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**DOCUMENTS ON CANADIAN  
EXTERNAL RELATIONS**



DOCUMENTS RELATIFS AUX  
RELATIONS EXTÉRIEURES DU CANADA

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DOCUMENTS ON CANADIAN  
EXTERNAL RELATIONS

VOLUME 3

1919 - 1925

Compilé par / Edited by

Lovell C. Clark

University of Manitoba

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Austria; Belgium; British West Indies; China; Czechoslovakia; Finland; France; Italy; The Netherlands; Norway; Romania; Soviet Union; Spain; United States: Property Convention, Chicago Water Diversion, Lake of the Woods, Naval Vessels on the Great Lakes, St. Lawrence Waterway, Smuggling.



## INTRODUCTION

Le tome troisième des Documents relatifs aux relations extérieures du Canada embrasse les événements de la période du 11 novembre 1918 à la fin de l'année 1925, exception faite du rôle joué par le Canada à la Conférence de la Paix de 1919, traité dans le Tome II. Ces années furent décisives dans l'évolution du Canada, qui a lentement évolué du statut de colonie à celui de nation indépendante. L'aspect transitoire de cette période a influé sur le choix et la mise en oeuvre des matériaux à publier.

Les autorités canadiennes et britanniques devaient faire le choix des lignes de conduite à suivre dans l'évolution des relations impériales. Nombre de propositions, de conjectures et de démarches expérimentales ont été faites pour déterminer l'orientation que devaient prendre la Grande-Bretagne et les dominions autonomes. Le simple choix de documents reflétant des politiques établies aurait abouti à une publication très restreinte. Le silence officiel entoure de nombreux sujets d'intérêt pour le chercheur. C'est la principale raison expliquant le choix des documents illustrant la formulation ou l'élaboration de la politique, même lorsque les propositions pertinentes ont été écartées. Au lieu d'exposer les motifs d'une décision particulière, certains documents ci-inclus révèlent plutôt la raison d'une absence de décision. A titre d'exemple: en principe, le gouvernement dirigé par sir Robert L. Borden avait acquis le droit de nommer un ministre du Canada à Washington dès 1919 mais, en fait, la nomination n'eut lieu qu'à la fin de 1926. Un mémoire de M. William Stevens Fielding, membre important du Conseil des ministres de M. King, permet de comprendre ce retard; c'est pourquoi il figure parmi les documents publiés.

Les relations extérieures du Canada ont pris de l'ampleur à cette époque et cela a naturellement influé sur l'utilisation des matériaux. En traitant des relations extérieures d'une colonie, comme le Canada à cette époque, on est tenté de sérier plusieurs questions et de les ranger sous la rubrique des Relations impériales. C'est sous cette rubrique générale qu'on s'attend à trouver l'incident de Tchanak de 1922. Toutefois, il figure parmi des considérations sur la "Paix avec la Turquie", qui font partie d'un chapitre traitant des problèmes créés par la Première Guerre mondiale. Ou encore, on pourrait chercher dans la section des "Relations impériales" le thème "d'une politique étrangère commune pour l'Empire" ou celui de "la consultation entre la Grande-Bretagne et les dominions sur la politique étrangère". Tel est le sujet du livre mais nous l'avons abordé dans le cadre approprié des questions soulevées à la Société des Nations, à certaines Conférences internationales ou aux Conférences impériales.

## INTRODUCTION

This third Volume of *Documents on Canadian External Relations* deals with the events of the period from November 11, 1918, to the close of 1925, except for Canada's role at the Peace Conference of 1919 which has been treated in Volume 2. These were crucial years in Canada's long development from colonial status to nationhood. The transitional character of the period has affected both the kind of material selected for publication and its organization.

Canadian and British leaders were confronted with a number of alternative courses in the evolution of Imperial relationships. There were many proposals, and much speculation and experimentation, in an effort to determine the direction which Britain and the self-governing Dominions should take. To restrict the selection of documents to those which reflect settled policies would have meant publishing very little. On many subjects the researcher would have been greeted with official silence. For this reason there has been a considerable reliance upon documents which illustrate the formulation of policy, or attempts to formulate it, even where the proposals failed of acceptance. Some memoranda have been included which explain not why a particular decision, but rather no decision at all, was made. One example may suffice. It is well known that the Government of Sir Robert L. Borden won the right to appoint a Canadian Minister to Washington as early as 1919, but in fact the appointment was not made until late in 1926. A memorandum by an important member of the King Cabinet, William Stevens Fielding, helps to explain the delay; this is the justification for including it among the published documents.

The period witnessed expansion in the scope of Canada's external relations and this has naturally affected the organization of the material. There is a temptation when dealing with the external relations of a colony, as Canada was then, to subsume many topics under the inclusive heading of Imperial Relations. One might well expect to find the Chanak 'incident' of 1922 so classified. Instead, it is to be found under "Peace Settlement with Turkey", which forms part of a chapter dealing with problems arising directly out of the First World War. Or again, to take one more example, one might look in the chapter on Imperial Relations for some such theme as 'A common Empire foreign policy' or 'Consultation between Britain and the Dominions on foreign policy'. There is indeed this subject matter throughout the Volume, but it has been treated in the context in which it arose, whether at the League of Nations, at particular international conferences, or at Imperial conferences.

Quels que soient les critères auxquels ont été soumis le choix et l'utilisation des matériaux nous pouvons rassurer à l'effet que, sous réserve de l'espace restreint, nous n'avons omis aucun document susceptible de les éclairer sur les relations extérieures du Canada. L'éditeur a pu consulter tous les documents de l'époque. Leur choix et leur publication n'ont fait l'objet d'aucune contrainte. La plupart, tirés des dossiers du ministère des Affaires extérieures, sont encore inédits. Nous avons également parcouru des recueils particuliers de documents dont plusieurs se trouvent aux Archives publiques du Canada. Ils comprennent ceux des gouverneurs généraux, des premiers ministres (sir Robert Borden, MM. Arthur Meighen et W. L. Mackenzie King) et des hauts fonctionnaires du Ministère (sir Joseph Pope, MM. Loring C. Christie et Oscar D. Skelton).

Un volume de cette importance est l'oeuvre de plusieurs personnes qui doivent malheureusement garder l'anonymat. Je suis très reconnaissant aux agents et au personnel de la Direction historique du ministère des Affaires extérieures et aux nombreux étudiants qui ont collaboré à cette oeuvre pendant plusieurs étés. Je tiens à remercier particulièrement M. Alex. I. Inglis, historien au Ministère, qui a dirigé le choix et la préparation des documents. Toutefois, c'est le soussigné qui assume la responsabilité du présent volume.

Lovell C. Clark

Whatever the criteria which have guided the selection and organization of the material, readers may rest assured that, subject to considerations of space, no documents have been omitted if it was felt that they would throw light upon Canada's external relations. The editor has had access to all documents of the period and has been under no restrictions in their selection and publication. Most of the documents are from the files of the Department of External Affairs and are hitherto unpublished. Much use has been made of particular collections of papers which are now partly or wholly in the Public Archives of Canada. These include the papers of the Governors General; of the Prime Ministers (Sir Robert Borden, Arthur Meighen and W. L. Mackenzie King); and of Departmental officials (Sir Joseph Pope, Loring C. Christie and Oscar D. Skelton).

A volume such as this is the work of many people who must unfortunately remain nameless. I am much indebted to the officers and staff of the Historical Division of the Department of External Affairs, and to a number of university students who worked on the project during several summers. Special thanks are due to Mr. Alex. I. Inglis, resident historian of the Department, under whose supervision the collection and editing of documents were completed. The responsibility for the Volume remains that of the undersigned.

Lovell C. Clark

## LISTE DES PRINCIPALES PERSONNALITÉS

### LIST OF PRINCIPAL PERSONS

- Amery (L. C. M. S.),** sous-secrétaire d'État parlementaire aux Colonies de la Grande-Bretagne de 1919 à 1921; premier lord de l'Amirauté de 1922 à 1924; secrétaire aux Colonies de 1924 à 1925; secrétaire aux Dominions de 1925 à 1929.
- Amery, L. C. M. S.,** British Parliamentary Under-Secretary of State for the Colonies, 1919-21; First Lord of the Admiralty, 1922-24; Colonial Secretary, 1924-25; Dominions Secretary, 1925-29.
- Anglin (F. A.),** juge en chef de la Cour suprême du Canada de 1924 à 1933.
- Anglin, F. A.,** Chief Justice of Canada, 1924-33.
- Baldwin (S.),** président du "Board of Trade" britannique de 1921 à 1922; chancelier de l'Échiquier de 1922 à 1923; premier ministre de 1923 à 1924 et de 1924 à 1929.
- Baldwin, S.,** British President of the Board of Trade, 1921-22; Chancellor of the Exchequer, 1922-23; Prime Minister, 1923-24 and 1924-29.
- Balfour (A. J.),** secrétaire d'État aux Affaires étrangères de la Grande-Bretagne de 1916 à 1919; lord président du Conseil de 1925 à 1929.
- Balfour, A. J.,** British Foreign Secretary, 1916-19; Lord President of the Council, 1925-29.
- Barclay (C. A. de R.),** conseiller britannique de 1913 à 1918 et ministre aux États-Unis de 1918 à 1919.
- Barclay, C. A. de R.,** British Counsellor, 1913-18, and Minister in United States, 1918-19.
- Beatty (lord David),** amiral, premier lord de la Marine britannique de 1919 à 1927.
- Beatty, Admiral Lord,** British First Sea Lord, 1919-27.
- Borden (sir R. L.),** premier ministre de 1911 à 1920; secrétaire d'État aux Affaires extérieures de 1912 à 1920.
- Borden, Sir R. L.,** Prime Minister, 1911-1920; Secretary of State for External Affairs, 1912-20.
- Briand (A.),** ministre des Affaires étrangères de la France de 1921 à 1922 et de 1925 à 1926; premier ministre de 1925 à 1926.
- Briand, A.,** French Foreign Minister, 1921-22 and 1925-26; Prime Minister, 1925-26.
- Bruce (S. M.),** premier ministre de l'Australie de 1923 à 1929.
- Bruce, S. M.,** Australian Prime Minister, 1923-29.
- Byng de Vimy (vicomte),** gouverneur général de 1921 à 1926.
- Byng of Vimy, Viscount,** Governor General, 1921-26.
- Cecil (lord Robert),** conseiller britannique relativement à la question de la Société des Nations; président du Comité interministériel chargé de la limitation des armements.
- Cecil, Lord Robert,** British Adviser on League of Nations; Chairman of Interdepartmental Committee on Limitation of Armaments.

- Chamberlain (sir J. A.), chancelier de l'Échiquier de 1919 à 1921; secrétaire britannique aux Affaires étrangères de 1924 à 1929.
- Chamberlain, Sir J. A., British Chancellor of the Exchequer, 1919-21; Foreign Secretary, 1924-29.
- Chilton (H. G.), Conseiller britannique de 1921 à 1924 et ministre aux États-Unis de 1924 à 1928.
- Chilton, H. G., British Counsellor, 1921-24, and Minister in United States, 1924-28.
- Christie (L. C.), Conseiller juridique du ministère des Affaires extérieures de 1913 à 1923.
- Christie, L. C., Legal Adviser to the Department of External Affairs, 1913-23.
- Churchill (W. L. S.), secrétaire britannique à la Guerre et à l'armée de l'Air de 1918 à 1921; secrétaire aux Colonies de 1921 à 1922; chancelier de l'Échiquier de 1924 à 1929.
- Churchill, W. L. S., British War and Air Secretary, 1918-21; Colonial Secretary, 1921-22; Chancellor of the Exchequer, 1924-29.
- Clémenceau (G.), premier ministre de la France et ministre de la Guerre de 1917 à 1920.
- Clémenceau, G., French Prime Minister and Minister of War, 1917-20.
- Colby (B.), secrétaire d'État des États-Unis de 1920 à 1921.
- Colby, B., United States Secretary of State, 1920-21.
- Curzon of Kedleston (marquis), secrétaire britannique aux Affaires étrangères de 1919 à 1924.
- Curzon of Kedleston, Marquess, British Foreign Secretary, 1919-24.
- Dandurand (sénateur R.), ministre d'État de 1921 à 1926; président de l'assemblée de la Société des Nations en 1925.
- Dandurand, Senator R., Minister without Portfolio, 1921-26; President of League of Nations Assembly, 1925.
- Davies (sir L. H.), juge en chef de la Cour suprême du Canada de 1918 à 1924.
- Davies, Sir L. H., Chief Justice of Canada, 1918-24.
- Desbarats (G. J.), sous-ministre de la Marine de 1910 à 1924; sous-ministre de la Défense nationale de 1924 à 1932.
- Desbarats, G. J., Deputy Minister of Naval Service, 1910-24; Deputy Minister of National Defence, 1924-32.
- Devonshire (duc de), gouverneur général de 1916 à 1921; secrétaire britannique aux Colonies de 1922 à 1924.
- Devonshire, Duke of, Governor General, 1916-21; British Colonial Secretary, 1922-24.
- Doherty (C. J.), ministre de la Justice de 1911 à 1921.
- Doherty, C. J., Minister of Justice, 1911-21.
- Drummond (sir J. E.), secrétaire général de la Société des Nations.
- Drummond, Sir J. E., Secretary General of the League of Nations.
- Elmsley (général J. H.), commandant de l'Armée expéditionnaire britannique en Sibérie.
- Elmsley, General J. H., Commander, British Expeditionary Force to Siberia.
- Fielding (W. S.), ministre des Finances de 1921 à 1925.
- Fielding, W. S., Minister of Finance, 1921-25.
- Foster (sir G. E.), ministre du Commerce de 1911 à 1921.
- Foster, Sir G. E., Minister of Trade and Commerce, 1911-21.
- Geddes (sir A. C.), ambassadeur britannique aux États-Unis de 1920 à 1924.
- Geddes, Sir A. C., British Ambassador in United States, 1920-24.

- Gouin (sir J. L.), premier ministre du Québec et procureur général de 1905 à 1920; ministre de la Justice de 1921 à 1924.
- Grey of Fallodon (vicomte), ambassadeur britannique aux États-Unis de 1919 à 1920.
- Hankey (sir M. P. A.), secrétaire du Cabinet britannique et du Comité de la Défense impériale.
- Hughes (C. E.), secrétaire d'État des États-Unis de 1921 à 1925.
- Howard (sir E. W.), ambassadeur britannique aux États-Unis de 1924 à 1930.
- Hurst (sir C. J. B.), conseiller juridique du Foreign Office.
- Kellogg (F. B.), ambassadeur des États-Unis en Grande-Bretagne de 1923 à 1925; secrétaire d'État de 1925 à 1929.
- Kemp (sir A. E.), ministre des Forces d'outre-mer de 1917 à 1920; ministre d'État de 1920 à 1921.
- Kerr (P. H.), secrétaire de David Lloyd George de 1916 à 1921.
- King (W. L. M.), premier ministre et secrétaire d'État aux Affaires extérieures de 1921 à 1926.
- Knox (général sir A. W. F.) chef de la Mission militaire britannique en Sibérie de 1918 à 1920.
- Lansing (R.), secrétaire d'État aux États-Unis de 1915 à 1920.
- Lapointe (E.), ministre de la Marine et des Pêcheries de 1921 à 1924; ministre de la Justice de 1924 à 1926.
- Larkin (P. C.), haut commissaire à Londres de 1922 à 1930.
- Law (A. B.), premier ministre britannique de 1922 à 1923.
- Lindsay (sir R. C.), conseiller britannique aux États-Unis de 1919 à 1920.
- Lloyd George (D.), premier ministre britannique de 1916 à 1922.
- MacDonald (J. R.), premier ministre britannique et secrétaire aux Affaires étrangères en 1924.
- Mahoney (M. M.), agent canadien aux États-Unis de 1921 à 1927.
- Gouin, Sir J. L., Quebec Premier and Attorney General, 1905-20; Minister of Justice, 1921-24.
- Grey of Fallodon, Viscount, British Ambassador in United States, 1919-20.
- Hankey, Sir M. P. A., Secretary, British Cabinet and Committee of Imperial Defence.
- Hughes, C. E., United States Secretary of State, 1921-25.
- Howard, Sir E. W., British Ambassador in United States, 1924-30.
- Hurst, Sir C. J. B., Legal Adviser to British Foreign Office.
- Kellogg, F. B., United States Ambassador in Britain, 1923-25; Secretary of State, 1925-29.
- Kemp, Sir A. E., Minister of Overseas Forces, 1917-20; Minister without Portfolio, 1920-21.
- Kerr, P. H., Secretary to David Lloyd George, 1916-21.
- King, W. L. M., Prime Minister and Secretary of State for External Affairs, 1921-26.
- Knox, General Sir A. W. F., Chief of British Military Mission to Siberia, 1918-20.
- Lansing, R., United States Secretary of State, 1915-20.
- Lapointe, E., Minister of Marine and Fisheries, 1921-24; Minister of Justice, 1924-26.
- Larkin, P. C., High Commissioner in London, 1922-30.
- Law, A. B., British Prime Minister, 1922-23.
- Lindsay, Sir R. C., British Counsellor in United States, 1919-20.
- Lloyd George, D., British Prime Minister, 1916-22.
- MacDonald, J. R., British Prime Minister and Foreign Secretary, 1924.
- Mahoney, M. M., Canadian Agent in United States, 1921-27.

- Massey (W. F.), premier ministre de la Nouvelle-Zélande de 1912 à 1925.
- Meighen (A.), premier ministre et secrétaire d'État aux Affaires extérieures de 1920 à 1921.
- Mewburn (général S. C.), ministre de la Milice et de la Défense de 1917 à 1920.
- Milner (A. M., vicomte), secrétaire britannique aux Colonies de 1918 à 1921.
- Mulvey (T.), sous-secrétaire d'État de 1909 à 1933; administrateur-séquestre adjoint des Biens ennemis.
- Pacaud (L.), secrétaire, haut commissariat à Londres.
- Perley (sir G. H.), haut commissaire à Londres de 1914 à 1922.
- Poincaré (R.), président de la France de 1913 à 1920; premier ministre et ministre des Affaires étrangères de 1922 à 1924.
- Polk (F. L.), secrétaire d'État par intérim des États-Unis de 1918 à 1919.
- Pope (sir J.), sous-secrétaire d'État aux Affaires extérieures de 1909 à 1925.
- Riddell (W. A.), Conseiller près la Société des Nations.
- Robb (J. A.), ministre du Commerce, ministre de l'Immigration et de la Colonisation de 1923 à 1925; ministre des Finances de 1925 à 1926.
- Rowell (N. W.), président du Conseil de 1917 à 1920.
- Roy (P.), commissaire général en France.
- Skelton (O. D.), sous-secrétaire d'État aux Affaires extérieures de 1925 à 1941.
- Smuts (général J. C.), premier ministre de l'Union sud-africaine de 1919 à 1924.
- Thomas (J. H.), secrétaire britannique aux Colonies en 1924.
- Uchida (vicomte), ministre japonais des Affaires étrangères.
- Walker (W. H.), assistant sous-secrétaire d'État aux Affaires extérieures de 1909 à 1933.
- White (sir W. T.), ministre des Finances de 1911 à 1919.
- Massey, W. F., New Zealand Prime Minister, 1912-25.
- Meighen, A., Prime Minister and Secretary of State for External Affairs, 1920-21.
- Mewburn, General S. C., Minister of Militia and Defence, 1917-20.
- Milner, A. M., Viscount, British Colonial Secretary, 1918-21.
- Mulvey, T., Under-Secretary of State, 1909-33; Deputy Custodian of Enemy Property.
- Pacaud, L., Secretary, Office of High Commissioner in London.
- Perley, Sir G. H., High Commissioner in London, 1914-22.
- Poincaré, R., French President, 1913-20; Prime Minister and Foreign Minister, 1922-24.
- Polk, F. L., United States Acting Secretary of State, 1918-19.
- Pope, Sir J., Under-Secretary of State for External Affairs, 1909-25.
- Riddell, W. A., Advisory Officer, League of Nations.
- Robb, J. A., Minister of Trade and Commerce, Minister of Immigration and Colonization, 1923-25; Minister of Finance, 1925-26.
- Rowell, N. W., President of the Council, 1917-20.
- Roy, P., Commissioner General in France.
- Skelton, O. D., Under-Secretary of State for External Affairs, 1925-41.
- Smuts, General J. C., South African Prime Minister, 1919-24.
- Thomas, J. H., British Colonial Secretary, 1924.
- Uchida, Viscount, Japanese Foreign Minister.
- Walker, W. H., Assistant Under-Secretary of State for External Affairs, 1909-33.
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CHAPTER IV  
INTERNATIONAL  
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PART 1

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872. 14 juill. *L'ambassadeur aux États-Unis au Gouverneur général*. Transmet la note qu'il a adressée au gouvernement des États-Unis concernant la reprise de la procédure et la décision britannique de ne pas proposer l'adhésion de tous les membres de l'Empire ..... 848

873. 2 août *L'ambassadeur aux États-Unis à l'Administrateur*. Signale deux retouches au préambule de la Convention et demande des instructions pour la signature ..... 849

874. 18 août *Le Gouverneur général à l'ambassadeur aux États-Unis*. Accepte les retouches proposées et le projet modifié de convention ..... 850

## UNITED STATES

## PROPERTY CONVENTION

1921

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867. Feb. 22 *Governor General to Chargé d'Affaires in United States*. Requests that United States Government be notified of Canada's desire to adhere to Convention ..... 845

868. May 11 *Ambassador in United States to Governor General*. Encloses note from United States Government referring to draft of Supplementary Convention and procedure for adhering to Convention ..... 846

869. May 26 *Governor General to Ambassador in United States*. Prefers direct procedure and suggests new Article 1 ..... 847

870. June 30 *Secretary of State of United States to Ambassador in United States*. Agrees to proposed Article 1 and wishes to set a date for signature of Convention ..... 847

871. June 30 *Ambassador in United States to Governor General*. Reports suspension of procedure for acceding to Convention ..... 848

872. July 14 *Ambassador in United States to Governor General*. Encloses note to United States Government on resumption of procedure and British decision not to extend accession to other parts of Empire ..... 848

873. Aug. 2 *Ambassador in United States to Administrator*. Advises of two minor changes in preamble of Convention and enquires about arrangement for signature ..... 849

874. Aug. 18 *Governor General to Ambassador in United States*. Agrees to proposed changes and amended draft of Convention ..... 850



875. 12 oct. *L'ambassadeur aux États-Unis au Gouverneur général*. Demande qui signera la Convention le 21 octobre ..... 850

876. 17 oct. *Le Gouverneur général à l'ambassadeur aux États-Unis*. Lui demande de signer la Convention au nom du gouvernement canadien ..... 851

877. 21 oct. *L'ambassadeur aux États-Unis au Gouverneur général*. Annonce la signature de la Convention ..... 851

## DÉRIVATION À CHICAGO

1921

878. 15 avril *Le Gouverneur général à l'ambassadeur aux États-Unis*. Espère que le gouvernement des États-Unis refusera la demande de détournement accru des eaux du Lac Michigan ..... 851

879. 2 juill. *Le secrétaire aux Colonies au Gouverneur général*. Suggère que le gouvernement canadien devrait se fonder sur l'article 3 du traité de 1909 pour contester la dérivation accrue ..... 852

1922

880. 6 juin *L'ambassadeur aux États-Unis au Gouverneur général*. Demande si des représentations doivent être faites au Département d'État à cause du détournement accru des eaux pour le Canal sanitaire ..... 853

1923

881. 19 déc. *Le Gouverneur général au chargé d'affaires aux États-Unis*. Déclare que l'attitude du gouvernement canadien est inchangée et demande si des poursuites ont été engagées contre le district sanitaire de Chicago ..... 855

1924

882. 9 févr. *Le Gouverneur général au chargé d'affaires aux États-Unis*. Communique la protestation du Gouvernement contre le détournement accru des eaux, soit pour le canal qui relierait les Grands Lacs au Golfe du Mexique soit pour le Canal sanitaire de Chicago ..... 856

883. 15 févr. *Le secrétaire d'État des États-Unis au chargé d'affaires aux États-Unis*. Accuse réception de la note concernant le projet de canal jusqu'au Golfe du Mexique et la question du détournement accru des eaux du Lac Michigan ..... 858

875. Oct. 12 *Ambassador in United States to Governor General*. Enquires as to person who will sign Convention on October 21 ..... 850

876. Oct. 17 *Governor General to Ambassador in United States*. Requests Ambassador to sign Convention on behalf of Canadian Government ..... 851

877. Oct. 21 *Ambassador in United States to Governor General*. Announces signature of Convention ..... 851

## CHICAGO WATER DIVERSION

1921

878. Apr. 15 *Governor General to Ambassador in United States*. Hopes that United States Government will turn down application to increase water diversion from Lake Michigan ..... 851

879. July 2 *Colonial Secretary to Governor General*. Suggests Canadian Government should base their argument against increased diversion on Article 3 of Treaty of 1909 ..... 852

1922

880. June 6 *Ambassador in United States to Governor General*. Enquires whether representations should be made to State Department on account of increased water diversion for Sanitary Canal .... 853

1923

881. Dec. 19 *Governor General to Chargé d'Affaires in United States*. Repeats Canadian position and enquires about legal proceedings undertaken against Chicago Sanitary District ..... 855

1924

882. Feb. 9 *Governor General to Chargé d'Affaires in United States*. Transmits letter protesting against increased water diversion either for proposed channel from Great Lakes to Gulf of Mexico or for Chicago Sanitary Canal ..... 856

883. Feb. 15 *Secretary of State of United States to Chargé d'Affaires in United States*. Acknowledges receipt of note respecting proposed waterway to Gulf of Mexico and further diversion of waters from Lake Michigan ..... 858

884. 16 févr. *Le secrétaire d'État des États-Unis au chargé d'affaires aux États-Unis.* Rapporte que le district sanitaire de Chicago a interjeté appel contre les poursuites du Gouvernement ..... 858

885. 17 mars *Le Gouverneur général à l'ambassadeur aux États-Unis.* Se préoccupe de la question du détournement des eaux du bassin du Saint-Laurent par le district sanitaire de Chicago ..... 859

886. 18 mars *L'ambassadeur aux États-Unis au Gouverneur général.* Transmet la correspondance échangée avec le département d'État sur la dérivation des eaux du Lac Michigan ..... 859

887. 28 juin *Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis.* Informe que le gouvernement des États-Unis ne pourra formuler son opinion avant que la Cour Suprême ne rende un jugement sur l'injonction ..... 861

## 1925

888. 24 févr. *L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis.* Fait de vives représentations concernant la demande de dérivation accrue des eaux et propose un arrangement temporaire sur le débit des eaux détournées ..... 862

889. 5 mars *L'agent aux États-Unis au sous-secrétaire d'État adjoint aux Affaires extérieures.* Annonce que le secrétaire à la Guerre a autorisé une moyenne annuelle de détournement des eaux allant jusqu'à 8,500 pieds cubes par seconde ..... 863

890. 1<sup>er</sup> mai *Le Gouverneur général à l'ambassadeur aux États-Unis.* Signale que le débit des eaux détournées dépasse le maximum autorisé en 1910 et demande des renseignements sur les réductions envisagées ..... 864

891. 1<sup>er</sup> mai *Le Gouverneur général à l'ambassadeur aux États-Unis.* Voudrait savoir si la moyenne annuelle de 8,500 pieds cubes par seconde comprend toutes les eaux détournées par le district sanitaire de Chicago ..... 865

884. Feb. 16 *Secretary of State of United States to Chargé d'Affaires in United States.* Reports Chicago Sanitary District has appealed against Government's legal proceedings ..... 858

885. Mar. 17 *Governor General to Ambassador in United States.* Expresses concern over continuing diversion of waters from St. Lawrence watershed by Chicago Sanitary District ..... 859

886. Mar. 18 *Ambassador in United States to Governor General.* Transmits an exchange of correspondence with State Department on water diversion from Lake Michigan ..... 859

887. June 28 *Secretary of State of United States to Ambassador in United States.* Advises that United States Government will not formulate their views before Supreme Court has expressed an opinion on the injunction ..... 861

## 1925

888. Feb. 24 *Ambassador in United States to Secretary of State of United States.* Makes strong representations against application to increase water diversion and suggests temporary arrangement as to volume of water actually diverted ..... 862

889. Mar. 5 *Agent in United States to Assistant Under-Secretary of State for External Affairs.* Announces that War Secretary has authorized water diversion up to an annual average of 8,500 cubic feet per second ..... 863

890. May 1 *Governor General to Ambassador in United States.* Represents volume of diverted water is beyond maximum authorized in 1910 and enquires about proposed reductions ..... 864

891. May 1 *Governor General to Ambassador in United States.* Enquires whether annual average of 8,500 cubic feet per second should be interpreted as including all waters diverted by Chicago Sanitary District ..... 865

892. 15 juin *Le secrétaire d'État des États-Unis au chargé d'affaires aux États-Unis.* Indique que le débit des eaux à Lockport était en moyenne de 9,700 pieds cubes par seconde pour l'année finissant le 3 mars et espère que la réduction sera de 1,700 à 3,000 pieds cubes par seconde ..... 867

893. 10 sept. *Le Gouverneur général au chargé d'affaires aux États-Unis.* Expose que le permis tel qu'interprété par le département d'État autoriserait une dérivation totale à Lockport de 11,000 pieds cubes par seconde et demande qu'on s'occupe immédiatement de réduire le débit des eaux ..... 868

894. 30 oct. *Le Gouverneur général à l'ambassadeur aux États-Unis.* Demande qu'une retouche soit faite à la note transmise au secrétaire d'État ..... 870

895. 30 nov. *L'ambassadeur aux États-Unis au Gouverneur général.* Transmet une note du secrétaire d'État déclarant que le débit brut à Lockport ne dépassera pas 9,700 pieds cubes par seconde et qu'il sera réduit à 8,000 ou 6,700 pieds cubes par seconde à l'expiration du permis ..... 871

## LAC DES BOIS

1919

896. 17 juill. *Décret du Conseil.* Accepte l'avis de la Commission mixte internationale concernant le Lac des Bois et consent à un arrangement avec les États-Unis pour régler le niveau des eaux 873

1920

897. 16 nov. *L'ambassadeur aux États-Unis au Gouverneur général.* Transmet une note des États-Unis qui acceptent les propositions canadiennes et demandent au Gouvernement s'il attribuerait la tâche à la Commission internationale de contrôle ..... 877

1921

898. 29 mars *Décret du Conseil.* Fait ressortir l'importance de ne pas dévier de la méthode acceptée et exhorte à négocier un accord aussitôt que possible 879

892. June 15 *Secretary of State of United States to Chargé d'Affaires in United States.* Indicates that flow of water at Lockport averaged 9,700 cubic feet per second in year ending March 3 and hopes to reduce volume by 1,700 to 3,000 cubic feet per second ..... 867

893. Sept. 10 *Governor General to Chargé d'Affaires in United States.* Represents that permit as interpreted by State Department would authorize total diversion at Lockport of 11,000 cubic feet per second and requests immediate action to reduce flow ..... 868

894. Oct. 30 *Governor General to Ambassador in United States.* Asks that a correction be made in note transmitted to Secretary of State ..... 870

895. Nov. 30 *Ambassador in United States to Governor General.* Encloses note from Secretary of State stating gross flow at Lockport will not exceed 9,700 cubic feet per second. This volume will be reduced to 8,000 or 6,700 cubic feet per second at expiration of permit .... 871

## LAKE OF THE WOODS

1919

896. July 17 *Order in Council.* Accepts recommendations of International Joint Commission respecting Lake of the Woods and agrees to enter into an arrangement with United States for regulating water level ..... 873

1920

897. Nov. 16 *Ambassador in United States to Governor General.* Encloses note expressing United States agreement to Canadian proposals and enquires whether Government would confer further duty on Board of Control ..... 877

1921

898. Mar. 29 *Order in Council.* Emphasizes need not to depart from agreed procedure and urges immediate negotiation of an agreement ..... 879

899. 21 sept. *Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis.* Informe que les États-Unis acceptent la méthode proposée et suggèrent que les instructions aux représentants comportent certaines questions ..... 882

900. 21 déc. *Le Gouverneur général à l'ambassadeur aux États-Unis.* Transmet le décret du Conseil qui accepte les propositions formulées pour le règlement des questions entre les deux pays ..... 883

## 1922

901. 19 avril *Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis.* Accepte les propositions canadiennes ..... 887

## 1923

902. 3 févr. *L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis.* Informe que le gouvernement canadien a établi un projet de convention et propose une conférence officieuse à Washington ..... 888

903. 5 févr. *Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis.* Accepte la méthode proposée et demande la date de la réunion ..... 888

904. 13 avril *Décret du Conseil.* Fournit des renseignements complémentaires sur la Convention du Lac des Bois accompagnant le protocole et les lettres de référence à la Commission mixte internationale ..... 889

905. 7 mai *L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis.* Transmet les copies du projet de convention, du protocole proposé et des lettres de référence et demande l'accord du gouvernement des États-Unis ..... 892

## 1924

906. 5 janv. *Décret du Conseil.* Demande des renseignements sur le progrès des démarches visant au règlement des questions du Lac des Bois ..... 893

907. 7 mars *Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis.* Mentionne que les autorités de l'État du Minnesota n'ont pas encore exprimé leur opinion sur les questions du bassin du Lac des Bois ..... 894

899. Sept. 21 *Secretary of State of United States to Ambassador in United States.* Expresses United States concurrence in proposed procedure but suggests some questions be included in instructions to representatives ..... 882

900. Dec. 21 *Governor General to Ambassador in United States.* Transmits Order in Council accepting basis for settlement of questions between the two countries ..... 883

## 1922

901. Apr. 19 *Secretary of State of United States to Ambassador in United States.* Concurs in Canadian proposals 887

## 1923

902. Feb. 3 *Ambassador in United States to Secretary of State of United States.* Advises that Canadian Government have formulated a draft convention and suggests an informal conference in Washington ..... 888

903. Feb. 5 *Secretary of State of United States to Ambassador in United States.* Agrees to proposed procedure and enquires about date of meeting ..... 888

904. Apr. 13 *Order in Council.* Furnishes further explanations respecting convention on Lake of the Woods, accompanying protocol and letters of reference to International Joint Commission .... 889

905. May 7 *Ambassador in United States to Secretary of State of United States.* Transmits copy of draft convention, proposed protocol and letters of reference, and seeks concurrence of United States Government ..... 892

## 1924

906. Jan. 5 *Order in Council.* Requests enquiries on present status of proceedings for settlement of Lake of the Woods questions ..... 893

907. Mar. 7 *Secretary of State of United States to Ambassador in United States.* Says authorities of Minnesota State have not yet expressed their views on Lake of the Woods watershed questions .... 894

908. 10 avril *L'ambassadeur aux États-Unis au Gouverneur général*. Transmet la note qui propose une modification aux lettres de référence à soumettre à la Commission mixte internationale ..... 894

909. 28 juill. *L'ambassadeur aux États-Unis au secrétaire d'État par intérim des États-Unis*. Fait part de l'objection du gouvernement canadien à la proposition d'inclure dans les lettres de référence les dommages aux terres et propriétés .... 896

## 1925

910. 19 févr. *L'ambassadeur aux États-Unis au Gouverneur général*. Rapporte que les États-Unis acceptent le projet de convention, le protocole et les lettres de référence. Demande le nom du plénipotentiaire canadien et des renseignements sur le libellé du préambule ..... 897

911. 24 févr. *Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*. Rapporte que la Convention du Lac des Bois, les documents pertinents et le Traité de démarcation des frontières ont été signés ..... 897

912. 25 févr. *Le Gouverneur général au secrétaire aux Colonies*. Annonce que la Convention a été signée et remercie des pleins pouvoirs donnés sans retard 898

## NAVIRES DE GUERRE SUR LES GRANDS LACS

## 1920

913. 25 sept. *Mémoire du sous-secrétaire d'État aux Affaires extérieures au Premier ministre*. Étudie les violations de l'Accord Rush-Bagot par les États-Unis et la question de savoir s'il devrait être modifié ..... 898

## 1921

914. 22 févr. *Le Gouverneur général au chargé d'affaires aux États-Unis*. Transmet le décret du Conseil recommandant qu'aucun navire de guerre ne passe par les canaux canadiens sans autorisation ..... 899

915. 24 mai *L'ambassadeur aux États-Unis au Gouverneur général*. Transmet les documents traitant les violations de l'Accord Rush-Bagot par les États-Unis et demande s'il faut faire des représentations ..... 900

908. Apr. 10 *Ambassador in United States to Governor General*. Encloses note proposing an amendment to letters of reference to be submitted to International Joint Commission ..... 894

909. July 28 *Ambassador in United States to Acting Secretary of State of United States*. Advises of Canadian Government objection to United States proposal that letters of reference be enlarged to include damages to land and property 896

## 1925

910. Feb. 19 *Ambassador in United States to Governor General*. Reports concurrence of United States in draft convention, protocol and letters of reference, and requests information as to name of plenipotentiary and wording of preamble 897

911. Feb. 24 *Secretary of State of United States to Ambassador in United States*. Reports signature of Lake of the Woods Convention, related papers and Boundary Demarcation Treaty ..... 897

912. Feb. 25 *Governor General to Colonial Secretary*. Informs of signature of Convention and thanks for promptness in issuing Full Powers ..... 898

## NAVAL VESSELS ON THE GREAT LAKES

## 1920

913. Sept. 25 *Memorandum from Under-Secretary of State for External Affairs to Prime Minister*. Reviews question of United States infringements upon Rush-Bagot Agreement and considers whether Agreement should be modified ..... 898

## 1921

914. Feb. 22 *Governor General to Chargé d'Affaires in United States*. Transmits Order in Council recommending that no war vessels be permitted to pass through Canadian channels without authorization ..... 899

915. May 24 *Ambassador in United States to Governor General*. Encloses documents dealing with United States infringements upon Rush-Bagot Agreement and enquires whether representations should be made ..... 900

916. 12 juill. *Le sous-ministre du Service naval au sous-secrétaire d'État aux Affaires extérieures.* Déconseille de faire des représentations au sujet des navires de guerre sur les Grands Lacs et favorise le *status quo* ..... 903

917. 19 juill. *Le secrétaire aux Colonies au Gouverneur général.* Demande l'opinion du gouvernement canadien concernant les navires de guerre sur les Grands Lacs ..... 905

918. 9 août *L'Administrateur au secrétaire aux Colonies.* Transmet la copie de lettre du ministre du Service naval qui exprime son opinion sur la question 905

## 1922

919. 15 nov. *Le Gouverneur général à l'ambassadeur aux États-Unis.* Communique un décret du Conseil recommandant qu'un projet de traité sur les navires de guerre soit présenté au secrétaire d'État des États-Unis ..... 905

## 1923

920. 2 janv. *Le Gouverneur général à l'ambassadeur aux États-Unis.* Espère que la signature du projet de traité aura lieu avant l'ouverture de la Session 906

921. 22 janv. *L'ambassadeur aux États-Unis au Gouverneur général.* Rapporte que le gouvernement des États-Unis ne pourra signer le traité avant la fin du mois de janvier ..... 907

922. 18 mai *L'ambassadeur aux États-Unis au Gouverneur général.* Transmet la note du secrétaire d'État des États-Unis qui commente le projet de traité devant remplacer l'Accord Rush-Bagot 907

## 1924

923. 8 oct. *Décret du Conseil.* Recommande des modifications aux articles 1 et 3 du projet de traité soumis par le gouvernement des États-Unis ..... 913

924. 9 oct. *Le sous-ministre de la Défense nationale au sous-secrétaire d'État aux Affaires extérieures.* Demande que la question du traité reste en suspens .... 914

925. 10 oct. *Le sous-secrétaire d'État par intérim aux Affaires extérieures au sous-ministre de la Défense nationale.* Acquiesce à la demande de sursis ..... 914

916. July 12 *Deputy Minister of Naval Service to Under-Secretary of State for External Affairs.* Advises against making representations regarding naval vessels on Great Lakes and favours *status quo* ..... 903

917. July 19 *Colonial Secretary to Governor General.* Requests views of Canadian Government regarding naval vessels on Great Lakes ..... 905

918. Aug. 9 *Administrator to Colonial Secretary.* Transmits copy of letter setting forth views of Department of Naval Service ..... 905

## 1922

919. Nov. 15 *Governor General to Ambassador in United States.* Encloses Order in Council recommending that draft treaty regarding naval vessels be presented to United States Secretary of State .... 905

## 1923

920. Jan. 2 *Governor General to Ambassador in United States.* Expresses hope that treaty could be signed before opening of Session ..... 906

921. Jan. 22 *Ambassador in United States to Governor General.* Reports United States Government would not be in position to sign treaty before end of January 907

922. May 18 *Ambassador in United States to Governor General.* Transmits note from United States Secretary of State commenting on draft treaty to replace Rush-Bagot Agreement ..... 907

## 1924

923. Oct. 8 *Order in Council.* Recommends amendments to Articles 1 and 3 of treaty as proposed by United States Government ..... 913

924. Oct. 9 *Deputy Minister of National Defence to Under-Secretary of State for External Affairs.* Requests that action on treaty be delayed ..... 914

925. Oct. 10 *Acting Under-Secretary of State for External Affairs to Deputy Minister of National Defence.* Acquiesces in delay ..... 914

## 1925

926. 5 juin *L'ambassadeur aux États-Unis au Gouverneur général*. Transmet la note du secrétaire d'État des États-Unis qui désire une réponse du gouvernement canadien au sujet du projet de traité ..... 915

## VOIE NAVIGABLE DU SAINT-LAURENT

## 1919

927. 1<sup>er</sup> avril *L'ambassadeur aux États-Unis au Gouverneur général*. Envoie la correspondance proposant que la Commission mixte internationale fasse enquête en vue d'améliorer la navigation sur le Saint-Laurent entre Montréal et le Lac Ontario ..... 916

928. 12 avril *L'ambassadeur aux États-Unis au Gouverneur général*. Transmet la note demandant si le gouvernement canadien est prêt à soumettre la question à la Commission mixte internationale aux fins d'enquête et de rapport ..... 917

929. 18 juill. *Mémoire du Conseiller juridique au Premier ministre*. Étudie les possibilités d'aménagement conjoint et signale les difficultés financières du projet ..... 918

930. 21 juill. *Le Gouverneur général au chargé d'affaires aux États-Unis*. Communique le décret du Conseil qui accepte de soumettre la question à la Commission mixte internationale ..... 919

931. 23 sept. *L'Administrateur au chargé d'affaires aux États-Unis*. Rapporte la nomination d'un représentant canadien qui traitera des attributions de la Commission ..... 920

932. 31 déc. *Le Gouverneur général à l'ambassadeur aux États-Unis*. Envoie le décret du Conseil approuvant les attributions de la Commission ..... 921

## 1922

933. 18 mai *L'ambassadeur aux États-Unis au Gouverneur général*. Transmet une note demandant au Gouvernement s'il s'opposerait à ce que les États-Unis déclarent publiquement qu'ils ont étudié la question officiellement avec le Canada ..... 922

## 1925

926. June 5 *Ambassador in United States to Governor General*. Transmits note from United States Secretary of State enquiring whether a reply should be expected from Canadian Government regarding draft treaty ..... 915

## ST. LAWRENCE SEAWAY

## 1919

927. Apr. 1 *Ambassador in United States to Governor General*. Encloses note suggesting an investigation be made by International Joint Commission to improve navigation on St. Lawrence River between Montreal and Lake Ontario ..... 916

928. Apr. 12 *Ambassador in United States to Governor General*. Transmits note asking whether Canadian Government are ready to refer matter to International Joint Commission for investigation and report ..... 917

929. July 18 *Memorandum from Legal Adviser to Prime Minister*. Discusses possibilities of a joint development and points out financial difficulties of project ..... 918

930. July 21 *Governor General to Chargé d'Affaires in United States*. Encloses Order in Council concurring in reference to International Joint Commission .... 919

931. Sept. 23 *Administrator to Chargé d'Affaires in United States*. Reports appointment of Canadian representative to discuss terms of reference ..... 920

932. Dec. 31 *Governor General to Ambassador in United States*. Encloses Order in Council approving recommendations as to terms of reference ..... 921

## 1922

933. May 18 *Ambassador in United States to Governor General*. Transmits note asking whether Government would object to publication of a statement on official discussion ..... 922

934. 29 mai *Le Gouverneur général à l'ambassadeur aux États-Unis*. Informe que le Gouvernement n'a pas eu l'occasion d'étudier le rapport de la Commission mixte internationale mais qu'il ne s'élève pas contre la déclaration proposée ..... 925

1924

935. 30 janv. *Le chargé d'affaires aux États-Unis au secrétaire d'État des États-Unis*. Accepte l'avis de la Commission mixte internationale que le Conseil mixte du génie soit élargi pour étudier les aspects techniques du projet et préparer un rapport final ..... 925

936. 27 févr. *Le secrétaire d'État des États-Unis au chargé d'affaires aux États-Unis*. Consent à ce que le Conseil mixte du génie soit élargi et propose que les instructions soient préparées par une Conférence mixte ..... 926

937. 10 mars *Décret du Conseil*. Recommande l'établissement d'un Comité pour coordonner le travail des ministères intéressés au projet de la Voie maritime du Saint-Laurent ..... 928

938. 12 mars *L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis*. Accepte que le nombre des ingénieurs soit augmenté, donne des renseignements complémentaires sur les comités nationaux et des instructions concernant le Conseil mixte du génie ..... 929

939. 29 avril *L'ambassadeur aux États-Unis au Gouverneur général*. Communique l'opinion des États-Unis sur les questions du Comité national élargi et d'instructions au Conseil mixte du génie 930

940. 7 mai *Le Gouverneur général à l'ambassadeur aux États-Unis*. Accepte la proposition que les instructions rédigées par les techniciens soient approuvées par les gouvernements respectifs avant qu'on les soumette au Conseil mixte du génie 932

941. 30 déc. *L'ambassadeur aux États-Unis au Gouverneur général*. Transmet la note du gouvernement des États-Unis qui consent à approuver le rapport et le rapport complémentaire des techniciens ..... 933

934. May 29 *Governor General to Ambassador in United States*. States that Government has had no opportunity of considering International Joint Commission's report but would raise no objection to proposed statement ..... 925

1924

935. Jan. 30 *Chargé d'Affaires in United States to Secretary of State of United States*. Agrees to recommendation of International Joint Commission that Joint Engineering Board be enlarged to consider all technical aspects of scheme and prepare a final report ..... 925

936. Feb. 27 *Secretary of State of United States to Chargé d'Affaires in United States*. Assents to enlargement of Joint Engineering Board and proposes that instructions be prepared by Joint Conference ..... 926

937. Mar. 10 *Order in Council*. Recommends constitution of a committee to co-ordinate the work of Departments concerned with St. Lawrence Seaway Project ..... 928

938. Mar. 12 *Ambassador in United States to Secretary of State of United States*. Concurs in appointment of additional engineers, provides further information as to national committees and instructions for enlarged Joint Engineering Board ..... 929

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## CHAPITRE I / CHAPTER I

### CONDUITE DES RELATIONS EXTÉRIEURES

### CONDUCT OF EXTERNAL RELATIONS

Représentation diplomatique à Washington; Mission de guerre canadienne; rattachement du Haut commissariat au Ministère; rapports avec le Service consulaire britannique; Délégués commerciaux à l'étranger; Agents généraux à Londres; nomination par l'État libre d'Irlande d'un Ministre à Washington; Haut commissariat en Grande-Bretagne; nomination d'un Conseiller auprès de la Société des Nations.

Diplomatic representation at Washington; Canadian War Mission; transfer of Office of High Commissioner to Department of External Affairs; relations with British Consular Services; status of Canadian Trade Commissioners; status of Agents General at London; appointment of a Minister at Washington by Irish Free State; status of High Commissioner in Britain; appointment of an Advisory Officer to the League of Nations.

#### 1.

#### *Mémoire des premiers ministres des Dominions<sup>1</sup>*

#### *Memorandum by Dominion Prime Ministers<sup>1</sup>*

CONFIDENTIAL

Paris, February 25, 1919

#### DOMINIONS' RIGHT OF LEGATION

#### Third draft

1. The Dominion Prime Ministers are convinced that the time has come when the right of the Dominions to send diplomatic envoys to foreign states should be recognized, and that the appropriate steps would be taken immediately in order that this right may be exercised.

2. They consider that any provision made for this purpose should not only take into account the necessity for preserving the unity of the British Commonwealth in its relations with foreign states, but should also be based upon a full recognition of the status of the Dominions "as autonomous nations of an Imperial Commonwealth" entitled to "an adequate voice in foreign policy and foreign relations", in accordance with Resolution IX of the Imperial War Conference, 1917. To this end they submit the following proposals.

<sup>1</sup>Rien n'indique que ce mémorandum fut soumis à Lloyd George ou discuté à une réunion de la Délégation de l'Empire britannique à la Conférence de la Paix.

<sup>1</sup>There is no record of this memorandum ever being presented to Lloyd George or discussed at a meeting of the British Empire Delegation to the Paris Peace Conference.

3. The envoy sent by a Dominion to any foreign capital shall be appointed as "His Britannic Majesty's High Commissioner for Canada," "His Britannic Majesty's High Commissioner for Australia," or as the case may be, and be given the rank of Minister Plenipotentiary.

4. A Dominion envoy shall be responsible to, and shall communicate directly with, the Dominion Government by which he is appointed.

5. The envoy for the British Commonwealth and the Dominion envoys at any foreign capital shall work in the closest conjunction with each other, and shall keep each other informed of the main lines of their action.

(Alternative Paragraph 3. At any foreign capital where a Dominion wishes to send a diplomatic envoy, the envoy of the British Commonwealth shall be appointed as "His Britannic Majesty's High Commissioner" and be given the rank of Ambassador Extraordinary and Plenipotentiary. The envoy sent by any Dominion to such capital shall be appointed as "His Britannic Majesty's (Assistant) (Joint) (Associate) High Commissioner" and be given the rank of Minister Plenipotentiary).

2.

*Le Premier ministre au premier ministre de Grande-Bretagne*  
*Prime Minister to Prime Minister of Britain*

CONFIDENTIAL

Paris, March 27, 1919

Dear Mr. Lloyd George,

In perusing despatches from the British Ambassador at Washington I have been impressed from time to time with the importance of the information from a Canadian standpoint. Conditions in the United States and the policy of the United States Government from time to time are naturally of great moment to Canada by reason of the immediate proximity of the two countries and the constantly increasing commercial, industrial and social intercourse between them. It has been the practice at the British Embassy to repeat to Ottawa telegrams directly affecting Canadian interests; but I think this practice should be carried farther and that all telegrams touching political, industrial, commercial and social conditions in the United States should be repeated to Ottawa. A similar course might be followed with respect to telegrams from Downing Street to the Embassy at Washington.

May I hope, therefore, that pending the conclusion of arrangements for direct Canadian representation at Washington instructions may be given along the lines which I have suggested.

Copy of this letter is being sent to Mr. Balfour and to Lord Milner.

Faithfully yours,

R. L. BORDEN



3.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

DESPATCH 87

Washington, May 28, 1919

My Lord Duke,

I have the honour to enclose to you copy of letters from Sir R. Borden to Mr. Balfour and Mr. Lloyd George concerning communications between this Embassy and Ottawa and I have been instructed to meet the wishes of the Canadian Premier. I need hardly say that this Embassy will willingly do so, and I propose to interpret my instructions in a wide manner preferring to forward to you documents when I am not sure whether or not they will be of interest to the Canadian Government. . . .

I have etc.

COLVILLE BARCLAY

4.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

DESPATCH 54

Ottawa, June 5, 1919

Sir,

With reference to your despatch No. 87 of the 28th May outlining a plan by which despatches addressed by the Ambassador to the Foreign Office, and vice versa, will be sent to me for the information of my advisers, the arrangements suggested appear to be perfectly satisfactory.<sup>1</sup> I note that in future only one copy of despatches will be sent.

With regard to the first paragraph of your despatch, I assume that the intention is still to send to me all documents intended for the information of my advisers.

I have etc.

DEVONSHIRE

5.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

PRIVATE AND PERSONAL

Ottawa, July 7, 1919

My dear Lindsay,

I must apologize for the long delay in replying to your letter of June 13th, but as Mr. Sladen told you I was away on a fishing expedition.

<sup>1</sup>Ces arrangements portaient sur le nombre de copies à expédier à Ottawa.

<sup>1</sup>These arrangements were technical matters dealing with the number of copies to be sent to Ottawa.

As he stated in his letter of June 25th, I communicate all ordinary telegrams and despatches to the Canadian Government. This is in accordance with the well established practice and should in my opinion be regarded as the ordinary and normal procedure and should apply to communications of the character contemplated in the correspondence between Mr. Lloyd George, Mr. Balfour and Sir Robert Borden.

In the event of the Embassy having to communicate anything to the Foreign Office which the Embassy consider to be undesirable or unadvisable for the Canadian Ministers to see I think it would be better that it should not be communicated to the Governor General. The Governor General could not take the responsibility of withholding from his Ministers any such documents and it would not be possible for him to discriminate as to what should be passed on and what should be withheld.

I wish to make it quite clear, however, that what I have stated above refers only to the category of despatches mentioned in the correspondence and in no sense affects the close relationship which exists between the Embassy and the Governor General. It is most important that the Ambassador and the Governor General should continue to have, as they always have had, the same liberty of being able to communicate with one another in the most private and intimate manner. This can always be done by means of letters or cypher telegrams marked "Private and Personal".

I am not altogether surprised that you had some difficulty in arriving at the meaning of the last paragraph of my previous letter. It was inserted solely for the purpose of providing that all despatches which were to be sent should be sent direct to me and not to my Advisers.

Believe me etc.

DEVONSHIRE

6.

*Le président de la Commission canadienne du Commerce  
au président du Conseil privé*

*Chairman of Canadian Trade Commission to President  
of the Privy Council*

Ottawa, September 17, 1919

Dear Sir,

In connection with Canadian representation in Washington, about which we spoke last night, I beg to bring to your notice the following facts; I will only touch upon these briefly, as they are all well known to you and to the Government:

The total trade of Canada with the United States, exports and imports, amounted to about \$1,300,000,000 for the year ending June, 1919. With the exception of the United Kingdom, the volume of trade of no other country approaches that of Canada with the United States, the nearest being France,

which, due to the war, had a much larger trade than usual, amounting to about \$1,000,000,000.

In considering the importance of Canada to the United States, the latest trade returns show that for the year 1919 the total trade of Canada with the United States was one and one-half times greater than the total trade of the United States with the countries of South America, the figures being — Canada, \$1,300,000,000 as above stated, whilst the trade with South America amounted to about \$900,000,000.

Although the trade with South American countries, compared with that of Canada, is relatively unimportant to the United States, two of these countries, viz. the Argentine Republic and Brazil, have ambassadors at Washington, while a number of the other countries maintain important and expensive missions.

Many reasons can be cited why Canada should be properly represented at Washington, arising out of the proximity of the two countries, the many questions which are always arising of a trade or semi-diplomatic or diplomatic character, questions relating to railroads, shipping, water power, canals, and there seems every reason to believe that the volume of trade between the two countries will steadily increase instead of grow less.

Another important reason why Canada should be properly represented at Washington is that some means should be taken to correct the unfavourable trade balance, which exists between the two countries. This can only be done by favourable tariff agreements, which must be handled judiciously, the main object of which should be to increase the exports of Canada to the United States, and decrease the imports. This can only be done through a friendly understanding between the two countries.

It may be argued that all these matters can be handled by the British Embassy, and no doubt they can be in a kind of way. I wish to say, however, that my experience in Washington has led me to believe that it is impossible for the British Embassy, with their limited knowledge of Canadian affairs and the fact that they are busy with so many other matters, to properly represent Canada in Washington. I have no hesitation whatever in pressing this view, as during the past two years, I have had an opportunity of seeing the workings of the Embassy at close range. I think that the Government at Washington would welcome a proper Canadian representation, as they are most anxious to have all questions between the two countries dealt with in a thorough-going manner.

As to the kind of representation Canada should have, I think the status of the representative of Canada should be in accordance with the importance of the mission he will conduct, and the figures which I have quoted above will speak for themselves in this respect, unless the representative of Canada can be invested with the proper powers and position, he will not be able to accomplish as much or have the same standing with the officials at Washington as he should have: therefore, I suggest that a High Commissioner be appointed.

All purely Canadian business of a semi-diplomatic or trade character, principally affecting the two countries, should be handed over by the British

Embassy to the Canadian High Commissioner to deal with, and they should be dealt with from his own headquarters, always, of course, reporting to the British Ambassador, and keeping him informed as to negotiations the point being, however, that negotiations should be carried on direct by the Canadian High Commissioner, and not in conjunction with, or through, subordinates of the British Ambassador.

Even questions of a diplomatic character which arise between the United States and Great Britain, and in which Canada is vitally interested, should be submitted to the Canadian High Commissioner as negotiations proceed, so that he may advise the British Ambassador from time to time and keep the Government at Ottawa fully informed with direct information, during the carrying on of negotiations, and not, as I believe it is done at present, first transmitted to London, whence it finds its way back to Canada through the Foreign Office.

The above are the principal suggestions that I have the honour to make to you. There are many other reasons which I could give, but these I have mentioned will probably be sufficient.

Yours faithfully,

C. B. GORDON

7.

*Mémorandum du Conseiller juridique au Premier ministre*

*Memorandum from Legal Adviser to Prime Minister*

SECRET

Ottawa, September 19, 1919

NOTES ON THE TITLE AND STATUS OF THE PROPOSED  
CANADIAN AGENT AT WASHINGTON

1. It is to be assumed that our right of legation will not be contested. Canada, having been accepted as a Member of the League of Nations, has thus been recognized as belonging to the Family of Nations, as an International Person entitled to the rights and privileges, as she has accepted the obligations, of the rules that govern intercourse between civilized states. Other states, having agreed to recognise and treat with her Delegates in the organs of the League, can scarcely decline to recognize and treat with any agents she may send to their capitals.

2. It is essential to his effectiveness, and to enable him to treat with the United States Government, to give the Canadian agent diplomatic status. To do this it will be necessary to follow the established classification. There are four recognised classes of diplomatic envoys: (1) Ambassadors, (2) Envoys Extraordinary and Ministers Plenipotentiary, (3) Ministers Resident, and (4) Chargés d'Affaires. . . .

3. The choice to be made among these four classes does not seem difficult. In view of Canada's membership in the League, her relative importance in the world, her great importance in the Western Hemisphere and the state of

feeling in Parliament and throughout the Dominion, the Canadian agent at Washington ought not to be ranked lower than Envoy Extraordinary and Minister Plenipotentiary. To rank him as Minister Resident or Chargé d'Affaires would be to rank him below the agents of many comparatively insignificant Powers. . . .

L. C. CHRISTIE

8.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, October 3, 1919

My advisers have reached the conclusion that distinctive representation of Canada at Washington should not longer be delayed and they refer to correspondence which has taken place since 13th October 1917.<sup>1</sup> Before the war the consideration of questions between Canada and the United States and the necessary action thereon constituted two-thirds or three-quarters of the work of the Embassy, if my advisers are correctly informed. The same condition will probably arise after the conclusion of peace. These questions in most cases concerned purely Canadian interests and they were often approached without the exact information which should have been available. The personnel of the Embassy staff has always been selected without consultation with the Canadian Government and apparently without special regard to their acquaintance with Canadian conditions and interests. Thus a strong feeling has arisen in this country that effective steps should be taken to safeguard more thoroughly Canadian interests at Washington. The two countries adjoin each other upon a boundary line of nearly four thousand miles and the social and commercial intercourse is constantly increasing. As an illustration my advisers refer to trade conditions during five year periods from 1900 to 1919, both inclusive. The amounts are expressed in millions of dollars. During the first period the total trade between Canada and the United Kingdom was eight hundred and thirty-six, between Canada and the United States nine hundred and thirty-two and between the United States and all South American countries seven hundred and sixty-five. In the second period the corresponding figures were nine hundred and sixty-seven, twelve hundred and sixty-two, and eleven hundred and fourteen. In the third period the corresponding figures were fourteen hundred and thirty-two, twenty-three hundred and eighteen and sixteen hundred and thirty-nine. In the fourth period the corresponding figures are thirty-two hundred and seventy-three, forty-four hundred and eighty-three, and thirty-five hundred and eighty-five. It will be observed that the total trade between Canada and the United States exceeds that between the United States and all South American countries and also exceeds, by a considerable margin, the total trade between Canada and the United Kingdom.

<sup>1</sup>Vol. 1, Docs. 25-37.

Having regard to these facts my advisers have no doubt as to the necessity of distinctive representation. They are desirous of accomplishing it upon lines which will maintain and even emphasize the solidarity of the Empire but which will give to this country the distinctive representation which constitutional development in recent years both sanctions and demands. They propose therefore that such representation should be established upon the following lines which express conclusions to be embodied in an Order in Council. Begins:

I. The Dominion of Canada shall be represented in the United States by a diplomatic agent duly accredited to the President of the United States to reside at Washington in the character of His Majesty's Envoy Extraordinary and Minister Plenipotentiary for Canada.

II. The Canadian Minister shall be appointed by and be directly responsible to the Government of Canada. He shall receive his instructions from and shall report to the Secretary of State for External Affairs.

III. The Canadian Diplomatic establishment at Washington under the direction of a Canadian Minister shall, subject to an agreement to be made with the Government of the United Kingdom, constitute a part of the establishment of His Majesty's Embassy.

IV. The Canadian Minister shall conduct the negotiations and be the channel of communication at Washington in matters between the United States and His Majesty in respect of the Dominion of Canada.

V. The Canadian Minister shall hereafter be the channel of communication in all matters between His Majesty's Embassy and the Government of Canada.

VI. With object of promoting the most complete co-operation and unity of purpose, effective arrangements, to be agreed upon between the Canadian Minister and His Majesty's Ambassador, shall be made for continuous consultation in all important matters of common concern and for such necessary concerted action, founded on consultation, as they may determine. Any matter which they may be unable to adjust by consultation between themselves shall be referred to their respective Governments for settlement.

VII. In particular such forms and mode of procedure shall be agreed upon as will prevent confusion or embarrassment on the part of the Government of the United States in respect of channels of communication.

VIII. The further negotiation at Washington of matters now pending between the United States and Canada shall be conducted by and through the Canadian Minister. Ends.

As the Canadian War Mission at Washington has been practically closed the matter is somewhat urgent, and my advisers hope that they may be

favoured with the views of His Majesty's Government with as little delay as possible. Repeated to Washington.<sup>1</sup>

## DEVONSHIRE

9.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, October 28, 1919

SECRET. Your Ministers' proposals received in your telegram dated 3rd October have received most careful consideration by the Cabinet. Closeness of relationship between Canada and the United States and the importance of Canadian business at Washington we fully realise justifies the demand for distinctive representation of Canada in His Majesty's Embassy at Washington. At the same time we cordially reciprocate your desire that such distinctive representation should take a form which would maintain and emphasize the solidarity of the Empire and provide in the United States well balanced protection of imperial and Canadian interests.

We think, from this point of view, that it is very desirable to secure position of the Canadian representative as a part of the establishment of the Embassy and to preserve the closest connection between him and the Ambassador, so that there may be a constant interchange of views on matters of common concern. The most convenient and suitable method of carrying out this object, in our opinion, would be for the Government of Canada to recommend and for the King to appoint a Minister Plenipotentiary who would be next in rank in the Embassy to the Ambassador, and would have charge of Canadian affairs and conduct them with the United States Government, acting upon instructions from and reporting direct to the Canadian Government. He should take his place as Minister at the Embassy in charge of Canadian affairs, and the Government of the United States should be formally apprised by an official letter from the Secretary of State of his appointment, accrediting the Canadian Minister, and empowering him to conduct Canadian affairs direct with the United States Government. The Canadian Minister would take charge of the Embassy in the absence of the Ambassador.

In order to carry out this policy it would be essential that the Minister should reside and have his office within the precincts of the Embassy and that his Canadian Staff, appointed like himself on the recommendation of the Canadian

<sup>1</sup>Le même jour le Premier ministre expédia au premier ministre d'Australie un télégramme reproduisant les huit paragraphes ci-dessus et qui concluait: «Having regard to our conversation in Paris on this question and in view of your intention to establish Australian representation at Washington I thought it desirable to lay before you these proposals which I hope will commend themselves to your judgment.»

<sup>1</sup>On the same date a message was sent by the Prime Minister to the Prime Minister of Australia. This telegram repeated the eight numbered paragraphs printed above and concluded: "Having regard to our conversation in Paris on this question and in view of your intention to establish Australian representation at Washington I thought it desirable to lay before you these proposals which I hope will commend themselves to your judgment."

Government, should have diplomatic status and be regarded as part of the diplomatic staff of His Majesty's Embassy with rank equivalent to that of their British colleagues of corresponding grades. In this way the solidarity of the Empire would be maintained and emphasized which could hardly be the case if a diplomatic agent for the Dominion of Canada were accredited independent to the President of the United States. As the present Embassy House is not adequate for the purpose it will be necessary to find another site upon which suitable buildings can be raised.

Should experience, however, show necessity for further modifications to meet altered conditions and the new status of the Dominions, an opportunity for the full discussion of this subject will present itself at the contemplated conference on the constitution of the Empire to be held next year. In the meantime a beginning could be made at once by the establishment of a Canadian branch of the Embassy at Washington as suggested above. We confidently hope that these proposals will meet views of the Dominion Government.

MILNER

10.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, December 20, 1919.

SECRET. My Advisers have given careful consideration to your telegram of October 28th. So far as the practical result is concerned, that is to say, the adequate representation of Canadian interests at Washington under the control of the Canadian Government, they observe that your proposal does not differ in substance from that put forward in my telegram of October 3rd.

As to the question of form my Advisers point out that they were simply concerned that the Canadian representative should have precedence in the Diplomatic Corps in Washington on the same basis as the Ministers of other countries resident there. They now understand from informal conversations at the Embassy that this result will follow under the arrangement proposed in your telegram. They consider it important that there should be no doubt on this point.

It is also considered that some method should be devised whereby the Canadian Government would participate formally and directly in the issuance of the letter accrediting the Canadian Minister Plenipotentiary to the United States Government. A letter from the Secretary of State for External Affairs of Canada accompanied by a covering letter from the Secretary of State for Foreign Affairs might accomplish this purpose. My Advisers would be glad to have the views of His Majesty's Government on this point.

My Advisers entirely agree with your suggestion that the proposed arrangement should be regarded as open to review if experience should disclose the necessity for alteration to meet the new status of the Dominions.



Subject to these observations they will be glad to proceed on the lines suggested. Before making an appointment, however, they request an answer on the points raised above.

## DEVONSHIRE

11.

*Décret du Conseil**Order in Council*

P.C. 27

January 10, 1920

The Committee of the Privy Council, on the recommendation of the Acting Secretary of State for External Affairs, advise, that in pursuance of the vote of Parliament for the purpose, the establishment known as the Canadian War Mission at Washington, set up under the Order in Council of the 2nd February, 1918, (PC 272) and subsequent Orders in Council in amendment thereof, be maintained until permanent arrangements for Canadian diplomatic representations at Washington are made; that the officers and employees comprised in the establishment as on the 31st December, 1919, be continued in their then capacities and at their then salaries; that such salaries and the other expenses of the Mission be paid out of the moneys voted by Parliament for the purpose; and that this arrangement be effective as from the 1st January, 1920.

12.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, February 2, 1920

SECRET. With reference to paragraph three of your telegram December 19th [20th], we find that the constitutional procedure for accrediting a Minister is by a direct letter from one Sovereign or Head of State to another. There will therefore be no room for a letter from either the Canadian or British Secretary of State, but the King's letter might state that he has judged it expedient to confer the rank of Minister Plenipotentiary upon X (this being the usual formula in such cases) and continue with a phrase inserted *ad hoc* and running "and to attach him to our Embassy to the United States of America with the especial object (or duty) of dealing with matters affecting the interests of our Dominion of Canada". A letter from the Canadian Government might be addressed to their nominee informing him of his nomination and his proposed duties, and we should be glad to see a draft of such a letter. A copy of this letter might be sent to State Department by the Ambassador, together with a copy of credentials. Will you please telegraph your Ministers' views.

13.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, February 2, 1920

SECRET. Canadian representation at Washington. With reference to your telegram December 19th [20th] confidential, and to my telegram of to-day,

we think public announcement would be most suitably made by simultaneous statement in Canadian and British Parliaments. This announcement should, however, on no account be made before a communication has been made to the United States Government and their formal agreement has been received. On such points the Government of the United States of America are very particular, and they may not regard matter as simple. The Ambassador (or if the Ambassador is still absent the Chargé d'Affaires, but it is desirable that the Ambassador should himself conduct the correspondence and formally introduce the Minister) should address a note to the Secretary of State informing him that a member of the Embassy Staff, selected by the Government of Canada, is about to be appointed to deal with Canadian affairs, and that Minister Plenipotentiary will be the rank given to him.

14.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, February 5, 1920

SECRET. Your telegram February 2nd. My Advisers agree that announcement of arrangement for Canadian Representation at Washington would be most suitably made as you suggest, and this method will now be quite convenient since Parliament here is to convene at the end of this month. They understand of course that this announcement must not be made until the matter has been settled with the United States Government.

My Advisers are of opinion that the note from the Ambassador to the Secretary of State should inform him that a representative, selected by the Government of Canada, with the rank of Minister Plenipotentiary, is about to be appointed to deal with Canadian affairs and that he will be a member of the Embassy Staff.

As for the terms of the announcement they think it should be such as to emphasize the important character of the step about to be taken in our constitutional relations. The aim should be to indicate in suitable terms that there is to be distinctive Canadian representation; but that at the same time the British Empire is recognized as a unity for diplomatic purposes.

DEVONSHIRE

15.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, February 5, 1920

SECRET. Canadian representation at Washington. Your telegram February 2nd. The proposal respecting the King's letter accrediting the Canadian Minister is agreeable to my Advisers, but in their view the phrase inserted *ad hoc* should read "and to attach him to Our Embassy to the United States of America

with the especial object of representing Us in respect of Our Dominion of Canada and of dealing with matters affecting the interests of Our said Dominion". They would be glad to see the complete form of such a letter.

They also concur in the suggestion about a letter from the Canadian Government to their nominee and they will be glad to furnish you with a draft of such a letter in due course. It would be appreciated if you could send by mail any forms or precedents that might be of assistance either in this connection or for the purpose of drafting any other necessary documents such as for example the instructions to be handed to the new Minister.

On this particular subject it is just possible that Sir Robert Borden may make some enquiry, and if he does so my Ministers would be glad if you would supply him with copies of these telegrams.

DEVONSHIRE

16.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, February 23, 1920

SECRET. Canadian Representation at Washington. With reference to your two telegrams of February 5th, specifying proposed phrase by your Ministers for insertion in the King's letter accrediting the new Minister. We cannot help thinking this would suggest an inherent division of genuine representation of the policy of the British Empire, which your Government are as anxious to avoid as ourselves, and which would hardly be consistent with the arrangement agreed upon whereby with a view to emphasizing the unity of the Empire for diplomatic purposes the Canadian representative is not only a member of the Embassy but actually takes control of it and of the whole representation of Imperial policy at Washington in the absence of the Ambassador. I would suggest that the intention of your Ministers in modifying the phrase originally proposed would be met if the phrase were amended to read "and to attach him to our Embassy to the United States of America with the especial object of representing the interests of our Dominion of Canada."

As to this I should be glad to receive your Ministers' views. We concur in suggested terms of notification to United States Government. The Documents asked for will be sent as soon as possible.

17.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, February 25, 1920

SECRET. Your telegram February 23rd respecting Canadian representation at Washington. My Ministers accept the suggestion at the end of your first paragraph concerning the phrase for insertion in the King's letter accrediting the new Minister.

18.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

DESPATCH 87

Washington, March 1, 1920

My Lord Duke,

I have the honour to transmit, herewith, to Your Excellency, copy of a note on the subject of Canadian Diplomatic representation at Washington which, in accordance with instructions from the Foreign Office, I have addressed to the State Department.

I have etc.

R. C. LINDSAY

[PIÈCE JOINTE/ENCLOSURE]

*Le chargé d'affaires aux États-Unis au secrétaire d'État par intérim*  
*des États-Unis*

*Chargé d'Affaires in United States to Acting Secretary*  
*of State of United States*

Washington, February 27, 1920

Sir,

I have the honour, on instructions from my Government to inform you that in view of the importance of the relations between Canada and the United States, His Majesty's Government have been for some time in communication with the Canadian Government with the object of providing for a more complete representation of Canadian interests at Washington than has hitherto existed. Such a development seems clearly desirable in view of the constant increase, which will be no doubt maintained in the future, in commercial and social intercourse between Canada and the United States. To meet this situation a Representative selected by the Canadian Government, with the rank of Minister Plenipotentiary is about to be appointed to deal with Canadian affairs; he will be a member of the Embassy Staff. His Majesty's Government have no doubt that the introduction of this system, designed as it is to facilitate the transaction of business between the United States and Canada, will be acceptable to the United States Government. It is proposed to announce the introduction of the new system both here and in Ottawa at an early date.

I am instructed to make it clear that the introduction of this new arrangement will not denote any departure, either on the part of His Majesty's Government or of the Canadian Government from the principle of the diplomatic unity of the British Empire. It is intended that while the new Minister will rank in the Embassy immediately after the Ambassador and will take charge in the latter's absence, he should be at all times the ordinary channel of communication with the United States Government in matters which concern Canadian interest alone. The new minister will receive credentials direct from His Majesty the King on the analogy afforded by the existence at His Majesty's Embassy in Paris of a minister in the diplomatic service ranking next to the Ambassador.

I should be grateful to receive the concurrence of your Government in the proposed appointment as soon as possible, since His Majesty's Government are anxious, as a matter of courtesy, to secure this concurrence before the necessary state[ment] of the subject is made in Parliament.

I have etc.

R. C. LINDSAY

19.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

PARAPHRASE OF TELEGRAM

Washington, March 4, 1920

SECRET. Following is repetition of telegram No. 172 addressed to Foreign office (of March 4th,) and repeated to Canada by Post. With reference to your telegrams No. 208 and 209, I have addressed note to State Department in the sense of these telegrams.

To-day Acting Secretary of State spoke to me about Canadian representation in a purely private manner. He felt sure it would be most valuable from practical point of view, and welcome to State Department. He was himself most anxious to do all he could to facilitate it. He foresaw one difficulty, and it was that other British Dominions would presumably require same privileges, but that was not his difficulty but ours. The question of giving a corresponding status to American representative in Canada was a more serious matter. To that he could understand objections might be raised but anticipated that it might cause difficulties. The special credentials of Canadian representative he thought might cause questions to arise, but he did not lay stress on it as he understood that there are precedents and that point is one of some importance. He was inclined to think that proposal might be more easily started if the Government of the United States were not formally asked to give their approval and if Canadian representative were to arrive in America and be presented in his rank and status by Ambassador. On this point I said I would ask your views. Please instruct.

On point of precedence he did not anticipate any difficulty, i.e., that Canadian representative should rank before other Chargés d'Affaires and Counselors not having rank of Minister, but after Envoys Extraordinary and Ministers Plenipotentiary. He made it clear that he was most anxious to be helpful, but he is not yet ready to give an official answer, his observations being purely personal.

LINDSAY

20.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

PARAPHRASE OF TELEGRAM

Washington, March 11, 1920

URGENT. SECRET. Addressed to Foreign Office No. 191, and repeated to Canada. With reference to my telegram No. 172, I asked Acting Secretary of

State about question of Canadian representation. He replied that he had been thinking of it and had not yet even submitted it to the President. He was more than ever inclined to think that the best course would be to send representative and not ask for the State Department's approval. He was anxious to avoid committing Department to approval of any action which could be construed by any one as involving principle of a separation in representation of Empire. Pressure he foresaw would be brought to bear on United States Government to send diplomatic representatives to other Dominions and very possibly too to Ireland. To some extent these difficulties concerned only His Majesty's Government, but he feared they might give rise to situations which would affect good relations between two Governments.

I asked him, as a personal suggestion, how it would be if Embassy were to inform State Department that a Minister was about to be appointed to Embassy substantially Ambassador of Canada, and who, as would be natural, would take charge of Canadian affairs: that a statement to that effect was about to be made in Parliament, and asking whether State Department would object to this procedure. This, he replied, was a different thing to what was contained in my note to him, based on your telegram No. 208 and No. 209 from you, in which concurrence of United States in proposed appointment was requested. He said he would have to refer such a note to the President, and he did not commit himself to any view.

It would be advisable, I think, to get this matter settled as soon as possible.

Appointment of Mr. Colby as Secretary of State has not yet been confirmed by Senate, but I do not think action by them can be indefinitely postponed. It is probable that Mr. Colby would be less inclined than Mr. Polk to avoid Anglo-American difficulties.

LINDSAY

21.

*Le chargé d'affaires aux États-Unis au Gouverneur général  
Chargé d'Affaires in United States to Governor General*

PARAPHRASE OF TELEGRAM 21

Washington, March 16, 1920

SECRET. I am grateful for text of proposed announcement contained in your telegram of March 16th<sup>1</sup>. Mr. Polk, I do not think would object to anything. All he desires is to meet wishes of Canadian and British Governments. Foreseeing, however, possible difficulties and in the interests of good relations, he urges that every possible precaution should be taken to avoid giving impression that any separation is being made of Canadian and Imperial representation. He would not indeed object in this spirit, but would prefer to omit such phrases as "Canadian representative" and "Canadian Minister", and would prefer some such denomination as "Minister in charge of Canadian affairs" or at any rate that as much emphasis as possible should be laid on fact that though the

<sup>1</sup>Non reproduit. Pour une déclaration identique en substance, voir: *Débats, Chambre des communes*, 1920, Vol. III, pp. 2177-2178.

<sup>1</sup>Not printed. For a substantially identical statement see: *Debates, House of Commons*, 1920, Vol. III, pp. 2177-2178.

Minister be a Canadian and in charge of Canadian affairs, he is in fact a representative not so much of Canada as of the Empire. No doubt he has in mind the activities of numerous politicians and writers who lose no opportunity in creating difficulties with Great Britain. Probably he anticipates it would give impetus to efforts being made to pass resolutions in Congress for recognising a separate status for Ireland.

In his official capacity he has hitherto said nothing to me and I imagine that if he had to (?) news of official opinion on draft of announcement he would make no objection. Probably his private and personal advice would be to modify considerably some of the phrases used in the announcement in the spirit above indicated.

If toned down in the manner suggested, it seems possible to me that the announcement might fail to give satisfaction to Canadian public opinion in its natural desire to express Canada's separate individuality in external affairs. If so, there arises a choice between a possible danger in the United States, and difficulty arising in Canada. Naturally, I am incompetent to express an opinion on this point. Repeated to Foreign Office.

LINDSAY

22.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 20, 1920

SECRET. Canadian Representation at Washington. In reference to your telegram March 16th and having regard to statement made in telegram No. 191 of March 12th from Mr. Lindsay to the Foreign Office as to the importance of reaching early settlement, it is suggested by Secretary of State for Foreign Affairs that your Government might think it advisable to send responsible Statesman to Washington at an early date to discuss matter with Mr. Lindsay and Mr. Polk with a view to arriving at a procedure satisfactory to all parties for announcing the new appointment.

23.

*L'Administrateur au secrétaire aux Colonies*  
*Administrator to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, April 1, 1920

SECRET. Canadian Representation at Washington. In reference to your telegram of March 24th, point of precedence of Canadian Minister. It is the Canadian Government's understanding that the Canadian Minister, who is to be appointed Minister Plenipotentiary, should have precedence in Diplomatic Corps in accordance with such rank. Cases of Saxony and Bavaria before the war are analogous as these States maintained Ministers concurrently with the Ambassador of the German Empire at European Courts.

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It would be much preferable to have formal agreement in view of the possibility of the question being raised by Ministers of other countries in future. Should, however, State Department not wish to make formal ruling giving the Canadian Minister precedence with the Ministers of other countries they could perhaps as a last resource reach the same result by intimating that they would as a matter of practice accord such precedence without calling special attention to it.

24.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

PARAPHRASE OF TELEGRAM

Washington, April 3, 1920

SECRET. Following is repetition of telegram No. 245 sent to Foreign Office, April 2nd. With reference to your telegram No. 296, I arranged for a conference between Mr. Polk of State Department and Mr. Rowell, Canadian Minister, and after hearing Mr. Polk's views announcement as given in my telegram No. 246, is proposed.

Before this announcement is made Mr. Polk will take matter up informally with Secretary of State and I expect will be able to give me assurance that such an announcement will not be unacceptable to United States.

Phrases omitted from draft announcement as approved by you have been cut out at Mr. Polk's suggestion as being either implied in first paragraph or as being matters of domestic arrangement which he thought had better not appear in formal announcement.

Mr. Polk is still of opinion that it would be better if we did not formally request United States Government to approve arrangement. He will therefore treat my note of February 27th as a verbal communication returning text of it to me and after taking matter up with Secretary of State and President he will let me know whether principle of Canadian representation at Washington is agreed to.

Only point upon which there appears to be real difficulty is that of precedence. Canadian Government is very strongly of the view that Canadian Representative should have such a rank as would entitle him to precedence with Ministers of other countries, according to date of appointment. Mr. Polk's view is that Canadian representative as Minister Plenipotentiary would be entitled to precedence only after Ministers of other countries as these Ministers are all Envoys Extraordinary as well as Ministers Plenipotentiary. Also he suggests that there might be technical difficulties on state occasions, such as inauguration, in recognising more than one representative of British Empire, his view is however, that it is better not to cross bridges before we come to them, and feels that in actual practice probably no difficulty would arise and that if new Minister entered upon performance of duties present apparent difficulties would probably vanish. Mr. Rowell is cabling Mr. Christie who is now in London regarding this matter and he is requesting him



to discuss points raised in this telegram with the Secretary of State for the Colonies and with you.

Mr. Rowell will report present situation to Canadian Government who will inform Colonial Office of course of procedure which in their opinion ought now to be taken.

LINDSAY

25.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

PARAPHRASE OF TELEGRAM

Washington, April 4, 1920

SECRET. Following is repetition of telegram sent to Foreign Office and repeated to Canada. With reference to my telegram No. 245, I understand it has been suggested to Canadian Government by Colonial Office that question of Canadian representation should stand over until Ambassador's arrival. It was, however, I think as well that Canadian Minister came here immediately in view of Mr. Polk's approaching (resignation?) and the uncertainty of such an opportunity occurring three weeks hence. As things have turned out the matter was not so much a negotiation with United States Government as an opportunity for a Canadian Minister to hear unofficial views of Mr. Polk.

On question of precedence of Canadian representative there was great difficulty. Mr. Polk was very frank on difficulty United States Government would have in according him rank accorded to Envoy representing independent States though he was quite willing to examine any precedents to enable him to receive higher precedence than that accorded to Minister Plenipotentiary, that is, immediately after Envoy Extraordinary. Doubtless you will discuss with Mr. Christie how far position of Bavaria before the war accords a precedent. Mr. Polk recommended that no attempt should be made to arrive at a hard and fast decision at the present time but that Canadian representative should come to Washington and that we should trust to process of evolution to find some way out of the difficulty. Mr. Rowell appreciated this point of view but felt strongly that Canadian public opinion would with difficulty tolerate an arrangement under which their representative received on all occasions rank below representatives of Central American Republics. You will learn from Canadian Government direct whether they can accept Mr. Polk's suggestion.

As to terms and method of announcing decision arrived at between His Majesty's Government and Canadian Government all Mr. Polk's language was in direction of urging that statement to be made should so far as possible make it appear that Canadian Members of Embassy are to be undistinguished from British staff, or at any rate such that State Department should be able to maintain that so far as they were concerned such was the case. My own language to Mr. Rowell was openly and avowedly in the same sense. Mr. Rowell quite appreciated reasons for this point of view (but with his?) knowledge of

Canadian public opinion he was naturally unable to accept (British Minister's?) suggestions.

Text we finally telegraphed to you was acquiesced in by Mr. Polk who will after consulting Secretary of State and the President inform me semi-officially whether United States Government have any objection to procedure indicated.

In my opinion statement does not entirely obviate danger of intrigues being started here to have a United States Minister appointed at Ottawa or otherwise to bring about a schism in the Empire or its representation but judging by Mr. Rowell's full appreciation of these dangers and his anxiety to avoid them I imagine it to be (not less?) than minimum that would satisfy Canadian opinion.

LINDSAY

26.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, May 4, 1920

SECRET. With reference to your telegram dated April 1st. Precedence of His Majesty's Minister at British Embassy, Paris, is as follows: he ranks above Chargés d'Affaires but after Envoys Extraordinary and Ministers Plenipotentiary who are heads of Missions of other countries represented at Paris.

Certain States of German Empire such as Bavaria were, before the war, represented by separate Ministers at various capitals and in such cases Ministers accredited by these States were accorded precedence as independent envoys. These cases, however, were really survivals from a State previous to political separation [integration?] and the Legations were entirely separate from and unconnected with the Embassy. Also these German States retained foreign representatives at their capitals (?).

MILNER

27.

*L'Ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

PARAPHRASE OF TELEGRAM

Washington, May 4, 1920

SECRET. Addressed to Foreign Office and repeated to Canada. Have to-day been notified verbally by Secretary of State that Government of the United States can feel nothing but approval of proposal of representation of Canadian interests at Washington.

GEDDES

28.

*L'Administrateur au secrétaire aux Colonies*  
*Administrator to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, May 6, 1920

SECRET. Canadian representation at Washington. Questions recently raised in your House of Commons and other public speculations on the subject have a tendency to suggest that the Canadian Minister will be subordinate to the Ambassador. Canadian Government accordingly consider it desirable to make clear their understanding of the effect of the arrangement in order to prevent misunderstanding in the future. It is true that the Canadian Minister will be next in rank to the Ambassador in the sense that he will be a member of a lower class or rank in the diplomatic body; but since he will be responsible to and take his instructions from the Canadian Government it is obvious that he cannot be a subordinate taking instructions from the Ambassador. As indicated in my telegram of October 3rd and yours of October 28th the two representatives will work together through the method of consultations and a constant interchange of views; and any matter which they may be unable to adjust by this method will be referred for settlement between their respective Governments, though it is anticipated that this need rarely happen.

On the question of precedence dealt with in my telegram of April 1st, and in previous correspondence, you will have seen from Mr. Lindsay's telegrams sent April 4th and 5th to Foreign Office that some difficulty was encountered in Washington. You will recall from my telegram of December 20th that Canadian Government accepted your proposal of October 28th as not differing in substance from Canadian proposal of October 3rd and on clear understanding that Canadian Minister should have precedence on same basis as Ministers of other countries resident in Washington. My Ministers think it well that this should be stated now in order that there may be no doubt should the necessity arise in the future to deal with it, though they do not consider it necessary to make further representations on it in Washington at the moment as they do not anticipate any real difficulty will arise in actual practice.

29.

*Mémoire du Conseiller juridique*  
*Memorandum by Legal Adviser*

SECRET. PERSONAL

Ottawa, May 11, 1920

THE HIGH COMMISSIONER'S OFFICE

It was no part of my mission to London to examine or report upon the High Commissioner's Office. But during my visit I had office room there, and this experience, together with the other special opportunities I have had in recent years to observe the Office in action, has left certain impressions which I venture to set down simply as my personal view.

I believe there exists among Canadians who have had dealings with the High Commissioner's Office a feeling that it is inadequate and that somehow it ought to amount to more in London than it does. I refer to Canadians living in Canada. The opinions or sensibilities of Canadians living in London need not concern the Government overmuch. There is naturally a tendency to place the responsibility for this inadequacy upon the shoulders of whoever occupies the position of High Commissioner. Against this I venture to suggest the view that whatever inadequacy there is results very largely from conditions for which no High Commissioner is responsible and which no High Commissioner could correct — conditions which are partly inherent in the present status of the constitutional machinery of the Empire and which are partly to be attributed to the failure of Canadian Governments and Departments in the past to give careful study to the organization and co-ordination of their representation in London.

The constitutional aspect of this question seems to me very important. The great bulk of our dealings with the United Kingdom Government are conducted by correspondence between the Governor General and the Colonial Secretary. Originally the Governor General filled in some sense the capacity of an ambassador of the British Government in addition to his capacity as the representative of the King; but so far at all events as written communications between the two Governments are concerned this function has become less and less prominent, and today communications may for practical purposes be said to pass directly and automatically between the two Governments. It is important to note that the whole tendency is to conduct correspondence on the most important subjects directly with the Colonial Secretary. All this, of course, must inevitably lessen the importance of the functions and status, and, therefore, of the influence of the High Commissioner.<sup>1</sup> Ordinarily the representative of one country at the capital of another is the medium for the dealings great and small between his country and the other. In our case the High Commissioner is shown the greater part of the correspondence, but except rarely he is not brought into active participation in the matters dealt with. This analogy to other countries is not suggested here for the purpose of pressing it or of arguing for a change now; doubtless this is the sort of point that will be considered by the Special Constitutional Conference; it is simply cited here to indicate the actual condition which must be kept in mind in considering the position of the High Commissioner's Office and the question whether in existing circumstances anything more satisfactory could be achieved.

Another factor which perhaps militates against the effectiveness of the Office is the practice of conducting the most important discussions through visits of members of the Government to London. This admirable practice represents the best possible method of negotiation between Governments, and

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<sup>1</sup>On several occasions in discussing official matters with British permanent officials I have felt that they were under the impression that Dominion Governments did not place much reliance on their High Commissioners' Offices and were not prepared to use them in important dealings. Of course these officials did not say this sort of thing in so many words but I felt clearly that this was one of their working assumptions. The result is naturally to weaken the position of the High Commissioners. [Note telle que dans le document. / Footnote as in Document.]

of course it is not intended to suggest that it should be curtailed. On the contrary it is most desirable that such visits should take place as often as conditions will permit. But it would seem that this should be borne in mind in counting up one's expectations of what the High Commissioner's Office should accomplish.

Another condition limiting the High Commissioner is surely the existence in London of a number of separate offices representing Departments in Ottawa and having no very direct or definite relation to the High Commissioner. It would seem that these offices have been allowed to grow up in past years in response to the needs of the different Departments, but without much attention to the needs of the Government as a whole or to the principles which should govern a properly organized system of representation in London. The existence of these separate offices must result in a good deal of confusion in the minds of people who have dealings with them; it must often create difficulties in settling questions; and there must be considerable overlapping of work. It must also have the effect of weakening the position of the High Commissioner in London, and this must mean for practical purposes the weakening of the whole Canadian machinery there; for what is subtracted from the High Commissioner is really not in practice added to the others.

The conclusion from all this which I venture to put forward is that in these conditions you really cannot expect the High Commissioner's influence and achievements to be striking and that no occupant of the office, whatever his ability or personality, could possibly measure up to the demands implied in the various criticisms that one hears. Indeed it is my observation that given the conditions, the Office is doing about as well as could be reasonably expected of it.

L. C. CHRISTIE

30.

*Le Conseiller juridique au Premier ministre*  
*Legal Adviser to Prime Minister*

CONFIDENTIAL

Ottawa, October 27, 1920

THE CANADIAN BUREAU OF INFORMATION, NEW YORK CITY  
AND THE CANADIAN WAR MISSION, WASHINGTON

Sir,

In accordance with your instructions that, during my visit to Washington as a delegate to the Preliminary Inter-Allied Conference upon Telegraphic Communications, I should make some investigation concerning the Canadian Bureau of Information in New York City and the Canadian War Mission in Washington, I beg to submit the following report and recommendations:

...

CANADIAN WAR MISSION, WASHINGTON

13. As already pointed out the office has already fulfilled its original mission. The business connected with the war has long since ceased. There

were for some time after the armistice certain adjustments necessary in connection with war contracts made in the United States with Canadian firms; the Mission acted very usefully in these matters in conjunction with the Imperial Munitions Board; but these matters too have practically all been settled and there is no justification for the continuance of the Mission on this score.

14. But the Mission, by the very force of the circumstance that it was the only Canadian office in Washington, took on more general functions and these naturally continue. Thus the activities of the Mission as they now exist may be described as follows:

(a) It watches the activities of the American executive and legislative bodies in Washington for matters of interest to Canada, and transmits information to the Departments in Ottawa in the shape of reports, regulations, legislation, etcetera.

(b) It answers inquiries from American sources concerning Canadian regulations, trade conditions etcetera. The trade aspect of the work is however slight, since Washington is in no sense a commercial centre.

(c) It answers inquiries addressed to it direct from Canada by Canadian business firms and associations desiring information as to American regulations and conditions generally. There is considerable correspondence under this head.

(d) On instructions from Ottawa it occasionally takes up with the American administrative authorities questions of a practical, non-diplomatic nature. An instance of this was the question of securing this year's supply of coal from the American coal fields, and it is agreed by those who had to do with the matter here that the Mission acted promptly and effectively.

(e) It assists the British Embassy from time to time by supplying information and suggestions concerning questions affecting Canada which require diplomatic intervention. Recently, for instance, the Mission supplied assistance to the Embassy when the latter was engaged in discussions with the State Department on the Underwood Resolution respecting the pulpwood on Canadian Crown lands, and on the Merchant Marine Bill which adversely affected Canadian shipping interests.

(f) Appended hereto is a list<sup>1</sup> furnished by the Mission, taken from its files, showing the character of the subjects with which it deals or on which it furnishes information.

15. The specific question on which I am instructed to report is whether the Canadian War Mission should be continued. It is difficult to consider this question independently of the other question of Canadian diplomatic representation at Washington. It has already been indicated — and this appears both in the correspondence and in the discussions in Parliament — that the Mission has been continued so long already in spite of the cessation of the

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

war, not because it was regarded as being intrinsically a suitable or valuable form of representation in peace conditions, but simply because it was contemplated that there would be no considerable delay in the establishment of a diplomatic office, and it was therefore felt to be expedient to continue the Mission during the short time necessary for the completion of the arrangements for such an office. I think that is the only ground on which the Mission should be continued at all. That is to say, if it is the intention to provide for diplomatic representation in the reasonably near future, I think the Mission might well be continued until that time.

16. But if the diplomatic establishment is to be postponed for any further considerable time, I think the War Mission should be discontinued. The name of course is now inappropriate though doubtless it could be changed. And it may be doubted whether it would be in accordance with the spirit of the vote to continue the Mission for any great time. But apart from these considerations, I am convinced that the Mission, as a permanent, or anything like a permanent, form of representation, would not justify the expense. The activities of the Mission have been outlined in paragraph 14 above. The work indicated under sub-paragraphs (a), (b), and (c) is doubtless of considerable convenience to our Departments and others; but it is not enough in itself to justify the expenditure. Nor would the work under sub-paragraph (d) be enough. Still further, the position disclosed in sub-paragraph (e) clearly shows that what is really needed is some form of diplomatic representation; for it shows that when the important questions affecting Canada arise and require negotiation with the political authorities in Washington the Mission itself cannot act at all. In such cases the Embassy must act. A large portion of the work of the Embassy concerns Canada; Lord Bryce said it was two thirds of their work before the war. There is therefore a real case on practical grounds for diplomatic representation; and in addition there would be indirect, intangible, but nevertheless valuable, advantages in the way of the prestige and prominence accruing to Canada that would justify the expenditure. But as a permanent thing there seems no convincing case on practical grounds for the expense of the Mission; while its lack of status and importance make it so obscure that there are no indirect benefits whatever.

17. My recommendations concerning the Canadian War Mission may therefore be summarized as follows:

(a) If provision is to be made in the near future for diplomatic representation, I recommend, simply on grounds of expediency, that the Canadian War Mission be continued until that time and then closed.

(b) If provision for diplomatic representation is to be postponed for any considerable time, I recommend that the Canadian War Mission be discontinued.

18. What has been said above is in no sense intended as any reflection upon the Secretary of the Canadian War Mission who is so far as I have seen a

capable official. This report is concerned solely with the status and future of the office itself.

19. A special consideration may be mentioned here. There has been a good deal of speculation in recent months in the press of the United States concerning the eventual outcome of the proposals for Canadian diplomatic representation. The following extract from the Washington Post of October 25, 1920, is a fair sample; it repeats what has been said for some time in the American press:

*Plan for Minister Dropped*

It is understood in Washington that the decision recently reached not to allow the appointment of a Canadian Minister in Washington was due to the fear that it would result in closer relations between Canada and the United States than would be good for the empire as a whole. The announcement that Canada was to have a resident Minister in Washington was followed by indications that in such an event Australia would like to be represented here in the same manner.

The whole program was called off with the explanation that the Prince of Wales had made so good an impression in both Canada and Australia and Sir Auckland Geddes had so pleased the Canadians that direct representation at Washington was no longer regarded as necessary.

I found in Washington also that the same sort of speculation is current in American official circles. And Mr. Lansing, lately Secretary of State, told a British friend of mine there that Canada was making a mistake in not sending her representative to Washington.

This speculation is not beneficial to Canada's position and interests in the United States.

It is submitted that these factors should be kept in mind. For instance, a decision to withdraw the Canadian War Mission without a definite announcement as to what would be done about diplomatic representation would probably have undesirable results.

20. The recommendations submitted above are in a rather contingent form, but this could scarcely be avoided in view of the history of the matter. The question of diplomatic representation having been necessarily raised, it may be of assistance to submit for consideration some suggestions on this head. There are various alternatives and certain considerations arise in connection with each. These alternatives may be considered as follows:

(a) To abandon entirely the project for the appointment of a Canadian Minister. It is submitted that this would be unfortunate. It would inevitably be regarded as a recession and surrender of status.

(b) To postpone the appointment indefinitely. This is scarcely to be distinguished from (a).

(c) To make the appointment at an early date. Much depends upon the person appointed.



(d) There is a possible middle course. Steps could be taken at an early date with the intention that they should prepare the way for the appointment of a Canadian Minister and the establishment of a complete Canadian section of the Embassy as soon as practicable. That is, the Government might send to the Embassy an official with the rank of Counsellor or First Secretary and, say, another with the rank of Commercial Secretary or Attaché (with suitable clerical assistance) who should be regarded as the nucleus of the Canadian section. It would be their duty to organize the section and have it in readiness for the appointment of the Minister. There is a cogent practical reason to be advanced for this suggestion. The present Embassy building is such that it would hardly be possible to provide adequate office accommodation for a Minister, yet it was an important part of the agreement with the British Government that the Canadian staff should be housed (so far as offices are concerned), in the Embassy, so as to facilitate co-operation. It would however be possible to provide office room for one or two officials and clerical staff. If this were done the question of adequate accommodation, and possibly certain other practical questions, could be left over for discussion at the proposed meeting next June of what has been called the Imperial Cabinet. The arrangement has been conducted very largely by correspondence so far and there has been little opportunity for personal discussion of practical details between Canadian and British Ministers. One result, for example, is that the present Diplomatic Service is apprehensive about the effect of the proposal on their status and prospects. After the discussion next June the Minister could then be appointed. Until the completion of such final arrangements the expense would be relatively small.

The presence of such Canadian diplomatic officers at the Embassy even without the Minister at the outset would undoubtedly be of great practical value; but whether the appointment of such officers of lower status, coupled with an announcement that a Minister would be appointed after the settlement of certain practical details at a meeting of Ministers in London, would have any undesirable effects on public opinion I do not feel competent to judge.

(e) A variation of the last mentioned alternative would be to announce that the whole project would be postponed until after the opportunity for discussion of the question of accommodation and other practical details at the meeting of Ministers in London next June.

In connection with all these alternatives it may be mentioned that several recent news despatches from Australia have conveyed announcements by Mr. Hughes and other Ministers that Australia intends to send a representative to Washington in the near future.

I have etc.

L. C. CHRISTIE

31.

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

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

Ottawa, December 15, 1920

Dear Mr. Meighen,

The approach of the period in which the departmental estimates are prepared, brings up the question of what I may term the outside service of the Department of External Affairs, in respect of which I would take the liberty to offer a few observations. . . .

It is generally understood that the Canadian War Mission is only continued pending the announcement of the Government's policy with respect to Canadian diplomatic representation at Washington.

In regard to this subject, I would respectfully observe that I have been going between Ottawa and Washington for upwards of twenty years, and am, therefore, more or less familiar with the mode of communication between the two governments. The movement for special Canadian representation in Washington had its origin in the dissatisfaction arising from the extreme difficulty of getting things done under existing methods. This is partly to be ascribed to the United States system of government, with their sharp division between executive and legislative functions, which they are sometimes disposed to play off, one against the other, almost indefinitely. As an instance of this, I have in mind a claim of a Canadian for services rendered the United States Government in 1908, which has more than once been acknowledged to be just by the United States Interior Department, and yet session after session fails to pass Congress, and is not yet paid. Over this, however, I am afraid we have no control.

The second cause of ineffectiveness is to be found in the Embassy methods, which is primarily due to the fact that the staff there is perpetually changing. I doubt whether there is a man at the Embassy today who was there eighteen months ago. The consequence is that there is no traditional or continuous treatment of subjects by them. A clerk is sent out from the Foreign Office to Washington. He may be and often is an excellent man, but totally unacquainted with Canada and its affairs. He sets to work, learning rapidly, it may be, but just as he is beginning to be at all familiar with our business and with the American methods in the State Department and elsewhere, he leaves Washington for another post and his successor has to begin all over again and so it goes on. Now, much of our business with the United States Government is of a practical character, not calling for the exercise of high diplomacy. If we had a man in Washington permanently who would grow familiar with the ways of the American officials and with the class of

questions with which he is called upon to deal on our behalf, he could dispose of our affairs, I will not say with promptness and despatch, for these words are unknown in Washington, but as quickly and expeditiously as is possible in dealing with the United States State Departments. I believe there would be no difficulty in our Government nominating to such a post on the Embassy staff a Canadian with the rank of Minister. He would be virtually independent of the Ambassador, while enjoying the prestige of connection with the Embassy, but really going his own way. Somewhat such during the war was the position of Sir Richard Crawford, who was styled 'Commercial Adviser' to the Embassy, with the rank of Minister Plenipotentiary in the diplomatic service. He had his office in the Embassy, but transacted business with a free hand direct with the United States officials. The late Sir Cecil Spring Rice, speaking to me a few days before he died, told me that from the point of view of the Ambassador, he thought the plan I am here suggesting quite feasible.

At present the routine in the transaction of Canadian business is something like this. The Ambassador, or sometimes the Counsellor acting in his stead, has periodically a business appointment with the State Department. He takes with him a list — sometimes a long one — of subjects to discuss with the Secretary of State, relating, it may be, to interests specially affecting the United Kingdom, others touching France, Mexico, etc., and among them certain pressing Canadian questions. He is ushered into the Secretary of State's presence, leaving perhaps several foreign diplomats waiting in the ante-room their turn to an interview. His visits are thus generally more or less hurried. He cannot do adequate justice to our business in the limited time at his disposal. I would have a Canadian Minister at the Embassy wholly devoted to Canadian affairs. He should communicate directly with the Department of External Affairs at Ottawa. When he proceeds to interview the Secretary of State or make his rounds of the public departments, he should be charged with nothing but Canadian business. He should have all these affairs in his own hands. By concentrated attention to his duties and with a little practice he would discover numerous short cuts in the way of doing business with the public departments in Washington, and he would be in this happy position that while ordinarily acting directly and independently, governed only by the instructions of his own Government, he could, whenever he thought it desirable so to do, invoke the prestige and influence of the Ambassador in support of his position.

Another feature of this plan is the comparatively slight cost it would entail. While the Minister should be paid an adequate salary, he would not need to keep up a separate establishment with all its attendant expenses. A small staff consisting of a good understudy, a couple of clerks and a messenger would, I should think, be sufficient for the present. The Embassy building was added to some years ago to provide room for Sir Richard Crawford's business, which must now have grown much less than it was in war time. I should think room might be found for the Canadian Minister there, but if not offices might be had elsewhere.

Such a plan as I have tried to indicate would, I feel reasonably sure, fulfil all practical requirements, at a fraction of the cost separate representation would entail, apart from far-reaching difficulties inherent in the latter scheme.

Yours sincerely,

JOSEPH POPE

32.

*Décret du Conseil*

*Order in Council*

P.C. 856

March 21, 1921

The Committee of the Privy Council, on the recommendation of the Secretary of State for External Affairs, advise that, under the provisions of the Act 8-9 George V, cap. 6, "An Act to authorize the rearrangement and transfer of duties in the Public Service", the control and supervision of the Office of the High Commissioner for Canada in London, which hitherto do not appear to have been assigned to any individual Minister, be, from the 1st April, 1921, placed under the Secretary of State for External Affairs.

33.

*Décret du Conseil*

*Order in Council*

P.C. 943

March 24, 1921

The Committee of the Privy Council have had before them a report, dated 16th February, 1921, from the Right Honourable the Secretary of State for External Affairs, submitting that by Order in Council of 2nd February, 1918,<sup>1</sup> an office styled the Canadian War Mission was constituted in Washington with the object of providing adequate representation of the interests of the Dominion in the United States, and also of securing the most effective co-operation between the two countries in respect of many economic and financial measures vitally concerned with the prosecution of the war; that by subsequent Orders in Council dated respectively the 11th January, 1919, and the 17th July, 1919, Sir Charles Gordon of Montreal was appointed Acting Chairman of this Canadian War Mission, and Mr. M. M. Mahoney, Secretary; and that these officers have up to the present time efficiently discharged the duties appertaining to these positions. In view, however, of changed conditions, it is felt that the need for such an office in Washington no longer exists, and that the time has arrived when its operations may be brought to a conclusion without detriment to the public service.

The Minister therefore recommends that the affairs of this office be wound up, and that from the 31st March, 1921, it do cease to exist. The Minister

<sup>1</sup>Vol. 1, Doc. 35.

desires at the same time to express his satisfaction at the manner in which the duties connected with this office have been carried out.

The Minister further recommends that the salaries of Mr. Mahoney and the clerks in the office of the Canadian War Mission be paid up to the end of the present financial year, and that they then receive the usual gratuity of two months' salary to employees on retirement, such amount to be charged to Vote No. 319 Miscellaneous 1920-21.

The Committee concur in the foregoing recommendation and submit the same for approval.

34.

*Décret du Conseil*  
*Order in Council*

P.C. 1711

May 27, 1921

The Committee of the Privy Council have had before them a Report, dated 18th May, 1921, from the Secretary of State for External Affairs, submitting, with reference to the recent closing of the Canadian War Mission in Washington, that it is considered expedient to continue temporarily the services of Mr. M. M. Mahoney, the Secretary of the Mission, as an agent in Washington of the Department of External Affairs, pending further arrangements.

The Minister, concurring in this view, recommends that Mr. M. M. Mahoney be so temporarily continued, at the same rate of salary that he has been receiving, and further, that he be authorized to engage the services of one stenographer at a salary not exceeding one hundred and fifty five dollars a month.

The Committee concur in the foregoing recommendation and submit the same for approval.

35.

*Circulaire du ministère du Commerce Outre-Mer*  
*Circular despatch by Department of Overseas Trade*

CONFIDENTIAL

London, December 30, 1921

Sir,

I have to inform you that, at the request of the Government of Canada, I have decided to extend to Commercial Diplomatic Officers the arrangement made for the establishment of more intimate relations between the British Consular Service and the Dominion of Canada as described in Circular No. 328/13, Commercial, of the 11th January, 1913, a copy of which is enclosed with this despatch.

2. The terms of the above-mentioned Circular as far as the words "subject in each individual case" in the fourth line of paragraph 3 are therefore applicable to Commercial Diplomatic Officers.

3. Under this arrangement Canadian exporters and Canadian Trade Commissioners will in future be at liberty to apply to Commercial Diplomatic Officers for the same assistance and advice which they have hitherto been entitled to receive from Consular Officers.

4. So far as office accommodation is concerned, the Canadian Government are, however, being informed that Commercial Diplomatic Officers are as a rule stationed in the Embassy or Legation, and that in their case, therefore, there is not likely to be the same opportunity of affording office accommodation for Canadian Government commercial representatives as in the case of His Majesty's Consulates.

5. I request that you will be good enough to bring the contents of this Circular to the notice of any Commercial Diplomatic Officers under your jurisdiction, and for this purpose extra copies are enclosed for distribution.

I am etc.

(For the Secretary of State)

W. H. CLARK

36.

*Le sous-secrétaire d'État aux Affaires extérieures  
au ministre des Finances*

*Under-Secretary of States for External Affairs  
to Minister of Finance*

Ottawa, May 11, 1922

Dear Mr. Fielding,

Enclosed I send you copy of my letter to Mr. Meighen<sup>1</sup> containing my views on the subject of Canadian representation at Washington. I never learned how far they commended themselves to Mr. Meighen. On reading my memorandum over, I realize that I deferred perhaps a little too much to the prevailing sentiment around me at the time for independent representation at Washington. My great aim then was to press for the subordination of the Canadian Minister to His Majesty's Ambassador, which is really the one thing vital. At the same time, I see no necessity for a separate Canadian representative, even though the position be clearly subordinate to the Ambassador. A member of the Embassy staff would fulfil all the requirements, provided that he be given the rank of Minister or of Counsellor of Embassy, together with a certain permanency of occupation in the Washington Embassy, so that he would grow up with the business, and come to be recognized as the official specially charged with looking after the affairs of the Dominion. I would see no objection, if considered desirable, to him and his necessary clerical assistants being appointed and paid by Canada, though I myself would prefer he should be one of the regular Embassy staff in all respects save that he should enjoy a certain permanency of tenure.

Yours sincerely,

JOSEPH POPE

<sup>1</sup>Doc. 31.

37.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

Ottawa, July 22, 1922

My dear High Commissioner,

. . .

You will find Mr. Fielding a little old-fashioned — if I may use that expression in a wholly kindly way — as regards all these matters of Canadian representation. I doubt if he wholly realizes how considerably matters changed during and since the period of the War, and how essential it is to take advantage of this moment to emphasize clearly the status which the Old Country itself is prepared to concede. With respect to Washington, for example, Mr. Fielding is very strongly opposed to our having any representation other than that which the British Embassy accords us. In this, he is entirely alone in the Cabinet. He conceded a willingness to acquiesce in the appointment of a High Commissioner; but he is still opposing the idea of a Minister. I hope you will do all you can, while Mr. Fielding is in London, to impress upon him, from your own experience in London, just how important in Canada's interests it is that we should have the fullest representation and recognition outside of our own country which Great Britain and other nations may be ready to accord us. You can, I think, do much towards revising his views and influencing his judgment in this matter. . . .

W. L. MACKENZIE KING

38.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

London, November 2, 1922

My dear Prime Minister,

I am afraid this is another infliction, but the Agent General for British Columbia cannot be as busy a man as I or he would not bother as much as he does about his "status".

It is quite apparent that he is determined if possible to carry on all business between the British Columbia and the Imperial Governments without the intervention of the Dominion Government or its representative. The other Provincial representatives here seem to be busier men and take less interest, but naturally join with him when asked to do so in striving to enhance the importance of their offices. As it is he is a constant worry, and what he apparently desires I fancy you will think quite impossible, as I understand the Australian Central Government have a very great deal of trouble in this way, their views on certain questions not coinciding with those of their several State Governments, to the everlasting worry of the Secretary of State for the Colonies.

I am enclosing a copy of Mr. Wade's letter to me, together with a copy of my reply thereto, and am so sorry that I am obliged to thus add to your many worries.

Yours sincerely,

PETER C. LARKIN

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*L'Agent général de la Colombie-Britannique au Haut commissaire*  
*Agent General for British Columbia to High Commissioner*

London, October 26, 1922

Dear Mr. Larkin,

On the question of the status of the Agents General of the Provinces of Canada the Hon. W. L. Mackenzie King, Prime Minister of Canada, wrote me on March 22nd last as follows:

I regret having been obliged to delay in my acknowledgment of your communication of January 23rd, respecting the status of Canadian Agents General in London.

This matter was discussed by myself and some of my colleagues with Honourable P. C. Larkin prior to his departure for London. Mr. Larkin has been asked to carefully review the whole situation at an early opportunity. I am sure that you will find Mr. Larkin most desirous of co-operating with the Agents General of the several Provinces in a manner best calculated to advance the interests of their respective Provinces, and to obtain for the Canadian Agents General the recognition to which they may be properly entitled.

In April last I sent you a copy of my open letter to the Right Hon. Arthur Meighen, former Prime Minister, entitled "Canadian Representatives in Great Britain — Provincial Autonomy — Sovereign Rights of the Provinces under the B.N.A. Act", and received your acknowledgment dated April 5th, in which you kindly stated that you would read the document when you had time to do so.

The matter was afterwards brought informally to your notice at the dinner at which the Agents General had the honour of having you as their guest on May 15th last, when we were assured of your co-operation with us in all our efforts on behalf of the Provinces.

Before my recent visit to Canada the matter again came up in conversation between us when I referred to the Prime Minister's letter, and received repeated assurance of your co-operation, but I understood you to say the question of status was a constitutional one which would have to be dealt with by the Prime Minister himself. If I am wrong in this, please correct me.

I assure you we were all pleased to receive your assurance of co-operation, and have appreciated your friendly attitude and unfailing affability. On my arrival in Quebec I expressed through the Canadian papers the highest appreciation of your kindly attitude.



But greatly as your promises of sympathy and co-operation are appreciated, this leaves untouched the question of the status of the Agents General, though according to the Prime Minister's letter you would co-operate with us not only "in a manner best calculated to advance the interests of their respective Provinces", but to "obtain for the Canadian Agents General the recognition in which they may be properly entitled", I rather inferred from our conversation previously referred to this latter is a matter with which you do not propose to deal. If so, on receiving your assurance to that effect, the Agents General will, I have no doubt, again take it up with the Prime Minister direct. You will easily see the reasonableness of our desire not to be in the helpless position of a shuttlecock longer than may be necessary.

You are aware that the Governments of British Columbia and Nova Scotia some time ago by order-in-council requested that their Agents General should be accorded full recognition by the Imperial Government in all matters coming within Provincial jurisdiction. The Province of Ontario is about to pass a similar order-in-council, I understand. That Quebec takes the same attitude is made clear by a letter from the Premier, the Hon. L. A. Taschereau to Colonel Pelletier, Agent General for Quebec in London, in which he says "I need not assure you that the Province of Quebec will join the other Provinces in claiming for our Agent General a standing which will be more in accordance with the dignity of his office. The matter is being taken up with Ottawa, and I trust that satisfactory results will follow."

It is not necessary to argue the constitutional question in this letter, as it is fairly well covered in the open letter to the Right Hon. Mr. Meighen of which I sent you a copy last April. I am attaching another copy of that letter in case the first has been mislaid. I can also, if necessary, furnish you with opinions of judges, counsel and many prominent public men supporting the stand taken by the Agents General. They are merely seeking a return to that status which they enjoyed since 1761; which was not taken away by the B.N.A. Act, but was expressly continued by that constitutional enactment: which was not taken away by the Act creating the High Commissioner, but was continued under Sir Alexander Galt and Sir Charles Tupper; and which they would continue to enjoy at the present time had it not been for the action of Lord Strathcona who seemed to regard Canada and her Provinces as his sole care, and succeeded in cutting off communication between the Agents General and the Imperial Government even on all those matters which under the constitution come within the sole jurisdiction of the Province and their representatives.

I may add that I have just seen a letter from the Prime Minister to Sir Lomer Gouin, then Premier of Quebec, containing assurances similar to those given to me that the matter of the status of Agents General had been referred to you for consideration, etc.

On behalf of the Government of British Columbia I beg, therefore, to call the matter to your attention, and also to be informed whether you desire

further representations to be made, or intend referring it back to the Prime Minister.

I am etc.

F. C. WADE

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le Haut commissaire à l'Agent général de la Colombie-Britannique*  
*High Commissioner to Agent General for British Columbia*

London, November 2, 1922

Dear Mr. Wade,

Your letter of the 26th ultimo on the question of the status of the Agents General for the Provinces of Canada came duly to hand. Some days have elapsed since its receipt but in the meantime I have been giving it close attention.

On carefully reviewing the whole situation, as it presents itself to me, I am quite candid in saying that I do not believe that it is in the interests of Canada generally nor indeed in the interests of the Provinces that their status as they are now recognised should be altered. As it is, at least as I understand it, if the Provinces have representations to make to the Imperial or any outside Government, these are made through the Secretary of State at Ottawa and, if these representations carry their judgment, they communicate with the Government or Department interested. As I understand you would have it, each Provincial Government would make its own representations direct, quite independent and without the intervention or even the knowledge of the Dominion Government.

I think that this would work out to the injury of the Dominion and there would be clashing of Provincial as well as Dominion interests. Representations might be made by one Province, let us say to the Colonial Office, directly in conflict with the interests of an adjoining one, and confusion would be rampant.

The difference between the Provinces of the Dominion of Canada and the States of Australia is expressed in the fact that the States of Australia are all provided with a Governor General in Council direct by the Crown itself, whereas in Canada the Lieutenant Governors are appointed by the Dominion Government, so that apparently the status of the Provinces in relation to the Crown is quite different.

Then the question comes up — what would be gained by all this? Have there been complaints in the past of the interests of the Provinces not having received due consideration on the part of the Dominion Government, or has the Agent of the Dominion Government in London neglected his duties by failing to consider the interests of the different Provinces? I can see that the importance of the Agents General in London would be enhanced, which might please their *amour-propre*, and I recognise that as being most desirable, but not at an expense that might at some time prove serious indeed to the

Dominion, and if I carried your judgment on this, I am sure there is no one among my friends that would be less likely to desire such a change, at such a cost. It strikes me that the course now pursued is the ideal one and as it has been continued for a number of years to the apparent satisfaction of the different members of our Confederation, I think it would be most unwise, even if it were possible, to change it.

I am expressing an opinion on a matter of State with great diffidence and only because you force me, as I have had only a few months' experience in public life and can only bring to bear on the question what might be termed the experience of "the man in the street". I hardly expect that you will see eye to eye with me in this and therefore leave it with you to take it up as you suggest, if you see fit, with the Prime Minister at Ottawa.

Yours very truly,

PETER C. LARKIN

39.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

Ottawa, December 12, 1922

RE STATUS OF AGENTS GENERAL OF THE PROVINCES

My dear High Commissioner,

I thank you for your letter of the 2nd ultimo with reference to the above. I enclose for your information copies of communications I have sent to-day, to the Agent General of British Columbia, Mr. F. C. Wade, in reply to communications from Mr. Wade to me.

I much hope that the reply sent Mr. Wade will be sufficient to avoid the necessity of further correspondence or any possible controversy on this subject. That you may know at once of the Government's attitude, I am cabling you to-day as follows:

Re status Agents General. Matter has been considered by colleagues in council in light of recent correspondence between Mr. Wade and yourself. We are of opinion that your letter November second to Mr. Wade covers situation completely. I am informing Mr. Wade by letter that it expressed view also of Government. We hope for your sake and ours that while Mr. Fielding and Mr. Lapointe are with you Agents General may be given to understand that this matter will not be reopened for further consideration.

Yours sincerely,

W. L. MACKENZIE KING

40.

*Décret du Conseil*  
*Order in Council*

P.C. 2124

March 5, 1923

The Committee of the Privy Council have had before them a report, dated 5th October, 1922, from the Minister of Trade and Commerce, submitting

that for a very considerable time the status occupied by Canadian Trade Commissioners in foreign countries has been the source of grievous embarrassment, which has tended not a little to materially restrict their usefulness in the promotion of Canadian trade.

The Minister observes that at the present time Canadian Trade Commissioners on appointment are accredited through the good offices of H.M. Colonial and Foreign Offices to the British Ambassador or British Minister, as the case may be, at the capital of the foreign country in which the Trade Commissionership may be established. While such British diplomatic officials and their commercial secretaries have at all times been most courteous toward and expressed themselves as willing to co-operate to the fullest extent with Canadian Trade Commissioners, nevertheless, there have been occasions where the Trade Commissioner has felt that his representations have not been presented as strongly as they might have been. At times, official British support has been withheld from Trade Commissioners, support which the Trade Commissioner has felt that he reasonably should receive.

The Minister believes that the Canadian Trade Commissioners should have such entree as may be required from time to time to interview responsible foreign government heads and other officials in connection with matters respecting industry, commerce, trade, customs and finance. At times Trade Commissioners have been courteously informed by certain foreign officials that as they have no standing they can have no communication, no matter how trifling the subject may be.

A status, therefore, should be given to Canadian Trade Commissioners which will allow the Commissioner to take his place in foreign government circles as a Canadian Government official. At present any privilege extended to a Trade Commissioner in foreign government circles is wholly by courtesy. It is believed that the standing of the Trade Commissioner should be at least that of a First Secretary.

Canada permits articles for the personal or official use of foreign consuls general to be imported free of duty. The same privilege is not granted abroad to Canadian Trade Commissioners in more than two or three cases.

The commercial secretaries of various grades of foreign countries hold diplomatic standing. Their names are on the official list. They meet the leading members of the community at official functions on an altogether different plane from Canadian Trade Commissioners. Commercial Secretaries of the various British and foreign Embassies and Legations are invited to official functions while the Canadian Trade Commissioner is frequently unrecognized and uninvited. Cases have arisen where official Canadian Government missions to a foreign country could not be presented except through the British authorities, and even then the Canadian Trade Commissioner in one case was not invited to be present.

It is unreasonable to suppose that British Ambassadors and Ministers, some of whom may have an inadequate knowledge of Canada, can present a case in behalf of Canadian Trade with the same degree of authority as a Canadian

Trade Commissioner who is educated and trained in the Canadian Commercial Intelligence Service and ably equipped for the duties of his office. There are many occasions where a Trade Commissioner might, were he permitted to approach directly a foreign government official, obtain or give information upon some comparatively unimportant trade or financial matter, which at the present time must be taken up formally through, and unnecessarily occupy the time of, the British diplomatic representatives.

The Minister states that it is not the desire of the Canadian Government to unduly elevate its trade representatives abroad, nor is it intended that they should undertake important trade negotiations, but it is necessary that some understanding be come to which will permit Canadian Trade Commissioners to be duly accredited to the various foreign governments in those countries where Trade Commissioners are appointed, so that such recognition can be given them as the dignity of their office demands.

The Committee, therefore, advise, on the recommendation of the Minister of Trade and Commerce, that Your Excellency may be pleased to bring this matter to the attention of His Majesty's Colonial Office, with a view to ascertaining what recognition can be given to Canadian Trade Commissioners to enable them more effectively to fulfil the duties of their office.

All of which is respectfully submitted for Your Excellency's approval.

41.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, August 8, 1923

Your despatch of 8th March, No. 110. Status of Trade Commissioners in Foreign Countries. If your Ministers so desire arrangements will be made to place this question on the agenda for forthcoming Imperial Economic Conference.

DEVONSHIRE

42.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 25, 1923

With reference to your telegram 8th August. Status of Canadian Trade Commissioners in foreign Countries. If His Majesty's Government will accredit various duly appointed Canadian Trade Commissioners to foreign countries in the same manner as they have accredited Canadian Trade Commissioner to the United States such action will be quite acceptable to the Canadian Government and would obviate necessity for discussion of the general question at the Imperial Conference or elsewhere.

43.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, September 14, 1923

Your telegram of 25th August, Trade Commissioners. His Majesty's Government will gladly accredit Canadian Trade Commissioners to foreign countries in same manner as they have been accredited to United States. His Majesty's Government agree in circumstances it would seem unnecessary to discuss matter at Imperial Economic Conference.

DEVONSHIRE

44.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 22, 1924

**CONFIDENTIAL.** In view of the very considerable financial and commercial interests of the Irish Free State in the United States of America, Government of the Irish Free State are convinced it is urgently necessary that the Irish Free State should have in Washington a representative duly accredited to the United States Government, and have asked that steps may be taken to approach the United States Government with a view to their existing representative in the United States of America being accredited to the Government of the United States of America for Irish Free State Affairs. Having regard to the arrangements made between His Majesty's Government and the Canadian Government in 1920 with a view to the special representation of Canadian interests at Washington and to the express provision in Article II Irish Treaty, specifically assimilating constitutional position of the Irish Free State to that of Canada, His Majesty's Government are ready to approach the United States Government with a view to the appointment of a Minister Plenipotentiary at Washington, with credentials from His Majesty and a letter of appointment from the Government of the Irish Free State. They think it desirable, however, that before communication is made to the United States Government, Governments of other Dominions should be made acquainted with the contemplated action, and should be given an opportunity of offering any observations, if they wish to do so. It is not intended that the Irish Free State Minister should take charge of the Embassy during the absence of the Ambassador.

Similar telegram sent to other Dominions, and copy sent to the Irish Free State Government.

45.

*Mémoire du ministre des Finances pour le Conseil**Memorandum by Minister of Finance for Cabinet*

CONFIDENTIAL

Ottawa, April 24, 1924

## CANADIAN REPRESENTATION IN THE UNITED STATES

The estimates have for several years carried an appropriation of from \$50,000 to \$60,000 for Canadian representation in the United States. No action has hitherto been taken on the appropriation. The matter is now under consideration.

When the appropriation was first voted, by the Government of Sir Robert Borden, apparently, according to the statements then made, it contemplated the creation of something like an Ambassadorship at Washington and an arrangement whereby the Canadian representative would replace the British Ambassador in his absence. The plan found little favour in any quarter. The Borden Government, apparently, had opportunity to reconsider the matter and took no action on the appropriation. The Meighen Government, while retaining the vote in the estimates, made no appointment. It is a fair inference that both the Borden Government and the Meighen Government saw difficulties in the way and decided to make no appointment to Washington. At all events, down to the time that the Meighen Government resigned, no action was taken.

Owing, perhaps, to the fact that nothing was being done, the matter has attracted but little public attention and there has been no serious discussion of it. Some of those who have favoured a Minister at Washington have clearly had in mind the appointment of an official to represent Canada, distinct and apart from the officials of the British Embassy. There is no good reason for stressing this view. There is no public record of any case in which the officials of the Embassy acted in an anti-Canadian spirit, or failed to give due attention to any Canadian matter referred to them. Whether viewed from an Imperial or Canadian standpoint, this idea of separation is undesirable. There should be a connecting link between the British Ambassador and any official that we may have at Washington. If there ever was danger of the officials of the Embassy meddling unduly with Canadian affairs, that has long since passed. The British Government would not permit its Ambassador anywhere to act in an unfriendly spirit towards Canada. If there is to be a Canadian representative in Washington, it seems that a connection with the Embassy, and a due recognition of the Ambassador's authority, are essential conditions.

A Canadian representative at Washington of the high rank of an Ambassador or Minister would have an almost entirely ornamental position. There really is no diplomatic work which he could do. Our only need at Washington is an official who can watch the current of events and advise the Government of any action that is taken in Congress or in the Departments touching Canadian affairs. There is such an official at present, who has an office attached to the office of the Ambassador. I have not met the gentleman, but

I understand that he keeps the Government well informed, through the Department of External Affairs, concerning matters of Canadian interest. If it is deemed necessary, his powers and perhaps his salary might be enlarged. Or if he is not deemed a satisfactory person for the duty, another better suited might be appointed. Such an official, holding a modest rank and receiving a modest salary, could render all the useful service that could be performed by another official with a more pretentious title and a bigger salary. When there is important diplomatic work to be done, it can better be attended to by a Minister from Ottawa than by any resident representative in Washington. A Minister of the Dominion Cabinet, fresh from consultation with his colleagues, and reaching Washington within a few hours, would be a more capable and more efficient agent of Canada than any resident representative could be. The comparative proximity of Ottawa to Washington and other important American cities makes it easy for business to be done directly by Canadian Ministers. If London and Paris were not three or four thousand miles away, it is not at all probable that Canada would have a High Commissioner in either city.

Owing to Ottawa's proximity to the principal American cities and to the very large intercourse constantly going on between citizens of the United States and citizens of Canada, there is less need of official representation in the United States than there otherwise would be. But if representation on a larger scale than at present is necessary, might it not be better to have a commissioner in New York? New York is the great metropolis of the Republic, a centre to which American thought is constantly directed. A Canadian representative, with a dignified office in a prominent part of the city, could be more effective in keeping Canada before the public eye than any officer at Washington. If a man of good standing were appointed to such a duty in New York, he could occasionally run down to Washington and keep in touch with things there. The Australian Government had an arrangement of this kind, and I am assured that it worked well. Australia was represented in New York by Mr. Mark Sheldon, now Sir Mark Sheldon. He made New York his headquarters, but went to Washington occasionally and had close and friendly relations with the British Embassy. In this connection it is worthy of note that while a little while ago, after the Canadian project had been mentioned, it was announced that Australia contemplated sending a Minister to Washington, it has lately been announced by Mr. Bruce, the new Prime Minister of Australia, that that project has been abandoned.

It is some times said that if Canada had had a representative of high standing in Washington we could have obtained better tariff treatment than we now have. I am satisfied that this is a mistake. All the nations of Europe have representatives at Washington, but not one of them has been able to save his country from the burdens of the Fordney-McCumber tariff. The tariff-making system of the United States does not lend itself to the idea that representatives of foreign Governments can influence American tariff policy. The Fordneys, the McCumbers, and others having tariff-making power or influence do not concern themselves in the smallest degree as to what is



thought by other nations. Their tariff schemes are prepared with a single eye to the interests, real or imaginary, of the United States, and nothing that can be said or done by any foreign representative is likely to have any influence upon their course.

There is, too, a financial side to the question that should be seriously considered. For men in official life, Washington is probably the most expensive city in the world. If we are to have at Washington a representative of high rank, who is to compete in the social field with the representatives of European countries, he ought to have salary and allowances beyond what the Canadian people will be willing to pay. The item in the estimates now for Canadian representation in the United States is \$60,000. Such a sum would be quite inadequate to the maintenance of the desired dignity of a Canadian Minister. If such a scheme were adopted, the amount would run easily into double the sum before long. The glamour of the scheme might at the beginning lead some persons to overlook the financial responsibility involved. But after a while, in the analysis of public expenditures which must be met on the platform, the Canadian people would not be content to have so much money spent on a purely ornamental office at Washington.

For all these reasons, I suggest that if we want to enlarge our representation in the United States it would be wiser to establish a modest office in New York than to undertake the greater scheme of an Ambassador at Washington.

[W. S. FIELDING]

46.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 26, 1924

CONFIDENTIAL. Your telegram April 22nd, Confidential. My Ministers cordially approve of the contemplated action of the British Government in arranging to meet the wishes of the Irish Free State to have in Washington a representative duly accredited to the United States Government.

47.

*Le Gouverneur général au secrétariat aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 4, 1924

Following from my Prime Minister to your Prime Minister. Begins. I anticipate question being asked in House of Commons during discussion Estimates Department of External Affairs on Monday next as to status of Canadian High Commissioner in London. It would, I think be advantageous to all concerned were I in a position to make some definite statement as to decision reached, or in any event of probable action in immediate future. Would you please advise me just how far I may be at liberty to go in explaining present position to Parliament. Ends.

48.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 6, 1924

CONFIDENTIAL. Your telegram dated June 4th. Following from Prime Minister for your Prime Minister. Begins. Since message from the Secretary of State for the Colonies, April 8th, position in regard to the precedence of High Commissioners has developed as follows: Prime Ministers of all Dominions and President of the Executive Council of the Irish Free State, have now agreed to the proposals in the Duke of Devonshire's letter of January 21st, but the position as regards the precedence of the High Commissioner for India not yet cleared up. Steps will be taken, as soon as possible, to ascertain His Majesty's wishes as to the most appropriate form of announcement, which we think ought to be made simultaneously here and in the Dominions.

In the circumstances, may I suggest that you should confine yourself to stating that, as a result of the discussions at the Imperial Conference last year,<sup>1</sup> proposals were placed before the Prime Ministers of the Dominions by the (?) Duke of Devonshire, just before leaving office, which were designed to place the position of Dominion High Commissioners, on ceremonial occasions, on a satisfactory footing. That you understand it has taken longer than was anticipated to complete the replies and that matters have not yet reached a stage where it has been possible to submit proposals to His Majesty for approval but that you have every reason to hope that a definite and satisfactory announcement may be made soon. Ends.

49.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 493

Downing Street, October 14, 1924

My Lord,

I have the honour to request Your Excellency to invite the attention of your Ministers to the resolution of the Imperial Economic Conference 1923 on the subject of Commercial Intelligence Services, which appears on pages 261-262 of the enclosed extract from the report of the proceedings of the Conference.

2. Copies of a despatch containing instructions for the guidance of the appropriate officers of His Majesty's Commercial Diplomatic and Consular Services, in accordance with the first paragraph of the resolution, are enclosed together with copies of a list of the officers concerned.

3. His Majesty's Government would be glad to learn whether Dominion Governments endorse the offer of the services of Dominion Trade Commissioners referred to in paragraph 3 of the resolution.

<sup>1</sup>Doc. 234, appendice IV et annexe B, pp. 280-81.

<sup>1</sup>Doc. 234, Appendix IV and Annex B, pp. 280-81.

4. His Majesty's Government accept the suggestion contained in paragraph 4 of the resolution and will do their best to co-operate in giving effect to it.

I have etc.

J. H. THOMAS

[PIÈCE JOINTE/ENCLOSURE]

*Resolution 4 (A) (i) of Imperial Economic Conference, 1923,  
Commercial Diplomatic and Consular Services*

This Imperial Economic Conference takes note of the offer of His Majesty's Government to place the services of His Majesty's commercial diplomatic officers in foreign countries at the disposal of the Governments of the Dominions and India and of the Colonies and Protectorates in the same way and to the same extent as the services of His Majesty's Trade Commissioners within the Empire are already at their disposal. It notes that His Majesty's Government propose that as regards countries outside of Europe the Governments should utilise direct the services of commercial diplomatic officers or of senior consular officers where no commercial diplomatic officers have been appointed, but that communications which it is proposed to address to commercial diplomatic officers in European countries should be transmitted in the first instance to the Department of Overseas Trade.

The Conference, recognising the importance of all possible steps being taken to strengthen the mutual co-operation of the several parts of the Empire in matters of commercial intelligence with a view to the development of Empire trade welcomes the arrangements proposed by His Majesty's Government.

It also welcomes the offer of the Governments of the Dominions which have appointed Trade Commissioners in countries overseas to make a similar arrangement for the utilisation of those officers by Governments of other parts of the Empire.

The Conference further recommends that, when two or more Governments of the Empire maintain commercial representatives in the same country, an endeavour should be made to arrange that the offices of these representatives should be in the same building or in close proximity, in order to facilitate all possible co-operation between such representatives in their work on behalf of Empire trade.

50.

*Le Haut commissaire au Premier ministre<sup>1</sup>*

*High Commissioner to Prime Minister<sup>1</sup>*

London, December 3, 1924

My dear Prime Minister,

There has been a good deal of talk in the papers of late, both here and in Canada, regarding the status of the High Commissioner, many suggesting that

<sup>1</sup>La réponse à cette lettre est incluse dans le document 337.

<sup>1</sup>The reply to this letter is contained in Document 337.

he should be a Cabinet Minister, and these prompt me to write you (although I think I have expressed the same opinion before) that I think this would be a very serious mistake. I am sure I can say, without being accused of egotism, that it is not because I have not confidence in my own discretion, but there might at some time be a man appointed as High Commissioner who might place yourself or any succeeding Government in an embarrassing position. From all I have been able to see and learn here it would be far more prudent to keep your High Commissioner as he is now, practically a Minister or Ambassador, but with no powers other than to convey messages between the two Governments and on occasion — seeing the other side of the picture from that presented to you — to give opinions as to the wisdom of any particular course. I am sure that any alteration in the powers of the High Commissioner would not work out to the benefit of the Dominion, but I do think that to make your representative wholly efficient, you should insist on his having a status in every way similar or equal to Ambassadors and Ministers of other nations. This is not so now and never has been the case, and the representatives of other Governments know this to be so, so that we get little or no recognition from the diplomatic corps outside the Ambassador from the United States. One would have thought that, after the War, all possible courtesies would have been extended to Canada's representative by the French Ambassador, but it has suited the Count de Saint Aulaire to practically ignore me, presumably taking his cue largely from the position accorded us by the British Government. Apparently the part taken by Canada during the War has passed completely out of his mind.

Yours sincerely,

PETER C. LARKIN

51.

*Décret du Conseil*  
*Order in Council*

P.C. 3174

December 17, 1924

The Committee of the Privy Council have had before them a report, dated 13th December, 1924, from the Secretary of State for External Affairs, submitting, with reference to the provisions of Part I and Part XIII of the Treaty of Peace signed at Versailles on the 28th June, 1919, relating respectively to the Covenant of the League of Nations and to the International Labour Organization, that the fulfilment of the duties placed on the Dominion of Canada as a member of the League of Nations requires her to be represented officially by three delegates at each annual meeting of the Assembly of the League, and by two delegates at each annual or special meeting of the International Labour Conference, the headquarters and customary place of meeting of both organizations being Geneva, Switzerland.

The Minister further submits that Canada, as one of the members of the International Labour Conference, "which are of the chief industrial importance", as referred to in Article 393, is entitled to and has accepted a seat on

the Governing Body of the International Labour Office, and the Minister of Labour has been appointed by the Government as its representative at the meetings of this body which are held not less than four times a year, as a rule, though not invariably, at Geneva.

The Minister states that the disadvantage under which overseas members of these organizations labour in taking their part in the proceedings has been the subject of report and comment by Ministers, officials and others, who have been members of a delegation from Canada. Countries adjacent to or near the place of meeting are able without difficulty to include in the personnel of their delegations various advisers and assistants, clerical and otherwise, so far as conditions may require at a minimum of expense, and the value of the work of their delegations is increased accordingly. In several instances the disadvantage of overseas countries in these matters has led to the establishment at Geneva of a system of permanent representation by which is supplied in some measure the advisory and other assistance which cannot be supplied direct from distant countries; Japan is understood to have set an important precedent in this respect which has been followed by other non-European States. In other cases overseas members of these organizations have drawn advisory and clerical assistance for the Geneva conference from their continental embassies. Canada is of course without embassies and though it has occasionally obtained assistance from the offices of the High Commissioner for Canada in London, and from the Commissioner General in Paris, yet these offices have not the equipment which permits them to undertake such duties without considerable derangement of their work.

The Minister is therefore of opinion that the efficiency of the representation of Canada in the organization above named will be increased by the appointment of a permanent officer to be known as "Dominion of Canada Advisory Officer, League of Nations" and to be duly accredited to the League of Nations, who shall reside in Geneva and shall be supplied with necessary clerical assistance and office accommodation, and whose duty it shall be to establish and maintain as close relations as possible with the Secretariats of the League of Nations and the International Labour Office, and who shall communicate with the Government of Canada as to all matters arising and requiring its attention, and generally shall act in all such matters in an advisory capacity to the Government of Canada and to delegates from the Government of Canada to Conferences arising out of the organizations before named, and such officer shall be a person qualified by character and training to act when and as an occasion may require and as the Government may determine in substitution for a Government delegate.

The Minister observes in regard to attendance at Sessions of the Governing Body of the International Labour Office held at intervals of approximately three months, that the Minister of Labour, though formerly designated as the representative of Canada on the Governing Body, has been unable to attend these gatherings personally on any one occasion during the last two years, and it has therefore been necessary at each meeting to designate a person to act as a substitute for the Minister.

It is considered that the appointment of a Dominion of Canada Advisory Officer, League of Nations, would ensure greater permanency and continuity of representation at the meetings of the Governing Body of the International Labour Office, and that such officer acting as a substitute for, and under the instruction of the Minister of Labour, would improve the present plan of Canada's representation, and that the expenditure on account of travel and fees of the substitutes heretofore appointed for attendance at Sessions of the Governing Body would be in a large part obviated by the appointment of a Dominion of Canada Advisory Officer.

The Minister, accordingly, recommends the appointment of such an officer as from the first day of January, 1925, and that the total annual expenditure on account of salary, clerical assistance, rent and travelling expenses shall not exceed \$10,000.

The Minister further recommends, as the necessity for the creation of this position and the work arising will be more largely on account of Canada's participation in the work of the International Labour Office, that the amount necessary for the creation and maintenance of this position and the office or staff incident thereto for the remainder of the present fiscal year be charged to "Vote No. 275, International Labour Conference" of the Department of Labour.

The Committee concur in the foregoing recommendations and submit the same for approval.

52.

*Le Premier Ministre au Secrétaire général, Société des Nations*  
*Prime Minister to Secretary General, League of Nations*

Sir,

Ottawa, December 18, 1924

I have the honour to inform you that with the object of removing certain disadvantages under which Canadian delegates to the meetings of the Assembly of the League of Nations, of the International Labour Conference and other Conferences promoted by these bodies labour owing to Canada's distance from the headquarters of the League, and of providing more efficient measures for the assistance of such delegates, the Canadian Government have decided to create the position of permanent Dominion of Canada Advisory Officer for League of Nations purposes, the holder of which shall reside in Geneva, in order to establish and maintain as close relations as possible with the Secretariats of the League of Nations and of the International Labour Office, to keep the Government of Canada informed in regard to matters arising from time to time within the sphere of the activities of these organizations which may be of concern to them, generally to act in such matters in an advisory capacity to the Government of Canada and to Canadian delegates to the Conferences referred to, and should occasion require to act as the Government may determine as substitution for a Government delegate.

