal, Banking and Anti-Trust legislation, Mexico, etc. etc.
>
> I have addressed in each case copy of these despatches) to Mr. Borden, and I presume they are in the hands of his private secretary. I would suggest your looking them over, as some of them are interesting and instructive.

During the Grey Governor Generalship, with Mr. Bryce in Washington, and afterwards Sir Cecil Spring-Rice, the correspondence on Canadian matters followed three alternative or duplicate routes: the formal one via London; the quicker one via the Governor General's Office, with copies to London;(the Governor General normally showed Bryce's letters to the Prime Minister); and privately from Bryce to the Prime Minister or vice versa (which Laurier normally showed to the Governor General.)



Retention of the Governor General's Channel

In the earlier years, the appointment in 1880 of a resident High Commissioner to London was intended to supplement, not to replace, the channel of communication between the Governor General and the Colonial Office. This situation remained unchanged until 1926.

In the Canadian memorandum to the Colonial Office of 1880 on the desired appointment of a High Commissioner, it was proposed to provide a means of constant and confidential communication between Her Majesty's Government and Her local advisers in Canada in extension of the more formal relations subsisting through the correspondence of the Secretary of State for the Colonies with the Governor General. "It is now being found in practice that there are constantly questions arising, connected with the administration of affairs in Canada, requiring discussions in a mode and to an extent wholly impracticable by the ordinary channel of correspondence through the Governor General."

There was at first some reluctance and misgiving over this arrangement. There was the unwillingness of the Governor General to have his role as the official link and channel of communication between Canada and British governments reduced in importance. In an effort to assuage the Governor General's concern on this issue, Macdonald arranged that all official letters from Galt should also be sent to the Governor General, as the latter had requested at the time of the appointment of the agent.(1)

(1) Skelton: Life & Times of Sir Alexander Galt. p. 531. Other references cited in Skilling, p.97. Note p.127.

Macdonald, writing to Galt on June 3, 1880, notes:

> He (Lord Lorne) was very anxious that his position should not be ignored and made sundry suggestions from Quebec, which of course we agreed to. He is evidently jealous lest things should be done without his knowledge or intervention, and I had to assure him he would be kept fully informed. It was necessary to keep him with us and with you, or you might be balked some morning by Lord K. informing you that he had not been advised by the G.G. on the subject. Every one of your official letters is copied and sent to him, and I have read to him or made extracts and sent him such portions of your notes to me as I thought would please him and do good to you. Lord Lorne is a right good fellow and a good Canadian, and it is important to identify him as much as possible with your mission. (1)

Galt's own position in London was weakened by the fact that he had to depend upon the Colonial Office for much of his information concerning his own Government's policy and that the Governor General informed the British Government of the contents of the High Commissioner's instructions.

Lord Stanley, a later Governor General, referred to this matter in a letter to Macdonald on August 1, 1890:

> I think great advantage is derivable on many occasions from the personal communication between the High Commissioner (or Agent-General of another Colony) and the Colonial Office. But when it comes to the discussion of principles - and not only of details, or when he is instructed to act upon minutes commenting strongly on Imperial Legislation, then, it appears to me, that the responsibility of action should rest with the Government (of the Dominion) and not with the High Commissioner, and that their communications might conveniently continue to be carried on through the medium of the Governor General and of the Secretary of State for the Colonies - in Downing Street. (2)

Both the Colonial Office and the Governors General were very jealous of this special prerogative of official correspondence, as it was a part of the constitutional colonial system. Nor did the Canadian Government, except in passing moods of impatience, take exception

(1) O.D. Skelton. op. cit.
(2) Skilling. loc. cit. p.100.

to the established practice. The role of the Governor General as a "conduit pipe" was preserved inviolate even after supplementary channels between the Prime Minister or Ministries of Canada and Great Britain had also been opened up during the first World War.*

That any proposed reform in the administrative system was not to disturb the established channels of external communication through the Governor General and Colonial Office, was made quite clear again in 1907 in Pope's memorandum to the Royal Commission on the Civil Service. He said that while the digesting of the collected or centralized information and its presentation in diplomatic form should rest with the officials of the desired new department, the process of presentation and transmission should be, of course, "through the same channels as at present, for in this suggestion there is no thought of change in that regard."

Two years later this position was reasserted in the House of Commons. In introducing the new External Affairs Bill on March 4, 1909, the Secretary of State, Mr. Charles Murphy, said:

> I desire to say that the Bill to be founded on this resolution does not involve any serious constitutional change. It aims merely at an improvement in the administration of that class of public affairs which relate to matters other than those of a purely internal concern. As the House is aware the Government of Canada holds all its official communications extending beyond the bounds

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* There had been a few earlier examples, where Dominion Ministers could and sometimes did write in a private manner to British Ministers. On one occasion, Sir John Macdonald wrote to the Chancellor of the Exchequer suggesting that Lord Dufferin's term of office should be extended. (J.Pope. Correspondence of Sir John A. Macdonald. p. 239.)

> of the Dominion, whether with the Secretary of State for the Colonies, with the various sister dominions, or with His Majesty's ambassadors to foreign countries, through His Excellency the Governor General; and I might say . . . that it is not proposed to effect any change in this regard by the legislation that is now proposed.

As will be elaborated later, Earl Grey, as well as the Colonial Office, had the greatest misgivings that the phraseology of the new Act concerning the "conduct of external correspondence" might imply a derogation of the Governor General's prerogatives; but Sir Wilfrid Laurier gave assurances that this was not implied, and although Earl Grey was not wholly reassured and continued to seek an amended wording, he finally gave the Act his assent and blessing.

In a subsequent account, referring to 1909, Pope wrote:

> The initiation of this reform gave rise at first to some misapprehension. When the bill creating the Department of External Affairs was before Parliament, the report went abroad that the Canadian Government intended thereby to take it into its own hands the conduct of its foreign relations. The prime minister and the secretary of state, however, made it clear to the House of Commons that no constitutional change was intended by the measure, which merely aimed at an improvement in departmental procedure, and that Canada's official communications extending beyond the bounds of the Dominion would continue to be made through His Excellency the governor general as before. (1)

This situation continued for many years. In 1911 Sir Wilfrid Laurier expressed his satisfaction with the existing arrangement:

> We communicate direct with the Imperial Government, that is to say, the Governor General communicates direct with the Imperial Government, but I am sure there are constantly occasions when a despatch is sent to the High Commissioner asking him to press the matter on and to see the Secretary of State for the Colonies and represent to him the

(1) Canada and its Provinces. (1912) Vol.VI. p.271.

> views of the particular Dominion Government. We know that besides the official despatch, there is the confidential talk, in which more meaning is conveyed than in a despatch. The High Commissioners are expected to come, or at least many of them do come, to the Secretary of State for the Colonies to represent that the Dominion Government has sent a despatch to him on some particular question; but he wishes to press forward this or that consideration which is not included in the despatch. (1)

Such an arrangement, thought Laurier, served a useful purpose and could not be improved. But he made it clear that this was supplementary to the regular channel of communication through the Governor General. The suggestion made at the Imperial Conference of 1911 by Sir Joseph Ward, Prime Minister of New Zealand, to eliminate and "cut out" the Governor General's channel and to utilize more directly the High Commissioners and Prime Ministers, was not supported by Sir Wilfrid Laurier and was not adopted at that time.

There is apparently no record of complaint over inefficiency or delay arising within the Governor General's Office itself, as there was of the Prime Minister's Office and the Privy Council Office in Canada. The Governor General was well served by his official Secretary and a small obscure clerical staff; and whether or not he studied the despatches and signed the documents afar off at Rideau Hall, part of his Office and staff were ensconced in the East Block beside the other Departments of State, so that there was closest cooperation and little cause of delay; and he himself usually spent a part of his time at the East Block in touch with the Prime Minister and other Ministries. After the Department of External Affairs regained its quarters in the East Block

(1) Proceedings of Imperial Conference, 1911. Cmd. 5745. pp. 845.

the intercourse and coordination were even more facilitated. As the system thus worked reasonably smoothly, as far as the Governor General's Office was concerned, there was no urge to disturb or eliminate it on practical grounds, until the exigencies of the war, requiring even greater speed and urgency of communication more directly between Governments and Ministries led, not to substitution but to supplementation of the Governor General's channel.

Even as late as 1920, the King himself could not communicate a message to His Majesty's Government in Canada except through the old channel of the Colonial Office and the Governor General.

When H.M. George V wished to send a message of greeting and good wishes to the Canadian Senate and House of Commons, the message passed from the Secretary of State for the Colonies through the Governor General:

London, Feb.23, 1920.

Your tel. 17th February. His Majesty commands me to send you the following message to be read at meeting of Can. Parliament in new building. Begins:-

> I desire that you will convey to my faithful Senate and House of Commons of Canada my warmest greetings on this first occasion of their assembly in the new buildings with the erection of which my son is proud to have been associated. It is my firm assurance that the deliberations of the Parliament of Canada will, as in the past, redound to the happiness and prosperity of the Great Dominion whose well-being is so vital to the whole Empire. Ends.

George Rex.
(Sgd) Secretary of State for the Colonies. (1)

(1) Borden Papers. (Public Archives).

Thus, this faithful retention of the traditional and constitutional - and it may be said, "colonial" - role of the Governor General as the primary channel of external correspondence both with the Imperial Government and with foreign countries, lasted unimpaired until towards the end of Sir Joseph Pope's Under-Secretaryship. He personally had no desire to alter it. Its gradual supplementation and ultimate elimination had nothing to do with Pope or with the Department of External Affairs, which remained, as it had started, merely a domestic "clearing house" for external correspondence.

Although the role of the Governor General as the principal channel of official communication between the Dominion and the British Government was faithfully preserved until formally abrogated in 1926 (the Dominions Office meanwhile having taken the place of the Colonial Office in 1925) the beginning of the decline in that role occurred in 1918. In the Imperial War Cabinet meetings a lengthy discussion took place on this subject, as a result of which the War Cabinet concluded that "The prime ministers of the dominions, as members of the Imperial War Cabinet, have the right of direct communication with the prime minister of the United Kingdom and vice versa. Such communication should be confined to questions of cabinet importance. Telegraphic communications between the prime ministers should, as a rule, be conducted through the Colonial Office machinery, but this will not exclude the adoption of more direct means of communication in exceptional circumstances". In principle, however, the Governor General was still to be kept informed of all such direct communications. As

has been mentioned, the Canadian Prime Minister already had adopted the practice of direct correspondence with the British Ambassador in Washington, and vice versa, although the Governor General was kept fully informed or shown copies.

In the course of the next few years, the exclusive prerogative of the Governor General as the official channel became more and more eroded, as the supplementary machinery of intercourse developed, until it was an almost inevitable step, in 1926, to supersede his powers entirely in this connection - the fulfilment of the premature aspiration of Sir Joseph Ward at the Imperial Conference of 1911.

5.

PRIVY COUNCIL AND EXTERNAL AFFAIRS

Privy Council and External Affairs

Among its many other functions, in its quality as the Cabinet, the Privy Council Committee was the central organ of the Government for receiving from the Governor General despatches on external affairs from the Imperial Government in London or from British embassies in foreign countries, and also for preparding or approving despatches on external matters which were to be submitted to the Governor General for transmission abroad. The Canadian Privy Council in a self-governing dominion which was still under Colonial status, was the principal adviser in Canada, to the Crown; but the Governor General, besides conveying Privy Council communications, also had a prerogative of himself expressing advice to the Crown. In the opposite direction, the Governor General, on instructions from the Colonial Office, could advise the Canadian Privy Council, on behalf of the Crown or the Imperial Government.

Although the Privy Council, in its duty to advise the Crown, had in ancient times sat with the sovereign, up to and including the reign of Queen Anne, this practice fell into demise on the accession of George I, who could not speak English. Ministers then started meeting by themselves and communicated the results of their discussions to the King. The Governor General, as the Queen's or King's representative, however, formerly expected to sit in or preside over the Council of Ministers in Canada, and often did so in pre-Confederation days in the various provinces or colonies; and the tradition is symbolically maintained in the now empty phrase the "Governor General in Council". But in practice, in Canada as earlier in England, the Crown representative ceased to participate in the meetings of the Privy Council, except on the most formal occasions. Sir John A. Macdonald is credited with having put an end to the attendance of the Governor General at Council meetings.(1)

(1) Skelton: Life and Times of Galt. p.325.

Lord Dufferin wrote to Macdonald that, though he did not wish to attend as a rule, the right of the Governor General to preside must not be allowed "to lapse altogether into desuetude".(1) Possibly he thought that, by claiming more powers than he intended to exercise, Macdonald would the more readily allow him the authority which he felt was his due. Lord Lorne considered that his abstention from sitting with his Council was a gracious act on his part; but in fact, the revised Colonial Office Instructions omitted any reference to the Governor General's right to attend. The Duke of Connaught, however, sat with the Privy Council on one occasion in the summer of 1914, when the Cabinet was urgently considering the Canadian declaration of war against Germany.(2) *

Each Cabinet Minister, immediately before taking office, is sworn in as a Member of the Queen's Privy Council for Canada. As this title is for life, ex-ministers remain Privy Councillors after they have ceased to participate in the Government. Those who are actively participating in the Government of the day form the active part, or Committee of the Privy Council which, in practice, is

(1) J. Pope: Correspondence of Macdonald. p. 203

(2) Castell Hopkins: The Canadian Annual Review., 1914.

* At the outbreak of the war in South Africa, Lord Minto, the Governor General, was instructed by Joseph Chamberlain to ascertain whether Canada would offer troops. Laurier was reluctant, but public opinion was strong, and offers of service poured in. Lord Minto wrote to a friend, on September 28, 1899, "Sir Wilfrid told me the other day that if the question was reconsidered, he should call a Cabinet Council and ask me to be present. I hope he won't, for I should be in a nice muddle - my chief at home thirsting for blood, all my friends here ditto, and myself, while recognizing imperial possibilities, also seeing the iniquity of the war and that the time for colonial support has hardly arrived yet." (J. Buchan: Lord Minto. p.136).

known informally as the Cabinet. As A.D.P. Heeney points out, the term "Council" and "Cabinet" are in practice employed as synonyms even by the Ministers who compose them. For all practical purposes, Council and Cabinet in Canada are two aspects of the same constitutional organism. All other writers on Canadian constitutional practice admit this synonymous usage. Mr. Heeney, a former Clerk of the Privy Council, explains the fine distinction as follows: "The one, Council, is the formal legal entity, the body composed of the Crown's advisers gathered for the purpose of passing instruments for submission to the Crown's representative. The other, the Cabinet, consists of the same Privy Councillors meeting for the purpose of formulating government policies. . . Council decisions were recorded by orders and minutes; the decisions of the Cabinet were unwritten." (1)

The Council meets under the chairmanship of the President of the Privy Council, who, although he may also be Prime Minister, holds this position as a distinct portfolio. Since 1921 the Prime Minister has been President of the Council, and thus chairman of all Cabinet or Council meetings except when, on account of absence, he designates one of his other senior Ministers to be Acting Prime Minister and to preside over Council meetings.

When in 1911-12, it was suggested that the Secretaryship of State for External Affairs should be combined with the President of the Privy Council, the proposal was rejected in Parliament and opposed in a letter from Pope to Sir Robert Borden, because of the

(1) A.D.P.Heeney: "Cabinet Government in Canada", Canadian Journal of Economics and Political Science. February, 1946, p. 285.

occasional separation of the position of President of the Privy Council and of Prime Minister.

Sir John Macdonald in his first Ministry, was not President of the Council, nor was Alexaner Mackenzie. In Macdonald's second premiership he was also Minister of the Interior for five years, and then for six years was President of the Council until he relinquished it for the portfolio of Railways and Canals. Sir John Abbott combined the premiership with the Council presidency, but Sir John Thompson did not. Sir Mackenzie Bowell did so, but Sir Charles Tupper did not. Sir Wilfrid Laurier assumed the portfolio, and his long tenure of the position of President of the Privy Council almost identified it in the public mind with that of Prime Minister, although it was a distinct office. Sir Robert Borden continued this practice from 1911 to 1917, but from 1917 to 1920 he appointed Mr. N.W. Rowell as President of the Council. Mr. Arthur Meighen in 1920 did not take the Council presidency, but Mr. Mackenzie King resumed the combined position and, since 1921, the two offices have remained combined.

Whether presided over or not by the Prime Minister, and whether meeting as a Cabinet for policy deliberations or as Council for preparing submissions for the Governor General's approval or submission to London, this body might be regarded as the "engine-room" of government. It could and did discuss high policy matters of external character and import, and it could and sometimes did discuss administrative matters, including departmental structure or reorganization, and appointments by Minute of

Council or Order-in-Council. Among other concerns, it was responsible for reading, referring or acting upon all matters of external affairs passing through the Governor General. It was this latter task in particular which produced the problems leading to the institution of the Department of External Affairs.

Outgoing Correspondence

Writing in 1912 on the Federal Government, Joseph Pope described the procedure in the Privy Council as follows: "Business of the various departments requiring the sanction of the Governor-in-Council comes before that body in the form of reports from the minister at the head of the department concerned, addressed 'To His Excellency the Governor General in Council'. These reports are laid before the Council for consideration. Such of them as relate to matters of finance, revenue, expenditure, including appointments to the civil service, and promotions therein, are referred, without alteration, by the president to the Treasury Board. The remaining reports are minuted in the Privy Council office, that is to say, while preserving their substance, they are so changed in form as to become reports of the Cabinet, or rather of the Committee of the Privy Council, as the Cabinet is always officially styled. In this form they are known as Minutes of Council. At Cabinet meetings these Minutes are read one by one by the President, who signs each Minute as it is agreed to. The minutes passed at a sitting are combined to form one report, which is

entitled 'Report of a Committee of the Privy Council on matters of state referred for their consideration by Your Excellency's command'. This report is submitted by the president to the Governor General, who approves each minute separately in writing thereon the word 'approved', followed by his name and the date, and returns them to the president. They are thence correctly known as approved Minutes of Council, or, in general parlance, 'Orders-in-Council' though there may be nothing mandatory about them. . . When a minute or orderin-council is passed, that is, when it is approved by the Governor General, a copy, certified by the Clerk of the Privy Council, is sent with all convenient speed to the department especially concerned, and if the subject-matter in any way relates to the payment of money a second copy is supplied by the Auditor General." (1)

The machinery having been adopted, there continued to be a problem - increasing as the volume of business expanded - of handling the incoming and outgoing communications with the Governor General, on the one hand, and the interested departments on the other. While proper distribution was being awaited, documents accumulated faster than action could be taken, and this resulted in provoking delays.

Sir Wilfrid Laurier, in the House of Commons in 1909, complained of the difficulties in the Privy Council stage of distribution of correspondence:

(1) J. Pope: Canada and its Provinces. VI. 309-10.

> The House is aware, I take it, that despatches bearing on all questions of an external character come through His Excellency the Governor General. They are by His Excellency referred to the Privy Council and by the Privy Council they are in turn referred to the particular department which is supposed to be specially concerned with the subject matter of the communication. In due course the Minister at the head of that department reports on these despatches to the Governor General in Council and that report, if agreed to by Council and approved by His Excellency, is transmitted as the answer of his government. Now this plan looks simple and in the early days of the Dominion it may have worked satisfactorily. Those days, however, are passed, and with the development of the country and the increase in the number and complexity of its international relations it is felt that the old system is inadequate to meet the existing requirements.
>
> Those members of the House who are also members of the Privy Council know that official correspondence does not always lend itself to the simple treatment I have outlined. Sometimes it is difficult to tell at first sight to what department a despatch may relate; sometimes a despatch may relate partly to one department and partly to another or to several departments; and it frequently happens that where despatches of a series are referred to a particular department others of the same series may later on find their way to another department which having no knowledge of the earlier correspondence will be at a loss to decide what shall be done. The government feel that it would be a great advantage if all such communications were sent to a common centre where they could be dealt with according to a uniform system, where there would be a small staff of officials trained in the study of these questions, and where at all times it would be possible to ascertain not only the present position of a question but its history from the very beginning." (1)

A similar and graphic description of the procedure followed in the years prior to the setting up of the Department was given, many years later, by Sir Joseph Pope when he was discussing the value of his historical notes and Confidential Prints.

Incoming Correspondence

In a memorandum dated June 11, 1920, from Pope to the Hon. Newton Rowell, then acting as President of

(1) H. of C. Debates. March 4, 1909. p.1979.

the Privy Council,* he said:

> Prior to the establishment of the Department of External Affairs, all despatches were sent from the Governor General's Office to Council, and lay heaped in a pile before the President. It was not to be expected that Cabinet Ministers, engrossed by questions of policy, had time to spare during the meetings of Council for any adequate consideration of such despatches, most of which were of a more or less routine character. The practice was to read a few lines of a despatch for the purpose of getting some clue to its contents, and then refer it to the special Minister whom it was supposed to concern. But despatches on a particular subject were not always complete in themselves. More often they formed one of a long series, extending over months or even years. Moreover, the same despatch frequently concerned more than one Department. Sometimes that fact caught the President's eye. Sometimes it did not. The result was that sometimes a despatch was referred to one Department and a subsequent despatch on the same subject went to another Department, and perhaps a third or a fifth to still another. The consequence was that it was often difficult to procure a continuous history of a question in any Department, as the files were pretty sure to be incomplete.(1)

The vast store of boxes containing Privy Council papers of the Laurier-Borden periods, amassed now in the Public Archives, bears witness to the quantity of documents which went before the Privy Council for consideration and which often lay piled up on tables for days or weeks. As a means of expediting the handling of external affairs documents in the Privy Council, a special clerk, (Mr. William MacKenzie) was appointed to the Privy Council. It was his duty to register, sort and circulate those papers. But even this did not adequately serve to ease the pressure. The Privy Council was, in fact, swamped; and the Prime Minister, who had to see and approve most of the Council's orders and minutes, could hardly keep

* (Quoted in full in the chapter on "Confidential Prints", infra.)

(1) Borden Papers. O.C. 552. (Public Archives)

abreast. This caused Lord Grey to complain, in a couple of friendly letters to Sir Wilfrid Laurier, urging more rapidity and efficiency. He expressed the view that a lot of valuable time was unnecessarily wasted, to the detriment of public business, by trivial matters that consumed the attention of the Council, the Prime Minister, and the Governor General himself. On December 2, 1910, he wrote to Sir Wilfrid:

> Ever since I have been Governor General I have wondered at the continuation of a system which compels Council to give up a large portion of its valuable time to the consideration of a mass of business affecting small details of administration which there can be no practical object in bringing before Council at all.
>
> Almost every day a quantity of Minutes of Council, each of them signed by yourself, is sent up to me for approval and signature, and just for the purpose of illustrating what I mean I have had prepared the enclosed summary* of some of the Minutes contained in the batch sent to me on November 25th. They relate, as you will see, to such matters as the appointment of a wharfinger at Red Point Mount Ryan, P.E.I., the leases of two parcels of land for $5 p.a. each, the cases of a couple of disabled homesteaders, the laying of a 2" iron pipe across a right of way, and as a culminating illustration of administrative importance to the leasing of a few yards of Intercolonial Ry. land to one Nathanial Pushie for the extension of his Tennis Court!
>
> I am not complaining of having to sign all these Minutes - my signature consisting as it does of only four letters - does not take long, but it does seem to me to be contrary to the public interest, that the time of yourself and your colleagues which is so heavily burdened with the most important responsibilities should be taken up almost daily with the duty of considering and of approving in Council departmental recommendations on purely routine matters like these.
>
> Would it not be possible for routine matters of this character to be disposed of on the responsibility of the Minister in charge of the department concerned, without invoking the formal sanction of the Council and the Governor General?

* Not on record.

> If the law requires the authority of the Governor General in Council for all these small acts of administration, I would suggest that much time might be saved if the recommendations were brought up, en bloc, say once a week, and the necessary authority for carrying them into effect were given by your signature to a single Minute covering them all. This is the practice adopted with regard to the Treasury Board Minutes.
>
> Of course what I have said applies only to small matters of routine which would appear to be too trivial to occupy the time and attention of Council and to prevent Council from giving its consideration to matters of greater National interest and importance.(1)

Again, a few weeks later, Earl Grey reverted to the matter and repeated his suggestion. On December 22nd he sent a private note to Sir Wilfrid Laurier:

> In one batch of Minutes sent up for my approval this morning there are at least eight which appear to me to be hardly of sufficient importance to warrant your time and that of Council being occupied with their consideration. I enclose a list.
>
> You will note with some amusement that one of these important Minutes is apparently required to authorize H.M. Government to strike off the list of Veterinary Inspectors the name of a dead man!
>
> Presumably the law requires these small acts of Administration to be taken by the Governor General in Council.
>
> Would not the requirements of the law be met by a single Minute like that covering Treasury Board cases?
>
> I do really think it is a pity that your most valuable time should be taken up with these trivialities.(2)

This congestion in the Privy Council, of which Grey complained, and which resulted in over-burdening the Ministers and delaying the transaction of business,

(1) Laurier Papers. Governor General's Correspondence, 1910. (Document 207133).

(2) Ibid. (Document 207164).

was not wholly mitigated after the new Department had been established. The burden remained. In 1912 Sir Robert Borden invited a great English authority on the British Civil Service, Sir George Murray, to visit Canada, to study the existing procedures and to make recommendations concerning the improvement of the Government organization and public service. In a portion of his report he draw attention to this excessive burden.

> Nothing has impressed me so much in the course of my enquiry as the almost intolerable burden which the present system of transacting business imposes on Ministers themselves. They both have too much to do and do too much.
>
> Speaking broadly, it may be said that every act of the Executive Government, or of any member of it, requires the sanction of the Governor-in-Council which, under present practice, is identical with the Cabinet. . .
>
> Almost every decision of a Minister, even of the most trivial importance, is thus - at least in theory - brought before his colleagues for the purpose of obtaining their collective approval, which is necessary for its validity.(1)

If we apply this stricture only to the matters involving imperial and foreign correspondence, which of course covered a wide variety of topics of political, economic or diplomatic concern, it will be seen that these were basic causes of ~~either~~ delay in dealing with them or in treating them rather superficially or inadequately. It required a more efficient Privy Council secretariat to prepare and expedite the business; it reflected the need of a special Department to conduct the business and direct the documentary traffic. That Department had already been set up; but it still behooved

(1) Report of Sir George Murray on the Public Service of Canada. (1912). Sections 5, 6,8.

it to relieve the Privy Council even more in the processing of external correspondence. Professor Dawson comments that Sir George Murray's criticism of the congestion and burden on the Cabinet or Council remained substantially accurate for some thirty years after it was written, "and even now has not lost all its force."(1)

As one form of relief, Sir George Murray recommended the appointment of Parliamentary Under-Secretaries, including one for External Affairs, who might act on behalf of the respective Ministers both in Parliament and within the Departments. This suggestion, however, did not bear fruit for a number of years, and then only partially.

Clerk of the Privy Council

To cope with the onerous and compendious work falling upon the Ministers collectively in Council, it was essential to have a secretariat, principal of whom was the Clerk of the Privy Council, an important senior officer, non-ministerial, who was in fact the senior of all Deputy Ministers in relative rank and prestige.*

From 1889 to 1896 Mr. Joseph Pope, after serving as Private Secretary to his uncle, the Minister of Marine and Fisheries, and then to Sir John A. Macdonald, served as Assistant Clerk of the Privy Council; and thereby not only was intimately known in ministerial circles,

(1) R. MacGregor Dawson: The Government of Canada. p.268.

