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CANADA.

No. 13

# CORRESPONDENCE

BETWEEN THE

## IMPERIAL AND CANADIAN GOVERNMENTS

RELATIVE TO THE

**Appointment of Sir A. T. Galt as High Commissioner to represent  
Canada in England and to reside in London.**

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Presented to both Houses of Parliament by Command of Her Majesty.

June 1880.

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## APPENDIX.

Commission appointing the Honorable Sir A. T. Galt, K.C.M.G., to be High Commissioner for Canada.

**Correspondence between the Imperial and Canadian Governments relative to the Appointment of Sir A. T. Galt as High Commissioner to represent Canada in England and to reside in London.**

No. 1.

THE RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to THE MARQUIS OF LORNE, K.T.

MY LORD,

Downing Street, November 1, 1879.

I RECEIVED from your Ministers, during their recent visit to England, a confidential memorandum, of which I enclose a printed copy, urging the necessity of providing further means for constant and confidential communication between Her Majesty's Government and the Government of Canada, and recommending that a representative of the latter Government should be appointed to reside permanently in London, and that he should be granted a quasi-diplomatic position.

2. Her Majesty's Government are very sensible of the advantage which might result from the appointment by the Dominion Government of a gentleman who, residing in this country, would be fully empowered to explain their views on the various important questions connected with Canada, which, from time to time, demand consideration, and which might often be more satisfactorily, as well as more expeditiously, dealt with, if such means of oral communication were provided. Looking, however, to the position of Canada as an integral portion of the empire, the relations of such a person with Her Majesty's Government would not be correctly defined as being of a diplomatic character, and while Her Majesty's Government would readily accord to him a status in every way worthy of his important functions, his position would necessarily be more analogous to that of an officer in the home service, than to that of a Minister at a foreign court.

3. He would therefore primarily communicate with this Department on the various subjects which might be entrusted to him, and while Her Majesty's Government would readily avail themselves of any information he might afford, and give the fullest consideration to any representations he might make on behalf of the Canadian Government, it would, of course, rest with the Secretary of State for Foreign Affairs to determine in each case in what precise capacity his services might best be rendered in the event of any negotiations with a foreign court, on subjects affecting the interests of the Dominion. In some instances, for example, it might be desirable for him to remain in London and advise with Her Majesty's Government there, while in other cases he might, in accordance with the precedents which have been quoted, be more usefully engaged in assisting Her Majesty's representatives abroad.

4. I have deemed it necessary to refer to these details because it is desirable that there should be no misunderstanding as to the precise position which could be accorded by Her Majesty's Governments to an officer holding an appointment which the Government of Canada propose to establish, but I do not anticipate that the views which I have expressed will be felt by your Ministers as placing any insuperable difficulty in the way of the practical realization of their wishes; and I would only add that if such an appointment should be decided upon, it would seem, for the reasons I have stated, more appropriate that the officer should be designated by the title of "Dominion" or "Canadian Commissioner" than by any title implying a diplomatic status or position.

I have, &c.

Governor General

(Signed)

M. E. HICKS BEACH.

The Right Hon. The Marquis of Lorne,

&c.

&c.

&c.

Enclosure in No. 1.

MEMORANDUM.

The policy of the Empire having devolved upon Canada the administration of the whole of British North America, and the care and protection of British interests therein, experience is daily showing the necessity of providing the 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.

Canada has ceased to occupy the position of an ordinary possession of the Crown. She exists in the form of a powerful Central Government, having already no less than seven subordinate local executive and legislative systems, soon to be largely augmented by the development of the vast regions lying between Lake Superior and the Rocky Mountains. Her Central Government is becoming even more responsible than the Imperial Government for the maintenance of international relations towards the United States, a subject which will yearly require greater prudence and care, as the populations of the two countries extend along, and mingle across the vast frontier line, three thousand miles in length.

The Canadian Government has, in short, become the trustee for the Empire at large, or half the continent of North America, and is bound to administer the trust not only for the benefit of the present limited population, but with the intention and policy of making the great resources of the Dominion in the highest measure promotive of the interests of the British people and the dignity of the Crown.

The organisation, government, and settlement of the vast regions of British North America are all subjects which the Canadian Government must desire to deal with in the common interest of all, while in trade and commerce it is daily becoming more evident that advantage would arise in definitely settling such arrangements between the United Kingdom and her vast dependency as may produce more thorough identity of interest and more uniform policy towards each other, and towards foreign nations.