To the position thus created they have appointed Mr. W. A. Riddell, Ph.D., now resident in Geneva, and in hereby accrediting Mr. Riddell as the duly appointed Agent of the Canadian Government for the purposes above indicated I would bespeak for him the kind co-operation of the authorities of the League and of the International Labour Office in carrying out the duties entrusted to him.

I have etc.

W. L. MACKENZIE KING

53.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 20, 1924

CONFIDENTIAL. Please give the following message from me to your Prime Minister. Begins. You will probably have seen press reports of my announcement at the Canadian Club dinner on December 15th regarding the position of Dominion High Commissioners in matter of taxation in this country, about which my predecessor wrote to you on October 5th.

Our intention is that the distinction, shown in the enclosure to that letter, as exists between the personal position of High Commissioners and of Foreign Ambassadors and Ministers in position, exemption from taxation here (including local rates) should be removed, and we will ask Parliament to give legislative effect, where necessary, to this intention in next year's Finance Bill.

Full statement of the additional personal privileges proposed to be granted to High Commissioners is as follows:

(i) Exemption from Income Tax here on private remittances from abroad and investments in British Government securities.

(ii) Exemption from customs duty goods imported at any time by High Commissioners for their personal use.

(iii) Exemption from payment of certain excise licences for duty, e.g. gun licence and licence to employ male servants.

(iv) Relief from motor car licence for duty on High Commissioner's private car.

(v) Relief from part of the rates levied by local authorities referable service not of direct benefit to High Commissioners. Ends.

54.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 277

Downing Street, June 17, 1925

My Lord,

I have the honour to request Your Excellency to inform your Ministers that I should be glad to learn whether a reply may shortly be expected to my

predecessor's despatch Dominions No. 493 of the 14th of October last, concerning the Resolution of the Imperial Economic Conference, 1923, with regard to the utilisation of the Services of Dominion Trade Commissioners by Governments of other parts of the Empire.<sup>1</sup>

I have etc.

L. S. AMERY

55.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 2, 1925

PRIVATE AND PERSONAL. I am being asked in House of Commons 6th July whether I can make any statement regarding proposed appointment of a Canadian Minister at Washington and propose to reply that I have seen press report of your Prime Minister's statement in Canadian House of Commons on 22nd June but that no official communication on the subject has yet been received by His Majesty's Government from Canadian Government. Please let your Prime Minister know. Experience here in the case of appointment of a Minister for Irish Free State at Washington last year was that considerable time was needed for preparation of necessary communication to United States Government and for completion of formalities on this side (See Thomas despatch Confidential (2) 25th June, 1924, connected correspondence).

We should be grateful for as long notice as possible of any arrangement which your Prime Minister may have in mind.

56.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 3, 1925

PRIVATE AND PERSONAL. Your Private and Personal telegram 2nd July. My Prime Minister's views are as follows. Begins. While Canadian Government has intimated intention of appointing Minister to Washington no steps will be taken without communicating in first instance with British Government in reference thereto. Ends.

<sup>1</sup>Des dépêches semblables demandant une réponse à cette question furent expédiées le 19 février 1926 (n° 92) et le 13 août 1926 (n° 435) mais il semble que le Canada n'y ait pas donné suite.

<sup>1</sup>Similar despatches requesting a reply to this question were sent on February 19, 1926 (No. 92) and August 13, 1926 (No. 435) but there appears to have been no reply from Canada.



CHAPITRE II / CHAPTER II  
SUITES DE LA GUERRE  
AFTERMATH OF THE WAR

- |   |                                    |
|---|------------------------------------|
| 1. Intervention canadienne en Russie        | 1. Canadian Intervention in Russia |
| 2. Conclusion de la Paix avec la<br>Turquie | 2. Peace Settlement with Turkey    |
| 3. Réparations                              | 3. Reparations                     |
| 4. Conférence de Gênes                      | 4. Genoa Conference                |

PARTIE 1 / PART 1

INTERVENTION CANADIENNE EN RUSSIE  
CANADIAN INTERVENTION IN RUSSIA

57.

*Le Premier ministre par intérim au ministre des Forces armées Outre-Mer*  
*Acting Prime Minister to Minister of Overseas Military Forces*

TELEGRAM

Ottawa, November 14, 1918

CONFIDENTIAL. Please discuss Siberian Expedition with Prime Minister as soon as he arrives. All our colleagues are of opinion that public opinion here will not sustain us in continuing to send troops many of whom are draftees under Military Service Act and Order in Council now that the war is ended. We are all of opinion that no further troops should be sent and that Canadian forces in Siberia should, as soon as situation will permit, be returned to Canada. Consider matter of serious importance.

WHITE

58.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM

London, November 20, 1918

We conferred yesterday with Lord Milner and this afternoon with General Radcliffe, Director of Military Operations respecting the Siberian situation. General Radcliffe says it is not the intention or expectation that British or

Canadian Forces should be employed in an offensive campaign but he believes their presence in Siberia would have very important influence in stabilizing the situation and in assisting newly formed Government in training newly organized forces which are now being formed. The Ninth Hants Battalion which was intended to relieve Twenty Fifth Middlesex Battalion will remain in Siberia as an addition to British Forces already there. The Twenty Fifth Middlesex is now at Omsk and will be joined by Ninth Hants immediately after arrival. General Radcliffe strongly urges that General Elmsley should immediately go forward with his Staff to take command of Twenty Fifth Middlesex and Ninth Hants which is expected to arrive at Vladivostock in about a week. We think under the circumstances that Canadian Forces now in Siberia should remain until Spring and in absence of strong reasons to contrary that the additional forces originally arranged for should proceed to Siberia for the purposes indicated as well as for economic considerations which are manifest. If there is a strong feeling against sending forward men enlisted under Military Service Act those who have volunteered for service in Siberia might be formed into a battalion or battalions and sent forward. Radcliffe assures us that the Bolshevik force if any in Siberia is negligible.

BORDEN

59.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM P. 2

Ottawa, November 22, 1918

Many members of Council strongly opposed to our sending troops now ready to sail to Siberia and continuing expedition. Mewburn has delayed ship sailing on Monday. Would it be possible to have Canadian volunteers enlisted in Imperial Army for the purpose. It is not regarded as practicable that only volunteers should go in Canadian Forces as this would involve breaking up of Units now ready to sail. Some protests have been received against further participation by Canada from persons whose sons are in the Expedition and who claim that as the war is over we have no right to send them. This argument seems strong to me as applied to draftees.

WHITE

60.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM

London, November 24, 1918

Telegram received. In my judgment we shall stand in an unfortunate situation unless we proceed with Siberia Expedition. We made definite arrangements with British Government on which they have relied. They could reasonably hold us responsible for great inevitable delay in making other

arrangements. Canada's present position and prestige would be singularly impaired by deliberate withdrawal from definite arrangement under these conditions. When that arrangement was made prospective demand upon our man power was much greater than at present. Draftees sent to take part in terrible fighting in France have much more right to complain than draftees sent to Siberia where no fighting is anticipated beyond possible quelling of some local disturbance and where the chief duty will be to assist the new Russian Government to train Russian (garrisons?). However I leave the matter to judgment of Council with the strong feeling that withdrawal from our deliberate engagement will have extremely unfortunate effect. Foster, Sifton, Doherty concur.

BORDEN

61.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM P. 6

Ottawa, November 25, 1918

Very strong feeling in Council against continuance Siberian Expedition, Ballantyne, Crerar, Calder and Reid most strongly opposed. Crerar has written me letter of protest. So far as I can judge public opinion will not support further action on any large scale if at all. Great Britain and France are immediately interested by reason of Russia's large indebtedness to them and the desirability of retaining stable Government in order that such indebtedness may be met. Canada has no such economic or business interest as will justify the employment of a Canadian force composed of young men whose parents and friends desire should return at once to their ordinary occupations. Even if composed of volunteers the expense to Canada would meet with strong criticism in the House and country. My own view after hearing many discussions in Council is that Canada should, now that the war is over and no necessity exists for the re-establishment of the Eastern front, discontinue further participation and expense. It seems clearly a task for nations more immediately interested in the finances of Russia. There is an extraordinary sentiment in Canada in favour of getting all our men home and at work as soon as possible.

WHITE

62.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM P. 9

Ottawa, November 26, 1918

Your cable respecting Siberia will be fully considered in Council today. Needless to say we all desire to meet your wishes. Please cable whether you know any modification possible whereby Canada should send only those now ready to sail and immediately required. *Globe* has strong editorial against

Canada aiding in interfering in Russian internal affairs and assisting to set up any particular form of Government. I think question has considerable political importance at this time. Could time of service in Russia be limited to, say, next summer with voluntary force to relieve then if necessary. Awaiting reply.

WHITE

63.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM B. 12

London, November 27, 1918

Your telegram yesterday respecting Siberian Expedition. If feeling both in Cabinet and among public is so strongly opposed we leave question to your own determination. It is most desirable to put forward through the Governor General best reasons available for withdrawing from the arrangement. If the troops are not to be sent forward they should be demobilized immediately and unnecessary expense avoided.

BORDEN

64.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM B. 14

London, November 27, 1918

We have conferred again with Radcliffe as to Siberian Expedition and find his attitude very reasonable. He thoroughly realizes difficulties which have arisen in Canada. He hopes, however, that if our force must be withdrawn from Siberia we will permit General Elmsley and his staff with from fifty to one hundred instructors to remain there for direction and for training purposes.

BORDEN

65.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM P. 14

Ottawa, November 28, 1918

From Rowell. People here have been much surprised to read reports of engagements of Canadian troops at Murman[sk] and Archangel,<sup>1</sup> there having been no prior announcement to Canadian people that any of our troops had gone to Northern Russia. Three or four weeks ago when I first learned of

<sup>1</sup>Le premier détachement quitta l'Ecosse pour Mourmansk le 17 septembre 1918, le second pour Arkhangelsk le 20 septembre 1918. Voir G. W. L. Nicholson, *Canadian Expeditionary Force, 1914-1919*, Ottawa, (Imprimeur de la Reine), 1962, pp. 512-514.

<sup>1</sup>The first force left Scotland for Murmansk on September 17, 1918; the second left for Archangel on September 20, 1918. See G. W. L. Nicholson, *Canadian Expeditionary Force, 1914-1919*, Ottawa, (Queen's Printer), 1962, pp. 512-514.

dispatch of our troops I asked Militia Department for statement but they had no information and Department of Public Information cabled Overseas Minister asking for statement for publication. One has been received today but it merely deals with incidents of camp life. What we need is a statement giving reasons why we sent troops to Archangel and the number sent. Already some of the influential papers are demanding withdrawal of our troops from Archangel. Personally I believe Canadian people will support all reasonable governmental action provided they are kept fully informed of the reasons therefor. Please have Overseas Minister cable statement without delay which can be published here as a Government announcement giving reasons for dispatch of Canadian forces and some information as to number. I agree with your view as to Siberian expedition but we must be able to give public statement on this matter also with our reasons for continuing to send troops. We do not know how much of the information you have cabled can be made public. Could you cable us statement such as we might make public?

66.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM P. 19

Ottawa, November 29, 1918

We have decided to proceed with the Siberian Expedition as originally planned. Arrangements will be made for the return within one year from the signing of the armistice of any who may desire to return to Canada. This will substantially meet the views of the troops participating in the expedition. You may regard the matter as closed.

WHITE

67.

*Le Premier ministre au Premier Ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM B. 27

London, December 2, 1918

Your P. 14. Siberian Expedition, for Rowell. There was no public announcement because publicity would have defeated the purpose. The force consists (1st) of eighty-eight officers and non-commissioned officers for the purpose of commanding a force of native levies. All these officers volunteered for the service. (2nd) of two six-gun eighteen pounder batteries with a personnel of three hundred and seventy five officers and men, all of whom volunteered for this service. As large reinforcements of artillery were available in Canada General Mewburn agreed that request of War Office for this assistance should be granted. The artillery was required for co-operation with British and American infantry sent to enable Northern Russia to block Bolshevik aggression and to prevent Bolsheviks from seizing huge stores of war supplies at Archangel and elsewhere provided by British Government. A full copy of the correspondence is being forwarded. Request of War Office

that we should send a battalion of infantry was refused, as we thought it desirable that all infantry reinforcements should be reserved for use on Western front. Overseas Minister has no objection to publicity but am consulting War Office.

BORDEN

68.

*Le chef de l'État-major au ministre de la Guerre*  
*Chief of General Staff to War Office*

TELEGRAM 476 B

Ottawa, December 4, 1918

SECRET. Reference my cipher 461 B November 28th. Canadian Force, Siberia. When it finally decided to proceed with despatch of expedition Dominion Government not only guaranteed that men would not be kept against their will in Siberia longer than one year after signing of armistice, but also expressed hope that before next summer entire force might be recalled. Is there no small chance of that hope being fulfilled? Political difficulties foreseen: people war weary, nervous, irritable, and even qualified reply, in affirmative sense, would have quieting effect. My Ministers know that this message has been sent.

69.

*Le ministre de la Guerre au chef de l'État-major*  
*War Office to Chief of General Staff*

TELEGRAM 72183

London, December 6, 1918

SECRET. Your 881 cipher 476. B dated 4th inst. The guarantee given that men should not be kept against their will in Siberia longer than one year after signing armistice meets with our concurrence. As far as earlier withdrawal is concerned, we hope that by mid-summer the Russian Army will be reformed to such an extent as to be able to stand alone and having thus achieved the object of keeping Allied troops in Siberia their withdrawal will be made possible. There is no objection to the contingent being informed in the above sense. Precisely similar difficulties will face us as regards keeping British troops, and fully appreciate those with which you are confronted in the matter. Naturally we should not ask you to call on Canadian troops to do more than British ones are expected to carry out.

70.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM P. 44

Ottawa, December 6, 1918

From Mewburn. The following cable has been despatched from Chief General Staff to Chief Imperial General Staff this date. Begins. My Minister,

with whose knowledge this message is sent has received from his political officer at Vladivostock a report indicating that arrangements in Siberia lack coordination and control; that the railway system is in a condition seriously disorganized; that among allies there is no general agreement; that Americans are inactive; that Japanese bent on commercial penetration are subsidizing insurgent elements. The inference is that Elmsley and his Canadian command will be placed in a difficult position; and the Dominion Government feels increasing disinclination to involve itself in an undertaking which may terminate in disaster. To enlighten and reassure the Dominion Government it is of the utmost importance that the British Government pronounce fully on the general situation, state definitely its policy with regard thereto and indicate the measures it proposes to adopt. Meanwhile the despatch of troops to Vladivostock will not be interrupted; but the Dominion Government does not wish them to move inland until situation policy and intended action are clearly understood and it may be necessary to recall them to Canada unless their mission is made clear. Ends. You will remember that when we decided to consider the advisability of sending a force to Siberia it was upon the distinct understanding that the British Government would decide upon a definite policy regarding operations in the East. When American and other allied forces decided to join the movement and a Commander in Chief was appointed we decided to send our forces. These conditions have now changed and with no definite policy indicated by British Government do not think Government should be committed.

71.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM

Ottawa, December 7, 1918

SECRET. From White. Official advices to the Militia Department from Vladivostock state that all military reason for allied military intervention is gone and that the matter is one of purely political expediency. There is a good deal of feeling in labour and other quarters here against our continued participation and my personal view is that a serious political situation may arise later unless some definite statement can be made as to the return of the expedition within a reasonable time. Relatives and friends of those forced to go are naturally restive. Might I suggest that you take the matter up in a confidential way with the Imperial authorities and make such definite arrangements as you think will meet our situation here.

72.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM B. 43

London, December 9, 1918

For Mewburn. Your P. 44 and 48 Siberian Expedition. War Office practically understood before 27th November that our troops would be withdrawn

from Siberia as soon as possible. See my cable B. 14. Subsequently it was decided by Council to proceed see your message P. 19. Our view is that Canada's military operations in Siberia should be reduced to a minimum and that troops should be withdrawn as soon as conditions will reasonably permit. Have asked Balfour to advise you regularly as to political and economic conditions. War Office advises you as to military conditions. Canadian political officer at Vladivostock is in touch with you. Under these circumstances Council is in a better position to judge than we are at this distance and we leave matter entirely to judgment of Council and we feel as you do that no disposition should be made of Canadian troops which might lead to disaster. Please dispose of matter without further reference to us.

BORDEN

73.

*Le chef de l'État-major au ministère de la Guerre*  
*Chief of General Staff to War Office*

TELEGRAM 500 B

Ottawa, December 22, 1918

Your 72740 cipher M.O. 5. December 18th. Siberia. Situation everywhere changed since Canada undertook to furnish Contingent; policy of allied and associated Powers not defined; and public opinion strongly opposed to further participation. Therefore, although despatch of Canadian troops will for present continue, they must all return to Canada next spring.

Meanwhile Dominion Government cannot permit them to engage in military operations nor, without its express consent, to move up country; and Elmsley should not leave Base until Bickford his infantry brigadier reaches Vladivostock.

This message sent by my Minister's direction, and in substance repeated to Elmsley.

74.

*Extrait des procès-verbaux du Cabinet impérial de Guerre*  
*Extract from Minutes of Imperial War Cabinet*

December 23, 1918

...

Sir Robert Borden agreed that we should not continue to fight in Russia, but considered that we had obligations to the Czechs. The Canadians had 2,500 men in Siberia, and the Canadian Government was very anxious to get them home. Would it not be possible to make an arrangement with the Bolsheviks permitting the withdrawal of the Czechs and of our own troops, and safeguarding the people who had co-operated with us? Canada had only consented to send troops to Siberia after considerable pressure from himself, and he did not think that opinion would tolerate their remaining in Russia after navigation opened in the spring. . . .



75.

*Le secrétaire aux Affaires étrangères au Premier ministre*  
*Foreign Secretary to Prime Minister*

London, December 28, 1918

Dear Sir Robert Borden,

I have made enquiries on the subject of your letter transmitting a telegram from the Acting Prime Minister in Canada asking for a statement in regard to the reason for the employment of Canadian troops in Siberia.

I find that there is very little further information which we can add to the memorandum which was handed to you on November 22nd, a telegraph summary of which was sent to Ottawa for General Mewburn, Minister for Militia and Defence.

As regards the specific employment of Canadian rather than other troops, in Siberia, I might point out that the request for Canadian troops to act in Siberia was made at a time when it was impossible to send other Imperial forces. It was understood that these forces were to be recruited on a voluntary basis, and the intimation has been made to the Canadian authorities that there was no objection to the guarantee being given that the men should not be kept against their will in Siberia longer than one year after the signing of the armistice, and it was hoped that it might be possible to withdraw them much earlier. The majority of the troops have arrived and arrangements for the despatch of the remainder are now in progress. Having regard to the general military situation it would not only be difficult to send other troops now, but would involve a large waste of money.

I understand that the War Office are now putting forward further proposals for the consideration of the War Cabinet. Pending a decision on these proposals, I do not think there is anything further we can tell the Canadian authorities. In the meantime, however, I will certainly see that a note is made of your wishes in regard to keeping the Canadian authorities properly informed of the developments of the situation in Siberia.

Yours sincerely,

ARTHUR JAMES BALFOUR

76.

*Le ministère de la Guerre au chef de l'État-major*  
*War Office to Chief of General Staff*

TELEGRAM 73422

London, January 4, 1919

We note that 1,800 other ranks for Vladivostock have now sailed. In view, however, of decision of Canadian Government not to allow their troops to proceed inland and other factors, we have been obliged to recommend to War Cabinet:

(1) That the two British battalions should be withdrawn to Vladivostock.

(2) That the Canadian forces should be returned to Canada.

His Majesty's Government under present circumstances it is realized cannot well act alone in a decision which affects our Allies and whole of larger problem of Allied action in Russia. Matter will probably be taken up at Paris early.

In meantime, however, reports from Vladivostock of congestion and general conditions there point to no useful purpose being served by adding to the Allied garrison.

We suggest therefore:

(1) That at any rate no more troops should be sent.

(2) That if there is no chance of Canadian Government reconsidering decision even those en route mentioned above might be recalled by wireless.

(3) That the despatch should be continued of stores already shipped or earmarked which will in any event be useful to General Knox for local forces.

Addressed Ottawa, repeated General Elmsley.

77.

*Le chef de l'État-major au ministère de la Guerre*  
*Chief of General Staff to War Office*

TELEGRAM 7 B

Ottawa, January 8, 1919

Reference your ciphers D.M.O. 73422 January 4 and 73489 January 6. Following message approved by Cabinet and sent by my Minister's direction. Begins. On account of representations made by British Government respecting necessity for allied intervention in Siberia, Canadian Government has been anxious to co-operate as far as practicable.

So far Canadian Government has been unable to consent to Canadian troops moving inland from Vladivostock because it is understood first, that both Japanese and United States Governments are unwilling to allow their troops to move inland, and secondly, that there appears to be no co-operation among the Allied and Associated Powers with respect to the policy to be pursued or the purposes to be served by the continued presence of their troops in Siberia.

If that view of the situation be correct, then Canadian Government adheres to opinion that inasmuch as Canadian troops were sent to Vladivostock as part of an Allied Force and in pursuance of a definite understanding, they should not move inland now that uncertainty of purpose has appeared among Allied and Associated Powers.

Canadian Government further feels entitled to be explicitly informed, first, as to the present attitude of the American and Japanese Governments with regard to the continued presence of their troops in Siberia, and secondly, as to the object which the British Government now has in view in keeping British Forces there.

As regards "other factors", to which reference is made in your cipher 73422, Canadian Government would like to be fully informed as to what those factors are.

Present distribution of Canadian Siberian Force is in round numbers:

In Siberia	1100
At Sea	2700
In Canada	1200
Total	5000

Those at sea were not recalled by wireless. Those in Canada will stand fast and no decision will be reached regarding their demobilization until reply this cable is received. The despatch of stores will proceed.

Canadian Government cannot consent to any of our Forces going forward until we have explicit detailed information as to attitude of Allied and Associated Powers; but, if considered necessary, General Elmsley may proceed to Omsk when General Bickford, now at sea, reaches Vladivostock.

Unless withdrawal of Canadian troops will embarrass British Government the Canadian Government feels, owing to uncertainty and indefiniteness of whole situation, that Canadian Forces should be returned to Canada. The Canadian Government is prepared, however, to let matters stand as they are now, provided there is any hope of a very early decision by the Allied and Associated Powers respecting the Siberian problem. Ends. Please cable reply.

78.

*Le général Elmsley au ministère de la Guerre*

*General Elmsley to War Office*

TELEGRAM

Vladivostock, January 8, 1919

SECRET. Repeated Minister of Defence, Ottawa. Siberia G.S.64 reference your 73422 cipher D.M.O. January 4th.

Both self and Alston deputy High Commissioner agree that action suggested by you, if concurred in by Canadian Government may have disastrous effects on a situation which is already critical: and may neutralize any decisions arrived at by Peace Conference for assistance to Russia based on military, economic or human grounds. I request from whole allied point of view that you ask Canadian Government to hold in abeyance your cable regarding withdrawal Canadian troops, pending decision of Peace Conference and Alston's recommendation, which is to-day being forwarded to Foreign Office, that government commission representing Allies and possibly Russia be im-

mediately assembled here to advise their respective governments on conditions in Russia which can only be realized by direct contact with local conditions and influence. Irrespective of my views unless approved by High Commissioner urge that no such steps as suggested by you be taken. H.M. Government it is recognized cannot act alone in decision affecting all allies, but non observance of this principle is arousing suspicion regarding true object of your actions. The air would at once be cleared by Alston's Commission.

79.

*Le ministère de la Guerre au chef de la Mission militaire britannique*  
*War Office to Chief of British Military Mission*

TELEGRAM 73781

London, January 12, 1919

Reference my 73422 January 4th. Imperial War Cabinet has decided that the question of withdrawal of the two British Battalions to Vladivostock and the return of the Canadian Troops to their own country must await decision of Associated Governments as to their general policy in Russia, which is to be discussed forthwith in Paris. Addressed Knox, repeated Elmsley and Ottawa.

80.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM P. 163

Ottawa, January 24, 1919

From White. Cable immediately any information respecting Siberian situation. We have four thousand troops at Vladivostock and eleven hundred in British Columbia. There is much uneasiness among latter, who, if they are not to proceed to Siberia, should be demobilized, at once. We have taken whole situation up strongly with War Office, demanding to know whether Allies are to co-operate, as was our understanding. We are unwilling to send our troops alone into interior. High Commissioner at Omsk reports great danger if troops not sent forward and line established. We understand matter being dealt with at Conference. Your advice would be helpful.

81.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM X. 37

Paris, January 28, 1919

Your 163. Have discussed situation with War Office Authorities and reached following conclusions. First, as to troops mobilized in British Columbia there is no objection to immediate demobilization but it should be carried out quietly and with as little publicity as possible as all such steps may affect attitude Bolshevik Government. Second, as to troops now at Vladivostock

I entirely agree that they should not be sent forward pending further developments which I believe will result in decision that they should be returned to Canada at an early date.

BORDEN

82.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM X. 85

Paris, February 13, 1919

Your P.189. For Mewburn. On Seventh February I informed British Government by letter that unless they saw good reason to contrary Canadian troops would be brought back from Siberia as soon as Spring opens say about April. No reply has been received. Accordingly you should advise War Office that we shall bring back Canadian Force from Siberia at that date. Russian situation has not recently been under consideration but I am confident that active military intervention is not proposed and will not be continued.

BORDEN

83.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM X. 93

London, February 17, 1919

SECRET. Russian situation has been under consideration by Allied powers during past four days and was discussed by British delegation this morning. I adhered absolutely to my determination that Canadian troops must be withdrawn in April. It was decided that a special Allied Military and Economic Commission shall report on Russian situation within ten days. Balfour and Churchill agree that opinion in Great Britain and United States is practically the same as that which I urged on behalf of Canada but they submit following considerations as to consequences of withdrawing troops and discontinuing military effort in aid of anti-Bolshevist Governments.

First. Bolshevists will over-run and control all Russia.

Second. If present Allied forces remain in Russia for some months Bolshevist power will probably crumble.

Third. Bolshevist Government will combine with German Government who will reap enormous fruit therefrom and become stronger than ever.

Fourth. The military power of Germany and Russia combined will in that case menace the world and especially the British Empire exposed to attack in India and elsewhere.

I replied that these considerations would not carry judgment of Canadian people in favor of further military effort. Russia must work out her own salvation which may take years. If Bolshevist power crumbles other Govern-

ments will probably fight each other for some time to come. Bolshevists no more likely to combine with Germany than any other Russian Government. Moreover Bolshevist policy and action are becoming more moderate I promised however to suggest to you desirability of postponing as long as possible any public statement as to withdrawal, especially during next two weeks, while proposed Commission is preparing its report. Situation at Archangel not very satisfactory but some reinforcements are being sent. War Office claim Archangel forces cannot be withdrawn before Spring.

BORDEN

84.

*Décret du Conseil*  
*Order in Council*

P.C. 344

February 20, 1919

The Committee of the Privy Council have had before them a report, dated 13th February, 1919, from the Acting Minister of Trade and Commerce, referring to a despatch from the Right Honourable the Secretary of State for the Colonies to your Excellency under date of the 6th of September, 1918, No. 498, by which it was stated that in connection with the despatch of Allied troops to Eastern Siberia, His Majesty's Government had undertaken, in concert with the other Allied Governments concerned, to arrange for a supply of goods to relieve the necessities of the Siberian population, and that the Department of Overseas Trade, (Development and Intelligence) had been charged with the task of making the arrangements required to carry out the undertaking;

The Minister reports as follows, in reference to the above,—

In a subsequent despatch of October 11th, 1918, the Right Honourable Secretary of State for the Colonies announced that his Majesty's Government would welcome the appointment of a representative to Vladivostock to forward Canadian interests.

After giving the matter much consideration Orders in Council were passed on the 21st and 23rd October, 1918, upon the recommendation of the Minister of Trade and Commerce, authorizing the establishment of a Canadian Economic Commission in Siberia to consist of C. F. Just, Chief Canadian Trade Commissioner in Russia, L. D. Wilgress, Canadian Trade Commissioner at Vladivostock, Col. J. S. Dennis, Liaison Officer of the Canadian Siberian Expedition, and Mr. Ross Owen, Transportation Officer in Russia of the C.P.R. Company. The said Order in Council of the 21st October, 1918,<sup>1</sup> authorized further appointments to this Commission, since which date Mr. A. D. Braithwaite, late of the Bank of Montreal, has been appointed to

<sup>1</sup>Voir Vol. 1, doc. 356.

<sup>1</sup>See Vol. 1, Doc. 356.

the Commission.<sup>1</sup> The first four mentioned have already established themselves at Vladivostock, and Mr. Braithwaite leaves at an early date.

Owing to the constantly changing conditions in Siberia, and general difficulties in trading with that part of Russia, by reason principally of the exchange situation, some delay has been caused, but upon the arrival of the Minister of Trade and Commerce in London, he consulted the British authorities, when it was learned that the British Government had constituted a Trading Company known as the Siberian Supply Company, Limited, to which it will give its financial backing. This Company will purchase goods in the United Kingdom, pay transport charges thereon and sell them in Siberia. Strict supervision of prices will be maintained, thus preventing speculation and extravagant charges upon the buyers. The company is to look after all matters of credit and exchange, and the profits in the aggregate will go to the British Government.

The British Government is sending to Siberia, its representative, as Controller of the Supply Company, the Hon. Raymond E. Hubbard, who was instructed to call upon the Acting Minister of Trade and Commerce, to discuss the procedure which might be adopted with a view to co-operating with and assisting the Canadian Government in any scheme having for its object the assisting of Canadian export trade in that part of the world.

The Minister, therefore, recommends, in the best interests of Canada, that the facilities offered by this Company be availed of, on the following conditions:

1st. The Canadian Government shall employ the Siberian Supply Company, Limited, as agents for the distribution and sale of goods supplied under credits furnished by the Canadian Government, the profits therefrom being returned to the Canadian Government.

2nd. The Canadian Government to nominate Mr. L. D. Wilgress, Canadian Trade Commissioner in Vladivostock, to supervise the operations of the Siberian Supply Company, Limited, in so far as Canadian supplies are involved; and

3rd. The Canadian Government shall charge the Canadian Trade Commission at Ottawa with the purchase of goods in Canada, and their despatch to Siberia to be there disposed of as the Siberian Supply Company, Limited, in conjunction with the Canadian Trade Commissioner in Vladivostock, may decide from time to time.

In this connection, the Minister further recommends that an initial credit be established in favour of the Canadian Trade Commission at Ottawa, of One Million Dollars (\$1,000,000) for the purposes above outlined.

The Committee concur in the foregoing recommendation, and submit the same for approval.

<sup>1</sup>A. D. Braithwaite fut nommé par le décret du Conseil, C.P. 3146 en date du 21 décembre 1918, en tant que "représentant les intérêts bancaires."

<sup>1</sup>A. D. Braithwaite was appointed by Order in Council P.C. 3146, dated December 21, 1918, as "representing the banking interests."

85.

*Le secrétaire à la Guerre au Premier ministre*  
*War Secretary to Prime Minister*

[London,] March 17, 1919

My dear Sir Robert Borden,

In view of the very decided attitude taken up by Canada regarding the withdrawal of her troops from Vladivostock, the War Office have no option but to acquiesce, as they have felt it impossible to continue to urge the Dominion Government to share, against its will, in a task of much difficulty and anxiety.

Yours sincerely,

WINSTON S. CHURCHILL

86.

*Le secrétaire à la Guerre au Premier ministre*  
*War Secretary to Prime Minister*

PERSONAL AND SECRET

[London,] May 1, 1919

My dear Sir Robert,

We have worked together for so many years now on matters of Imperial interest and I always look back with gratitude to the aid you gave me about the Canadian Dreadnoughts during the Navy Estimate discussions of 1913-14. I therefore venture to write very frankly to you on another matter in which I desire your aid.

You will no doubt have been impressed with the great progress made by Admiral Koltchak's armies in Siberia. It is by no means improbable that in the near future these armies will be upon the Volga, joining their right hand through Vyatka and possibly even Vologda to the Archangel forces, and their left hand through Arenburg and the Ural Cossacks to Denikin. Even greater developments may follow, because the new Siberian Army, equal in size to the whole of Admiral Koltchak's present forces, has yet to reach the front. The Russian forces in North Russia will soon be doubled in strength and are rapidly increasing in efficiency, and Denikin is only now beginning to feel the benefit of the large quantity of munitions we have sent him.

I cannot help being sorry that Canada has not been able a little to help us in bringing about these good results. I of course agreed to your wish to withdraw the Canadians from Vladivostock. If they were not allowed to go beyond Vladivostock, there was not much use in their taking up the limited accommodation available. But is it not possible for us to have a few volunteers from the Canadian Forces to co-operate with the volunteer detachments which compose our various missions to the loyal Russian armies?

Last night at the dinner of the Canadian Cavalry Brigade numbers of officers spoke to me on their desire to volunteer for service in Russia against



the Bolsheviks, but they complained that the Canadian military authorities would force them to quit the Canadian service before joining any special unit of this character. Surely this is a little hard and falls somewhat short of all the splendid help we have had from Canada throughout this perilous struggle. Even a few hundred Canadian volunteers would be of great assistance and would make a name for themselves in this most righteous crusade.

The Russians have lost faith in the Allied Powers one after another. Japan they always feared and distrusted. America has made herself indescribably hated in Siberia. The French have lost all credit at Odessa and in the Crimea. But Britain has never failed. Tied down as we have been and unable to use our strength and resources with full effect, we have nevertheless given real help, and in every theatre where we have assumed any degree of responsibility the Russians are either holding their own or prospering.

It may well be that our future friendly relations with a regenerated Russian State, with all its immense commercial and military possibilities, may depend upon action taken now.

I no longer feel that I am asking you to share in a failure. The hopes of success are sufficient to justify me in appealing to you to participate in a hopeful and prosperous policy. Will you not encourage volunteering of Canadian officers and men to provide a small contingent for action both in relieving our men in North Russia and in participating in our mission to Admiral Koltchak? Will you not facilitate this? I am sure there would be a good response. More men have volunteered exclusively for service in Russia during the last three weeks than for the whole of the rest of the Regular Army together. If Canada takes the lead, Australia will be bound to follow.

I shall be very glad to hear from you.

Yours sincerely,

WINSTON S. CHURCHILL

87.

*Le Premier ministre au secrétaire à la Guerre*  
*Prime Minister to War Secretary*

London, May 18, 1919

Dear Mr. Churchill,

Beyond question it is imperative that the Canadian Forces now at Archangel should be withdrawn without delay. The demobilization of the Canadian Corps and the withdrawal of Canadian Troops from Siberia render any further continuance of our forces at Archangel absolutely impracticable. On the 10th of March the War Office suggested that Canadian Troops could not be withdrawn until the port of Archangel should be opened for navigation. The period thus indicated has now arrived. However, on 30th April a letter from the War Office indicates that it is not proposed to withdraw them until late summer or Autumn. Many of these troops were sent in the first instance

for instructional purposes. Doubtless they have not objected to the active service which has been substituted for the original purpose. Recently, there has been unfortunate evidence of keen resentment on their part at the continued delay. A few weeks ago a very capable Canadian Officer who had just arrived from Archangel emphasized the very trying effects of long continued service in that region told me that not only the Canadians but all the forces at Archangel and Murmansk who have been there more than six or eight months should be relieved as soon as conditions of navigation permit.

However, I have no right to speak for the others; but I do insist that the Canadians shall be withdrawn immediately.

Faithfully yours,

R. L. BORDEN

88.

*Le ministère de la Guerre au chef de l'État-major*  
*War Office to Chief of General Staff*

TELEGRAM

London, July 21, 1919

URGENT. Following from the Secretary of State for War to Sir Robert Borden. PERSONAL. Re Canadians at M.K. [Murmansk]. General Maynard definitely states that the safety of British and Allied troops will be jeopardized by the withdrawal of Canadian troops at present, especially in view of further postponement of sailing of French troops. Every effort will be made to release these men as soon as possible, but I cannot take the responsibility of transmitting an order to General Maynard which would lead to an immediate disaster and to the destruction of British troops. Many of the Canadian officers wish to stay on anyhow especially as volunteers. I do trust that you will give me your help.

89.

*Le chef de l'État-major au ministère de la Guerre*  
*Chief of General Staff to War Office*

TELEGRAM

Ottawa, July 22, 1919

Personal message for Secretary of State for War from Sir George Foster, Acting Prime Minister. Begins. Your 79891 cipher July 21, Murmansk. Canadian Government under circumstances accedes to your request. Ends.

90.

*Le secrétaire à la Guerre au chef de l'État-major*  
*War Secretary to Chief of General Staff*

TELEGRAM 79948

London, July 23, 1919

Your 95B July 22nd. Following for Sir George Foster. PERSONAL. I am extremely grateful to you for meeting our needs. Evacuation is proceeding as

rapidly as military exigencies permit. The operation is, however, difficult and dangerous, because of the effects produced upon the local Russian troops by knowledge of our impending departure which (fills?) them with increasing untrust.

## PARTIE 2 / PART 2

CONCLUSION DE LA PAIX AVEC LA TURQUIE  
PEACE SETTLEMENT WITH TURKEY

91.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 5, 1920

A great deal of interest in the Turkish Treaty negotiations is being manifested in Canada, and since the treaty must be submitted to Parliament for approval my Ministers feel they should be kept advised on the general outline of the proposed conditions of peace, especially those relating to territorial readjustments, to the Armenians and to the control of the Straits. At present they have little knowledge beyond what appears in the press, notwithstanding my telegrams of January 19th and February 11th. They would be glad to have a full report of the present position and of the proposals now under consideration.

DEVONSHIRE

92.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, March 23, 1920

SECRET. Peace with Turkey. Your telegram 5th March, proposed conditions are so far for the most part of provisional character — as they have to be reconsidered by Powers when they are presented as a whole. At any moment conduct of Turks may compel drastic revision of terms or withdrawal of concessions at present in contemplation, just as the Allied Powers have already been compelled to occupy Constantinople, a step a few weeks ago not anticipated by them. It is at present possible to give explicit indications upon two questions only. It is intended to provide in the proposed treaty:

(a) For the internationalization of the Straits and their opening to the freedom of navigation and commerce of the world. Institution of an Allied Board or Commission of Control on which Powers who are principally interested in shipping or trade of those parts will be represented.

A zone of territory on both banks of the Dardanelles, Marmora and Bosphorus will also be demilitarised and placed under the supervision of an Allied Force (British, French and Italian).

(b) For the constitution of an independent State of Armenia (consisting of those parts of Asia Minor in which as a general rule the Armenians are or will be in a numerical preponderance) with access to a port on the Black Sea.

The question of actual frontiers to be assigned to this State is partly dependent upon arrangements that still have to be made between Armenia and her neighbours on Caucasian side and as regards the Turkish side might if accidentally disclosed now provoke the very massacres and reprisals which we desire to avoid.

I hope to send you additional information when further progress has been made.

93.

*L'Administrateur au secrétaire aux Colonies*  
*Administrator to Colonial Secretary*

TELEGRAM

Ottawa, April 1, 1920

Treaty of Peace with Turkey. Following is substance of Minute of Council approved March 29th.<sup>1</sup> Begins. The Statesmen of Allied and Associated Powers have repeatedly declared that in settlement of terms of Peace provision must be made for liberation of Armenia from rule of Turk. Although Canadian Government has already drawn attention to His Majesty's Government to public opinion in Canada on this question, my Ministers suggest that Canadian Government should place itself formally on record as absolutely opposed to return of any Armenian provinces of Turkey to Turkish rule.

They further suggest that in view of foregoing and of obligations which Dominions as members of League of Nations may be asked to assume under terms of Treaty necessity of carrying Dominion public opinion with any final action should be attentively considered by His Majesty's Government and to this end Canadian Government should be kept fully informed as to terms of proposed settlement with Turkey and negotiations now pending in reference to terms of Treaty of Peace with Turkey. Ends. Despatch follows by mail.

94.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, April 10, 1920

SECRET. With reference to your telegram of the 1st April Armenia. The interest felt in Canada is fully appreciated here. Equally strong sympathy with

<sup>1</sup>C'est M. N. W. Rowell, secrétaire d'Etat aux Affaires extérieures par intérim, qui avait porté cette question à l'attention du Conseil le 20 février 1920.

<sup>1</sup>The original submission to Council on this matter was made by N. W. Rowell, as Acting Secretary of State for External Affairs, on February 20, 1920.

Armenians is felt in this country and all the Allied Powers are anxious to secure maximum possible independence and protection for Armenians. The practical difficulties are however very great. It seems to be assumed in your telegram that Armenian Provinces of Turkey are in the hands of the Allies since you speak of returning them to Turkey. This is not the case. The Allies have never occupied bulk of Turkish Armenia. No Turkish Government, however submissive to the Allies, could accept demands for cession of all so-called Armenian Provinces of Turkey, including districts in which Armenian population forms a small minority. Peace would be impossible and none of the Allied Powers are willing or indeed able to occupy these distant and inaccessible regions by force, or to hold them when occupied. Any attempt to do so would certainly bring fresh disasters to what is left of Armenian population. Therefore our efforts are concentrated upon liberating portion of Turkish Armenia in which Armenian population is most numerous, and which adjoins present Independent State of Armenia, which was formerly part of Russian Empire. If this object (which though not devoid of difficulty is not impracticable) can be attained, except for Bolshevik danger, bulk of Armenians will be in security and freedom.

In other parts of Turkey, for the protection of scattered Armenians we must rely on the provisions for protection of minorities generally and also upon the power of the Allies by general control of Turkish Government to enforce them. Respecting the last portion of your telegram every effort will be made to keep you fully informed. There will be sent to you all documents dealing with Turkish Treaty which are circulated to Cabinet, on March 31st, first batch of these was despatch[ed] to you.

MILNER

95.

*L'Administrateur au secrétaire aux Colonies*  
*Administrator to Colonial Secretary*

TELEGRAM

Ottawa, April 22, 1920

Representatives of Canadian Jewish Congress which represents Jewish people in Canada have approached Canadian Government and expressed desire to associate themselves with their co-religionists in other parts of world in urging that in the settlement of Treaty of Peace with Turkey, His Majesty's Government should be made mandatory for Palestine and have expressed their complete confidence that His Majesty's Government, if made mandatory, would give full effect to declaration made by Mr. Balfour on November 2, 1917, to effect:

That His Majesty's Government view with favour establishment in Palestine of a national home for Jewish people, and will use every endeavour to facilitate achievement of this object; it being clearly understood that nothing shall be done which might prejudice civil or religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

Canadian Government shares hope that His Majesty's Government may be appointed mandatory for Palestine.

96.

*Extrait du rapport du Conseiller juridique sur un voyage  
en Grande-Bretagne*

*Extract from Report by Legal Adviser on visit to Britain*

REPORT No. 1

Ottawa, May 6, 1920

... I was instructed verbally before leaving Ottawa and by cablegram after reaching London to represent in the appropriate quarter the great importance of keeping the Canadian Government informed concerning the course of the Turkish Treaty negotiations. I saw Lord Milner and explained to him the position in Ottawa. I pointed out that the Canadian Government was bound eventually to submit the Treaty to Parliament; it was clear, therefore, that the Canadian Ministers ought to be given the fullest possible information while the negotiations were going on. Hitherto the information reaching Ottawa had been very meagre; indeed it comprised little more than appeared in the newspaper press. On the other hand it would appear from President Wilson's published note on the subject that the American Government had been kept more fully informed. It would be easy to understand the feeling in Ottawa if it appeared that the Americans, who are withdrawing from the whole settlement, were given full information, while the Canadian Government, who are doing their best to co-operate, were given next to nothing. Lord Milner quite appreciated the point, and undertook to raise it strongly with the Prime Minister and at the next Cabinet meeting. He had himself only returned from Egypt three days before I saw him, and had consequently been out of touch with this situation. It was my clear impression that Lord Milner's absence was very largely responsible for the meagreness of the information that has been coming to Ottawa during the winter on the Turkish question. (It may be added that Lord Milner took occasion at this interview to emphasize again his view of the desirability of having a responsible Dominion representative resident in London. He said he would do his best as he had always done to send the fullest information to the Dominion Government, but it was very often difficult for him to know just what kind of information was wanted in Ottawa, what points should be emphasized from time to time, and what might be regarded as of minor importance. The responsible Canadian representative would not be faced with this difficulty. Moreover, such a representative through continuous contact and personal interviews with the Ministers in London would acquire information upon many points in connection with the Treaties which are never put on paper, and which could hardly be set down in black and white in communications between Governments, but which are oftentimes the most controlling factors in the course of the negotiations.)

I also discussed this question with Sir Maurice Hankey, who as Secretary of the Cabinet is in charge of the circulation of papers, and with Mr. Philip

Kerr, who is the member of the Prime Minister's Secretariat principally concerned with foreign affairs. Both undertook so far as they were concerned to give special attention to the matter.

Since my return I have observed that much more information on the Turkish Treaty has been coming in. . . .

L. C. CHRISTIE

97.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 517

Downing Street, August 20, 1920

My Lord Duke,

I have the honour to state, for the information of Your Excellency's Ministers, that the Turkish Peace Treaty was signed at Sèvres on the 10th August. The High Commissioner signed on behalf of your Government. . . .

I have etc.

MILNER

98.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

TELEGRAM P. 593

London, November 29, 1920

Following telegram received through offices of Cabinet sent you at request Secretary General, League of Nations, Geneva. Begins. Assembly of League of Nations adopted on 22nd instant following resolution.

The Assembly anxious to co-operate with Council in order put end in shortest time possible to horrors of Armenian tragedy requests Council to arrive at understanding with Governments with view to entrusting a power with task of taking necessary measures stop hostilities between Armenia and Kemalists.

The Council considered this resolution and decided to communicate it to Governments of all states, Members of League and also to United States, President of which has already undertaken task of fixing frontiers of Armenia. The Council begs your government state whether it will be disposed either alone or conjointly with others to undertake on behalf League Nations this great humanitarian mission, a mission which moreover entails no obligations of permanent nature. The Council would be grateful receive your reply if in the affirmative soon as possible so that it may be communicated to Assembly before end of present Session. Ends.

PERLEY

99.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

TELEGRAM M. 19

Ottawa, December 1, 1920

Your 593. Canadian Government could not undertake the responsibility therein referred to.

MEIGHEN

100.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, September 15, 1922

SECRET. Following from Prime Minister for your Prime Minister. Begins. Cabinet today decided to resist Turkish aggression upon Europe and to make exertions to prevent Allies being driven out of Constantinople by Mustafa Kemal and in particular and above all to maintain freedom of Straits by securing firmly the Gallipoli Peninsula(?). The French Government have notified us that they are in agreement with us in informing Mustafa Kemal that he must not violate neutral zone by which Straits and Constantinople are protected and have so instructed their High Commissioner at Constantinople, and the Italians are also in general accord with us. We are addressing ourselves to Roumania, Serbia and Greece with a view to securing their military participation in defence of deep water line between Europe and Asia. We are notifying all the Powers aforesaid of our intention to make exertions and that we are placing a British division under orders to reinforce Sir Charles Harington, the Allied Commander-in-Chief at Constantinople. The British Navy will co-operate to the fullest extent necessary. These arrangements are intended to cover period which must elapse before a stable peace with Turkey can be secured. For this purpose a conference is being proposed, probably at Venice, possibly at Paris, and it is essential that we should be strong enough to maintain our position at Constantinople and round the Straits until this peace has been achieved. We do not think it likely that forces of Mustafa Kemal will attack if a firm front is shown by a large number of Powers acting together. His armies are estimated between sixty and seventy thousand men who have so far not had any serious resistance to encounter from the disheartened Greeks. But it is imperative we should take timely precautions. A defeat or a humiliating exodus of the Allies from Constantinople might produce very grave consequences in India and among other Mohammedan populations for which we are responsible. I should be glad to know whether Dominion Government wish to associate themselves with the action we are taking and whether they would desire to be represented by a contingent. Apart altogether from the vital Imperial and world wide interests involved in freedom of Straits for which such immense sacrifices were made in the war, we cannot forget that Gallipoli Peninsula contains over twenty thousand British and Anzac graves and that these should fall into the ruthless hands of Kemalists would be an abiding source of grief to the Empire. The



announcement that all or any of the Dominions were prepared to send contingents even of moderate size would undoubtedly in itself exercise a most favourable influence on situation and might conceivably be a potent factor in preventing actual hostilities. This telegram has also been sent to the Governors General of Commonwealth of Australia, New Zealand and Union of South Africa. Ends.

CHURCHILL

101.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 17, 1922

SECRET. Following from my Prime Minister for, your Prime Minister. Before it was possible to have contents of your cable sent through Governor General communicated to myself or other members of Canadian Government our press carried cable despatches from England announcing invitation by British Government to Canada to participate in resistance of Turkish forces by sending contingent. A most embarrassing situation has arisen in consequence. I am being asked by Press representatives if any and if so what communication has been received from the British Government. As your message is a secret cypher telegram I do not feel at liberty without your sanction to disclose its contents.

Will you please cable me immediately your wishes in the matter stating whether I am at liberty to disclose contents of communication in whole or in part and if not what communication British Government desires to have made public as coming from them to the Canadian Government. As Parliament will certainly wish to have copies of all official correspondence in this matter brought down, perhaps you would indicate clearly communication if any which should not be considered as coming within the return that may be expected.

BYNG

102.

*Le Premier ministre au ministre des Finances*  
*Prime Minister to Minister of Finance*

TELEGRAM

Ottawa, September 17, 1922

Churchill cables British Government has decided resist Turkish aggression and maintain freedom of Straits, to prevent Allies being driven out of Constantinople. France is in agreement and Italy in general accord. British Government is addressing itself to Roumania, Serbia, and Greece, to secure their military participation, and is placing a British division under orders and British Navy will co-operate. Arrangements are intended to cover period before stable peace can be secured, for which purpose conference is proposed, probably at Venice, possibly Paris. Cable continues: "I should be glad to

know whether Dominion Government wish to associate themselves with action we are taking, and whether they would desire to be represented by contingent." Also "the announcement that all or any of the Dominions were prepared to send contingents, even of moderate size, would undoubtedly of itself exercise a most favourable influence on situation and might conceivably be a potent factor in preventing actual hostilities." I have called special Cabinet meeting tomorrow. Meanwhile would be pleased to learn views of yourself and Lapointe. We of course know nothing of seriousness of situation or what may be necessary. I think therefore it is desirable you should both get in touch immediately with members of British Government and others at Geneva in position to advise also if possible with representatives of other British Dominions, and inform us by cable their views and probable action.

MACKENZIE KING

103.

*Le ministre des Finances au Premier ministre*  
*Minister of Finance to Prime Minister*

TELEGRAM<sup>1</sup>

Geneva, September 18, 1922

We heartily approve attitude British Government respecting Constantinople. Would willingly have some statement made on behalf of our Government indicating readiness to participate if necessary, but send troops abroad at present without parliamentary authority very undesirable. Cannot something be said that will serve the purpose without actual sending of contingent. No Ministers from Dominions here to consult with. Other Dominions are represented by London Commissioners or substitute delegates who have no authority.

FIELDING

104.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, September 18, 1922

SECRET. Following for your Prime Minister from me. Secret and personal. Begins. The Prime Minister's message which I transmitted to you on September 15th is not suitable for textual publication. There would be no objection to substance being given to public as has been done in Australia. In case you want a message the actual text of which can be laid before your Parliament I send you on behalf of Prime Minister a further telegram separately.

We communicated with Australia and New Zealand in view so far from associations which they have with Gallipoli and we felt bound to make the message common to all the Dominions. There is no probability of a serious

<sup>1</sup>Ce télégramme fut reçu à Ottawa le même jour à 10.10 P.M.

<sup>1</sup>This telegram was received in Ottawa the same day at 10.10 P.M.

war but it is essential that Kemalists should be prevented from crossing Straits and entering Constantinople except in accordance with decision of a Peace Conference which will among other things secure effectively the freedom of the Straits probably under some International arrangement. The British Navy is of course main factor on which we rely and if the Allies continue to act together in forbidding Kemalists to invade neutral zone now guarded by Allied troops we think it unlikely hostilities will occur. However, it is extremely important that a firm stand (?) should be adopted by Great Britain and anything that your Government can contribute towards sense of empire solidarity would be of utmost value. A statement to the effect that the Dominion of Canada associates itself with the general position of the Allied powers in insisting upon freedom of Straits and would be represented by a contingent if the need arose would be quite sufficient at this time (?). It seems most improbable that actual need for despatching contingent will arise and in any case it is contemplated that it would be only of a very moderate size. Australia and New Zealand have already replied in a favourable sense.

I very much regret that it was not possible to give you longer notice but the crisis developed very (?) suddenly. I am sure you will handle the matter in such a way as to give utmost moral support at this stage.

CHURCHILL

105.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, September 18, 1922

Following for your Prime Minister. Following for publication. Begins. In view of the possibility that the Turks under Mustapha Kemal may attempt aggression upon Europe His Majesty's Government in concert with the Government of France and Italy has decided to resist any such attempt, to safeguard for the time being the position of the Allies at Constantinople and above all to maintain the freedom of the Straits by securing their firm hold on the Gallipoli Peninsula.

The Allied High Commissioner at Constantinople has accordingly been instructed to inform Mustapha Kemal that he must not violate the neutral zones which protect the Straits and Constantinople. British reinforcements have been placed under orders to join the Allied Commander in Chief at Constantinople Sir Charles Harington, and the British Navy will co-operate to the fullest extent. These arrangements are intended to secure the situation pending the meeting of a Conference, the aims of which will be to secure a stable peace with Turkey and timely precautions are imperative.

His Majesty's Government trusts that in view of the vital Imperial and world-wide interests involved in the freedom of the Straits for which such immense sacrifice was made by the Empire during the war, the Dominion of

Canada will associate themselves with the proposed action, and the evidence of united purpose which would be afforded by the despatch of a contingent should circumstances render it necessary, would exercise a most favourable influence upon the situation. Ends.

CHURCHILL

106.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 18, 1922

Following from Prime Minister for your Prime Minister. Begins. The Cabinet has had under consideration the representations contained in your telegram of the fifteenth instant. It is the view of the Government that public opinion in Canada would demand authorization on the part of Parliament as a necessary preliminary to the despatch of a contingent to participate in the conflict of the Near East.

We will welcome the fullest possible information in order to decide upon the advisability of summoning Parliament. [Ends.]

107.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 19, 1922

Following for you from my Prime Minister, Begins. Please accept my thanks for your two telegrams of yesterday, which were duly received. We have arranged for daily sittings of the Cabinet, and shall await information in accordance with understanding of my cable in answer to that of the Prime Minister of the fifteenth instant. Ends.

BYNG

108.

*Le ministre de la Marine et des Pêcheries au Premier ministre*  
*Minister of Marine and Fisheries to Prime Minister*

TELEGRAM

Geneva, September 19, 1922

STRICTLY PERSONAL. Regarding our official cable, I was glad my colleague agreed to two essential conditions, necessity and consent of Parliament. Be governed by Canadian public opinion. Imperial authorities should not have made such request. French newspaper and part English press very critical. Would advise delaying answer and being non-committal. Doubtful if France will join and seems certain Italy will not.

LAPOINTE

109.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, September 19, 1922

SECRET. Following from Prime Minister for your Prime Minister. Begins. The attitude of Canada at this moment is of great importance. We do not ask for any immediate decision to send troops. Were large re-inforcements to prove necessary we should immediately summon Parliament here and should notify you of our decision to do so at once. It is presumably not necessary for you to summon Parliament till then and we hope that it may not be necessary at all. A definite statement however that Canada will stand by the Empire in the event of terms of Armistice being broken will do much to ensure maintenance of peace. Ends.

CHURCHILL

110.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 20, 1922

Following for Prime Minister from my Prime Minister. Begins. Your telegram of the nineteenth instant just received. Government gratified to learn that there is no necessity of summoning Parliament under present circumstances. Canadian public opinion confirms belief expressed in our previous message that such action as Canada should take with respect to situation which has arisen in Near East must be determined by Parliament. We have not thought it necessary to reassert the loyalty of Canada to the British Empire. You may rest assured that, should it become necessary to summon Parliament, Canada, by decision of its Parliament, will so act as to carry out full duty of the Canadian people. Ends.

BYNG

111.

*Le ministre de la Marine et des Pêcheries au Premier ministre*  
*Minister of Marine and Fisheries to Prime Minister*

TELEGRAM

Geneva, September 20, 1922

STRICTLY PERSONAL. Appeal to Dominion deemed not judicious everywhere. Press strongly hostile to war. Seems untrue that France and Italy have agreed. British Government likely changing its attitude.

LAPOINTE

112.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, September 20, 1922

SECRET. At the request of Prime Minister I send you for your information although not for textual quotation or publication following review of position to date. Begins. Situation is as follows: Greek evacuation of Asia Minor is now complete and what remains to be settled is the future of Straits and the disposition of Constantinople and European Turkey. British Government are quite prepared to discuss settlement with every regard for Turkish as well as other interests but they consider the following conditions essential to any lasting arrangements.

First. Freedom of Straits and the neutrality (?) of Gallipoli must be guaranteed for all time.

Second. Any modification of existing Treaties must be brought about by conference and not by force of arms.

Third. In the meantime Mustafa Kemal must respect terms of armistice concluded by the Turks with the Allies in 1918. Any breach of terms of armistice which govern our legal position at the moment and any invasion of the neutral zone will be resisted if necessary by force. Enquiry has been addressed to Mustafa Kemal as to whether he proposes to respect armistice pending a conference or not. No reply has yet been received.

In the meantime we regard it as most important to show — [garbled] — reality of our determination that the neutral zone shall be respected and that solution shall be reached by conference. From this standpoint two things are of special importance.

First. It is necessary to reinforce our naval and military and air forces, in the Gallipoli Area immediately in order to show that we can stop any sudden breach of armistice. We are doing this with good effect.

Second. We must make it absolutely clear that if the position of the Empire is challenged it will be maintained firmly against any Turkish forces which can be mobilized against us. From this standpoint moral support of Dominions and the undertaking to send contingents should necessity arise is of utmost value not only in impressing Turks but in keeping our Allies sound. There is a general tendency to loss of morale among the Christian Powers in regard to Eastern question but a quiet demonstration of firmness on our part supported by Dominion Governments should be decisive. We are confident forces we have now on spot with the assistance of Navy and Air Force can resist immediate attack and the Admiralty has declared its ability to prevent passage of troops from the Asiatic to the European shore whether in the Dardanelles or the Bosphorus.

It will be seen from the above that there is no immediate need in our opinion for the organization of Dominion contingents except as a means of showing solidarity of Empire in — [garbled] — results of war in the Eastern Theatre. The French attitude is at present unsatisfactory but they are unlikely in spite of their fear of standing up to the Turks to leave us in sole control of Gallipoli Peninsula because it is a standing terror with them that Gallipoli may become another Gibraltar in the East Mediterranean.

Lord Curzon has just left for Paris accompanied by Admiral Beatty to discuss position with the French Government and we are not by any means hopeless of a satisfactory agreement. The attitude of Balkan nations who were all signatories to Treaty of Sèvres is important in this respect since France has to consider her obligations to them as well as her desire to stand well with the Turks. The Balkan Allies are naturally opposed to return of the Turks to Europe since this would make another Balkan War in the near future inevitable. Roumania has promised assistance if necessary — [garbled] — and the Serb-Croat-Slovene Government although it has as yet come to no decision is not likely to adopt a very different attitude. We hope therefore to be able to keep Allies with us in demanding solution by conference and in resisting appeal to force. We are by no means averse to the intervention of the League of Nations in the settlement when the time comes but the first necessity is to ensure neutral zone is respected by the Turks just as we insisted on the Greeks respecting it when they threatened Constantinople last month and that Peace Conference should meet in confidence that the armistice will not be broken pending a settlement. In taking up this attitude we are putting forward no new claims or fresh obstacles in the way of peace. On the contrary we are standing by our engagements and we are absolutely convinced that quiet but decisive demonstration (?) that the British Empire is not to be threatened or bluffed will save much trouble in the future with the whole of Mohammedan world. To be weak, on the contrary, may lead to widespread disorder amongst Mohammedan populations everywhere. Mustafa Kemal commands only a force of sixty thousand rifles and there is no question of our ability to deal with him should this become inevitable but our desire is to prevent hostilities by an immediate show of firmness and the promise of Dominion contingents has already had most valuable effect in this regard. Ends.

CHURCHILL

113.

*Le ministre des Finances au Premier ministre*

*Minister of Finance to Prime Minister*

TELEGRAM

Geneva, September 26, 1922

Concerning Near East question: It will be sufficient to have correspondence shown to us on arrival in London. Lapointe concurs entirely in your action. In the main I concur, but if I had been with you I would have advised the making of a more emphatic statement of our willingness to co-operate in case of actual war.

FIELDING

114.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 11, 1922

CLEAR THE LINE.<sup>1</sup> SECRET. Following for your Prime Minister from me. Begins. The Turks after much obstinacy have signed a good Agreement, text of which has been published. Neutral Zones are to be respected and all Turkish Troops are to retire - - - ? - - - behind lines drawn in Ismid Zone just East of Chilegutze and in Chanak Zone, sixteen kilometres from coast between Karagatcha and Besika Bay. Forty-five days are allowed for Greeks to evacuate Eastern Thrace and Allied troops are going to prevent panic and massacre there meanwhile and arrange for the peaceful transference. French and Italian Generals lined up with Harington at the end but as they had previously informed him that in no circumstances would their Government resist the Turk, the value of their support was limited. Great credit is due to Harington, whose qualities were well known to the Canadian Armies in France and who has shown great coolness and at the right moment that determination without which the other qualities would have been useless. Situation is now greatly relieved and we hope for a peaceful outcome. We have been greatly hampered by the repeated failures of support from our Allies and also by a vicious, and factious party campaign in this country. In spite of this, however, we have for the time being preserved all essential interests. The influence of Great Britain has (?) persuaded the Greeks to withdraw and our handful of good troops, backed by the British Navy and Air Force have compelled the Turks to pause. There is every reason to hope that the war will be out of Europe. Meanwhile, the Straits and the Gallipoli Peninsula are in complete control and will remain so until they are handed over to the League of Nations under conditions satisfactory to the British Empire. These results could not have been achieved with the small amount of force at our disposal had it not been known that behind the British troops on the spot, stood the united strength of the Empire.

Only remaining anxiety at this moment is a report from Athens today of another threatened revolution to prevent the evacuation of Eastern Thrace. We hope Monsieur Venezelos, on our advice, will use his great influence against this. Ends.

CHURCHILL

115.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 11, 1922

SECRET AND PERSONAL. Following for your Prime Minister from me. Begins. If, as we may hope, we are approaching the end of this crisis, I trust I may

<sup>1</sup>Cette expression servait à signaler l'extrême urgence du message qui s'ensuivait.

<sup>1</sup>The phrase 'clear the line' was the term used to indicate that the ensuing message was of the greatest urgency.



once more venture to ask you to make every allowance in case of any defect in the procedure for the sudden emergency which arose and the need of firm and instant action at a time when our Allies were prepared to take everything lying down and when we were confronted single handed with the headlong advance of the Turk. Ends.

CHURCHILL

116.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, October 18, 1922

SECRET AND PERSONAL. Following from my Prime Minister for you. Begins. Replying your telegram eleventh October marked "Secret and Personal", please be assured that my colleagues and I have no desire other than to relieve of all possible future embarrassment the matter of defect in the procedure to which it refers. I shall gladly do whatever I can towards this end. It is important, however, that our position should be made perfectly clear to Parliament when it reassembles. I hope, therefore, it may be possible for you to let me have, in a form which may be given to Parliament, a reply to a message which I am sending concurrently. Ends.

BYNG

117.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, October 18, 1922

SECRET. Following from my Prime Minister for you. Begins. The several despatches respecting the Near East situation have been duly received. I have not thought it necessary to send continuous acknowledgements but now that the Near East crisis is at an end, I desire to thank you for keeping my colleagues and myself so fully informed of material developments. We have kept ourselves, from day to day, as closely in touch with the situation as has been possible at this distance.

Pending the crisis, we have refrained from pressing for an explanation of the circumstance, referred to in my first message, that in advance of any word to us respecting the situation in the Near East, the press of our country carried despatches referred to as semi-official to the effect that Canada and the other self-governing Dominions had been invited to render military assistance. We feel that we are entitled to some explanation of this fact which we may have your authority to communicate to Parliament and shall be grateful if it can be supplied at your earliest convenience.

As the need for an immediate summoning of Parliament has apparently passed, it is our purpose to adhere to the original intention of having Parliament reassemble in January of next year. We should like to be free at that time to bring down all the correspondence that has passed between our respective Governments on the Near East situation. Parliament will expect this and any refusal on our part to comply with the wish of Parliament will be certain to create serious misunderstanding and misapprehension. Ends.

BYNG

118.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 27, 1922

Following for your Prime Minister. Begins. Yesterday invitations were sent by the Governments of Great Britain, France and Italy, to the Japanese, Roumanian, Yougoslav, Greek and Turkish Governments, "both of Constantinople and Angora", to send representatives to Lausanne November 13th to conclude Treaty to end the war in the East which will replace Treaty of Sèvres. Russian Soviet Government and Bulgarian Government also being invited to send to Lausanne, at any date to be fixed, representatives to take part in discussion on question of the Straits which the Conference will undertake at a later stage. Enquiry (?) is also being addressed by the three Governments to the United States expressing hope that they will permit United States representative to be present during Lausanne negotiations in a capacity similar to that in which United States representative was present during negotiations at San Remo in 1920, or to take more active part in the negotiations, specially on the question of the Straits. According to arrangements agreed upon with French and Italian Governments each Government would be represented at Lausanne by two plenipotentiaries. Secretary of State for Foreign Affairs will personally act as chief British plenipotentiary and it is proposed he should be accompanied by the British High Commissioner at Constantinople.

Dominion Governments will be kept informed from time to time of the general lines of policy on which British plenipotentiaries propose to proceed and of course of negotiations and in case of other Treaties arising out of the peace will of course be invited to sign new Treaty and any separate instrument regulating the status of the Straits. His Majesty's Government trusts that this procedure will be in accordance with the wishes of your Government. Plenipotentiaries are fully acquainted with the Imperial aspect of the problem and with the keen interest taken by the Dominion Governments in its solution. Similar telegram sent to other Prime Ministers. Ends.

DEVONSHIRE

119.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 27, 1922

SECRET. Following for your Prime Minister. Begins. With reference to my code telegram of today, Secretary of State for Foreign Affairs has sent you prints containing correspondence between Monsieur Poincaré and himself as to the arrangements of the Near East Conference. You should know in the course of the discussions Monsieur Poincaré informed Lord Curzon privately that if the Dominions and India were represented at the Conference, French Government would demand that Tunis and Morocco should equally be represented. To this Lord Curzon replied that the status of the Dominions and India was settled once and for all in Paris in 1919 with full concurrence of Monsieur Clemenceau, that they signed the Treaty of Versailles and other Treaties, including the Treaty of Sèvres, and that they became separate members of the League of Nations. He was unable to admit that Tunis and Morocco could be accorded similar status. Monsieur Poincaré replied he did not wish to be engaged, at that moment, in discussion on this point but continued to press claim as regards Morocco and Tunis.

Precise object of Monsieur Poincaré in raising the question is not clear but you will see that Lord Curzon fully maintained the rights of the Dominions. Arrangements outlined in my code telegram of today for representation of the British Empire by the Secretary of State for Foreign Affairs follow those adopted in connection with the Treaty of Sèvres and in any case practical considerations render it desirable that the number of cases at Lausanne should be limited. Ends.

DEVONSHIRE

120.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, October 31, 1922

SECRET. Following from my Prime Minister for you. Begins. I have the honour to acknowledge the receipt of Your Grace's despatch [telegram] of 27th October, informing our Government of the invitations to the Lausanne Conference which have been sent to the Governments of other countries by the Governments of Great Britain, France and Italy and setting forth the procedure in reference thereto.

Our Government has no exception to take to the course pursued by His Majesty's Government with respect to conclusion of a Treaty to end the war in the Near East. As, however, it is proposed to keep our Government informed from time to time of the general lines of policy on which British plenipotentiaries propose to proceed and of the course of negotiations and

to invite us to sign a new Treaty and any separate instrument regulating the status of the Straits, we deem it advisable to avail ourselves of the earliest opportunity to inform His Majesty's Government that in our opinion the extent to which Canada may be held to be bound by the proceedings of the Conference or by the provisions of any Treaty or other instrument arising out of the same, is necessarily a matter for the Parliament of Canada to decide and that the rights and powers of our Parliament in these particulars must not be held to be affected by implication or otherwise in virtue of the information with which our Government may be supplied. Ends.

BYNG

121.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, November 8, 1922

SECRET AND PERSONAL. Following for your Prime Minister. Begins. Your telegram October 18th to my predecessor regarding publication of Near East telegrams. You will realise that the present political situation makes it difficult to send immediate answer but I will not fail to reply fully as soon as circumstances permit. Ends.

DEVONSHIRE

122.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, November 16, 1922

SECRET. Following from Prime Minister for your Prime Minister. Begins. I brought your message of October 31st as to the Lausanne Conference before the Cabinet to-day. We fully understand that it is the desire of the Canadian Government that any Treaty with Turkey, which may result from the Conference, should be submitted to the Canadian Parliament for approval before His Majesty is advised to ratify it. It is our most earnest desire that you should be kept fully informed of the developments of the Conference and we shall endeavour to send you full details. Ends.

DEVONSHIRE

123.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

TELEGRAM

Ottawa, November 24, 1922

Special cable from John MacCormac to *Gazette* November twenty second has following:

Bonar Law's pre-election statement that he believed the Dominions should be called into consultation regarding the determination of Great

Britain's foreign policy has been quickly implemented. The High Commissioners of the Dominions, including Hon. P. C. Larkin for Canada, attended a meeting with the Board of Trade yesterday to present their views on the Near East settlement which Britain with her allies is now negotiating at Lausanne.

And elsewhere:

Canada, it is found, is practically the only Dominion whose trade with Turkey is worth considering.

And further:

As a trading nation, Canada will be affected by the decisions regarding the use of the Dardanelles by commercial vessels and the rights accorded Armenians or British subjects in Turkey by the Kemalist Government.

Will you please send me particulars of meeting referred to. We have no exception to take to Canada not having been invited to Lausanne Conference, and have so informed British Government. We have also been careful to state that Parliament must decide to what extent, if any, Canada will be bound by agreements reached. The situation at the moment is a crucial one involving whole question of relations between Dominions and Great Britain in determination of matters of foreign policy. Under circumstances would suggest that any request made to you as High Commissioner on part of British Government which may be construed as amounting to consultation or representation of Canada in matters of foreign policy, be immediately referred to our Government for consideration before action taken.

MACKENZIE KING

124.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, November 25, 1922

SECRET. Following from my Prime Minister for you. Begins. 24th November. Your Grace's message of November 16th referring to mine of October 31st, concerning the Lausanne Conference, was carefully considered by our Cabinet today. We feel that the purport of my message of October 31st has not been correctly interpreted or understood. Our Government has not expressed a desire to have any Treaty with Turkey, which may result from the Conference, submitted to the Canadian Parliament for approval, before His Majesty is advised to ratify it, nor do we wish to be understood as preferring any such request. My message was intended to make clear that we had no exception to take to Canada not being invited to be represented at the Conference, but, inasmuch as we had been informed that we would be invited to sign a new Treaty and any separate instrument regulating the status of the Straits we wish to make it perfectly clear that in our opinion the extent to which Canada may be held to be bound by the proceedings of the Conference or by the provisions of any treaty or other instrument arising out of

the same, was necessarily a matter for the Parliament of Canada to decide. We deem it of the utmost importance that there should be no misunderstanding as to our position with respect to Canada's obligations in this and kindred matters. In our opinion Parliament will desire, as respects the Treaty with Turkey and any other instruments arising out of the Lausanne Conference to reserve to itself the right to decide upon the merits of the case what action on the part of the people of Canada is right and proper. In this connection we shall be pleased to have authority to place before Parliament all the information with which we may from time to time be supplied. Ends.

BYNG

125.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

TELEGRAM

London, November 27, 1922

SECRET. Yours twenty-fifth; Gazette's correspondent under misapprehension. Meeting called to discuss trade relations with Turkey and I attended with that object only, although statistics showed our interest not great. Only other question raised was the measures which could be taken to safeguard rights and property of British nationals in Turkey in case of withdrawal of the capitulations under which for many years nationals of Britain and certain other powers have been subject to there owing to consular jurisdiction and have been exempt from Turkish judicatories. Lausanne and Dardanelles never mentioned. President expressly stated meeting not called to discuss political side of Turkish question. Am always very careful refrain from committing Canadian Government either directly or by implication to foreign policy.

LARKIN

126.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 8, 1922

SECRET. Your telegram of November 25th. Following for your Prime Minister. Begins. Treaty with Turkey. Our message of November 16th was framed on the assumption that the Canadian Government would wish to follow the procedure adopted in the case of treaties with Germany, Austria and Bulgaria. I am sorry if your telegram of October 31st was not fully understood here, as you say it is most important that there should be no misunderstanding on so important a question. May I therefore set out the position as it appears to us. It is this. Any Treaty resulting from the Lausanne Conference will of course replace the Treaty of Sèvres and until it comes into force, a state of war between the British Empire and Turkey will technically continue. Treaty must therefore be binding on the whole

Empire when ratified. It remains to be seen whether there will be a successful issue to the Lausanne Conference, but if there is, we should much prefer that any new Treaty should follow(?) Paris precedent, and include signatures on behalf of all the Dominions. Do I gather from your telegram that the Canadian Government are not averse to the procedure proposed as regards the signature of the new Treaty and of any separate instrument regarding the Straits but wish to make it clear that should anything in the Treaty or instrument be held to impose any serious international obligation on Canada, as part of the British Empire, it cannot be considered binding on Canada until approved by Parliament? If so, it does not appear to us that the procedure which you propose is essentially different from that which we should adopt in relation to Parliament here if the contingency contemplated should arise. In any event should legislation be required to give effect to the technical provisions of the Treaty, this would presumably necessitate its submission to the Parliament in Canada as here.

As regards to last sentence of your telegram, would it not be well to wait until it is known whether the Lausanne Conference results in the signature of a Treaty or Treaties and then lay the instruments themselves before Parliament. I do not think that it would be possible to publish any of the telegrams now being sent to you concerning the proceedings at Lausanne seeing that they often contain records of confidential interviews and impressions and other material intended only for private information. Ends.

DEVONSHIRE

127.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 31, 1922

SECRET. Following from my Prime Minister for you. Begins. Treaty with Turkey. Your Grace's telegram of December 8th. Begins. Our message of November 16th was framed on the assumption that the Canadian Government would wish to follow the procedure adopted in the case of the treaties with Germany, Austria and Bulgaria. [Ends.]

The procedure referred to is, we understand, that adopted with respect to the Paris Peace Conference<sup>1</sup> and followed later with respect to the Washington Conference on the Limitation of Armament.<sup>2</sup> As regards Canada's participation there were in that procedure four separate, distinct and essential stages.

One. Direct representation of Canada at the Conference at which the treaties were drafted and participation in the proceedings of the conferences by Canada's representatives, each representative holding a Full Power signed by His Majesty the King in the form of Letters Patent authorising him to sign, "for and in the name of His Majesty the King in respect of the Dominion of Canada" any treaties, conventions or

<sup>1</sup>Voir aussi Vol. 2.

<sup>2</sup>Voir ch. V, sect. 1, ci-après.

<sup>1</sup>See also Vol. 2.

<sup>2</sup>See Ch. V, Part 1, below.

agreements that might tend to the attainment of the object of the Conferences, the Canadian Government having by Order in Council sanctioned the issuance of these Full Powers by His Majesty.

Two. Formal signing of the treaties on behalf of Canada by the plenipotentiaries so named.

Three. Approval by the Parliament of Canada of the treaties thus signed on behalf of Canada.

Four. Assent of the Government of Canada to the final act of ratification by His Majesty the King of the treaty signed on behalf of Canada and approved by the Parliament of Canada.

Your Grace is quite right in assuming that as regards treaties in which Canada is supposed to have a direct or immediate interest, the procedure here outlined is the one which our Government would wish to follow. In the case of the main political treaties concluded since the War, in general the rule seems to have been followed that, whenever the Dominions could be said to have a direct or immediate interest, the procedure was shaped to include their participation in, and signature of, the proceedings. That in the case of the Conference at Lausanne a like procedure has not been followed with respect to representation and participation by Canada, has been regarded by us as evidence that in the opinion of the countries by whom the invitations to the Conference at Lausanne were extended, Canada could not have been believed to have the direct or immediate interest which she was supposed to have in the Conferences at Versailles and Washington.

To the course pursued with respect to the Lausanne Conference we have, as mentioned in my telegram of October 31st, no exception to take. As regards procedure, however, it must be apparent that quite apart from any action or representation on the part of the Government of Canada, a different procedure has been followed in the case of the present Conference at Lausanne to that followed at Versailles and Washington. In so far as one stage in procedure is necessarily dependent upon the stage preceding, it is difficult to see how a like procedure can be followed. Canada has not been invited to send representatives to the Lausanne Conference and has not participated in the proceedings of the Conference either directly or indirectly. Under the circumstances, we do not see how, as respects signing on behalf of Canada we can be expected in the case of a new treaty or of any separate instrument regarding the Straits, to follow the procedure adopted in the case of the treaties with Germany, Austria and Bulgaria. Ends.

BYNG

128.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 31, 1922

SECRET. Referring to my cypher telegram of to-day covering message from my Prime Minister to you respecting Treaty with Turkey.



PRIVATE AND PERSONAL. I understand Prime Minister is afraid that representative of Canada may be asked to sign Treaty and does not want to be put in the position of refusing request. He holds that as Canada is not represented at Conference Canada cannot sign Treaty. He is quite agreeable that Lord Curzon should sign for Empire and that Treaty should be presented to Canadian Parliament for ratification in usual way.

BYNG

129.

*Le secrétaire, Gouverneur général, au Premier ministre*  
*Secretary, Governor General, to Prime Minister*

Ottawa, January 24, 1923

Dear Mr Mackenzie King,

With reference to your letter of the 20th instant, respecting the telegram from the Colonial Office to the Governor General of the 15th September last, I find that the telegram was delivered here at about 10.0 p.m. on that day. It was decyphered first thing on the morning of the 16th, and being a long message, it did not leave Government House till 1.30 p.m. on that day, reaching your office at 2.0 p.m. Your being absent from Ottawa did not make the slightest difference as far as the delivery of this telegram was concerned, for you would not have received it any earlier than 2.0 p.m. on the 16th had you been here.

I may say that during the morning your office was informed by my office that an important telegram had been received and was being decyphered, and would be sent down as soon as done.

As far as I can ascertain the press message was received in Canada somewhere about noon on the 16th.

I think the above gives all the information you ask for.

Believe me etc.

A. F. SLADEN

130.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 27, 1923

SECRET. Your telegram dated December 31st, Lausanne Conference. Please inform your Prime Minister that in the circumstances His Majesty's Government willing to fall in with his suggestion that any treaties with Turkey resulting from Conference should be signed only by the British Plenipotentiaries who have negotiated them, if it is generally acceptable. I am ascertaining whether it will be agreeable to the Prime Minister of the Commonwealth of Australia and the Prime Minister of New Zealand.

DEVONSHIRE

131.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

TELEGRAM

London, January 27, 1923

SECRET. In continuation of my telegram of November 8th, please inform your Prime Minister that I have now had the opportunity of going fully into the question raised in his message to my predecessor of October 18th regarding the Near East crisis.

Firstly I should like to make clear the sequence of events as to which there appears to have been some misunderstanding. Mr. Lloyd George's first message to your Prime Minister was despatched from the Colonial Office in a telegram from the Secretary of State to you at 11.55 p.m. Friday, September 15th. Semi-official communiqué authorized by the late Government was not issued to the press till sometime after 3.0 p.m. Saturday, September 16th.

Your Prime Minister may also like to know that an answer to Mr. Lloyd George's message (which went simultaneously and in the identical terms to the other Dominions) was received from New Zealand at 1.30 p.m. Saturday, September 16th, i.e. before the issue of the press communiqué here.

Next as to publication of correspondence, I realize your Prime Minister may well find it essential to make a statement to the Canadian Parliament setting out purport of the correspondence between the two Governments and explaining in particular the attitude of Canada but at present juncture I should deprecate the publication of the actual text of the telegrams. Part of the correspondence is of course necessarily confidential and I venture to suggest it would be far more preferable if your Prime Minister could see his way to make a general statement only and refrain from laying any of the telegrams before Parliament. Prime Minister of the Commonwealth of Australia and the Prime Minister of New Zealand have already made similar general statements in Parliament in the autumn and Prime Minister of the Commonwealth of Australia embodied in his statement, very fully, account of the contents of the telegram of September 15th.

DEVONSHIRE

132.

*Le Gouverneur général au secrétaire aux Colonies**Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 9, 1923

My telegram 21st March and your telegram 23rd March. Lausanne Conference. Prime Minister most anxious for early reply. He wishes also to include among the papers to be brought down your code telegram, 27th October 1922.

133.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 12, 1923

Your telegram dated March 21st, Lausanne Conference. As the correspondence referred to relates to negotiations for a treaty which has not been yet completed, Secretary of State for Foreign Affairs thinks that publication at this stage would be somewhat embarrassing and would greatly prefer that question of publication should be postponed until after conclusion of Treaty.

If publication decided on, only essential omissions would seem to be last sentence of your telegram of November 25th and last paragraph of my telegram of December 8th, which replies to it but in the circumstances His Majesty's Government trust that your Ministers will not press for immediate presentation of papers.

DEVONSHIRE

134.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 7, 1923

SECRET. My telegram dated January 27th. I am assuming that if, as is hoped, the Conference at Lausanne results in the completion of a treaty with Turkey, your Prime Minister would wish the previous arrangements regarding signature by British plenipotentiaries to hold good.

DEVONSHIRE

135.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 15, 1923

SECRET. Your telegram June 7th. In the event of Conference at Lausanne resulting in completion of Treaty with Turkey, Canadian Government are agreeable that previous arrangements regarding signature by British plenipotentiaries should hold good.

136.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 22, 1924

My telegram Peace Treaty with Turkey. In order that the necessary action may be taken as soon as possible after the Bill becomes law, hoped that your

Ministers will be in position, at very early date, to signify concurrence in ratification of Treaty and Conventions in question, including the Convention relating to Reparations, and also to intimate their wishes as regards declaration in connection with the Convention respecting the conditions of the Business and Commercial Convention, see my despatch dated August 20th, Dominion Treaty No. 31, paragraph 3.

137.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 24, 1924

Your telegram March 21st and February 22nd. The Government of Canada not having been invited to send a representative to the Lausanne Conference and not having participated in the proceedings of the Conference either directly or indirectly, and not being for this reason a signatory to the Treaty on behalf of Canada (see my telegram to your predecessor December 31st, 1922) my Ministers do not feel that they are in a position to recommend to Parliament the approval of the peace Treaty with Turkey and the Conventions thereto. Without the approval of Parliament they feel they are not warranted in signifying concurrence in ratification of the Treaty and Conventions. With respect to ratification, however, they will not take exception to such course as His Majesty's Government may deem it advisable to recommend. This appears to be in harmony with the resolution of the recent Imperial Conference<sup>1</sup> (Cmd. 1987, pages 14 and 15). The provisions thereof with reference to signature 2(a) on page 14 and ratification (a) on page 15 appear to cover this case, which is not within the provisions of Signature 2 (b) on page 14 and Ratification (b) on page 15.

138.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 3, 1924

Following from my Prime Minister for your Prime Minister. Begins. Re Treaty with Turkey. You are reported by cable as having referred as follows in House of Commons on April 1st to Canada's attitude with respect to Lausanne Conference and ratification:

Before Lord Curzon as Foreign Secretary was appointed as our representative at Lausanne with Sir Horace Rumbold steps were taken to communicate with the Dominions and to inform them as to their intention and to ask them whether they agreed that Lord Curzon and Sir Horace Rumbold should be their representatives as Imperial representatives as well as British representatives. They agreed.

<sup>1</sup> Résolution IX, doc. 235, pp. 282-84.

<sup>1</sup>Resolution IX, Doc. 235, pp. 282-84.

If this is an accurate statement of your remarks clearly you could not have had placed before you or rightly interpreted the purport of our despatches in this matter. Canada, so far as we are aware, was never asked whether she would agree that Lord Curzon and Sir Horace Rumbold should be her representatives or should act as Imperial representatives as well as British representatives, and never so agreed. Our first intimation respecting the Lausanne Conference was contained in a despatch of October 27th, 1922, from Devonshire to myself stating:

Yesterday invitations were sent by the Governments of Great Britain, France and Italy to the Japanese, etc., and that

According to arrangements agreed upon with French and Italian Governments each Government would be represented at Lausanne by two plenipotentiaries, Secretary of State for Foreign Affairs will personally act as Chief British plenipotentiary, and it is proposed that he should be accompanied by the British High Commissioner at Constantinople.

The only Government under the British Crown to which reference is made in this despatch as being represented at Lausanne is the Government of Great Britain. The only reference to Dominion Governments in this despatch will be found in next sentence as follows:

Dominion Governments will be kept informed from time to time of the general lines of policy on which British plenipotentiaries propose to proceed and of course negotiations and in case of other Treaties arising out of the peace will of course be invited to sign new Treaty and any separate instrument regulating the status of the Straits. His Majesty's Government trusts that this procedure will be in accordance with the wishes of your Government. Plenipotentiaries are fully acquainted with the Imperial aspect of the problem and with the keen interest taken by the Dominion Governments in its solution. Similar telegram sent to other Prime Ministers.

Secret despatch of same date gave confidential information as to why Dominions were not represented. Please note words of third sentence thereof begin.

You should know in the course of the discussions, Monsieur Poincaré informed Lord Curzon privately that, if the Dominions and India were represented at the Conference, French Government would demand that Tunis and Morocco should equally be represented.

The position of our Government was made quite clear in our despatches, October 31, 1922; November 25, 1922 and December 31, 1922.

We have from the beginning taken the position that not having been invited to the Lausanne Conference, and not having participated therein by any representative authorized to act on behalf of Canada, the procedure adopted by the British Government at Lausanne was not and could not be regarded as similar to that governing the conferences at Versailles and Washington. We at no time authorized any British plenipotentiaries to represent us, nor did

we understand that they were representing any Government other than the one which had extended the invitation to this Conference, and which was the only one under the British Crown referred to in the despatch informing us of what had taken place. We made it plain that while we were ready to receive any reports of proceedings with which the British Government might wish us to be supplied, the mere receipt of such information, or failure to comment on the same was not to be regarded as in any way implying acquiescence on our part in either the proceedings or their outcome. We have never regarded that Canada was participating either directly or indirectly in the Conference. We took no exception to the course adopted by the British Government in not inviting us to be represented, or to circumstances which occasioned our not being invited as we assumed it was regarded we had not immediate or direct interest in the proceedings, which in fact was our own view. See my telegram of October 31, 1922, November 25, 1922 and December 31, 1922, already referred to.

Our position with respect to ratification is identical with our position with respect to participation in the conference and signing of the Treaty. Hansard report of your words and debate thereon as sent me by cable is as follows:

As a matter of fact India and New Zealand agreed very early as to ratification. Canada replied that she would agree to what His Majesty's Government did. She raised one or two constitutional points which I do not think in this respect were really meant by Canada to have much substance but were a sort of safeguard and a certain expression of reticence and reserve regarding the possible extension of principle granted in relation to specific point without warning being given to us that Canada would require to maintain for herself certain rights of decision over and above Imperial rights of decision. Sir E. Grigg: Are we to understand that Canada has ever intimated its readiness to accept this obligation as binding upon Canada. Prime Minister: The Canadian Government have said with a full knowledge of the Treaty that she would be perfectly willing to accept the decision of the Government and would take no exception to what His Majesty's Government did; something like that, I have not got the exact words. Sir E. Grigg: Does Canada accept the obligation herself? Prime Minister: Canada, I am perfectly certain, accepts the obligation having been represented by Lord Curzon at Lausanne with her full knowledge and consent.

If you are correctly reported it is clear that our position is not at all understood. Our despatches were intended to make it plain that Canada, not having been represented at Lausanne, not having signed the Treaty, was unwilling to be a party to it, or to assume any obligation under it. We do not intend, however, to take exception to, or raise any question concerning the Treaty being ratified by the Government of Great Britain. All references in our despatches to signing the Treaty by plenipotentiaries who negotiated it must be construed as having been made under assumption and understanding that plenipotentiaries were representatives of Government of Great Britain as mentioned in first despatch, October 27, 1922, but were in no sense representa-

tives of Canada. We neither had knowledge that they were professing so to act on our behalf, nor did we at any time consent to their so doing. Ends.

139.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 7, 1924

**MOST URGENT. PRIVATE AND PERSONAL.** With reference to your Prime Minister's message to Prime Minister of April 3rd, Peace Treaty with Turkey, was Mr. Mackenzie King aware of the contents of your telegram dated December 31st 1922 marked "Private and Personal"?

140.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 7, 1924

**URGENT. PRIVATE AND PERSONAL.** Your Private and Personal telegram of April 7th. My Prime Minister was not aware of the contents of my Private and Personal telegram of 31st December 1922 to Duke of Devonshire. I sent that telegram because I considered Prime Minister's telegram of same date not at all clear. I had previously talked the matter over with him and understood his views were as outlined in my telegram above referred to.

BYNG OF VIMY

141.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 7, 1924

**SECRET.** Following from Prime Minister for your Prime Minister. Begins. I am being strongly pressed to lay before Parliament communications with the Dominion Prime Ministers on the subject of the Treaty of Lausanne but I am most averse from doing so. In view of the terms of your telegram of April 3rd, it does not seem possible to lay the papers without including the correspondence as to the arrangements for the signature of the Treaty, and this might necessitate publication of the Secretary of States' telegram of October 27th, 1922, Personal and Secret, as to Poincaré's attitude on the question of the representation of the Dominions at Lausanne and the resulting correspondence, which it is most desirable to keep secret. I should be glad of your opinion. Similar telegram sent to other Prime Ministers. Ramsay Macdonald. Ends.

142.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 7, 1924

Following for Prime Minister from my Prime Minister. Begins. My colleagues and I would welcome having placed before Parliament here as well as in Great Britain communications between British Government and our own respecting Treaty of Lausanne. Indeed we would have urged for permission to place all correspondence before Parliament but did not wish to embarrass your Government by pressing the request unduly. Any return would, of course, omit the most essential of all parts of the correspondence, were the despatches which relate to representation of the Dominions at Lausanne Conference not included. In this connection we would not expect Secretary of State's telegram of October 27th, 1922, marked "Personal and Secret", to be brought down, and any reference thereto in my telegram of April 3rd might be deleted. If, however, this course were adopted, we would expect a frank statement by your Government to the effect that, for reasons which to the Government of Great Britain at the time seemed paramount, Canada was not invited to be represented by anyone so authorized by our Government. This, we think you will agree, is essential to an understanding of our whole position with respect to both signature and ratification of the treaty, and any obligations arising thereunder. Ends.

143.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 10, 1924

Following from my Prime Minister for your Prime Minister. Begins. Representation of Canada at Lausanne. With reference to my cable of April 7th in view of cabled despatches yesterday's debate House of Commons would ask you kindly to look at stenographic notes of Fourth Meeting Imperial Conference, Monday, October 8th, 1923, at page sixteen of which I am reported speaking for Canada as having said in presence of Mr. Baldwin, Lord Curzon and other members of British Government, as well as Prime Ministers of other Dominions:

At Genoa and at The Hague we were represented. We had been invited to be present at these Conferences and, considering their nature, we felt it would perhaps be not only of interest and benefit to ourselves, but also to others if we were represented there. At Lausanne we were not represented; we were not invited. We took and we take no exception to not being invited. We felt that the matters that were being discussed there were not of the same immediate and direct interest to ourselves as they were to those who were represented at the Conference and we have no exception to take to the course that was adopted.



I think it owing to the Dominion of Canada and to our Government that our position in this particular should be made known to members of British Parliament and British public before this subject is disposed of. I much hope you will find it possible to make clear our position in this particular, before subject is further discussed in our Parliament here.

Otherwise I shall be obliged to restate our position and again request permission to bring down all correspondence between Government of Great Britain and Government of Canada, in reference to this matter. Kindly advise me if I may count upon your making a statement and if so at what probable time.

144.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 12, 1924

CONFIDENTIAL Following for Prime Minister from my Prime Minister. Begins. Your telegram dated April 3rd. I am sorry if anything which I said, in the course of the debate on the ratification of the Peace Treaty with Turkey, should have given the impression that Canada had been asked formally to concur in the arrangements for the negotiations at Lausanne being entrusted to Lord Curzon and Sir H. Rumbold. I agree that this would not have been a correct description of the position, as set out in the Secretary of State's telegram of October 27th. But as regards the general Imperial nature of their mission, I would observe that, apart from the special mention made in this telegram to the fact that the British plenipotentiaries were fully acquainted with the Imperial aspect of the problem and with the keen interest taken by the Dominion Governments in this solution, it was explained in the Secretary of State's Personal and Secret telegram of the same day that "arrangements outlined in my code telegram of to-day for the representation of the British Empire by the Secretary of State for Foreign Affairs, follow those adopted in connection with the Treaty of Sèvres".

There had been specific reminders from the Canadian Government when negotiations with Turkey were proceeding in 1920 that the treaty when made would be made by His Majesty on behalf of the whole of the British Empire (see minutes of Privy Council P.C. No. 439 March 29th 1920), and the correspondence ensuing on the Secretary of State's telegram of October 27th was, I am informed, not interpreted as indicating any desire on the part of the Canadian Government to be regarded as entirely dissociated from the negotiations. Your telegram dated December 31st 1922 did not question the view of the position set out in the Secretary of State's telegram of December 8th 1922 in the following words "Any Treaty resulting from the Lausanne Conference will, of course, replace the Treaty of Sèvres, and until it comes into force a state of war between the British Empire and Turkey will technically

continue. The Treaty when ratified must therefore be binding on the whole Empire", and was consequently read here as referring solely to the procedure in respect to the signature of the Treaty.

Having regard to all the circumstances, when I received the assurance conveyed in the Governor General's telegram of March 24th that the Canadian Government would not take exception to such course as His Majesty's Government might deem it advisable to recommend, I thought I could safely assume that the Canadian Government would have no objection to the ratification by His Majesty of the treaties constituting the peace settlement with Turkey on behalf of the whole Empire, and would be ready to accept any obligations which such ratification involved. As the effect of the peace settlement will be to put an end to the state of war, which still exists technically between the British Empire and Turkey, I confess I do not see how it would be possible to exclude from ratification any part of the Empire, and result will be that the treaties, when ratified by His Majesty, must be regarded as binding on the whole Empire, except in so far as the obligations under them are expressly limited to this country. In the case of the two conventions, viz — that relating to conditions of business, and the Commercial Convention, there is an express provision by which a declaration may be made excluding any of the Dominions, and I presume that in the case of these conventions you would wish such declaration made in respect of Canada.

I hope, in the circumstances, that the Canadian Government will take no objection to the ratification of the various instruments forming the peace settlement on the above understanding.

As you know we have found here that legislation would be required to give effect to certain provisions of the treaty, notably in relation to the matters dealt with in the economic clauses. I imagine these provisions will not, in practice, require to be executed in Canada, although I notice that legislation was passed by the Canadian Parliament 1922 with a view to giving effect to the Treaty of Sèvres.

I hope you will be in a position to send a very early reply, since, in view of the situation in Turkey, I consider it essential that steps should be taken as soon as possible for the preparation of His Majesty's ratification, now that our Bill has passed both Houses. Commonwealth of Australia, New Zealand and the Union of South Africa have expressed concurrence in ratification.

I have received your further telegram of April 10th on the question of publication of correspondence. His Majesty's Government have informed Parliament that they do not propose to lay papers having regard to the objection to publication by some of the Dominions, and the fact that the whole series would have to be laid if the position were to be made clear. This has been accepted by the House of Commons as satisfactory, and I feel it would be undesirable to re-open the matter. Ramsay MacDonald. Ends.

145.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 23, 1924

Following for Prime Minister from my Prime Minister. Begins. Your cable April 12, Lausanne Treaty. Despatch of Governor General March 24 contains carefully considered statement of Canada's position, and view of our Government, with respect to the negotiation, signature and ratification of Lausanne Treaty. I do not feel that there is anything I can add to what is there set forth, pending further statement to Canadian Parliament as referred to in my cable of the 10th instant.

Having regard to mention in your cable that you consider it essential, in view of the situation in Turkey, that steps should be taken as soon as possible for the preparation of His Majesty's ratification, I think I should let you know at once that debate on the budget now in progress in our Parliament may continue for a fortnight, if not longer, and that opportunity of discussion of the Lausanne Treaty will not be possible until budget debate is disposed of. That this circumstance, or any other which may arise out of the discussion, may not be permitted to embarrass your Government in any particular, I wish to repeat, as mentioned in His Excellency's despatch of March 24th, that with respect to His Majesty's ratification our Government will not take exception to such course as His Majesty's Government may deem it advisable to recommend. With respect to conventions referred to in your cable we would of course wish declaration made excluding Canada.

In view of impression which has been given, to effect that present Canadian position with respect to representation at Lausanne and with respect to concurrence in ratification was not made known at Imperial Conference, in addition to reference already made to page 16 of stenographic notes of Fourth Meeting of Imperial Conference Proceedings, held October 8th, in which I am quoted as having said that Canada was not invited to, and was not represented at, Lausanne Conference, I should mention that this was restated by me at meeting of Committee on Signature of Treaties held in Foreign Office on October 25, at which Lord Curzon presided, and should appear in shorthand records of that meeting which I understand were kept. Also I would direct your attention to Minutes of Meeting of Committee on Publication of Correspondence and Status of High Commissioners, held in room of Secretary of State, Colonial Office on Friday, November 2, at which several British Ministers and officials of Foreign and Colonial Office as well as Dominion Prime Ministers were present, and where the subject of ratification of Treaty of Lausanne was specifically discussed, which record of proceedings concludes with the following words:

The Prime Minister of Canada intimated, however, that it might not be possible for the Canadian Government to express formal concurrence in the ratification.

The copy of the Minutes of this meeting in my possession bears date Colonial Office, 5th November, 1923.

I am still hoping you may find it possible to make a statement in British Parliament which will serve to remove erroneous impression your previous statements have made with respect to any authorized representation of Canada at Lausanne and deductions drawn therefrom. Failing such statement on your part, I hope you will assent to submission to Parliament here of such parts of the correspondence as will make the facts clear, or that you will permit me to say that I have your authority to state that if anything you said in the course of the debate on the ratification of the Peace Treaty with Turkey should have given the impression that Canada had been asked formally to concur in the arrangement for the negotiations at Lausanne being entrusted to Lord Curzon and Sir H. Rumbold, that this would not have been a correct description of the position. Ends.

BYNG

146.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 7, 1924

Following from Prime Minister for your Prime Minister. Begins. Lausanne Treaty. Your messages of April 23rd and April 25th received, and I have also now seen the statements in the Canadian Parliament of April 1st and April 3rd.

I am grateful for your readiness to help us, and I understand the position now to be that, as indicated in the Governor General's telegram of March 24th, Canadian Government acquiesce in ratification by His Majesty of the Peace Settlement with Turkey, and that you will arrange to get any Parliamentary approval (?) or legislation in Canada which you may think necessary, as soon as time is available in the Canadian Parliament.

I have ascertained that no shorthand notes were kept of the Committee Meeting of the Imperial Conference held at the Foreign Office October 25th. As regards the Committee Meeting at the Colonial Office November 2nd, I gather that your statement was regarded here as meaning that while you might not be in a position to express on behalf of Canada formal concurrence in ratification, the Canadian Government had no objection to ratification of the Peace Settlement on behalf of the whole Empire.

I would still deprecate the laying of papers for the reasons given in my message of April 12th, but I am quite willing that you should make statement on the lines suggested at the end of your message of April 23rd. I feel, however, that in fairness to successive British Governments it would be an advantage if you could include mention of the following passages from the Secretary of State's telegrams of October 27th 1922 and December 8th 1922, which were referred to in my message of April 12th:

(i) "British plenipotentiaries are fully acquainted with the Imperial aspects of the problem and with the keen interest taken by the Dominion Governments in its solution" — in telegram of October 27th.

(ii) "Any Treaty which may result from the Lausanne Conference will, of course, replace the Treaty of Sèvres and until it comes into force a state of war between the British Empire and Turkey will technically continue. The Treaty when ratified must therefore be binding on the whole Empire" — in telegram of December 8th.

I notice you did not make mention of either of these passages in your statement to the Canadian Parliament April 2nd. Could you, if you concur, telegraph text of the statement which you propose? I hope I shall now be able to arrange very shortly for the ratification of the various instruments forming the Peace Settlement. I note you would wish Canada excluded from the Conditions of Business and Commercial Conventions, and will take action accordingly. Ends.

147.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 8, 1924

Following from my Prime Minister for your Prime Minister. Begins. Your cable May 7th, Lausanne Treaty. In my telegrams of March 24th and April 23rd I merely stated that, with respect to His Majesty's ratification, our Government would not take exception to such course as His Majesty's Government might deem it advisable to recommend. This was not intended to imply acquiescence in ratification. Nor should I be understood as having undertaken to get Canadian Parliamentary approval by legislation or otherwise of such ratification. As already explained, opportunity for discussion of Lausanne Treaty in House of Commons here will be afforded as soon as possible after conclusion of present Budget debate. What the outcome of such discussion will be, necessarily depends on will of Parliament.

I thank you for your authority to state, as requested in my cable to you of April 23rd last, if anything you said in the course of the debate on the ratification of the Peace Treaty with Turkey should have given the impression that Canada had been asked formally to concur in the arrangement for the negotiations at Lausanne being entrusted to Lord Curzon and Sir H. Rumbold this would not have been a correct description of the position.

With regard to publication of such correspondence as has taken place between your Government and the Canadian Government, please see telegram which I sent earlier to-day to Colonial Secretary.<sup>1</sup> Canadian Government has no objection to inclusion in correspondence proposed for publication portions which you have quoted from your predecessor's telegrams of October 27th, 1922 and December 8th, 1922.

<sup>1</sup>Non reproduct.

<sup>1</sup>Not printed.

I cannot, of course, foresee all that it may be necessary to state on the floor of Parliament when Lausanne Treaty comes up for discussion there, but I am glad of the opportunity to let you have the text of the following statement which I propose to make in Parliament on the Orders of the Day tomorrow, May 9th. . . .

148.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 9, 1924

Following from my Prime Minister. Begins. Lausanne Treaty. London press cable intimates that in reply to question by Sir Edward Grigg in House of Commons May 7th you had said no official communication had been received from Canadian Government asking approval of other Dominions to publication of correspondence. My telegram of April 7th to Prime Minister stating I would welcome having placed before Parliament here as well as in Great Britain communications between British Government and our own respecting Treaty of Lausanne was intended to imply that whatever steps were necessary to this end would also be welcomed. My telegram April 10th to Prime Minister again requesting permission to bring down all correspondence between Government of Great Britain and Government of Canada was meant as official request to British Government to obtain if need be necessary consent of other Dominions, also my telegram of April 23rd to Prime Minister requesting assent to submission to Parliament here of such parts of correspondence as would make facts clear.

Canadian Government still hopes it may be possible to have publication of all correspondence between Great Britain and Canada respecting Lausanne Conference and invitations thereto and that British Government will join with us in endeavouring to obtain consent of other Dominions to publication of such correspondence — this more especially in view of Premier having said in his telegram dated April 12th that he had informed British Parliament that reason of British Government for withholding publication was objection to publication by some of the Dominions. Ends.

149.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 12, 1924

URGENT. SECRET. Following for your Prime Minister. Begins. Your message of May 9th. My reply to Grigg in the House of Commons May 7th seems to have been reported incorrectly. First part of the question was whether the Canadian Government had telegraphed to the other Dominions to enquire whether any of them objected to the publication of the correspondence between

Great Britain and Canada regarding the negotiations, etc., of the Treaty of Lausanne. Answer to this was that I had seen the press telegram to the effect indicated but no official communication had been received from the Canadian Government.

Second part of the question was whether His Majesty's Government had themselves telegraphed to the other Dominions in support of Canada's view that the correspondence between Great Britain and Canada should be published immediately. My answer was that I thought it would now be well to await the result of the enquiries which you were making.

On the same day that this answer was given, viz May 7th, Prime Minister's last message was sent to you through the Governor General, and we had hoped that, if you were ready to make statement in the Canadian Parliament on the lines suggested in that message, this would dispose of the whole matter, particularly in view of the fact that your statement in the Canadian House, April 2nd, had contained already the gist of so much of the correspondence between the British and Canadian Governments.

I am very sorry that the matter has caused you so much trouble. From our point of view the position still is that of publication of the whole series of correspondence with the Dominions, which(?) seems impossible (see Prime Minister's messages of April 7th and April 12th), and for this reason we are averse to publication of the correspondence with Canada only.

Grigg has put down further questions for Monday, May 12th, asking whether His Majesty's Government has now received any information as to the action taken by the Canadian Government to secure the consent of the other Dominions to the publication of the correspondence between Great Britain and Canada on the Treaty of Lausanne, and whether I have informed the Dominions that Great Britain would take no objection to publication.

I propose to reply that a communication on the matter has now been received from the Canadian Government and is under consideration. Should further question be asked, I will give non-committal answer pending your reply to Prime Minister's message of May 7th. Ends.

150.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 17, 1924

URGENT. SECRET. My telegram dated May 12th. Following for your Prime Minister. Begins. Grigg proposes to ask another question in Parliament Wednesday next, and we should like, if possible, to give an answer which would make the position clear here, and would help you in any further discussion in Canadian Parliament. Hence Prime Minister would be glad, if possible, to have a reply, not later than Monday, to his message of May 7th. Would it be possible to arrange for concurrent statement here and in the

Canadian Parliament. We feel sure this would be the best procedure. Statement which the Prime Minister would like me to make here, in light of recent correspondence, would be as follows:

If anything which was said in the course of the debate on the ratification of the Peace Treaty with Turkey should have given the impression that Canada had been asked formally to concur in the arrangements for the negotiations at Lausanne being entrusted to Lord Curzon and Sir H. Rumbold, this would not have been a correct description of the position, and I am sorry if there has been any misunderstanding on the point, either here or in Canada. The facts were that the intention to appoint Lord Curzon and Sir H. Rumbold was intimated to the Dominion Governments, and hope expressed that this procedure would be in accordance with their wishes. It was added that the British Plenipotentiaries were well acquainted with the Imperial aspect of the problem and with the keen interest taken by the Dominion Governments in its solution. His Majesty's Government has also understood from the correspondence which passed at the end of 1922 between their predecessors and the Canadian Government, that it was not in question that any Treaty which might result from the Lausanne Conference would replace the Treaty of Sèvres; that until it came into force a state of war between the British Empire and Turkey would technically continue; and that the Treaty when ratified must therefore be binding on the whole Empire. I am glad to say that the Canadian Government have now acquiesced in ratification by His Majesty of the Peace Settlement with Turkey. It has also been agreed between His Majesty's Government and the Canadian Government that the text of the correspondence should not be laid.

Would you agree to my making the above statement, and if so, will you telegraph text of corresponding statement which you would make in the Canadian Parliament. Message ends.

151.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 19, 1924

Following from Prime Minister for your Prime Minister. Begins. Lausanne Treaty. Your telegram May 7th. I cannot give a clearer statement of Canada's attitude with respect to the Lausanne Treaty than that contained in a letter to the Editor, London *Times*, signed A. Berriedale Keith, The University, Edinburgh, which appears in the issue of April 26th. Had Canada been represented at Lausanne Conference our position with respect to the Straits Convention would have been stated as therein set forth, namely that, as the controversy over Article Ten of the League of Nations Covenant proves, Canadian opinion is united in the view that Canada should accept no obligation to action which would fetter the decision of future Canadian Parliaments. Our unwillingness to ask the Canadian Parliament to approve ratification of the



treaty is based on the certain knowledge that Canada not having been represented at Lausanne or a signatory to the treaty, our Parliament would not approve a step which would imply the undertaking of Canada of a definite and positive responsibility to render aid in case action became necessary under the Straits Convention.

As to whether Treaty of Lausanne, if and when ratified *simpliciter* will or will not be binding upon Canada because it was not signed by Canadian representatives acting *eo nomine* for Canada, our Government have no desire to put forward at this time the view suggested by the opinion of Mr. Doherty, Minister of Justice, in the Administration of Sir Robert Borden and Mr. Meighen and one of the signatories of the Treaty of Versailles, when in 1919, at the time approval by Parliament of the Versailles Treaty was being sought, he explained in our House of Commons the doctrine of signature of treaties, and asserted that Canada could be bound only by treaties concluded in this manner.

On the understanding that Canada's position as respects the future shall not be prejudiced in any way thereby, we are prepared, as regards the Lausanne Treaty, to forego raising any constitutional issue at this time and to recognize that a ratification without express exclusion of Canada must bind Canada in international law, as much as it binds the rest of the Empire. On this view, however, though ratification would bind Canada, it will remain open to Canada, as freely as in the past, to decide what steps she will take actively in securing the observation of the Straits Convention if the need should ever arise. I should perhaps add that this being our position, as asserted from the outset, we have never suggested the alternative, namely the exclusion of Canada from ratification.

The view that my statement at the Committee meeting at the Colonial Office, November 2, meant that while we might not be in a position to express on behalf of Canada formal concurrence in ratification, Canadian Government had no objection to ratification of the peace settlement on behalf of the whole Empire, is quite correct. This accords exactly with our position as set forth in the telegram of His Excellency the Governor General to the Secretary of State for the Colonies of March 24 as follows:

My Ministers do not feel that they are in a position to recommend to Parliament the approval of the Peace Treaty with Turkey and the Conventions thereto. Without the approval of Parliament they feel they are not warranted in signifying concurrence in ratification of the treaty and conventions. With respect to ratification, however, they will not take exception to such course as His Majesty's Government may deem it advisable to recommend.

I thank you for your permission to state, as requested in my cable to you of April 23rd, that if anything you said in the course of the debate on the ratification of the Peace Treaty with Turkey, should have given the impression that Canada had been asked formally to concur in the arrangement for the negotiations at Lausanne being entrusted to Lord Curzon and Sir H. Rumbold,

this would not have been a correct description of the position. I shall be only too happy to include mention of the passages from the Secretary of State's telegrams of October 27th and December 8, 1922, referred to in your cable. My reason for not making mention of either of these passages in my statement to Parliament April 2nd was that I was anxious to avoid the adverse comment to which I felt they might give rise, as well as the raising of any issues apart from the one with respect to whether Canada had or had not been represented at Lausanne, which was the occasion of my statement to Parliament.

Did I feel that a statement to Parliament such as might be prepared in advance, would satisfy our House of Commons, I should be only too ready to prepare something of the kind and submit it for your consideration in advance. I am quite sure, however, that members will wish to discuss this whole matter very fully, and would resent any attempt on the part of the Government to avoid question and reply. Moreover I have told the House that the Government would welcome the fullest discussion and that to permit of this I would bring up the subject when in Committee of Supply on the Estimates of the Department of External Affairs, which I also promised would be immediately upon the conclusion of the debate on the Budget. The debate, you may have noticed, terminated on Friday morning last. My intention has been to fix Tuesday for this purpose and unless specially requested by you before conclusion of tomorrow (Monday's) evening session to defer a day longer, I shall follow this course. I shall, as respects representation at Lausanne, seek to confine my remarks to repeating what I have already said in the House, with a more explicit statement however as to why we had reason to feel we were not represented, and as respects ratification to a statement of our position along the lines of this communication.

I have already informed Parliament that it was our desire that the correspondence should be brought down and that I was asking permission of the other Dominions as well as of the British Government to have such of the correspondence as has passed between Great Britain and Canada brought down. I shall be expected to communicate to Parliament the nature of the replies received. Already a question has been asked as to this.

General Smuts, South Africa, says:

I raise no objection to publication.

Bruce, Australia, says:

Commonwealth Government has no objection tabling correspondence between Canada and Great Britain. Have, however, already advised British Government that so far as Australia is concerned, prior to making of any statement purporting to summarize the views of the Dominions on this question, the desirability that such statement be communicated to us prior to publicity.

Warren, Newfoundland, says:

Government Newfoundland is agreeable to having tabled such correspondence between Canada and Great Britain as may be agreed

upon by British and Canadian Governments respecting Lausanne Conference and invitations thereto.

Mr. Massey, New Zealand, says:

Understand communications mentioned were not written with view to publication and if made public am afraid would interfere with clear and frank information being given Dominions to which they are undoubtedly entitled.

Unless Mr. Massey's reply is to be understood as an objection, it would appear that all the Dominions are agreeable to publicity being given correspondence.

In the event of permission of British Government not being obtained to bring down correspondence, and this I understand to be the way matters now stand, in view of false position in which our country and Government have been placed, through impression that we were represented at Lausanne with our knowledge and consent and that nothing to the contrary was said by me at the Imperial Conference, and that as a consequence there has been a shifting of our position with respect to ratification, you will appreciate I am sure wherein it will be necessary for me to make quite plain just what our understanding of the despatches respecting the Lausanne Conference was, and my position with respect thereto at the Imperial Conference. Ends.

BYNG OF VIMY

152.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 19, 1924

Following from my Prime Minister. Begins. Your telegrams May 12th and 17th. I have sent your Prime Minister to-day reply to his message of May 7th. Much as I should like to meet your wishes with respect to a concurrent statement, you will see from a perusal of what I have there said why it is not possible for me to hope to be able in this manner to limit discussion in our Parliament on Lausanne Treaty. Moreover, statement along lines of one suggested in your message would only serve further to emphasize the false position in which in this matter Canada has already been placed before British public and other Dominions. It carries the inference that Canada was consulted with reference to procedure respecting Lausanne Conference and the appointment of Lord Curzon, whereas the fact is we knew nothing of the procedure or appointment of Lord Curzon in any capacity till informed of what had been settled, and also of the reasons why Canada could not be represented. Our whole position is bound to be misunderstood until the facts are given to the public in their true light.

Already in the press of Great Britain and elsewhere throughout the Empire, we are being condemned for an attitude which we have never assumed, and on premises which are entirely misleading and false. No Government can afford to have its own and its country's position so grievously misrepresented.

I hope I have made clear what appears to be a misunderstanding of our position as to any exception being taken by us to the view that the treaty when ratified must be binding on the whole Empire. We have never raised a question as to that. It is imperative, however, as to the obligation which may devolve on Canada from this fact, that our position with respect to absence of any representation at Lausanne, as we have from the outset so regarded it, should be made known. [Ends.]

153.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 19, 1924

PRIORITY. SECRET. Your two telegrams of May 19th. Following from Prime Minister for your Prime Minister. Begins. Your messages of May 19th to the Secretary of State for the Colonies and myself. Our only desire in proposing concurrent statements was to help in making the matter clear, and in view of the arrangements for Parliamentary discussion in Canada, we would certainly not press our suggestion nor would we ask you to defer the debate in your Parliament. We agree that under the Straits Convention it is open to Canada to decide what steps she would take if Article XVIII came into operation. While Great Britain is bound in any case to carry out, in conjunction with France, Italy and Japan, a direct communication with the Council under that Article, Canada is not in the same position. She is only bound to the extent of any obligations which may arise under Article X of the Covenant, interpreted (as there can be little doubt it would) by the resolutions voted upon by the last Assembly.

As regards publication of correspondence. In view of the replies from the other Dominions and the extent to which earlier correspondence has already been summarised by you in your statement of the second of April, I should not wish to raise any question as to your reading out the text of the following telegrams,<sup>1</sup> if you think this course necessary in order to remove the misunderstanding:

- (i) Secretary of State's Public telegram of October 27th 1922.
- (ii) Governor General's Secret telegram of October 31st.
- (iii) Secretary of State's Secret telegram of November 16th.

<sup>1</sup>Au cours d'un autre échange de télégrammes, les 20 et 21 mai 1924, Mackenzie King demanda et obtint l'autorisation de déposer à la Chambre les documents ci-après énumérés.

<sup>1</sup>On May 20 and May 21, 1924, there was a further exchange of telegrams between Canada and the United Kingdom in which Mackenzie King asked for and received permission to table the documents referred to below.

- (iv) Governor General's Secret telegram of November 25th.
- (v) Secretary of State's Secret telegram of December 8th.
- (vi) Governor General's Secret telegram of December 31st.
- (vii) Secretary of State's Secret telegram of January 27th 1923.
- (viii) Secretary of State's Secret telegram of June 7th.
- (ix) Governor General's Secret telegram of June 15th.<sup>1</sup>

Please let me have, by telegraph, gist of your statement in the Canadian Parliament and summary of any subsequent discussion which you may think of importance.

## PARTIE 3 / PART 3

RÉPARATIONS  
REPARATIONS

154.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

DESPATCH 590

Downing Street, December 12, 1919

My Lord Duke,

With reference to my despatch Dominions No. 632 of the 11th of August, I have the honour to request Your Excellency to inform your Ministers that the question of the procedure to be adopted in connection with the presentation to the Reparation Commission of the compensation claim against Germany under Article 232, Annex 1, of the Peace Treaty has been further considered and the task of arriving at the general principles, which should be followed in formulating the United Kingdom claim, has been assigned to a Committee of which Lord Sumner is Chairman and the Permanent Secretary to the Treasury, Sir Warren Fisher, K.C.B., Vice Chairman. The various Departments of His Majesty's Government, to which will fall the preparation of details of the complete claim and the examination of the various individual claims put forward in this country, will be represented on this Committee as may be requisite. As indicated in my despatch under reference His Majesty's Government are anxious to secure the co-operation of the Governments of the self-governing Dominions in connection with the work of the Delegate of Great Britain on the Reparation Commission and they hope that the Dominion Governments will be prepared to accept the same principles in the formulation of their claims under this Annex as are adopted by His Majesty's Government after consultation with the Delegate of Great Britain. Accordingly it is desired to include representatives of the self-governing Dominions in the Committee, so as to secure if possible a common basis as regards all claims in which both the United Kingdom and the self-governing Dominions are interested. Similarly, when the general principles are settled, it is suggested that, with

<sup>1</sup>La correspondance que les deux gouvernements acceptèrent de publier se trouve dans les *Documents parlementaires*, 1924, n° 232.

<sup>1</sup>The correspondence which the two governments finally agreed to publish is to be found in Canada, *Sessional Papers*, 1924, No. 232.

a view to uniformity of treatment, it would be of advantage if the detailed work of preparing claims on behalf of the Dominions under each of the various categories were carried out by the representatives of the Dominion Governments in the United Kingdom in co-operation with the Departments of His Majesty's Government which will be responsible for preparing the claim of this country under the category in question. The suggestion has already been mentioned to representatives of the Dominions, who seemed inclined to regard it as *prima facie* worthy of consideration.

2. It will be noted that the claims specified in Annex I to section 232 of the Peace Treaty fall under ten categories. Of these Nos. 1, 2, 3, 4, 8, 9, and 10 represent claims in respect of loss or damage suffered by individuals through the acts of enemy Governments. It will be recollected that in Mr. Bonar Law's despatch No. 1183 of the 20th October 1916, it was suggested that persons in the self-governing Dominions having claims against enemy Governments (apart from claims in respect of Government securities) should send their claims to the Foreign Claims Office. I notice from your despatch No. 119 of the 15th February 1917 that action was taken by your Government to this end and I presume, therefore, that any claims which have been put forward so far by persons in Canada under these heads have been sent to the Foreign Claims Office.

3. Categories 5 and 7 represent the cost of pensions and separation allowances to members of the Allied and Associated Forces calculated on the French scales. These scales are not yet available, but when they are received copies will be forwarded to you.

4. Category 6 relates to the cost of assistance by Governments to prisoners of war and their families and dependents. This is interpreted as meaning assistance out of Government funds to prisoners of war and their families in excess of the ordinary pay of military prisoners as members of the forces or allowances or allotments to their families and dependents which continued whether a man was taken prisoner or not. I am not aware whether any such payments have been made by the Dominion Governments for the benefit of prisoners of war (except as regards a grant of £500 by the New Zealand Government for prisoners of war in Turkey), and if any such payments have been made I should be glad to be informed.

I have etc.

L. S. AMERY  
(For the Secretary of State)

155.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 49

Ottawa, January 27, 1920

Sir,

With reference to your despatch No. 590 of the 12th December, 1919, on the subject of the procedure to be adopted in connection with the presentation

of claims to the Reparation Commission, I have the honour to inform you that, after due consideration of the matter by the Enemy Debts Committee, it has been decided that Canadian claims can be disposed of primarily to greater advantage in Canada. A large number of such claims has already been forwarded to the Enemy Debts Committee, and these have been investigated and discussed to a certain extent. These claims may not in some cases be framed in such a form as to fit them to be dealt with by the Reparation Committee, and it is deemed advisable that they be held for further attention by the Enemy Debts Committee. For this reason, it would seem to be proper that all Canadian claims should be considered together. The Canadian Government, therefore, request that Canadian claims which have been forwarded to the Foreign Claims Office should be returned here, for examination and consideration with the others.

I have etc.

DEVONSHIRE

156.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, May 12, 1920

SECRET. Following from Prime Minister for your Prime Minister. Begins. With reference to forthcoming meeting with German Government at Spa British Government have been considering question of representation of Dominion interests. The conference with the Germans is not summoned to revise treaty; its primary purpose is to ask the Germans for explanations as to past infractions of the treaty and to make arrangements for its future execution. At the same time a serious attempt will be made to fix Germany's liabilities under the head of Reparation. All authorities are agreed that this is vital equally to Germany and the Allies. Germany requires to know its exact liabilities if it is to be in a position to pay reparation and it is equally to the Allied interest to know what exactly they can expect. This is the only way in which they can raise immediate credits on security of Germany's prospective reparation payments. This procedure is of course entirely in accordance with terms of protocol of the peace treaty and the letter written on behalf of the Allies to the Germans on June 16th 1919, but as it concerns the amount of reparation payable by Germany it directly affects all the Dominions. Finally, the Germans are almost certain to raise other questions such as an increase in the military strength allowed Germany beyond provided for in the treaty of peace itself upon which we may feel we ought to make concessions. For instance, on this matter all of our expert advice appears to agree that it will be impossible for Germany to maintain internal order with only one hundred thousand men.

His Majesty's Government are therefore very anxious that if possible the Governments of the Dominions should appoint some plenipotentiary to attend meetings of a British Empire delegation to discuss these questions. They do

not see any other way in which effective consultation can take place except to make use of same machinery which existed during the war, and the peace conference, and which it was decided at one of the later meetings of the Imperial War Cabinet to maintain in existence in case the Dominions wish to avail themselves of it. It is clearly impossible for the Allied Governments to refer all their decisions for confirmation to all the signatories of the treaty of peace before they can come into effect. What Europe requires now is prompt decision if hundreds of thousands of people are not to perish from famine and disorder. Delay in arriving at conclusions now must precipitate Europe into chaos. In the opinion of His Majesty's Government therefore the only practical course is to reconstitute in some form the British Empire Delegation and that Dominions should accredit a plenipotentiary in London who can represent their views and watch over their interests during discussions. The Conference with the Germans was originally fixed for May 25th but I think it is practically certain now to be put off for a month as the German general elections take place on June 6th and it will be better to deal with a new German Government than with one which may disappear a fortnight later.

I should like therefore to know whether you will agree to this course and if so whom you will nominate to represent Canada. Ends.

MILNER

157.

*Décret du Conseil*

*Order in Council*

P.C. 1117

May 19, 1920

The Committee of the Privy Council have had before them a Report, dated 17th May, 1920, from the Right Honourable, Sir Robert Laird Borden, the Prime Minister, stating that he has received from the Prime Minister of the United Kingdom a telegram, dated May 12th, 1920, (a copy of which is annexed hereto), with reference to the forthcoming discussions between the Allied Governments and the German Government on various outstanding questions relating to the peace settlement. Recognizing in this connection the necessity for the representation of Dominion interests, Mr. Lloyd George proposes that the British Empire Delegation, which was set up at the Paris Peace Conference, should be reconstituted for the purpose.

The Prime Minister is of the opinion that it is most desirable to provide for the effective representation and protection of Canadian interests in this matter, and that Mr. Lloyd George's proposal presents a practical means to this end.

The Prime Minister, accordingly, recommends that the proposal be accepted and that the Hon. Sir George Perley, High Commissioner for Canada, be nominated for this purpose to represent Canada.

The Committee concur in the foregoing recommendation and submit the same for approval.



158.

*Le Premier ministre au Haut commissaire**Prime Minister to High Commissioner*

TELEGRAM

Ottawa, June 15, 1920

SECRET. Your 538 was considered in Council to-day and following conclusions were reached. First, as to non execution of Treaty provisions by Germany, we are prepared to leave to British Government the decision as to enforcing the provisions of the Treaty as Canada is not in a position to provide troops in case force should be required. Second, as to amount of reparation, our view is that the amount should be definitely fixed for the reasons which you indicate. We leave discussion of amount to your good judgment but it is important that our interests as to distribution within the British Empire should be most carefully safeguarded. Third, as to methods of payment, we leave this question to your judgment after such discussion with British Ministers and experts as you may think advisable.

BORDEN

159.

*Mémoire du sous-secrétaire d'État  
au secrétaire d'État**Memorandum from Under-Secretary of State  
to Secretary of State*

Ottawa, December 30, 1920

As requested by the Right Honourable the Prime Minister in his memorandum of December 27th, 1920, I have the honour to submit herewith a statement of reparation under the Treaty of Peace with Germany.

By Order in Council dated the 15th of November, 1918, I was directed to take such steps as might be necessary to obtain a complete list of:

a. Claims of persons residing or carrying on business in Canada who have been subjected to loss and pecuniary damage, arising from the destruction of life and property through the illegal warfare of the enemy, and

b. Claims for damages to which persons residing or carrying on business in Canada have been subjected for breaches of contracts, which contracts were prevented from being carried out owing to the operation of the Statutory List of persons in neutral countries with whom such contracts were declared illegal, and to examine and report upon all such claims as aforesaid.

Immediately thereafter extensive advertising was carried on for the purpose of obtaining all claims for loss sustained by Canadians from illegal warfare. These claims were tabulated and filed and aggregated about \$32,000,000. They covered claims against the other enemies as well as Germany, but almost

the full amount could be attributable to German claims, as Article 231 of the Treaty provides that Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her Allies. In each case some evidence of loss and a detailed statement of the particulars were required to be filed, but no steps were taken to prepare the claims for submission to the Reparation Commission.

Mr. C. C. Robinson, of Toronto, was associated with me, representing the Department of Justice on the Enemy Debts Committee. While he was in England during the summer of 1919, he endeavoured to obtain all the information he could respecting claims for reparation, but found that nothing more had been done there than in Canada.

Some time later the subject was discussed with Sir George Perley, the Canadian High Commissioner, and it was subsequently arranged that he should represent Canada on a Committee sitting in London for the purpose of considering all claims for reparation to be submitted to the Reparation Commission at Paris and of dealing with questions which arose in making these claims so that they would be uniform and prepared in the same manner. The Committee had many sittings and either Sir George Perley or Mr. G. H. Mitchell, of his office, represented Canada. A large number of decisions were arrived at and these were duly communicated.

In the month of April or May last when the Conference with Germany at Spa was decided upon for the purpose of arranging for reparation, the deliberations of the Committee in London and the preparation of all claims ceased. As you are aware, the Reparation Commission had two main purposes: 1st, to determine the amount that Germany could pay, and, 2nd, to consider claims to be put forward. These objects were set aside when it was decided that the amount payable by Germany would be fixed at this Conference. Since then nothing whatever has been done towards preparing claims.

An Order in Council, dated the 12th of August, 1920, established a special Committee, under the supervision of the Secretary of State, to make further provision for the formulation of Canada's claim for reparation. This Committee was empowered to co-opt additional members from the Departments of the Government concerned, and it was recommended that these Departments render the Committee such assistance as might be necessary. The terms of the said Order in Council have been followed, and all the Departments communicated with, but beyond that nothing further has been done.

The subject of reparation has been considered and definite conclusions arrived at in Great Britain respecting the rights of claimants. . . .

So far as I am aware, no similar policy has been laid down in Canada. The advertising calling for the claims definitely stated that the filing of a claim did not imply an undertaking on the part of the Government to put forward such claim at the termination of hostilities or any assurance that the claim, if put forward, would be paid. Notwithstanding that, I believe that Canadians

who have made claims for damages sustained for illegal warfare expect that the amounts will be paid out of German property which has been taken over by the Custodian.

Side by side with the preparation of claims for reparation, the liquidation of German property in Canada has proceeded under the provisions of the Consolidated Orders respecting Trading with the Enemy and the Treaty of Peace (Germany) Order, 1920. Property to the extent of about \$35,000,000 has been vested. The Custodian has to his credit in cash nearly \$2,500,000, and steps are now being taken to collect from the Canadian Pacific Railway Company the dividends which should have been paid, which amount to perhaps \$7,000,000.

The bulk of the German assets in Canada taken by the Custodian consist of shares of the Canadian Pacific Railway Company. These shares number about 143,000. Claims have been made by neutrals and allies to shares which will aggregate perhaps 40,000, and at the present time it appears that the Custodian will be able to assert his title to about 100,000. At the present state of the market in Canada this amounts, with the dividends accrued, to about \$20,000,000.

Mr. H. Spencer Relph, my Assistant, while recently in England, discussed the subject of reparation and German property with the officials of the Treasury and of the Clearing Office in London, and their views are set out in a letter from Mr. H. G. Fass, of the Treasury, a copy of which is attached hereto.<sup>1</sup>

There are two points raised by this letter which require careful consideration before any question of policy can be possible. It seems to be quite clear from Mr. Fass' letter that it is doubtful whether any sum will be received by Canada from Germany for reparation. It may be that 22% will be allotted to Great Britain, but the first charges upon this amount are so great and the delay in receiving it will be so long that Canada need not look forward to any assistance in this respect.

The second point is raised at the end of the letter. It is quite apparent from it that a proposal is now being considered in London under which all German property in the British Empire will be pooled for the purpose of reparation. If this should be the general policy, it is likely that Canada would be called upon to give up what German property is now vested in the Custodian and perhaps receive little or nothing in return therefor.

THOMAS MULVEY

160.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

TELEGRAM M. 56

Ottawa, March 16, 1921

CONFIDENTIAL. Please obtain and forward early date full consecutive report Paris and London Conferences with Germans respecting reparations with

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

relevant papers. Report should explain clearly legal basis for new sanctions or penalties now being enforced against Germany. Also send copies agreements with Germany reached at Spa Conference last summer. Also cable what is proposed to be done with tax on purchase price of German goods, that is whatever [whether] an Allied pool is proposed or whether each Ally will retain its own collections, and in latter event whether British Empire pool is proposed. Explanations may be necessary in House Commons here and we wish full information.

MEIGHEN

161.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

March 18, 1921

SECRET. With reference to your telegram March 11th following for your Prime Minister. Begins. Before deciding to enforce sanctions, Allies invited opinion of a Committee of Allied Jurists as to their legal rights. Committee of Jurists advised that Germany had defaulted in execution of Treaty in certain important respects, notably disarmament, German War Criminals, and certain other matters. Decisive point however in opinion of Allies was German reply to Paris proposals. Allies had put forward proposal at Paris estimated to be a mitigation by about thirty per cent of Treaty Clauses in regard to reparation, and in their counter proposals Germans offer something between one quarter and one third of Paris proposals, and during course of the negotiations declared their inability to go substantially further. Allies were thus confronted by decision on the part of German delegation that it would not pay more than a fraction of its treaty obligations, a fraction which Allies were agreed was so inadequate as not to form even a basis for discussion. In their opinion this constituted a definite attempt on the part of Germany to destroy one of the most vital chapters of the Treaty of Versailles and so nullify Treaty itself. Allies therefore decided that not only on legal grounds advanced by Jurists but on more general ground that German attitude was a declaration of intention to default it was necessary for them to take immediate steps to hold Germany to the performance of its treaty obligations by bringing home to the German Government and people that Allies were determined not to allow them to evade their obligations. Ends.

162.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

TELEGRAM M. 63

Ottawa, April 6, 1921

CONFIDENTIAL. Proposed agenda for June meeting Prime Ministers includes question of division as between various parts British Empire of reparation receipts from Germany. In considering this it would be useful know upon

what basis and by what calculations Spa Agreement respecting division as between Allies was reached. Please send by mail early date as full information as possible upon this.

MEIGHEN

163.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

Dear Mr. Meighen,

London, April 14, 1921

A few days ago I received your cable asking for information about the method of division of any reparation receipts from Germany, as follows: . . .<sup>1</sup> I at once had the question taken up with the Treasury and I am enclosing a memorandum based on a conversation with Mr. Waley—the official there who has been in touch with that part of the work. You will note that the percentages appear to have been arrived at approximately on the basis of the relative damage suffered. As Sir Laming Worthington Evans was present at the meetings last June and was also at the Spa Conference, I thought that he might be able to help me in answering your enquiry and so I wrote him telling him that you would like very much to know by what calculation or on what basis the percentages were arrived at. In reply he wrote me as follows:

The Treasury will be able to give you the information you desire with respect to the proportion of reparation receipts to go to each of the Allies, and the calculations by which these figures were reached. I am afraid I have not got them myself.

I then thought it best to ask the Treasury for a statement in writing as to what basis and by what calculation the percentages were reached. A reply has just come to hand and I am enclosing a copy of the same for your information. You will note that the main part of this letter is devoted to a statement of the percentages arranged between France and the British Empire, which were finally determined at 52% and 22%. Along with this letter from the Treasury there came enclosed Minutes of the meetings which were held on June 18th, 1920, prior to the Spa Conference. As I remember it that meeting was not called to talk over the basis of the arrangement of percentages between France and the British Empire and therefore these Minutes will not throw much light on the enquiry which you have made, but, as they came to me from the Treasury, I am also now forwarding them enclosed to you.

With regard to the question as to how a division was reached as between the Allies, the letter from the Treasury simply states as follows:

I am to explain that both in the arrangement made in December 1919 and in the Spa Agreement, the general basis adopted was the probable amount of the reparation claim of each of the Allies, but that as the claims had not at that date been submitted to and examined by the Reparation Commission it was not possible to base the percentages on any exact figures.

<sup>1</sup>Le document ci-dessus était ici reproduit.

<sup>1</sup>The preceding document was repeated here.

In connection with the division of the British 22%, the Canadian claim for damages seemed to amount in round figures to £141,500,000, as you will see by the enclosed memorandum, which would amount to about 5% of the total British Empire claim. In considering this question myself I have thought that a fair method of dividing whatever the British Empire may receive would be according to the number of troops at the front, or the total number enlisted, or the number of casualties. It may be argued however that these are reflected in the figures for Separation Allowances and Pensions.

I hope this will enable you to decide what information you will need to bring with you to discuss this matter, and I will send you to-morrow a brief cable on the subject as the mail may be very much delayed during the present disturbed time.

Yours sincerely,

GEORGE H. PERLEY

[PIÈCE JOINTE / ENCLOSURE]

*Mémoire d'une conversation avec M. Waley*  
*Memorandum of conversation with Mr. Waley*

London, April 7, 1921

PERCENTAGE DIVISION OF GERMAN REPARATION PAYMENTS

Treasury (Mr. Waley) says the principle was the proportion of damage suffered by each of the Allies and as a basis of calculation those figures were taken, the accuracy of which was fairly well known — the number of troops, the number of casualties and the shipping losses being the most important. The number of troops engaged gave a basis for the Separation Allowances and the casualties for pensions. Some diplomatic factors had also their influence on the settlement.

The complete claims which have been presented to the Reparation Commission have still to be passed, but speaking of the British Empire and France it would appear that after the adjustments which are expected the percentages arrived at approximate very closely the relative extent of damage.

164.

*Note sur les conclusions du Comité impérial des Réparations*  
*Note of Conclusions reached at Meetings*  
*of Imperial Reparations Committee*

PAPER No. E. 45

Held July 6 and 13, 1921

SECRET

Distribution amongst the separate parts of the Empire of  
 a. Reparation Receipts under the Treaty of Versailles, and  
 b. Sums to be received from Germany in respect of the Armies of Occupation.

## (a) Reparation Receipts

The apportionment proposed for consideration at the Conference held on the 13th July was as follows:

United Kingdom .....	88.16
Minor Colonies .....	.77
Canada .....	3.88
Australia .....	4.04
New Zealand .....	1.57
South Africa .....	.55
Newfoundland .....	.10
India .....	.93
	<hr/>
	100.00

Finally agreement has been reached on the basis of distribution shown in the table below. This represents the apportionment agreed upon at the Conference held on the 13th July subject to a small adjustment as between the United Kingdom and New Zealand not affecting the share of the other Dominions.

United Kingdom .....	- 1.31	=	86.85
Minor Colonies .....	+ .03	=	.80
Canada .....	+ .47	=	4.35
Australia .....	+ .31	=	4.35
New Zealand .....	+ .18	=	1.75
South Africa .....	+ .05	=	.60
Newfoundland .....	-	=	.10
India .....	+ .27	=	1.20
			<hr/>
			100.00

## (b) Receipts in respect of Armies of Occupation

Under the Treaty the liability of Germany is limited to the costs of the forces in the occupied territory. On this basis Australia would only receive £1000 out of a total of £16,690,000.

This result was due to the Accident that Australian troops were taken out of the line at the time of the Armistice and were accordingly stationed in France and not in the occupied territory. It was proposed therefore that the total of £16,690,000 should be divided between the Home Government and the three Dominions concerned on the basis of the numbers in France, Belgium and Germany together. On this basis the United Kingdom, Canada and New Zealand would contribute to Australia £318,000, £171,000 and £460,000 respectively.

It was ultimately decided however that Australia should forego one quarter of New Zealand's contribution while the United Kingdom should assume one-half of the Canadian and New Zealand contributions.

The attached Table<sup>1</sup> gives the figures of the distribution:

1. On the basis of numbers in Germany only.
2. On the basis of numbers in France, Belgium and Germany together.
3. The differences between 1 and 2.
4. As agreed.<sup>2</sup>
5. The differences between 1 and 4.

165.

*Décret du Conseil*  
*Order in Council*

P.C. 3281

September 15, 1921

The Committee of the Privy Council have had before them a report, dated 26th August, 1921, from the Secretary of State for External Affairs, submitting that he has had under his consideration a despatch, dated 6th August, 1921, from the Right Honourable the Secretary of State for the Colonies, enclosing copies of two Conventions<sup>3</sup> for the settlement of certain matters arising under Article 296 of the Treaty of Versailles in relation to enemy debts, concluded at London the twentieth day of July, nineteen hundred and twenty-one between His Majesty and the President of the French Republic and between His Majesty and the King of the Belgians, and signed on behalf of Canada by Sir George H. Perley, High Commissioner for the Dominion, as well as copies of telegrams from the Colonial Office dated the 3rd and 22nd August respectively, urging the importance of early ratification of these Conventions.

Considering that such ratification is desirable the Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies, by telegraph, that the Canadian Government concurs in the proposed ratification of the Conventions and in their publication.

All of which is respectfully submitted for Your Excellency's approval.

166.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, June 25, 1924

SECRET. Mr. Ramsay MacDonald's statement in the House of Commons of June 23rd that he is now in communication with the Dominions regarding proposed Inter-Allied Conference, has been seen by Prime Minister in cable

<sup>1</sup>Non reproduite.

<sup>2</sup>La Grande-Bretagne: £14,050,500; le Canada: £1,297,500; l'Australie: £835,000; la Nouvelle-Zélande: £507,000.

<sup>3</sup>(Grande-Bretagne) *Treaty Series*, 1921, nos 18 et 19.

<sup>1</sup>Not printed.

<sup>2</sup>Britain: £14,050,500; Canada: £1,297,500; Australia: £835,000; New Zealand: £507,000.

<sup>3</sup>(British) *Treaty Series*, 1921, Nos. 18 and 19.



despatches to press here. No message on this subject has been received so far by him from Mr. Ramsay MacDonald or yourself, and before questions are asked him in the House here Prime Minister is anxious to receive same.

167.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 25, 1924

SECRET. Your Prime Minister will have seen press reports of the Prime Minister's statement in Parliament on June 23rd, as to the result of the conversation with the French Prime Minister at Chequers and the proposed allied Conference in London next month. Prime Minister is away till to-morrow and arrangements for the organization of the Conference must await his return but further telegram will be sent as soon as possible. Meanwhile separate telegram is being sent to-day as to other recent developments in connection with the German situation.

168.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 28, 1924

SECRET. My telegram dated June 25th. Following from Prime Minister for your Prime Minister. Begins. I have now had an opportunity of going further into the question of the participation of the Dominion Governments in the Inter-Allied deliberations next month. Work of the Conference will be to concert the necessary arrangements for putting the Dawes Report into operation<sup>1</sup>. Conference being restricted to this one subject, question of Inter-Allied debts and problem of securities will not be dealt with. Principal task of the Conference seems therefore likely to be, to agree upon the terms of an instrument, to be signed by the Allies and by Germany, formally binding the parties executing the recommendations of the Dawes Report.