* This was a very ancient office. Even as early as the thirteenth century, there was established a King's Council, the mediaeval forerunner of the modern Privy Council; Minutes of the Council from 1337 and 1341 are known, and many even go back earlier, and there is mention of Clerks of the Council at the time of Edward I (1272-1307). (Baldwin: The King's Council During the Middle Ages. p. 373 et seq.)

but also in these successive services became uniquely trained in the business of government and external affairs. These qualifications justified his appointment by Sir Wilfrid Laurier in 1896, as Under-Secretary of State, and in 1909, as Under-Secretary of State for External Affairs. In all these positions, his chief concern was to see that the necessary information to and from the Privy Council was properly distributed, and to expedite its circulation. It may very well be that Macdonald appointed Pope to this office in the Privy Council so as to give him greater security and permanency in the Public Service than he otherwise would have as a Private Secretary - a post which in those days was one of patronage and which was dependent on the political survival of the Minister or Prime Minister concerned. Two years after Pope's appointment to the Privy Council, his personal chief, Macdonald, died; but Pope's continuance in government service was thus protected and insured.

There is a curious echo of Pope's thinking in Lord Hankey's address at the Royal Institute of International Affairs on October 11, 1945, on the subject of "Control of External Affairs": "If I may descend for a moment from big things to apparently small things - <u>apparently</u> small - I should like to put in a plea for the tuning up of details of administration on the lower levels in order to avoid risk of delays. If we had any success in the Committee of Imperial Defence and the War Cabinet systems, of the two wars, it is because we

worked on the principle that time - even minutes of time, count. The rule was that conclusions and decisions of Cabinets and committees had to be completed and circulated the same day - not three weeks later, as was only too common in some Departments and I expect is not unknown today. All documents had to be properly numbered, dated, paged, paragraphed and signed - points on which Mr. Ramsay MacDonald was a very great stickler. Action had always to be followed up. A system of "chasing" was adopted and is essential."(1)

Cabinet Secretary

In later years, following British practice introduced during the First War, an additional position was created, that of Secretary to the Cabinet; in England this was a separate post, but, when adopted in Canada during the Second War, it was combined with the position of the Clerk of the Privy Council.

In England, the Cabinet Secretariat had been instituted by Mr. Lloyd George in 1916 to organize the business of the War Cabinet. Gradually it became an integral part of the machinery of government. In 1918 the Haldane Committee recommended that it should be maintained. Mr. Bonar Law, four years later, proposed to abolish it, but its utility had been clearly proved and it persisted. In the United Kingdom the Cabinet Office or Secretariat is entirely separate from the Privy Council Office, although Sir Maurice Hankey for

(1) Lord Hankey: Diplomacy by Conference. p. 171.

some years before his retirement held the two offices of Clerk of the Privy Council and Secretary of the Cabinet. "From 1923 to 1938 I held one of the most ancient and one of the most modern of the high offices under the Crown, for my first predecessor as Clerk of the Privy Council was appointed at least as far back as the reign of Edward I, and I had become Secretary to the peace-time Cabinet in 1919."(1)

There is something very akin to later Canadian experience, in Lord Hankey's summing up, in 1946, of the evolution of a Cabinet Secretariat in Great Britain. "From a study of the War Cabinet Reports for 1917 and 1918 and of speeches in Parliament, part of the business of the Cabinet Office, we learn, is to keep Cabinet Ministers, and through them their Departments, informed of the whole development of Government policy. This fills a very real need. In former days the utmost difficulty was experienced in every Government Department in knowing what was going on in other Departments. The Committee of Imperial Defence did much to correct this in the sphere of defence and foreign policy. But the defect remained in other branches of policy. Government departments naturally consider a question primarily from their own standpoint, and the Ministers and officials often do not realize the reactions of a particular course on other Departments. There now exists in the Cabinet Secretariat an office for distributing information, thus correcting a grave defect in the constitution and securing

(1) Lord Hankey: Diplomacy by Conference. p.60.

coordination of effort. In modern times this is vital, as questions tend to become more and more inter-departmental. . . It is essential that the Prime Minister and the Cabinet should have a staff to assist them in dealing with such problems from a national as distinct from a departmental point of view. Thus they get the best out of every department, ensure full distribution of information, and prevent overlapping or hiatus."(1)

It was not until the Second War that Canada followed the British practice and appointed a Secretary to the Cabinet, but not as a separate office but as a position within the Privy Council and joined to the Clerkship. "The great increase in the work of the Cabinet and particularly since the outbreak of war", stated an Orderin-Council in March, 1940, "has rendered it necessary to make provision for the performance of additional duties of a secretarial nature relating to the collection and putting into shape of agenda of Cabinet meetings, the providing of information and material necessary for the deliberations of the Cabinet and the drawing up of records of the results." (2) This was begun by appointing the Clerk of the Privy Council (Mr. A.D.P. Heeney) to a new position as "Secretary to the Cabinet", although his functions were first discharged for the benefit of the War Committee. In 1945, however, following the disappearance of the War Committee, the Cabinet adopted the same methods which had been

(1) Lord Hankey: Diplomacy by Conference. p.80.

(2) P.C.1121, March 25, 1940. The wording of this Order is taken from the Report of the Machinery of Government Committee (Great Britain) p.6. See also Canadian House of Commons Debates, February 10, 1947, pp.246-7.

successfully tried out in the smaller body.(1) The officer is now called "Clerk of the Privy Council and Secretary to the Cabinet". But in external matters, the major part of the former duties of the Clerk of the Privy Council, except for registering and docketing, were passed on to the Department of External Affairs for distribution, follow-up and annotating.

William MacKenzie

Because of the difficulties and congestion of handling and studying documents on external matters in the Privy Council, to which Sir Wilfrid Laurier alluded, it was found necessary to appoint, besides the Clerk and Assistant Clerk, a special clerk in the Privy Council Office who would deal particularly with the handling of papers concerning external affairs. In 1908 a man of good education, a former newspaper man, Mr. William MacKenzie, was chosen. His attachment was also necessitated by the need of some one who could deal, on behalf of the Cabinet, with matters connected with the Imperial Conferences, for which a special Secretariat had been established in London.

One of the reasons for the appointment of Mr. MacKenzie, it is alleged in a Canadian Government publication, was that he was to be a Dominion counterpart to Mr. H.W. Just who, as one of the joint Secretaries of of the Colonial Conference of 1907, had been appointed Secretary of the standing Imperial Secretariat which was set up in London at that time. Although a member of the

(1) R. MacGregor Dawson: Op cit. pp.272-3.

Dominions Department of the Colonial Office, Mr. Just had his own special and separate duties. He paid a visit to Canada, making useful contacts, and this visit was the subject of some personal correspondence by Laurier and Earl Grey. Following this arrangement, Sir Wilfrid Laurier sought to create in the Privy Council Office in Ottawa an additional position of secretary for imperial and foreign correspondence, in addition to the Clerk and Assistant Clerk of the Privy Council. On April 21, 1908, Mr. MacKenzie was appointed; he was to be an assistant in the Privy Council Office but also, like Mr. Just, had his own special and separate duties assigned to him by Order-in-Council.(1) It does not appear, however, that he played a very important role; since the following year the handling of foreign correspondence was largely transferred to the new Department of External Affairs.

His duties, as Mr. Sproule said in the House of Commons, "would be to classify and keep track of the correspondence which was accumulating very fast from the imperial authorities and colonial and foreign governments. He was to collate it and I thought answer it as well, and I think the Prime Minister spoke of Mr. MacKenzie's familiarity with newspaper work and his educational endowments." Mr. Sproule asked if his tasks would be transferred to the new Department, and if he himself would move across. Mr. Laurier replied: "If the despatches were to be sent directly to the Department of

(1) Canadian Parliamentary Guide. 1910.

External Affairs, Mr. MacKenzie would perhaps be transferred to that department; but it is thought better that the despatches as they come from the Governor General should be sent to the Privy Council because the Ministers then can have a friendly discussion over it. Some of these despatches are not of importance, but others are of great importance and it is thought better that they should come directly to the Privy Council before going to the Exterior Department. Mr. MacKenzie will continue to look after the correspondence as he does today." The following exchange then ensued, which gives a fairly complete explanation of the procedure contemplated:

> Mr. Sproule: If a communication should come from the British Ambassador at Washington it would be received by the Governor General; the Governor General would send it to the Privy Council, the Privy Council would hand it over to Mr. MacKenzie, Mr. MacKenzie would send it to the Department of the Exterior and the new department would collate it again, register it, and I presume answer it on their own judgment and responsibility, because up to this time the information given us is that the Privy Council would expend no inquiry or intelligence on it, but after the answer should be prepared, the Privy Council would decide whether it was an appropriate answer.
>
> Sir Wilfrid Laurier: My hon. friend is right. The communication will go to His Excellency and be referred to the Privy Council, the Privy Council will send it to the Department of External Affairs with instructions or without instructions and the Department of External Affairs, when they have passed on it and prepared an answer, will send it back to the Council to be discussed.
>
> Mr. Sproule: Council will then discuss it, sign it, and send it back through the same channel, I suppose. It will make a much slower mode of carrying on business.
>
> Sir Wilfrid Laurier: Oh, no.(1)

Mr. T.S. Sproule again referred to the matter:

(1) H. of C. Debates, 1909, pp.2005-6.

"It is only a year since we were told there was need for some one, who might be regarded as an expert, to look after this foreign correspondence, and Mr.MacKenzie was proposed by the Prime Minister, Sir Wilfrid Laurier, himself as a suitable person. Within a year the same right hon. gentleman informs the House that it is desired to create a new department to do that work. What is going to become of Mr. MacKenzie? This is the very work that he was to do. It was necessary to have an expert and he was the man of experience who might be regarded as an expert. . ."(1)

To this Sir Wilfrid Laurier replied: "He is in the Department of the Privy Council. He looks after the imperial and foreign correspondence. When it is brought to him, he has to enter it in a book, docket it and distribute it. . . It is not contemplated that Mr. MacKenzie will be at the head of the new department. He will continue to look after the correspondence as he does today."

Mr. Foster, in the House of Commons in the same debate, said: "A year ago Mr. MacKenzie was picked out of the fourth estate and appointed to this office, an office which was specifically defined, the need of which was great, and a definition of the duties of that office was made by the Prime Minister. The difficulty was that things were not in order, the despatches were not classified and tabulated, and Mr. MacKenzie was put there to bring order out of chaos. Now we are going to have the organization put in charge of the Secretary of State,

(1) H. of C. Debates. March 4, 1909. p.1990.

and it seems to me that it was the idea of the Secretary of State that Mr. MacKenzie should go to his department and do his organizing and tabulating in that department. The Prime Minister says no, he is to be kept in the Office of the Privy Council, and if his duties there are to tabulate and keep a history of the documents, are you going to have two tabulations and two histories?"(1)

In the House of Commons discussions on the appointment of a new Under-Secretary of State for External Affairs, largely for the purpose of dealing with and centralizing imperial and foreign correspondence, the above-mentioned Members, as stated above, were curious to know whether this task was not already being done by Mr. MacKenzie in the Privy Council, or assumed that Mr. MacKenzie would be the obvious candidate for the new position. In the Senate, also, on April 29, 1909, Senator Ferguson said: "All that would be necessary for the new Department would be to establish a staff - and I think that step has already been partially taken; my friend Mr. MacKenzie, of the 'Free Press', a very competent man, has been appointed to a clerkship in anticipation of the legislation which is now before us - all of which can be done quite regularly without creating another official in the position of an Under-Secretary." The next day, however, Mr. Ferguson said: "I had the good fortune to meet Mr. MacKenzie on the street this

(1) H. of C. Debates, March 4, p.2907.

morning, and having thrown a bouquet his way yesterday, I naturally called attention to the subject, when he told me that his appointment had nothing whatever to do with this subject, that it was in connection with the Privy Council."(1) But the nature of this position was mainly clerical. It did not supply the need for "dealing with" the correspondence. Some of that correspondence, if from London, was, after registration, passed on by the Privy Council Office to the Ministers concerned for appropriate treatment or reply, and if to London, was passed by the various Ministers usually direct to the Privy Council Office where, after Cabinet examination, discussion and approval, it was reformulated, usually as a Minute-of-Council, and passed to the Governor General's Office for forwarding to Downing Street. Some of the more routine correspondence was, however, passed through the Secretary of State's Department for distribution, but not for treatment. It was Pope's contention that neither the Privy Council, even with Mr. MacKenzie, nor the Secretary of State's Department, could or did "deal with" such correspondence in an informed manner desired, and that therefore some more specialized agency was necessary. Earl Grey also, during the summer following MacKenzie's appointment in April, 1908, made an insistent point of creating a special external affairs bureau or "department of external affairs" which might help the Prime Minister and Privy Council in dealing with that class of business more effectually and expeditiously.

(1) Senate Debates. April 29, 1909. p.398; April 30, 1909. p.405.

Grey wished to have attached to the Prime Minister's Office two or three "experts" which indicates that the special clerk or Assistant, Mr. MacKenzie, was inadequate for the purpose and was in fact little more than a docketer and registrar.

Even after the Department of External Affairs, however, had been set up and had been operative for several years, the old difficulties continued, for despite the better distribution and the more specialized and competent preparation of external correspondence in the Department, it still had to pass through the Cabinet or Privy Council for approval, or for minuting, before it was submitted to the Governor General for transmission to London, although from the Governor General it could and did generally by-pass the Privy Council and go directly to the Department of External Affairs for necessary action. There were still complaints of delay as late as 1912. In an unsigned memorandum, written probably by either Mr. Pope or by Mr. W.H. Walker, found among Mr. Walker's papers of 1912, there is the observation that when important despatches were sent by the Governor General's Secretary to the Privy Council and by the Privy Council to the Departments concerned, "there was no provision for following up these despatches in order to ensure that they should be answered, and complaints were frequent from the Colonial Office of the failure of the Canadian Government to return replies."(1)

(1) Department of External Affairs. "Collection of Documents. Vol.1."

Pope had to point out this situation anew to Sir Robert Borden, as the new Secretary of State for External Affairs, in pressing for the strict observance of the system crystalized in both the 1909 and the 1912 Acts. If this was not observed, there would continue to arise serious delays for which the Department would have to take an unfair blame. In his memorandum to Borden, dated January 10, 1912, Pope reiterated that: "Formerly, owing to lack of system, important despatches used to be unanswered for months or even years. I can assure Mr. Borden that at both Downing Street and Washington, Canada has enjoyed a very unfavourable reputation in this regard. Too often, I fear, we have been held - and justly held - wanting in common civility. Now it is the duty of a special officer to keep au courant of all these subjects, and by a system of periodical reminders to see that the several departments do their duty." The Privy Council failed to provide this facilitation. It did not attain what Lord Hankey called a system of "chasing" and "follow-up", which was so essential. It was still a stumbling block, rather than a stepping stone, in the flow of outgoing external correspondence; and the defect emphasized the importance of the specialized clearing house of the Department of External Affairs.

It may be repeated here that Pope, in his various memoranda on this system of operation, was concerned over two aspects. The first was the consciousness pertaining to a well-trained civil servant, that the prevailing system was inefficient, cumbrous and unsatisfactory, and that it called for a reform by new machinery.

The second was his sensitiveness to criticism from abroad of any delay in the handling of external correspondence in Canada, for which, once his new Department was set up, he felt his major responsibility and the onus of any blame. Mainly for these reasons he was anxious to reduce the handicaps of the Privy Council, and by partially circumventing the Council, to expedite the business of external correspondence by controlling it in his own Department.

[redacted]

6.

MACDONALD, LAURIER AND THE DEPARTMENT OF EXTERNAL AFFAIRS

Macdonald, Laurier and the Department of External Affairs

The Prime Minister's Role

The history of Canada's foreign policy does not concern this study. Certain aspects of the mode of "conduct" of its foreign policy, however, have some connection with the history of the Department of External Affairs, an instrument in such "conduct".

Canadian foreign policy before 1914 was the result of two pressures. There were the internal pressures of public opinion at home, - in so far as that opinion was expressed through the press, by elections or in Parliament, - based on national interests in commerce, tariffs, defence (which involved taxation) and more theoretical concepts of status. There were also the pressures of external factors, such as foreign tariff policies, and threats to peace and security of the Empire by the aggressive impulses or ambitions of other countries; over these extraneous factors the Canadian Government had no direct control.

In the conduct of such foreign policy as Canada had the means to formulate, there were various activating agencies. Public opinion, which, though poorly informed, was vocative in the press or on platforms, was one factor. The Governor General, personally as well as on behalf of the Colonial Office, exercised some influence or guidance. Parliament, within the scope of its limited knowledge and frequent apathy in respect to foreign affairs, exercised a control over government policy, particularly where policy involved public expenditure. The Cabinet was the chief workshop or agency

for the formulation and conduct of foreign policy, since it was better informed, represented executively the various departments concerned with external business, and was composed of Ministers who had been delegated the executive authority and responsibility.

The principal formulator of foreign policy was, however, in the absence of an operating Foreign Office or separate Secretary of State for External Affairs, the Prime Minister. He was the leader of the Parliamentary party in power; he was the chief of his Cabinet and usually presided over it as President of the Privy Council; he was titularly and in practice the Head of Government. He was normally the contact with the Governor General, and thus with the Colonial Office; in later years he was a channel of direct communication with the British Prime Minister and the Heads of Government of other Dominions; he personally attended the Colonial and Imperial Conferences of Empire Premiers; he represented Canada at other international conferences, and sometimes acted himself as diplomatic negotiator. The Prime Minister was therefore the chief architect of foreign policy, subject to the pressures and controls indicated above.

During the first fifteen years of this survey, Sir Wilfrid Laurier was Prime Minister (1896-1911). His foreign policy was anomalous and in some ways inconsistent. At various times, from 1896 to 1907, he expressed his desire for greater autonomy in Canadian external affairs, and, on some occasions of irritation or petulance, made speeches expressing a desire for

greater treaty-making powers and more independent control of Canada's external relationships; he reflected the growing aspirations of nationalism and "Canadianism". On the other hand, he was averse to the responsibilities which such autonomy would necessarily involve, together with the implied public expenditures; he was sufficiently an Imperialist to regard the historical dependence on the British Government in foreign relations and defence as, on the whole, adequate and satisfactory, and as a constitutionalist he did not wish to interfere with the established Imperial relationship, in which British machinery served Imperial, and therefore Dominion, requirements.

Although a Liberal in his party affiliation and a Liberal in his outlook, he had a conservative streak of cautiousness; he was content to make haste slowly. Earl Grey at times found him almost too cautious, hesitant and procrastinating in many matters of progressive reform and continually was pressing, prodding and "punching him". But Laurier had his reasons. He wished to preserve national unity, and to prevent any division at home on racial lines. As a responsible administrator, he was more concerned in settling concrete problems than in forcing abstract theories into definite policies. Toward the theoreticians of Imperial centralization, like Joseph Chamberlain and Lionel Curtis, he took a mildly negative rather than a more positive or constructive stand; toward the ardent nationalists and advocates of greater decentralization and autonomy, like Bourassa, and in earlier days, Blake, he was likewise cautious. After

his first youthful enthusiasm for Imperial centralization, as when he envisaged "a Canadian or French descent affirming the principles of freedom in the parliament of Great Britain",(1) he rejected this solution, on grounds of impracticability as well as of status, and he rejected the idea of Imperial Federation, a permanent Imperial Council, and even of a permanent Imperial Conference Secretariat. He attended the useful Colonial Conferences of 1897, 1902 and 1907, and the Imperial Conference of 1911, but played a role, if not negative, at least somewhat passive; but he remained open-minded to suggestions, and was willing to follow whatever trend was generally adopted by the majority of other delegations. This policy of cautiousness had its longer objective, that of keeping free and open the long road toward ultimate Canadian autonomy; but more immediately it was one of passivity. Unlike Borden, to whom the War presented new and greater reasons and opportunities of advance, Laurier was not adventurously interested in creating new or alternative machinery. Conservative in his attitude toward constitutionalism, and the Imperial relationship, he had no wish to circumvent the established channel of communication through the Governor General, or to bifurcate the Colonial Office in London by the creation of a separate Dominions Office, or to support a Permanent Imperial Conference Secretariat; repeatedly he asserted that existing arrangements were satisfactory. "Whether we shall or

(1) Speech at the National Liberal Club. See Skelton, op. cit. II. p. 72.

shall not have a voice in all questions affecting peace or war", he replied, after going into the Opposition, to Sir Robert Borden, "is a very large proposition, and I would not at the present time pronounce finally upon it, but there are certain objections that present themselves to my mind. The diplomatic service of England is carried on by the Secretary of State for Foreign Affairs, and it is today in as good hands as it ever was." As regards diplomatic relations with the United States, he had come around to having implicit confidence in the British Ambassador, James Bryce, a defender of Canadian interests, and discouraged any proposals for a permanent Canadian attaché or diplomatic representative at Washington. Despite his earlier expostulations over Canada's lack of independent diplomatic powers, he was not in favour of developing a separate Canadian diplomatic service. As to reforming the machinery at home, this was purely an administrative matter, having no effect on Imperial relations, and he had little hesitation in acquiescing in Pope's scheme to divorce external business from its old Department.

It is in the light of this general attitude of laissez-faire that Laurier's relations with the Department of External Affairs may be viewed.

Attitude to the Department

Whether or not Laurier, of his own volition, saw and felt the need of administrative reform before it was suggested to him, is difficult to say. But he

had, of course, known of Pope's submissions to the Civil Service Commission in 1907. He had listened to discussions in Parliament over many years concerning more independent Canadian diplomatic representation abroad, and had contributed to those debates, but generally in the end shied away from the proposals as endangering Imperial unity. He had received the "punching" letters from Earl Grey in 1908 recommending a bureau of advisers which might be called a Department of External Affairs. He was familiar with the Australian precedent; and he had discussed the matter, before 1909, and early in that year, with Pope, whom he had appointed as Under-Secretary of State in 1896. When the project of law setting up the new Department had been submitted to him in draft form he had shown his interest, had personally amended it, and consulted his Minister of Justice, Mr. Aylesworth, on it. He talked it over with his Secretary of State, Mr. Murphy, and when the Bill was introduced, after Cabinet deliberations and approval, he was one of the most ardent advocates of it. In the end, he adopted the new Department as his child, although he would not assume the titular role <u>in loco parentis</u> as head of the Department. He did not wish to take charge of it, firstly, because, like Asquith in England, he did not care to assume the administrative responsibilities of a Department,*

* At the Imperial Conference of 1911, a similar question was introduced - foreshadowed as it had been by Earl Grey in letters to Lord Crewe and Sir Wilfrid Laurier in 1910, - proposing the setting up of a separate Dominions Office to be headed preferably by the Prime Minister. To the resolution introduced, the President of the Conference, H.H. Asquith, replied:

> I should like to say a word in regard to a proposal made on the Agenda paper in the name of the Union of South Africa - that the matters relating to the self-governing Dominions (as well as permanent Secretariat

and secondly, because he conceived it merely as a technical bureau and not as a fountain-head of policy-making - a task which remained his alone, and for which he wished to remain free, and unincumbered with other additional administrative burdens.

The main purpose, apparently emphasized by all its proponents, was to facilitate the distribution of external correspondence, to centralize the material on external affairs, hitherto scattered, and to prepare memoranda or draft replies on subjects which called for such treatment, thereby aiding the various other Departments and relieving the over-worked Privy Council Office of those tasks. It also was, in matters of routine, to relieve the Secretary of State's Department of passport business and dealings with foreign consuls. On these grounds, Laurier endorsed the new Department. Laurier came to value the services of the Department, both as a more efficient apparatus facilitating the Privy Council machinery and as an agency of historical information on current diplomatic questions, such as by the "confidential prints". He utilized Joseph Pope, besides, on some of his diplomatic missions abroad, although rather as a technical adviser than a policy adviser.

(Cont'd)
of the Imperial Conference be put directly under the Prime Minister of the United Kingdom. I earnestly hope that the suggestion will not be pressed. I do not know whether you realize that the Office of Prime Minister in the United Kingdom is not a sinecure.

I would doubt very much whether there are many people in the world who have more things on their shoulders, and I really could not, nor could anybody holding my office, conscientiously deal with what is suggested. I should be only a figurehead, and it would be a fraud to represent the Prime Minister as really honestly dealing with the work of the Dominions Department. I have some figures here which are rather instructive. For the year 1910 the correspondence of the Dominions division of the Colonial Office shows: Despatches received, 6,043; sent out 6,028; Domestic letters received 5,310; sent out 6,501. That is 23,882.

ff.

There is little evidence, however, that the Department, nominally headed by Mr. Murphy "for the time being" and in practice superintended by Joseph Pope, actually influenced any of his external policies - which lay in his own hands as Prime Minister.

In the two-volume biography of Sir Wilfrid Laurier, written by one who was later to become Pope's successor as Under-Secretary of State for External Affairs, Dr. O.D. Skelton has spared only six lines of reference to the Department of External Affairs.(1) This may have been due to inadvertence or misplaced emphasis, or it may significantly represent Skelton's view at that time (1921) as to the negligible importance the Department had in the two remaining years of Laurier's premiership.

From the records available, it might seem that while Laurier, of necessity, took an active part in external policies, without however desiring to encroach

(1) Skelton: op. cit. II. pp.346-7.

(Cont'd):
Besides those there is a share belonging to the Dominions Department of other papers, giving a total of 27,000. I am told that of those at least 1,000 had to be seen by the Secretary of State. I could not do that work, and it is no good pretending I could, nor could anyone in my position. Therefore I hope that this particular resolution will not be pushed forward. It is not from any disposition to shirk it, or indisposition to take upon myself any necessary duties, but because it could not be done; and I expect all my fellow Prime Ministers would agree with me in that." (2)

This attitude on the part of Asquith would no doubt , mutatis mutandis, seem to justify Sir Wilfrid Laurier, who was there present and listening, in his decision two years earlier not to take charge of the Canadian Department of External Affairs.

(2) Proceedings. Imperial Conference 1911. (Cd.5745), p.95. (General Botha subsequently withdrew his resolution. p.194).

on the prerogative of the Imperial Government in matters of diplomacy or diplomatic machinery, he played a very small role respecting the Department of External Affairs once he had lent his support to its creation. He declined to take charge of it, although he wished to see all important external despatches. He valued the services it rendered, such as the Prints and the preliminary handling of correspondence, and the contacts with the foreign consular corps; but apparently he did not utilize the Department in his policy-making, nor to any extent borrow its staff to provide for his own office. Actually he remained in office as Prime Minister only two years after the Department was set up; and, beset with precarious political problems at home, including the grave issues of naval policy, and reciprocity with the U.S.A., he had little time to develop a close interest in, or reliance on, the Department as a new adjunct of government. Moreover, any relations with the Department would doubtless have been through his ministerial colleague, Charles Murphy, rather than directly with its permanent head, the Under-Secretary; and Murphy was apparently not very active as nominal Secretary of State for External Affairs. Moreover, because external relations in those days were still relatively slender, as Borden remarked, Laurier had no great need to depend heavily on the services of the embryonic Department between 1909 and 1911; at the Imperial Conference of 1911, as has been

mentioned, he played a relatively inactive and quiescent part.(1)

On the other hand, he by no means overlooked the usefulness of Pope in his new Departmental capacity. How far Pope helped him is debatable.

Relations with Pope

When, on the accession of Sir Wilfrid Laurier to the Premiership, Pope became Under-Secretary of State, he established the best personal relations with the new Liberal leader; but he did not lose his private conservative inclinations. Laurier sought a greater Canadian autonomy, but in foreign affairs was still willing to be colonially dependent on Britain's leadership and control.