It appears to the Canadian Government eminently desirable to provide for the fullest and most frank interchange of views with Her Majesty's Government, and for the thorough appreciation of the policy of Canada on all points of general interest. Otherwise there appears to be danger of a feeling growing up of indifference, if not of actual antagonism and irritation on both sides. The idea must be avoided that the connection of Canada with the British Empire is only temporary and unabiding, instead of being designed to strengthen and confirm the maintenance of British influence and power.

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; and periodical visits have to be made to London for this purpose by the important members of the Canadian Government, entailing serious inconvenience. At this moment the following subjects are thus under consideration: The Pacific Railway, and important collateral subjects—Treaties of Commerce with France and Spain—Esquimaux Graving Dock—Military defence of Canada generally, and of British Columbia more especially—while the fishery and commercial clauses of the Washington Treaty may, at any moment, be re-opened by the United States; with many other matters of importance connected with the better organisation of the military force of the Dominion.

It is manifestly impossible that the views of the Canadian Government on such subjects can be submitted for the intelligent consideration of Her Majesty's Government in any other mode than that of personal communication; and as the subjects themselves relate to different departments of administration, the necessity arises for the absence from their posts at this moment of not less than three Ministers.

It is further submitted that the very large and rapidly augmenting commerce of Canada, and the increasing extent of her trade with foreign nations, is proving the absolute need of direct negotiations with them for the proper protection of her interests. In most of the treaties of commerce entered into by England, reference has only been had to their effect on the United Kingdom; and the Colonies are excluded from their operation, a fact which has been attended with most unfortunate results to Canada, as relates to France. This is, to a certain extent, unavoidable, in consequence of the control of all customs having been granted to Canada; but a necessity has thus arisen for providing separate and distinct trade conventions with all foreign powers with whom Canada has distinct trade. With the different views held by the Parliament of Canada on such subjects, from those of Her Majesty's Government, there is a manifest difficulty in asking the latter to become responsible for the representations required to be made, and foreign governments find it difficult to understand our present system. The Canadian Government therefore submit that when occasion requires such negotiations to be undertaken, Her Majesty's Government should advise Her Majesty specially to accredit the representative of Canada to the foreign court, by association for the special object, with the resident Minister or other Imperial negotiator.

The suggestion is merely asking Her Majesty's Government to establish as a rule the precedent which was created in 1871, when Sir John A. Macdonald was made a member of the Joint High Commission to Washington, and later, in 1874, when

Mr. George Brown was officially associated with Sir Edward Thornton, at the instance of the Canadian Government, for the purpose of negotiating a Treaty of Commerce between Canada and the United States.

With the view of giving effect to the foregoing policy, the Government of Canada suggests that Her Majesty's Government should consent to receive an official representative from Canada for the purpose of securing the most early and confidential communication of their views on all subjects; and that, when so requested, the proposed Minister should be duly accredited to Foreign Courts in the manner above mentioned.

The Canadian Government desires to surround the proposed appointment with all the importance which should attach to an official charged with such high duties. He should, therefore, be selected from the Queen's Privy Council for Canada, and specially entrusted with the general supervision of all the political, material and financial interests of Canada in England, subject to instructions from his Government.

The dignity of the office, and the advantage of its proper recognition, especially at Foreign Courts, appear to require a more expressive title than that of Agent-General; it is therefore suggested that the designation should be Resident Minister, or such other name of equal import as Her Majesty's Government may suggest.

The Canadian Government attaches great importance to this matter, and hopes that Her Majesty's Government will see no insuperable difficulty in giving the Canadian Representative a quasi-diplomatic position at the Court of St. James, with the social advantages of such a rank and position.

JOHN A. MACDONALD.  
S. L. TILLEY.  
CHARLES TUPPER.

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No. 2.

GOVERNOR GENERAL THE MARQUIS OF LORNE, K.T., to THE RIGHT HONOURABLE  
SIR M. E. HICKS BEACH, BART.

Government House,

Ottawa, December 24, 1879.

SIR,

I HAVE the honour to transmit herewith, for your consideration, a copy of an approved report of a Committee of the Privy Council respecting the appointment of a Canadian Representative to reside in England, to be styled "High Commissioner of Canada," to confer with Her Majesty's Government on all important matters affecting the Dominion, which formed the subject of your despatch of the 1st November last.\*

I have, &c.

(Signed) LORNE.

The Right Honourable Sir M. E. Hicks Beach,  
&c. &c. &c.

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Enclosure in No. 2.

COPY of a REPORT of a COMMITTEE of the HONOURABLE THE PRIVY COUNCIL for CANADA, approved by HIS EXCELLENCY THE GOVERNOR GENERAL, on the 22nd December 1879.