In order to avoid any appearance of wishing to amend the Treaty of Versailles, this instrument might take the form of a protocol.

As I had already suggested in conversation with the Belgian Minister, at the beginning of May — see telegram from the Secretary of State May 8th — we favour the plan of fixing in such protocol (i) a date by which legislative and other measures to be taken by Germany must be completed, and (ii) a second date, say a fortnight later, when all fiscal and economic sanctions and other arrangements, affecting the economic activities of the German Reich and now in force in German territory, will be withdrawn.

<sup>1</sup>Pour le Rapport Dawes (9 avril 1924) voir les *British and Foreign State Papers*, 1924, Vol. 120, pp. 406-549.

<sup>1</sup>For the Dawes Report (April 9, 1924) see *British and Foreign State Papers*, 1924, Vol. 120, pp. 406-549.

Dawes Report lays down that sanctions shall not be re-imposed, except in the case of flagrant failure to fulfil conditions embodied in the Report itself. A stipulation to this effect will accordingly have to find a place in the protocol, and the question will have to be decided who is to be the authority to declare there has been flagrant failure. That duty cannot properly be entrusted to the Reparation Commission, whose functions are strictly determined by the Treaty of Versailles, since the engagements to be undertaken by Germany under the Dawes scheme go altogether beyond those imposed by the Treaty. A suggestion has been made that the Financial Committee of the League of Nations might be brought in for the purpose, but the matter is still open for discussion.

Lastly, the protocol should contain a clause providing that any dispute as to its proper interpretation shall be referred to an International Court.

You will see from above outline of the task before the Conference, that the procedure, as regards the association of the various Governments of the Empire in its work, should clearly be governed by the principle of the resolution as to the negotiation, etc., of Treaties agreed to by the Imperial Conference 1923<sup>1</sup>. Our suggestion is that a meeting should be held in London of Dominion and Indian representatives, to discuss with His Majesty's Government policy to be adopted at the Conference, and make arrangements for representation.

If you agree, I should be grateful for a reply as soon as possible, and also to learn the name of the representative who will attend the preliminary meeting. As the opening date of Conference likely to be July 16th, we ought hold the preliminary meeting in the previous week. Report of Dawes Committee enclosed in Secretary of State's despatch of April 19th, No. 188. Similar telegram sent to other Dominion Prime Ministers. Ramsay MacDonald. Ends.

169.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 30, 1924

SECRET. Following from my Prime Minister for your Prime Minister. Begins. Re participation of Dominion Governments in Inter-Allied Conference. Your telegram June 28th was received yesterday (Sunday), and contents considered with colleagues at Cabinet Council to-day. We agree, from outline of the task before the Conference as set forth in your telegram, that the procedure as regards the association of the various Governments of the Empire in its work should be governed by the principle of the resolution as to the negotiation, etc. of treaties agreed to by the Imperial Conference, 1923. In this connection, we assume that the procedure with respect to the proposed protocol will be that set forth in the case of treaties negotiated at International conferences where there is a British Empire delegation, in which, in accordance with the now established practice, the Dominions and India will be separately represented.

<sup>1</sup>Pour la résolution IX, voir le doc. 235, pp. 282-84.

<sup>1</sup>For Resolution IX, see Doc. 235, pp. 282-84.

We are pleased to concur in your suggestion that a meeting of such representatives should be held in London to discuss with His Majesty's Government policy to be adopted at the Conference and make arrangements for representation. We should like to have our Government represented by one of its Ministers at the preliminary meeting, but as you indicate this meeting should be held in the week previous to July 16th, we doubt if it will be possible so to arrange owing to the limited time between now and then. We hope, however, to be able to arrange to have one of our Ministers represent Canada at the main Conference. To effect this, it will be necessary for us to be immediately advised if we are right in the assumption, that, as respects negotiation, signature and ratification of the proposed protocol, principles governing will be same as those regarding treaties negotiated at international conferences as referred to in Section 1, sub-section (c) respecting negotiation, and Section 2, sub-section (c) respecting signature, of the procedure as set forth in the resolution of the Imperial Conference, 1923. We should like, if possible, to be informed as to this before deciding on the representative to be named to attend the preliminary meeting, as the selection of the latter will necessarily be governed to some extent by the procedure to be observed with respect to our representation at the Inter-Allied Conference. Ends.

170.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 3, 1924

SECRET. Your telegram dated June 30th. Following from Prime Minister for your Prime Minister. Begins. Your message was considered by the Cabinet July 2nd. As explained in my message of June 28th, work of the Inter-Allied Conference will be of strictly limited scope. There is no question, for example, of changing the percentage payable to the British Empire on account of sums received by the way of reparations (viz: 22 per cent) or of altering the allocation of this percentage, which was agreed at the Imperial Conference of 1921.

Also, not only will the problem of securities not be dealt with, but no military commitments will be entered into. We intend to retain the liberty of action in the event of wilful default by Germany, and not to go further than agreeing, in that event, to consult the Allies as to the nature of the sanctions to be applied.

Generally speaking, it is difficult to see that any special obligations on the Dominions will be entailed.

I thus find it difficult to give a definite answer to that part of your message which deals with the precise application of the principle of the resolution as to the negotiation, etc., of Treaties, passed at the Imperial Conference last year, to the arrangements for representation at the Inter-Allied Conference. We had contemplated that the question of representation should be discussed and settled at the preliminary Conference in London, referred to in my

message of June 28th. Would you have any objection to this and nominate representative accordingly to attend it? I ought to tell you quite frankly that, in the circumstances, we do see the difficulties in arranging for a separate representative of all the Dominions and India, if this should be desired, since this would result in our total representation largely out-numbering that of foreign countries.

For this reason we had hoped to consider at the preliminary Conference with the Dominions and India, whether there was any method of arranging to keep our representation down to three.

One method might be the application of the panel system, as arranged at Paris in 1919<sup>1</sup>, but as to this, I should explain that I think my own prerogative will be essential throughout, and probably that of the Chancellor of the Exchequer. Another method might be that the Dominions and India should agree on a single representative, but this would be a departure which, so far as I know, has never been discussed previously, and might very probably be regarded as open to objection.

Whatever system adopted, British Empire Delegation should, we think, remain in session during the Conference, so as to deal with all developments requiring discussion after the Conference has opened. Also our view is that arrangements should be considered as applicable to this Conference only, which, as already indicated, is of a very special character. As regards the general question of the application of Conference resolution on the negotiation, etc., of Treaties, see my message of June 23rd.

Our present view is that the proposed protocol should be signed on behalf of all Powers represented at the Conference, and that separate signature(s) for the Dominions and India should be included. I should add however, that it is intended to be an instrument not requiring ratification.

Prime Minister of the Commonwealth of Australia has nominated the High Commissioner to attend the preliminary meeting. No replies yet received from other Dominions. Duration of Conference estimated at about a week. I am repeating your message and this reply to the Commonwealth of Australia, New Zealand, Union of South Africa, and the Irish Free State. I should like to arrange the preliminary meeting, if possible, Thursday July 10th. Ends.

171.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 7, 1924

Re participation of Canada in Inter-Allied Conference. Following from my Prime Minister for your Prime Minister. Begins. I have submitted to my colleagues in Council your reply of the third instant to my telegram of the

<sup>1</sup>Voir Vol. 2, docs 20 et 21.

<sup>1</sup>See Vol. 2, Docs. 20 and 21.

thirtieth ultimo. We feel that the representations of your telegram in respect of the negotiation and signature of the proposed protocol present so many features parallel to those of the Lausanne Treaty<sup>1</sup> which have given rise to the recent discussions in your Parliament and our own, that the exact position cannot be too clearly understood or too carefully stated.

In your telegram you say:

Our present view is that the proposed protocol should be signed on behalf of all parties represented at the Conference and that separate signatures for the Dominions and India should be included.<sup>1</sup>

Elsewhere in the same message you say:

I thus find it difficult to give a definite answer to that part of your message which deals with the precise application of the principle of the resolution as to the negotiation, etc., of treaties, passed at the Imperial Conference last year, to the arrangements for representation at the Inter-Allied Conference.

and also:

I ought to tell you quite frankly that in the circumstances we do see the difficulties in arranging for a separate representative of all the Dominions and India if this should be desired.

If the proposed protocol is to be regarded as coming within the category of treaties negotiated at international conferences where there is a British Empire delegation, and if, as stated in your telegram of June 28th, the principles of the resolution as to the negotiation, etc., of treaties agreed to by the Imperial Conference, 1923, are to apply, there would in our opinion, from the wording of the resolution, appear to be no escape from the conclusion that the now established practice with respect to negotiation in such a case requires that the Dominions and India should be separately represented, and that the existing practice with respect to signature demands signature by plenipotentiaries on behalf of the Governments of the Empire represented at the Conference, the Full Powers to be in the form employed at Paris and Washington.

At Paris and Washington, Canada's representative held a full Power signed by His Majesty the King in the form of letters patent authorizing him to sign, "for, and in the name of His Majesty the King in respect of the Dominion of Canada", any treaties, conventions and agreements that might tend to the attainment of the object of the Conference, the Canadian Government having, by Order-in-Council, sanctioned the issuance of these Full Powers by His Majesty.

If the protocol is to be signed on behalf of Canada and the terms of the resolution of the Imperial Conference are to be followed, it will, we think, be necessary to have at the Conference a representative of Canada holding a Full Power signed by His Majesty the King in the form described, and sanctioned by Order-in-Council of our Government.

<sup>1</sup>Voir la 2<sup>e</sup> partie de ce chapitre.

<sup>1</sup>See Part 2 of this chapter.

We regret that it will not be possible for Canada to be represented at the preliminary meeting by a member of our cabinet who is wholly familiar with all the considerations of which we think full account should be taken and who might also serve as Canada's representative at the Inter-Allied Conference. As time, however, will not permit of this, I am to-day cabling our High Commissioner in London, the Honourable Peter C. Larkin, to represent our Dominion at the preliminary meeting which it is anticipated will be held on Thursday, and am instructing Mr. Larkin to present the point of view of our Government as herein set forth. I should be deeply obliged if you would have Mr. Larkin immediately supplied with copies of all the correspondence that has been exchanged between our respective Governments upon the subject of Canada's representation at the Inter-Allied Conference, including a copy of this message, in order that he may, in advance of the meeting, be made as familiar as possible therewith. Ends.

172.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 9, 1924

Following from my Prime Minister for your Prime Minister. Begins. On the Orders of the Day to-day a question was asked with respect to the Inter-Allied Conference, to which I replied intimating that I would bring its contents to the attention of His Majesty's Government with a view to ascertaining your wishes in the matter. I should be obliged if you would kindly indicate the reply which you wish me to make as from His Majesty's Government. The Question and Answer appear on Hansard as follows:

Mr. Jos. T. Shaw (West Calgary): Press despatches having indicated that Premier Ramsay MacDonald has issued a memorandum with reference to the proceedings at the proposed Conference regarding the Dawes Report, and that the French Press in discussing the memorandum has treated it as a formulation of British policy, I want to ask the Prime Minister the following questions: First, has the Government received such a memorandum? Second, will the Government lay on the table all the correspondence in connection with this matter? And lastly, if for any reason the Government is unable to table all the correspondence, will the memorandum referred to be tabled?

Rt. Hon. W. L. Mackenzie King (Prime Minister): The Government has not received a formal memorandum, but has received a communication from the Prime Minister of Great Britain, intimating the matters that would probably come before the Inter-Allied Conference. That communication is very similar in its contents to the memorandum to which I think the honourable member refers, and which I have seen quoted in the press. It was an intimation from the Prime Minister of Great Britain to the Government of Canada of the matters which would probably be discussed at the Inter-Allied Conference. There was,

however, a further communication, requesting that the Government should name a representative to meet with the representatives of the other British Dominions in conference with His Majesty's Government in London this week. The Conference, I believe, takes place to-morrow, and we have asked our High Commissioner, Mr. Larkin, to represent us at that preliminary conference, at which, I understand, the policy of the British Empire in this matter will be considered. Pending authority from the British Government, I should hesitate to place on the table any of the communications which have thus far been received, but I shall have pleasure in communicating to the British Government the request of the honourable member with a view to ascertaining their wishes in the circumstances. Ends.

173.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

TELEGRAM

Ottawa, July 11, 1924

PERSONAL AND CONFIDENTIAL. Inter-Allied Conference. Australia and New Zealand apparently willing to have British Minister represent them as in case of South Africa at Washington Disarmament Conference where Balfour signed for Great Britain and also for South Africa. MacDonald has mentioned possibility of British delegation having three main representatives: himself and Chancellor being two. Were Canada to be separately represented, as we feel we should be, possibly South Africa, Newfoundland and Ireland would agree to Canada's representative acting for them in same manner as it is proposed to have British Ministers act for Australia and New Zealand. This would maintain equality of status principle alike to appearances and in reality and might prove satisfactory to all concerned. Having taken position of separate representation from outset, we must continue to maintain it. New Zealand and Australia having agreed to British Minister acting for them with knowledge of our attitude, they could not possibly take exception to our continuing to press for separate representation. Remaining Dominions having either British Ministers or our representative act for them, would avoid the large representation which MacDonald seems to regard as embarrassing. I should not like to have this proposal put forward as coming from our Government, but to assist you in negotiating I desire to let you know that we would be prepared to agree to it should it be put forward by others or even tentatively by yourself.

MACKENZIE KING

174.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 11, 1924

SECRET. Following from Prime Minister for your Prime Minister. Begins. I have had full and frank talk at Conference with the High Commissioners for

Canada, Commonwealth of Australia, New Zealand, Irish Free State, and the Secretary of State for India, this afternoon Friday, and have explained to them in detail the difficulties which confront us in securing separate representation of the Dominions and India in the same manner as at Versailles and Washington.

It is of most urgent necessity(?) that the Dawes Report should be put into operation without delay, and that the Inter-Allied Conference, which is to deal with nothing but how this can be done, and is therefore not treaty making, should meet as fixed on July 16th.

Under the present arrangements delegations of each of the Chief Powers are to consist of three representatives, and even if we were in a position to negotiate an extension now, it could not be fixed up before next Wednesday. In view of the political and economic situation in Europe, that would mean that the Conference would be postponed indefinitely. This would destroy all chances of the Report being put into operation, with disastrous consequences to Europe and indeed the whole world. All that the British Government has striven for would be wrecked and any hope of obtaining financial results from the Treaty of Versailles would be gone. While Australia, if separate representation at the Conference is impossible, and New Zealand are prepared to be represented by a British Minister, instructions of the other High Commissioners present did not enable any definite recommendations to be made. It seemed, however, that the following arrangements were likely to meet the situation best:

(a) British Representatives to keep in continuous consultation with the High Commissioner or other representative(s) appointed by the Governments of the Dominions and India, during the course of the sittings of the Conference.

(b) Dominion Governments to be kept fully informed by telegraph of Conference proceedings.

I gave the High Commissioners present and the Secretary of State for India following assurance:

Whatever is agreed to now, under exceptional character, this Conference, will not be regarded or quoted as a precedent and a statement to that effect will be made by me to the Conference.

I am quite sure you will appreciate our difficulties, and do your best to help us. Please reply urgently.

I am sending this message to the Prime Ministers of Canada, Commonwealth of Australia and New Zealand, and to the President of the Executive Council of the Irish Free State. I am also repeating it to the Prime Minister of the Union of South Africa. Ramsay MacDonald. Ends.



175.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

TELEGRAM

London, July 12, 1924

Meeting took place yesterday and lasted three hours and half. Present: Prime Minister, Chancellor, Colonial Secretary, Secretary of State for India, High Commissioners for Canada, Australia, New Zealand, Irish Free State. Eventually Prime Minister read out cable which he sent to you summing up the difficulties in the way of Dominions representation. I pointed out that my instructions were definite on subject of Canada taking part in the conference and with the same status as that of other nations and that nothing else would be satisfactory. It was proposed that at the coming conference alterations should be made in the financial arrangements made at the Treaty of Versailles in which Canada took part. It was therefore unreasonable for anybody to object to us taking part in such alteration. Prime Minister replied: But we are dealing with facts and there is a strong objection on part of France to Great Britain and its Dominions being represented by a greater number than France itself is. I suggested then that Canada might be one of the three members of delegation accorded to Great Britain and Dominions. High Commissioner for New Zealand said he thought his Government might consent to be represented by myself, but High Commissioner for Australia would not subscribe to this, and the Free State High Commissioner would have to consult his Government. The trouble is, I think, that Australia would object strenuously to Canada being represented at the Conference by a Canadian unless she is also by an Australian. Have just received your telegram dated July eleventh. I tried everything you suggest in it yesterday. Will try again, but no other Government office except ours is open to-day and time is pressing, as there is only Monday and Tuesday before the conference. I hope still that Government will accept me as Canada's representative and override Australia.

LARKIN

176.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 13, 1924

Following from Prime Minister for your Prime Minister. Begins. Inter-Allied Conference. Your telegram July 11th was received yesterday, and contents carefully considered by Cabinet at meeting held during day. We are naturally most anxious to avoid any embarrassment to your Government, and it was with this end in view that when informed by you that Inter-Allied Conference came within scope 1923 Imperial Conference resolution and that in consequence we were being asked to send a representative to a preliminary conference between His Majesty's Government and the self-governing Dominions and India to arrange for representation at Inter-Allied Conference, we

deemed it advisable to anticipate the possibility of any misunderstanding by stating clearly our position with respect to representation in accordance with the terms of that Resolution. From the statements of your telegram of July 11th it would seem that the preliminary conference was not, as we had been led to believe, so much for the purpose of arranging for representation of the Dominions and India on a British Empire Delegation as for the purpose of informing the Dominions and India of what, in advance of consultation with their representatives, had been decided upon with respect to representation at the Inter-Allied Conference. This is precisely the procedure adopted with respect to representation at the Lausanne Conference to which exception has been taken, concerning which, we have been told, we should have spoken more plainly at the time, and which for many reasons, we had hoped would not be repeated. We regret that we are unable to acquiesce in this method of proceeding, or to depart from the position which we have consistently maintained of having Canada's right to representation at the Inter-Allied Conference determined in accordance with the precedents established at Versailles and Washington, and confirmed by the 1923 Conference Resolution which our Government has formally approved. With regard to possible objection by other countries we deem it sufficient to observe that the British Empire has an absolute right to determine its internal organization which in the relevant aspect has already received international recognition. In case the rules of procedure at the Inter-Allied Conference do not permit the entire British Empire Delegation to be present at the sessions of the Conference, we are quite prepared to agree that the representation at such sessions shall be determined from time to time by the Delegation, but we regard as essential to our signature to any protocol or other agreement negotiated at an international conference where there is a British Empire Delegation, representation of Canada on such delegation by a delegate holding full powers in the manner set forth in my previous telegram. In thus stating our position we feel that we are adopting the only course which will commend itself to our Parliament. Ends.

177.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 15, 1924

SECRET. Please communicate following very urgent message from me to your Prime Minister. Begins. In the unavoidable absence of the Prime Minister I had further meetings this morning with the High Commissioners for Canada, Commonwealth of Australia, New Zealand and Irish Free State. I read to them your message to the Prime Minister of July 13th and replies from the other Dominions which are being repeated to you separately. I am grateful for your suggestion that representation at the sessions of the Inter-Allied Conference should be determined from time to time by the British Empire Delegation which I interpret as meaning that you think the panel system (which will enable one Dominion representative to be present at the Sessions each day)

offers way out of the difficulty. This plan certainly seems the best means of meeting the position and I am prepared to take steps accordingly and to arrange for each Dominion representative to be furnished with the necessary full powers.

Please reply to-day in view of the opening of the Conference to-morrow. Ends.

178.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 15, 1924

PRIVATE. Prime Minister desires me to send you following message in reply to your communication of to-day. Begins. Re representation, Inter-Allied Conference. My understanding of your telegram just received is that you are agreeable to following, as respects Inter-Allied Conference which opens tomorrow, precedent of Paris Peace Conference with respect to representatives of self-governing Dominions on British Empire Delegation, and that procedure to be followed at Inter-Allied Conference as respects British Empire Delegation will be similar to that followed at Paris Peace Conference.

In accordance with this understanding, our Government has today passed Order-in-Council appointing the Honourable N. A. Belcourt as the representative of Canada at the Inter-Allied Conference and requesting issuance to him of the necessary full powers. Ends.

179.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 15, 1924

Following from Prime Minister for your Prime Minister. Begins. Your message of July 9th. There are really two questions involved. First, representation of the Dominions in connection with the Inter-Allied Conference; second, Agenda of the Conference. As to the first, would it not be best to defer the question of publication of papers till correspondence complete. As to the second, it is quite true that the first part of my message of June 28th contained the substance of the memorandum referred to in the question in the Canadian House of Commons, but as you know there have been later developments, which resulted in my visit to Paris and joint Anglo-French Note subsequently issued.<sup>1</sup> This was telegraphed by the Secretary of State for the Colonies, July 12th, and has been published. Ends.

<sup>1</sup>On trouvera la note dans les *Documents parlementaires*, 1924, n° 309.

<sup>1</sup>The Note is to be found in Canada, *Sessional Papers*, 1924, No. 309.

180.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 17, 1924

SECRET. Following for your Prime Minister. Begins. Your two messages of July 15th in regard to my message of the same day, were read at(?) further meeting with the High Commissioners to-day, at which Senator Belcourt was present.

In order to avoid any possibility of misunderstanding, I want to make it quite clear that the proposal in my message of July 15th was that the Canadian representative should attend the meetings of the Inter-Allied Conference under the panel system in rotation with the representatives of the other Dominions.

This procedure follows that at the Paris Peace Conference in so far as that Conference provided that such Delegation had the right to avail itself of the panel system, but is not in accordance with that part of the rules of the Paris Conference which provided for separate representation of the Dominions and India, in addition to the possibility of their inclusion, if so desired, in the representation of the British Empire by the panel system.

I feel bound to point this out before definite arrangements made for the representation of the Dominions, as I am not sure on reading your telegram whether this position was understood.

I hope very much that my proposal (which has already been accepted on behalf of Australia, New Zealand and India) may be carried out, it being understood of course, that the arrangement is a special one, and governed by the Prime Minister's assurance contained in my telegram dated July 11th.

You will also like to know that it can be arranged for representatives of the Dominions to be present at the meeting of the Inter-Allied Conference on the days when it is not their turn to sit as members of the British Empire Delegation. This will ensure that they are fully acquainted with all that goes on in conference.

PERSONAL. Unauthorised statements are appearing in the press here and I am most anxious that the matter should be settled at once, as otherwise an already complicated situation will become still more difficult. Ends.

181.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 17, 1924

PRIORITY. Following from my Prime Minister. Begins. In view of representations and assurances contained in your telegram just received, and in order to avoid as far as possible any embarrassment to His Majesty's Government in existing situation and to facilitate as far as may be in our power work

of the Inter-Allied Conference, our Government is prepared to accept your proposal of July 15th as interpreted in your telegram of today. I am advising our High Commissioner and Senator Belcourt accordingly.

In view of all the circumstances, and to avoid any possibility of exception being taken by any member of our Parliament to our action in thus accepting your proposal, we would like to be assured that there will be included in the protocol which our representative may be expected to sign a clause similar to that which formed part of the proposed Guarantee Treaty between the United Kingdom and France as follows:

The present protocol shall impose no obligation upon any of the Dominions of the British Empire unless and until it is approved by the Parliament of the Dominion concerned.

I might add that in any event it would have been an instruction to our representative to see that such clause was inserted. Message ends.

182.

*Le Premier ministre au Représentant canadien<sup>1</sup>*  
*Prime Minister to Canadian Representative<sup>1</sup>*

TELEGRAM

Ottawa, July 23, 1924

Referring to statement first paragraph section eleven Dawes Report as to inclusive nature of payments to be made by Germany, please inquire of British Ministers their understanding of allocation and priority of any such payments, so far as British Empire is concerned, and particularly relation between reparations payments and costs of armies of occupation, commissions of control and clearing house operations.

As regards reparations proper it is assumed percentages set in nineteen twenty-one Imperial Conference for distribution among parts of Empire stand.

MACKENZIE KING

183.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, August 5, 1924

SECRET. Following for your Prime Minister. Begins. As indicated in the Jurists Report telegraphed on July 28th, which was accepted by the Plenary Conference on the same day, three separate agreements are desirable for the purpose of putting the Dawes plan into operation. Of these only the second and third will be signed by the representatives of the Allied Governments. The first will be an agreement between the Reparation Commission and

<sup>1</sup>Le Sénateur N. A. Belcourt, qui représenta le Canada à la Conférence interalliée à Londres.

<sup>1</sup>Senator N. A. Belcourt, who represented Canada at the Inter-Allied Conference in London.

Germany<sup>1</sup>. The second will be between the Allied Governments and Germany, and will set out the measures to be taken by the former for restoring the economic unity of the Reich. The third will be Inter-Allied, and will provide for certain amendments being made to the Reparation Annex of the Treaty of Versailles, and will contain certain limitations on the right of the Allied Governments to impose sanctions on Germany.

As you will have gathered from the reports of the Committees already communicated to you by telegraph, it appears certain that neither the agreement between the Allied Governments and Germany nor the Inter-Allied Agreement will impose obligations, in any real sense of that term, on the Dominion Governments.

Further, in order that these agreements may become binding on the Powers concerned as soon as signed, not proposed to make them or the protocol referred to in the Jurists Report, instruments requiring ratification by the Heads of States or subject to the formal approval of Parliament.

In these circumstances clause suggested in message from the Prime Minister of Canada of July 17th (which was repeated to other Dominions), subsequently endorsed by the Prime Minister of the Union of South Africa, seems unnecessary and legal advisers to the Foreign Office deprecate its insertion on two grounds: firstly, that it would appear to have no practical application; secondly, that it would imply that when the Dominion Parliaments had approved, obligations would be imposed which, as explained above, would not be the case in any real sense. In these circumstances, I hope you and the other Prime Ministers, to whom I am sending similar message, will agree to the omission of the clause. Please reply urgently.

Secret and not for publication

Above message has been framed with a view to eventual publication if necessary but you will appreciate that further argument against the insertion of the clause is that it would encourage Governments like France and Belgium to demand in their case also approval of the Legislature should be condition precedent to bringing the Dawes plan into operation. We are most anxious that no such demand should be made, since the whole object of the Conference is to bring the plan into operation at once. Position of France and Belgium is quite different from that of Canada and the other Dominions, since in their case very heavy obligations are imposed by the Agreements. Ends.

184.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 5, 1924

SECRET. Following from my Prime Minister. Begins. In view of the assurances contained in your telegram of to-day as to absence of additional obli-

<sup>1</sup>Voir les *British and Foreign State Papers*, 1924, Vol. 120, pp. 549-562.

<sup>1</sup>See *British and Foreign State Papers*, 1924, Vol. 120, pp. 549-562.

gations in new agreement, and the other considerations advanced, Canadian Government agrees to omission of clause suggested in July 16th. Have already instructed Belcourt to this effect. Please convey to Prime Minister my hearty congratulations to himself and the other members of the Conference on the goodwill and skill displayed in bringing their momentous task to the successful issue which now seems assured. Ends.

185.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 9, 1924

CONFIDENTIAL. My telegram dated December 9th. United States Claim. Chancellor of the Exchequer proposes to invite High Commissioner to a meeting preparatory to conference of Allied Financial Ministers (see my telegram of October 15th) which will probably begin January 6th and contemplated attitude towards the United States claim will be further explained and discussed then.

186.

*Le sous-secrétaire d'État au Conseiller,*  
*ministère des Affaires extérieures*  
*Under-Secretary of State to Counsellor,*  
*Department of External Affairs*

Ottawa, December 23, 1924

Dear Dr. Skelton,

As arranged this afternoon, I am sending you herewith a Memorandum on Canadian claims for reparation. I hope it will be of assistance to you.

Yours truly,

THOMAS MULVEY

(PIÈCE JOINTE/ENCLOSURE)

*Mémorandum du sous-secrétaire d'État*  
*Memorandum by Under-Secretary of State*

Ottawa, December 23, 1924

## CANADA'S CLAIM FOR REPARATIONS

Under Article 231 of the Treaty of Versailles Germany accepted her responsibility and that of her allies for causing all the loss and damage to which the Allied and Associated Government[s] and their nationals have been subjected as a consequence of the war.

This amount was not determined by the Treaty, but left for assessment by the Reparation Commission under Article 233. No assessment was actually made, but the Reparation Commission determined in the finding of the 5th of May, 1921, as follows:

Germany will perform in the manner laid down in this schedule her obligations to pay the total fixed in accordance with Article 231, 232 and 233 of the Treaty of Versailles by the commission — viz., 132 milliards of gold marks less (a) the amount already paid on account of reparations; (b) sums which may from time to time be credited to Germany in respect of State properties in ceded territory, etc., and (c) any sums received from other enemy or ex-enemy Powers in respect of which the commission may decide that credits should be given to Germany, *plus* the amount of the Belgian debt to the Allies, the amounts of these deductions and additions to be determined later by the commission.

This superseded all the provisions for payments of reparations set out in the Treaty, with the exception of specific deliveries therein required to be made.

Under an agreement between the Allies, dated July 16, 1920, held at Spa (Cmd. 1615), the amount payable by Germany for reparation was apportioned between the Allies as provided by Article 237 of the Treaty, the British Empire to receive twenty-two per cent.

At a meeting of the Imperial Conference held on the 13th July 1921, the share payable to Canada of the twenty-two per cent, payable to the British Empire was fixed at 4.35 per cent. On this basis the amount payable to Canada is .957 per cent. of the total reparations payable by Germany.

It is unnecessary to pursue the discussions which took place prior to the London Conference of August last, at which the Dawes plan was adopted. That plan did not fix the amount ultimately payable by Germany, but determined the annuities payable year by year. The Dawes plan (Cmd. 2105 at page 35) makes it quite clear that the annuities provided by the plan comprise all the amounts for which Germany may be liable to the Allied and Associated Powers for the costs arising out of the war, including reparation, restitution, all costs of all armies of occupation and clearing house operations, together with all payments chargeable to Germany in any way under the Treaty.

Article 251 of the Treaty of Versailles provides for certain priorities or payments to be made by Germany as follows:

(a) The cost of the armies of occupation as defined under Article 249 during the Armistice and its extensions;

(b) The cost of any armies of occupation as defined under Article 249 after the coming into force of the present Treaty.

(c) The cost of reparation arising out of the present Treaty or any treaties or conventions supplementary thereto;

(d) The cost of all other obligations incumbent on Germany under the Armistice Conventions or under this Treaty or any treaties or conventions supplementary thereto.



In addition to this, the cost of the loan of eight hundred million gold marks, together with interest thereon, the cost of the various Commissions established under the Dawes plan, and other charges are also in priority to any payments made to the Allies, and this must be taken into consideration in determining the amount of the annuities which will be payable to Canada. These priorities are dealt with in the Harding-Niemeyer memorandum attached hereto<sup>1</sup>, and estimated deductions are made. No reference is however made to any priorities of the United Kingdom as against the Dominions. That there may be such priorities is quite possible. However no information on this point is obtainable. The discussions at the meeting of experts at Paris hereinafter referred to might give some light.

At the London Reparation Conference (Cmd. 2270, page 79) it was disclosed that a meeting of Finance Ministers of the Allied Governments was to be held for the purpose of considering the allocation of payments under the Dawes plan and the debit to the various Allies of the amount already paid by Germany as reparation under the Treaty.

The meeting of experts above referred to was held for the purpose of determining matters for the meeting of Finance Ministers, which could be agreed upon, matters in dispute being reserved for the meeting of Finance Ministers.

I submitted to the Honourable Mr. Larkin the propriety of Canada having an observer at this meeting of Experts so that Canada would have some knowledge of the development of the subject and an opportunity of protecting her interests. An official request was made by Mr. Larkin to the Colonial Office for the appointment of an observer and the subject was discussed with Sir Otto Niemeyer, K.C.B., of the British Treasury. He refused to permit an observer, but stated that full opportunity for discussion of the subject would be given when the representatives of the British Treasury returned from Paris. This meeting has not yet been held. I am expecting day by day to hear of it from the High Commissioner's Office. Niemeyer also promised to make an estimate of the amount available for Canada by the Dawes plan. A copy of his memorandum is attached hereto<sup>1</sup>. An analysis of this memorandum shows by its qualifications that little or nothing need be expected, although the estimated annual amount appears quite large. I particularly wish to refer to paragraph 8, from which there is a direct implication that Canada is not to participate in deliveries in kind or in amounts realized under the Reparations Recovery Act.

The German Reparations Recovery Act. 11 George V., Ch. 5, was passed in the year 1921, and assented to on the 24th of March of that year. It provides that a British importer of German goods should not pay the full cost thereof to the German exporter, but that an amount limited to fifty per cent. should be paid to the Commissioners of Customs and Excise, to be credited to reparations. Subsequently there was an agreement between Germany and the United Kingdom under which Germany agreed to recoup the German

<sup>1</sup>Non reproduct.

<sup>1</sup>Not printed.

exporter to the extent of the amount deducted from the bill. The sums realized from this source were as follows:

From 1st April 1921, to 31st March 1922	£ 3,680,000
“ 1922, “ 1923	7,476,000
“ 1923, “ 1924	8,163,800
Total	19,319,800

Payments out of this fund to His Majesty's Exchequer on account of the costs of the British Army of Occupation were as follows:

From 1st April 1921, to 31st March 1922	£ 3,104,000
“ 1922, “ 1923	1,703,440
“ 1923, “ 1924	437,715.6.9
Total	5,245,155.6.9

A statement in the *London Daily Telegraph* of the 4th December, 1924, indicates that it is anticipated that the Reparations Recovery Act will yield during this month nineteen million gold marks or nearly half the balance of the German monthly instalment when all the various prior charges have been met. That is more than the British share according to the Spa percentage.

If Canada is not to participate in the product of the German Reparations Recovery Act, nor in deliveries in kind, nothing whatever will be forthcoming to her. The total amount payable to the United Kingdom will be fully made up of receipts under the Recovery Act and payments in kind.

It is submitted that this is a very serious matter. It has not been discussed with the Home Authorities. No satisfactory statement of the Canadian position has been forthcoming.

With respect to the dispute between the United Kingdom and the United States, it appears to have been commenced at the London Reparation Conference of August last. The attitude of the United States is fully set out in a letter from the American Ambassador to the Secretary of the Conference, dated August 5th 1923, (Cmd. 2270, page 196). This letter was discussed at the meeting of the Conference on the 12th August, (Cmd. 2270, pages 70-82). Involved in the position taken by the United Kingdom was her demand that the United States should utilize the proceeds of German private property sequestered in the United States, for the purpose of paying claims arising out of the First Annex to Part VIII Section 1 of the Treaty, — Reparations for injuries sustained by the civil population. The policy of Canada with respect to dealing with German private property sequestered in Canada has not been considered nor discussed, and of course no decision has been reached. This property may or may not be returned to the owners. The policy of the United Kingdom may not be that which Canada, in her own interests, should follow. This question should be considered from the financial interest of Canada alone, and that interest is very considerably different from that of Great

Britain. If, however, Canada supports the United Kingdom in a demand that the sequestered property should be retained in the United States, a serious embarrassment might arise in Canada dealing with this subject at a future date.

THOMAS MULVEY

187.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 28, 1924

With reference to your telegram of December 9th stating that Chancellor of Exchequer proposes to invite High Commissioner to meeting preparatory to Conference of Allied Financial Ministers in Paris, my Ministers, without prejudice to question of method of participation in reparation conferences, have requested High Commissioner to accept this invitation and are communicating to him some considerations on the questions involved.

188.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

TELEGRAM

Ottawa, December 28, 1924

We have cabled Colonial Secretary expressing concurrence in suggestion of meeting of High Commissioner with Chancellor of Exchequer preliminary to meeting of Allied Finance Ministers in Paris, without prejudice to question of more direct Canadian participation in reparations conferences. As to United States claim, while its position is somewhat inconsistent and open to criticism from standpoint of legality, it would appear entitled on grounds of equity to a share in reparations covering proved wartime damages to person or property. If as intimated United States is willing to spread out receipts over long period and to accept annual sum covering both army occupation costs to which its right is admitted and damage claims, there does not appear any important practical objection in view of uncertainty as to any payments by Germany at end of each period. Further the political advantage of having United States concerned in collection of German reparations seems of some weight. As to requiring United States to look to assets in its possession in form of sequestered enemy property in United States, since neither present nor previous Canadian Government has come to any decision or even discussed question as to what action we should take eventually as to sequestered private property in Canada, we do not feel able to take any stand on similar question in United States.

More directly important to Canada is question where Canadian share is to come from. Harding-Niemeyer memorandum of November sixth intimates paragraph eight no cash receipts for Dominions in any year in which British

reparations receipts are entirely derived from deliveries in kind including Reparations Recovery Act proceeds. If Allies take shares in kind assume that their army occupation costs will be charged against these sums and that such shares will not exceed in value their percentages under Spa Agreement. If whole percentage of British Empire secured by Great Britain under Reparations Recovery Act as press reports suggest, question arises as to distribution of this sum and as to other possible sources of Dominion receipts. We consider it desirable to request British Government to state position as to share of Dominions in past and future British Empire receipts.

189.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

TELEGRAM

London, December 30, 1924

Your cable twenty-ninth regarding reparations meeting with Chancellor and instructions noted. After much correspondence and several interviews with Treasury prior to receipt your cable, also interview yesterday, submit following for your information: Niemeyer memorandum November sixth only stated position resulting from present method of dealing with deliveries in kind and proceeds Recovery Act. Treasury now admit responsibility to Dominions and acknowledge accountability to them for value of receipts represented by deliveries in kind and proceeds Recovery Act. With regard to balance on reparation account distributable in Spa percentages, it is agreed with Treasury that following principle is to be followed: General reparation account of Allies to be charged with all costs of every kind, including costs of Allied armies of occupation before balance for distribution is struck, and consequently Canada entitled to receive 4.35 percent of 22 percent received by British Empire. Meeting Chancellor noon 2nd January. Writing fully.

LARKIN

190.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

TELEGRAM

London, March 11, 1925

We can get from Treasury one hundred thirty-five thousand Pounds on account annuities under Dawes Plan accompanied by a letter from Treasury stipulating conditions for this and future payments. Have refused to accept their conditions but they agree to our suggestion to pay now and refer conditions to you the whole without prejudice. Request be informed to what account payment should be made.

LARKIN

191.

*Mémoire du sous-secrétaire d'État aux Affaires extérieures  
au Premier ministre*

*Memorandum from Under-Secretary of State for External Affairs  
to Prime Minister*

Ottawa, April 2, 1925

## INTER-ALLIED CONFERENCE AND REPARATIONS

## 1. The London Conference

The London Conference, July-August, 1924, was the most important international gathering since the Treaty of Versailles was signed. The excellent technical preparations made by the Experts' or Dawes Committee, the favourable political situation in Britain, France, and Germany, and the exhaustion of other methods of settlement, paved the way for agreement.

The purpose of the Conference was to decide as to acceptance of the Dawes plan, to devise machinery for carrying it out, and to secure the assent of Germany, since the plan involved action on Germany's part not specifically provided for in the Treaty of Versailles. Agreement was eventually reached on a programme of which the following are the essential parts:

(a) *On Germany's part:* Germany agreed to set up a new gold bank with control of note issue; and to pay to the agents of the Allies in Berlin annual sums ranging from \$250,000,000 in 1924-5 to \$625,000,000 in 1928-9, with additions to be made thereafter in accordance with a prosperity index; this amount to cover all treaty charges, costs of armies of occupation, expenses of control commissions, etc., as well as reparations; and further, to pledge definite sources of revenue, railway surplus, a capital levy on industry, and, after a two years' budget moratorium, certain taxes.

(b) *Allies' part:* The Allied Governments undertook the task of sending out of Germany, in cash, securities, credits, or goods, the sums paid in to their credit, creating for this purpose a Transfer Committee to operate in Berlin. They agreed to give priority to a loan of \$200,000,000, to be floated by international bankers, to Germany, to aid in setting up the new bank and making the first year's payments. They also provided for arbitration in case of differences of opinion among the Allies at any time in future as to whether Germany was in default.

(c) France and Belgium further agreed to withdraw from the occupation of the Ruhr within a year, provided the plan was carried out.

(d) The international loan was floated successfully, Germany passed the necessary legislation, the Transfer Committee has been set up, and Germany has made punctually the payments thus far required.

The new settlement cannot be considered final. The framers of the Dawes plan themselves admit it will require revision in the light of experience. But it is the most practical and reasonable attempt yet made to deal with the Reparations issue, and it has done much already to give a breathing-space and stability to Europe and to lessen political friction.

## 2. Dominion Participation

Canada was represented by a plenipotentiary, appointed by Canadian Order in Council, and granted Full Powers by the King.

Our representation in the Conference did not fully accord with the Paris precedent or with the provisions of the 1923 Imperial Conference Resolution, which would have involved distinct and continuous membership of Conference on the part of each Dominion. The plan adopted was a panel system, under which the representatives of the Dominions took part in the Conference in turn as members of the British Empire Delegation, while representatives of Great Britain were present at all meetings. This arrangement, while not satisfactory, was accepted in view of representations that any other plan would involve delay and perhaps indefinite postponement, and on the understanding, which was announced to the full Conference, that it was not to constitute a precedent.

Senator Belcourt took part in the discussions under this agreement.

## 3. Paris Meeting of Allied Finance Ministers, January 1925

This meeting was held to secure an accounting of receipts by the various Allies, to arrange for priority of payments under the Dawes plan, and to consider the United States claim for a share of the Dawes payments. The Dominions were not invited to participate, and the Canadian Government did not consider it necessary to seek representation, particularly as the discussion was to cover a number of questions in which Canada was not directly concerned. Before the Conference, the British Chancellor of the Exchequer and the High Commissioners met in London to discuss some of the questions which were to come up, and also the question of the distribution of the British Empire share of reparations.

## 4. Canada's Share in Reparations Payments

The Dawes annuities will comprise all the payments to be made by Germany to the Allied and Associated Powers. These total annual payments are to be approximately as follows:

	Gold Marks	\$
1924-5: .....	1,000,000,000	250,000,000
1925-6: .....	1,220,000,000	305,000,000
1926-7: .....	1,200,000,000	300,000,000
1927-8: .....	1,750,000,000	437,500,000
1928-9: .....	2,500,000,000	625,000,000
Following Years: .....	2,500,000,000	
	and prosperity index supplement.	

As first charges on these payments there come:

- (1) Service of German external loan.
- (2) Cost of Reparation Commission, Rhineland Commission, Commission of Control.
- (3) Cost of armies of occupation (now amounts to \$65,000,000 to \$75,000,000 a year, but not more than \$40,000,000 is to be charged to the Dawes annuity).
- (4) Arrears of French and British army costs.

The balance available for reparations proper out of the first annuity (Sept. 1, 1924, to Aug. 31, 1925) is estimated by the British Treasury to be about \$175,000,000. Of this 1% goes to Restitution, 5% to Belgian War Debt, and 2½% to United States Reparations claims and army costs, leaving about \$160,000,000 to be divided according to the Spa percentages. The British Empire's share will be 22%, or approximately \$35,000,000 and Canada's share in turn will be 4.35% of this, or approximately \$1,500,000. This amount will increase each year.

The question of Canada's share in the Reparations received by Great Britain on behalf of the British Empire was raised in cable communications from the Prime Minister to the High Commissioner and Senator Belcourt in July and August, 1924, and has since been followed up by the High Commissioner.

On February 25, 1925, the High Commissioner formally requested distribution of the amount received by Great Britain, September 1, 1924 to January 31, 1925, under the Dawes plan.

On March 10, the Treasury replied, stating:

1. That distribution of the reparation receipts before September 1, 1924, could not be made until the Reparation Commission had drawn up full accounts.

2. That it was proposed to make distribution of current receipts, as of January 31, August 31, November 30 and quarterly thereafter.

3. That as to net balances from liquidation of enemy private property:

- (1) if it is agreed eventually by the Allies to charge these against the "C" bonds (the third or fourth mortgage on Germany), no account to be given for balances retained; (2) if not, account to be taken of these balances, as between the different parts of the Empire, and any part receiving more than its share of reparation receipts to make refund in cash.

The High Commissioner declined to accept these conditions, without instruction, and it was agreed to accept the £135,000 offered by the Treasury

on account, without prejudice, and to refer the conditions to the Canadian Government. The High Commissioner further raises the question (March 12) whether certain arrears of army costs and Belgian debt payment should be deducted from the British Empire share or from Great Britain's share.

It will be necessary to give the High Commissioner definite instructions on these points shortly.

192.

*Le secrétaire, Haut commissariat, au sous-secrétaire d'État  
aux Affaires extérieures*

*Secretary, Office of the High Commissioner, to Under-Secretary  
of State for External Affairs*

Dear Dr. Skelton,

London, September 14, 1925

The Prime Minister cabled to the High Commissioner under date of the 4th July last, as follows:

Further my cable March thirteen re Canada share Reparations owing to pressure parliamentary business we have been unable to go fully into matter. Minister of Finance is inclined to think your stand the proper one but requires time to have the matter investigated in order to build up argument in support of your contention. Therefore accept further payments only on basis my cable March thirteen and keep points in dispute open for decision later. Please write further giving history and explanation of items of deduction to which you object and argument on which you base your objection.

Arising out of this message I beg to report that I have made it perfectly clear to H.M. Treasury that the payments received on account of the Dawes Annuities are accepted by Canada, without prejudice as to subsequent discussion on matters arising out of H.M. Treasury's letter of 10th March, 1925.

I referred this cable to Reid Hyde and asked him to submit a memorandum as to points under dispute, with a view to acquainting the Finance Department with the position as seen from this side and upon which, if deemed advisable, to prepare an argument on which to base objection.

To this end, I have just received the attached Memorandum, which I now submit — together with a second copy — for your information and await instructions.

Yours faithfully,

LUCIEN PACAUD



[PIÈCE JOINTE / ENCLOSURE]

*Mémoire pour le Secrétaire**Memorandum for Secretary*

London, September 12, 1925

## RE REPARATIONS

...

My observations are as follows.

Reference should be made to the High Commissioner's letter to the Prime Minister dated 12th March, 1925, where it is suggested that H.M. Treasury has increased "priority" charge to its own advantage. It may be difficult to maintain the argument that the Dominions are not responsible for a share in current Army of Occupation costs when it has to be admitted that the Dominions have been paid the entire cost of maintaining their forces when employed on "occupation" duties; hence, it may be policy to defer for the time being the objection to this item being shown as charge against the Empire.

In regard to "priority" charges under Articles 2b. 4. and 21 of CMD. Paper 2339 — this must form the subject of further discussion when the accounts are finally adjusted between H.M. Treasury and the Reparation Commission.

DAWES ANNUITIES. (Distribution beginning 1st September, 1924). The matter was discussed to-day with Waley of H.M. Treasury as to certain aspects of the statement rendered by the Treasury and supporting quarterly payments to Dominions. Allies, under the Treaty, are entitled to "costs of Armies of Occupation" as a prior charge on Germany.

...

REPARATIONS. (Payments receipts by Allies prior to 1st September 1924). Waley of H.M. Treasury reported that Reparation Commission was making progress with account showing net Reparation receipts of each Power concerned as at 1st September, 1924.

He gave it as his opinion that the statement would be finished by the 31st December, 1925, and intimated that any distribution arising therefrom could be made before the 31st March, 1926 or the end of the current fiscal year 1924-25.

He explained that slow progress was due to difficulties with Italy, France and Belgium as to their accounting methods regarding "reparations" made as "Deliveries in kind" but observed that the situation was clearing from week to week.

It is impossible to estimate the value of Canada's share at present, but the situation is being followed closely and as soon as the Empire share is approximated we may be able to get information upon which to work out an estimation.

J. R[EID] H[YDE]

## PARTIE 4 / PART 4

CONFÉRENCE DE GÈNES  
GENOA CONFERENCE

193.

*L'ambassadeur d'Italie en Grande-Bretagne au Premier ministre*  
*Ambassador of Italy in Britain to Prime Minister*

Your Excellency,

London, January 21, 1922

In accordance with the resolution of the Supreme Council, dated January 6th,<sup>1</sup> and by order of my Government I have the honour to invite the Government of the Dominion of Canada to the Economic and Financial Conference which will take place at Genoa on the 8th of March 1922.

I shall be extremely obliged to your Excellency if you will let me know the names of the delegates appointed by your Government to the above said Conference as well as those of the members of their staff.

I have etc.

G. DE MARTINO

194.

*Le Premier ministre à l'ambassadeur d'Italie en Grande-Bretagne*  
*Prime Minister to Ambassador of Italy in Britain*

Your Excellency,

Ottawa, February 20, 1922

I have the honour to acknowledge the receipt of Your Excellency's letter of the 21st January last, extending on behalf of the Italian Government an invitation to the Government of Canada to be represented at the Economic and Financial Conference which is to take place at Genoa on the 8th March next.

The Canadian Government have much pleasure in accepting this invitation, and have appointed Sir Charles Blair Gordon, G.B.E., and Professor Edouard Montpetit, K.C., LL.D., to represent them at the Conference. The names of the members of their staff will be communicated to you later.

I have etc.

W. L. MACKENZIE KING

195.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

Dear Sir Charles Gordon,

Ottawa, February 20, 1922

I have today sent you a formal letter notifying you of your appointment as a Canadian Delegate to the Economic and Financial Conference summoned

<sup>1</sup>On trouvera les résolutions adoptées par le Conseil suprême à Cannes dans les *Débats, Chambre des communes*, 1922, Vol. I, pp. 869-871.

<sup>1</sup>The Resolutions adopted by the Supreme Council at Cannes are to be found in *Debates, House of Commons*, 1922, Vol. I, pp. 869-871.

to meet at Genoa on the 8th March next. A similar letter has been sent to Professor Montpetit. The order in which your names appear in these letters and in the Minute of Council is designed to indicate the intention of the Government that you should act as head of the Canadian Delegation.

As indicated in that letter a Minute of Council will be passed advising His Majesty the King to issue a formal Full Power both to yourself and to Professor Montpetit. Possibly this document will be ready for you when you reach London, but it is more probable that it will not actually reach you until some time after your arrival in Genoa. In any case, until the arrival of this Full Power, the formal letter I have sent you will for all practical purposes constitute your sufficient credentials.

It seems probable that the results of the Conference will take the form of treaties, or other formal documents, for signature by the various delegates, and therefore in each case the question of signing on behalf of Canada will have to be considered. For this purpose I should be glad if before signing you would inform me by telegraph of the substance of any proposed treaty, agreement, or declaration in order that the Government may consider their position and send you appropriate instructions. In this connection also it would be advisable for you to send me during the Conference interim reports recording the progress of the work and the results achieved. After the conclusion of the Conference a final report should be submitted embodying and explaining the agreements reached and summing up the work of the Conference. These are simply indications of the usual governmental practice followed in respect of such conferences, but I have thought it well to set them out here for your convenience.

I am enclosing herewith for your information a copy of a secret despatch of January 19 (No. 23)<sup>1</sup> from the Secretary of State for the Colonies which contains certain documents relating to the Conference, among them being the draft programme adopted for the Conference. I need hardly say that this is sent to you in strict confidence.

I am enclosing also a copy of the Report of the International Financial Conference held at Brussels from September 24th to October 8th, 1920, under the auspices of the League of Nations. This document may be of assistance to you in connection with your work.

It is unlikely that much further material will arrive from the other side before your departure, and you will probably therefore find it advisable to collect information in London on your way to Genoa. For this purpose I suggest that you ask the High Commissioner's Office to put you in touch with Sir Maurice Hankey, the Secretary to the Cabinet, at 2 Whitehall Gardens, who will be able to supply you with the necessary information and documents.

Yours faithfully,

W. L. MACKENZIE KING

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

196.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

My Dear Sir Charles Gordon,

Ottawa, March 28, 1922

The Government have been considering their views as to the general attitude that you and Professor Montpetit should adopt as Canadian Delegates to the Genoa Conference. We feel that you should not actively intervene in questions that are of purely European concern, but that you should interest yourselves in such questions as are of economic concern to Canada. It is difficult to give any more precise definition but this indication will serve as a guide to your action, and you will I am sure be able to determine its application as the various questions arise.<sup>1</sup>

Yours faithfully,

W. L. MACKENZIE KING

197.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

TELEGRAM 5

Genoa, April 25, 1922

As recommended by Financial Commission of this Conference Bank of England to invite representatives central banks of issue and U.S. Federal Reserve Bank to attend international convention in London for co-operation currency reform exchange adjustment and regulation credit policy. Although no Central Bank in Canada Finance Department and Bankers Association perform such functions and may wish be represented suggest you be prepared nominate representative as we will propose Bank England invite Canada.

GORDON

198.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

TELEGRAM

Ottawa, May 31, 1922

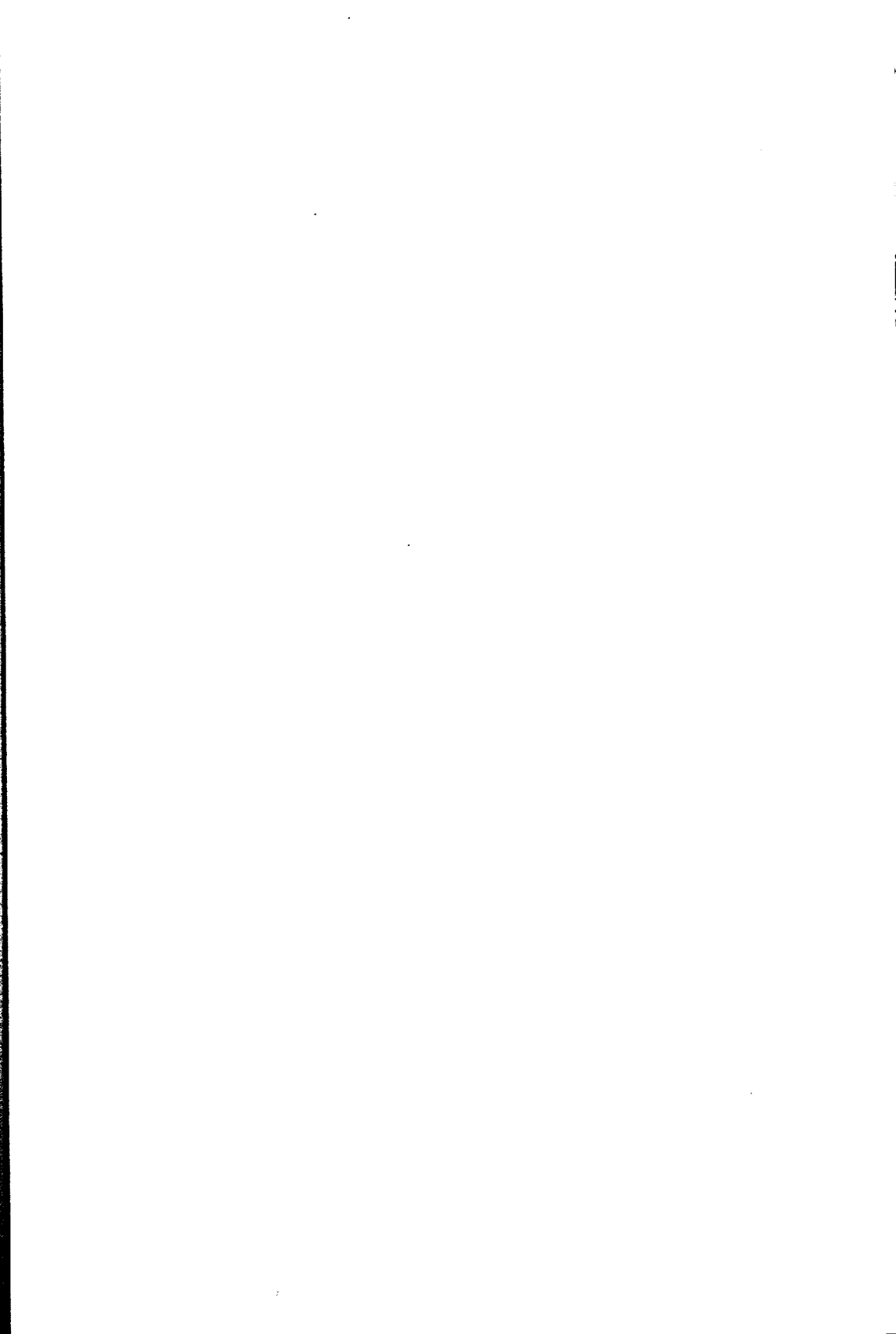
For Sir Charles Gordon. As regards Conference of Central Banks colleagues in Council of opinion that as Conference pertains primarily to banking matters the invitation of the Bank of England referred to in previous cable from you should if extended be addressed to Bankers Association for such action as Canadian Banks may desire to take but that it is not advisable for the

<sup>1</sup>La conférence de Gênes, en avril et mai 1922, fut suivie par une autre conférence à La Haye qui débuta le 15 juin 1922. On trouvera le rapport des Délégués canadiens dans les *Documents parlementaires*, 1923, n° 35.

<sup>1</sup>The conference at Genoa in April and May, 1922, was followed by a further conference at The Hague which began on June 15, 1922. For the report of the Canadian delegates, see Canada, *Sessional Papers*, 1923, No. 35.

Canadian Government or any Department thereof to be officially represented at the Conference. Regarding proposed international corporation Council of the opinion that final decision as to what part if any Canada should take had better be left until after opportunity of personal conference upon your return with Professor Montpetit and yourself. Quite impossible without much fuller information than that available from documents mailed to approve of organization of national corporation by Canada.

MACKENZIE KING



CHAPITRE III / CHAPTER III  
RELATIONS IMPÉRIALES  
IMPERIAL RELATIONS

- |                                      |                                   |
|--------------------------------------|-----------------------------------|
| 1. Conférence des Premiers ministres | 1. Prime Ministers' Conference    |
| 2. Conférence impériale, 1923        | 2. Imperial Conference, 1923      |
| 3. Coopération économique            | 3. Imperial Economic Co-operation |
| 4. Coopération en matière de défense | 4. Imperial Defence Co-operation  |
| 5. Rapports constitutionnels         | 5. Constitutional Relationship    |

PARTIE 1 / PART I

CONFÉRENCE DES PREMIERS MINISTRES, 1921  
PRIME MINISTERS' CONFERENCE, 1921

199.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

TELEGRAM P. 458

London, November 7, 1919

CONFIDENTIAL. Even here good many people seem sympathetic towards suggestion next Imperial Conference discuss Empire relations might be held at Ottawa. This idea appeals to me, not only from point view our own Dominion, but also as likely bring home to everyone concerned the reality of our Empire. Probably you have already considered advisability sending invitation this effect to British Government, but if not am making this suggestion in hope you may consider it.

PERLEY

200.

*Le Haut commissaire au Premier ministre par intérim*  
*High Commissioner to Acting Prime Minister*

CONFIDENTIAL

London, January 30, 1920

Dear Mr. Rowell,

A few days ago I received your confidential letter of the 7th instant in regard to the next meeting of the Imperial Conference and I at once took the matter up personally and by letter with Colonel Amery who is acting as Colonial Secretary during Lord Milner's absence. We talked the matter over again yesterday after he had seen the Prime Minister and I asked him to put

the position in writing which he has now done in his letter of this date of which I am enclosing a copy.

I judge that if nothing unforeseen occurs in the interval Colonel Amery would be prepared to sound the other Dominions by cable if he received an intimation that the Canadian Government would like to have the meeting, as proposed for next Autumn, held in Ottawa.

If the Canadian Government decides to extend an invitation to have the meeting held in Ottawa it will of course take some time for the Colonial Office to obtain the views of the other Dominions and to make the necessary arrangements so that Colonel Amery is anxious to be advised of your decision at as an early date as possible.

I would therefore ask you to be good enough to let me have a cable on the subject after you receive this and also to let me know whether there is anything further that you wish me to do about it.

Yours sincerely,

GEORGE H. PERLEY

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire aux Colonies par intérim au Haut commissaire*  
*Acting Colonial Secretary to High Commissioner*

PRIVATE

Downing Street, January 30, 1920

My dear Perley,

I have had an opportunity of ascertaining the Prime Minister's views on the points raised in your personal letter of the 24th instant. In view of the inevitable preoccupation both of the public and of parliaments all over the Empire with urgent problems of resettlement and reconstruction, he doubts if the Special Constitutional Conference contemplated in Resolution IX of the Imperial War Conference of 1917<sup>1</sup> could be held with any advantage before next year. On the other hand, he does feel that there are many matters of Imperial consequence — I need only mention the position with regard to the League of Nations, the question of the renewal in 1921 of the Anglo-Japanese treaty, the situation in Russia and the Near East, as instances, not to speak of matters of inter-Imperial concern — which make it very desirable that the Prime Ministers of the Empire should meet again in the course of the present year. This would, in fact, only be in accordance with the conclusions arrived at in 1917 as to the desirability of the Imperial Cabinet and Conference meeting annually. The Prime Minister is much attracted by the suggestion that this meeting should take place in Ottawa in the early autumn, and if such an idea proves to be practicable on other grounds and convenient to all concerned, he personally will be very ready to go there. But he does not feel in a position to commit himself in any way at present, for the international and

<sup>1</sup>Vol. 1, Doc. 476.



the internal situation may make it impossible for him to leave this country for some weeks at that time. He is very willing, however, to sound his colleagues in the other Dominions as to how far such an arrangement would suit them. Will you let me know what you think? Obviously no public announcement of any kind can be made till it becomes possible to make definite decisions.

Yours sincerely,

L. S. AMERY

201.

*Le Premier ministre par intérim au Haut commissaire*  
*Acting Prime Minister to High Commissioner*

TELEGRAM

Ottawa, February 23, 1920

Have submitted your letter thirtieth January and your cable nineteenth instant to Council. You are authorized on behalf of the Government very cordially to invite the Imperial Conference to hold its next meeting at Ottawa. October the date suggested would be suitable. I deem it essential in view of important matters to be considered that Mr. Lloyd George should attend. Will send formal invitation through usual official channel if you consider it desirable.

ROWELL

202.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 28, 1920

SECRET. With reference to recent correspondence between Rowell and Perley, will you please inform your Acting Prime Minister that Prime Minister of the United Kingdom has been in communication with Prime Ministers of Commonwealth of Australia, Union of South Africa and New Zealand regarding suggestion made by Government of Canada that next meeting this year of Imperial Cabinet and Imperial Conference should be held at Ottawa.

It is shown from the replies received that other Prime Ministers see insuperable difficulties in holding any meeting this year, and Prime Minister of the Commonwealth of Australia most anxious that meeting of Imperial Cabinet next year should take place in London.

There seems, on the other hand, general agreement that it is most desirable to hold next year special constitutional conference agreed upon under Resolution 9 of Imperial War Conference, 1917. Union of South Africa and, we gather, New Zealand would be prepared to accept Ottawa as place for meeting of this Conference, and it is possible that objection of Australia to above mentioned proposal may not apply to place of meeting of special conference and in any case might be overcome.

It seems clear in these circumstances firstly that no meeting of Imperial Cabinet can be held this year, and secondly that if possible meeting of Imperial Cabinet and also of special Constitutional Conference should take place next year.

His Majesty's Government hope that invitation of Canadian Government that meeting should take place at Ottawa may be kept open, but question of place for meetings of both Cabinet and special Conference must remain undecided for the moment.

MILNER

203.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 24, 1920

SECRET. Anglo-Japanese Alliance. With reference to my despatch Dominions No. 197 of May 10th and other secret communications regarding renewal of Anglo-Japanese Alliance, text of declaration which Japanese Government and His Majesty's Government proposed to address to League of Nations, is as follows:

British Government and Japanese Government have come to the conclusion that Anglo-Japanese Agreement of July 13th 1911 now existing between their two countries though in harmony with spirit of Covenant of League of Nations is not entirely consistent with the letter of that Covenant which both Governments earnestly desire to respect.

They accordingly have (?) jointly to inform League that they recognise the principle that if said agreement be continued after July 1921 it must be in a form which is not inconsistent with that Covenant.

This declaration, your Ministers will observe, does not commit us to renew alliance in this or any other form. In view of terms of second paragraph of Article 20 of Covenant League of Nations and Article 6 of Anglo-Japanese Agreement of 1911 notice must be given before July 13th next. It was the intention of His Majesty's Government to bring the whole question of renewal of the Alliance before British Empire Delegation, see my telegram May 12th, but owing to nonrepresentation of South Africa and Australia this procedure not now practicable.

MILNER

204.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 29, 1920

SECRET. Your secret telegram June 24th respecting Anglo-Japanese Alliance. The Canadian Government see no objection to the proposed course of action.

DEVONSHIRE

205.

*Le secrétaire aux Colonies au Premier ministre*  
*Colonial Secretary to Prime Minister*

PRIVATE AND CONFIDENTIAL

London, October 4, 1920

My dear Mr. Meighen,

Ever since your accession to your present high office I have been very anxious to write to you about several matters, which are rather "at a loose end" between this Government and those of Canada and the other Dominions. But I did not like to trouble you, when I knew your hands must be very full, and I have myself been so busy, that it has been difficult to find time to deal with questions, which it is unfortunately impossible to discuss without entering into somewhat lengthy explanations.

Let me say at once that what follows is simply the expression of my personal opinion. I am writing without consultation with my colleagues, and not in any official capacity, but simply as an individual, deeply interested in the question of the relations between the Mother Country and the Dominions, and anxious to contribute what little he can to the elucidation of a subject, which in one form or another, and from more than one angle, I have been compelled to reflect upon for many years. I am sure you will forgive me for this intrusion, and sympathise with the object I have in view, even if you do not altogether share my views. For that object is simply to do what I can to promote the harmonious coöperation of the different States of the Empire in the defence of the great interests which they have in common.

I see from a telegram from your Government dated August 31st, of which for your convenience I enclose a copy, that the Government of Canada are "doubtful whether the proposed constitutional Conference can with advantage be held *New Year*", which I take to mean that in their opinion it should be deferred at least till 1922. The reason given is that the issues to be discussed are of such importance, that more time must be allowed for their preliminary discussion in Parliament and in the Press.

Now I entirely share the view that it would be most undesirable for the States of the Empire to engage in such a Conference until all parties had had plenty of time to consider, what they wished to achieve at it. At present, though the necessity of such a Conference is, I believe, generally recognised and though it has always been assumed that it would meet in 1921, very few people seem to have considered what they want it for, or even what are the precise problems with which it will have to deal. Neither has much thought been given to its composition. If I remember rightly, Sir Robert Borden has expressed the view, that the several States should be represented not merely by members of their Governments but by some men of all parties, that there should, so to speak, be a national and not merely an official delegation from each country. In that view I entirely concur. But it is evident that, before summoning the Conference, there must be some clear understanding upon this vital point, as well as on the nature of the Agenda.

A full-blown Constitutional Conference to regulate the future relations of the States of the Empire may, for these reasons, not be immediately practicable. But meanwhile questions are constantly arising, especially in connection with the League of Nations, which vitally affect the relations of the Mother Country, and the Dominions. I would cite, as one instance — I could give several others — the point raised in a report of the Privy Council of Canada of 26th April last — transmitted to the Colonial Office in a despatch from Ottawa (No. 294) of May 1st. The question there asked is, whether the British representative on the Council of the League of Nations ought to have been appointed, as he in fact was, without consultation with the Dominions? That question has so far remained unanswered, not certainly because its importance is not fully recognised. But this, and similar questions, are very difficult to discuss, much more to settle, by telegrams and despatches passing hither and thither between five several Governments. And yet, remaining unsettled, they may lead to quite unnecessary misunderstanding, and even friction. On the other hand, there would not, I think, be any difficulty in arriving at a solution of them, if they could be discussed round a table by the leading men of the several States.

This leads me to ask myself, whether there is not some *via media* between holding a full-blown Constitutional Conference and leaving a number of matters of great practical and immediate importance at sixes and sevens until such a conference can be held?

Recent experience appears to indicate such a *via media*. Assuming that, for the reasons already given, the meeting of a Constitutional Conference in the near future is neither practicable nor desirable, the same objections do not seem to me to apply to a reasonably early meeting of a body composed on the same lines as the "Imperial War Cabinet" and, what was virtually identical with it, the "British Empire Delegation" in Paris. It is true that to call such a body an "Imperial Cabinet", is something of a misnomer. The phrase suggests an Executive Body having supreme authority over every part of the Empire. But the "Imperial War Cabinet" was not a body of this character. It was more like a War Council of Allies. It did not possess executive authority over the whole Empire or attempt to dictate to the several Governments represented on it, each one of which retained its independence and remained responsible to its own Parliament. On the other hand it was much more than a mere debating society. It did in practice decide, by means of discussions resulting in general agreement, many questions affecting the conduct of the war. In that way it got through, without friction and with a rapidity, which would have been totally unattainable if we had kept one another at arms' length and tried to settle things by telegrams and despatches, an enormous amount of Imperial business. From this point of view it was not inaptly described as an "Imperial Cabinet".

Certainly the problems of Imperial organisation which confront us today are nothing like so numerous or so urgent as those which arose during the War and the Peace negotiations. But problems of this character do constantly arise, and the Peace Treaties themselves have left us with a goodly crop of them.

The question is, whether something like the same machinery, which was so successful in harmonising the efforts of the different parts of the Empire in the years of crisis, might not with advantage be resorted to, in order to keep up harmonious coöperation in more normal times? If so, then I think that a fairly early meeting of the "Imperial Cabinet", or whatever we like to call it, is urgently required, in order to give that system of coöperation a fair start.

The meeting of such a body, which I certainly hope may take place next year, would not be beset by the difficulties, which attend the early convocation of a Constitutional Conference. Its composition need lead to no controversy, for it might simply follow the model of the "Imperial War Cabinet" and the "British Empire Delegation". And its object would not be the vague and indefinite one of reshaping the "constitutional relations" of the different States of the Empire. It would simply meet to discuss the practical difficulties which have already arisen, and which, until we can so discuss them, will continue to bother us all. Many of these would, I am convinced, be very easily disposed of. Others might involve questions of principle, which could not be settled out of hand. But we should at least see where we all stood with regard to them, and a frank interchange of views would enable us to realise what are the real obstacles, which have to be overcome in order to give unity of direction to our several efforts.

"No development of self-government", you are reported to have said, "and no problem of sharing of responsibilities can ever be allowed to menace the integrity and essential oneness of the Empire". The object, which we all have at heart, could not, if I may be allowed to say so, be better expressed. But, if we are to realise it, we must devise some better means than we at present possess of keeping in line. The thing can be done, but it cannot be done, unless we frankly face the difficulty of getting five or six separate Governments to pursue a common policy in international affairs, and set about devising the means to keep them in constant touch with one another.

An early meeting of the "Imperial Cabinet" would be a first step in that direction. Its immediate business, as has been already said, would be to deal with such difficulties as have already arisen. But it might well be, that it would pave the way, as nothing else could, for the convocation of a Constitutional Conference at a later date. For the discussions of the Cabinet would, as it seems to me, inevitably bring out the points, if there be points, in which our present Imperial organisation is so defective, that only a big effort of constitutional reconstruction could put things right. The problems, with which any Constitutional Conference would have to deal, would thus be clearly defined. Its task would emerge from the nebulae in which it is at present shrouded; and it might even be possible for the Cabinet, before it separated, to agree upon the Agenda, the composition and the approximate date of such a Conference. The Cabinet might, on the other hand, come to the conclusion, that no heroic measure of constitutional reconstruction was necessary, but that, for the present at any rate, periodic meetings of the Cabinet itself, coupled with some better system of keeping the several Governments in touch during the intervals between these meetings, would be sufficient to give unity of direction

to Imperial policy and to prevent divergence between the action of the several States.

Coming to the practical question whether it will be possible to hold a meeting of this kind in 1921, I may say the difficulty in these cases always is to find a date which will suit everybody. But Australia and South Africa are evidently so anxious for a meeting — they both have several matters of immediate interest which they want to raise — that I am sure both Mr. Hughes and General Smuts would make every effort to arrange their plans so as to be able to meet next year. The same is certainly true of Mr. Lloyd George, who was quite willing to go to Ottawa in 1921 at the time when the idea of a meeting in that capital was mooted. Ottawa, it is now evident, cannot be the meeting place in 1921, though in my opinion, it both could and ought to be on some later, not too distant occasion. But, having been prepared, even with his present unusually congested programme, to undertake a journey to Canada for the purpose of meeting his Dominion colleagues, Mr. Lloyd George would *a fortiori* do everything possible to facilitate such a meeting here. And New Zealand would, I am sure, be prepared to fall in. But I do not like to take any further steps in the matter, until I know what would be likely to be the attitude of the Government of Canada to such a suggestion, as I have just put forward.

Perhaps you would kindly let me know privately, at your convenience, whether you would be disposed to favour an "Imperial Cabinet" meeting next year and, if so, at what time or times you think you would be able to attend it. With that to go upon, I should be prepared to set the ball rolling again. Otherwise, I shall, however reluctantly, let the matter sleep. For it is perfectly certain that, unless the Colonial Office is active and takes the arrangements in hand, nothing will be done. That Office has long since ceased to exercise any control over the relations of Great Britain and the Dominions. But it is still the only effective channel of communication.

The practice recently introduced, and obviously right in principle, of the Prime Ministers communicating direct with one another, does not at present work satisfactorily. For the Cabinet Office is not yet properly organised to assist the Prime Minister in dealing with these communications and, in three cases out of four, the thing results in the Prime Minister referring the question back to the Colonial Secretary, and asking him to suggest an answer. This is a good instance of one of the flaws in our Imperial machinery, which only discussion in such a body as the "Imperial Cabinet" can remedy. For the Cabinet Office never can be organised to deal properly with Imperial business without the assistance of the Dominions. What is urgently needed is a proper system of communication between Governments, not, as at present, between the Governments of the Dominions and a mere Department of the British Government. And such a system can only be set up by mutual agreement, after very thorough discussion between the heads of the several States.

And now, with profound apologies for the intolerable length of this letter,  
Believe me etc.

MILNER

206.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, October 13, 1920

Following for your Prime Minister from Mr. Lloyd George. Begins. I have been anxious for some time that we should renew that personal consultation between Prime Ministers which was productive of such good results in the last two years of the war and at Paris. In the absence of such consultation and of some machinery for giving it more continuity, I fully realize that the British Government must inevitably tend to take upon itself the responsibility for settling many urgent questions of foreign policy which arise from day to day and require immediate decision, but which yet often involve consequences vitally affecting the whole Empire. This is neither fair to Great Britain nor to the Dominions. There are also many other matters, I know, of common interest which call for decision and consultation. I have received a telegram from the Prime Minister of Australia in which he urges a meeting of the Imperial Cabinet next year and expresses similar views.

Therefore I would suggest that we should hold a meeting of the Imperial Cabinet not later than June next year, on the lines of the Imperial War Cabinet meetings in 1917-18. We could at such a meeting, as far as possible clear the decks of the more urgent problems which will have accumulated and try to devise some practical working method for arriving at a common Imperial policy in foreign affairs. Also we could discuss composition of Agenda and meeting place of the Constitutional Conference which, in 1917, it was contemplated should be held immediately after the war, but which I [garbled] could hardly be held with advantage till public opinion in the Empire has had time to give something more than attention to the whole problem.

Please let me know whether approximate date suggested will suit and whether you can attend such a meeting of the Imperial Cabinet. Ends.

MILNER

207.

*Le Premier ministre au secrétaire aux Colonies*  
*Prime Minister to Colonial Secretary*

PRIVATE &amp; CONFIDENTIAL

Ottawa, October 22, 1920

My dear Lord Milner,

I have read with great interest and appreciation your private letter of October 4th and I find myself in complete sympathy with your purpose.

As we have already intimated by telegram it is our feeling that the proposed Constitutional Conference could not be held with advantage during next year. We are confident that if good results are to follow and an acceptable solution is to be achieved there ought to be greater opportunity for public discussion both in parliament and in the press than has so far been possible.

At the same time I realize that questions have arisen and are constantly arising which cannot be suitably discussed by means of correspondence and on which there should be an opportunity for personal conference between the Governments. I agree, therefore, with your suggestion that it is possible to find a middle course between holding the formal Constitutional Conference and leaving over these more immediate questions until that Conference can be held. Accordingly I have today<sup>1</sup> sent a message to Mr. Lloyd George in answer to his telegram of October 13th, indicating our agreement in the view that it is desirable to hold during the coming year a meeting of what has hitherto been called the Imperial War Cabinet.

In this connection I should like especially to urge the importance of doing everything possible to economize the time of the meeting. It is at best a difficult matter for Ministers to absent themselves from Ottawa even when their journey does not take them outside the Dominion; the difficulties are naturally much accentuated by a trip abroad.

I shall look forward to the opportunity for personal discussion of the important questions indicated in your letter.

Believe me etc.

ARTHUR MEIGHEN

208.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, October 23, 1920

SECRET. Following for Prime Minister from my Prime Minister. Begins. Your telegram October 13th. I quite agree with your view that it is desirable to hold during the coming year a meeting of what has been called the Imperial War Cabinet. The month of June would probably be the most suitable time for the meeting. It is my purpose to attend the meeting if called. I would urge that the Agenda be prepared in such time and with such precision that not more than two weeks or thereabouts should be required for our discussions. So far as the Constitutional Conference is concerned we consider here that it could not be held with good results during the coming year at any rate. [Ends.]

DEVONSHIRE

209.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, February 15, 1921

MOST SECRET. Following for Prime Minister from my Prime Minister. Begins. SECRET. PRIVATE. PERSONAL. The question of the Anglo-Japanese Alliance which, I assume, will be decided at the proposed June meeting of Prime

<sup>1</sup>Voir le document suivant.

<sup>1</sup>See next document.



Ministers, has been carefully considered in Cabinet, and it may be useful to let you have our views now.

We feel that every possible effort should be made to find some alternative policy to that of renewal. Admitting that the Alliance has been useful in the past, it nevertheless seems true that the conditions have been so altered that the old motives no longer hold, while the objections have greatly increased. It is unnecessary to elaborate those points at the moment, but I would emphasize the need of promoting good relations with the United States. In view of her tendency towards abandonment of attitude of isolation generally, her traditional special interest in China which is as great as ours, and of the increasing prominence of the Pacific as a scene of action, there is danger that a special confidential relationship concerning that region between ourselves and Japan to which she was not a party would come to be regarded as an unfriendly exclusion and as a barrier to an English speaking concord.

Consequently we believe we should try to attain our objects in the Far East in another way. Specifically we think we should terminate the Alliance and endeavour at once to bring about a Conference of Pacific Powers—that is Japan, China, the United States, and the British Empire represented by Great Britain, Canada, Australia and New Zealand—for the purpose of adjusting Pacific and Far Eastern questions. Such a straightforward course would enable us to end the Alliance with good grace and would reconcile our position in respect of China and the United States. It would be a practical application of the principles of the League of Nations. Should it eventually result in a working Pacific Concert the gain to the stability of British-American relations is obvious.

In any case it seems highly important to know in advance of the June meeting what is possible in this direction in order that the whole problem may be fairly considered then. Accordingly we suggest that a representative of the Canadian Government should get in touch with the new President and his Secretary of State as soon as possible after their inauguration and discover through informal confidential conversations whether any such policy is feasible. For this purpose I would nominate Sir Robert Borden who is willing to act.

This method of approach seems most appropriate, first, because the concern of the Pacific Dominions in the question is in reality more vital than that of the other parts of the Empire, and, second, because the proposal seems best calculated to succeed in Washington if put forward by Canada. We attach importance to the idea of putting it forward as looking to a Pacific Conference.

I should be grateful for your views. Ends.

DEVONSHIRE

210.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, February 26, 1921

PRIVATE, PERSONAL AND SECRET. Following from Prime Minister to your Prime Minister. Begins. I have given most careful consideration to your

telegram of February 15th with my colleagues. We entirely share your view as to importance of considering renewal of the Anglo-Japanese Alliance from point of view of future relations between United States and Nations of the British Empire and we are agreed that it is of utmost importance to carry United States with us in whatever action may eventually be decided upon. At the same time we feel there are certain considerations to be urged against immediate adoption of your proposal which we would like you to consider. In the first place we have throughout felt nothing should be done to prejudice complete liberty of action of forthcoming Imperial Cabinet in regard to Anglo-Japanese Alliance. Question affects all the Dominions and especially Canada, Australia and New Zealand. It affects India and British possessions in the Far East. We fear formulation, from an official quarter in however tentative and informal a form, of a proposal to the United States (that a?) round table conference of all Powers concerned should be summoned to discuss Pacific question, could hardly fail to tie the hands of the Conference next June especially if it was favourably regarded by Washington. In any case we think that the other Dominions would have to be consulted before such a proposal was approved. In the second place we think while there is much to be said for a conference of this description as a possible ultimate solution there are very many questions to be settled before the decision to make such a proposal could be reached. Questions at issue affect international position of Great Britain and the general foreign policy of the Empire. They are inseparably bound up with disarmament, naval shipbuilding, future of League of Nations and its disarmament programme. Various expert committees have been sitting for some months in this country considering various political, economic, military and naval issues involved with object of placing members of Imperial Cabinet in possession of all the considerations necessary to enable them to arrive at a judgment. We think that these are very strong arguments for having a full discussion of whole problem between the various Governments of the British Empire in light of information now being collected before making any official approaches however informal to United States of America.

At the same time we recognise that attitude of United States Government towards foreign questions of disarmament and League of Nations must be a vital factor in our deliberations and we should greatly welcome an interchange of views with Canadian Government both upon main problem itself and also as to whether any special steps should be taken to sound American opinion before Conference meets and as to manner in which this could be done without prejudicing freedom of action of Imperial Cabinet. Would it therefore be possible for you to ask Sir Robert Borden to come over here after having discussed question in all its bearings with you to confer with us upon subject? We should greatly value benefit of his experience and advice and he could then place before you and if necessary we could place before other Dominion Governments the tentative conclusions at which we had arrived during our considerations. Ends.

CHURCHILL

211.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, February 26, 1921

SECRET. Meetings of Prime Ministers next June. It appears to His Majesty's Government, who have had under examination question of agenda for these meetings, that following subjects are of first importance:

1. Renewal of Anglo-Japanese Alliance (see my despatch of May 10th Dominions 197 Secret, and connected correspondence).
2. Naval, Military and Air Defence.
3. Arrangements for securing a common Imperial policy in Foreign Affairs.
4. Meeting place of Constitutional Conference and composition of agenda, contemplated in resolution nine of Imperial War Conference 1917.

Proposed also that as the case of sessions of Imperial War Cabinet 1917 and 1918 opening meetings should include statements by Prime Minister of United Kingdom and other Ministers concerned as to general position on the main issues of foreign and Imperial policy.

In addition to above subjects, question of "Position of British Indians in other parts of Empire" and Inter-Imperial communications by land and sea has been proposed by India and Australia respectively. I have suggested communications by air should be included in latter.

The following matters will or may require discussion:

- a. The recommendation of Oversea Settlement Conference recently held in London.
- b. Development of Civil Aviation.
- c. Reports of Imperial Shipping Committee appointed as result of Resolutions 11 and 24 of Imperial War Conference 1918.
- d. Findings of Technical Commission appointed in connection with Imperial Wireless scheme see my telegram January 21st.
- e. Reparation (in particular division of any amount received between various parts of British Empire).
- f. Imperial Statistical Bureau.
- g. Imperial patents.

Any subjects not included in above list that your Prime Minister would like to suggest we should be grateful if you would telegraph and also furnish explanatory memoranda.

On all questions named above except those proposed by Australia and India memoranda are being prepared here and as soon as ready will be despatched. As civil aviation and defence questions both seem likely to need a good deal

of detailed examination with Departments here it is suggested that any expert advisers required by your Prime Minister should, if possible, be in England three weeks before commencement of actual meetings.

Other Dominions sent similar telegram.

CHURCHILL

212.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 15, 1921

Your telegram February 26th. Meeting of Prime Ministers next June. On questions of major importance my Prime Minister and his colleagues will be prepared to make statements. With regard to some of the questions proposed, however, he points out that, in view of their technical character, the nature of the meeting and the importance of limiting its duration as much as possible, it seems questionable whether there could be effective discussion or results. Subjects in mind are findings of Imperial Wireless Commission, Imperial Statistical Bureau, Imperial patents and development of civil aviation. Canadian Government do not propose to send experts on these subjects. My Prime Minister would be glad to know whether any indication has been received from other Dominions of their intention in this respect.

213.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DRAFT TELEGRAM<sup>1</sup>

Ottawa, April 1, 1921

SECRET. Following for Prime Minister from my Prime Minister. Begins. PRIVATE, PERSONAL AND SECRET. Your telegram of February 26th. With regard to the first consideration which you submit, the immediate point of our proposal was indeed that failure to take steps now would in itself prejudice the liberty of action of the June meeting. Our visit in June must be short while thereafter there will be no opportunity for discussion for at least another year. We fear therefore that the meeting would find itself confronted with only two alternatives, termination of the Alliance or else renewal in either present or modified form, and then, by reason of Japanese susceptibilities, might be compelled to adopt policy of renewal simply because no one could confidently present a practicable alternative. The result would be that not only would alliance continue for at least two years more, but lapse of time would render any alternative increasingly difficult.

With regard to your second consideration, if the Alliance is to wait upon the settlement of questions of disarmament, naval shipbuilding, and the future of the League of Nations we fear it will wait a very long time. Nor are we able

<sup>1</sup>Nous publions ce brouillon à défaut du texte définitif.

<sup>1</sup>This draft is published since the telegram in final form is not available.

to appreciate the exact connection between these questions and the question of the Alliance. Any suggestion however that the decision on the Alliance must depend upon American attitude toward these questions seems to involve not only an entirely new orientation of the Alliance but also the introduction of an entirely new idea into the policy of this continent and into our relations with the United States. We do not think the time has come to discuss such a radical departure. Further we feel that, so far from the Alliance depending upon the settlement of these questions of disarmament *etcetera*, the settlement of these questions in reality depends upon our promoting in every direction such a policy of frank and friendly co-operation as we have in mind and that there is more promise in this course than in any discussion of armaments in the abstract.

In the light of events it seems probably the Pacific will be the region where both the British Empire and the United States will find themselves most actively interested; it therefore offers the most immediate field for practical co-operation. It seems to us that it is of the greatest importance to take advantage of any occasion for promoting such a policy and that delay can only do harm.

We consider it essential once more to emphasize the very special Canadian position in this matter. Of the Canadian people more than of any other people whatever it is true that their welfare and security are intimately involved in any question vitally affecting the relations between the British Empire and the United States. They will expect every effort to be made toward a policy of co-operation and will attach great importance to the present question as involving the first definitely significant step in post-war British American relations. In spite of occasional differences their whole experience has been favourable to principle of co-operation and they would recoil from anything to the contrary. They have had special opportunities through intercourse and association to understand and deal with the Americans and they will feel that the advantages of this consideration should not be overlooked. They will be unlikely to be convinced by the conclusions of committees which must necessarily be lacking in the intimate experience and association essential to a judgment upon the political conditions of this hemisphere.

From Canadian view point it might become necessary to consider an alternative solution by which only those parts of the Empire desiring to do so should join in renewal, on analogy to the abortive Anglo-Franco-American Reinsurance Treaty concluded at Paris; but it seems desirable to avoid the implications of such a solution if possible. We therefore are still strongly of the opinion that steps should be taken as soon as possible along the lines of our proposal.

DEVONSHIRE

214.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, April 2, 1921

SECRET. Meeting of Prime Ministers in June. With reference to your telegram March 14th (?15th) regarding particular subjects mentioned by your Prime

Minister, no communications received from any other Dominion Governments to indicate their intention on these subjects. Noted that your Prime Minister does not intend to bring experts. Subjects in question were merely suggested as matters that might require discussion at June meeting.

215.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, April 22, 1921

SECRET. Your telegram April 1st, following for your Prime Minister. Begins. The labour crisis and now the temporary indisposition of the Secretary of State for Foreign Affairs have made it impossible for a decision to be taken, and I deeply regret it has not been possible yet for me to procure you an answer to your important telegram, but early this week I hope to send you a reply. Ends.

CHURCHILL

216.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, April 26, 1921

SECRET. The Prime Minister desires me to send the following message to your Prime Minister. Begins. Renewal of Japanese Alliance. Your Government may rest assured that renewal of Alliance in any form is a question which will be left entirely open until June Meeting of Imperial Cabinet. Japanese Government has been informed, as an act of courtesy to them, and in deference to your apprehensions, that no decision can be arrived at until Imperial Cabinet has decided on future policy of Empire, and by awaiting this discussion, in our judgment, neither freedom of action nor promptitude of decision will be compromised in any way.

We propose, in the meantime, to ask Government of Japan to agree to prolong for another three months the present agreement, as it would be impossible to communicate decision before expiration of present treaty *viz* July.

Proposal as to Conference of Pacific Powers is one which may well be discussed by Imperial Cabinet, but it is impossible for us to prejudge at this stage in view of attitude adopted by Australia. Meanwhile we would strongly urge Canadian Government should not approach Government of United States independently at this stage. Later on, if consultation with America becomes necessary we shall be very glad to profit by offer of services of your Government, when definite policy has been decided upon. Ends.

CHURCHILL

217.

*Extraits des notes sténographiées des réunions des Représentants du Royaume-Uni, des Dominions et de l'Inde, 1921<sup>1</sup>*

*Extracts from Stenographic Notes of Meetings of Representatives of the United Kingdom, the Dominions and India, 1921<sup>1</sup>*

Third Meeting

June 21, 1921

. . .

## CANADIAN REPRESENTATIVE AT WASHINGTON

MR. MEIGHEN: Mr. Hughes, in addressing you, made a special reference to the course Canada had taken in providing for, although our intention has not yet been realised, a representative at Washington. Unless his remarks were based upon a misapprehension of Canada's action I am not able to understand them. We have not taken this course merely as an exhibition of our national pride or evidence of a new status, or to add to the gaiety of nations, or for any purpose of that kind, but merely for a very practical end in order to get our business done.

The relations between Canada and the United States of America have no parallel anywhere between any British Dominion and any other country. We have a 3,900-mile border line between us and them. Their trade with Canada is greater than their trade with the whole of South America, Central America and Australasia all put together. Canada is their second best customer in the world and it is not a very risky prophecy to say it will be the best. The consequence of these conditions has been that we have had to conduct negotiations continuously. We have had to do so with the machinery which has been in operation, and we have provided supplementary machinery. Our Ministers or officials have continually required to go down to Washington to conduct operations. We have had special treaties; all, of course, negotiated in the regular way. The business of the British Embassy at Washington before the war was, to the extent of over two-thirds, Canadian business, and now I do not doubt it will be a higher percentage than that and increasingly so as the years go on. Under such conditions it did not seem very revolutionary to suggest that a Canadian should especially represent Canada permanently at the American capital. We had no thought, and we never expressed a desire, that our representative there should represent any other Dominion of the Empire. It is true that in the correspondence that took place between the British Government and the Canadian Government provision was made that in absence on leave or in a hiatus between one Ambassador and another, the Canadian representative should act in lieu of the British Ambassador. That was originally the suggestion of the British Government, and it was quite acceptable to us, but we had and have no desire that it should be an essential

<sup>1</sup>Pour la nomenclature des représentants, les discours inauguraux et autre matière, voir Maurice Ollivier (éd.), *The Colonial and Imperial Conferences from 1887 to 1937*, Vol. II, pp. 391-466.

<sup>1</sup>For the list of representatives, the opening speeches and other material, see Maurice Ollivier (ed.), *The Colonial and Imperial Conferences from 1887 to 1937*, Vol. II, pp. 391-466.

factor in the arrangement. If there is any objection or reason why such a representative cannot be fully representative during those temporary periods, we certainly could have no objection to somebody else being appointed for that or for any other purpose. If Australia see fit to send a representative to Washington, Canada would be the last to take exception, but I think it is only right that Canada's motive and purpose in making provision for a representative there should be fully understood. That is all I have to say now.

...

Sixth Meeting

June 24, 1921

GENERAL STATEMENTS ON FOREIGN POLICY

...

MR. MEIGHEN: It is due to the Foreign Secretary first of all that I should say we are very much in his debt for his lucid and impressive review of the conduct of foreign affairs during the last 2½ years. There could be, to my mind, no doubt at any stage as to the meaning he intended to convey, nor as to the frankness and sincerity with which he made his presentation. Similar words apply to that phase of the same subject covered by the address of the Secretary of State for the Colonies. I do not purpose this morning to venture upon any line of criticism of the specific moves on this chessboard in these months. I should require to satisfy my own mind by a longer and closer familiarity with the situation here before doing so. There are others from the Dominions, doubtless, who have enjoyed that familiarity and who will take advantage of the opportunity.

Some words are expected at this stage from the Dominion Representatives expressive of their views as to the general trend of policy in foreign affairs as disclosed by the Foreign Secretary, as well as that pursued with respect to obligations under Mandates, and under mid-war commitments as reviewed by the Secretary of State for the Colonies. What remarks I have to make will be general in character and applicable to the entire field.

It first becomes necessary to set forth upon what principles and subject to what limitations, if any, the comment or advice of the Dominion Ministers may be rightly made or given upon such questions at this Conference.

The Dominions, while enjoying full control of their own affairs, inclusive, in many essential phases of their affairs with other countries, are nevertheless nations within the British Empire. While it is quite true that should Great Britain become embroiled in war every considerable country in the world would be affected, the British Dominions would obviously be affected more immediately and vitally than would countries without the Empire. Whatever course any Dominion might decide to take, its liability to attack would be unquestioned, and its whole existence might become at once in jeopardy. The degree of this special peril might vary with the character or location of Britain's enemy, but that it would always exist is beyond argument. Upon the soundness, therefore, of British Foreign Policy, upon the wisdom of the



· broad principles governing that policy, very important consequences, as respects the Dominions, depend.

Associated with the above consideration is the further fact that there exists no council or body responsible to the Dominions, or to any Dominion, which can advise our common Sovereign in relation to foreign affairs.

One other truth of paramount importance to Canada is that, incident to our very position on the map of the world, our distinctively Canadian relations with the United States, as respects all phases of mutual concern, are in their very nature so vast and so vital to us that the control of those relations has become and must remain a matter incident to our autonomy. The conduct of affairs as between the entire Empire and that Republic is also of far-reaching concern to Canada. We are interested to a degree very marked indeed in the character and cordiality of the friendship between these two great countries.

Out of these postulates it would seem the following might be concluded:

1. There should be regular, and so far as possible, continuous conferences between the responsible representatives of Britain and the self-governing Dominions and India with a view, among other things, of determining and clarifying the governing principles of our relations with foreign countries, and of seeking common counsel and advancing common interests thereupon.

2. That while in general final responsibility rests with the Ministry advising the King, such Ministry should, in formulating the principles upon which such advice is founded and in the application of those principles, have regard to the views of His Majesty's Privy Council in other Dominions and of the Representatives of India.

3. That as respects the determination of the Empire's foreign policy in spheres in which any Dominion is peculiarly concerned the view of that Dominion must be given a weight commensurate with the importance of the decision to that Dominion. Speaking for Canada, I make this observation with particular reference to our relations with the United States.

I may be permitted to say that, added to the above specific conclusions, there is another that it seems to me must be constantly brought forward. The British Empire is now, as it has been for centuries, a union of people under varying forms of connection, spread throughout the world. It has become, of more recent times, a Commonwealth of free nations living under widely diverse conditions. Clearly, any principles underlying the conduct of external relations of such a Commonwealth of Nations must be, more and more, of such simple and understandable character that they will be generally acceptable to the various and widely scattered peoples that comprise the Empire.

With particular reference to this last, and what I might describe as an overriding conclusion, a few further remarks may be ventured. The erection of a League of Nations was, in some degree, the outcome of a longing among the world's democracies for the bringing about of such diplomatic relations among

the nations as would remove the complexities and perplexities of the system of balancing friendships and animosities which had prevailed. In so describing diplomatic proceedings it is needless to add that I do not do so by way of attributing special blame, or any blame, to Great Britain. A nation must define its course in the world as it is. But we have a League of Nations now. What effective part it is to play in the new order, or in bringing improvement to the past order, no one can foretell, and well-informed opinion is naturally divided. But, speaking my own mind and speaking for Canada, the overwhelming determination is that every energy should be devoted, and every caution and restraint exercised, to make possible the success of the League, to help and advance its cause. It seems to me logically to follow that we should now seek to avoid inviting the return of any conditions that would be regarded as anomalous to, or out of harmony with, the general scheme and purpose of the League of Nations, or that could fairly be considered as evidencing distrust in the effectiveness of its organisation. I do not carry the argument further at the present time, but only say that, to my mind, sub-alliances or groupings of Powers, under whatever name, are not easily reconcilable with confidence in, or even fidelity to, the fundamental purposes of the League.

I need not comment at all at present on Conclusion 1, referred to above, as to the necessity of regular continuous Conferences, nor as to the provision of organisation to effect that end. This I presume, will be debated later.

Coming to Conclusion 2, it will be noted that the statement of our present position, as regards the determination of such matters of foreign policy as affect the entire Empire, has reference to conditions as they actually exist. There can be no question but that legally the only body which has up to now advised His Majesty as to the conduct of this Empire's foreign affairs, with responsibility to a Parliament and people, has been, and is to-day, His Majesty's Government of the United Kingdom. Methods have been adopted by which such advice can be given best after consultation with responsible representatives of the Dominions, and indeed, in cases where any Dominion has been solely, or almost solely affected, in accordance with the direct recommendation of such Dominion. Nor is it overstating the present position to say that the right of a Dominion in respect of important engagements to have its consent obtained before being bound, and in cases where the interest of a Dominion is paramount to have its voice accepted, has grown into an indefeasible constitutional recognition. Time and good sense and mutual trust will doubtless clarify the difficulties of the position and establish an effective working practice. But there has been and is no body authorised as such to advise His Majesty in relation to foreign affairs except the United Kingdom Government. I make no conjecture as to the durability of the conditions I have described; I merely say they do exist. While they exist, the importance of His Majesty's Government taking into account, and at times indeed depending upon, the special interest of the Dominion concerned, giving effect to the views of such Dominion, can scarcely be overstated. On the care and fidelity with which the views of the Dominions are regarded depend, it seems

to me, in large degree not only the continuance of the relations I have described, but the success with which we discharge our mission as a Commonwealth of Nations. I add, and add with emphasis, my conviction that, whatever evolution of these relations time and circumstances may bring about, the unity of our peoples will remain undisturbed.

In commenting upon Conclusion 3, which calls attention to the paramount interest which in given cases a Dominion, or Dominions, may have in the cause of the Empire's Foreign Policy, and to the imperative necessity of giving heed to such paramount interest in any decision arrived at, I desire to refer, by way of illustration, to the position of Canada as respects the United States. In this connection I was more than pleased with the words that fell at the close of his speech from the lips of the Foreign Secretary. Canada is a neighbour of the United States across a boundary of nearly 4,000 miles. We share with them a great portion of the American continent. Their trade with us is second in magnitude in the comparison of their trade with the countries of the world, and may easily become the first. We have almost every form of international negotiation with them. The course of the United States' policy in every field affects Canada. Their numbers are many times the numbers of the Dominion in population; their decisions, their lines of policy, consequently affect us in profound degree. We live in constant and vital touch with this problem from day to day. The maintenance, and if it is by any means possible, the betterment, of relations between the British Empire and the United States of America should be, as the Foreign Secretary has well said "the pivot of Britain's world policy." To no country does this truth appeal with such tremendous force as it does to Canada.

The heart of the Dominion beats true to-day, as it has always done, to British institutions and to British connection. We believe that there is one thing of first importance to Britain and the other Dominions, and of not only first but vital importance to Canada, and therefore having wrapt within it, in a peculiar way, our future, and that is the continuance and improvement of our relations with the American people. It has developed through the years, not as a matter of sudden departure or acquisition, but as a matter of growth out of the very necessities of the case, that in the determination of questions affecting, not the Empire as such and the United States, but affecting Canada and the United States, the Dominion should have full and final authority. It is well that this development has taken place, and I submit confidently that in similar conditions in other fields of our foreign relations a like development would be desirable for the common advantage.

I am not in these remarks making reference to any specific article of foreign policy — such, for example, as the Anglo-Japanese Treaty. The time for that discussion will come in due course.

I have endeavoured to unfold our position in a broad and understandable way. I hope my doing so will help in our discussions, subject by subject, later.

...

Ninth Meeting

June 29, 1921

## ANGLO-JAPANESE ALLIANCE

...  
MR. MEIGHEN: Prime Minister, we have now come to what is undoubtedly the most important subject of discussion at this Conference. I can only say as to the introduction by the Foreign Secretary that it was what all of us knew it would be, ample in argument and admirable in presentation. It is with some deference that one who is far from being as experienced as he with such subjects ventures to follow — particularly when he feels it his duty to turn the argument toward a different conclusion.

You remarked, Prime Minister, some days ago, that there had been free communication in the Parliament of Canada of Canada's position on this question. That is not wholly correct. There was free discussion in the House, requested by members on both sides, but the discussion ended without any commitment whatever from myself or from any member of the Government as to the course we should pursue here. Nor have I made any such commitment, nor has any Government member, publicly or in any way since.

Perhaps it will contribute to rapidity if I say at the outset that I feel compelled to oppose the renewal of the Alliance. I would regret to see the Treaty continued in any form at all.

Lord Curzon's remarks will enable me to present my case more briefly than would otherwise have been possible. He has with fairness presented arguments against the renewal of the Treaty, as well as summed up at the close what he felt were the preponderating arguments in favour of renewal. Referring to the latter, if I caught the full effect, they might be described in these words: — "First, that the Treaty has served its purpose, or, in other words, has been a success, in that it has held the situation in the Far East; in a word, has met the purpose for which the Treaty was originally framed, and the somewhat different purpose for which it was renewed in 1911." My answer is: if the purpose was to preserve peace in the Pacific, possibly in the main, it has. But, at any rate, it did not preserve peace during the period of the Russo-Japanese war. I have no further remarks to make on that phase.

MR. CHAMBERLAIN: It was signed in the middle of that war.

MR. MEIGHEN: It was concluded in 1902. The Treaty, however, had certain ends to serve from our point of view. It was framed admittedly to meet first of all a Russian menace, and secondly, on its renewal in 1911, a German menace. These were the concrete objects that Great Britain had in mind in making the Treaty, and we are told it served those purposes. As we find ourselves now, both those menaces are removed, and consequently, if my mind reasons correctly, there can be no argument for renewal of the Treaty drawn from conditions no longer present. There may be reasons why it should be renewed to meet another situation. I will come to that later. But there is really no correspondence between the speculative possibility of a rehabilitated Russia and the actual Russian menace of 1902; no correspondence between the still more speculative possibility of a Russo-Germanic Alliance and the

actual German menace of 1911. In a word, a Treaty framed to meet future contingencies of that character is wholly different from a Treaty framed to meet an admitted state of facts, which state of facts constituted a manifest menace that all the world could see. I do not relish being in the position of saying to the people of our country, nor of answering any criticism from the country to the south of it, that this Treaty is for the purpose of enabling us to meet a possible menace arising from a combination of two potential, or should I say impotential foes, one of whom now is self-smitten and the other of whom is defeated and more or less prostrated — and all this in the presence of the new conditions of world affairs that we are trying to bring about. In fact, to put such a case would be to invite criticism, if not worse.

The second reason is this — that Japan has proved a trusted and a loyal ally, has lived up to her obligations under the Treaty, and that that fact should be taken into account in determining whether or not we should renew the Alliance. Well, I am not intimating even an opinion — Lord Curzon's opinion in this respect is conclusive so far as I am concerned — that in relation to the late war Japan fulfilled her obligations, and that possibly the Treaty enabled Japan to succeed with Russia, which may have been an advantage to us.

But it is going very far to say that Japan has proved true to the Treaty. Again the Foreign Secretary's words are conclusive with me. The Treaty was framed — if its language meant what it said — to bring about "The consolidation and maintenance of the general peace in the regions of Eastern Asia and of India," and "The preservation of the common interests of all powers in China by ensuring the independence and integrity of the Chinese Empire, and the principle of equal opportunities for the commerce and industry of all nations in China," and "The maintenance of the territorial rights of the High Contracting Parties in the regions of Eastern Asia and of India and the defence of their special interests in the said regions." In other words, the independence and integrity of China and the "Open Door."

I read the following from the Foreign Secretary's address of yesterday referring to Japan:

They are people who must expand. They have done so in so far as this was open to them during the last twenty years, and they have done it, if not with an excess of scruple, at any rate, with fairly successful consequences. They have annexed Korea; they have possessed themselves of Formosa, and they have acquired the Pescadores. They have, since the war with China, practically made themselves possessors of Southern Manchuria, where they pursue a defined policy of the "Closed Door" of exclusive railway construction and mining rights. They have acquired control over Shantung, which they have promised to relax, but at present have not gone far in doing so. In 1915, as you will recall they addressed the famous Twenty-One Demands to China, which I need not further particularise than by saying they were intended to, and would have made China a vassal State.

Against a nation that had covenanted with us to preserve the independence and integrity of China and the "Open Door," that reads to me like a very formidable indictment.

LORD CURZON: It is only fair, Mr. Meighen, that you should remember what I said yesterday. In the agreement concluded between the United States of

America, represented by Mr. Lansing, and the Japanese Government, represented by Viscount Ishii, in November 1917, the American Government themselves recognised that Japan had special interests in China, particularly in that part where their possessions are contiguous. That was a recognition of a certain right on the part of Japan and justified, to some extent, the proceedings to which you are now objecting.

MR. MEIGHEN: What you say might put it out of the power of the United States of America to criticise Japan, but it does not affect the argument that, having made the Treaty for definite objects, Japan has far exceeded her rights, and progressively violated her covenant. It cannot well be imagined how in the short space of less than twenty years she could expect under any conditions to achieve more in the way of aggrandisement, and it is only reasonable to say that if we do enter into another Treaty, we have every ground to expect them, hold the check rein as we will, to succeed in duplicating the performance of the last twenty years in the further invasion of this very independence and integrity of China. In so far as she does that with us walking by her side, it makes us *particeps criminis* and thus affects our standing with all other nations.

I have also difficulty in understanding this: if a real object of the Treaty is the preservation of China's integrity, how does it come that the Government which is the most violently opposed to its renewal is the Government of China itself. There can be no question as to their position. I do not mean, by these words, to dispute the estimate the Foreign Secretary places upon Mr. Simpson.<sup>1</sup> I saw him only once. I do not dispute the Foreign Secretary's judgment at all. But it is not a question of the standing of Mr. Simpson or the character of Mr. Simpson. It is a question of where the Chinese Government is, and no one that I have heard disputes that the Chinese Government is very strong in its objection to the renewal of this Treaty. If they actually looked to it for protection it is inconceivable that they would be opposed to its renewal, and it seems to me what we should take into account, as regards China, is the opinion of the Chinese Government and the Chinese people.

LORD CURZON: It is only fair indeed to say that the protest of the Chinese Government has been directed against the renewal of the Treaty in its present form. I am not aware that they have said anything contrary to the renewal under the sort of conditions that I described yesterday.

MR. MEIGHEN: Well, their position is revealed in the despatch from our Ambassador there, to the effect that the Treaty must not contain a reference to the preservation of Chinese integrity and independence without, first of all, their being consenting parties. Leave that reference out and tell me on what ground you expect under the Treaty to curb the rapacity of Japan in China. Leave out other things, such as have been suggested, and I really do not see

<sup>1</sup>Bertram L. Simpson, qui se disait Conseiller politique auprès du Gouvernement de Chine, eut deux entrevues avec L. C. Christie à Ottawa le 30 avril et le 3 mai 1921. Dans un mémorandum daté du 3 mai, L. C. Christie y résumait à l'intention du premier ministre Meighen les vues exprimées par Simpson.

<sup>1</sup>Bertram L. Simpson, who described himself as Political Adviser to the Government of China, had two interviews with L. C. Christie in Ottawa on April 30 and May 3, 1921. Christie summarized Simpson's views for Prime Minister Meighen in a memorandum of May 3.

what is left of the Treaty, except window dressing, for all its substantial purposes are one by one relegated to oblivion.

Now, I stated that the avowed object of the first Alliance was to provide against the Russian menace — the danger in that regard has gone; the avowed object of the last renewal to provide against the German menace — that danger has also gone. But we are told we are preparing now against the still greater peril of the two together. If we do so by an Alliance with Japan, is that not going to invite, or at least to hasten, the very Alliance we fear between Russia and Germany? It would seem to me that we are thereby taking the very step that is likely to bring such a menace into being.

As respects the cultivation of friendship between Japan and Germany, as revealed in the account of Dr. Solf's activities in Japan, I do not see anything objectionable; I do not doubt for a moment that Germany will seek to make friends with Japan. I should think that task was part of the duty of Dr. Solf, acting as he does for his country, and I do not think there can be any objection. We should do the same. We should do towards Japan as Germany, through Dr. Solf, is doing. We should also have such a representative there — I do not say we have not — if we have not, we should have a man of his capacity and skill.

This further thought I venture. It would seem to me that the proper policy toward China would be, not so much the formation of groups to protect her . . .

MR. LLOYD GEORGE: Not so much what?

MR. MEIGHEN: Not so much groups to protect her, as a policy of encouraging her self-reliance by putting her on her own unhampered resources as to taxation and finance and in a position of responsibility.

Speaking generally as to Alliances, I am quite sure I am speaking the opinion of the Dominion of Canada when I say it naturally is averse to any Alliances at the present time. We do regard the formation of groups and Alliances, even though they are not counter to the Covenant of the League of Nations, as likely to subvert its purpose. The Prime Minister said the other day that it would be impossible to expect that groups should not arise within the League itself; that, forty or fifty nations being represented there, the same thing would occur as happens in a Parliament — certain groups would get together for certain things. That may be, but that is very different from permanent Alliances: I mean ten, fifteen, or twenty-year Alliances. I would be sorry indeed to see all these various nations taking sides as is done in a Parliament, one seeking to prevail over the other and each straining for authority and power. If that course is to be pursued, why, it seems to me there is nothing but despair ahead of us. It is quite natural that, for definite purposes there would be certain of them — I mean all chiefly interested in the purpose — who would group together. That I would conceive to be possible; but if, for example, Japan and Great Britain are, under the shadow of the League, to form an Alliance for the purpose of preventing possible designs of Russia and Germany in the Far East, then, other Alliances would be formed for counter purposes. Alliances will grow, and there becomes

really no difference between the situation that results and that from which we have escaped. They are precisely the same. Consequently, we would like, if possible, to start without entanglements of this kind, and we feel that it is safe to do so now. If we come later on to the pass of a combination against us then we will cross that bridge, we will have something then to point to as the reason for what we are doing, but until we come to it we have not any sufficient reason.

MR. CHAMBERLAIN: May I ask one question? Does not that presuppose that if we make any arrangement with Japan now she will still be ready to come in if danger arises owing to a German and Russian combination? Is not it quite likely that when that time comes she will not be on our side, but will be in the German-Russian combination?

MR. MEIGHEN: If we start now to guard against this contingency, on the hypothesis that Japan will not then be a friend, what combination could you not justify? You could justify any. Where do you put those who are without the combination? Do you not compel them to make themselves active along certain lines, and in this regard particularly the United States?

Again it does look to me as if the friendship of China — and it is worth something — is almost certain to be lost by the course we are contemplating. We are almost certain to lose that friendship, and it is going to bring China and the United States a lot closer together. I think they have the advantage over us even now. I do not pretend to speak with authority on this special point, but such is the impression reading has given me, and reason does prevail upon me to say that, by taking this course, we are going to give the United States a decided advantage in her influence in China. We should not do so. Our interests there are equal to those of the United States; the importance of the Chinese trade and the goodwill of China are very great.

I come now to the subject of British-American relations. Canada does not claim that in the general question of the renewal or the non-renewal of this Treaty her voice must be specially heard. Not at all. The Empire is concerned as an Empire, and so is every part. But as regards this aspect, its effect on British-American relations, we do feel that we have a special right to be heard. We say that because we know, or ought to know, the United States best, and because in the continuance and improvement of our relationship with them we have a vital concern. If from any cause, or from the initiation of any disastrous policy, we should become involved in worse relationships than we are now, Canada will suffer most of all. And if, in the last awful event — God forbid it should ever come! — we reach the penalty of war, Canada will be the Belgium. Consequently, in the preservation and improvement of that relationship we are eagerly, critically concerned. But we view this question not from the standpoint of the United States, we view it from this standpoint, that if, as I believe, the Foreign Secretary is sincere when he says that British-American friendship is the pivot of our world policy, it follows that in determining the wisdom from our own point of view of any engagement a major consideration must be its probable effect on that friendship.



From the beginning of the discussion I know that the Foreign Secretary has stated that any renewal should be in a form satisfactory to the United States, and that we must carry that country with us in any course that we take. Well, I am going to say this. I do not believe that it is possible to have an agreement in any form at all, however negative, that will be really satisfactory to the United States. I do not say that it will be impossible to have an agreement to which the United States Government would be compelled to admit that it could take no exception, and would say nothing — would stand by. That might be possible, I should think, but that does not mean that the agreement itself is not going to be harmful to our American relations — that it is going to be satisfactory to the American people. I am not intimating for a moment that the United States Government will not speak for the American people. It will speak just as fully as any Government can speak for any people. It will see a certain agreement; it will see that no interest of the United States is affected by the precise terms of the agreement; and it may possibly say: "We cannot take specific exception"; but that any agreement for an exclusive confidential relationship that this country enters into with Japan will not injure our relations with the United States is to my mind impossible, no matter what are its terms. It will be used by every fomentor of strife against Great Britain. The existing engagement has been so used all these years. It had a definite clause in 1911 that it should not involve us in war with the United States, but the very existence of that Treaty has undoubtedly injured British-American relations. Its continuance will do so even more, and for this reason, that the just objects, which were patent to American statesmen before, are not patent to American statesmen now. They may see objects still, and they may say they are good objects — I doubt if they will say they are sufficient — but they are not of the character, the imminence and the strength of those that animated us before. If we now in this new state of affairs renew a confidential and exclusive relationship with Japan it is wholly impossible to argue convincingly, to my mind, that it is not going to affect detrimentally our relations with the United States, no matter how steadfastly the British Government sets its face to keep those relations good.

The American Government as much as, or more than, any Government in the world is affected by popular opinion, by the necessity of carrying their people with them, and American opinion is bound to be affected by the renewal of these relations with Japan no matter what form that renewal takes, and no matter how earnestly we seek to bring that Republic to our point of view.

LORD LEE: You mean an exclusive relationship?

MR. MEIGHEN: I mean an exclusive relationship with Japan. There is another reason. When the old Treaties were made there were five, perhaps six, Great Powers — you might say more; now there are three Great Powers, powers of the first order and strength, and those are Japan, Great Britain and the United States. Does it stand to reason, that two of these can group themselves together in a special relationship in a sphere in which all three have great interests and the third be unaffected, the third look with favour

upon it? It does not appeal to my reason, I do not think it is possible. They have interests equal to ours in the Far East, in the Pacific. Why then, for the purpose of protecting common interests, for the purpose of holding in good form the situation in the Far East, why should they be left out of any relationship. I cannot see it. I do not doubt for a moment the sincerity, or even the determination, of the Foreign Secretary, that we shall do nothing to antagonise them. I do not doubt that at all, but I think the reincarnation of this agreement is the first step in a journey that may bring us to that result. Suppose we insert a clause that nothing in the Treaty shall lead us into conflict with the United States. In the first place we have that in the present compact, but the report of the discussions in the Japanese Diet indicated that Japanese Statesmen were very careful not to give the effect to the clause that we intended. They did not give full effect to it. But the fact is it was there. There was a clause that guarded us against that awful fate. They know there is again to be such a clause and yet they want the Treaty. Why? I think their objects are clear. They believe that, in the event of a conflict with the United States, they will have us benevolently by their side. Then it is, from their point of view, a contemptable contest; otherwise it is not. They look undoubtedly for this country to assume a position of benevolent neutrality, if not better. And the whole course of the Alliance will on their part be so conducted as to bring us insensibly into opposition with America. We may not strike the blow, but we may be brought into a position of opposition to American interests. For example, suppose they pursue the course they have pursued; suppose they do no more than they have done all through these twenty years. Does anyone say that will not bring us into conflict with American interests? Undoubtedly it will. We may restrain, we may do all we can. We say now that we have done so to the best of our ability, but there is Korea, there is Formosa, there is Manchuria, there is Shantung. There are the twenty-one demands. They have done all these things during the twenty years, and strive as we will to have the United States people believe that this is all perpetrated with our hand on their collar, we cannot get them so to believe. They will believe it has been done with the connivance of Great Britain, in order to subvert the purposes of the United States, and to give us a greater hold on and enhancement of our eastern interests. Japan expects benevolent neutrality or better if war should come. Besides she will expect our assistance also at the Peace Table, and that is a vital thing as we all know. These advantages are what she is looking for. The American public understand these things, and undoubtedly industrious efforts will be made by the whole army of Junkers or semi-Junkers in powerful positions to influence opinion, to see that the American people understand them, and they are just waiting to start.

That country has behaved with scrupulous correctness, at least its Government has up to now. I think the best people are looking to this Conference to take up a position that will enable them to bring about a better state of affairs. The passing of a recent resolution by the American Senate so indicates. The statements that have gone out to the press from Washington confirm this belief. The Government has said nothing, but I feel satisfied that much

that has gone out has been inspired, and that convinces me that they would very much like to see a step taken at this Conference of the whole Empire that will open the way to a better friendship. I do not think they want any better as respects European relationships with Great Britain than that accorded to any other country. But I do think we cannot ignore the passing of that remarkable resolution by their Senate on the very eve of this Conference. It is the resolution asking for a Conference with Japan and Great Britain looking to a reduction of armaments.

MR. MASSEY: That has not been turned down.

MR. MEIGHEN: I am saying that the time chosen for the passing of that resolution indicates that they are watching the course of this Conference very carefully.

Now, it is said that we should know first of all before we go into Conference as to the Far East and before we lose the concrete course of strength that we are said to have in this Alliance, what is going to be done about armaments and navies. And, as Mr. Massey says, we have not turned down their proposal. I make the statement that when you enter again into this Alliance you may in effect turn it down. There may be no use talking to the American Government about reducing armaments after you have entered into a special exclusive relationship with their greatest competitor. What position are we in to go to them to discuss reducing armaments? We are in a good position if we do not re-ally ourselves with Japan alone, but if we do, then the race has started. The burden that will as a consequence be on us to secure our possessions in the East will in my judgment be an increasingly heavy burden, and I do not know whether we shall be long able to sustain the competition. They have their programme, and the only opportunity that we shall be likely to have to work in concert with them for a relaxing of this armament burden is the opportunity that presents itself now. What is there to be lost by letting this treaty matter stand until a Conference as suggested is held, or until some sort of arrangement can be made resulting in an understanding? What is to be lost by such a procedure?

It cannot be argued that unless we renew a faithful and loyal Ally is to be estranged. If so I can only look upon the present state of affairs with despair. If such reasoning is correct, then this engagement is eternal unless terminated by violence or bad faith. We admit that on both sides the objects that we sought are attained. We are on friendly terms. But forsooth under these conditions to suggest non-renewal is to offend Japan and to make a stranger of her and turn her into the ranks of our foes. There is no ground at all for estrangement. It seems to me that there is some reason for America's objection to any exclusive relationship, but there can surely be no valid objection from Japan to a relationship with them but inclusive as well of the United States.

LORD CURZON: I quoted the opinion of our Ambassador. I had to condense my remarks on this point yesterday, but Japan would feel it bitterly and would take real offence in view of what our Ambassador said.

MR. MEIGHEN: I do not know, and therefore I am not contesting that statement, but any reasons behind such a feeling on her part are not apparent

to me at all. I say this, that her position would be unreasonable against a proposal that she and the United States should sit down with us together, so that to whatever is done by one, the other will be a party. That course does not cast out Japan at all. It widens the region of her recognition among the Great Powers. But if she, without the shadow of reason, takes offence, what is to be expected of the United States who are asked to stand out altogether while we renew a special exclusive relationship with Japan? There would be some show of reason behind a sense of estrangement on the part of that country, even though the possibility of antagonism with them is provided against in the arrangement; they are nevertheless out, and they are the same blood as ourselves. I think we should treat Japan just the same as the United States, but no better.

If this renewal is intended to create a combination against an American menace which is to succeed the German menace, which in turn succeeded the Russian menace of 1902, then there can be no hope of ever carrying Canada into the plan.

The claim is sometimes made, sometimes left to be implied, that this Alliance with Japan is to be the pivot of a new world alignment. That only needs to be stated to excite despair in the minds of the people of our country. The future is dark if we have to start now on that path. I can only add that there is no possibility of convincing Canada or making any appeal at all to her with those words in our mouth — none at all. I am not saying that other reasons for renewal may not be adduced, but this implication of providing against a possible menace in America cannot carry conviction. We ourselves have got along with the United States for 100 years, and have overcome many difficulties, and we meet there a spirit which convinces us that we can still get along.

I addressed a cablegram to the Prime Minister of the United Kingdom in February last, outlining the position that we felt then this matter was in and the course it should take. I stated that the success of the Alliance, so far as China was concerned, had not been impressive, that the objects for which it was created and continued no longer existed, and that, on the other hand, the objections that had some force at the time of the conclusion of the three Treaties, had now far greater force. I took the stand that it would be wise to seek some other expedient rather than the renewing of the Alliance. I suggested at that time that it could be useful for us in Canada, in a purely informal way, to ascertain whether or not the United States would sit down with the British Empire and with the other Powers having special interests in the Pacific and Far East and seek to come to some understanding as to the preservation of those interests, and as to the principles which should actuate the policy of all. The four Powers mentioned were Japan, the United States, the British Empire and China.

As to the composition of the Conference we should of course be quite ready to hear discussion and suggestions as to who should be there, but those were the four proposed. My suggestion was not acceded to. What we felt and said was this, that if we came to this Conference as we come now, not knowing

whether the alternative of such a Conference, looking to a tripartite arrangement (or perhaps even wider), was possible or not, we should find ourselves in the position of having no alternative save to renew or terminate. That pass is just where we seem to be. We have not much time. I did not know before that steps had been taken by way of communication to the League of Nations, or rather by way of communication with Japan and disclosure to the League of Nations, that amount really to a denunciation of the Treaty unless it is by concrete act renewed.

**MR. BALFOUR:** I am not sure that I understand that allusion.

**MR. MEIGHEN:** I understand from the Foreign Secretary that Japan and Great Britain have agreed and have informed the League of Nations that any renewal must be in terms that will comply wholly with the Covenant of the League of Nations, and that Counsel for the Foreign Office has given the opinion that such arrangement between Japan and Great Britain submitted to the League amounts to a denunciation of the Treaty unless active steps are taken to renew it in some form or other. Therefore the clause that provided that if nothing were done before the 13th July it should extend for another year and be terminable only with a year's notice, does not apply. Unless we act now, so we are told, the agreement falls; thus we are confronted with the difficulty foreshadowed in my cablegram. We have really no time.

**LORD CURZON:** You have until the 13th October.

**MR. MEIGHEN:** I may say in that regard we knew nothing of that extension in Canada.

**LORD CURZON:** The arrangements have been going on here and have not been finally concluded, but, as a matter of fact, it is certain that the prolongation of the agreement for three months beyond the 13th July, 1921, will be operative and therefore we have from now until that date within which to decide.

**MR. MEIGHEN:** That of course is a prolongation of the Treaty. I have consulted an officer of our External Affairs Department who states that information that the Treaty had been extended did not reach Canada. Certainly, Canada did not assent to any renewal for three months. He has never seen nor have I seen any notice that such has taken place.

**LORD CURZON:** The Colonial Secretary is, of course, responsible for communication with you.

**MR. MEIGHEN:** Our officer has no recollection of having seen it, nor have I, and I fear the Government of Canada did not receive it. I understood yesterday that Japan has not agreed herself to the renewal for three months, it appears now that that assent will be given. For myself, I would rather see no renewal for three months. In fact, I fear that a renewal will be injurious, injurious to the success of the Conference. I think we should have been in the best position of all, if we had felt out the possibilities and been enabled to hold our Conference prior to the expiry on the 13th July, having made first appropriate communication to all the Dominions and obtained their approval. We should be in much

the best position if that had been done. Now I submit it would be better to pursue conversations with the United States at once and with any other nation which the Foreign Secretary thinks should come in, and see if we cannot secure an understanding, or an exchange of notes before the 13th July, or at least before any great time elapses, and before any conceivable harm can result from the expiry of the Treaty. I should think that would be the wisest course we could take now. It seems to me that it is scarcely approaching the matter in the right way to renew the Treaty for a short time and to say to the United States, we are going right on unless you act. Such a method may end all right, but I think it has not such good prospect of success as if we recognise frankly that a new state of affairs exists, that there are not now the same conditions as existed in 1911, that other circumstances calling for some action may be present, but that the old ones have passed away — it would be taking a more propitious course, I say, if we now recognise these truths and declare to the United States that in the presence of this new situation we clearly recognise their equal interest in the Pacific with us, and we ask them to sit down with us and with Japan and come to an understanding. Let us not say to them first that unless they do, we purpose renewing this engagement to which they are not parties at all. I submit to the Conference that what I have outlined is the right course to pursue and I think if any words are necessary to emphasise its rightness they are the words contained in the last message of our own Ambassador at Washington. It is very significant that the previous messages from Sir Auckland Geddes were to the effect that a renewal of a modified agreement would not be badly received by the United States. Now he has changed and I think he is right, undoubtedly right, in his estimate of American opinion and in his recommendation. It will be noted that he communicates to his Government the words of the Secretary of State of the United States. Can we go beyond the Secretary of State on such a question? There can be no doubt that his opinion is that any agreement with Japan will be prejudicial unless the United States join in. His opinion would be best obtained in an informal conversation. There is no doubt that such is his opinion. Surely the Secretary of State is the proper man to express an opinion and the man whose opinion should be accepted by us on such a point. He says, let me repeat, that any exclusive agreement will injuriously affect relations with the United States. I note in the memorandum submitted this morning by the Foreign Secretary outlining his conversation with Mr. Harvey that Mr. Harvey expresses the opinion that there might be an agreement that would be acceptable to the American Government.

The memorandum reads:

...<sup>1</sup>If the Conference now sitting in London decided that it was desirable to renew the agreement in some form or another, and we came to the American Government with such an announcement, would the mere fact of renewal, apart from the form in which it took place, be likely to meet with a necessarily unfavourable reception at the hands of the American Government? My position would certainly be complicated if I were to advance upon a field, my mere entrance into which might be the source of misunderstanding and offence.

<sup>1</sup>Les points de suspension figurent au procès-verbal.

<sup>1</sup>The suspension points are in the Minutes.

Mr. Harvey hastened to assure me that I need entertain no such fears. In America, as in some other countries, there was a great gap between press clamour and the views of the Government. Whatever the decision at which we might arrive in this country, it would be respectfully treated and examined by his Government.

Further, I put the question — arising out of the suggestion made by President Harding's Administration that it might be desirable to have a discussion with Japan and ourselves as to naval strength in the Pacific — whether the Ambassador thought this covered the whole of the ground suitable for an enquiry, or whether it might not be possible to contemplate an investigation in which the whole future fortunes of the Pacific, political and economic, as well as military and naval, might be passed under review by the various nations concerned, with a view to arriving at some constructive policy for the future. I understood that America was withdrawing her fleet from the Atlantic, convinced that no danger could arise from British rivalry on this side, and that her naval forces were to be concentrated in the future in the Pacific. This meant that the Pacific would speedily become the centre and pivot of world politics, and that it would play an enormous part in the determination of the destinies of the future. In these circumstances it appeared to me that the Powers would do well to consider how they were to conciliate their several interests, apart from those of defence, in that vast area, and how they were to provide for the development without friction or warfare of the immense resources which it possessed. The problem of China alone demanded an exhaustive investigation. Was it not conceivable that some uniformity of policy might be attained, and that the Pacific might be assured of a future that would justify its name?

The Ambassador replied without any hesitation that he could not imagine anything better than that discussions initiated between the interested Powers should range over this extended area, and he felt confident that no objections would be raised by his Government should such a proposal be made.

Altogether, his conversation, although it was necessarily neither detailed nor specific, left me with a favourable impression as to the probable attitude of the American Government, and convinced me that absolute candour between us and them will be the wisest policy to pursue.

My comment on that extract is this. If it means anything as reflecting the real opinion of the American Government and people it is opposed to the judgment of their Secretary of State, definitely opposed. There is no reconciling them at all. If it only means that it would be hopeless to ask the assent of the United States officially to it, then the Ambassador may be quite correct, and certainly I am bound to respect his view. But that is very different from saying it would not injuriously affect relations with the United States. He does not go that far. Nor, if he had ventured to, can the Ambassador be heard to say that renewal would be, *in fact*, an agreeable thing to the American Government, because the opinion of the Secretary of State of the United States is a higher one than his in that regard. Consequently out of both communications it must appear that we have everything to lose, as far as American relations are concerned, by renewing the Treaty in any form.

LORD CURZON: It is very difficult to condense into a few sentences the impression left by a conversation, but I ought to say that the impression left upon me by the American Ambassador yesterday afternoon was not at all in consonance with the view contained in the telegrams from the United States. If Mr. Harvey had desired to represent to me that the state of feeling there was so strong that the renewal of the Treaty would not be tolerated, he had abundant opportunity for doing so. He did not take it. On the contrary, he

seemed to think it the most natural thing in the world. We should have friendly discussions in that case. He has come here charged with the policy of closer friendship between his country and ourselves, and had he felt that here in the gateway stood an obstacle, stood an angel with the "sword of flame," he surely would have told me so. He did not say so. He said, "Any time you wish to discuss with me any question, I shall be delighted to do so." I did not push it further than that. But certainly the whole tone of the man, and the character of what he said was far more friendly than anything I had been led to expect, or than Sir Auckland Geddes' telegrams would have caused me to anticipate.

**MR. MEIGHEN:** Is that not what I am urging? Their attitude is friendly. They desire to be more so; and this message is most certainly clear that there should be a tripartite arrangement, or perhaps something wider, but something in which the United States is a party. Therefore, pursue that course. But if not, and there is another agreement between us to which they are not a party, it will be unfavourably regarded by the United States. If the Ambassador had intimated otherwise would he not be in direct conflict with the expression of opinion by Mr. Hughes? And in that event are we not bound to take Mr. Hughes's opinion?

**LORD CURZON:** He did not go so far as that.

**MR. LLOYD GEORGE:** I do not wish to interrupt you, but I was very disquieted by your statement that we had not informed you of our intention to propose to ask the Japanese Government to prolong the agreement for three months. I felt that it was my fault if that was the case, because the previous communication had come from me, and I felt that I ought to have informed you. I was under the impression that I had, and if I had not I certainly owed you in Canada an apology. But I find on the 26th April I sent you a message, in which I said:

Your Government may rest assured that until the June Meeting of the Imperial Cabinet, the question of renewal in any form of the Anglo-Japanese Alliance will be left entirely open. As an act of courtesy to the Japanese Government, and in deference to your apprehensions, the former has been informed that until the future policy of the Empire has been decided upon by the Imperial Cabinet, no decision can be reached; and in our judgment neither promptitude of decision nor freedom of action will in any way be compromised by awaiting this discussion. In the meantime, we propose to ask the Japanese Government, since it would be impossible to communicate the decision before the date of the expiry of the present Treaty in July, to agree to prolong for another three months the present agreement.

**MR. MEIGHEN:** I now recall that, and I am sure that we received it. I overstated the matter if I said that we had no communication of the intention.

**MR. LLOYD GEORGE:** That was in April. I felt that I ought to have informed you, and I was under the impression that I had.

**MR. MEIGHEN:** We did not communicate agreeing to a renewal in any form, whether for three months or any time. Neither did that message amount to a submission to us of the question. I remember that was at the end of your reply to my second cablegram.



MR. HUGHES: It was understood that we should come here to deal with it. What is the good of dealing with a thing that has ceased to exist? The question was the renewal.

MR. LLOYD GEORGE: This is what I said:

In the meantime, we propose to ask the Japanese Government, since it would be impossible to communicate the decision before the date of the expiry of the present Treaty in July, to agree to prolong for another three months the present agreement.

MR. HUGHES: That is an extension without prejudice.

MR. MEIGHEN: A statement of intention.

MR. LLOYD GEORGE: It was done in order to give us a free hand here, with a view not to prejudice the decision of the Imperial Conference, so as to give us plenty of time to consider it carefully.

MR. HUGHES: If that had not been done, what would be the position to-day?

MR. LLOYD GEORGE: I think we made it clear. I do not think that there was any objection or protest received from any of the Dominions to the proposed extension for three months.

MR. MEIGHEN: I want to say a few words in reply. If a proposal had been submitted for our approval, probably we would have objected. Perhaps, as it was, we should have replied and objected, but we did not carry our communications any farther as a matter of fact.

It would have been much better in my judgment to have ascertained in good time the United States attitude towards a Conference. Where are we now? We have an agreement, say, for three months more. In the meantime, the old Treaty stands and we are in communication, say, with America, in regard to a Conference. What is to happen finally to the agreement if the Conference results in one thing, if it results in another thing? We cannot be in Conference with you to consider what should be done. We may be at the Conference with America; I do not know, of course, whether it will take the form of a Conference at which men will sit round a table, or whether an attempt will be made through Ambassadors to reach identic notes, or what may take place. But there are a dozen different results that may come. Now then, suppose we are in the presence of one of those results, and the question comes, what shall be done? We cannot meet in conference here again to decide it. So it seems to me that the maintenance of the Treaty pending a Conference may mean virtually eliminating the voice of the Dominions from the question, that is to say, in so far as that voice may, as at a Conference, be adequately expressed.

MR. BALFOUR: There is one question I should like to ask Mr. Meighen. In one of the most important passages of your speech you have said this:

How can America, which is one of the three Great Naval Powers in the Pacific, Japan and ourselves being the other two, look with favour on a confidential and exclusive relationship — some phrase of that sort — between those two Powers, from which she herself was excluded?

Have you any ground for thinking that America would like to be a third party to an agreement?

MR. MEIGHEN: I hoped to have that ground. That was the object of the communication I made to the Prime Minister, but in deference to his desire nothing whatever was done towards ascertaining the attitude of the United States.

MR. BALFOUR: I am thinking of public opinion in America, which is what you especially appealed to.

MR. MEIGHEN: I have no doubt at all that that is correct and I am confirmed in such opinion by the Secretary of State of the United States. I wish for no better confirmation.

...

Twelfth Meeting

July 1, 1921

...

#### ANGLO-JAPANESE ALLIANCE

MR. MEIGHEN: The discussion so far has proceeded on the assumption that, if no steps were taken between now and the 13th July, the Treaty would fall on that date. That turns out to be incorrect. We are now in this position, if no steps are taken, that the Treaty proceeds indefinitely, subject only to the power of either country to denounce it at one year's notice.<sup>1</sup> The other fact that is now understood fully is that both countries are under obligations to the League of Nations to remodel the wording, and if I express my own opinion such remodelling should take effect from the 13th day of July. I observe in Lord Curzon's remarks the suggestion, based upon the assumption that the three months' extension would be agreed to, that instead of changing the terms of the agreement the same terms may be used, and the Council of the League of Nations should be given to understand by a joint note that, should any dispute arise affecting the two Powers, the provisions of the agreement would be subordinate to the Covenant. That, I suppose, is another alternative. Anyway, we find ourselves confronted with a new and material circumstance. I am not criticising Lord Curzon at all — I am sure he gave us what he was informed was the real position according to international law. However, the discussion that has taken place has had this value — it has served to make known generally the opinions of the various Dominions and of the British Government on the broad question of the renewal or the non-renewal of the Treaty. I think I should say a few words on that question and then I will come — and come very quickly — to a discussion of what, in the new state of facts, would be the best practical course to take. The position that Canada took was fairly completely disclosed in the correspondence of last February between myself and the Prime Minister of Great Britain. It was fully understood, I can well see, by the Foreign Secretary, and it was very

<sup>1</sup>La veille, le Lord chancelier avait émis l'opinion que le traité demeurerait en vigueur jusqu'à ce qu'il ne fût formellement dénoncé par l'une des parties.

<sup>1</sup>On the preceding day, the Lord Chancellor had rendered the opinion that the Treaty continued indefinitely until formally denounced by either country.

fairly stated by him in his address before this Conference. I did, however, listen to a rather forceful attack, not on the position that Canada really took, but on a caricature of that position stated by the Prime Minister of Australia, and, I am afraid I must say, apparently acquiesced in by the Prime Minister of Great Britain. Judging from their speeches I am afraid I failed in the address I made here to improve upon the communications of February. I must indeed have destroyed the entire effect of those communications in my remarks. It has been assumed that we are called upon here to discuss an alternative which involved the waiving aside of Japan, the cutting of that nation, the refusal even to speak to her, and the giving of the hand of fellowship instead to the United States of America. I do not want to overstate, in any degree, the effect of words used round this table. I am prepared to quote at any moment in support of my remarks. Indeed, it was assumed that we had urged upon the Conference a policy which would mean the taking of a course in international affairs, which, if the parallel were taken in private affairs, would be ungentlemanly.

MR. LLOYD GEORGE: No, I did not say that. What I said was, a refusal to renew the Treaty with Japan would be contrary to that line.

MR. MEIGHEN: If I did not in my remarks give cause for the assumption, nobody did, so that the hypothesis was an impossible one. I took the pains to say that I accepted in full the assurance of the Foreign Secretary that Japan had fulfilled her every obligation and behaved as a true and loyal Ally through the war, and I stated that, under those circumstances, you could not cast her aside. Nor did General Smuts say anything that constituted a difference between his position and mine at all. I want to be distinctly understood as assuming that there is no criticism coming from us as regards war support, and I assumed that throughout the whole of my address. What I argued was this. That there is some criticism, and just criticism, due to Japan, not in so far as her support of us during the war was concerned, but in relation to that part of the Treaty which bound her to respect the integrity of China and the "Open Door." I argued that. That, I thought, should be taken into account in determining whether or not very special consideration should be given to Japan now. Such special consideration has been asked by those who support the renewal of the Treaty, whether or no. I expressed apprehension that the next few years would disclose a continuation of that aggrandisement with the inevitable consequence of impairing our good relations with other countries, who look with anything but favour upon the continuation of that policy by Japan. And I urged most strongly this, that the purpose of the original Treaty and of the renewal having been fully met and having served to the advantage of both Powers, a new world situation now arises, three Great Powers emerge, all three having an almost equal interest in the Far East. It was not wisdom, I submitted, to cast an Ally contemptuously aside, but it was the part of wisdom to request that Ally and the other Powers concerned to meet us, and confer, and come to an understanding as to what should be done in that territory and what principles should govern these three Powers in determining the best course there. I suggested that it would be better — bearing in mind, of course, the assurance given that the Treaty would expire on the 13th July, if nothing were done — it would

be better to do nothing in the meantime, except seek to come to this understanding with Japan to meet the United States in Conference rather than renew the Treaty, and in that position go to the United States of America. I felt that if we deliberately renewed the Treaty with Japan, and if we then asked the United States of America to come to the table with us they might very naturally say: "This Conference is loaded against us. You would be coming to us in a much better position if you came the way we are coming — tied nowhere, anxious only to meet on an equality, and to seek to come to common ground." That is the position I took. I did not even suggest that if, having made that offer under the best of conditions, we should fail through the unreasonableness of the United States of America to reach results, I would not consider coming to an agreement with Japan alone. However, what I want to raise objection to chiefly is this — the misstatement of the course of policy which I have sought carefully to urge, upon the Conference. The description given of my argument was wrong in another respect. I was even charged with espousing the cause of the United States of America, and with having argued the whole matter from their standpoint, instead of from the standpoint of the British Empire. That charge has at least the element of novelty as applied to me. I took pains to try to put what was in my mind in this respect in two or three sentences. I assumed that the necessity of friendship with America was, in fact, part of our world policy. It was so stated by the Foreign Secretary. I took his words to mean what they said. That being so, I sought to argue, and to reinforce my argument, pointed out two things: first, the propinquity of Canada to the United States of America, and secondly, the resulting effect that Canada is able to understand their attitude. I gave my opinion that a renewal in any form under the conditions that presented themselves there would be unfavourable to those relations. I did not say that there would be a breach or a quarrel — not at all. I did not even intimate that. I meant just what I said, that it would prejudice our relations, that it would not conduce to improvement.