In this respect, Pope endorsed the Laurier attitude, and hardly could conceive of any system not dependent on London's wisdom and control, through the machinery of the Colonial Office and the Governor General. Mutually in agreement, Pope remained a loyal henchman of Sir Wilfrid Laurier. Together they achieved the establishment of the Department of External Affairs; but at that time, as has been said, it was conceived as an administrative reform, but not a fundamental change

(1) "Canada made no proposals, for which Sir W. Laurier was sharply attacked by Sir G. Foster on April 20, 1911, in the House of Commons, who eulogized the work of the Secretariat instituted under the resolution of 1907, and pointed out how much Canadian inattention had delayed results." (Berriedale Keith. Responsible Government in the Dominions, II. p.1184).

"Sir Wilfrid Laurier told that Conference that he had the happy privilege of representing there a country which had no grievances to set forth, had very few suggestions to make, and was quite satisfied with its lot; but that Canadian representatives would approach with open minds suggestions made by their colleagues in what the latter conceived to be the better interests of the British Empire." (Sir George V. Fiddles. The Dominions and Colonial Offices. p.271).

of position or system of Canada's external relationships. Pope with his long experience as a Private Secretary to Sir John Macdonald, and as a Clerk of the Privy Council, did not aspire to be a politician or a policy-maker. He had the mind and the training of a Civil Servant. He had grown up under the Imperial system, and he never questioned it. As Earl Grey noted, he was an "imperialist of the old school", such as Whitehall might envy. It does not seem in any of the records that he ever gave much thought to Canada's autonomy in its external affairs, and therefore he may have had little advice to offer to his chief. He might even have quoted the lines of his English namesake:

> For forms of government let fools contest;
> Whate'er is best administered is best.

Nevertheless, it may be the case that Pope contributed more than the records show. Pope, if proffering any advice, would probably have done so mostly by word of mouth. In a memorandum to Borden some time later, Pope said that Laurier instructed him to place before him all despatches of importance, and that he discussed them with Laurier, after which Laurier gave instructions which might or might not accord with the views expressed by the several Departments concerned with the subject matter.* In any case, Pope kept in close touch with Laurier directly, as

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* In a confidential memorandum of May 17, 1957, the late Miss M. McKenzie, of the Department of External Affairs, mentioning the above, concludes that "the implication is that Laurier and Pope were the deciding factor of policy". This is, perhaps, an over-estimation.

well as through the Departmental chief, Charles Murphy, throughout the initial years of establishment. His series of Confidential Prints were appreciated by Laurier, and were encouraged by him. Laurier, under pressure from Earl Grey, took what steps he could to obtain departmental space in the East Block for reasons of closer consultation, but finally surrendered to Pope's selection of the Trafalgar Building, which cut off a certain degree of closer intercourse, although Pope made daily visits to the East Block and kept in contact with the Prime Minister, and occasionally with the Governor General. Laurier was aware of Pope's oft-stated aspiration that the Prime Minister himself should become head of the Department of External Affairs, and did not later object to the amending statute that introduced this arrangement under Sir Robert Borden.

The fact was that Laurier was rather indifferent to matters of administration and departmental organization. Earl Grey had some difficulty in urging him to make some necessary reforms in the Department of Militia and Defence. His active interest in the creation of the new External Affairs Department was perhaps exceptional. We are told by his biographer that "As Prime Minister, Sir Wilfrid was not a hard task-master. He did not intervene in the details of administration of his colleagues. He believed in giving every Minister wide latitude and large responsibility. A Whig by conviction, he was not eager to

govern overmuch, and this theoretical leaning was reinforced by the quality of his temperament. He had little of Blake's devouring and constructive interest in detail. 'I am a lazy dog', he was accustomed to say to his friends in his last years. The saying did not do justice to himself even in the days of his failing health, much less in the years of unrelenting effort he had given to party and to country in his prime. He gave conscientious and punctilious care to every question that came before him as Prime Minister; day and night he sat patiently through endless debates. But it was true that he was not deeply and vitally interested in more than a few questions, and that in this indifference there was rooted a certain indolence and easy-going trust. He would often defer dealing with a rising question or disciplining a colleague whose public policy or private conduct called for a check, until a crisis forced action. Nor was he hasty and arbitrary in determing general policy. In Cabinet councils he never played the dictator. Each Minister in turn would state his point of view on this side and on that, while he himself sat silent or with only a guiding or inquiring word, until every question had been set out, when he would sum up the discussions, with rarely erring faculty for getting to the heart of the issue, and giving his conclusions as to the course to follow." (1)

(1) O.D. Skelton: Life and Letters of Sir Wilfrid Laurier, II. pp.163-4.

Delays Caused by Prime Minister

The central and primary role of the Prime Minister in Canada's external relations, which has been reviewed in the foregoing pages, had some disadvantages which were inevitable. There was an obverse side to the medal. If, as as been said in a famous axiom, absolute power corrupts, it is equally true that too much centralized power and responsibility congest. Men have but limited time, and capacity to work; and beyond that, there is a blockage or a bottleneck of business. Governmental leaders also have to struggle with their own Cabinet colleagues, with Parliament, with adverse public opinion; and all this consumes time and energy, and slows down government business. More than one Prime Minister was accused of dilatoriness; but the cause was not only due to personal qualities or deterring ill-health, but also due to the cautiousness necessary to gain support of colleagues and public for desired policies. Reference has already been made to the overwhelming mass of work. There was a period during Sir John Macdonald's tenure, for instance, when grave arrears in external correspondence occurred, largely because he had to give personal attention to it and, with his other concerns for Canadian domestic development, he was seriously overworked and often ill. Sir Wilfrid Laurier experienced a similar problem; and Sir Robert Borden complained of the amount of work, twenty times as much as in Laurier's time.

Sir John A. Macdonald

Glancing back to the period of Macdonald, Pope, his official biographer, records that, in order to keep at least some two hours a day for his official correspondence, he used to seclude himself in his "workshop" as he called it at Earnscliffe, "a snug retreat into which only his secretary could venture unanounced." "He attached great importance to his correspondence, and made a point of answering all letters addressed to him as promptly as circumstances would permit. Sir John wrote with an easy flowing hand, and with the assistance of a secretary could despatch in a quiet morning an immense amount of correspondence."(1)

Notwithstanding this, there was at times, to Pope's great concern, a good deal of diplomatic correspondence that remained undealt with. Pope was prompted to investigate the remissness in some of these cases, and evidently made an enquiry of an official in the Privy Council. Mr. John J. McGee of the Privy Council Office replied to Pope, on June 12, 1889, sending "a list of references of the P.C. remaining charged to Sir John Macdonald as being unanswered." There were twenty-four items, all of considerable importance. Most of them were from the Colonial Office in London or communications from Australia; their dates of receipt in Ottawa showed reasonable promptness, those

(1) J. Pope: Memoirs of Sir John A. Macdonald.

from London arriving within two or three weeks of signature. They were referred immediately by the Privy Council to the Prime Minister, who, after three years in some cases and two years in other cases, still had not answered them. Pope kept this memorandum on his file, but in 1907 annotated Mr. McGee's covering letter with the words: "I attach this, to illustrate the old system. It will be observed that some of these references were upwards of three years outstanding, when the reminder was sent out. J. Pope, 1907."

Although Macdonald tried to be meticulous over his private correspondence, it was evident that he neglected the details of his Department to the annoyance of the Colonial Office,(1) although, as we have seen, the latter was itself not above reproach.

Elsewhere, however, Pope defends his chief by saying: "In matters of departmental administration there may have been some colour for the charge of procrastination, but this was due, not to indolence, but to the impossibility, even by working twelve to fourteen hours a day, of finding adequate time to devote to their consideration." (2)

Sir Wilfrid Laurier

Somewhat a similar difficulty and criticism befell Sir Wilfrid Laurier. If the label of "Old Tomorrow" stuck to Macdonald, the label "Old Procrastinator" was attached to Laurier. But the explanation

(1) Goldwin Smith: Correspondence. p.195.
(2) Pope: Memoirs of Sir John A. Macdonald. p.653.

was slightly different. In Laurier's epoch, the problems and amount of official and private correspondence had increased enormously. Canada was more populated and settled; political problems were more numerous; Parliament was possibly more alert or acrimonious; Canada's position in the Imperial network of relationships, and vis-a-vis foreign countries in commerce and other matters, was more active and important; and with cables and faster mail-service, the correspondence on external affairs was more voluminous. Laurier found it difficult to keep abreast of all these pressures; and the energetic Governor General, Earl Grey, gave him no respite. Above all, according to Laurier's letters, he had to woo a somewhat intractable team of colleagues in the Cabinet and a critical and disputatious Parliament. To Lord Grey, the Governor General, an enthusiastic, impatient and busy man, Sir Wilfrid Laurier, for whom he had a high regard and personal affection, seemed an intolerable procrastinator. Grey did not seem to take into account Laurier's difficulties: his age and frequent ill-health, his overwork with masses of papers he could not keep abreast of, with members of his Cabinet who were not always of his mind and had to be persuaded or cajoled or even yielded to; and with an acutely critical House of Commons, besides Laurier's constant travelling on political trips, speech-making and social life. To Grey, every delay, however excusable, was

was frustrating, and he was forever prodding and - as he said, - "punching" the Prime Minister.

Grey wrote almost daily private and personal letters and chit-chat on Canadian public affairs to the successive Secretaries of State for the Colonies, Lyttleton, Crewe, and Harcourt, each of them his old personal friends. And these gossipy letters are interesting and revealing. None more so than the following portion of a letter written to Lord Crewe on August 17, 1908, concerning the exasperating delays of Sir Wilfrid Laurier over matters of international concern:

> On the several occasions on which I have pressed Sir Wilfrid for replies, the courteous old Procrastinator makes a note in a memorandum book, which after careful entry therein of the points calling for his immediate attention, he is in the habit of closing with a solemn pursing of the lips, and with an intimation that Minutes dealing with the questions referred to shall be forthwith deposited in my Excellency's hands, and having parried my importunity with this assurance, the matter is allowed to rest until I again remind him that H.M. Government are still waiting for replies to their Despatches, when the pursing of the lips and the entry in the notebook, followed by the same assurance, are again repeated.
>
> And now "Old Tomorrow" - he has abundantly earned the right to bear the title as well as the mantle of his predecessor Sir John Macdonald - has gone away for a much-wanted holiday, leaving me still empty-handed. In the last talk I had with him he denied that he had ever seen the American Draft Terms of Reference to the Hague! When I pointed out to him that they had been in his office a considerable time, he said that he had passed them on to Aylesworth, the Minister of Justice, unread, and was still waiting for his report, but as Aylesworth has gone to Vienna to consult an Aurist, the period of his waiting would appear to be indefinite!
>
> Mr. Ewart, the author of 'The Kingdom of Canada', who has just returned from England, and who when I took Lord Roberts the other day to the

> Parliamentary Library, I found at work upon the Atlantic Fishery papers, has informed me that he handed in his opinion on the American Draft to the Minister of Justice's Department before he left Canada for England last June.
>
> I have written to Sir Wilfrid calling his attention to the delays for which he is responsible, and expressing a hope that when I come to Ottawa September 10th to meet him after his return from his holiday, he may be able to hand me the Minute of Council for which I have so long been waiting . . .(1)

Pope, no less than Earl Grey, was sensitive to any unecessary delay in the movement of correspondence, whether due to faulty organization in the Privy Council or to the personal idiosyncracies of the Prime Minister. Any complaint of delay received from the Colonial Office he took as a reflection upon the Department which he headed, which was designed for greater efficiency. He could not help any personal dilatoriness on the part of Laurier, but he was anxious to find ways and means of circumventing it where he could by a more direct departmental control over correspondence.

(1) Grey of Howith Correspondence. Vol.15. Folder 29. (Doc. 004082).

[redacted]

7.

THE SECRETARY OF STATE AND EXTERNAL AFFAIRS

The Department of the Secretary of State

The Department of the Secretary of State of Canada was the body of which the Department of External Affairs was the offspring. The Under-Secretary of the Department of the Secretary of State, for thirteen years, became the Under-Secretary of State for External Affairs for another sixteen years. Therefore, as the earlier, parental body, until 1909, and the co-department from 1909 until 1912, brief attention may be given to that Department.

The Department or Office of the Secretary of State of Canada was created in 1873. Its responsibilities have been many. It has the custody of the Great Seal of Canada and any Privy Seals. It was (until 1958) the channel through which all official communications with the Provinces pass to the Lieutenant-Governors. As Registrar-General, the Secretary of State registers all proclamations, commissions and licences, supervises the incorporation of companies, patent rights, and bankruptcy regulations. He controlled the national Archives and the Printing Bureau under the Queen's Printer. It was his duty to prepare and present parliamentary "returns". During the war, he had charge of enemy internment camps, was custodian of enemy property, and was responsible for the maintenance of prisoners of war.

Until a separate Department of Citizenship was set up, merging with the Department of Immigration, the Secretary of State's Department was responsible

for matters of naturalization and citizenship, and, until 1909, for the issuance of Canadian passports, and recognition of foreign consuls.

There is some ambiguity as to how much official overseas correspondence passed through the Department of the Secretary of State prior to 1909.

In Pope's memorandum of May 25, 1907, to the Royal Commission on the Civil Service, he said, concerning external matters:

> It is commonly supposed that such matters are now administered by the department of which I am the deputy head, but this is a misapprehension. . . All communications which reach the Secretary of State for transmission to England or to a foreign country are forwarded by him to the Governor General with a recommendation that he would be pleased to transmit the same to their destination. All despatches from the Colonial Office are addressed to the Governor General and by His Excellency are sent, for the most part, to the Privy Council, where they are referred to the heads of those departments which they particularly concern.

This would indicate that the Office of the Secretary of State <u>was</u> sometimes used as a channel for correspondence addressed abroad. But no "action" was taken by the Secretary of State beyond a recommendation of transmittal.

In 1912 Pope was even more positive, in an essay which he wrote on "The Federal System of Canada":

> Before its creation (the Department of External Affairs) the impression very generally prevailed, even within the service, that Canada's external relations were conducted through the Secretary of State, but such was never the case. The Department of the Secretary of State of Canada - to refer to the English system - offers a certain analogy to the Home Office and to the Colonial Office as well, but it bears no affinity to the Foreign Office, or to the United States Department of State, for the

> reason that its sphere of action is circumscribed by the bounds of the Dominion. With the conduct of negotiations with foreign countries, or in respect of questions whose scope and bearing, though within the Empire, lie beyond the limits of Canada, it has no official cognizance. All such matters reach the government of Canada through despatches addressed to the governor general. (1)

In this passage, apparently, Sir Joseph Pope was drawing a distinction between the "conduct" of external affairs, of which the Secretary of State had no "official cognizance", and the "transmission" of external correspondence, which sometimes was undertaken by the Secretary of State.*

The Secretary of State's office was evidently used as a channel in certain types of correspondence from the Canadian office in London. In the early days of the new Department it was decided that the Office of the High Commissioner should, when desirous of communicating with a Provincial Government in Canada, continue to address its despatches to the Under-Secretary of State, and not to the Secretary of State for External Affairs (2). Not until March 21, 1921, was the High Commissioner's Office placed directly under the Department of External Affairs.

* Footnote: If this description appears somewhat ambiguous, it may possibly be attributed to lack of more precise revision. It is interesting to note that in the Department's copy of Canada and its Provinces (which formerly may have been Pope's personal copy) he wrote in his own hand (Vol.VI. p.169):

> This book was brought out without my having had an opportunity of revising the proofs. I was in Italy when it appeared. The very title "The Federal Government" is not of my choosing. Joseph Pope,1913.

(1) Pope: "The Federal System in Canada". Canada and its Provinces. Vol. VI. p.271.

(2) Pope to Griffiths. July 9, 1909.

It will be seen that the old Secretary of State's Department, of which Pope had been deputy head, covered a large number of special matters, mostly of domestic or internal concern.

An indication of the volume of work and size of staff was given by Pope in his evidence before the Royal Commission on the Civil Service in 1907:

	1890	1906
Chief clerks	2	3
1st class clerks	6	6
2nd class clerks	3	8
Jr. 2nd class clerks	-	8
3rd class clerks	9	2
Messengers	4	2
Temporary clerks	5	-
Temporary messengers	1	3
	40	31
Salaries of Staff	$37,827.45	$38,252.84

After 1909, - even when the external affairs business, passport issuance and consular business had been transferred, - the Secretary of State Department increased rapidly, - especially in consequence of the 1914-18 war, and of supervision of naturalization, and of enemy aliens.

Whatever external correspondence did pass through the Secretary of State's Office, there were those in the Cabinet and Parliament who found the system adequate, and who saw no need for the creation of a new Department. They were, quite naturally, opposed to the creation of new Ministries or any needless proliferation of governmental administrative organs; among other reasons was the concern over additional expenditure. As we shall see in reviewing the debates

on the Department Bill of 1909, some of these speakers felt that if any reform were necessary, it could be made within the existing Department of the Secretary of State; perhaps by means of a special division, perhaps by the addition of one or two special assistants. The result at that time was to some extent a compromise. No new portfolio would be created; no new Minister would be designated; the new Department would remain under the Secretary of State; and only an additional Deputy Minister or Under-Secretary for External Affairs would be designated.*

During the long Ministry of Sir Wilfrid Laurier (1896-1911), the first Secretary of State was Senator Richard William Scott (1896-1908)** , who had previously held that portfolio under Alexander Mackenzie (1874-1878). When Scott resigned, Laurier appointed Charles Murphy, who held the office for three years, from October 10, 1908, to October 6, 1911. Murphy also acted, de facto, though without the designation, as Secretary of State for External Affairs from June 1, 1909, until the defeat of the Laurier Government on October 6, 1911.

As it was during Charles Murphy's comparatively short incumbency as Secretary of State that the new Department of External Affairs was organized, and placed under his control, our attention in this chapter is concentrated on him.

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* This was also what occured when the Dominions Department was created, under a special Under-Secretary, within the Colonial Office, but under the Secretary of State for the Colonies.

** Scott was knighted (K.B.) in 1909, after he had resigned from the Ministry.

Hon. Charles Murphy, K.C., LL.D.

Charles Murphy was the son of Irish immigrant parents, and never lost his attachment to Old Erin and to the cause of Irish Home Rule.

He was born in Ottawa on December 28,1863, was educated at the Christian Brothers' School, the Ottawa Collegiate, and the University of Ottawa, took his law degree at Osgoode Hall Law College in Toronto, was called to the bar in Ontario in 1891, and settled in Ottawa for the rest of his life. Entering politics, he represented Russell in the House of Commons from 1908 to 1925.

In 1908 he was appointed by Sir Wilfrid Laurier as Secretary of State of Canada, and held this position until 1911, when the Laurier Government ended and the Borden administration began and he spent eleven years in the Opposition. Although in earlier years of Laurier, he is said to have disliked and distrusted Mr. Mackenzie King, the Deputy Minister and later Minister of Labour, he organized the Liberal Convention of 1919 where he supported the election of Mackenzie King as Liberal party leader. From 1922 to 1926 he rejoined the Cabinet and held the portfolio of Postmaster- General in the first Mackenzie King Government, meanwhile being called in 1925 to the Senate. He died in Ottawa on November 24, 1935.

Murphy remained one of the staunchest and most loyal friends and supporters of Sir Wilfrid Laurier from their first contacts until Laurier's death in 1919. They were both ardent Liberals and ardent "Canadians". Murphy, like Laurier, was a Roman Catholic; while Laurier was racially French, Murphy was racially Irish. Murphy, it is said, "hated imperialism in the style of an Irish Home Ruler with all the intensity of his Catholic ancestors". In June, 1913, he wrote to Laurier:

> When we are proclaiming Canadianism in the House, another branch of the Party should not be professing, in our names, an objectionable form of Imperialism in the country. So far as that is done by newspapers calling themselves Liberal we may be without remedy, but they do not speak in your name, and consequently their views bind nobody. And besides they would soon drop the role if they found they were the only ones playing it. But the case is different when letters or literature go out from the Central Office /Central Liberal Information Office in Ottawa, controlled by a committee including Laurier and Murphy, and directed by Mackenzie King/ apparently under your authority (but not really so) which contains much about Imperialism and little or nothing about Canadianism.(1)

(1) Murphy Papers. Murphy to Laurier. June 20, 1913. Cit. in Fern and Ostry: The Age of Mackenzie King. p. 165.

Rodolphe Lemieux, then Speaker of the House of Commons, in a banquet address at the Chateau Laurier, on April 14, 1925, reminisced about Mr. Murphy that "We were old classmates at Ottawa College, many, many years ago, alas; and when I was facing the Britannias on Cartier Square, playing for Varsity, he was our Umpire. I still have respect for my Umpire. That is where I learned the rule of procedure in the House of Commons. Mr. Murphy has been my comrade in deviltry in the House of Commons for many years." (1)

Murphy was a peculiar mixture of scholarly tastes, business ability, political forcefulness, and patience under constant physical pain.

As regards his scholastic propensities, Lemieux said, in remarks in the Senate on his death: "He was a bookworm, and on his desk could be seen the latest book published in London or New York. So he became equipped for any debates that might arise, and his style showed, for instance on constitutional questions, his historical and literary background ... He soon became a debater of note. His voice was eloquent and his subject matter always couched in perfect English. In fact, old Parliamentarians who have listened to him here and in the other House will bear me out when I say that few men could speak a purer or nobler language. He read Shakespeare, Byron and Thomas Moore and would often quote them at length." (2). Others

(1) Lemieux: Centennial Celebrations for Thomas D'Arcy McGee. Chateau Laurier, April 14, 1925. Cit in 1825 - D'Arcy McGee - 1925. ed. by Charles Murphy (Toronto 1937) p. 302.

(2) Senate Debates. Feb. 12, 1936. p.32.

endorsed this estimate. George P. Graham said: "A man of peculiar disposition, he never lagged in endeavouring to fill his mind with the most complete information on every subject. He was a great lover of art, and you will find many examples of it in his home. He was able in debate, but to my mind Charlie Murphy was more entertaining in private conversation. In debate a man is sometimes restricted, as some of you honourable gentlemen know, from expressing his views in the language in which they can be expressed most forcibly; but in private conversation Senator Murphy during the many years that I knew him was one of the most wonderful entertainers and he diffused information in almost every sentence." (1). And with reference to the centennial commemoration of his hero, Thomas D'Arcy McGee, which Murphy organized in April, 1925, Mr. Arthur Meighen said later, in the Senate: "He was a student of McGee for the same reason that he was a student of so many other noted figures. He himself shared the same love of learning, the same poetic temperament, the same ardent patriotism. In the story of this Dominion there will perhaps be none who will be found to have possessed in more bountiful degree than Charles Murphy that statesman's legacy of literary fire, of practical political wisdom and ardent love of country." (2).

Murphy's interest in books and bibliography also manifested itself in his interest in the development

(1) Ibid. p.33.
(2) Ibid.

of the Public Archives, a part of which at that time fell under his departmental control as Secretary of State for Canada. In this respect he had some common ground with his deputy, Joseph Pope; and they not infrequently exchanged books and discussed library problems.

A different facet of his mixed character was to be seen in Murphy's active political life. Senator Meighen remarked that: "Not only was he possessed of peculiarly Irish traits, but he was also a man of real business capacity. When an administrative task was given to him he discharged it with consummate ability. His organizing power became a legend. There was nothing he undertook to organize of which he did not make a real and striking success".(1). Senator R. Dandurand also spoke of his political character in these words: "Senator Murphy was brought up in Ottawa, and his whole life was given to law and politics. He thoroughly imbibed the atmosphere of the Capital. He was familiar with the machinery of government in all its details. His knowledge covered every department, so that colleagues among whom he worked for a number of years used to say he seemed to know more than they themselves about the officers and affairs of their respective departments. He had a very brilliant mind, with many facets. His interests went far beyond the affairs of Canada. . . His correspondence with men of

(1) Ibid. p. 31

note throughout Ireland, Great Britain, the European continent and the United States was remarkable." (1)

In spite of all these virtues, those who knew him or were associated with him were, if not intimidated by his forcefulness, at least conscious of this Irish part of his character. Senator Graham spoke of him as "a rugged character; I may say, a rugged debater, a rugged friend and a rugged opponent". (2) And Dandurand said: "He had strong likes and dislikes. Though he had a kind disposition, he could carry on a relentless vendetta". (3) It was perhaps this facet of his character that sometimes prickled Joseph Pope, another individual of forceful and positive character and sensitive temper. In one letter, even Earl Grey makes a remark to Laurier concerning this forceful side of Murphy's personality.

Finally, it may be noted that for most of his life he suffered pain, and this may perhaps have contributed to some of his occasional rough manners. As Senator Graham noted: "He laboured under great difficulties ever since his boyhood, and the pain he suffered was hardly known to any but his most intimate friends. Down almost to the day of his death he was the victim of one accident after another, which added greatly to his suffering, but never dimmed his mentality." (4) Defeated at last by weakness and suffering

(1) Ibid. p. 30
(2) Ibid. p.33
(3) Ibid. p.31
(4) Ibid. p.33

he died on November 24, 1935, after a long and distinguished public career, first in the House of Commons and afterwards in the Senate.

In the chapter on Sir Joseph Pope, attention is given to the matter of Records and Archives which fell under the control of the Secretary of State's Department. Although Charles Murphy was a scholar and, as Lemieux said, a "bookworm", it is not clear to what extent he personally superintended this section of his office. It seems more likely that it was left to Joseph Pope, who had a librarian's instinct for such matters, although the section was actually put in charge of an official known as the "Keeper of the Records" with several assistants. (A portion of them, with the staff, were transferred in 1904 to the Department of Agriculture but were later re-transferred). Although a scholar in his own right, it is difficult to imagine Charles Murphy the "rugged Parliamentarian" as a librarian, even after some of the Public Archives were again brought under his Department. He did, however, consider himself responsible, with some interest, for the Archives and Departmental reference library under his supervision, and as long as he held office he took an active concern in their safe-keeping, utilization, and future expansion.

Control over Ceremonial.

Among other matters which normally fell under the Secretary of State's Department were those of State ceremonial. It was doubtless by virtue his

Under-Secretaryship in this Department that Joseph Pope became as familiarized as any person in Canada with matters of ceremonial and protocol. His correspondence with enquirers was voluminous, and he replied with as full guidance as he could. When he was transferred to the Department of External Affairs, this aspect of his work was theoretically left to the new Under-Secretary of State, Mr. Mulvey; but still a great many questions of State ceremonial were referred to Pope for his advice and attention. Charles Murphy, who was himself attentive to these matters, although not so technically informed, still looked to Pope as the expert on matters involving the position of the Crown, of princely matters, and of honours and titles. Mr. Pope had had experience at the time of the death of Queen Victoria, and the coronation of King Edward VII; he had assisted in the Royal Tour of the Prince of Wales in 1901, the tour of the Duke of Connaught in 1906, and the tour of Prince Fushimi in 1907. But whoever among his deputies attended to the details, it was the Secretary of State who had to approve them and take the responsibility for them, and tried to claim the credit.

In connection with the death of King Edward VII and accession of King George V, the Secretary of State drafted the Proclamation. There is a letter from Murphy dated May 13, 1910, to Pope who was then absent in London:

> The death of the King has given us a great deal of extra work, with which you are familiar on account of your experience in 1901

when Her Majesty Queen Victoria died. If the officials who are to furnish you with papers, are the same ones who are sending out the despatches in connection with King Edward's death and King George's accession, I would advise you to verify the accuracy of whatever you receive, as recent despatches have been remarkable for serious omissions and some errors that are not without a dash of humour. For instance, I persisted in proclaiming His Majesty King of Canada,* although the official despatches received from Government House stated that he had been proclaimed in London King only of Great Britain and Ireland! Then one of the despatches received yesterday requested our people to go into "decent mourning".