The Committee of Council have had under consideration the despatch from the Right Honourable the Secretary of State for the Colonies, dated 1st November last, upon the confidential memorandum of Sir John Macdonald, Sir Leonard Tilley, and Sir Charles Tupper, urging the necessity of providing further means for constant and confidential communication with Her Majesty's Government, and also for the representation of Canada in the future negotiation of Treaties of Commerce with foreign nations.

The Committee desire to express their gratification at the manner in which their views have been met by Her Majesty's Government, and they share in the conviction of Sir Michael Hicks Beach, that no insuperable difficulty exists in the realization of their wishes.

The Committee recognise the fact that Canada cannot, as an integral portion of the Empire, maintain relations of a strictly diplomatic character. But they respectfully submit that while this is true as respects foreign nations, it does not accurately represent the actual state of facts in regard to the United Kingdom. Her Majesty's Government is unquestionably the supreme governing power of the Empire, but, under the British

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\* No. 1.

North America Act, self-governing powers have been conferred upon Canada in many most important respects, and Her Majesty's Government may on these points be more correctly defined as representing the United Kingdom than the Empire at large. In considering many questions of the highest importance, such as the commercial and fiscal policy of the Dominion as affecting the United Kingdom, the promotion of Imperial interests in the administration and settlement of the interior of the Continent, and on many other subjects, indeed on all matters of internal concern, the Imperial Government and Parliament have so far transferred to Canada an independent control that their discussion and settlement have become subjects for mutual assent and concert, and thereby have, it is thought, assumed a quasi-diplomatic character as between Her Majesty's Government representing the United Kingdom *per se* and the Dominion, without in any manner derogating from their general authority as rulers of the entire Empire.

The Committee would further respectively submit, in elucidation of the views contained in the memorandum, that the Government of Canada, in respect of negotiations with foreign powers, in no respect desire to be placed in the position of independent negotiators. On the contrary, they are fully convinced that it is through the influence and support of Her Majesty's Government, and by the effective use of their carefully trained and thorough diplomatic service that they can alone look for any measure of success. And it is with the view most thoroughly to satisfy foreign governments of the identity of interests of Her Majesty with themselves that they have so strongly sought the most official recognition possible for their representative. And in making their suggestion on this point, the Committee have had in mind the position assigned to the delegates from Canada in 1865 and 1866, which was that of belonging to the diplomatic corps, taking precedence after the foreign Ministers.

As the representative of Governor General and Executive Government of Canada, and especially when dealing with negotiations with any foreign powers, the duties of the proposed officer will, the Committee consider, be of a nature more analogous to diplomatic than to home service, but they confidently leave this subject in the hands of Her Majesty's Government, resting on the assurances conveyed in the despatch under consideration that Her Majesty's Government will accord to their representative a status in every way worthy of his important functions.

The officer will certainly primarily communicate with the Secretary of State for the Colonies on the various subjects on which he may receive instructions to address Her Majesty's Government, and the Committee do not doubt that every consideration will be given to such representations as he may make on behalf of the Canadian Government.

The Committee entirely agree that it will rest with the Secretary of State for Foreign Affairs to determine in each case in what precise capacity the services of the Canadian Officer can be best rendered in the event of negotiations with Foreign Courts on subjects affecting the interests of the Dominion. Manifestly it would not be the desire of the Canadian Government, that in every case their representative should be personally associated with the British Minister at the Foreign Courts, but only in such cases as might from their importance require it. On this point the Committee are fully assured that the Secretary of State for Foreign Affairs will meet their reasonable wishes as has been done in the cases cited.

The Committee understand, however, that in all cases of commercial treaties Her Majesty's Government will direct early communication to be made to the Canadian representative so as to permit him to take the instructions of his Government, and to make such representations as may be called for to Her Majesty's Government.

With reference to the designation of the proposed officer the Committee desire to accept the suggestion of Her Majesty's Government. As, however, Commissioners are very frequently appointed for special services of minor importance, it is considered desirable to make the appointment to London distinctive by styling the officer "High Commissioner of Canada in London," the Committee on this point being convinced that in reference especially to Foreign Governments the designation and status are of real importance.

It is intended to create the office under statute at the next Session of the Canadian Parliament; but should the public service require an earlier appointment, the Committee confidently rely on Her Majesty's Government giving immediate effect to the views expressed in the despatch from the Secretary of State for the Colonies, which, it is believed, are correctly understood by the Canadian Government.

(Certified) J. O. CORÉ,  
Clerk, Principal Council, Canada.

No. 3.