I referred to the further fact that my opinion was confirmed in practically identical words in the last despatch of Sir Auckland Geddes, quoting the words of the Secretary of State of the United States himself. I venture to state that we should take the word of the Secretary of State of the United States in that regard. It would need overwhelming evidence to warrant us in going behind it. Therefore I assumed that a case had been made to show that to renew the Treaty in any form would tend to lead otherwise than to good relations with the United States. I emphasise the last cablegram of Sir Auckland Geddes the more because it followed a series of others, from the whole course of which it appeared that he himself was reluctant to come to the recommendation which he last expressed. Now then, believing on those two grounds that such would be the result of the renewal, and believing as I did as well that the major factor — I will not say the pivot — although I believe that was the word used by the Foreign Secretary — the major element of our policy is friendship with the American Republic, believing that those words really expressed the policy of Great Britain and were not mere words alone, I assumed that the effect of any steps which we should take upon our relations with that country was something that we had to take into account from our own standpoint, not

from theirs. That conclusion surely was inevitable. If American and British concert and concord and friendship is a loadstar at all of foreign policy, then in deciding our course, selfishly from our own standpoint alone, we must give foremost consideration to the effect of that step upon American relations.

Now I will not go into anything further that has been said nor deal longer with the general broad position.

We are now at this point. The agreement, as just revealed, goes on, if nothing is done, indefinitely, subject to the right of either side to denounce on a year's notice. That is the position. Further, as between the two high contracting parties on the one side, and the League on the other, they are under obligations to subject the Treaty to the Covenant of the League of Nations. I am going to assume that that will be done. I do not know whether it is to be accomplished in the one way or the other, whether by a remodelling of the Treaty or merely by continuing the same Treaty and notifying the League that in application its covenants will prevail over the covenants of the Treaty. In my opinion it would be better to remodel and expressly to make the terms such that no exception could be taken from the standpoint of the League or from any other standpoint, such, for example, as was expressed at this table by the representatives of India or as expressed by the Foreign Secretary himself. The whole position is this — the agreement does run on for at least a year. For how long should it proceed? I think we should agree that it should proceed for a year, and in that respect I would give my concurrence to the suggestion of the Foreign Secretary, which appears as "B" (see appendix to E/10th meeting) on the special memorandum which he circulated on the 28th June. Perhaps I should read the whole of "B" before making any comment:

B. Temporary renewal of the existing agreement (brought into harmony with the Covenant of the League of Nations, and with mention of India possibly omitted) for a space of, say, one year from October 1921, so as to provide for the holding of an International Pacific Conference in the interval.

Let me read in connection with that some words of the Foreign Secretary that I think might also be brought to bear and their effect embodied in any renewal. I refer to, first, these words:

They are quite ready to accept the position that the views and position of China (by 'they' he means Japan) must also be taken into account, and also through the mouth of their Foreign Minister, Viscount Chinda, that we cannot possibly renew the agreement except after consultation with America.

LORD CURZON: That is a misprint. It is Uchida who is the Foreign Minister.

MR. MEIGHEN: I commend those words. Then this:

The Treaty in its present form is not desirable. The military clauses would excite very great suspicion and alarm in America, and we have gone beyond the stage either at which renewal in its present form, or something like it, is practicable.

The following as well:

The fourth alternative is one which, I think, on the whole, the Foreign Office is rather disposed to recommend, always subject to what may be said here, namely, that the agreement, if renewed, should be renewed in a different form, and after consultation with the United States on the one hand and with China on the other, and with the League of Nations...

MR. HUGHES: Which fourth alternative is that?

MR. MEIGHEN: I think it is the same as "B" —

should be renewed in a different form, and after consultation with the United States on the one hand and with China on the other, and with the League of Nations, its renewal being accompanied by an expression of willingness on our part

and this I consider important

to join the United States Government in an examination by Conference between interested parties of the Pacific problem.

On the same page, the Foreign Secretary says these words, it is not necessary for me to read the context, but he says, "with what we may call the suspicious clause removed from it on the other, for a time, say for a year, pending the decisions of the other Conference to which I have referred." I know what this involves, but I think it cannot be avoided, it involves going into the Conference as an ally of Japan, but it involves that result under conditions that are wholly different from what would have been the conditions if, facing the fact that the agreement was to end, we took the positive step of renewal. We do not now face that fact. We face the fact that the agreement stands and that, without doing something (which we cannot be called upon to do), we must come to the Conference as an ally to Japan. I therefore would urge this, that the Foreign Secretary does, what I feel sure he is disposed to do, meet the representatives of Japan, China and of the United States, and being frank with them ask them to be just as frank with him. He should seek to find out precisely what each of them wants, what each of them expects. He should make know the position of this country, its friendship for Japan, its friendship for America, its friendship for China, and he should endeavour to get the assent of them all to what he described as the Pacific Conference. He should endeavour to secure concurrence that such Conference be held at the earliest possible date, and that nothing be done in the meantime that will prejudice its success — for I can easily see how many things could be done — but that everything be done to seek to ensure its success so that before this year expires, and as early as all the parties can agree, an understanding among these four Powers arrived at through a Pacific Conference shall be submitted for an exclusive confidential relationship with Japan.

...

Thirteenth Meeting

July 1, 1921

#### ANGLO-JAPANESE ALLIANCE

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MR. MEIGHEN: I want to say a word or two so that my position be not misconstrued. I am very sorry the discussion proceeded at all past the first statement of the Foreign Secretary. Had it ended there, there is no doubt it would have been better than where we are now, it would at least have been nearer my view. I do not want, by inference or specific statement, anything to go to Japan which intimates that this Treaty in its present form, or even after making it subordinate to the Covenant of the League of Nations, is the policy

of this Empire. I do not know, I am sure, why we have abandoned the conditions stipulated in the first statement of the Foreign Secretary. We have not abandoned the intention of modifying in one regard, that is to make it conform, the working out of it conform, to the League Covenant. But apparently the Treaty is going to stand as it is, there is going to be no new Treaty at all, only the making its administration conform to the Constitution of the League of Nations. But there are other respects as well which the Foreign Secretary laid down as vital to comply with which the Treaty was to be remodelled [*sic*]. I do not know why those vital modifications are now cast aside. I would like an attempt made to secure them. I would like to secure, even for the one year (during which the Treaty must subsist), the modifications which the Foreign Secretary called our attention to, and one of which, indeed, the Representative of India emphasised as essential.

There is a clause in this Treaty which says that Japan has special interests in the Far East, also that we have special interests, territorial rights and so forth. Now, I think Japan is in a position to say: "Our position in Southern Manchuria is to-day a special interest, we are there by your compliance, we are there with your recognition, and if China disputes our place you are under obligation to march by our side in war." I do not think that obligation should continue, certainly not indefinitely. I do not want to accept that result on behalf of Canada. I would like to see every effort made to modify the Treaty even for this coming year. I do not believe there is any necessity at all of saying what should be our policy after. Our policy must be governed by what we learn at and our experience derived from the Pacific Conference. It must be so governed. I know the Foreign Secretary will have no difficulty in discussing this matter in the light of these remarks with the Ambassadors. As for Mr. Hughes and myself, we are worlds apart, and I cannot conceive how the Foreign Secretary can possibly reflect both of our views in any statement to the Representatives of those other Governments. All I desire is this. I desire that the Treaty be remodelled, that an attempt be made to get Japan to remodel it and to have it last only for a year. If the latter purpose fails I do not see how the former can fail. I think it was in the mind of the Foreign Secretary, when he just spoke, that it would not fail, that is, an attempt to have its objectionable features removed from the Treaty.

To suggest that we should first say to Japan, "If the Conference fails, this Treaty is satisfactory to us and this Treaty is our policy," and, having said that to Japan, that we should then approach the United States and say: "Come with us" — the thing is madness in my mind. Japan would have the key to the situation, they would be the arbiters of the whole Conference. The Prime Minister says it would be better for Japan to have America tied in. Well, I do not pretend to be a judge of that, but I rather doubt it.

MR. LLOYD GEORGE: You do not think Japan wants an understanding with America?

MR. MEIGHEN: I would not say that, but I think Japan would prefer to go on the way it is. I do not put my opinion, I certainly would not put my opinion against your considered opinion.

MR. LLOYD GEORGE: I would not myself put. . . .

MR. MEIGHEN: But I think Japan has got on very well.

MR. LLOYD GEORGE: That seems to be such a blunder in Japanese statesmanship that I cannot conceive them making it.

MR. MEIGHEN: They have succeeded very well as it is. I do not believe they would feel so confident of succeeding in the same respect in the next twenty years if the United States were tied into the arrangement. They could not possibly expect to succeed any better. Anyway, such an antecedent final commitment would make Japan arbiter of the situation. In a word, I urge that we look and work for real success at the Conference — we are bound now, unfortunately as I think, to regard the Treaty as lasting for a year, perhaps for longer — I would like to see an attempt made to have an arrangement that it continue for a year only. Then we will be free to consider our position.

We are bound to have it subsisting at least while we are at the Conference. Do not let us tie ourselves any further. Let us go to the Conference with our hands as free as under the circumstances we can make them, just as we ask the United States to go. Then we have a right to ask them to do likewise, but otherwise, if we tie ourselves more than is absolutely essential, we are not, in my judgment, so ordering our task as to promote success.

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Sixteenth Meeting

July 5, 1921

IMPERIAL COMMUNICATIONS

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MR. MEIGHEN: There is not very much that I wish to say. Our position is not so accentuated in this difficulty as that of Australia and New Zealand. We are much closer and our development in wireless telegraphy in connection with England is further advanced. We have had a contract for ten years running with the Marconi Company, the terms of which we had to remodel not very long ago. But we have a wireless service, and we do not find any very general complaint on that score. In the matter of a new[s] service, I do not know that I can address any criticism to any Government.

We are interested with the Motherland in the exchange of news, and we know the present position is not satisfactory. We know that the news that comes to Canada filters through New York; indeed, it is censored by the American authorities. I do not mean the Government authorities, but from the American standpoint. It reaches us in that condition. And it has, as a result, an undesirable influence, and a very serious influence it is.

Little, if any, Canadian news reaches England. I have been struck as never before by the paucity of news that gets into the press here. But the difficulty is this. I have made enquiries. It is not that there are no facilities for getting news here. It is not that it does not come. It is because it is not printed when it does come. Your newspapers are simply selling goods, and they find our news does not sell. I do not know how to get over that. Perhaps someone



has a solution. Anyway, I made enquiries at Reuter's, and that is the information they gave me. We have had proposals for a purely Reuter service here. I think it involved some contribution from the British Government as well as from ourselves. We did not go into it. We have not established it. It is under consideration still. But so far we have had to decline on account of the very great cost.

Consequently, the cure lies at our own door, as far I understand the question, in regard to news of Britain reaching Canada in its real and true form. As regards the reverse picture, we cannot help it. I do not know anything that we can do in Canada to get Canadian news into the British press. It does not get in, and it is the choice of the press in Britain that it does not.

Nor do we suffer, as regards transportation by steamship, as do the farther parts of the Empire. We are seven days, in the worst period of the year, between Liverpool and Quebec, and we can do better in the later periods of the year when the danger from ice is past.

I cannot speak technically on what we are doing as regards the wireless service. Mr. Guthrie can perhaps say something which would be of interest, though. Airship Services will possibly have to start with Government subventions, but in the years to come they should be a commercial proposition, and I do not think it will take very long. Now, the important thing is this, and it is the first point that Mr. Hughes made, that we should concentrate our efforts on getting the closest means of communication between the Government of Britain and the Governments of the Dominions. If we are as near as he thinks we may be to telephonic communication then that is the best; that is the goal. If we were there, then there would be a lot of constitutional clouds, removed in my mind at once. I do not know how far we are. It seems to me that the work of this conference might well be directed towards discovering what can be done to facilitate despatch between our countries, which will never be satisfactory even if it takes the form of wireless, but which, when it does reach the stage of telephonic communication, will solve many of our difficulties. Such communication as can be had by the written word is very different in kind, and different in value, from what can be had by the human voice to and fro, and I hope, with Mr. Hughes, that we shall see the result in our time.

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Twentieth Meeting

July 8, 1921

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#### LEAGUE OF NATIONS

MR. MEIGHEN: I refer now to Mr. Balfour's statement of this morning on the subject of the League of Nations. My first suggestion is this, that this most useful and, I think, very timely and necessary statement of the work of the League, as well as its difficulties and disappointments, should be made public to the fullest possible extent. There will have to be one or two excisions, but with these excisions it would be useful now to have the utmost publicity given

to this statement. There is a disposition to criticise not only the work, but the prospects now of the League of Nations. It is an all too prevalent practice, and the review which we have listened to this morning from Mr. Balfour, if widely understood, will have a wholesome effect. Our concrete purpose, I think, is to see if some suggestion can be made and agreed upon, that will bring about a remedying of the one major handicap under which the League labours to-day. It labours under more than one, it is true, but by far the greatest is the withdrawal, or rather the refusal to enter, by the United States of America. I am not hopeful that I can make any practical suggestion looking to definite action in this regard. I think Mr. Balfour appreciates as much as I do what forces have operated to keep out the United States. It is true, as he says, that the whole subject became involved in the turmoil of a political contest in that country. With the turmoil still proceeding, there is no hope of successful action for a while. But there are other considerations to keep in mind. Firstly this, the United States — there was this important body of sentiment there — were earnestly and conscientiously actuated to move only where they could usefully do so, that is with good results to themselves or to the world, and not to interfere in the settlement of European disputes. I think many of the best people of that country shared a doubt as to the usefulness of their taking part in European politics, and because they shared it, they did not throw themselves unanimously against the interposition of party politics into the question. If they had, they might possibly have resisted the course pursued by a large section of their press. They felt they were not in a position to render useful service in the settlement of these matters. They realised that it had been traditionally difficult for Great Britain and European countries generally to understand the New World, and they feared that they suffered under similar disabilities in trying to deal with the problems of the Old. There was what we all appreciate, the century-long reluctance on the part of the United States of America to leave the Western hemisphere, and, that feeling proved to be just about as strong in the year 1920 as in the year 1800. It took hold of the popular mind, and the old instinct re-asserted itself. They shrank from going away from the American Continent and meddling with affairs outside. It will take some time to alter those elements of policy. It is not going to be done as soon as perhaps many here expect. The President of the United States, in order to engage the goodwill of many who have firm belief in the ultimate usefulness of some League of Nations, but who object to the present League on one ground or another, has announced that he would like to see some association formed without the disabilities that they see in the present League of Nations, the principal disability in their minds being connected with article 10. In the Presidential contest that was a great bone of contention. It was preached on every platform, as leading them into vague and unlimited responsibilities, and those who took the adverse side against article 10 had much the better success in the contest. Their President has affirmed that he and his Government would like to associate themselves, at some unspecified time, with an Association of Nations which would have the same object, as far as I know, as the present League, but which would be constituted with a better Charter. If I were the head of

this Government here, I think I would be disposed to wait until he came forward with a suggestion as to what he really meant.

MR. LLOYD GEORGE: Do you think he is likely to do that, Mr. Meighen? That is the point.

MR. MEIGHEN: I do not think he is for some little time. I think we shall have to wait for that. I feel sure that in any event another President will, but that is four years from now. It cannot be in less than that time, except in the event of the President's death. Those people of the United States upon whose influence in the Republic depend good relations between Great Britain and that country are very largely the people who are in favour of the League. That is, I venture to think, more true, perhaps, than the people of these islands realise. They are very stoutly in favour of the League of Nations, and their hearts are bent on securing the objects outlined by Mr. Balfour this morning. What I say applies to the ranks that support the President of today. They are the larger fraction of the class of people I have described. Of that there is no doubt. There is no room for argument on that score, and the sympathy of that section of American public opinion President Harding must have, or he cannot survive. He must have it. I do not say he cannot retain it, and do very little in the way of practical action towards going into the League of Nations. I do not pretend to give any opinion on that point. I think the progress of time will compel him to hold behind him just this body of American sentiment. In my opinion the more this country does further to solidify the confidence in the fair intentions of Great Britain that now exists among these people, the more helpful it will be; the more we do that the more we hasten the day that they will put themselves as a nation within the League.

MR. LLOYD GEORGE: Do you mind developing what you mean by that?

MR. MEIGHEN: I mean, for example, the step foreshadowed in the conversations the Foreign Secretary has had with the American Ambassador. If in the progress of these negotiations and the proceedings of the proposed conference they are compelled to have the fullest confidence in the fair intentions of Great Britain, and the desire of Great Britain to keep them on an equality in connection with this Eastern question, that will add to the numbers of those who will press their Administration into the League or into some similar association. An opportunity may occur later when an advance may be made on the part of the British Government, but for the British Government to step out itself and walk towards the President now would probably have the result of his retiring, and the territory between would be just as great as before. I think it would be better to wait until an opportunity presents itself. That may occur, or it may not, but if it does not, then simply by so treating in other matters with the United States as to put it out of their power to criticise justly — by that course of conduct, in my judgment, the hands of the Administration will be forced. I believe that the patience under which this country has stood the utterly incomprehensible — to me certainly indefensible — attitude of the Hearst and kindred press in that country has had the effect

of producing a reaction against those influences, and the coldness of America is not as marked now as it was six months ago.

Now, before I cease I will say a word as to the position in Canada. I have no manner of doubt whatever that it would be with nothing less than a shock to the Dominion that news would be received of any disposition on the part of this Empire to abandon its part in the League of Nations. The Dominion of Canada still looks for the exhaustion of every resource to procure by concert with the United States the purposes of the League, the predominant one of which I take to be the minimising of the danger of war, and the reduction of armaments. The Dominion will scrutinise very carefully the *bona fides* of this and every country in the efforts it puts forth to reach that goal. If it feels that there has been any failure at all to make advances looking to a reduction of armaments all round, looking to the reducing to the minimum of the peril of war, then it will be impossible to bring a Canadian Parliament to the point of sharing in an adequate naval defence or general defence programme of the Empire. The people of Canada want to be thoroughly convinced — the conviction must sink into the people — that there has been nothing left undone in the way of establishing firmly and working efficiently the League of Nations. They must feel that everything has been done in that way, and in every other way, to bring about reduction of armaments. Until they are so convinced, then he has a difficult task indeed who seeks to gain the co-operation of Canada in any programme. That is an essential condition, whoever the Prime Minister or the Government may be, if there is to be a chance of succeeding. The people must be convinced that these efforts have been made. Consequently, there is no disposition there yet to feel that the League should be abandoned, and I speak within the bounds of correctness when I say that on our part we do not intend that the Dominion will be charged with leaving the League.

. . .

#### PANAMA CANAL TOLLS

LORD CURZON: The question was raised in this way; the other day the American Ambassador came to see me and told me that the present administration in America, having put into their platform at the Convention a statement about their resolve to revoke the policy of their predecessors and to open the canal free from tolls to the coastwise traffic in America, had introduced a Bill into Congress with that object. The Bill has passed the House of Representatives, and is now before the Senate, and President Harding, having pledged himself in his electioneering campaign to support this policy, will have to put his signature to the bottom of the Bill. The Ministers will remember that when a Bill of this sort was passed at an earlier stage some years ago, in direct violation of the Hay-Pauncefote Treaty as interpreted by us, and, I believe, by the great majority of people, that Bill was, as soon as President Wilson came into office, revoked by him. The new proposal involves a complete reversal of policy on the part of the United States, and challenges the position which we have always hitherto assumed. The Ambassador came to me with the proposal to buy our consent to this change of attitude by a

concession which his Government are prepared to make to Canadian coastwise traffic, that is to say, they are prepared to give the same immunity from dues and tolls to the Canadian coastwise traffic as they are proposing to give by this legislation to themselves. I pointed out that this raised a great issue of Imperial policy, and that I could not pledge the Government without consulting the Cabinet and Mr. Meighen, which I would have to do before giving an answer to him. The view taken by the Foreign Office, the Board of Trade and all the Departments concerned is that it would be highly undesirable to make this surrender. We then referred it to Mr. Meighen, and I believe Mr. Meighen holds the same view; and if we are unable to make what I think would be a really unholy bargain, the only course open to us is to protest to the American Government fiercely against the line of action which they are pursuing, which I think is in the highest degree immoral, and if we are unable to agree on the matter, to insist upon arbitration. I have, more than once, mentioned here Lord Grey's Treaty setting up a Commission for the investigation of any case in which the American Government and ourselves are disagreed, and I think we must insist upon referring this case to this Tribunal. For the moment, our decision is only on the point whether I am to return — which I hope you will authorise me to do — a formal negative rejoinder to the American Ambassador.

MR. MEIGHEN: I have not the least hesitation in dealing with the Foreign Secretary's statement. It is some years now since I have had an opportunity of reviewing the Treaty and the history of the discussions that led to it. I think it was in February 1914, when President Wilson vetoed legislation, that had passed both Houses — legislation that had the effect of giving preferential rates. I came immovably to the conclusion that any such legislation was a breach of the Treaty of the plainest kind; that for the United States to carry out such legislation would be simply taking a great world franchise, to the securing of which the concurrence of other Powers had been obtained on certain conditions, and, having done so, simply scrapping the conditions and seizing the franchise to itself. That is what this contemplated action means. Our Canadian traffic is affected seriously; I mean to say our coastwise traffic. More than that, we have the Dominion Government operating now a mercantile marine, and we are interested in that as a Government as well as a people — in the preservation of this coastwise traffic. That part of the traffic will increase very probably most rapidly of all. To let the Bill pass on condition that we secure this concession from them would, as far as the advantage to Canada is concerned, be very great. There is no doubt about that. But I for one will never be a party to the purchase of an unfair and unjust — should I say dishonourable — advantage. I do not think we have any right to it. Nor can I conceive the British Government acquiescing in the disturbance of the whole basis of a solemn Treaty, merely at the price of an advantage to Canada. These opinions of mine are firm. I think they are based on a careful study of the Treaty and its effect. I would say by all means protest in the most vigorous terms against the action, carry the protest to the utmost publicity at the present time. All I fear is whether it would be wise for us to suggest arbitration on a point clearly decided already. I think it would be better to wait for them

to do so. The Treaty itself is the conclusion of an arbitration, and it looks like asking for re-trial of a case that is not now decided in our favour. However, as to that, I do not pretend to speak with authority, or to adduce further argument. I would say, at least, carry your protest to some considerable length before suggesting arbitration.

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Twenty-second Meeting

July 11, 1921

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#### THE CONSTITUTIONAL QUESTION

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**MR. MEIGHEN:** I will not attempt to refer to some of the subjects which have been touched upon in the course of the Conference addresses to-day. I will make a short statement first as regards some observations on this constitutional deliverance of mine, or whatever you choose to call it.

**MR. MASSEY:** A memorandum.

**MR. MEIGHEN:** And secondly, as to the proposed Constitutional Conference, and thirdly, as to how we should go about making progress on the question of the proper conduct of our mutual relations as regards Foreign Policy in the future.

Well, first, the circumstances in which this statement of mine was made should be kept in mind. The Foreign Secretary had reviewed the entire conduct of foreign affairs for, say, two or three years, since, at least, our last meeting. I thought it would not be out of place to put on record my general view as to the right of a Dominion to a voice in the determination of Foreign Policy, to consider the extent and the limitation of that right under the present recognised constitutional mechanism. I do not intend what I said to be in the nature of a resolution to which all must accede and to which a minority must submit; nor did I intend what I put forward to be regarded as of the rank of a Magna Charta or even of the Fourteen Points. I did not think there was a Minister of the British Government now who would deny to any Dominion anything affirmed on that Dominion's behalf in this statement. In answer to arguments put forward by Mr. Hughes, I only wish to call attention to two things. One is the word "distinctively" in the fifth line on the last page, and the second, the word "commensurate" in the second page. I have nothing else to say.

Now as to the Constitutional Conference. We are confronted with several circumstances, but the main one I may be able to confine myself to. The fact is that in 1917 a resolution was passed calling for a special Constitutional Conference after the war. No doubt at the time the anomalies of our present position were getting home to the members of the Conference of 1917 with an accentuated force, due to the need of very direct co-operation during the war, and it was very generally felt that something had to be done to remove those anomalies. Consequently, this resolution was passed. I am not sure that if everything had been known that we know now the resolution would have been unanimous. I do not like the idea of advertising ahead that we con-

template constitutional changes. It has an unsettling effect in Canada, and it may also have in other countries. I must here refer to General Smuts's suggestion that there should be certain tentative resolutions now proposed, in order that we may revolve them in our minds between this time and when a Constitutional Conference is held. You put certain things in writing, and let your country know that two years or even a year hence you are going to discuss this or that. That would give rise to apprehensions. The thing that we have to decide is what we are going to do. We are called here, and one of the initial reasons for calling us here was to decide the items of the agenda. We have the alternative of preparing no specific agenda. My suggestion is this: We have to meet again. I do not see any reason for meeting arising from any necessity for constitutional changes at all. Such reasons alone are not sufficient. But I think for other reasons it will be necessary to meet again in a couple of years.

MR. MASSEY: Less than that.

MR. MEIGHEN: Yes, perhaps less. Let us if we can, determine on the name, time and place of our next meeting. I suggest that "Imperial Conference" be continued as the name. Let us decide then from a review of all the circumstances whether a change of constitutional relationships is necessitated by the experiences we shall have had. Do not let us lay anything down as agenda. I do not see how we can; but if we could and did, it would have anything but good effects. I do not say that everything is right in our constitutional arrangements, and I do not say that we cannot do at least something very soon; I am inclined to think we can, but the present is not the time to do it, and whether it be in two years or less, there should be a lapse of a reasonable time after the war conditions. It would never have done to have met immediately after the war, with the experience of the war in our minds, and then to have made adjustments to apply for a long period of peace. I consider that in another two years it will be time enough, and even then I do not think there will be any radical changes necessary; but we could review the conditions at that time, and we might then achieve something worth while.

That is my suggestion on Topic No. 2. As to the third, what should be done in the meantime in order that we may be better advised, and better able to exercise the rights hitherto exercised and now sought to be expressed in this paper of mine. How we may the better do that is a question which is practical and immediate, and we ought to seek to make good progress upon it at once. My suggestion is this, that we should have a Committee at work for the next two or three days, which would report to this meeting on that matter and we should appoint the Committee to-day. We should see if we can do something in order to make the determination of questions common to us all a real determination of us all instead of one—in order that the Government of Great Britain could the more quickly, easily, more fully and effectually get in touch with and act in co-operation with the Dominions in the meantime. For that reason I suggest this Committee. That is how I express its work. It is the only suggestion I have to make now on that subject.

...

Twenty-third Meeting

July 12, 1921

## THE CONSTITUTIONAL QUESTION AND FOREIGN POLICY

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MR. MEIGHEN: I referred to the subject yesterday afternoon. As regards this, I suggested a committee. I had something in my mind at the time. I do not know whether I can do any good by advancing what I had in my mind now or not. My idea was that an Imperial Conference be held two years from now, that we do not denominate it specifically a "Constitutional Conference," that we inaugurate a series of annual Conferences, or semi-annual as we may agree, at least two years from now — I do not see how you could commence earlier at the present time — that we give them all the same name, and that at the first one to be held two years from now, we give special consideration to any necessary constitutional readjustments. In a word, that we thus execute the charge imposed upon us by the Resolution of 1917.

Now, as to the improvement of our communications, that is to say, our communications regarding foreign affairs, as to meeting the desire of the Prime Minister to enable the Empire to speak, as it must meanwhile speak, through His Majesty's Privy Council here with one voice, I was only going to say this. The right of each Dominion to have a resident representative to sit with the British Government while it is engaged in the consideration of matters that are of vital concern, was affirmed by resolution and accepted in 1918, but only for the period and for the purpose of the war. It was exercised, but not very fully or generally. I think it would be well to have that right re-affirmed, even though it may be exercised no more fully and no more generally than before, until we meet again, say, in two years' time. It may be, or it may not be, that the exercise of such a right would have a good effect, but its existence, I believe, has had a good effect, and it might possibly be that it would be availed of more frequently than it has been. These things can be examined in detail in a committee better than here. I think that we are all anxious that some means should be found, with the least possible change and readjustment, that will enable all portions of the Empire to feel that grave steps taken and grave lines of policy followed have been taken and followed after the due deliberation and concurrence of all. Unless that is done, there is danger of the disintegration which the Prime Minister is so anxious to avoid. I do not think the danger is quite as great, for example, as Mr. Massey describes it to be; I do not think it is. The fact is that the British Empire is fundamentally a good thing; its people, on the whole, are of a more than ordinary measure of intelligence; they rise above the average of human intelligence. Those being the two great basic conditions, first that the institution is good, and second that its people have high intelligence and know it to be good, these show, to my mind, that it is pretty secure. The only thing I have said that is of any practical urgency is that the right to have resident representation here be reasserted and agreed to. Perhaps more could be accomplished through the instrumentality of a committee. I have no reason to complain myself of the fairness and care with which we have been kept informed; perhaps we get our cables more promptly than they get them in Australia or New Zealand.



I would hope that something could be done to meet the objections that have been very strenuously urged by Mr. Hughes, on behalf of Australia, to the effect that the information reaches him when it is too late to act. That is all.

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*Extraits des notes des réunions des Premiers ministres, 1921*

*Extracts from Notes of Meetings of Prime Ministers, 1921*

July 19, 1921

NAVAL DEFENCE OF THE EMPIRE

(1) The first subject discussed was the policy to be adopted in regard to British naval ship construction, and it was agreed:

That the minimum standard of Naval Ship construction necessary for the maintenance of the position of the British Empire among the nations of the world is an equality in fighting strength with any other Naval Power.

(2) The next question discussed was the basis on which should be apportioned the naval effort of the United Kingdom, the Dominions, India, and the Crown Colonies and Protectorates.

Mr. Massey, on behalf of the Dominion of New Zealand, said he was prepared to ask his Parliament to vote New Zealand's share of such naval construction as might be required for the maintenance of the above standard.

Mr. Hughes urged that the share of the Dominions in the necessary ship construction should be arranged on some *per capita* basis adjusted according to the white population in each Dominion.

While the principle that each Dominion ought to pay its fair share was not contested, Mr. Hughes' proposal was not acceptable to Canada, South Africa or India.

Mr. Meighen, who repeated for the benefit of Mr. Lloyd George some of the considerations he had urged before Mr. Lloyd George's arrival, again stated that he could not in present circumstances commit Canada to any additional Naval Expenditure. The basis proposed by Mr. Hughes was inapplicable to Canada whose problems differed from those of the other Dominions. For example, the United Kingdom and the other Dominions depended largely on waterborne trade. Canada's trade, on the other hand was largely a land problem. Moreover, the Canadian railways, whose natural economic development would have been North and South, had had to be constructed East and West, in the interests of the integrity of the Dominion. This imposed on Canada a great transportation burden which was partly a defence burden. Canada ought not to do less than pay her fair share of the cost of Empire Naval Expenditure after such expenditure had been reduced to a minimum. Each Prime Minister however must decide for himself how far he could commit his Dominion, and for him to commit Canada at this moment would merely be to put back the hands of the clock.

...

July 20, 1921

## NAVAL DEFENCE OF THE EMPIRE

... The Prime Ministers continued their discussion in regard to the proposal made by General Smuts on the previous evening, — that the cost of building the warships necessary for maintaining the standard of Naval ship construction necessary for the maintenance of equality of fighting strength with any other Naval Power should be a first charge on the British Empire's receipts from Germany on account of Reparation.

Mr. Meighen said his complaint was not as to the incidence of the charge which would fall upon Canada under this scheme. Indeed, so far as share went he thought the scheme left too heavy a burden on Great Britain. But in effect, the scheme amounted to a form of contribution from the Dominions to an Imperial Navy. He was bound to say that it would be a hopeless task for him to attempt to get any form of such contribution accepted by the Parliament of the Dominion under the present world conditions. He did not say this because he would reject the proposal under circumstances of emergency, for as a matter of fact he had in the past fought hard for just such support to the Navy. The plan of linking up the expenditure with German reparations would not help him in getting the scheme accepted, and it would be useless if he were to mislead his colleagues by suggesting that it would. The best plan appeared to be to work along the line of the Resolution of 1918. If, unhappily, we were unsuccessful in securing a limitation of armaments at Washington, that might have its effect.

Mr. Lloyd George pointed out that even if the Washington Conference were a complete success, the present programmes, which were based to meet the existing programmes of the United States of America, would have to be carried out.

Mr. Hughes asked by what right the Dominions sat in this Conference and discussed questions of foreign policy if they did not contribute towards sea-power, which was the basis of Empire? Each Dominion was able to defend itself on land, but the Empire as a whole depended upon sea-power, which was the basis of our whole foreign policy. At the same time he warned his colleagues that unless other Dominions would contribute he was by no means sure that Australia would be able to do anything. It would be very difficult for him to ask the Parliament of the Commonwealth to contribute unless he could state that other Dominions were doing so.

General Smuts recalled the circumstances in which his proposal had been made. All the Dominions, he understood, were prepared to do what the Admiralty required locally in the way of supplying oil-tanks, etc. Over and above that was the question of the construction of the Empire's Fleet. On that question the representative of each Dominion had explained his own difficulties. When it was found that the principle of contribution on some *per capita* basis according to the white population was impracticable in several of the Dominions, he had ventured to make the suggestion that each Dominion should agree to relinquish so much of its share of reparation as was required for the con-

struction of the ships required for the maintenance of a proper standard of Naval strength. The difficulties in securing acceptance of this proposal were probably as great in South Africa as in any other Dominion. He, however, was prepared to fight it through his Parliament. The whole burden must not be left to the United Kingdom alone. If it was, there was a danger that the Empire would begin to go down-hill.

Mr. Massey warmly welcomed General Smuts' statement, and he expressed the belief that Canada would eventually find a means of co-operating. New Zealand came off very favourably under this scheme, and could, he thought, do a little more, if necessary. He hoped there would be no hitch now in getting the scheme accepted.

Mr. Lloyd George pointed out that the British Fleet had ceased to be what it was before the war, namely, a protection to these Islands against a menace that was almost in sight. Now there was no longer a menace from the Continent, and the Fleet was required for Empire Defence. If we were building a Fleet, therefore, it was because we considered that the prestige, honour and existence of the Empire required it. All must realise how essential the existence of this Fleet was if our position in the world was to be maintained. When the Representatives of the Empire went to Geneva, for example, it was known that they represented a first-class Power. If this was not the case, foreigners had a knack of letting people know it in a very marked manner, which was more offensive than the more outspoken manner of the British. They would say, in effect, "You are the representatives of a third-class Power". One of the reasons we required a Fleet was to provide against that and to maintain our weight in the counsels of the world. If the Dominions could not help, the United Kingdom would go to the brink of bankruptcy rather than sacrifice their Naval position. That, however, did not prevent him from making an appeal to his colleagues in the British Empire to take their share in the cost. The nations they represented were free members of the League of Nations, and he could do no more than appeal to them. The United Kingdom would struggle on, very likely staggering under the burden, but, nevertheless, bearing it. General Smuts' proposal had been a real contribution to the subject. It would give the British Empire one post-war Dreadnought, which was a substantial contribution, though he would have liked two. Nevertheless, this contribution represented more than its monetary value: it represented the feeling that the Dominions were partners in the British Empire. He fully recognised Mr. Meighen's political difficulties, the nature of which he briefly discussed.

Mr. Ballantyne said that the heart of Canada beat just as true to the Empire as did that of the other Dominions, and always would do so. This, however, was a very bad psychological moment for anyone to attempt to obtain a contribution from the Dominion Parliament. If the present Government were upset, their successors would do absolutely nothing. The present position was, he thought, a temporary one, and an aftermath of the War which would pass away. To ask for any form of contribution would merely add fuel to the fire in an already difficult situation. This was the worst of all times to ask for any form of contribution.

Mr. Meighen pointed to the contrast in the position of Australia and the position of Canada. The only part of Canada that was threatened by the Pacific danger was British Columbia, and there the feeling was not very different from that in Australia. Owing to geographical considerations, however, the remainder of the Dominion was not affected.

Mr. Montagu said there was one point he felt it his duty to mention. He was anxious to induce India to adopt General Smuts' proposal, but he must give a warning that there would be an immediate demand for the inclusion of suitable Indians in the Royal Navy. He knew that this would make difficulties, but he felt it his duty to warn the Admiralty that the question was likely to arise.

General Smuts intervened again, as he thought his proposal had not been fully understood. He had never suggested that there should be a contribution from Canada or South Africa. His object had been to get away from that. Under the Treaty of Peace Germany was to make a certain allocation in respect of Reparations, which as yet she had not made. The division of the sums so received was a matter of agreement among the members of the Empire. His proposal was that in making this allocation the Naval situation should be borne carefully in mind, and, before dividing up the sums received from Germany, a deduction should first be made to provide what was necessary for the Imperial Navy.

Mr. Meighen again explained his difficulties in accepting this proposal.

...

July 22, 1921

#### NAVAL DEFENCE OF THE EMPIRE

... Mr. Hughes had stated several times during the discussion that it would not be possible for him to assent to anything on behalf of Australia unless all the Dominions were in agreement. In the circumstances, he felt he had no option but to take the same position as Mr. Meighen.

General Smuts said that if the two biggest Dominions were unable to accept the scheme he felt that his proposal was dead.

Mr. Massey expressed the utmost regret. He knew Mr. Meighen's difficulties, and realised that he only wanted to do the right thing. Mr. Hughes' withdrawal would not effect his own position, and he meant to stand by the agreement. His own belief was that what Mr. Hughes most disliked was the postponement of Mr. Meighen's decision until after the Conference on Disarmament. Would it not be possible, he asked, to alter the form of Mr. Meighen's dissent in some way to meet Mr. Hughes?

Mr. Hughes said that the form of Mr. Meighen's dissent would make it very difficult for him in his own Parliament. People would say to him: "We thought you believed in disarmament, and now you have practically turned down what is of vital importance to the Empire. There was no need to build these ships until after the Disarmament Conference". It would be difficult for him to answer this. If he associated himself with Mr. Meighen, he could say to his

Parliament: "The question of the future must wait until after the Conference. If nothing comes of it I shall have a definite proposal to make which has been agreed to by the majority of the Prime Ministers".

Mr. Lloyd George said that he understood Mr. Meighen's special difficulties, and that when the right moment came he would take every risk in order to do what he thought right. He did not wish, however, to press him to risk, he would not say his personal position — for he knew that if that were the only thing at stake Mr. Meighen would not hesitate — but the object which all present had in view. He said this as representing the country which was bearing the bulk of the burden, and he said that not merely because of the material value of the assistance from the Dominions, but because, so to speak, that assistance would "increase the armour of the ship".

General Smuts thought that in principle the Prime Ministers were agreed. It was a question of detail how his principle was to be carried out. He himself was prepared to postpone the method until after the Conference on Disarmament.

Considerable discussion took place at this point as to the precise formula to be employed, during which Mr. Hughes proposed the following substitutes for (b) and (c):

(b) Sea power being essential to the security of the Empire, the principle of sharing the responsibility for the maintenance of the equality is accepted by the Conference.

(c) The consideration of the ways and means for giving effect to the above resolutions is deferred until after the Washington Disarmament Conference.

but eventually the Prime Ministers agreed to suppress the Resolutions based on the discussion at the previous meeting and to adopt the following:

The Prime Ministers of the United Kingdom and the Dominions of Canada, Australia, New Zealand and South Africa, and the Secretary of State for India, have agreed to the following Resolutions on the subject of Naval Defence, subject to the approval of their respective Parliaments and, in the case of India, of the Government of India:

(a) The Minimum standard of Naval ship construction necessary for the maintenance of the position of the British Empire among the nations of the world is an equality in fighting strength with any other Naval Power:

(b) The consideration of the methods of co-operation throughout the Empire in carrying out this policy shall be deferred until after the forthcoming Conference on Disarmament at Washington.

July 27, 1921

#### NAVAL DEFENCE OF THE EMPIRE

. . . Mr. Lloyd George said that the Secretary had reported to him that after the last meeting he had circulated the Revised Draft Resolution on Naval Defence which had been read out and, as he understood it, agreed to at

that meeting, but up to the present time Sir Maurice Hankey had only received favourable replies from Mr. Massey and Mr. Montagu. He understood that the Secretary had with him a revised draft, which, although the same in substance as the previous Resolution, was more acceptable in form to Mr. Meighen.

Sir Maurice Hankey handed round copies of the revised draft, which read as follows:

That, while recognising the necessity of co-operation among the various portions of the Empire to provide such naval defence as may prove to be essential for security, and, while of the view that equality with the naval strength of any other Power is a minimum standard for that purpose, this Conference is of opinion that the method and extent of such co-operation are matters for the final determination of the several Parliaments concerned, and that any recommendations thereon should be deferred until after the coming Conference on Disarmament.

General Smuts remarked that both forms of Resolution were similar in character and did not amount to very much. He himself was prepared to accept the revised form of words.

Mr. Balfour expressed doubts as to whether anything was gained by such a weak Resolution.

Mr. Lloyd George pointed out that the revised Resolution did in fact establish two principles; first, equality with any other Naval Power as the minimum standard of ship construction, and, second, co-operation by the different parts of the Empire.

Mr. Ballantyne preferred the revised draft. It was not to be thought that Canada, in preferring this form of words, did not intend to do anything whatsoever in Naval Defence. He himself had had two satisfactory interviews with the First Lord of the Admiralty. Canada had her own small Navy consisting of a modern cruiser, destroyers, submarines, a Naval College, and naval dock-yards at Halifax and Esquimault, and was willing when her finances permitted, and subject to the approval of Parliament, to add to her present fleet, and provide oil storage tanks. He was anxious to eradicate the impression that Canada was doing nothing.

Mr. Hughes called attention to the following statement attributed to Mr. Denby, the American Secretary of the Navy, in *The Times* of July 27th:

Mr. Denby, the Secretary of the Navy, stated definitely yesterday that there would be no cessation of building by the United States pending the assembly in Washington of the Disarmament Conference.

In the same issue of *The Times* it was reported that one of the Senators, Mr. Borah, had suggested that the United States of America should not fund the Allied War Debts while the nations concerned continued to spend vast sums on armaments. These appeared to him (Mr. Hughes) very serious statements.

Mr. Massey called attention to what he considered an even more significant statement made in an interview by the Secretary of the American Treasury, to the effect that —

All negotiations with foreign Governments looking to the funding of their debts to the United States have ceased, and will not be reopened until about the time the Washington Disarmament Conference meets.

Mr. Mellon was further alleged to have remarked to his interviewer —

That a reduction in expenditure on armaments by foreign Governments would enable them to pay their debts to the United States and put the world back on its feet.

This seemed to him little less than a threat.

Mr. Ballantyne pointed out that statements of this kind, made for the consumption of the American public, must not be taken too seriously abroad.

Mr. Lloyd George pointed out that the American statesmen quoted had nothing like the experience of his colleagues and himself, and too much importance should not be attached to these statements.

Mr. Hughes pointed out that the real point of importance was the fact that America was continuing her huge shipbuilding programme. In confirmation of this he drew attention to a White Paper which had been widely quoted in the evening papers of the previous day.

Lord Lee pointed out that the United States could not be expected to stop building ships which were finished to an extent varying from 38 per cent. to 90 per cent.

Mr. Hughes said his point was that we must have a one-Power standard.

Mr. Lloyd George pointed out that the new draft Resolution accepted both the one-Power standard and the principle of co-operation.

Mr. Massey said that until today he had thought it would be wiser not to publish the Resolution in regard to the Navy, but after reading Mr. Denby's statement he thought it was essential to publish it.

Mr. Hughes pointed out that there could be no possible objection to publication: in fact, there was no object in passing such a Resolution unless it was published. In view of American opinion it was essential to publish something.

Mr. Lloyd George asked, therefore, whether the new draft was accepted?

Mr. Hughes said he could not accept it if this was the only thing it was proposed to do. Everyone in Australia had accepted what was contained in the revised Resolution from their youth up. His difficulty lay in the fact that Australia was paying 15s. 4¼d. a head for the Navy, while Canada was only paying 1s. 6d. a head. He had to carry whatever he agreed to in a Parliament where he was faced by some people who were altogether hostile to the British Empire. His original proposal for some *per capita* basis of payment for the Navy would have provided a substantial contribution which he could have defended, but this new Resolution amounted to nothing at all.

Mr. Ballantyne told Mr. Hughes that in defending Canada's naval expenditure in the Dominion Parliament he had cited the example of Australia and had pointed out how much more the Commonwealth was paying. The reply has been that if Canada was under the same menace as Australia they would have paid.

Mr. Hughes said he could only defend expenditure which was on some just and equitable basis.

Mr. Balfour agreed that Mr. Hughes's argument was perfectly logical, but as a matter of fact it laid down a principle that had never been acted on. Up to the present time Great Britain had borne the greater part of the burden. (Mr. Hughes and Mr. Massey uttered assent.) This being the case, one Dominion ought not to refuse to pay what it could because another Dominion was paying less.

Mr. Hughes pointed out that Mr. Balfour was arguing against him when he had been trying to help the Mother-country. His view was that the Dominions ought to pay more.

Mr. Balfour said he had only wanted to give Mr. Hughes an argument where-with to meet his Parliamentary opposition.

Mr. Hughes said he was quite ready to deal with them.

Mr. Ballantyne pointed out that public opinion in the Dominion was not prepared under present world conditions to accept any policy of cash contribution.

Lord Lee said that from the point of view of the Admiralty there was nothing to choose between the two Resolutions.

Mr. Lloyd George said that he was in the position of having to take what he could get. He would much have preferred General Smuts' Resolution (See Appendix)<sup>1</sup>, which would have provided substantial assistance. After New Zealand and South Africa and India had accepted this, Mr. Hughes had stated that he must associate himself with Mr. Meighen in rejecting it, and consequently, it had fallen to the ground.

General Smuts made a strong appeal for the adoption by Australia, New Zealand, South Africa and India of his Resolution, in which he had endeavoured to establish a new principle for co-operation in an Empire Navy.

Mr. Massey said he was prepared to stand by General Smuts' Resolution.

Lord Lee asked if Mr. Hughes was irreconcilably opposed to it?

Mr. Lloyd George pointed out that if Australia, New Zealand and South Africa, as well as India, would adhere to this Resolution, the ultimate result might be that the Canadian people would acquiesce in it, even though Mr. Meighen felt obliged to stand out at the present time.

Mr. Hughes said he was unable to depart from the position he had taken up. He held personally that it was a standing shame and disgrace that the Domin-

<sup>1</sup>Non reproduit.

<sup>1</sup>Not printed.



ions should not pay the same share of Naval Defence as the Mother-country. It was useless, however, for him to advocate this, or even General Smuts' Resolution, in his Parliament unless all the Dominions would accept it. He could not undertake to court disaster. It was not sufficient for South Africa to accept it if a great Dominion like Canada stood out. He had his own political difficulties, just as everyone else had.

Lord Lee pointed out that by standing out Mr. Hughes cast the whole burden of expenditure upon the Mother-country.

Mr. Hughes adhered to what he had said, namely, that if all the Dominions would accept General Smuts' Resolution he would accept it.

Mr. Lloyd George suggested that the revised Resolution before the Conference to-day should be recorded as the Resolution of the Conference, but that in addition there should be an understanding that each Prime Minister should approach his own Parliament with a proposal on the lines of General Smuts' Resolution.

Mr. Massey accepted this, and asked that it should be recorded in the Secret Minutes of this Meeting.

Mr. Hughes asked Mr. Ballantyne if he would agree.

Mr. Ballantyne said that in the absence of his Prime Minister he could not give the requisite assurances, but he would bring it to Mr. Meighen's attention.

Mr. Hughes said that that would satisfy him, and he would agree to submit General Smuts' proposal to the Parliament of the Commonwealth.

General Smuts also accepted the proposal.

Mr. Balfour asked that, as a matter of mere wording, the word "holding" should be substituted, in line 4 of the Draft Resolution, for the words "of the view".

This was agreed to.

The Conclusion may be summed up as follows:

(a) The following Resolution should be included in the published proceedings of the Conference:

That, while recognising the necessity of co-operation among the various portions of the Empire to provide such naval defence as may prove to be essential for security, and while holding that equality with the naval strength of any other Power is a minimum standard for that purpose, this Conference is of opinion that the method and extent of such co-operation are matters for the final determination of the several Parliaments concerned, and that any recommendations thereon should be deferred until after the coming Conference on Disarmament.

*Confidential and not for Publication*

(b) The Prime Ministers of the United Kingdom, Australia, New Zealand and South Africa, undertook to bring before their respective

Parliaments the proposal made at a previous meeting (See Appendix)<sup>1</sup> that the cost of building the warships necessary for maintaining the minimum standard of Naval ship construction (as defined in (a) above) should be a first charge on the British Empire's share of the sums to be paid by Germany on account of Reparation. Mr. Ballantyne undertook to communicate these Resolutions to Mr. Meighen.

July 27, 1921

PROPOSED CONSTITUTIONAL CONFERENCE

. . . Mr. Ballantyne said that he had very little to say except that the Canadians were a happy and contented people, proud of their own Dominion and proud of the British Empire. They did not desire any material change. Consequently he was not in favour of the proposed special Conference to discuss the Constitutional question. Canada already possessed full autonomous rights. Canada could ask for nothing more unless the silken cord that bound the Empire together was cut, and this was by no means the will of Canada. In fact, Canada was perfectly satisfied with her autonomous rights. It was considered by some of the Canadian people that the present channel for diplomatic negotiations was unsatisfactory, and he admitted that this was to some extent the case, but he thought it ought to be rectified by the right of communication which had now been established between Prime Minister and Prime Minister. Mr. Massey had asked how the Dominions could give advice to the King. He replied that they could give it through the Governor-General, and on Empire matters through the British Privy Council. If we once began tinkering with these matters, very serious difficulties might be encountered. Hence, he was old-fashioned enough not to desire any great change. He was, however, in favour of the establishment of a resident Minister, or the right to do so. He thought both the Canadian Parliament and the public would desire this, and if this were decided on he thought that the Dominions would have every right they could wish for at the present time. As regards foreign affairs, he himself had only been a Minister for about four years, and he felt the Government of the United Kingdom had done the right thing in consulting the Dominions. Often at the Cabinet he had heard read some telegram about Turkey, or perhaps some European matter, and he had always felt that it was very difficult for Canadians, so far removed from these matters, to offer any useful advice. Hence, his only definite suggestion was for a resident Minister.

. . .

The following draft was agreed to:

The Prime Ministers of the United Kingdom and the Dominions, having carefully considered the recommendation of the Imperial War Conference of 1917 that a special Imperial Conference should be summoned as soon as possible after the War, to consider the Constitutional relations of the component parts of the Empire, have reached the following conclusions —

<sup>1</sup>Non reproduit.

<sup>1</sup>Not printed.

(a) Continuous consultation, to which the Prime Ministers attach no less importance than the Imperial War Conference of 1917, can only be secured by a substantial improvement in the communications between the component parts of the Empire. Having regard to the Constitutional developments since 1917, no sufficient advantage is to be gained by holding a constitutional Conference.

(b) The Prime Ministers of the United Kingdom and the Dominions and the Representatives of India should aim at meeting annually or at such longer intervals as may prove feasible.

(c) The existing practice of direct communication between the Prime Ministers of the United Kingdom and the Dominions, as well as the right of the latter to nominate Cabinet Ministers to represent them in consultations with the Prime Minister of the United Kingdom, are maintained.

. . .

219.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, May 11, 1922

SECRET. Message from my Prime Minister. Begins. Regarding an Order of the House and the request of the Leader of the Opposition for "A copy of all correspondence and documents exchanged between British and Canadian Governments leading up to and concerning the Conference of Prime Minister of 1921" I should like to be placed in a position to bring down to Parliament the following correspondence and enclosures or such portions thereof as it may be in the public interest to publish:

Secret telegrams from the Governor General to the Colonial Office dated March 2 and March 14, 1921.

Secret despatches from the Colonial Office to the Governor General—Dominions No. 257, June 29: Dominions No. 286, July 19: Dominions No. 295, July 23: and Dominions No. 323, August 11, 1921, and Secret telegrams dated February 26: March 9: April 2: and April 26, 1921.

Please telegraph whether I have your consent to publication of above correspondence in its entirety or in part.

You may also desire to withhold consent to the publication of the following communications relating to Anglo-Japanese Alliance. I shall be pleased to bring them down omitting however, such portions as you may indicate if you should think it permissible to publish them in whole or in part:

Colonial Office despatch of June 13, 1921, referring to Dominions No. 192, May 11: and telegrams from your Prime Minister to my Prime Minister dated February 26: April 22: and April 26.

Also telegrams from my Prime Minister to your Prime Minister February 15 and April 1, 1921. Ends.

BYNG

220.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General.*

TELEGRAM

London, June 21, 1922

URGENT. Following from Prime Minister for your Prime Minister. Begins. Part I. Your telegram of May 11th raises questions of so important and delicate a nature that we have felt justified in reserving them for very careful reflection. There is pressure here for the publication of the confidential proceedings of the 1917 and 1918 Imperial Conferences and we have had to take this into account, together with your proposal since it involves very similar consideration. Our decision regarding the proposals made to me in my own Parliament is that publication would be improper and undesirable till the question has been discussed by the Imperial Conference as a whole and publication approved by that body with full knowledge of the really vital issues involved. After weighing your proposals no less carefully we consider it should be reserved in the same manner and we believe that you will share this opinion in view of the following consideration which has governed our own decision. Remainder Part II follows.

221.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, June 21, 1922

SECRET. In maintaining the peace of the world, the interests of different nations of the Commonwealth and the unity of those nations in a world wide system of citizenship under one Sovereign — the Imperial Conference has a very delicate and momentous part to play. In accordance with the practical sense of the British peoples, it is feeling its way. The Conference is making its own precedents and if its character and procedure are to represent the will and sentiment of all constituent nations, it is bound to do so with the utmost care. Against hasty developments and innovations, accordingly, it has set its face. When in session, these have never yet been accepted (?) by the Conference and loyalty to the spirit of the Conference appears to us to enjoin upon all the partner Governments a similar caution.

(Two) The Proceedings of Imperial Conference are collective property of that body. At the 1921 Conference it was urged by more than one Prime Minister that among those which constitute the Conference no individual Government or Governments would be justified in coming to separate decisions or in taking separate action on constitutional matters which affect constitutional practice of the Empire or the position of other Governments within the Conference.

This message is continuation of code telegram. Remainder follows.

222.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, June 22, 1922

Continued. Paragraph 6. Regarding documents you specifically mention, the Foreign Office take particular exception to the publication of those concerning Anglo-Japanese Alliance, Pacific question, Egyptian questions, and questions of petroleum in Mesopotamia-Palestine. Lord Balfour is of opinion that if any of the documents enumerated are published although there may be no inherent objection an embarrassing and inconvenient precedent in the conduct of delicate relations with foreign Governments would be created. He urgently requests that none of them be published until the Imperial Conference has had an opportunity to discuss the wide issues raised by your request. Other Departments take similar view with regard to all documents in which they are particularly interested. (Continued in code).

223.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 22, 1922

Continued. Paragraph 3. Publication of past proceedings of Conference should in our opinion be considered in the light of both preceding paragraphs since a decision to publish would inevitably alter character and narrow utility of future sessions. We need not recapitulate here reasons for universal custom under British constitutions of maintaining confidential and intimate character of Cabinet discussions. Sufficient to say if that custom were to be changed and Cabinet discussions made liable to publicity of debates in Parliament collective responsibility of Ministers as colleagues in a Government would *ipso facto* disappear and, with it, all that is most valuable in system of Cabinet Government. There is same collective responsibility in members of the Imperial Conference. They are colleagues in a system of even wider and more difficult responsibility than that of a single national Government and if their discussions are to be published like parliamentary debates, except by general agreement, they would not in future be able to exchange views and discuss differences upon same intimate and informal terms as have hitherto prevailed. Reconciliation of divergent views which often arise naturally out of frank and confidential discussion would thus become increasingly difficult. Publicity would of necessity stereotype differences of opinion which without it would have been capable of mutual accommodation and essential objects of Imperial Conference would be thus sacrificed.

Paragraph 4. Foregoing observations regarding character and functions of Imperial Conference appear to us important not only with regard to proceedings of Conference itself but with regard to communications exchanged between Governments of Empire on Imperial Conference business before and

after sessions of Conference. Other Governments entrust to the British Government and Foreign Office responsibility of conducting the foreign policy of the Empire on the lines which the Imperial Conference lays down. In view of this and in order to get needs of Imperial Conference for complete information, we place all the arguments (?) and documents upon vital matters of policy at the disposal of Dominion Prime Ministers. This was done before last Imperial Conference and will be always done while present conditions obtain but if everything communicated in this manner is to become subject to requests for publication afterwards when Imperial Conference is not in session and cannot weigh arguments for and against publicity, we shall be compelled against our will to communicate nothing which in our opinion is unsuitable for eventual publication. To impose such restrictions Inter-Imperial consultations will be to erect new barriers between Governments of Empire in the discussion of the general policy and other matters of vital common interest. We except of course matters of purely domestic concern between two Governments of Empire, for example — the cattle embargo question between yourselves and us.

Paragraph 5. Above are general considerations we attach so much importance to them that we are against creation of any precedent in favour of publication except in case of documents prepared with a view to publication and passed for publication by the whole Imperial Conference. If once a certain number of the confidential documents relating to the Imperial Conference became public, it would be harder to resist other demands of the same nature and the Conference would find itself committed to a practice of publicity entirely prejudicial to its present intimate and informal character, this objection applies equally to all the confidential documents of Conference though many of them may not be of a specially secret character.

Paragraph 6. (See separate telegram)

Paragraph 7. The advice (?) of Lord Balfour as Acting Secretary of State for Foreign Affairs on the special responsibility of the Foreign Office to the Conference therefore strongly reinforces arguments which we have used regarding general responsibility of this Government as Trustee for the Conference, and our view of your proposals is the same, whether I regard it in my capacity of Agent of the foreign policy laid down by the Imperial Conference, or in our capacity of guardians of the character and practice of the Conference when not in session. We cannot consider ourselves as having power to agree in name of the Conference to the creation of such a precedent and for that reason we ask for it to be reserved for decision by the Conference as a whole. On the other hand we are strongly of opinion that the arrangements for publicity hitherto made by Imperial Conference are inadequate and we suggest that the whole question should be thoroughly reviewed at the next Session which is due to be held, if convenient to the various Governments, next summer.

Paragraph 8. We should add that the admission of the Irish Free State as a Dominion to the Imperial Conference increases complexity of the Conference functions and renders it essential that the constitutional practices of the Empire

should be governed by the decision of the Conference in its corporate capacity. These are the views of constitutional procedure which have constantly been taken throughout our deliberations on the Irish settlement.

Paragraph 9. We are repeating this telegram to the other Dominions and are ready to concur in its publication with the omission of one or two specific references to Foreign countries, if you and they agree in considering this desirable.<sup>1</sup>

## PARTIE 2 / PART 2

CONFÉRENCE IMPÉRIALE, 1923  
IMPERIAL CONFERENCE, 1923

224.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 7, 1923

My telegram dated April 7th. Following is announcement which the Prime Minister proposes to make regarding the Imperial and Economic Conferences. Begins. I am glad to be able to inform the House that it has now been found possible to arrange for the proposed arrangements for Imperial Economic Conference and also for a meeting of the Imperial Conference, similar to that held in 1921, to take place this year. The two Conferences will be held concurrently and it has been agreed that the opening date should be October 1st.

It is anticipated that all the Dominions and India will be represented at the Imperial Economic Conference and, with the exception of New Zealand, at the Imperial Conference also. I am sorry to say that the Prime Minister of New Zealand does not expect to be able to attend the latter but I hope all Prime Ministers will be present. [Ends.]

DEVONSHIRE

225.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 10, 1923

Following for your Prime Minister from Prime Minister. Begins. My telegram of today. Imperial Conference. We are assuming that, as suggested in my

<sup>1</sup>Dans des télégrammes reçus le 30 juin, les 4 et 12 juillet 1922, le secrétaire aux Colonies faisait part des vues exprimées par les gouvernements de Nouvelle-Zélande, d'Afrique du Sud et d'Australie, vues qui abondaient dans le sens de la position britannique, contre la publication de ce télégramme et des autres qui s'y rapportaient.

<sup>1</sup>On June 30, July 4 and July 12, 1922, telegrams were received from the Colonial Secretary communicating the views of the governments of New Zealand, the Union of South Africa and Australia, respectively. These showed strong support for the British position and objected to the publication of this telegram and those related to it.

telegram of November 29th,<sup>1</sup> representatives at the Economic Conference will be accompanied by expert advisers, and we think it advisable for naval and air experts to accompany the representatives at the Imperial Conference, since the subjects for discussion under the heading of Defence seem likely at present to be predominantly naval and air.

We hope that Hankey will be available to act as Secretary of the Imperial Conference, and that, in accordance with 1921 arrangements, the Dominions and India will also nominate members of the Secretariat. It would greatly facilitate our arrangements if we could hear, as soon as possible, what office accommodation in London, if any, apart from hotel accommodation, is likely to be required by the Dominion Delegation. Owing to reduction in the staff of the Cabinet Secretariat, we regret it will not be possible to supply any clerical assistance to the Delegation apart from the clerical requirements of the Conference itself.

Similar telegram sent to other Prime Ministers and India. Ends.

DEVONSHIRE

226.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, May 10, 1923

CONFIDENTIAL. Prime Minister's message of May 10th. Imperial Conference Agenda. Treaty of Mutual Guarantee, see my telegram of April 14th. United States and "C Mandate", see my despatch of August 18th 1922, Confidential. Territorial Waters, see my despatch of January 12th, Dominions, Confidential, No. 19 and previous correspondence. Naval Situation, see my despatch of December 23rd, Dominions, Secret, No. 431. Marriage with Foreigners, see my despatch of April 7th, No. 158. Nationalities of married Women, see my despatch of January 10th, No. 16.

DEVONSHIRE

227.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, May 30, 1923

CONFIDENTIAL. My telegram of May 10th. Following from Prime Minister for your Prime Minister. Begins. I have heard from the Prime Minister of the Commonwealth that he agrees generally to the proposed agenda for the Imperial Conference. He emphasizes, however, the need for discussing at the Imperial Conference general questions of economics and recommendations of the Economic Conference in relation to defence and welfare and migration within the Empire. Only other subject the Commonwealth Government wishes

<sup>1</sup>Voir doc. 249.

<sup>1</sup>See Doc. 249.



to add at present is the amendment of the British Nationality and Status of Aliens Act 1914, to permit of the nationalisation of residents of mandated territories. With regard to publicity, Mr. Bruce, while agreeing that secrecy is essential where details of foreign policy or defence are concerned, thinks it desirable (?), generally speaking, that the utmost publicity should be given to discussions. I have also heard from General Smuts that he agrees to proposed agenda and has no additional items to suggest at present. Ends.

DEVONSHIRE

228.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 15, 1923

CONFIDENTIAL. Following from my Prime Minister to your Prime Minister. Begins. . . .

With reference to paragraph seven of confidential telegram of the 10th May, the agenda outlined is generally acceptable to the Prime Minister. As to the enquiry whether he has any further suggestions to add, the Prime Minister would like to suggest the advisability of the conference considering the question of publicity to be permitted with respect to communications between the several Governments of the British Empire and in particular communications between the Home Government and the Governments of the Dominions. Recent experience in Parliament would suggest the desirability of some understanding being reached in this matter whereby there should be available for presentation to Parliament, at the discretion of the Canadian Government and on its responsibility, as large a proportion of official despatches as possible without special permission having to be asked for in each case.

Regarding paragraph eight of the confidential telegram of 10th May while appreciating point of view set forth therein, Canadian Government nevertheless hope that proceedings of conference may be surrounded with as little in the way of secrecy as possible and that proceedings will be so conducted as to make possible, subsequent disclosure to Parliament of all essential features. Ends.

229.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 28, 1923

CONFIDENTIAL. Your telegram June 19th inviting Dominion representatives to Imperial and Imperial Economic Conferences to be guests while in England of His Majesty's Government. Canada Government while very sensible and appreciative of this hospitable offer, and while agreeable that His Majesty's Government should make all arrangements which their courtesy may suggest,

feel that inasmuch as conferences of this kind are being held periodically it would be too much to expect them to meet cost incidental thereto and would prefer, unless His Majesty's Government have any feeling in the matter, that they should pay their own expenses in connection with their sojourn in London.

High Commissioner for Canada has been asked to confer with you as to nature and extent of accommodation which Canadian representatives will require.

230.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 3, 1923

CONFIDENTIAL. Your telegram June 28th. While His Majesty's Government much appreciate considerate suggestion of Canadian Government that Canadian representatives to Imperial and Imperial Economic Conferences should pay their own expenses while in London, they hope Canadian Government will not press their wish, and that usual arrangements under which Dominion representatives are guests of His Majesty's Government during their stay in London for Conferences of this kind may stand on this occasion also. The assistance of the High Commissioner in making arrangements will be welcomed and Secretary of Government Hospitality Fund will be put in touch with him on this matter.

DEVONSHIRE

231.

*Le premier lord de l'Amirauté au Premier ministre*  
*First Lord of the Admiralty to Prime Minister*

PERSONAL

London, July 4, 1923

My dear Mackenzie King,

I have been meaning to write to you for some time past to give you our news generally, but I have been pretty busy and there has not been anything really urgent to write about.

We have shaken down very well under Baldwin's lead: in fact, great as the blow was to all of us to lose Bonar Law, his health had undoubtedly been a handicap to us from the start. Baldwin, with many of the same qualities, is physically and temperamentally more robust and cheerful, and that naturally re-acts upon his followers.

Our biggest trouble is, of course, the European situation, and I am inclined to think that you will find that situation will have developed pretty alarmingly by the time you come over for the Conference. We are, of course, trying very hard to get the French into line with us, in order to settle the whole reparations business on terms which are possible for Germany, and which once recognised as definite and settled will enable the economic situation to revive. Personally,

I have very slight hope of our succeeding. At bottom the French, consciously or subconsciously, are much more concerned with humiliating and smashing Germany and with the idea of detaching Western Germany as a quasi-Protectorate of France than with getting reparations. Moreover, they are so committed by their *amour-propre* to the policy they have already pursued that it will be almost impossible to get them to do anything which will make it possible for the Germans to come round the corner. For, after all, German exasperation has also reached a point at which most Germans would sooner see the whole country breaking up in general disorder than surrender unconditionally to what France asks of her.

As this gets realised, I fear that hopes built here and elsewhere in the world of an economic recovery due to the settlement of unrest in Europe will fade away. This will affect us in the first instance, and already the slight trade revival of the last few months is flickering out, and we are likely to be faced with a renewal of severe industrial depression. The re-actions of all this will naturally extend no less to Canada and to other parts of the Empire, unless we can get the whole economic machine out of the rut and give it a fresh stimulus. My own hope is that the Economic Conference may do a great deal towards that end. After all, we have between us in the Empire all the complementary resources both of nature and of man-power and organisation, for the creation of an absolutely unlimited economic development for the benefit of each and all. Only the business world, which naturally tends to move in accustomed grooves, has never yet realised these possibilities, and it wants some very definite stimulus to fix its attention upon them and give it fresh hope. To do this the Economic Conference must be not merely a bare success, but a striking success. It must definitely send a thrill of encouragement to your people as well as to ours.

I do not see in the least why that should not be done. In spite of certain limiting pledges given by Bonar Law that we cannot change our fundamental fiscal policy without another appeal to the country, it still seems to me that there is plenty of scope for measures of preference on this side — not necessarily all on customs duties — which might justify a considerable extension of preference by all the Dominions. I well remember when I came to the West Indian Conference at Ottawa three years ago, how slender the chances of doing anything really effective seemed at first. And yet we achieved something by no means inconsiderable, from which I hope Canadian trade has already gained substantial results.

As you know, of course, the aspect of the question which I have been interested in most is that of the better distribution of population in the Empire. It seems to me that in the solution of that problem are summed up most of our other problems; defence, trade, and, above all, a greater sum total of individual well-being and independence, material and moral. Our national life here is terribly congested, and suffers from all the social evils of such congestion; yours lacks the human material to give it the fullness, richness and variety which the national life of such a wonderful country as Canada should have. I do hope that when we all meet in the autumn we may be able

to deal with this problem on the big scale, not merely as a matter of shifting surplus at one end or securing labourers at the other, but as a problem of nation building and enriching.

You will receive soon, I hope, the Admiralty memoranda and suggestions on Naval Co-operation.<sup>1</sup> I cannot help thinking that this particular question has suffered a great deal in Canada owing to the conflict between different schools of thought. That difficulty is now over. You know my own views on Imperial Co-operation well enough, but you will find the whole Admiralty Staff here as definite as myself in not merely accepting as a second-best, but positively as the best policy, that under which each unit in the Empire develops its own strength directly under the control of its own Parliament and on its own lines. The conception of a centralised navy run by the Admiralty, and subscribed to by the Dominions, is now completely extinct. The one idea is to give every encouragement to the younger navies to become really efficient and adequate to play their part in the common task.

We hope to rise about the first week in August, and I shall give myself three or four weeks climbing in the Alps, and a fortnight with the Mediterranean Fleet, from which I hope to return with well-aired lungs and a clear head to the autumn's discussions. I hope you will get a good holiday too. You must have had a very trying time carrying on without a real working majority.

Yours sincerely,

L. S. AMERY

232.

*Le Premier ministre au premier lord de l'Amirauté*

*Prime Minister to First Lord of the Admiralty*

Ottawa, July 17, 1923

My dear Amery,

I appreciate exceedingly your kindness in finding time, amid the engrossing business of a session and the many duties of your office, to write the long and interesting letter which I have just received from you, and for which I thank you heartily.

It is a pleasing forerunner of the forthcoming Imperial Conference, to which, I assure you, I am looking forward with feelings by no means unmixed. I shall greatly welcome the opportunity the occasion will afford of renewing many friendships and acquaintances, and of coming to know fellow-citizens from other parts of the Empire who have a like concern for its problems. I dread somewhat my own lack of experience in gatherings of the kind. Most of all do I regret the present complexion of our House of Commons, remote as that may appear to be from the agenda of the Conferences. You, however, will be the first to appreciate how all-important it is to feel, in every step of procedure, that your own Parliament is with you. Knowing the difficulty there is to secure anything like unity of view with respect to the policy to be pursued

<sup>1</sup>Voir docs. 307 et 308.

<sup>1</sup>See Docs. 307 and 308.

as regards many matters of domestic concern, I can see, with respect to the sanctioning of matters affecting imperial policy, the great care and caution it will be necessary to exercise at every turn.

It is just a fortnight since our session ended. I have not thus far had opportunity to more than glance at the agenda of the Conferences. I have called a meeting of the Cabinet during the early part of August, for the purpose of carefully considering our attitude toward the several matters to be considered. In this connection, I am particularly pleased to have the assurance of your letter that, as respects naval co-operation, the conception of a centralized navy is regarded by the Admiralty staff as something of the past. So far as I have been able to gauge the effects of the war upon Canadian sentiment, it is that centralization, as regards all matters of imperial policy, is something to be critically viewed, and that the hope of the future lies rather in the recognition of an effective co-operation between self-governing and self-controlling units than in any merging or blending of control.

You will find, I think, a genuine desire on our part to aid in the solution of the problem of the distribution of population in a manner which will serve the highest ends of British citizenship.

As respects Imperial Preference, you may count as regards the Customs tariff, upon Canada adhering to the view she has never hesitated to assert, namely: that what she has done in the matter of granting a preference, while not without its full account of sentiment, has been because of what she conceived to be her own best interests. We have no desire to make the preference a matter of bargaining; to do so, we feel, would be only to occasion possible embarrassment to other Governments concerned, and to invade the freedom, which we believe every Administration should have, of complete control of its own fiscal policy.

As, however, you will be about to start for the Alps when this letter reaches you, should you not already be en route, I shall refrain from further comment upon any of the matters touched upon in your letter. Let me only add that I look forward with keen delight to being associated with you in a consideration of matters of great concern to all parts of the British Empire, and that I share your hope that the forthcoming Conferences may not be without real substantial and enduring benefit to all concerned.

Yours very sincerely,

W. L. MACKENZIE KING

233.

*Décret du Conseil*

*Order in Council*

P.C. 1529

August 14, 1923

The Committee of the Privy Council have had before them a report, dated 8th August, 1923, from the Secretary of State for External Affairs, submitting that the Imperial Conference and the Imperial Economic Conference

are to take place simultaneously in London; that as Mr. Loring C. Christie has recently resigned from the office of Legal Adviser to the Department of External Affairs and no one has been appointed in his stead, it is expedient that the services of Professor Skelton, M.A., Ph.D., Professor of Economics at Queen's University, Kingston, who is an authority on economic subjects and has given a great deal of study to matters of Imperial organization, should be retained for purposes of expert advice, and that he should be engaged in the preparation of material in advance of the Conferences, and that his services should be available at the period of the Conferences.

The Minister therefore recommends that Professor Oscar D. Skelton, M.A., Ph.D., be appointed as Special Adviser to the Canadian Government representatives at the Imperial Conference and at the Imperial Economic Conference, such appointment to date from Monday, the 30th of July, 1923.

The Committee concur in the foregoing recommendations and submit the same for approval.

234.

*Extraits des procès-verbaux de la Conférence impériale, 1923<sup>1</sup>*

*Extracts from Minutes of Proceedings of Imperial Conference, 1923<sup>1</sup>*

Second Meeting

October 3, 1923

...

#### Wireless Communication between Canada and West Indies

MR. MACKENZIE KING: Prime Minister, if I am expected to lead in a few remarks, beyond expressing very sincere appreciation for the most interesting and comprehensive review which the Secretary of State for the Colonies has presented, I would just say that I have not any particular comment to make at the moment. The only matter among those referred to of immediate and direct interest, so far as Canada is concerned, is the question of wireless and cable communication between Canada and the West Indies. The proposal that the management of this should be placed under the Pacific Cable Board is, I think, both practicable and desirable and, so far as Canada is concerned, would be entirely acceptable to us. Of the other subjects, while they are most interesting, I would say that the affairs to which they relate, speaking candidly, seem so remote to the matters to which we have been giving attention in our Government and country, that it would be presumptuous for me to give an expression of opinion by the way of either suggestion or counsel with respect to them.

#### PUBLICITY

...

#### Secrecy Essential to Frank Discussion

MR. MACKENZIE KING: Might I say a word on this subject. There are two particular considerations which have to be kept primarily in view. There is the

<sup>1</sup>Cet extrait et les suivants sont tirés des Procès-verbaux secrets de la Conférence. Pour plus de matière, voir Ollivier, *op. cit.*, Vol. III, pp. 1-133.

<sup>1</sup>This and subsequent extracts are from the secret Proceedings of the Conference. For further material see Ollivier, *op. cit.*, Vol. III, pp. 1-133.

third party, so to speak, the world outside the British Empire and ourselves. It is desirable that here among ourselves things should be said with the utmost freedom, and for that reason I should feel it deplorable if everything that was said here was to be made a matter of immediate publicity. We shall all of us probably say some things to each other here which we would hesitate to say in public anywhere. I believe, if we are to work for the common end we have in view, we must have complete freedom to express our minds and not lay ourselves open in any way to being misunderstood or misinterpreted. Certainly as regards countries outside the British Empire, it is most necessary that a consideration of their vast political significance should weigh, and that they should not be made capable of misinterpretation to or by those other countries, and to that extent I am quite in accord with the view that on all these matters, having regard to the nature of the discussion and such like, we should preserve the secrecy that is essential to full and complete discussion.

#### Status of Conference

Before referring to the other consideration I have in mind, there is one other point of which I should like to make mention. Lord Curzon used the expression, and I touch on it immediately because I think this is desirable, that his conception of this gathering was that it was in the nature of a Cabinet. So far as respects the procedure to be observed and the attitude to be taken in the matters we are discussing I heartily agree, but there is a definite distinction which, I think, we should have continually in mind between a gathering which has the powers and significance of a Cabinet and one which has the powers and significance of a Conference. I look upon this gathering as a Conference of Governments. We are here as representatives of Governments, I cannot feel that I come with any right or power to be a member of an Imperial Cabinet, using the word Cabinet in the sense in which we understand it as a body necessarily responsible to Parliament and through Parliament to the people.

**LORD CURZON:** I only meant what you mean, Mr. Mackenzie King. I am the strongest possible advocate of your conception of the nature of the work of this body. When I spoke of a Cabinet I only meant that we should treat each other with the confidence that Cabinet Ministers do; in no other sense did I use it.

**MR. MACKENZIE KING:** That was my reason for bringing up the point; in order to make it quite clear.

#### Value of Publicity to Peoples of Empire

May I say this of the other consideration I had in mind. I feel, if the Conference is to serve the end which we hope it will serve, the end for which it is intended, it is most important that the peoples of the countries which are represented here should be interested intelligently in what is going on, in so far as that may be possible. I fear that, if the proceedings are to be wholly secret, and if wise discretion is not used with respect to due publicity, the impression might soon prevail in the Dominions that we were a group meeting round a table and deciding a number of matters which were of vital concern

to the people of the Dominions, of which they will have no knowledge, and with regard to which their views in no way could be expressed publicly. For that reason, I hope it may be possible to devise some means whereby as much publicity as is consistent with security will be given, not so much to the expressions used or to the particular arguments presented, but to the procedure and attitudes in a general way, and this one point in particular I would submit for consideration: that, with respect to matters which each of us representing different Dominions may have reason to believe will be of particular interest to our own Dominions, we should feel free to indicate to our press the subject that has come up for discussion and the attitude which we are taking towards it. I say that, having in mind the great care and caution which must be exercised, particularly with regard to questions of Defence and Foreign Policy; but some fundamental issues will be raised here, and the Dominions will wish to know in a general way what they are, what questions are being discussed, and what attitude we are taking towards them. I would like to feel that so far as each of our Dominions is concerned we are to have the right and privilege to see that through our press, in a very careful way, the people are kept intelligently informed of the broad lines of the discussions and the attitudes we are taking. At any stage of the proceedings some matter may come up, and any member of the gathering might well say: "This is something that we do not wish to have publicly mentioned." In such a case, I should feel that it would be the duty of everyone present to respect that wish, but what I have very much in mind is that the people of the Dominions and our Parliaments would expect us to give them some account of what has transpired at the Conference, the questions that have come up, the attitude we have taken, and that we should now feel the same freedom with reference to keeping the people generally and currently informed, as we should feel in our responsible positions in Parliament.

...

Fourth Meeting

October 8, 1923

FOREIGN RELATIONS

*Statement by the Prime Minister*

Appreciation of Lord Curzon's Statement

MR. MACKENZIE KING: The survey of activities and problems which have engaged the attention of the Foreign Office during the past two years, as given by the Foreign Secretary on Friday, was deeply impressive, in the range, the intricacy, the delicacy of the issues, and the ceaseless shifting of the panorama, in the strong evidence afforded of the desire of the British Government to act as a moderating force, and in the skill and knowledge and imperturbable temper displayed in the conduct of these affairs.

Review of Canadian External Affairs

Before proceeding to make any observations on the great issues raised by the Foreign Secretary's statement, I may be expected to give a brief review



of some of the external affairs of primary concern to Canada which have developed since the last meeting of this Conference. Our direct international relations are preponderatingly, though not wholly, with a single country. The issues in this connection are not unlike those which arise among European States, and which often prove very difficult to solve. If ours have not proved insoluble, it is due mainly to the fact that in the settlement of differences between the United States and Canada we have the inestimable advantage of speaking (for the most part) the same language, and that not merely in the linguistic sense, for we have, in larger measure than is the case of Continental Europe, the same values, the same standards, in part the same traditions. And we are fortunate again as compared with the peoples of Continental Europe in having less history and more geography, fewer traditions of ancient wrongs to redress, larger space and elbow room for our expansion.

#### Relations with United States

The United States is not, as the Foreign Secretary has very rightly implied, always easy to deal with. The great diversity of occupation and cultural background in that vast area, the frequent lack of coordination among the branches of its Government, the power of unscrupulous politicians and newspapers to create a sudden stampede, must all be taken into account. But as far, at least, as Canada is concerned we have found the United States of late years an increasingly friendly and dependable neighbour. It has been our aim, the aim of all Governments, irrespective of party, in the last quarter-century, to maintain and develop this good feeling. That does not mean that we are prepared to sacrifice vital interests on the altar of American friendship, that is not the way to deal with our United States friends. But neither do we believe in a policy of pinpricks such as perhaps characterised relations during the previous quarter-century. We have our differences, we thresh them out, and usually a solution develops. It is our firm belief that there is no contribution that Canada can make to the fair and peaceful settlement of international affairs, no way in which she can so strengthen the Empire of which she is a part, as by so handling our relations with the United States as to build up an enduring fund of goodwill, and work for that common understanding among the English-speaking peoples which is the chief hope of the world. That is our primary task; the task assigned to us in the division of Imperial labour, by our proximity, our constant intercourse, our knowledge of their idiosyncrasies. I think it will long remain our primary task.

#### International Joint Commission

Perhaps of first importance in the field of Canada's external affairs is the International Joint Commission. This body is unique, I believe, in its range and composition, and not without significance for wider fields. It was devised to meet a very difficult situation. In the three thousand miles and more of common boundary between the United States and Canada, constant disputes were arising, particularly as to boundary waters, navigation rights, water power rights, irrigation rights, and so on. Many of these problems contained possibilities of serious trouble; with thousands of farmers in irrigated areas on each

side of the boundary dependent for their prosperity on the development or diversion of a given river basin, or with corporations with capital running into tens of millions jockeying for water power development rights, international incidents might at any moment occur. Accordingly, some fourteen years ago, provision was made for the establishment of an International Joint Commission, consisting of three members appointed by the President of the United States, and three appointed by His Majesty on the recommendation of the Governor-General-in-Council, or Cabinet, of the Dominion of Canada. Upon this Commission is conferred authority to enquire into and decide upon any operations as to use, obstruction or diversion of boundary waters which would affect interests on both sides; a majority of the Commission has power to render a decision binding on the Governments and private interests affected; if it is evenly divided, a report is made to the two Governments, which will then endeavour to reach a solution. It is interesting to note that in the many cases which have come before the Commission there has been absolute unanimity of finding in every instance but one — that is out of about twenty cases, I think — and in that instance the difference of opinion was as to jurisdiction rather than as to the merits of the case. This remarkable result is in large part due to the permanent character of the Commission; its members come to know one another well, and realise that a principle which may tell against their country to-day may tell for it in another case next year. The Commission is not narrowly legal in its procedure. Any private citizen of either country may bring his case directly before it, without the intervention of the Government, a procedure which lessens political tension and permits the emergence of several different points of view on the same side of the boundary.

A reference to the map will show the wide range of cases covered. I thought it would be possibly of interest to the members of the Conference present to glance at leisure at the number of cases that have come before that Joint Commission, as illustrated by a map that I should like to have placed on the record. It shows how considerable is the number and variety of the subjects with which this Commission has to deal. Time will not permit detailed reference to the many intricate questions of navigation and power and irrigation rights, each of which might otherwise have provided a distinct diplomatic incident.

I may illustrate by reference to a difficult case now under consideration. The City of Chicago, some years ago, began the construction of a canal from Lake Michigan across the ancient portage to a river flowing into the Mississippi. It was originally devised for sanitary purposes, but other possibilities soon developed; far-reaching plans for power installation and the building of a Chicago to the Gulf of Mexico waterway took form. In brief, Chicago was calmly proposing to drain the Great Lakes into the Gulf of Mexico instead of through the St. Lawrence. It was given permission to divert a certain amount of water, but it has without authority exceeded this diversion. It now asks to be allowed this excess and to erect compensating works on the Great Lakes. The Canadian authorities have opposed this diversion, and so, it is interesting to note, have the States of Michigan and Wisconsin, which are

equally concerned with Canada in maintaining the level of the Lakes. The matter will be considered further during the coming year.

But the powers of the International Joint Commission are not limited to boundary water questions. It is provided further that any questions or matters of difference whatever "involving the rights, obligations or interests of the United States or Canada, either in relation to each other, or to their respective inhabitants," may be referred for decision to the Commission by the consent of the two parties, any such action being taken on the advice and consent of the United States Senate, on the one hand, and of the Canadian Governor-General-in-Council, on the other; a majority of the Commission shall have power to render a decision upon any matter so referred. Thus far the necessity has not arisen for referring any such general issue to the Commission, but the existence of this machinery to meet any sudden emergency is a very valuable safeguard.

#### Disposition of United States to Enlarged Scope of Commission

At the Bar Association dinner in Montreal last month, Secretary of State Hughes strongly endorsed the Commission idea and said that personally he would be in favour of even a fuller extension to cover all possible grounds of friction or dispute.

I think perhaps it would be worth while to insert here the words used by Mr. Secretary Hughes in the address before the Bar Association delivered on the 4th September of this year. They indicate very clearly the attitude of the United States towards us in the matter of the settlement of differences between us, an attitude which I may say is heartily reciprocated by us; if, indeed, we did not initiate this point of view in the first instance. I will now quote Mr. Hughes:

While I do not undertake to speak officially upon this subject, I may take the liberty of stating as my personal view that we should do much to foster our friendly relations and to remove sources of misunderstanding and possible irritation, if we were to have a permanent body of our most distinguished citizens acting as a commission, with equal representation of both the United States and Canada, to which automatically there would be referred, for examination and report as to the facts, questions arising as to the bearing of action by either Government upon the interests of the other, to the end that each reasonably protecting its own interests would be so advised that it would avoid action inflicting unnecessary injury upon its neighbour.

In this connection, a personal incident of much interest was the visit to British Columbia of the late President, Mr. Harding, in the course of his Western tour. His extremely cordial and sympathetic addresses produced an impression which was deepened by the sudden illness and death which followed a few days later. I should like to quote the concluding paragraphs of a speech made by the then President in Vancouver:

It is the public will, not force, that makes for enduring peace, and is it not a gratifying circumstance that it has fallen to the lot of us of North America, in living amicably for more than a century under different flags, to present this most striking example produced, of the basic fact that peace can always be kept, whatever be the grounds of controversy, between peoples who wish to keep it.

What an object-lesson of peace is shown to-day by our countries to all the world. Only a scrap of paper, recording hardly more than a simple understanding, safeguards lives and properties on the Great Lakes, and only humble mile-posts mark the inviolable boundary line for thousands of miles through farm and forest.

Our protection is in our fraternity; our armour is our faith, and the tie that binds more firmly year by year is an ever-increasing acquaintance and comradeship through interchange of citizens. The compact is not of perishable parchment, but of fair and honourable dealings, which God grant shall continue for all time.

#### Goodwill between Canada and United States

I place these on record largely because I think they help to illustrate the new-world point of view that is in very striking contrast to the old-world attitude of the past, if not of the present, that force is always essential in the preservation of peace. The emphasis the President has placed upon the will to peace, that peace can always be kept, whatever the grounds of controversy may be, between peoples who wish to keep it, is a fact to which we on the North American continent are inclined to give a great deal of attention. We believe that by frequent intercourse between the public men of both countries, by the constant interchange there is between the populations of the two countries, we are developing a common attitude towards each other in the matter of solving our differences by machinery arranged for purposes of conciliation and arbitration, and that in that way we are perhaps rendering the greatest service that it is possible for us to render as a part of the British Empire in maintaining the friendly relations so essential between the United States and the British Empire. A fund of goodwill is being built up, and to appreciate its real value one has to consider what is gained by the elimination of the enormous cost and waste involved in competitive arming, which would be the other alternative. If we started on a policy in America which meant that we were looking to force for the solution of our difficulties with the United States, and began to fortify our boundaries from the Atlantic to the Pacific, I am afraid we should not have public funds left for any other purpose. Neither America nor ourselves is put to any material expense in the matter of international frontier cost for armed purposes.

#### Improvement of St. Lawrence Waterway

A somewhat broader boundary question, involving the possibility of joint Governmental action, has been raised by the advocates of an elaborate improvement scheme on the St. Lawrence which would permit large ocean-going vessels to pass to the head of the Lakes, and incidentally would develop great quantities of electric power. The heavy freight rates on farm products have aroused a strong feeling in support of any feasible means of lowering transportation costs. A joint commission was appointed some time ago to enquire into the feasibility and cost of the plan, and the advisability of joint contribution by the two countries. We were recently asked by the United States Government if we were prepared to enter into an agreement to carry out the recommendations of the Commission. We have thus far declined to take up the proposal, but the desirability of appointing a joint Board to report to the respective Governments upon the practical application of the recommendations of the Commission is under consideration.

### Postal Convention with United States

A comprehensive revision of the postal convention between the United States and Canada was effected this past year by the efforts of the Postmasters-General of the two countries, Mr. Hubert Work and Mr. Charles Murphy. It has put the postal relations of the two countries on a very efficient and satisfactory basis.

### Canadian Representation at Washington

During Sir Robert Borden's term of office, an agreement was reached between the British, Canadian and United States Governments for the appointment of a Canadian representative at Washington. No appointment was made during Sir Robert's term of office or that of his successor, Mr. Meighen, and no appointment has thus far been made by the present Government. We shall probably suggest some revision of the original agreement, particularly in the way of omitting the provision that in the absence of the British Ambassador the Canadian Minister should take charge of the Embassy. I might add that I recently spoke with General Sir Arthur Currie about the possibility of the Government securing him for the post of Canadian Minister at Washington. He has informed me that personal and financial factors would prevent his acceptance should the position be formally offered to him. The matter stands in that way at the present time.

### Settlement of Fishery Questions

The regulation of our fishery resources has, as usual, raised some difficult points.

Negotiations have been under way for some years looking to a closer regulation of the salmon fisheries of the Pacific Coast. It has not yet been found possible to secure agreement, largely owing to the attitude of the salmon cannery in the State of Washington. We are in hopes, however, that an agreement will be effected before long.

### Halibut Treaty

The threatened depletion of the halibut fisheries on the same coast has been met, on the initiative of the United States by an agreement between the two Governments concerned. The agreement provides for the establishment of a close season during the winter spawning season — November to February — and, the establishment of a joint scientific Board to study the life history of the halibut and make further recommendations as may be required for its preservation. The treaty was signed on the 2nd March, by Plenipotentiaries representing the parties, Mr. Hughes for the United States, and Mr. Lapointe, Minister of Marine and Fisheries, to whom at our request, conveyed through the British Government, Full Powers had been issued by His Majesty. The treaty was then laid before the United States Senate, which was to come to the end of its statutory term on the 4th March, and approved by that body. At the last moment, on the suggestion of a Senator from Washington, and in pursuance of the custom which is oddly termed "senatorial courtesy," a

reservation was added providing that "none of the nationals and inhabitants and vessels of any other part of Great Britain shall engage in halibut fishing contrary to any of the provisions of this treaty." While, as a matter of fact, no other British nationals have taken part in these fisheries, or are likely to do so, Canada did not desire to undertake on their behalf that they should so act. The Canadian Government was, therefore, unwilling to accept this reservation. The Parliament of Canada has given its approval to the treaty apart from the reservation and has passed an Act, to come into effect by Proclamation, forbidding all persons to fish for halibut in our territorial waters during the close season, forbidding Canadian nationals to fish in prohibited waters beyond the territorial limit, and barring the use of our ports by any persons as a fishing base during the close season, which under the conditions existing there will effectively bar any operations. Since we arrived in London, information has been received through the British Embassy that the Under-Secretary of State of the United States has stated confidentially that the President had agreed, as we anticipated, to reintroduce the Halibut Treaty as originally signed, without Senator Jones' reservation, and that the presumption was that it would pass. In the meantime, the beginning of the close season will be postponed until next year.

We are setting apart, I think, a special time for the discussion of treaties, and perhaps I should not go further into the Halibut Treaty matter at this moment; perhaps, however, it might clear up a misconception in the minds of some of the members present as to the significance of our action in negotiating an agreement with the United States over the conservation of halibut, were I to point out at once the real character of the subject matter of the treaty. It relates entirely to the conservation of the halibut in the Pacific Coast waters of the United States and Canada. It is as much to our interest as to the interest of the United States, as much to their interest as ours, that we should try to conserve the halibut, and the most effective way is to bring about an agreement between the two of us that neither of us will permit fishing from our ports in those waters during a certain close season. I have seen the question asked, what will be done if the United States does not carry this out: whom will Canada look to to see that the treaty is enforced? A question of this kind reveals a lack of appreciation of the subject-matter and the purpose. Of course, if the United States do not carry out their part we will not carry out ours, and *vice versa*; both of us will be losers; we shall lose some of our fish, a valuable resource; the whole Empire will lose to that extent, inasmuch as some of its resources will be depleted in part, but the factor that would compel enforcement of that treaty is the one referred to by the President — the obvious mutual interest of the two countries to see that it is carried out. Let me make this also clear, that by no conceivable construction could it be shown that any other part of the British Empire would be affected in any adverse way by our action. Australia, New Zealand, South Africa, Newfoundland — no part of the British Dominions could be other than helped by the agreement we have made. Their rights are in no way affected; the rights of the British Isles, the citizens of the British Isles, are in no way affected. I might further point out this, that, had we wished so to do, we could have referred —

and I speak of this more particularly in connection with the signing of the treaty — we could have referred the whole subject-matter of this treaty to the Joint Commission to which I have just made reference, and asked its members to deal with it. Had they dealt with it under the powers which have been given to them, three of the citizens of the United States and three of the citizens of Canada — or rather the chairman on each side — could have signed that agreement and it would have had the same force as the signatures of the Ministers which are on it at the present time. In other words, two gentlemen, neither of whom has any powers other than those they derive from the Governments themselves, could have done all that has been done by a Canadian Minister and an American Minister in signing the treaty. It is perhaps as well to mention those points at once, as apparently, judging from what I have seen in the press of comments from different parts, there appears to be a fear that we in Canada have sought in some way to invade the rights of other parts of the British Empire.

#### Revision of Rush-Bagot Agreement

One of the most far-sighted international actions to which either Great Britain or the United States has been a party was the conclusion of the Rush-Bagot Agreement in 1817, to restrict naval armament on the Great Lakes. The agreement provided that the armament by either country on the border lakes should not exceed four 100-ton vessels, armed with 18-pounders, I think one 18-pounder each. This understanding has unquestionably contributed greatly to the prevention of a competition in armament, and to the maintenance of a 3,000-mile frontier practically without a fort. The agreement has become obsolete, however, so far as the details of construction are concerned. The United States Government, usually after request, but occasionally without notification, has stationed there vessels, which, though small and lightly armed at first, have gradually been increased in size and efficiency until they now number from fifteen to twenty. They are used as training ships for the naval militia of the States bordering on the Great Lakes. The Canadian Government has had no doubt that this was their sole purpose, but felt the danger of misunderstandings and recriminations. The pressure of shipbuilding firms on the Great Lakes to secure naval contracts had also to be taken into account.

After considering these and other points laid before us by our naval advisers, the Government reached the conclusion that the matter should not be allowed to drift. Accordingly, in July 1922, my colleague, Mr. Graham, at the time Minister of National Defence, and I visited Washington and discussed the question with Secretary Hughes and President Harding. Our reception was very satisfactory, and it was agreed that the best solution would be to prepare a draft treaty which would preserve the full spirit and effect of the agreement of over a hundred years ago, but would adapt its principles to present-day conditions. I may add that the British Embassy cordially co-operated with us and greatly assisted in facilitating our interviews. On our return our technical officers prepared a draft treaty. We then, in August, sent a copy of this treaty to the British Government, asking for any comment and suggestion, particularly of a technical character, concerning the safeguards that should be incorporated.

The Prime Minister responded on the 19th October, expressing entire sympathy with our proposals for revision, and offering valuable technical considerations. A draft was then sent to Washington. In May of this year the United States replied, accepting some articles and proposing substitutes for others. We desire to take advantage of being in London on this occasion to discuss the matter further before taking final action. The prospects are excellent for a limitation which will be reasonable and effective.

I might say, in regard to what is proposed, that we have new problems of police on the Great Lakes and the St. Lawrence River which arise out of the prohibition laws of the United States and some of our own Provinces, that will necessitate possibly putting police vessels on the St. Lawrence and the Great Lakes. There are additional difficulties in enforcing the revenue laws of the respective countries, and we have to come to some definite understanding as to how far we will permit any kind of armament for these two purposes, revenue and policing. We will have no difficulty with the United States in reaching an understanding, as whatever is done will be with our knowledge and with our approval. I think we can work out an agreement wholly satisfactory in that line. Then, in regard to shipbuilding, during the period of the war a number of shipbuilding concerns at the head of the Great Lakes found that they might develop a profitable industry in the matter of building small warships; the Americans have sometimes a real difficulty in controlling their people, particularly where these large industries are concerned, and it may be that we will have to work out with a little more care what should be permitted to those shipbuilding companies in the way of the building of the ship itself, apart from any armament to be placed on it in other waters. There again, I believe we can work out with them an arrangement which will be satisfactory to both of us. As matters now stand, however, while the Rush-Bagot Agreement in name is being quoted and held up to the world as a great example, and to a large extent the spirit of the agreement is kept, the letter is being violated to a considerable degree, and it seems to us that we should revise that agreement in a form which will preserve its spirit and its effectiveness, but which will meet the necessities of the new situations that have arisen.

#### United States Tariff

The United States tariff changes of the past two years have been distinctly protectionist, and have hampered Canadian trade, particularly in agricultural commodities. There is no prospect of immediate improvement. It is possible, however, that the Democrats will seek to make a downward revision of the tariff the main issue in the election of 1924, and there are signs that the Western farmer, in whose supposed interest the tariff was raised, is realising it has availed him little; the organiser of the farm *bloc* — Gray Silver — has recently pointed out that the United States farmer gained rather than lost by the import of Canadian Western cattle, which were really stockers and feeders well adapted for finishing on the corn lands of the States.

#### Coal and Pulpwood

The possibility of an embargo on shipments of coal to Canada during the



recurrent coal strikes has been imminent, but fortunately has been averted. We are trying to develop imports of Welsh coal to lessen our dependence on Pennsylvania anthracite. On the other hand, the Canadian Government has been strongly urged to place an embargo on the export of pulpwood to the United States, and the question is now being investigated by a Royal Commission.

The two points I have just mentioned help to illustrate the kind of difficulties that might very quickly develop a serious situation, unless they were handled by those on the spot who appreciate their significance. We depend during our winters, in large part, upon the coal we receive from the United States. They have been hard put to it, on account of strikes, to get sufficient coal for their own people. They have been generous in their treatment towards us. I really think the Government of the United States have gone out of their way to try and help us, in every particular, in the supply of coal for the winter.

Now we come to this matter, to the depletion of our forests through the export of pulpwood, and there we are up against this, that the United States newspapers are practically dependent upon our forests. Mr. Hughes told me in conversation the other day that from representations which had been made to him it would appear that if we stop the supply of pulpwood summarily within a year the Dailies of the United States would have to cease publication (laughter) and we can imagine the kind of stir there might be expected through action of that kind.

#### Position of Canada

I mention these facts simply to illustrate what I am going to speak of, perhaps more particularly near the end of this review, why in Canada we feel very strongly that in these matters of international relations we must to some extent have a foreign policy of our own, if I may use that expression in this connexion — not a policy necessarily distinct from the policy of the British Empire — rather, I should perhaps say, we feel that we cannot confine our rights of self-government to matters of a purely domestic character, but that any questions which we have with our neighbours, or with others, which are matters of immediate and direct concern to each of us, we must have freedom in negotiating and settling. May I say at once that I do not wish to imply that we have thus far experienced any handicap or restriction from the British Government in any particular in this matter?

#### Liquor Traffic

The existence of legal prohibition of liquor traffic in the United States has put a premium on the smuggling of liquor from Canada. Recently the United States has requested a Conference with our Customs Authorities to discuss means of checking clearances. The situation is complicated by the variation in the laws of our various provinces, six having prohibition themselves and three permitting sale under Government control or through Government agencies, and also by variations in the attitude of the provincial Attorneys-General, who are responsible for the enforcement of the local regulations.

A conference between officials of the United States Government and our own has been arranged for November.

There again an illustration is afforded of what I tried to indicate a moment ago. This matter of clearing from our ports shipments of liquor, has reference more particularly to Customs Regulations. That is something which is of immediate concern to our Government and to the Government of the United States. I do not think it is a matter of any particular concern to any other part of the British Empire. There we would feel, and I should be inclined to think all parts of the Empire would feel, that we should deal with that purely local situation ourselves. It is a matter that relates to the North American Continent.

#### Three-Mile Limit

On the other hand, when it comes to the question of the 3-mile limit and proposals for extension to a 12-mile limit, we would recognise in a moment that here is something which affects the entire British Empire, here is a matter which is of concern to all of us. It involves a new principle and we would not think in any way of expressing a final opinion or, so far as we are concerned, attempting to deal in any final way with that situation, without the closest co-operation with the other parts. Indeed, I should think, on a question as large as that, we should feel that the decision should be made here, and made in the light of views expressed by representatives of all parts of the Empire.

#### Inter-relations of Canada and United States

In completing this hasty review of our relations with the United States, I might refer to the very true observation which Lord Curzon made on Friday as to the power of the West in United States politics. The same thing is observable and increasingly true in Canada; the prairie provinces are coming to hold the balance of power. They are largely influenced by the same factors which influence the Western States. In fact our neighbourhood to the United States is a factor which comes into nearly every equation of ours. It has a direct bearing on the question of our policy towards Europe. There is no question that, if the United States persists in its policy of isolation, and if we were to go to the other extreme of assuming daily responsibility for settling the affairs of Europe, the result would be a distinct growth of Continental sentiment which would have grave danger for the Empire and afford a renewed stimulus to emigration to the United States. That is a consideration which may be overruled. If a great and clear call of duty comes, Canada will respond, whether or no the United States responds, as she did in 1914, but it is a most important consideration against intervention in lesser issues.

#### True Basis for Foreign Relations of Empire

May I say, Prime Minister, that, in what I am now going to take up, I feel the great wisdom of what Lord Curzon said at the outset, as to the importance of the truth in all matters which we are here to discuss. It would be very pleasant and easy for me to say that Canada would do this or would do that as occasion arises, but ill-considered statements will not help in what we here

are all most concerned about, namely, laying the basis of the British Empire in an enduring fashion and furthering the development of its strength. Whatever I have to say will have that end primarily in view. I think we should differ, some of us who have discussed these questions in our own countries, as to how our objects can best be effected, but I will give to this gathering what my colleagues and myself believe to be the basis on which foreign relations can be most satisfactorily worked out.

### Relations with Far East

Just before I touch that, however, I have a note which deals with the Orient. I am following Lord Curzon's example in travelling about the world. So far as the Orient is concerned our relations are mainly on the question of immigration. There our policy has been in every way in our power to relieve the possibility of friction between the peoples of the Orient and ourselves, to let them understand that we appreciate their difficulties, and on the other hand to prevent difficulties arising in our own country which might create a very serious situation abroad. We can take it, I think, for granted that it will not help to solve any difficulty in any part of the Empire by creating a new difficulty in another part. The more we can circumscribe the difficulties that exist the better.

### Japanese Immigration

To come to Japan. The one problem there is that of immigration. Some years ago we adopted the plan of trying to work out an agreement which would allow the Japanese themselves, in accordance with their expressed wish, to restrict the numbers of their coolie labourers coming to our country. In the consideration of this question throughout it was the economic phase we had in mind; it was not the question of race, but a matter of maintaining a certain economic standard for our industrial population. Once the Japanese fully appreciated what our difficulty was, they expressed a willingness themselves to limit their numbers. They did not wish, however, to tell their own people how far they were limiting their numbers. An agreement was reached through the co-operation of the British Foreign Minister in Japan to the effect that immigration from Japan would be limited for certain classes, and a very definite number was fixed. The numbers were brought down to a few hundreds. These Orientals have the capacity for increasing their numbers once they get into the country. The children of Japanese and Chinese families on the whole are much more numerous in British Columbia than are the children of white families. The people of British Columbia — I speak of that province particularly — are very much alarmed over this situation, and have demanded that we should absolutely prohibit Japanese immigration, notwithstanding the numbers admitted each year are small. I have had something to do with this question and I think I appreciate its difficulties. I ventured to take the position very strongly that if we could avoid legislation altogether we should be helping in maintaining good relations with Japan. The thing the Japanese Government fears most is invidious legislation. The only way to avoid it was to get the Japanese to make further restrictions. We happen to have in Ottawa as the

representative of the Japanese Consular Service — there is no diplomatic service represented there — a very good man with whom personally I have friendly relations, and I explained to him very thoroughly the position we were in, that unless we could get a guarantee that the Japanese Government would further restrict their numbers we would have to pass restrictive legislation. After personal conferences and an exchange of communications with his Government, he said that he thought I could be sure the Japanese Government would limit the number of labourers to 150 a year. With this assurance, I felt justified in mentioning in Parliament that I saw no necessity for any legislation. We shall let the facts speak for themselves; if in another year the numbers are what we expect they will be, probably the necessity for legislation will disappear altogether; so at the present time we have left the matter of immigration from Japan to Canada in that position.

#### Chinese Immigration

In regard to the Chinese we have had what seems to many of us an undesirable system of restricting their numbers by imposing a head tax of 500 dollars a head. It meant that many were sold into virtual slavery. They came into Canada to work under contract. At any rate, the tax has not had the effect of restricting their numbers. They have come in in very large numbers. This year we passed legislation doing away with the obnoxious head tax altogether but made arrangements between China and Canada virtually similar to those between Japan and Canada. We prohibit altogether certain classes coming into the country and allow others, subject to restriction of classes and numbers, to come in on a passport basis. We are attempting more and more so to arrange matters as to ensure that before men leave their own country they are fit and entitled to come into ours; thereby endeavouring to prevent a number of them coming across and having to be sent back through one disappointing reason or another.

#### Status of Indians

With regard to India, I understand we are going to discuss a little later the question of franchise of Indians in Canada, so I will leave that for the moment. I would just mention that we had the pleasure of a visit from Mr. Sastri last year. The Government did what it could to further Mr. Sastri's mission, and we welcomed his speaking publicly in all parts of the Dominion, to make clear to our people the concern of the people of India in our dealing with this question. We invited him into a meeting of our Cabinet and talked to him intimately and freely of the different considerations of which we had to take account, and we sought to have him feel that we were quite as anxious as he was, in so far as it was possible for us at all to do so, to solve this difficult problem. I will have more to say about that later.

#### Commercial Treaties with France and Italy

Now in regard to Europe. The two factors of immediate interest in the last two years have been the commercial treaties we have made with France and Italy. Agreements have been concluded securing minimum terms on the most

important Canadian products in return for our intermediate tariff rates on certain French and Italian goods.

### Relations of Various Parts of Empire in Foreign Policy

From this brief survey of some of the external affairs which have occupied the attention of the Canadian Government during the past two years, I may now pass to some general considerations as to the relations of the different parts of the Empire on questions of foreign policy. I have thought it well to bring this matter up at once, because it arises out of the remarks of the Foreign Secretary on Friday, and, if we are going to discuss any further phases of it, it will perhaps present our point of view. The question is involved in the Foreign Secretary's opening remark as to our coming here to assist in carrying on "the foreign policy which is not that of these islands alone, but that of the Empire," but it has been raised many times and in more specific fashion.

Public opinion in Canada was surprised some time ago by a statement of the late Prime Minister, Mr. D. Lloyd George, in the House of Commons in December 1921 to the effect that the position of the Dominions in reference to foreign affairs had been revolutionised since 1917, that the Dominions had been given equal rights with Great Britain in the control of the foreign policy of the Empire, that the instrument of this policy was, and must remain, the British Foreign Office, and that the advantage to Britain was that such joint control involved joint responsibility.

If any such sweeping and general agreement as Mr. Lloyd George assumes had been made, implying, if it means anything, that all the foreign affairs of the whole Empire are to be carried on through a single channel, the people of Canada have no knowledge of it. This arrangement has never been sanctioned by our Parliament. It may be sufficient to quote a comment made by Sir Clifford Sifton, who, it may be recalled, organised the campaign against the Laurier Government on Reciprocity in 1911, and the campaign for conscription in 1917:

This statement is rather startling after Sir John Macdonald and Sir Charles Tupper, Sir Wilfrid Laurier and Sir Robert Borden for fifty years have asserted the right of Canada to have no military or financial responsibility for a war, unless her Parliament voluntarily takes on that responsibility. We now find the Prime Minister of Great Britain making the statement that we have entered into an arrangement by which we assume responsibility for the wars of Great Britain all over the world in return for being consulted. . . . Premiers drift into London . . . no one very sure what is decided . . . and the Dominions become jointly responsible for everything the British Foreign Office does in every part of the world.

I consider it an entirely impossible arrangement. I think it a complete abandonment of the theory of Dominion autonomy as it has developed for fifty years. The people of Canada have never agreed to any such arrangement, and in my judgment they never will. I think the people of Canada will demand that responsibility for engaging in any war or contributing to it shall rest exclusively with the Parliament of Canada.

**GENERAL SMUTS:** Who are you quoting from?

MR. MACKENZIE KING: From Sir Clifford Sifton, formerly a member of the Government of Canada. Sir Clifford has been giving a number of public addresses in Canada, and these statements seem more precisely than any other I have yet read to present the point of view of our country, as I understand Canadian opinion, on the question of foreign policy.

LORD CURZON: I suppose he spoke without official authority, did he, though he is an influential and powerful person?

MR. MACKENZIE KING: That is quite right, Lord Curzon. I am merely quoting his speech as an illustration of a view widely held. Speaking after conference with my colleagues in the Cabinet, we would feel that those statements substantially express the Canadian Government's view.

#### Implications of Phrase "Foreign Policy of the British Empire"

May I take a few minutes to examine briefly into the implications of both halves of a phrase frequently used, "the foreign policy of the British Empire"? As to foreign policy (the sum of those dealings or relationships or policies which the Government of one country carries on in connection with other countries), a few observations may be hazarded. May I say that I speak with very great deference? My reason for presenting these views is that there may be no mistake in appreciating our particular position. If we are wrong in that position, I hope, as the result of the Conference here, we will see our mistake. On the other hand, it may be that in using phrases such as "foreign policy" there are different things in the minds of each of us. As I have tried to make clear, we have the moment we go beyond our own boundary to deal with a neighbour next door to us, and so we must have a foreign policy. We must meet him either with a smile or with a frown in the relations we are going to have. Take the whole question of International Agreements between the two Governments, such as the work of the Joint International Commission — that is an expression of our foreign policy. It is true it is a part of the foreign policy of the British Empire, as it is acquiesced in by the others. In one sense we are prepared to agree that the policy of Great Britain is the policy of the British Empire, but what we want to know is how far the obligations arising out of that policy are material and how far they extend in reference to ourselves.

Foreign policy, I take it, is in a large measure an extension of domestic policy. It depends upon the balance of social and political forces, upon the industrial organisation, upon the racial aspirations, upon the whole background of the people's life. As an illustration I may refer to a matter briefly touched upon by the Foreign Secretary on Friday — the attitude of the United States as to the seizure of liquor on ships in territorial waters or hovering outside the presently recognised territorial limit. This attitude arose out of the policy of prohibition adopted as a domestic policy without any thought of the international complications which it might involve later. So, in the same matters, with ourselves; some provinces in Canada have adopted prohibition, some have rejected it. It makes a great deal of difference in our relations with the

United States what the precise policy of each province is upon this matter. Again, foreign affairs nowadays have to do very largely with economic questions — trade, tariff, coal or oil or railway concessions, international debts, immigration, fishery or power or navigation rights in boundary waters, &c.

They are largely neighbours' disputes, naturally arising most frequently with the countries which have most intercourse with it.

The question whether a certain matter in dispute will lead to war is frequently not so much a question of the character of the specific issue as of the spirit and traditions and supposed general interests of the countries concerned.

The British Empire, again, is not a single community, homogeneous, concentrated, with uniform neighbours, problems, needs. It is a league of peoples plus an Empire; it covers all the Seven Seas; it includes communities of every conceivable stage of civilisation, every variety of resources, every range of neighbours, every combination of problems and interests. The more advanced of these communities have developed rapidly in numbers and trade and international intercourse; they have developed relations with other countries varying with their situation; they have developed distinct problems in external as well as in home affairs, a distinct national consciousness, distinct Parliaments and Governments to control their affairs. Some problems are distinct and primarily concern only one or a group of these Empire States; some are of common interest or common menace, and concern the whole Empire and it alone, some are of still wider implications and concern all or a great region of the world, whether organised in permanent Leagues of Nations or in temporary conferences, or not organised at all.

Given then these conditions — given wide scattered communities within the British Empire growing steadily in numbers, in intercourse with the world, and in the habit of self-government; given the growth of problems and difficulties especially with neighbouring countries; given the diversity of conditions and of interest and of knowledge which makes these problems in many cases distinct in each country — it is inevitable that each of these communities should seek to control those foreign affairs which concern it primarily.

This is obviously true, and has long been true of the United Kingdom. Its foreign affairs have been of such overshadowing importance — it is on the verge of a crowded and troublesome and uneasy continent, it is the greatest trading nation in history, it has dependencies, protectorates, coaling-stations, in every quarter of the globe — that they have in the past been practically identical with the foreign affairs of the whole British Empire, and are still, and must long remain, immensely more important and complicated than the distinctive foreign affairs of any other part of the Empire.

It is increasingly true also of the Dominions. In this field Canada has naturally been most active, as the oldest federation and as the community which, next to the United Kingdom, is in most intimate and constant intercourse with powerful neighbours, pre-eminently with one great neighbour. It is unnecessary to review the process by which Canada has steadily widened the

range of foreign affairs with which she deals through her own Parliament and Government; trade, tariffs, immigration, boundary disputes as to power, navigation or fisheries and other questions which half a century ago were considered beyond her jurisdiction, are now unquestionably matters for her own decision, as my opening observations concretely indicated.

Clearly, then, as regards this wide and growing range of foreign affairs, the Dominions, or some of them, now possess control, and determine the policy to be followed.

#### Right of each Part of Empire to Control its own Affairs

It is not possible that this evolution which has proceeded steadily and with increasing acceptance for more than two generations should now be reversed, that Great Britain or Canada should decide Australia's trade policy or that South Africa should determine whether Canada shall join with the United States in the development of the proposed St. Lawrence waterway. Self-government means the right of each part of the Empire to control its own affairs, whether those affairs are domestic or foreign, or both. That is the principle on which this Empire has been maintained, that is its unique and distinctive contribution to the world, that is the principle which has been tested in fire in late years and not found wanting. I can hardly think that anyone would now propose that it be abandoned. I repeat, Canada has perhaps been more active than other of the newer parts of the Empire in assuming direction of such foreign affairs as distinctly affect her own interests. This is an outcome partly of our longer history, but much more of geography; the outcome of the fact that for 3,000 miles we lie side by side with a great foreign country which is yet of English speech, and with which our people have constant and unending business and social intercourse. Possibly, if we were in the position of some of the other Dominions, we would regard the question somewhat differently; possibly, if they were in our position, they would take the stand that we do. We are not asking that these differences be overlooked, or that the same policy be adopted by Dominions which differ in their circumstances.

I may say that, listening to the discussion of the questions that come up here, I have been more and more impressed with the part that geographical situation plays in determining the point of view in many of these matters. When I heard General Smuts the other day refer to matters that concern him in Africa and Egypt, and when I thought of the route that he and his colleagues have had to take in coming from Africa to Britain, I could see that many questions might arise in the area between London and South Africa which for him could not be satisfactorily solved without considering many aspects of British foreign relations with countries between here and there; and, similarly, perhaps in a more far-reaching manner in the case of Mr. Massey and Mr. Bruce in coming from Australasia. This aspect of means of personal and trade communication between Britain and Australia or New Zealand, and the consequences arising out of it, brings to the fore the whole question of their possible desire to express views about British foreign policy as it relates to any of those countries which they must pass in a way which does not come up at all so far as Canada is



concerned. That has to be considered, because, after all, the people themselves are the ones who are doing the thinking on these questions, and it is not sufficient that those of us who have the privilege of attending this Conference should have views as individuals. We should, in all we express, indicate the views of the people we represent; they are the most concerned about the matters of which we are speaking. It would be simply ludicrous for me to say, for example, that the people of Canada have, as a whole, given any thought to some of the matters which are perhaps of vital concern to General Smuts — they have not. It is in the nature of things that they could not, neither could General Smuts, nor Mr. Massey, nor Mr. Bruce, in such a matter as the development of the Chicago Canal or the level of our Great Lakes express opinions representative of the views of their people who would be likely to be interested in such matters.

If it is not possible or desirable that Great Britain or other Dominions should control these foreign affairs which are distinctly of primary concern to one Dominion, so it is equally impossible and undesirable for the Dominions to seek to control those foreign affairs which primarily affect Great Britain. Her geographical situation, her foreign trade, the enterprise of her investors, create many relations, interests, problems which are primarily her concern and which have intimate connection with her domestic problems. As to those affairs, the Dominions have not the knowledge, the direct interest, the responsibility, which would warrant their seeking control. Great Britain also is entitled to claim self-government.

#### Need for Consultation on Fundamental Issues

Each part of the Empire, then, has its own sphere. But at certain points the arcs cut, the interests become common. There are issues which are of fundamental concern to all parts of the Empire; and with these all parts of the Empire must deal; the Governments of the Empire must confer; the Parliaments of the Empire, if need be, must decide.

It is true that there is no clear cut and enduring line of demarcation between these fields, between those foreign affairs which are of primary concern to one part of the Empire and those which are of joint concern. No foreign question affecting one part of the Empire is without its influence on other parts, however small and indirect that influence may be, but it is equally true that no domestic affair of one part of the Empire, no foreign problem of any foreign country, is without some bearing on the fortunes of the rest of the Empire and the world. It is a question of degree. Again, issues which were primarily of concern to one part may grow to vast proportions and afford a menace or an opportunity that has substantial concern for all parts; if so, it can then be dealt with by all concerned. In drawing the lines there will inevitably be difficulties, but goodwill and commonsense and experience will settle these as they have in the past.

Again, were it considered desirable to establish a unified foreign policy on all issues, it would not be practicable.

No scheme has been worked out, no scheme, I venture to say, can be worked out, by which each part of the Empire can be not only informed but consulted as to all the relations of every other part of the Empire with foreign countries, and a really joint policy worked out. The range is too vast, the situation too kaleidoscopic, the interests too diverse, the preoccupation of each Government with its own affairs or its own existence too absorbing, to make this possible. We must face facts. It is possible to consult on matters of overwhelming and enduring common interest; it is not possible to consult on the great range of matters of individual and shifting concern.

#### Concern of Parliaments and Peoples in Foreign Policy

A further questionable feature of the Empire one-foreign-policy theory is that it ignores the necessity for associating the Parliaments and peoples in the decision of foreign policy. Granted that a measure of secrecy is essential in the course of negotiations, granted that the conduct of affairs must rest largely with an experienced and specialised executive department, still it is true that it is not desirable for any Dominion or for the Empire that vital issues of foreign policy should be determined decisively in a small executive or Conference group. The problem of foreign policy is not settled when provision is made for bringing Prime Ministers together. Each Prime Minister must on important issues secure the backing of his Parliament and his people.

May I say, Prime Minister, the reason I have spoken as I have here to-day is primarily the one I have already referred to, the desire to face the truth regardless of how it may affect the feelings of any of us, and also in part because I feel that if we are to render any service to each other we must let each other know very frankly what we can do and what we cannot do; what we may expect and what we have no right or reason to expect. There are many things right in principle which are not possible in practice. I was struck in looking over the 1921 Conference report by a remark made by Lord Curzon in regard to what had been the view taken in England as to what should be done with the Kaiser and certain of the German war criminals. It was right in principle that they should be tried, and I think Lord Curzon mentioned that, but he also stated that where a short-sighted attitude had been taken, and where the Government was in the wrong, was in assuming that it could be done. If there is one thing above another which must have impressed all of us it is the deplorable condition in which ex-President Wilson has brought himself and his country in view of the part he took at the Versailles Conference. President Wilson went there with high ideals, believing in certain principles which he thought were right; he did his utmost to have certain views accepted, and he had them accepted, but he left out of account one factor of vital concern, namely, the extent to which the people of the United States were behind him. I do not wish to come to the Conference and say to the gentlemen gathered round this table, "Yes, Canada will do this and Canada believes that," unless I am sure that I can say the same thing in Canada on my return and get the same amount of applause there as I do here. That is the sole reason I have for dwelling at such length on this question of foreign policy. We must speak here in regard to the extent to which we are going to be able, through our Parlia-

ments and by our appeal to the people, to make good every single undertaking we give and every implication for which we are responsible.

### Recent International Conferences

I must say just a word about International Conferences. When we came into office the Conference on the Limitation of Armaments was being held at Washington. Sir Robert Borden was representing Canada. His report was made to the Government, and later I would like to draw the attention of the members of this Conference to two or three of its pages, more particularly where Sir Robert Borden sets forth his views on the matter of treaties. It is a point of view I think we all hold in common.

At Genoa and at The Hague we were represented. We had been invited to be present at these Conferences and, considering their nature, we felt it would perhaps be not only of interest and benefit to ourselves, but also to others if we were represented there. At Lausanne we were not represented; we were not invited. We took and we take no exception to not being invited. We felt that the matters that were being discussed there were not of the same immediate and direct interest to ourselves as they were to those who were represented at the Conference and we have no exception to take to the course that was adopted.

### Near Eastern Crisis, September 1922

In referring to the Lausanne Conference, perhaps I should say just a word or two about the circumstances surrounding the manner in which we were asked if we would like to associate ourselves with the British Government in its policy towards the Near East, and, in particular, if we would participate by sending a contingent. I mention this because I think it shows the great necessity for our working out, with a little more care and caution than has thus far been exercised, the means by which communications are to pass between the different Governments concerned. The first intimation I had that Canada was being asked to participate in a situation as serious as that in the Near East was when a press reporter came and showed me a despatch which he alleged had been given out by the British Government and asked what Canada was going to do in this matter. I did not wish to embarrass the situation by saying I had not received any communication from the British Government whatever on the situation in the Near East, and I fell back on a phrase I had frequently used in a previous political campaign, that it was not a one-man Government, that when I had had a chance of conferring with my colleagues we would decide what action we would take. I then communicated with Ottawa — I was away at the time in my own constituency — to find out if any communication had been received from the British Government, and none had been received at the time I communicated. This was on Saturday. On Sunday morning I came down immediately to Ottawa; I went to my office and ascertained that a communication had been received at noon on the previous day by the Governor-General's Secretary, the communications coming, of course, in that way. It had to be decyphered, and it came to my office during the latter part of Saturday

afternoon. But in the meantime the entire press of the country, the Saturday afternoon press, had the alarmist appeal that there was likely to be war in the Near East and that New Zealand had already undertaken to send a contingent. When I called my colleagues together on the following Monday we all felt that until we had more in the way of information it would not be wise to say to what extent we were prepared to associate ourselves with the policy of the British Government. As to participation in any war by the sending of troops, as a Government we felt that Parliament must decide on that point, and I communicated accordingly. Lord Curzon spoke on Friday of the despatches and telegrams which we had been receiving from the Foreign Office. I am inclined to think that there is a doubtful value to be attached to them. They have been helpful in some particulars, but, if I may cite this case, a reference to the despatches will indicate that a couple of weeks prior to the telegram being sent, to which I have just referred, one despatch indicated that the crisis in the Near East seemed to have passed, that there was not much danger of any trouble arising of a serious character. That was the last despatch I had to place before the Cabinet before the telegram referring to possible participation in a war. These despatches come in in a bundle a week or two after the events to which they refer, and actually the information we had at that time on the Near East situation would seem to indicate that there was no crisis.

**LORD CURZON:** You get telegrams.

**MR. MACKENZIE KING:** Since then, Lord Curzon, we have been receiving telegrams in regard to the Lausanne Conference and some other questions. At that time we did not; at that time we were not receiving daily telegrams. We were receiving the printed despatches which came by mail and which reached us a couple of weeks afterwards, sometimes even later.

**LORD CURZON:** You know, of course, Mr. Mackenzie King, that the particular manifesto to which you are referring was not a normal occurrence, and that it was issued without the knowledge or approval of the Cabinet.

**MR. MACKENZIE KING:** So I understand. I have no desire to do other than just present to the Conference some of the embarrassments we had at the moment, and I raise the point more with a view of indicating what we may wish to consider later on very carefully, namely, the best means to be adopted as between the Governments concerned of being informed on questions which are likely to be of real concern to us all.

I want, however, at this moment to say a word about the great care that should be exercised in respect to issuing any statements from the British Government or departments of Government to the peoples of the Dominions over the heads, so to speak, of the Governments concerned. I think whatever is to be done with regard to our affairs must be done through our own Government. It will certainly create all kinds of difficulties were a practice to be adopted of having memoranda or appeals sent out from any department of the British Government to the Dominions which had not received in the first instance the authorisation of the Government of the Dominion concerned.

## European Situation

Now just a word in conclusion about the general attitude towards Europe.

The Dominions are undoubtedly concerned in the present situation. Their material interests, their humanitarian interests, their interest in the preservation of peace and of fair and honest dealing among nations, make it impossible to say we are not concerned. In fact, no part of the world, whether within or without the Empire, can be without concern, though there may be, and are, wide differences in degree.

The practical question, however, is whether any effective remedy for the situation is within our reach, and whether our peoples are agreed upon the value and the necessity of this remedy. Because our interests are prejudiced by the situation it does not follow that it can be set right at once, or that the setting right is to come from outside. This is particularly true in view of the fact that much of the disturbance is internal rather than international, civil war, class war, the war of social creeds. The question for consideration is the practicability of any specific proposal, the balance of losses and gains, interpreting both, of course, in no narrowly materialistic sense.

As to the diagnosis of Europe's trouble, the British Government, supported by the dominant public opinion of the country, appears, while blaming Germany for much stupidity and lack of good faith; to place the main responsibility for the present unsettlement upon the chauvinistic ambitions and unscrupulous intrigues of France. I cannot say that there is any clear Canadian opinion on that point. A large portion of what may be called, in the general sense, liberal opinion is inclined to agree, and believes that the policy France has pursued is calculated to ensure neither her own security nor Europe's welfare. But there is also, so far as the question has been considered at all, a strong sympathy for France. I want to say that this remark has reference to the feeling we have in the light of the knowledge that we have of the European situation. I confess that since coming to England it has been a surprise to me to have heard the strong expressions about France's indifference to her obligations. The extent of that feeling has come as a shock to me. Little of that is known to the people of Canada. We are so remote from Europe; we have not the knowledge of the situation, and the view that our people take must continually be in the light of the knowledge that they have. I think there is a large body of Canadian opinion which feels that France has taken a mistaken course from the economic point of view in occupying the Ruhr as she has; that she has stood in her own light as well as in the light of what is best for Europe and the world. On the other hand, I believe that the preponderating sympathy of the people in Canada is still with France. They feel that, having been treated in the way that she was by Germany, no one can wonder at her attitude being extreme. It would be exceedingly difficult to get the people of Canada to feel that France was deserving of blame, and that it should be part of their duty to try and pass judgment upon her. Suspicion of Germany is still strong. We were led during the war to paint France 100 per cent. white, and Germany 100 per cent. black, and it is not easy to depropagandise a people. The curve

is rather sharp. That, I think, broadly is the way in which the country generally would view the situation. Also, I may here mention this. Lord Curzon spoke of the American point of view, and mentioned that the Americans were filled with terror at being drawn into a European situation. I think that is perfectly true of the United States. I believe that is almost equally true of Canada. I am sure the people of the Dominion would view with great alarm the possibility of their being involved in any European situation at the present time. As to remedy, I gather from the statement of the Foreign Secretary that the British Government does not propose at this stage to suggest any definite plan of action, but rather to let France make the next move.

Our attitude is not one of unconditional isolation, nor is it one of unconditional intervention. It depends upon the specific situation in Europe and also in our country. It would be worse than useless for the representatives of Canada here to pledge themselves to policies which may have no effective backing in the country.

#### Reparations

As to reparations, in the narrower sense, Canada, I am sure, will not make her small share in the sums promised by Germany a stumbling-block to a solution. We are prepared to agree to a proportionate scaling-down of our allotted amount, if that will materially smooth the return of peace to a distracted continent.

#### Canadian Conception of Imperial Relations

It is sometimes asserted that Canada or the Canadian Government has latterly put forward new principles of imperial relationship, and claimed special privileges in status. That is not the case. Canada is not putting forward any new principles, though, naturally, every new year and every new problem may make it necessary to apply the old principles in somewhat new fashion or in a wider range. Canada stands on the old principle of responsible democracy. She still believes in democracy, in representative democracy, in the rule of the people through, in large part, their representatives in Parliament. She still believes in responsible government, self-government, the right of each part of the Empire, as it attains a fitting degree of strength and capacity and experience, to undertake the control of its own affairs. For seventy years our most honoured leaders have done what they could to develop the basic principle of responsible government, and to apply it in steadily increasing measure to the whole range of domestic and foreign affairs. That principle, which Canadians are proud to remember was, in notable measure, pioneered and developed by their leaders in the past, has proved itself beyond dispute in the testing times of these later years.

Canada desires no special privilege. We believe that the decision of Great Britain on any important public issue, domestic or foreign, should be made by the people of Britain, their representatives in Parliament, and the Government responsible to that Parliament. So the decision of Canada on any important issue, domestic or foreign, we believe should be made by the people

of Canada, their representatives in Parliament, and the Government responsible to that Parliament. Some of these questions will be of direct concern to more than one part of the Empire, and in that case consultation, in formal conferences, like that of to-day, or in more informal discussion, is necessary to give the Government and Parliament and people of each country an understanding of the needs and point of view of the others, so that their decision can be made in the light of this knowledge and the sympathy that is born of knowledge.

I hope I have made it clear that in speaking for Canada as to what we feel should be the extent and scope of our rights in matters of government, whether they pertain to domestic or foreign affairs, I have had wholly in mind only the point of view of how to help to make the relations between all parts of the Empire of a character that will tend towards permanency of relations and the successful working out of a wise development in matters pertaining to foreign policy. Also, I hope I have made it clear that, while we do feel strongly that there are some matters which more immediately affect us than they do other parts of the Empire and over which we desire an immediate and direct control, nevertheless, we are equally appreciative of the fact that there are great common interests in which all of us have an equal concern and are equally ready to share.

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Sixth Meeting

October 11, 1923

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*Statement by the Prime Minister*  
Appreciation of Previous Statements

**MR. MACKENZIE KING:** I do not know that I have much to add by way of comment to what has been said by the Foreign Secretary and Lord Robert Cecil, except to express appreciation for the information we have received, particularly in relation to the Italian-Greek crisis, and the fact that Lord Robert Cecil went so carefully and fully into the different aspects of the work of the League in which we are all so interested.

Effect of Italian Action on Public Opinion in Canada

In speaking of the Italian-Greek crisis and the relations of the League thereto, we cannot from a distance but feel that the extent to which public opinion was focussed on the dispute was increased a thousandfold by virtue of the fact that the League's authority to a certain extent had apparently been ignored. It gave to every country, certainly to Canada in her interest in the dispute, a feeling of immediate concern, which I think she otherwise would never have had. I believe that much the same feeling was aroused in America, though she is not a member of the League. I think there was a feeling that, after all, nations had endeavoured to set up some machinery to take the place of force, which machinery should be respected, and Italy had to a certain extent, in attempting to ignore it, defied the whole world. I believe that the fact that the League was meeting at the time certainly went far in arousing

world opinion and would have led to a much more vigorous action from the outside world if necessity had occasioned it. Certainly nothing could better express the views that were held in Canada generally with reference to the support which should be given to the League than the concluding remarks of Lord Robert Cecil. In every particular they would be endorsed with enthusiasm from one end of our country to the other.

**Good Effects of Lord Robert Cecil's Visit to Canada  
and the United States**

May I take advantage of this occasion to express the pride and pleasure which we all felt in the visit of Lord Robert Cecil to America and the addresses given there. I believe they were distinctly helpful in interpreting the work of the League in a sympathetic manner to the people of the North American continent. I believe the speeches did much good. I cannot say that of some other speeches that have been made; but I do think that Lord Robert Cecil's visit was in every particular helpful to the League and to the British Empire.

I should like to mention that my colleague, Sir Lomer Gouin, was one of our representatives at the League and possibly the Conference would like him to say a word or two if he so desires.

*Statement by Minister of Justice and Attorney-General*

SIR LOMER GOUIN: I was at Geneva representing my country at the last meeting of the League of Nations. I followed the deliberations of the Assembly and the deliberations of the Council. I must say that I felt proud of the role played by Lord Robert Cecil both before the Assembly and before the Council.

**Canadian Amendment to Article 10 of the Covenant**

I must take this opportunity to thank Lord Robert Cecil for the great help he gave Canada in connection with the proposition that we laid before the Assembly with regard to Article 10 of the Covenant. As you remember, in 1919, at the time that the Peace Conference was preparing the Covenant, the representative of Canada, my predecessor, the Right Hon. Mr. Doherty, opposed Article 10, and, after the Covenant was signed and brought to our Canadian Parliament for ratification, he maintained his opposition to that Article. But, believing in the Covenant and wishing to be a party to the League of Nations, he asked our Parliament to ratify the Covenant, which was done. In 1920, at the very first meeting of the Assembly of the League, he came before the delegates and asked for the repeal of Article 10. This was referred to a Commission appointed by the Council, and the report of that Commission was to the effect that, instead of repealing Article 10 an interpretative clause should be adopted by the Assembly. That report was discussed at two Assemblies, and in 1922 our representative, the Hon. Mr. Lapointe, finding that he could not obtain the repeal of Article 10, brought up another amendment in advance of the proposition of the interpretative clause. This year



I brought up the same amendment and, with the help of Lord Robert Cecil and the representatives of the other Great Powers, we succeeded in having the Commission, which had been entrusted with the examination of our proposals, submit an interpretative declaration to the Assembly, which voted for it by a large majority, one State only voting against it. It is true that the Clause was not adopted, as unanimity was necessary under the rules, but . . .<sup>1</sup>

LORD ROBERT CECIL: It was only Persia who was against it.

SIR LOMER GOUIN: Yes, and that is why I say that in effect we have obtained the interpretative declaration which we were seeking. And for this I wish to renew my thanks to Lord Robert Cecil for the assistance that he has given us. That is all I have to say.

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Eighth Meeting

October 15, 1923

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*Statement by the Prime Minister*  
Co-operation in Defence desired by Canada

MR. MACKENZIE KING: Prime Minister, I have not anything to say at the moment beyond mentioning that the suggestions just made by Lord Salisbury will be fully met by Canada. They have already, I understand, been met in large measure. So far as Canada is concerned, her attitude will continue to be in the future what it has been in the past, one, namely, of hearty-co-operation in matters of defence, having regard always to the fact that actual participation in war, the extent of participation and such like, must necessarily be matters which will have to be carefully considered and be decided by Parliament itself. I think that is understood.

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Ninth Meeting

October 17, 1923

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NAVAL DEFENCE

*Statement by the Prime Minister*  
Appreciation of Mr. Amery's Statement

MR. MACKENZIE KING: I should like to say a word of appreciation of the exceedingly able speech to which we have just listened by the First Lord of the Admiralty. I am sure the spirit of it will appeal very strongly to all of us, and I congratulate Mr. Amery on the manner in which he has presented these problems, which are perhaps the most important of all the problems we have to consider. I will not take up the time of this Conference by referring to the Conference at Washington or to Singapore and the other matters which the First Lord has touched upon, but I think perhaps it would be advisable, seeing this meeting is for the purposes of general discussion, to take advantage of the

<sup>1</sup>Les points de suspension figurent au procès-verbal.

<sup>1</sup>Suspension points are in Minutes.

opportunity to say a word or two about considerations which we feel are all-important in the discussion.

#### Welcomes Change in Admiralty Standpoint

First, let me say how gratifying it was to hear what the First Lord of the Admiralty said in regard to the point of view of the Admiralty, the change in the point of view of the Admiralty in respect of the Dominion Navies. I think that changed point of view indicates perhaps better than anything else what we in the Dominions have most in mind in seeking co-operation rather than centralisation in these matters of defence. The original point of view of the Admiralty was that the more centralised in every particular matters of defence could be, the more effective and better the outcome. I think we might admit at once that, from the point of view of strategy, efficiency and economy, the Admiralty were perhaps right, speaking of the defence of the Empire as a whole. On the other hand, there is always the difference between the political point of view and the technical point of view, and the political point of view, inasmuch as it lies at the basis of all the rest, cannot receive too full consideration. I do not think it would be possible for the Dominions, whether in relation to Naval, Military, or Air forces, to concur in any policy in the nature of a highly centralised policy. The question in the end comes back to one of taxation. All these matters in the last analysis are questions of taxation, and those of us who are really interested in the defence of the Empire have to ask ourselves, above every other question: How can the taxes be raised for the purposes for which we require them? I was a member of Sir Wilfrid Laurier's Government at the time the naval policy was introduced, and I know that the reason we held so strongly to the view of Dominion naval services was that we felt that, if anything in the nature of contributions were requested, if anything in the nature of centralisation of organisation was expected, we could never expect the Dominion to respond, as we felt sure it would were the people to feel that the naval service of the Dominion was the natural outgrowth of their national standing and national status. If that is understood and appreciated, I think it should give the key to the whole situation as to what may be possible in the future and the lines on which we should proceed. I like the expression used by the King in his speech to the school children on the 24th May, which was distributed by means of gramophone records throughout the Empire, that the British Empire is a community of free nations. In that thought one has possibly the key to the situation. The British Empire is a community, a great community. It has community interests; it has community obligations; it has community responsibilities, and we in the Dominion of Canada, as well as all the other Dominions, recognise that.

In matters which affect the honour and integrity and the common interests of the community of nations, Canada, I know, is ready to do her share and to do it well, but while the British Empire is a community of nations, a sort of League of Nations, a League within the world League, it is a community of "nations" and, as such, the national interest cannot be stressed too strongly in our Parliaments when dealing with the questions which come before us. The more we are in a position to lay emphasis on the national status which has

been attained, the more easily will we be able to accomplish the aims we have in view.

#### Position of Canada as regards Defence

I should like to take occasion, at this moment, to refer to an expression which Mr. Massey used at our last meeting, and which I do not think should be permitted to pass. Mr. Massey said that he thought the Dominions had been sponging too much on the mother country in the past. I do not know how that may present itself to the minds of some, but I desire to take strong exception to it, so far as Canada is concerned. I do not think Canada in any particular has been sponging. The history of the relationship of Canada with the mother country will show that, far from sponging, Canada has been more than ready to assume obligations, and has assumed obligations, in a chivalrous and large way. If one takes the history of the Dominion from the time that Canada was acquired by the British after the period of the Seven Years War, it will be recalled that the first difficulty that arose on the North American Continent was the revolt of the English Colonies. Had Canada at that time taken the same attitude as the other English Colonies there would have been no Canada as part of the British Empire to-day. I think we ought to remember that sometimes when we talk about the loyalty of the French Canadians. As a matter of fact, on different occasions Canada has been saved to the British Empire through the position which the French Canadians have taken. Coming to the next period, the war of 1812-14, Canada was in large part the battleground of that conflict and there again it was the stand taken by the Canadians which saved Canada as a part of the British Empire. Up to the days of Federation, this country, controlling the commercial policy and controlling largely the entire political situation, thought it advisable to keep stationed British garrisons of Regulars in different parts of the Dominion. When the Federation was effected and Canada was given larger freedom in the matter of self-government and the management of her own affairs and the shaping of her own policies, she undertook to establish a department of National Defence and sought to have the British troops withdrawn and to relieve Great Britain of any responsibility in that direction. Steadily from that moment British soldiers and officers were gradually withdrawn from the Dominion, and Canada has assumed full responsibility in the immediate control of her defences. The obligation with respect to naval defence was recognised a little later, in a small way at the beginning, but nevertheless recognised as an obligation on Canada's part. There were naval stations at Esquimaux and Halifax which were imperial stations at which the British Navy had its own officers and men. We took over those naval stations, and we also undertook the establishment of a Canadian Naval Service. At the time of the Sudan War, some men were recruited, a few, from Canada; but, from the Canadian point of view, we were in no way responsible for the war in the Sudan; it was no action on the part of Canada which occasioned it. When it came to the South African War we supplied contingents; though we were in no way responsible for that conflict, we were not taking an attitude of sponging on the mother country at that time. In the last Great War, I think it will be admitted that all the Dominions

recognised to the full the community of interests which they had as parts of the British Empire and responded in every way to the utmost of their ability. In a word, I am unable to see in Canadian history a point where Canada, since she has attained her status as a country, has occasioned the slightest concern to the mother country from the point of view of what was essential in the way of defence; I can think of no action or incident, in consequence of the Dominion's position or the attitude we have taken, that has involved the mother country to the slightest degree in the possibility of war. On the other hand, where in other parts of the Empire situations have arisen which have been critical for the Empire as a whole, and more particularly to the mother country, Canada has recognised her obligations to the full. I think it well to say this, because I do not believe it is helpful to any of us that there should be comment of the kind to which I am referring. It certainly does not call forth the spirit of national pride or pride in our British connexion which we are all seeking to further, and which lies perhaps deepest of anything in our natures. I have mentioned these happenings. They indicate a trend, and that trend is one which I feel, with confidence, will develop as the need continues.