In this letter Murphy was not exactly correct in relating the circumstances. Apparently his version found its way into the local press, and immediately drew from Earl Grey a vigorous protest. In the Ottawa Free Press of May 10, 1910, appeared an article of which the following is an excerpt:

> . . . There was almost a similar mistake in the proclamation issued in Canada. The cable received from the Colonial Office on Sunday merely gave the King's title as "George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland".
>
> The Secretary of State had prepared the proclamation in proper form according to the Order-in-Council passed on December 23, 1901, in which the late King's title was set forth officially as "Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India."
>
> But when the cable as to the title came to hand, everything was at a standstill until a second cable could be obtained from Downing Street, admitting the error of the Colonial Office and stating that the Canadian Government's designation of the title of the new King was the correct one. Had it not been for the watchfulness

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* On the original signed letter from Murphy (file 48/1909) Miss M.A. McKenzie on Aug.16, 1956, appended a note: "This is not an accurate statement; he was proclaimed 'Supreme Lord over the Dominion of Canada'."

the Secretary of State it is possible to imagine that the Dominion Government might have fallen into the same error as did the King's Heralds in the United Kingdom and Ireland yesterday.

To this press version the Governor-General took umbrage, and on May 14th privately wrote to Laurier:

I confess I rather expected to receive from the Secretary of State an expression of his regret that one of his ill-advised friends, I suppose in a desire to do him a good service, should have communicated to the Press a statement with regard to the proclamation of the King's title, which he knows as well as I do is replete with inaccuracy.

I enclose the statement. It alleges

1. There was almost a mistake in the proclamation issued in Canada with regard to the King's titles.

2. The Secretary of State had prepared a proclamation in proper form.

3. When the cable defining the terms of the proclamation arrived from the Colonial Office it was found to be incomplete; and that everything was at a standstill until a second cable could be obtained from Downing Street, admitting their error and stating that the Canadian Government's designation of the title of the new King was the correct one.

4. That had it not been for the watchfulness of the Secretary of State, it is possible to imagine that an egregious blunder would have been made.

Such are the statements. Now let me state the facts.

On my return from church last Sunday I read the cabled proclamation that had been decoded by my Secretary. I noticed the omission of any reference to the Dominions of the King outside the British Isles, and gave instructions that the omission should be made good.

A cable subsequently arrived showing that the Home Authorities had also discovered their mistake, <u>without any cable having been sent from Canada</u>.

> The reference to a standstill shows that someone not acquainted with the actual facts had imposed on the press. The proclamation as subsequently published was waiting in the Secretary of State's office before either he or the Under-Secretary arrived at 2.30 on Sunday afternoon.
>
> I am very pleased that the Secretary of State should at all times obtain credit for his watchfulness, but I consider it desirable to place above facts on record in order to protect myself against any possible charge of dereliction in the performance of my duty. (1)

The impression cannot be escaped that Mr. Murphy was not a very enthusiastic supporter of the new Department advocated by Pope. He went along with the idea; received copious memoranda from Pope on it; asked Pope to draft a statute, an implementary Order-in-Council, and a parliamentary speech. In the parliamentary debate on the Bill in 1909, he introduced the motion, and made an explanatory speech most of which was from Pope's draft, somewhat curtailed; but after that, throughout the debate and the three readings he never spoke again, leaving Sir Wilfrid Laurier and A.A. Aylesworth, Minister of Justice, to reply to questions and to expand their advocacy. After the Department was established, he conceded to Pope many of his material requests, for space, for staff, and for equipment; but he reminded Pope that the new Department was not favourably regarded by the Cabinet or Parliament.*

While Mr. Murphy as Secretary of State was charged also, from June 1, 1909, as head of the

(1) Laurier Papers. Vol.736. Governor General Correspondence. (Doc. 206859-61).

* This aspect is more fully examined in the chapter on Pope's discontents.

new Department, he did not officially take the additional title of Secretary of State for External Affairs. He was designated in the Act and Order-in-Council to preside over the Department of External Affairs "for the time being", but he was not sworn in for this position. Sir Wilfrid Laurier, however, desired him to sign appropriate external despatches as "Secretary of State for External Affairs".

If Mr. Murphy does not shine, as the first Secretary of State for External Affairs, the following mitigating circumstances may be suggested.

He held office as Secretary of State only three years, and in his dual capacity only two years.

He was an active Parliamentarian, which occupied his time and concern with the Cabinet and Parliament over the whole gamut of public affairs, mainly on domestic issues, in which he played an active role.

He had no background of experience in international affairs, and allowed his interest in those recondite matters to languish. He also knew that he had a subordinate who was something of an expert, with a vast store of experience in foreign business, assisted by his second officer, Mr. Walker, experienced in the Governor-General's Office; and to these he could leave the conduct of external affairs in competent hands.

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22 In the chapter "Pope's Discontents", reference is made to an apparent clash of temperament between Murphy and Pope, which led to some personal difficulties; and in the chapter "Conflict between Departments", reference is made to some of the difficulties, which continued for several years afterwards, over the authority and jurisdictional responsibilities resulting from the division of the old Department of the Secretary of State into two distinct departments.

He was, as Secretary of State, already overburdened by the responsibilities of that large Department, with its many ramifications, the Registrar General's Office, some of the Records and Archives, inter-provincial correspondence, naturalization, etcetera; and presumably he was only too glad to discard all those extra responsibilities which passed over into the sub-Department (as it seemed to him then) of External Affairs.

He was conscious of the fact that, for some reason not clearly explained except possibly on grounds of extra appropriations and expense, the new Department or sub-Department over which he nominally presided was unpopular with his Cabinet colleagues and among Members of Parliament.

He may have been slightly aggrieved that in actual fact, the Prime Minister, Sir Wilfrid Laurier, had inevitably assumed the responsibility for external affairs and used Pope as his consultant. He knew that Pope was working toward the objective of transferring the Department of External Affairs to the direct control of the Prime Minister, which occurred under Sir Robert Borden; and this awareness might have prejudiced Murphy against the new Department, and lessened his enthusiasm for it.

It may be noted here that from the time Joseph Pope left the Office of the Secretary of State, on June 1, 1909, to become Under-Secretary of State for External Affairs, he was replaced by Thomas Mulvey as deputy-minister of the older office; as a permanent

official, Mr. Mulvey continued to hold this position, under successive Administrations, while Pope remained deputy head of External Affairs; and for long after Murphy's retirement as Secretary of State, there was personal tension between the two deputies, each jealously concerned for his own Department's prerogatives and responsibilities.

Subsequent Structure.

In the Borden Ministry, William James Roche was concurrently Secretary of State of Canada (October 10, 1911, to October 28, 1912) and Secretary of State for External Affairs (October 10, 1911, to March 31, 1912). He gave up the former portfolio on becoming Minister of the Interior, Minister of Mines, and Superintendent General of Indian Affairs. As Secretary of State for External Affairs he remained for about five months, until March 31, and that portfolio was taken over by the Prime Minister, Rt. Hon. Robert Borden, the next day.

Thereafter, until 1946, the successive Prime Ministers held also the portfolio of Secretary of State for External Affairs; while the truncated Secretary of State's Office assumed more exclusively the conduct of domestic matters and communications with the Provincial Governments.

In Canadian practice, all members of the Cabinet, with the possible exception of the Solicitor-General, are, whatever their title or departmental responsibility, equal. This excepts the Prime Minister. The Minister without Portfolio normally does not sit in the Cabinet. Apart from these exceptions, there seems to be no difference between those who bear the title Secretary of State and those who bear the title Minister.

This was not the concept of Sir Joseph Pope, who was obsessed with the English forms and practices. He repeatedly pointed out that there were five Secretaries of State in the British Government; and that they were superior to other Ministers of the Cabinet.* It was Pope's view that, following this English form, the Secretary of State of Canada had a status and precedence superior to that of other Cabinet Ministers; and that when the Department of External Affairs was created, under a titular Secretary of State for External Affairs, he should become a co-equal State Secretary also superior to other Cabinet Ministers. Repeatedly, from various angles he expressed this view in letters to Sir Robert Borden, contending that the Secretary of

* This practice was shown, for instance, in a direction given by the King and published in the London Gazette of July 29, 1924, where in respect to the status and precedence of Dominion High Commissioners in London, it was stipulated that they would, on ceremonial occasions, rank immediately after Secretaries of State, and before all Cabinet Ministers in the United Kingdom except Secretaries of State and those Ministers who already have higher precedence than Secretaries of State.
This position was redeclared in the conclusions of the Imperial Conference of 1930. (Summary of Proceedings. Imperial Conference, 1930).

of State for External Affairs, whether combined or not, should be on a par with the Secretary of State of Canada, should not be lesser in status, nor lesser than other Departmental Ministers. On the whole, this contention made little impression, first because under Murphy the two offices were combined, and under Borden and Meighen, the External Affairs Secretaryship was combined with the position of Prime Minister. All Pope in fact wanted was full recognition of his Department, and of his own position as an Under-Secretary of State in a category no lower than that of the parent Department. In pressing this claim, he tended to exaggerate, following the English model, the relative superiority of both Secretaryships of State. In practice, neither of them in Canada "outranked" the positions or status of other Departmental Ministers or portfolios.

8.

ANTECEDENTS TO DEPARTMENT OF EXTERNAL AFFAIRS

1. Antecedents
2. Mr. Sanford Evans' views, 1901
3. Mr. John S. Ewart's views, 1908
4. Australian Precedent, 1901-1908
5. Royal Commission on Civil Service, 1907
6. Earl Grey's initiative, 1908
7. U.S. State Department, 1909.

1. ANTECEDENTS

The inadequacies of the procedure in effect in the Canadian handling of external business have been outlined above. Probably before anyone else in official circles, Joseph Pope saw the defects of the existing operation. He found the system cumbrous and inefficient. The distribution and collection and treatment of incoming or outgoing despatches and other papers were faulty and caused him worry. The lack of trained expert assistants who could help him or relieve him of some of his manifold tasks frustrated him. Those who knew the routines and the backgrounds were getting old in the service; there were no men being trained to take their place. Historical records, now still within memory, would soon be forgotten, and there was no arrangement for keeping the archives, systematically or centrally. Over the years of dissatisfied experience, Pope developed the concept that only by having a separate specialized agency of trained men for this handling of "external" work, could it be made more efficient, simple and more productive.

It is safe to say, however, that Pope's ideas of reform were not original. There were precedents of which he was more or less cognizant. The idea of a separate department devoted to the administration of external affairs had been adumbrated by a Canadian writer, Mr. Sanford Evans, in 1901. In the same year, legislation had been passed

in Melbourne, pursuant to the new Constitution of the Commonwealth of Australia, creating a special body called the Department of External Affairs, then headed by the Prime Minister. This structure was referred to by another Canadian political writer, Mr. J.S. Ewart, K.C., in 1908. There had been discussions, since the Colonial Conference of 1907, of a parallel creation of a Dominions Department branching out of the Colonial Office. There was, in Great Britain, the Colonial Office itself and the Foreign Office, under their own Ministers or Secretaries of State for dealing with external affairs in a specialized way.

These examples were no doubt in Joseph Pope's mind while he was giving thought to the reorganization of the Canadian administrative machinery and the need of a new specialized agency or department.

A few of these antecedent examples may be briefly examined.

2. <u>MR. SANFORD EVANS' VIEWS</u>

In 1901 Mr. W. Sanford Evans, writing a report on Canada's participation in the South African War, in <u>The Canadian Contingents</u> ~~(T. Fisher Unwin, London, 1901)~~ drew some political conclusions in his final chapter "Postscriptum". "Some arrangement", he said, "must be made whereby these Imperial questions can be brought to the

Colonies to be discussed. If the Colonies are going to take part in such affairs it is a duty they owe themselves to thoroughly discuss them, just as the people of the United Kingdom do . . . What is needed then is some system by which the dealing with questions of active Imperialism shall be centred in the Dominion Government. These questions should be understood to belong as exclusively to the Dominion Government as the tariff does. . . ." His conclusion was that "There must be in the Dominion Government a minister who is as distinctly and definitely responsible for the external activities of Canada as is the Colonial Secretary in England for Colonial affairs, or the Foreign Secretary for Foreign Affairs. This solution is so simple that it has no doubt suggested itself to many others, but, so far as I am aware, it has not been publicly discussed." Evans went on to say, "the particular defects in the Imperial machinery revealed by the late events can be most easily and most effectively remedied by the creation in Canada, and in each of the other self-governing Colonies, of a Ministry of Imperial and Foreign Affairs. The portfolio might, of course, be held conjointly with another, but it should be as distinct from any other as the portfolio of Agriculture from that of Finance. Lord Salisbury combined the Premiership with the Secretaryship for Foreign Affairs; and Colonial Premiers might be the most suitable Ministers of Imperial and Foreign Affairs,

although if many questions were up for settlement, and particularly if many conferences were necessary, it might be better to add one to the present number of ministers and let the new department engage the whole attention of one man."

Evans failed to adopt the term "external" affairs, and in default of finding an alternative comprehensive name, suggested a double one - similar to Marine and Fisheries, Health and Welfare, Mines and Resources, Trade and Commerce, or Militia and Defence. He pointed out that "For the colonies, Imperial and foreign affairs would naturally come under one department. From the local standpoint they are both external relations, and under present conditions they have both an Imperial side, because the Colonies can settle foreign questions only through, or in cooperation with, the Imperial Government - yet a double title for the office would be preferable to a single one . . ."

Along with a special department he proposed - and indeed foreshadowed - a distinct Minister. "It may perhaps be said that the Premiers of the Colonies now practically fill this position." Even if this were so, it would still be advisable to name and definitely locate this part of their functions. As a matter of fact, however, they have never expressly assumed such functions, and the people of the Colonies do not look to them as primarily responsible. The advantage of placing a distinct

and important class of public interests under a single responsible head need not be enlarged upon. The principle is everywhere acknowledged; and the practice by which a responsible minister proves a benefit is familiar to all British countries.

"The existence of a Minister who is responsible to Canadians for the conduct of foreign affairs, in as far as Canada has a voice in them, would merely be supplying the machinery by which Canada could, in a regular and systematic way, express her views. It would be a movement toward the rounding off of our system of self-government, and yet would be neither a challenge for independence in these matters, nor a submission to continual dependence, It would simply be the supplying of defects in the present machinery."(1)

Never has a writer been more prescient. The same year, 1901, as Mr. Sanford Evans' views in favour of a distinct department of external affairs were published, Australia, becoming a federated "Commonwealth", created a type of Ministry which, though more inclusive, was similar to that which he recommended. Mr. Evans conceded that while Imperial and foreign relations had somewhat different aspects, they were of joint interest and went through joint British channels, and could be categorized as "external affairs"; this was the term adopted by Australia, Canada and other Dominions of the Empire. He was correct at the time - and for the next twenty years - when he said that "the Colonies can settle foreign

(1) W. Sanford Evans. The Canadian Contingent. T.Fisher Unwin, London, 1901). pp.338-341, 349.

questions only through or in co-operation with the Imperial Government". This suggestion that the special department and portfolio might be held conjointly by the Prime Minister was incorporated that very year in the Constitution of the Australian Commonwealth; it was adumbrated by Joseph Pope in 1909; it became the adopted practice in Canada in 1912, until 1946. He realized that "if many questions came up for settlement and particularly if many conferences were necessary", the Prime Minister might not be able to carry the burden - as Mr. Mackenzie King was obliged to admit in 1946, and Mr. Diefenbaker in December, 1957. Mr. Evans, in the "postscriptum" of his book on the South African War, proved indeed a greater prophet than he knew.

3. AUSTRALIAN PRECEDENT

The Australian precedent for a Department of External Affairs was of course known to all students of constitutional development in the Empire. It is quite likely that through the Colonial Office, the new constitutional structure of the federated "Commonwealth" of Australia had been brought to the attention of the Cabinet Ministers in the Canadian Government by formal despatches. At least, in the House of Commons debates on the new Canadian Department, commencing on March 4, 1909, several Members made reference to the Australian precedent.

It was only after the Canadian debates were concluded and the Bill passed on the statute book that the papers on Australian practice, for which Pope had privately asked in January 1909, reached him and were then passed around, first to Mr. W.H. Walker, then to the Hon. Charles Murphy, and then probably to the Prime Minister, Sir Wilfrid Laurier, and other Ministers.

Although the Australian system was broadly known, from the time of its inception, Pope desired more precise details. In January 1909 he wrote to the Hon. Egerton Lee Bachelor, Australian Minister of State for External Affairs, (in itself an "irregular" procedure in by-passing the official London channel), requesting a copy of the Parliamentary Act constituting the Department of External Affairs and "a short epitome of the duties and functions of that Department."

In his letter of reply, enclosing texts and documents, Mr. Atlee Hunt, on behalf of the Minister, said:

> There is no formal Act constituting the Department, it having been established under the authority of Section 64 of the Constitution by Proclamation dated 1st of January, 1901. The The Department has received legislative sanction in various Appropriation Acts passed since that time . . .
>
> Communications with the Governor General. The first Prime Minister of the Commonwealth was Minister for External Affairs and all correspondence with the Colonial Office conducted per medium of the Governor General was dealt with by the Department, and the practice then established has been continued to the present date, although in two Governments (including the present), the Prime Minister has not been the Minister for External Affairs.

Consular Appointments. All matters relating to the recognition of the representatives of Foreign Powers are dealt with by the Department which furnishes the Governor-General with the necessary advice from time to time and gazettes all appointments and changes in the personnel of the consuls.

External Affairs. All matters connected with the relationship of Australia with the United Kingdom and Foreign Countries (including the settlement of Treaties) come within the scope of the Department.

Federal Executive Council. The Official Secretary to the Governor General who is an officer under the jurisdiction of this Department is also Secretary to the Federal Executive Council, and all Orders in Council are forwarded to the Department before submission to the Executive Council.

The Issue of Passports and matters relating to naturalization and aliens are also dealt with.

Territories of the Commonwealth. Any territories acquired by the Commonwealth are administered by the Department. The only one at present is Papua (British New Guinea).(1)(2).

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(1) Atlee Hunt to Pope, April 2, 1909.
(2) The matters dealt with by the Australian Department of External Affairs were listed as follows:

Communications with the Governor General (whilst the Prime Minister is the Minister for External Affairs)
Communications with the States
The Commonwealth of Australia Gazette
Consular Appointments
External Affairs
The Federal Executive Council
Fisheries in Australian Waters beyond Territorial Limits
High Commissioner
Immigration and Emigration
Influx of Criminals
Naturalization and Aliens
Officers of the Parliament
Passports
People of Races (other than the aboriginal races in any State) for whom it is deemed necessary to make special laws.
Relations with the Pacific Islands
Royal Commissions
Territories of the Commonwealth

It is not quite clear at what date Mr. Pope received the answer from Mr. Atlee Hunt, which was dated April 2nd. Considering the distance and slow steamship route from Melbourne to Canada, whether direct or via England, five weeks seem to be relatively good transit time for that period. Pope was usually quite prompt in acknowledging such despatches, and acknowledged this one in a letter to Mr. Atlee Hunt on May 21st. But earlier in the month he apparently had the papers, for he passed them on to Mr. W.H. Walker, then still in the Governor General's office, for a quick inspection, on May 11th."I send you some papers relative to the Department of External Affairs in Australia, which kindly look over and let me have them back again."

Mr. Walker replied in a hand-written private note dated May 13th, "I am returning the Australian letter which you were so good as to send me. Their Department seems to have a much wider sphere of activity than is contemplated for the Canadian one, and while the information supplied is interesting so far as it goes it does not seem to me very helpful towards establishing an organization or procedure for the new Department."(1)

Pope acknowledged receipt of Mr. Atlee Hunt's letter and its accompanying documents in a letter to him dated May 21st. Then on May 25th he passed them on to his chief, Mr. Murphy, in council, together with his comments and other recommendations.

(1) Pope Papers. S.O. Vol.94. No.375

4. MR. J.S. EWART

Mr. J.S. Ewart, K.C., was an eminent jurist, an active politician, and a trenchant speaker and writer on constitutional and imperial matters. In 1908 he published in Toronto a widely-read and stimulating collection of papers and speeches called "The Kingdom of Canada, Imperial Federation, the Colonial Conferences, the Alaska Boundary, and other Essays. In the second paper, "The Kingdom of Canada and Australia" he ventured to give a purported picture of the constitutional framework since federation in 1901, and of that new Commonwealth's administration of its external relations. Although most erroneous and misleading, it brought to the attention of a wide number of readers the fact, among others, that the Australian federal government had a Department of External Affairs which until recently was headed by the Prime Minister, the Hon. Alfred Deakin, in a concurrent capacity of "Minister of External Affairs". Unfortunately Ewart exaggerated or mistook the powers of this Department, asserting that not only had "this large instalment of independence passed both Houses of British Parliament not only without opposition but without remark," but it had represented without demur a usurpation of the old Colonial Office control. On this misunderstanding he quoted, in support, the opinion of "a careful student of the Canadian constitution", Mr. Lefroy, who had "very truly" said:

"It looks as though the Imperial Parliament intended . . . to divest itself of its authority over the external affairs of Australia and commit them to the Commonwealth Parliament."(1) Ewart also quoted the authors of The Annotated Constitution of the Australian Commonwealth, Messrs. Quick and Garran: "This power may therefore be fairly interpreted as applicable to (1) the external representation of the Commonwealth by accredited agents when required; (2) the conduct of the business and promotion of the interests of the Commonwealth in outside countries, and (3) the extradition of fugitive offenders from outside countries." Ewart even quoted a sentence extracted from correspondence concerning a Netherlands' complaint against South Australia, in which "the Colonial Secretary declared that the Commonwealth had powers 'to deal with all political matters arising between them and any other part of the Empire or (through His Majesty's Government) with any foreign power.'"

Ewart was deceived in his interpretation. Lefroy, whom he quoted, had erred in his anticipatory interpretation of the Government's external powers. Messrs. Quick and Garran were completely wrong in their conclusions, for Australia had no power yet to appoint accredited agents for external representation, except in its own island territories, and had no power to "conduct" external business in outside countries,

(1) Lefroy, Law Quarterly Review, July, 1899, p.291. (This of course was written before the new Australian legislation on the Constitution, and the new Department of External Affairs had been completed.)

except perhaps - as Canada did - the business of immigration or trade matters. The Colonial Secretary, in the quotation cited, was emphasizing that in external matters relating to other parts of the Empire or to foreign countries, it was the federal or central Commonwealth government, and not the provincial or state governments which had the authority to deal with such matters.

Mistaken in his interpretation though Ewart obviously was, he nevertheless drew attention to and approved the establishment in the Australian federal government of a special department for external affairs - even though it proved to be an omnibus department embracing extraterritorial fisheries, the Pacific Islands, Royal Commissions, parliamentary officers, and even the Federal Executive Council. He rejoiced to see a department which among other things was responsible for all external correspondence with the Governor General, for consular appointments and recognition, for passport issuance and status of aliens, for the High Commissioner's Office in London, etcetera, and for the administrtive "conduct" of treaty and other matters with other parts of the Empire and with foreign countries. He was also pleased to mention that this Department had as its Minister the Prime Minister, at the time he wrote.

In the present survey of Canadian developments, the influence of Mr. Ewart's book - in this particular connection so misguided and misinterpreted - may have

been small and umimportant; nevertheless, because of his eminence, his book seems to have been widely read, and his remarks not without some stimulation. His views on the diplomatic independence of both Australia and Canada in external affairs were, however, far ahead of his time.

5. ROYAL COMMISSION ON CIVIL SERVICE

Whether or not Mr. Pope had been impressed with the comments of Mr. Sanford Evans, which he undoubtedly had read, the passing years made him realize more and more the need of reform in the machinery of administration concerning external correspondence, either within his Department or in some new sub-department. These long-considered ideas crystallized in his mind. The first occasion of which we have record on which he expressed his maturing views was in May 1907, before a Royal Commission on the Civil Service.

The Civil Service in several countries was in process of reform. Great Britain had begun to root out patronage from its service as early as 1870 by compelling candidates to demonstrate their fitness for the vacant positions by means of open competitive examinations. The first reform of this kind was not introduced into the United States until 1883. Canada, in response to an agitation carried on by a number of reformers, and enlightened by the investigations of a Committee of the House of Commons in 1877 and a Royal Commission of 1880, took the first cautious step in 1882. The Civil Service Act of that

year provided that candidates who were to be appointed to a large number of positions in Ottawa would first be compelled to pass examinations set by a board created for that purpose. The examinations, however, were not competitive, and patronage by Ministers was still possible, so long as their nominees could pass the tests.

In 1907, after a disillusioning experience of twenty-five years with the Act, another Royal Commission was set up, as a result of which a new Civil Service Act was passed in 1908. The Commission had been appointed by the Governor General in Council on May 8th, 1907, "for an enquiry upon the operation of the Civil Service Act and kindred legislation with a view to the proposing of such changes as may be deemed advisable in the best interest of efficiency in the public service." It was composed of Mr. J.M. Courtney, for many years Deputy Minister of Finance, Thomas Fyshe, at one time Manager of the Merchants' Bank of Canada, and Philippe J. Bazin of Quebec. *

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* The report of this Commission was submitted in February 1908, and contained a sweeping condemnation of the existing system. It was declared that the Civil Service Act was too long and involved. There was a constant effort to evade the examinations which the law required. The party use of privilege ran through every department. Promotions within the service were rare. The ambitions of the officials were checked. Salaries were too low, having regard to the increased cost of living. Regret was expressed at the repeal of the law providing for superannuation, and the enactment of a new and improved Superannuation Act, including provision for the support of widows and children of deceased public servants, was advocated. The recommendations were for thorough reform, including the liberation of the system from patronage and political favouritism. (John Lewis, Canada and its Provinces, Vol. VI, p.164). No action appears to have been taken, however, until various Civil Service Amending Acts dating from 1912.

Pope went before the Commission on May 8th, 1907, was duly interrogated as to his credentials and past experience, and gave oral replies to a number of questions concerning his own Department; he did not, however, in that interview, then propose any major reorganization of the Secretary of State's Department.

A couple of weeks later, however, apparently feeling that his interrogation by the Commissioners had not been sufficiently comprehensive and had not revealed his true thoughts, Pope submitted on May 25th to the Chairman of the Commission, Mr. Courtney, a long memorandum, written "in great haste".

As this memorandum is basic in the origins and subsequent creation of the Canadian Department of External Affairs, it is here quoted in full. From time to time in other sections of this survey, reference will be made to the ideas and suggestions made by Pope to this Royal Commission, some two years before the question received attention in Parliament and resulted in the new organization.

J.M. Courtney, Esq., C.M.G.,I.S.O.,
460 Wilbrod Street,
Ottawa.

Ottawa, May 25, 1907

Dear Dr. Courtney:

I enclose a memorandum for the consideration of the Commissioners. If you consider it a subject of which they have cognizance, I should be glad if you will kindly lay it before them. I am up to my eyes in business just now arranging for the visit of the Japanese Prince, but I feel I shall be busier later on, and I want to place this matter before the Commissioners, or somebody who will bring about this much needed reform.

In great haste,
Yours sincerely,
(Sgd) Joseph Pope

Memorandum for the Consideration of the Civil Service Commissioners:

I desire, with the permission of the Commissioners, to offer a few observations upon a matter akin to the subject of their inquiry, in respect of which I had not an opportunity of inviting their attention when recently before them. I refer to the desirableness of establishing a more systematic mode of dealing with what I may term, for want of a better phrase, the external affairs of the Dominion.