THE SECRETARY OF STATE FOR THE COLONIES to  
GOVERNOR GENERAL, Canada.

(Telegraphic.)

London, February 7, 1880.

HER Majesty's Government will recognise Sir A. T. Galt as High Commissioner  
under the Great Seal of Canada.

(Signed) SECRETARY OF STATE FOR THE COLONIES.

No. 4.

GOVERNOR GENERAL THE MARQUIS OF LORNE, K.T., to the RIGHT. HON.  
THE SECRETARY OF STATE FOR THE COLONIES.

(Received May 25, 1880.)

Canada, Government House, Ottawa,

May 12, 1880.

SIR,

I HAVE the honour to transmit herewith attested copies of an Act passed during  
the last Session of the Dominion Parliament intituled, "An Act for the appointment of  
"a Resident Representative Agent for Canada in the United Kingdom."

I have, &amp;c.

The Right Hon. the Secretary of State  
for the Colonies.

(Signed) LORNE.

Enclosure in No. 4.

Ottawa, May 12, 1880.

I ROBERT LE MOINE, Esquire, Clerk of the Parliaments, and Custodian of the Statutes  
of the Parliament of the Dominion of Canada, certify the subjoined to be a true copy of  
the original enactment passed by the Senate and House of Commons in the 2nd Session  
of the fourth Parliament, held in the forty-third year of Her Majesty's Reign, and  
assented to in the Queen's name, by the Governor General, on Friday the 7th day of  
May 1880.

ROBERT LE MOINE,  
Clerk of the Parliaments.

Cap. 11.

An Act for the Appointment of a Resident Representative Agent for Canada in the  
United Kingdom.

WHEREAS the growing and varied interests of the Dominion render it expedient that  
Canada should appoint a Representative Agent in the United Kingdom, to watch over  
those interests, who shall be duly accredited to Her Majesty's Imperial Government;  
therefore Her Majesty, by and with the advice and consent of the Senate and House  
of Commons of Canada, enacts as follows:—

1. The Governor may, under the Great Seal of Canada, from time to time appoint an  
officer to be called "The High Commissioner for Canada," who shall hold office during  
pleasure.

2. It shall be the duty of the High Commissioner:

(1.) To act as Representative and Resident Agent of the Dominion in the United  
Kingdom, and in that capacity to execute such powers and to perform such duties as  
may from time to time be conferred upon and assigned to him by the Governor in  
Council:

(2.) To take the charge, supervision and control of the immigration offices and  
agencies in the United Kingdom, under the Minister of Agriculture:

(3.) To carry out such instructions as he may from time to time receive from the  
Governor in Council respecting the commercial, financial and general interests of the  
Dominion in the United Kingdom and elsewhere.

3. The High Commissioner shall receive a salary of not more than \$10,000 per  
annum, and the same shall be payable out of any unappropriated moneys forming part  
of the Consolidated Revenue Fund of Canada.



## No. 5.

GOVERNOR GENERAL THE MARQUIS OF LORNE, K.T., to the RIGHT HON.  
THE SECRETARY OF STATE FOR THE COLONIES.

(Received May 25, 1880.)

Canada, Government House, Ottawa,  
May 12, 1880.

SIR,

WITH my Despatch of this date\* I had the honour of forwarding to you attested copies of "An Act for the appointment of a Resident Representative Agent for Canada in the United Kingdom." I now enclose a copy of an approved Report of the Committee of the Privy Council, recommending that Sir Alexander Tilloch Galt, G.C.M.G., be appointed "The High Commissioner for Canada" under the Act above cited.

I have, &c.  
(Signed) LORNE.

The Right Honourable the Secretary of State  
for the Colonies.

## Enclosure in No. 5.

COPY of a REPORT of a COMMITTEE of the HONOURABLE the PRIVY COUNCIL for CANADA, approved by HIS EXCELLENCY THE GOVERNOR GENERAL on the 11th day of May 1880.

ON the recommendation of the Right Honourable Sir John A. Macdonald, the Committee advise that the Honourable Sir Alexander Tilloch Galt, G.C.M.G., be appointed "The High Commissioner for Canada" under the Act passed during the last Session of Parliament, intituled "An Act for the appointment of a Resident Representative Agent for Canada in the United Kingdom."

(Certified) J. O. CORÈ,  
Clerk, Privy Council,  
Canada.

## No. 6.

THE EARL OF KIMBERLEY TO GOVERNOR GENERAL THE MARQUIS OF  
LORNE, K.T.

MY LORD,

Downing Street, May 27, 1880.