#### Policy partly dependent on Geographical Position

It is well perhaps, in considering defence, that we should all recognise that each country has its own peculiar problems to contend with arising in considerable part out of its geographical position. I can see quite clearly that, were I a citizen of the British Isles or of an Island Continent like Australia or an Island Continent like New Zealand, I would have an intense interest in the naval situation, an interest which I cannot conceive the Canadian people, who are inhabiting half a large continent not so immediately associated in all particulars with the sea, are likely to have; that factor, I think, has to be taken into account in considering questions of naval policy. I can see, for example, where it might be possible to interest Canada in air development, where it might not be possible to interest some other part of the Empire in the same way. I believe that the spirit of this Conference is that we should try to discover wherein each of us, having regard to our particular situations, can work out most effectively the co-operation and aid which we could like to be able mutually to give.

#### Status of Conference

There is one other point that I think at this moment I ought to make quite clear here. It goes back to what I said on the first day, and in the remarks of the First Lord of the Admiralty it seems to me that he has kept it in mind throughout, that is, that we at this table cannot be too careful not to assume powers which we have not got. We have no right, as I see it, to regard ourselves as a Cabinet shaping policy for the British Empire. We are here as the representatives of Governments, deriving what power we have from that circumstance and that fact alone. It is easy to use words and phrases, but there is grave danger of very critical situations arising out of them when it comes to satisfying the expectations that are raised thereby. The word Oceanic Commonwealth is, for example, a fine word; it is a splendid word, but if the effect

of its use is to convey to the minds of all who are present here that we sitting at this table are shaping the policy of that Oceanic Commonwealth, as a single Cabinet entrusted with any such powers, I am sure, when we get back to our Dominions, we will find that a different conception of our functions and duties has been entertained by those we represent. Certainly when I get back to Canada I would find that the people there would say very quickly: "Well Mr. King, we are glad you enjoyed your stay in London, but evidently you got carried away with it; you have forgotten entirely our conception of your duty at that Conference, which was to represent Canada, present her point of view, receiving at the same time the points of view of the other Governments as far as you were able, not questioning the community of interests or our desire to further it."

#### Ultimate Control lies with Parliament

The people of the Dominion have never given to me or to my colleagues any authority to say how far Canada is to be committed by what happens somewhere else, say in Egypt or in Africa. If they thought that, by using the words, "one defence of the Empire," we were committing Canada to responsibility as respects international complications and international difficulties that may arise in other quarters of the British Empire, there would be a feeling of alarm and concern that it would be almost impossible to describe. The man whom I think it is well to be on the look-out for, the real enemy, is the one who is watching for weapons with which he can defeat us, and I for my part do not wish to put into the hands of any person, if there are any such in the Dominion, who wishes to criticise the British connection and our position within the British Empire, a weapon that may be used effectively against me in my desire to see the Empire maintained and developed. I should feel that the most serious impression that could be conveyed to Canada at the present time — I am not speaking of the other Dominions — but the most serious impression that could be conveyed to Canada certainly would be that the aim and object of this Conference was in some way to commit the Dominions to responsibilities as respects matters over which their Parliaments have no control. It would be making for disunion, not for union.

#### Relations of Canada with United States

Let me bring out this further point which, I think, having regard to Canada's position, should be brought out, and which involves considerations we do well always to remember. We are right alongside a vast continent with which we have to compete in every particular. Geographically we are handicapped in that competition all along the way. Our winters make it more difficult for our railways to operate, our seasons are not as long or as varied as the seasons of the country to the south of us, and we have the handicap of a smaller population. The American people say a great deal about their security lying in the circumstances that they are a great continent by themselves and are not involved in situations across the Atlantic and across the Pacific. I do not say that they are right in some of the implications drawn from that point of view. I think that we are all members of a great family, all of us are members of a

world community and we have world obligations, but it is important, I think, from the point of view of the British Empire, that when we are trying to people our country, particularly our Canadian West, with numbers of new immigrants, to build up a strong population there, we should not do anything which will create in their minds the idea that because they are settling in the part of North America which is British they are running risks and incurring obligations with respect to situations arising in parts remote from America, which they would not have if they were south of the line. I put that forward, recalling Lord Curzon's words at our opening meeting here that, after all, the truth is the one thing we ought to speak at this table, and speak it fearlessly.

#### Dangers of Phraseology

What I have said about one foreign policy, and am saying about a single policy of defence, relates to the care with which we use particular terms and phrases, to be sure that when an expression is used we all mean by it the same sort of thing. For example, I may use Mr. Bruce's expression of the other day, that the British Empire is one and indivisible. I can use that expression, but I have to be very careful to make it clear just what I mean by it, just what the impression is that I am seeking to convey. We believe that the Empire is one and indivisible, it may be said also of the Godhead that it is one and indivisible; so much depends upon what it is that it is meant to emphasise. There are aspects of imperial relationships of which account must be taken as respects the separate character of its parts. It is not true that in all particulars the Empire is indivisible; it is divisible, and very distinctly divisible. It is divisible geographically, racially, politically, and in a thousand ways, and we have to take account of all these divisions.

#### Object of Conference. Mutual Help dependent on Mutual Knowledge

When I say that we feel that in the matter of defence we must be careful to assert the national note rather than the imperial note, I am saying what, as a friend of the Empire, I believe will free us from dangerous criticism; I believe in stressing the point that is going to make for the permanence of the Empire. I come back to the change of view of the Admiralty as illustrative of what I mean. The man who emphasised the importance of the national position with regard to the Canadian Naval Service was set down at the outset, by so-called imperialists, as a separatist. He was denounced as an enemy of the Empire. To-day, after a period of a very few years, we hear, from the lips of the First Lord of the Admiralty himself, of the wisdom of the position taken at that time from the point of view of what will make for the permanency of the Empire. It is that point of view that I am anxious we should all clearly comprehend, so that when we go back to our respective countries we may say with truth and with due appreciation of what this Conference has stood for, that, while we come back with a knowledge of the difficulties with which Britain is contending, and with which other parts of the Empire are contending, we also come back with ampler knowledge as to how we can be more and more mutually helpful. We shall then be in a position to shape our policies in accordance with what is going to make most effectively for the mutual interest.

### Undesirable to publish Admiralty Memorandum in Dominions

In conclusion, as the First Lord has made mention of it, may I say I do take strong exception to the publication in any of the Dominions of any memorandum prepared by the Admiralty,<sup>1</sup> or by any other Department of the British Government, without the full sanction and authority, in the first instance, of the Governments of those Dominions. I do that for this reason. It is a fundamental political principle in any theory of self-government. If the people of Canada — I do not care for how trivial a reason — were to get the impression that in some way or other the British Admiralty or any other Department of the British Government were trying to appeal over the heads of the Canadian Government to the electorate, there would be produced a political situation which it would be very difficult to cope with, and I do not know of anything that would bring about such a situation more quickly than the publication of an Admiralty memorandum. One has simply to suggest carrying the procedure to other Departments to see what it really signifies. If an Admiralty memorandum, on a matter of defence, why not also a memorandum from the War Office on the militia? Why not a memorandum from the Treasury as to finance? I am quite prepared to agree that we cannot get too much in the way of information. We cannot be too appreciative of what the Admiralty can give us in the way of information and help; we welcome it, and we want all we can get of it.

### Only Dominion Cabinets can settle what should be Published

But we want it given to the Minister who is responsible, and we want our Cabinet to have the right to consider its significance. Then we will decide whether, in the interest of Canada, or in the interest of the British Empire, it is wise to give any particular memorandum publicity. I believe we shall be on safe lines so long as we remember that it is Governments that are conferring here; in whatever we do, whether it relates to foreign policy, defence, or anything else, it is all-important that Governments should speak to Governments, not that the individuals here should try to work out a single defence policy for the Empire, but that we should make it possible for our own Cabinets to give full consideration to whatever in the way of statement is to be given to Parliament and to the people. Perhaps it is a little difficult to appreciate here just how jealous, in a very proper way, all members of a Cabinet are as to having the right to have their voices heard when a policy of large import is being considered. They have their problems. Our Ministers from the prairies and our Ministers from the manufacturing districts are as much concerned in having a say in the shaping of naval policy as are the Ministers who come from the provinces of British Columbia and Nova Scotia, which border on the sea; and I should hesitate in their absence in any way to try and commit any of my colleagues without their having an opportunity of having their voices heard.

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<sup>1</sup>Le Premier ministre fait allusion au document 307.

<sup>1</sup>The Prime Minister's reference is to Document 307.

Eleventh Meeting

October 22, 1923

## DEFENCE

*Statement by the Prime Minister*

## Appreciation of Statements of British Defence Ministers

MR. MACKENZIE KING: Prime Minister, I would like to express appreciation of the manner in which this whole subject-matter of defence has been presented to us, not only by the First Lord of the Admiralty, but by the Secretary of State for War and the Secretary of State for Air. The whole discussion, up to the present, has been most informing in every particular, and I think we have all benefitted by having had the position presented to us in the manner in which it has been.

## Desirability of Uniformity in Training, &amp;c.

Broadly speaking, as far as Canada is concerned, we entirely agree with the point of view, suggested by the Minister for War, that there should be similarity in the method of training, and common standards, so that in the event of the forces of the Empire co-operating at any time they would be able to do so with the greatest possible despatch and efficiency. We would feel it an advantage for our officers to have the opportunity of conferring with the officers of the different branches here. I might say that, if any of the Ministries here should like to make suggestions as to lines of training or procedure which it would be advisable for us to consider, we would welcome suggestions. How far it would be possible to act upon any suggestions would, of course, lie of necessity with the Ministers in the Dominion of the Departments concerned, and after conference on their part with their colleagues in the Cabinet. With this understood I think it would be entirely to the advantage of us all that we should have at any and all times opportunities of conference and consultation, and also that we would welcome any suggestions that may be put forward.

## Interest of Canada in Air Defence

As regards the three branches, I do not know that I can say very much as to which in our Dominion would be likely to receive more attention than the other. I do feel that, in considering Defence, having regard to the necessity of going to Parliament to ask for appropriations, it may be possible for us to do more at one particular time with one branch than with another. Just at the present time the matter of Air Defence is one to which we have been giving a good deal of attention, and we expect to give it a great deal more.

Extent of Canadian Participation in War must be decided  
by Canadian Parliament

There is one point, I think, I ought perhaps to speak of with care. Lord Derby mentioned that one thing the Government here would like to be sure of was the number of men, or rather the extent of the forces, that could be counted upon. If that has reference to what at any time the personnel may be, what the equipment and general organisation may be, of course that is always



available; but if it has reference to what the numbers of men or extent of forces may be available at any given moment for participation in war, I think I ought to make it clear that as to what extent Canada would participate in a war at any time must be considered a matter which her own Parliament will wish to decide. I do not mean by that that the Government of the day would not recognise its responsibilities in advising as to whether or not Canada should participate in a particular war or refrain from participating; the Government would have, of course, to take its responsibilities and meet Parliament in that regard; but I know that in case of a proposed participation the country would wish to have the situation considered on its merits, with reference to the circumstances which had occasioned it, and the directness of interest involved. In saying that, I wish it to be understood that I feel that, in any crises affecting the honour and integrity or the common interest of the Empire, Canada may be expected to do in the future as she has in the past, and be ready to play her part. It would be wrong, however, to have it assumed that any Department of Government here could feel that it had — if I might use the expression — a blank cheque from the Dominion to be filled in at a moment's notice with reference to any particular situation that might arise. I am quite sure our people and Parliament would not wish that impression to be left, nor do I expect that the authorities here would assume it should be. I think that is all I have to say.

...

*Reply by the Secretary of State for War*  
Thanks to Dominion Prime Ministers

LORD DERBY: I would like to thank the Prime Ministers for their statements with regard to the Army. I would like to point out that, although the Navy and the Air Force may come in first, it will always be left to the Army in the end to get the results. Mr. Mackenzie King said in his remarks that we must not assume that there will be any specific contribution to any war that the Empire might be engaged in. I never for one moment made that assumption.

Two Main Assumptions

I made two assumptions and I appeal on two assumptions which I hope are not ill-founded. First of all, that, if any part of the Empire, wherever it is, is attacked, the whole Empire will rally to the support of the part so attacked. Secondly, that it will rally to the fullest extent of its powers. My wish is to put forward schemes which will admit of the minimum amount of peace expenditure, with the maximum amount of expansion in time of war.

Meaning of Phrase "If Empire Attacked"

MR. MACKENZIE KING: Might I interrupt just to make quite clear what is in my mind, because I think there should not be any false security at any point. We should know exactly what we mean. So much depends on what is meant by saying that — if the Empire is attacked at any particular part. My mind goes back to the situation as it was a year ago at the time when there was a certain difficulty with the Turks. If that had resulted in actual hostilities, I cannot say at the moment what the Canadian Parliament would or would not have

ultimately done; but I would say this, I think there is very grave doubt whether the Parliament of Canada would at that particular time, with the information it had on that question, have undertaken to supply troops, at any rate at the beginning of the War. It is quite conceivable that trouble beginning with Turkey might have come in course of time to assume proportions where Christendom itself was in danger — a Moslem-Christian conflict; in that event there is scarcely doubt that Canada would have felt a certain responsibility to the Empire as a whole. I cite this because I think similar cases may arise, and I think it would only convey a sense of false security if one were to assume that in any situation which came about the merits of the emergency would not be looked into and examined from the point of view of the direct interest and responsibility of the Dominion, and the extent of its participation, if any, determined thereby.

**LORD DERBY:** May I put it this way? If the actual invasion of any portion of the British Empire was threatened by a foreign nation, all parts of the Empire would wish to come to the rescue and to the help of such part of the Empire as was threatened with invasion.

**MR. MACKENZIE KING:** Unwarranted invasion certainly, but having regard to the existing circumstances.

**LORD DERBY:** That is what I mean, unwarranted invasion.

**MR. MASSEY:** Can invasion be anything else than unwarranted?

**LORD DERBY:** I think we will leave that for the moment.

#### Plans for Military Co-operation if desired by Canada and other Dominions

Mr. Mackenzie King has been good enough to say that he wishes to cooperate. May I make this suggestion to him? That we should prepare some scheme which should be submitted to him, a scheme for assistance by the Canadian Forces; that we should enter into direct discussion from the War Office with his Military Advisers of that scheme, thrashing it out in detail before it is submitted to him for his approval, if approval it be.

**MR. MACKENZIE KING:** I am entirely satisfied to have the officers of your department of war confer with the officers of ours and submit any scheme for consideration.

...

Thirteenth Meeting

October 29, 1923

...

#### POSITION OF INDIANS IN OTHER PARTS OF THE EMPIRE CONTINUATION OF DISCUSSION

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#### *Statement by the Prime Minister* Canada's Attitude of Goodwill

**MR. MACKENZIE KING:** I would like to say that I think Canada fully appreciates the magnitude and seriousness of the problem with which the

Government of India and the Government of Britain are confronted in dealing with any question affecting the status of Indians, and that our attitude from the beginning has been, and at present is, one of being exceedingly anxious to be helpful in the solution of any problem that may arise. His Highness the Maharajah, in speaking last week, referred to the manner in which we had recently taken up by conference some questions respecting Immigration with Japan, and he said that, in his opinion, any of these questions of status and political rights respecting resident Indians could be best settled by adopting a similar method. He referred particularly to an attitude of goodwill being more important than anything else in the solution of these difficult questions. I think the Maharajah is entirely right. Attitude in these matters is all-important; so far as the Canadian attitude is concerned, it gives me pleasure to say that we are most anxious to deal with this whole question in a spirit of mutual understanding and goodwill.

#### Recent History of Indian Immigration Question

I have in my hand a report that I made to the Government of Canada in 1908. It relates to immigration to Canada from the Orient, and Immigration from India in particular. It was the result of a visit which, at the instance of the Government of the day in Canada, I paid to England to confer with the Secretary of State for India in regard to the question of Immigration from India to Canada. If I may be permitted, I would like to read the concluding paragraph of this Report, because it sets out the attitude at that time — fifteen years ago — which we took towards questions affecting our fellow British citizens from India:

Nothing could be more unfortunate or misleading than that the impression should go forth that Canada, in seeking to regulate a matter of domestic concern, is not deeply sensible of the obligations which citizenship within the Empire entails. It is a recognition of this obligation which has caused her to adopt a course which, by removing the possibilities of injustice and friction, is best calculated to strengthen the bonds of association with the several parts, and to promote the greater harmony of the whole. In this, as was to be expected, Canada has had not only the sympathy and understanding, but the hearty co-operation of the authorities in Great Britain and India as well.

I should say, perhaps, that, after conferring with the Secretary of State for India in London at that time in regard to this question, I subsequently, at the instance of the Canadian Government, went to India to take up with the authorities there the question of the migration of Indians to Canada with a view of seeing whether we could not work out a solution which would avoid anything in the nature of legislation which might be misunderstood or regarded as invidious in India, and I am happy to say that we were able, as a result of conferences, to come to an understanding between the two Governments which was as satisfactory to the Government of India as it was to the Government of Canada. If it was possible to do that in regard to the difficult question of Immigration, I think it ought to be possible for us similarly to effect a satisfactory solution with respect to any of these other questions that may arise, and it is from that point of view that I hope my colleagues from India will feel that the Canadian Government is approaching this particular subject.

### Position of Indians domiciled in Canada

Lord Peel in his remarks said, I think, very rightly, that what the Indian felt more than anything else was that the disabilities under which their countrymen live appear as a brand of social inferiority. The extent to which that is true depends very largely upon the nature of the disabilities and the circumstances which account for any that may exist.

#### No Disabilities in eight Provinces. Some Political Disability in one

May I say at once in regard to Canada, that, in eight of the Provinces out of nine which comprise the Dominion, I am not aware of any legal or political disability under which any Indian resident in Canada suffers, and, with respect to the ninth Province, I am not aware of any legal disability of any kind; I am only aware of a political disability in the matter of the exercise of the franchise in that one Province, and that not as regards all Indians, because, as respects all Provinces, including British Columbia, the one exception I have mentioned, the Federal Law relating to the franchise sets it down that any Indian who served with His Majesty's Forces — Military, Naval or Air — is entitled to the franchise. I mention this as evidence of the fact that our citizens appreciate the services that India has rendered the Empire and desire to acknowledge them wherever possible.

#### History of Canadian Franchise

May I say a word as to the way our franchise has been developed? The Dominion is the result of the bringing together of a number of Provinces, and the Party to which I belong — the Liberal Party in Canada — has taken a position that, wherever it was possible to recognise the wishes of a Province in matters pertaining to the franchise, regard to such should be had. For that reason our Federal Franchise Act for many years recognised for Federal purposes only the franchise prevailing in the Province. We had not a separate franchise for the Dominion. We took, for the Dominion, the provincial franchise as it existed, with the result that in some Provinces some classes had the right to vote who had not the right to vote in others, not on account of race, but owing solely to the fact that for their own reasons certain of the Provinces had thought it well to limit the franchise in certain particulars. The late Government, which represented an opposite view in some particulars, changed somewhat the Franchise Law a few years ago, and endeavoured to enact a Federal Franchise which would be applicable generally throughout the Dominion. They provided that women, for example, should have the right to vote in Federal matters. Those of us who had held to a recognition of provincial enactments opposed that attitude. We said it should still be left to the Provinces to determine as respects the franchise to be given women, as in all else, what they thought best. However, the Government at that time did carry a provision which made the law in this matter of the exercise of the franchise by women generally applicable. Notwithstanding, that very Government, having regard for the conditions in the Province of British Columbia, in order to avoid a serious situation arising there which might have been misunderstood in other parts of the Empire, found it necessary as regards certain of the

provisions affecting the Federal Franchise in the case of British Columbia to make an exception to this general application. I mention this because it discloses how in one Province a particular question may become a burning political issue. For the Federal Government to try and deal with it in a manner which would be regarded as coercing any Province would give rise to an entirely new question. For example, if the Federal Government had tried in respect of all persons resident there to impose on the Province of British Columbia certain obligations, such, for example, as the right to vote under the Federal franchise, the issue would not in public discussion have been a question of the franchise at all; it would have been a question of coercion by the Federal Government of a Provincial Government, and you would have had a political battle fought on the basis of what we speak of as "provincial rights." I am sure all at this table will appreciate that that kind of political conflict is one of the most dangerous a country can be faced with. It is as though Britain were to try and impose certain obligations on Canada or some other part of the Empire. In dealing with the Provinces we of the Federal Government seek, as far as we can, to prevent anything in the way of coercion. I think it is as well to mention this because it helps to explain why in one Province it has not been possible, up to the present, to concede the franchise to the Indians who are there.

#### Question best dealt with on Reciprocal Lines

As to how Canada's action may be viewed in India seems to me to be very much a matter of interpretation, and the spirit of interpretation. I could go to India and say with truth, that every citizen coming from the State, over which His Highness the Maharajah of Alwar rules, has rights of citizenship in my Province which I have not in his. That is a point which cannot be brought out too clearly. In eight Provinces out of nine in Canada every Indian resident there has the same right as other Canadian citizens, but that is not equally true of Canadians resident in India. If this aspect is put before the people of India they will see that the reciprocal method of dealing with this question, as pointed out by General Smuts, is one which perhaps presents the line along which we can proceed most satisfactorily. So far as Canada is concerned, we would not ask for our citizens resident in India any right which we are not prepared equally to concede to Indians resident in Canada. I think you may take that as the fundamental basis on which we would be prepared to deal with this question; we hold to this reciprocal point of view because in all things we have found it to be one of the most satisfactory methods of dealing with questions of this kind.

#### Problem in British Columbia an Economic one

So far as British Columbia is concerned the problem is not a racial one; it is purely an economic problem. The Labour forces in British Columbia are very strong. That Province has had industrial problems of a character which no other Province in the Dominion has had and what the Labour people are aiming at is, I think, to maintain certain industrial standards which they had sacrificed much to acquire. As respects some of those who have come from

other countries they are rather fearful, until at least they have resided for some time in Canada and have acquired our method of living, our customs, habits, and so forth, that to give them the rights of franchise in full may mean that the standard already maintained may be undermined. I would like to make this clear.

#### Possible Political Consequences of giving Franchise to Indians in British Columbia

It may seem I am straining a little in emphasising the possible political consequences of giving the franchise to resident Indians in British Columbia.

But take the actual situation as it is in Parliament to-day. When we came into office, I had a majority of one behind me in the House of Commons. I think we have a majority of three at the present time. Many of the constituencies were very close. It is conceivable that in British Columbia the difference in the result might be material by increasing a certain vote in some of the constituencies. In other words, were the subject to become one of political discussion, I think it would be possible for a political orator to make it quite apparent to the people of British Columbia that the fate of the Federal Government might depend upon the vote cast by the Indians resident in that Province. It would not be an exaggeration, it would not be a figure of speech; it is a literal and absolute truth. It is conceivable that the complexion of Parliament as it is to-day might be entirely changed. The consequence might be that one Government rather than another would be in office by the vote of those who, neither in their own country nor in Canada, have ever exercised the franchise. That is the situation which exists at the moment. I do not expect it will exist very long, but it all helps to show the difficulty which we are confronted with when we contemplate, in any immediate way, results which we all hope will be effected in the course of time. It is for that, among other reasons, that I appreciate the method of approach which Sir Tej has adopted in bringing his suggestion before this Conference. He has appreciated, I think, our difficulties as well as his own, and, in suggesting there could be a Conference between representatives of India and representatives of Canada, I think he has had in mind enabling the citizens of India to appreciate just the kind of circumstances which have governed our actions quite as much as having our citizens appreciate his difficulties. That is the sort of approach and attitude which permits us to get together and I should be surprised if, dealing with this question in that spirit, we could not work out a thoroughly satisfactory solution.

#### Interpretation of 1921 Resolution

There is one point I ought to make quite clear and that is the extent to which my hands are tied in dealing with this question. The resolution which was passed at this Conference two years ago in the minds of some present committed the Dominions to giving the franchise to the Indians. It was, they allege, in the nature of a general commitment. It is all important that we should know whether that was the intention of the resolution or not. I think in the first place we should be very careful of resolutions that are introduced or passed, and

I think, when once they are passed, we should do our utmost to see that any hopes to which they may give rise are not destroyed. In the House of Commons I asked my predecessor, Mr. Meighen, what his interpretation was of the resolution of 1921. I have before me the "Hansard" of the 29th June of this year, which contains the record, and with the permission of the Conference I shall read from it:

MR. MACKENZIE KING: May I ask my honourable friend one question? The resolution of the Conference, or at least one clause, is as follows:

"The Conference accordingly is of the opinion that in the interests of the solidarity of the British Commonwealth it is desirable that the rights of such Indians to citizenship should be recognised."

The Honourable Member for George Etienne Cartier, Mr. Jacobs, has said that those words imply an undertaking on the part of this Parliament, or rather on the part of Canada, to see that the federal franchise is granted to the Indians in British Columbia. Is that correct or not?

MR. MEIGHEN: The words are English and the words are simple. I understand them fully and if the Prime Minister does not I must leave him just where he is.

MR. MACKENZIE KING: I think the House is entitled to an answer from my right honourable friend. He represented this country at the Imperial Conference. He knows better than anyone else what interpretation he placed on these words. I ask him, seeing that he represented Canada at the Imperial Conference when the resolution was passed, whether Canada was giving an undertaking to the Indians in British Columbia to the effect that they should be entitled to the franchise.

MR. MEIGHEN: No human being understood anything of the sort. The words are very plain and there is no misunderstanding them.

I should be taken very seriously to task if, when I returned to Canada, it could be said that I had placed an interpretation on that resolution which the Prime Minister of Canada who was present at the time it was passed was unwilling to have placed upon it. I think Mr. Meighen has taken his attitude from the words: "It is desirable that the rights of such Indians to citizenship should be recognised." If that means we would all like to see it done, that we hope it may be done, I think I can agree with him in this expression of such a wish. On the other hand, as to its constituting an actual pledge, I am bound to take the interpretation which Mr. Meighen himself gives and places upon it. I should, perhaps, say that I presented that point of view to Mr. Sastri when he was in Canada and my recollection is that Mr. Sastri did not maintain that the resolution constituted a pledge which obliged the Federal Government to give the franchise to resident Indians but rather that it expressed what the Conference hoped would be done by the different Dominions as opportunity offered.

#### Mr. Sastri's Visit

May I say just a word in regard to Mr. Sastri's visit? We were pleased to welcome Mr. Sastri to Canada and we sought to give him the fullest opportunity to speak publicly wherever he wished to do so in the Dominion, to confer with any persons whom he might wish to meet, and we were glad to have him in conference with us in the Cabinet so that we could explain very fully all the considerations of which we had to take account. I think Mr. Sastri ap-

preciated our situation the better in view of having seen conditions for himself and having talked with many persons in different parts of the Dominion.

Matter will be considered when Franchise Law revised

I cannot do better in setting forth our Government's attitude than to read to the Conference and place on record the letter I wrote to Mr. Sastri just as he was leaving our Dominion. It is dated Ottawa, the 5th September, 1922, and is as follows:

The Right Hon. V. Srinivasa Sastri,  
Château Laurier, Ottawa.

Dear Mr. Sastri,

In reply to the representations made by you at the interview with my colleagues and myself on Friday of last week, and which were the subject of further conference between us yesterday, I desire to assure you that, at the earliest favourable moment, the Government will be pleased to invite the consideration of Parliament to your request that natives of India resident in Canada be granted a Dominion parliamentary franchise on terms and conditions identical with those which govern the exercise of that right by Canadian citizens generally.

The subject is necessarily one which Parliament alone can determine. It will be submitted to Parliament for consideration when the franchise law is under revision.

In conveying to the Government of India an expression of the attitude of the Government of Canada in this matter, we hope that you will not fail to make it clear that at the present time, in eight of the nine provinces of which our Dominion is composed, the federal franchise is granted to natives of India resident in Canada, on terms which are identical with those applicable generally to Canadian citizens.

Yours sincerely,

(Signed) W. L. MACKENZIE KING.

You will observe that we have promised Mr. Sastri that when our Federal Franchise Law comes up for revision we will take care to see that Parliament is fully informed of his representations and wishes, and we will seek to have those representations and wishes given every consideration. It is probable that the Dominion Franchise Act will come up for revision at the approaching Session of Parliament. I told Mr. Sastri it was hardly probable it would come up last Session, but that I thought it would come up next Session. If the course we anticipate is followed, the Franchise Act will be referred to a Committee of the House, and that Committee will be in a position to hear any representations that may be made to it.

If Committee from India sent to Canada, it will be given every opportunity to discuss Question

My friends from India will have to decide for themselves what is likely to be most in their own interests in the matter of having a Committee visit Canada and take up this matter anew. I say that for the reason that I am not sure that Mr. Sastri's visit has made it easier for us to deal with this problem. I would put it in this way. Mr. Sastri's visit helped to direct the attention of the country to something which I imagine the greater part of the country did not know anything about. I doubt if the majority of the people in Canada were aware



that in the Province of British Columbia, for example, the Indians did not have the franchise. They may have known in the other Provinces that they had the franchise, but the question of the few in British Columbia not having the franchise would hardly be known to any extent outside that Province. Once, however, Mr. Sastri began delivering his speeches the Labour Councils from one end of the country to the other began to receive communications from Labour Organisations in British Columbia asking them to take care to see that such standards as labour had won in British Columbia were maintained. The forces that were opposed to granting the franchise to Indians became organised in a way they had not been before. Whether that same result might follow the visit of a deputation from India I cannot say. It might or it might not, but, should our friends from India think it would help them to have a delegation come to Canada to confer on the subject, we shall be most happy to appoint a corresponding group to meet and confer with them. If it were their desire to have their delegation given an opportunity of meeting the Parliamentary Committee to which the matter will be referred for consideration, I should be glad to see, if the time of their visit so permitted, that they were given a chance to meet the members of that Committee and to confer with them at Ottawa. In other words, we would be only too happy to give to any group which may come from India, any person she may send, the amplest opportunities to discuss with our public men all aspects of this particular question. I say this having regard to the method of approach Sir Tej has presented to us here. He has made it clear that the Committee would come for the purpose of exploring avenues and ways and means to reach an ultimate result. He should recognise that we may have to take time in this matter, but I would like him to believe that we are sincere in hoping that we will be able to meet his wishes. In seeking so to do, we may have to proceed step by step, but the Canadian people as a whole are, I am sure, really desirous of meeting our fellow British citizens from India in every reasonable particular. I have not the slightest doubt about that.

#### Progress of India towards Self-government

Perhaps I may be permitted to say just one word in conclusion. Sir Tej spoke very feelingly the other day about political freedom and the desires of India in the matter of self-government. When I was in India I heard a good deal of the discussion that was going on. Let me say that I have a natural sympathy with the desires of a people to have the right to manage their own affairs. Were I a citizen of India, and this is what I felt most at that time, I should feel above everything else that in India being a part of the British Empire there lay the surest guarantee that this desire for self-government will be realised in the course of time in the manner which to India herself will be most effective and helpful. It is inconceivable that the opinions represented at this table, the views of the different Dominions represented here, should not accord with aspirations of self-government. There is this, however, which I think we have to remember and which those of us in the Dominions have had occasion to realise, that our Dominions have been peopled largely by citizens who have come out from the British Isles, and that those who have

been most active in effecting reforms have themselves come with ideals which it had taken their ancestors many, many years to work out in this old land. Our struggle for responsible government in the Dominions was largely a continuation of the long struggle of several centuries which had taken place in the British Isles, and I think the evolution of self-government in the Dominions has become what it is largely because of the long process of political training through which in previous years the peoples of the British Isles had passed. For that reason I hope that our friends in India will appreciate that here again time may be a helpful factor in the working out of what, in the long run, in the interests of India herself will be the surest and the best guide to complete self-government.

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Fourteenth Meeting

October 31, 1923

SECRET

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#### NEGOTIATION, SIGNATURE AND RATIFICATION OF TREATIES

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#### Status of Dominion Ministers at Imperial War Cabinets

**MR. MACKENZIE KING:** I would like to ask Mr. Massey a question. You spoke about a certain status that Dominion Ministers had at the time of the War Cabinet. From what authority was that status derived?

**MR. MASSEY:** From the Sovereign through his Ministers. I do not think I need explain to Mr. Mackenzie King that the Cabinet consists of those men who are, in the first place, members of the Privy Council, and who are convened for the purpose of forming a Cabinet by the Prime Minister for the time being. That is what took place.

**MR. MACKENZIE KING:** I had assumed that every Cabinet Minister derived his authority from his position in Parliament or in relation thereto, and by virtue of the people by whom he is elected to serve.

**MR. MASSEY:** There is the indirect method which I have mentioned. A man can become a Cabinet Minister without being elected as a representative of the people; he may be a member of the Second Chamber. That happens over and over again in this country. A Cabinet Minister, and I think I am right in this according to constitutional authorities, is invited to attend Cabinet meetings by the gentleman who is the Prime Minister for the time being, and custom has provided that the man who is invited to attend Cabinet meetings, with the other qualifications, becomes, as a matter of fact, a member of the British Cabinet.

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#### PUBLICATION OF CORRESPONDENCE BETWEEN GOVERNMENTS

**MR. BALDWIN:** Mr. Mackenzie King, you are taking the next item. Perhaps you would say what you have to say on that.

MR. MACKENZIE KING: That is the matter of publication of correspondence, is it not?

MR. BALDWIN: Yes, and the next item I think is yours as well.

MR. MACKENZIE KING: I may say a word or two perhaps. If I present to the Conference the circumstances which have occasioned me to bring this matter up, that will enable the members better than any words of mine to see what is involved in the suggestions I have to make. At Ottawa there is a difference of view between the Governor-General's Office and the Department of External Affairs as to rights of publicity in the matter of correspondence between the Government here and the Government of Canada.<sup>1</sup> It is, I think, important that there should be only one view, and it ought to be clearly set forth. I have, for example, a memorandum given me by the Under-Secretary of State for External Affairs, who is perhaps the senior official in the Dominion Service, in which he states:

The understanding of the Colonial Office heretofore has been that code telegrams, unless specially marked 'Secret' or 'Confidential', may be given to Parliament as a matter of course without permission being asked and in view of this understanding the telegram of a certain date, the 27th October, might be brought down.

On principle I do not think it would be necessary to ask permission to bring down telegrams from the Canadian Government, but in practice consent becomes necessary if such telegrams are part of a continued secret correspondence and make reference to secret communications from the Imperial Government.

That point of view I had assumed was correct, but the Governor-General's Office apparently takes a different view, which is set forth in the following memorandum from the Governor-General's Secretary:

Correspondence between the Government of Canada and His Majesty's Government is carried on, not by the Prime Minister or the Cabinet, but by the Governor-General who is the Chief Executive and Head of the Government. He transmits, as such, his Minister's opinions and follows their advice, but the responsibility is his and the custody of the correspondence is his duty.

When Sir Joseph Pope says that 'the understanding with the Colonial Office heretofore has been that code telegrams, unless specifically marked "Secret" or "Confidential," may be given to Parliament as a matter of course without permission being asked,' he is in one sense correct. Such telegrams or despatches may indeed be made public, but, in theory at least, only by permission of the Governor-General, who has discretion in the matter and does not need to ask permission from the Secretary of State for the Colonies. It is needless to say that the Governor-General always meets the wishes of his Prime Minister in such cases. It is true that, in the case of numbered despatches, publication when required, is made in the 'Canada Gazette' without express permission being asked, but such despatches are generally concerned with regulations, e.g., regulations affecting the transfer of registry of vessels, and are of such a nature that their very transmission implies publication—permission, therefore, being tacitly given by His Excellency.

There is, however, no record, so far as I am aware, of any papers being laid before Parliament without the permission of the Governor-General. Indeed, at one time, when Ministers desired to bring down despatches, the documents in question were prepared by the Office of the Governor-General's Secretary.

<sup>1</sup>Docs. 633, 635-37.

With regard to Confidential despatches, the case is different, and the regulations given for the instruction of the Governor-General lay down that 'no confidential despatch, either to or from the Secretary of State for the Colonies, may be made public without his permission.'

Despatches handed in to the Governor-General's office in draft form are actually only written records of the advice of his Ministers to the Governor-General, on which it is true that he acts, but the correspondence based on that advice is the act of the Governor-General himself and the correspondence is his and remains in his custody. The fact that a telegram may be sent in the exact words suggested by the Prime Minister, who, in drafting such telegram, is fulfilling one of his proper functions as principal adviser to the Governor-General, does not make that telegram his. So far as the substance of the despatch or the policy involved is concerned, Ministers naturally can at any time make this public in their speeches in the House of Commons or elsewhere, but this does not affect the sanctity of official correspondence.

I think that is a curious reversion to an old Colonial status, if such is the correct view. The Under-Secretary of State, Sir Joseph Pope, after he saw this particular memorandum sent me another in which he takes quite an opposite view. He says:

Whatever practical advantages may attach to the practice of entrusting to the Governor-General's office the preparation of returns for Parliament of official correspondence with outside Governments, I venture to think that there is serious objection from a constitutional point of view to a reversion to that old time practice which obtained before the establishment of this Department. Such a course appears to imply the retention by the Crown of a control over matters which, for many years, have been committed to a responsible Minister, such as is not consistent with sound constitutional theory, and such as is not exercised, I think, in any other Department of Canadian affairs. It involves the position that the discretion of the Secretary of State for External Affairs as to the action to be taken in respect of communications made to the Canadian Government is to be regarded as a provisional one, fettered by the necessity of submitting such action in certain particulars for the special approval of the Crown, whereas the position hitherto taken in such matters is that the discretion to be exercised in the selection of papers to lay before Parliament is vested in the responsible Minister. It might be pointed out the publication in the *Canada Gazette* of despatches coming to the Government through the Governor-General, where such action seems necessary or expedient, is made as a matter of ordinary practice under the Minister's authority, without any special reference to His Excellency, and why a different practice should prevail in respect of communication to Parliament is not apparent. Of course, in any case publication is subject to the usual rules governing international practice in this matter.

It seems to me that this statement of the matter is the only one that should hold at the present time. In other words, the Canadian Ministry, in the matter of its correspondence, should be in precisely the same position as the Ministry here with reference to its correspondence. If responsibility rests with a Minister of the British Cabinet as to what papers should be placed on the table of Parliament, he exercises that responsibility without getting the consent of His Majesty the King in the first instance. He is assumed, I presume, to be advising His Majesty to give permission. Similarly I feel that the Prime Minister of the Dominion, or whichever Minister may have to do with external affairs, should have the same responsibility and the same rights in the matter of deciding what correspondence should go before Parliament. He should not have to ask permission of the Governor-General to bring it down; he should be responsible for what is brought down. It is a large question and I have

thought, therefore, it was best to present it in this general way; it can, if desired, be looked into by special officers before a final decision is given.

**MR. BALDWIN:** Would you like, Mr. King, to circulate the extracts you have read and have this matter go to a Committee?

**MR. MACKENZIE KING:** I think that would be the best way. Let me mention this as well. Every time it becomes necessary in our Parliament in answer to a request for papers to be presented to Parliament for the Prime Minister to state that he must ask permission in the first instance for the papers to be brought down, it creates an unnecessary embarrassment, and it would be well if we could in some general terms have an understanding which all Ministers could follow with respect to correspondence, which would permit correspondence, of a character that could be brought down, to be brought down at once without going through any formality of asking permission. One would understand that, where there is confidential correspondence, anything of the kind would not be contemplated. I am not now thinking of the numerous communications relating to Defence and Foreign Policy and matters of that kind, but take a question such, for example, as that of the cattle embargo which has been a subject of consideration between Canada and the Colonial Office. If the Leader of the Opposition asks me for the correspondence between Canada and Britain on that subject I am obliged, as matters now stand, to say I shall be pleased to bring down the papers in a few days, but I must get the permission of the British Government to do so in the first instance. That creates embarrassment immediately. The Opposition invariably takes the position: "We have gone back to secret correspondence. Why is the Prime Minister writing letters he cannot bring down at once?" I find that some of my colleagues here think such is already their right. I am glad they take this position, but I have before me these memoranda —

**MR. BALDWIN:** I think that would be a very proper subject for a Committee. I suggest the Secretary of State for the Colonies, the Secretary of State for External Affairs, or a representative, all the Prime Ministers or representatives, as a proper and comprehensive Committee.

#### STATUS OF HIGH COMMISSIONERS

**MR. MACKENZIE KING:** On the other subject, Prime Minister, the status of the High Commissioner, what I would like to say is this. We refer to the British Empire to-day as a community of free nations and, as nations, we are represented in London, some of us, I think all of us, by High Commissioners, so termed. The question of the particular name that should be given to the chief representative of the Dominion is a matter, I think, that should be left to the Dominions themselves to settle or to agree upon in Conference; but whoever is the representative of a self-governing Dominion in London should, I think, have at least the same standing and rights and privileges as the representatives of countries that are entitled to have Ministers here. I think it prejudices our status in London and in the eyes of the countries represented here that our chief representative is not given much recognition and I think it, to some extent, prejudices the position of the Empire as a whole in the minds

of the representatives of those other countries that are here and have privileges which our representatives do not enjoy. We agree that before any privileges are granted regard should be had to all necessary safeguards.

**LORD SALISBURY:** What sort of privileges are you thinking of?

**MR. MACKENZIE KING:** Take the matter of recognition in a diplomatic way; the right to approach the Ministers of the Government, to speak for his Government.

**MR. MASSEY:** You have that privilege now, have you not?

**MR. MACKENZIE KING:** I do not think so — not the privilege that an Ambassador has.

**GENERAL SMUTS:** I thought our High Commissioner had complete freedom in approaching not only Ministers, but the Prime Minister.

**THE DUKE OF DEVONSHIRE:** I think they have perfect freedom to come to us. They do come with the greatest freedom to my office, and certainly to the President of the Board of Trade on all questions of trade. There is no question of status there.

**LORD CURZON:** I thought the points you were concerned with were points relating to Income Tax exemption and the like.

**MR. MACKENZIE KING:** That is one point.

**LORD CURZON:** I have here a table of privileges to Ambassadors and of the corresponding privileges that are granted at the present moment to High Commissioners. All I can say is that I should like to be a High Commissioner. When I contrast his position financially as regards these privileges with that of a wretched Cabinet Minister, I confess I should like to exchange positions. However, I will look into that matter.

**MR. MACKENZIE KING:** Has the High Commissioner any diplomatic standing at all?

**LORD CURZON:** When you use the word "diplomatic," I should say no, but he has a status of his own.

**MR. MACKENZIE KING:** I think we ought to have in London someone with a recognised diplomatic standing.

**LORD SALISBURY:** We should have said that he had a far superior standing; but, if you went into details before a Committee, I am sure that could be put absolutely right.

**MR. BALDWIN:** I think it should be brought up before the same Committee.

**SIR TEJ SAPRU:** We also have a High Commissioner here; and, if the question is to be examined, I should like the position of the Indian High Commissioner also to be put on the same footing.

**MR. MASSEY:** I have got the impression, from one or two little conversations I have had, that there is some dissatisfaction with regard to precedence.

**GENERAL SMUTS:** The point is that we in the Dominions are divided in our own minds over this question. Some of the Dominions want to restrict their High Commissioners to a more commercial position; others want to give them a higher status; and we might discuss that point at a Committee such as is proposed.

**MR. MASSEY:** It depends so much upon the man. If you have a man who can be trusted, I should like to see him given every privilege that is possible; but I can see the position coming when there may be a man there who might not be trusted.

**MR. MACKENZIE KING:** There is one subject I would like the Committee to consider, namely, the question of precedence as part of this matter.

**MR. BALDWIN:** The Committee will consider every point connected with the status of High Commissioners.

...

Fifteenth Meeting

November 6, 1923

#### IMPERIAL DEFENCE RESOLUTIONS

**MR. BALDWIN:** Do you wish to say anything about the Resolutions on Imperial Defence, Lord Salisbury?<sup>1</sup> You were responsible for initiating them.

**LORD SALISBURY:** I have nothing to say to the Conference about the Resolutions, except that they have been the subject of a good deal of very careful thought and conversation amongst several of us. The Prime Ministers with whom I have had the pleasure of dealing in this matter have treated me with the greatest consideration, and there has been a general desire to come to an arrangement. Mr. Bruce has had a good deal to do with the actual draft, although it has been modified to suit various ideas. I hope it will be accepted. I think it is moderate. But I ought to say that, in respect of one paragraph which was agreed to rather late, namely, paragraph (e), Mr. Mackenzie King would like the words rather differently drafted, and I have had the new draft that he proposes hastily typed, and it is now being circulated round the table.<sup>2</sup> I cannot pretend that I like it quite so well as the other draft, but, so far as I am concerned, as representing the British Government, I am quite prepared to accept it, although, as Mr. Mackenzie King knows, there are one or two words which I should much prefer to be differently expressed. But with that exception I do not think I have anything to say about these Resolutions, unless anybody wishes to ask me a question about them.

**MR. AMERY:** I should like to ask one question. I do not know whether it is accidental, but the reference to the interchange of personnel, which is a thing we have encouraged, both in Military and Naval matters, has been left out; I do not know whether it has slipped out in the redrafting.

<sup>1</sup>For the Resolutions as circulated, see Appendix I. [Note telle que dans le procès-verbal. / Footnote as in Minutes.]

<sup>2</sup>See Appendix II. [Note telle que dans le procès-verbal. / Footnote as in Minutes.]

MR. MACKENZIE KING: That was one of the phrases which I thought it would be better to take out. Our Government would, I think, be perfectly willing to arrange for an interchange of personnel, but I am inclined to think that the words might be misunderstood or misinterpreted if they were inserted in the Resolution, and might convey a wrong impression. That was my idea. I want to avoid anything going into the Resolution which might be misunderstood. That is all.

MR. MASSEY: Do I understand you to say, Mr. Mackenzie King, that there is no objection to the interchange of personnel?

MR. MACKENZIE KING: It is being done at the present time.

MR. MASSEY: Yes, but you do not like it being circulated in a Resolution?

MR. GRAHAM: We have been doing it through our Department.

LORD SALISBURY: I think it would have been better to have it in.

GENERAL SMUTS: That is what they call doing good by stealth!

MR. BALDWIN: Then I take it that the Resolutions are approved.

(Agreed.<sup>1</sup>)

## APPENDIX I

### IMPERIAL DEFENCE

#### *Draft Resolutions as Circulated<sup>2</sup>*

1. The Conference affirms that it is necessary to provide for the adequate defence of the territories and trade of the several countries comprising the British Empire.

2. In this connexion the Conference expressly recognises that it is for the Parliaments of the several parts of the Empire, upon the recommendations of their respective Governments, to decide the nature and extent of any action which should be taken by them.

3. Subject to this provision, the Conference suggests the following as guiding principles:

(a) The primary responsibility of each portion of the Empire represented at the Conference for its own local defence.

(b) Adequate provision for safeguarding the maritime communications of the several parts of the Empire and the routes and waterways along and through which their armed forces and trade pass.

(c) The provision of Naval bases and facilities for repair and fuel so as to ensure the mobility of the fleets.

<sup>1</sup>For the Resolutions, as adopted, see Section XII of the published Report of the Conference (Cmd. 1987). [Note telle que dans le procès-verbal. / Footnote as in Minutes.]

<sup>2</sup>Ces résolutions furent adoptées telles quelles sauf l'article 3(e) dont le texte révisé et approuvé est reproduit en l'annexe II ci-après.

<sup>2</sup>These resolutions were adopted in the form given here, except for 3(e) which was revised and adopted as set out in Appendix II, below.



(d) The desirability of the maintenance of a minimum standard of Naval strength, namely, equality with the Naval strength of any foreign Power in accordance with the provisions of the Washington Treaty on Limitation of Armament as approved by Great Britain, all the self-governing Dominions and India.

(e) The desirability of the development of the Air Forces of the Empire upon such lines as will make it possible, by means of the regular interchange of personnel, the adoption of a common system of organisation, administration and training, and the use of uniform manuals, patterns of arms, equipment and stores, for each part of the Empire to take such share as it desires in Imperial defence with the least possible delay and the greatest efficiency.

4. In the application of these principles to the several parts of the Empire concerned the Conference takes note of:

(a) The deep interest of the Commonwealth of Australia, the Dominion of New Zealand, and India, in the provision of a naval base at Singapore, as essential for ensuring the mobility necessary to provide for the security of the territories and trade of the Empire in Eastern Waters.

(b) The necessity for the maintenance of safe passage along the great route to the East through the Mediterranean and the Red Sea.

(c) The necessity for the maintenance by Great Britain of a Home Defence Air Force of sufficient strength to give adequate protection against air attack by the strongest air force within striking distance of her shores.

5. The Conference, while deeply concerned for the paramount importance of providing for the safety and integrity of all parts of the Empire, earnestly desires, so far as is consistent with this consideration, the further limitation of armaments, and trusts that no opportunity may be lost to promote this object.

## APPENDIX II

### IMPERIAL DEFENCE

*Redraft of Resolution 3 (e), as proposed  
by Prime Minister of Canada*

(e) The desirability of the development of the Air Forces in the several countries of the Empire upon such lines as will make it possible, by means of the adoption, as far as practicable, of a common system of organisation and training and the use of uniform manuals, patterns of arms, equipment, and stores (with the exception of the type of aircraft), for each part of the Empire as it may determine to co-operate with other parts with the least possible delay and the greatest efficiency.

## APPENDIX III

## FOREIGN RELATIONS

*Draft Paragraphs for Report as Circulated<sup>1</sup>, November 5, 1923*

The discussions on foreign relations were commenced on the 5th October by the Secretary of State for Foreign Affairs, who gave to the Conference a review of the general situation in every part of the world, and the most frank exposition, first, of the main problems which have confronted the Empire during the last two years, and, secondly, of those which seem most likely to arise in the near future.

The greater part of what Lord Curzon said was necessarily of a confidential character, since it was his object to supplement the written and telegraphic communications of the past two years by giving orally to the representatives of the Dominions and India the inner history of the period, but it was thought advisable that extracts from those parts of his speech which related to subjects of immediate interest and importance, viz., the situation in connection with the Reparations problem and the Turkish Treaty, should be published forthwith.

This was a departure from the practice at previous Imperial Conferences, when statements made by the Foreign Secretary have been regarded as confidential throughout.

Lord Curzon's review was followed by a general discussion on foreign relations, in which Lord Robert Cecil as British representative on the Council of the League of Nations, all the Dominion Prime Ministers present, the Vice-President of the Executive Council of the Irish Free State and the three members of the Indian delegation took part.

Frequent and detailed examination took place not only of the main features of the international situation, but of the different aspects of that situation as they developed from day to day. Nor did the Imperial Conference terminate its sittings until each subject had been carefully explored and a common understanding reached upon the main heads of foreign policy.

It was while the Conference was sitting that the President of the United States renewed the offer of the United States Government to take part in an international Conference or enquiry to investigate the European Reparation problem, and to report upon the capacity of Germany to make the payments to which she is pledged. The Conference cordially welcomed, and decided to take immediate advantage of, this overture; and communications were at once entered into with the Allied Powers to obtain their co-operation.

The Conference, after careful consideration of the policy which has been pursued, was of the opinion that the European situation could only be lifted on to the plane of a possible settlement by the co-operation of the United States

<sup>1</sup>Le rapport, révisé à l'insistance du premier ministre Mackenzie King et accepté par la Conférence, se trouve dans Ollivier, *op. cit.*, Vol. III, pp. 8-9.

<sup>1</sup>The Report, as revised at the insistence of Prime Minister Mackenzie King, and approved by the Conference, is to be found in Ollivier, *op. cit.*, Vol. III, pp. 8-9.

of America, and that, if the scheme of common enquiry to be followed by common action were to break down, the results would be inimical both to the peace and to the economic recovery of the world.

It felt that in such an event it would be desirable for the British Government to consider very carefully the alternative of summoning a Conference itself in order to examine the financial and the economic problem in its widest aspect.

The Conference regarded the policy, if persevered in, of breaking up the unity of the German State as inconsistent with the Treaty obligations entered into both by Germany and the Powers, and as incompatible with the future discharge by Germany of her necessary obligations. It agreed that the strongest representations on this subject should be made to the Allied Governments, and these were accordingly made.

The Conference considered the situation in the Near and Middle East and recorded its satisfaction at the conclusion of peace between the Allies and Turkey. An end had thus been brought to a period of acute political tension, of military anxiety and financial strain in the eastern parts of Europe; and more particularly had great relief been given to the sentiments of the Moslem subjects of the British throne in all parts of the world.

It remained to pursue a policy that would stimulate the peaceful development of the Middle East and encourage the Turkish State in the policy of reconstruction upon which it has embarked.

The Conference, so much of whose time had been occupied two years ago with the question of the renewal or termination of the Anglo-Japanese Alliance and with the future regulation of the Pacific, noted with satisfaction the results of the Washington Conference, which had added immensely to the security of the world without disturbing the intimate relations which have for so long existed between the Empire and its former Ally.

It recognised the loyalty with which Japan had carried out her obligations under the Washington Treaties; it registered the confident belief that the future relations between the Governments and peoples of the British Empire and Japan will be not less sincere and cordial than when the British and Japanese Governments were bound by written conventions; and it recorded its profound sympathy with the Japanese Government and people in the terrible catastrophe which has recently befallen them.

Another of the subjects that engaged the attention of the Conference was that of Egypt. The Conference was glad to recognise the great advance that has been made during the last two years towards a pacific settlement of this complex problem. It noted with approval the agreement that was arrived at in February, 1922, and the reservations by which it was accompanied. And it held that, when the four reserved subjects, which were safeguarded by that agreement, come up for examination and settlement, the utmost importance should be attached to the freedom of the passage through, and the security of, the Suez Canal, which constitutes the central and vital link in the chain of Imperial communications, and that adequate guarantees must be taken to secure and safeguard these objects.

During the session of the Conference, the question of the regulation of the liquor traffic off the American coasts, and of the measures to be taken to avoid a serious conflict either of public opinion or of official action was seriously debated. The Conference arrived at the conclusion that, while affirming and safeguarding, as a cardinal feature of British policy, the principle of the three-mile limit, it was yet both desirable and practicable to meet the American request for an extension of the right of search beyond this limit for the above purpose, and negotiations were at once opened with the United States Government for the conclusion of an experimental agreement with this object in view.

Finally, the Conference, after listening to a detailed exposition of the work of the League of Nations during the past two years, and more particularly of the recent sitting of the Council and the Assembly at Geneva, placed on record its emphatic approval of the action that had been taken by, and the support that had been given to, the representatives of the British Empire on the latter occasion. There was full accord that the League should be given the unabated support of all the British members of the League as a valuable instrument of International peace, and as the sole available organ for the harmonious regulation of many International affairs.

#### APPENDIX IV

##### *Committee on Publication of Correspondence and Status of High Commissioners*

Colonial Office, November 5, 1923

##### Publication of Official Correspondence

1. The Committee considered the draft of a statement as to the publication of official communications between the various Governments of the Empire, which had been prepared as a basis for discussion and with a view to inclusion, if thought desirable, in the published Report of the Conference.

The Committee did not think it necessary that a full statement on the lines suggested should be included in the published Report, but agreed that it would be well that there should be included among the unpublished papers of the Conference some record of the position which could be communicated to the Dominion Governments, and might be of assistance to any of the Prime Ministers who desired to make a public announcement on the subject.

For this purpose the Committee approved the statement included in Annexe (A).

##### Status of High Commissioners

2. The Prime Minister of Canada raised the questions:

(1) Whether arrangements could be made whereby the official representatives of the Dominions in Great Britain would be granted certain privileges additional to those already given as regards exemption from taxation and similar matters.

(2) Whether it would be possible for some courtesy precedence to be granted to the official representatives of the Dominions in Great Britain.

As regards the first point, the Secretary of State for the Colonies promised to circulate a statement showing the privileges at present granted to High Commissioners and to the representatives of foreign countries, and to consider with his colleagues the possibility of extending the present concessions to High Commissioners. (For the statement as circulated, see Annexe (B).)

As regards the second point, the Secretary of State for the Colonies undertook to confer with his colleagues with a view to a submission being made to His Majesty in the matter.

### Ratification of Treaty of Lausanne

3. The Prime Minister of the Union of South Africa drew attention to the position of the Union in relation to the ratification of the Treaties signed at Lausanne. He observed that the British Government had pointed out the desirability of early ratification, but that, if it were necessary to submit the Treaty to the Union Parliament, the Union Government would not be in a position to express concurrence in ratification before February next at the earliest. He would not wish that the Treaty should be ratified in respect of the Union without the concurrence of the Union Government being first expressed, and, if an expression of concurrence were made without Parliamentary approval being first obtained, questions might be raised as to the propriety of such action. On the other hand, a difficulty would be created if the Union were to be excluded from His Majesty's ratification, in view of the nature of the Treaties.

The Secretary of State for Foreign Affairs stated that it was hoped to secure the passing of the legislation required in Great Britain within a fortnight of Parliament meeting, but that the coming into force of the Treaty might be delayed in any case by the inability of foreign Powers, e.g., France, to ratify immediately. He suggested that the best course would be that, when the necessary Bill had passed through all its stages and the Treaty was ready for ratification here, the British Government would communicate with the Dominion Governments, acquaint them with the urgency of the case, and invite their concurrence. It would then be for the Dominion Governments to say, if their Parliaments were not in Session, whether they would be content that His Majesty should ratify forthwith.

It was understood that this course would be agreeable to the Dominion Prime Ministers. The Prime Minister of Canada intimated, however, that it might not be possible for the Canadian Government to express formal concurrence in ratification.

### ANNEXE A

The Conference gave its attention to the desire of the Parliaments of the various parts of the Empire to be afforded the fullest information possible on

all matters on which negotiations were going on, or discussions taking place, between two or more of the Governments.

The Conference recognised that, if consultation, to which it attached great importance, was to be carried out effectively, this must involve a frank and confidential interchange of views in written or telegraphic communications, and that many of the communications exchanged between the Governments, particularly in connection with foreign policy and defence, could not be made public. At the same time the feeling of the Conference was that as many communications as possible ought to be made available for the use of the Parliaments, and it was thought desirable to discuss the circumstances in which official communications between the Governments could and could not be made public.

It was generally agreed that any official communication not marked "confidential" or "secret" or not clearly intended to be treated as such might be regarded as available for publication without reference to any other Government.

It was understood that, so far as each Government was concerned and subject to the need for mutual consent in certain cases, the responsibility as to publication of correspondence with other Governments rested with the Ministers of the Crown in the Dominions as in Great Britain.

It was, of course, realised that it would be necessary to observe the general rules regarding diplomatic correspondence and that in particular the consent of foreign Governments must be obtained before publication of communications to or from those Governments.

The Conference thought that, should the eventual, but not immediate, publication of certain communications be contemplated, it would be well for some indication of this to be given at the time when those communications were sent. This arrangement would facilitate subsequent publication, if decided upon. It was, however, agreed that the consent of all Governments interested must be obtained before any papers or communications were made public which were marked at the time of despatch to be of a confidential or secret nature, or were transmitted in confidential or secret despatches.

## ANNEXE B

Statement as to Privileges at present granted to

- A. Foreign Ambassadors and Ministers;  
and
- B. Dominion High Commissioners;  
in the matter of British Taxation.

### 1. Income Tax

1. The privileges in regard to 'Income Tax enjoyed by an *Ambassador or Minister of a foreign State*' are secured to him by International Law, and

depend on the fact that he represents a foreign State. Thus a foreign Government, and equally the permanent individual Head of a foreign State, are regarded as wholly exempt from British Income Tax.

The representative character of an Ambassador or Minister entitles him, not indeed to complete exemption from Income Tax, but to very wide immunities. These immunities are only one aspect — and an inseparable aspect — of the general diplomatic status accorded to him under International Law; another aspect is his immunity from legal proceedings.

2. In the case of *High Commissioners for the self-governing Dominions* prior to 1916-17 no special relief was granted. From that year onwards relief from Income Tax on official emoluments has been given and this relief has now been made statutory by Section 19 of the Finance Act, 1923. The concession made in 1916-17 was analogous to that made to the Consular and certain other representatives of foreign States. (From 1922-23 onwards Consular representatives are the only class of foreign non-diplomatic representatives to enjoy such relief.)

3. The comparative position may be tabulated as follows:

<i>Nature of Income</i>	<i>Ambassadors and Ministers</i>	<i>High Commissioners</i>
(a) Income from earnings	Diplomatic emoluments exempt.	Official emoluments exempt.
(b) Income from investments etc.	Remittances from abroad exempt. Income from investments in the United Kingdom (except from British Government securities) liable.	Remittances from abroad liable. Income from investments in the United Kingdom liable.
(c) Income from house or land property in United Kingdom.	Exempt, if occupied for diplomatic purposes. Liable, if either — (1) Occupied for purely private purposes; or (2) Let to a tenant. (Similar reliefs apply in the relatively trifling matters of Inhabited House Duty and Land Tax).	Liable (but property relieved from tax, if owned by the <i>Dominion Government</i> , and occupied for Governmental purposes).

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*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 11

Downing Street, January 10, 1924

My Lord,

I have the honour to transmit to Your Excellency to be laid before your Ministers, an extract from the Summary of Proceedings of the Imperial Conference (Cmd. 1987) containing a resolution agreed to by the Conference as to the procedure to be observed in the negotiation, signature and ratification of international agreements.

2. His Majesty's Government are prepared to accept the recommendation that the procedure set out in the resolution should be followed in these matters, and will be glad to learn whether your Ministers also accept it.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

*Resolution IX of the Imperial Conference, 1923*

NEGOTIATION, SIGNATURE AND RATIFICATION OF TREATIES

The principles governing the relations of the various parts of the Empire in connection with the negotiation, signature and ratification of Treaties seemed to the Conference to be of the greatest importance. Accordingly it was arranged that the subject should be fully examined by a Committee, of which the Secretary of State for Foreign Affairs was Chairman. The Secretary of State for the Colonies, the Prime Ministers of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and Newfoundland, the Minister of External Affairs of the Irish Free State, and the Secretary of State for India as Head of the Indian Delegation, served on this Committee. With the assistance of the Legal Advisor to the Foreign Office, Sir C. J. B. Hurst, K.C.B., K.C., the following Resolution was drawn up and agreed to:

The Conference recommends for the acceptance of the governments of the Empire represented that the following procedure should be observed in the negotiation, signature and ratification of international agreements.

The word 'treaty' is used in the sense of an agreement which, in accordance with the normal practice of diplomacy, would take the form of a treaty between Heads of States, signed by plenipotentiaries provided with Full Powers issued by the Heads of States, and authorising the holders to conclude a treaty.

I

1. Negotiation

(a) It is desirable that no treaty should be negotiated by any of the governments of the Empire without due consideration of its possible effect on other parts of the Empire, or, if circumstances so demand, on the Empire as a whole.

(b) Before negotiations are opened with the intention of concluding a treaty, steps should be taken to ensure that any of the other governments of the Empire likely to be interested are informed, so that, if any such government considers that its interests would be affected, it may have an opportunity of expressing its views, or, when its interests are intimately involved of participating in the negotiations.



(c) In all cases where more than one of the governments of the Empire participates in the negotiations, there should be the fullest possible exchange of views between those governments before and during the negotiations. In the case of treaties negotiated at International Conferences, where there is a British Empire Delegation, on which, in accordance with the now established practice, the Dominions and India are separately represented, such representation should also be utilised to attain this object.

(d) Steps should be taken to ensure that those governments of the Empire whose representatives are not participating in the negotiations should, during their progress, be kept informed in regard to any points arising in which they may be interested.

## 2. Signature

(a) Bilateral treaties imposing obligations on one part of the Empire only should be signed by a representative of the government of that part. The Full Power issued to such representative should indicate the part of the Empire in respect of which the obligations are to be undertaken, and the preamble and text of the Treaty should be so worded as to make its scope clear.

(b) Where a bilateral treaty imposes obligations on more than one part of the Empire, the treaty should be signed by one or more plenipotentiaries on behalf of all governments concerned.

(c) As regards treaties negotiated at International Conferences, the existing practice of signature by plenipotentiaries on behalf of all the governments of the Empire represented at the Conference should be continued and the Full Powers should be in the form employed at Paris and Washington.

## 3. Ratification

The existing practice in connection with the ratification of treaties should be maintained.

## II

Apart from treaties made between Heads of States, it is not unusual for agreements to be made between governments. Such agreements, which are usually of a technical or administrative character, are made in the names of the signatory governments, and signed by representatives of those governments, who do not act under Full Powers issued by the Heads of States; they are not ratified by the Heads of the States, though in some cases some form of acceptance or confirmation by the governments concerned is employed. As regards agreements of this nature the existing practice should be continued, but before entering on negotiations the governments of the Empire should consider whether the interests of

any other part of the Empire may be affected, and, if so, steps should be taken to ensure that the government of such part is informed of the proposed negotiations, in order that it may have an opportunity of expressing its views.

The Resolution was submitted to the full Conference and unanimously approved. It was thought, however, that it would be of assistance to add a short explanatory statement in connection with part 1 (3), setting out the existing procedure in relation to the ratification of Treaties. This procedure is as follows:

(a) The ratification of treaties imposing obligations on one part of the Empire is effected at the instance of the government of that part.

(b) The ratification of treaties imposing obligations on more than one part of the Empire is effected after consultation between the governments of those parts of the Empire concerned. It is for each government to decide whether Parliamentary approval or legislation is required before desire for, or concurrence in, ratification is intimated by that government.

236.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 30

Ottawa, January 31, 1924

Sir,

With reference to the Duke of Devonshire's despatch Dominions No. 11 of the 10th January, transmitting an extract from the Summary of Proceedings of the Imperial Conference (Cmd. 1987), containing a resolution agreed to by the Conference as to the procedure to be observed in the negotiation, signature and ratification of international agreements, I have the honour to inform you that the procedure in such matters as set out in the aforesaid resolution of the Imperial Conference meets with the acceptance of the Canadian Government.

I have etc.

BYNG OF VIMY

PARTIE 3 / PART 3

COOPÉRATION ÉCONOMIQUE IMPÉRIALE  
IMPERIAL ECONOMIC CO-OPERATION

237.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM

Ottawa, November 16, 1918

It is of utmost importance to Canada that you should immediately and strongly impress upon British Government the necessity of having new orders

placed in Canada for manufactured products required for overseas reconstruction purposes to replace the volume of munitions business which is now being rapidly demobilized. Within next six weeks over a hundred thousand operatives will be dismissed. We are taking energetic steps to provide for their absorption but overseas orders for our manufactures imperatively necessary to prevent unrest and discontent over the war. It is in Imperial interest as well as our own that this matter should have prompt attention on part of Imperial Government. It seems to me that orders could at once be given for our rougher materials. Jones will be able to advise as to this. We must obtain large share of reconstruction business in Belgium, France and other countries and at once. We can furnish credits here for manufactured goods. Our wheat and raw material should be purchased by the provision of outside funds. Shipping is immediately needed to carry our produce. Manufacturers and other producers greatly concerned as to this and earnestly urge that you demand immediate return of Canadian shipping commandeered by Admiralty. It is all needed for transportation of goods to Europe, Africa, South America and Asia from all of which business can immediately be obtained. Hope you have had good voyage. All goes well here. Cabinet very busy and all working very hard.

238.

*Le Premier ministre au Premier ministre par intérim*

*Prime Minister to Acting Prime Minister*

TELEGRAM

London, November 21, 1918

We are taking up with various Departments your message representing reconstruction orders. The British authorities seem reasonable and sympathetic to our attitude. They suggest that our representatives should join in the Committees one of which is being established for each country requiring extensive reconstruction work. Foster, Perley, Jones, Robertson and Draper are acting as a Committee to forward our interests.

BORDEN

239.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

DESPATCH 703

Downing Street, December 9, 1918

My Lord Duke,

With reference to Resolutions Nos. XI and XXIV of the Imperial War Conference, 1918, the discussions as to which are printed on pages 104-112 and 211-216 of Parliament Paper Cd. 9177,<sup>1</sup> I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of a memorandum embodying the proposals of His Majesty's Government for the constitution of an Imperial Investigation Board.

<sup>1</sup>Ollivier, *op. cit.*, Vol. II, pp. 310-15; 370-2.

2. It will probably be found necessary to give the proposed Board the means of compelling in the last resort the attendance of witnesses, and disclosure of information and it is thought that this will involve the enactment of legislation by the various Governments concerned. Apart from this, however, there appears to be nothing in the scheme requiring statutory sanction, in this country, and it is suggested that the Imperial Investigation Board might be set up in advance of any legislation that may subsequently be found necessary.

3. I shall be glad to be furnished in due course with the observations of your Ministers on the proposals contained in the memorandum, and to learn whom your Government would propose to nominate as its representative on the Board.

I have etc.

WALTER H. LONG

[PIÈCE JOINTE / ENCLOSURE]

SCHEME FOR CONSTITUTION OF AN IMPERIAL INVESTIGATION BOARD

The Imperial Investigation Board to be appointed by the Crown for the purpose of reviewing questions relating to maritime transport and to the development of the sea communications of the Empire.

The Board to consist of an independent Chairman appointed by the Crown; of eight official members nominated by the Colonial Office, India Office, Board of Trade, the Dominion of Canada, Commonwealth of Australia, Dominion of New Zealand, Union of South Africa, and Colony of Newfoundland; and of four unofficial members, two experienced in shipping, and two experienced in commerce, appointed by the Board of Trade, after consultation with the Dominions.

The Chairman to be appointed for a term of seven years and the members for one of three years, but either to be eligible for re-appointment.

The Chairman to be salaried, and the non-official members paid by fees. Payment of the official members to be at the discretion of the nominating Governments.

The Board to make rules regarding their procedure, as, for example, the number and qualifications of members to deal with particular cases or classes of questions (including, if thought fit, a provision that, when the Board is sitting judicially to consider a complaint, official representatives of parts of the Empire not affected by the case would not sit).

The Board to sit in any part of H.M. Dominions as it thinks fit.

The functions of the Board to be:

(1) to enquire into complaints from persons and bodies interested with regard to ocean freights, facilities and conditions in the Inter-Imperial trade, or into any question of a similar nature referred to them by any of the nominating authorities, and to report their conclusions to the Governments concerned.

The Board is also empowered to announce their conclusions, publicly or otherwise as they think fit. Any published report to be signed by the concurring members of the Board, and any dissenting opinions of a member or members to be published at the same time.

(2) to survey the facilities for maritime transport on such routes as appear to them to be necessary for trade within the Empire, and to make recommendations to the appropriate authority for the co-ordination and improvement of such facilities, whether with regard to the type, size and speed of ships required for particular routes or purposes, the depth of water in docks or channels, the construction of harbour works, or similar matters.

For this purpose the Board to appoint, where necessary, in consultation with the appropriate authority, standing or temporary Committees, including persons with expert knowledge, to investigate particular problems.

240.

*Le Premier ministre au Premier ministre par intérim*

*Prime Minister to Acting Prime Minister*

TELEGRAM X94.

London, February 17, 1919

SECRET. PERSONAL AND PRIVATE. There has been some discussion among the Canadian Ministers together with Harris and Jones as to advisability of offering complete reciprocal free trade to Australia, South Africa, New Zealand and Newfoundland. It is argued that this proposal would be advantageous to Canada as her industries are more highly developed than those of the other Dominions and that the Canadian producers of articles likely to be imported would not be materially affected. I pointed out that we should be faced with the charge of discriminating against the United Kingdom, but it was urged in reply that already we gave a considerable preference to British products without any preference in return and that Great Britain could not reasonably expect our comparatively undeveloped industries to compete with her own. Please give the subject consideration and telegraph me your views in confidence.

BORDEN

241.

*Le Premier ministre par intérim au Premier ministre*

*Acting Prime Minister to Prime Minister*

TELEGRAM P.199

Ottawa, February 18, 1919

SECRET. Your X94. Proposal of complete reciprocal free trade not advisable for many reasons. Feel also that we could not discriminate against United Kingdom. If we did there would be continuous tariff agitation here in favor of extending arrangement to United Kingdom.

242.

*Le Premier ministre au premier ministre de Grande-Bretagne*  
*Prime Minister to Prime Minister of Britain*

[London, May,] 1919

MEMORANDUM RESPECTING NECESSARY CONTROL OF OCEAN FREIGHT RATES  
 AND THE DISPOSITION OF AVAILABLE SHIPPING<sup>1</sup>

1. As transportation between different portions of the British Empire must be carried on almost wholly by means of shipping, the control of ocean freight rates and a just disposition of available shipping in the interests of the whole Empire are vitally necessary.

2. Subject to the qualification hereinafter mentioned, there is no such control of rates or satisfactory regulation of the disposition of shipping.

3. Whatever control of rates is presently exercised must be regarded as ineffective, and any such control is wholly under the direction of the British Ministry of Shipping.

4. The disposition and use of available shipping is subject to control which has been assumed by the British Ministry of Shipping.

5. The Government of Canada is strongly impressed with the view that this condition is not sound; that the policy and methods hitherto pursued have not been characterised in some respects by wise or comprehensive outlook, and that the future relations of the British Empire depend very materially upon the immediate remedy of existing conditions.

6. In its broadest aspects the question thus presented must necessarily demand attentive, and perhaps prolonged consideration for its permanent solution; but a temporary solution is urgently important, as beyond question the present situation has become critical and if uncontrolled it will probably lead to unfortunate and perhaps disastrous results. The following proposals, therefore, present suggestions, first, for a temporary solution, and second, for such consideration of the problem in its larger aspects as may result in a permanent solution.

7. *Temporary Solution.* It is proposed that full power as to the control of ocean rates and as to the disposition and use of British Shipping now available, wherever owned or registered within the Empire, shall be conferred upon a commission on which the United Kingdom shall have two representatives and each of the Dominions (including India) shall have one representative. The United Kingdom and each such Dominion shall undertake to enact such

<sup>1</sup>Ce mémorandum fut transmis à P. H. Kerr, secrétaire de Lloyd George, dans une lettre d'introduction en date du 12 mai 1919 dans laquelle L. C. Christie disait que la veille de son départ pour le Canada Borden avait tenté d'arranger une réunion des Premiers ministres mais que quelques-uns ne pouvaient y participer. D'où la remise de ce document aux autres Premiers ministres.

<sup>1</sup>This memorandum was sent under covering letter, May 12, 1919, by L. C. Christie to P. H. Kerr, Secretary to Lloyd George, saying that Borden had attempted to have a meeting of Prime Ministers "yesterday" but some could not come, and Borden had left for Canada. Hence, this memorandum was circulated to the other Prime Ministers.

legislation as would give to the orders and regulations formulated by the Commission the force of law in all parts of the Empire.

8. *Permanent Proposal.* Attention is called to Resolution XXI of the Imperial War Conference, 1917, which is as follows: "Imperial Preference: The time has arrived when all possible encouragement should be given to the development of Imperial resources, and especially to making the Empire independent of other countries in respect of food supplies, raw materials, and essential industries. With these objects in view this Conference expresses itself in favour of: (1) the principle that each part of the Empire, having due regard to the interests of our Allies, shall give specially favourable treatment and facilities to the produce and manufactures of other parts of the Empire. (2) Arrangements by which intending emigrants from the United Kingdom may be induced to settle in countries under the British flag".

The Report of the Royal Commission on Natural Resources<sup>1</sup> presented to the Parliament of the United Kingdom in March, 1917, should also be considered in so far as it relates to the operation of steamship companies carrying passengers and freight between different parts of the Empire.

Having regard to the principles upon which the above mentioned resolution of the Imperial War Conference was based and to the interpretation which was given to it by the speech of the Prime Minister of the United Kingdom shortly after its passage, it is proposed that a Committee composed of representatives of the Government of the United Kingdom and of the Governments of each of the Dominions (including India) should be immediately set up for the purpose of framing a scheme which shall embrace (a) all that is included in the temporary proposals above mentioned, (b) the effective carrying out of the policy upon which Resolution XXI above mentioned was based, (c) the establishment of a permanent commission representing all parts of the Empire, which shall be invested with wide powers relative to transportation upon the ocean. Such powers should as far as possible be similar or analogous to those which have been conferred in Canada and in other Dominions upon permanent commissions charged with the supervision and control of railway and steamship rates and of the methods and conditions of operation.

243.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 27, 1919

Your despatch December 9, Dominions 703. Canadian Government approve proposal to establish Imperial Investigation Board. Minute of Council approved May 26 recommending name of Sir G. H. Perley, K.C.M.G., High Commissioner for Canada to represent Dominion. Despatch follows by mail.

DEVONSHIRE

<sup>1</sup>Vol. 1, Doc. 462.

244.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, July 16, 1919

SECRET. The Prime Minister, Mr. Lloyd George is desirous of setting up a Committee at once to consider the whole question of Imperial Sea Communications and advisability as to the steps necessary to improve them. The Committee to consist of representatives of the Dominions and the Home Government, expert in shipping and commercial matters.

The unsatisfactory nature of the present position has been repeatedly called to our attention lately by Dominion Ministers. On several occasions Sir Robert Borden has raised the question and more recently a memorandum was presented by Mr. Hughes; the latter wished to have it discussed by the Imperial Cabinet, but owing to the fact that Mr. Lloyd George was taking a rest and that Mr. Massey and Sir Robert Borden had left England, this proved to be impracticable. Mr. Hughes, however, cordially approved the suggestion of a Committee and has provisionally named Mr. Larkin, the Manager of the Commonwealth Fleet Merchant ships as Australian representative.

Your Government will, I trust, consent to nominate a representative. South Africa and New Zealand are being similarly invited.

It is hoped that at a very early date Committee may be able to begin its work.

MILNER

245.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, August 2, 1919

SECRET. Imperial Sea Communications. With reference to your secret telegram of 16th July Canadian Government agree as to expediency of appointing Committee, and as their representative have nominated the Hon. A. K. Maclean.

DEVONSHIRE

246.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 11, 1919

My telegram 16th July and your telegram 2nd August His Majesty's Government greatly regret that owing to urgent pressure of other public business it was impossible to arrange for establishment of Committee on Imperial sea communications before return of Maclean to Canada. They hope, however,



to call Committee together in the immediate future and would like to know whether Government of Canada would wish Maclean to return or would prefer to nominate another representative. As regards terms of reference following proposed, begins:

I. Freight facilities and conditions of transport. To enquire into complaints from persons and bodies interested with regard to ocean freight facilities and conditions in the Inter-Imperial Trade or questions of a similar nature referred to them by any of the nominating authorities and to report their conclusions to the Government concerned.

II. Imperial Communications. To survey the facilities for maritime transport on such routes as appear to them to be necessary for trade within the Empire and to make recommendations to the proper authorities for the co-ordination and improvement of such facilities with regard to the type, size and speed of ships, depth of water in docks or channels, construction of harbour works and similar matters. Ends.

It will be seen that terms of reference correspond with those proposed for Imperial Investigation Board see my predecessor's despatch December 9th Doms. No. 703 and your telegram 27th May. The Committee will, however, be competent to consider schemes such as those in Memorandum handed by your Prime Minister to Mr. Lloyd George in May last. It will no doubt depend on Committee's report what permanent machinery for Imperial co-operation regarding sea communications will be eventually set up. Composition of Committee will be as contemplated for Imperial Investigation Board except that it is proposed to have independent Chairman nominated by Cabinet here and to increase number of unofficial members from four to five. All appointments will be, of course, solely for duration of Committee. To avoid confusion with an already existing communications Committee here which deals with cables and wireless proposed to call new Committee "Imperial Shipping Committee". Hoped that your Ministers will agree to above proposals.

Please reply by telegraph and give name of Canadian representative.

MILNER

247.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

DESPATCH 847

Ottawa, November 21, 1919

My Lord,

With reference to your telegram of the 11th October respecting Imperial sea communications, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada<sup>1</sup> appointing Honourable Sir George Perley as Canadian representative on the aforesaid Committee.

I have etc.

DEVONSHIRE

<sup>1</sup>C.P. 2284 du 15 novembre. Non reproduit.

<sup>1</sup>P.C. 2284 of November 15. Not printed.

248.

*Mémorandum sur le contrôle des tarifs maritimes*<sup>1</sup>  
*Memorandum on Control of Ocean Freight Rates*<sup>1</sup>

Ottawa, May [n.d.] 1921

The movement looking to the control of freight rates on commodities exchanged between Canada and the United Kingdom began to manifest itself in 1910. It was very largely the result of sharp advances in trans-atlantic rates between the years 1907 and 1910. Ocean freight rates had reached a very low level in 1907 and 1908. When in 1910 these rates were substantially increased, shippers complained. Still further increases took place during the years 1911, 1912 and 1913. The complaints of shippers as a consequence became more insistent.

The Marine Department of the British Board of Trade in a note to the Colonial Secretary in August, 1910, observed *inter alia* that "there seems no reason why His Majesty's Government should not discuss with the Canadian Government the question of holding a joint inquiry into the rates charged and the facilities afforded by the Shipping Companies engaged in trade between United Kingdom and Canadian ports."

No action on this suggestion was taken by the Canadian Government until the summer of 1913 when Sir Henry Drayton, then Chairman of the Board of Railway Commissioners, was instructed by Minute of Council of July 19th to proceed to England to consider with the authorities there the question of Government control of Ocean freight rates.

Sir Henry Drayton reported in October, 1913, recommending the appointment of a Joint Commission "to make a thorough and complete investigation of and to report on the methods and practices and rates and charges of ocean carriers doing business, or from time to time doing business between ports in the United Kingdom or any of them and ports in the Dominion of Canada or any of them" etc.

The Special Commission recommended by Sir Henry Drayton was not appointed but instead, on the recommendation of His Majesty's Government, the matter was referred to the Dominions Royal Commission<sup>2</sup> at that time in existence and scheduled to visit Canada during the following year, (1914).

The Dominions Royal Commission heard evidence bearing on this question both in the United Kingdom and Canada. In March, 1917, this Commission submitted its final report, its observations and recommendations in the matter of ocean freight rates, being as follows:

<sup>1</sup>Auteur inconnu. Selon une note de L. C. Christie ce document ainsi que d'autres étaient des copies au dossier que le Premier ministre avait apporté avec lui à Londres pour la Conférence de 1921.

<sup>1</sup>Authorship unknown. L. C. Christie's note on file says that this paper and others were copies of papers the Prime Minister took to London for the 1921 Conference.

<sup>2</sup>Vol. 1, Docs. 385, 462.

(28) In the pre-war period Australia, New Zealand, and the Union of South Africa probably paid at least as much for ocean freights as in customs duties. If the return freight charges to the United Kingdom are added, the total charges for sea transport of merchandise to and from these parts of the Empire were a far heavier charge on commerce than were customs duties. Since the war, ocean freight rates have increased to a far larger extent than have tariffs, and the prevailing view is that freight rates will not return to the pre-war level for a long time to come. (paras. 583-4)

(29) There is, therefore, ground for thinking that improvement in the cost of sea transport is amongst the most important problems confronting the statesmen of the Empire. (para. 585)

(30) We are satisfied that the operations of the steamship companies should not remain longer without some measure of Government control. This view is based on two grounds:

(a) That in normal times the combination of shipowners is strong enough to limit the freedom of shippers whose varied and detached interests make it difficult for them to combine in any effective opposition.

(b) That in some cases shipowners have used this power to grant more favourable freight rates on foreign than on British goods. (paras. 588-9)

(31) Our recommendations for securing control are as follows:

(a) That contractors for the new mail services recommended above and all other subsidised services should be required to submit for approval to the Governments concerned a schedule of freight rates on the chief articles of import and export, supervision of which is important in the national interest.

(b) That Boards should be set up by Your Majesty's Government and the Dominion Governments for the purpose of making inquiry in cases where a prima facie case is established that the interests of shippers are being adversely affected by the action of steamship owners or steamship conferences.

(c) That the functions of these Boards should be in the main directed to investigation and conciliation, but that they should be empowered, at their discretion, to order abolition of differential freight rates found to be inimical to Imperial trade. (paras. 593-4)

In the interval between the reference of the question to the Dominions Royal Commission and the submission of its final report, war intervened and conditions generally underwent a complete change. All British tonnage was used in the manner best calculated to serve the purpose of the war and all the tonnage registered in the United Kingdom was directly controlled and operated by His Majesty's Government.

It may be pertinent here to refer back to the agitation against increased freight rates started in 1910. The reply of the British ship owner at that time was that if the low rates of 1907 and 1908 were to prevail the returns would be such as to make quite impossible the maintenance of the high standard of the British Mercantile Marine or the replacement of old and obsolete ships by new and modern ones. This reference back is made merely to draw attention to the fact that it was a very fortunate circumstance that Britain was in possession of a highly efficient Mercantile Marine at the commencement of the war.

The whole question of Imperial Communication was considered at the Imperial War Conference of 1918 and Resolutions Nos. XI. and XXIV. were passed in that connection.<sup>1</sup> The attention of the Canadian Government was directed to these resolutions by His Majesty's Government in December, 1918, at the same time forwarding a memorandum embodying proposals for the Constitution of an Imperial Investigation Board. The said Board was to consist of an Independent Chairman appointed by the Crown, eight official members nominated by the Colonial office, India offices, Board of Trade, the Dominion of Canada, Commonwealth of Australia, Union of South Africa and Colony of Newfoundland and four unofficial members, two experienced in commerce and two experienced in shipping, appointed by the Board of Trade after consultation with the Dominions. A function of the Board is to enquire into complaints from persons and bodies interested with regard to ocean freights, etc.

For some months after the conclusion of the war, shippers both in Canada and the United Kingdom, experienced difficulties in securing cargo space and also in the matter of excessive freight rates. Shipping was disorganized; much of it had been destroyed and these difficulties were not altogether unexpected. They were made the basis of representations to the then Prime Minister, Rt. Hon. Sir Robert Borden, who in May, 1918 [1919?], submitted a memorandum to Mr. Lloyd George suggesting that steps should be taken to obtain control of ocean freight rates and also to undertake the disposition of available shipping. For convenience of reference a copy of that memorandum is attached hereto<sup>2</sup>. It will be seen that Sir Robert Borden proposed that "full power as to the control of ocean rates and as to the disposition and use of British Shipping now available wherever owned or registered within the Empire, shall be conferred upon Commission on which the United Kingdom shall have two representatives and each of the Dominions, including India, shall have one representative. The United Kingdom and each such Dominion shall undertake to enact such legislation as would give to the orders and regulations formulated by the Commission the force of law in all parts of the Empire."

The proposed Investigation Board was formed in due time and the Honourable A. K. Maclean was nominated as the representative of the Government of Canada. He subsequently withdrew and was succeeded by Sir George Perley who is now a member of the Board.

<sup>1</sup>Ollivier, *op. cit.*, Vol. II, pp. 273, 277.

<sup>2</sup>Doc. 241.

This Board or Committee has been holding meetings in the meantime. It is observed that on the 8th April last, it adopted a resolution in the following terms:

In connection with Central Board referred to in their report of February 25th Imperial Shipping Committee are preparing further report to be placed before Governments of Empire suggesting advisability establishing by Royal Charter or otherwise permanent body consisting of Chairman, eight representatives Empire, i.e., one for each of the following: United Kingdom, five Dominions, India, Crown Colonies and six representatives shipping and commerce whose main functions might be (a) perform such duties as may be entrusted them under concurrent legislation in regard inter-Imperial shipping, (b) enquire into complaints in regard ocean freights and conditions in Inter-Imperial trade or questions of similar nature referred to them by any of Government Empire [*sic*] (c) to exercise conciliation as between interests concerned in Inter-Empire shipping (d) to promote co-ordination in regard Harbours and other facilities necessary for Inter-Imperial transport.<sup>1</sup>

The foregoing summarises briefly and somewhat chronologically the steps that have been heretofore taken in connection with this question. Meanwhile conditions have undergone a very great change and it may well be doubted that, in the light of present day conditions, action by Governments to control ocean freight rates is now either necessary or desirable. The tonnage destroyed during the war period has been more than overtaken by new construction and by the acquisition of German shipping. The world tonnage is substantially larger than it was at the commencement of the war and quite unfortunately the volume of business offering is small. There is a large surplus of available shipping and the indications are that that state of affairs will continue for some time. It will be impossible to restore ocean rates to the pre-war level unless and until there is a very material change in operating conditions. Seamen's wages today bear no comparison to the pre-war wages. The same is true of bunker coal and all other supplies incident to the maintenance and operation of ships. And in addition, the position of the Canadian Government has changed since the matter has first been considered. The Government through the instrumentality of the Canadian Government Merchant Marine has in operation a fleet of steamers numbering 51 with a total deadweight tonnage of 289,000 tons. Additional vessels to the number of 12, of a deadweight tonnage of 85,250 are under construction and will be in commission before the end of the present calendar year making in all a fleet of 63 steamers of a total deadweight tonnage of 374,250.

The vessels in operation are being operated substantially on the same basis regarding rates charged, as the vessels of the Conference Lines. If it should be deemed necessary or desirable, these vessels may be effectively used by the

<sup>1</sup>Pour la résolution adoptée par la Conférence impériale de 1921 sur l'expédition des marchandises, voir Ollivier, *op. cit.*, Vol. II, pp. 403-4.

<sup>1</sup>For the resolution on shipping as adopted by the Imperial Conference of 1921, see Ollivier, *op. cit.*, Vol. II, pp. 403-4.

Government to exercise control over ocean rates. It is submitted, however, that it would be contrary to sound public policy to operate the vessels built by the Government on terms that will not yield a margin over operating costs to cover some depreciation and some interest on the capital cost. Taking into consideration the volume of business offering together with the available tonnage, it may well be doubted that the vessels will during the present year, earn enough to cover operating expenses.

It will be observed that the resolution of the Imperial Shipping Committee adopted on the 8th ultimo, does not go beyond suggesting that complaints respecting freight rates might become a matter for enquiry. If occasion should arise therefor, it would doubtless be of advantage to have the necessary machinery for inquiring fully into any ocean freight rates that might be regarded as excessive or discriminatory. For the purpose of intelligent enquiry, the Imperial Shipping Committee may perform a very useful public service. It might not only enquire into any complaints that may be submitted in respect to freight rates, but if deemed advisable it could enquire into the extent to which ocean rates may be a factor in extending trade between Canada and Great Britain, more especially in lines that are now largely imported from the United States. The principal complaint with respect to freight rates in so far as can be ascertained, comes from the Dominion Millers Association. That Association has a complaint of long standing that the ocean rate for the carriage of flour is excessive, i.e., the spread between the rate for carrying flour and that for carrying grain, is too large. That complaint might well form the subject of enquiry by the Imperial Shipping Committee. Shipowners have all along contended that the handling of grain in its loading, storage, and discharging, costs less than the handling of flour, that it occupies less space than flour, takes less time to deal with and is not so susceptible to damage. For these reasons they argue that they are entitled to substantially higher rates for the conveyance of flour. Inquiry by the Committee might help to bring about a better understanding in that regard.

The grievance that more vitally affects Canadian trade than ocean freight rates, is the discrimination in the matter of insurance rates on vessels trading to ports on the river St. Lawrence. Unsuccessful efforts have been made from time to time to remedy this grievance. Whether it might not properly be a subject for inquiry by the Imperial Shipping Committee is well worth considering. Vessels trading to the river St. Lawrence during the summer months are penalized to the extent of an additional  $1\frac{1}{4}\%$  insurance premium. For the period from the first October until the close of navigation, there is a further penalty of  $1\%$ . For instance, a vessel worth \$500,000.00 and insured for that amount will, if it comes to Montreal for a cargo, during the summer months, have to pay an extra premium of \$6,250.00 over the premium payable on insurance to New York. If the same vessel were to come for a cargo at the St. Lawrence in October, November or December the extra premium would be \$11,250.00. Underwriters in London allege that the dangers incident to navigation to ports in the river St. Lawrence warrant the charging of the extra premium. It is submitted that a careful inquiry into all the facts would

establish beyond any doubt that the proportion of accidents to vessels navigating the St. Lawrence route is not any greater than that to Atlantic ports. The removal of this grievance means so much to Canadian overseas trade that notwithstanding the failures of the past, efforts in that direction should not be abandoned.

The position of the Australian Government is also changed. The authorities there were some years ago parties to the demand for control of ocean rates. In the meantime they too have become owners and operators of ships and like Canada are in a position to measurably control rates. And there is the United States. The demand in that country some years ago was fairly general for control of ocean rates. They have meanwhile become the largest single shipowner in the world and are in a position by the use of their own vessels to effectively control rates. Their present attitude toward the question of rates may be inferred from a recent statement made by Admiral Benson, Chairman of the United States Shipping Board to the effect that: "while we anticipate no favours on the part of other foreign nations, who have problems of their own in maintaining their merchant fleets, there is a disposition on the part of all of them to agree that cut throat competition should be eliminated and that all should work in harmony to maintain shipping on a sound basis."

The United Kingdom has abandoned the control of shipping that was exercised during the war. The entire business of ship owning and ship operating is now being conducted by private enterprise and it is somewhat unlikely that definite action to control rates will be taken by His Majesty's Government.

The importance to the British Empire as a whole, of the maintenance at the highest possible standard of a mercantile marine, will not, it may be assumed, be lost sight of. The British mercantile marine is at present and will continue to be for some time, confronted with competition fiercer than it has known hitherto. Indications are not wanting that the United States are looking forward to a not distant day when the supremacy of the British mercantile may be challenged. Admiral Benson in the course of an article contributed to the shipping journal "Fairplay" of London, dated April 21st last, made the following significant statement: "America is upon the sea to stay. Who can doubt but that she will, after witnessing the wonderful — almost undreamed of — accomplishments during the world war? America has expended four billions of dollars to make a place for herself upon the seas, and has made that place and will undertake earnestly to retain it."

It is not suggested that the Empire Mercantile Marine should have altogether a free hand to exact "all that the traffic will bear" but it is respectfully suggested that the efforts of His Majesty's Government and those of the Dominions Governments should, while acting fairly and justly towards other interests, be helpful in maintaining beyond any doubt its absolute supremacy. That supremacy cannot and will not be maintained if operating conditions will not yield an amount that will give to the shipowner a fair return on his capital and will enable him to replace old and worn out ships with new and modern ones.

Any advantage, therefore, that might accrue to any other interest as the result of non-remunerative ocean rates, might in the long run prove a doubtful value if the ultimate result should relegate the Empire Mercantile Marine to anything but the premier position.

In addition to the suggestion to enquire into ocean freight rates contained in the resolution of the Imperial Shipping Committee adopted on the 8th ultimo, it is suggested that other functions of the Committee might be:

(a) To perform such duties as may be entrusted to them under concurrent legislation in regard to inter-Imperial shipping.

(c) To exercise conciliation as between the interests concerned in inter-Imperial Shipping.

(d) To promote co-ordination in regard to harbours and other facilities necessary for inter-Imperial transport.

With regard to "a" it is obviously difficult to advance any view in the absence of information as to the nature of the "concurrent legislation" contemplated.

In the remote contingency of any real or serious difficulty arising between interests concerned in inter-Imperial Shipping, the Imperial Shipping Committee might with advantage act as conciliator as suggested in clause "c".

There would not appear to be any objection to clause "d" always provided that the Committee is not given any voice or control respecting harbours or other facilities at Canadian ports.

In so far as the whole scheme of the Imperial Shipping Committee is concerned, care will doubtless be taken to abstain from conferring upon it any powers to control or direct Canadian shipping. The experience of the Marine Department is that that may with greater advantage be left to the Canadian authorities, acting independently. It is easily conceivable that occasions may arise when the interests of United Kingdom shipping and Canadian shipping might differ somewhat. In any scheme of joint control, Canadian interests would run risks of being sacrificed to the much larger interests of United Kingdom shipping.

For this and other reasons that might be advanced, it is submitted that the Imperial Shipping Committee should not become anything more than an advisory body. It will be interesting and useful to ascertain the view of the other Dominions and Colonies, but it is quite unlikely that Australia and New Zealand at all events will approve the creation of this Committee as a permanent body by Royal Charter or otherwise as is suggested, more especially if it is intended to confer any powers of control by concurrent legislation.

The absolute control by each Dominion of its own shipping interests is in no way inconsistent with the best interests of the Empire.



249.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, November 29, 1922

Following from Prime Minister for your Prime Minister. Begins. As you know my colleagues and I are anxious to help the development of trade within the Empire in any way in our power. The most promising method of securing this is in our opinion co-operation between the various Governments and we are therefore anxious to take counsel with them. A meeting of the Imperial Conference is due next year and will I hope take place. But it seems to me that there would be advantage in holding an Imperial Economic Conference distinct from and in advance of this, which could survey all the possibilities of joint and reciprocate action in the economic sphere. Would be grateful if you would let me know how you view this suggestion and whether you would be prepared to send representatives to such a Conference, if the idea commended itself generally. We have given some preliminary consideration to the scope for an Economic Conference such as we have in mind and our tentative suggestion is that its general reference should be to study the possibilities of co-operation in the development of the resources of the British Empire and the strengthening of economic relations between its constituent parts. Among the subjects which suggest themselves as suitable for consideration would be those for the fuller development of natural resources and of Inter-Imperial commerce, shipping and communication generally, as well as co-ordinate action for the improvement of technical research and the organisation of economic intelligence and also any proposals for the unification of law or practice in the Empire in matters bearing upon trade development; for example — Empire patents, bills of lading, enforcement of judgments etc. Not the least important aspect of development in this connection for some, at any rate, of the Governments concerned, is that of Oversea Settlement and the progress up to date of co-operation in this respect on the lines laid down in the Resolution of the Imperial Conference 1921 and the possibilities of further progress would naturally come under review. Certain organisations for economic co-operation have already been established on an Inter-Imperial basis. Work of the bodies would naturally come up for consideration, as would also the recommendations of Conferences and Commissions on special subjects who have met and reported in recent years. Conference might also wish to survey certain aspects of the external commercial relations of the Empire; for example — they might think well to consider the question of mutual co-operation amongst the various Governments to safeguard their economic interests in relation to foreign countries and any proposal for promoting international arrangements for the most equitable treatment of commerce. One or two subjects call for consideration as regards both their Imperial and International aspects; for example — position of Government enterprises as regards taxation and legal liability. We should be greatly obliged for full expression of your opinion after you have had time to consider the suggestions outlined above and also for your views as to the best time for holding such

a Conference if agreed to and as to the number of representatives. Tentatively we suggest it should take place about April 1923 and that there should be not more than three delegates from each Government accompanied by the necessary expert advisers. Similar telegram is being sent to the other Prime Ministers and also India. We contemplate, of course, that the Conference should include representations of the interests of the Colonies and Protectorates. Ends.

DEVONSHIRE

250.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 8, 1922

SECRET. Following from my Prime Minister for you. Begins. Our Government views favourably idea of holding Imperial Economic Conference as outlined your cable November 29th and will be prepared to send representatives. If Conference took place about April it is extremely doubtful if any Ministers could attend as delegates — certainly not more than one, as our Parliament will be in session at that time and will extend in all probability well into June. The late Spring, Summer or Fall months would better suit our convenience for Conference purposes. We agree that number of delegates from each Government should not exceed three. Ends.

BYNG

251.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 28, 1923

Following from Prime Minister for your Prime Minister. Begins. Answers to my message of November 29th as to suggested Imperial Economic Conference now complete, and I find that is generally agreed that it would be of advantage to hold such a Conference. I gather, however, that there is a feeling that the best results would not be achieved if an Economic Conference were held independently of a Conference of Prime Ministers, and therefore that it would be best to hold the Imperial Economic Conference and a meeting of the Imperial Conference concurrently.

Prime Ministers present at the latter would thus be enabled to be in constant consultation with their colleagues who were taking part in the former, and if necessary could themselves attend the most important meetings of the Economic Conference.

This procedure would be quite in accordance with the views of the Cabinet here, and for myself, I should greatly welcome the opportunity of discussing this year with my fellow Prime Ministers, the many urgent problems of foreign policy and defence which confront us.

As to dates — it would be impossible to make the necessary preparations before June at the earliest, and the answers to my message of November 29th indicate that a meeting in the autumn would be preferred. We accordingly suggest that both Conferences should open about November 1st 1923 in London. Please let me know, as soon as you can, whether you agree to holding both Conferences concurrently and whether the time suggested will suit you.

As to the Agenda for the Economic Conference [garbled] send you as soon as possible detailed list of the subjects suggested for discussion. As to Agenda for the Imperial Conference our idea would be that the arrangements should follow generally those for the 1921 Conference.

Similar telegram sent to other Prime Ministers. Ends.

DEVONSHIRE

252.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 14, 1923

Following for Prime Minister from my Prime Minister. Begins. I have discussed your telegram of February 28th with my colleagues. If a conference of Prime Ministers is to be held in London this year, we concur in proposal that the Imperial Economic Conference and the Conference of Prime Ministers should be held concurrently.

As for the time, we are most anxious that both of these conferences should begin not later than October 1st. A later date than this would greatly inconvenience preparations for next winter's Session of Parliament.

We should be glad to receive the proposed Agenda for the Economic Conference and if possible some more definite indication of the subjects for discussion at the Conference of Prime Ministers. Ends.

BYNG

253.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 23, 1923

Your telegram dated March 14th. Following from Prime Minister for your Prime Minister. Begins. We considered your telegram in Cabinet, March 21st, together with replies from other Dominions and India. All indications are that October 1st is the most generally acceptable opening date for Prime Ministers and Economic Conferences but Smuts is anxious for September 1st. This would mean practically no interval between the end of our Session here and the beginning of the Conferences, and I am pressing Smuts to agree to October 1st. I hope to be able to make an announcement next week in Parliament as to the

opening date and I will let you know further Smuts' reply. Our present idea is to give priority, if possible, in point of time to the Economic Conference. Ends.

DEVONSHIRE

254.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 7, 1923

My telegram dated March 23rd. Following from Prime Minister for your Prime Minister. Begins. I have now heard that Smuts will agree to October 1st as opening date for meetings of the Imperial and Economic Conferences and accordingly propose on Monday next, when Parliament meets, to make an announcement — terms of which are being telegraphed to you separately.

I expect to be able to send you, by telegram shortly, detailed list of the subjects referred to in my message of February 28th. As regards the subjects in this list proposed by the British Government, we hope to have memorandum prepared in time beforehand, and it would certainly facilitate matters if other Governments adopted (?) similar course as regards the subjects which they propose.

As to the Agenda for the meeting of the Imperial Conference, I will have the necessary preparations put in hand at once. Ends.

DEVONSHIRE

255.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 17, 1923

CONFIDENTIAL. My telegram dated April 7th. Following from Prime Minister for your Prime Minister. Begins. Question of co-operation for fuller utilization of natural resources (as to which His Majesty's Government will make proposals) and improvement of technical research, referred to in my message of November 29th as falling within the scope of the Imperial Economic Conference, are still under examination here, as are also questions relating to the external commercial relations of the Empire.

In other respects we have now virtually completed our examination of the subjects outlined in that telegram and developed in subsequent correspondence as suitable for consideration, and have prepared the first list of subjects for discussion as follows:

(i) Overseas Settlement. Progress made since 1921, with Policy of State aided Empire Settlement and plan for the future, especially as regards method of improving the selection and training of intending settlers before migration, and their reception of training and distribution on arrival.

(ii) Co-operation in assistance to Imperial development.

(iii) Trade Development. Questions relating to Imperial Preference will be included in the Agenda. In particular (a) Government of the Commonwealth of Australia have expressed the intention of raising the question of tariff preference accorded by the United Kingdom. (b) Question of Empire raw materials in public contracts will be raised on behalf of the Colonies and Protectorates. Other questions referred to relating to Imperial Preference in public contracts may be raised. (c) Importation of livestock. Question of modification of existing restrictions in various parts of the Empire. (d) Forestry. Any proposals resulting from the Empire Forestry Conference to be held in Canada this summer.

(iv) Imperial Communications. Discussion on (a) Shipping and Mails, with particular references to the reports of the Imperial Shipping Committee. (b) Air Communications and, (c) Cables and Wireless, on which special reports have been prepared.

(v) State Enterprise. Proposals to set State owned or controlled economic enterprises on the same footing as private enterprises as regards taxation and (in the case of commercial shipping in normal times) as regards Shipowners liabilities.

(vi) Unification of Law and Practice, with special reference to general adoption of (a) legislation for reciprocal enforcement of judgments, (b) the provisional scheme for Empire patents recommended by the Patents Conference 1922.

(vii) Commercial Intelligence and Statistics. (a) Extended utilisation of the commercial diplomatic service and Trade Commissioners. (b) Establishment of an Imperial Advisory Committee on statistics.

Should be glad to learn as soon as possible what other subjects you would like added to above list?

Similar telegram being sent to other Prime Ministers and to India. Ends.

DEVONSHIRE

256.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 15, 1923

CONFIDENTIAL. Following from my Prime Minister for your Prime Minister. Begins. Referring to your telegram May 17th. List of subjects for discussion, Imperial Economic Conference, Canadian Government have no additions to suggest.<sup>1</sup> Ends.

<sup>1</sup>Pour les procès-verbaux et les documents de la Conférence économique impériale, voir Ollivier, *op. cit.*, Vol. III, pp. 43-134.

<sup>1</sup>For Proceedings and Documents of Imperial Economic Conference, see Ollivier, *op. cit.*, Vol. III, pp. 43-134.

257.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 20, 1924

Please inform your Ministers that His Majesty's Government accepts in principle the recommendation of the Imperial Economic Conference regarding co-operation in financial assistance to Imperial development and are initiating legislation in Parliament in order to give effect to it.

258.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 20, 1924

CONFIDENTIAL. His Majesty's Government have given careful consideration to the resolution of the Imperial Economic Conference in favour of the establishment of a standing Economic Committee. They have come to the conclusion, particularly in view of the fact that the Conference itself did not reach unanimity on the subject, that a Committee of the kind contemplated, with general terms of reference, would not really assist co-operation between Governments. They feel that in all the circumstances they cannot support the adoption of the recommendation and they propose to make a statement to this effect in reply to question in the House of Commons on February 25th.

J. H. THOMAS

259.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 24, 1924

SECRET. Following from Prime Minister for your Prime Minister. Begins. Cabinet have been considering position in regard to the proposals of Tariff Preference in this country, which were placed before the Imperial Economic Conference. Final decision on all points can only be taken in connection with the forthcoming budget. Meantime, the Cabinet asked me to inform you and the other Prime Ministers confidentially of our general attitude towards the proposals. This will be determined by the following considerations:

(One) In view of the many declarations on the subject made on behalf of the Labour Party, it is impossible for us to propose any new or increased taxation of food.

(Two) As regards existing taxes on food, we will continue to observe the principle of Imperial Preference on the present statutory basis, so long as those taxes remain. This policy is without prejudice to the retention of absolute freedom to propose to Parliament removal of taxes on food, if and when from the point of general and financial policy, we deem this expedient.

(Three) As regards the proposed stabilisation of sugar preference at about halfpenny per pound for ten years, we cannot admit the right of any Government to bind future Governments and Parliament. But so long as a duty is retained on sugar, we should be willing, as under (Two) above, to adhere to preference on the present statutory basis.

Secretary of State is sending despatch summarising position on other resolutions of the Economic Conference, which we endorse with the exception of that regarding the establishment of an Economic Committee. Ramsay MacDonald. Ends.

260.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, April 29, 1924

My telegram April 25th. Following is text of statement which Chancellor of The Exchequer will make this afternoon on Tariff Preference. Begins. At recent Imperial Economic Conference the then Government submitted certain proposals on this matter and as a result of discussion of Conference these proposals were subsequently added to. A pledge was given to the Dominions and Colonies to submit these proposals to Parliament, a pledge which in words of Prime Minister we intend to fulfil "to the last letter and to fullest extent".

Subsequently there was an appeal to the electorate — an appeal on the grounds chosen not by us but by the late Government and during general election these proposals for increasing and adding to existing preferences were brought prominently to notice of electorate. The result of appeal is well known and quite obviously it cannot be ignored.

But apart from that we on this side of the House though not for a single moment admit[ting] that we are one whit behind those on the other side in our determination to do all in our power to promote best interests of the Empire have never believed that those interests will in the long run be well served by a system of Tariff Preference and this view we have expressed by our vote in this House on many occasions.

In these circumstances the Government are unable to endorse proposals of their predecessors and we greatly regret any disappointment that this may cause Dominions and Colonies but for that disappointment not this Government but our predecessors are responsible.

There is one of these proposals to which I should like to make specific reference. The late Government stated they were ready to guarantee if duties on sugar were reduced, preference should for a period of ten years not fall with it, but be maintained at its present rate of nearly one-half pence per pound so long at least as duty on foreign sugar did not fall below that level. This

proposal followed a previous undertaking given by Mr. Churchill on behalf of the then Government in 1922 that for a period of ten years preference would be continued to articles then entitled to it.

No Government in our opinion should attempt to bind Parliament or future Government for a period of years in a controversial matter such as tariff preference. The only result must be to raise hopes which are bound sooner or later to be frustrated. I think it important, therefore, to make our position quite clear. We do not propose to endorse or to offer any kind of guarantee in this connection over period of years. All we can say is that so long as we remain in office, we do not propose in all circumstances to ask Parliament to abolish preferences now accorded which we suggest should remain on their existing statutory basis. But we wish it to be clearly understood that we reserve full liberty to propose to Parliament, whenever we deem it appears possible or expedient from point of view of general and financial policy, reduction or abolition of duties on commodities to which existing preferences apply.

It will be clear from what I have just said we cannot take responsibility of putting down ways and means of resolution covering those proposals of late Government which involve imposition of new or increased taxation. But if the matter were to be left in that position it would follow that, so far as the Budget debates are concerned, detailed discussion would of necessity, be confined to those of proposals which involve the reduction of the taxation upon Empire products.

The Government therefore intends to allot a day, before Committee stage of Finance Bill, for a discussion of the Preference proposal of the late Government at Imperial Economic Conference. We shall place upon paper a Resolution or Resolutions in declaratory form dealing with those proposals in order to give an opportunity to the House of full discussion apart altogether from the Budget debate, and of a free and unfettered decision. Should the House decide in favour of any of proposals, Government will of course take necessary steps to incorporate them in Finance Bill. Ends.

As regards Economic Conference Resolution relating to immunity of state enterprises, Chancellor will say that he sees no reason for dissenting from course proposed. He would however like further time in which to examine matter, and postponement would also give opportunity for any representations to reach us which Dominions may care to make. Government therefore propose to defer action upon this question until next year.

As regards that part of shipping taxation resolution which relates to extension of Section 18 of Finance Act, 1923, Chancellor will say that Government propose to take course suggested by Conference.

Please inform your Prime Minister at once. Important that contents of this telegram should be kept confidential until after Chancellor's statement has been made in Parliament.



261.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 19, 1924

Since my telegram dated February 20th, H.M. Government have given further consideration of the question of the proposed Economic Committee. As intimated in my speech in the House of Commons, in the course of this week, debate on the Preference proposals of last year, we have come to feel that there are economic matters of great importance to the Empire needing investigation, which do not raise controversial questions of fiscal policy. If there were general agreement that any of these matters should be examined, we would gladly co-operate.

Our idea would be that, if all Governments were willing, a Committee should now be set up, with one definite reference in the first instance so framed as to exclude tariff issues, and that the question of continuing the Committee should be decided by the Governments of the Empire in the light of the experience gained in the course of the first investigation.

Would your Government be willing to participate in the establishment of a Committee on these lines — membership which would be as proposed at the Imperial Economic Conference, viz, Great Britain 4, Dominions 2 each, India 2, Colonies and Protectorates 2? If so, we suggest the Committee should deal with the very important question of marketing Overseas produce in this country, terms of reference being as follows:

Begins. To consider the possibility of improving the method of preparing for market and of marketing within the United Kingdom, the food products of the overseas parts of the Empire, with a view to increasing the consumption of such products in the United Kingdom, and promoting interest, both of producers and consumers. Ends. We should contemplate that the Committee would concentrate its attentions firstly on meat and fruit.

I may add that it would be the intention of His Majesty's Government, in the event of the Committee being appointed, to choose its own representatives solely with reference to their qualifications for enquiries of such a character.

Similar telegram sent to other Dominions and India.

262.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 2, 1924

Your telegram June 19th regarding advisability of investigating certain inter-Imperial economic questions and proposing establishment of Joint Committee to investigate marketing overseas produce in Britain, beginning with consideration of meats and fruits, with tariff issue excluded.

When Imperial Economic Committee proposal was under consideration at recent Imperial Conference, Canadian representatives expressed readiness to co-operate in enquiry into feasible methods of increasing inter-Imperial trade to common advantage, but did not consider advisable appointment of permanent London committee with fixed personnel to consider varied economic questions. This is still the position of the Canadian Government. Present proposal for *ad hoc* committee to consider specific question of marketing overseas produce in Britain has the approval of my Ministers. The Government is ready to investigate any possible means of increasing extent and economic efficiency of such trade, and is prepared to appoint representatives with special reference to meats and fruits, but assumes consideration can later be given to other produce of interest to Canadian producers and British consumers, in which case it may prove desirable to vary in part personnel of representatives. My Ministers assume Committee would report to several Governments and that all would share proportionally in cost of enquiry. As to suggestion of future action, Canadian Government will be prepared particularly if proposed marketing committee proves successful, to suggest or consider appointment of other *ad hoc* committees, to deal as they arise with specific economic questions considered to be of joint interest.

263.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, November 25, 1924

CONFIDENTIAL. Imperial Economic Committee. His Majesty's Government are prepared to take immediate steps for the establishment of a committee on the lines indicated in my predecessor's telegram of June 19th. They would however propose small alteration of the terms of reference so as to read at the end "Increasing the consumption of such products in the United Kingdom in preference to importing from foreign countries and to the interests of both of the producer and consumer".

Object of addition, which does not affect the sense of the reference already agreed upon, is to avoid any possible misapprehension on the part of British farm interests.

His Majesty's Government agree that the committee should concentrate its attention first on meat and fruit, and think the enquiry on these two points should be held concurrently. His Majesty's Government would suggest, subject to the concurrence of the other countries concerned, Sir Halford Mackinder, Chairman of the Imperial Shipping Committee, should be appointed also Chairman of the Economic Committee, with a view to securing co-ordination between the work of the two Committees which might otherwise overlap. If Sir Halford Mackinder's appointment as Chairman proves acceptable, His Majesty's Government propose that other nominations to the Committee made by themselves should be limited to three. In selecting representatives, their idea is that the choice should be based on the principle of securing persons

with wide personal knowledge so that continuity in personnel could be preserved should the investigations of the Committee be extended later to other food products or kindred subjects of an economic character. As regards expenses, His Majesty's Government would be prepared to pay, at the outset at any rate, the whole expense of the Committee apart from travelling and other personal expenses of Overseas representatives on the Committee, which they assume would be paid by the Government represented.

I should be glad to learn by telegraph the views of your Government on these proposals.

Similar messages sent to other Dominions.

264.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 13, 1924

With reference to your telegram of November 25th stating that British Government are prepared to take immediate steps for establishment of Imperial Economic Committee on lines indicated in your telegram of June 19th.

My Ministers in my telegram of July 2nd expressed their readiness to co-operate in inquiry as to means of increasing extent and efficiency of marketing of overseas produce in Britain. They added that the objections previously taken to a permanent Imperial Economic Committee, sitting in London and with fixed personnel, which would not correspond to the wide variety in subject matter and range of possible inter-Imperial Economic Issues, still held good, and suggested that proposed marketing committee be of an *ad hoc* character, and that as other economic questions arose in future they might be referred to Committees or other means of inquiry of the composition required by the circumstances of each case. These considerations do not appear to be noted in your telegram of November 25th.

Government of Canada would suggest naming committee now proposed the Overseas Produce Marketing Committee or some abbreviation or variation of such title.

My Ministers agree with the suggestion that the inquiries into meat and fruit marketing should be held concurrently, and approve of the proposed slight alteration in the terms of reference. They would be pleased to concur in the appointment of Sir Halford Mackinder as Chairman of the Marketing Committee. As regards expense, while preferring a proportionate distribution of any joint expense they would concur in the British Government's proposal that it would bear this at the outset, but concurrence subject to reconsideration if expense assumes any considerable extent. Canadian Government would of course provide for full expenses of its own representatives.

My Ministers believe that the inquiries of a Committee on the lines proposed should prove of distinct value both to Britain and to the Dominions.

265.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 13, 1924

SECRET. Following from Prime Minister for your Prime Minister. Begins. We have been examining carefully the situation with regard to the preference resolutions of the Imperial Economic Conference, and I propose to make a statement with regard to these in the House of Commons Wednesday. The greater part of these involve a further preferential reduction of existing duties [and] present no difficulty and I will make it clear that they are to be incorporated in the next budget as agreed upon at the Conference. The same applies to the 10 years undertaking to maintain the sugar preference at the specific rate of approximately  $\frac{1}{2}$ d a pound as long as the duty itself not below that rate. This, in view of the great reduction of the sugar rate in the last budget, represents the doubling of the percentage rate of preference. Real difficulty, however, has been created with regard to the additional duties by the widespread assumption, by candidates and electors, that my pledge against food taxation definitely excluded any new duty whatsoever on food. In order to avoid any charge of breach of faith in this respect and at the same time to fulfil the undertakings given at the Economic Conference, we propose to devote the full money equivalent advantage, which would have been conferred on Empire imports by the proposed additional duties to the alternative scheme for improving the marketing of Empire imports of food-stuffs, and we propose to invite recommendations with regard to such scheme from the Imperial Economic Committee, within the scope of whose reference they would naturally fall. Basis of calculation of advantage to the Dominions, under the duties originally agreed, will be equivalent cost to the Treasury of substituting for the duty on foreign imports equivalent bounty on Empire imports. You will realize that the sum thus made available for the promotion of Empire imports will be substantially not less than £1,000,000 a year. We believe in this way Empire producers will get fully as effective help as would have been given by the duties themselves and that the help will be extended over a wider range of products. At the same time we think there will be considerable advantage of presenting the Economic Committee with something definite to work upon from the outset and would add the hope that in view of the practical task now before it, Committee may be constituted as soon as possible. Baldwin. Ends.

266.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 16, 1924

URGENT. My Ministers have considered the proposals as to preference outlined in your telegram of December 13th. They note that it is intended to

carry out that part of the 1923 offer which involves reduction of existing duties but to drop that part which involves new duties.

The Canadian Government recognizes fully that the British Government, like the other Governments of the Empire, is and must be free to decide upon whatever fiscal policy it considers in the interest of its own people.

At the same time they note with regret that of the offers of preference made by the British Government at the Economic Conference last year those which it now finds itself unable to recommend to parliament include the products of special interest to Canada.

267.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

TELEGRAM

London, December 16, 1924

Reference telegram 13th from Baldwin to you, copy sent me by Colonial Office. Do not anticipate Baldwin will to-morrow add materially to the view expressed in his telegram to you. From casual conversations learn that situation is difficult and no concrete proposals have developed from numerous meetings between departments concerned, but economic committee will be asked to enquire into possibility of subsidizing certain Empire food commodities not now protected, by way of bonus or guaranteed market under license. Suggest such measures would hardly appeal to you for bounty involves, I think, payment to producer of the rate of the bounty and establishing machinery for reclaiming same. Understand it is hoped to evolve some acceptable scheme which would be given effect to in next budget. My policy here is to express no opinions.

LARKIN

268.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

TELEGRAM

London, December 18, 1924

Baldwin's statement in Commons yesterday makes no note of your objection to the title Imperial Economic Committee and adopts name. This Committee will have the definite objects of enquiring into the means of increasing the extent and efficiency of marketing overseas produce in Britain. At a later period a committee with such a name might get an extension of their powers and develop permanent status with fixed personnel instead of an *ad hoc* committee with an appropriate name as you suggested. It occurred to me that this might be a beginning of an endeavour to manoeuvre us into a position which in principle you do not support.

LARKIN

269.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

[Ottawa,] December 23, 1924

My dear Mr. Larkin,

I am very much obliged by your cable of December 18 commenting on Mr. Baldwin's statement in the House of Commons on the Imperial Economic Committee proposals.

Mr. Baldwin's proposal made no note of our objection to the creation of a permanent committee. It may be that the British Government assumes that no one would venture to look a million-pound gift-horse in the mouth, and that all the Dominions would accept without question a committee empowered to make suggestions for spending that sum in the encouragement of Empire produce. As you very well put it, it looks like the beginning of an endeavor to manoeuvre us into a position which in principle we do not support.

However, it is still possible that the British Government will modify its proposal and accept an *ad hoc* basis. If a definite conclusion is reached on that basis we shall at once take up the question of representation on the Committee. The inquiry should be of value, and we shall do all that we can to assist it. The report of the Food Materials Committee at the Imperial Economic Conference of 1923,<sup>1</sup> with which you are familiar, condemned very strongly any of the schemes for discriminating in favor of Empire produce then put forward, namely, British subsidies to Dominion producers, import licenses for foreign producers, and state purchase and control of prices. It may be that other possibilities will arise that do not involve a mere granting of doles from the British Treasury to Dominion producers.

We shall communicate with you again as soon as we have further word as to the organization of the Committee.

With kindest regards etc.

W. L. MACKENZIE KING

270.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 6, 1925

CONFIDENTIAL. Your telegram dated December 13th. His Majesty's Government regret if the impression should have arisen that no note was taken of the Canadian view of certain points connected with the proposed Committee; they would explain that the object of my telegram of November 25th was to indicate that His Majesty's Government expressly adopted the proposals of the late Government (subject only to such minor modifications as appear

<sup>1</sup>Pour le rapport du Comité des vivres, voir Ollivier, *op. cit.*, Vol. III, pp. 100-103.

<sup>1</sup>For the Food and Material Committee Report, see Ollivier, *op. cit.*, Vol. III, pp. 100-103.

in that telegram) as set out in my predecessor's telegram of June 19th. While the question of the title for the Committee was not specifically raised in the latter telegram, it was understood from your telegram dated July 2nd that the Canadian Government were in accord with the proposal for its constitution, and it will be seen that other Dominions, whose replies have already been communicated to the Canadian Government, have assumed the title would be as proposed at the Imperial Economic Conference.

It is gathered from your telegram dated December 13th that, provided the work of the proposed Committee proves satisfactory, Canadian Government would be prepared, if other Governments wish to give favourable consideration to any proposals, to refer kindred subjects for examination to the same or similar Committee. Accordingly, while they have no wish to attempt to prejudice future consideration as to the continuance of the Committee after completion of its work on the terms of reference at present proposed, His Majesty's Government would regard it as unfortunate if in the event of a decision being taken to continue the Committee in being, it should be compelled to change its title, and so lose any advantages it might have gained in general goodwill and reputation as a result of the success in its first investigations.

His Majesty's Government agree that the title suggested in your telegram would satisfactorily describe the functions at present proposed for the Committee but on above grounds, and also in view of the statement made by the Prime Minister in the House of Commons December 17th (substance of which was foreshadowed in his message to your Prime Minister contained in my telegram dated December 13th) regarding the recommendations to be invited from the Committee, they much prefer the title originally agreed upon, and they trust your Government will not press the question of an alternative title. I am forwarding copy of your telegram dated December 13th and of this reply to other Dominions by mail.

271.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, January 6, 1925

CONFIDENTIAL. Please give the following personal message from me to your Prime Minister, with reference to my telegram of to-day. Begins. I think the general opinion amongst the Governments concerned would undoubtedly be in favour of the title "Imperial Economic Committee", and as it is clear that there is agreement as to the functions of the proposed Committee and need for its establishment is urgent, I very much hope that you will be able to arrange for an affirmative reply to be sent to the official telegram. Ends.

272.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, January 11, 1925

CONFIDENTIAL. Your telegram January 6th regarding marketing committee received. My Ministers believe considerations against establishing permanent general economic committee and in favour of *ad hoc* committee to consider specific question of methods of increasing extent and economic efficiency of marketing of overseas produce in Britain are conclusive. It is not necessary to repeat these considerations, summarized in my telegrams of July 2nd and December 13th, particularly as they have not been controverted in any point in your telegrams of November 25th or January 6th. As to title of committee, Canadian Government still consider Overseas Produce Marketing Committee or some similar wording preferable. They have taken cognizance, however, of the fact noted in your telegram of January 6th that Prime Minister in announcement of December 17 referred to proposed committee under name of Imperial Economic Committee and are not disposed to occasion any embarrassment that can be avoided. If then it is clearly understood that proposed committee is on *ad hoc* basis for specific purpose of marketing overseas produce inquiry and that any later proposals to establish similar *ad hoc* committees for other inquiries will be considered on merits as questions arise, Canadian Government is prepared to waive objections to giving it title of Imperial Economic Committee. As to later proposals to instruct Committee to inquire into methods of using grant of approximately million pounds to further importation of Dominion Produce in lieu of former Preference plans, Canadian members would be prepared to give opinion upon feasibility from Dominion standpoint of the various methods to be considered, though decision as to making any appropriation and as to how to expend it will of course rest with British Government.

Please inform my ministers when it is proposed to begin sittings of committee and probable length of inquiry. They will then nominate representatives.

273.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 20, 1925

CONFIDENTIAL. Your telegram dated January 11th. H.M. Government are gratified to learn that in all circumstances Canadian Government are prepared to acquiesce to the title of "Imperial Economic Committee" for the proposed Committee. They agree that the present proposal is to establish a committee with one specific reference and that any suggestions for further enquiries, by



the same or similar body, should be considered on their merits. Will telegraph further in reply to the questions at the end of your telegram.

274.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 24, 1925

CONFIDENTIAL. My telegram dated January 20th. Economic Committee. Composition of Committee nearly completed and it is hoped to begin sitting immediately on appointment of remaining members. Accordingly I should be glad to learn, as soon as possible, who will be the Canadian representative. It is anticipated that the considerations of the Committee will occupy several months.

275.

*Décret du Conseil*  
*Order in Council*

P.C. 197

February 5, 1925

The Committee of the Privy Council have had before them a report, dated 3rd February, 1925, from the Secretary of State for External Affairs, submitting, with reference to a confidential telegram, dated 24th January, 1925, from the Secretary of State for the Colonies, asking to be informed of the Canadian representatives on the Imperial Economic Committee. . . .

The Minister therefore recommends that the Government of Canada agree to the establishment of a committee on the basis suggested, and that with a view to the most practical presentation of the interests of Canadian producers and to emphasize the *ad hoc* character of the committee, representatives closely in touch with the marketing of meat and fruit be selected.

The Minister further recommends, with the concurrence of the Ministers of Agriculture and of Trade and Commerce, that Mr. L. C. McOuatt of the Live Stock Branch of the Department of Agriculture, who is familiar with the meat industry in Canada and Great Britain, and Mr. J. Forsythe Smith, of the Trade Commissioner staff of the Department of Trade and Commerce, with special charge of the interests of Canadian fruit industry in Great Britain, be appointed as the two representatives of Canada on the said Committee, and that due notification of such appointments be made to the Right Honourable the Secretary of State for the Colonies.

The Committee concur in the foregoing and submit the same for Your Excellency's approval.

PARTIE 4 / PART 4  
 COOPÉRATION EN MATIÈRE DE DÉFENSE  
 IMPERIAL DEFENCE CO-OPERATION

276.

*Le secrétaire aux Colonies au Premier ministre*  
*Colonial Secretary to Prime Minister*

Downing Street, January 24, 1919

My dear Sir Robert Borden,

I have just learned from the Admiralty that they propose to offer as a gift to the Canadian Naval Forces two submarines now at Bermuda.<sup>1</sup> The Admiralty trust that this gift will be accepted as some recognition of the great contribution made to the defence of the Empire by the Canadian Naval Forces in the course of the war.

I should be grateful if you would let me know as soon as possible whether you would wish to accept this offer on behalf of the Canadian Government.

Yours sincerely,  
 MILNER

277.

*Le Premier ministre au secrétaire aux Colonies*  
*Prime Minister to Colonial Secretary*

TELEGRAM

[Paris,] January 31, 1919

Canadian Government will accept with deep appreciation Admiralty's proposed gift of two submarines.

BORDEN

278.

*Le secrétaire aux Colonies au Premier ministre*  
*Colonial Secretary to Prime Minister*

CONFIDENTIAL

Downing Street, April 14, 1919

My Dear Sir Robert,

The Union Government recently suggested the discussion of some of the problems of the Naval and Military defence of South Africa and I think that it may be found desirable that there should be a discussion of questions of Military and Naval defence generally which more particularly concern the self-governing Dominions, at the Imperial War Cabinet, with the Prime Ministers and other Ministers of the Dominions after the conclusion of the Peace Conference and before their return to their respective Dominions. I am therefore taking steps to ascertain whether the Admiralty, the Army Council and the Air Council have any suggestions with regard to the subjects which could usefully be discussed, and whether they can prepare any papers. If you agree would you kindly let me know whether there are any defence questions which your Government would desire to raise?

Yours very sincerely,  
 MILNER

<sup>1</sup>Pour plus de matière sur la défense, voir les parties 1 et 2 de ce chapitre.

<sup>1</sup>For further material on defence, see also Parts 1 and 2 of this chapter.

279.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM P. 287

Ottawa, April 16, 1919

SECRET. From White. Council much concerned over situation in British Columbia. Bolshevism has made great progress among workers and soldiers there. We can not get troops absolutely dependable in emergency and it will take long time to establish old militia organization. Plans are being laid for revolutionary movement which if temporarily successful would immediately bring about serious disturbances in Calgary and Winnipeg where socialism rampant. We think most desirable British Government should bring over a Cruiser from China station to Victoria or Vancouver. The presence of such ship and crew would have steadying influence. Situation is undoubtedly serious and getting out of hand by reason of propagandaism from Seattle among workers and soldiers.

280.

*Le Premier ministre au secrétaire aux Colonies*  
*Prime Minister to Colonial Secretary*

CONFIDENTIAL

Paris, April 18, 1919

My dear Lord Milner,

In reply to your letter of the 14th instant I am afraid that we are not in a position to prepare any paper on the subject suggested, as none of the Canadian Ministers or officials connected with the relevant departments are on this side of the Atlantic. Moreover I do not know at the moment of any questions which could profitably be taken up so far as we are concerned except the following.

You are doubtless familiar with the proposals presented to us last year by Sir Eric Geddes, then First Lord of the Admiralty, and Admiral Sir Rosslyn Wemyss. After consultation with the other Prime Ministers, I sent a reply to the effect that we could not see our way to accept the proposals as to centralised authority. Out of a suggestion contained in my reply arose the arrangement for the present visit of Lord Jellicoe to the various Dominions.

During the past six months I have given some personal consideration to Canada's share in the maintenance of an adequate naval force for the Empire. In the past we have had difficulty upon the question of the locality and cost of construction. It was thought that the ships should be constructed in Canada so as to develop shipbuilding at various points in our Dominion. This involved a great increase in cost and delay as well. As the shipbuilding yards in Canada will be fully occupied for some time to come, this question does not seem to arise under present conditions. On the other hand Great Britain possesses a much larger fleet than she would presumably require to maintain in time of peace. It might be possible for the Canadian Government to arrange that

Canada should take over a fleet unit consisting, let us say, of a battleship, certain large and small cruisers, with the necessary quota of destroyers and submarines. This would serve two important purposes; first, it would be a relief *pro tanto* to the necessary effort of Great Britain in maintaining adequate naval strength, and secondly, it would appeal to the pride of the Canadian people and increase their sense of responsibility.

Within a measurable period the ships in question would become obsolete and then the duty would devolve upon Canada of supplying their place with up-to-date ships of like relative power.

I am putting this forward purely as a tentative proposal and without consultation with my colleagues, except those now in Paris who are disposed to give it their approval. Pending its further consideration, this letter is to be regarded as wholly confidential. In order, however, that it may be considered, I am enclosing a copy to the Prime Minister of the United Kingdom and to the First Lord of the Admiralty.

Yours faithfully,

[R. L. BORDEN]

281.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM X.237

Paris, April 18, 1919

SECRET. Your 287. Greatly regret to learn that situation in British Columbia is regarded as serious. We think it most undesirable except as a last resort to solicit assistance from British Government. If cruiser is regarded as indispensable, I should much rather take over a British cruiser part of our Naval Forces and despatch it to Victoria. This I think could be accomplished with very short delay. Have you thought of utilizing Royal North West Mounted Police who, I presume, would be entirely reliable. If necessary increase their forces by judicious enlistment.

BORDEN

282.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM

Ottawa, April 28, 1919

SECRET. On account serious conditions British Columbia and projected revolution movement about June first, Council strongly of opinion you should arrange for British cruiser to call at Victoria or Vancouver about middle May and remain until July first. Situation is regarded as most serious by authorities at British Columbia also by Comptroller North West Mounted Police and by Militia Department.

WHITE

283.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM X.273

Paris, April 29, 1919

SECRET. Your P306. We are still at a loss to know of any use to which the British Cruiser could be put in case of trouble. Surely it would be most unfortunate to have the crew of a British ship called upon to suppress purely local Canadian riots, or insurrection. As far back as 1885 we attended to our own rebellions. However, at this distance it is perhaps impossible for us to realize the situation as Council sees it. Correspondence has been placed in Perley's hands with request to take necessary action when advised by you. Suggest that nothing should be said to British Government about apprehended trouble but that they should be invited to send squadron to Vancouver and Halifax not later than June 1st, in order that Canada may have opportunity of demonstrating appreciation naval service during war.

BORDEN

284.

*Le secrétaire à la Guerre au Premier ministre*  
*War Secretary to Prime Minister*

[London,] May 9, 1919

My dear Sir Robert Borden,

No doubt you will agree that on conclusion of the Peace Conference it will be expedient and one might say essential for the Imperial War Cabinet to settle the main outlines of a considered scheme for Imperial Defence in the future before you and the Premiers of other Dominions leave Europe.

In order that this may be done expeditiously and thoroughly a certain amount of preparatory work is necessary. A committee composed of representatives of the Admiralty, War Office and Air Ministry is therefore being assembled to discuss informally the various problems involved and prepare definite proposals for the consideration of the Imperial War Cabinet at a later date. The first meeting is proposed for 3 p.m. Thursday, 15th May, Room 253, War Office.

It would be a great assistance if you would nominate a military representative to attend this and subsequent meetings.

Yours sincerely,

WINSTON S. CHURCHILL

285.

*Le Premier ministre au secrétaire à la Guerre*  
*Prime Minister to War Secretary*

Paris, May 11, 1919

Dear Mr. Churchill,

Your letter of the 9th instant is before me. I am sending a copy to Sir George Perley who in the absence of Sir Edward Kemp, will discuss the

appointment of a Military Representative with Colonel G. S. Harrington, Deputy Minister of the Overseas Military Forces of Canada, as Sir Edward Kemp is in Canada.

I presume that either Lieut.-General Sir Arthur Currie or Lieut.-General Sir Richard Turner, will be selected, either of whom possesses excellent qualifications for undertaking the proposed duties. Sir George Perley has been asked to take up the matter at once and to communicate with you. Therefore any selection made by him will be understood as having my approval.

Yours faithfully,

[R. L. BORDEN]

286.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

London, May 14, 1919

Dear Sir Robert Borden,

I am in receipt of your letter of the 11th instant enclosing copies of correspondence with Mr. Churchill regarding the appointment of a Canadian Military Representative on the Committee which is to consider a scheme for Imperial defence in the future. As you desired I took the matter up with Colonel Harrington this morning and we decided not to make any definite decision to-day as both General Turner and General Currie are out of London at the moment. We have here however a very capable officer, Brigadier General J. H. MacBrien, C.M.G., and it has been arranged that he should be appointed for the purpose of attending the meeting to-morrow and making a report, as you will see by the attached copy of a letter which I have written Mr. Churchill to-day.<sup>1</sup> The question of a permanent appointment will be taken up as soon as possible but I may say that General MacBrien is familiar with the work in contemplation by this Committee and should therefore attend to it satisfactorily.

Yours sincerely,

GEORGE H. PERLEY

287.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM

Ottawa, May 16, 1919

SECRET. From White. Your X273. Several members Council think presence British Cruiser desirable at Vancouver or Victoria. Strike in Winnipeg of all workers including Tramways and Post Office. About thirty thousand out and serious rioting may occur. Situation in British Columbia very grave. Returned men will not rejoin Militia or North West Police.

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed

288.

*Bureau du premier lord de l'Amirauté au Premier ministre*  
*Office of First Lord of the Admiralty to Prime Minister*

CONFIDENTIAL

[London,] May 16, 1919

My dear Sir Robert,

In acknowledging your letter of the 18th April, in which you enclosed copy of a letter addressed to the Secretary of State for the Colonies on the subject of Canada's share in the maintenance of an adequate Naval Force for the Empire, Mr. Long stated he would discuss your suggestion with his Naval colleagues. The matter has been very fully discussed, and in view of your early departure for Canada, I am writing to you as Mr. Long is at present not in town.

The Board of Admiralty will be very pleased to meet your suggestion and are willing to transfer to Canada a battle cruiser, 2 or 3 Light Cruisers, 1 Flotilla Leader, 8 Destroyers and 4 submarines, the latter in addition to the 2 "H" Class submarines which have already been presented to Canada.

The Admiralty venture to express the opinion that it is more desirable that Canada should have a Battle Cruiser than a Battleship, as a Battleship would be of comparatively little use in Canadian waters. A Battle Cruiser is therefore suggested in lieu. Arrangements might perhaps be made for her to go to the East periodically for combined exercises with the China and Australian Squadrons. The Battle Cruiser would probably be *H.M.S. Indomitable*, which might, it is suggested, be renamed the *Canada*.

A statement is attached showing the annual cost of upkeep of the various classes of ship.<sup>1</sup>

The Admiralty feel that the number of ships to be transferred to Canada in the first instance may depend very greatly on what Canada can provide in the way of personnel, alike for the ships as well as on the administrative side, etc., but I think I may say at this stage that the Admiralty would make strong endeavours to lend you officers in touch with modern Naval matters, should you wish for such assistance.

Mr. Long has not yet discussed the matter with his Government colleagues, so far as I am aware. How far the Canadian Government would wish to pay for all or any of the ships is a matter that you may desire to consider in the first place. Of course you will understand that the intention would be that any ships handed over would have their equipments complete.

Yours faithfully,

R. E. WEMYSS

<sup>1</sup>Non reproduit.<sup>1</sup>Not printed.

289.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM

London, May 18, 1919

Your 334. Am sending copy to Perley asking him to take any action which Council may think necessary. Have consulted several prominent Canadians here, such as General Currie, Perley and others, all of whom agree with the views expressed in my X273.

BORDEN

290.

*Le Premier ministre au bureau du premier lord de l'Amirauté*  
*Prime Minister to Office of First Lord of the Admiralty*

CONFIDENTIAL

At Sea, May 23, 1919

Dear Sir Rosslyn Wemyss,

I had not the opportunity before leaving London of acknowledging your letter of the 16th instant which reached me on the eve of my departure. The suggestions and proposals which you have set forth will be discussed with my Colleagues at the earliest opportunity after I reach Ottawa. Thereafter I shall write again to you on the subject.

Meantime with kindest remembrances, believe me,

Yours faithfully,

[R. L. BORDEN]

291.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, August 25, 1919

SECRET. PERSONAL. Following message from the First Lord of the Admiralty. Begins. Do you think Canada will accept any battleships, destroyers, light cruisers, rescue tugs or sloops, minesweepers, and submarines for her purposes and in what numbers. On condition of care and maintenance, and payment of personnel by Canada, they would be given free of charge. [Ends.]

MILNER

292.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 28, 1919

PERSONAL. Following message for the First Lord of the Admiralty. I have conferred with Prime Minister who, immediately after his return, took up this



question with the Minister of Naval Service. That Minister has been seriously ill during the summer and no progress has been made. The Prime Minister approves of the principle and hopes the proposal can be carried out but he is unable at present to give definite information as to the character of the ships or the number. The subject will be discussed with Lord Jellicoe upon his arrival.

293.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, September 20, 1919

SECRET. Please advise your Ministers of the following: Admiralty are now initiating steps for the complete reduction of the Fleet to peace basis, and consequent reduction of personnel and disposal of surplus vessels. This involves question of how many ships will be required by the Dominions. Vessels concerned include battle cruisers, light cruisers, submarines, destroyers, sloops, patrol gun boats, mine sweepers, coastal motor boats, motor launches, drifters and trawlers. It is realised that decision as to total numbers required must wait decision on Lord Jellicoe's recommendations. If, however, such requirements as can be foreseen could be communicated at an early date it would greatly assist Admiralty. Both officers and men of the Royal Navy, it is anticipated would volunteer in considerable numbers to man these vessels, if the Dominions so desire.

Notification is specially desired as regards sloops, patrol gun boats, mine sweepers, motor launches, drifters and trawlers, since it is a matter of urgency that vessels of these classes, surplus to Imperial requirements, should be sold for commercial uses in view of the depreciation of present market value and rapid deterioration whilst awaiting disposal.

MILNER

294.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, December 5, 1919

With reference to my telegram of 20th September His Majesty's Government have now given the Lords Commissioners of the Admiralty discretion to offer surplus vessels of types referred to as gifts to Dominion Governments in cases where such vessels are needed to assist Dominions in development of their Naval force. Admiralty regret that owing to present congestion and costs of maintenance they could not undertake to reserve any vessels for which good opportunity for disposal occurs.

295.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, December 23, 1919

SECRET. My Advisers understand from Lord Jellicoe that the Admiralty is prepared to offer as a gift to the Dominion a number of warships of various classes. These include a light cruiser of the "Bristol" type, a flotilla leader, four destroyers of the "M" class, eight "P" or "PC" Boats and six submarines of the "G" class. Lord Jellicoe states that application for these vessels must be made before 31st January, 1920.

The Dominion Parliament does not meet until 20th February and the acquisition of the vessels named would require the approval of Parliament.