It is commonly supposed that such matters are now administered by the department of which I am the deputy head, but this is a misapprehension. The Secretary of State is primarily and principally the official mouthpiece of His Excellency the Governor General in respect of Canadian affairs; he is the channel of communication between the Dominion Government and those of the Provinces, towards which he occupies somewhat the same relation that the Colonial Secretary does to the Colonies. All communications which reach the Secretary of State for transmission to England or to a foreign country, are forwarded by him to the Governor General with a recommendation that he would be pleased to transmit the same to their destination. All despatches from the Colonial Office are addressed to the Governor General and by His Excellency are sent, for the most part, to the Privy Council where they are referred to the heads of those departments which they particularly concern. Much of this correspondence relates to domestic matters, and with it I have no concern here. Much, however, bears upon what I have called external affairs, that is to say, questions touching our relations with foreign countries, as the Behring Sea Seal question, the Alaska Boundary, the Atlantic Fisheries, International boundaries, and other pending controversies with the United States; or, it may be, with questions whose scope and bearing, though within the empire, extend beyond the bounds of the Dominion; such for example as the difference with Newfoundland over the boundary in Labrador. Let us say the Imperial Government have occasion to communicate with the Government of Canada in respect of any one of these subjects: The Colonial Minister addresses a despatch to the Governor General; that despatch is forwarded by command of His Excellency to the Privy Council, which means within the Cabinet. The Privy Council refers it to the Minister at the head of the department to which it relates, who causes to be prepared a reply in the form of a report to the Privy Council thus:

> The undersigned to whom was referred a despatch from the Secretary of State for the Colonies dated . . . on the subject of . . . has the honour to report that . . ."

That report, when it reaches the Privy Council, is turned into a Minute, preserving the sense, and even the phraseology unchanged. It has, as it were, merely been given a head and tail, thus:

> The Committee of the Privy Council have had under consideration a despatch from the Secretary of State for the Colonies dated the . . . The Minute of . . ., to whom the said despatch was referred, reports that (here follows the Minister's report verbatim).
>
> The Committee concur in the foregoing observation of the Minister of . . . and advise that a copy of this Minute, if approved, be transmitted to the Secretary of State for the Colonies for the information of His Majesty's Government.

This Minute, when approved by the Governor General, is forwarded to England. If it is an important despatch, the policy of the Government in regard to the principle involved is, no doubt, discussed and agreed to in Council, but the terms of the report are almost invariably left to the Department to which the despatch was originally referred. Under this mode of dealing with official correspondence there is no uniformity of system or continuity of plan.

The preparation of despatches is a technical acquirement, attained only after special study of the questions involved, and by assiduous practice in drafting. It may happen; it must sometimes happen; that the official to whom these Imperial despatches are referred (for it cannot be expected that a busy Minister has time to attend personally - as they often do - to such matters[x] calling for much study, and a large acquaintance with intricate details) while fully competent to deal with the merits of the question in its present aspect, is not familiar with the past history of the controversy or skilled in the framing of State papers. There are moreover certain questions which relate partly to one department and partly to another, so that it may not be easy to tell at first sight to whom a new despatch should be referred. The earlier communication may have

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x Printed report corrected thus in handwriting by Pope in his own copy (now in Public Archives).

related to one department, and a later despatch on the same subject to another. Neither department having any knowledge of what has been referred to the other, the consequence is that both departments quoad this particular subject, are working more or less in the dark.

In the early years of Confederation, when these questions were few, the inconvenience of which I speak was not so greatly felt, as the Prime Minister of the day kept them pretty much in his own hands; but with the growth and development of the Dominion this is no longer possible.

The practical result of the system in vogue is that there does not exist to-day in any department a complete record of any of the correspondence to which I have alluded. It has been so scattered and passed through so many hands that there is no approach to continuity in any of the departmental files. Such knowledge concerning them as is available, is, for the most part, lodged in the memories of a few officials. I fear too that in Downing Street, Canadian despatches are noted for diversity rather than for elegance of style. As the Dominion grows this state of things must always be getting worse. If some reform is not soon effected it will be too late. Even now, I am of opinion that it would be an extremely difficult task to construct from our official files anything approaching to a complete record of any of the international questions in which Canada has been concerned during the past fifty years. To give one illustration: thirty-five years ago the question of ownership of the Island of San Juan, long at issue between Great Britain and the United States, was decided by the Emperor of Germany in favour of the latter. That surely is a matter of important historical concern to the Dominion, yet I should be at a loss to know today to what department of the government to turn for any information as to this arbitration. Indeed, I am quite confident that it does not exist in any of them.

My suggestion is that all despatches relating to external affairs should be referred by the Privy Council to one department, whose staff should contain men trained in the study of these questions, and in the conduct of diplomatic correspondence. These officials should be in close touch with the other departments, from which they could draw all necessary information, the raw material, as it were, of their work; but the

digesting of this information and its presentation in diplomatic form should rest with them, through, of course, the same channels as at present; for in this suggestion there is no thought of change in that regard. Every effort should be made to collect from the beginning all papers bearing on the questions I have indicated from the Office of the Governor General, the Privy Council Office, the various departments and the Foreign and Colonial Offices. I wish most earnestly to impress upon all concerned that if this work is not soon systematically begun it will be too late. The few men throughout the service conversant with these questions are growing old, and must soon disappear. So far as I know, they will have no successors. Much of the early history of these subjects, so far as Canadian records are concerned, will thus be lost.

I recommend that a small staff of young men, well educated and carefully selected, be attached to the department whose creation I have advocated, and that they be specially trained in the knowledge and treatment of these subjects. In this way we shall acquire an organized method of dealing with international questions which at present we wholly lack.

I have spoken of the creation of another department, but I see no reason why this work should not be done under the supervision of the Secretary of State, whose present department might be divided into two sections, one for Canadian and one for external affairs.

All of which is respectfully submitted.

Sgd. Joseph Pope

Ottawa, May 25, 1907.

In the subsequently published report of the Royal Commission, the following paragraph appears:

Your Commissioners desire to call attention to the memorial submitted by the Under-Secretary of State in connection with the records relating to the external affairs of the Dominion, and submit that the time has come when regulations regarding such records should be promulgated.(1)

To this Mr. Pope minuted in his own handwriting the severe comment:

(1) Civil Service Commission, 1908. 7-8 Edward VII. Sessional Paper No. 29A. A-1908. p.768 seq.

> Could anything serve to show more clearly than this brief comment how absolutely the Commissioners failed to grasp the point of my memorandum?

Oddly enough, the Royal Commission's Report, printed in 1908, was issued through the Department of the Secretary of State, of which Mr. Pope was Under-Secretary. The Report went out under the imprimature of Joseph Pope's own name, though signed of course by the Commissioners.

6. EARL GREY

But while Mr. Sanford Evans was vaguely proposing, while the Australian Government was experimenting, while Mr. J.S. Ewart was suggesting, and while Joseph Pope was expressing his tentative desire to the Royal Commission on the Civil Service, Earl Grey, the zealous Governor General, was also busying himself in 1908 in discussing with his Ottawa Ministers, and with the Colonial Secretary and British Ambassador, a proposal for setting up a specialized Department of External Affairs to assist the Prime Minister in his international and imperial business. It is to this real enterprise, so ardently promoted by the Governor General, that we must turn here, before following the practical steps taken by Joseph Pope.

Earl Grey was Governor General from 1904 until 1911. He was an eager-beaver in all administrative as well as political matters concerning Canada.

He was deeply concerned over the inefficiency of Mr. Brodeur's Department and the unsatisfactory character of his Deputy Minister of Marine and Fisheries, He was disturbed over the bottle-neck of the Privy Council and the procrastinating tendencies of the Prime Minister. He busied himself over trade promotion in Japan, the appointment of a more suitable Trade Commissioner to Japan, the creation of a Canadian bakery in Japan to foster the sale of Canadian flour; the rumoured appointment, which he protested, of a Trade Commissioner to Washington; the creation of a separate Dominions Department in the Colonial Office in London, and the establishment of a Department of External Affairs in Ottawa. These were all administrative matters, but Grey liked to have a finger in every pie.

Whoever originally started the idea, other than Mr. Pope in his memorandum to the Civil Service Commission of 1907, Grey seems to have been a very active promoter of it throughout 1908, and to have discussed it personally with Sir Wilfrid Laurier and other Ministers such as Mr. Fielding. Once Grey had seized any bone, he hung on to it vigorously, and wrote innumerable letters and had innumerable private discussions on his latest pet subject. In a private letter which Grey wrote to Lord Crewe, the Colonial Secretary on June 26, 1908, he inserted a postscript: "P.S. I have been punching Sir Wilfrid Laurier for a long time on the subject of a separate Department of External Affairs. He agrees but

procrastinates. He has however promised to take up the matter after the next election." (1.) Again, in a private letter dated July 2nd, he said: "I also hope after the election to get Sir Wilfrid Laurier to establish his Department of External Affairs. The want of such a Department is a national disadvantage and might easily become the source of national danger."(2.)

But after receiving some rather critical or cautionary views on the subject from the Rt. Hon. James Bryce, the British Ambassador in Washington, to whom he evidently had enthusiastically confided his ideas, Grey seems to have checked himself on second thoughts, and lowered his target slightly. There are several indications, in other instances, of Grey veering in his views after listening to the well-argued representations of his friends like Laurier, Bryce and Lord Crewe.

On July 4, 1908, Grey wrote in another of his almost daily Private and Personal letters to Lord Crewe:

> Bryce, I see, has started for this country, and I shall be able to have some talk with him on the various matters outstanding between you and the United States. He has written me rather keenly about the establishment of a Canadian Foreign Department. This seems to me to be a matter requiring no little consideration before it is decided upon. I daresay, as I think I told you before, that the existing arrangements are somewhat haphazard, and may lead to dilatory action, but I should rather dread the establishment of a regular Foreign Department

(1) Grey of Howith Collection. Vol.15. Folder 29. (Doc.004048).
(2) Ibid. Doc. 004056

with a Minister all to itself, which might be likely to undertake, or at any rate to attempt, independent action in matters upon which we here, and the Foreign Office in particular, ought to have a preliminary word. On the other hand, if it were a question of fitting out the Prime Minister with a small Foreign Bureau containing one or two experienced permanent officials who would give their whole time to these questions and to nothing else, and who would be able to put pressure upon the Prime Minister to deal with such matters when they were urgent, instead of postponing them to other matters of domestic interest, I think that nothing but good could result. Perhaps you will think this over and let me know your opinion. Bryce, of course, placed where he is, is naturally disposed to consider the discussion of these international questions the most important work that your Government has to do, but we must not lose sight of the possible danger which I have indicated. (1)

On July 14th he again wrote:

With reference to the Canadian Foreign Department, I am glad to be able to assure you that no proposal, so far as I am aware, has been made, beyond one suggesting that the Prime Minister should have attached to his office a small Department of External Affairs, containing one or two experienced permanent officials, who will give their whole time to External Affairs and nothing else, and who will keep him properly posted. This is a reform which is admitted by everyone who has had occasion to appreciate the deficiencies and dangers of our present system, to be urgently needed. Sir Wilfrid Laurier agrees that it is needed and so do all the members of his Cabinet. Mr. Fielding has assured me that he will make no objection to finding the money for the additional salaries required. I am disappointed that Sir Wilfrid Laurier has not already acted on his convictions. When I have approached him he has replied that that is a matter which must be postponed until after the next General Election. (2)

Crewe replied in a handwritten private letter dated July 24th:

What you say of the proposed Foreign Department is quite satisfactory, but why it should be postponed till after the Election, to which it can bear no conceivable relation, is not obvious. (3)

(1) Grey of Howith. Vol.15. Folder 29. (Doc.004061).
(2) Ibid.(Doc.004071).
(3) Ibid.(Doc.004074).

Grey continued to support the proposal, but explained in his reply to Crewe on August 17th that Laurier, "Old Tomorrow," was procrastinating, as was his wont, with excuses that the session was already too long, that he did not want to initiate a further debate, and that it was hard to get things through the House of Commons.

> The handling by the Government of all these outstanding questions between Canada and the United States is not creditable to it. The necessity of a Department of External Affairs, limited in the way described in my former letters, has been abundantly shown and is admitted by Sir Wilfrid Laurier. He excuses himself for not having passed an Act creating this Department last session by pointing out the intolerable length of the session and the difficulty of getting anything through the House of Commons. He assures me that he will take up this question when Parliament reassembles. I do not believe the Opposition would have opposed a Bill for this purpose, but the introduction of such a Bill might have provided an opportunity for a damaging debate, and the question was accordingly procrastinated in accordance with "Old Tomorrow's" almost invariable rule.(1)

It will be noted that, following the tentative notions of Sanford Evans, and J.S. Ewart, and the Australian practice, and Pope's original thoughts, Earl Grey limited his scheme to that of an appendage to the Prime Minister, as he was also to suggest in 1910 placing this proposed Dominions Office in London under the Prime Minister. He was averse to creating a new Department or Ministry of External Affairs as a separate portfolio.

Evidently in his discussions with Laurier and other Cabinet Ministers on the subject, and in

(1) Grey of Howith Correspondence. Vo.15. Folder 29. (Doc. 004079-82).

his correspondence with Lord Crewe, and letters and personal conversations with Mr. Bryce, he was busy preparing fertile ground which Mr. Pope could plough. Pope must have been in touch with all these discussions of 1908, for he first began drafting his notes that year, though the matter did not crystallize until 1909.

7. U.S. DEPARTMENT OF STATE.

Apparently only as an afterthought, suggested perhaps by references made in the course of the debate on March 4, 1909, in the House of Commons, Mr. Murphy hastily pencilled a handwritten note to Pope on March 5th. "It occurs to me that you might wire Washington and get by return mail (to arrive Monday) a pamphlet or other material, giving full details of State Department as at present constituted." Pope at once remembered an old publication he had seen, and promptly sent a telegram to Lowdermilk and Company, F. Street, Washington, D.C.:

> 'Ten years ago I purchased from you a booklet entitled 'The Department of State of the United States, how it was formed, what are its duties, and how it is run'. I desire to get a later edition of this book if there is one, or any other publication giving similar information. Kindly send me two copies of anything of this nature by first mail.

On the same date, March 4th, Pope telegraphed, and on the 5th wrote, to Mr. Otis T. Cartwright, of the Department of State, Washington:

> Dear Mr. Cartwright:
> I telegraphed you last night as follows:
> 'Will you kindly let me know, at my expense, how many employees there are both permanent and temporary in the State Department in Washington.'
>
> What I desire to get is information giving full details of the organization and constitution

of the State Department. There was a pamphlet issued about ten years ago entitled "The Deparment of State of the United States; how it was formed, what are its duties, and how it is run; but I presume there must be a later edition of this book. If so would you kindly send me a couple of copies, or any other publication affording the desired information. By so doing and as soon as possible, you will greatly oblige,

Yours very truly
(Sgd) J. Pope.

Mr. Cartwright replied by telegram on March 5th:

Reference your telegram of yesterday's date received today. In addition to chief clerk there are one hundred eighty-two employees of all grades. Of this number thirty-seven are messengers and labour grades. No temporary employees but provision is made for emergency service. Will mail copy of appropriation bill.

Mr. Cartwright then wrote, on March 5th:

I sent you today a telegram in answer to the inquiry in your telegram dated March 4th. Apparently your telegram reached here yesterday, the fourth, at noon, but as it was the day of inauguration of President Taft, I was not at the Department, and consequently could not make answer to it until today.

I said in the telegram that I would send you a copy of the appropriation bill for this year but I find on inquiry that the Printing Office has not yet sent to the Department the copies of the bill in final form and will not do so until Monday next. I will, however, send you under separate cover a copy of last year's appropriation bill, marking the additions to the force made in the present year's bill. By this bill, you will be enabled to see just exactly what the various positions and grades are in our Department at the present time.

I hope this will be satisfactory. If there is anything else that you think of now or at any time which I am able to do for you here, please let me know.

Mr. Cartwright again wrote, on March 9th:

I received your letter of the 5th instant and have endeavoured to find some later publication giving in detail the organization of the

Department of State. I have made enquiry of the Chief Clerk and of Mr. Hunt who was the author of the book of 1893, but it appears that no detailed work on the Department, other than a much smaller work printed in 1898, has been compiled since the 1893 edition. However, I think that, with the books I enclose in duplicate and the information conveyed by the copy of the appropriation bill, which I recently sent you, you will be able to understand quite well the organization of the Department.

Of course, there have been a number of changes in the organization since the date of that issue but they have not materially affected the general formation of the Department. One instance of a change may be cited, and that is in the law department of the Department of State. Whereas in 1898, we had only a Solicitor as law officer, we now have not only a Solicitor but two Assistant Solicitors. Similarly, there have been some changes in other branches of the Department, and while the books which I have sent you (under separate cover)* do not show the Department exactly as it now exists, I should be more than pleased upon any inquiry from you respecting any particular branch of the Department, to write you fully respecting it, so do not hesitate to write me in regard to any point you may think of.(1)

Mr. Pope also was in touch with Mr. M. J. Griffin, Library of Parliament in Ottawa, and received from him a memorandum on the subject (which is not on the file) which he acknowledged on March 12th. On March 11th he wrote:

My dear Griffin:

I have been making enquiries on behalf of the Secretary of State for documents relating to the organization and economy of the United States Department of State. Among others I wrote to Lowdermilk, who has sent me some books -

---

* The pamphlets received (and on file 1-EA-57) were the following:

<u>The Department of State of the United States; Its History and Functions</u>. (Washington, 1893).
<u>The Department of State of the United States, How it was formed, what are its functions, and how it is run</u>. (Washington 1898).
<u>Appropriation Bill</u>, 1909-10. (2 copies).

(1.) All above correspondence is on file 1-EA-1957.

~~Index 1-EA-1957~~.

more than I require. If you have not got them in the Library, would you take the accompanying books off my hands at what he bills me for, $1.50 each.

Yours very truly,
(Sgd) J. Pope.(2)

Although this informational material concerning the organization of the State Department in Washington seems to have reached Pope and Mr. Murphy almost too late for use as any guidance in their own plans, it was useful as a general background and was doubtless duly studied and digested. A year later, Joseph Pope was to make a personal visit to England to gather similar information regarding the organization and structure of the British Colonial and Foreign Offices. In both instances he already had a general knowledge, but he wished to deepen it.

(2) File 1-EA-1957.

9.

DRAFTING OF 1909 BILL

Drafting of 1909 Bill

Following Pope's representations to the Royal Commission on the Civil Service in 1907, the suggestion of a special Department of External Affairs, as has been indicated, occupied the minds of the Governor General, Sir Wilfrid Laurier, and Mr. Pope in 1908, and all three were in close discussions on the project. Apparently Pope set to work on the practical outline as early as January, 1908; for on a docket-cover of a file on the Department of External Affairs, among the Pope papers, he wrote in his own hand:

J. Pope's Rough Draft of Bill

1st Attempt,
14 January, 1908

Copy
sent to Sir W. Laurier
6 Feby. 09

Keep this very carefully to show
Sir W.L. next session
J. Pope
9 June, 1909. (1)

However, apart from that reference, the matter does not seem to have begun to take form until February, 1909, when there begin to appear some notes and correspondence on the subject.

II

The first document of which there is record is a very rough draft - what Pope annotated as "1st Attempt". Two identical copies are on Pope's file, but there was probably a third copy of this first draft

(1) J. Pope's Papers. SO. Vol. 94. File 357. (P. Archives).

which was submitted to Sir Wilfrid Laurier, and amended either by Laurier or by A.B. Aylesworth.

Pope wrote to the Prime Minister on February 6, 1909:

> In accordance with your request I send you a draft of the proposed Act establishing a Department of External Affairs. It is only a first attempt and is no doubt susceptible of improvement, but it may serve as a basis for a discussion on the subject.

Evidently the "discussion" of it followed immediately, and the "improvements" were written in by Pope's hand on his own copy, while doubtless Laurier made the same emendations on his copy before showing it to Mr. Aylesworth for a more careful revision.

Of the two copies of this typewritten "first draft" in Pope's file, one is marked in ink with the correction (shown in red in the text reproduced below). On this document Pope wrote across the corner "Draft". In red ink he wrote across the top: "My draft as typewritten - The changes were made by the Govt. J. Pope". Along the margin he also wrote: "This as typewritten is my original draft as I wanted it." (1) The original typewritten draft is as follows. The changes made on it are shown in red:

My draft as typewritten. The changes were made by the Govt. J. Pope.

An Act respecting the Department of External Affairs

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:

1. There shall be a department of the ~~Public Service of the~~ Government of Canada, which shall be called the Department of External Affairs,

(1) Pope Papers. S.O. Vol.94. File 375. Public Archives.

over which the Secretary of State ~~member of the King's Privy Council for Canada, recognized as the First Minister~~ for the time being, shall preside, ~~with the title of Secretary of State for External Affairs.~~

2. The Governor in Council may appoint an officer, ~~by Commission under the Great Seal,~~ who shall be styled the Under-Secretary of State for External Affairs, and who shall be Deputy Head of the Department; and may also appoint such other officers, agents, clerks and servants, as are requisite for the due administration of the business of the department, all of whom shall hold office during pleasure.

3. The Secretary of State for ~~External Affairs shall~~ be charged with the direction of all matters relating to the external affairs of the Dominion, including the conduct and management, in so far as appertains to the Government of Canada, of such international and intercolonial negotiations as are now pending, and others which may, from time to time, arise. All communications from the Secretary of State for the Colonies, or from any other authority within the Empire, or from His Majesty's Ambassador to the United States, or other member of his Majesty's diplomatic or consular service abroad, ~~touching~~ touching matters other than those of ~~internal~~ internal domestic concern, shall be referred to the ~~Secretary of State for~~ Department of External Affairs, ~~and be dealt with by him.~~ and there be dealt with.

4. The administration of all matters relating to the foreign Consular Service in Canada ~~and also those connected with the grant of passports, now dealt with by the present department of the Secretary of State of Canada,~~ shall be transferred to the Department of External Affairs as well as any other matters which the Governor in Council may hereafter ~~declare should more conveniently be~~ assign to that Department.

5. Section 2 of Chapter 76 of the Revised Statutes of Canada 1906 is hereby amended by providing that the member of the King's Privy Council now known as the Secretary of State of Canada, shall in future be designated as the Secretary of State for Canada, and also that the officer heretofore known as the Under-Secretary of State of Canada, be styled the Under-Secretary of State of Canada.

Apart from the substitution or deletion of certain words, the two major alterations of substance to Pope's original draft were (a) the elimination of a reference to passport issuance in section 4, and (b) the substitution of "Secretary of State" for "First Minister" as head of the proposed new department.

In a later memorandum to Mr. Borden dated December 30, 1911, Pope said:

> The original Act was drafted with the intention that this Department should be presided over by the Prime Minister. For some reason of which I am ignorant, this was changed at the last minute by the substitution of Secretary of State for External Affairs.

Dr. Keenleyside suggests that the amendment to the original draft was made by the Cabinet; Pope noted, "by the Govt." The emendation made in Pope's typewritten copy of the first draft suggests that it was made "at the last minute" at the behest of Sir Wilfrid Laurier, with or without consultation with his colleagues. Pope did not question how the substitution was made; but he professes to be ignorant of why it was made. He had supposed - as had Lord Grey - that the new Department was to come under the direction of the Prime Minister.

III

While this first draft with its interlined emendations had apparently been sent to be further revised in the Department of Justice, Pope continued throughout the month of February to cogitate over it. On February 22nd he wanted to revise clauses 3 and 4. On February 22nd, also, he commented on the Department of Justice's concern about "extradition" (which was not mentioned in his original draft). On February 26th he proposed that a final clause be added assigning a date when the new Department would come into being.

On February 22nd, 1909, Pope wrote a "Memorandum for the Hon. Mr. Murphy",abbreviating section 3 and commenting on extradition in the Bill.

> With reference to the objections raised against the External Affairs bill in its present form, I submit for Mr. Murphy's consideration, whether it might not be well to amend clauses 3 and 4 to read as follows:
>
> > The Secretary of State shall be charged with the direction of matters relating to the External Affairs of the Dominion, including the conduct and management of all international and intercolonial negotiations now pending and those which may from time to time arise, as well as such other matters as the Governor in Council may hereafter assign and transfer to his control.
>
> The Department of Justice seems to be unnecessarily alarmed about extradition matters, which it would appear from the enclosed card, are not administered in England by the Foreign Office, but by the Home Office. My idea is that the new department would be concerned, (in conjunction with the department of Justice) with any fresh treaties relating to extradition, but not with the ordinary administration of the existing law, save as a channel of communication. (1)

Again on February 26, 1909, Pope wrote to Mr. Murphy in his own hand:

> Might I suggest the expediency of a final clause in the External Affairs Bill providing that it shall come into force on a date to be determined by the Government in Council?
>
> That will give time to make the necessary arrts for the organization of the new Dept. Otherwise, there might be much confusion more particularly in view of the fact that we have no office rooms.

It would appear that at this stage, or at some later stage, Laurier, as was his usual practice, took the Governor General into his confidence and showed him the draft Bill. As we have seen, Earl Grey had for the past year been the chief proponent of the new Department; and had been "punching" Sir Wilfrid Laurier into introducing the legislation. Now that the matter was again under consideration, following a successful election, it was natural that Earl Grey should once

(1) Pope Papers, S.C. Vol. 94. File 375.

more be in the picture. In one of his letters to Lord Crewe, the Colonial Secretary, dated May 3, 1909, he said "I called the attention of Sir Wilfrid as soon as it was drafted to the fact that the word 'conduct' in clause 3 did not correctly interpret the speeches made in the Debate on the introduction of the Bill."

IV

Meanwhile, on February 12th Pope made his first draft of a proposed Minute of Council or Order in Council implementing the draft Bill, (but this rough effort was scrapped); and on February 19th he prepared, on request, a draft speech for Mr. Murphy to use in Parliament. These documents are referred to later.

The emended "first draft" of the Bill, apparently seen by Lord Grey and Sir Wilfrid Laurier, was passed on to A.B. Aylesworth, Minister of Justice, for redrafting or final revision.

When it next appeared, with two additional sections, clause 5 and clause 6 (clause 5 referring to a Departmental annual report, and clause 6 referring to the date of coming into force) it was set up in print as "Bill 90 - An Act for the Creation of a Department of External Affairs", to be introduced "by Mr. Charles Murphy for first reading in the House of Commons on March 4th".

Copies of this final printed Bill, for some

unknown reason, did not reach Pope until after March 4th and after it had been debated. At once Pope noticed the changes and the flaws, and began to inscribe his proposed amendments. But by then it was too late.

On March 10, after the debate on the first reading of Bill 90 had occurred, Pope wrote privately to Mr. Walker (who was then a senior officer in the Governor General's Office):

> Would you look over the enclosed bill and favour me with any suggestions you may have to make. I may say that it has been changed a good deal since my first draft. In my judgment there are several points open to criticism:-
>
> 1. I do not like the expression:- "shall have the conduct of all official communications between the Government of Canada and the Government of any other country." That would rather imply that the Government of Canada can conduct direct negotiations. It is quite evident from the Prime Minister's speech and that of Mr. Murphy, that they do not mean this. It is just a bit of clumsy drafting. Can you think of any qualifying phrase that might be inserted, such for example as, after the word 'communications' "through the usual channel", or something of that sort?
>
> 2. It does not seem to me that this is a department which should lay a report before Parliament annually. No such injunction is in the act constituting the Department of Justice or of Finance, and I think it is out of place here.
>
> 3. I don't see why a proclamation is necessary to bring it into force. Have you not seen in statutes a provision that an act shall come into force on a day to be fixed or determined - not necessarily by Proclamation - by the Governor in Council?