I HAVE the honour to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the Act of the Legislature of Canada, entitled "An Act for the appointment of a Resident Representative Agent for Canada in the United Kingdom," a transcript of which accompanied your Despatch of the 12th instant.†

Governor General the Right Honourable  
the Marquis of Lorne.

I have, &c.  
(Signed) KIMBERLEY.

## No. 7.

GOVERNOR GENERAL THE MARQUIS OF LORNE, K.T., to THE EARL OF  
KIMBERLEY.

(Received June 2, 1880.)

MY LORD,

Citadel, Quebec, May 21, 1880.

I HAVE the honour to transmit herewith a copy of an approved report of a Committee of the Privy Council recommending that I should inform you that an Act had passed the Dominion Legislature authorising the appointment of a Resident Representative Agent for Canada, and that Sir Alexander Tilloch Galt had been appointed to that office, and further that copies of the Act and the Commission should be transmitted to you.

In my despatches of the 12th May,\* I forwarded attested copies of the Act in question, and a copy of a report of Council appointing Sir Alexander Galt to the office of High Commissioner, and in my telegram of the 17th instant† I informed you that the Commission had been sent to Sir Alexander by the mail of the 14th instant.

The Right Hon. The Earl of Kimberley,  
&c. &c. &c.

I have, &c.  
(Signed) LORNE.

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Enclosure in No. 7.

COPY of a REPORT of a COMMITTEE of the HONOURABLE the PRIVY COUNCIL for CANADA, approved by HIS EXCELLENCY the GOVERNOR GENERAL on the 18th May 1880.

ON a memorandum dated 15th May 1880, from the Right Honourable Sir John A. Macdonald, submitting for your Excellency's consideration that it is expedient, now that the Act appointing a High Commissioner for Canada has been passed and a Commission under the Great Seal issued, appointing Sir Alexander T. Galt, G.C.M.G., to that office, that the Colonial Minister should be informed of the fact of such appointment, and Sir Alexander Galt duly accredited to Her Majesty's Government as such High Commissioner; further, that copies of the Act and Commission should be transmitted with your Excellency's despatch on the subject.

The Committee concur in the foregoing memorandum, and recommend that the same be approved and carried out.

(Certified) JOHN J. MCGEE,  
Assistant Clerk, Privy Council, Canada.

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APPENDIX.

COMMISSION appointing the Honourable SIR ALEXANDER TILLOCH GALT, G.C.M.G.,  
to be High Commissioner for Canada.

(L.S.)

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c. &c. &c.

To the Honourable Sir Alexander Tilloch Galt, Knight Grand Cross of our Most Distinguished Order of Saint Michael and Saint George.

Greeting.

WHEREAS it is in and by an Act of the Parliament of Canada, passed in the forty-third year of our reign, chaptered eleven, and intituled "An Act for the appointment of a Resident Representative Agent for Canada in the United Kingdom," amongst other things, in effect enacted that the Governor may under the Great Seal of Canada from time to time appoint an officer to be called "The High Commissioner for Canada," who shall hold office during pleasure. And further, that it shall be the duty of the High Commissioner to act as Representative and Resident Agent of the Dominion in the United Kingdom, and in that capacity to execute such powers and to perform such duties as may from time to time be conferred upon and assigned to him by the Governor in Council. To take the charge, supervision, and control of the Immigration Offices and Agencies in the United Kingdom, under the Minister of Agriculture. To carry out such instructions as he may from time to time receive from the Governor in Council respecting the commercial, financial, and general interests of the Dominion in the United Kingdom and elsewhere.

Know you, that reposing trust and confidence in the loyalty, integrity, and ability of you the said Sir Alexander Tilloch Galt, We do hereby nominate and appoint you the said Sir Alexander Tilloch Galt to be the High Commissioner for Canada,

To have, hold, exercise, and enjoy the said office unto you the said Sir Alexander Tilloch Galt, with all and every the duties, powers, rights, authority, privileges, emoluments, and advantages unto the said office of right and by law appertaining during pleasure.

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\* Nos. 4 and 5.

† Not printed.

In testimony whereof We have caused these our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness our right trusty and well-beloved Councillor, Sir John Douglas Sutherland Campbell (commonly called the Marquis of Lorne), Knight of our Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of our Most Distinguished Order of Saint Michael and Saint George, Governor General of Canada, and Vice Admiral of the same.

At our Government House in our City of Ottawa, this eleventh day of May, in the year of our Lord one thousand eight hundred and eighty, and in the forty-third year of our reign.

By Command.

(Signed) J. C. AIKINS,  
Secretary of State.