Is it possible for the Admiralty to extend the date of application for these vessels until 15th March?

296.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 30, 1920

With reference to your telegram 23rd December offer of Warships Admiralty agree to extension of date of application until March 15th.

297.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 79

Downing Street, February 23, 1920

SECRET

My Lord Duke,

I have the honour to transmit to Your Excellency to be laid before your Ministers, a copy of a letter from the Admiralty on the subject of Naval Defence.

I should be glad to be favoured with the observations of your Ministers on this letter.

I have etc.

(for the Secretary of State)

L. S. AMERY

[PIÈCE JOINTE / ENCLOSURE]

*L'Amirauté au Colonial Office*  
*Admiralty to Colonial Office*

SECRET

[London,] January 30, 1920

Sir,

I am commanded by My Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that the question of Dominion naval co-operation has been more fully investigated at the Admiralty in the light of recent events, particularly in regard to the need for universal economy. It has become evident that further discussion of Lord Jellicoe's reports on the Naval Defence of Australia, New Zealand, and Canada will be necessary with a view to co-ordinating the Naval effort of the Empire. The Admiralty, who have not yet received the views of the Dominion Governments on Lord Jellicoe's reports, would therefore welcome the opportunity of a discussion with the representatives of the Dominions who are responsible for Naval policy, and their Naval Advisers, on the question of Dominion Navies and Dominion Naval co-operation in the defence of the Empire. It would be convenient if the proposed discussion could take place when all Dominion representatives are present together, and a favourable opportunity would appear to be the next occasion of an Imperial Conference. I am to enquire whether the Secretary of State for the Colonies concurs.

2. A letter in a similar sense is being sent to the India Office.

I am etc.

W. F. NICHOLSON

298.

*L'Administrateur au secrétaire aux Colonies**Administrator to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, March 25, 1920

SECRET. With reference to your cypher telegram 20th September 1919 offer on part of Admiralty certain vessels of war to Canadian Government my Ministers represent that Canadian Government most grateful for these offers and will be glad to accept one light cruiser of Bristol type and two destroyers to be used as vessels in Canadian Navy. Minister of Naval Service desires to obtain information as to type of destroyers available. Details regarding officers and crews required will be communicated later and Canadian Officer to proceed to England to arrange transfer, choice of crews, etc.

299.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

TELEGRAM

London, April 23, 1920

Your telegram 25th March: 1 Bristol Class Light Cruiser, 2 M. Class Destroyers available. Admiralty regret that impossible provide crews as no

longer any surplus ratings seamen class and surplus other ranks and ratings rapidly dwindling. Possibly some volunteers could be obtained from men already discharged but these now civilians and not under Admiralty control. Admiralty enquire on what date Canadian Naval Authorities propose take over vessels.

MILNER

300.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 26, 1920

Your telegram 23rd April Light Cruiser *Glasgow*, Torpedo boat Destroyers *Patrician* and *Patriot* have been selected for presentation to Canada, all three vessels require refitting and docking, Lord Commissioners of the Admiralty enquire whether your Ministers wish any such work undertaken at expense of Canadian Government at Royal Dockyards, estimate of cost involved will be furnished as soon as possible.

MILNER

301.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 12, 1920

With reference to your telegram May 26, recent gift of ships by Admiralty. Canadian Government gratefully accept gift of torpedo boat destroyers *Patrician* and *Patriot*. They would be glad to receive at an early day an estimate of cost of refitting and docking of these destroyers, when their wishes in reference thereto will be communicated. With regard to light cruiser *Glasgow*, Minister of Naval Service observes that this ship was constructed as far back as 1910, and is consequently in obsolescent class. For this reason, Canadian Government trusts that Admiralty may be able to spare more modern vessel, and one better adapted to their requirements than is light cruiser *Glasgow*. An oil burner is especially desired.

DEVONSHIRE

302.

*Le premier ministre de l'Afrique du Sud au Premier ministre*  
*Prime Minister of South Africa to Prime Minister*

Cape Town, July 5, 1920

My dear Prime Minister,

It would be of material assistance to us in considering the problem of naval co-operation as applied to the Union of South Africa, if we could have a copy of those portions of Admiral Lord Jellicoe's reports which have not been published and presented to your Parliament.

Without these volumes it is very difficult to follow out details which though not important to the general public, are really essential to the proper understanding of the scheme which is recommended to you.

I need hardly assure you that should your Government be able to spare a set of these volumes, they will be regarded as most strictly confidential and the information they contain will on no account be disclosed or used for any purpose other than elucidating the main report for the confidential information of Union Ministers.

It would also be of great assistance if I could be furnished with the record of any public statement which has been made by your Government on the subject of the Report and also should you feel in a position to do so, any confidential statement of the views of your Government and its naval advisers on the recommendations. The latter information would of course be kept entirely confidential.

As you are no doubt aware the Union Government has not yet had any advice from the Admiralty on the subject of naval co-operation, but when it comes to hand I should be glad to exchange with you views and information on the subject.

Believe me etc.

J. C. SMUTS

303.

*Le sous-ministre de la Défense nationale  
au sous-secrétaire d'Etat aux Affaires extérieures*

*Deputy Minister of National Defence  
to Under-Secretary of State for External Affairs*

[Ottawa,] August 11, 1920

Sir,

I beg to acknowledge your letter of the 9th August, 1920, forwarding copy of Telegram dated the 7th August, 1920, from the Secretary of State for the Colonies to the Governor General, with reference to the offer of the British Admiralty of the *Royalist* or *Aurora* in substitution for *Glasgow*.

I would request that you kindly inform the Secretary of State for the Colonies that the Canadian Government gratefully accepts the *Aurora* in substitution for the *Glasgow*. I would also request that you convey to the British Admiralty the appreciation of the Canadian Government for their courtesy in substituting an oil burning ship to replace the *Glasgow*.

I am etc.

For Deputy Minister<sup>1</sup>

<sup>1</sup>Copie au dossier non signée.

<sup>1</sup>File copy unsigned.

304.

*Le Premier ministre au premier ministre de l'Afrique du Sud*  
*Prime Minister to Prime Minister of South Africa*

TELEGRAM

Ottawa, September 10, 1920

CONFIDENTIAL. Your letter July 5th. Since portions of report referred to were made to us in confidence by Admiralty representative I felt bound to inquire of Admiralty whether they had any objection to our acceding to your request. Admiralty have now intimated they consider it undesirable that these portions should be exchanged between different Dominions as in that case there might be danger of misconception which will not be incurred when reports are discussed in presence representatives all Dominions at next Imperial Conference. Without commenting on soundness Admiralty position I am unless they alter it, regretfully unable as you will realize to send the papers.

MEIGHEN

305.

*Le sous-secrétaire d'État aux Affaires extérieures*  
*au secrétaire, Gouverneur général*  
*Under-Secretary of State for External Affairs*  
*to Secretary, Governor General*

SECRET

Ottawa, October 22, 1920

Sir,

With reference to a secret despatch from the Secretary of State for the Colonies to the Governor General, dated the 23rd February, 1920, on the subject of naval defence, I have the honour to represent that the Canadian Government are of opinion that it would be appropriate to discuss the question of Dominion naval co-operation at the Imperial Conference when next held.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed, by telegraph, in this sense.

I have etc.

JOSEPH POPE

306.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 431

Downing Street, December 23, 1922

SECRET

My Lord,

I have the honour to transmit to Your Excellency to be laid before your Ministers, the enclosed copy of a Secret Memorandum prepared for the Committee of Imperial Defence (No. 176-C) on the subject of Empire Naval Policy and Co-operation.

2. In accordance with the Resolution adopted at the Imperial Meeting of Prime Ministers and Representatives of the United Kingdom, the Dominions and India in 1921 (see "VI Imperial Defence (Naval)" on page 6 of the Summary of Proceedings and Documents: Cmd. 1474), the preparation of this Memorandum was deferred pending the results of the Washington Conference. In this connection reference is also invited to document E.4 Secret – Empire Naval Policy and Co-operation – which was circulated to the Prime Ministers of the Dominions prior to the Imperial Meeting. It will be observed that no reference is made in the Memorandum to the Mobile Base proposals which were contained in E.4, this scheme being still under the consideration of the Admiralty.

3. The Memorandum deals only with the situation which will arise when the terms of the Washington Agreement have been carried out, at the present time His Majesty's Government have scrapped capital ships in accordance with the Washington Treaty, while no such reduction in naval strength has yet been effected by the United States of America or Japan, both of which Powers it is understood, are awaiting ratification of the Treaty by France and Italy before taking any action in the matter. Should the Washington Treaty not ultimately be ratified by the other Powers, the situation described in the memorandum will be materially altered.

4. His Majesty's Government feel sure that the Memorandum will receive the fullest consideration from your Ministers, and will be grateful for any observations which they may have to offer on the Memorandum generally and in particular for information how far they will be prepared to co-operate on the lines suggested.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

*Document préparé pour le comité de la Défense impériale*  
*Paper prepared for the Committee of Imperial Defence*

SECRET  
176-C

Admiralty, July 28, 1922

THE WASHINGTON CONFERENCE AND ITS EFFECT UPON  
EMPIRE NAVAL POLICY AND CO-OPERATION

*Note by the First Lord of the Admiralty*

It will be remembered that at the Imperial Conference last summer the formal resolution which was adopted and published with regard to the naval defence of the Empire contained a provision to the effect that any recommendations with regard to the method and extent of co-operation among the various portions of the Empire should be deferred until after the Washington Conference.

The results of the Washington Conference have now been published. Its effect upon Empire naval policy is considered in the attached Memorandum prepared by the Naval Staff, in which I concur, and which summarises the recommendations of the Admiralty as to the method and extent of future co-operation between the various portions of the Empire.

L. of F.

*Memorandum by the Naval Staff*

1. Subsequent to the Imperial Conference of 1921, three Agreements have been entered into which directly affect the Naval Defence of the Empire.

(a) The Treaty for the Limitation of Naval Armaments.

(b) The Quadruple Treaty.

(c) The Root Resolutions regarding Submarine Warfare.

2. The effect of each of the above Agreements will be dealt with separately.

*The Treaty for the Limitation of Naval Armaments*

3. The Treaty for the Limitation of Naval Armaments mainly affects three classes of vessels — Capital Ships, Aircraft Carriers, and, to a lesser degree, Light Cruisers.

4. The Admiralty have not recommended that ships of either of these first two classes should be included in Dominion building programmes for the next few years, although it is to be hoped that by the end of the ten years' holiday in Capital Ship construction, which forms a part of the Washington programme, the Dominions will be in a better position to assist in this most expensive but important portion of the burden of naval defence.

The only Capital Ship now included in Dominion Navies is H.M.A.S. *Australia*, which has to be scrapped under the Washington Agreement.

5. Agreement was reached that Light Cruisers should not exceed 10,000 tons displacement nor carry a gun with a calibre in excess of 8 inches.

No limitation was, however, placed on the number of vessels of this class which may be constructed, and in view of the world-wide commitments of the Empire, the provision of this class of vessel is still a matter of the first importance.

6. In classes of ships other than the above no agreement was reached, and reduction in expenditure on these classes of vessels can only be made to such a degree as the requirements of the naval defence of the Empire will permit.

7. The strategic position in the Western Pacific has been adversely affected for the following reasons:

(a) At Hong Kong neither the existing naval facilities for the repair and maintenance of Naval Forces nor the coast defences can be increased.

(b) The United States have agreed not to develop their Naval Bases to the westward of Hawaii. In effect this rules them out, so far as effective interference with Japan in the Western Basin of the Pacific Ocean is concerned, and leaves the British Empire the sole Power to counter, with Naval Forces, any aggressive tendencies on the part of Japan.



### The Quadruple Treaty

8. The Agreement of the Four Powers (British Empire, United States of America, France and Japan) to hold a joint conference should a controversy arise out of any Pacific question is all to the good, as the probability of war developing has undoubtedly been reduced.

9. It must be remembered, however, that the warning which the summoning of such a conference would give, would, in all probability, only be such as to permit of existing services being expanded, and would not permit of new services being organised.

10. In addition, the diplomatic situation would be strained, and it would probably be inexpedient, for fear of jeopardising the negotiations, to make any visible preparations.

### Root Resolutions in regard to Submarine Warfare

11. It will be remembered that the recommendations of the Admiralty in regard to shipbuilding programmes contained both in "Empire Naval Policy and Co-operation" (C.I.D. Paper 131-C<sup>1</sup>) and in the programmes prepared for individual Dominions at the request of Ministers, consisted mainly in the construction of light cruisers and large submarines.

12. It might be desirable to explain how the recommendations in regard to submarines can be reconciled with the attitude adopted by the British Empire Delegation at Washington, where a policy of total abolition was advocated.

13. Abolition of submarines has been the consistent policy of Great Britain since the war, as it is considered that the advantage arising out of the employment of submarines for legitimate naval operations is totally outweighed by the disadvantages of the unscrupulous use of submarines against seaborne commerce by an adversary who has decided to risk the odium likely to be entailed by such operations.

14. Moreover, the grave extent of the submarine menace in the late war and the realisation that the Root Resolutions in regard to submarine warfare, although admirable in intention, cannot be relied upon when formulating war plans for the defence of commerce, remain strong incentives for a policy of total abolition of submarine warfare.

15. Resolutions made in the harmonious atmosphere of the conference room may vanish at the stern test of war, and pretext might always be sought and found by our adversaries to attack us in our most vital spot—seaborne commerce.

16. The Naval Staff are convinced, however, of the great capabilities of submarines for legitimate naval operations, and this opinion, based on war experience, has been confirmed in fleet exercises which have since been carried out.

<sup>1</sup>Circulated to Imperial Conference 1921 as Paper No. E-4. [Note telle que dans le document / Footnote as in Document.]

17. A submarine service is not one which can be suddenly organised on the outbreak of war or when relations become strained.

18. It will be realised from the above that the Admiralty still adhere to their recommendations at the time of the Imperial Conference regarding the construction of submarines and the maintenance of flotillas of this type of vessel by the Dominions.

The general effect of the above agreements on the naval situation may be summarised as follows:

19. A war between the British Empire and any of the great Naval Powers is considered unlikely during the next ten years, but it would not be safe to gamble on this when making provision for the naval defence of the Empire. Should war be forced on us, some warning may be expected, but for diplomatic reasons we should be able to make little use of it.

20. The strategic situation in the Western Pacific has changed for the worse, and the necessary preparations for a possible rapid concentration of the main fleet in the East must be pressed on with.

21. Until the arrival of the main fleet two classes of vessels will be of the utmost value in the Pacific:

(a) Submarines, as only by prolonged operations could our adversary hope to deal effectively with these vessels.

(b) Light cruisers for threatening the enemy's lines of communication and for dealing with enemy raiders operating against our seaborne commerce.

#### Reaffirmation of Principles expounded at Imperial Conference

22. The recommendations as to the forms of Dominion co-operation suggested in the Admiralty document "Empire Naval Policy and Co-operation" and in the paper "Empire Naval Policy: Brief Summary of Recommendations by the Admiralty" and the arguments on which they are based, still hold good.

23. It is desired, however, to re-emphasise the principle on which co-operation should be based; also again to draw attention to those forms of co-operation considered by the Admiralty of more immediate importance.

24. Naval defence can only be assured by adequate naval forces, capable of offensive action and endowed with full freedom of action, which in its turn can only be maintained by adequate fuelling and base facilities.

25. It cannot be too often emphasised that local defence measures, however perfect these may be, are entirely illusory, and can in no way protect any particular portion of the Empire in war, unless the Empire possesses a fleet capable of controlling maritime communications. The fate of any or of all the Dominions may be settled one way or the other thousands of miles from their coasts.

26. It therefore follows that, as the Mother Country cannot unaided maintain the fleet necessary for the safety of the Empire, together with the requisite bases and oil-fuel reserves, *the Dominions and colonies must be depended upon not to confine their co-operation in naval defence to purely local measures.*

#### Dominion Co-operation still a Vital Necessity

27. In the light of the above remarks it will be seen that the world situation still calls for the maintenance by the British Empire of strong naval forces, and, it being impossible for the Mother Country adequately to maintain these unaided, the need for co-operation on the part of the Dominions in Imperial Naval Defence is as paramount as it was at the time of the Imperial Conference.

#### Forms of Co-operation considered of more Immediate Importance

28. Since money contributions to an Imperial Navy do not commend themselves to the Dominion Governments the following are recommended:

(1) During this period of financial stringency, maintenance, by the Dominions which have hitherto possessed navies, of a healthy nucleus of a seagoing squadron which, when times are better, can be rapidly expanded.

(2) Assistance by all Dominions and certain colonies in the provision of world-wide oil fuel supplies.

(3) Assistance by certain Dominions and India in the development of Singapore as a naval base.

29. As regards (1). The Canadian Government when explaining their decisions as to the recent abolition of their seagoing fleet, stated that, had the latter been maintained, overhead charges would have been out of all proportion to the defence value obtained.

30. The Admiralty cannot help feeling that this bears out the view so often expressed by them that the ideal form of Dominion co-operation lies in a unified navy with quota of men and ships supplied by the Dominions and India.

31. The Admiralty can only express the hope that where Dominions find, as in the case of Canada, that the system of separate navies shows a poor return for the money expended, they may be induced to reconsider the position and act upon the foregoing principle.

32. As regards (2). The mobility of the fleet, on which the Dominions and colonies depend almost entirely for their safety, can only be assured by a world-wide system of oil-fuel reserves. A fraction only of these reserves exists, and it is of the most vital importance to the Empire as a whole, as well as to individual Dominions, that this state of affairs should be altered as soon as possible.

If the Mother Country is to bear this burden unaided it will be many years before all parts of the Empire can rely on the certain protection of the Fleet.

33. As regards (3). Should Japan at any time declare war on the British Empire the position of Australia, New Zealand, India, and our Eastern colonies will be one of grave danger until the arrival of the Main Fleet in the East.

For a rapid concentration of the Fleet in the East it is *essential* that a secure base at Singapore can be counted on.

The development of Singapore must take many years, even if substantial assistance is provided by the Dominions. The matter is, therefore, one of great urgency.

#### Recommendations to Individual Dominions and Colonies<sup>1</sup>

...

39. *Canada* — The Admiralty must frankly confess to their great disappointment at Canada's decision to abolish her sea-going Squadron and to confine her naval endeavour to such secondary forms of co-operation as can be left to a force maintained on a reserve basis. For reasons already pointed out, these can be of no real assistance in the naval defence of the Empire.

40. Should Canada not see her way to reconsider her recent decision and maintain at least a healthy nucleus of a sea-going force, it is hoped that consideration may be given to the policy outlined in paragraph 28 of this Memorandum.

41. It is in any case hoped that Canada will find it possible to commence the provision of oil-fuel reserves in accordance with the recommendations made at the Imperial Conference. The total amount of reserves proposed for Canada was 150,000 tons.

...

307.

*Document de l'Amirauté pour le comité de la Défense impériale<sup>2</sup>*

*Paper by the Admiralty for the Committee of Imperial Defence<sup>2</sup>*

SECRET

Admiralty, June 11, 1923

194-C (also E.57)

*For publication eventually*

#### EMPIRE NAVAL POLICY AND CO-OPERATION, 1923

...

As it is desirable that the peoples of the British Empire, on whom the burden of naval effort falls, may understand the principles on which Dominion co-operation is being sought, it will be suggested at the Imperial Conference that this Paper ONLY should, subject to the concurrence of the Dominion representatives, be issued to the press for publication simultaneously in Great Britain and the Dominions.

In order that the published version may be correct and not garbled, it is requested that a copy (marked "FOR PUBLICATION EVENTUALLY")

<sup>1</sup>Les paragraphes omis ne portent que sur les recommandations aux autres dominions, aux colonies et à l'Inde.

<sup>2</sup>Les annexes ne sont pas reproduites.

<sup>1</sup>The sections omitted deal solely with the recommendations to the other dominions, colonies and India.

<sup>2</sup>The appendices to this memorandum are omitted.

may be retained in each Dominion after the departure of their representatives so that it may be given to the press when authority to do so is sent by telegram.

### 1. Empire Naval Policy and Co-operation, 1923

The British Empire is an Oceanic Commonwealth. The economic and defensive organisation of each nation and community of that Commonwealth has grown up and is based to-day on the presupposition that the use of the sea routes is free to us for mutual co-operation in peaceful development and for mutual assistance against external aggression. The control by a hostile Power of the sea routes which are the arteries of the Empire would involve all of us in economic disaster, and leave us individually isolated in the face of attack or invasion by superior forces.

### 2. The Task of the Empire's Naval Forces

The task of the Naval Forces of the Empire is to destroy or neutralise Enemy Naval Forces and thereby to keep open the Sea Communications of the Empire.

In doing so they can secure:

1. The protection of our sea-borne trade.<sup>1</sup>
2. The destruction of the enemy's sea-borne trade.
3. The free movement by sea of our own Military and Air Forces.
4. The prevention of the despatch overseas of enemy Military or Air Forces.

Wherever this task can be most effectively fulfilled, there, and there alone, the Empire as a whole, and each part of it, however remote from the actual scene of operations, will be effectively defended.

The capacity of the Naval Forces of the Empire to carry out their duties in the actual event of war will enable them to fulfil their primary and continuous function, which is to preserve peace and to enable British interests to be safeguarded by peaceful diplomacy.

### 3. The Influence of Air Power on the Naval Problem

The development of aviation, while destined to have a great influence on the tactical organisation of our Naval Forces, will not, outside narrow waters such as the English Channel or the Mediterranean, materially affect the problem of the control of the ocean routes, which, in the main, will continue to depend upon surface craft. Airships, if developed and found reliable, may, however, play a considerable part, in co-operation with surface vessels, in carrying out the reconnaissance of the sea routes and the keeping open of sea communication.

### 4. The Standard of Naval Strength

The definite standard of Naval strength necessary for the peace and security of the Empire must naturally vary with the general political situation, always

<sup>1</sup>The vital importance of overseas trade is shown in the Appendices. [Note telle que dans le document / Footnote as in Document.]

allowing for the fact that Naval strength and efficiency cannot be improvised, and that it takes several years to build a capital ship and a generation to train a really efficient body of senior officers.

The Imperial Conference of 1921 defined the One-Power Standard of Naval strength as the basis of Imperial defence. This standard was contemplated by the Conference as a minimum. It was subsequently, as far as the main units of the Battle Fleet are concerned, fixed as the maximum by the Washington Agreement. This limitation was accepted by the representatives of the Empire at Washington and by the Admiralty, in the general interest of world peace. But in view of the fact that we depend for our very existence upon the freedom of the seas, it is essential that the Naval Forces of the Empire should, within that limitation, attain the highest point of individual and combined efficiency, and the greatest possible degree of mobility.

#### 5. The Problem before the Imperial Conference

At the forthcoming Imperial Conference the Admiralty will present for discussion with the Dominions the building programmes with which the Empire is faced for the next few years in order to maintain the One-Power Standard, and invite them to consider how they can best co-operate in a task which, even with the substantial relief afforded by the Washington Agreement, involves an unduly heavy burden for Great Britain to bear alone. It is obvious that, in order to secure the necessary minimum of security with the equally necessary minimum of cost, there must not only be the most complete and whole-hearted mutual co-operation between the Governments and Services concerned in peace and war, but that the peace organisation must be such as to fit in with the most effective organisation for war.

#### 6. Peace Organisation: The Principle of Dominion Navies

The maintenance of the Naval Forces of the Empire in peace must depend ultimately on the sustained will of the peoples of the Empire as expressed by their Parliaments and through their responsible Governments. It is not merely approval, but the active and determined support of public opinion in every part of the Empire that is required if the Naval effort is to be adequate to our needs. With the growth of the Dominions in national status and sentiment, the only system of Naval co-operation which can command sufficient permanent good-will and support is one under which each Dominion possesses and controls its own Naval Forces. The Admiralty whole-heartedly endorses this principle, not only on political and constitutional grounds, but also because it will develop new centres of Naval strength, and new bases for the Navy of the Empire which are essential to the strategy of the future.

#### 7. Organisation in War

In war the Naval Forces of the Empire must be considered as a single collective Empire Fleet. From the strategical point of view, that Fleet may conveniently be regarded as falling into *three categories*. These three categories

are closely interdependent, but they stand in a very definite order of relative importance.

*First and foremost* comes the *Main Fleet*. This must be capable of performing its function of destroying or containing the *Main Fleet* of the enemy. On it rests the fate of the whole Empire.

*Secondly*, there are the *Detached Forces* which, backed by the power of the *Main Fleet*, exercise control of the sea communications in areas distant from the main theatre of operations.

*Thirdly*, there are the *Local Defence Forces* which are necessary in order to free the *Main Fleet* and the *Detached Forces* for their proper work on the *High Seas*. The effort expended upon these *Local Defence Forces* should only be the minimum necessary to resist such pressure as the enemy may reasonably be expected to exercise in any particular area in view of the general position on the *High Seas*. It should never be allowed to limit or starve the preparations for the *Sea-going Fleet*.

#### 8. Progressive Development of Dominion Navies

The *Naval Forces* of the *Dominions* can, as they develop, take their part progressively in each of these categories. In the course of their development they will naturally pass through certain distinct but successive phases.

Phase 1. In the *First Phase* provision should be made and responsibility assumed for *Local Defence Services*. At the same time preparations should be made for the next phase by beginning the training of personnel for a *sea-going force*. Canada and South Africa are in the *First Phase*.

Phase 2. In the *Second Phase* the first definite steps are taken in the creation of a force for work on the *High Seas*, as opposed to a local defence force. This phase involves the obtaining of one or more *seagoing ships*, and in the first instance it may be necessary, for financial and other reasons, to obtain both the ships themselves and a portion, at any rate, of the personnel from the *Royal Navy*. Throughout this phase the necessary training, repair and fuelling facilities should gradually be built up in preparation for the next phase. This *Second Phase* has been reached by *New Zealand*.

Phase 3. The *Third Phase* is reached when a *Dominion* is in a position to provide and man a *seagoing squadron* of its own, and to take over the full control in peace of the station in which its shores are included. That station will be the normal home station of its *Squadron*, but interchange and co-operation with *British Units* on other stations should be arranged. *Australia* is the only *Dominion* which is now in the *Third Phase*.

Phase 4. In the *Fourth and final Phase* the *Dominions* should be capable, in addition to the *Squadrons* for service on their own home stations, to provide, whether in the shape of additional *cruiser squadrons* or of *capital ship units*, a substantial part of the general scheme of naval defence and, more particularly, of the *Main Fleet*.

Throughout the process of development certain general considerations should be kept in view. The fostering of a Mercantile Marine, and with it of a seafaring population and of a national sea sentiment, constitutes an essential foundation for the building up of a Dominion Navy. A small local Navy, with no scope for ambition and no variety of scene, cannot, in the long run, secure the right type of officers or men, or maintain a high standard of efficiency. A good deal can be done to surmount these difficulties during the Second and Third Phases by a free interchange, both of individuals and of ships, with the Royal Navy. But the real solution lies, for the Dominions which can afford it, in reaching the Fourth Phase as soon as possible and being able to provide in their own ships a regular rotation of home and foreign service, as well as regular opportunities for taking part in the Fleet Exercises of the Royal Navy, and a more extended and varied responsibility for their own senior officers. In any case, whatever the stage of development to which the Government of each Dominion considers its naval efforts can attain in the near future, it will be the endeavour of the Admiralty, by whole-hearted co-operation and assistance, to contribute to the success of those efforts.

308.

*Document de l'Amirauté pour le comité de la Défense impériale*

*Paper by the Admiralty for the Committee of Imperial Defence*

SECRET

Admiralty, July 18, 1923

E-61 (Also C.I.D. Paper No. 201-C)

IMPERIAL CONFERENCE, 1923  
EMPIRE NAVAL POLICY AND CO-OPERATION  
CANADA

Foreword

This paper is written in the belief that the national feeling in Canada does not differ materially from that expressed by Sir Wilfrid Laurier in 1909 when the following resolution proposed by him was unanimously agreed to after debate by the Canadian Parliament.

This House fully recognises the duty of the people of Canada as they increase in numbers and wealth to assume in larger measure the responsibilities of National Defence. The House is of opinion that under the present constitutional relations between the Mother Country and the self-governing Dominions, the payment of regular and periodical contributions to the Imperial Treasury for naval and military purposes would not, so far as Canada is concerned, be the most satisfactory solution of the question of defence.

The House will cordially approve of any necessary expenditure designed to promote the speedy organisation of a Canadian Naval Service in co-operation and close relation with the Imperial Navy, along the lines suggested by the Admiralty at the last Imperial Conference, and in full sympathy with the view that the naval supremacy of Britain is essential to the security of commerce, the safety of the Empire and the peace of the world.



The House expresses its firm conviction that whenever the need arises, the Canadian people will be found ready and willing to make any sacrifice that is required to give the Imperial authorities the most loyal and hearty co-operation in every movement for the maintenance of the integrity and honour of the Empire.

### 1. Object

To summarise the Naval Situation (1923) and to give in outline Admiralty recommendations to Canada in pursuance of C.I.D. Paper No. 194-C.

### 2. The Naval Situation

It may be assumed that the Empire as a whole might be involved in war in defence of Canada or any other Dominion and that the sea communications in all parts of the Empire would be liable to attack in the event of such a war. It is the duty of the Admiralty to protect these communications, with the available British forces together with any forces placed at its disposal by Dominion Governments, on the outbreak of war.

An enemy would be lacking in the elements of strategy if he failed to reap any advantage which might accrue from the attack of a weakly held area.

Similarly, in time of peace, if it became known that arrangements did not exist to control on the outbreak of war the sea communications of any part of the Empire, foreign diplomacy in relation to such portions of the Empire might become more aggressive. It is necessary, in order to advise the Canadian Government as to what Naval forces she should maintain to assist in her own defence, to visualise the quarter from which danger may threaten.

The United States and Japan are the only Naval Powers, which need be considered.

A war with the United States is regarded as almost unthinkable. The attitude of the Empire towards the possibility of such a conflict is shown by the fact that Canada has made no defensive preparations along her frontier such as are customary between even the most friendly foreign States, and that similarly the Admiralty has made no attempt to develop in the Western Atlantic any Naval Base, such as would be required if operations by the Main Fleet were contemplated in that area. None the less, in order not to be entirely helpless in the event of possible aggression, Canada does maintain a military organisation at a certain minimum strength and with a considerable capacity for expansion. But if so, then even from the point of view of Canada's southern frontier, it must be pointed out that Canadian Naval forces are no less necessary than Canadian Military forces.

A successful defence of the vital portion of the Canadian frontier depends upon the command in war of Lakes Ontario and Erie and the St. Lawrence River, when open to navigation.

The command of these waterways calls for Naval personnel, which cannot be built up at short notice when emergency arises.

When the projected improvements in the Canal system between the sea and Lake Erie permit the passage of large vessels, the Naval aspects of the defence of the Canadian land frontier will assume greater importance still.

That in such an event the possibility of reinforcements reaching Canada from the United Kingdom, or of Canadian trade being kept alive, will depend wholly upon the general Naval situation, and that any contribution Canada could make in sea-going strength would be invaluable, is obvious and need not be elaborated with reference to so remote a contingency as that of a conflict with the United States.

### 3. The Naval Situation in Relation to Japan

As a result of the Washington Conference and the abrogation of the Anglo-Japanese Alliance, the strategic situation has changed.

Except for a base in Hawaii, America does not possess, and by the terms of the *status quo* Agreement cannot construct Naval Bases in the Pacific, which would enable the American Fleet to be moved across that ocean.

America is therefore precluded from taking effective action in the Western Pacific.

Consequently the British Empire is left as the sole Power, apart from Japan, capable of operating in these waters. The Four-Power Pact between the United States of America, France, the British Empire and Japan cannot eliminate all possibility of war in that area.

The capital ship superiority of the British over the Japanese Fleet (Ratio 5 to 3) is offset to a considerable extent by the great distance at which the Fleet would have to operate from its main bases of supply and repair.

The Main Fleet, therefore, cannot be divided into detachments, but must be ready to move as a whole to any threatened area.

The need for mobility makes it necessary to press on with preparations for a rapid concentration of our Main Fleet in the Far East, and the keystone of these preparations is the development of Singapore as a fuelling and repair base.

Even after the completion of the Singapore Fleet base and the intermediate fuelling bases, and assuming that the Suez Canal route is available, the Main Fleet will take from one month to six weeks to reach the Western Pacific.

In spite of the heavy burden for Naval defence which the people of Great Britain are bearing, it will not be possible, after providing the necessary Light Cruisers for the Main Fleet, to meet the world-wide calls for trade protection. The position of Canadian seaborne trade on the West Coast, in the event of hostilities with Japan, might be precarious under present conditions. The recommendations which have been made are intended partially to remedy the deficiency in Light Cruisers in North American waters.

They represent the minimum that, in the opinion of the Admiralty, is essential for the protection of trade in the Eastern Pacific and to prevent enemy raiders gaining access to the Atlantic.

As Canada has no Light Cruisers for the defence of her trade, the Admiralty war plan in the event of hostilities with Japan, necessitates the despatch of the greater part of the Light Cruiser Squadron maintained on the North America and West Indies Station in time of peace, and which would be urgently required to work with the Main Fleet, through the Panamá Canal to work off the West Coast, based on a Port in British Columbia.

It is intended as soon as possible after the outbreak of war to replace the squadron by older Light Cruisers and armed merchantmen, when the present ships of the North America and West Indies Squadron would proceed to Singapore.

The main task of the Naval Forces of the Empire in the Eastern Pacific will be:

- (a) To assert economic pressure on Japan by preventing her trade with North or South America.
- (b) To protect Empire Trade in the Eastern Pacific from attack by raiders.
- (c) To prevent enemy raids on British Columbia.
- (d) To prevent enemy raiders gaining access to the Atlantic.

#### 4. Air Power

The control in war of sea communications can only be maintained by Naval forces. Close investigation has shown that, though aeroplanes and seaplanes based on the shore will have to be taken into account in narrow waters, such as the English Channel and Mediterranean, the time is not yet in sight when they can take part in the control of ocean communications. Naval forces can, however, make good use of seaborne aircraft as one of their arms.

Airships, if developed and found reliable, can, if used for reconnaissance purposes, and worked in co-operation with surface vessels, assist in keeping open our sea communications.

#### 5. Composition of Sea-going Dominion Navies

*Light Cruisers* are the smallest sea-going ships of the Fleet which can play a part in protecting our ocean trade routes in war or threatening the enemy's sea communications, and which can provide the necessary sea-going training in peace. To obtain and maintain full efficiency a Light Cruiser Squadron should consist of not less than four ships in full commission. *Submarines* are particularly suitable for aggressive action in the face of superior enemy forces, but a Light Cruiser Squadron is the more urgent requirement for the Canadian Navy, and for this reason and also to avoid the greater expense consequent upon maintaining two types of vessel in a small Navy, it is not recommended that Canada should acquire any submarines at present.

*Destroyers* are essentially a fleet weapon and are uneconomical for local defence or escort duties.

Those which Canada now possesses might well be retained for the peace training of officers and men, and for local defence, but it is not recommended that any more be acquired.

#### 6. Scale of Naval Forces Recommended

The outline recommendations which follow are based on the Naval Defence requirements of Canada, as far as can be foreseen for the next few years.

In framing these recommendations, the expected completion of the Japanese Light Cruiser Building Programme in 1928, as well as the financial and economic position of Canada, have been borne in mind.

Nevertheless, each Dominion cannot be considered without reference to the Empire as a whole. The naval situation of one Dominion is profoundly affected by the Naval effort made by other Dominions and by the Mother Country.

It follows that continuity of Naval Policy is vital if the Empire is to remain secure. An unforeseen reduction of its Naval forces by one part of the Empire cannot be counter-balanced at short notice by a corresponding increase elsewhere, even if finance and popular opinion permit.

#### 7. Naval Co-operation

Continuity of Naval Policy can only be obtained if the various Governments concerned are kept at all times fully advised as to the Naval needs of the Empire. The question of whether the present arrangements are adequate for ensuring this will be raised at the Imperial Conference.

### CANADA: OUTLINE RECOMMENDATIONS

#### I. General

1. It is assumed that the Canadian Navy is now ready to pass from Phase 1 into Phase 2, of which the following is a description (C.I.D. Paper No. 194-C):

In the second phase, the first definite steps are taken in the creation of a force for work on the high seas, as opposed to a local defence force. This phase involves the obtaining of one or more sea-going ships, and in the first instance, it may be necessary, for financial and other reasons, to obtain both the ships themselves and a portion, at any rate, of the personnel from the Royal Navy.

Throughout this phase the necessary training, repair and fuelling facilities should gradually be built up for the next phase.

2. The Admiralty is prepared to assist the Canadian Navy during Phase 2, either by the loan of ships and personnel or by receiving Canadian personnel for training in ships of the Royal Navy until a Canadian ship is available.

3. The proposals which follow are intended to enable the Canadian Navy to reach Phase 3 (sea-going squadron) about ten years hence.

II. Ships

Existing R.C.N. Ships and their Life

Light Cruiser *Aurora*

4. Light Cruisers which took part in the war are assessed to last twelve years, but owing to the financial stringency it is considered that this must be increased to the normal of fifteen years.

H.M.C.S. *Aurora* was completed in 1913, and is therefore considered to reach the replacement age in 1928.

It is recommended that this vessel be kept efficient for use in an emergency until replaced.

Destroyers

5. The useful life of Destroyers is estimated at eight and twelve years respectively, according to whether they took part in the war or not. As in the case of Light Cruisers, it is considered that for financial reasons a life of not less than fifteen years must be accepted for all.

This life may even have to be extended in the case of Destroyers retained for Local Defence purposes.

6. Applying the above to the Canadian Destroyers:

	T.B.D.'s	Date of Completion	Estimated Life	Year due for replacement by Auxiliary Patrol Vessels ( <i>vide</i> paragraph 3 below)
<i>Patriot</i> .....		1916	15 years	1931
<i>Patrician</i> .....		1916	15 years	1931

Submarines

7. For reasons already explained, it is not recommended that the Canadian Navy should include a submarine flotilla at present.

8. Bearing in mind that Submarines C.H. 14 and C.H. 15 have been paid off since the 30th June, 1922, it is not considered that any further expenditure on their maintenance would be justified, and it is therefore recommended that these vessels be disposed of.

Types of Ships recommended for the R.C.N.

Light Cruisers

- 9. Displacement — Limited by the Washington Agreement to 10,000 tons.
- Speed — Sufficiently high to avoid action with enemy Battle Cruisers and not less than 33 knots.
- Endurance — 6,500 miles if possible.
- Fuel — Oil burning.

- Armament — 7.5-inch or preferably 8-inch, which is the maximum permissible by the Washington Agreement.  
Anti-aircraft Guns.  
Torpedo Tubes if obtainable without a reduction in speed or endurance.
- Armour — Protected Deck.
- Cost — Approximately 10,000,000 dollars.

The above are the sketch outlines for the design of Foreign Service Light Cruisers now being got out in the Admiralty.

#### Auxiliary Patrol Craft, Minesweepers and Anti-S/M Craft

10. The question of the design of vessels most suitable for the above purposes is under consideration.

The R.C.N. trawlers are suitable minesweeping craft.

11. It is recommended that dormant arrangements be made in peace to take up on the outbreak of war the additional craft necessary for the above Services.

#### Suggested Building Programme for the R.C.N.

##### Light Cruisers

12. It is suggested that 3 Light Cruisers be built during the next twelve years.

13. In order to assist the Canadian Navy to pass from Phase 2 to Phase 3 (*vide* C.I.D. Paper 194-C), the Admiralty is prepared to recommend that a fourth Light Cruiser be provided and maintained by Great Britain and lent to the Canadian Navy to form a squadron of 4 ships, as soon as the Canadian Government is prepared to take over the Naval Station.

##### Squadron Oiler

14. It is recommended that one oiler be obtained for the use of the squadron.

##### A.P. Craft

15. It is recommended that the R.C.N. Destroyers be retained until a satisfactory design of special craft has been evolved.

#### 16. Summary of Cost of Proposed Building Programme:

	Approximate Year laid down	Approximate Cost
1 Light Cruiser .....	1924	\$10,000,000
1 Light Cruiser .....	1928	10,000,000
1 Light Cruiser .....	1932	10,000,000
1 Squadron Oiler .....	1925	400,000
Auxiliary Patrol Vessels .....		600,000
		\$31,000,000

The above programme, if spread over approximately twelve years, making an average cost of, say, \$2,500,000 a year.

### III. War Plans

17. The initial disposition of a Canadian Light Cruiser Squadron of 4 ships in the event of war with Japan might well be as follows:

*On the Pacific Coast* — 3 Light Cruisers.

*On the Atlantic Coast* — 1 Light Cruiser.

### IV. Repair Ports and Fuelling Ports

18. It is recommended that the existing Naval Yards and Armament Depots at Halifax and Esquimalt be kept up to date so as to be able, with the assistance of local commercial facilities, to cope with the refits and docking of modern Light Cruisers. In the event of war with Japan Esquimalt will assume great importance.

### V. Trade

19. The Trade arrangements have already been communicated to the Dominion Government under the headings:

Naval Control Service — Protection.

Naval Control Service — Contraband Control.

20. It is recommended that the provision of the Naval crews for defensively equipped merchant-vessels, together with the personnel and craft for routing and convoy and for contraband control, be regarded as an urgent requirement.

### VI. Personnel

#### Officers

21. The first essential for the progressive growth of a Dominion Navy is a constant source of supply of officers, more especially officers of the Military Branch, the extensive and specialised training for which precludes its rapid expansion in time of need.

Any considerable gap in the list of officers causes an uneven flow of promotion, which is most undesirable both for the Services and for the officers themselves. In the past it has been possible for the Dominions to rely on borrowing officers from the Royal Navy when insufficient Dominion officers were available, but the recent reduction in junior officers of the Royal Navy will render it increasingly difficult as times goes on to loan any considerable number of officers to Dominion Navies.

22. To meet the difficulty the following courses appear open to the Canadian Government:

(a) To reopen the Royal Naval College of Canada.

(b) To send officers overseas for training.

(c) To institute a Naval class in the Royal Military College of Canada, for the training of Cadets entered on a system analogous to the special entry system in force in the Royal Navy.

23. In regard to the second alternative, the Admiralty would willingly train a limited number of Cadets of the Royal Canadian Navy at the Royal Naval College, Dartmouth, but the limited accommodation available makes it impossible to guarantee that more than a very small number can be accepted in any one year.

The only other Naval College in the Empire is the R.A.N. College at Jervis Bay, which is three times as far distant from Canada.

#### Personnel: Men

24. The building up of personnel to enable a Dominion Navy to pass from Phase 1 to Phase 2 may present difficulties in a country with small maritime population. The first essential is to educate public opinion as to the value of sea power, so that the Navy may be regarded by all parties and sections of the community as a national necessity and asset. The political support of all parties and the encouragement of the Canadian Navy League are some of the methods which suggest themselves.

25. The most powerful incentive to recruiting, however, is the prospect of foreign service, and this can be arranged in the following manner:

#### During Phases 1 and 2

By carrying out the sea-going training of recruits either in a Dominion ship which cruises abroad or by sending the men to ships of the R.N. on other stations.

#### During Phase 3

By arranging the regular exchanges of H.M.C. ships with H.M. ships on other stations.

#### Specialist Training

26. Schools for specialist training in the various technical branches on the small scale necessary in a Dominion Navy are very costly in proportion to the numbers trained, and the alternative, that men should be sent to the schools in England, is recommended for the present.

### VII. Communications

27. It is recommended that the high-power stations, which it is understood will be erected at Montreal and Vancouver, be fitted to broadcast to ships on wave-lengths of not more than 20,000 metres.

28. It is recommended that arrangements be made whereby all commercial W/T stations in Canada, which may be required for Naval purposes, be placed under Naval discipline in war. This might well be effected by arranging that the existing personnel of these stations be enrolled as Naval ranks and ratings on the outbreak of war.

In peace, as many as possible should be encouraged to join the R.C.N.V.R.



VIII. Stores

Fuel

29. Experience has shown that it is unsafe to depend upon normal commercial supplies of fuel in time of war, for the following reasons:

- (a) Difficulties of transport.
- (b) Difficulty of obtaining commercial supplies owing to abnormal demand.
- (c) Grade of commercial oil not necessarily suitable for Naval purposes.

War Reserve

30. It is recommended that 110,000 tons of oil fuel be maintained in Canada as a war reserve.

This quantity is approximate and has been arrived at as follows:

	Tons of Oil Fuel
4 oil-burning Light Cruisers (one year's war consumption) .....	96,000
2 T.B.D.'s used as Local Defence Craft: one year's war consumption (equivalent to half ordinary war consumption because of employment) .....	12,000
Squadron Oiler .....	2,000
	110,000

31. It is recommended that this oil and the necessary storage be provided during the next eight years at a total cost of approximately \$2,600,000, or an annual cost of \$325,000.

Positioning of Oil Reserves

32. It is recommended that a reserve of 80,000 tons of oil fuel be established on the Pacific Coast, in the vicinity of Esquimalt, and that 30,000 tons be stored at Halifax, at both places in Government-owned tanks.

Peace Requirements

33. The basis adopted in the Royal Navy for calculating the allowance of fuel for vessels in commission is to take the probable number of days steaming and add the estimated consumption for auxiliary purposes and for the authorised trials at special speeds.

Armament Supplies

34. The manufacture of Armament Supplies on a small scale is uneconomical, though on the other hand it is desirable in principle that Dominion Navies should be self-contained in this as in other respects.

For these reasons, it is recommended that Canada should manufacture armament supplies whenever local production would prove economical, but in other cases it appears undesirable to incur expenditure which does not produce additional Naval strength.

35. Independent Naval Inspection during manufacture of armament supplies intended for use on board H.M.C. ships is considered essential.

#### Naval and Victualling Stores

36. The fact that nearly all Naval and Victualling Stores required for the R.C.N. are obtainable in Canada is highly satisfactory.

### IX. Local Defence

37. The question has arisen whether the Dominions wish the Sub-Committee of the Joint Defence Committee, which is now considering the Scales of Defence of British Ports Oversea, to examine at the same time the Scales of Defence of Dominion Ports.

Scales of Defence, when complete, will include recommendations for Local Naval and Air Defence and for defences on land.

### X. Air Co-operation

38. It is recommended that future Canadian Light Cruisers be built to carry one or more amphibians.

39. An aerial patrol of the Coast of British Columbia would materially assist local Naval Defence Forces in the event of war with Japan.

### XI. Hydrographic

40. It is suggested that the present system of exchange of publications resulting from the Surveying work undertaken by the Dominion be developed.

The Admiralty has recently ceased to publish charts of the River St. Lawrence above Quebec, thus depending upon the Canadian charts of these pilotage waters.

It is very desirable that charts published by the Hydrographic Departments of the Empire should be co-ordinated as far as possible.

309.

*Mé morandum du commodore Walter Hose*

*Memorandum by Commodore Walter Hose*

[Ottawa,] September 27, 1923

#### NOTES ON NAVAL DEFENCE POLICY

It is necessary to go back to the Canadian Naval situation immediately after the Armistice in order to trace the conditions and consequent events.

At that time there was no permanent Royal Canadian Navy except for a fine body of some 60 young officers of varying seniority and experience who, for the past eight years, had received their preliminary training in the Royal Naval College of Canada, and had subsequently been trained in ships and establishments of the Royal Navy.

Naval effort during the war had resolved itself into local protection of the Canadian convoy assembly ports and the provision of considerable quantities of supplies.

For these Naval Defence operations, Naval Volunteers had been raised and trained and the types of craft employed were commercial and adapted to the naval requirements of their work. Both men and ships consequently were demobilized after the cessation of hostilities.

The year after the war, two small but modern submarines were accepted by the Dominion Government from the Imperial Government, but these were not put immediately into active commission.

In this year, also, Admiral Lord Jellicoe visited the Dominions, Canada included, and drew up certain recommendations to to how co-operation could be best effected by each individually in the matter of Imperial Naval Defence.

Consequent upon these recommendations, the Dominion Government, early in 1920, decided on a complete re-organization of the Canadian Naval Service and accepted one Light Cruiser and two Torpedo Boat Destroyers from the Imperial Government as being a step in the direction indicated by the Jellicoe recommendations.

There is no question but that this spontaneous gift of the *Aurora*, *Patriot*, *Patrician*, and two submarines from the Imperial Government in order to assist Canada in developing her Naval Defence at as small a cost as possible, was much appreciated by the Dominion, and valuable work was done during 1920 and 1921 in training the personnel of the new Canadian permanent R.C.N. force, the ships being manned with as few borrowed R.N. personnel as possible in order to afford accommodation for recruits.

The present Government of the Dominion, however, took a different view of the naval situation in the latter part of 1921, and were not wholly in accord with the Jellicoe recommendations, and the following were the factors influencing their actions:

1. The Washington Conference on the Limitation of Armaments had not completed its work, and it was probable that the outcome of the Conference might profoundly affect the situation.

2. Even after the conclusions of the Conference had been made public, it would be necessary for some time to elapse before the interpretation placed by the various powers on these conclusions could be properly gauged.

3. That the Naval policies, not only of the various Dominions, but of the British Commonwealth, must await the careful weighing of the results of the Washington Conference as shown in the various national interpretations, and that this consideration would be given at an Imperial Conference.

4. The resolution agreed upon by the Prime Ministers of the United Kingdom and the Dominions at the meeting held on the 27th of July, 1921 (see attached).

5. The Jellicoe recommendations indicated no progressive line of development, taking into consideration the various naval functions and responsibilities in order of their relative urgency and importance.

Finally, the condition of financial stringency after the war made retrenchment imperative and the embarkation on Naval programmes not previously attuned to any definite policy, and before the conditions for arriving at any correct policy had materialized, was considered wholly and utterly improper.

Retrenchment in Naval expenditure was therefore carried out, not arbitrarily, but with a view to definite policy which was bound to hold good whatever the results of the first three factors in the situation above mentioned.

In any policy, the Canadian Government considered its prime Naval responsibility was the defence of local shipping bases, a stand which, it is most gratifying to note, is supported by the Committee of Imperial Defence in its Memorandum on co-operation in Naval Defence prepared for this Conference.

Consequently, an appropriation was granted to organize local defense forces of sufficient strength pending, at any rate, the outcome of the consideration which had to be given to the three first factors above mentioned.

This organization is the minimum effective force for the purpose and has been evolved with a view to orderly expansion under any conditions if considered necessary.

WALTER HOSE

310.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

SECRET DESPATCH

Downing Street, December 15, 1923

My Lord,

I have the honour to request Your Excellency to inform your Ministers that advantage was taken of the recent meeting of the Imperial Conference to discuss at the Admiralty with the Director of the Naval Service of Canada the question of co-ordination of the Imperial and Dominion Forces on the North America and West Indies Station in time of war.

2. I enclose two copies of a Memorandum showing the arrangements which were agreed upon with Commodore Hose. I should be glad to know whether your Ministers approve of the arrangements proposed.

3. The Memorandum is also being communicated to the Newfoundland Government for consideration.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

NORTH AMERICA AND WEST INDIES STATION  
CO-ORDINATION OF IMPERIAL AND DOMINION NAVIES IN TIME OF WAR

1. Canada will be responsible for, and will have control of, all local defences and local patrols in the vicinity of the Canadian Coast.

This will include any Imperial craft definitely assigned for such work.

2. The Canadian Naval Board will control all war services operated on shore, e.g. Promulgation of Navigational Warnings relating to Canadian and adjoining waters. The Canadian Naval Board will act in concert with the Admiralty and, as far as local circumstances permit, will adopt procedures and systems which the Admiralty are putting into force in other parts of the world.

3. As regards the waters contiguous to the coasts of both Canada and Newfoundland, the Admiralty will initiate or advise on, as necessary, questions requiring co-operation of the two Dominion Governments. The Commander in Chief North America and West Indies may act as the Admiralty representative in such consultations.

4. The responsibility of the Commander in Chief North America and West Indies for the seagoing forces on his station will remain unaltered. The Commander in Chief North America and West Indies will accordingly be kept informed of any details of the Local Defence or Local Patrol arrangements which in any way affect the movements or the freedom of action of this force, and will be consulted as to any change of policy as regards such arrangements.

5. The limits of the North America and West Indies Station not to be affected by the foregoing.

6. All war measures to be concerted between Admiralty and Canadian Naval Authorities, the Newfoundland Government being consulted as necessary. Commander in Chief North America and West Indies may act as Admiralty representative.

7. In the organisation of Convoy work, the responsibility of the local and seagoing forces respectively will be governed on the North America and West Indies Station as elsewhere by the following general principles. The word "convoy" includes single vessels under escort of a seagoing war vessel.

(i) The Ocean Escort is responsible for the safety of the Convoy.

(ii) The Local Authorities are responsible for the provision of the Local Escort and all necessary information being given to it.

(iii) The Authorities at the Port of Departure are responsible for informing the authorities at the Port of Arrival what rendezvous the convoy will make, and when.

(iv) The Authorities at the Port of Arrival are responsible for the promulgation of navigational warnings and these may include an alteration in the rendezvous.

(v) If the Local Escort cannot be at the rendezvous at the time stated, the responsibility for informing the Convoy lies with the local authorities.

(vi) If the Convoy cannot be at the rendezvous at the time stated, the responsibility for informing the Local authorities lies with the Ocean Escort.

(vii) The Ocean Escort and Local Escort having joined company, the command and responsibility of the whole lies with the Ocean Escort so long as she remains in company, and Local Escort being in its turn responsible for giving the Ocean Escort all necessary information as to dangers, channels to be used, etc.

311.

*Le secrétaire aux Colonies au Premier ministre*  
*Colonial Secretary to Prime Minister*

CONFIDENTIAL

[London,] December 19, 1923

My dear Prime Minister,

The Committee of Imperial Defence paper on "Empire Naval Policy and Co-operation" circulated to the Imperial Conference 1923 as Paper E. 57 originally contained the suggestion that it should, subject to the concurrence of the Dominion representatives at the Conference, be issued to the press for publication simultaneously in the Dominions and here.

When you came to speak on Defence questions at the Imperial Conference (Minutes of 9th Meeting page 19) you referred to this question and expressed the view that no memorandum of this kind should be published in the Dominions without, in the first instance, the full sanction and authority of the Dominion Governments. You will remember, too, that it was the general view (see page 9 Section VI of the Published Summary of Proceedings) that nothing should be published concerning the work of the Conference without its approval and under its directions.

The First Lord of the Admiralty has now asked me to approach the Dominion Governments and find out what view they take of publication of the Memorandum in question. I do not think that any of the Prime Ministers other than yourself dealt with this particular matter at the Imperial Conference. As a first step, therefore, I should be grateful if you would let me know whether the Canadian Government would see any objection to publication of Paper E. 57 (a revised copy of which has now been circulated) assuming the other

Governments concerned consented to publication. In that event, arrangements would, of course, be made later to notify the Canadian Government, so that simultaneity of publication could be secured.

Yours sincerely,

DEVONSHIRE

312.

*Le Premier ministre au secrétaire aux Colonies*  
*Prime Minister to Colonial Secretary*

TELEGRAM

Ottawa, January 12, 1924

Subject matter in your confidential letter December nineteenth carefully considered by Cabinet to-day. Colleagues unanimously of view that First Lord of Admiralty should be informed that Canadian Government would very strongly object to publication of memorandum in question. Am writing.<sup>1</sup>

MACKENZIE KING

313.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

SECRET DESPATCH.

Ottawa, February 11, 1924

Sir,

With reference to the Duke of Devonshire's Secret Despatch of the 15th December on the subject of the co-ordination of the Imperial and Dominion Forces on the North America and West Indies Station in time of war, I have the honour to inform you that my Government approves of the proposals as contained in the memorandum enclosed in the despatch under reference.

I have etc.

BYNG OF VIMY

314.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 5, 1924

SECRET. MOST URGENT. My telegram February 20th. Following from Prime Minister for your Prime Minister. Begins. Cabinet Committee on Singapore has now reported and in light of its report, Cabinet have drawn up draft statement of policy for announcement in Parliament, which the Secretary of State is sending you in separate telegram. But in view of the discussions at the Imperial Conference last Autumn and the great interest of some other parts

<sup>1</sup>Par suite d'un changement de gouvernement survenu en Grande-Bretagne, le Premier ministre n'expédia pas la lettre annoncée.

<sup>1</sup>Owing to the change of government in Britain at this time, the Prime Minister did not send a letter on this subject.

of the Empire in the matter, I feel that I ought not to make the announcement until you and other Prime Ministers have had full opportunity of expressing their views. I should be most grateful for a reply as soon as possible, if you wish to make any comments on the draft statement of policy, as we shall be bound to make our position clear at latest on the Naval estimates which we hope to introduce March 17th, and I should prefer if I could make announcement next week. Similar telegram sent to other Prime Ministers. Ramsay MacDonald. Ends.

315.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

London, March 6, 1924

PARAPHRASE OF TELEGRAM

SECRET. Singapore. With reference to Prime Minister's message of March 5th to your Prime Minister, the following is a draft of statement of policy. Begins. The arguments in support of the continuation of the Singapore project urged upon us from the point of view of technical strategy, and reasons which led up to its adoption have been closely studied. However, we have come to the conclusion that we cannot ask Parliament to proceed with this scheme, as the matter has had to be considered in a wider relationship by us. Our action, if we were to do so, would exercise on our general Foreign policy, we are convinced, a most detrimental effect. As we have repeatedly stated, we stand for a policy of international co-operation through an enlarged and strengthened League of Nations, the creation of conditions which will make possible in the limitation of armaments a comprehensive agreement, and a settlement of disputes by judicial arbitration and conciliation. In my letter of February 21st to Monsieur Poincare it was stated — "Our task, meanwhile, must be to establish confidence and this task can only be achieved by allaying international suspicions and anxieties which exist to-day."

We are convinced, apart from any other considerations, that if we were to embark on the creation of a great Naval Base at Singapore, our good faith would be open to suspicion and the establishment of this confidence would be hampered. We take the view that whilst maintaining the present standards in a state of complete efficiency, it would be a serious mistake to begin new developments that could only be justified on assumptions that would definitely admit we had doubts in the success of our own policy. We should almost inevitably drift into a condition of mistrust and competition of armaments in the Far East as a result.

Only as part of a complete defensive Pacific strategy was the Singapore Base urged, it is generally admitted. Should the practical necessity arise for putting such a strategy into operation, by reason of the condition of world politics and a return to attempts to provide Imperial security primarily by armaments, the whole question would have to be reconsidered, but in the



opinion of His Majesty's Government that has not arisen and to try and prevent its arising is our duty. In our policy we have every confidence, and that it should be given the best possible chance of success is our desire.

We have, therefore, decided not to proceed with the Naval Base at Singapore as an earnest of our good faith. Ends.

I am asked by the Prime Minister to say that the Cabinet attach great importance to keeping secret at present the draft statement.

316.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, March 10, 1924

SECRET. Following for your Prime Minister from my Prime Minister. Begins. Referring to your telegram of 5th March — Naval Base at Singapore. Last year at the Imperial Conference the representatives from Canada took the stand that they were not in a position to offer any advice regarding necessity of establishing base, and that any recommendations with respect thereto which might be presumed to commit the then Government or any subsequent Government they were therefore unwilling to join in. My colleagues and I do not feel, in the circumstances, that the proposed statement of policy outlined in the Secretary of State for the Colonies despatch dated the 6th of March calls, on our part, for any comment. Ends.

BYNG

317.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, March 17, 1924

Singapore. Following from Prime Minister for your Prime Minister. Begins. I brought your reply to my message of March 5th, together with the replies from other Prime Ministers, before the Cabinet. We are deeply sensible of the sympathetic attitude which the other parts of the Empire have shown to the principle on which our proposed policy is founded, even though all do not feel able to endorse the methods by which we consider those principles can best be carried out. After having carefully examined the replies, we feel bound to make statement in Parliament following, with minor alterations in the text, in (?) the Secretary of State's telegram of March 6th. We are proposing, however, also to make clear to Parliament the tenor of the replies to my message of March 5th and the Secretary of State for the Colonies is telegraphing separately text of the proposed summary.

318.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 17, 1924

SECRET. Following is proposed summary referred to in Prime Minister's message of to-day. Begins. After we had provisionally reached our conclusion, we felt it our duty, in view of the recent discussion at the Imperial Conference, to communicate with the Governments of the self-governing Dominions. We therefore put the position before them and invited their views. We propose to give the House a summary of these views. The Canadian Government tells us that they wish to refrain from any advice on the problem. The Irish Free State has adopted a similar attitude. As to Australia, New Zealand and Newfoundland, I must explain quite clearly that their Prime Ministers wish and indeed urge us to proceed with the Base. The Commonwealth Government express cordial sympathy with our International policy of conciliation. They tell us that the desire in Australia is for a better understanding among Nations, and a definite reduction of armaments on every possible occasion. They consider, however, that the action which we propose, instead of assisting the policy in view, will jeopardize it in that any reduction in the mobility of the Fleet will reduce our influence in the Council of Nations. If development of the Singapore Base (the intention to proceed with which was, they pointed out, well understood at the time of the Washington Conference) is now to be discontinued, Australia would rather see this step taken as a means for securing further International agreement for mutual reduction of armaments.

The New Zealand Government attaches great importance to the development of the Base, their opinion being founded mainly on the grounds of naval strategy. While laying stress on the view that its use is for defensive and not offensive purposes, they feel that the interests of the British Empire in the Pacific will be endangered should our capital ships be unable to operate in those waters, and that the time has not yet come to rely solely on influence for the peace of the League of Nations. I should add that the Commonwealth Government have informed us of their readiness to submit proposal to their Parliament for a substantial contribution to the development of the Base. New Zealand has already generously offered a first contribution of £100,000 towards it.

Lastly from South Africa. We have heard from General Smuts that our proposed policy, which he describes as "a bold move towards peace" meets with his whole hearted agreement. He feels that the authority of the British Empire as protagonist of the great cause for appeasement and conciliation among Nations would be seriously undermined by the construction of the Singapore Base.

From above summary I think I may claim that we have a large measure of sympathy in the Dominions with our International policy, even if all parts of the Empire do not feel able to endorse the method by which we consider that policy should be carried out. Ends.

319.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

SECRET DESPATCH

Downing Street, March 28, 1924

My Lord,

I have the honour to transmit to Your Excellency, for the consideration of your Ministers, ten copies of a memorandum (C.I.D. paper No. 221c) regarding Empire naval policy and co-operation.

2. The proposals made in this memorandum were prepared with a view to discussion at the recent Imperial Conference, but they were not brought forward owing to the limited time available.

3. His Majesty's Government would be glad to learn whether your Ministers concur generally in the proposals contained in the memorandum: if so, they will gladly co-operate in giving effect to the scheme in detail.<sup>1</sup>

4. A similar despatch is being sent to the Governors General of the Commonwealth of Australia, New Zealand and the Union of South Africa and to the Governor of Newfoundland.

I have etc.

J. H. THOMAS

[PIÈCE JOINTE / ENCLOSURE]

*Mémoire du personnel de la Marine**Memorandum by Naval Staff*

SECRET

London, February, 1924

C.I.D. 221-C

## EMPIRE NAVAL POLICY AND CO-OPERATION

The question whether the present arrangements are adequate for keeping the various Dominion Governments fully advised as to the Naval needs of the Empire with a view to obtaining continuity of Naval policy has already

<sup>1</sup>Dans la réponse qu'il envoya le 14 janvier 1926, le Gouvernement canadien se déclara prêt à donner son accord de principe à ces propositions mais, en contre-proposition à l'alinéa 8, suggéra ce qui suit:

<sup>1</sup>In the reply that was sent on January 14, 1926, the Canadian Government said that it was prepared to express general concurrence in the proposals contained in the memorandum, but as an alternative to the second sentence in Paragraph 8 it suggested the following:

The organisation would be one of frequent interchange of the individual officers and continual close co-operation of the respective British and Dominion Naval Staffs, which would, however, be distinct entities under their several Governments.

been brought to the notice of the Dominion representatives in the various Committee of Imperial Defence Papers forwarded to them on the subject of Empire Naval Defence.

2. Any arrangements which are come to should be such as to require only a minimum adjustment to enable a supreme Naval authority to function in time of war, and it is also fully recognised that the Dominions, unless they have decided otherwise, will continue to retain in their own hands not only the development and disposition of their own forces in peace, but also the right of decision whether or not these forces are to be placed at the disposal of the Admiralty in time of war.

3. Arrangements for co-operation between the Naval Services and Forces of the Dominions of Canada and Australia and the British Navy were agreed to at the 1911 Imperial Conference, and arrangements have, as the services of other Dominions developed, been made with those Dominions.

4. The arrangements were severely tested during the war and they proved a fairly satisfactory basis for co-operation, but, in view of the recent reductions of the British Fleet and the possible further extension of Dominion Fleets, it is considered that they now require some elaboration and amendment; the question of Staff co-operation in particular seems to require further consideration.

5. On paper, the Empire Navy of one-power Standard, as contemplated by the Imperial Conferences of 1921 and 1923, and made up of the various Dominion Navies, together with that of Great Britain, might well appear equal to that of another Power, but there is a grave danger that its collective efficiency might fall short of that required to safeguard the Empire unless suitable arrangements exist for all parts to be trained and prepared so that they can act as one in war. The problem which has to be faced by each Government is how best to organise, train and prepare its Navy in peace so that in war all the various portions of the combined Empire Navy may be able to act together for the defence of the Empire with an efficiency and striking power at least equal to that of any foreign fleet.

6. In all matters affecting naval fighting efficiency a Government is advised by its Naval Board or Admiralty which, in giving advice, is in turn assisted by its Naval Staff. The Naval Staff at the Admiralty is an organisation apart from the Administrative and Technical Departments, and is solely charged with questions of Naval policy, war plans and training for war. The British Naval Staff is at present composed of seven divisions, attached to which are a total of some fifty-six Naval and Marine Officers. The divisions, and a summary of their functions, are shown in the attached table:

Intelligence Division	– Collection and distribution of intelligence. (World wide.)
Plans Division	– Preparation of plans and policy.
Operations Division	– Movements of ships, &c.
Trade Division	– Plans for protection of shipping.

T. and S.D. Division — Principle of training generally. Principles of staff organisation and co-ordination between the divisions of the staff.

Gunnery Division }  
Torpedo Division } — Use of weapons.

In addition, there are two small sections, an Air Section and a Tactical Section, to advise on these particular subjects.

7. It is felt that the setting up of a Naval Staff comparable with the above by each Dominion in the early stages of its naval development would be hardly practicable, as overhead expenses would be out of all proportion to the size of the Navy maintained. At the same time it seems clear that a Dominion Navy will require its own Naval Staff, and it is most important that the separate staffs should not work in watertight compartments.

8. These difficulties can perhaps best be overcome by the appointment of Dominion Naval Officers to the Admiralty Naval Staff and British Naval Officers to the Dominion Naval Staffs, and by arranging for a free interchange of advice being maintained between the Naval Advisers at the Admiralty on the one hand and the Naval Advisers of the Dominions on the other. The organisation would be analogous to the Imperial General Staff, agreed to in principle at the 1907 Imperial Conference, when it was pointed out that this function of advice was performed by the General Staff "without in the least interfering in questions connected with command and administration."

9. It will be recognised, however, that, in order that suitable officers may be available to fill the appointments on the several Naval Staffs, Staff training will be essential, and it seems desirable that this Staff training should be uniform. The setting up of separate Naval Staff Colleges by the Dominions would be expensive, but, as a Staff College has already been established in Great Britain, it is suggested that, as each Dominion Navy develops, selected Dominion Officers should be trained at this College with a view to their subsequent employment on the British and Dominion Naval Staffs. The actual strength of the several Naval Staffs would be a matter to be settled by the Governments concerned.

10. To sum up, it is proposed that the following general principles should now be adopted:

(a) In order to obtain continuity of Naval policy and to ensure that the best advice on questions concerning the Naval defence of the Empire is always available for the British and Dominion Governments, the several Naval Staffs should be built up by uniform Staff training and a free interchange of officers between the British and Dominion Naval Staffs.

(b) A free interchange of advice should be established between the British and Dominion Naval Staffs.

11. It is suggested that this development of the Staff aspect of Naval organisation should be marked by adding the title of Chief of Naval Staff to those of the first Naval Members in Australia and New Zealand and of the

Director of Naval Services in Canada, and that the Chief of the Naval Staff, Admiralty, should, on the analogy of the Chief of the Imperial General Staff, be described as the Chief of the Imperial Naval Staff.

PARTIE 5 / PART 5

RAPPORTS CONSTITUTIONNELS  
CONSTITUTIONAL RELATIONSHIP

320.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 23, 1924

CONFIDENTIAL. Following from Prime Minister for your Prime Minister. Begins. You will have probably seen from the press report of the recent speeches of the Secretary of State for the Colonies and myself in Parliament, that we are concerned as to the adequacy of the present system of consultation with the other self-governing parts of the Empire on matters of foreign policy and general Imperial interest. We fully accept the principle of the necessity for effective arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action, founded on the consultations, as the several Governments may determine (see Resolution IX of the Imperial War Conference 1917).<sup>1</sup> We also realize that action to be taken, as a result of the consultations, whether at or between the Imperial Conferences, must be subject to the constitutional requirements of each country. But we feel, as a result of our experience since taking office, that the system in practice has two main deficiencies.

Firstly, it renders immediate action extremely difficult, more especially between Conferences, on occasions when such action is imperatively needed, particularly in the sphere of foreign policy.

Secondly, when matters under discussion are subjects of political controversy, economic or otherwise, conclusions reached at and between Imperial Conferences are liable to be reversed through the changes of Government.

Such a state of affairs inevitably leads to ineffectiveness; it also causes disappointment, and doubts are thrown on the utility of the whole Imperial Conference system.

What the remedy is, it is difficult to say. On the first point, i.e., the importance of securing, on the occasion of rapid decisions, particularly on matters of foreign policy, it occurs to us that further examination of the Resolution on the Negotiation, etc., of Treaties, proposed [passed] at last year's Imperial Conference, might be worth while, in order to consider how far that resolution needed to be supplemented and interpreted, and whether the

<sup>1</sup>Vol. 1, Doc. 476, pp. 308-309.

principle embodied in it can usefully be extended to other matters affecting foreign relations.

On the second point, i.e., means of making the Imperial Conference resolutions, whether they relate to economic or other matters, more effective, what is wanted is, I think, as I indicated in a speech in Parliament on June 18th, "creation of some sort of workable machinery so that public opinion in the whole of our Commonwealth of States should influence the policy for which the Commonwealth must be responsible". We had in view the desirability of avoiding Party issues when proposing (see telegram from the Secretary of State June 19th) appointment of an Economic Committee, with a reference framed so as to exclude questions of tariff policy.

One method of bringing about the result desired, which was mentioned by the Secretary of State in recent speech in Parliament, is that the Imperial Conference in the future should not be confined to representatives of the Parties in office for the time being. When it was contemplated some years ago, that a special Constitutional Conference should be held, it was proposed from more than one quarter that such a Conference should be representative of the Oppositions, as well as the Governments. On the other hand, we realize that this suggestion is open to the criticism that it would tend to hamper the frank exchange of views and unrestricted inter-communication of confidential information on such matters as foreign policy and defence, which have become so outstanding features of recent Conferences.

Another method might be to continue the representation of Governments only, but to arrange for each Government to obtain from its own Parliament beforehand a general approval, within sufficiently wide limit, of the attitude to be taken up by its representatives. While avoiding the criticisms of the first method, this might tend to diminish the flexibility of the Conference procedure.

We should like your views on these suggestions, and if you should be able to make any others, they would be welcomed. We ourselves have quite an open mind, and are merely exploring the situation.

Our own feeling is that the time has hardly come, either to revive the idea of a Constitutional Conference or to call a special meeting of the Imperial Conference, to consider the problems outlined above. But we should like these problems given a preliminary examination in the near future, and it has occurred to us that a possible method might be to have a meeting of, say, two representatives of each of the countries concerned, who have had experience of constitutional working, to consider these problems, and present a report as a basis for further discussions. How would you view this idea, and if it commends itself, what time would be most convenient for a meeting? Possibly October might be suitable, as this would permit of some of the Dominion delegates to the next Assembly of the League of Nations being amongst the representatives, if this were desired. Similar telegram sent to other Prime Ministers. Ramsay MacDonald. Ends.

321.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 25, 1924

CONFIDENTIAL. Following for your Prime Minister from my Prime Minister. Begins. Your telegram 23rd June, confidential, on the subject of the present system of consultation between His Majesty's Government and the other self-governing parts of the Empire on matters of foreign policy and general Imperial interest, my colleagues and myself are at present extremely occupied in winding up the present session of Parliament, and unable at the moment to give to the despatch the careful consideration its importance merits. As soon as prorogation takes place, we shall endeavour to give to the subject matter of the despatch our best consideration. Ends.

322.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 7, 1924

Following from my Prime Minister for your Prime Minister. Begins. Re preliminary meeting inter-Imperial consultation. Our Government has now considered the proposals set out in your cable despatch of 23rd June. We agree as to the desirability of a more definite understanding on the matters therein referred to. The questions are not new, and very marked progress has been made in their clarification and solution particularly in recent years. Whilst finality is not possible in a constantly changing situation, doubtless further steps can be taken. The difficulty is inherent in the existence of several self-governing communities scattered over the globe with, in large part, different neighbours and different problems, and is increased by absence of precedent for experiment in co-operation which members of British Community of Nations are working out. We believe that with the good-will which has always prevailed, it can continue to be met.

As to first of specific proposals, we agree it would be helpful to consider possibilities of further extension of principle embodied in resolution on negotiation, etc., of Treaties. Second proposal does not appear feasible. It is undoubtedly inconvenient to have reversals of policy, but this liberty must be assured so long as separate Parliaments exist and electors are to be free to have policies determined in accordance with their wishes. As a matter of fact, even with changes in Governments, there is very considerable measure of continuity of essential policy.

Proposal to have all parties represented in Imperial Conferences, with a view to preventing policies agreed upon thereat being rejected by existing or future parliaments, would seem to imply setting up a new body supreme over the several parliaments. We regard the Imperial Conference as a Conference



of Governments, of which each is responsible to its own parliament and ultimately to its own electorate, and in no sense as an Imperial council determining policies for the Empire as a whole. We would deem it most inadvisable to depart in any particular from this conception, which is based upon well-established principles of ministerial responsibility and the supremacy of parliament. We consider, with respect to all Imperial Conference resolutions or proposals, that each Government must accept responsibility for its attitude and opposition or oppositions be free to criticize; with Parliament, and, if occasion arises, people deciding the issue.

As to approval by Parliament in advance of attitude to be taken by our representatives, we feel that this could be given only where Parliaments had knowledge in advance of specific questions to be considered, and in light of then existing circumstances. We agree that even in such cases adoption of this method might tend to diminish flexibility of Conference procedure.

We share the feeling expressed in your message that the time has hardly come either to revive the idea of a Constitutional Conference or to call a special meeting of the Imperial Conference to consider these problems. We would be prepared, however, to take part, in the manner suggested, in a meeting in the near future for the preliminary examination of these problems and the preparation of a report as a basis for further discussion, provided other parts of Empire agree and a date convenient for all can be found. Early in the month of October would appear to us to be the most convenient time for such meeting. Ends.

323.

*Mé morandum du Conseiller au Premier ministre*  
*Memorandum from Counsellor to Prime Minister*

Ottawa, August 12, 1924

PROPOSED INTERIMPERIAL CONFERENCE

Mr. Belcourt's despatch of to-day, together with press cables during the past week, makes it appear doubtful whether the proposed Constitutional Conference will be held. I should think that the British Government would be obliged to go through with the proposal, once having raised it, unless Australia persists in its unwillingness to take part, or some other Dominions take a similar attitude.

I have gone through the Australian cable on the subject, sent to London on July 16, and mailed from London on July 24 and received in the Prime Minister's Office on August 8. (Possibly it was this despatch about which you were inquiring while Council was in session last week. If so, I am responsible for it not coming to your attention, as a copy had been sent to me, and I did not go into it immediately because of it being clipped with another document which I had already seen.)

The Australian attitude is apparently to adhere to the Imperial Conference as the main instrument of consultation and settlement of what they term "a common Empire policy on matters such as foreign policy, defence, and inter-Empire trade". On questions of "urgent foreign policy" the only suggestion they have besides full and earlier cable advices is the establishment of a Foreign Office branch in the Office of the High Commissioner in London — a suggestion much like that which you have been considering. For matters other than foreign policy they suggest the organization of a permanent Imperial secretariat in London. It is interesting to note that the first proposal for such a body, made, I think, by Mr. W. M. Hughes, looked to the secretariat including foreign affairs as its main function. Mr. Bruce has now varied that proposal, but it does not seem probable that even in the modified form it would be at all acceptable to Canada. Australia is equally opposed with Canada to representation of Opposition parties. They do not wish a Conference at present, but prefer to consider the matter further in the interval until the next Imperial Conference and to exchange views on the subject during this time by cable.

I have not seen any Irish Free State discussion of this subject, though in a recent debate in the Dail Desmond FitzGerald stated that with regard to any international conferences the Free State did not consider it possible to have such a thing as British Empire or Commonwealth representation: each separate Government should be represented by a distinct representative with Full Powers from the King, or not at all.

I have drawn up on the attached memorandum a very brief summary of what I take to be your position on the subject. If this is not correct or incomplete, I hope you will be able to get time to indicate corrections before I leave, so that in the event of a preliminary conference being held in October we will know the Government's position.

[O. D. SKELTON]

[ANNEXE / ANNEX]

*Mémoire sur la Conférence constitutionnelle préliminaire*  
*Memorandum on Preliminary Constitutional Conference*

POLICY OF CANADA

1. As to interimperial consultation.

(a) The Imperial Conference meeting periodically to remain the chief instrument of consultation on matters of common interest.

(b) The Imperial Conference to remain a conference of Governments, each responsible to its own Parliament.

(c) Accordingly, no representation of Opposition parties at Conferences, unless at request of Governments concerned.

(d) Maintenance and extension of exchange of telegram and mail advice on the understanding that "information is not consultation".

(e) Possibility of appointment of a political agent of the Dominion Government in London, and eventually in Dominion capitals, or the extension of the High Commissioner's functions to include both political and business matters, with an assistant specializing in each of these two fields; probably the latter course preferable if the personal equation satisfactory, but no decision to be taken for some time on the whole subject.

(f) No permanent Imperial secretariat in London for foreign affairs or any other purpose; each Government to develop its own organization as occasion arises.

## 2. Negotiations with foreign powers.

(a) The starting point in the consideration of our foreign relations should be the conception of each self-governing part of the Empire as a distinct unit, carrying on negotiations with foreign countries on any matter of primary concern to it, and, if need be, negotiating, signing, and ratifying treaties under Full Powers from the King; this the policy adopted by Canada in connection with the Halibut Treaty, and presumably what will be adopted in any agreement upon the St. Lawrence Waterways proposal. Great Britain and each other part of the Empire to carry on negotiations in the same way on matters of sole or primary concern to itself; understood that any other part of the Empire incidentally interested to be kept informed.

(b) This may involve a clearer delimitation of the position of Great Britain and Northern Ireland itself. Is the area ruled from London, including dependencies, to be known as "Great Britain and Northern Ireland", or "The United Kingdom" or "The British Empire", as distinct from the British Commonwealth or Community of Nations? This is more than a question of nomenclature; a clear definition is essential to avoid present ambiguities. It is primarily a question for London to decide, but it affects the other parts of the Empire.

(c) When two or more or all parts of the Empire are interested in the same international questions, all so interested should take part, but each in its own right, separately invited, and with Full Powers for its own representative.

(d) The counter assumption is that there must be one foreign policy for the Empire, that the British Empire must be considered a unit in foreign affairs and foreign conferences. This is possibly the attitude, to judge from his speeches, which Mr. Ramsay MacDonald would take, and which New Zealand, and it may be Australia, would support. This assumption has some ground in the procedure followed in Paris and Washington, where the British Empire was considered as the international

unit. This is, however, contrary to the conception underlying our membership in the League of Nations, where the distinct units of the Empire are members each in its own right. It seems essential to decline to accept this view of the Empire as a whole being a single and in fact the only international unit. It is contrary to our position in the League of Nations and to the principle laid down in the Halibut Treaty. Unless it is recognized that each self-governing part of the Empire is a distinct international unit, it will be impossible for us to claim with any logic either our present distinct representation in the League or distinct representation in future international conferences.

324.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, August 18, 1924

Following from Prime Minister for your Prime Minister. Begins. Your message of August 7th. You will have received by now copy of the replies from Australia and New Zealand to my message of June 23rd (See Secretary of State despatches of July 24th and July 3rd Confidential). I am replying to the former that I hope that the Commonwealth Government may be prepared to reconsider the question and to participate in the proposed preliminary meeting. I am taking steps to remind the other Prime Ministers and will let you know the result. It looks, however, as though it would not be practicable to hold meeting before November. In view of recent events we should like to include among the matters to be discussed the method of representation of the British Empire at future International Conferences. Ends.

325.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 5, 1924

Proposed preliminary constitutional Conference. My Ministers would like to be advised whether in view of replies received from self-governing Dominions to your communication of June 23rd, His Majesty's Government has definitely decided to hold the proposed preliminary Conference this fall, and if so at what date. If the Conference is to be held, some little time will be necessary to arrange for the necessary representation and Ministers would, therefore, like to be advised just as soon as may be possible of what may be decided. The Canadian Government would also like to be informed in so far as it may be possible to give an indication of the proposed personnel of the Conference, i.e. whether the delegation will be composed of Ministers of the Crown, permanent officials or delegates specially chosen regardless of their association with the administration.

326.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, September 15, 1924

CONFIDENTIAL. Your telegram September 5th. Governments of New Zealand, Union of South Africa and Newfoundland, in addition to Canadian Government, have now intimated willingness to participate in proposed enquiry and Government of Commonwealth of Australia prepared to participate if all other Dominions agreeable. Reply still awaited from Government of Irish Free State who are being reminded. His Majesty's Government are now working out definite proposal as to agenda, representatives, time, etc., and further telegram will be sent as soon as possible.

327.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 18, 1924

CONFIDENTIAL. Your telegram September 15th, Confidential. My Ministers represent that it is the desire of the Canadian Government that when His Majesty's Government have worked out a definite proposal as to agenda, representatives, time, etc., Canadian delegation at Geneva may be informed simultaneously with this Government. I am also to represent that Canadian Government trust that it may be possible to convene the proposed Constitutional Conference not later than the middle of October.

328.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, September 19, 1924

CONFIDENTIAL. Your telegram 18th September. Proposed Constitutional Enquiry. Your Prime Minister will have observed from message from Prime Minister of Commonwealth of Australia, 22nd August, enclosed in my despatch 27th August, Dominions 411, Confidential, that Commonwealth Government did not regard October as suitable date and would prefer some time in late November. Government of Union of South Africa have stated that February next would be preferable date though they have no objection to late November. In these circumstances feared there is no prospect of its being practicable to hold enquiry as early as middle of October.

329.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 26, 1924

Your telegram 19th September. Proposed Constitutional inquiry. In view of your statement that there is no prospect of its being practicable to hold inquiry as early as middle of October our Government favours indefinite postponement and that matters which were to have been dealt with in Conference be taken up by correspondence. In your telegram of June 23rd last you suggested holding preliminary meeting of say two representatives of each country, possibly in October, to permit of some of Dominion delegates to League of Nations being amongst representatives. With this in view we arranged for our ministerial delegates at Geneva to take in Conference London in October after conclusion of League of Nations assembly. These delegates have made unalterable engagements in Canada later in year which will not permit of their remaining in London on into November.

330.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 13, 1924

CONFIDENTIAL. Proposed Constitutional Enquiry. Please inform your Prime Minister that I was asked in the House of Commons, before dissolution, what was the date contemplated for the Constitutional Enquiry referred to in Prime Minister's message of June 23rd. I replied that I could only say that nothing which has happened in Parliament here should in our opinion interfere with the Government going on with their proposal. But your Prime Minister will appreciate that we find it impossible in present circumstances to suggest a date for the meeting. Similar message sent to other Dominions.

331.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

PRIVATE

London, November 20, 1924

My dear Prime Minister,

A few days ago the High Commissioners received an invitation to meet the Prime Minister at 10, Downing Street. As a matter of fact it was to have a cup of tea with him on Tuesday afternoon last and, when we got into the Conference Room, Mr. Austen Chamberlain and Mr. Amery were with him.

The Prime Minister commenced by stating that he was extremely anxious that the Governments of the Dominions should be well informed on everything concerning the Empire's Foreign policy, and if there was any better way

of keeping in close touch with the Governments than through their High Commissioners, he sincerely hoped that it would be thought out and suggested. The British Government would then acquiesce in any method agreed upon, but in the meantime he proposed to continue calling the High Commissioners together and keeping them informed of everything affecting Foreign policy that might be causing His Majesty's Government any anxiety. He then invited Mr. Chamberlain to set forth the matters which, at the moment, were most important.

Mr. Chamberlain commenced by speaking of the signing of the Protocol that was presented to the Assembly of the League of Nations at Geneva on October 1st, 1924 and expressed a desire to know if the Dominions contemplated signing the Protocol. As you will remember, it took the place of the draft Treaty of Mutual Assistance presented to the Assembly in 1923 and was unanimously recommended to the various Governments for acceptance. It proposes compulsory arbitration of disputes between nations, these to be referred to a Committee of Arbitration, and the parties to the dispute must submit to the judgment arrived at. If they do not this breach involves consequences according to the gravity of the case.

A situation arises as follows:

1. The dispute arises.
2. The system of peaceful settlement provided for by the Protocol comes into play.
3. The Council intervenes, and if, after arbitration has been refused, war is resorted to, if the provisional preventive measures are not observed, etc., the Council decides which party is the aggressor and calls upon the signatory States to apply the sanctions.
4. This decision implies that such sanctions as the case requires — economic, financial, military, naval and air — shall be applied forthwith, and without further recommendations or decisions, such economic, financial, military, naval and air forces to be supplied by the members accepting the Protocol.

I am enclosing a marked copy of the Report of the First and Third Committees regarding the Protocol which you have no doubt already seen.

He then spoke of the condition of Egypt and the disagreement that had existed for some considerable time between Zaghlul Pasha and His Majesty's Government, and pointed out that the policy of his predecessor in office and his own were identical. Zaghlul Pasha was demanding the withdrawal of Great Britain from the Sudan and also from control of the Suez Canal, and what was most annoying and more or less dangerous was the agitation being carried on in the Sudan. Mr. Chamberlain said that Great Britain, under the Labour Government as well as under the present Government, had expressed determination to retain full control of the Canal, which control was of primary importance to the life of the Empire, and also full control of the Sudan. To date

they (G.B.) are represented in Egypt by a Judicial Adviser who was accepted by the Egyptian Government for a term. This term expires shortly and it is expected that Zaghlul Pasha will refuse to reappoint him and as payment of interest on the debt has already been stopped, a crisis may arise. I pointed out that the non-payment of interest and the refusal to reappoint a British Judicial Adviser on the part of the Egyptian Government would hardly be made a *casus belli* and would not appeal as such to the "man on the Street." He admitted that and I drew the inference that the Government would not be at all sorry if some action on the part of the Egyptians provided them with a good excuse to stamp out the plotting in the Sudan which, if continued, would lead to serious trouble. I suggested leaving their disputes to the League of Nations but Mr. Chamberlain said he was glad that matter was brought up because it had been thought out; but they took up a position similar to that already taken up by the United States, viz., that anything that concerned territory already held, would not be permitted to be adjudicated on by anybody — even by the League of Nations.

I said that surely the League of Nations could not form a judgment or come to any decision without consideration of the *status quo*, otherwise they might be harking back for two or three hundred years and, as the Sudan and the control of the Suez Canal was now in British hands they must be confirmed in their possession, but he said again that they could not submit a question of that kind to any Council for decision.

Kindest regards,

Yours sincerely,

PETER C. LARKIN

332.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 556  
CONFIDENTIAL

Downing Street, December 2, 1924

My Lord,

I have the honour to request Your Excellency to inform your Ministers that His Majesty's Government have had under consideration the suggestion of their predecessors that an enquiry might be held in connection with the present system of consultation on matters of foreign policy and general Imperial interest — *vide* Mr. Ramsay MacDonald's message of the 23rd June.

2. The resulting correspondence, which has already been communicated to your Ministers, disclosed considerable doubt as to the advisability of taking action in the sense suggested in Mr. Ramsay MacDonald's message. It was generally agreed that the time had not come to revive the idea of a special Constitutional Conference though ultimately and after some hesitation participation in a preliminary enquiry was accepted in principle by all the



Dominions, provided that a convenient time could be found. It had not, however, been found possible at the time of the dissolution of Parliament to make any arrangements for the holding of such a preliminary enquiry, chiefly owing to the difficulty of fixing a date which would be suitable for all the Governments concerned.

3. His Majesty's present advisers are very sensible of the importance of the issues involved; they find themselves fully in agreement with the principles of consultation and concerted action set out in the opening sentences of Mr. Ramsay MacDonald's message and they are determined to carry out those principles to the utmost. But, whilst difficulties undoubtedly exist in making the present system of consultation fully effective, His Majesty's Government have grave doubts whether some of the suggestions set out in the latter part of Mr. Ramsay MacDonald's message would improve the present system; they also question whether at the present stage an enquiry of the nature suggested would lead to any practical result.

4. Mr. Ramsay MacDonald's message made special reference to the resolution on the negotiation, signature and ratification of Treaties passed at the Imperial Conference of 1923, and suggested that further examination of the resolution might be worth while, in order to consider how far the resolution needed to be supplemented and interpreted, and whether the principles embodied in it could usefully be extended to other matters affecting foreign relations. On this point, in particular, His Majesty's Government feel that the time which has elapsed since the resolution was passed is hardly sufficient to enable any very definite opinion to be given. For themselves, they would prefer to defer a considered judgment until they have had an opportunity of studying for a longer period the working of the resolution in practice.

5. For these reasons His Majesty's Government doubt whether there would be any advantage in pursuing further, at this stage, the proposal for a special enquiry into the matters referred to in Mr. Ramsay MacDonald's message. On the other hand I need hardly add that, in carrying out the policy of working in concert with the Dominion Governments in all matters affecting foreign relations and the common interests of the British Empire, they desire to avail themselves of every opportunity that may present itself for personal consultation between Ministers or with such other representatives as the Dominion Governments may at any time wish to entrust with the task of representing their own views or of ascertaining those of the British Government.

6. There is one pressing matter raising issues which affect the vital interests of the whole Empire, on which personal consultation is, in the view of His Majesty's Government, essential. I refer to the Protocol for the Pacific Settlement of International Disputes. With regard to the arrangements to be made for securing personal consultation His Majesty's Government hope to communicate with your Ministers at a very early date.

I have etc.

L. S. AMERY

333.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

TELEGRAM

Ottawa, December 12, 1924

CONFIDENTIAL. The following despatch is being sent today by the Governor General to the Secretary of State for the Colonies. Quote:

With further reference your despatch December 5 referring to your predecessor's telegram October 13, regarding suggested inquiry in connection with the system of consultation on foreign policy, etc.

My Ministers note that His Majesty's present advisers have grave doubts whether some of the suggestions contained in the latter part of the message referred to, would improve the system of consultation, etc., and also whether at present inquiries of the nature suggested would lead to any practical results. My ministers have all along entertained like doubts though they were prepared to accept the suggestion of the British Government to make a preliminary examination of the question. They therefore have now no exception to take to the view expressed by His Majesty's Government that in the circumstances there is little, if anything, to be gained in pursuing further at this stage the proposal for a special inquiry.

With respect to all matters requiring consultation, my Ministers are, however, very strongly of the opinion that no change involving a departure from the methods at present accepted should be made or sanctioned without ample opportunity in the first instance for interchange of views between His Majesty's Government and the Governments of the several Dominions and as part of the machinery of inter-imperial relations agreed to as a result thereof.

My Ministers are of the view that where, in matters of consultation on foreign policy it is advisable or necessary to secure expedition, communications might be made without reference to the Colonial Office and be between the Secretary of State for Foreign Affairs in Great Britain and the Secretary of State for External Affairs in the self-governing Dominion or between Prime Minister and Prime Minister. Where, as is the case at present in Canada, the office of Secretary of State for External Affairs is combined with that of Prime Minister, it would be a matter of indifference to which of the two offices the communications were addressed.

The Canadian Government would welcome an understanding and arrangement whereby copies of all such communications and indeed all other communications passing between His Majesty's Government and the Government of [Canada?] should be supplied to the High Commissioner for Canada, as representative of the Canadian Government in London, that he may be kept adequately and accurately informed with respect to all these matters.

Whilst welcoming for the High Commissioner the right and privilege, on behalf of his Government, of immediate and direct approach to the several Ministers of the Crown in Great Britain with regard to matters which may be

of special concern to their respective Departments, the Government of Canada would not view with favour any procedure which might tend to obscure or lessen the full responsibility of Ministers of the Crown in Great Britain and Canada of themselves deciding upon the question that may demand consultation, the most appropriate methods of consultation, and upon the extent of their interest and obligation in all such matters. End quote.

When your cable of the nineteenth ultimo was received we assumed that the meeting of the High Commissioners with the Prime Minister was a purely informal one and that the discussion of foreign policy arose casually. From subsequent developments it would appear, however, that this meeting was possibly intended as a prelude to regular meetings of High Commissioners collectively with the Prime Minister or Foreign Secretary to discuss foreign policy. Such group meetings, in our opinion, involve approach to proposals of an imperial council in London steadily rejected by Laurier and the country generally, and which bring with them more of responsibility than control. In case a further effort should be made to involve Canada, through her High Commissioner, in a joint responsibility with British Government in matters of foreign policy we desire to have it made clear that our Government cannot sanction any such arrangement unless adopted after full consideration and as part of agreed machinery of inter-imperial relations. We are prepared to discuss fully such foreign affairs as are really of joint interest but do not consider all Britain's foreign affairs of direct interest to us any more than our foreign affairs, especially with United States, can all be considered of primary interest to England or Australia. We would not wish to drift or be manoeuvred into accepting the contention of some so-called Imperialists as to single Empire foreign policy and general responsibility therefor.

If any such further proposals made please advise immediately and await definite instructions as to course to be adopted in meeting them.

This whole matter we regard as of more concern and importance than any before us at the present moment, and are most anxious therefore to take any and every step possible to avoid misunderstanding of our position either with the British Government or with the public in Great Britain or our own country.

MACKENZIE KING

334.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

PRIVATE AND CONFIDENTIAL

Ottawa, December 12, 1924

Dear Mr. Larkin,

The Members of the Government have been much, possibly unduly, concerned over what they surmise lies at the back of the suggested periodical interviews between Members of the British Government and the High Commissioners of the self-governing dominions.<sup>1</sup>

<sup>1</sup>Voir aussi docs. 163, 165 et 166.

<sup>1</sup>See also Docs. 163, 165 and 166.

At Council a day or two ago one of the Members recalled the Conference we had with you on the occasion of your last visit, and it was suggested that I should write you again to express the view that, in our opinion, not only were such interviews likely to lead to a degree of responsibility on our part away and beyond any real control which we might have over the situations involved, but also to express the hope that collective conferences between the High Commissioners of the several dominions themselves would not become an established practice but be discontinued in as tactful manner as might be possible.

We realize of course that there should exist between the representatives of the several dominions in London the utmost of goodwill and a very considerable degree of intimacy. We see, however, very grave possibilities of differences arising with some of our sister-dominions or between our own Dominion and the Mother Country, if it should ever come to be assumed that meetings of the kind had a significance from the point of view of the relations of the dominions to the Mother Country. It is difficult to see how some such view will not come to be very quickly accepted were any practice followed which might afford grounds for it.

As we talked this matter over while you were here, I do not feel it is necessary for me to enlarge upon it, as I recall that at the time you fully grasped our point of view, and mentioned your intention of giving effect to it upon your return.

The circumstances of the recent meeting of the High Commissioners with the Members of the British Government has given a quite new significance to the whole matter, and it is for this reason that my colleagues felt that I should recall to your mind what our view was before anything of the kind (i.e. the High Commissioners being summoned in a body to meet British Ministers) in any possible way had entered your thoughts.

Yours sincerely,

W. L. MACKENZIE KING

335.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 13, 1924

My Prime Minister asks me to send the following message. Begins. With further reference to your telegram December 5th<sup>1</sup> referring to your predecessor's telegram October 13th, regarding suggested enquiry in connection with the system of consultation on foreign policy, etc. My Ministers note that His Majesty's present advisers have grave doubts whether some of the suggestions contained in the latter part of the message referred to, would improve

<sup>1</sup>Ce télégramme était un résumé de la dépêche 556 (doc. 331).

<sup>1</sup>This telegram was a summary of Despatch 556 (Doc. 331).

the system of consultation, etc., and also whether at present enquiries of the nature suggested would lead to any practical results. My Ministers have all along entertained like doubts though they were prepared to accept the suggestion of the British Government to make a preliminary examination of the question. They therefore have now no exception to take to the view expressed by His Majesty's Government that in the circumstances there is 'little, if anything, to be gained in pursuing further at this stage the proposal for a special enquiry.

With respect to all matters requiring consultation, my Ministers are, however, very strongly of the opinion that no change involving a departure from the methods at present accepted should be made or sanctioned without ample opportunity in the first instance for interchange of views between His Majesty's Government and the Governments of the several Dominions, and as part of the machinery of inter-imperial relations agreed to as a result thereof.

My Ministers are of the view that where, in matters of consultation on foreign policy it is advisable or necessary to secure expedition, communications might be made without reference to the Colonial Office and be between the Secretary of State for Foreign Affairs in Great Britain and the Secretary of State for External Affairs in the self-governing Dominions or between Prime Minister and Prime Minister. Where, as is the case at present in Canada, the office of Secretary of State for External Affairs is combined with that of Prime Minister, it would be a matter of indifference to which of the two offices the communications were addressed.

The Canadian Government would welcome understanding and arrangement whereby copies of all such communications, and indeed all other communications passing between His Majesty's Government and the Government of Canada should be supplied to the High Commissioner for Canada, as representative of the Canadian Government in London, that he may be kept adequately and accurately informed with respect to all these matters.

Whilst welcoming for the High Commissioner the right and privilege, on behalf of his Government, of immediate and direct approach to the several Ministers of the Crown in Great Britain with regard to matters which may be of special concern to their respective Departments, Government of Canada would not view with favour any procedure which might tend to obscure or lessen the full responsibility of Ministers of the Crown in Great Britain and Canada of themselves deciding upon the questions that may demand consultation, most appropriate methods of consultation, and upon the extent of their interest and obligation in all such matters. Ends.

336.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 13, 1924

In response to statement your confidential telegram dated December 5th that it is desired to lay before British Parliament correspondence with Domin-

ions on proposed preliminary constitutional enquiry, my Ministers see no objection to publishing all correspondence preceding this date.<sup>1</sup>

337.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

Ottawa, December 15, 1924

My dear High Commissioner,

...

You will observe that I have stated that we would like to have our High Commissioner supplied with all despatches sent and received which are intended to be official. It sometimes happens that despatches come marked 'personal and private'; these, of course, would be so regarded.

With regard to despatches from the Secretary of State for Foreign Affairs and from the Prime Minister, these in all probability will relate to matters of policy of which our Government would desire to have full information before making acknowledgment of any kind. For the most part we shall probably desire to make direct acknowledgment, having expressly in view the avoiding of anything in the nature of conference, except upon instructions explicitly in reference thereto. You will observe in the despatch sent Colonel Amery on Saturday<sup>2</sup> that we feel that it should not be for the British Government alone to decide what matters are to be made subject of conference, but that, as Ministers who will be held responsible for the outcome of conferences, as well as of matters on which we communicate direct, we should decide in the first instance whether the question is one in which we have an interest or concern and with respect to which we wish to make any representations. Whether these representations should be made in a form in which they will be regarded in a formal way or whether we would prefer to have them made verbally through yourself as our Government representative, is a matter on which, like all the rest, we would wish, ourselves, to decide in the first instance.

I need hardly say that our concern in this matter arises in no particular through any desire on our part to limit in any way your own powers as our representative in London. On the contrary, it is rather that we may ensure, without embarrassment to you, that wherever exercised they will be on explicit instructions for which we will take full responsibility, and to avoid any possibility of involvements or commitments being made, even impliedly, without our full knowledge and sanction in the first instance. This, of course, I know will accord wholly with your own will and wish in the matter.

May I in this communication acknowledge also another letter of December 3rd<sup>3</sup> which has come in this morning's mail, and which relates particularly to

<sup>1</sup>Cmd. 2301, 1925.

<sup>2</sup>Doc. 335.

<sup>3</sup>Doc. 50.

the status of the High Commissioner. I agree entirely with you, and my colleagues equally agree, that it would not be advisable for Canada to be represented in London by a Cabinet Minister. I believe that this is what the present Administration in England would like, and they will undoubtedly manoeuvre towards effecting this result. Our position, in a word, is that negotiations within the Empire, where they cannot be made a matter of direct and immediate communication between responsible Ministers themselves, should be carried on in a manner wholly similar to that adopted by different nations between themselves, namely through the agency of someone having diplomatic standing and recognition who will act on instructions from his Government and be responsible to his Government and, if at fault or in error in any matter, liable to be censured or recalled by the Government that has appointed him and that is responsible for his actions.

Your letter expresses exactly what our view is: namely, that the powers of our representative in London should be restricted to conveying messages between the two Governments with freedom to advise his own Government in any way at any time with respect to the wisdom of any particular course. It has been with this object in view that we have emphasized in the despatch, a copy of which is enclosed<sup>1</sup>, that in our opinion no change should be made in the existing arrangement without, in the first instance, full opportunity of conference between the self-governing Dominions and the British Government and agreement resulting therefrom.

It may take a little time to work out the arrangement that in the end is going to be most satisfactory and which will give to our representative in London the position he should have not only in relation to Ministers of the Crown in England but in relation also to the representatives of other countries at the seat of government in England. The situation quite evidently will have to be worked out step by step, here a little, there a little. That some real advance has already been made would appear to be the case from your wire of Saturday, and in this I can assure you we are all not less pleased than yourself.

Yours sincerely,

W. L. MACKENZIE KING

[P.S.] Since dictating the above, your telegram of today acknowledging the long cable, has been received. It bears out our unanimity of view on these matters.

338.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

Ottawa, January 23, 1925

My dear High Commissioner,

I did not require your letter of December 30 to be assured that you would do all in your power to advance the co-operation of Canada with the British

<sup>1</sup>Doc. 335.

Government in all matters of common interest, and at the same time guard against being manoeuvred into the acceptance of a central policy or central council of the different parts of the Empire, which, as you note, is evidently in the mind of the present administration in London.

I fully agree with you that it would have been difficult and ungracious to refuse to attend a meeting of the High Commissioners with the Prime Minister of the informal character which you anticipated it would take. It would not be desirable, if it could be avoided, to express to the British Government our disapproval of such meetings. The situation doubtless can be safeguarded in the way you indicate.

I am very much obliged by the particulars which you have given of the various meetings of High Commissioners.

The suggestion of the *Manitoba Free Press* to solve the question of inter-imperial consultation by exchanging Ministers among all the parts of the Empire is possibly the line from which a solution will eventually be found. It could hardly come about, at least so far as sending a British Minister to Canada is concerned, except as a part of a complete overhauling of constitutional relations, such as hardly seems practicable in the immediate future.

Yours sincerely,

W. L. MACKENZIE KING

339.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

PRIVATE

London, March 13, 1925

Dear Mr. Mackenzie King,

I received an invitation from Mr. Amery to dine with him last night as he desired before leaving for the East to have a talk with the High Commissioners. When I arrived all the High Commissioners were there (with the exception of Sir James Allen of New Zealand, who was out of town) Lord Milner, Sir Philip Cunliffe-Lister (nee Lloyd-Graeme) Sir Douglas Hogg, the Attorney General, Mr. Bridgeman the First Lord of the Admiralty, Sir Arthur Steel-Maitland and Sir George Lloyd, M.P.

After dinner Mr. Amery spoke informally of the difficulties of his office in getting into the desired close touch with those governing the Dominions; that they found it so difficult to express through cablegrams to the Governors-General for transmission to the Prime Minister, things that were cropping up frequently and giving them the proper "light and shade", and how desirous they were on their part to have some better way of communication. Then he said he thought the ideal one was through the representatives of the Dominions in London and for them to communicate with their chiefs just as Ambassadors of other countries do, adding that if the Dominion Governments or any one of them expressed a desire that this means of communication be used, they



would gladly adopt it. He then went on to say that this did not necessarily involve any responsibility on the part of the Dominions and that they would not expect from the High Commissioners any more than they do from Ambassadors of other States here, that is, that they would transmit to their Government what was conveyed to them by the heads of any of the Government Departments here.

The other Cabinet Ministers present re-echoed what Mr. Amery had said and the South African and Australian High Commissioners were very sympathetic.

My only remark was that, going from the sublime downwards, there would have been an opportunity when the embargo was placed on our potatoes a little while ago to put this into practice without offending anyone, but instead of speaking to me about it the decision of the Department of Agriculture here was conveyed to the Canadian Ministry through the Governor General as *un fait accompli*.

There was nothing serious in the conversation and I was, I need not say, extremely careful about taking any stand in the matter, but I think it is possible that the Government may ask to see us, either collectively or individually at times, and I would like to get your views as to what course I should take in the matter. If anything occurs before a letter reaches me from you I will act in a purely non-committal way but of course agree to pass on to you any views they may desire me to.

Yours sincerely,

PETER C. LARKIN

340.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

PERSONAL

London, June 15, 1925

My dear Prime Minister,

Enclosed is copy of a letter I have received from the Colonial Secretary, to which I have replied saying that I will set aside Tuesdays at eleven o'clock to meet him at the Colonial Office as he requests.

I know you do not look on meetings of the kind suggested with favour, and we can discuss the matter fully when I am with you, but I cannot see how the High Commissioners can decline to meet the Colonial Secretary when he requests us to do so, and anyway we have probably escaped an embarrassment in the meetings not having taken place before the reported arrangements between Mr. Chamberlain and the French Foreign Minister in regard to the French frontier, which is a very serious matter indeed, and you might have been indirectly asked the question, through me, whether you would approve of any such arrangement.

Now as regards the High Commissioners meeting the Colonial Secretary collectively, I can hardly see how we can object because we are always describing ourselves as of one family and quite unlike other nations, who would probably object to seeing the Foreign Secretary with the representatives of other nations.

In any case, you can rely upon my being most careful and not assenting to anything before consulting you. Immediately after the meetings I will make a memorandum of everything that has taken place and report to you by mail if I think it unimportant, and by cable if I think the slightest importance attaches to it. In this way I shall, I am sure, be acting according to your wishes, and very much in the same way as any Ambassador or Minister would under similar circumstances, i.e. as a conveyer of messages between his own Government and the Government he is accredited to, and in this I think there will be safety, although I quite recognise that our position to date has been an ideal one and one which is less likely to involve us in trouble.

Kindest regards,

Yours sincerely,

PETER C. LARKIN

P.S. A short time ago, when dining with the Chamberlain's, Mr. Chamberlain told me that he tried to see every Ambassador and Minister every ten or twelve days, even if he had nothing particular to say to them. I presume Mr. Amery intends carrying out the same policy with the High Commissioners.

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire aux Colonies au Haut commissaire*  
*Colonial Secretary to High Commissioner*

London, June 9, 1925

My dear Mr. Larkin,

I have for some time, and more particularly since the little dinner at which some of us met just before my journey to the Middle East, felt the difficulty of keeping in sufficiently close personal touch with the High Commissioners on matters of interest to them.

Apart from wider issues of general policy I find that a number of questions, often of a minor character frequently arise, one of which, of itself, seems to justify me in asking the High Commissioners to call at the Colonial Office for a talk; I feel sure that the High Commissioners on their part often have matters which they would like to bring to my notice, but that they refrain from doing so because these matters do not seem to justify a separate interview. We are all of us busy and it is often difficult to fix up interviews at short notice, with the result that many questions pass out of sight, whereas if there were a fixed time, set apart each week, at which the High Commissioners could feel that they could come round to the Colonial Office as it were "in the

ordinary course" and have an informal talk, we should maintain a closer touch without interfering with our respective programmes of engagements.

The meetings which I have in mind would be quite informal and without agenda; the length of the meeting would depend upon the subjects which might come up for discussion, and might vary from a few minutes up to an hour if any really important question arose for discussion.

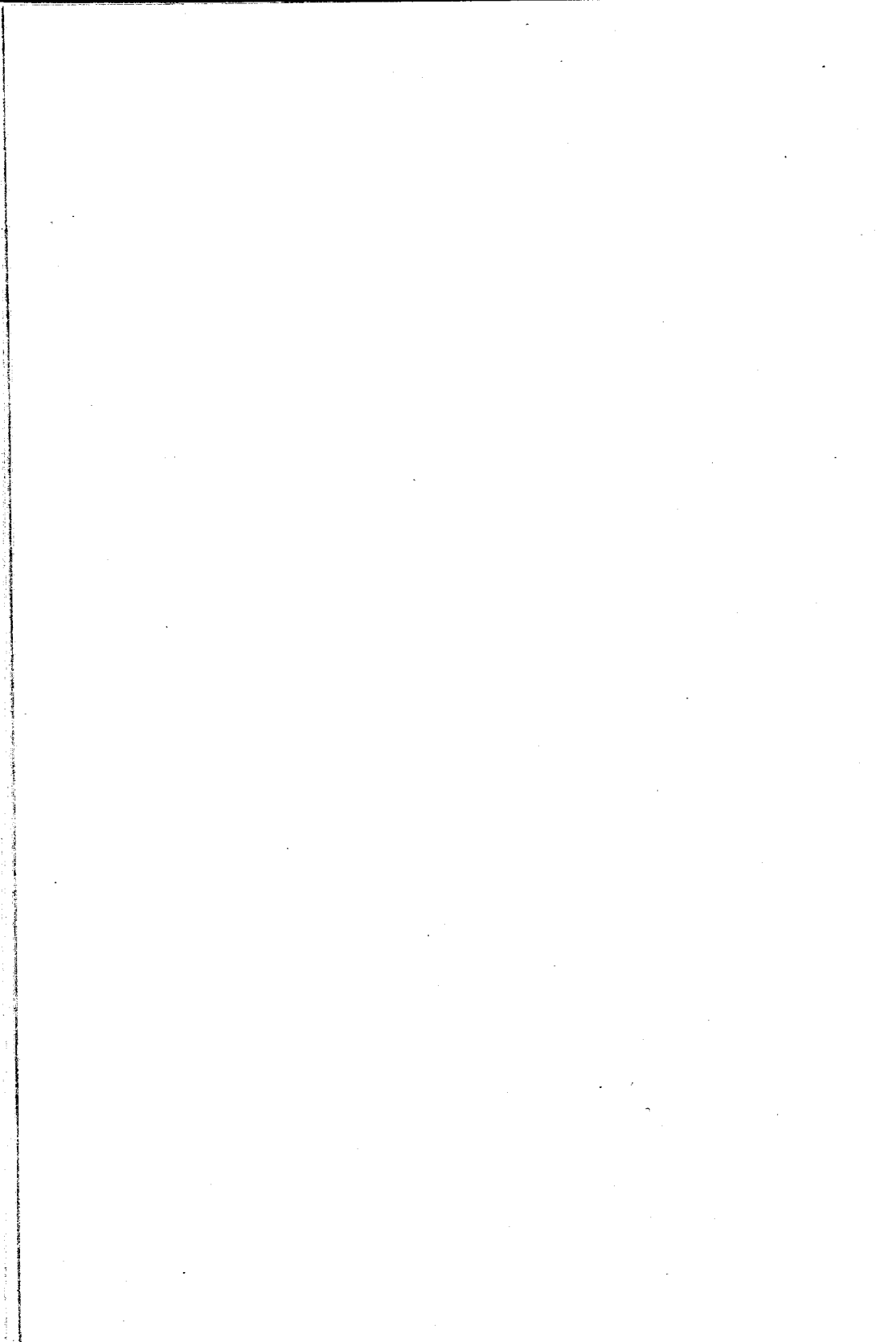
If this idea commends itself to you I would suggest that 11 o'clock on Tuesday mornings would be a convenient hour, the first meeting being held on Tuesday the 16th June. I fear that I already have an engagement on Tuesday the 23rd June which I made before deciding to write to you; we could meet on Monday the 22nd June at 11 instead but keep to the Tuesday so far as possible thereafter.

Unless it should be necessary to alter the date of any meetings or draw attention to some matters of special urgency and importance no notice would be sent out announcing them. A notice of itself introduces an element of formality, and suggests, as it were, an obligation to attend, whereas the main object I have in mind is the most convenient way of keeping up our personal intercourse.

Yours sincerely,

L. S. AMERY

[P.S.] I send you this — the same as the letter I am sending to your colleagues; we have of course already discussed the matter.



CHAPITRE IV / CHAPTER IV  
ORGANISATIONS INTERNATIONALES  
INTERNATIONAL ORGANIZATIONS

- |   |  |
|---|--|
| 1. Société des Nations                            | 1. League of Nations                           |
| a. La Grande-Bretagne et les Domini-<br>nions     | a. Britain and the Dominions at<br>the League  |
| b. Amendements au Pacte                           | b. Amendments to the Covenant                  |
| c. Conférence économique interna-<br>tionale      | c. International Economic Confer-<br>ence      |
| 2. Organisation internationale du Tra-<br>vail    | 2. International Labour Organization           |
| 3. Cour permanente de Justice inter-<br>nationale | 3. Permanent Court of International<br>Justice |
| 4. Union pan-américaine                           | 4. Pan-American Union                          |

PARTIE 1 / PART 1

SOCIÉTÉ DES NATIONS  
LEAGUE OF NATIONS

LA GRANDE-BRETAGNE ET LES DOMINIONS

a.

BRITAIN AND THE DOMINIONS AT THE LEAGUE

341.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, November 8, 1919

SECRET. URGENT. IMMEDIATE. Following for your Prime Minister. Begins. Peace Treaty ratification by America still hangs in the balance. Great play is being made by opponents of ratification with the argument that if under Article 15 a "dispute likely to lead to a rupture", between a foreign Power and the United Kingdom, or any one of the four Dominions or India, were brought before the Assembly of League, although the number [*sic*] representing the part of Empire (so?) affected could not vote, all the other five votes could be cast in its support. This is a wrong interpretation in our opinion. We hold that in this particular case, that is a "dispute likely to lead to a rupture" between a foreign Power and any State of Empire, the representatives of all parts of the Empire would be debarred from voting.

Our Ambassador at Washington, Viscount Grey, is most strongly urging us to make declaration to this effect, which he believes would have a decisive influence on the decision of the American Senate. But we have refused to sanction this course without the assent of the Dominion Governments. At the earliest possible date I should be glad to know, whether your Government would approve of such a declaration being made. It would, of course, be made perfectly clear, that the declaration only referred to particular case just explained, which might arise under Article 15, and that in all other respects the rights of the United Kingdom and the Dominions and India as six original members of League were not affected.

I ought to add that in the United States it has also been contended that British Empire should not have more than one Member at the same time on Council of League, but His Majesty's Government has definitely refused to accept any reservation which would prejudice eligibility of a Dominion or of India to be selected as one of the "Four other Members of League" whose representatives are to sit on the Council. This question was raised in Paris and President Wilson, Monsieur Clemenceau and the Prime Minister gave a written assurance to you that in their view on true construction of the first two paragraphs of Article four of the Covenant representatives of the Dominions might be selected or named as members of Council. We are determined to adhere to this. Ends.

MILNER

342.

*L'ambassadeur aux États-Unis au secrétaire  
aux Affaires étrangères*

*Ambassador in United States to Foreign Secretary*

PARAPHRASE OF TELEGRAM

Washington, November 14, 1919

(No. 1577.)

Referring to my telegram No. 1569, Sir R. Borden agrees that following question should be put in House of Commons:

To ask what upon a fair construction of League of Nations Covenant are voting rights under Article 15 of different parts of British Empire.

Reply which Sir R. Borden thinks should be made and in which I entirely concur would be as follows:

Members of League under Article 15 of Covenant do not vote upon a 'dispute likely to lead to rupture' to which any of them are partners. All parts of British Empire will be parties to any such dispute in which any one of them is involved.

While, therefore, in common with His Majesty's Governments of other portions of the Empire, His Majesty's Government of United Kingdom firmly maintains rights of United Kingdom, of self-governing Dominions and of India as members of League, it is not understood or contended

that in case of a dispute arising between any portion of the Empire and a foreign power likely to lead to a rupture, either United Kingdom or any self-governing Dominions or India would be entitled to vote thereon in Assembly.

Reasons which still make an announcement desirable are that it is possible that though such an announcement would not apparently have any effect at this juncture upon fortunes of Treaty and League in Senate, a deadlock may arise after present stiff reservations are passed on point of ratification which may lead to a compromise on enforcement of milder resolutions as an alternative to complete failure of Treaty in Senate. In such a contingency, if announcement now suggested had been made by His Majesty's Government, it might then help to ease situation. I entirely agree with Sir R. Borden, who feels that complete failure of Treaty in Senate, followed by a separate peace between United States and Germany, would be a calamity, and that nothing should be omitted which might help to avert it, however slight the chance. I also feel, after such men as President Lowell of Harvard, Secretary of State, and Senator Hitchcock, have urged privately that such an announcement would be helpful, they will not understand our refusal to make it.

Supporters of League in America have to defend British six votes in Assembly, and considerable odium is, however unfairly, being fastened on them on this ground both in Senate and their constituencies by their political opponents. If we withhold this announcement they will feel, whether they succeed or fail in their fight for League, that we have not played up to help them, and their soreness will probably be even more in the event of failure than if they had won in Senate. Sir R. Borden concurs in this telegram, of which I have given him a copy.

343.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, January 8, 1920

SECRET. With reference to your telegram of November 8th and mine of December 3rd respecting British Empire votes in League of Nations Assembly, my Ministers are anxious to be informed of any fresh developments in this matter and of any public announcement in pursuance of the telegram of November 14th sent by the Ambassador at Washington, with Sir Robert Borden's concurrence, to the Foreign Office. A recent press despatch from London indicated that the Prime Minister had referred to the question in a public speech, but the despatch was somewhat obscure and did not quote his exact words. My Ministers may be asked at any time to give an indication of their attitude, and it is therefore desirable that they be kept fully informed.

DEVONSHIRE

344.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, January 9, 1920

SECRET. The answers received to my telegram November 8th regarding Article No. 15 of Covenant of League of Nations were divergent, Governments of Canada and New Zealand being willing that proposed declaration should be made, whilst Governments of Union of South Africa and Commonwealth of Australia were unwilling. His Majesty's Government, in these circumstances felt that any public declaration by His Majesty's Ambassador at Washington on the matter was out of the question and that no such declaration could be made except as a result of agreement between Dominion Governments and themselves after full discussion. This attitude was explained at the recent Inter-Allied Conference, and accepted by Clemenceau, see Prime Minister's telegram to your Prime Minister dated December 16th.

It is hoped that the despatch, with papers, which I am sending by mail, explaining position fully, will help Dominion Governments to form considered judgment on point at issue.

Your Ministers should, in the meantime, know that Lord Grey's most recent reports indicate that position may develop in most embarrassing manner both to Dominion Government and His Majesty's Government, since opponents of treaty are using question of six British votes as most popular argument against treaty, opposition to treaty will thus tend to assume increasingly Anti-British character and it looks as if objection would be pressed to British Empire having six votes in any circumstances.

Reservation on voting, however, adopted in United States Senate was in two parts:

(a) United States assumes no obligation to be bound to any decision of Council or Assembly in which parts of British Empire have cast more than one vote.

(b) United States assumes no obligation to be bound by any decision arising out of dispute between United States and a member of the League, if such member or any Dominion or part of Empire united with it politically has voted.

A similar telegram to other Dominions has been sent.

345.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

SECRET DESPATCH

Downing Street, January 12, 1920

My Lord Duke,

With reference to Lord Milner's telegram of November 8th and my telegram of January 9th, I have the honour to request Your Excellency to inform



your Ministers that His Majesty's Government are anxious that they should receive in a more detailed form than telegraphic correspondence renders possible the facts as to the situation created by the adoption in the United States Senate of a reservation affecting the voting power of the British Empire under Article XV of the Covenant of the League of Nations.

2. The reservation on this subject, which was moved by Senator Lenroot and adopted is as follows:

The United States assumes no obligation to be bound by any election, decision, report or finding of the Council or Assembly in which any member of the League and its self-governing Dominions, Colonies or parts of Empire, in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision report or finding of the Council or Assembly arising out of any dispute between the United States and any member of the League, if such member or any self-governing Dominion, Colony, Empire or part of Empire united with it politically has voted.

This reservation replaces one which was moved by Senator Johnson but defeated in the Senate on October 27th.

3. I enclose copies of telegraphic correspondence with His Majesty's Ambassador at Washington<sup>1</sup> in which the question was first raised as to the attitude which it was desirable to adopt towards a reservation on these lines. I also enclose copies of telegrams<sup>1</sup> from the Governor General of the Commonwealth of Australia, the Governor General of New Zealand and the Governor General of the Union of South Africa in reply to Lord Milner's telegram of November 8th. It will be remembered that your Ministers were unable to reply definitely to that telegram in the absence of the Prime Minister, and that his views were ultimately conveyed in Lord Grey's telegram of November 14th, of which a copy is sent for reference. (See your telegram of December 4th).

4. Subsequently on November 29th the Prime Minister of the Union of South Africa telegraphed personally to the Prime Minister of the United Kingdom. At the wish of Mr. Lloyd George I enclose a copy of this telegram.<sup>1</sup> It was repeated to Lord Grey whose reply commenting on it is also enclosed.<sup>1</sup>

5. Having regard to the divergent replies of the Dominion Governments to Lord Milner's telegram of November 8th, His Majesty's Government considered that it was clearly out of the question that Viscount Grey should make any statement on the lines suggested in his earlier telegrams which would commit the British Empire to acceptance of the second part of the Lenroot reservation. They felt that such a statement could only be made, if at all, as the result of an agreement between themselves and the Oversea Governments concerned after discussions at least as full and authoritative as those of the British Empire Delegation at the Peace Conference at Paris, at which the original form of the Covenant of the League of Nations was discussed and

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

agreed upon. Accordingly the Prime Minister of the United Kingdom at the recent Conference of American, British, French, Italian and Japanese representatives held in London from the 11th to the 13th of December 1919 made it clear that His Majesty's Government could do nothing in regard to the American objections to the voting power of the British Dominions without the consent of the Dominion Governments. M. Clemenceau fully approved of this position. An intimation to this effect was conveyed in Mr. Lloyd George's telegram to your Prime Minister of the 16th December. Avoidance of any public statement in the United States by His Majesty's Ambassador on the point at issue is, of course, rendered easier owing to the fact that Lord Grey is now on his way to this country on leave of absence.

6. At the same time it is right that your Ministers should know that Lord Grey has reported that he personally is absolutely committed in private in Washington on two points:

(1) that any reservation inconsistent with the written assurance given in Paris by President Wilson, M. Clemenceau, and Mr. Lloyd George to Sir Robert Borden (a copy of which is enclosed for reference)<sup>1</sup> on the 6th of May, 1919, must be repudiated by His Majesty's Government.

(2) that, in his opinion, no British votes in the Assembly of the League of Nations can be used in a dispute to which any part of the Empire is a party.

These views have been stated in a private letter sent by Lord Grey to the Secretary of State at Washington, of which a copy is transmitted herewith though it has been made clear that they were personal and did not commit His Majesty's Government.

7. Your Ministers should also know that the latest telegraphic reports received from Lord Grey indicate that in his opinion the situation may develop in a way that may cause the greatest embarrassment to His Majesty's Government and the Dominion Governments, since the opponents of the Treaty in the United States are using the question of six British votes as the most popular argument against the Treaty. Opposition to the Treaty will thus tend to assume increasingly an Anti-British character, and it looks as if the objection would be pressed to the British Empire having six votes in any circumstances. A telegram from Lord Grey in which the situation is summarized is enclosed.<sup>2</sup>

8. In this connexion your Ministers should see the accompanying copy of an Opinion given confidentially to Sir E. Drummond, the Secretary General of the League of Nations, by Dr. Van Hamel, Director of the Legal Section of the League of Nations Provisional International Secretariat on the question of the voting power of the British Empire. Sir E. Drummond has specially asked that this document should be treated as strictly confidential.

<sup>1</sup>Voir Vol. 2, doc. 134, p. 150.

<sup>1</sup>See Vol. 2, Doc. 134, p. 150.

<sup>2</sup>Non reproduit.

<sup>2</sup>Not printed.

9. His Majesty's Government hope that the papers in this despatch may be of assistance to the Dominion Governments in forming a considered judgment on the point at issue regarding Article XV of the Covenant of the League of Nations.

10. Since the reservation adopted by the United States Senate as to Article XV is not the only one which may vitally affect the future of the League of Nations and since the issues raised by the other reservations are also dealt with in the correspondence accompanying this despatch, particularly in General Smuts' telegram to Mr. Lloyd George of November 29th, His Majesty's Government think that it may be also of assistance to your Ministers to have before them a copy of a Memorandum by the Legal Adviser to the Foreign Office commenting on the reservations adopted by the United States Senate up to November 17th, and of a further memorandum prepared in the Foreign Office after a complete list of the reservations became available.<sup>1</sup> These memoranda have been submitted to His Majesty's Government but no decision has, of course, been reached as to the points raised therein. A complete set of the reservations adopted by the Senate is enclosed.<sup>1</sup>

I have etc.

(for the Secretary of State)

L. S. AMERY

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*Le directeur, section juridique, au Secrétaire général,  
Société des Nations*

*Director, Legal Section, to Secretary General,  
League of Nations*

CONFIDENTIAL

[Geneva,] October 15, 1919

REGARDING THE QUESTION OF THE VOTES OF THE BRITISH DOMINIONS  
UNDER THE COVENANT IN CASE OF A DISPUTE BETWEEN ONE PART  
OF THE BRITISH EMPIRE AND ANOTHER MEMBER OF THE LEAGUE  
OF NATIONS

The important point arises whether under the last paragraph of Article 15 of the Covenant, in case, for instance, of a dispute between Canada and the United States of America, the votes of Great Britain and of other Dominions could validly be cast in Canada's favour, and hereby prevent the American interest, even when supported by the rest of the Members of the Assembly, from receiving the full support of an unanimous decision.

The same question may arise under paragraph 6 of Article 15 if one of the Dominions should some time become a Member of the Council.

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

My conclusion is that in this case of Article 15 the different parts of the British Empire must be considered as forming *one* party to the dispute, which is dealt with by the League as "likely to lead to a rupture." The votes of *all* parts of the British Empire must therefore be excluded in the application of the last or of the sixth paragraph of this Article.

Of course, the decision on this matter will finally lie with the Assembly or with the Council of the League of Nations when a case has come up. They would have to decide how the votes were to be counted in that special case, but I think the League should then be advised in the way of the following reasoning:

There is no doubt that all the Dominions named in the Annex to the Covenant enjoy the rights of full membership of the League of Nations. This includes the right to vote, and if they so desire to vote independently.

There is, however, no doubt that the relation between England and the Dominions is, also under the Covenant, that of a special Federation or Commonwealth, the members of which are bound by special ties, which have been recognised by themselves as well as by the other members of the League at the conclusion of the Covenant.

Now the movement for autonomy, or even for independence, of the Dominions may go very far.

This important matter is apparently in a state of evolution. But it is quite certain that where matters of war and peace and foreign relations of a highly and purely political character are concerned the parts of the British Empire are interdependent, and have legally one imperial interest. This unit is represented by the "King of the United Kingdom of Great Britain, Ireland, and of the British Dominions beyond the Seas, Emperor of India," as it has also been expressed in the preamble of the Peace Treaty of Versailles. No political treaty of real importance could be concluded or ratified but by the authority of the King. No war could be declared, no blockade could be proclaimed, but by the authority of the King. The essential lines of foreign policy cannot be separately drawn by any colonial Government by itself. The requirement of the consent of the Dominion to decisions of vital interest in international relations is, of course, a quite different thing; it is internal.

It would be impossible for one part of the Empire to be at war while another remained neutral. There will be only one belligerent unit, at least in the eyes of the enemy. In matters of blockade all ships flying the British flag are alike affected.

It follows from all this that the kind of disputes that are mentioned in Article 15 of the Covenant, "disputes *likely* to lead to a rupture," will always necessarily be a matter of equal concern for all the parts of the British Empire. These disputes will always be of a highly and purely political character. They will involve the danger of war. They will imply the possibility of blockade, etc.

All the parts of the British Empire will therefore necessarily be parties to that dispute. Their votes should be excluded in the application of the last or of the sixth paragraph of Article 15.

Attention may be called to the fact that the question may not only arise between the United States of America and Canada, but could as well arise between Japan in its relations with Australia, Belgium in its colonial relations with South Africa, Holland in connection with India. It would therefore never do to equalise, as is desired by some people in the United States, the American and British votes by giving a plural vote to the United States. Other countries might claim the same thing.

But no equalisation seems necessary, as the only case in which a plural vote of the British Empire would be of advantage to England and of disadvantage to another member of the League would be the case of Article 15, in which the British votes will be excluded.

I trust you will find this summary statement on the question sufficient for the present. I do not quote authorities by which I have found my views corroborated. I am quite ready, should the case arise, to give full documentary statement of the whole matter.

I can assure that as far as I have been able to go into the authorities of various kinds I have found my opinion to be hardly debatable.

I had the pleasure of discussing the matter very thoroughly with Dr. Pawley Bate, who gave me most valuable suggestions and information, and entirely concurs with the present opinion.

VAN HAMEL

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*L'ambassadeur aux États-Unis au secrétaire d'État  
des États-Unis*

*Ambassador in United States to Secretary of State  
of United States*

[New York,] November 19, 1919

Dear Mr. Lansing,

As I cannot be in Washington until Sunday I send a line to give you my personal impression of the reservations about voting power in the League of Nations Assembly, the text of which I have just read.

You were good enough some time ago to ask my opinion about reservations. The second part of this reservation relating to disputes to which a member of the League is a party does not seem to me open to objection from the British point of view, but the first part of it seems to be inconsistent with the letter written by President Wilson, Mr. Lloyd George, and M. Clemenceau to Sir Robert Borden, and if that be the fair construction of it, I am afraid it must give rise to serious difficulties, for I am sure that anything inconsistent with that letter to Sir Robert Borden will be repudiated.

Some time after my conversation with you Senator Hitchcock spoke to me on the same subject, and if you think well it might be desirable to let him know my personal impression.

GREY OF FALLODON

346.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, January 22, 1920

SECRET. A question of great importance has arisen with the formal constitution of the League of Nations. It is how the various British Members of the League should conduct their correspondence with Secretariat General on matters connected with business of the League.

To us it seems essential that arrangements should be devised without delay which will ensure that on doubtful and controversial issues, we should present a united front, and that any differences of point of view such as nature of present theme, on first consideration any question should be previously discussed and harmonised between ourselves. There is otherwise a real danger that separate views once communicated direct to the Secretariat General will tend to be sustained and — [garbled] — may discover when a crisis arises that we have drifted into divergent and even incompatible attitudes on some issue whose seriousness when it was first raised was not realised. Such a result would seriously weaken in international affairs the position and influence of the British Empire, and could hardly fail to have an unfortunate reaction on its internal relations.

Against such a contingency, an obvious initiative precaution would be to arrange that all communications to and from the League should go through some common channel or clearing house. As far as various British Government departments are concerned such a clearing house is being constituted in the shape of a branch of the Cabinet Secretariat. Without prejudice to future arrangements, it is suggested this branch might be similarly made use of *ad interim* by the Dominion Governments for all communications either way. This would ensure at any rate that each part of Empire is fully informed of policy of the other parts before its own views are formally communicated to the Secretariat General.

Something further would seem to be required, however, in order to facilitate arrival at agreement on common policy by providing some method of personal exchange of views and discussion which would help to mitigate some of the delay and difficulty involved in endeavouring to deal with this problem purely by separate correspondence between six or seven separate Governments. This requirement would be met, it is suggested, if each Dominion appointed a representative here for League of Nations purposes. Such a representative should be some responsible person who would be able to form judgment on points of issue and make recommendations to his Government with a view

to securing common course of action after consultation with his fellow representatives; he need not necessarily be a Minister such as was contemplated in Imperial Cabinet resolution.

Any additional or alternative suggestions that your Ministers may wish to put forward I should be very grateful to receive together with an expression of their views on the above suggestions at the earliest possible moment.

347.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, February 3, 1920

Referring to your telegram January 9th regarding Article 15 of the Covenant of the League of Nations, the dispatch with papers referred to has not yet arrived, but the Government has carefully considered the terms of Reservation No. 14.

The Government can see no reason to modify the position taken in reply to your telegram of the 8th November in reference to this reservation.

We cannot read the first part of this reservation as other than a direct challenge of the status of the Dominions in the League of Nations and the denial of their right to vote. The Government is therefore unalterably opposed to any assent to this reservation either by positive declaration or by silence which should be deemed acquiescence and if any reservation which challenges the position or status of Canada in the League is finally adopted by the United States as part of its ratification Canada will dissent therefrom and file a protest against its acceptance and will reserve full freedom of action under such conditions.

We are unable to understand on what ground the United States could be given additional votes in the Assembly without changing the whole basis of representation and voting. If the United States is entitled to additional votes then other powers are equally entitled and the voting ceases to be on the basis of membership in the League and some other rule must be adopted equally applicable to all nations. If population is chosen then the proportionate voting strength of the British Empire in the League would be more than double what it is at the present and the United States voting strength would be correspondingly reduced.

DEVONSHIRE

348.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, February 5, 1920

Your telegram January 22nd. My Ministers realize the importance of the general problem of the relations between the League of Nations and the various

members of the British Empire and recognize the necessity for careful provision for consultation to avoid undesirable confusion. They have, however, some doubt as to how far this problem is raised to any acute form by the particular question of channels of communication with the League Secretariat; and before reaching a final conclusion they would be glad to have the observations of His Majesty's Government on the following points:

1. Your telegram seems to imply that the Secretariat itself will have some important jurisdiction in questions of policy involving serious controversial issues with possibilities of unfortunate divergencies of view. My Ministers had conceived that such questions would be either for the Assembly in which case the view of the Canadian Government would be presented by the Canadian representative in attendance after consultation with Ottawa and with the other members of the British Empire delegation present; or for the Council, in which case the British representative could obtain the special view of the Canadian Government through the existing channels of communication between His Majesty's Government and the Canadian Government. They would be glad to have the observations of His Majesty's Government on this aspect of the matter, including some further indication of precisely how it is contemplated the League Secretariat will work and what its scope will be.

2. There are certain further questions in this connection on which observations would be of assistance. My Ministers assume from the terms of your telegram that all communications between the British Governments parties to the League and the League Secretariat will be available for the information of the proposed Dominion representatives and for such observations as their respective governments may desire to make. In this connection my Ministers would like to be advised if in any arrangement that may be reached finally in this matter some provision might not be made for rendering available to proposed Canadian representative the intelligence concerning foreign affairs which is received from day to day by His Majesty's Government.

3. Whether there has yet been any indication of an intention on the part of members of the League to appoint special representatives to reside at the seat of the League.

4. What authority precisely will the Secretary-General of the League address in the case of the United Kingdom, whether for example the Prime Minister or the Secretary of State for Foreign Affairs.

5. Could you advise what is contemplated in this respect in case of other members of the League.

It would be of assistance also if you could give some further description of the branch of the Cabinet Secretariat referred to in your telegram, its composition, its operations and its relations to the Cabinet and to the Foreign Office.



349.

*Mémoire du Conseiller juridique<sup>1</sup>**Memorandum by Legal Adviser<sup>1</sup>*

SECRET

[Ottawa,] February 9, 1920

## BRITISH REPRESENTATION ON THE COUNCIL OF THE LEAGUE OF NATIONS

The "British Empire" is named as one of the Members of the League of Nations entitled to permanent representation on the Council. At first sight therefore it might be said that all parts of the Empire should join in the naming of the Representative who from time to time will sit on the Council. This simple solution has however far-reaching consequences that demand careful consideration before any step is taken.

The question is really political rather than legal. The whole position is full of anomalies and illogical; it shows very clearly the need for a constitutional conference.

If we demand the right to join in the selection of the representative, we admit that he represents Canada, and we become responsible to that extent for any action he may take. It may be said that he will only be able at the Council to give his assent to any proposal *ad referendum*. Possibly the Council will work that way at times; but it will not do so always. And even so the consideration that we have in fact deputed him will make it exceedingly difficult for us to avoid responsibility for what he may do.

Hitherto our attitude has been, broadly speaking, that we are like a small Power, that we have only special interests; that we do not desire to assert that we have a general interest; that we do not interest ourselves in everything that happens anywhere in the world. The proposal to demand a voice in the selection of the Representative on the Council implies a complete reversal of this attitude.

We secured the right under Article 4 (paragraph 5) of the Covenant to have a Canadian Representative present at the Council when Canadian interests are under consideration. If we join in appointing the permanent British Representative, he becomes our Representative and we imperil our right to send a Canadian.

We also imperil the basis of the whole case for Dominion representation and Membership in the League. It will be difficult to make a convincing argument to other nations if we insist on riding two horses or one according as it suits our interest at the moment.

The claim would seem also to make it difficult or impossible for the United Kingdom to stay in the League; for it means that for the purposes of the League the United Kingdom as such is non-existent. It means putting the

<sup>1</sup>Ce mémorandum fut transmis aux ministres par le premier ministre par intérim, sir George Foster.

<sup>1</sup>This memorandum was circulated to Cabinet Ministers by Acting Prime Minister, Sir George Foster.

Dominions in a more advantageous position than the Mother Country. Canada, it is proposed, shall nominate a distinctive Representative of her own, and at the same time take part in the nomination of another who is to represent really the United Kingdom; but the United Kingdom as such shall have no representative. (If we make this claim as to the Council we shall presumably make it in respect of the Assembly; for the case is the same there; that is to say, there are to be "British Empire" representatives as well as Canadian, Australian, etcetera.)

It must be apparent that even if it were agreed that the Dominions should join in this nomination of the British Representative, yet in practice it would be a highly formal and perfunctory affair in the present state of Imperial political machinery. It is difficult — indeed, one might say impossible — to conceive circumstances in which a Dominion would propose to veto the nominee of the United Kingdom. There are no real practical advantages to be gained from the step; while it has possibilities of real disadvantage: it weakens our position in respect of distinctive representation among other nations in the League, and it commits us (if we are really to be in earnest about the matter) to worldwide responsibilities with which under the present conditions of Imperial organisation we are not prepared to cope.

It is submitted that for the present and until the whole matter can be carefully reviewed at an Imperial constitutional conference it is most undesirable to raise this question. We should not interfere in the selection of a Representative made by the Government of the United Kingdom in this case any more than we interfered at the Peace Conference in the case of the Council of Four when Mr. Lloyd George became the British representative.

Apparently this is the view of the matter taken by the South African Government; for in one of the enclosures in the Secret Colonial Office despatch of January 12, 1920, General Smuts speaks of the British Representative on the Council being appointed by the United Kingdom.

L. C. C[HRISTIE]

350.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, February 12, 1920

SECRET. With further reference to your telegram January 9th and my reply of February 3rd, respecting British votes in League of Nations, my Ministers have been confidentially informed from American sources that a modification of the Lenroot reservation is likely to be agreed upon in the following terms. Begins. Until Part I, being the Covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the League and its self-governing dominions, colonies or parts of Empire in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound by any

election, decision, report or finding of the Council or Assembly in which any member of the League and its self-governing dominions, colonies or parts of Empire in the aggregate have cast more than one vote. The United States assumes no obligation to be bound by any decision, report or finding of the Council or Assembly arising out of any dispute between the United States and any member of the League if such member or any self-governing dominion, colony, empire or part of empire united with it politically has voted. Ends.

The final adoption by the United States Government of such a reservation would be looked upon by the Canadian people as a direct challenge of their position. Such action would be deeply resented here and cannot possibly be acceded to by Canadian Government. My Ministers feel it necessary to advise you clearly of the situation before any further action is taken. They feel it should be made perfectly clear to the Government of the United States that no such reservation as is contained in the first portion of the Lenroot reservation either in its original or modified form could be acceded to by the British Empire.

DEVONSHIRE

351.

*Mémorandum au Secrétaire général, Société des Nations*  
*Memorandum for Secretary General, League of Nations*

February 14, 1920

This morning (Feb. 14th) I had breakfast with Sir Robert Borden, Canadian Prime Minister, and Sir George Perley, Canadian High Commissioner at present in London. We discussed questions relating to the appointment of Canadians to positions in the gift of the League of Nations. The following expresses the desire of the Canadian Prime Minister:

When positions of importance are to be filled and a Canadian is desired, communication should be made to the Canadian Prime Minister or Acting Prime Minister at Ottawa and a nomination requested.