Walker replied on March 12th by handwritten letter as follows:

I am afraid I am too uncertain of the scope of the Bill to create the new Department and of the intentions of the Government in introducing it to discuss it very satisfactorily.

Certainly to my mind the language of clause 3 seems to contemplate something beyond what your memo. to the C.S. Commission and Sir Wilfrid's explanation in the House gave reason to expect.

I cannot bring myself to interpret the phrase - "conduct of communications" even if qualified as you suggest, to mean anything else than an actual carrying on of correspondence by the Secretary of State.

Personally I am not prepared to criticize the policy involved in such an interpretation. It might be supported on grounds of constitutional theory as well as of convenience; and possibly might be sanctioned by H.M. Government.

But assuming that this is not the Government's policy it seems to me that the language of the Bill might be brought more into harmony with what I believe is your own view, and the view which I understood Sir Wilfrid to advance in his explanation, by substituting "direction" or "superintendence" for "conduct". I can quite see that neither substitution is altogether satisfactory, for, in view of the procedure now followed, according to which His Excy actually makes the communications, both are open to the objection of implying an inversion of the relative positions of Governor and Minister and a control exercised over the former by the latter.

Do you not think it would be preferable to refrain from quite so precise a definition of the Minister's functions, and to use general terms which would cover such procedure as future necessity or inconvenience might show to be expedient?

If such a course were decided on I would offer as a very crude suggestion - in fact rather as an illustration of my general idea - the omission of the words from "conduct" to "Canada", replacing them by such words as the following: "supervision of all matters involving the external relations of Canada and of the correspondence relating thereto". Such supervision would of course be subject to the control of the Cabinet; and I think that the fact of the Statute having for its object merely the allocation of functions of the Canⁿ Govt would be sufficient to limit the

"matters" to such as are within the purview of that Government and to answer any objections on the ground of encroachment on the jurisdiction of the Imperial Govern^{t}.

If the language of the section is retained it might be worth considering whether the phrase "Government of any other country" would include Colonial Gov^{ts}; though perhaps the following clause as to the conduct and management of "intercolonial negotiations" could be held to meet the requirements in connection with communications with the Colonies.

I should think the presentation to Parliament of such correspondence as it was thought expedient to make public would be preferable as a method of keeping that body informed as to the activities of the Department, to the submission of an annual report.

While I don't think a Proclamation is essential I must say that I cannot recall any case of a statute having been left to be brought into operation by the Governor General in any other method.

It occurs to me further to question the admissibility of section 4 in regard to matters relating to the foreign consular service. The special mention of such matters seems to me to give them greater prominence than their importance warrants and might give rise to criticism from the Imperial authorities. I speak on the matter with great diffidence but I think it doubtful if foreign consuls come into any official relation with the Gov^{t} of Canada except when under the authority of certain Treaties they demand the extradition of a fugitive offender, or perhaps when under express instructions from their Gov^{t} make some communication on a specific matter. Other communications to the Government in connection with the ordinary duties with which they are entrusted by their Governments while no doubt carrying prestige as coming from duly appointed agents of such Gov^{ts} recognized by the King, would not be entitled to more consideration than would be accorded to the communications of a private person.

The matter of their recognition I regard as a purely Imperial concern. Where it is granted by His Exc^{y} he acts, I conceive, not as the Head of the Can^{n} Gov^{t} but as the agent of the King specially authorized to exercise an Imperial attribute.

> The representations of the Canadian Ministers as to local objections are no doubt invited and duly weighed; but the recognition is the King's on the advice of his Imperial Ministers.
>
> You will think perhaps that I am uttering trite knowledge but the point I wish to make is that it seems to me to give these matters too great importance to devote a special section to them, when some such general clause as I have suggested for section 4 would amply cover them.
>
> I think it better to send you these hastily considered remarks without further delay asking you to overlook all shortcomings as they have been prepared among distractions of current office work. (1)

Walker's letter brought out the controversial point of the interpretation of the words "conduct of correspondence" which, as we shall note later, formed the substance of misgiving and discussion both in Parliament and with the Governor General and Colonial Office.

Both Mr. Pope and Mr. Walker were concerned also over the emphasis placed on the supervision of the foreign consular service, and omission of reference to passport business. Both of them, also, objected to the principle of requiring the new Department to lay before Parliament an annual report. Neither of these objections, however, was pressed, nor were they effective; and they even remained in the 1912 Act.

VII

Two identical prints of Bill 90 are on Pope's file: one, annotated in his hand; the other marked by him "Bill as introduced and passed".

(1) Pope Papers. S.O. Vol.94. File 375 (Pub. Archives)

The annotations on the first print were made in Pope's hand, as follows: "When this printed Bill appeared I saw it differed materially from my original draft. The amendments in ink are those I thought of suggesting in mitigation of the changes the Bill has undergone but I never had a chance to press them, as the Bill was read a third time as originally introduced. J. Pope". On the docket cover he wrote: "Bill with certain suggested changes of mine which were never pressed."

The changes in red ink made by Pope on the printed Bill 90 were as indicated in red:

3. The Secretary of State, as head of the department, shall have the ~~conduct of all official communications between the Government of Canada and the Government of any other country in connection with the external affairs of Canada~~ supervision of all matters relating to the External Affairs of the Dominion

bearing on the External Relations of Canada

, and shall be charged with such other duties as may, from time to time, be assigned to the department by order of the Governor in Council ~~in relation to such external affairs, or to the conduct and management of international or inter-colonial negotiations so far as they may appertain to the Government of Canada;~~ ?

~~4. The administration of all matters relating to the foreign consular service in Canada shall be transferred to the Department of External Affairs;~~ ?

I struck this out because as they struck out "Passports", I thought it to have undue prominence to "Consuls".

Together with these emendations on the print of Bill 90, Pope produced a memorandum of his objections, dated March 22nd.

Memorandum
For the Secretary of State on the Subject of the wording of Bill No. 90. An Act to create a Department of External Affairs.

Section 3. Appears to me open to criticism, inasmuch as it apparently requires the Secretary of State to carry on all official communications between the Canadian Government and the Government of any other country. This is clearly contrary to the views expressed by the Secretary of State in his speech, as also by the Prime Minister, both stating that it was not proposed to disturb the existing mode of carrying on our external correspondence, which is through the Governor General and the Colonial Office, I would suggest the following as being more in harmony with the intentions of the Government:-

The Secretary of State shall be charged with all matters relating to External Affairs of the Dominion, subject to such regulations as the Governor-in-Council may from time to time prescribe.

Section 4. I think section 4 is open to the objection that it lays too much stress on our relations with the foreign Consular Service, which are almost nil. Besides the wording of my suggestion as regards section 3, would render section 4 unnecessary. It seems to me that some such generalization as I have indicated is preferable to any attempt to define too closely.

Section 5. I do not think it advisable that the new department should be required to lay a report of its transactions before Parliament every session. Its affairs must be largely confidential, and should not form the subject for a report, as in the case of an ordinary department. The idea of a report is primarily to show how the money voted by Parliament is expended, and those departments which are not spending departments do not as a rule make any report. For example, the Department of Justice is not asked to make a report, nor the Department

> of Finance. Neither does the Privy Council Office ever report, as it would be manifestly improper that it should. In like manner I think the Department of External Affairs, as a department in many respects highly confidential, should not be required to lay a report of its proceedings before Parliament.
> (Sgd) J. Pope

It is not clear whether this memorandum was submitted to the Secretary of State, Mr. Murphy, as intended. Both the signed original and a copy remain in Pope's file; on the original he writes on the back: "Memo: External Affairs Bill. The bill passed the House of Commons on the 16th April while I was not in Ottawa. J. Pope".

It must have been galling to Pope not to have seen the final Aylesworth revised draft which was immediately printed as a Bill, before it was introduced by Murphy into the House of Commons and was debated in its first reading; and not to have had an opportunity of submitting his own new annotations and comments and amendments.

VIII

It may be noted in passing that the submission of the Bill on March 4th was not altogether an innovation. Its general principles had been under discussion for a year or more. Pope had introduced his notions to the Royal Commission in 1907. Sir Wilfrid Laurier knew of the problem. Throughout 1908 Earl Grey had been discussing, corresponding and promoting the measure. Mr. Fielding had considered the financial aspects, and Mr. Aylesworth had considered the legal and administrative

aspect. In the debate on March 4th, Sir Wilfrid Laurier said: "We have given the matter a good deal of consideration"; and in the same debate, Mr. Aylesworth said: " Of the necessity of some step of this nature, I am entirely satisfied. The necessity has been impressing itself on my mind for more than two years past."

In the Senate debate, in April, Senator Ferguson referred to, and later read into the record, the submissions which Pope had made to the Royal Commission on the Civil Service two years earlier, in 1907.

IX

Draft Order-in-Council

Anticipating events, Pope had also considered the necessity of an Order-in-Council implementing the proposed Act. On February 12th he tried his hand at drafting such an Order-in-Council; but the very perusal of it shows how inadequate and ill-phrased it was. It was an effort to restate his brief to the Royal Commission; but it was a weak and clumsy document, and apparently was scrapped and left on Pope's file.

This draft, of what Pope described on it as a "proposed O.C.", was as follows:

> The Committee of the Privy Council have had under consideration the present mode of dealing with public questions touching the relations of Canada with foreign countries, as well as those whose scope and bearing though within the Empire, extend beyond the bounds of the Dominion.
>
> Hitherto, despatches relating to such subjects, referred to the Privy Council by Your Excellency's command, have been in turn referred

to the Minister presiding over the department specially charged with the subject to which the particular despatch had reference, and reported on by him. It not infrequently happens, however, that official correspondence of this nature though in the beginning simple in character, in its progress comes to embrace subjects falling within the purview of another department than the one to which the earlier despatch was referred; or, it may be, the later correspondence may relate partly to one department and partly to another, thus necessitating reference to a second department, which, having no knowledge of the earlier reference or how it has been answered, will be more or less in the dark in its treatment of the particular question it is requested to deal with.

It will be observed that under this system there is no unity of treatment or continuity of plan.

The Committee are of opinion that the time has arrived when these large and important questions should be dealt with in a manner more commensurate with their great and growing importance.

It would, they are persuaded, be an unmixed advantage in the consideration and treatment of matters affecting the external relations of the Dominion, if the conduct of these affairs were in the hands of a single Minister, to whom Your Excellency might at all times refer for information in regard to the position or progress of any negotiation.

The Committee therefore advise that the Secretary of State shall be charged with the direction of all matters relating to the external affairs of the Dominion, including the conduct and management so far as appertains to the Government of Canada, of such international and intercolonial negotiations as are now pending and others which may from time to time arise. They propose that all communications from the Secretary of State for the Colonies or from any other authority within the Empire, or from His Majesty's Ambassador to the United States, or other member of His Majesty's diplomatic or consular service abroad, touching matters other than those of internal concern shall be referred to the Secretary of State whose department shall be divided into two sections, one for Canadian and one for External Affairs. (1)

(1) Pope Papers. S.O. Vol.94. File 375.

However, as already indicated, this clumsy draft Order-in-Council was scrapped.

X

Draft Speech

A week later, as the Bill was taking shape and was nearly ready for introduction in Parliament, Pope - probably at the request of Mr. Murphy - drafted a speech on February 19th for Mr. Murphy to use in moving the Bill. Some of this speech shows signs of being based on the brief to the Royal Commission, as well as on the poorly drafted Order-in-Council. In any case, the draft speech was a very great improvement; and we find that, except for the first and last two or three paragraphs, it was used almost verbatim by Mr. Murphy in moving the first reading of the Bill in the House of Commons on March 4th.

Pope's draft of the speech is given below. The portions marked in red were almost exactly quoted by Mr. Murphy in his introductory speech. Pope wrote across it a "Brief for a speech on introduction of External Affairs Bill". It was as follows:

> This Bill involves no far-reaching constitutional change. It aims merely at an improvement in the administration of that class of public affairs having relation to matters other than those of purely internal concern. These naturally fall into three principal divisions:
>
> 1. Questions of Imperial interest.
>
> 2. Questions which from time to time form the subject of difference and negotiation with foreign powers.
>
> 3. Questions whose scope and bearing, though within the Empire, extend beyond the bounds of the Dominion while not assuming an Imperial character.

As an example of the first class, I may mention those subjects which form the basis of the periodical Colonial Conferences.

Illustrations of the second class will readily occur to anyone, in the form of the various matters of controversy with the United States - the Behring Sea, the Atlantic Fisheries, the international boundaries, and so forth, while for an example of the third class, our present difference of opinion with Newfoundland over the boundary in Labrador suggests itself.

As the House is aware, the Government of Canada holds all its official communications extending beyond the bounds of the Dominion, whether with the Secretary of State for the Colonies, the various sister colonies, or with His Majesty's Ambassadors to foreign countries, through His Excellency the Governor General, and I may say here there is no thought in this measure effecting any change in that regard. Despatches bearing on the various public questions I have indicated come through the Governor General and are referred by His Excellency to the Privy Council, and by the Council in turn referred to the Department supposed to be especially concerned with the matter of the communication. The Minister at the head of that department reports in due course on these despatches to the Governor-General-in-Council and that report, if agreed to in Council and approved by His Excellency, is transmitted as the answer of his Government. This plan looks simple, and in the early days of the Dominion may have worked satisfactorily. Those days however are past, and with the development of the country and the increase in number and complexity of its international questions, it is felt that the present system is inadequate to the requirements of the time. Those members of the House who are members of the Privy Council, know that official communications do not always lend themselves to the simple treatment I have outlined. That sometimes it is not easy to tell at first sight to what department a particular despatch should be referred; that sometimes a despatch may relate partly to one department and partly to another or to several; that certain despatches of a series may be referred to a particular department, and by accident, inadvertence, or what not, others of the same series may find their way to another department, which it may be having no knowledge of the earlier portions of the correspondence, will be more or less in the dark.

The Government feel it would be a great

advantage if all such communications were referred to a common centre where they could be dealt with on a regular system, where a small staff of officials would be trained up in the study of these questions, and where at all times it would be possible to ascertain not merely the present position, but also the history of any question from the beginning. At present we have no such office. The Secretary of State is the Secretary of State of Canada. He is the channel of communication between the Dominion and Provincial Governments and performs a variety of functions all of which, however, save the issue of passports, and one or two minor matters, are of domestic concern.

It is proposed that through this department we ask the authority of Parliament to erect, he will control and regulate the whole method of dealing with external correspondence of the Government on a uniform plan.

The Government consider that the time has arrived for the inauguration of such a system, which it is believed will largely facilitate the conduct of its external relations, and which in addition to its present utility cannot fail to prove in the highest degree serviceable to future advisers of the Crown, who on assuming office, perhaps for the first time, will realize the advantage of having at hand the means of readily familiarizing themselves with the important questions with which they may be called upon to deal. (1)

(1) Pope Papers. S.O. Vol. 94. File 375.

It may be noted that when this Act came up for revision in 1946, Mr. Fulton pointed out the clumsiness of the drafting of the original Act, although it had stood intact for thirty-four years. The Act said, in Section 2, "there shall be a department of the government of Canada to be called the Department of External Affairs, over which the Secretary of State for External Affairs shall preside". Mr. Fulton said: "It is a matter of statutory form, if you wish. I am merely pointing out that the clause says, 'over which the Secretary of State shall preside', but still we have no provision for the appointment of a Secretary of State for External Affairs. It is normal to provide that the minister shall be appointed under the great seal, and shall hold office, and so on, and I merely point out that this is an exception." (1) This criticism was well-founded, but the fault seems to have been overlooked in the drafting of both the 1909 and 1912 Acts. There was no clause providing for the "appointment" of a minister to hold office as, and to be known as, the Secretary of State for External Affairs.

(1) H. of C. Debates. April 2, 1946. p.493.

10.

DEBATE ON 1909 BILL

The Bill, (No.90) as finally submitted (and passed as an Act, Ch.13), read as follows:

Her Majesty, by and with the advice and consent of the Senate and House of Commons, enact as follows:-

Department created — 1. There shall be a department of the Government of Canada to be called the Department of External Affairs, over which the Secretary of State for the time being shall preside.

Deputy Head — 2. The Governor in Council may appoint an officer who shall be called the Under-Secretary of State for External Affairs, and who shall be the deputy head of the department, and may also appoint such other officers and clerks as are requisite for the due administration of the business of the department, all of whom shall hold office during pleasure.

Powers and duties of department — 3. The Secretary of State, as head of the Department, shall have the conduct of all official communications between the Government of Canada and the Government of any other country in connection with the external affairs of Canada, and shall be charged with such other duties as may, from time to time, be assigned to the department by order of the Governor in Council in relation to such external affairs, or to the conduct and management of international or intercolonial negotiations so far as they may appertain to the Government of Canada.

Foreign Consular Service — 4. The administration of all matters relating to the foreign consular service in Canada shall be transferred to the Department of External Affairs.

Annual Report to Parliament — 5. The Secretary of State shall annually lay before Parliament, within ten days after the meeting thereof, a report of the proceedings, transactions and affairs of the department during the year then next preceding.

Commencement of Act — 6. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. (1).

Discussion in Parliament

On the 4th March, 1909, Charles Murphy, Secretary of State, moved that the House of Commons

(1) 8-9 Edward VII. Chap.13.

go into committee to consider the following proposal:

> Resolved that it is expedient that there should be a department of the civil service of Canada to be called the Department of External Affairs, over which the Secretary of State of Canada shall preside, and that the Governor in Council may appoint an officer to be the deputy head of such department at a salary of $5,000 per annum, and such other officers and clerks as may be requisite for the due administration of such department at such salaries as, under the Civil Service Amendment Act, 1908, are appropriate to the divisions and subdivisions of the service to which such officers and clerks may be assigned.*

The procedure followed in the past was more meticulously described by Charles Murphy, Sir Wilfrid Laurier, Mr. Foster, and Mr. Aylesworth in the Commons debate on March 4, 1909. Mr. Murphy, in introducing the Bill, commented in almost the same language used in Pope's memorandum of 1907 to the Royal Commission.(1) Sir Wilfrid Laurier did likewise.(2) He then went on in greater detail, as to the proposed new procedure:

> Suppose that a despatch relating to some foreign affairs comes to the Privy Council - suppose that it relates to this very fisheries question of which I spoke a moment ago - the Atlantic fisheries. That despatch will go to the Department of External Affairs. I would like to have a history of every question made and kept up from day to day, so that the minister in charge might, in a moment, understand what the question is and be prepared to advise the Governor General as to the policy that ought to be followed. If it is necessary to get information from the Department of Marine and Fisheries, it will go to that department. The Department of External Affairs will thus get all the technical details upon which to base a conclusion. It will also prepare a memorandum or draft of despatch,

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* H. of C. Debates, March 4, 1909, p.1978.

(1) Ibid. p.1979.

(2) Ibid. p.1981.

> or answer, to be laid before Council, on which a policy can be adopted. The Secretary of State, the head of that department will bring it before council, and by council the matter will be dealt with. This is the only reasonable way in which we can deal with these matters. At present, these questions are carried to different departments, there is no department in which we can collect a history of the several questions, and no officers trained to give us the advice we need in order to deal with these questions. When I was in England some years ago, I took pains to learn how these things were dealt with there. I found that in the Colonial Office and in the Foreign Office there are officers especially trained to keep all the information needed to deal with the questions as they arise, keeping up the history of each question from day to day, so that in a moment, the ministers may know where they are. I may be asked: Why not have this done by the Secretary of State's department? Why have another department? I have simply to answer that, in such experience of the government as I have had leads me to believe that we have attained such development as a nation that in order to deal with these matters, we must have a department for the purpose. (1)

Mr. G.E. Foster recapitulated the proposed procedure with some picturesque and sceptical irony, submitting that the new Department would be in the nature of a fifth wheel, adding to instead of circumventing the circuitous routing and handling of despatches, and adding more expense. It would provide an unnecessary complication with resulting delay and inconvenience.(2) He declared that a Department of External Affairs would be more likely than the Privy Council to make mistakes in distribution of despatches and that confidential correspondence would pass through too many hands. "The mistake, if there be one, (in deciding the distribution) is the mistake of one man, the judgment being of that one man; in the other case, the judgment being

(1) Ibid. p.1979.

(2) Ibid. p.1984.

that of the Privy Council, the mistake would be more rare in occurrence." Sir Wilfrid Laurier had said that "all the despatches are sent by the Governor General to the Privy Council; the clerk of the Privy Council places them before the council, and by the council they are assigned to the department to which they relate. But this is done sometimes in a hurry, and therefore it appears that despatches may go to the wrong department. For, my hon. friend will understand, Ministers sitting at the council board have not the time to look into these matters themselves, and must depend on their officers." (1) Mr. Foster doubted this. He retorted: "It is not a difficult matter surely for the ministers around the table in the Privy Council almost immediately to decide whether such and such a despatch affects the Department of Marine and Fisheries, or affects the Department of Agriculture, or affects any other department. It shows on its face the subject matter, and the moment subject matter is shown, it goes by consequence to the minister in charge of the department in which those matters are carried on. It may take a little time, it may call for a little discernment, but I do not think the difficulties in that respect are at all large."

Mr. T.S. Sproule covered much the same ground of objection as Mr. Foster, criticizing the multiplication of government departments and the expense, and the substitution or interposition of a coordinating

(1) Ibid. p. 1982.

Secretary of State for the minister most familiar with his own department's problems.

Mr. Aylesworth, the Minister of Justice, contributed his views that despatches which were ostensibly matters for a particular department often involved legal problems as well, which had to be referred to the Department of Justice. He quoted one or two examples. In one, he said: "When endeavouring to take up the matter and get acquainted with the details, so as to be in a position to advise upon it and deal with it, I found what I might without impropriety call an enormous file of correspondence and documents of one kind and another with reference to it already accumulated in the Department of Justice . . . In the course of consultation, I ascertained that there was a file of at least equal size in the Department of Marine and Fisheries on this subject, and some remark led to the discovery that in the Department of State there was a third portentous file, which in the course of the months had grown up about this affair. . . The result was that in that matter, which after all was simply a good-sized law-suit, there was no fewer than three files in three departments each of which had to some extent been engaged with it. It struck me that this was not business-like and that it ought to be changed." In another case he mentioned, a quick decision had to be reached on a matter which the Minister of Marine and Fisheries would have had experience. "It was mid-summer; the only ministers here were the Minister of Trade and Commerce and myself on the day that necessity

for action took place . . . In this case the only thing to be done was to get all the knowledge possible by personal application to different clerks in different departments and to go, as I did, from department to department trying to find out things . . .Now if there had been a department of external affairs with a permanent secretary and staff acquainted with all business of a nature such as I have in mind, the difficulty which then was of most serious character would have been to a very large extent obviated . . . Under the circumstances I became strongly impressed with the necessity of some such step as is now proposed . . ."(1) "There ought to be some one man at least," he continued, "who would have all the strings in his hands, would know what had passed before and would see to it that what was going out from this government was not inconsistent with what had gone before but was in continuation of the general line of policy which, in regard to dealing with any particular matter that may have come up, had already been adopted by the government."

In view of his later change of view and appreciation of the Department of External Affairs of which he, while Prime Minister, became head, it is interesting to note Mr. Robert Borden's criticism of the proposal. He thought that the aim was valid, but that the extra machinery was redundant. "I do not find any fault with the object which is aimed at by this

(1) Ibid. pp. 1994, 1996.

legislation, I am not disposed to quarrel with that. The right hon. gentleman said that the object of the creation of this new department was three-fold: First, the allotment of despatches; secondly, the creation of a history of each subject to which reference can be made from time to time; and thirdly, the preparation of a draft despatch in reply to any communication from abroad. These were the three objects, and I regard then as very necessary and desirable objects. But I have yet to see that it is necessary to create a new department for that purpose . . . If, in the Commonwealth of Australia, where they have only eight departments, and where the Minister of External Affairs is the Prime Minister of the Commonwealth, they can get along without a Secretary of State, it does seem to me a piece of unnecessary machinery in this country to have, not only a Department of Secretary of State, but a new Department of External Affairs as well. . . . What you want is not more machinery, but better organization. . .. The creation of something that you will call a Department of External Affairs will amount to nothing. It is the organization which you must create for the purpose of coping with this work that will count in the end. I am absolutely unconvinced by anything in the argument put forward by the Prime Minister and by the Secretary of State that the mere creation of this department is going to advance you one single step." (1)

(1) Ibid. p. 2002

Some of the opposition to the creation of another new Department may be attributed to the criticism of the creation, at almost the same time, of a separate portfolio of Labour. From 1900 till 1909 the Department of Labour, with W.L.Mackenzie King as its Deputy Minister, had been presided over successively by Sir William Mulock, A.B. Aylesworth and R. Lemieux, Postmaster General. In May, 1909, Sir Wilfrid Laurier had arranged the passage through Parliament of legislation creating a separate Department of Labour under the charge of a separate and single Minister. Mr. Mackenzie King was recommended as the first such Minister, and having resigned his Civil Service Office of Deputy Minister, was appointed Minister of Labour on June 2, 1909. In the Commons there was considerable hostile criticism by the Opposition who objected to the proliferation of departments and ministerships, who felt that Mr. King, then aged ~~28~~ 35, was too young to become a Privy Councillor and member of the Cabinet, and asserted that the Minister's salary was too big for so soft a job.

At the simultaneous suggestion of a new Department of External Affairs, with the possibility of another separate Ministership, some members took fright and had to be reassured that no new Ministerial appointment was then contemplated, no new costs would be involved except for a deputy minister's salary and that of three or four clerks, and that the Department would be, "for the time being" under the Ministership of the Secretary of State of Canada.

In this debate Mr. J.A. Currie said:

> I wish to say to the Prime Minister that it would help us a great deal in arriving at a decision on this matter if we had statistics of the number of these despatches received daily, or monthly, and the necessity for the department.

Laurier replied:

> That is a very fair question. I have not the statistics today~~-day~~, but I will have them at the next stage of this Bill; I shall be happy to bring down all the statistics the hon. gentleman has mentioned.

Apparently, however, these statistics were not produced in Parliament. ¤

During the debates, a few objections or misgivings were expressed. These included the dislike of creating not only a new department or sub-department, but a new portfolio under a separate Minister; it was felt that the Cabinet was already unwieldy in numbers. There was the misgiving over additional costs for a new Department and staff. There was the fear that Canada was entering into a new field of independent foreign affairs, and setting up a "foreign office", or that its constitutional dependence on the Imperial Government and Colonial Office might be undermined. The aspect of training specialists in international affairs - one of Pope's objectives - was discussed. The risks of breaches of security and secrecy of confidential documents was emphasized, and some discussion occurred over the meaning of "conduct of correspondence."

Sir Robert Borden, in his Memoirs, summarizes

¤ A note found in Departmental file 1 EA/57, however, gives the following data:

Despatches Received by the Governor General, 1908.