Sir Herbert Ames, knowing Canadian local conditions, is also asked to keep in personal touch with the Hon. N. W. Rowell, M.P., Acting Minister of External Affairs, Ottawa, in order to advise him in advance of coming appointments and furnish him with data regarding the conditions; also suggestions as to names as showing the type of Canadian required. These communications on the part of Sir Herbert to be regarded as unofficial and copies sent to the Canadian High Commissioner. When cables between Sir Herbert and Mr. Rowell are necessary on these matters they will pass through the Canadian High Commissioner.

Minor appointments going to younger men for positions on the Secretariat, or in connection with the staffing of Commission, may be made on the direct selection of Sir Eric Drummond and by immediate communication with the Canadian selected by him for such position.

H. B. AMES

352.

*Mémorandum du ministre de la Justice<sup>1</sup>**Memorandum by Minister of Justice<sup>1</sup>*

Ottawa, February 17, 1920

## BRITISH REPRESENTATION ON THE COUNCIL OF THE LEAGUE OF NATIONS

- 1 -

By this paragraph it is conceded that "at first sight it might be said that all parts of the Empire should join in the naming of the representative who from time to time shall sit on the Council" — The purpose of the following observations is to show that the most careful consideration can but confirm that first impression. It was as the result of that careful consideration that the undersigned suggested the sending of the message which the Acting Prime Minister has submitted to Council.

- 2 -

I agree that the question that arises is really political rather than legal. I would indeed go further and say it is not legal at all.

Were there any possible doubt that the terms "British Empire" mean British Empire, that is the whole British Empire composed of and including all its parts, and if in consequence there were room for interpretation, then a legal question might arise. But as the terms stand perfectly free from ambiguity, there is no room for the exercise of interpretative ingenuity, and no occasion to have recourse to or apply legal rules of interpretation.

The purely political question raised by the memorandum is whether we should or should not exercise the right which — unless it be intended to suggest that Canada is not one of the essential component parts of the Empire, one of the several nations equal in status which constitute it — the Covenant unmistakably gives us.

- 3 -

Quite irrespective of whether we do or do not demand the right to join in the selection of the representative or of whether we do or do not admit the fact, any representative of the British Empire as a whole must necessarily represent all of its parts. Canada is one of these parts — and as such responsible for the action of the duly accredited representative of the whole. This must be true unless indeed, we claim the right, as the writer of the memo apparently does, to repudiate what is done by the Empire as a whole, and just because — for those who do not claim that right — this is necessarily true, no one can become the duly accredited representative of the whole unless he be so

<sup>1</sup>Ce mémorandum, renfermant des commentaires sur le mémorandum que L. C. Christie avait transmis au Premier ministre par intérim le 9 février, fut vraisemblablement rédigé par Charles J. Doherty. Les numéros correspondent aux alinéas du mémorandum de Christie.

<sup>1</sup>This memorandum, which contains observations on the memorandum L. C. Christie had forwarded to the Acting Prime Minister on February 9, was probably written by Charles J. Doherty. Numbers correspond with paragraphs of Christie's memorandum.

accredited by all the parts that make the whole — And no one is entitled to sit as British representative in the Council unless he so sit as representative of the British Empire — that is the whole British Empire.

We are in this Empire or we are not. If we be in it, then we are responsible for what *it* does; and what *its* representative does *it* does. There is but one way to avoid that responsibility, and that is to withdraw from the Empire — We cannot relieve ourselves of it by tacitly acquiescing in the assumption by one part of the Empire of the exclusive right to represent the whole, and after that representative has acted, repudiating his action.

Bearing that responsibility, if we waive our right to share in the selection of the Empire's representative then we fall back to the status of voiceless dependency from which we have so loudly boasted we had emerged.

— 4 —

The statements of this paragraph evidence, be it said with respect, a singular misapprehension of the nature of the only question that can arise in connection with message to the Home Government suggested by the undersigned.

These statements with the exception of the last, fairly correctly describe the attitude we have taken towards outside nations and as members of the League.

The suggested message has no connection with that attitude at all.

It has to do entirely with our position within the Empire, and the attitude we should maintain or take with regard to our rights within it as between ourselves and its other members. That is a purely domestic matter, it bears only upon our status within our own home. It concerns exclusively the member nations of the Commonwealth. As regards the outside nations, the British Empire — not the United Kingdom and not Great Britain — is both a member of the League and one of the Principal Allied and Associated Powers. As the latter she is entitled to permanent representation on the Council. How the representative shall be chosen is absolutely and exclusively her own affair.

Questions with regard to it, are not questions of anybody's status in the League.

Everybody's status there is settled by the Covenant.

That Covenant determines that the partnership known as the "British Empire" should be one member of the League, and that certain of the members of that partnership should likewise as distinct nations be members of the League.

The Preamble of the Treaty recognizes the partnership as one of the Principal Allied and Associated Powers, and the Covenant constitutes it as such Principal Allied and Associated Power a permanent member of the Council.

The International status of the partnership is thus determined — but its internal control and the rights of its members to share in that control are in no wise thereby affected.

No attitude we may choose to take with regard to our share in that control can imply a “complete reversal” of the attitude we have taken and adhere to in regard to our status as members of the League and our relations with our fellow members. That status is defined by the Covenant and recognized by those fellow members with full knowledge on their part of our being members of the British Empire partnership upon which they had conferred the status and rights above mentioned.

The assertion that the attitude taken in the suggested message implies such a reversal, is the result of confounding two absolutely distinct and different things.

Mr. Van Hamel in his opinion of the 15th October 1919, points out very clearly the distinction between the two. He says: “The requirement of the consent of the Dominions to decisions of vital interest in international relation is, of course, a quite different thing (i.e. different from their international position in regard to other nations) it is internal.”

— 5 —

What precedes probably sufficiently answers this paragraph.

As pointed out, our co-members of the League agreed that the partnership of which we are members should at all times have a representative on the Council, and that in addition we as one individual nation, should have a representative thereon should the Assembly elect us to that honour.

How our taking part in the meeting of our partnership in selecting *its* representative, is to imperil the right clearly recognized to us to have a distinct representative exclusively our own in the event above mentioned, I am at a loss to understand.

It is perhaps well in this connection to call attention to the fact that the suggested message which has evoked the memorandum which is the subject of these observations, in no way contemplates any demand being made upon the League or our fellow-members thereof.

It is addressed solely to our co-partner, and has to do solely with a matter pertaining to the partnership administration.

— 6 —

The peril which this paragraph sees impending as the result of the suggested message, seems to me as shadowy as that which formed the basis of the fear expressed by the preceding paragraph. Again there is no question of arguing anything with other nations — but merely of the unquestionably recognized British Empire determining how it shall select its representative. Whether we do or do not share in the choice of that representative, can affect in no way the rights or interests of the other nations.

At the Conference these other nations in the most unmistakable way recognized our right to enjoy distinct representation of our own, while at the same time sharing in the representation of the British Empire. Why should we apprehend that they will so suddenly change their attitude?

— 7 —

How any claim of ours should make it difficult or impossible for the United Kingdom to *stay* in a League in which as a distinct entity she never has been or pretended to be, I am at a loss to see.

The simple fact as established by the absolutely clear terms of the Covenant, is that the United Kingdom is not *as such* a member of the League, or in the terms of the memorandum, "that for the purposes of the League the United Kingdom as such is non-existent."

The terms of the Covenant leave no room for doubt upon this. The British members of the League are

(a) "The British Empire" (the partnership)

(b) certain member nations of that partnership namely Canada, Australia, etc.,

Nor is this condition of affairs the result of any claim made or to be made by the Dominions, nor of any oversight on the part of the representatives at the Conference of the United Kingdom or of the Empire.

At the time the Covenant was submitted to and considered by the British Delegation, attention was specially called by Canadian representatives to the fact that no provision was being made for the United Kingdom, as a member of the League.

For reasons doubtless satisfactory to themselves the United Kingdom representatives chose to merge the United Kingdom absolutely as regards membership, in the British Empire.

Presumably they saw in the preponderant influence which they doubtless expect that for a very long time to come she would exert in the selection of any general representative — even though the Dominions be consulted as to such selection — an ample protection for the United Kingdom.

However this may be, the United Kingdom made its choice. I cannot and do not believe that she would now if the matter be brought to her attention, seek to invoke the consequences of that act of her own as entitling her to monopolize the important right of permanent representation on the Council of the League, which under the Treaty was conferred upon and belongs to the Empire of which she is a part.

There is no doubt that the Covenant — independently of any claims that Canada may now make — does put the Dominions in a more advantageous position than the mother country in so far as the fact that each Dominion is entitled to representation of its own, in addition to sharing as a partner in

the Empire in the representation to which that Empire is entitled, may be considered as conferring an advantage.

It is not now proposed that this should be done. This is what the Covenant did, and did with the knowledge and assent of the United Kingdom — As above suggested, her representatives doubtless believed that the strength of her voice in the selection of the Empire representative afforded her every needed guarantee. But it is one thing for a voice to be strong and quite another for it to speak alone.

Moreover the position in regard to representation now contemplated with such horror is but the continued application of the principle upon which the representation of the Mother Country, or rather of the British Empire and of the Dominions was determined at the Peace Conference.

There — the United Kingdom as such had absolutely no representation, while the Dominions not only had each their distinctive representatives, but at the same time shared with the Mother Country in the general representation accorded to the British Empire. It was the representation so granted on the Conference, that was invoked and accepted as settling the principle upon which the Dominions should be admitted to and represented in the League.

That on the Conference the Dominions had the advantage resulting from the adoption of this principle was fully recognized, and provoked no complaint or remonstrance from the United Kingdom.

The latter survived the Peace Conference, and I am confident will not be sensible of any grievance should her attention be called by the suggested message to the propriety of consulting the Dominions as to the representation of the *Empire* in the League Council. On the contrary I doubt not she would at once recognize that propriety.

I fancy that British statesmen would be much more startled by the suggestion of the memorandum that the Dominions "lay low", say nothing about sharing in the selection of an Empire representative, and then claim not to be bound by whatever the Empire acting through that representative may do.

That way, separation lies.

The true method to secure continued united action is to see that all are fully consulted before the *Empire* acts, so that all may be justly responsible when the Empire acts.

— 8 —

No doubt as the memo accompanying the suggested message indicates, there is no great importance to be attached to the particular nomination in question. Doubtless if consulted, we would have assented to it.

But it is the principle that is important.

If we recognize to-day that the selection of representatives of the whole Empire may rightly be made by one among the nations that compose it, to-day's recognition will be tomorrow's precedent. And in matters constitu-



tional, and perhaps very specially so in the present stage of development of the constitutional relations of the nations of the Commonwealth, precedent is all important.

I do not see the dangers by which the author of the memorandum is so appalled.

But I do very clearly see the very grave importance of our affirming our right to be consulted, in the choice of a representative who cannot represent the Empire without representing us.

— 9 —

I most earnestly object to the suggestion of this paragraph being acted on, or rather to the inaction recommended in it.

For us to recognize that "British Empire" means the United Kingdom alone; to contend that representatives of the *British Empire* do not represent us as part of that Empire; that we are not bound by what such representatives do unless we have [a] voice in their selection, and at the same time to acquiesce in their being appointed without our being even consulted — counting apparently on the absence of such consultation to justify our repudiating what the Empire through them does — and all this because we have so confounded in our minds our international rights as members of the League with our constitutional rights as members of the British Commonwealth, that we fear to forfeit the former if we venture to exercise the latter, and because further our hearts will not permit us to see the United Kingdom prevented from *staying* in a League which of her own volition she chose not to enter, and to remain as compared with the Dominions in a position of disadvantage as regards representation which — if it be a position of disadvantage — she chose for herself both at the Peace Conference and on the League of Nations, seems to go far to justify the statement of Paragraph 2 of the memorandum that "the whole position is full of anomalies and illogical."

But, if that really be our position, it involves something much more serious than that. It reduces to absurdity our claim to the possession of equal nation-hood within the Empire and justifies the gibes and sneers of our critics.

The recommendation that "we should not interfere in the selection of a representative made by the Government of the United Kingdom in this case any more than we interfered at the Peace Conference in the case of the Council of Four when Mr. Lloyd George became the British Representative" is hardly a recommendation that we should not send the suggested message.

Those who were present will remember, and the Minutes of the Conference will establish that Sir Robert felt it his duty, when the Council of Four (or was it not Five?) upon their own authority superseded the Council of Ten which was the constitutional Governing Body or Council of the Conference, to make a most firm protest. One of the motives — if not indeed the determining motive — that inspired that protest was that the change deprived the Dominions of any share in the Empire Representation on that Governing Body,

which they had under the "panel" system adopted in connection with the Council of Ten.

That was at least as pronounced an interference, as the suggested message.

By the latter it is proposed merely that we should put forward a claim to recognition of a right — a claim which seems to me so clearly justified that I will be more than surprised should it be disputed.

There is no suggestion that if it be recognized, there should be on our part any unreasonable "interference" in the selection.

The right to consultation once recognized, I see no reason to apprehend that that consultation will not proceed as smoothly as have the numerous like consultations that have been had on other matters.

Should the United Kingdom Government see any ground for objection to the recognition of the right, or share the fears of the author of the memorandum, they will doubtless set out these objections and the reasons which to their minds may justify those fears and we can then consider them, and decide whether our claim should be abandoned. But, I most strongly urge that we will be failing in our duty if we do not put forward that claim.

It may perhaps be useful to add that the question of Dominion Participation in Empire Representation in connection with the League formed the subject of many discussions at the meetings of the Dominions League of Nations Commission, over which Lord Robert Cecil presided, and whereof General Smuts was a member.

While no conclusion was reached as to the manner in which that participation should be provided for, all were agreed that there must be such participation.

There was likewise general assent that it did not belong to a League of Nations Commission to deal with questions pertaining to such participation, they being for settlement by the nations of the Commonwealth as having to do with an internal or domestic matter quite outside the scope of a League of Nations Covenant.

— 10 —

It is true that in the despatch referred to General Smuts speaks of the British Representative on the Council being appointed by the United Kingdom, or rather of the vote of the British Empire in the Council being that of the United Kingdom.

But there is nothing in the context to show that this means anything more than that he assumed that the United Kingdom would be selected to represent the Empire on the Council.

There is certainly nothing in the nature of expression of considered opinion on his part that as of right the United Kingdom has the exclusive selection of the Empire's Representative.

From what I think I may claim as fairly accurate knowledge derived from conversations with himself, of General Smuts' views,<sup>1</sup> I would be more than surprised if upon the matter being directly brought to his attention, he would not be prepared to endorse and join in the suggested message.

Doubtless the existing situation as it is described in the above observations, may be in some measures anomalous. But it is certainly much less open to this reproach than the position as contemplated in the memorandum. It is, moreover, *the* situation. Such anomaly as it may present can only, if at all, be corrected by some agreement between the nations of the Empire.

Pending the expected Conference and such solution of this difficulty as it may be able to arrive at, obviously the Dominions cannot consent to or acquiesce in the assumption on the part either of the United Kingdom or of outside nations that the United Kingdom alone is the British Empire. For my own part, I do not believe that the United Kingdom does so assume. The action with regard to representation in the Council of the League does, however, imply such assumption and should therefore not be acquiesced in by the Dominion.

353.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 19, 1920

Influentially signed memorial presented to Prime Minister January 15th published "Times" January 16th urging convening of International Conference on financial situation to which United Kingdom, British Dominions, United States, France, Belgium, Italy, Japan, Germany, Austria, neutral countries, Europe and chief exporting countries, South America should send representatives. Identical memorial addressed at the same time to Governments of certain other countries signed in each case by representative citizens but text of memorial presented in United States differed in some points from that presented here. Reply of His Majesty's Government published "Times" February 12th follows by post expresses doubt whether participation of United States could be secured and points out attitude of United States Government must gravely affect influence and even utility of proposed conference, but states that in existing circumstances His Majesty's Government prepared to appoint representatives if invited to do so by one of neutral countries or by League of Nations on being satisfied with conference. Will assume really representative character made absolutely clear, however, it will not be possible for United Kingdom at this stage to make any considerable addition to its liabilities and that if grant of credits in any form was to be recommended by Conference His Majesty's Government would not support or take share in any scheme which involved additions to liabilities of United Kingdom for expenditure in United States of America.

<sup>1</sup>Voir le dernier alinéa du doc. 349.

<sup>1</sup>See last paragraph of Doc. 349.

354.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, February 20, 1920

SECRET. My telegrams February 3rd and 12th respecting United States Senate reservations to Treaty. My Ministers are concerned as to the combined effect of the Lenroot reservation and the resolving clause, which in original form required affirmative acceptance by three of the principal Allied and Associated Powers, and in present amended form requires acceptance by Allied and Associated Powers and declares that failure to object on the part of such Powers will be taken as acceptance. In view of the vital importance of the question to Canada and of the embarrassing position that might arise the advice of the Law Officers here has been taken. Their view is that under this clause if finally adopted in either form the assent of His Majesty on behalf of all the member nations of the British Empire would be necessary and the dissent of His Majesty on behalf of any one of these members would prevent American ratification. As the Canadian Government would have no other alternative but to dissent and as His Majesty's Government have agreed not to consent to any change in our position without our consent, the conclusion is that the ratification could not become effective. My Ministers enquire whether this view as to the effect of the proposed reservation is shared by H.M. Government. They would be glad to know also what representations have been made in any quarter in Washington in reference to the Lenroot reservation and the resolving clause. An immediate reply would be greatly appreciated.

DEVONSHIRE

355.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, March 8, 1920

SECRET. In reference to your telegrams of February 20th February 13th and February 3rd it is recognised by His Majesty's Government that the Lenroot reservation involves departure from the agreement arrived at in Paris, and they entirely accept view that dissent of any Dominion Government will prevent the Empire from accepting the reservation. So far no official representations have been made to United States Government regarding the reservation, but in view of your Ministers representations, and mood of Australia and South Africa to the second part of reservation (see my despatch Secret January 12th) His Majesty's Government are quite prepared to make clear to United States Government that we cannot accept reservation if and when the reservation and resolving clause are actually adopted and before (ratification?) as contemplated in latter. Apparently, however, the fate of the reservations and of the whole treaty is still doubtful, and whether any

public declaration now would not be used to consolidate American opinion in support of the policy expressed in the reservation is worthy of consideration. On this point His Majesty's Government would be glad to have the opinion of your Government. If they are disposed to agree, it would seem to be wiser to see whether reservation is finally adopted and if so in what form, before making a public announcement as to our position.

356.

*Le premier ministre de l'Afrique du Sud au Premier ministre  
Prime Minister of South Africa to Prime Minister*

TELEGRAM

Pretoria, March 9, 1920

Secret despatch from Colonial Office dated January 22nd, proposes that all communications from British or Dominion Governments to Secretary General of League of Nations should first be discussed and harmonized between representatives of these Governments in London and thereafter forwarded through branch of British Secretariat as common clearing house. I assume that Dominions will appoint representatives to League of Nations who, if not specially appointed, would be either their [High Commissioners] or Ministers and will ordinarily reside in London. These Dominion representatives, together with Imperial representatives, could form standing conference for discussion as above. But I am doubtful using branch of British Cabinet Secretariat as means for forwarding correspondence from Dominions. It would strengthen view already held in American Senate that Dominion representatives would in any case support British policy. Identification of Dominions with British Government would appear to be complete under such arrangement. It seems sounder and safer that after discussion and harmonization in above conference, each Dominion representative should himself forward communications from his Government and send copies to Conference Secretariat. May I have your views before reply is sent to above despatch?

SMUTS

357.

*Le Premier ministre par intérim au premier ministre de l'Afrique du Sud  
Acting Prime Minister to Prime Minister of South Africa*

TELEGRAM

Ottawa, April 6, 1920

Referring your despatch March 9th, agree with your view that use of branch of British Cabinet Secretariat is open to the objection you have mentioned and therefore do not think suggestion acceptable. Mr. Christie, Counsel for Department of External Affairs, is in London at present and have asked him to discuss question with Colonial Secretary. We will not make reply to secret despatch of January 22nd until we get further information from Mr. Christie. When we hear from Mr. Christie will advise you further.

358.

*L'Administrateur au secrétaire aux Colonies*  
*Administrator to Colonial Secretary*

TELEGRAM

Ottawa, April 26, 1920

Your telegrams March 6th, April 17th and April 22nd. My Ministers are glad to have information concerning International Financial Conference but they point out that so far Canadian Government has received no direct invitation from Secretary General of League of Nations. In respect of other matters Secretary General has adopted practice of addressing communications direct to Prime Minister of Canada and my Ministers consider it desirable that this method should be followed. In cases where telegraphic communication is necessary they think it more appropriate and convenient to use machinery of High Commissioner's Office and they are instructing High Commissioner to this effect.

359.

*Le président du Conseil privé au Haut commissaire*  
*President of Privy Council to High Commissioner*

TELEGRAM

Ottawa, April 26, 1920

With reference our telegram today to Colonial Secretary respecting International Financial Conference and communications between Secretary General League Nations and Canadian Government please take up in appropriate quarter and arrange that in future all such communications are addressed direct to Prime Minister Canada and forwarded through your office.

360.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 30, 1920

Your telegram 26th April International Financial Conference,<sup>1</sup> formal invitation from League Secretariat addressed direct to Canadian Government sent in bag 21st April as usual under cover addressed to your Prime Minister. Information was sent by telegraph for convenience of your Government at request of League Secretariat. Their wishes have been noted as regards future procedure.

MILNER

<sup>1</sup>A la Conférence, qui eut lieu à Bruxelles en septembre 1920, le Canada fut représenté par l'hon. Hugh Guthrie, M. J. H. Gundry et M. G. C. Cassels.

<sup>1</sup>The Conference, which was held at Brussels in September 1920, was attended, on behalf of Canada, by Hon. Hugh Guthrie, Mr. J. H. Gundry and Mr. G. C. Cassels.

361.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 30, 1920

Your telegram March 8th and despatch March 15th. Canadian Government note with satisfaction that His Majesty's Government are prepared to make clear to United States Government that they cannot accept reservations and resolving clause if and when adopted by the Senate. The Canadian Government in their telegrams of February 12th and 20th did not contemplate any public declaration by His Majesty's Government but rather that His Majesty's Ambassador at Washington should make the position of the Canadian Government perfectly clear in the proper quarter there. In view of the course of events neither public declaration nor further representations at Washington are for the present necessary. If however at a later date the matter should again come before Senate the Canadian Government feel that it would be desirable that their position should be formally made known to the United States Government in advance of final action by the Senate so as to avoid any possible misunderstanding arising thereafter. Should the Canadian representative at Washington be appointed before further action becomes necessary, the matter could be taken up through him.

362.

*L'Administrateur au secrétaire aux Colonies*  
*Administrator to Colonial Secretary*

DESPATCH 294

Ottawa, May 1, 1920

My Lord,

I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada on the subject of British representation on the Council of the League of Nations.

I have etc.

L. H. DAVIES

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil**Order in Council*

P.C. 304

April 26, 1920

The Committee of the Privy Council have had before them a Report, dated 5th February, 1920, from the Right Honourable Sir George E. Foster, Acting Prime Minister, submitting that Your Excellency's Ministers have observed that at the recent Meeting of the Council of the League of Nations, Earl Curzon attended as representative, presumably of the British Empire.

While they have no desire to take exception in any way to the representative selected, they deem it proper to point out that they were in no way consulted as to his selection. The British Empire being a member of the Council of the League of Nations, it appears to Your Excellency's Ministers but proper that the designation of its representative should be determined upon only after consultation with the Governments of the different nations composing the Empire.

Your Excellency's Ministers desire further to point out that from the text of the convocation of the meeting of the Council issued by President Wilson, as given to the public through the Press, Great Britain alone and not the British Empire was invited to send a representative to the Council. This does not appear to Your Excellency's Ministers to be in accordance with the provisions of the Covenant under which permanent membership in the Council belongs (not to Great Britain but) to the Empire as a whole. They would suggest that this matter be brought to the notice of the Officer or Authority to whom may belong the duty of convoking meetings of the Council so that a similar mistake may be avoided in the future.

Your Excellency's Ministers are moved to make these observations not because they consider that any serious importance attaches to the particular incidents referred to but because in their judgment it seems highly desirable that in connection with all matters pertaining to the League and its operations no action should be taken which might give rise to any confusion or misunderstanding with regard to the position and rights of the British Empire as a whole, under the Covenant, and those of the Dominions as self-governing nations, members and components parts of that Empire.

The Committee, on the recommendation of the Acting Prime Minister, advise that Your Excellency may be pleased to transmit a copy hereof, if approved, to the Secretary of State for the Colonies for the information of His Majesty's Government.

All of which is respectfully submitted for approval.

363.

*Le Haut commissaire au Premier ministre par intérim*

*High Commissioner to Acting Prime Minister*

TELEGRAM P. 514

London, May 4, 1920

Your message regarding official communications League Nations to Dominions. Have seen Milner and cable sent him. Am informed by League Secretariat procedure adopted purpose keeping these communications in one channel is address them direct Prime Ministers and send them under cover to Secretary British Cabinet for transmission. This was done respecting International Financial Conference with request to Secretary telegraph substance. Secretary complied with this request by sending cable through Colonial Office instead of direct. Shall be glad carry out whatever arrangement Government may consider best but you doubtless realize this raises in practical way



question which Christie came here about. Don't you think that as well as having direct channel communication there should be someone here representing each Dominion with sufficient authority have full access League and Cabinet papers and for consultation with others on matters that may arise. I take it that, while you wish guard jealously Canada's separate status in League, we must also find some plan by which nations Empire will as far as possible act together, present united front to rest world and consult together regarding important matters in which they have varying points view or which are of general concern. To do this and make League workable, it seems to me some way must be provided for taking common counsel as otherwise we may find ourselves unintentionally and without realizing it, committed to opposing sides some important question. Why not for that purpose continue or modify precedent Imperial War Cabinet? Canadian representative need not be same person all time, but two might alternate between here and some department at Ottawa, in order be always in touch with *suitable* (?) and sentiment in Canada and keep Government fully informed regarding position here. If communications are all sent separately to various nations Empire, I suppose that unless some plan were worked out for joint consultation those to United Kingdom would not come to our knowledge. This would naturally be detrimental to us, as Great Britain is the one represented on League Council and we look to her delegate for support on that body. Regarding best solution, placed my views before Sir Robert Borden some time ago and explained them fully to Christie. Am taking no immediate action on your cable, as Milner tells me he wishes communicate with you further, before anything definite is done, after which I shall doubtless hear from you again.

PERLEY

364.

*Extrait du rapport du Conseiller juridique*

*Extract from Report by Legal Adviser*

Ottawa, May 6, 1920

REPORT NO. 1 ON VISIT TO ENGLAND, MARCH, APRIL, 1920

The matters which I was instructed to take up in London are set out in the memorandum I took with me, a copy of which is annexed hereto.

(1) The question of channels of communications between the Secretariat of the League of Nations and the British Members of the League (See Section 1 of the annexed memorandum) was discussed with Lord Milner, Secretary of State for the Colonies; Sir George Perley, High Commissioner for Canada; Colonel Amery, Parliamentary Under Secretary of State for the Colonies; Sir Maurice Hankey, Secretary of the Cabinet; Mr. Philip Kerr, of the Prime Minister's Secretariat; and General S. B. Wilson, of the League of Nations Branch of the Cabinet Secretariat.

I found that as indicated in the Colonial Secretary's telegram of January 22nd, 1920, the Cabinet had authorized the constitution of a branch of the Cabinet Secretariat to serve as a clearing house for the various British

Government Departments in respect of communications to and from the Secretariat of the League of Nations. A scheme had been drawn up on paper which provided that each Department concerned should have a representative in this branch, and that the branch should serve as a channel of communication and co-ordinating body in League of Nations matters. In actual fact, however, the scheme was only on paper; none of the Departments had appointed a representative and what work of this character there was to do was being done by General Wilson, one of the regular staff of the Cabinet Secretariat. The reason for this situation was simply that in the present development of the League there are very few communications one way or the other and no pressing need for a co-ordinating body has yet been felt. In the circumstances there was really nothing for me to discuss on this subject. If business with the League develops the question may demand further consideration; but it scarcely seems likely that this will happen within the next year, or indeed before the proposed Constitutional Conference takes place.

The present method of dealing with communications with the League of Nations while it may conceivably result in slight inconveniences at times, will most probably be quite sufficient to meet the case in the meantime. My recommendation, accordingly, on this part of my inquiry is that no action of the sort suggested in the Colonial Secretary's telegram of January 22 be taken at present. That telegram was premature; it was sent while Lord Milner was in Egypt, and as I discovered it was never submitted to nor considered by the Cabinet.

I would suggest, however, generally that more use be made of the High Commissioner in dealings with the League of Nations, so long at all events as the Secretariat of the League is maintained in London. In particular he might well be designated as the medium of communication between the Government and the League; that is to say, while communications should be formally addressed as heretofore to the Prime Minister, they should be transmitted and be replied to through the High Commissioner. All the other Members of the League use their diplomatic representatives in London as the channel of communication. The course proposed would simply be in accord with this practice. It should also result in greater expedition and better knowledge of what the League is doing: for the High Commissioner with the support implied in this method of procedure will have a stronger standing in meeting those concerned with the League and should therefore be in a position to acquire in an informal way and transmit to Ottawa much information of use to the Government. Nothing in this proposal need in any way lead to divergencies of view between different parts of the Empire nor prevent the sort of consultation suggested in the Colonial Secretary's telegram of January 22nd. Finally it is submitted that anything which increases the High Commissioner's responsibilities and influence in London is of distinct advantage to the Dominion Government.

(2) In connection with the above question I also discussed Section 2 of the annexed memorandum, relating to the possibility of an arrangement to improve the existing means of making available to the Canadian Government

the intelligence respecting foreign affairs received from day to day by His Majesty's Government. This question was discussed with Lord Milner, Sir George Perley, Colonel Amery, Sir Maurice Hankey and Mr. Kerr.

Lord Milner was quite agreeable to such an arrangement as that proposed in the annexed memorandum (Section 2). He thought it would be of some use, but he did not conceal his desire that the Dominion Government should have some responsible Minister or representative resident in London with whom the Government there might consult continuously on foreign affairs and who might keep his own Government informed. I pointed out to him, of course, that I was not authorized to discuss such a large question. He then went on to say that if that was not possible at present he would welcome any arrangement such as that proposed in the annexed memorandum which would facilitate the communication of papers and intelligence. The distinct impression, however, that he left on my mind was that he would not regard this as amounting to very much, and that he was simply encouraging it with the idea that it might be the beginning of something else.

Sir Maurice Hankey was distinctly favourable to the idea. As Secretary of the Cabinet he approached it from a somewhat different angle. He had hoped since the inception of the Imperial War Cabinets that it might be possible to have in the Cabinet Secretariat an official from each Dominion who might act as an Assistant Secretary for the purpose of facilitating the communication of Cabinet papers on foreign affairs to the Dominions, and of advising and helping him generally in the direction of keeping in touch with the Dominions. He felt that if such an official as that suggested in the memorandum were sent to London it would be quite possible to give him office room and facilities in the Cabinet Offices at 2 Whitehall Gardens, and to ensure his having access to the daily telegrams and Cabinet papers, in order that he might make such a selection of them for transmission to the Dominion as he considered desirable. He also suggested that this official might from time to time be able to draft telegrams on special points to be sent to the Dominion with the knowledge or approval of the Prime Minister of the United Kingdom.

Sir George Perley was somewhat apprehensive lest the suggestion should mean the setting up in London of a further Canadian office independent of the High Commissioner's Office. He cited the various separate offices now existing there, and described the resulting confusion in the minds of people who have dealings with them, but with proper safeguards he favoured the proposal.

The conclusion which I drew from this aspect of my inquiry was that if, as suggested in the first part of this report, there is no necessity at present to send an official to London for League of Nations purposes, there would be little to be gained in attempting to carry out the connected idea of an official to facilitate the communication of papers on foreign affairs. In any case I doubt whether the presence of such an official would result in an appreciable gain. He might possibly send a few more papers than are coming, but the real weakness of his position would be that his status of course would not give him access generally to the Foreign Secretary or other Ministers.

Accordingly the information which he could send would rather be of a departmental character, and the Canadian Government would still have to get its information on the vital subjects that really matter through the present means. If he should attempt, basing himself on the memoranda and papers he saw, to send by telegram or letter his own appreciation of any given situation in foreign affairs it might frequently turn out that he had seriously misrepresented the position; for these papers often represent only departmental views or recommendations. What the Government finds lacking at present is adequate information on important points of high policy. This can only be got through frequent access to the Prime Minister, the Foreign Secretary or other Ministers. An official cannot get this access.

...

L. C. CHRISTIE

[ANNEXE / ANNEX]

*Extrait du mémorandum d'instructions*

*Extract from Memorandum of Instructions*

The following matters require investigation and report as soon as may be. They are not matters of broad principle or new departure, but rather of improving existing practice and machinery to carry out principles already agreed upon. Detailed personal discussion on the spot is needed; long distance correspondence is inadequate.

1. Channels of communication between the Secretariat of the League of Nations and the British Members of the League, and the means of facilitating exchanges of views between the latter so as to prevent misunderstanding. (See recent correspondence with Colonial Office.)

Possible basis of discussion:

(a) The practice to be followed should not be allowed to give the appearance of weakening the status of the Dominion as a full Member of the League. For example, in any matter the direct relation between the Secretary General and the Dominion Government should be formally expressed, whatever means are taken to facilitate an exchange of views on the matter within the Empire.

(b) An official of the Department of External Affairs might for the purpose reside in London to act in a liaison rather than a representative capacity.

(c) He should not be an actual part of the League of Nations Branch of the Cabinet Secretariat, but he could keep in touch with it in a manner to be agreed upon.

(d) He would work in co-operation with the High Commissioner, but as he would be responsible to his own Department his position would be independent of that of the Secretary of the High Commissioner's Office.

(e) For reasons of convenience the mechanical details of the work might render it expedient that his office should be, for example, at 2 Whitehall

Gardens, where the Offices of the Cabinet Secretariat are, and where ready access to all papers could be secured.

(f) The channel of communication with the Department of External Affairs would be for consideration and should be governed by considerations of convenience and expedition.

2. An arrangement in connection with the above to improve the existing means of making available to the Canadian Government the intelligence respecting foreign affairs received from day to day by H. M. Government.

Possible basis of discussion:

(a) The proposed Department of External Affairs official might be used in this connection.

(b) He might transmit to Ottawa copies of the Cabinet and Foreign Office reports, memoranda and papers on foreign affairs which are circulated to the Cabinet.

(c) The existing system of weekly telegraphic summaries might be improved. At times telegrams from abroad on special subjects might with advantage be repeated to Ottawa in full.

(d) The channel of communication in this respect should be the most convenient and expeditious one.

...

365.

*Le secrétaire, Haut Commissariat, au Premier ministre*  
*Secretary, Office of High Commissioner, to Prime Minister*

London, July 8, 1920

Sir,

I beg to transmit, herewith, for your information, copy of a letter, dated 5th instant, from the Cabinet Secretariat notifying that it has been arranged that in future all documents sent to the Cabinet Offices by the Secretariat of the League of Nations for transmission to you shall be forwarded through this office.

In accordance with the arrangement referred to I am sending you by concurrent mail, in two registered sealed packets, the lists Nos. 6 and 7 that are mentioned, together with the documents corresponding to them.

I am etc.

W. L. GRIFFITH

[PIÈCE JOINTE / ENCLOSURE]

*Bureaux du Conseil britannique au Haut commissaire**Offices of British Cabinet to High Commissioner*

Whitehall Gardens, July 5, 1920

Dear Sir George Perley,

At the request of the Under-Secretary of State for the Colonies, it has been arranged that in future all documents sent to the Cabinet Offices by the Secretariat of the League of Nations for transmission to the Prime Minister of Canada, shall be so forwarded through the Office of the High Commissioner in London. Our usual practice is to send with each batch of documents a list of papers enclosed, a duplicate copy of the list being also sent, for purposes of reference, to the Colonial Office. In future a duplicate copy of the list will also be attached for retention in your Office and I am arranging to send you shortly copies of former lists, covering all papers sent to Canada since the beginning of the year.

It is not intended to modify the existing system whereby information intended to be *telegraphed* to Canada will be supplied to you direct by the Secretariat of the League of Nations.

Enclosed with this letter are a number of papers which have been delayed pending a settlement of procedure.

List No. 6 includes some items which you had already received direct from the League of Nations and have perhaps already forwarded by bag, but you may think it advisable to forward the papers as they stand so that the continuity of the series may not be broken.

List No. 7 contains all papers received up to date.

We usually forward papers to the Dominions once a week, on Mondays, and I hope this arrangement will meet the convenience of your Office.

I remain etc.

RUPERT B. HOWORTH

366.

*Le secrétaire, Haut commissariat, au Premier ministre**Secretary, Office of High Commissioner, to Prime Minister*

TELEGRAM P. 587

London, September 20, 1920

At request Rowell enquired Colonial Office if Preliminary Conference British Empire Delegation would be held before Assembly League Nations November 15th. Am now advised His Majesty's Government would welcome such meeting if Governments Dominions and India can arrange be represented. Colonial Office are sending intimation this effect to Governor General Australia, New Zealand and South Africa.

GRIFFITH

367.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, October 7, 1920

CONFIDENTIAL. Your despatch September 21st. Canadian delegates will reach London about November 10th and will be available for consultation there if meeting can be arranged.

DEVONSHIRE

368.

*Le secrétaire, Haut commissariat, au Premier ministre*  
*Secretary, Office of High Commissioner, to Prime Minister*

TELEGRAM P. 591

London, October 16, 1920

Your cable fifth instant. Colonial Office endeavouring arrange preliminary meetings British Empire Delegation before Geneva Assembly and Lord Milner enquires whether would be possible for Canadian Delegates anticipate date their arrival in London so as to be here about first November. Am notifying Rowell cable.

GRIFFITH

369.

*Procès-verbal d'une réunion de la délégation de l'Empire britannique*  
*Minute of Meeting of British Empire Delegation*

39th Conference

London, November 8, 1920

## 1. CREDENTIALS OF REPRESENTATIVES

Lord Curzon said that the first matter to be considered related to credentials, and he asked Sir Cecil Hurst to make a statement as to the requirements.

Sir Cecil Hurst stated that it was important that representatives of the Dominions should be properly authenticated to the League of Nations, and he suggested that the Secretary of State for Foreign Affairs might communicate to the League, on behalf of the Home Government, the Dominions and India the names of the delegates. As to the credentials of delegates, the Foreign Office was not aware whether delegates had credentials or not. If they had credentials, the credentials should be deposited with the Secretary-General of the League. If they had not, they should be provided with a letter intimating that they had been appointed as the delegates of their respective Governments. The letter would, of course, vary in form according to the particular Dominion.

Senator Millen stated that he carried credentials. He was doubtful, however, in the case of delegates from the Dominions who had not their credentials, [whether] the Home Government could issue credentials to them.

Sir Cecil Hurst explained that he had not intended an appointment by the Home Government, but merely the issue of a letter by the Secretary of State

for Foreign Affairs, informing the Secretary General of the League that the delegate in question had been appointed by the Dominion Government.

Lord Curzon thought it would be better if the representative of each Dominion had credentials from his own Government.

Mr. Rowell referred to the objections raised in America to the voting strength of the British Dominions, and stated that if America were to join the League of Nations, the question of the voting rights of the Dominions would certainly be raised. The matter had been raised in connection with the American Election Campaign. It was important that the representatives of the Nations of the British Empire should not take any action or reach any conclusion which might [give] support to the contention of the opponents of the League that the Covenant in effect gave six votes to Great Britain as against one to the United States. At the same time it was necessary, on the other hand, that there should be the closest possible consultation between the Dominions and the Mother Country on matters coming before the League, and he hoped that in all important matters the Dominions and the Home Government should reach a point where all would see eye to eye. He mentioned also the question of the channel of communications between the League of Nations and the Dominions. The Canadian Government was of opinion that communications should come direct from the Secretary-General of the League to the Dominion Government or through the Canadian High Commissioner. As to credentials, he was of opinion that there was only one Government by which credentials could be issued, namely, the Government which made the appointment. As regards his own credentials, he was not aware whether they had been sent on by the Canadian Government.

Lord Milner assumed that the Canadian Government would issue the credentials direct to its representatives. What had been proposed was not an appointment of Dominion representatives by the Home Government, but merely a notification to the League that certain people had been accredited by the respective Governments. Such a notification did not, in his opinion, involve an appointment of a Dominion representative by the Home Government.

Lord Curzon saw no reason why a letter giving the names of representatives of the Dominions should not be sent to the Secretary-General by him in his capacity as Secretary of State for Foreign Affairs, but the credentials should come from the Dominion Government. In some cases the form of appointment had been of a very informal description, sometimes by telegraph.

Sir James Allen thought that notification regarding appointment of representatives of the Dominions should be transmitted through the Foreign Office.

Lord Curzon enquired what form the credentials should take?

Sir Cecil Hurst stated that there must be a formal document which must be deposited with the League.

Mr. Rowell thought that the Canadian Government had passed an order in Council appointing the Canadian representatives. In his opinion that was the proper document to deposit with the League. It was quite possible that



the Canadian Government had already forwarded that document to the Secretary-General.

Lord Milner suggested that if the text of the Order in Council were telegraphed, that would be sufficient for the present purposes.

Sir Cecil Hurst thought that in the first instances a mere telegram from the Government of the Dominion would be sufficient, but that a formal document should be deposited at a later date.

Senator Millen stated that he had with him a formal appointment issued under the Great Seal of the Commonwealth. The question was as to the channel of communication by which that should reach the League. It had been suggested that the document should pass through the Foreign Office. His Government, however, did not favour that view, and therefore he preferred to present his credentials himself.

Sir Reginald Blankenberg said that he had a telegram from the Government of South Africa notifying him of the appointment of the South African representatives. In his opinion that appointment should be verified by the High Commissioner of South Africa. He thought that such verification would be all that was required.

Sir James Allen stated that his formal appointment was already with the Secretary of State for the Colonies, and he had no objection to the Secretary of State passing it on to the Secretary-General.

Sir William Meyer said that, so far as he was concerned, there was no objection to his credentials being presented to the League of Nations through His Majesty's Government.

Sir Cecil Hurst pointed out that the rules provided that in addition to the deposit of credentials, there should be a communication to the Secretary-General of the League of Nations of the names of the representatives.

Lord Curzon stated that, on the whole, it would perhaps be better that each delegate should present his credentials through the channel he thought best.

It was generally agreed:

That it should be left to the representatives of the Dominions and India to arrange as they thought best for their credentials to be presented to the Secretary-General of the League and that the Secretary of State for Foreign Affairs should merely arrange for the names of those appointed to represent different parts of the Empire to be transmitted officially.

## 2. APPOINTMENT OF SUBSTITUTE TO ACT AS REPRESENTATIVE ON ASSEMBLY

Lord Curzon raised a question as to the possibility of an alteration being made in the representation of a Member of the League. There was some talk of the Prime Minister going to Geneva. It was expected that the meetings of the Assembly of the League would probably last three weeks or a month. If the Home Government issued credentials to its three representatives and the Prime

Minister subsequently attended, the question arose whether one of the three British Delegates could withdraw.

Lord Robert Cecil pointed out that in the Draft Rules of Procedure of the Assembly provision had been made for a substitute being appointed to take the place of any particular member of the League.

Lord Curzon concluded that in that event one of the Delegates already appointed would have to retire.

Sir William Meyer pointed out that the provision in the Rules for substitute Delegates was merely for the purpose of discussion of particular items. In his opinion that provision was designed to render it possible to bring in experts on particular matters.

Lord Robert Cecil thought that a substitute delegate could be appointed for the purpose of any particular items not already discussed.

Sir William Meyer pointed out that the same position might arise with regard to Mr. Montagu, who would possibly attend some of the meetings of the Assembly.

### 3. CLEARING HOUSE IN LONDON FOR LEAGUE OF NATIONS PAPERS

Sir James Allen asked if there would be an opportunity of discussing the important question of the establishment of a clearing house in London to distribute papers relating to the League.

Lord Milner explained that the matter had been discussed but had not been finally settled. It was probable that it would be raised again at the Conference of Prime Ministers to be held in the following June. Different views had been expressed by the various Dominions. It was probable that the idea of a clearing house would ultimately be adopted.

Sir Maurice Hankey in reply to a question by Lord Milner, as to the present practice relating to the distribution of papers, pointed out that at present all communications between the Dominions other than Canada and the League passed through the special branch of the Cabinet Secretariat. He added that the arrangement was only a provisional one.

Sir James Allen enquired if Canada sent to the Home Government copies of telegraphic communications which he transmitted direct?

Sir Maurice Hankey replied that he thought that was so.

Sir James Allen thought that communication direct by the Dominion Governments with the League would be bound, sooner or later, to cause trouble.

Lord Robert Cecil did not think that there was any danger of trouble arising from this cause, seeing that any communication to the Secretary-General of the League was automatically communicated by the Secretary-General to all other Members of the League. In any case he thought it was probable that the Dominion Government would inform the Home Government of the nature of its communications.

Mr. Rowell did not think the Canadian Government had communicated with the League in respect of any important matter without informing the Secretary of State for the Colonies. The question which had been raised was an important one, and the Canadian Government some time ago intimated to the Secretary of State for the Colonies that a full interchange of views on the matter should take place with the Home Government, and that the question could best be settled by the Heads of His Majesty's and the Dominion Governments in Conference.

Lord Milner agreed that it was a very important matter. At the same time, he thought it very improbable that any part of the British Empire would communicate on an important matter with the League of Nations without communicating with the Home Government.

Lord Milner stated he was of opinion that there should be a clearing-house, and that documents between the League of Nations and the Dominions should pass through that clearing-house. It was obvious that one could not have clearing-houses in all parts of the world, and his idea was that there should be a central clearing-house in London, but it must not be regarded as a purely British (i.e. United Kingdom) institution, but as common to all the States of the Empire.

#### 4. MEETING OF BRITISH EMPIRE DELEGATION

Lord Milner raised the question whether the British Empire Delegation would meet at Geneva. In his opinion it was important that the Delegation should meet.

Lord Robert Cecil pointed out that in Paris the British Empire Delegation was all one body, although representatives of the various Dominions were included in it. He thought that if the procedure in Paris were to be followed in Geneva it would be very unfortunate, as they required to take great care to avoid the impression that delegates necessarily voted together. The only justification for having six votes was that the various Dominions would not necessarily always cast their votes in the same way.

Mr. Barnes said that at Washington the delegates were separated alphabetically, in order to emphasise the fact that they were present as separate Delegations and not as a united British Empire Delegation.

Lord Milner said the point was whether there should be regular meetings of the representatives of the British Empire to discuss matters arising at the Assembly. The "Little Entente" would certainly hold meetings, and he saw no reason why the British Empire Delegation should be prohibited from doing likewise. They would merely meet for discussion, and not necessarily act *en bloc*.

Lord Curzon suggested the advisability of finding at Geneva some better term to replace "British Empire Delegation" and this was generally agreed to.

## 5. MANDATES

The next question to be considered was that of Mandates.

Mr. Barnes understood that each member of the League who was to be a mandatory State was to fix up the terms of the Mandate for approval.

Lord Robert Cecil said that the Council had decided to leave to the Principal Allied Powers the furnishing of the names of the Mandatories, particulars regarding the boundaries of the territories concerned, and the proposed terms of the Mandate. The Council would then decide whether the proposals made conformed to the Covenant. None of the Mandatory States had, however, yet submitted their proposals. In reply to a question by Lord Curzon as to what would happen if the proposals made did not conform to the Covenant, Lord Robert Cecil said he understood that the States concerned would then be told that their proposals would require to be altered in this or that respect.

Lord Milner said there was a Mandates Commission, appointed one and a half years ago by the Principal Allied Powers. A meeting had been held at the Offices of the League of Nations in London, at which the point of view of the League was represented, to some extent at least, by Lord Robert Cecil, and the Secretary-General of the League provided the Secretary of the Commission. That Commission drew up two kinds of Mandates, known as "B" and "C" Mandates, these being the Mandates which gave the greatest amount of authority to the Mandatory. Although the Draft Mandates were otherwise unanimously agreed to, exception was taken by the Japanese to one clause of the "C" Mandate dealing with South West Africa and the Pacific Islands, and by the French to one clause of the "B" Mandate as affecting the Camerouns and Togoland. Each Mandate was approved by four of the Great Powers, and, with the exception of one clause, by the fifth. The Supreme Council had been endeavouring to get over the objections of France and Japan respectively, but so far without complete success. The Allied and Associated Powers had been negotiating with a view to presenting to the Council of the League Mandates unanimously approved by them.

Lord Curzon asked whether the words "member of the League" meant only those members who had been entrusted with Mandates?

Lord Robert Cecil replied that such was not the case. The Conference included America, and Colonel House and Mr. Wilson directly approved of the Mandates. Great Britain and [word missing] were definitely committed to them, and, in fact, all the Powers were committed, except one Power on one clause and one Power on another.

Lord Curzon supplemented Lord Milner's remarks, and said that the French objection in regard to the "B" Mandate arose out of her desire to be allowed to use black troops, raised in the mandated territory, outside of such territory. He believed that the point had been overcome, but another difficulty had arisen in that France was now anxious to absorb the mandated territory altogether. He was entirely opposed to such a course. He had had frequent conversations with Viscount Chinda regarding Japan's objection. The Japanese

felt very seriously about their rights as a nation. On the other hand, the Dominions were only prepared to accept the Mandates offered them if given very full rights regarding the territories concerned. The last proposal of the Japanese had been submitted to the Colonial Office, but he had so far received no reply concerning it.

Lord Robert Cecil said that of the five clauses in the "C" Mandate, two related to trade and fortifications. The Japanese contended that a broad view should be taken of the matter as both concerned the interests of the indigenous population and that if the "C" Mandate excluded trade provisions it also excluded the provisions regarding fortifications, and they were, therefore, at liberty to fortify the Islands if they desired.

Lord Curzon said that Lord Milner had dealt with "B" and "C" Mandates, but there were "A" Mandates with regard to Syria, Palestine and Mesopotamia. It had been clear throughout that the Mandate for Palestine would have to be on somewhat different lines from those for Mesopotamia and Syria. The two latter, however, were very much alike, except that the Mandate for Syria was given to France and that for Mesopotamia to Great Britain. The arbitrary action of the French in Syria in occupying Damascus had occasioned considerable difficulties though the position had now been regularised. Great Britain's desire had been to hold France to the form previously discussed, which we proposed to recommend to the League. Partly owing to the form of the Mandate itself, and partly owing to events in Mesopotamia, difficulties had arisen there. The Mandate as originally proposed bristled with conditions which experience proved to be unnecessary, and which gave rise to difficulties. We were very anxious to set up an Arab State, and the restrictions imposed under the Mandate hampered this being done. In reply to a telegram asking whether there was anything in the Mandate as finally revised to which he objected, Sir Percy Cox had replied in the negative, and indeed thought that it would strengthen his hand. The main thing was to arrive at an agreement with France, so that the amendments proposed regarding Syria and Mesopotamia should be brought forward *pari passu*, and that they should correspond as nearly as possible. He believed the French were in a position to submit their Mandate proposals to the Assembly. With regard to the Mandate for Palestine, they originally emphasized the Zionist position more strongly than was now found to be advisable. This Mandate was not yet absolutely fixed, but was in its penultimate state. The proposals regarding these three Mandates had not yet been considered by the Council, as they were not ready for submission when the Brussels meeting was held. Even if a meeting of the Council were held before the Geneva Assembly, he did not think there would be time to decide matters sufficiently to submit the Mandates to that meeting.

Lord Milner said that if a meeting of the Council were held during the Assembly, though "A" Mandates would be ready for submission, there was no chance of the "B" and "C" Mandates being in the same state, as neither France nor Japan was prepared to modify the respective objections raised by them.

Sir Cecil Hurst said that though no form of words had been worked out, an agreement in principle had, he believed, been come to with France. The whole question turned on the nature of certain assurances given to M. Clemenceau with regard to the raising of a levy of black troops in the mandated areas in case of a general war. M. Clemenceau, shortly before his retirement, had expressed himself quite satisfied with those assurances, but it was difficult to ascertain now what their exact nature had been.

Lord Robert Cecil understood that the agreement was that black troops might only be raised for purposes of defence but, having been raised, they might be taken elsewhere. This solution seemed the only possible one, but it should not be indicated in the British Mandate. If the French insisted on it, we might have to agree to its inclusion in the French Mandate.

Lord Milner said there was no reason why we should resist the modification of the French Mandate to that extent, though it would mean a difference between the "B" Mandate given to Great Britain and that given to France. In regard to "C" Mandates, we had not yet reached even an approximation to an agreement with Japan.

Lord Robert Cecil said that if matters connected with these Mandates had not been settled before the first meeting of the League, provision had been made that such matters must be brought before the Assembly.

Lord Curzon said that, according to advice given to him, the phrase "members of the League" meant members of the League as represented by the Principal Allied Powers sitting at the Supreme Council, not of all members of the League. Since the Conference had broken up, members of the League had been represented by the Supreme Council, and the question of interpretation really rested with them. Great Britain had acted in close consultation with France and Italy, and the only reason the "A" Mandates had not been shown to the Japanese was that they were not much interested in them.

Lord Robert Cecil said that at some stage or other difficulties must come before the Council, and, therefore before the Assembly.

Mr. Barnes said that if the Assembly met without interpretation being clearly settled, he feared the Supreme War Council would be going on indefinitely dealing with matters which should be dealt with by the League.

Mr. Fisher said the Council would report to the League at Geneva that they had been unable to approve the "B" and "C" Mandates, for reasons which would be stated. Then there would be a general discussion, and the French and Japanese would have to come out into the open with their objections.

Lord Curzon said the great difficulty was that the decision of the Council had to be unanimous.

Sir Reginald Blankenberg stated that, the Union Government of South Africa would not accept the Japanese view that "C" Mandates include equal trade opportunities for other members of the League. Rather than accept

such conditions the Union Government would prefer to leave the Mandate question where it was at present under Clause 22 of the Treaty, and the Resolution of the Great Powers dated May 1919 conferring South West African Mandate on the Union Government.

Sir William Meyer said that India had objections with regard to the policy of Australia in excluding Indians from what used to be German New Guinea, a thing which the Germans used not to do. A similar state of affairs existed with regard to territories formerly administered by Germany in South Africa. The position of India was that she should not be worse off under the administration of these territories by Mandatories than she was when they were under German rule. The matter had been represented to the Colonial Office, and Australia had replied that the matter would be given consideration, and New Zealand that she would endeavour to meet the views of India as far as possible. But this was not very satisfactory.

Lord Milner drew attention to the fact that the Mandates granted to Australia and New Zealand contained clauses especially providing that the mandated territories should be administered as integral parts of their own territory.

Sir James Allen said that the matter might be referred to arbitration if no agreement could be reached with Japan.

Lord Robert Cecil said that under Article 22 the Mandatories for these territories were clearly not bound to open them to immigration unless they desired.

Sir James Allen said that if it was admitted, the Japanese contention that the question of fortification and trade both might be considered as in the interests of the indigenous population, Japan might fortify the Marshall Islands which would be a disaster.

Senator Millen assumed that there was no necessity for him to state the position of Australia on this matter.

Lord Curzon hoped that the "A" Mandates would be referred to the Council during the Geneva meeting. In regard to "B" Mandates France was not anxious that her attitude on the question of black troops or trade should be brought up at the Assembly, and in that way we could exercise a certain amount of pressure on her.

Lord Robert Cecil hoped that some reply would be received from the Dominions regarding Japan's last proposals, and a further attempt made to come to terms with Japan. He felt sure Japan would be strongly impressed with the undesirability of discussing the matter before the Assembly.

He wished to take that opportunity to draw attention to reports he had received regarding the behaviour of French black troops in the occupied areas in Germany. Information had reached him from the Quakers as well as from German sources. The Quakers had fully investigated the matter and had made representations to the French Government, but without any effect. He thought the French Government should be told privately that they were running a

very great risk in this matter, which might create a storm of indignation as sometimes swept over the country and might seriously endanger the whole Entente.

Lord Curzon said that the reports received from the British representatives in the occupied territory gave a rather different account, although some of the complaints had been substantiated.

Mr. Barnes said that endeavours were already being made in certain sections in Britain to make this question a public one.

Lord Robert Cecil said that he would mention the matter when in Paris this week.

Lord Milner said that as Belgium and Great Britain were prepared to accept their "B" Mandates in East Africa, there was no reason why they should not be proceeded with; although France objected to hers. They might be submitted to the Council with those for Palestine and Syria.

Lord Robert Cecil enquired why Great Britain had provided in the Mesopotamian and Palestine draft Mandates for the employment of troops, raised in mandated areas, outside those areas.

Lord Curzon explained that the troops would only be able to be employed in the manner proposed with the consent of the local administration. It was easy to imagine circumstances in which it might be desirable to utilise the Mesopotamian forces in some adjacent State outside the boundaries of Mesopotamia.

In answer to Mr. Rowell, Lord Milner stated that the British Empire Mandate for Nanru was given because of the special interests of Australia and New Zealand concerned.

It was agreed

To hold a further meeting on Tuesday, November 9, 1920, at 11.30, for the purpose of going through the Agenda.

370.

*Le Délégué canadien au ministre de la Justice*  
*Canadian Delegate to Minister of Justice*

PERSONAL

Toronto, March 2, 1921

Dear Mr. Doherty,

When in London I had a talk with Lord Milner about our position in the League, particularly in relation to the British Empire being represented on the Council, and I wrote him a personal letter, giving him my views on the matter. I enclose herewith a copy for your consideration.



It does appear to me that this matter should be straightened out at the Conference of Prime Ministers in June next.

I am sending Mr. Meighen a copy of my letter to Lord Milner.

Yours sincerely,

N. W. ROWELL

[PIÈCE JOINTE / ENCLOSURE]

*Le Délégué canadien au secrétaire aux Colonies*

*Canadian Delegate to Colonial Secretary*

PERSONAL & CONFIDENTIAL

London, December 24, 1920

Dear Lord Milner,

Before leaving for Geneva you will remember we briefly discussed the question raised by the Canadian Government in reference to the appointment of the British Empire member of the Council of the League. In my view, the developments at the Assembly render the settlement of this question at an early date very desirable.

To illustrate, let me mention the situation on the question of mandates. South Africa, through Lord Robert Cecil and Canada through Mr. Doherty, took the position in Commission No. 6 and on the floor of the Assembly that having regard to all the conditions the Council should have submitted the form of the Mandates to the Commission of the Assembly on Mandates. Mr. Balfour as a member of the Council took the ground that the Mandates should not be submitted to the Assembly. The question of which view was correct has no bearing on the point I wish to present, therefore, I do not enter upon a consideration of the matter. The real point is that while Mr. Balfour as representing Great Britain on the Council would have a perfect right to act contrary to the views of the Dominions, he would not have this right as the representative of the views of the whole British Empire, because he would not be justified in binding the Dominions to a course of action of which they had expressly disapproved.

Another illustration of the same difficulty arises over the actual form of the Mandates. The resolutions adopted by the Commission and subsequently by the Assembly when compared with the present form of the draft Mandates clearly shows that the Mandates "A" and "B" in the present form are not approved by South Africa or Canada. I mention only one particular and that is in reference to the use of native troops outside of the mandated territory. When Mr. Balfour, as a member of the Council, is called upon to pass on the forms of the Mandate, if the form is not changed how can he approve of this form on behalf of the British Empire, when two at least of its constituent members disapprove? I have come to the conclusion myself that the only possible solution is that the representative on the Council should be the representative of Great Britain and not of the British Empire, and that until

amendments are being made to the Covenant the position should be regularized by a statement in some form which would indicate that the representative of the British Empire on the Council did not represent those nations of the Empire which are members of the League, and that when the Covenant is being revised Great Britain should be substituted for the British Empire as the State to be represented on the Council.

I have not had the opportunity of discussing this matter with Mr. Doherty since the meeting of the Assembly and this letter is written solely on my own responsibility and consequently does not profess to express in any sense the view of the Canadian Government. I am only writing it because I know you have the problem under consideration.

I am quite sure the situation did not occur to Mr. Balfour in the course of the discussions for he spoke throughout as if he represented Great Britain and Great Britain alone on the Council of the League. I should be very glad of an opportunity of a further conversation with you before I return to Canada on the 31st December. I know how pressed you must be for time at the Christmas season and will quite understand if you find it impossible to see me.

I am going out of the City for Christmas and the weekend, but if you have any time next week I shall be very glad of the opportunity of seeing you.

Wishing you a happy Christmas,

Yours faithfully,

[N. W. ROWELL]

371.

*Le Haut commissaire au secrétaire d'État aux Affaires extérieures*  
*High Commissioner to Secretary of State for External Affairs*

London, April 4, 1921

Dear Mr. Meighen,

I am enclosing herewith a copy of a letter dated March 23rd which I have received from Sir Eric Drummond making a suggestion in regard to the method of sending letters and documents to the Canadian Government from the League of Nations. I am also enclosing a copy of the acknowledgment which I am sending Sir Eric to-day.<sup>1</sup> Personally I cannot see any objection in theory to the proposal which Sir Eric has made, provided always sufficient care is taken by the League Secretariat to draw the necessary distinction between letters and papers involving questions of policy and those which do not call for action or reply.

As however all the arrangements about transmitting documents from the League of Nations to the Canadian Government have been made either at the wish or with the concurrence of your predecessor, I am sure this is a matter which you would like to consider. I believe that at first all communications (telegrams as well as letters) from the League of Nations to the

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

Canadian Government were sent through the War Cabinet Secretariat to the Prime Minister of Canada. In May of last year a change was made at the suggestion of the Honble. Mr. Rowell. Since then telegrams and cables have been sent to this Office by the League of Nations for transmission to the Prime Minister of Canada and for some time the same method has been used with regard to letters and documents. In this connection I should be glad if you could find time to read my cable of May 4th 1920 to Mr. Rowell which I sent him after receiving a message from him as follows:

With reference to our telegram to-day to Colonial Secretary respecting communications between Secretary-General League of Nations and Canadian Government please take up in appropriate quarter and arrange that in future all such communications are addressed direct to Prime Minister Canada and forwarded through your Office.

Last year Mr. L. C. Christie, of your Department, came over here to look into this and other cognate questions and he brought a letter to me from Mr. Rowell dated March 5th 1920. Mr. Christie looked into the position very carefully and I believe that he made a full report on his return to Canada. There would seem to be no good reason why documents and memoranda not calling for reply or for action should not be mailed directly to Ottawa providing that care is taken that those requiring consideration or involving questions of policy should still be sent through this Office for transmission to the Prime Minister.

Will you please consider this and let me know your decision and, if you agree to Sir Eric Drummond's suggestion, I should like to know to what Department in Ottawa you wish him to mail the documents and memoranda in Class (b).

Yours sincerely,

GEORGE H. PERLEY

[PIÈCE JOINTE / ENCLOSURE]

*Le Secrétaire général, Société des Nations, au Haut commissaire*

*Secretary General, League of Nations, to High Commissioner*

Geneva, March 23, 1921

Sir,

The documents addressed by the Secretariat of the League of Nations to the Government of Canada are at present, in every case, despatched through the intermediary of your Office.

In view of the increasing number of such documents and of the increasing variety of subjects with which they deal, it occurs to me this method of despatch may throw on your Office an undue burden and that a more convenient arrangement might be made upon the following lines:

The documents concerned are of two classes:

- a) Letters etc. requiring the consideration of the Canadian Government as involving questions of policy.

b) Documents and memoranda circulated for the information of the Members of the League and not necessarily calling for reply or for any action from the Canadian Government.

I venture to suggest that for the future, papers of the former class should be sent as at present through the Office of the High Commissioner who can thus make himself aware of their contents and be able whenever necessary to furnish the Canadian Government with any advice or information they may require; and that documents of the second class should be despatched direct to Ottawa to an address to be indicated by the Government of Canada, where they could be received and passed on to the Government Departments interested in the subject with which they deal. Such an arrangement has been found the most efficient in handling correspondence between the League and most of those Governments with which it has a good deal of business to transact.

Until I hear your view on the matter, I shall of course make no change in the method which is being followed at present.

I have etc.

ERIC DRUMMOND

372.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

Ottawa, April 20, 1921

Dear Sir George Perley,

I have received your letter of April 4th enclosing one of March 23rd from Sir Eric Drummond respecting the channels of communications between the Canadian Government and the League of Nations Secretariat. Sir Eric Drummond's suggestion will, I think, tend to facilitate matters, and I therefore approve of it. The documents and memoranda referred to in his letter under Class (b) should be addressed (without name) simply as follows: "The Secretary of State for External Affairs, Ottawa, Canada." The documents referred to under Class (a) will, as I understand it, continue to be sent through your Office. In this case also it would facilitate matters if you would have them addressed simply to The Secretary of State for External Affairs.

Yours faithfully,

ARTHUR MEIGHEN

373.

*Mémorandum du sous-secrétaire d'État aux Affaires extérieures*  
*Memorandum by Under-Secretary of State for External Affairs*

[Ottawa,] January 21, 1925

THE DOMINIONS AND THE LEAGUE OF NATIONS

The action of the British Government in objecting formally to the registration of the Anglo-Irish Treaty with the League, Mr. Chamberlain's explicit

statement at the recent Rome meeting of the Council that he spoke not in the name of Great Britain only but of the whole British Empire, and a number of minor but significant indications of a similar purpose, are going to raise very soon the whole question of the position of the Dominions in the League. It will be necessary to review the whole question in detail eventually, but at present a brief reference to a few points may suffice.

At Paris in 1919, Sir Robert Borden and the other Dominion Prime Ministers succeeded in having the Dominions included as signatories to the Treaty and as separate members of the League of Nations. They did not, however, succeed in their desire to have the "British Empire" made an inclusive bracket, with the "United Kingdom," "Canada," "Australia," etc., each named separately as the units of the Empire. The British representatives insisted on omitting reference to "the United Kingdom" in the Treaty Preamble, and listing the "British Empire" in addition to Canada, Australia, etc., as a member of the League and of the Council. The position was thus left vague. The only solution that will avoid endless misconception and that will conform to the modern principle of equality of status will be either to have the term United Kingdom used instead of the British Empire or to interpret the British Empire in this connection to mean those parts of the Empire under the control of the Parliament at Westminster. This was Mr. Rowell's view when the Treaty was under discussion; it is the interpretation adopted in the payment of Members' contributions, and in the appointment of Assembly delegates. But it has never been fully accepted by London; and of late, in a number of Geneva actions and documents which will be noted in detail at a later time, a persistent attempt has been made to have Great Britain recognized as speaking or signing for the whole British Empire.

At the public Council meeting in Rome, December 9, 1924, Mr. Austen Chamberlain, in asking for a postponement of the discussion of the Protocol, remarked:

I must add that in the case of the British Empire there is the additional difficulty which will be present to your minds, that their representative here speaks the mind not of one Government only, but of five or six Governments widely divided by oceans and seas, and with whom communication is necessarily slower than if the Government of the British Empire were wholly centralized in our capital city of London.

This and similar utterances have been much discussed in Paris and Geneva: the *Washington Post* remarks that Britain's claim "demonstrates what was from the first maintained by critics of the League, that the six (now seven) British votes would be, at least whenever the imperial government desired it, cast as an indivisible bloc, and count as six (or seven) votes in the Assembly against the one vote of any other power."

If our position in the League is not to be hopelessly prejudiced, and if the dogma of "one Empire foreign policy" is not to be accepted, it will be necessary to review the whole question soon, and in the meantime to prevent as far as possible being committed to their attitude.

## 2. REGISTRATION OF THE ANGLO-IRISH TREATY

The Irish Free State on July 11, 1924, registered with the League, under Article 18, the Treaty concluded between Great Britain and Ireland on December 6, 1921. On November 27 the British Government sent a letter to the Secretary-General of the League, containing the following protest:

Since the Covenant of the League of Nations came into force, His Majesty's Government have consistently taken the view that neither it, nor any conventions concluded under the auspices of the League, are intended to govern the relations *inter se* of the various parts of the British Commonwealth. His Majesty's Government consider, therefore, that the terms of Article 18 of the Covenant are not applicable to the Articles of Agreement of 6th December, 1921.

This was circulated to all Members of the League. On December 18 the Irish Free State Government sent the Secretary a reply, in part as follows:

The Government of the Irish Free State cannot see that any useful purpose would be served by the initiation of a controversy as to the intentions of any individual signatory to the Covenant. The obligations contained in Article 18 are, in their opinion, imposed in the most specific terms on every member of the League and they are unable to accept the contention that the clear and unequivocal language of the Article is susceptible of any interpretation compatible with the limitation which the British Government now seek to read into it.

They accordingly dissent from the view expressed by the British Government that the terms of Article 18 are not applicable to the Treaty of 6th December, 1921.

There the matter rests for the present. The Irish Free State has registered the treaty, which will be printed in the League Treaty Series; Britain has protested, and the Free State has declined to enter into a controversy as to "the intentions of any individual signatory to the Covenant." It is bound to revive, however. The Free State party has always laid much emphasis on its membership in the League and on the existence of an impartial tribunal in case of any controversy as to the meaning of the Treaty. The Republicans are making great use of the British Government's action, as a proof that the Treaty and the Free State's status itself are a sham. I enclose a note from Fitzgerald's assistant, J. P. Walshe.<sup>1</sup>

The question is a difficult one. On the one hand, the fact that all the seven members of the League concerned have a common sovereign may be said to differentiate them in some degree from other members; on the other, there cannot be two kinds of membership in the League, so far as League relationships go. It is not likely that this particular issue will arise in the case of other Dominions, as there is no probability of formal treaties between other parts of the Empire. It might be best to approach the question from the general angle discussed in the first part of this note — namely, what is the "British Empire" in the League? Later, the more specific question raised by the Anglo-Irish notes could be determined.

O. D. S[KELTON]

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

374.

*Le sous-secrétaire d'État aux Affaires extérieures au Conseiller  
Under-Secretary of State for External Affairs to Advisory Officer*

Ottawa, April 20, 1925

My dear Dr. Riddell,

You may recall that last September there was some informal discussion of the possibility of a Canadian representative being chosen as the President of the Assembly at its next meeting. There was some intimation from official quarters that if Canada were to send for two consecutive years a delegate proficient in the two official languages, there would be a strong possibility of his being chosen as President with the support of the British and French delegations.

Particularly in view of the fact that while the right of Canada and the other Dominions to a place on the Council has been formally recognized, there is not much likelihood that a Dominion's representative will actually be elected to the Council for some years to come, the choice of a Dominion's representative as President of the Assembly would be a very notable recognition of the distinct status of the Dominions in the League.

There is a strong possibility that Senator Dandurand will be one of the Canadian representatives at the next Assembly. His proficiency in French and English, his experience as a presiding officer in his capacity as Speaker of the Senate for a number of years, and his very considerable acquaintance with European statesmen would, I am inclined to think, make him personally a very acceptable candidate, and a very dignified and successful President if he were chosen.

Mr. King would be obliged if you could have an informal talk with Sir Eric Drummond, and get his frank opinion as to the situation, and if he thinks that the chances are favourable, the best method of proceeding further.

Yours sincerely,

O. D. SKELTON

375.

*Le secrétaire aux Colonies au Gouverneur général  
Colonial Secretary to Governor General*

TELEGRAM

London, June 11, 1925

CONFIDENTIAL. Following from Secretary of State for Foreign Affairs for your Prime Minister. Begins. I informed the French Foreign Minister the day before yesterday, at the request of Doctor Riddell, of your desire that Senator Dandurand should be nominated for the Presidency of the forthcoming Assembly of the League of Nations in September. Mr. Briand warmly welcomed the proposal and the Secretary General told me that he anticipates no difficulty will arise in any other quarter. Ends.

376.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 14, 1925

Your telegram June 11th. Following from Prime Minister to your Prime Minister. Begins. I am much pleased to learn French Foreign Minister looks favourably upon nomination of Senator Dandurand for Presidency of forthcoming Assembly of League of Nations in September and of the view entertained by Secretary General with respect thereto. May I express my grateful appreciation of your own approval and good offices in having Senator Dandurand's name brought forward. Ends.

377.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

Geneva, September 9, 1925

You would be pleased to learn that Senator Dandurand was elected President of the Assembly amid great enthusiasm. The Senator has proved a very happy choice, and is giving general satisfaction. His speech of acceptance was well received, and his reference to the six nations under one king no doubt helped to clear up in the minds of some delegates the status of the Dominions within the British Commonwealth of Nations.

AMENDEMENTS AU PACTE

b.

AMENDMENTS TO THE COVENANT

378.

*Le secrétaire, Haut commissariat, au Premier ministre*  
*Secretary, Office of High Commissioner, to Prime Minister*

TELEGRAM P. 583

London, September 11, 1920

Have today request from Secretary General League of Nations telegraph you following effect. Begins. Committee appointed consider best method allocation expenses League will meet Paris eighteenth instant will present interim report to International Financial Conference Brussels twenty-fourth September. Would facilitate work Committee if any suggestions or observations which Canadian Government may desire express this stage could be transmitted in writing to Director of Secretariat International Financial Conference as soon as possible before first meeting Committee eighteen instant. In any event it is hoped that Canadian Delegates at Financial Conference will be in position present official views their Government on question. Any recommendations



made by Committee and by Financial Conference will be presented to Assembly League of Nations at first meeting in November and will have no binding effect until any necessary modifications in Covenant have been approved and ratified. Ends. Please cable.

GRIFFITH

379.

*Le Premier ministre au Haut commissaire*  
*Prime Minister to High Commissioner*

TELEGRAM M. 13

Ottawa, September 15, 1920

Your P. 583. You should inform Secretary General League Nations that Canadian Government consider existing method allocation expenses League entirely inequitable and unsatisfactory. Basis on which Universal Postal Union expenses are allocated does not apply to present situation which is subject to different considerations. Thus while the area of a country may properly be taken into account in case of Postal Union it has no real bearing in this case and Canadian Government are convinced that solution should be based on other factors such as population. The interval before meeting Committee Paris eighteenth instant is now too short to permit extended examination of question; but you should telegraph at earliest possible date summary of report of Paris Committee and later of conclusions of International Financial Conference on this question in order that we may give them adequate consideration in advance of meeting of Assembly of League. Communicate this telegram to Guthrie and also any other material in your office on the question.

MEIGHEN

380.

*Le Haut commissaire au Premier ministre*  
*High Commissioner to Prime Minister*

London, October 19, 1921

Dear Mr. Meighen,

The Report which Mr. Doherty and I are making in regard to the proceedings of the Assembly of the League of Nations is now ready and will be forwarded to you this week, along with copies of all the printed documents in connection therewith, so that they may be all on the files of your Department for future reference.

I have thought it best however to write you a special letter in regard to the Amendments to the Convention which were passed by the Assembly and which we hope will be ratified by Canada at as early a date as possible. The procedure adopted in regard to these Amendments is set forth in A. 119 (5) 1921, attached hereto.<sup>1</sup> From this you will see that in the view of the Committee, which was confirmed by the Assembly itself, it is proposed that the Assembly's Resolution should be directly ratified by the States Members

<sup>1</sup>Non reproduit.

<sup>1</sup>Not printed.

of the League, without going through the time-honoured form of a Convention. Protocols covering these Amendments were prepared at Geneva and were signed by the representatives of some of the States but we did not consider it advisable to do this without definite instructions and others of the delegates took the same view. Both Mr. Doherty and I therefore are of opinion that the Resolutions adopted by the Assembly covering Amendments to the Covenant might be ratified directly by Canada and we hope that this will be done at the earliest possible moment.

For easy reference I am enclosing herewith extra copies of these Amendments,<sup>1</sup> although some slight alterations were made in them when they were actually before the Assembly, and the final corrected prints have not yet come to hand. The most important of these Amendments is the one regarding Article 26, which makes provision for the conditions and procedure for voting and ratifying Amendments to the Covenant in General. This amendment to Article 26 was passed unanimously and it is hoped that it will be ratified at an early date by the necessary number of States Members of the League.

Then Canada is particularly interested in the Amendment to Article 6 of the Covenant, which has to do with the allocation of expenses. Under the Postal Union arrangement, which was the one agreed to in the original Covenant, Canada has been included in the highest group and has been making the same annual payment as France or Great Britain. This matter was discussed fully at last year's Assembly without arriving at any definite alteration, and this year we took it up again and urged strongly that some relief should be given to those States that have been paying unreasonably large percentages. We discussed this at great length in the Committee and after considerable difficulty were able to get a new allocation passed by the Committee and subsequently by the Assembly itself, which gives us considerable relief. According to Article 26 Amendments to the Covenant will not take effect until ratified by the majority of the Members of the League whose representatives formed the Assembly. I am sure therefore that you will agree with me that it is advisable that Canada should ratify them at as early a date as possible.

The Expert Committee which was appointed last year to make proposals for an equitable adjustment of the allocation of expenses is being continued and will go into the matter further during the next few months. It was felt by the Committee that this present revised scheme of allocation, which has now been passed, is a great improvement on the Postal Union but that it should be possible to formulate an even more equitable plan than this. I urged that even under this new scheme Canada is to pay more than she really ought to, and so did many other of the delegates. At the same time it is a great thing for us to have the Postal Union plan done away with and this new allocation agreed to, as this will enable our delegates to try and get a further reduction of Canada's contribution agreed to at the Assembly in 1922 or 1923.

Yours sincerely,

GEORGE H. PERLEY

<sup>1</sup>Non reproduites.

<sup>1</sup>Not printed.

381.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 8, 1922

My despatch December 31st, Dominions Treaty 47. Decided that Protocols embodying amendments Covenant League of Nations, except those relating to Article 16, should be signed by British Representative on Council at first opportunity, probably at next meeting of Council and proposed that Protocols so signed should be ratified by His Majesty in due course. Do your Ministers concur in ratification of these Protocols? If so, it would be convenient if they could arrange for prior signature of Protocols in question at Geneva at convenient opportunity.

382.

*Décret du Conseil*  
*Order in Council*

P.C. 1055

May 17, 1922

The Committee of the Privy Council have had before them a report, dated 12th May, 1922, from the Secretary of State for External Affairs, submitting that the Second Assembly of the League of Nations, at Geneva, Switzerland, on October 3rd, 4th and 5th, 1921, passed certain resolutions proposing amendments to Articles 4, 6, 12, 13, 15, 16 and 26 of the Covenant of the League, and that the proposed amendments were embodied in Protocols of Amendment drawn up for signature, subject to ratification, by the Members of the League. Certified copies of the Protocols, which now remain open for signature at Geneva, have been received by the Government of Canada from the Secretary General of the League of Nations.

The Minister, being of the opinion that it is expedient that the Protocols embodying the proposed amendments to Articles 4, 6, 12, 13, 15 and 26 (but not the Protocols embodying the proposed amendments to Article 16) be signed on behalf of Canada as a Member of the League, recommends that the Honourable Peter C. Larkin, High Commissioner for Canada at London, be authorized to sign on behalf of Canada the said Protocols embodying the proposed amendments to Articles 4, 6, 12, 13, 15 and 26.

The Committee concur in the foregoing recommendation and submit the same for approval.

383.

*Extraits d'un mémorandum du Conseiller juridique*  
*Extracts from Memorandum by Legal Adviser*

[Ottawa,] June 8, 1922

NOTES ON THE PROTOCOLS OF AMENDMENT TO THE COVENANT

1. On October 3rd, 4th, and 5th, 1921, the Second Assembly of the League

of Nations passed resolutions proposing amendments to Articles 4, 6, 12, 13, 15, 16, and 26 of the Covenant of the League. These proposed amendments were embodied in Protocols which were left open at Geneva for signature by Members of the League. The reason for this procedure is explained in the letter of November 24, 1921, from the Secretary General of the League. Many Members of the League expressed the opinion that the Resolutions of the Assembly in no way formed a Draft Convention to which the Representatives of the Members would have to attach their signatures. According to this view it would be the Assembly's Resolutions which would be subject to ratification by the Members, and not the signatures of their Representatives. But certain Members felt that such a procedure would violate the constitutional law of their States and would also conflict with diplomatic usage. To avoid any difficulty on this point it was decided that the Resolutions of Amendment voted by the Assembly should be embodied in Protocols signed by the President of the Assembly and the Secretary General, and also open to signature by Representatives of the various Members.

...

4. In the following pages explanations are given of the purpose and effect of the amendments which it is proposed to ratify — that is the amendments to Articles 4, 6, 12, 13, 15 and 26. An explanation is also given with regard to the proposed amendments to Article 16 which it is not proposed to ratify at present. For convenience there is attached hereto the original texts of the Articles in question and also the texts of these Articles as they will appear with the proposed amendments.

L. C. CHRISTIE

[ANNEXE / ANNEX]

#### Proposed Amendment to Article 4

Under the proposed amendment the following paragraph is to be inserted in Article 4 of the Covenant between the second and third paragraphs thereof:

The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.

The purpose of this amendment is to provide for a satisfactory method of procedure for selecting the non-permanent Members of the Council of the League. Under the original Article 4 the Council of the League consists of representatives of the Principal Allied and Associated Powers (that is the British Empire, France, Italy, Japan, and the United States) together with representatives of four other Members of the League. The United States, having declined to ratify the Covenant, are of course not represented; thus the Council now comprises representatives of only eight Powers. It was also

provided that these four Members should be selected by the Assembly from time to time in its discretion. The Article however provided no rules for the method of selection, or the term of office, or the conditions of re-eligibility. This omission caused much difficulty at the first and second Assemblies. It was found to be impossible to secure unanimous agreement on all these features, and all that has been done so far is to elect from year to year four Members of the League to be represented on the Council. The First Assembly elected Belgium, Brazil, China, and Spain to be Members of the Council for a period of one year commencing January 1, 1921. The Second Assembly re-elected the same four Powers to be Members of the Council for the period of one year commencing January 1, 1922. It was felt that the position should be regularized by a definite rule of procedure, but since in its original form the Covenant in such a matter would require absolute unanimity it was impossible to secure the adoption of a definite rule. Accordingly the Second Assembly proposed that Article 4 should be amended in such a way that the Assembly should be empowered to adopt, by a two thirds majority, rules of procedure dealing with the election of non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility. The proposed amendment seems well designed to supply the omission that has caused so much difficulty and there seems every reason why Canada should assent to it.

#### Proposed Amendment to Article 6

The last paragraph of the original Article 6 reads as follows:

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Under the proposed amendment the above paragraph is to be struck out and the following two paragraphs are to be inserted:

The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly.

The allocation of the expenses of the League set out on Annex 3 shall be applied as from January 1st, 1922, until a revised allocation has come into force after adoption by the Assembly.

Also a third Annex is to be added to the two original Annexes to the Covenant; the third Annex being the new provisional allocation of expenses referred to in the last paragraph just quoted. It will be found in the first of the Protocols relating to Article 6.

The purpose of this amendment is to bring about a new allocation of the expenses of the League as between the various Members. The original Article 6 of the Covenant provided that the expenses of the Secretariat should be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union. When the Covenant was adopted at the Paris Peace Conference the Universal Postal

Union was the only international organization affording a precedent for this purpose, and as it would have been impracticable to work out an elaborate new scheme the scheme of the Postal Union was adopted. In practice however the scheme has been subject to much criticism especially on the part of smaller States. For Canada the matter has a direct interest. Under the Universal Postal Union scheme Canada is on the same footing as Great Britain, France, Italy and the other great Powers, and accordingly she has paid the same amount toward the expenses of the League as have these Powers. At both the first and second Assemblies the Canadian Representatives joined with other Representatives in the endeavour to secure a re-allocation. The First Assembly appointed a Committee to inquire into the matter, and the report of this Committee was considered by the Second Assembly with the result that three amendments to Article 6 are now proposed. In the first place it is proposed to strike out the last paragraph of Article 6 of the Covenant and to provide instead that the Assembly shall be authorized to fix the allocation of the expenses of the League. The Second Assembly, in anticipation, attempted to arrive at a new allocation. It was unable to agree upon what should be regarded as a final allocation; but it did arrive at a provisional new allocation to come into force January 1, 1922. This allocation is set out in the table embodied in the proposed third Annex to the Covenant. Under this table Canada appears in the third class. For example France is responsible for 90 units, China for 65 units, and Canada for 35 units. Under the third Protocol relating to Article 6 it is provided that the allocation of expenses set out in this table shall be applied as from January 1, 1922 until a revised allocation has come into force after adoption by the Assembly. The Canadian Representatives at the Second Assembly reported to the Government that they were doubtful as to the ultimate fairness of the new allocation so far as Canada was concerned, but that it was impossible at the moment to secure anything better, and that it would still be possible to make representations in the future.

...

#### Proposed Amendment to Article 12

Under this amendment it is proposed that Article 12 shall read as follows:

The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or *judicial settlement* or to enquiry by the Council and they agree in no case to resort to war until three months after the award by the arbitrators *or the judicial decision*, or the report by the Council.

In any case under this Article the award of the arbitrators *or the judicial decision* shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

The words underlined [italicized] above represent the proposed amendment to the original text of the Article. This is the Article under which the Members of the League bind themselves not to resort to war without seeking peaceable means of settling their dispute. In the original text the peaceable means indicated for this purpose are either arbitration or enquiry by the Council of

the League. Since the original text was framed there has been established by the League a Permanent Court of International Justice. There is thus now available to Members of the League not only the method of arbitration and the method of enquiry by the Council, but also the method of judicial settlement. Accordingly it is necessary to add this new method as one of the peaceable means to be employed before resorting to war. The proposed amendment to Article 12 makes this addition. It will be seen that is a purely consequential amendment — consequential on the establishment of the Permanent Court of International Justice, whose statute was approved by the Canadian Parliament last year and subsequently, on the recommendation of the various Governments of the Empire, was ratified by His Majesty.

#### Proposed Amendment to Article 13

Under the proposed amendment Article 13 will read as follows:

The Members of the League agree that, whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration *or judicial settlement*, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration *or judicial settlement*.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration *or judicial settlement*.

*For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14, or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them.*

The members of the League agree that they will carry out in full good faith any award *or decision* that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award *or decision*, the Council shall propose what steps should be taken to give effect thereto.

The words underlined above represent the proposed amendment to the Article. This is the Article under which the Members of the League agreed that they would submit to arbitration any dispute between them which they recognised to be suitable for submission to arbitration and which could not be satisfactorily settled by diplomacy. Arbitration here had reference to the Permanent Court of Arbitration at The Hague or such other arbitral tribunal as the parties might agree upon. Since the Article was framed the establishment of the Permanent Court of International Justice renders available to the nations of the world not only the method of arbitration, but also the method of judicial settlement. Consequently it is necessary to add this new method as an alternative to arbitration for the purposes of Article 13. The effect of the proposed amendment is to make this addition. It will be seen that this amendment again is a consequential amendment.

#### Proposed Amendment to Article 15

Under the proposed amendment the first paragraph of Article 15 will read as follows:

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration *or judicial settlement* in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

The words underlined above represent the proposed amendment. Under this article in its original form the Members agree that, if a dispute likely to lead to a rupture should arise between them, and if it was not submitted to arbitration in accordance with Article 13, they would submit the matter to the Council of the League. The proposed amendment to Article 13, which adds the method of judicial settlement as an alternative to the method of arbitration, now makes it necessary to insert the words "or judicial settlement" to Article 15 as shown above. Here again the amendment is consequential.

#### Proposed Amendments to Article 26

The original text of Article 26 read as follows:

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

The effect of the proposed amendments is to strike out both paragraphs of the original Article and to substitute the following:

Amendments to the present Covenant the text of which shall have been voted by the Assembly on a three-fourths majority, in which there shall be included the votes of all the Members of the Council represented at the meeting, will take effect when ratified by the Members of the League whose Representatives form the Assembly.

If the required number of ratifications shall not have been obtained within twenty two months after the vote of the Assembly, the proposed amendment shall remain without effect.

The Secretary-General shall inform the Members of the taking effect of an amendment.

Any Member of the League which has not at that time ratified the Amendment is free to notify the Secretary-General within a year of its refusal to accept it, but in that case it shall cease to be a Member of the League.

This is the Article whose important purpose it is to provide for amendments to the Covenant of the League. In its original text however it is indefinite as to the precise procedure to be followed. Confusion and doubt have arisen. There was some doubt as to the precise function of the Assembly with regard to proposed amendments, and also as to the method of voting. The Article as amended proposes the following procedure for enacting amendments to the Covenant. First of all, amendments must be voted by the Assembly on a three-fourths majority, which majority must include the votes of all the Members of the Council represented at the Assembly meeting in



question. Before amendments so voted can take effect they must be ratified by all the Members whose Representatives composed the Council when the vote was taken and by a majority of those Members whose Representatives form the Assembly. If sufficient ratifications are not obtained within twenty two months after the vote the proposed amendments remain without effect. All Members are to be notified of the taking effect of an amendment. Any Member which has not at that time ratified the amendment is free to signify its refusal to accept it; but in that case it shall cease to be a Member of the League. This proposal seems well calculated to overcome the original defect as to the method of procedure. At the same time it reserves the original provision which indicates the voluntary character of the League — that is to say, no Member can be forced to submit to an amendment which it does not like. There seems every reason why Canada should agree to this proposed amendment to Article 26 and thus regularise and make more definite this important feature of the procedure of the League.

#### Proposed Amendments to Article 16

The amendments thus far dealt with relate to Articles 4, 6, 12, 13, 15, and 26. These are all the amendments covered by the resolution before Parliament and they are the only ones whose signature the Government have authorised and whose ratification the Government propose to recommend. The Second Assembly of the League proposed in addition certain amendments, four in number, to Article 16 of the Covenant. These amendments were embodied in four Protocols which are included in the paper laid on the Table of the House for distribution to the Members.

Some explanation may be desirable of the Government's decision not to sign and recommend the ratification of these Protocols. When the amendments in question were being voted upon at the end of the Second Assembly last October, it is understood that some confusion arose in the minds of many of the Representatives as to the exact nature of the action which was being taken. The questions involved were complicated and some of the Representatives felt and proposed that the whole subject should be adjourned until the Third Assembly in 1922 so as to give time for further study upon certain points. It appears that some Representatives were actually under the impression that this was the proposal that was being voted upon. According to the records, however, the vote was actually taken upon a resolution that these amendments should be definitely adopted by the Second Assembly as amendments to Article 16. In these circumstances two of the Powers who are represented on the Council subsequently agreed as between each other that they would not ratify these amendments before the next meeting of the Assembly. Since no amendment can become effective without the consent of all the Powers represented on the Council, the practical effect of this agreement between these two Powers will be to prevent these amendments to Article 16 from becoming effective at least until after they have been reconsidered by the Third Assembly in September of this year. In these circumstances it would be futile to sign or consider these amendments at the present stage. The Government therefore decided to reserve their decision. Doubtless the matter will

come up at the Third Assembly, and it can then be considered by the Canadian Delegates so far as Canada is concerned.

Although these proposed amendments to Article 16 are not included in the resolution before Parliament it may be desirable to give some explanation of their purpose. The first paragraph of Article 16 reads as follows:

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

Under the first proposed amendment to Article 16 the last part of this first paragraph would read as follows:

. . . which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons residing in their territory and persons residing in the territory of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between persons residing in the territory of the Covenant-breaking State and persons residing in the territory of any other State, whether a Member of the League or not.

Then under the three other proposed amendments to Article 16 the following three paragraphs would be inserted immediately after the first paragraph as above amended:

It is for the Council to give an opinion whether or not a breach of the Covenant has taken place. In deliberations on this question in the Council the votes of Members of the League alleged to have resorted to war and of Members against whom such action was directed shall not be counted.

The Council will notify to all Members of the League the date which it recommends for the application of the economic pressure under this Article.

Nevertheless, the Council may, in the case of particular Members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimise the loss and inconvenience which will be caused to such Members.

The amendments, it will be seen, deal with the application of the economic weapon by all the Members of the League against a Covenant-breaking State. The original conception of Article 16 in this respect was that it may frequently be possible to bring a recalcitrant State to its senses through the use of the economic weapon alone and without recourse to the extreme step of war. It is therefore important that Article 16 in this respect should be made as effective as possible, and it was with this purpose that the Second Assembly considered the four amendments now in question. The most important of these amendments is the first. It provides for the substitution of the words "persons residing in the territory" for the word "nationals" as the persons whose relations are to be prevented with the Covenant-breaking State. The effect of the proposed amendment is undoubtedly to make the operation of Article 16

more comprehensive and more effective. Whether it will be possible at the Third Assembly to reach general agreement on this amendment or on some modification of it remains to be seen.

The second proposed amendment to Article 16 would authorize the Council of the League to give an opinion whether or not a breach of the Covenant has taken place. As Article 16 stood in its original form no indication was given as to whether any organization or body was to consider this question. Consequently every State would have been left to decide the point for itself. No confidence could be felt that the decision arrived at by all the various Members of the League would be uniform. The amendment therefore proposes that the role of Council in this matter should be recognized. It should be noted that by the terms of this amendment it is an opinion and not a decision which the Council would give. Technically the decision would be taken by each individual State for itself. The amendment also proposes that the votes of the alleged Covenant-breaking State and of the Member against whom that State took action are not to be counted. The purpose of this provision would seem to be to facilitate unanimous decision on the part of the Council.

The purpose of the third proposed amendment to Article 16 is to authorize the Council to notify to all Members the date which it recommends for the application of the economic pressure. In practice the effect of this amendment would probably be that no State would enforce the economic boycott before similar action was taken by other States. This would tend to produce uniformity and to diminish the risk that might arise should one State apply this form of economic pressure and then find that corresponding measures were not being taken by other States.

The fourth amendment provides for a partial postponement of the measures taken in certain particular cases. It appears that some of the smaller States have proposed that the Covenant should make it possible to grant exemption in particular cases from the obligation to apply the economic weapon. This movement in favour of granting exemptions is due to the experience of the late war, when some of the smaller European States maintained that it was both politically and economically impossible for them to sever all relations with Germany during the war without running the risk of attack. This point had been foreseen when the original draft of the Covenant was prepared, and an attempt to meet it is to be found in the provision obliging all Members of the League mutually to support one another in resisting any special measures aimed at one of their number by the Covenant-breaking State. Some of the smaller States at the Second Assembly maintained that this provision was not enough to protect them. But the Representatives of the other States felt that they could not accept the principle of the granting of exemptions in the operation of the economic blockade. The proposed amendment represents a compromise between the two views.

As already pointed out these four proposed amendments to Article 16 cannot become operative in any case until after the Third Assembly; they will doubtless be reconsidered by that body and it therefore seems unnecessary to say more about them here.

384.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, July 8, 1922

SECRET. With reference to your Confidential despatch Dominions Treaty No. 17 dated the 10th May. The Government of Canada concur in the proposal to open negotiations with the French Government as to the first of the proposed Amendments to Article 16 of the League of Nations Covenant. The only other observation they have to offer at present on the Report of the Inter-Departmental Committee relates to paragraph 21, with which they are in entire sympathy. It is clearly desirable that every effort should be made to avoid divergence of view between the different parts of the Empire as to the application of the economic weapon, in order to promote the success of the League.

BYNG

385.

*Mémoire du conseiller juridique au Premier ministre*  
*Memorandum from Legal Adviser to Prime Minister*

CONFIDENTIAL

Ottawa, July 20, 1922

AMENDMENTS TO ARTICLE 10 OF THE COVENANT OF THE  
LEAGUE OF NATIONS

1. At the First Assembly in 1920 Mr. Doherty, of the Canadian Delegation, moved that the Covenant be amended by striking out Article 10. The motion itself was not debated since it was generally agreed that it would be unwise for that Assembly, in the formative stage of the League, to undertake alterations in the fundamental constitution. The Assembly did decide however that after its adjournment the Council should appoint a strong Committee to consider and report to the Second Assembly upon all amendments that had been proposed by various Members. Mr. Doherty's proposal was accordingly remitted to that Committee, together with a Memorandum in support thereof, which he prepared on his return to Ottawa. See League Document C. 215. M. 154.1921 (A.C.28).

2. The Committee on Amendments thus created submitted two Reports to the Second Assembly. See League Documents C. 110. M. 62.1921.V. (A.C.26a) and A.24(1). 1921.V.(A.C.40a). In respect of Article 10 the Committee recommended that Mr. Doherty's proposal be not adopted; at the same time it submitted for the Second Assembly's consideration an interpretative resolution designed to allay the apprehensions that existed concerning the true meaning of the Article.

3. After debating the matter, both in Committee and in plenary session, the Second Assembly took no action at all, either on the proposed resolution

or on the text of the Article, and finally decided that further consideration should be postponed until its meeting of the following year. See League Documents A.119(6).1921 and A.119.1921.V. The question accordingly appears as the sixth item of the First Agenda of the Third Assembly: "Amendment to Article 10 of the Covenant". It is one of the few items in which Canada can be said to have a direct interest, and on which the Canadian Delegation will doubtless be specially expected to indicate its attitude at the meeting in September.

4. The object of these notes is to suggest for consideration a course of action that might be adopted by the Canadian Delegation in the event that the Government should feel that Article 10 as it stands is inexpedient and that some action should be taken. The course I would suggest is, it will be seen, intermediate between Mr. Doherty's drastic proposal and the proposal to allow the Article to stand as it is.

5. The text of Article 10 is as follows:

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in any case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

There are here three main features:

(1) The obligation to *respect* the territorial integrity and existing political independence of the Members of the League.

(2) The obligation to *preserve as against external aggression* this integrity and independence.

(3) The duty of the Council to *advise upon the means* of fulfilling the second obligation.

10. . . . The problem confronting the Government with regard to the merits of Article 10 and the proposal to amend it is now, in the light of the experience of the League, a different problem from what it originally was. There is much to be said for the view that, since the Article will be interpreted and operated in the light of the existing character and experience of the League and since the very fact of the controversy throughout the world on Article 10 will assert its influence on the interpretation to be actually adopted, the apprehensions voiced by the opponents of the Article will never as a matter of practical politics be realized, even though the text may be open to the construction they fear. But if it is felt that this is not a certain enough basis for letting the matter rest, or if in the alternative it is felt that it would be more expedient or more honest to make the text conform to the actual or probable operation of the League in practice, it seems scarcely necessary to go the length of eliminating the Article altogether. Rather — and this is the first conclusion — the enquiry should be directed to discovering the minimum change in the text that will produce the desired result; and on the other hand it should be the object to retain whatever is of value in the Article. A definite proposal to this

end is submitted below for consideration. The second conclusion is that, in view of the reluctance to undertake amendments to the Covenant and especially to Article 10 already displayed by many Members of the League, nothing but a motion or proposal embodying such a minimum alteration will have any chance of success in the Assembly. This obviously is a highly practical feature of the question confronting the Government as the result of the sixth item of the Agenda.

11. In attempting to formulate a definite proposal for such a minimum alteration as has been suggested it would seem expedient to keep the following points in mind. The obligation to *respect* the integrity and independence of the Members of the League should, for the reasons indicated above, be retained. Then if it is thought that the word "preserve", even when read in conjunction with the rest of the Article and of the Covenant, is inexpedient, it would still seem both useful and unobjectionable to retain at least the obligation that the Members of the League should consult one another upon the situation arising whenever a threat of external aggression is directed against one of them. This is in reality no more than what is involved in other words in other parts of the Covenant. Moreover, it is of great significance here that such an obligation has been embodied in the important international instrument concluded subsequently to the Covenant to which reference has already been made in connection with the obligation to "*respect*" etc. (See Paragraph 6 above). Article 2 of the Quadruple Pacific Treaty provides as follows:

If the said rights are threatened by the aggressive action of any other Power, the High Contracting Parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

This Treaty has been universally approved, even in the United States where the opposition to Article 10 arose, and it would seem useful to adopt the wording of the Article quoted as far as appropriate. Finally, it seems most practicable to retain the device of using the Council of the League as the medium for consultation among the Members in the event of such a threat of external aggression.

12. The following is accordingly submitted as a draft amended Article 10 that might be moved in lieu of Mr. Doherty's proposal, if it is felt to be desirable to take some action on the matter:

#### Article 10 (proposed amendment)

The Members of the League undertake to respect the territorial integrity and existing political independence of all Members of the League. In case of any external aggression directed against these rights, or in case of any threat or danger of such aggression, the Members of the League (concerned) shall consult one another fully and frankly by means of a meeting of the Council in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation, and the Council shall advise upon these measures.

13. It will be noted that the word "concerned" in brackets introduces an entirely new idea. It is submitted tentatively for consideration. Its effect

would be to exclude from the necessity to join in the consultation those Members of the League who, by reason of their geographical position, their political position at the moment, or for other reasons, might as a practical matter be fairly regarded as not being concerned in the particular situation. The particular situation might in essence at the time involve only a fairly well defined region of the earth, and it might appear probable that the scope of the threatened disturbance could be confined to that region. In such a case it would not seem essential to call in Members from other continents or regions; these indeed might well be legitimately reluctant to intervene on the ground that they could make no useful contribution. If later the area of the disturbance threatened to widen, or if for example it became necessary to propose a wide or universal application of the economic weapon, other Members could be called into consultation as the necessity arose. This idea is in harmony with, or is perhaps a variation of, the proposal that was mooted among certain representatives at the First Assembly and was formally proposed at the Second Assembly to the effect that the League might work through regional associations to carry out its purposes. Different groups of nations might be regarded as primarily concerned with the affairs of the different regions of the earth; hence, it is agreed, it would be more practicable to throw on them in the first instance the responsibilities for regional matters, allowing the universal League, under whose sanction and authority they would operate, to remain in the background as a final resort. The proposal was not accepted as seeming too rigid, but in the flexible form here indicated it might possibly be worth bringing forward at the Assembly for consideration. In this connection, by way of illustration, it may be pointed out that the Quadruple Pacific Treaty and the other instruments concluded at the Washington Conference may fairly be said to have created a regional association of nations with responsibility for co-operation and peace in the Pacific Region — an association which, while it is not a part of the League, is nevertheless consistent with the objects of the League.

L. C. CHRISTIE

386.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 15, 1923

Your telegram 18th May. Canadian Government concur in your suggestion that it would be convenient that question of proposed amendments to Article 10 of the Covenant of the League of Nations should be discussed at a preliminary meeting before the matter is considered by the Assembly of the League of Nations, and to that end the Prime Minister will ask the members of the Canadian Government who will represent the Dominion at Geneva, to meet in London a few days before the opening of the Assembly of the League of Nations for that purpose. It is probable that Canada will be

represented at the meeting of the Assembly of the League of Nations by the Hon. Sir Lomer Gouin, K.C.M.G., Minister of Justice, and the Hon. George Graham, Minister of Railways and Canals.

387.

*Décret du Conseil**Order in Council*

P.C. 2339

November 20, 1923

The Committee of the Privy Council have had before them a report, dated 19th November, 1923, from the Acting Secretary of State for External Affairs, to whom was referred a telegram, dated 12th November, 1923, from the Secretary of State for the Colonies, enquiring whether Your Excellency's Ministers would agree to a suggestion of the Secretary of State for Foreign Affairs that the protocols embodying four amendments to Article 16 of the Covenant of the League of Nations, adopted by the Second Assembly in October, 1921, copies of which are submitted herewith, should be signed and ratified.

The Committee, on the recommendation of the Acting Secretary of State for External Affairs, advise that the suggestion of the Secretary of State for Foreign Affairs be agreed to, and that Mr. Lucien Pacaud, Secretary of the High Commissioner's Office, London, be authorized to proceed to Geneva to sign the protocols.

The Committee further advise that Your Excellency may be pleased to inform the Right Honourable the Duke of Devonshire, by telegraph, of the action taken, to the end that ratification of the protocols may be made in due course by His Majesty on behalf of Canada.

All of which is respectfully submitted for Your Excellency's approval.

388.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

TELEGRAM

London, December 3, 1924

My despatch dated September 25th Dominions No. 469. As stated in League of Nations papers A. No. 131 September 27th, Fifth Assembly adopted resolution in which, noting that amendment to Article XVI, first paragraph of the Covenant adopted by the Second Assembly had not entered into force and appeared to be open to objections which seemed to render entry into force impossible, it adopted in place thereof fresh amendment which it recommended should be ratified. This amendment has now been embodied in the protocol which it is proposed should be signed on behalf of His Majesty's Government at the first convenient opportunity and subsequently ratified by His Majesty. Do your Ministers desire signature and ratification on their behalf, and if so, whom do they nominate to sign. It is



considered desirable that the steps necessary to enable ratification to be effected should be taken with as little delay as possible. If amendment comes into force it will replace the first amendment to Article XVI already ratified by His Majesty (see Secretary General's letter of August 29th C.L. 117 and my despatch dated September 25th).

389.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Counsellor to Under-Secretary of State for External Affairs*

Ottawa, December 13, 1924

My dear Sir Joseph,

Mr. King remarked the other day that the contribution of Canada to the League of Nations seemed to him excessive, and asked me to report on the matter.

I have accordingly prepared the following brief memorandum, and am sending you a copy of it in case you may be interested.

As is noted on Page 9, the exact amount of Canada's contribution for the League fiscal year of 1925 cannot be determined until the amount of the refund of our contribution to the Working Capital Fund has been determined. It may be that the records in the Department will show the extent of the contribution made by Canada under this head in the 1924 budget, but if not, the Secretary-General should now be in a position to state the amount of the refund or offset due to Canada.

Yours sincerely,

O. D. SKELTON

[PIÈCE JOINTE / ENCLOSURE]

*Extrait d'un mémorandum sur le partage des dépenses*

*Extract from Memorandum on Apportionment of Expenses*

...  
 (b) 1921. An *Allocation Committee* appointed by the First Assembly worked out two scales during the year.

The *Assembly* agreed to propose the amendment of Article VI of the Covenant as follows:

The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly.

Before this amendment could come into force, it was necessary to secure ratification by half the Members, including all represented on the Council.

The Fourth or Finance Committee and the full Assembly discussed and adopted by majority vote a new scale to be applied, *by consent*, in the following year, but it was found impossible to secure the unanimous consent necessary, and the Universal Postal Union Scale was continued.

(c) 1921. The *Allocation Committee* worked out a new scale, modifying the scale which had received most favor the previous year, allowing some states reduction on account of war exhaustion.

The Committee assigned each country individually an index number, but then grouped all the countries into seven classes, putting in one group those with approximately similar index numbers, and then averaging the figure for the group. This worked out disadvantageously for Canada: her index was 2.19, and the Committee placed her at the bottom of Group III, in which the highest country was Spain, with an index of 4.30; the result was that Canada was assigned the *average* for that group, or 3.245. Sir George Perley, one of the Canadian representatives, protested, but the Committee persisted in its report. Later, it was agreed to rank the states alphabetically, but the group average was retained: in other words, the smaller states received the financial benefit of a low rating and avoided to some extent the damage to their prestige of being bracketed as a fourth or seventh class power. The Committee defended its course on the ground that the figures on which the rating was made were only approximate, and that it was impossible to rate every individual country of the fifty in the League in precise order of capacity.

The Committee suggested that the new scale should be adopted provisionally for the next two years, and that meanwhile it should be instructed to continue its search for a more exact and scientific allocation.

The *Third Assembly* adopted this modified scale without a dissenting voice, as the basis for 1923. Of course, as the 1921 amendment had not yet been ratified, this agreement had no legal force; it was merely a "gentleman's agreement."

Under this scale, Canada's rating for 1923 was 35 units, out of a total of 944, or 3.7 per cent. A detailed scale, on the basis as further slightly revised in 1924, will be found below.

(d) 1923. The *Allocation Committee* continued its researches, but found it impossible to present a final report.

The *Fourth Assembly* agreed to continue the provisional scale for the year 1924, with certain modifications — 12 units reduction to Japan on account of the earthquake, and slight reductions to various impecunious countries on an appeal *ad misericordiam*, particularly Greece, Rumania, Portugal, and Persia.

(e) 1924. It was announced that the amendment to Article VI, permitting the Assembly to substitute any other scale for the Universal Postal Union scale, had now received the required number of adherences.

The *Allocation Committee* reported progress: its researches had convinced its members that it would be possible to work out a permanent and acceptable scheme, but for the present it was hampered by two factors — the failure of several governments to submit the data requested as to their national revenue and expenditure, and the fluctuations in the exchanges. It expressed its belief that it could report a definite scheme to the Sixth Assembly in 1925.

The *Fourth or General Finance Committee* went at some length into the question of *arrears*; China, Costa Rica, Guatemala, Liberia, Luxemburg, Paraguay, Persia, and Rumania, were found to be in arrears, in some cases for several years. Compromises were effected in several cases, and it was proposed to "post" defaulters in 1925 — a proposal which brought protests from the Latin-American states.

The Fourth Committee also heard the requests *ad misericordiam* of several states which had revolutions or cataclysms, or claimed to have been hard hit by exchange conditions.

The Fourth Committee recommended:

(1) that the rebate of 12 units to Japan be continued for 1925, and that the Committee on Allocation be instructed to divide the 35 units available this year from the fact that Argentina was resuming payments, and the 2 from the admission of Santo Domingo to the League, so as to meet the claims of states particularly pressed and also to effect a general reduction for all states, and

(2) that the Allocation Committee be instructed to continue its researches "with the object (in view of the difficulties of drawing up a definitive scale at a time when the exchange fluctuations are so pronounced) of preparing a fresh provisional scale to be submitted to the 1925 Assembly and to come into force as from 1926 for a period to be decided upon."

The Assembly (Fifth) adopted these recommendations.

On Oct. 31 the *Allocation Committee* reported that the following reductions had been granted:

China .....	from 65 to 50 units
India .....	" 65 to 60 "
Brazil .....	" 35 to 33 "
Czechoslovakia .....	" 35 to 33 "
Portugal .....	" 9 to 7 "
Rumania .....	" 29 to 27 "
Greece .....	" 9 to 8 "
Haiti .....	" 2 to 1 "
Norway .....	" 11 to 10 "
Persia .....	" 6 to 5 "
Yugoslavia .....	" 26 to 25 "

Three units were divided among all the other members, increasing the total units from 932 to 935.

The scale as thus amended is as follows:

...

It will be noted that Canada (bracketed with Argentina) now stands eighth in the list. Its proportion of the total expenses is 3.74 per cent, as against 6.3 per cent in the first years of the League's operation, when the Universal Postal Union scale was in force. It may be noted that Great Britain and France, which also paid 6.3 per cent, at first, now pay 9.4 and 8.3 per cent respectively.

It is difficult to say off-hand whether Canada's share is excessive. It may be recalled that on various indices, she was recently rated as one of the world's eight chief industrial powers (6th or 7th), and so entitled to permanent representation on the Governing Body of the International Labour Office. The present scale is avowedly provisional, and as it was accepted by Canada in 1921, and as Canada was not in the same boat with the various countries which in the past two years have appealed for special reductions on grounds of bankruptcy or disturbed conditions, no reduction in our proportion was to be expected between 1921 and 1925. When the Allocation Committee presents its report next year, the principles it proposes, and the data upon which the principles are to be applied, will require thorough analysis from Canada's point of view, and the Canadian representatives at the Assembly will doubtless see to it that the new scale conforms to a just principle accurately applied, and not to political pressure or log-rolling.

Equally important with the *ratio* assigned to Canada is the question of the *total expenditure* upon which this ratio is calculated. There was some tendency, particularly in 1922-23, to undue expansion in League activities, and some signs of waste in the expenditures already undertaken. A thorough system of budget control and committee discussion has now been established, a system from which most of the states represented in the League would have much to learn, and the result has been that without any thwarting of legitimate activities, the expenditure has since then been kept down. The total budgets for the past three years and for 1925, including the Secretariat, International Labour Office, and of late the Permanent Court of International Justice, run as follows:

*League Budget*

	1922	1923	1924	1925
Total in Gold Francs	20,873,945	25,673,508	23,233,635	22,658,138
Total in Gold Dollars	\$4,028,671	\$4,954,987	\$4,483,007	\$4,371,628
Canada's Share	\$ 195,140	\$ 183,668	\$ 168,353	\$ 163,656 <sup>1</sup>
	(25 out of 516)	(35 out of 944)	(35 out of 932)	(35 out of 935)

A further reduction is to be made in Canada's contribution for 1925. A Working Capital Fund has been established, to tide over delays in payment of state contributions or provide for special building outlays. It was decided by the 1924 Assembly that the healthy state of its finances warranted refunding a considerable portion of this fund. The Secretary-General's despatch of Nov. 15, 1924, states that the sum of 1,635,274 gold francs will be reimbursed to the contributing states, as soon as they have completed their payments toward the 1924 budget. The despatch does not give the amount due to Canada under this head; if all members paid in their due share last year, Canada

<sup>1</sup>Subject to further reduction for refund of working capital.

*Note:* The League fiscal year is the calendar year, Jan. 1 to Dec. 31. [Note telle que dans le document / Footnote as in Document.]

would be entitled to 35/932 of this sum, or about \$11,000. If, however, all the members did not pay in, as is probable, only those that did pay will be entitled to refund, and the amount to be reimbursed to Canada, or rather to be deducted from her 1925 payment, will be slightly larger. The Secretary-General probably could now indicate the amount of this credit. With this deduction, Canada's payment for 1925 will be more than \$16,000 below her 1924 payment.

Canada's annual contribution to the League of Nations is about 1 per cent of that part of its annual expenditure attributable to the Great War.

O. D. S[KELTON]

390.

*Décret du Conseil*  
*Order in Council*

P.C. 1480

September 1, 1925

The Committee of the Privy Council have had before them a Report, dated 28th August, 1925, from the Right Honourable W. L. Mackenzie King, Prime Minister and Secretary of State for External Affairs, submitting that he has had under consideration a telegram to Your Excellency from the Secretary of State for Dominion Affairs, dated the 12th August, 1925, pressing for a reply to a previous enquiry regarding signature and ratification by Canada of the Protocol embodying an amendment to Article XVI of the Covenant of the League of Nations adopted by the Fifth Assembly. The portion of the Article to be amended reads as follows:

Should any Member of the League resort to war in disregard of its Covenants under Articles XII, XIII or XV, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the *prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State whether a Member of the League or not.*

and it is proposed to substitute for the words underlined [italicized] the following:

. . . and to prohibit all intercourse at least between persons resident within their territories and persons resident within the territory of the Covenant-breaking State and, if they deem it expedient, also between their nationals and the nationals of the Covenant-breaking State, and to prevent all financial, commercial or personal intercourse at least between persons resident within the territory of that State and persons resident within the territory of any other State, whether a Member of the League or not, and, if they deem it expedient, also between the nationals of that state and the nationals of any other State whether a Member of the League or not.

The Minister observes that, from Canada's point of view, while the whole Article XVI is open to objection, the present amendment is harmless, as it would be more practicable and less complicated to enforce the prohibition against, say, residents of Germany than against German subjects in Germany and in all other countries.

The Minister therefore recommends that the Honourable Raoul Dandurand, LL.D., K.C., a Member of the King's Privy Council for Canada, Leader of the Government in the Senate, Commander of the Legion of Honour, who is at present on his way to Geneva to attend the Sixth General Assembly of the League of Nations, be authorized to sign the Protocol embodying the amendment to Article XVI on behalf of Canada, and that His Majesty the King be advised to ratify the Protocol so signed.

The Committee concur in the foregoing and submit the same for Your Excellency's approval.

391.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 474

Downing Street, November 3, 1925

My Lord,

I have the honour to invite reference to the letter from the Secretary General of the League of Nations C.L. 111. 1925.V of the 14th October enclosing a copy of a Protocol dated the 21st September 1925 regarding an amendment to the second paragraph of the existing text of Article 16 of the Covenant of the League.

2. It is proposed that the amendment, which is merely formal and consequential on the second, third, and fourth amendments to Article 16 adopted in 1921 which have already been ratified by His Majesty (see Secretary General's letter O.L. 117 1924 V of the 29th August 1924) should be accepted, so far as His Majesty's Government are concerned, and that their acceptance of it should be signified by the signature on their behalf of the Protocol regarding the Amendment and its subsequent ratification by His Majesty.

3. I should be glad to learn whether your Excellency's Ministers desire signature and ratification of the Protocol on their behalf and, if so, what arrangements they contemplate for signature.

I have etc.

L. S. AMERY

CONFÉRENCE ÉCONOMIQUE INTERNATIONALE

c.

INTERNATIONAL ECONOMIC CONFERENCE

392.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

Geneva, November 11, 1925

My dear Dr. Skelton,

With further reference to the appointment of a member on the Preparatory Economic Committee. I had another interview with Sir Arthur Salter

yesterday, and explained the position of the Canadian Government with regard to the naming of a member on that committee. He is prepared to consider any name that would be acceptable to the Canadian Government.

At the same time, he appeared anxious, as an official of the Secretariat, to make it clear that the Council, on the advice of the Secretariat, was making the nominations, and that the Secretariat had not asked the Canadian Government to make the nomination. This may seem like a distinction without a difference, but as I understand it the Secretariat is prepared to recommend to the Council the name of any well-qualified Canadian for membership on the Preparatory Economic Committee.

It is highly probable that this committee will not be appointed until next week, as the Council has a great deal of work before it; so that, if I receive a list of names approved by the Canadian Government within the next few days, there will still be a possibility of securing representation on this committee.

Yours sincerely,

W. A. RIDDELL

393.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

Geneva, November 18, 1925

My dear Dr. Skelton,

After an interview with Sir Arthur Salter on the 14th November, I cabled you as follows:

External Ottawa: Believe possible to have Canadian appointed Preparatory Committee International Economic Conference.

Can you suggest before twentieth six or seven names preferably business men economists and Government officials. Canadof

The Preparatory Committee of the International Economic Conference is being set up in accordance with the resolution of the Sixth Assembly. The Canadian delegation supported this resolution, and was of one mind in thinking that Canada should have representation on the Committee.

The Committee will be named at the Thirty-Seventh Session of the Council, and Sir Arthur was of the opinion that, if I could furnish him with the names of two or three business men with some international experience, one or two of our outstanding economists, and a Government official who was familiar with economic conditions in Canada, the Council would probably appoint one of them to the Committee. He was anxious to have the names before the 20th November, as he is leaving then to attend a preliminary meeting in London to decide upon the personnel of the Committee.

In view of that fact that South Africa is already represented on the Financial Committee of the League, and Australia on the Economic Committee, there seems every likelihood that the Council will give us a place on

this Committee. I reminded Sir Arthur of Canada's status in the League, of our immense natural resources, and of the fact that we have as yet no representative on any Committee of the League. He assured me that Canada's representation on this Committee would have his hearty support.

Yours sincerely,

W. A. RIDDELL

394.

*Le sous-secrétaire d'État aux Affaires extérieures au Conseiller  
Under-Secretary of State for External Affairs to Advisory Officer*

Ottawa, December 3, 1925

My dear Dr. Riddell,

I am in receipt of your letter of the 18th November, in regard to Canadian representation on the Preparatory Committee of the International Economic Conference.

It is felt here that Canadian representation on such a Committee would be highly desirable. In view, however, of the uncertainty as to the scope and composition of the Committee, and particularly as to the date at which it would begin its sessions and the length of time that it would probably be in session, it was felt impossible to put forward the names of any representatives. The chances would be that anyone selected in this way, without any previous consultation, would find it difficult to take part in the work of the Conference.

We shall be interested to learn whether there is a possibility of the nomination of a Canadian representative when further particulars are available.

We cabled you on the 19th November as follows:

Your telegram November 14th, Canadian participation in Preparatory Committee appears desirable if practicable but in view of uncertainty as to scope of Committee, date of assembling and length of Committee sessions not possible to make recommendations. Cannot members be appointed later when essential facts available.

Yours sincerely,

O. D. SKELTON

395.

*Le sous-secrétaire d'État aux Affaires extérieures au Conseiller  
Under-Secretary of State for External Affairs to Advisory Officer*

Ottawa, December 23, 1925

My dear Dr. Riddell,

I am in receipt of your letter of November 11th, with further reference to the appointment of a member on the Preparatory Economic Committee.

I note that Sir Arthur Salter has emphasized the fact that it was the Council which was making the nominations on the advice of the Secretariat, and that the Canadian Government had not been asked to make the nomination. This fact was realized, though perhaps its full significance was not understood since it was only recently that it was learned that the total member-



ship of the Committee was to be restricted to twenty. We can quite understand the necessity which faces the Secretariat and Council of balancing the membership of the Committee so as to ensure representation of the various types of experience and qualifications necessary to full success. Nominations by outside Governments without consultation would not be likely to secure this end. At the same time, it must also be remembered that public opinion in each of the countries from which the members are chosen will assume that the Government is at least in part responsible for the choice.

I should be obliged if you could convey to Sir Arthur Salter the Government's appreciation of the acceptance of the suggestion which we made. I have every confidence that it will be found that Dr. Shortt's unusually wide range of economic interests and his practical experience will make him a very useful member of the Committee.

Yours sincerely,

O. D. SKELTON

PARTIE 2 / PART 2

ORGANISATION INTERNATIONALE DU TRAVAIL

INTERNATIONAL LABOUR ORGANIZATION

396.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, August 21, 1919

Please communicate following from Organizing Committee of International Labour Conference to your Government. Begins. Article 393 of the Peace Treaty provides that of the twelve persons representing Governments on governing bodies of International Labour Office, eight shall be nominated by members of chief industrial importance and four by members selected by Government delegates of remaining members. Any questions as to who are eight members of chief industrial importance must be decided by Council of the League of Nations. Unless question of the eight members is settled before Washington Conference, remaining four members cannot be selected at Conference which would result in serious delay in constituting governing body and Labour Office. Organizing Committee have accordingly drawn up following list of nine states on information available though owing to war and formation of new states, statistics very uncertain and compilation of list difficult. Question of admitting Germany to the Labour Organization after the Washington Conference will come before Conference in accordance with decision of Supreme Council of Allied Associated Powers. If admitted Germany will be entitled to seat on governing body and last named state would lapse. If Germany not admitted last named state will be included. List is as follows: United States; Great Britain; France; Germany; Italy; Belgium; Japan; Switzerland; Spain.

Committee respectfully suggest any objection should be communicated to Secretary Organizing Committee, 53 Parliament Street, London, before September 10th. Objections will be referred to Council of League for decision before meeting of Conference. Fontaine — President. Ends.

MILNER

397.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 9, 1919

Your telegram August 21st. Please communicate the following to the Organizing Committee of the International Labour Conference. Begins. The Government of Canada feel that some rule or standard should be laid down to govern the determination of the question of who are the members of chief industrial importance. In the absence of such rule the Government feel that the claims of Canada to a place among the eight members of chief industrial importance should receive further consideration. Apart from the question whether for reasons not of an economic nature, Germany, a country with which at the present time peace has not been yet technically concluded, should be included in the list designated by the Organizing Committee, enquiry into the relative standing of Canada and the nine members named in the tentative selection of the Committee will, in the view of the Dominion Government, show that Canada, with respect to many important aspects of resources and development, compares favourably with several of the chief industrial countries, and, if the comparison be restricted to countries of less industrial importance in the list tentatively designated, as, for instance, Spain and Switzerland, then the advantage to Canada is very marked. Canada, in relation to the nine countries tentatively designated, stands first as regards (a) area, (b) railway mileage per ten thousand inhabitants, (c) telegraph mileage per ten thousand inhabitants; second as regards (a) potential water power, (b) developed water power; third as regards total railway mileage; fifth as regards (a) total telegraph line mileage, (b) total exports; sixth as regards (a) pig iron production, (b) total telegraph mileage; seventh as regards (a) coal production, (b) total imports, (c) total foreign trade; eighth as regards population. In all important respects here indicated Canada falls within the eight leading members, taking, moreover, frequently a high place. It should be added that the comparison in respect of Foreign trade has been based on the figures for 1916, the last year for which the statistics of some of the other countries are available here. The figures for Canada for the two following years are as follows: For the year 1917 — Total Imports \$845,356,306. Total Exports \$1,179,211,100. Total External Trade \$2,024,567,406. For the year 1918 — Total Imports \$962,543,746. Total Exports \$1,586,169,792. Total External Trade \$2,548,713,538.

Lack of statistics prevents a more detailed comparison with the nine Members named, but a certain comparison of Canada with Spain and Switzerland

may be made on the basis of exports of manufactures, trades union membership, and estimated industrial population. Export figures for 1917 are available for both Spain and Canada. In that year the value of manufactures exported from Spain was \$107,000,000, as compared to a value of \$477,000,000 manufactures exported from Canada. The latest returns for Switzerland are for 1916 and show manufactures exported to the value of \$363,000,000. Total trade union membership in Canada for 1918 is 248,000. Latest figures available for Switzerland 1916 show trades union membership of 88,000; Canada for that year showed 160,000 trades union membership. With respect to industrial population, Canada outranks Switzerland heavily in the agricultural, mining, fishing, and transportation classes, and more than doubles the strength of Switzerland with respect to numbers engaged in (a) government and professional, (b) domestic and personal classes; also considerably surpasses Switzerland in numbers of workers engaged in manufactures and trade.

In these circumstances the Government of Canada feels justified in pressing the claims of Canada to a place within the eight members of chief industrial importance whether Germany is counted or not.

Full details and statistics under the various heads enumerated above will follow by mail. Ends.

DEVONSHIRE

398.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 11, 1919

My telegram 21st August Organizing Committee International Labour Conference states that objections to proposed list of States of chief industrial importance have been received from Governments of Canada, India, Poland and Sweden and that question has been now submitted to Council of League of Nations for decision in accordance with Article 393 of Peace Treaty with Germany. Text of memorandum communicated by Organizing Committee to Secretariat of League follows by post.

MILNER

399.

*Décret du Conseil*  
*Order in Council*

P.C. 68

January 14, 1920

The Committee of the Privy Council have had before them a report, dated 8th January, 1920, from the Acting Secretary of State for External Affairs, stating that at the International Labour Conference held at Washington in November, 1919, Canada was selected as one of the twelve countries entitled

to nominate the Government representatives on the Governing Body of the International Labour Office in pursuance of Article 393 of the Labour Part of the Treaty of Versailles of the 28th June, 1919.

The Minister accordingly recommends that the Honourable Gideon D. Robertson, Minister of Labour, be nominated as the representative of the Canadian Government on the Governing Body. Since, however, the Minister of Labour states that he will be unable to attend the next meeting of the Governing Body, which is to be held in Paris on the 26th January, 1920, the Minister recommends that Mr. Frederick A. Acland, Deputy Minister of Labour, be nominated as a substitute to act in his place at that meeting.

The Minister further recommends that Mr. Acland be paid a subsistence allowance of twenty dollars (\$20.00) per day for each day on which he is necessarily absent in connection with the meeting of the Governing Body, and that he be reimbursed for steamship and railroad charges, including sleeping accommodation, between his place of residence and the place of meeting of the Governing Body.

The Committee concur in the foregoing recommendations and submit the same for approval.

400.

*Décret du Conseil*  
*Order in Council*

P.C. 2722

November 6, 1920

The Committee of the Privy Council have had before them a report, dated 2nd November, 1920, from the Minister of Justice, in reference to the several draft conventions and recommendations which were adopted by the International Labour Conference at its first annual meeting, held at Washington, D.C., October 29th to November 29th, 1919, copies whereof have been lately received by Your Excellency's Government from the Secretary-General of the League of Nations under cover of communication dated 28th January, 1920, stating that the said meeting of the Conference was declared closed on 27th January, 1920, and calling attention to the fact that this is the date to be considered, in accordance with Article 405, paragraph 5, of the Labour Part of the Treaty of Versailles, and the like provisions of the other treaties of peace, in determining the time limits within which the members of the Labour Organization have undertaken to bring the said draft conventions and recommendations before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

The Minister states that he has had under consideration the question as to what authority or authorities are, as respects the Dominion, to be regarded as the competent authority or authorities for the purpose of considering the said draft conventions and recommendations, and also as to the action which Your Excellency's Government should take in order to carry out its engagements

as respects the said draft conventions and recommendations under the provisions of the said Treaty.

The Minister further states that he is of opinion, that the provisions of the Labour Part of the Treaty of Versailles do not impose any obligation on the Dominion of Canada to enact into law the different draft conventions or recommendations which may from time to time be adopted by the Conference. The obligation as set forth is simply in the nature of an understanding on the part of each member within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within a period of one year, then at the earliest practicable moment, and in any case not later than eighteen months from the closing of the Conference, "to bring the recommendations or draft conventions before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action". The Treaty engagement being of this character it is not such as to justify legislation on the part of Parliament under the authority of Section 132 of the British North America Act, 1867, to give effect to any of the proposals of the said draft conventions and recommendations, which must be held, as between the Dominion and the provinces to be within the legislative competence of the latter. The Government's obligation will, in the opinion of the Minister, be fully carried out if the different conventions and recommendations are brought before the competent authority, Dominion or Provincial, accordingly as it may appear, having regard to the scope and objects, the true nature and character of the legislation required to give effect to the proposals of the conventions and recommendations respectively, that they fall within the legislative competence of the one or the other.

1. The Minister is of opinion, on consideration, that the proposals of the draft convention

(1) limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week;

(2) concerning employment of women before and after childbirth;

(3) concerning employment of women during the night;

(4) fixing the minimum age for admission of children to industrial employment;

(5) concerning the night work of young persons employed in industry; and of the recommendation concerning, —

the protection of women and children against poisoning, involve legislation which is competent to Parliament in so far as Dominion works and undertakings are affected, but which the Provincial legislatures have otherwise the power to enact and apply generally and comprehensively.

2. Draft Convention concerning unemployment

The Minister is further of opinion, seeing that the principal object of this convention is the establishment of a national system of employment agencies under the control of a central authority, that the Dominion is the proper

authority to give effect to the proposals of the convention. The project does not appear to be attended by any question of legislative competence, because legislative sanction would not seem to be essential to the attainment of the objects in view. There are objects which, it is conceived, the Government may competently carry out as an executive measure, provided the necessary parliamentary appropriation be available. It is observed, in this connection, that the provisions of the Employment Offices Co-ordination Act, Chapter 21, Statutes of Canada, 1918, may be largely utilized for the purpose of carrying out the proposals of the convention except with respect to that referring to unemployment insurance, which at the present time has no application to Canada.

### 3. Recommendation concerning unemployment

Four different recommendations are made:

As to No 1. The Minister is disposed to think the suppression of private employment agencies carried on for profit and the licensing of such agencies pending the adoption of measures for their abolition, is properly competent to the provincial legislatures alone.

As to No 2. The Minister thinks the proposal of this recommendation may be fully carried out, as between Canada and other members of the International Labour Organization, by reciprocal measures in relation to immigration, and that the Parliament of Canada, in view of its paramount authority to legislate upon this subject, is the competent authority to deal with the matter. The powers conferred upon the Governor in Council under Section 38 (c) of the Immigration Act, Chap. 27, 1918, as amended by section 13, Chap. 25, 1919, (1st session), coupled with the provisions of the Alien Labour Act, R.S.C. Chap. 97, may probably be found sufficient to enable the Dominion to carry out any international agreement which may be arrived at.

As to No 3. The Minister observes that the experience of other countries has demonstrated that a system of unemployment insurance, in order to be effective and successful, must be merely ancillary or complementary to a system of labour exchanges, the whole being adapted to the principal function of finding work for unemployed insured workmen. In this view, unemployment insurance has a pronounced federal aspect, and on the whole, the Minister thinks the establishment of a system of unemployment insurance is competent to the Dominion in the exercise of its residuary legislative power with relation to the peace, order and good government of Canada.

As to No 4. The Minister thinks the proposal of this recommendation is one proper to be dealt with and carried out by the Dominion and provincial governments, each for itself, unless indeed by agreement some joint plan of co-ordination can be arrived at.

#### 4. Recommendation concerning reciprocity of treatment of foreign workers

The Minister is of the opinion that the Dominion is the competent authority to stipulate reciprocal terms with the other members of the International Labour Organization with a view to giving effect to the proposals of this recommendation.

#### 5. Recommendation concerning the prevention of anthrax

The subject-matter of this recommendation is within the competence of Parliament. Under the provisions of section 3 (e), (f) and (g) of The Quarantine Act, R.S.C. Chap. 74, the Governor in Council may, by regulation, make provision for giving effect to the proposal of this recommendation.

#### 6. Recommendation concerning the establishment of Health Services

The Minister is of opinion that, provided health service and factory inspection be dealt with in the federal as contrasted with the provincial aspect, legislation to carry out the proposal of this recommendation is within the legislative competence of Parliament under the residuary power to legislate for the peace, order and good government of Canada. The provisions of chapter 24, Statutes of Canada, 1919, (1st session), entitled "An Act respecting the Department of Health" appear to be quite adequate to enable the Government to carry out this recommendation without further legislation.

#### 7. Recommendation concerning the application of the Berne Convention of 1906 on the prohibition of the use of white phosphorus in the manufacture of matches

The Parliament of Canada has, as the Minister observes, already legislated comprehensively upon the subject-matter of this recommendation under the provisions of chapter 12, Statutes of Canada, 1914, entitled "An Act to Prohibit the Manufacture, Importation and Sale of Matches made with White Phosphorus".

The Committee concur in the foregoing and, on the recommendation of the Minister of Justice, advise that a copy of this Minute, if approved, together with authenticated copies of the draft conventions and recommendations, be transmitted to the different Lieutenant-Governors for the consideration of their respective Governments, with a view to such legislative action in line with the proposals of such of the draft conventions and recommendations as are within the provincial sphere, as each Government may be advised to take.

All of which is respectfully submitted for Your Excellency's approval.

401.

*Exposé du Conseiller juridique**Statement by Legal Adviser*

Seventh Item on the Agenda

[Geneva,] January 11, [1921]

## REPORT OF THE DIRECTOR: ENQUIRIES

The character of the matters dealt with under this heading is such as to raise, in my view, a fundamental question touching the scope and purposes of this Organisation, and I propose for the sake of clearness and of accuracy in translation to read the notes that I have put down.

The question is whether the International Labour Office has not embarked upon a course that is really at variance with the scheme or system established by the articles of our Constitution, that is to say, by the Article of Part XIII of the Treaty of Versailles. In order to make my meaning clear it is necessary to sketch, as briefly as possible, the outlines of that system. What was that system as originally established? It happened that I was at the Paris Conference, and as I understood the scheme it was this — the fundamental idea was that in order to improve the conditions of work in any part of the world you must strive to bring all countries, so far as possible, to something like a uniform standard, so that improvement of conditions should not prove to be a disadvantage. To achieve this end it was necessary, in the present political state of the world, to proceed by way of conventions agreed upon between the nations. Consequently, there was provided — as an improvement over the former diplomatic conventions, namely, the International Labour Conference. There was further provided — and again this was an advance on the old procedure — a special method of enforcement, involving the laying of complaints, the holding of inquiries thereon, and the imposition of penalties. Such was the scheme in general outline.

As an integral part of this system, there was set up an International Labour Office. On what terms and for what purposes was it set up? Let us turn to the Treaty. Article 388 declares that the permanent organisation, in addition to the General Conference, shall consist of “an International Labour Office controlled by the Governing Body.” Article 393 provides that “the International Labour Office shall be under the control of a Governing Body” chosen in a certain way. Then comes the important Article 396. It reads as follows:

Article 396. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the International adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of International conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this part of the present Treaty in connection with international disputes.



It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this article, it shall have such other powers and duties as may be assigned to it by the Conference.

I wish especially to emphasize the last clause of the first paragraph, namely, that the functions of the Office are confined to the conduct of "such special investigations *as may be ordered by the Conference.*"

From all this it is clear that the Office was subsidiary to and created simply for the purposes of promoting the definite system of international legislation which I have already outlined.

This whole system was an admirable one; it constituted a practicable reform, and if we persevere in it, it will produce beneficial results.

It was felt to be a vital condition of its success that it should be world wide, and hence that all its activities and its conventions should be conceived on the broadest lines, in directions that would make the most universal appeal.

But what do we now find to be among the activities of the Office? There are now many activities which I cannot, with the greatest goodwill, believe to be sanctioned by the scope and intent of our Constitution and real objects. Let me enumerate some of them. There are the inquiries relating to the Ruhr Valley, to Upper Silesia, and to Hungary. Not only were these not ordered by the General Conference, but they cannot by any possibility be said to be related to any proposals for universal international labour legislation. Nor is it enough to say that they were requested by some special interest or country. There are also the inquiries into production and into the question of raw materials. These questions can have no possible relation to any practicable or workable international convention of universal application, or, in the words of Article 396, "to the international adjustment of conditions of industrial life and labour." In a similar position are such proposals as those for inquiries into the position of certain Russian refugees, and into the experiences of certain Spanish associations. Then there are proposals for an enquiry into primary education, though the Conference has never made an order. In addition, there are certain propaganda activities to which fuller reference may perhaps better be made on the budget.

There are thus two rather legal points in connection with these activities. First many of them have not been ordered by the General Conference, and hence a question of their validity must be raised under Article 396. Second, by whatever body authorised, they have no relation to the real scope and purpose of Part XIII of the Treaty, or so remote a relation that they can hardly be defended in the Parliaments of the world.

There are certain other practical points. In the first place, you are in danger of dissipating the energies of the Office and so decreasing the power that ought to be concentrated on the primary purpose of the Organisation. Again, you will tend to devote attention to one part of the world only, that is to say, the part within reach of Geneva; and this in reality means Europe,

for you cannot carry on these special local activities in distant parts. It will be noticed — and I wish especially to emphasise this — that all these special activities and inquiries really concern Europe. Finally, by so changing the orientation of the Organisation you are in danger of alienating the sympathies of nations which willingly entered it on a definite basis.

I am sorry for the length of these remarks; but the question seems to be of real importance. I hope it will be thoroughly realised they are uttered in no hostile spirit. The Canadian Government nor the Canadian people have never shown any such spirit toward the League of Nations or the International Labour Organisation — on the contrary, their practical contributions in effort and funds will, I think, dispel any such idea. The truth is, we are here concerned with a question of policy. Politics has been defined as the science of what is possible. In one aspect it might be defined as the science of what is intelligible. My real concern is simply that the activities of the International Labour Organisation should be conceived on such broad practicable lines that their relation to the purposes of the Treaty may be intelligible to the Parliaments and electorates of every part of the world, and that we should be content to follow the course marked out in the agreement — a course which if followed conscientiously promises much. Otherwise it will be difficult to count upon effective support everywhere and therefore to secure good results from this great experiment.

I do not fail to recognise the good work already done within the proper scope of the Organisation; I hope it will be continued, and I am sure it will have greater chances of success and of appreciation in every part of the world if the line I have attempted to indicate is followed.

402.

*Mémorandum du Conseiller juridique*

*Memorandum by Legal Adviser*

[Ottawa] April 14, 1921

NOTES ON THE RATIFICATION OF DRAFT CONVENTIONS  
ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE

1. The Labour Part of the Treaty of Versailles of June 28th, 1919 (Articles 387-427) provides for the holding of an annual General Conference of the Members of the International Labour Organisation (these Members being identical with the Members of the League of Nations) for the purpose of considering and adopting Draft Conventions concerning labour questions. The procedure is a simplification of the ordinary pre-war method of concluding International Conventions. The Draft Conventions in this case are adopted simply by a two thirds vote of the Delegates at the Conference. They are not, as under the ordinary procedure, signed by the Delegates of the different countries. The Delegates at these Labour Conferences are not indeed plenipotentiaries. Instead, the Draft Conventions, when adopted by a two thirds vote, are simply authenticated by the signature of the President of the

Conference and of the Director of the International Labour Office, and they are then deposited with the Secretary General of the League of Nations. The Secretary General thereupon communicates a certified copy of each Draft Convention to each of the Members of the International Labour Organisation. Each Member then considers whether or not it will ratify the Draft Convention. If it decides to ratify, it must communicate the formal ratification to the Secretary General. This procedure is embodied in the main in Article 405 of the Treaty of Versailles.

2. A draft of an Order in Council ratifying the draft Convention concerning Unemployment adopted at the Washington Conference is submitted herewith. From a legal point of view it seems important to recite the preliminary steps leading up to ratification. This has been done, and the phrases of the Treaty of Versailles have been followed throughout.

3. Since, under the Treaty, the document communicated to the Secretary General should be a "formal ratification", it seems advisable to draft the Order in this formal shape rather than in the less formal shape of a Minute of Council. The Order in Council ratifying the Treaty of Versailles on behalf of Canada has been adopted as a model for this purpose, although some modifications are necessary to fit the present requirements.

4. The chief modification is that in this case it seems quite unnecessary to go through the elaborate procedure of ratification by His Majesty in person, as was done in the case of the Treaty of Versailles. The Government have heretofore followed the principle of having direct relations with the League of Nations, and the attached draft simply carries out that principle. Canada having been accepted as a Member of the League and of the International Labour Organisation in her own right, the machinery of her own Government is adequate for the present purpose. This being so it seems better, in view of the effect on the attitude of the other nations Members of the League, to avoid any unnecessary use of the machinery of the Government of the United Kingdom.