From Colonial Office	1,252
From His Majesty's Representatives abroad ..	251
From Governors of Colonies	36
From His Majesty's and Foreign Consuls	57
	1,596

this debate in the following brief note:

> Laurier
> Sir Wilfrid explained that the purpose was three-fold: (a) to allot and distribute despatches; (b) to prepare and keep up from day to day a history of each question to which reference could be made; and (c) to prepare for submission to the Minister or to Council a memorandum or reply to any communication from abroad. An interesting discussion ensued; following Sir Wilfrid, I agreed that these objects were both desirable and necessary but I was at a loss to understand the necessity of a new department in order to achieve them. In the United States there were only nine departments, one of them being the Department of the Secretary of State which dealt with all foreign relations, and I emphasized the fact that the foreign relations of Canada were very limited in comparison to those of that country. I suggested that the present Administration needed better organization rather than more machinery. The new department should be under the direction of the Prime Minister as was the case in Australia. Matters of a confidential character, some of which possibly could not be disclosed to the Cabinet as a whole, should come in the first instance to the Prime Minister. (1)

Secrecy

One of the obvious objections to an additional department was that of the wider distribution than seemed desirable of secret and confidential despatches. This indeed had been in the mind of the Colonial Office authorities as regards the general question of "consultation" or foreign policy information to the overseas territories.

A new Department might necessitate a further enlargement of the groups in the government service who might be called on to see what were supposed to be very secret British despatches. In the debate on the 1909 measure, Sir Robert Borden, the Opposition Leader,

(1) Robert Laird Borden, His Memoirs. ii. p.245.

referred to "all the matters of a confidential character alluded to this afternoon, some of which possibly could not be disclosed even to the Cabinet as a whole." (1)

Mr. Haggart protested that "Every confidential report will go to that department." To which Sir Wilfrid replied:

> It will be in the discretion of the Governor in Council to say whether any confidential report shall go to the department or not; some may go there and some may not. But the honourable gentleman knows very well that there must be some department to which even confidential despatches must be assigned. (2)

Later he added:

> The fact that there will be some confidential despatches which the Prime Minister may have to keep to himself does not weigh very much with me; in fact, in the course of my experience during the last twelve years, there never came to me a despatch which I thought I could not take to Council. On the contrary; upon every occasion that any matter of this kind occurred, I have always thought it preferable to take the whole cabinet into the confidence of the Prime Minister and of His Excellency the Governor General . . .
>
> I do not believe there is anything which should be kept from council, although there might be some things that it would possibly be advisable to keep within the Prime Minister and the Governor General and perhaps one or two of the colleagues of the Prime Minister for the time being. But this matter will not be changed when there is a Department of External Affairs. (3)

The assumption apparently was either that Department officials, as trusted civil servants, were, like Privy Council Clerks, privileged persons permitted to see, when necessary, the most secret documents; or that officials of a Ministerial department were a part of

(1) H. of C. Debates. 1909. p.2002.

(2) H. of C. Debates. Mar.4, 1909. p.1999.

(3) Ibid. pp. 2003-4.

the Minister himself, his eyes and ears, his appendages, no less than were his own personal confidential secretary or typist, and were therefore trusted and privileged. Where, as subsequently, the Prime Minister, holder of the highest confidential material, became Secretary of State for External Affairs as well, the Department formed a part of his particular confidential staff, no less than the staff of the Privy Council; and thus closely shared in his documentary work, however confidential. But it stands to reason that confidential documents coming before the Privy Council have to be handled by other trusty persons outside the Councillors; the Privy Council clerks who file and register and minute them; and the Departments who have to deal with them. Dawson makes the pecularly blunt statement that "Civil Servants, it may be noted, are more to be trusted with confidential material than Ministers," illustrating this challenging remark by adding, "It is not without significance that the Minister of Finance does not disclose his budget proposals to the Cabinet until a few hours before their announcement to Parliament although a number of civil servants have had the information for weeks." (1) Similarly, with confidential documents dealing with diplomatic matters, the majority of them have to be dealt with by the civil service staff of various departments.

When the proposal for creating the new department was under debate, one or two members objected

(1) ~~Ibid. p.220. Note.~~ R. MacGregor Dawson. The Government of Canada. p.220. Note.

that this would widen the area in which such confidential documents would circulate, and might allow greater opportunities for leakages or breaches of confidence. Laurier, defending the proposal of the new department, expressed rather unusually candid explanations on this point.

The question of secrecy falls into three parts: secrecy of despatches and letters to the Governor General, not shown to even the Prime Minister; secrecy of despatches shared by the Governor General and the Prime Minister, but not shown to the Cabinet; and the secrecy of documents known to the Cabinet but not to be made known outside.

If there be any surprise that despatches from the Colonial Office to the Governor General might, at his discretion, be withheld from the Prime Minister or Cabinet, or privately shown to the Prime Minister without release to the other members of the Cabinet or Privy Council, one may find the roots of this in pre-Confederation history, some relics of which lingered in the later conduct of government in Canada. Professor W.M. Whitelaw, (1), with documented examples, has pointed out that: "Whether the Executive Council has the right to inspect despatches received by the Governor or to supervise those which he sent constituted a frequent ground for dispute. Governors with unanimity resisted the claims of their executive in both these regards, and the Colonial Office gave them an ample support. All admitted that, unless there were special reasons

(1) W.M. Whitelaw: "Responsible Government and the Irresponsible Governors": Canadian Historical Review. Dec. 1932. pp.382-3.

to the contrary, the Executive Council should receive all possible information and be consulted wherever possible. But its right to regard gubernatorial despatches as unprivileged was stoutly and continuously resisted. The same applied to the Governor's right to show to his executive any communications which he might receive from private individuals. The Governor's correspondence, public as well as private, was always to be regarded as his own to be used at his own discretion except in so far as the Colonial Office itself might set limits thereto. . . . The matter was also raised in Prince Edward Island. The Colonial Office was careful to mark out not only the path of right but also of expediency. Confidentially it advised the Governor as follows:

> 1. Public Despatches may, as a general rule, be communicated to the Executive Council and (if the Executive Council think proper) to the Assembly.
>
> 2. Confidential Despatches are not to be communicated unless by the Secretary of State's permission, and that permission may be given, according to the circumstances, either for communication to the Executive Council only, or to the Assembly as well.
>
> 3. But the Governor has in the last resort a discretion, even as to communicating public despatches. This reservation is necessary because circumstances, unknown to the Secretary of State, may render in the Governor's judgment such communications undesirable.

In communication with Head at an earlier period, the Colonial Secretary had been explicit in denying the right of the Executive Council to demand to see either the despatches "out" or the despatches "home":-

> The communications to them (the Executive Council) of the Lieutenant Governor's or the Secretary of State's own Despatches . . . cannot be claimed as a matter of right by the Executive Council, and must be determined on, in each case, according to the Lieutenant Governor's own view of what is expedient, although publicity is always rather to be sought than avoided as a general rule."

The privacy and confidential treatment of a large category of communications to and from the Governor General lasted for a long period thereafter, even throughout the Laurier period and perhaps later.

By extension, the Governor General often allowed confidential despatches, both outward and incoming, to be seen in confidence by the Prime Minister; and according to either specific instructions, or his views of expediency, he would decide whether they were to be revealed to his Cabinet colleagues, or to certain of them in whom he had particular trust. Sir Wilfrid Laurier denied that he ever withheld from the Cabinet any despatches shown to him by the Governor General; but the amount of private correspondence that daily went on between Earl Grey and Sir Wilfrid Laurier, in submitting various official communications, would indicate that many of these personal letters and commentaries, and sometimes communications relayed from persons like Ambassador Bryce, through the Governor General, were kept for his private information only, and were not passed on to the Cabinet.

Apparently a distinction is drawn between Cabinet secrecy of discussion and secrecy of Cabinet documents. "The <u>deliberations</u> of the Cabinet," says Prof. Dawson, "are held in strictest secrecy. All

members are Privy Councillors and as such are bound~~x~~ under oath to 'keep close and secret all such matters as shall be treated, debated and resolved on in Privy Council, without publishing or disclosing the same, or any part thereof, by Word, Writing or any otherwise to any Person out of the same Council, but to such only as be of the Council.' The consequences of this secrecy are far-reaching. Relying on this protection, Cabinet members are free to voice their opinions without reserve on all subjects which come up for discussion; the motives which have influenced the Cabinet in coming to its decision will not be disclosed; the dissentients can support the corporate policy without being themselves singled out for special attack or having their motives impugned; and the Cabinet drives no inconsiderable strategic advantage in being able to reveal hitherto undisclosed proposals at the most opportune moment. . . Secrecy has usually been well preserved; on the whole, lapses have been rare." (1)

But the question arising in the debate was the danger of allowing information privately shared with and known to the Cabinet to leak out to outside sources, either Parliament, or certain departments. Cabinet secrecy was, of course, axiomatic. It dates back over 500 years. According to Lord Hankey, "in 1426 special rules were passed for securing secrecy, none being 'suffered to abide in the Council whiles matters of the said Council be treated therein, save

(1) MacG. Dawson: The Government of Canada. pp.219-220.

only those that be sworn into the said Council, but if they be specially called thereto by authority of the said Council.'" (1)

Somewhat of a reversed situation occurred during the war, when the Prime Minister received secret despatches which he had to ask London's permission to show to the Governor General. During the First War, Prime Ministers were talking to Prime Ministers in London meetings, and corresponding direct with one another. In 1916 Bonar Law sent Borden some confidential documents which he said were for him alone and Borden cabled for permission to show them to the Governor General, the Duke of Devonshire, before destroying them. This was granted and after December, 1916, the Imperial Government decided to send a weekly letter on the progress of events for the Governor General and Prime Minister only. (2)

Fear of breach of secret correspondence from London was commented on by Crewe in 1910, though Canada was more or less exonerated. In the last secret personal letter to Earl Grey, Governor General, which Lord Crewe wrote, on October 29, 1910, before he left the Colonial Office for the India Office, he said:

> I have often thought over the possibility of giving more information overseas on Foreign Affairs. The cardinal difficulty which applies far less to your domains than to all the others, is that the obligation of secrecy is not maintained. It would be awkward, too, to receive protests, founded on necessarily incomplete knowledge, and to be obliged to override them; but this last objection has to be set in the balance against the advantage of common consultation and action. (3)

(1) Dicey: The Privy Council. p.44; cit. in Lord Hankey: Diplomacy by Conference p.42.

(2) R.L. Borden. Memoirs. ii. pp.624-5.

(3) Grey of Howith Correspondence. Vol.16. File 45. (Doc. 004376).

The misgivings raised in the Debate by the opponents of the new Department were, however, allayed by the assurances of Laurier and other proponents, and did not impair the Bill's final passage.

Specialized Training

One of the complaints of Pope was that there were so few men in the Government central organization who had the required education and experience to deal intelligently with external matters of any intricacy, and it was his hope to build up, in the proposed new Department, a small corps of trained men. At one stage it was suggested that prospective Canadian external affairs specialists should be sent to London and be attached to the Colonial Office or Foreign Office for a period of training, and would then return to Canadian service. But this practice was not adopted. [x] One or two persons in the new Department were however, because of their training and experience, coopted from the Governor General's Office.

Many questions of procedure, however, had to be referred by Canadian officials, through the Governor General, to the more experienced "home" authorities in London for advice and guidance, because of lack of experience and training in the Canadian departments concerned.

(1) Mr. Lloyd Harris, a Canadian, had been serving with the British War Mission in Washington until, through his efforts, a Canadian War Mission was set up under his chairmanship. Although some Englishmen were later taken into External Affairs, they were not trained in the British diplomatic service. The British service incidentally recruited a number of Canadians into the Foreign Office, the diplomatic service, or the Colonial service. In recent years, Canadian officers of the Department of External Affairs have been sent to British Foreign Office special language schools for training.

A suggestion has later been made that the reason why Canada did not develop a diplomatic representation abroad, under the Department, until 1927, was the lack of trained men. But there is no evidence that there was any intention or desire, in Pope's period, to develop such an outside service. If there had been, men could probably have been found and trained, as the Trade Commissioners were.

In the result, Pope's aim at building up a corps of trained men or international experts, within the Department, was not realized in his lifetime. There continued to be only two senior officials, Mr. Pope and Mr. Walker, and ultimately a third, Mr. Christie.

This question of trained men, too, received some passing notice in the Debate; but mainly by the critics of the Bill, some of whom thought that Mr. William MacKenzie, in the Privy Council, was a sufficient "expert" in the matters under discussion, others of whom felt that staff might be sufficiently trained in the existing Secretary of State's Office without necessitating a separate branch. (Many years later, when the question of appointing a Parliamentary Under-Secretary for External Affairs was being discussed, one of the arguments in favour was that it would offer training to selected Members of Parliament in the intricacies of foreign affairs, and prepare them for possible ministerial posts, as was frequent in England.)

Altogether, the Debate in the House of Commons was slight. The criticism was not severe either in tone or content, and not more than eight members took part in the Debate which lasted only a little over two hours.

During this Debate, it may be noted, discussion

was concentrated on the administrative problems, and on the proposed new "machinery" for remedying them. Barely a reference was made to the wider issue involved, that of the conduct of foreign policy as such. Little reference was made to the use of the new Department in assisting the Government in formulating policy or dealing with serious outstanding international problems such as the Alaska boundary, international waterways, fisheries, or commercial questions. * The woods were apparently obscured by the trees. The new Department was discussed as an instrument, but its practical use in operations was barely mentioned.

Senate Debate

The Bill was introduced in the Senate by the Government Leader Sir Richard Cartwright on April 21st; it had its second reading on April 27th; was discussed in Committee on the 29th; had its third reading and was agreed to on April 30th. On May 19th it received Royal Assent.

In the Debate in the Senate, Sir Mackenzie Bowell objected to the Bill on the grounds of expense and of duplication of services. Similar views were expressed by Senator Ferguson, while Senator Lougheed declared that this Bill merely presaged the ultimate establishment of a full department involving the appointment of an additional Minister. To this he objected. Here, also, however, the criticism was neither prolonged nor severe. Senator Lougheed was frank enough to state "I may tell my hon. friend that I am not losing any sleep over this Bill". (1)

(1) Senate Debates. 1909. p.400.

* Sir Wilfrid Laurier and others did mention the Atlantic fisheries question, but only in relation to the proper collection of data from the departments concerned in order to "be prepared to advise the Governor General as to the policy that ought to be followed."

Senator Dandurand, in supporting the Bill in the Senate, likewise emphasized this difficulty over correspondence, pointing out that "the present deputy head, I would think from my own experience, had his hands full with the work that was already thrown on that /Secretary of State's/ department. The late Secretary of State /Senator Hon. Richard William Scott/, if he were in his place, could describe the heavy work which falls upon the deputy minister through having to supervise the granting of letters patent, which he must examine closely." He went on to say, in respect to interdepartmental circulation of correspondence, "There is a number of subjects that cannot be easily classified by the representatives of those foreign nations, and I know that very often I have been approached by some of them to know to whom they should address themselves, and in most cases, when not exactly au fait, they have addressed themselves to the Prime Minister. I think this country is growing fast enough, and is getting to have outside communications of such volume and importance that it is absolutely necessary there should be a branch of the Department of State organized with a special name, which will herald to the world who is the official with whom the outsider should correspond; and that the representative of the government in this work should be clothed with the power of a deputy head, it seems to me desirable." (1)

(1) Senate Debates, April 29. 1909. p. 400

Summary

Thus the enactment of legislation for the creation of a new Department of External Affairs appears to have gone through smoothly and with relatively little controversy or debate. The Governor General's misgivings were allayed, on assurancesthat his own powers and responsibilities in external matters would not be affected or diminished. The Prime Minister, Sir Wilfrid Laurier, justified the Bill, and so did Mr. Borden on the Opposition side. Mr. Murphy, the Secretary of State of Canada, to all outward appearances, justified the Bill which he introduced,* since it left him still Minister of both his own and the small new department; if it truncated the Office of the Secretary of State, both in functions and in certain personnel, it was merely a hiving-off of a section of his Office into a second Office over both of which he continued to preside. It was, in fact, merely an administrative redistribution of duties, a division of work into two sections, "home" affairs and "external "affairs , permitting greater specialization and eliminating a certain amount of diffusion.

Assent

Having passed both the House of Commons and the Senate, and the appropriate recommendation having been made by the Privy Council to the Governor General, it remained only

(*) It was, however, somewhat peculiar that Mr. Murphy, after formally moving the Bill, took no further part in defending it during the debate, leaving that task to the Prime Minister, Sir Wilfrid Laurier, and the Minister of Justice, Mr. A. Aylesworth, both of whom justified it at considerable length.

to obtain the usual Royal Assent of the Governor General, Earl Grey.

On the prorogation of Parliament on May 19th, the Bill No.90,(records the Hansard minutes) was submitted for assent."At 3.30 o'clock P.M., His Excellency the Governor General proceeded in state to the Senate Chamber, in the Parliament Buildings, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to by His Excellency the Governor General, viz:-

> An Act to create a Department of External Affairs. . . .

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:

> In His Majesty's name, His Excellency the Governor General doth assent to these Bills.

After which His Excellency the Governor General was pleased to close the First Session of the Eleventh Parliament of the Dominion with the following speech:

> . . . I am pleased to notice that your attention has been engaged in some measures of great importance. . . .
>
> The Act charging the Secretary of State with special responsibility in regard to the External Affairs of Canada will facilitate the transaction of business in connection with that most important branch of the public service. ..."(1)

Having performed this official act of granting Royal Assent, subject to subsequent approval by His Majesty the King, the Governor General left on a quick

(1) H. of C. Debates, May 19. 1929.

trip to England, before he could sign the Proclamation. He was in Montreal about June 1st, and sailed on the "Empress of Ireland" a few days later, writing Sir Wilfrid Laurier a long personal political letter from the ship. From London he cabled Laurier greetings on July 1st. He was back in Ottawa about July 16th, but about July 29th he left on a long tour to the Yukon and through the Far West; spent a fortnight camping in the Rockies near Windermere, and put in residence at Government House in Winnipeg, before returning to Ottawa on October 22nd. By that time the Department of External Affairs, which had his special interest, had become established, unfortunately in the Trafalgar Building. (1)

(1) See Chapter on "Premises." 15

[redacted]

11.

"CONDUCT" OF EXTERNAL AFFAIRS

CORRESPONDENCE

"Conduct" of External Affairs

chap. 9, page 9

In the letter to Mr. W. H. Walker (already quoted) written on March 10th, 1909, (while the Commons were debating this measure), and in a memorandum prepared for the Secretary of State on March 25th, 1909, Pope had pointed out that the phraseology of the Bill where it stated that the head of the new Department should "have the conduct of all official communications between the government of Canada and the government of any other country", might be open to misinterpretation. If this meant what it said it was "clearly contrary to the views expressed by the Secretary of State in his speech, and also by the Prime Minister, both stating that it was not proposed to disturb the existing mode of carrying on external correspondence, which is through the Governor-General and the Colonial Office." This wording would seem to indicate that the government of Canada would conduct direct negotiations. Pope's criticism was not acted upon, but very shortly, the Governor General himself proposed that the words "care of all correspondence" be substituted for "conduct of all correspondence". In reply the Government pointed out that this change would "make the Department a mere filing office".

Evidently as soon as the final draft of the Bill was revised by Mr. Aylesworth it had been shown by the Prime Minister to the Governor General who, as we have seen, was keenly interested in the new Department and had since a year before been pressing for legislation establishing it. On reading the draft he had immediately noticed and objected

to the wording and suggested its amendment; but nothing was done and the Bill passed through both Houses with the original and unwelcome phrasing. Grey claimed that Laurier had promised to have it changed before passage, but apparently "forgot". He still hoped that the amendment might be made before the final reading in the Senate, and in that expectation wrote to the Colonial Secretary, Lord Crewe, on May 3:

> I enclose a copy of the bill creating a Department of External Affairs. I called the attention of Sir Wilfrid as soon as it was drafted to the fact that the word 'conduct' in clause 3 did not correctly interpret the speeches made by himself and Mr. Aylesworth in the Debate on the introduction of the Bill; that to give the Secretary of State the 'conduct' of official communication between the Government of Canada and other governments, would be regarded as an improper attempt to shelve the Governor General; that I was aware this was not his intention, and that the substitution of the word 'care' for the word 'conduct' was all that was required. He unreservedly agreed with all I said, and undertook that the word 'care' should be substituted. Although he made a note at my request in his pocket book, he must have forgotten to give any instructions in the matter, with the result that the Bill has passed the Commons and the second reading of the Senate in its unamended form. I saw the Secretary of State, Sir Wilfrid Laurier and the Minister of Justice this morning and pointed out to them the importance of amending the Bill in this direction in Committee of the Senate. They all three promised that it should be done, so I hope that matter is all right. If Sir Wilfrid Laurier had allowed the Bill to be passed in its original form I should have had to request him to bring in an amending act, in order to avoid men of the Ewart stamp from pointing to Article II and deducing from it conclusions that the Governor General was a superfluous and unnecessary official.(1)

---

(1) Grey of Howick Correspondence Vol. 15. Folder 36. (Doc. 004201-3)

~~Conduct~~

A few days later the Bill in its unamended form passed the Senate, and this caused Earl Grey some perturbation, and led him to request the Prime Minister to hasten an Amending Act to make the desired correction. In his letter to Sir Wilfrid Laurier dated May 6th, he wrote:

> You will I know have been sorry to learn that the Act creating a Department of External Affairs had already passed the Senate when we talked together on the subject of its language. I understand from Mr.Aylesworth that there will be no difficulty in pressing an Amending Act which will remedy the oversight in allowing the word 'conduct' to stand.
>
> I enclose a copy of a letter written to Lord Crewe last Monday, under the belief that the Bill was to reach the Committee stage in the Senate that afternoon.
>
> This letter was a Private unofficial one - otherwise I would not have used the word 'improper' to which I am aware exception could be taken.
>
> In view of the illustration given by Mr. Ewart of an animus against any connection between Canada and H. M. Government or even the Crown, my request that steps should be taken to substitute care for conduct, will, I feel sure, appear to you to be necessary.(1)

To this letter, Laurier replied on the same day:

> I write you a word in haste about the Bill creating the department of External Affairs.
>
> After our conversations of the other day I went to Sir Richard Cartwright to have the change made, but he informed me that the Bill had been passed in the Senate and sent to the Commons.
>
> It is hardly possible to re-open the matter. We can amend the Bill next session. To this I have no objection whatever.

---

(1) Laurier Papers
Gov. Gen.1909 (Letter 206092-4)

I understand that there is an impression somewhere that there is a sinister motive somewhere behind the word "conduct" and that it would be removed by substituting the word "care". I protest against any such intention being in existence anywhere.

Nothing will suffer until November, and our action in bringing an amendment will certainly emphasize that we have no such thought of interfering with the well settled principle that the Governor General has the conduct of foreign and imperial relations.(1)

(Handwritten)

The next day, Laurier wrote a further letter to Earl Grey:

I have your letter about this unfortunate word "conduct". It so happens that I wrote you yesterday on the same subject.

It would be very awkward to introduce a Bill this session to amend this Bill, though it can be easily done next session, with better grace and more effect.

If you will remember what I said in the Commons that it was not intended by the Bill to give to the Secretary of State, the initiative and control in external affairs, and that in this respect nothing would be changed as to the power of the Governor General.

With this declaration it is not possible for Mr. Ewart or for anyone to draw the inferences which you dread. I would also call your attention to the fact that neither in the House nor in the Senate, was the Bill as drafted found fault with.

I submit these observations with all due respect, awaiting the pleasure of your Excellency.(2)

(Handwritten)

---

(1) Grey of Howick Collection. Laurier Vol. 4 Doc. 001184

(2) Ibid. Doc. 001188

Grey acknowledged both of Laurier's notes, on May 7:

> Your two letters saying you cannot amend the Bill creating an External Affairs Department this session are a great disappointment to me. Until an Amending Act is passed I feel that I shall occupy a more or less false position. As you are aware, I gave Lord Crewe an assurance from you that owing to an oversight has not been made good.
>
> I am sorry you do not think it possible to amend the oversight before I give the Royal assent to the Act creating the External Affairs Department. This would of course be much more satisfactory, but if it cannot be done I must be content with your assurances, which are as complete and definite as can be desired, that the Amending Act will be passed next session.(1)

Somewhat later in the year, on November 29, 1909, Mr. Charles Murphy wrote to Mr. Pope:

> Upon referring to my files, I find that my recollection of the draft Bill creating the Department of External Affairs, and of the conversations and understanding arrived at with reference to His Excellency's views is correct. As I stated to you this morning, when you first mentioned the matter to me, I do not see any necessity for amending the Act. When it was proposed by His Excellency, last session to insert the words 'care of all correspondence' instead of 'conduct of all correspondence', it was pointed out that this change would make the department a mere filing office, and on the assurance of Sir Wilfrid, Mr. Aylesworth and myself given both to His Excellency and to the House that the procedure with reference to the Governor General's Office was not to be interfered with, the section was allowed to stand as Mr. Aylesworth drafted it.(2)

---

(1) Ibid. Letter 206095

(2) Departmental file.

During the following year, 1910, the question of amendment, promised by Sir Wilfrid Laurier, was revived, and near the end of that session, and also near the end of Earl Grey's incumbency of the office of Governor General, Mr. Murphy sent a letter dated April 22, to the Prime Minister reminding him of the controversy and urging that "sleeping dogs lie":

> Referring to your mention at Council today that His Excellency had again requested that the Act relating to the Department of External Affairs be amended, permit me to say that the objections urged by Mr. Aylesworth and myself last year to the proposed amendment apply with much greater force now.
>
> As I recollect the proposed amendment, it was to the effect that the word "conduct" in line 2 of section 3 of the Act should be eliminated and the word "care" substituted, so that the section would read that the Secretary of State as head of the Department would have the care of all official communications etc., instead of the conduct of all official communications as the case stands at present.
>
> As Mr. Pope very properly pointed out last year, the proposed amendment would make the Department a mere filing office, and would destroy the reasons given to the House and to the country for the creation of the Department in the first instance.
>
> Another objection to the proposed amendment is that the Governor General does not allege that in the actual carrying out of the work of the Department since its creation there has been any interference of any kind with the work of his office. On the contrary the pledges given to the House by yourself, by Mr. Aylesworth, and by the writer have all been adhered to, namely, that the Act was not intended to interfere in any way with the work or prerogatives of the Governor General's office. Hence it follows that as in actual practice there has been no interference with the Governor General's office, there can therefore be no good reason advanced for the proposed change.

~~Secret~~

Moreover as Earl Grey will be leaving Canada in a couple of months, the matter is not one with which he is particularly concerned and his successor will never dream of raising such an objection.

In addition to the foregoing objections to the proposed amendment there is the lateness of the Session to urge against introducing it.

Finaly I may point out that the proposed amendment will be held up by the Opposition members and the newspapers as a reflection upon the Secretary of State because they can easily argue that it has been found unwise and unsafe to entrust to the Secretary of State the work given him by the Act and that for this reason the change is being made.

That I respectfully submit is a position in which I should not be placed, and I would, therefore, ask that nothing further be done in the matter until I have had an opportunity of placing all these views before you and our colleagues in Council.(1)

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(1) Laurier Papers. Vol. 6-27. Doc. 170261-2

For the time being, this left the matter in abeyance. Earl Grey, who was so concerned, left Canada for good in 1911. As long as Mr. Murphy remained Secretary of State he desired no amendment, which he felt might hurt his prestige. Sir Wilfrid Laurier was dilatory, and, as usual, feared to stir up Opposition discussion and debate. Private assurances had been given to the Colonial Office that the word "conduct" was innocuous and did not imply any derogation of the Governor General's prerogatives.

A few years passed, the Borden Government came into Office, and a transfer of the Department was considered, placing it under the Prime Minister.

When the new Bill of 1912 was under discussion in the Legislature, the old controversy over the phrase "the conduct of all official communications" was revived by a telegram from Mr. Lewis Harcourt, Secretary of State for the Colonies, to the new Governor General, the Duke of Connaught, instructing him to remind the Canadian Ministers of the promise given by Sir Wilfrid Laurier that the phrase would be altered.(1) When this telegram was communicated to the Government, the following memorandum was sent with it by Mr. C.J. Jones, Chief Clerk and Assistant Secretary to the Governor General:

Memorandum on Bill 58

> When the original Act, creating the Department of External Affairs was drafted, Lord Grey wrote to Sir Wilfrid Laurier calling attention to the fact that the word "conduct" in clause 3 was not satisfactory, stating that "to give the Secretary of State

(1) Harcourt to Governor General. March 9, 1912.

"the 'conduct' of official communication between the Government of Canada and other Governments would be regarded as an improper attempt to shelve the Governor General" and suggesting that the substitution of the word 'care' for the word 'conduct' was all that was required. Sir Wilfrid Laurier assured Lord Grey that the change would be made, but, owing to an oversight, this was not done, the Bill passing the Commons and the Senate in its unamended form. When the matter was brought to Sir Wilfrid's attention, he regretted that it was impossible to amend the Act during the current session and gave explicit assurance that the Act would be amended next session.

This was communicated to Lord Crewe in Lord Grey's Confidential Despatch of the 8th of May. Lord Crew's Confidential Despatch of the 5th of June stated in answer: "In reply I have to inform you that I approve of your action in assenting to the Act on the understanding that the Act shall be amended next Session in the sense indicated in your correspondence with Sir Wilfrid Laurier." (1)

The matter however does not appear ever to have been brought up.

Following a discussion or private letter between the new Governor General and Mr. Borden, the Duke of Connaught forwarded to Mr. Harcourt the following telegram:

Your telegram of the 9th instant. My Ministers submit that in view of the fact that no inconvenience has arisen during three years existing Statute has been in force in all probability none may be seriously apprehended. My Ministers, however, will be pleased to consider at another Session suggestion of desirable amendment. (2)

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(1) Jones Memorandum, March 11, 1912.

(2) Duke of Connaught to Harcourt, March 15, 1912. (The file copy of this telegram is annotated as follows: "I understand from the Gov. General's Secretary this is based on a private letter from Mr. Borden to H.R.H. J.B")

~~Conflict~~

No further reference to this problem appears to have been made, and the Act under which the Department operates still retains the disputed phrase. Joseph Pope commented on this in a contribution on the Department of External Affairs to the sixth volume of Canada and its Provinces (pp. 271-372) published in 1910: "The initiation of this reform gave rise at first to some misapprehension. When the Bill creating the Department of External Affairs was before Parliament, the report went abroad that the Canadian Government intended thereby to take into its own hands the conduct of its foreign relations. The Prime Minister and the Secretary of State, however, made it clear to the House of Commons that no constitutional change was intended by the measure, which merely aimed at an improvement in departmental procedure, and that Canada's official communications extending beyond the bounds of the Dominion would continue to be made through His Excellency the Governor General as before."

It may be noted in this discussion of the phraseology of the two Acts, that the phrase in dispute was "the conduct of official communications" concerning external matters, and not the "conduct of external affairs". The Governor General was concerned, as was the Colonial Office, as to his traditional prerogative of the channel of communication, which he did not wish to see by-passed. No issue was raised as to whether the Department of External Affairs would "conduct" external affairs any differently than the manner in which the Government, i. e. the Prime Minister, the Privy Council, the Secretary of State, or the Departments had heretofore conducted these policies and relationships, - normally through the Colonial Office.

12.

LEGISLATIVE STEPS AND PROMULGATION

OF 1909 ACT

Legislation

On May 25th Pope passed on to his chief, Mr. Murphy, the Australian correspondence, that he had just received, which was no doubt immediately perused by himself, the Prime Minister, and their Cabinet colleagues, although they had shown already in the debate on March 4th, that they were acquainted with the Australian precedent - (possibly being reminded of it by Mr. J.S. Ewart's recently published book). At the same time, Pope submitted to Mr. Murphy a draft of a recommendation or Order-in-Council for the consideration of the Privy Council, which was the necessary counterpart and legislative accompaniment of the brief Bill. This draft Order-in-Council (P.C.1242) appears to be Pope's own work, without the aid of other drafters such as A.B. Aylesworth; for Pope called it "a rough draft of a scheme I have thought out". This was submitted to Mr. Murphy six days after the Bill itself had been enacted by Royal Assent, and five days before it was to be proclaimed. There was not much time to lose. Pope's covering memorandum of May 25th read as follows:

> Memorandum for the Secretary of State
>
> Before bringing the External Affairs Act into force, it will be necessary to pass an Order-in-Council assigning duties to the new department.
>
> I submit a rought draft of a scheme I have thought out. It is based upon the Australian rules governing their department of External Affairs, which, I may say, are much wider in their scope than anything proposed here. This plan seems to me feasible

and one calculated to remove the difficulties we have been labouring under:-

With reference to clause 1: Much of the confusion which has taken place in the past has arisen from referring despatches of a series to different departments, so that no department possesses all the papers or knows what action is being taken in regard to any particular subject by other departments. This is not wholly due to the Privy Council, for it also happens with regard to those despatches which do not go to Council but are referred direct by the Governor General to individual departments. It seems to me that the distribution of such despatches as the Governor General desires to refer to his Advisers, whether collectively or individually, might with perfect constitutional propriety and much practical advantage be distributed by a responsible Minister. And I do not see what difference it could make to the Governor General's Office.

Under the present plan, despatches referred to Council lie there sometimes for days, or perhaps, during the summer months, for weeks. All that time is lost. When they are taken up, little is learned from their hurried perusal, and they are referred to a particular Minister with the object of ascertaining their exact bearing on the subject to which they relate. Now, would it not be a great saving of time and better all round, that the despatch should first receive that treatment which is necessary to enable Council to deal with it intelligently when it comes before them. This matter of distribution is not material, but I venture to think it would be advantageous.

Paragraph 2 does not call for any remark.

Paragraph 3 is the essential one. Unless the procedure is arranged on some definite principle we shall be no better off than before.

Attached to this covering letter or memorandum was Pope's draft of March 25th of the proposed Order-in-Council, the clauses of which he alludes to in his letter. Pope appears to have made a second redraft on May 29th, which apparently received some quick review in the Secretary of State's Office or in Cabinet, was slightly amended and rephrased in red pencil, and then was approved by the Committee of the Privy Council as Order-in-Council P.C.1242 of date of June 1, 1909.

The first draft omitted referring the external affairs despatches to the Prime Minister, probably because it had been struck out of Pope's original draft of the Bill itself, when "the Secretary of State" was substituted. In his second draft, however, dated May 29th, Pope reinserted a sentence referring all despatches in the first instance to the First Minister, in accordance with Sir Wilfrid Laurier's wishes.

The final version adopted on June 1st by Council as P.C. 1242 is given below, together with the alterations, and original portions suggested by Pope in his first and second submitted drafts.

P.C. 1242
Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 1st June, 1909.*

The Committee of the Privy Council, who have had under consideration the question of the constitution of the Department of External Affairs, are of opinion that it would further the purposes for which the Department was established, if all Despatches, at present communicated by your Excellency to the Privy Council, or direct to individual Ministers, should be in the first instance, referred to the Prime Minister, [This phrase was omitted in Pope's first draft of May 25th submitted to Mr. Murphy, but was inserted in his second draft of May 29th], and also to the Secretary of State as head of the Department of External Affairs, which Department shall then distribute them among the several Departments to which they relate, for the necessary consideration and action, and the Committee recommend accordingly.

[In Pope's first draft of May 25th, he included the following additional paragraph:

In like manner, all outgoing communications in respect of any of the above mentioned subjects, shall be made through the Department of External Affairs.

* See however page 7.. The Governor General had left Canada before this date.

But this was deleted in the second typewritten draft, by some wielder of a red pencil. (1).

Pope's original draft of May 25th also included the subsequently deleted sentence:

> This is the practice in the case of the Australian Department of External Affairs,* where as a matter of fact the Governor General's Secretary is made an officer of that department.

Pope's first draft of May 25th also included the following next paragraph, which was subsequently deleted from P.C. 1242:

> All matters of purely internal concern should be dealt with by the several departments as at present - that is to say, by direct report to Your Excellency (such reports, as now, commonly taking the form of a letter from the Deputy Head to the Governor General's Secretary) or by a report from the Minister to the Governor General-in-Council, as the importance of the subject matter involved, or other circumstances, may determine.

The Committee further advise that in the case of such of the Despatches so referred as call for communication with the Secretary of State for the Colonies, or with His Majesty's representatives abroad, or with the Government of any British possession, (in Pope's first draft of May 25th, the words were "or with the local authorities of any British possession") in respect of any matter forming the subject of diplomatic negotiations in which Canada is interested; or of any private claim on the part of any Canadian subject of His Majesty against any Government, whether foreign or otherwise external to the Dominion, the Department or Departments to which such Despatch was referred shall furnish the Department of External Affairs with all available information bearing upon the matter to which it relates, and the Secretary of State, having informed himself by this means, shall thereupon make a report in the premises to the Governor-in-Council.

The Committee submit the foregoing recommendations for Your Excellency's consideration.

J.K. Bennetts
Assistant Clerk of the Privy Council

(1) Pope Papers. Vol. 94. File 375. (Public Archives).

* It may be noted that this reference to Australia was inserted on the very same day that Pope transmitted to Mr. Murphy the correspondence from Mr. Atlee Hunt concerning the Australian Department of External Affairs.

It will be seen that these two drafts of May 25th, and of May 29th, were a great improvement on the earlier rough draft of an Order-in-Council which Pope had written out on February 12th and then scrapped.

Meanwhile, since time was short, Mr. Murphy on Thursday, May 27th, recommended to His Excellency the Governor General-in-Council a Proclamation "bringing into force and effect on, from, and after the First day of June, 1909, the Act passed at the last session of Parliament of Canada entitled 'An Act to create a Department of External Affairs'" With the P.C.1242 also before him, as well as the Act, the Governor General ostensibly authorized the Proclamation, which, under the seal of Earl Grey, was published in the Canada Gazette Extra on Tuesday, June 1st. From the date of passing in the House of Commons on April 16th and in the Senate on April 30th, and assent on May 19th, to the final Proclamation on June 1st, there had been only a few hurried days for the Act to come into effect.*

One point of interest is that while Pope told the other Deputy Ministers that the Minute-in-Council was approved by the Governor General on June 1st, and the Proclamation in the Governor General Earl Grey's name was published on June 1st, actually the Governor General had not signed it. Here is a note from the

---

* In New Zealand, as a consequence of its acquisition of territory by the War, by an Act of October 29, 1919, there was created a Department of External Affairs under a Minister charged with the administration of Western Samoa and the Cook Islands and with other external matters, although the administration of the Cook Islands was restored to the Cook Islands Department in October, 1920.

The South African Department of External Affairs was constituted on June 1, 1927, and was placed under the Prime Minister.

Assistant Governor General's Secretary, Mr.C.J. Jones, to Pope, dated June 4th, as follows:

> What am I to do with the Proclamation re Dept. of External Affairs for H.E. signature?

At the top of this private handwritten letter Pope wrote:

> I suggested to Jones the expediency of sending this Proclamation to England for His Excellency's signature.

~~Lord~~ Grey was in Ottawa in May; had sailed for England for a quick visit at the end of May or first of June; he was back in Canada in July and made a tour through the West in August. He concluded his extended term of office in October and sailed finally for England on October 13, 1911.

Official Notification

Before the end of the same month (June 30th), Mr. Pope addressed circular letters to the Deputy Ministers of all the other Departments informing them of the creation and functions of the new Department. In these he said:

> I am directed by the First Minister to enclose to you, for your information and guidance, copy of a Minute of the Privy Council, approved by the Governor General on the 1st June 1909, defining the functions of the Department of External Affairs.
>
> You will observe therefrom that in future all despatches communicated by His Excellency to his Ministers will be referred to the various departments through the Department of External Affairs. In the case of those despatches which are simply referred by command, the replies thereto should be communicated direct to the Governor General's Secretary as heretofore, the Department of External Affairs being at the same time notified that the matter has been dealt with.

> With reference to those despatches in respect of which, according to the regulations laid down in the second paragraph of the within Minute, it devolves upon the Secretary of State for External Affairs to report to the Governor General-in-Council, such despatches will be sent to the Department or Departments immediately concerned, with a covering letter asking for the views of the Minister thereon, which views perhaps might ordinarily be most expeditiously and conveniently communicated by correspondence between the Deputy Heads.

A copy of this circular letter was also passed, for information, under a covering note of same date, to the Governor General's Secretary.

To his opposite number the Under-Secretary of State of Canada (Thomas Mulvey), who had replaced Pope, he added to the above letter an additional paragraph:

> I also enclose copy of a Minute of Council (P.C.1391), approved by the Governor General on the 21st of June, 1909, transferring to the Department of External Affairs the administration of Consular matters and the issue of passports. If it suits your convenience this transfer might be made from the 6th proximo. There may probably be other matters for adjustment between the two departments, which we can settle at a later date.

All did not go perfectly smoothly: for in the next few months we find notes from Pope to the Governor General's Secretary complaining that communications were finding their way to Mr. Mulvey instead of Mr. Pope. In one case it was ascertained that the envelope had been addressed to "Hon. Charles Murphy" who was both Secretary of State and acting as Secretary of State for External Affairs, and, going to Mr. Murphy's office, it had been opened by his deputy, Mulvey, and then forwarded by Mulvey to Pope. Pope suggested, and it was mutually agreed, that

thereafter envelopes from the Governor General's Office would not be addressed to Mr. Murphy by name, but to the "Secretary of State for External Affairs".

[redacted]

13.

POPE'S APPOINTMENT AND STATUS

1909

Pope's Appointment

The creation of a new Department, or even sub-Department or dependency of an older and larger one, naturally implied the need of a permanent head. If there was not to be a separate Minister to head it, there was to be a separate Deputy Minister. The new statute provided that there should be a special Under-Secretary of State for External Affairs, - a person who would administer the Department, on behalf of its official head, - a Minister who, as Secretary of State, was already burdened with his major Department and with his Cabinet and Parliamentary duties. All this was obvious and was expressed in the debate on the 1909 External Affairs Bill.

The essentiality of a Permanent Under-Secretary was stressed by both Mr. Aylesworth, Minister of Justice, and Sir Wilfrid Laurier. Mr. Aylesworth said: "You will have then a gentleman appointed to be the permanent Under-Secretary of State for External Affairs. As time goes on he will become saturated, I hope, with the atmosphere or the spirit of that department. His usefulness will, of course, increase with time, and if we can secure, as I think we may very possibly be able to secure in the original appointee to that position if this measure becomes law, a gentleman of experience, expert, able in the discharge of just such duties, so much the better, because we shall have a good foundation laid whereupon to build." (1)

Sir Wilfrid went into even greater detail. He said:

(1) House of Commons Debates, March 4, 1909, p.1995.

"It is not expected of a Minister that he should carry in his mind all the details of the office, which have to be gathered by the deputy minister. The time of the minister is too precious; he would not be able to do justice to his department if he were compelled to keep in mind all the details which properly come before the deputy minister. I may say to my hon. friend that he would need such a deputy minister as he had under him before. I may say to him that when I came into office, now twelve years ago, and when despatches began to come in relating to foreign affairs, I had not in the Department of the Privy Council any official who could inform me, or upon whom I could rely; I had to go to another officer, who is fortunately well qualified for that position. I have no hesitation in giving his name, Mr. Pope, the under-secretary - and get from him all the information I needed relating to those foreign affairs, before I could come to a decision and advise my colleagues, or His Excellency the Governor General, in relation thereto." (1)

It is clear from the debates on the Bill that it was assumed or it had been made known, even before the Bill was introduced in Parliament, that the prescribed Under-Secretary who was to be head of the new Department of External Affairs would be Mr. Joseph Pope, to be transferred from his former department to the new one. On this assumption, his name as the prospective

(1) Ibid. 1909. pp.1998-9.

incumbent was several times mentioned, in terms of encomium, in the debate both in the House of Commons and in the Senate.

Senator Ferguson in particular praised the merits of Mr. Pope: "No one who knows anything about the affairs of Canada will venture to contradict me, that Mr. Pope has had a very extensive experience in questions of diplomacy, if I may use that word. If any man in Canada has had experience in diplomacy it is Mr. Pope. He accompanied Sir John Macdonald to Washington during the early negotiations with the United States. He was with Sir John Thompson in Paris and with Sir Wilfrid Laurier in England on more than one occasion, and he was with Mr. Lemieux in Japan. He has had great experience in diplomatic matters. He is a comparatively young man* and his experience is valuable." (1)

Although it was assumed, in debates in the Senate, that Mr. Pope would be the appointee as new Under-Secretary, there seemed to remain still some uncertainty on the point, and a fear that a political nominee might be chosen out of the patronage system. Senator Ferguson retorted to that, and further endorsed Mr. Pope. "There is one practical difficulty that I see in the way which may arise from political exigencies, which we know are very strong in this country and especially with the present administration. It may be, with the keen eye to political advantage

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* He was then 54 years of age.
(1) Senate Debates 1909. p. 399.

that my right hon. friend and his colleagues have, that some politician they may want to reward may be appointed to this new position. If it should happen that this particular friend of theirs is a well-qualified man, there is no complaint to be made. . . I know something of the present Under-Secretary of State. Every member of this house knows the experience he has had, in what might be called a diplomatic sphere. Under the Conservative Government and present government we know that Mr. Pope has been the right hand of the government in translating business of this kind. If this Bill would necessarily - and I am afraid it would - take the supervision of that work out of his hands and place it in the hands of a new and raw man who may be appointed simply because he is a supporter of my hon. friend's administration, injury to the public interest may arise. Everybody knows that Mr. Pope's experience is very prolonged, and that he has qualifications for that position as the result of that experience, as well as from his own ability, which render him very capable; and if the effect of the passage of this Bill would be the appointment of some person who has had no experience in conducting these affairs, which may be very delicate in themselves, and who has no qualification for the position, it would certainly be inimical to public interest." (1)

Curiously enough, Senator Ferguson was almost the only one who manifested some doubt that Mr. Pope would be the new incumbent, notwithstanding his exceptional

(1) Senate Debates. April 27, 1909. p.359.

qualifications. He apparently thought that Pope was so indispensable and valuable in the Secretary of State's Office that he could not be spared; he also felt that if Pope were to be transferred it would necessarily mean going to a more inferior department and position.. "It is not likely", he opined, "that Mr. Pope would be turned over to this new appointment which would, in point of seniority, be inferior to the deputyship of the department as it is at present constituted." He then speculated on who the new incumbent might be - probably a much less qualified man, and therefore not justifying the separation into a new sub-department. He was also afraid of a patronage appointment.(1) But, for want of knowledge, Senator Ferguson was mistaken in his supposition; for it was elsewhere generally understood that Pope was the candidate.

In fact, an assumption might be ventured that the acceptance of the proposal to create a new sub-department was, in large degree, influenced by this expectation. Mr. Pope's personal prestige as a diplomatic expert as well as a most able Deputy Minister, may have been a factor in winning the support of the parliamentarians for a department which he would efficiently head. It was also presumably known and appreciated that the whole idea of a separate specialized Department had been initiated, and zealously promoted for at least two years, by Mr. Pope, for reasons

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(1) Senate Debates. 1909. p.399.

based on his own experience, judgment and conviction; and members were not generally in the mood to question his authoritative opinion in such a field. He had convinced Sir Wilfrid Laurier, his own chief Mr. Murphy, and, through them, the other Cabinet Ministers; and Mr. Aylesworth, the Minister of Justice, turned his hand to drafting the Bill that Pope desired. Finally, the transfer of Mr. Pope to head a new Department under the Secretary of State, - that is to say, to change his functions from the long-held Under-Secretary of State to Under-Secretary of State for External Affairs in the same Ministry, signified, from Parliament's point of view, little fundamental change; merely a reorganization for greater efficiency, a sub-division of an unwieldy Department, a shifting of a few staff members from one corridor or set of rooms to another, and the appointment of an additional Under-Secretary of State (Mr. Mulvey) to replace Mr. Pope in the old position. Mr. Pope's invaluable services would not be discarded, but merely diverted into a more specialized branch.

Appointment

Eleven days after the Governor General's assent had been given to the new Department Bill, and while various Orders-in-Council were being prepared to elaborate and implement the Act, the Treasury Board, an organ of the Cabinet, passed a Minute confirming the expected appointment of Joseph Pope to his new departmental position.

At the same time, another Minute was approved appointing to Mr. Pope's old position as Under-Secretary of State, Mr. Thomas Mulvey, a Toronto-born (1863) and Toronto-educated lawyer of forty-six, who, from 1903 to 1909, had been Assistant Provincial Secretary in Ontario. He was the author of a section on "The Judicial System of Ontario" in the collection "Canada and its Provinces", to which Pope had also contributed.

The appointment of Mr. Pope was submitted on June 2nd to the Governor-General-in-Council in the following Minute:

P.C. 1/1261

Certified Extract from the Minutes of a Meeting of the Treasury Board, held on the 1st June, 1909, approved by His Excellency the Governor-General-in-Council on the 2nd June, 1909.

External Affairs:-

The Board recommend that Mr. Joseph Pope, at present filling the Offices of Under-Secretary of State and Deputy Registrar General of Canada, be appointed the Under-Secretary of State for External Affairs, at a salary of $5000.00 per annum, such appointment to take effect from the 1st June, 1909.

(Sgd.) F.K. Bennetts
Asst. Clerk of the Privy Council.

On the 19th November, the new Under-Secretary of State, Mr. Mulvey, having succeeded Pope in that office, formally addressed a letter to his colleague, transmitting "a Commission under the Great Seal of Canada, appointing you Under-Secretary of State for External Affairs". Pope formally acknowledged this; and at the same time wrote an informal note to Mr. A.M.P. Drouin, of Mr. Mulvey's Office, saying: "I have

received my commission today and I am very much obliged to you for the care and pains you have bestowed upon it. It is a fine piece of work and I am quite proud of it." [R]

When three years later the amended Act relating to the Department of External Affairs was under debate, Senator Dandurand on January 31, 1912, took the opportunity of expressing his praise of Mr. Pope in his continuing position. "It is a commendable move," he said, "that this Department should be put under the direction of the Prime Minister. . . The appointment of the deputy Minister was a good one, and could not be improved upon. He will do honour to himself and to the country in the discharge

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[R] A.M.P. Drouin had a gift for the most exquisite copper-plated handwriting, and his personal letters looked as though they had been printed in art script. This made his services as an engrosser of commissions, certificates, etc., invaluable. In August, 1908, Joseph Pope had procured for him a salary increase, for which he thanked Pope, saying, "Like many others who have received a favour and are tempted to ask for 'More', might I take the liberty of suggesting that in the new classification to be established in September, under Clause 8 of the Civil Service Act, my title of 'Chief Engrosser' be continued and definitely recognized; such a designation of my official duties will be in compliance with the Order-in-Council of the 6th July, 1887, and will be an inducement rather than a bar to my future advancement. I respectfully make the suggestion firmly convinced that your high sense of justice will assure its favourable consideration." No reply is on record.

Incidentally, Mr. Pope's opinion respecting commissions is reflected in the following letter dated 26th March, 1909, to Mr. F.C.T. O'Hara, Deputy Minister of Trade and Commerce:

I have yours of the 25th instant. The reason why you have not received your commission is that so far as I am aware you have not asked for one, and inasmuch as there is a fee of $20 on these

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of his duties, as he has in the past." (1)

Mr. Pope's Salary

The salary rate of Deputy Ministers at that time was $4000 a year. In Mr. Pope's interrogation by the Royal Commission on Civil Service in 1907, he declared that for all his manifold duties of Under-Secretary of State and Deputy Registrar General he had received $4000 a year, and never any extra.

He of course received his travel expenses when on special diplomatic or ceremonial missions, either to Quebec or abroad.

(1) Senate Debates. 1911-12, January 31, 1912, p.118.

(Cont'd) commissions, I never care to order their preparation until the appointee expresses a desire to have one. I think myself that every Deputy Head should have a commission. When I was made Under-Secretary of State I took out a commission and paid $20 for it. At the same time it is not obligatory, and I don't suppose it strengthens our tenure of office, which as you know is during pleasure. Let me know your wishes in the matter. (Pope Papers, S.O. Vol. 94, File 352.)

In view of the Treasury Board's recommendation that in his new position he should receive a salary of $5000, (the salaries of other Deputy Ministers being raised to this amount at about the same time), it is of interest to see the background of this recommendation. It emerged from the study by the Royal Commission on Civil Service in 1907-8; and Pope himself was a valuable "witness" in contributing testimony on salary scales.

Q. Mr. Courtney (Chairman). Section 56 provides that in all cases the salary of the deputy head shall be limited to $4000 per annum. I presume you consider that the deputy heads are not sufficiently paid?

A. I do not think they are. If a man is fit to be the head of a department of the public service, I think he is worth more money than that, if he is worth anything.

Q. Mr. Fyshe. We think so in the commercial world, but the trouble is that when you do things in a mechanical kind of way, under general rules, it is hard to frame such general rules as will not be abused.

A. Still, there are only twenty deputies, and it seems to me that they should be taken out of the rut and dealt with separately, particularly if you entrust them with larger powers.

Q. And in giving them larger powers you should hold them to greater responsibilities - you should hold them to the responsibility of a well administered department?

A. I think too - I am not extravagant in my ideas - that it is quite impossible for a man in the position of a deputy head to live quietly in Ottawa as a gentleman and to bring up and educate his family, on the present salary. Therefor the salary is inadequate.

In the Commission's Report, issued on February 28, 1908, the following observation was included:

> Reverting to the higher officials and taking the salaries of the deputy heads, your Commissioners find that while the salary of a deputy head is laid down in the Civil Service Act as $4000, yet in a late vacancy in one of the departments the deputy selected could only be appointed by giving a much greater remuneration; in fact, an arrangement was made whereby the deputy head in question was allowed a remuneration of $7,500 a year. Only one other deputy has an annual salary greater than that laid down in the Act, and that is the Deputy Minister of Justice who receives a salary of $6000 a year. With the exception of these two deputies - the Deputy Minister of Railways and Canals, and the Deputy Minister of Justice - all the other deputies have salaries of $4000 per annum or less; for, like other officials, the deputy receives an annual increment until the maximum is reached. Your Commissioners are of opinion that in the case of deputies the annual increment is a mistake. Looking at the importance and class of work entrusted to them and the responsibility attendant on their position, your Commissioners consider that no highly efficient deputy head, doing his duty thoroughly, should be paid less than $5000 a year. Your Commissioners have to point out that in the very great stress laid upon the minister, a deputy has more and more to take the responsibility of administration upon his shoulders. . . (1)

In the era of the first decade of the century, the value of money was very nearly twice that which it is today, and it may be remarked that a Deputy Minister's salary of $5000 was then, in relation to the prevailing cost of living, what almost double that salary would represent today.

In 1911-12, Pope received additionally a special honorarium of $2000, above salary, for his services on a special Commission in connection with the International Congress on Pelagic Sealing. (2)

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(1) Sess. Paper. 29a. pp.17-18.
(2) Auditor General's Report.1911-12. Dr. James M. Macoun received an honorarium of $500; Mr. W.A. Found $500, and Mr. F.M. Baker, of External Affairs, $250.

On Pope's retirement through ill-health in 1925, he was granted, in lieu of the then customary sick leave and retirement leave, a special retirement allowance of $8000 for the first year of his retirement. He did not live to enjoy a second year's allowance or pension. (1)

(1) Auditor General's Report. 1926.