L. C. CHRISTIE

[ANNEXE / ANNEX]

DRAFT ORDER IN COUNCIL RATIFYING DRAFT  
CONVENTION CONCERNING UNEMPLOYMENT

Whereas a General Conference of the International Labour Organisation of the League of Nations was held at Washington from October 29th to November 29th, 1919, in pursuance of the Labour Part of the Treaty of Versailles of June 28th, 1919;

And whereas Canada as a Member of the International Labour Organisation was represented at the said General Conference by Delegates duly authorised for the purpose;

And whereas the said General Conference duly adopted a Draft Convention concerning Unemployment (a copy of which is annexed as a Schedule

hereto)<sup>1</sup> in accordance with the procedure authorised by the said Treaty of Versailles;

And whereas a certified copy of the said Draft Convention has been communicated by the Secretary General of the League of Nations to the Government of Canada;

And whereas it is expedient that the said Draft Convention be ratified by Canada as a Member of the International Labour Organisation;

Now, therefore, the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, is pleased to order, and it is hereby ordered, that the said Draft Convention concerning Unemployment be ratified by Canada as a Member of the International Labour Organisation, and that a certified copy of this Order be communicated to the Secretary General of the League of Nations as constituting the formal ratification of the said Draft Convention by Canada for the purposes of Article 405 of the said Treaty of Versailles.

403.

*Le ministre du Travail au Secrétaire général, Société des Nations*  
*Minister of Labour to Secretary General, League of Nations*

Ottawa, June 4, 1921

Sir,

Referring to the provisions of paragraph 6 of Article 405 of the Treaty of Versailles, and to the proceedings of the International Labour Conferences which were held in Washington, D.C., October 29-November 29, 1919, and Genoa, Italy, June 15-July 10, 1920, I have the honour to inform you of the action which has been taken by the Government of Canada on the six Recommendations which were adopted by the Washington Conference and the four Recommendations which were adopted by the Genoa Conference.

An Order in Council, dealing with the questions of jurisdiction involved in the Draft Conventions and Recommendations of the Washington Conference, was adopted on November 6, 1920. A copy of this Order in Council is enclosed herewith<sup>2</sup>. For your further information I should state that copies of this Order in Council were duly transmitted to the Lieutenant-Governors of the respective provinces for the consideration of their respective Governments, with a view to such legislative action, in line with the proposals of the Draft Conventions and Recommendations, as are within the provincial sphere and which each Government may be advised to take. A copy is also enclosed of a statement<sup>1</sup> which was submitted to the Parliament of Canada on the 28th ultimo by the Minister of Justice in conjunction with which the Draft Conventions and Recommendations of the Washington Conference and of the Genoa Conference were brought before Parliament and laid on the table of the House of Commons. In the statement submitted by the Minister of Justice

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

<sup>2</sup>Voir l'annexe au document précédent.

<sup>2</sup>See Annex to preceding document.

to Parliament you will observe that reference is made to the questions of jurisdiction involved in the Draft Conventions and Recommendations of the Genoa Conference, and that the proposals contained in the Recommendation concerning the limitations of hours of work in the fishing industry are regarded as falling within provincial jurisdiction. A communication on this last mentioned Recommendation has been addressed to the respective Provincial Governments, bringing the subject to their attention.

It is believed that the foregoing statement, together with the accompanying enclosures, will serve to inform you of the action taken by the Government of Canada in connection with the Recommendations of the Washington and Genoa Conferences.

I have etc.

G. D. ROBERTSON

404.

*Décret du Conseil*

*Order in Council*

P.C. 1770

September 7, 1922

The Committee of the Privy Council have had before them a report, dated 23rd August, 1922, from the Minister of Labour, submitting that the Annual Conference of the League of Nations International Labour Organization, established under Part XIII of the Treaties of Peace, will be held this year in Geneva, Switzerland, commencing on October 18.

The Minister states that by Article 389 of the Treaties of Peace it is provided that the Conference shall be comprised of four representatives from each of the member states, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople, and that each delegate may be accompanied by advisers who shall not exceed two in number for each item on the agenda of the meeting.

The Minister therefore recommends that authority be given for the participation of Canada in the above Conference and the attendance thereof of two delegates on behalf of the Government of Canada and one delegate on behalf of the employers and workpeople of Canada, respectively, and that the employers' delegate and the workers' delegate should each be entitled to be accompanied by one adviser.

The Minister also recommends that the employers' delegate and the workmen's delegates and each adviser to the employers' and workmen's delegates shall be entitled to a living allowance of \$15 per diem for each day necessarily occupied with the affairs of the Conference and necessarily absent from his place of residence, and to reimbursement for his railroad and steamship charges, including sleeping accommodation, incurred in travelling between his place of residence and the Conference.

In view of the fact that certain of the matters which may come up for discussion or action at the Conference may fall within provincial legislative

jurisdiction in Canada, the Minister further recommends that authority be granted to invite the respective provincial governments to be represented at the forthcoming Conference, without expense to the Dominion Government, such provincial representatives as may be selected in this way to be designated as advisers to the Government delegates.

The Committee concur in the foregoing recommendations and submit the same for approval.

405.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, March 15, 1923

International Labour Conference last session adopted the proposal that Article No. 393 of the Treaty of Versailles should be modified on the following lines. Governing Body of the International Labour Office to consist of 32 persons — 16 representing the Government, 8 Employers and 8 Workers. Eight of the Government representatives to be appointed by members of chief industrial importance, and eight by members selected by the Government delegates to the Conference, excluding those of the above eight. Six of the sixteen members represented to be of non-European states. Employers' and Workers' representatives to be elected respectively by the Employers' and Workers' delegates to the Conference, two of each to belong to non-European states. In the last paragraph but one of Article, words "and of appointing substitutes" to be inserted after "filling up the vacancies", and in the last paragraph, the words "twelve of the representatives" to be substituted for "ten members".

Under Article No. 422 amendment requires ratification. His Majesty's Government prepared to accept proposed amendment and propose to advise His Majesty The King to ratify. Would your Ministers wish ratification on their behalf also?

DEVONSHIRE

406.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 22, 1923

Your telegram March 15th. Ratification of proposed amendment to Article 393 Treaty of Versailles in regard to International Labour Office. Canadian Government concur in ratification on their behalf.

407.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 9, 1923

My telegram of July 31st. Nomination by Canadian Government of Honourable Raoul Dandurand to sign on their behalf Protocol drawn up for amendment of Article 393 of Treaty of Versailles on lines approved at 1922 Session of International Labour Conference. My Ministers represented that Mr. Dandurand who was supposed at time to have been in France was actually on his way out to this country and has since arrived here. In these circumstances, Monsieur Philippe Roy, Commissioner General for Canada in France has been substituted for Mr. Dandurand to sign on behalf of Government of Canada. Secretary General of League of Nations had been informed of this substitution.

## PARTIE 3 / PART 3

COUR PERMANENTE DE JUSTICE INTERNATIONALE  
 PERMANENT COURT OF INTERNATIONAL JUSTICE

408.

*Extrait des notes du Conseiller juridique*  
*sur la première assemblée de la Société des Nations*

*Extract from Notes by Legal Adviser*  
*on First Assembly of the League of Nations*

Ottawa, February 1, 1921

. . .

## 20. Permanent Court of International Justice

Article 14 of the Covenant provides that the Council of the League shall formulate and submit to the Members of the League plans for the establishment of a Permanent Court of International Justice. In pursuance of this Article the Council of the League in February, 1920, appointed a Committee of Jurists which met at The Hague and drafted a unanimous report. The Council, having considered this report, made certain modifications and submitted the scheme as drafted by the jurists, together with its own modifications, to the Assembly for consideration. The Assembly referred the scheme to Committee No. 3 where it was subjected to long and careful consideration, especially by a Sub-Committee of jurists, of which Mr. Doherty of Canada was a member. Many amendments on points of detail were made, but none on the fundamental principles of the draft scheme as submitted by the Council. The chief point of difference arose upon the question whether the jurisdiction of the Court should be compulsory—that is to say, upon the question whether a state should be entitled to hale before the Court another state without the latter's

consent. Upon this question the Assembly finally adopted the view of the Council that the time was not yet ripe for such an advance. It may be added that the original draft was so amended that the position of Canada and the other Dominions in relation to the Court is now the same as that of all other Members of the League – this applying to the nomination and election of judges and to all other rights and privileges under the scheme. The adoption of the scheme for a Permanent Court of International Justice may be regarded as the most important achievement of the First Assembly of the League.

[L. C. CHRISTIE]

409.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, February 23, 1921

Canadian Government proposes to sign protocol at Geneva, drawn up in connection with statute of Permanent Court of International Justice and to say that it will be glad to know as soon as possible whether His Majesty's Government, in authorizing signing on behalf of United Kingdom, proposes to issue full powers to representative who will sign, or whether his credentials will take some less formal shape.

DEVONSHIRE

410.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 8, 1921

Your telegram 24th February Statute Permanent Court of International Justice. Balfour signed protocol on behalf of United Kingdom before leaving Geneva. He did not hold full power from His Majesty The King for the purpose. Suggested that in the circumstances representative of Canada who will sign should be provided by the Canadian Government with an authority to sign in such form as Ministers may consider appropriate. Balfour did not sign optional clause appended to protocol.

411.

*Décret du Conseil*  
*Order in Council*

P.C. 872

March 21, 1921

The Committee of the Privy Council have had before them a report, dated 14th March, 1921, from the Secretary of State for External Affairs, submitting that the First Assembly of the League of Nations, at Geneva, Switzerland, adopted on December 13th, 1920, a resolution (a copy of which is herewith submitted as Schedule A)<sup>1</sup> approving a draft statute for the establishment of a Permanent Court of International Justice for submission to the Members

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.



of the League by the Council of the League in pursuance of Article 14 of the Covenant of the League.

The Minister observes that in accordance with the resolution a Protocol dated December 16th, 1920, (a copy of which is herewith submitted as Schedule B)<sup>1</sup> was drawn up, as an adjunct to the Statute, for signature, subject to ratification, by the Members of the League; the procedure for adoption of the Statute being thus assimilated in form and effect to the customary international practice with regard to the conclusion and ratification of treaties. The Protocol remains open for signature at Geneva.

The Minister, being of the opinion that under these conditions it is expedient that the Protocol be signed on behalf of Canada as a Member of the League, recommends that the Honourable Philippe Roy, Commissioner General for Canada at Paris, be authorized to sign the Protocol on behalf of Canada.

The Committee concur in the foregoing recommendation and submit the same for Your Excellency's approval.

**412.**

*Le sous-secrétaire d'État aux Affaires extérieures au Commissaire général*  
*Under-Secretary of State for External Affairs to Commissioner General*

TELEGRAM

Ottawa, March 26, 1921

By Minute of Council March twenty first you are authorized to sign on behalf of Canada Protocol adjoined to Statute of Permanent Court of International Justice, which is now open for signature at League of Nations Secretariat at Geneva. Certified copy of Minute of Council has been transmitted to you today. You should, however, proceed at once to Geneva and sign Protocol. Secretary General League of Nations has today been informed by cable that this is considered sufficient authority for your signature pending receipt of certified copy of Minute which has also been sent to him. Minute of Council authorizes signature of Protocol only, but not of optional clause adjoined thereto. This distinction should be carefully observed. When you have signed please cable date of signature.

POPE

**413.**

*Le Commissaire général au sous-secrétaire d'État aux Affaires extérieures*  
*Commissioner General to Under-Secretary of State for External Affairs*

TELEGRAM

Geneva, March 30, 1921

Have signed Protocol but not optional clause today Thursday 30th returning Paris tonight.

PHILIPPE ROY

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

414.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 19, 1921

Your despatch 31st March 197 His Majesty's Government would be glad to learn views of Canadian Government as regards ratification of protocol drawn up in connection with statute Permanent Court of International Justice. As far as United Kingdom concerned His Majesty's Government have decided on ratification of protocol and proposes to adopt course of ratification by His Majesty. Request already received for ratification by His Majesty on behalf of Union of South Africa. Would your Ministers wish His Majesty to ratify protocol on behalf of Canada also.

CHURCHILL

415.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 4, 1921

Your telegram April 19th respecting ratification of Protocol adjoined to Statute of Permanent Court of International Justice. Protocol and Statute are now before Canadian Parliament for approval. As soon as approved it is intention of Canadian Government to pass Order in Council authorizing ratification by His Majesty in behalf of Canada.<sup>1</sup> Telegraphic advice will be sent you as soon as Order in Council is passed.

416.

*Secrétariat, Société des Nations, au Premier ministre*  
*Secretariat, League of Nations, to Prime Minister*

CIRCULAR LETTER 539

Geneva, August 6, 1921

The Secretary-General of the League of Nations has the honour to inform the Canadian Government that the Protocol of Signature relating to the Permanent Court of International Justice was ratified on July 16th, 1921, by His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, on behalf of the United Kingdom of Great Britain and Ireland, of the Island of Newfoundland and of the Colonies and Protectorates Overseas; on behalf of the Dominion of Canada; on behalf of the Commonwealth of Australia; on behalf of the Dominion of New Zealand; on behalf of the Union of South Africa; and on behalf of the Empire of India.

The instrument of ratification has been deposited with the Secretariat.

<sup>1</sup>Le décret du Conseil, C.P. 2174, fut approuvé le 25 juin 1921.

<sup>1</sup>The Order in Council, P.C. 2174, was approved on June 25, 1921.

A certified true copy and a translation into French of the said instrument are attached to the present note.<sup>1</sup>

417.

*Le sous-secrétaire d'État aux Affaires extérieures  
au Secrétaire général, Société des Nations*  
*Under-Secretary of State for External Affairs  
to Secretary General, League of Nations*

Ottawa, June 26, 1923

Sir,

With reference to your note of the 3rd May, 1923, notifying that a vacancy among the Judges of the Permanent Court of International Justice had been created by the death of Monsieur Ruy Barbosa, and asking that you might be informed of the persons appointed to constitute the National Group of Canada for the purpose of nominating candidates for this vacancy, I had the honour to send you today a telegram in the following terms:

Referring to your note third May vacancy Permanent Court of International Justice, Canadian Government has appointed as National Group to nominate candidates within meaning of Statute for Permanent Court of International Justice, Right Honourable Sir Louis Davies, Chief Justice of Canada; Honourable Sir William Meredith, Chief Justice of Ontario; Honourable Eugene Lafontaine, Chief Justice of Quebec; and Honourable Benjamin Russell, one of the Justices of the Supreme Court of Nova Scotia. Letter follows confirming.

In now confirming this message, I enclose herewith a certified copy of a Minute<sup>1</sup> of the King's Privy Council for Canada approved by the Governor General on the 29th May, 1923, making these appointments. I might further inform you that the members named have been notified of their appointment and invited to take the necessary preliminary steps in order that nomination may be made within the limited time.

I have etc.

[JOSEPH POPE]

418.

*Le sous-secrétaire d'État aux Affaires extérieures  
au Secrétaire général, Société des Nations*  
*Under-Secretary of State for External Affairs  
to Secretary General, League of Nations*

Ottawa, July 14, 1923

Sir,

With reference to your note of the 3rd May last, inviting nominations on behalf of Canada for the vacancy in the Permanent Court of International

<sup>1</sup>Non reproduites.

<sup>1</sup>Not printed.

Justice, I have the honour to enclose herewith certified copy of a communication dated the 29th June, 1923, addressed to the Prime Minister by the Canadian National Group, unanimously nominating the Hon. Frank A. Anglin, Justice of the Supreme Court of Canada, and Mr. Eugene Lafleur, K.C., Professor of International Law at McGill University, Montreal, on behalf of Canada, as members representing Canada, who may be elected to fill the aforementioned vacancy on the Permanent Court of International Justice, and providing that in case either of the above nominees declines to accept the nomination made by the National Group, the Hon. Rodolphe Lemieux, Speaker of the House of Commons, Canada, Professor of International Law at the University of Montreal, be nominated as an alternate to the previously named nominees.

I am further to inform you that Messrs. Anglin, Lafleur and Lemieux have intimated their willingness to undertake the duties of a member of the Court, if called upon to do so.

I have etc.

JOSEPH POPE

419.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

DESPATCH 446

Downing Street, September 6, 1924

CONFIDENTIAL

Sir,

As your Excellency's Ministers are aware, the Statute establishing the Permanent Court of International Justice (published in Treaty Series No. 23 of 1923, of which a copy was enclosed in my predecessor's despatch Dominions No. 435 of the 21st November 1923) contains provision in Article 36 under which either at the time of signature or ratification of the Protocol to which the Statute is adjoined, or at a later moment, a declaration may be made that the Parties recognise as compulsory *ipso-facto* and without special agreement, in relation to any other Member of the League of Nations or State, accepting the same obligation, the jurisdiction of the Court in certain specified classes of legal disputes.

2. No such declaration was, however, made on behalf of His Majesty's Government, either on the 16th of December 1920 when the Protocol was signed by the Earl of Balfour or subsequently, nor has any declaration been made on behalf of any of the Dominion members of the League or of India.

3. Representations have been made recently to His Majesty's Government from Parliamentary and other quarters that the time has arrived when the matter should be reconsidered. The issues raised are, however, of great importance and complexity, particularly in relation to the position of the British Empire in time of war, when acceptance of the compulsory jurisdiction of the Court would enable any foreign country, if it were similarly bound, to contest before the Court the legality of naval measures.

4. In the circumstances His Majesty's Government desire to bring the whole question to the notice of the Dominion Governments. They will be glad to receive any observations which your Ministers may desire to offer upon it, with as little delay as may be possible.<sup>1</sup>

I have etc.

HENRY LAMPERT  
(for the Secretary of State)

PARTIE 4 / PART 4  
UNION PAN-AMÉRICAINNE  
PAN-AMERICAN UNION

420.

*L'agent aux États-Unis au sous-secrétaire d'État  
aux Affaires extérieures*

*Agent in United States to Under-Secretary  
of State for External Affairs*

Washington, May 5, 1922

Dear Sir Joseph Pope,

With reference to the Pan-American Union, it has been announced that the Fifth Pan-American Congress will be held in Santiago, Chile in March, 1923. The last Congress took place in Buenos Aires in 1910. Another was to have taken place in Chile in 1915, but was postponed on account of the war.

I understand from a reliable but unofficial source that there is a possibility of the next Congress giving consideration to the question of inviting Canada to join the Union. No doubt you are familiar with what transpired at the time the Union was organized, and know something of its subsequent work and activities. In view, however, of the proposed Congress, I think I should write you on the subject.

It appears that when the re-organization took place (at which time the new building was under construction in Washington) Mr. Andrew Carnegie insisted that Canada should be invited to become a member of the Union. In this he was strongly supported by the Director-General Mr. John Barrett, and Mr. Elihu Root, who was then the United States Secretary of State, but it seems their difficulty was to devise a plan for negotiations between the American Republics on the one hand, and Canada and Great Britain on the other, whereby Canada might become a member. It was felt that the attitude of Great Britain and Canada might not be favourable; also in the event of His Majesty's Ambassador occupying a chair on the Governing Board entanglements might follow on account of other European Ambassadors not being accorded the same representation.

<sup>1</sup>Cette question se poursuivait au-delà de 1925. On trouvera les documents appropriés dans le Volume 4.

<sup>1</sup>This question was continued beyond 1925. The relevant documents will be printed in Volume 4.

A vacant chair at the table of the Governing Board has been reserved for Canada. In fact, a chair with the Canadian coat-of-arms is packed in the garret of the building. In the patio of the building the Canadian coat-of-arms and Canadian historical paintings appear with those of other countries.

From what I observe of the Union's work and conduct, I feel that if proposals are made to Canada to enter, the matter should be carefully weighed by the Government, especially if a Minister is to be located here, having in mind our limited trade representation in the South and the possible advantages that might accrue from immediate contact with South American Ambassadors accredited to this country.

The Honourable John Barrett severed his connection with the Union about a year ago, and was succeeded by Dr. Leo S. Rowe.

Attached to this letter is a copy<sup>1</sup> of the Resolution covering the re-organization of the Union of American Republics which took place in Buenos Aires in 1910; also a copy<sup>1</sup> of a statement outlining the functions of the Pan-American Union; and an article<sup>1</sup> from the *New York Evening Post* indicating that the question of Limitation of Armament by the Central and South American Republics may be disclosed at the next conference.

Yours faithfully,

M. M. MAHONEY

421.

*Le sous-secrétaire d'État aux Affaires extérieures  
à l'agent aux États-Unis*

*Under-Secretary of State for External Affairs  
to Agent in United States*

Ottawa, May 9, 1922

Dear Mr. Mahoney,

I have to acknowledge the receipt of your letters of the 5th and 5th instant [*sic*], on the subject of the Pan-American Union. As to an invitation to Canada to join the Union, it will I think be time enough to consider that question when we receive the invitation. The same observation might hold good as regards the Conference to be held in Santiago, Chile, next March, particularly as during the session of Parliament, the Ministers are so engaged that it is impossible to get their attention for any but the most pressing matters.

Yours very truly,

[JOSEPH POPE]

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

422.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, March 13, 1923

SECRET. Meeting of Pan-American Conference due at Santiago, Chile, March 25th. Chilian Minister, London, (Edwards), who last year was President of the League of Nations Assembly, will probably be asked to preside. Edwards has approached British Chargé d'Affaires, Santiago, with a view to obtaining guidance as question of inviting Canada to become a member of the Pan-American Union will not improbably be raised. Please telegraph as soon as possible if your Ministers have any observations which they would wish to communicate to Edwards through the British Chargé d'Affaires.

DEVONSHIRE

423.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 23, 1923

SECRET. Your telegram March 13th. Canadian Government have no observations to make with respect to question of Canada being invited to become member of Pan-American Union beyond indicating that should invitation be received it will be considered by Prime Minister and his colleagues in Council in light of then existing circumstances.

424.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

Geneva, July 7, 1925

Dear Dr. Skelton,

During my conference yesterday with M. de Mello Franco, the Brazilian representative on the Council of the League of Nations, he raised the question as to why Canada had refused to associate herself with the other states of the New World in the Pan-American Union. I told him that I did not know, but that I had always understood that Canada had not been officially invited either to become a charter member or to join at a subsequent time. He seemed greatly surprised, and said that the South American republics would be delighted to have Canada in the Union.

This is not the first time that the matter has been brought to my attention by South Americans, and I thought I should let you know, as I believe that M. de Mello Franco expresses the general attitude of the South Americans to Canada's participation in the Pan-American Union.

The Union meets next year in Cuba, and M. de Mello Franco stated that, if Canada would accept an invitation, he could assure me that one would be forthcoming.

Yours sincerely,

W. A. RIDDELL

425.

*Le sous-secrétaire d'État aux Affaires extérieures au Conseiller*  
*Under-Secretary of State for External Affairs to Advisory Officer*

Ottawa, July 22, 1925

My dear Mr. Riddell,

I am much interested in the suggestion as to the entrance of Canada into the Pan-American Union.

There was some discussion as to the probability of a formal invitation to Canada to join being made on the occasion of the last meeting, but nothing came of it. One formal difficulty is that the Union is a union of Pan-American republics, and as Canada does not come within that category, she would have to enter on some special terms, or, what is not very likely, the name of the Union would have to be changed.

It is not likely that the Government would have an opportunity to consider the question for some time to come. I shall let you know the probable attitude as soon as I ascertain it.

Yours sincerely,

O. D. S[KELTON]



CHAPITRE V / CHAPTER V  
DÉSARMEMENT ET SÉCURITÉ COLLECTIVE  
DISARMAMENT AND COLLECTIVE SECURITY

- |   |   |
|---|---|
| 1. Conférence de Washington   | 1. Washington Conference  |
| 2. Efforts de la Société des Nations                                      | 2. League of Nations Efforts                                      |
| a. Réduction des armements; contrôle du trafic des armes; guerre chimique | a. Reduction of Armaments; Arms Traffic Control; Chemical Warfare |
| b. Traité de garantie mutuelle  | b. Treaty of Mutual Guarantee                                     |
| c. Protocole de Genève  | c. Geneva Protocol  |
| 3. Pacte de Locarno   | 3. Locarno Pact   |
| 4. Ententes d'arbitrage   | 4. Arbitration Agreements   |

PARTIE 1 / PART 1

CONFÉRENCE DE WASHINGTON  
WASHINGTON CONFERENCE

426.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 22, 1921

Following for Prime Minister from Prime Minister. Begins. I should be grateful for information by telegram concerning Washington Conference, showing position with regard to agenda, proposed scheme of representation and other aspects of arrangements, with especial reference to the procedure contemplated for handling the Pacific and Far Eastern questions. I hope also you can arrange to have us informed by telegram from time to time of any important developments, and to have us furnished by mail with copies of relevant correspondence and of memoranda and papers prepared by experts for use at the Conference.

427.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 27, 1921

Following for Prime Minister from Prime Minister. Begins. SECRET. PRIVATE. PERSONAL. My telegram August 22nd. I am especially anxious to

know by what method it is proposed to provide for representation of Canada on British Empire Delegation. I should be grateful for any information on this as soon as possible, as it may have important bearing on parliamentary arrangements here. Ends.

428.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, August 29, 1921

SECRET. Referring to your telegram August 23. Following from Prime Minister for your Prime Minister. Begins. Washington Conference. As regards Agenda you will remember that when the United States Government declined British proposals for preliminary conversations in America, it was decided by conference to leave initiative to the Americans. So far we have heard nothing from them. As regards representation until we know whether Irish question will require Autumn session of Parliament, it is impossible to make any nominations here. As regards Memoranda these are being prepared but are not yet available. I will be glad to keep you informed by telegraph of any important developments. Ends.

429.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 389

Downing Street, September 12, 1921

My Lord,

I have the honour to transmit to Your Excellency to be laid before your Ministers, a copy of a Note from the United States Chargé d'Affaires forwarding the formal invitation of the Government of the United States of America to participation in a conference on the subject of limitation of Armaments to be held in Washington on the 11th November next together with a copy of the reply<sup>1</sup> returned by the Secretary of State for Foreign Affairs.

I have etc.

WINSTON S. CHURCHILL

[PIÈCE JOINTE / ENCLOSURE]

*Le chargé d'affaires a.i. des États-Unis en Grande-Bretagne*  
*au secrétaire aux Affaires étrangères*

*Chargé d'Affaires ad interim of United States*  
*in Britain to Foreign Secretary*

London, August 13, 1921

My Lord,

Pursuant to telegraphic instructions received from the Secretary of State at Washington, under date of the 11th August, 1921, I have the honour to

<sup>1</sup>Voir les Documents parlementaires, 1922, No 47.

<sup>1</sup>See Sessional Papers, 1922, No. 47.

transmit herewith the formal invitation of the Government of the United States to His Majesty's Government to participate in a conference on the subject of limitation of armaments, in connection with which Pacific and Far Eastern questions will also be discussed, to be held in Washington on the 11th November, 1921.

I have etc.

POST WHEELER

[ANNEXE À LA PIÈCE JOINTE / SUB-ENCLOSURE]

FORMAL INVITATION OF UNITED STATES GOVERNMENT

The President is deeply gratified at the cordial response to his suggestion that there should be a conference on the subject of limitation of armaments in connection with which Pacific and Far Eastern questions should also be discussed.

Productive labour is staggering under an economic burden too heavy to be borne unless the present vast public expenditures are greatly reduced, and it is idle to look for stability or the assurance of social justice or the security of peace while wasteful and unproductive outlays deprive effort of its just reward and defeat the reasonable expectation of progress.

The enormous disbursements in the rivalries of armaments manifestly constitute the greater part of the incumbrance upon enterprise and national prosperity, and avoidable or extravagant expense of this nature is not only without economic justification but is a constant menace to the peace of the world rather than an assurance of its preservation. Yet there would seem to be no ground to expect the halting of these increasing outlays unless the Powers most largely concerned find a satisfactory basis for an agreement to effect their limitation.

The time is believed to be opportune for these Powers to approach this subject directly and in conference; and, while in the discussion of limitation of armaments the question of naval armament may naturally have first place, it has been thought best not to exclude questions pertaining to other armament, to the end that all practicable measures of relief may have appropriate consideration. It may also be found advisable to formulate proposals by which in the interest of humanity the use of new agencies of war may be suitably controlled.

It is, however, quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove the causes of misunderstanding and to seek ground for agreement as to principles and their application.

It is the earnest wish of this Government that through an interchange of views with the facilities afforded by a conference it may be possible to find

a solution of Pacific and Far Eastern problem, of unquestioned importance at this time, that is, such common understanding with respect to matters which have been and are of international concern as may serve to promote enduring friendships among our peoples.

It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of the sources of controversy will govern the final decision.

Accordingly, in pursuance of the proposal which has been made and in the light of the gracious indication of its acceptance the President invites the Government of Great Britain to participate in a conference on the subject of limitation of armaments, in connection with which Pacific and Far Eastern questions will also be discussed, to be held in Washington on the 11th November, 1921.

430.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, October 3, 1921

SECRET. Following from Prime Minister for your Prime Minister. Begins. I am very anxious that the standpoint of Canada should be well represented on British Empire Delegation at Washington Conference. Will you wire me whom you wish appointed? We shall of course also welcome any officer whom you would wish to send to serve on Secretariat of (D. Lloyd George?) (British Empire Delegation?). Ends.

431.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, October 3, 1921

SECRET. Following for Prime Minister from my Prime Minister. Begins. Your telegram today concerning Washington Conference. I appreciate your proposal and I would nominate Sir Robert Borden as a member of British Empire Delegation. He is prepared to act. I also propose Mr. Loring C. Christie, Legal Adviser, Department of External Affairs, to serve on Secretariat. I hope you can expedite the communication to us of any relevant papers for use in connection with the Conference as suggested in my telegram of August 22nd.

432.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 3, 1921

Your telegram October 3rd, Secret, sending message from your Prime Minister about Washington Conference. Following [from] Prime Minister for your Prime Minister. Message begins. United States Government have communicated following tentative suggestion for agenda. Telegram from Washington from His Majesty's Ambassador, No. 600. Begins. *Limitations of Armaments*: 1. Limitations of Naval Armaments under which shall be discussed. (a) Basis of Limitation. (b) Extent. (c) Fulfilment. 2. Rules for control of new agencies of warfare. 3. Limitations of land armaments. *Pacific and Far East Questions*: 1. Questions relating to China. (1) Principles to be applied. (2) Applications. *Subjects*. (a) Territorial integrity. (b) Administrative integrity. (c) Open door — equality of commercial and industrial opportunity. (d) Concessions, monopolies or preferential economic privileges. (e) Development of railways including plans relating to Chinese Eastern Railway. (f) Preferential railroad rates. (g) Status of existing commitments. 2. *Siberia*. Similar headings. 3. *Mandated Islands*. (Unless questions earlier settled). Under heading of "Status of existing commitments", it is expected that opportunity will be afforded to consider and to reach an understanding with regard to unsettled questions involving nature and scope of commitments under which claims to rights may hereafter be asserted. Ends.

For replies from His Majesty's Government, see my telegram October 3rd. Lloyd George. Ends.

433.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 3, 1921

SECRET. Following from Prime Minister for your Prime Minister. Message begins. Secretary of State's despatch September 12th, Dominions 389 forwarded full text of United States invitation to disarmament and Pacific Conferences at Washington. Following is present position. His Majesty's Government have telegraphed as follows to Ambassador at Washington Begins. Your telegram No. 600. (One) What general procedure do the United States Government contemplate for the Conferences. Is disarmament Conference to follow Pacific Conference or vice versa or are they to be held simultaneously by detachments of the national delegations sent to Washington. Do United States Government propose to discuss Air as well as Naval and Military armaments. (Two) As the United States Government are communicating their agenda to China and all the other Powers invited, His Majesty's Government do not feel called upon to anticipate discussions at

Conference by making any observations thereon, but it should be clearly understood by the United States Government that we cannot discuss Anglo-Japanese Agreement or any matters of Pacific policy affecting the safety Pacific Dominions and India at a conference attended by five or eight (?) Powers two or five of which have no interest or responsibility in the Far East comparable with our own and no forces there of any sort. Such a discussion can in our opinion be conducted with profit only between the three great Naval Powers, namely the United States, Japan, ourselves and only at a conference of principals. (Three) We also consider Panama Canal tolls should be included among subjects for discussion "if not previously settled". (Four) Your telegram No. 599. Subject reservation in paragraph (two) above, we leave to the sole discretion of United States Government what Powers are to be invited. (Five) The Prime Minister deeply regrets his inability to attend any Conference at Washington this year as there are so many questions of urgent importance requiring his presence in England. Even if Irish question is settled his presence will be necessary for dealing with the difficulties arising out of unemployment and general privations which must inevitably arise this winter, etc. (Six) We may wish to send up to six representatives and will let United States Government have the names as soon as possible, but must first communicate with the Dominions and India. Ends.

Following further telegram also sent. Begins. You should make an urgent communication to the United States Government in the sense of my immediately preceding telegram except paragraphs (two) and (four) in regard to which we must first ascertain the views of Japan. Ends.

It was arranged at recent Imperial Conference that His Majesty's Government should represent whole Empire at Washington. While quite prepared to represent Dominions, His Majesty's Government would prefer British Delegation to send (?) men with special knowledge of Canadian, Australasian and Indian points of view.<sup>1</sup>

As regards representation of Great Britain, I greatly regret that it will be impossible for me to attend in person as Conference is certain to be prolonged. So many questions of urgent importance require my presence in England that I have been obliged to forego any serious absence this winter. On account of unsettled Irish situation and unemployment problem inevitably entailing widespread privation and for other reasons I feel very strongly that my presence in this country will be necessary without any considerable interval such as would be required for effective participation in discussion at Washington. Lord Curzon is also unavoidably prevented from going.

My view therefore is that British Delegation should consist of Balfour, as head, Bonar Law and First Lord of the Admiralty. Bonar Law has already been approached but his willingness to serve cannot be regarded as quite certain (?). Lloyd George. Message ends.

<sup>1</sup>En plus du Canada, la Nouvelle-Zélande, l'Australie et l'Inde furent représentées à la Conférence.

<sup>1</sup>Besides Canada, New Zealand, Australia and India were represented at the Conference.

434.

*Le premier ministre de l'Afrique du Sud au Premier ministre  
Prime Minister of South Africa to Prime Minister*

TELEGRAM

Pretoria, October 19, 1921

I notice from press that you are sending representative to Washington Conference. I do not know whether you have received invitation from United States through British Government or otherwise. Would very strongly urge that you should press for such invitation before sending delegate. United States did not ratify peace treaty to which we are signatories as component independent states of British Empire. On the contrary agitation in Congress against our independent voting power in League Nations was direct challenge to new Dominion status. This is first great international Conference after Paris and if Dominions concerned are not invited and yet attend, bad precedent will be set and Dominion status will suffer. If a stand is made now and America acquiesces, battle for international recognition our equal status is finally won.

SMUTS

435.

*Le secrétaire aux Colonies au Gouverneur général  
Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, October 21, 1921

SECRET. Following for your Prime Minister from Prime Minister. Begins. General Smuts has sent me copy of his telegram to you as to pressing American Government for direct invitation to Dominion representatives at Washington Conference. Pearce and Salmond have already started. The question seems to me belated and I fear to raise it now would give America the impression we were making fictitious difficulties at the eleventh hour. Any such action would produce undesirable atmosphere on the very eve of the Conference. On the other hand I am of course completely in accord with General Smuts' view that Dominion representatives should hold same status as at Paris. In accordance with that precedent Foreign Office propose with your approval to submit to King full power for each Dominion representative to sign only on behalf of his respective Dominion. If you approve this procedure I presume, as in the case of Dominion representatives at Paris, your Privy Council will pass Minute sanctioning action of Foreign Office. The effect of this will be that signature of each Dominion delegate will be necessary in addition to signature of British Delegates to commit British Empire Delegation as a whole to any agreement made at the Conference and that any Dominion delegate can, if he wishes, reserve assent on behalf of his Government.

As South Africa is sending no delegate I am asking General Smuts to nominate some other delegate as the representative of the Union. This was done November 19th, Treaty of St. Germain which Lord Milner was authorized by the Union Government to sign on their behalf. We can explain this

procedure to American Government at some convenient moment in the course of Conférences, so that Dominion status will in no way be prejudiced by our not raising the question of invitation now. Please let me know if you approve suggested procedure. Lloyd George. [Ends.]

436.

*Le Premier ministre au premier ministre de l'Afrique du Sud*  
*Prime Minister to Prime Minister of South Africa*

TELEGRAM

Ottawa, October 23, 1921

Yours nineteenth. In view fact that Conference is by invitation brief time intervenes before meeting. Do not think possible that subject could be reviewed between London and Washington now to attain end you desire.

ARTHUR MEIGHEN

437.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, October 27, 1921

SECRET. Following for Prime Minister from my Prime Minister. Begins. Your telegram October 21st respecting position of Dominion representatives at Washington Conference. In the circumstances to which you allude we agree to proposed procedure. Minute of Council will be passed here accordingly and transmitted as basis for issuance of Full Powers to Canadian representative.<sup>1</sup> It is essential that Dominion representatives should hold same status as at Paris and proceedings at Washington Conference must not be allowed to prejudice it.

438.

*Le Délégué canadien au Premier ministre par intérim*  
*Canadian Delegate to Acting Prime Minister*

SECRET

Washington, November 14, 1921

Dear Sir James Lougheed,

The proposals put forward by the Government of the United States on Saturday morning have been under consideration by the British Empire Delegation both yesterday and today. This morning I prepared a memorandum which I discussed with Senator Pearce, of Australia, who has expressed his general concurrence therein. My memorandum, copy of which is enclosed, together with an accompanying memorandum by Senator Pearce (copy also enclosed) are sent herewith for your information. I trust that the view set forth in this memorandum will meet with the approval of the Canadian Government.

<sup>1</sup>Le décret du Conseil et les pleins pouvoirs se trouvent dans les *Documents parlementaires*, 1922, N° 47.

<sup>1</sup>The Order in Council and the Full Powers are to be found in *Sessional Papers*, 1922, No. 47.



I should be glad to receive from time to time any suggestions or instructions from the Government as to the course which should be pursued by the Canadian Representative at the Conference. In the stress of the present campaign the Prime Minister was not able to devote much attention to the subject; and I presume that conditions will continue until polling day.

Believe me etc.

R. L. BORDEN

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*Mé morandum du Délégué canadien*

*Memorandum by Canadian Delegate*

SECRET

Washington, November 14, 1921

AMERICAN PROPOSAL FOR LIMITATION OF ARMAMENT

1. In reference to the highly important proposals put forward by the American Government on the 12th instant, and to the discussion thereon at the informal meeting of the British Empire Delegation on the 13th instant, the following observations are submitted.

2. It is understood that the proposals of the American Government, so far as the reduction of capital ships is concerned, are acceptable; that certain suggestions will be made in Committee as to an additional requirement of cruisers by reason of our special conditions; and that we are prepared to go further than the Americans in the reduction of submarines for offensive purposes.

3. In his speech on Saturday last Secretary Hughes used the following language:

It would also seem to be a vital part of a plan for the limitation of naval armament that there should be a naval holiday. It is proposed that for a period of not less than 10 years there should be no further construction of capital ships.

It appears that the Naval Advisers of the British Empire are not disposed to accept this feature of the American programme, but that they suggest the desirability of gradual replacement of such a character as to maintain necessary armament plants which otherwise would be scrapped as to both material and personnel.

4. The undersigned is of opinion that this feature of the American proposal appeals most strongly to the great mass of the people, and that it would be most unfortunate if the British Empire should not give a whole hearted acceptance of the principle thus put forward.

5. While recognizing that freedom of sea communication in war, as well as in peace, is most essential to the British Empire, he ventures to observe as follows:

(a) The proposal under consideration has been put forward by a nation whose financial and material resources would enable her to outstrip the British Empire in any competition for command of the seas.

(b) Any proposal which seeks to maintain, at enormous expense and great economic waste, huge armament plants in all countries of the world will meet with stern disapproval from the democracies of the British Empire and from the people of the United States. The great mass of the population can see no reason why these plants should be so maintained.

(c) The American proposal, while embodying a great conception and characterized by remarkable courage, seems capable of improvement in two respects;

In the first place it embodies a mere temporary expedient and makes no provision for continuity or permanence.

In the second place it is not accompanied by any proposal to avoid war. Hostilities with decreased armaments may be less terrible at first, but war will destroy all treaties between belligerents and the entire force of each nation will be devoted to the employment of every conceivable engine of destruction.

6. The undersigned therefore ventures to put forward the following suggestions:

(a) The British reply should accept in principle the whole American proposal and should express willingness to advance even further along the path of disarmament leading to peace. It goes without saying that the expression of any such wish should be couched in appropriate terms so as not to convey the false impression that we desire to compete in the enunciation of pacific principles. The *amour propre* of the American Government and the American people is very sensitive and must be respected in every way.

(b) The British reply should embody a proposal for a conference to be held either three years, or perhaps five years, before the termination of the ten years naval holiday. At that conference the nations assembled should take into consideration the continuance of the naval holiday for a further period of ten or perhaps twenty years. If no such agreement should then be reached the interests of the British Empire could be safe-guarded during the remaining three or five years of the naval holiday by the provision of such material, and the training of such personnel as would be necessary to ensure the Empire's safety. But it is impossible to believe that, after the liberation of the nations from the burden of naval armament during a considerable period, any one of them would be willing to resume competition. The proposal would give permanence and continuity to the American idea, and I am hopeful that it would meet with the strong approval of all the nations.

(c) If it could be done without offence to the Americans I feel that the British reply should also allude to the vital necessity of finding some

means for the peaceful determination of international disputes. A war of the future, even with diminished armament, may involve consequences more dangerous and terrible than those that are still rocking the foundations of civilization. The League of Nations has created a tribunal for this purpose and the provisions of the Covenant provide means by which the jurisdiction of that tribunal can be invoked. The United States however recognizes neither the Covenant nor the tribunal. At some stage of the proceedings we should approach the Americans for the purpose of obtaining their view on this all important subject. At least the idea of a concert between the chief Pacific Powers on Far Eastern questions should be considered.

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*Mémorandum du Délégué australien*

*Memorandum by Australian Delegate*

[no date]

I concur generally in the views set out in the memorandum on the American proposals for the limitation of naval armament.

Re Clause (a) of Sir Robert Borden's memo I suggest that it could be made more definite by following the lead given by Mr. Hughes, the U.S.A. Secretary of State, and indicating that in our opinion a similar reduction in submarines, of a type capable of offensive action at great distances from their home shores, is both necessary and advisable and is in keeping with the general principle underlying the proposals of the United States, namely, to so reduce naval strength of a character capable of offensive action, as to make such action difficult or impossible.

G. F. PEARCE

439.

*Le Délégué canadien au Premier ministre par intérim*

*Canadian Delegate to Acting Prime Minister*

SECRET

Washington, November 15, 1921

Dear Sir James Lougheed,

Early this morning Sir Maurice Hankey called upon me, and said he desired to circulate the memorandum which I had presented to Mr. Balfour, and which he regarded as of great importance. I told him I had no objection.

At 11 o'clock the Conference opened in the Daughters of the Revolution Building, and, after a brief report by the Chairman respecting the proceedings of the Committees appointed on Saturday, Mr. Balfour took the floor. Before he spoke I had the opportunity of urging upon him the importance of making no reservation, and, just as the Chairman called the meeting to order, I said to him "declare that you accept the American proposal in spirit and in principle". He used that exact expression in his speech which was well con-

ceived and admirable in every way. As is his custom, he did not attempt to impart any dramatic force or action to his words. He was followed by Chief Delegates of Japan, Italy, and France. Mr. Briand laid emphasis upon his desire to discuss in detail, at an early date, the limitation of land armament. All the speeches accepted in principle the American proposal; but the Japanese reserved for themselves a wider latitude than any other Power.

At 2.30 p.m. there was a meeting of the British Empire Delegation in Mr. Balfour's apartment. . . .

The discussion then turned upon naval disarmament and the attitude of Naval Experts when called into Conference with the Naval Experts of the other Powers. The question of a naval holiday was discussed and the naval experts seemed to adhere to the view that any such policy is unwise. I strongly urged the considerations set forth in my memorandum and argued against any proposal which would keep on foot great armament plants.

At four o'clock we proceeded to the Pan American Building where the Conference sat as a Committee upon disarmament. It was arranged that five naval experts, one appointed by each country, should consider the American proposals and the observations of the other Powers thereon. Each naval expert could be assisted by a subordinate. Each delegation could also have the assistance of one naval expert in committee.

After the Conference I had some conversation with Mr. Root, Mr. Lodge, and Mr. Underwood, and afterwards with Secretary Hughes. I alluded to the necessity of putting the American proposals in permanent form by means of provision for future conferences. I also spoke of the natural attitude of sailors who would desire to keep navies, and therefore armament plants, on a footing as strong as possible.

. . . .

Believe me etc.

R. L. BORDEN

440.

*Le Délégué canadien au Premier ministre par intérim*  
*Canadian Delegate to Acting Prime Minister*

SECRET

Washington, November 16, 1921

Dear Sir James Lougheed,

In continuance of my letter of yesterday I beg to report as follows:

Early in the day I learned from Admiral Sir Ernie Chatfield that the naval experts did not hold a meeting last evening. He regarded this as very fortunate inasmuch as a telegram had arrived this morning setting forth the view of the British Prime Minister and his Colleagues respecting the naval holiday. So far as I could gather from Admiral Chatfield the view expressed in this message is entirely in accordance with that which I have advocated from the first.

This morning there was a meeting of the Committee on Pacific and Far Eastern Questions. As you are doubtless aware this Committee, as well as the

Committee on Disarmament, includes all the members of the Conference. Secretary Hughes opened proceedings by an address in which he outlined the subjects that had been set forth in the tentative agenda proposed by the United States Government some weeks ago. He spoke very strongly on the necessity of giving to the Chinese people the opportunity of establishing a stable Government, of controlling their own affairs, and of taking their proper place in the family of nations. It was significant that at this meeting China was given the place of honour at the right of the American Delegation. Next to them was France, and next to France, Japan. At the conclusion of Mr. Hughes' speech the Chinese Ambassador at Washington, who heads the Chinese Delegation, made an address in which he set forth the principles which China proposed to advocate, and which she hoped to have adopted by the Conference. At the conclusion of the Ambassador's address a discussion arose as to the best method of procedure; and finally, on my suggestion, it was agreed that the head of each delegation should be a member of a Committee to consider and classify the various subjects alluded to in the speech of Mr. Hughes, and set forth in the temporary agenda. The discussion with respect to procedure occupied the remaining time until one o'clock and thus no other delegation presented views with respect to the claims put forward by the Chinese.

Subsequently the Chinese enunciation was made public in the press, and, doubtless, has been brought to the attention of the Canadian Government. However, I enclose a clipping from the morning press which gives full information on the subject.

The British Empire Delegation meets daily at three o'clock. The telegrams to which allusion is made in the first paragraph of this report were under discussion. For your information I enclose copy of those telegrams<sup>1</sup> which support strongly the view that the proposal for a naval holiday should be accepted. Some technical difficulties were suggested by the Naval Experts, and they are of opinion that the United States proposal on this subject has not been carefully thought out. They also believe that the United States Naval Experts will themselves suggest necessary modifications.

I earnestly supported the view that the idea of a naval holiday should not be abandoned, and I urged that it had touched the imagination of all the democracies. Further I advanced the view that, by means of a further conference to be held in perhaps five years, some of the difficulties presented by Lord Beatty and his Assistants might be obviated. Further reports are being prepared by the British Naval Advisers, and we shall meet as usual at three o'clock tomorrow afternoon when renewed discussions will take place.

As the result of today's discussion, we reached a pretty definite conclusion that, with the scrapping of capital ships and the reduction of naval armament, there must also be scrapping, on a large scale, of armament plants in all countries. To reduce naval forces and, at the same time, to preserve means of suddenly increasing them upon a great scale, seemed incongruous. Further

<sup>1</sup>Non reproduits.

<sup>1</sup>Not printed.

it was considered that any armament plants which must be preserved ought to be in the ownership, and under the direction, of the Government of each country.

As you have doubtless observed the Hearst Press, in all parts of the country, is out in full cry against the proposal of the United States Government, and is doing its best to arouse antagonism to the British Empire.

With regard to all these questions I should be glad to have any instructions or suggestions which the Government may desire to communicate to me.

Yours faithfully,

R. L. BORDEN

441.

*Le Délégué canadien au Premier ministre par intérim*  
*Canadian Delegate to Acting Prime Minister*

SECRET

Washington, November 17, 1921

Dear Sir James Lougheed,

Continuing my letter of yesterday, I beg to report as follows:

At the meeting of the British Empire Delegation considerable discussion took place with the Naval Experts who adhered to the view that the ten year holiday is impracticable. I am inclined to fear that the work of the sub-committee of naval experts will not progress very rapidly, and that the naval men of all countries will be inclined to take a professional and technical view of the considerations involved in the American proposal. Lord Beatty reported that Colonel Roosevelt, the American Representative on the sub-committee had informed him that it was the purpose of the United States to utilize their armament plants in strengthening or perhaps partially reconstructing the older ships which they are to retain under the proposed agreement. Obviously any such course would be out of harmony with the spirit of the agreement. Lord Beatty believes that Admiral Coontz was quite displeased that Colonel Roosevelt had given this information.

The principal discussion at the meeting was upon a draft telegram prepared by Lord Lee in reply to telegrams from the British Prime Minister. I was not fully satisfied with the terms of this telegram as finally settled. In the first place it set forth the view that we should oppose the construction by the United States or Japan of any cruisers or destroyers during the ten year period. Article 18 of the American proposal declares that there shall be no construction of such craft during that period, but provides that any country whose ration of cruisers and destroyers has not reached the established limit may build up to that limit. It is difficult to keep in the minds of naval people the fact that the United States is in a position to outstrip the British Empire in competition for supremacy of the sea, and that this affords a strong reason for not scanning

too closely the United States proposal. Upon the draft of the telegram, as finally settled, I noted my dissent in the margin.

...

Yours faithfully,

R. L. BORDEN

442.

*Le Délégué canadien au Premier ministre par intérim*  
*Canadian Delegate to Acting Prime Minister*

SECRET

Washington, November 21, 1921

Dear Sir James Lougheed,

This morning there was an open session of the Conference at which Mr. Briand made a forcible speech dealing with the situation of France, the desire of that country to reduce land armament and her fear that any further serious reduction would expose her to grave disaster. The speech was in excellent taste throughout and contained a very earnest and adroit appeal to public opinion in the United States and in the British Empire for such support as would prevent the isolation of France in case she should undergo another attack from Germany. Mr. Briand's speech and those of other delegates who followed him have been published in full in the press. As soon as Mr. Briand had taken his seat Mr. Balfour arose and spoke with much admiration of Mr. Briand's speech, and with much feeling as to the situation of France and her fear of isolation. The strong point of his address consisted of the declaration that, having regard to the immense sacrifices made by the nations of the British Empire in such a great cause as that for which the Allies had fought in the recent war, it would be impossible for that Empire to see France crushed while standing for the same cause, and contending against the same aggression. In so many words he declared that the British Empire would not hesitate, in such case, to renew its sacrifice. The Representatives of Japan, Italy, and the United States did not go so far although they expressed great sympathy with the situation in which France found herself. The Belgian Ambassador alluded to the military alliance concluded not long ago between France and Belgium.

No meeting of the British Empire Delegation was held, as the open session of the Conference did not conclude until after two o'clock.

...

Faithfully yours,

R. L. BORDEN

443.

*Le Premier ministre par intérim au Délégué canadien*  
*Acting Prime Minister to Canadian Delegate*

SECRET

Ottawa, November 23, 1921

Dear Sir Robert Borden,

We had a fairly large meeting of Council to-day, with the Prime Minister present.

I read to Council your letter of the 14th instant and your memorandum attached thereto. Clause 4 of your memorandum provoked some discussion as to the extent to which Canada would be justified in differing from the views of the Naval Advisers of the British Empire, as set out in clause 3. It was thought that it would be unfortunate if there should be any marked difference between ourselves and Great Britain on this question, more particularly if Great Britain has pronounced views upon the subject. It was felt, however, that in the further discussion of the subject, Great Britain and Canada would find some common ground on which to stand that would be acceptable to the United States.

We would wish to avoid Great Britain feeling that she would be placed in jeopardy on the subject of replacement through her views not being accepted by Canada.

Should the difference become acute in any way, if you would be good enough to write or wire me, I would make a point of getting into communication with the Prime Minister so that your views might be fully known to the Government.

Believe me etc.

J. A. L [OUGHEED]

444.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

SECRET

Washington, November 23, 1921

Dear Mr. Meighen,

The Committee on Armament met this morning at 10.30, and there ensued a very important discussion respecting the limitation of land armament which had been referred to this committee. Mr. Briand opened the discussion by expressing his grateful recognition of what had been said in the plenary session on Monday. In the debate that ensued emphasis was laid on the importance of limiting land armament if possible. Mr. Balfour spoke along this line and was followed by Senator Schanzer. This elicited an impetuous objection from Mr. Briand, which he repeated at a later stage with much vehemence, setting forth with great eloquence the terrible losses which France had sustained in the recent war and the impossibility of any such limitation as would endanger the national safety. After a suggestion from Mr. Hughes I spoke with the purpose of bringing the matter to an amicable arrangement if possible. Declaring in the first place that no one would think of imposing upon France conditions which her government might regard as inconsistent with the national safety I expressed the hope that conditions might develop which would enable Mr. Briand to take a more hopeful view of the situation; and I strongly urged that the situation which confronted the Conference and which was undoubtedly difficult and delicate might be considered by the heads of the five delegations. In leading up to this I emphasized the fact that the members of the Conference would find themselves in a most unfortunate



position, and the people of the world would be left almost without hope if we were precluded from discussing the limitation of land armament. After another eloquent and vehement discourse from Mr. Briand it was finally agreed on a motion of Senator Lodge that the subject should be taken into consideration by the Chief Delegates with power to deal with the question of aerial attack, the use of poisonous gases, and other methods of war, and the re-enunciation of more definite principles of International Law governing the conduct of war.

Subsequently I had a brief, but very important, interview with Mr. Hughes. I told him that I imagined he must have in mind some proposal which would prevent the outbreak of hostilities; that this might be accomplished if the United States would be willing to agree to an arrangement by which the various nations would bind themselves not to commence hostilities until after investigation of their differences by a permanent International Tribunal. I referred him to the treaties, about thirty in number, into which the United States had entered about 1914 and which contained such provisions. It seemed to me that these precedents would enable the United States to enter upon the project of establishing an International Tribunal for the purpose indicated, as my proposal, if carried out, would not bind the United States or any other nation to any definite action in the final result. Thus the difficulties which had prevented the United States from accepting the Covenant of the League of Nations would not present themselves. Mr. Hughes said that precisely the same idea had been in his own mind; that he thought it unwise to broach it at present until some of the difficulties in the existing situation had been cleared away; but he hoped that something of the kind might be accomplished. I then said to him that such a proposal, if carried out, might relieve the difficulty of the French situation because the establishment of such a tribunal would really give to France, although not in the form of an absolute agreement, every security which she could anticipate from a definite treaty such as Mr. Wilson had undertaken in 1919. Mr. Hughes agreed that the security thus afforded to France ought to be regarded as satisfactory, and would be equal in its effect to that afforded by a formal guarantee; but he gravely doubted whether it would be possible to convince Mr. Briand. I suggested that this view might be put forward at this afternoon's Conference between the chief Delegates. Subsequently I informed Mr. Balfour and later Sir Maurice Hankey, of the details of my conversation with Mr. Hughes.

A sub-committee of the Far Eastern committee is to take up the question of Chinese revenues, including the tariff.

Last evening Mr. Balfour urged me to act as delegate of the British Empire upon this sub-committee. This morning he renewed his request which I was reluctant to grant, as the work of the committee will be both difficult and arduous. However, in the end I consented. . . .

Yours faithfully,

R. L. BORDEN

445.

*Le Délégué canadien au Premier ministre par intérim*  
*Canadian Delegate to Acting Prime Minister*

SECRET

Washington, November 28, 1921

Dear Sir James Lougheed,

Your letter of the 23rd instant is before me. The members of the Government will be glad to have the accompanying copies of secret telegrams<sup>1</sup> from the British Cabinet which indicated that, on the points to which you allude, the views set forth in my memorandum are shared by the Government of the United Kingdom.

If I am to represent Canada I cannot consent to subordinate strong views which I entertain on such questions to those put forward by the Naval Advisers of the United Kingdom, unless I have specific and definite instructions from the Canadian Government to that effect. In the absence of such instructions I must, of course, put forward the views which I deem most in accordance with the general interests of the whole Empire and the special interests (if any) of Canada.

On purely naval questions the advice we receive from the naval experts is unquestionably entitled to the greatest weight. But on questions involving considerations of high policy or of an economic or industrial nature their advice has always been regarded quite differently. Questions of policy are for political representatives, and, as I have already pointed out, on this particular question of policy the political heads of the United Kingdom take the view I put forward in my memorandum. I may add that on the economic and industrial aspect the British Board of Trade, after consulting the armament firms, have advised the Delegation that they favour the ten-year holiday plan. Their reasons are set out in the telegram of November 18th, of which I enclose a copy.<sup>1</sup> Their views on such questions as they deal with in this telegram seem clearly of greater authority than the views of the naval experts, who are not qualified either by education or experience to advise on such questions.

Yours faithfully,

R. L. BORDEN

446.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

SECRET

Washington, November 29, 1921

Dear Mr. Meighen,

I enclose herewith copy of a letter which I addressed to Mr. Balfour on November 26th and which gives further particulars of my interview with

<sup>1</sup>Non reproduits.<sup>1</sup>Not printed.

Mr. Hughes on November 23rd, and sets forth certain possibilities which may arise under the recent announcement made by the President of the United States.

Yours faithfully,

R. L. BORDEN

[PIÈCE JOINTE / ENCLOSURE]

*Le Délégué canadien au Délégué britannique*  
*Canadian Delegate to British Delegate*

SECRET

[Washington,] November 26, 1921

Dear Mr. Balfour,

You may remember that, in a memorandum which I submitted to you on the 14th November, I urged that our reply to the American proposal should allude to the vital necessity of finding some means for the peaceful determination of international disputes. The Covenant of the League of Nations and the International High Court of Justice, which has been created by the League, are not recognized by the United States. This result has been brought about through causes upon which it is neither desirable nor important to dwell at the moment. I suggested, in the memorandum above alluded to, that at some stage of the proceedings we should approach the Americans for the purpose of obtaining their views on this most important question. It is highly important to diminish armament, but it is still more important, and even vital, to find some means which will prevent the outbreak of war even though with restricted armaments:

Between 1914 and 1916 the United States concluded thirty peace treaties (so called) of which twenty are ratified. They included all the great Powers except Germany and all of them were in practically identical terms. Each of these treaties provided that all disputes between the High Contracting Parties of every nature, except disputes the settlement of which had already been provided for under existing agreements, should, when diplomatic methods of adjustment had failed, be referred for investigation and report to a Permanent International Commission composed of five members selected as follows:

One member chosen from each country by its government, one member chosen by each country from some third country, and the fifth member chosen by common agreement.

The terms of these treaties gave to each country full liberty of action after investigation and report, but forbade the outbreak of hostilities until such investigation and report had been made.

On Wednesday last, after difficulty had arisen with France, respecting the reduction of land armament, I had a brief interview with Mr. Hughes. I pointed out to him the principle recognized by these treaties, the precedent already at his hand in their ratification by the United States Senate, and the

immense value of an International Tribunal established on such a basis. I urged that the adherence of the nations to an agreement or treaty by which each nation would bind itself to investigation and report by a permanent International Tribunal before it would commence hostilities against any other nation would be an immense step in advance; and I expressed the opinion that such an arrangement would really give to France all the security that she could obtain under the Wilson treaty guaranteeing her against aggression by Germany. Experience has shown that public opinion rather than the obligation of treaties, is powerful, under modern conditions, to bring nations to the aid of one another in war. It was the public opinion of the world, and not the obligation of treaties, or understandings, that defeated Germany. Mr. Hughes expressed himself as entirely in accordance with my views; and he especially said that he fully agreed with what I had urged as to the security of France. He gravely doubted, however, whether France could be made to realize the force of these considerations. Further he stated that he had it in mind, at a later date, to put forward some such proposal as that which I suggested; but he thought it expedient to clear the ground in respect of certain Pacific and Far Eastern questions before broaching the subject. Afterwards on the same day I gave you a brief account of the interview.

The announcement made by President Harding yesterday seems to point in the direction of an international agreement to which not only the nations represented at Washington, but other nations, shall be parties. Indeed it would seem that the President desires to have the United States enter into an association of nations for the purpose of preventing war. The scope of any treaty or agreement for that purpose, must obviously be limited for the present at least; it would be most unwise to put forward any proposal that would awaken the echoes of past controversies. The great purpose is to establish co-operation on an effective basis.

Doubtless all these considerations are present to your mind, and possibly you may agree with me that, if we cannot have the United States enter the League of Nations, we should spare no effort to bring it into co-operation with us, and with other nations, under any effective form of association. In the end that great country may become a member of the League, under another name perhaps, and with such modifications as the nature of the United States' constitution and the traditions of its Senate may be found to require.

Believe me etc.

R. L. BORDEN

447.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

SECRET

Ottawa, December 6, 1921

Dear Sir Robert Borden,

Since writing my secret despatch to you of this date in reply to your secret despatches to me of November 22nd, 23rd, 25th, 29th, and December 3rd,

I have received from Sir James Lougheed's office and read with attention and great interest the secret despatches of November 15th, 16th, 17th, 18th, 19th, 21st and 28th, which, as well as that of November 14th, you addressed to him in my absence from Ottawa.

I regret that the necessary absence of myself and almost all of my colleagues from Ottawa has prevented earlier consideration of, and reply to, your later despatches to Sir James Lougheed, especially to those of November 16th and 28th. When Sir James Lougheed read to Cabinet Council your despatch of November 14th and your memorandum transmitted therewith, with the views expressed in which they fully agreed in principle, it was, I believe, supposed that the views of the Naval advisers of the British Empire Delegation referred to in paragraph three of your memorandum were supported by the British Cabinet as representing a policy essential to the safety of the communications of the Empire, for which they are so largely responsible; but, in view of the telegrams from the British Prime Minister and the President of the Board of Trade, I fully endorse the views that you have put forward, and venture to think that they will have the full support of this country as well.

I should like to add my congratulations on the important part you are taking in the Conference, and the very great ability with which you have represented Canada's interests. I venture specially to congratulate you on your suggestion, which Mr. Balfour adopted, of the terms in which the British Empire's approval of Mr. Hughes's plan for the limitation of armament should be expressed. I believe this gave a lead which will affect the whole course of the Conference.

The suggestions that you have put forward for the peaceful settlement of international controversy will, no doubt, require very delicate negotiation, but you will have my fullest support in any further steps you may take to this end.

Yours faithfully,

ARTHUR MEIGHEN

448.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

MOST SECRET

Washington, December 8, 1921

Dear Mr. Meighen,

Ever since we arrived in Washington conversations have been going on between the Delegations of the British Empire, the United States, France and Japan looking to the possibility of some arrangement between these Powers which might serve as a permanent means of adjusting their political relations in the Pacific regions, and which might also supersede the Anglo-Japanese Alliance. During the past few days events have moved rapidly and agreement has now virtually been reached between the Delegations. A draft agreement or treaty which combines suggestions from all three quarters is under discussion and I think it well to send a copy to you at once in order that the Government

may consider it. There has been so much speculation in the press that it is considered important to publish the agreement as soon as possible, and thus to forestall harmful speculation; it may become necessary to publish it within the next few days.

Word has just been received from London this morning that the British Government approve of the arrangement. The Japanese Delegates entertain no doubt that their Government will also agree, but owing to the congestion of the cables no definite decision has yet arrived from Tokyo. The Australian and New Zealand representatives are consulting their Governments and expect a favourable reply. The arrangement seems to me to concern them and the other countries more directly than it does Canada, but of course on broad grounds it is of the most vital concern to us that the Powers interested should agree upon some peaceful method of settling their differences in this region.

As you will see, it is proposed to embody the arrangement in a definite agreement or treaty which in the United States, for example, must be submitted to the Senate. The American Administration are fully prepared to take this step and think that in the circumstances in which the agreement will be submitted they will be able to obtain the consent of the Senate.

The agreement does not constitute a military alliance; it imposes no warlike obligations. There is an obligation on each power to respect the rights of the other. But the essential and vital feature is that it provides a definite method whereby if relations become strained the issues involved may be adjusted through a joint conference between all the parties to the agreement. That is to say, it substitutes the conference method for other methods of resolving international disputes and thus allows public opinion to exert its influence.

You will observe that the agreement is carefully drawn so as to apply only to the islands in the Pacific. This also has its bearing on the position with respect to the Senate. But for practical purposes in the future I do not think this feature will be of any special significance. The agreement will be a political document administered and interpreted by political heads of state and will, I feel confident, become in practice available for the settlement of any threatened rupture in this region in spite of the technical limitation.

It is proposed in accordance with the arrangement made between the Dominions and Great Britain before we came to Washington that so far as the British Empire is concerned the agreements should be signed by the Dominion representatives on behalf of their respective Dominions, as well as by the British representatives.

I should be grateful therefore if you could telegraph me at the earliest possible moment whether the Government have any objections to my signing this document or whether they have any special suggestions to make.

Perhaps I may add that in my own view the conclusion of such an agreement will be a very notable step, and I hope indeed that nothing will occur to prevent it.

Yours faithfully,

R. L. BORDEN

449.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

TELEGRAM

Washington, December 10, 1921

CONFIDENTIAL. It is proposed announce at public session Conference to-day conclusion of agreement between British Empire, United States, France and Japan. It is entirely in line with the proposal and purposes advocated by you at last summer's Conference. Letter enclosing copy of draft which has been only slightly modified in meanwhile and giving explanations was mailed to you Thursday and should arrive to-day. Please telegraph to-day whether I am authorized to sign.

R. L. BORDEN

450.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

TELEGRAM

Ottawa, December 10, 1921

Replying your telegram tenth draft treaty has not reached me nor has any extended report appeared in Press here, but if Friday *New York Times* correctly indicates substance thereof you are authorized to sign on behalf of Canada. If Order in Council authorizing signature is necessary and if it should differ in terms from that authorizing signature of Treaty of Versailles telegraph draft so that it may be passed on Monday when Council meets.

ARTHUR MEIGHEN

451.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

TELEGRAM

Ottawa, December 12, 1921

Your secret despatch December eighth with enclosures received today. Fully approve your signing on behalf of Canada.

ARTHUR MEIGHEN

452.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

SECRET

Ottawa, December 24, 1921

Dear Sir Robert Borden,

I have to acknowledge receipt of your secret despatches of December 12 (2), 13, 14, 16, 19, and 21 (3), which I have read with attention and great interest.

I think that the course you have taken throughout the conference should commend itself to public opinion in this country, especially in your attitude to the question of limitation of armament, and I feel that there will be deep regret if anything is permitted to jeopardize positions upon which the hopes of all lovers of peace are founded.

Yours faithfully,

ARTHUR MEIGHEN

453.

*Le Délégué canadien au Premier ministre élu*  
*Canadian Delegate to Prime Minister elect*

Washington, December 26, 1921

Dear Mr. King,

From time to time I have kept Mr. Meighen fully acquainted with the progress of events at the Washington Conference. A resume of the present position is being prepared and it will either accompany this letter or go forward within a day or two.

During the past two weeks difficulties of a somewhat unexpected and rather serious character have arisen, but I have a confident hope that they will not materially impair the results which the conference was expected to accomplish.

As you are about to assume the Premiership I naturally have to consider whether my presence at Washington as representative of Canada may not embarrass you. It is hardly necessary to say that if you should desire to have our country represented here by some one more thoroughly in your confidence than I can claim to be, I will most gladly relinquish my present duties, which indeed I did not seek, and which I accepted rather reluctantly.

On the other hand, if you should desire me to remain I should appreciate any instructions which you might care to give as to the policy to be pursued or the course to be followed either respecting any particular subject, or generally as to the whole purpose of the Conference.

It is anticipated that the Conference will come to a conclusion not later than the 7th of January.

Believe me etc.

R. L. BORDEN

454.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

Washington, January 2, 1922

SECRET

Dear Mr. King,

You may perhaps have had an opportunity of reading my report of the 27th December to your predecessor. It contains a fairly comprehensive summary



of what had been accomplished by the Conference up to that time.

...  
 On several occasions during the past ten days I have urged upon the attention of the American Delegates the importance of bringing the Conference to a conclusion as soon as possible. In the limitation of capital ships and of the tonnage of individual cruisers, in the probable outcome of the Root Resolutions, in the Four-Power Agreement which will supersede the Anglo-Japanese Treaty, and in the declaration affecting the sovereignty of China in several matters of internal administration, the work of the Conference has been of the greatest importance. It is essential that the agreements thus reached should be incorporated in treaties of such character as are unlikely to encounter effective opposition in the United States Senate. The longer the proceedings of the Conference are continued the greater is the danger that some untoward incident may increase the probability of strong opposition in the Senate. Mr. Hughes is most anxious (and in this we all agree) that an agreement should be reached between China and Japan upon the Shantung question before the Conference concludes. The points of difference are not really very serious but the delegates on either side are somewhat apprehensive as to the effect on public opinion in the one country or the other. It appears that there is intense feeling both in China and in Japan on this question. However it is possible Mr. Hughes and Mr. Balfour may be called upon to intervene and to suggest some compromise which will be acceptable to both.

In writing to you on 27th December I anticipated that the work of the Conference would terminate about the 7th instant. That anticipation will hardly be realised, but I believe the 12th or 14th instant will see the end of our deliberations.<sup>1</sup>

Believe me etc.

R. L. BORDEN

455.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

TELEGRAM

[Ottawa,] January 3, 1922

Kindly consider it the wish of the present Government that you should continue to serve as a Member of the British Empire Delegation at the Washington Conference. Please bring to my attention any matter concerning which you may have reason to feel the Government of Canada would wish to be informed. If at all in doubt as to the policy or course which you think the Government might wish to have pursued, kindly defer action until opportunity has been had for communication with Ottawa.

W. L. MACKENZIE KING

<sup>1</sup>Le rapport de Borden se trouve aux *Documents parlementaires*, 1922, N° 47.

<sup>1</sup>Borden's Report is to be found in *Sessional Papers*, 1922, No. 47.

456.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

SECRET

Washington, January 10, 1922

Dear Mr. King,

In continuation of my letter of 6th January I send you the following notes:

...  
*Draft Naval Treaty.* At yesterday's meeting of the Committee on Limitation of Armament there were presented also the draft articles of agreement embodying the decision already reached with respect to the Limitation of Naval Armament. A copy is enclosed herewith.<sup>1</sup> It was decided that each Delegation should hold a meeting in the afternoon to consider the draft with a view to discovering what points were still outstanding. Accordingly a prolonged meeting of the British Empire Delegation was held yesterday afternoon and several points were raised for discussion with the other Delegations. None of them however appears to involve any special Canadian interest. It is hoped that the Naval Treaty will be in final form for acceptance and signature by the end of this week. Accordingly, unless I receive contrary instructions, I would propose to sign on behalf of Canada.

Yours faithfully,

R. L. BORDEN

457.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

TELEGRAM

Ottawa, January 27, 1922

Following from Prime Minister. Begins. Before you sign Naval Treaty on behalf of Canada I should like to have opportunity of personal conference with you. Kindly let me know time that will best suit your convenience. Ends.

458.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

TELEGRAM

Pinehurst, January 27, 1922

Just received your telegram. I arrived here for weekend under advice of physician in endeavour to get rid of severe bronchial cold from which I have suffered for some weeks. If you think it essential I will leave for Ottawa at once but I doubt possibility of personal conference before treaty is signed. When I left Washington signature was expected not later than Tuesday. Please reply as soon as convenient.

R. L. BORDEN

<sup>1</sup>Non reproduite.<sup>1</sup>Not printed.

459.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

TELEGRAM

Pinehurst, January 27, 1922

Referring to my previous message perhaps you could send to me at Washington any special instructions respecting signature of treaty. Of course I will not sign without your authority.

R. L. BORDEN

460.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

TELEGRAM

Ottawa, January 27, [1922]

Your two telegrams just received. I much regret to learn of your present indisposition which I hope may speedily be relieved. I should like to have had opportunity of personal conference with you before naval and other treaties are signed. In view however of doubt expressed by you as to this possibility before contemplated date of signing of naval treaty, I am acting on suggestion of your second wire and am communicating with you at Washington respecting one or two considerations of which the Government would wish account to be taken before the naval and other treaties are signed on Canada's behalf.

W. L. MACKENZIE KING

461.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

SECRET

Ottawa, January 28, 1922

Dear Sir Robert Borden,

My desire for a personal conference with you respecting the Naval Treaty is due to the circumstance that I am completely in the dark as to whether the Treaty as agreed upon by the members of the British Empire Delegation carries with it any actual or implied understanding on their part as to any obligation or obligations arising thereunder on the part of Canada.

Among the papers and correspondence transferred to me from Mr. Meighen's files there do not appear to be any communications relating to the Conference of Premiers at which the matter of representation at the Washington Conference, and other matters incidental thereto, were discussed. I notice, however, among the papers transferred to me, a telegram from you to Mr. Meighen, dated December 10, as follows: . . .<sup>1</sup> Before signing the Treaty, I wish you would kindly advise me of the proposal and purposes referred to by you as having been advocated by Mr. Meighen at last Summer's Con-

<sup>1</sup>Suivait le document 446.<sup>1</sup>Document 446 was repeated here.

ference. It is important, I think, that my colleagues and myself should be fully apprised of any proposals or views put forward by Mr. Meighen on behalf of the Government of Canada, and which have a bearing upon the Naval Treaty, before assent is given to its terms and conditions, whether expressed or implied.

I might also mention that I do not find anything in any way relating to agreements or understandings as between the members of the British Empire Delegation as respects naval defence or naval policy. I presume, of course, that this is due to there being no understandings or agreements. Should there, however, be any such, I should like to have full details thereupon before the Naval Treaty is signed by you. In particular, I should like it to be understood that the Naval Treaty is not to be signed on behalf of Canada if, by implication or otherwise, it contravenes, restricts or abridges in any way any of the provisions of the Act respecting the Naval Service of Canada, assented to 4th May 1910 and appearing in our Statutes as 9-10 Edward VII, Chapter 43.

With regard to any other treaties you may be expected to sign, if in any particular they are likely to be a matter of special concern to Canada as affecting the relations of the Dominion with other parts of the British Empire or with other countries, I should like it to be expressed that the Treaty as signed on behalf of Canada is subject to approval by the Canadian Parliament.

Yours sincerely,

W. L. MACKENZIE KING

462.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

TELEGRAM

Pinehurst, January 28, 1922

Just received information that probably Treaty will not be signed before end of coming week. Accordingly I shall not stop at Washington but proceed direct to Ottawa.

R. L. BORDEN

463.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

TELEGRAM

Ottawa, January 28, 1922

Referring to your wire just received, if you are in Washington in time to receive letter being mailed from Ottawa this morning that will be quite soon enough so far as purposes of immediate communication are concerned.

W. L. MACKENZIE KING

464.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

TELEGRAM

Washington, January 31, 1922

In reply your letter of twenty-eighth instant beg report as follows. First, my telegram December tenth referred to what is known as Four-Power Treaty which was signed on thirteenth December. The text of that Treaty was published in press at that time and a copy was forwarded to Mr. Meighen on thirteenth December. That telegram had no relation whatever to the Naval Treaty. It alluded to the position taken by Mr. Meighen at last summer's Conference with respect to the renewal of the Anglo-Japanese Treaty. The Four-Power Treaty signed on thirteenth December last supersedes the Anglo-Japanese Treaty. Second, copy of an early draft of Naval Treaty was forwarded to you on January tenth and copy of a later draft was forwarded to you with my letter of sixteenth January. No material alteration in the Treaty has since been made. Its terms speak for themselves but I might observe that its effect so far as the British Empire is concerned is the limiting of naval armaments in certain definite respects as follows: (a) the tonnage of capital ships and of airship carriers must not exceed the limits defined in the treaty. (b) capital ships must not be constructed during the naval holiday. (c) tonnage of any individual cruiser must not exceed ten thousand tons. (d) the armament of capital ships and of cruisers is limited to a certain calibre. (e) the Treaty does not affect the provisions of the Naval Service Act of Canada unless the restriction of naval armament for the whole Empire can be so regarded. (f) the Treaty does not include any agreement or understanding nor is there any agreement or understanding between the members of the British Empire Delegation respecting the co-operation or participation of different parts of the Empire in naval defence. This question has never been raised or discussed in the British Empire Delegation. It was quite unnecessary to discuss it and so far as I am aware no member of the British Empire Delegation was authorised to discuss any such question. Third, the published proceedings of last summer's conference are to be found in the White Paper presented to the British Parliament in August nineteen hundred and twenty-one CMD one four seven four. Sir Joseph Pope can doubtless furnish you with copy of this and of any minutes not yet made public. Four, the Four-Power Treaty, the Naval Treaty, and all other treaties signed at this Conference will of course be subject to ratification by the Canadian Government. You are quite at liberty to make such ratification subject to the approval of Parliament. I took that course with respect to the Peace Treaty of nineteen nineteen. Five, as the Naval Treaty may be ready for signature tomorrow I shall be glad to have your instructions as soon as possible. The Naval Treaty as I understand it imposes no obligation upon Canada except to restrict the naval armament which otherwise she would be at liberty to undertake.

R. L. BORDEN

465.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

SECRET

Washington, February 1, 1922

Dear Mr. King,

In continuation of my letter of the 23rd January, I beg to report as follows.

*The Naval Treaty.* On Tuesday, the 31st January, there was a meeting of the Naval Disarmament Committee at which Mr. Hughes presented the Treaty on Naval Disarmament, the form of which had already been communicated to you. He moved that the Treaty in that form be reported to the Plenary Conference to be held on the 1st February. This resolution was unanimously adopted. He then presented another Treaty based on the resolution respecting Submarines (adopted on the 5th January), and the resolution prohibiting the use of Poison Gas (adopted on the 7th January), and moved that these Treaties be also reported to the same Plenary Conference. This resolution was unanimously adopted. A useless and rather tiresome discussion then ensued between Mr. Jusserand and Lord Lee, in which the article written by Captain Castex respecting the use of submarines in war was again debated. The meeting then adjourned.

*Plenary Conference.* To-day the Plenary Conference was in session from 11 a.m. until 2.30 p.m. Mr. Hughes, as Chairman of the Conference, presented the resolutions of the Pacific and Far Eastern Committee on (a) Postal Agencies, (b) Extraterritoriality, (c) The Open Door in China, (d) Spheres of Influence in China, (e) Railways, (f) Military Forces, (g) Existing Commitments, (h) Radio Stations in China.

These resolutions, copies of which have already been forwarded to you, were unanimously adopted.

Yours faithfully,

[R. L. BORDEN]

466.

*Le Premier ministre au Délégué canadien*  
*Prime Minister to Canadian Delegate*

TELEGRAM

Ottawa, February 2, 1922

British Empire Delegation, Franklin Square Hotel, Washington DC. Your four telegrams of yesterday duly received. Respecting paragraph four setting forth that all treaties signed at conference will of course be subject to ratification by the Canadian Government, please inform me if this means that your signature is not to be held to bind Canadian Government unless treaties are subsequently ratified by Canadian Government. In other words is the ratification by Canadian Government as expressed in your telegram a matter

of form to be exercised if so desired or an act of significance extending the length of making the effectiveness of your signature of the treaties conditional upon their subsequent ratification by Canadian Government. To express the point in yet another way do the words "will of course be subject to" signify an option the exercise of which on the part of Canadian Government cannot affect the binding nature of the treaties once signed or do they signify a condition the nonfulfilment of which would render the treaties inapplicable to Canada. As to whether ratification by Canadian Government should or should not be made subject to approval of Parliament would seem to depend upon whether any real significance other than one wholly of form is to be attached to the ratification by Canadian Government to which the treaties are subject. The view of my colleagues and myself is that if ratification is of any significance the treaties should be subject to ratification by Canadian Government such ratification to be subject to approval of treaties by Parliament both these conditions to be expressly stated. If possible to have ratification of treaties by Canadian Government made subject to their approval by Parliament in the first instance this would be preferable to having ratification by Government made subject to subsequent approval by Parliament.

W. L. MACKENZIE KING

467.

*Le Délégué canadien au Premier ministre*  
*Canadian Delegate to Prime Minister*

TELEGRAM

Washington, February 2, 1922

In reply your telegram today I beg report as follows: First, the Treaty contains the following provision at the end thereof and immediately before the signatures. Begins. The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. Ends. Second, the Treaty would not be binding upon Canada unless it is ratified in accordance with the constitutional methods in force in Canada. Third, it will be for the Canadian Government to determine the character of those constitutional methods. Fourth, the modern constitutional practice as I understand it is to submit treaties of this character for the approval of Parliament before they are ratified by the Government. Fifth, it would be impracticable to obtain any special provision as to the method of ratification by Canada. Under the provision above set forth that matter is left entirely to the determination of the Government of Canada and is of no concern to the other signatory powers.

R. L. BORDEN

468.

*Décret du Conseil*  
*Order in Council*

P.C. 1393

July 3, 1922

Whereas, at Washington, on the sixth day of February, nineteen hundred and twenty-two, a Treaty between the United States of America, the British

Empire, France, Italy, and Japan, for the limitation of naval armament,<sup>1</sup> was concluded and signed in the name of His Majesty the King, for and in respect of the Dominion of Canada, by a plenipotentiary duly authorized for that purpose by His Majesty on the advice and recommendation of the Government of Canada;

And whereas the Senate and the House of Commons of Canada have by resolution approved of the said Treaty;

And whereas it is expedient that the said Treaty be ratified by His Majesty for and in respect of the Dominion of Canada;

Now therefore His Excellency the Deputy Governor General in Council, on the recommendation of the Secretary of State for External Affairs, is pleased to order and doth hereby order that His Majesty the King be humbly moved to approve, accept, confirm and ratify the said Treaty for and in respect of the Dominion of Canada.

469.

*Mémorandum de l'ex-Délégué canadien au Premier ministre  
et au chef de l'Opposition*

*Memorandum from former Canadian Delegate to Prime Minister  
and Leader of Opposition*

CONFIDENTIAL

Ottawa, January 30, 1923

In case a debate should arise, as seems probable, during the approaching session, with regard to constitutional relations within the British Commonwealth, it may be worth while to examine the general observations that are to be found on pages 14 to 16 both inclusive of Sir John Salmond's report to the New Zealand Government upon the Washington Conference. Sir John is an Englishman who went to New Zealand at an early age, and he is now a member of the Supreme Court of that Dominion. He is an able lawyer with little public experience, and at Washington, he created an unfortunate impression upon other Dominion delegates by his extremely legalistic and narrow conception of the constitutional relations between the Mother Country and the Dominions. During the concluding weeks of the Conference it seemed that he had modified these views very materially; but they have been developed with much particularity on the pages above mentioned, especially on page 16, where he avers that the Dominion delegates were invested with a mere nominal authority which could be overridden at will by the three delegates from the United Kingdom. Even from a legal point of view the correctness of his conclusions may well be doubted, seeing that all the nations represented at the Conference were members of the League of Nations with the single exception of the United States. If, however, he is correct from a legal stand

<sup>1</sup>Les Traités conclus par la Conférence, les Traités soumis à la Conférence par les Puissances intéressées et les Résolutions adoptées par la Conférence se trouvent dans les *Documents parlementaires*, 1922, N° 47, appendice N° 21.

<sup>1</sup>The Treaties concluded by the Conference, the Treaties communicated to the Conference by the Powers concerned and the Resolutions adopted by the Conference are to be found in *Sessional Papers*, 1922, No. 47, Appendix No. 21.



point, he is utterly out of touch with the realities of present relations from a constitutional stand point. For a quarter of a century and more Great Britain in the negotiation of treaties has abstained from any attempt to bind the Dominions, except with their consent. Yet, if Sir John Salmond's legalistic views should prevail, it would be quite competent and apparently in his view constitutionally justifiable for Great Britain in the negotiation of a treaty with China or Japan to over-rule the Dominions represented in the negotiations and to provide by treaty for unrestricted Oriental immigration into all the Dominions. Equally, of course, Great Britain from a strictly legal point of view could pass a statute imposing taxation or compulsory military service upon the people of any Dominion. It is needless to say that no such attempt would ever be made, and that any such legislation would be wholly unconstitutional and would not be respected or enforceable in practice.

There is little doubt that insistence upon legalistic theories such as those propounded by Sir John Salmond is both undesirable and mischievous. The unity of the Empire is not founded upon doctrinaire legalism, but upon liberty and autonomy, supported and enforced by the conventions of the constitution.

Mr. Balfour from first to last treated the Dominion delegates as of equal status with those from the United Kingdom. It was apparent that no other thought ever entered his mind. As a matter of fact some Dominion delegates felt that they had too much voice on naval questions, seeing that their countries gave so little aid in naval defence. Thus Sir John's report conveys a misleading impression. In this connection attention is called to sections 110 to 114 of the Canadian delegate's report. The truth can be illustrated by two incidents. On one occasion when Sir Robert Borden openly differed from Mr. Balfour, in committee, upon a matter of no great importance, he stated in doing so that he would not insist upon his opinion. Mr. Balfour not observing this qualification said that the British Empire Delegation could not vote as a difference of opinion had arisen. However, he did vote, but only after Sir Robert Borden had called his attention to the fact that he did not insist. On another occasion Mr. Balfour announced, in committee upon the American proposals with regard to submarine warfare, an attitude that the Canadian delegate could not support. The latter after first informing Mr. Balfour that he entertained a different opinion, stated it to the committee with perfect clearness although it was not in accordance with that which Mr. Balfour had advanced. He felt at liberty to do this as the subject had not previously been discussed or the position settled in the British Empire Delegation. At a subsequent meeting Mr. Balfour supported and, indeed, emphasized the view put forward by the Canadian delegate. It is, of course, undesirable to make public reference to these incidents; but they thoroughly dispose of Sir John Salmond's assertion that the Dominion delegates were present in a subordinate capacity. In truth no one except Sir John had any such conception of the situation. Apparently, he regards the Dominions as Crown Colonies of a rather glorified type. While there is no evidence that this view prevails outside of New Zealand it may be worth while to make it clear that any such estimate has no currency in Canada.

[R. L. BORDEN]

470.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 23, 1925

SECRET. Following from Prime Minister for your Prime Minister. Begins. British Ambassador at Washington recently reported that the possibilities of a further Disarmament Conference had been considerably discussed in the United States and that in the event of the President issuing invitations to a Conference, limited to Naval disarmament, there was little doubt he would be supported by practically the unanimous opinion of the country. Sir Esme Howard expressed the opinion that, provided circumstances in Europe and Japan not unfavorable, it seemed almost certain that some such proposal would emanate from the United States Government before the end of the present year. Retiring United States Ambassador, in course of farewell conversation with the Secretary of State for Foreign Affairs prior to his departure to take up the post of Secretary of State at Washington, referred to the question of disarmament. Mr. Kellogg and Mr. Chamberlain agreed in thinking that there was little or no prospect of the Continental Powers agreeing to a Conference at Washington on the question of land armament but Mr. Chamberlain thought better prospects might attend a Conference similar to that of 1921 and 1922 summoned to deal further with the limitation of naval armaments. Matter has been considered by the Cabinet and one strong view is that, especially as the prospect of a Disarmament Conference under the auspices of the League of Nations in which the United States would participate now seems remote, suggestion for a further Conference at Washington on naval disarmament would be welcomed as a step towards checking international competition in armaments and lessening the risk of future wars. Accordingly it is proposed to send to the British Ambassador despatch, of which the following is a summary.

Begins. In course of farewell conversation between the United States Ambassador and the Secretary of State for Foreign Affairs prospects of further disarmament and the possibility of holding another Conference at Washington to continue and develop the work of the 1922 Conference were touched upon. Unnecessary to mention how gladly His Majesty's Government accepted the invitation of that Conference, or their hearty and immediate response to the general scheme proposed by the United States Secretary of State. No Government more readily accepted nor has any more loyally fulfilled the obligations then subscribed by most important Naval Powers. Decisions of the Conference have done much to restrict the growth of fresh international competition in naval armaments and to relieve the burden of taxation which would otherwise have fallen to be borne by the taxpayers of respective countries. British Ambassador is asked to repeat formally to the United States Secretary of State the assurance, given in conversation to the United States Ambassador, that His Majesty's Government would cordially welcome the summoning of a new Conference to be held at Washington, and

would most readily join with other great Naval Powers in further limiting naval armaments and expenditures. It will be for the convening Powers to consider in what direction progress may be most readily achieved. Obviously there are geographical and other reasons for which the ratio already agreed upon for capital ships could not be applied to the case of cruisers. But His Majesty's Government have no doubt that with the cooperation of the other Naval Powers further substantial progress could be made. In particular, and without excluding other matters, it would seem to His Majesty's Government that discussion on all or any of the following points might well lead to an agreement which would sensibly relieve the burden on national finance and lessen the danger of war: (i) Dimension of and armament of cruisers. (ii) Armament of aircraft-carriers. (iii) Total number of, dimension of, and armament of submarines. (iv) Dimension of and armament of destroyers. Ends.

Before despatch is sent, we should be glad to know if you concur in our general attitude, and have any observations on the terms of our communication. If the Conference takes place, we should attach much importance to arranging for the British Empire Delegation, including separate representation of the Dominions, on the lines adopted at the Paris Peace Conference and at Washington in 1921. Ends.

Similar telegram sent to other Prime Ministers. Baldwin. Ends.

471.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 24, 1925

SECRET. Please cancel second sentence of summary of Note to the British Ambassador at Washington in my telegram dated February 23rd, and substitute as follows. Begins. Unnecessary to mention how gladly the British Government and other Governments of the Empire availed themselves of the opportunity to participate in that Conference, or their hearty and immediate response to the general scheme proposed by the United States Secretary of State. No Governments more readily accepted nor have any more loyally fulfilled the obligations then subscribed by most important Naval Powers. Ends.

Much regret error. Sentence as telegraphed represented incorrect version.

472.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 7, 1925

Following from Prime Minister for your Prime Minister. Begins. Your telegram of February 23 and your telegram of February 24. If there appears no likelihood of a Conference for reduction of armaments under League of Nations with United States participating and without prior acceptance of

Protocol, and if there does appear likelihood that proposed Washington Naval Conference would lead to substantial results, we should concur in the general attitude of sympathy toward latter proposal expressed in draft despatch to British Ambassador at Washington. We note with pleasure statement as to importance of arranging for separate representation of Dominions in British Empire Delegation. In order to avoid the difficulties which arose in 1921 from the fact that the Dominions were not directly invited to attend the Conference of that year, as to which protest was made by Prime Minister of the Union of South Africa in telegram to the Prime Minister of Canada dated 19th October, 1921, and reference made in report of Sir Robert Borden to Canadian Government on the Conference, paragraph 114, we consider it also very desirable that if the Conference is held separate invitations should be sent to the several Governments of the Empire. Ends.

## PARTIE 2 / PART 2

EFFORTS DE LA SOCIÉTÉ DES NATIONS  
LEAGUE OF NATIONS EFFORTSRÉDUCTION DES ARMEMENTS; CONTRÔLE DU TRAFIC  
DES ARMES; GUERRE CHIMIQUE

a.

REDUCTION OF ARMAMENTS; ARMS TRAFFIC CONTROL;  
CHEMICAL WARFARE

473.

*Décret du Conseil**Order in Council*

P.C. 2552

October 23, 1920

Whereas the Minister of Customs and Inland Revenue reports that he has had under consideration the Convention for the Control of the Trade in Arms and Ammunition, and Protocol thereto, signed at St. Germain-en-Laye and Paris, France, on the 9th September, 1919, by Sir Edward Kemp, K.C.M.G., M.P., on behalf of the Government of the Dominion of Canada, with regard to the control of the exportation of Arms of War and Ammunition therefor and Firearms and Ammunition;

And whereas in a despatch from the Right Honourable the Secretary of State for the Colonies, dated 1st September, 1920, it is stated that it has been decided that until the Convention has been ratified the Protocol shall be modified so as to apply only to Article 6 of the Convention;

And whereas His Majesty's Government in accordance with the terms of said Article 6 has already prohibited the exportation of arms and ammunition to the areas and zone specified therein;

And whereas at the present time there is no prohibition of the exportation of arms and ammunition from Canada to the areas and zone specified in said Article 6, and as Canada is also a signatory to the Convention it would appear that, in order to give effect to the spirit of the Treaty, measures should be adopted to control the exportation of arms and ammunition therefrom:

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Customs and Inland Revenue and under the authority of Section 291 of the Customs Act, is pleased to order as follows:

The exportation from Canada of arms and ammunition of War and Firearms, Arms or Ammunition capable of being converted into or made useful in increasing the quantity of military or naval stores, is hereby prohibited to the following areas and zone, except under license issued by the Minister of Customs and Inland Revenue:

(1) The whole of the Continent of Africa, with the exception of Algeria, Libya, and the Union of South Africa. (Within this area are included all islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island and the Islands of Annobon and Socotra.

(2) Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4, 1914.

(3) A maritime zone including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia on the Gulf of Oman.

474.

*Le Secrétaire général, Société des Nations, au Premier ministre*  
*Secretary General, League of Nations, to Prime Minister*

Geneva, March 8, 1921

Sir,

I am instructed by the Council of the League of Nations to forward to the Governments of all Members of the League the enclosed recommendation adopted by a majority vote of the Assembly with regard to the limitation of military, naval and air expenditure during the two financial years following the next budget of each Member.

The Council further instructed me to request the Governments of the Members of the League to be so good as to inform me before May 1st whether they propose to give effect to this recommendation.

I have etc.

ERIC DRUMMOND

## [PIÈCE JOINTE / ENCLOSURE]

*Vœu adopté par l'Assemblée de la Société des Nations**Recommendation adopted by the Assembly of the League of Nations*

December 14, 1920

En attendant le plein effet des mesures concernant la réduction des armements prévus à l'article 8 du Pacte, l'Assemblée émet le vœu que le Conseil soumette à l'examen des Gouvernements la proposition d'accepter l'engagement de ne pas dépasser, pendant les deux années fiscales qui suivront le prochain exercice, le chiffre global des dépenses militaires, navales et aériennes prévues pour cet exercice. Sous réserve qu'il sera tenu compte:

1° de toute contribution d'effectifs, de matériel de guerre, d'argent recommandée par la Société des Nations pour l'exécution des obligations prévues à l'article 16 du Pacte ou dans les Traités enregistrés par la Société;

2° de toute situation exceptionnelle qui sera signalée au Conseil de la Société des Nations, conformément à l'esprit des paragraphes 2 et 6 de l'article 8 du Pacte.

Pending the full execution of the measures for the reduction of armaments recommended by Article 8 of the Covenant, the Assembly recommends to the Council to submit for the consideration of the Governments the acceptance of an undertaking not to exceed, for the first two financial years following the next financial year, the sum total of expenditure on the military, naval and air services provided for in the latter budget, subject, however, to account being taken of the following reservations:

(1) Any contributions of troops, war material and money recommended by the League of Nations, with a view to the fulfilment of obligations imposed by Article 16 of the Covenant or by Treaties registered by the League.

(2) Exceptional conditions notified as such to the Council of the League of Nations in accordance with the spirit of paragraphs 2 and 6 of Article 8 of the Covenant.

475.

*Le sous-secrétaire d'État aux Affaires extérieures au Haut commissaire  
Under-Secretary of State for External Affairs to High Commissioner*

Ottawa, April 27, 1921

Sir,

I am desired by the First Minister to enclose to you copy of a letter which Mr. Meighen has received from the Secretary General of the League of Nations, relative to the ratification of the Convention for the Control of the Trade in Arms and Ammunition, signed at St. Germain-en-Laye on the 10th September, 1919, and to inform you that if His Majesty's Government proposes to make the reservation referred to in Sir Eric Drummond's letter,

the Canadian Government would join in the reservation. I also enclose a copy of the Order-in-Council, dated 9th December, 1919,<sup>1</sup> agreeing to the ratification of this Convention.

I have etc.

JOSEPH POPE

476.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, May 14, 1921

SECRET. League of Nations letter of March 8th 21/31/27 regarding limited expenditure on armaments has been under consideration by His Majesty's Government, and they now propose to reply that their policy is in entire harmony with spirit of recommendation adopted by League Assembly December 14th, that already they have effected very substantial reductions in their military, naval and air expenditures and in the next two years look forward to the possibility of further economies, though these must be subject to reservations mentioned in Assembly's recommendation. As His Majesty's Government think it important that British Empire should speak with one voice on this subject, they would be glad to know whether your Ministers assent to this reply being sent. Telegrams to this effect have been sent to other Dominions.

CHURCHILL

477.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 27, 1921

Your telegram May 14th respecting League of Nations letter of March 8th with regard to limitation of expenditure on armaments. Canadian Government had already reached similar conclusion. While however they agree that it is desirable there should be no divergence of view between constituent parts of British Empire they think it more appropriate that replies to the League should be rendered through same channel through which inquiry was addressed. Accordingly they are sending to the Secretary General a communication whose effect is the same as that proposed in your telegram.

478.

*Le sous-secrétaire d'État aux Affaires extérieures au*  
*Secrétaire général, Société des Nations*  
*Under-Secretary of State for External Affairs to*  
*Secretary General, League of Nations*

Ottawa, May 27, 1921

Sir,

I am instructed to reply to your letter of March 8th to the Prime Minister of Canada concerning the recommendation adopted on December 14th, 1920,

<sup>1</sup>C.P. 2456. Non reproduit.

<sup>1</sup>P.C. 2456. Not printed.

by a majority vote of the First Assembly of the League of Nations with regard to the limitation of military, naval and air expenditure during the two financial years following the next budget of each Member of the League.

The Canadian Government looks with favour on any measures calculated to bring to pass a general reduction of armaments, and its present policy is in entire accord with the spirit of the recommendation above referred to. I am instructed to say also that the expenditures for defence of this Dominion have always been relatively very low and are today believed to be the lowest per capita of any nation. The Government has effected substantial reductions in the aggregate on military, naval and air expenditures, having regard to the increased costs now prevailing, and in the next two years looks forward earnestly to the possibility of further reductions, though these must be subject to the reservations embodied in the Assembly's recommendation.

I have etc.

JOSEPH POPE

479.

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

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

Ottawa, September 8, 1921

Sir,

With reference to a telegraphic despatch from the Secretary of State for the Colonies to the Governor General, dated the 5th instant, relative to the ratification of Arms Traffic Convention, I have the honour to represent that the Canadian Government concurs in the proposal of the Colonial Secretary to the effect that His Majesty's Government should authorize its representative at the League to state that it will proceed with the ratification of this convention as soon as other principal Allied and Associated Powers are prepared to ratify it, subject to safeguards being provided against the Convention being rendered nugatory by non-signatory States.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed, by telegraph, in the above sense.

I have etc.

JOSEPH POPE

480.

*Le Gouverneur général au secrétaire aux Colonies  
Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 7, 1922

SECRET. My telegram September 9th, 1921. Ratification of Arms Traffic Convention. My Ministers enquire whether you have communicated to League



of Nations concurrence of Canadian Government in proposal of H.M. Government to proceed with ratification of this Convention as soon as other principal Allied and Associated Powers are prepared to ratify it subject to safeguards being provided against Convention being rendered nugatory by non-signatory States. My Ministers state that from letter received from Acting Secretary-General of League of Nations, dated 13th June, it would appear that this communication was not made at time or since.

BYNG

481.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 26, 1922

Your telegram 7th July. No formal communication made to League of Nations regarding ratification of Arms Traffic Convention but British Representatives, Temporary Mixed Commission on reduction of Armaments, made verbal declaration on position effect of which stated in last Paragraph but one, Page 14, Commission Reports of September 15th, 1921, No. A 81, 1921; C 321, 1921. Report was circulated to all Members of Council and League and to all delegates to Assembly, 1921.

482.

*Le Secrétaire général, Société des Nations, au*  
*secrétaire d'État aux Affaires extérieures<sup>1</sup>*  
*Secretary General, League of Nations, to*  
*Secretary of State for External Affairs<sup>1</sup>*

Geneva, August 17, 1922

Sir,

I beg to acknowledge the receipt of your letter of July 28th, 1922, informing me that the Canadian Government are prepared to ratify the Arms Traffic Convention of St. Germain, as soon as all the Principal Allied and Associated Powers are ready to do the same, and subject to such safeguards being provided as will prevent the Convention being rendered nugatory by non-signatory States.

Your letter will be transmitted by the Secretariat to the Members of the Council and the Members of the League. It will also be communicated to the Members of the Permanent Advisory Commission for Military, Naval and Air Questions and of the Temporary Mixed Commission appointed by the Council to consider the questions of the reduction of armaments and the private manufacture of arms and munitions.

In pursuance of a decision adopted by the Council of the League on July 20th, I am sending you, herewith, another letter, the object of which is to

<sup>1</sup>Cette lettre fut transmise par le truchement du Haut commissaire en Grande-Bretagne.

<sup>1</sup>This letter was channelled through the High Commissioner in Britain.

ensure that all ratifications are ready to be deposited as soon as the principal signatory Powers, including the United States of America, are prepared to deposit theirs.

I am etc.

ERIC DRUMMOND

483.

*Le sous-secrétaire d'État aux Affaires extérieures  
au Secrétaire général, Société des Nations  
Under-Secretary of State for External Affairs  
to Secretary General, League of Nations*

Ottawa, March 15, 1923

Sir,

With reference to a letter from the Acting President of the Council of the League of Nations and also one from the President of the Council of the League of Nations, dated respectively the 13th April, 1922 and 10th October, 1922, asking to be furnished with certain statements with regard to the requirements of the national security of the Dominion of Canada, I have the honour to represent that Canada has two contingencies to consider, (a) *Local Defence*, and (b) *Empire Defence*.

*Concerning (a) Local Defence*, it is considered that a Defence Force consisting of naval, military and air units should be authorized to provide for the absorption of the manpower of this country in a Defence Force in case of a general mobilization for home defence.

*Concerning (b) Empire Defence*, the Government of Canada may offer its naval, military and air forces to the Empire, if it so desires, in case any part of the Empire is threatened by any hostile power or combination of powers. It is considered that from four to six divisions could be raised in this country for this purpose and maintained in the field.

#### International Obligations

Canada has no international obligations except in connection with her status as part of the British Empire.

#### Geographical Situation and Special Circumstances

Canada with a population of 8,788,483 and an area of 3,729,665 square miles, has a land frontier including the shore of the Great Lakes of about 3,800 miles facing the United States of America, and a land frontier of about 1,050 miles facing Alaska (territory of the United States of America). It has several thousand miles of coast line on the Atlantic, the Arctic and the Pacific Oceans, with only a small naval force of its own.

Police and Military Forces considered indispensable for  
the Preservation of Domestic Order

The total Estimates voted by the Canadian Parliament for the fiscal year, ending March 31st, 1923, for the Canadian Militia, permanent and non-

permanent, was \$10,788,400.00. Of this sum, \$6,200,000.00 was expended for the upkeep of the Permanent Force, which strength was 428 officers and 3,215 other ranks, on the 1st January, 1923. When civil disorder has taken place in Canada and military forces are requisitioned, the permanent troops are first employed and they have to the present been sufficient to cope with such emergencies. The strength of the Royal Canadian Mounted Police on the 1st January, 1923, was 62 officers and 1,115 other ranks. The Estimates voted by Parliament for the fiscal year ending March 31st, 1923, were \$2,588,000.00. These numbers are fully employed.

I have etc.

[JOSEPH POPE]

484.

*Le sous-secrétaire d'État par intérim aux Affaires extérieures  
au Secrétaire général, Société des Nations*

*Acting Under-Secretary of State for External Affairs  
to Secretary General, League of Nations*

Ottawa, September 23, 1924

Sir,

In reply to your letter of the 27th June, 1924 (C.L.82.1924.IX) asking to be informed what action this Government propose to take with regard to a Recommendation adopted by the 4th Assembly of the League of Nations that Members of the League should not "exceed, during the period necessary for the elaboration and adoption of the general scheme for the reduction of armaments, the total expenditure on military, naval and air armaments, provided for in the Budget of the present fiscal year," I have the honour to state that the Canadian Government has the greatest sympathy with the general principle of the universal reduction of armament, and has accordingly based its policy as regards defence on the principles stated in Article 8 of the Covenant, to the effect that national armament should be reduced to the lowest point consistent with national safety.

I might point out that very substantial reductions in expenditure for Defence have already been effected by the Dominion, our appropriations for this purpose being amongst the lowest in the world, and it is regretted that the Government cannot give the required assurance not to exceed, during the period necessary for the elaboration and adoption of the general scheme for the reduction of armaments, the total expenditure on military, naval and air armaments provided for in the budget of the present fiscal year.

Although forced to reject the proposal for the arbitrary fixation of Defence Estimates at their present figures, the Dominion Government would be pleased to give consideration to any proposals which the League of Nations may put forward to serve as a logical basis for the future determination of national armaments.

I have etc.

[W. H. WALKER]

485.

*Décret du Conseil**Order in Council*

P.C. 648

April 28, 1925

Whereas an enquiry has been received from the Secretary-General of the League of Nations whether it was the intention of the Canadian Government to take part in the International Conference to examine the draft Convention for the control of the international traffic in arms, munitions and implements of war, prepared by the Temporary Mixed Commission for the reduction of armaments, and to conclude a convention on this matter, which will meet in Geneva on the 4th May next;

And whereas the regulation of the international traffic in arms and munitions, particularly the traffic with backward and revolutionary countries, was one of the matters specifically assigned to the League of Nations for action, and has been dealt with in a number of conferences organized by the League;

And whereas thirty-nine members of the League (including Great Britain and France), and also the United States and Turkey, have accepted invitations to take part in the approaching Conference;

And whereas, Dr. W. A. Riddell, Canadian Advisory Officer in Geneva, is available for representation of Canada at the Conference and his appointment has been recommended by the Minister of National Defence;

And whereas if the necessity arises for technical advice, one of the Canadian Permanent Force officers now on duty in England may be detailed to proceed to Geneva to act as technical adviser;

Therefore His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, is hereby pleased to appoint Dr. W. A. Riddell as Canadian representative at this conference with full powers to sign such Convention as may be concluded at the Conference, and to direct that the Secretary-General of the League of Nations be notified accordingly.

His Excellency is further pleased to direct that Dr. Riddell shall report as to the necessity for a technical adviser proceeding to Geneva.

486.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

Geneva, June 5, 1925

My dear Dr. Skelton,

On June 2nd I cabled you as follows:

External, Ottawa. Shall I support proposed conference on chemical and bacteriological warfare. Canadof.

and received the following answer, dated June 4th:

Canadof Genevasuisse. Government authorizes support proposed conference on chemical bacteriological warfare understanding supported by British, United States and other leading delegations. External.

The proposal to hold a conference to deal with chemical and bacteriological warfare was decided upon by a special committee, in view of the numerous proposals to include some declaration on this subject in the present Convention.

The Conference is progressing very well, and will probably finish next week. I am hoping to send you in a day or two a report on the work up to date. The Arms Conference will probably finish about the same time as the Labour Conference. At the present I have very little time except for the two conferences, as the meetings alone keep one busy from ten in the morning until seven-thirty in the evening. I am enjoying the work very much, especially that connected with the Arms Conference, which affords an excellent education in the problems of security throughout the world.

Yours sincerely,

W. A. RIDDELL

487.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

TELEGRAM

Geneva, June 15, 1925

Arms Conference adopts Convention Declaration regarding Ifni and Protocol on chemical and bacteriological warfare. Request permission to sign Protocol tomorrow. Great Britain United States France Italy and Japan state they will sign Protocol.

488.

*Le sous-secrétaire d'État aux Affaires extérieures au Conseiller*  
*Under-Secretary of State for External Affairs to Advisory Officer*

TELEGRAM

Ottawa, June 16, 1925

Government authorizes you to sign Protocol regarding Chemical and Bacteriological Warfare.

489.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

Geneva, June 16, 1925

My dear Dr. Skelton,

Yesterday at 12.30 I cabled you as follows:

External Ottawa: Arms Conference adopts convention declaration re Ifni protocol on chemical and bacteriological warfare. Request permission to sign protocol tomorrow. Great Britain United States France Italy Japan state they will sign protocol. Canadof

The Arms Conference has almost completed its work, and will finish on Wednesday at the latest. I am enclosing a copy of the results of the deliberations of the Conference for the supervision of the international trade in Arms, Ammunition and Implements of War, including a Convention for the supervision of the international trade in Arms, Ammunitions and Implements of War, a declaration of the Spanish Government regarding the Territory of Ifni in North America [Africa], a protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, a protocol of signature and a final act.<sup>1</sup>

I have asked permission to sign only the protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, because this protocol is attracting considerable attention, and I am confident that there is nothing in it to which Canada could not subscribe. Lord Onslow, the head of the British delegation, and Mr. Theodore Burton, delegate of the United States, have spoken to me personally, stating that they were going to sign for their countries and saying that they would appreciate it very much if it were possible for Canada to sign.

The Convention is much more involved, and I think the Department of National Defense should have an opportunity of studying it before it is signed.

You will note that on Page 4, in the list of countries, the British Commonwealth is listed as British Empire (with Canada, India and the Irish Free State). Mr. Teixidor of the Legal Section said that this form had been given to him by Sir Cecil Hurst. The Irish Delegation objected to it on the ground that it gave Ireland an inferior status, whereas by the Irish treaty she was given a status of equality. Mr. MacWhite stated that it was not acceptable to him and that unless it was changed he would raise the matter in a plenary session of the conference. I thought this would be most undesirable, and suggested that the list of the members of the British Commonwealth should read: British Empire, Canada, Irish Free State, India, leaving the British Commonwealth as a group, but deleting the brackets and the word "with", and placing the two self-governing Dominions ahead of the less self-governing empire of India. This suggestion has been accepted and will be incorporated in the final document.

I do not know whether I have exceeded my powers in doing this, although I made it clear that I had no instructions on the matter. It seemed to me, however, that Mr. Mackenzie King would prefer the form that I suggested rather than the original form. If I have gone too far it must be remembered that I made my suggestion as a compromise between the form as laid down by Sir Cecil Hurst and the intention of the Irish delegate to raise the question in a plenary session. The result has been that the matter was amicably settled within the British Commonwealth without any airing of the matter before the other delegations.

Yours sincerely,

W. A. RIDDELL

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<sup>1</sup>Non reproduits.

<sup>1</sup>Not printed.

P.S. In a night session last evening of the Arms Conference, we gave the third reading to the first eleven articles of the convention in C.C.I.A. 91(1); and incorporated the amendments and the revised text in C.C.I.A. 91(2) and C.C.I.A. 106.

W. A. R.

490.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

Geneva, June 17, 1925

My dear Dr. Skelton,

I am enclosing the final documents<sup>1</sup> of the Conference for the Control of the International Trade in Arms, Ammunition, and Implements of War, as follows:

- (1) a convention for the Supervision of the International Trade in Arms, Ammunition and in Implements of War;
- (2) a protocol for the Prohibition of the use in war of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare;
- (3) a declaration concerning the territory of Ifni;
- (4) a Final Act.

I enclose also a summary of the work of the conference, prepared by the Rapporteur, M. Cobian, which gives a useful synopsis of the work of the conference.<sup>1</sup>

As authorized in your cablegram of June 16th, I signed the protocol for the prohibition of the use in war of Asphyxiating, Poisonous or other gases, and of Bacteriological Methods of Warfare.

Eighteen states signed the convention; twenty-seven the protocol; seventeen the protocol of signature; and twenty-eight the final act. Great Britain signed all these; and the United States all except the declaration with regard to the territory of Ifni.

The Conference as a whole has been very satisfactory, and the relations between the different members have been most cordial. The only break occurred when Persia withdrew from the conference because of the inclusion of the Persian Gulf in the prohibited maritime zone. India and Great Britain appealed strongly to the conference for the inclusion of these waters in the prohibited maritime zone, and in the deciding vote I supported Great Britain and India.

Early in the Conference I requested that all documents be sent to you, and on enquiry the other day I was assured that this had been done. I infer, therefore, that duplicates of the documents I am enclosing have been sent to you direct from the League.

<sup>1</sup>Non reproduits.

<sup>1</sup>Not printed.

During the Conference, I have endeavoured to work in the closest collaboration with the members of the British Commonwealth, and have been guided by the opinions of the technical advisers of the delegates from Great Britain and India. I have tried to protect the interests of Canada within the British Commonwealth, and have consistently supported Great Britain and India in their endeavours to protect their territories from the arms traffic.

Yours sincerely,

W. A. RIDDELL

491.

*Décret du Conseil*

*Order in Council*

P.C. 1482

September 1, 1925

The Committee of the Privy Council have had before them a Report, dated 25th August, 1925, from the Secretary of State for External Affairs, submitting copies of the following instruments drawn up at the International Conference held last June at Geneva to consider the supervision of the international trade in arms and ammunition and in implements of war, which were not signed by the Canadian representative at the Conference:

A Convention for the Supervision of the International Trade in Arms, Ammunition and in Implements of War;

A Declaration concerning the territory of Ifni;

A Protocol of Signature;

A Final Act;

The Minister observes that these documents have been under consideration in the Department of National Defence, and that it is now reported that there is no objection to their being signed on behalf of Canada.

The Committee, therefore on the recommendation of the Secretary of State for External Affairs, advise that the Honourable Raoul Dandurand, LL.D., K.C., a Member of the King's Privy Council for Canada, Leader of the Government in the Senate, Commander of the Legion of Honour, who is at present on his way to Geneva to attend the Sixth General Assembly of the League of Nations, be authorized to sign these instruments on behalf of Canada.

492.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

Geneva, October 1, 1925

My dear Dr. Skelton,

Following the instructions contained in your cablegram of 2nd September, Senator Dandurand signed the following documents:

Protocol of Amendment to Article 16;



Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War;

Declaration regarding the Territory of Ifni;

Protocol of Signature;

Final Act;

Convention of the Second Opium Conference.

Senator Dandurand omitted, however, to sign the Protocol and Final Act of the Second Opium Conference, and unfortunately I did not know this until after he had left Geneva. I imagine it was due to an oversight on the part of the clerk who submitted the documents to him. If this is so, it would seem advisable that some one should be authorized to complete our signature of these documents.

Yours sincerely,

W. A. RIDDELL

493.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, November 17, 1925

CONFIDENTIAL. PRIORITY. Following from Prime Minister for your Prime Minister. Begins. We have been considering the questions raised by the resolution adopted by the Sixth Assembly of the League of Nations on the subject of Arbitration, Security and Disarmament, last paragraph (?) of which requests the Council of the League to make preparatory study with a view to a Conference for the reduction and limitation of armaments, in order that as soon as a satisfactory state of conditions has been assured, from the point of view of general security, Conference may be convened and general reduction and limitation may be realized.

At its September Session, Council of the League decided to refer this resolution and relevant documents to a Committee of the Council, composed of one representative of each State members of the Council, which is to make the necessary studies for determining the questions which needed to be submitted to preparatory study, with a view to the possible future Conference and to submit report to the Council for examination at its December Session. We understand that the Council of the League intends that, after the meeting in December, preparatory study referred to above should be entrusted to the body hitherto known as the Co-ordination Committee, reconstituted for the purpose.

It seems probable that the situation which will result from the signature of the Treaty of Locarno will be held to justify further advances, and we consider it most important that the preliminary work now to be undertaken as contemplated in the resolution of the Assembly, should be on safe lines and such as will ensure real progress. For this purpose our representative on the

Committee of the Council should be in a position to give clear idea of what we think practicable and incidentally, perhaps even inferentially, what we think impracticable.

Accordingly we have decided to appoint an Interdepartmental Committee here, presided over by Lord Cecil, who we propose should be our representative on the Committee of the Council of the League, to advise on the attitude to be adopted by him at the meeting of the Council's Committee on December 3rd.

Interdepartmental Committee will include representative of the Service Department, and in view of the important questions which will come before it, we think the Dominion Governments may wish the opportunity to be associated with its work. I should be glad to know whether you would desire arrangements made to this end, and if so, whom you would nominate as your representative. It might be found convenient for the Dominion representatives also to be present at Geneva for the meeting of the Council Committee. SECRET. The Assembly's resolution, of course, contemplates the ultimate summoning of a general Disarmament Conference under the auspices of the League of Nations. Our present view is that such a Conference would be most appropriate as regards military and air disarmament, but that, having regard to the Washington precedent and probable refusal of the United States to take official part in the League Conference, any further Conference to consider Naval disarmament would have the best prospects of success if summoned by the United States Government and held at Washington. Similar message sent to other Prime Ministers. Ends.

494.

*Le Gouverneur général au secrétaire aux Dominions*  
*Governor General to Dominions Secretary*

TELEGRAM

Ottawa, November 23, 1925

CONFIDENTIAL. Following from Prime Minister for your Prime Minister. Begins. Your telegram November 17th received stating that Council of League of Nations in September referred Assembly resolution on arbitration security and disarmament to a special committee. Canadian Government shares the hope that real progress in disarmament will be found possible. The appointment by the British Government of an interdepartmental committee to advise its representative on the Council Committee should prove helpful. If later developments show there is a probability of practical proposals being submitted to the members of the League, Canadian Government would probably appoint a similar interdepartmental committee and would appreciate copies of any reports or recommendations then available. At present time it is not apparent that any very effective consideration of the questions involved could be given by the participation of any Canadian representative who would be available in the proceedings of interdepartmental committee appointed to assist Lord Cecil particularly in view of the fact that the Council Committee

is to meet in less than a fortnight. Please advise meanwhile whether inter-departmental committee recommendations could be cabled here for consideration. Ends.

TRAITÉ DE GARANTIE MUTUELLE

b.

TREATY OF MUTUAL GUARANTEE

495.

*Le Secrétaire général, Société des Nations, au secrétaire d'État  
aux Affaires extérieures<sup>1</sup>*

*Secretary General, League of Nations, to  
Secretary of State for External Affairs<sup>1</sup>*

C.L. 20

Geneva, March 9, 1923

Sir,

In conformity with a recommendation of the Third Assembly, the (then) President of the Council, in a letter dated October 23rd, 1922 (C.L. 119), requested the various Governments to be good enough to communicate their views concerning the proposals contained in Assembly Resolution XIV regarding a Treaty of Mutual Guarantee.

At its meeting on January 31st last, the Council expressed the opinion that it would be advisable to suggest a date by which the replies requested from the various Governments should be sent, in order to avoid any delay which might render it impossible to make use of them before the next Assembly.

Accordingly, I have the honour to request you, on behalf of the Council, to be good enough to communicate the views of your Government to the Secretary-General, on or before June 1st, 1923, if possible.

In drawing your attention to the Council's recommendation, I would venture to point out how helpful it would be, both for the League and for the Commissions entrusted with enquiries of this kind, to receive opinions which — going beyond a mere general statement of approval — would explain the political and technical standpoint of each Government towards Assembly Resolution XIV as a whole.

I have etc. ERIC DRUMMOND

496.

*Le sous-secrétaire d'État aux Affaires extérieures  
au Secrétaire général, Société des Nations*

*Under-Secretary of State for External Affairs  
to Secretary General, League of Nations*

Ottawa, April 26, 1923

Sir,

I have the honour to acknowledge the receipt of your letter of the 9th March, 1923, C.L. 20.1923.IX, (C.T.A.231), and to inform you that the

<sup>1</sup>Cette circulaire fut transmise par le truchement du Haut commissaire en Grande-Bretagne.

<sup>1</sup>This circular letter was channelled through the High Commissioner in Britain.

views expressed in the Assembly Resolution XIV, commend themselves to the Canadian Government, which has every sympathy with the object sought to be attained.

I have etc.

JOSEPH POPE

497.

*Le ministre de la Marine et des Pêcheries au Premier ministre*  
*Minister of Marine and Fisheries to Prime Minister*

Ottawa, June 12, 1923

Dear Mr. King,

With regard to the letter of Sir Herbert B. Ames, asking that the letter of the Under Secretary of State for External Affairs to the Secretary-General of the League of Nations, dated April 26th, 1923, should be withdrawn and replaced by one giving more fully the views of the Canadian Government on Resolution XIV of the assembly regarding the Treaty of the Mutual Guarantee, I am of the opinion that the Government should act as Sir Herbert Ames suggests.

I would advise that you should express the strong support of the Government of the policy of disarmament and our willingness to consider any proposal which should lead to such an achievement.

You might mention, however, that, as to a Treaty of Mutual Guarantee binding the nations to render assistance to a country which is attacked, our peculiar national conditions and geographical situation make it difficult for us to acquiesce without much consideration and without reservation. Such obligation is intended to be limited in principle to those countries situated in the same part of the Globe. Canada is a country situated in Northern America. She is also a nation forming part of the British Empire. It seems difficult to devise any scheme which would reconcile these two basic points. Furthermore, I do not think that our people would be prepared to ratify any agreement binding Canada to help other nations, under our present circumstances.

I would suggest that your letter should embody all these view points.

Yours sincerely,

ERNEST LAPOINTE

498.

*Le sous-secrétaire d'État aux Affaires extérieures*  
*au Secrétaire général, Société des Nations*  
*Under-Secretary of State for External Affairs*  
*to Secretary General, League of Nations*

Ottawa, June 19, 1923

Sir,

With reference to your letter of the 9th March, 1923, C.L. 20, 1923, IX, (C.T.A. 231) on the subject of the proposals contained in Assembly Resolu-

tion XIV regarding a Treaty of Mutual Guarantee, I have the honour to state that the Canadian Government strongly favours a general policy of reduction of armament as suggested in that Resolution, and is willing to consider any proposal tending to the achievement of such an aim; but with regard to the adoption of a Treaty of Mutual Guarantee binding the parties to it to render assistance to a country which is attacked, the peculiar national conditions and geographical situation of the Dominion make it difficult for Canada to agree to such a Treaty without much consideration and reservation. It is intended that the obligation to render assistance shall be limited in principle to those countries situated in the same part of the globe. While Canada is situated in the North American continent she is a nation forming part of the British Empire and it seems difficult to devise a scheme which would give due effect to these conflicting considerations. In any case it seems very unlikely that the Canadian people in the present circumstances would be prepared to consent to any agreement binding Canada to give assistance as proposed to other nations and the Government, therefore, does not see its way to a participation in the Treaty of Mutual Guarantee.

I would ask that this letter should be substituted for my letter of the 26th April last.

I have etc.

JOSEPH POPE

499.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 23, 1924

SECRET. My telegram dated May 23rd 1923. His Majesty's Government have had under consideration the League of Nations' letter of October 25th 1923, submitting to the Governments of members of the League of Nations Draft Treaty of mutual assistance, and documents relating thereto, and propose to reply in the following sense to the Secretary General. Begins. H.M. Government have examined with the utmost care the documents enclosed in the League of Nations' letter. There is no question to which they attach greater importance than the reduction or limitation of armaments, which is closely bound up with the maintenance of peace, principal object of the League.

But the very importance of these questions makes it vital that before the League make any recommendations to the members, it should satisfy itself that the scheme recommended is in all respects reliable and effective.

Principles of the present scheme have obtained unqualified acceptance of only a few of the 26 Nations, whose replies published by the League. Criticisms are to be found in the documents circulated to members of the League of Nations, and fall under two main heads, which can be expressed interrogatively (i) are guarantees on the Draft Treaty sufficient to justify a State in reducing armaments, (ii) are the obligations involved such as can be conscientiously undertaken?

As regards the first question —

(a) Effectiveness of the scheme depends on the ability of the Council of the League to determine, by the unanimous vote of all members not concerned in the dispute, which nation is the aggressor.

This has to be settled within 4 days of the notification of hostilities. Difficulties which might confront the Council in reaching agreement within the stipulated time and the likelihood of unanimity might never be reached at all on real controversial issues, fully discussed in the documents circulated, which also shows the impossibility of defining satisfactorily what constitutes an act of aggression.

(b) Long delays liable to occur before the Forces at the disposal of the League can be brought into effective operation against the aggressor, since (i) only after determination of which State is the aggressor — which is occupying the whole four days permitted, can the Council begin to take steps of pressure, economic or military, on the aggressor, (ii) economic pressure admittedly slow in operation, (iii) technical advisers of the League agreed that no military assistance, immediate or effective, unless given in accordance with prearranged plans and obvious in case of general Treaty assistance plan can rarely be prearranged, and therefore they would have to be drawn up after determination which State was the aggressor by the officers designated by the Council to command the International Forces. Experiences of the late war do not justify the assumption that where Forces of several Nations involved in immediate acceptance and rapid execution of plan of operation can be counted on, (iv) Council would have great difficulty reaching an unbecoming [sic] decision on appointment of higher command.

(c) As measures necessary to carry the general guarantee into effect are made dependent on the explicit consent of each individual State called upon to render assistance, guarantee afforded by the Draft Treaty is too precarious to justify any responsible Government in consenting to any reduction of armaments, and indeed scrupulous observance of the obligations imposed by the Treaty would be, in the considered opinion of His Majesty's Government, involving an increase rather than a decrease in British armaments, and they cannot avoid the belief that the position would be the same in other countries.

(d) Recognition of defects inherent to any general Treaty has led to the proposal to superimpose the system of partial Treaties between groups of countries. It has been urged that the conclusions of such Treaties by one group of States likely to bring about the formation of competing groups, and that the result would be the re-appearance of the former system of alliance, which in the past has proved such a serious menace to the peace of the world. Proposal to meet this objection by bringing the partial Treaties under the control of the League does not overcome the difficulty, particularly so long as important nations remain outside the League.

(e) Scheme for partial Treaties would afford opening for conflict between the Council and individual Governments, since under Article 4 of the Draft Treaty it is the duty of the Council to decide which of the two belligerents is

the aggressor, while under Article VIII parties to partial Treaties will be at liberty to decide the point for themselves before it is decided by the Council.

As regards the second question —

(a) Several countries, whose opinions have been forwarded, have been unable to accept the obligations imposed by the Treaty, see especially Canadian Government letter to the Secretary General, June 19th, 1923. Page 27, League of Nations Papers A.35 1923 IX.

(b) Under Article 16 of the Covenant, Council can only recommend action. By Article V of the Draft Treaty, Council authorised to decide to adopt measures. Council thus would be the Executive body with very large powers. In any case the Council is most inappropriate body to control the military forces in operations against the particular State or States.

(c) Draft Treaty virtually amounts to an extension of Article X of the Covenant, in its most stringent and now discarded interpretation. In so far as membership of the League involved participation (?) in the Treaty, it would form insuperable barriers to the entry of the United States of America to the League.

For above reasons, H.M. Government consider the Draft Treaty offers no serious prospect of advantages compensating its immense complication of international relations, uncertainty of the effect of its clauses, and consequent difficulty of conducting national policy. They therefore support the views of the Third Committee, Fourth Assembly, that it is impossible to recommend the adoption of the text included in the report. Study of the question has however not been fruitless and is proof of the desire of the members of the League of Nations to find a solution of the question of the reduction and limitation of armaments. Report under consideration contains encouraging and suggestive passages as to other lines of enquiries which might have useful results, e.g., possibility of defining zones of demilitarization, and advance made to South and Central America in the direction of limitations of armaments. Mention must also be made of the recommendations of the Washington Conference. H.M. Government feel it is on the above lines that the question of the reduction of armaments should be pursued, that the real force of the League is moral rather than material, and that the policy of the League should aim at the elimination of the cause of friction, settlement on equitable lines of long standing differences, prompt consideration and public ventilation of disputes before they have reached the acute stage, and seize the opportunities which its success in these respects gives to diminish armaments. Ends.

Before replying to the League in the above sense, His Majesty's Government would be glad to learn whether your Ministers concur. As it is desirable that the views of H.M. Government should be communicated to the Secretary General in time to be presented at the Assembly next September, should be glad to receive a reply to this telegram as soon as possible.

500.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 12, 1924

Your telegram May 23rd. My Ministers concur generally in the conclusions as to the draft Treaty of Mutual Guarantee expressed in the proposed communication to the Secretary General of the League of Nations, communicated in your telegram. My Government has prepared on the same subject the following proposed reply<sup>1</sup> to the Secretary General of the League of Nations which will not be despatched however until His Majesty's Government has signified concurrence therein. Begins. The Canadian Government has very earnestly considered the proposed Treaty of Mutual Assistance submitted to it by you in your communications of October 23rd, 1923, and April 11th, 1924, and has also examined the documents accompanying the draft. Realizing the vital importance of the subject and the devoted labour the formulation of the Draft Treaty has entailed, and notwithstanding its profound sympathy with the objects sought to be attained, the Canadian Government finds itself unable to conclude that these objects would be promoted by the arrangement suggested. It concurs generally with the conclusions on the subject expressed by the Government of Great Britain, and submits only the following brief observations.

Position of Canada in the British Empire is such that, in spite of the fact that the application of the Treaty to the Continent of North America is by its terms conditioned upon its ratification by the United States of America, the question of Canada's adherence to it has a more practical aspect than it would otherwise have apart from indications that the Government of the United States of America was likely to find the plan acceptable in principle. Canada has already indicated disapproval of the interpretation of the terms of Article 10 of the Covenant as implying an obligation upon her to intervene actively under that Article. The proposed Treaty creates an obligation wider in its extent and more precise in its implications than any which Article 10 could be interpreted as imposing, and it proposes, moreover, to transfer the right to decide upon the scope of the action Canada should take from the Canadian Parliament to the Council of the League of Nations. It is true that for the purpose of deciding upon the assistance to be given by Canada the Council would include a Canadian representative, and that the draft limits the liability of a signatory in another continent to measures not involving naval, military or air operations. But the presence of a Canadian representative on the Council would hardly compensate for the (at least nominal) transfer of authority, and again Canada's position in the British Empire affects the protection afforded her by the continental limitation, of which, in any event, the utility is uncertain, since it appears doubtful if hostile action can wisely or indeed safely be undertaken by any state upon the principle of limited liability.

<sup>1</sup>Cette réponse fut transmise au Secrétaire général le 9 juillet 1924.

<sup>1</sup>This reply was communicated to the Secretary General on July 9, 1924.



For these reasons and those expressed in the communication of the Government of Great Britain above referred to, the Canadian Government is of the opinion that the nature of the proposed Treaty is such that, so far as it purports to impose a future obligation to take specific action in circumstances incapable of present definition, it would be hopeless to expect the people of Canada to accept it, and it is also of opinion that, even if these provisions of the draft were generally approved and brought into operation, their effect would neither be to minimize the danger of war nor to bring about any useful limitation of armaments.

On the other hand, the Canadian Government considers that every extension by general agreement of the facilities for formal, regular, early and informed public discussion of possible causes of war is to be welcomed. It omits to deal more at large with such of the provisions of the draft Treaty as appear to be designed to bring about such an extension only because it conceives that these would not appear in their present form if the draft were confined to provisions of that character. Ends.

501.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 5, 1924

SECRET. His Majesty's Government concur in proposed reply of the Canadian Government to the Secretary General, League of Nations, on the subject of the draft Treaty of Mutual Guarantee, contained in your telegram of June 12th.

. . .

PROTOCOLE DE GENÈVE

c.

GENEVA PROTOCOL

502.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, September 27, 1924

CONFIDENTIAL. Following from Prime Minister for your Prime Minister. Begins. As you will know I raised, at the Assembly of the League of Nations, the question of the acceptance of the compulsory jurisdiction of the Permanent Court of International Justice referred to in Secretary of State's Confidential Despatch of September 6th, Dominions No. 446, in connection with the general disarmament question. These matters have been since under examination by a Committee of the Assembly and as a result protocol dealing with disarmament, securities and arbitration is being drawn up, and contemplated it will form subject of resolution by the Assembly, for which British delegation

will vote if the document seems to them generally satisfactory. I should like to make it clear in advance that such a vote will in no way prejudice freedom of action of His Majesty's Government to sign or withhold signature of the protocol, which will not be signed until after full consideration by His Majesty's Government in consultation with Dominion Governments and discussion in Parliament. This also applies to ratification. Ends.

503.

*Le Secrétaire général par intérim, Société des Nations, au  
secrétaire d'État aux Affaires extérieures*

*Acting Secretary General, League of Nations, to  
Secretary of State for External Affairs*

C.L. 161

Geneva, October 27, 1924

Sir,

On the reports submitted by its First and Third Committees, the Fifth Assembly of the League of Nations adopted, on October 2, 1924, a resolution, a copy of which is enclosed,<sup>1</sup> regarding arbitration, security and reduction of armaments.

In accordance with the provisions of paragraphs 1 and 2 of this resolution, I have the honour to forward a certified true copy of the Protocol for the Pacific Settlement of International Disputes,<sup>1</sup> opened for signature at Geneva on October 2, 1924.

I beg to draw your attention to paragraph 3 of article 17 and to article 21 of this Protocol and also to paragraph 2 of the resolution above referred to, which lays down that the Protocol shall be immediately opened for signature by the representatives of the Members of the League and will also remain open "for signature by all other States."

I have etc.

INAZO NITOBE

504.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, December 19, 1924

CONFIDENTIAL. Following from Prime Minister for your Prime Minister. Begins. We have now been able to give preliminary examination to the terms of the Geneva Protocol for the Pacific Settlement of International Disputes, and are greatly impressed with the momentous character of the question both in its scope and in its consequences. Not only does the instrument itself raise issues of the highest importance involving as they do such matters as submission to compulsory arbitration even of [questions of] vital interests and the imposition of sanctions of most drastic character but its consideration neces-

<sup>1</sup>Non reproduite.<sup>1</sup>Not printed.

sarily brings to the forefront far reaching problems affecting the security of the Empire and its future relation to the countries of Europe and the United States of America.

We conceive it to be essential in regard to a problem of this magnitude the Empire should have a single policy and we are equally convinced that such a policy can only be determined as a result of personal consultation between Ministers. The first question to be considered, therefore, is how soon can such consultation take place.

At the recent Session of the Council of the League of Nations, which, as you know, was attended by the Secretary of State for Foreign Affairs, it became evident it would be expected that, at any rate, some preliminary pronouncement should be made on behalf of the British Empire at the next meeting of the Council in the middle of March. We should like, therefore, if it is at all possible, to arrange a special meeting of the Imperial Conference to discuss the whole problem before that time. Character of the issue is, in our opinion, such as to render the presence of Prime Ministers highly desirable, and we greatly hope therefore that you may be able to attend in person. Would this be possible if the Conference began first week in March? If not, could you depute one of your colleagues in the Government to take your place and what would be the earliest date at which he could reach London? Similar message sent to other Dominion Prime Ministers. Baldwin. Ends.

505.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 28, 1924

CONFIDENTIAL. Following from Prime Minister for your Prime Minister. Begins. Your telegram December 19th — Geneva Protocol. Canadian Government has given the question some preliminary consideration; it is now being examined by a departmental committee and will in the immediate future be gone into in detail by the Cabinet.

We agree it is highly desirable that similar attitudes should be adopted towards the Protocol by the countries of the British Empire which are members of the League of Nations. The suggestion, however, to hold an Imperial Conference in London to be attended by the Prime Ministers of the Dominions as well as of Great Britain in March to discuss the question does not appear practicable. Our Parliament has been called for the first week in February. It would be quite impossible for me to be absent from Canada for any length of time during the Session and the pressure of legislative duties would also make it difficult for any of the Ministers particularly concerned to be similarly absent.

We would suggest an interchange of opinion by cable and post, with the understanding that if these means are found inadequate, and if the other

Dominions consider it practicable to attend a Conference in London, the Canadian Government will be prepared to consider the proposal again. Mackenzie King. Ends.

506.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Counsellor to Under-Secretary of State for External Affairs*

[Ottawa,] January 8, 1925

My dear Sir Joseph,

I enclose a copy of an analysis which I have just completed of the Protocol of Geneva. I am afraid it is as long as the Protocol itself, but the table of contents will indicate the more essential parts of the memorandum.

Yours sincerely,

O. D. SKELTON

[PIÈCE JOINTE / ENCLOSURE]

*Extrait de notes sur le Protocole de Genève par le Conseiller*  
*Extract from Notes on Geneva Protocol by Counsellor*

. . .

## VIII ARGUMENTS FOR AND AGAINST THE PROTOCOL

Some of the main contentions advanced for and against acceptance of the Protocol may be summarized briefly:

## 1. FOR ACCEPTANCE

## 1. A Great Plan Needed

The Protocol represents a courageous and well-co-ordinated attempt to outlaw war. "Our purpose," declares M. Benes, "was to make war impossible, to kill it, to annihilate it." The increasing ingenuity and perversion of science in the service of warfare, the certainty that in another great war no bounds or conventions will be observed, the passing of the distinction between combatant and civilian, make it necessary to seek some root-and-branch solution if civilization is not to be overwhelmed and the world sink into bankruptcy, revolution and chaos. The emergency requires vision and courage to try new paths.

## 2. Arbitration, Security, Disarmament inseparable

For the first time, the Protocol succeeds in linking together the three indispensable factors of arbitration, security, disarmament. Without arbitration, disputes cannot be solved, and assurance as to where right lies cannot be given. Without such sanctions as will guarantee security, no state is justified

in agreeing, in every case, to submit its case to arbitration and to accept the finding or at least not to go to war over the issue. Without assurance of security, reduction of the armaments which again are threatening the peace and solvency of the world is out of the question. All three factors are indispensably united.

### 3. Arbitration in Harmony with our Traditions

The acceptance of compulsory jurisdiction of the Permanent Court in justiciable disputes is in harmony with the ideals and practice of the English-speaking countries and brings the large states into line with the twenty small ones which have already accepted this obligation. At the same time it is possible for any state, by reservations, to safeguard any special interest, e.g., British reservation of wartime naval policy.

### 4. Advantage of Extended Means of Conciliation

The objections taken to the arbitration procedure of the Protocol as dilatory miss the point. It is well to be dilatory, or at least to provide one means of conciliation after another, when national passions are inflamed. By the time the verdict is given, the excited partisans who insisted national honor demanded such and such a solution have forgotten the dispute ever existed.

### 5. The Protocol merely applies the Covenant

All the essential principles of the Protocol are already in the Covenant. The Protocol merely extends them and provides practical methods of applying them. Many of the criticisms directed against the Protocol really lie against the Covenant, and make it clear that the critics have never read the Covenant, to which we are all solemnly pledged.

### 6. General Acceptance: Our Responsibility

There are good prospects of general acceptance of the Protocol. Seventeen states have already signed, including Spain and three from South America. If the world cannot get together on this basis, on what basis can it agree? Europe regards some such arrangement as the indispensable preliminary to disarming and the quieting of war-nerves. A heavy responsibility rests upon any nation which blocks this prospect by rejecting the Protocol and compels Europe to relapse into despair and renewed competition in armament.

### 7. Rejection a Blow to France

Consider the position of France, and the effect of rejection on Anglo-French relations. France, facing an unrepentant and more populous Germany, has little of that security which the overthrow of the German navy gave to Britain. She sought security in a general staff for the League; that was rejected. She sought security in the Tripartite Pact; that was rejected. She sought security in the Treaty of Mutual Assistance; that was rejected. She seeks security in the Protocol; what will be her attitude, if, again mainly because of the reluctance of Great Britain or of the British Dominions, this last solution is also rejected?

### 8. Canada not bound to military commitments

So far as Canada is concerned, the risks assumed are slight. The Protocol explicitly takes account of every country's "geographical position and its particular situation as regards armaments." It provides for statements in advance as to what military forces each state may desire to bring into action. It is, then, possible to contract out of any obligation to intervene on an extensive scale, say, in European wars. The Protocol embodies the position taken by Canada and the Scandinavian countries on Articles 10 and 16 of the Covenant. This being so, we should the more hesitate to upset the agreement.

### 9. Advance over Treaty of Mutual Guarantee

The Protocol is a distinct improvement over the Draft Treaty of Mutual Assistance. The Council's power to direct military operations is taken away; the determination of the aggressor is largely automatic, rather than being left to the Council to reach in four days; arbitration makes it certain the cause which signatory states will be called on to support will be just; and the partial treaties, while remaining, are to be open to all states.

### 10. Japanese Amendments not really objectionable

The Japanese amendments are not a real objection. Their scope was much exaggerated in the first press reports. The Council can merely give advice, and that not on the merits of the dispute but as to means of avoiding war. A state deciding to make war to force its immigrants, for example, upon another country, even though not automatically deemed an aggressor, would be so held if it violated the armistice which the Council would be bound to establish in case it could not determine the aggressor.

In any case, we must recognize that the problem of finding a solution for disputes which one party considers its domestic concern and the other considers affect its "national honor and vital interests" remains, and cannot be settled by shutting our eyes to it. Secretary Hughes, who took exception to this provision of the Protocol on the first reports, himself stated this problem in his address to the Canadian Bar Association in Montreal in 1923:

Perhaps the most troublesome sources of irritation are to be found in the subjects which States properly decline to regard as international in the legal sense. Every State, jealous of its sovereign rights, refuses to permit the intrusion of other nations into its domestic concerns. In every plan for the arbitration of international controversies, domestic questions are perforce excluded. But in these days of intimate relations, of economic stress, and of intense desire to protect national interests and advance national opportunity, the treatment of questions which, from a legal standpoint, are domestic, often seriously affects international relations. The principle, each nation for itself to the full extent of its powers, is the principle of war, not of peace.

Mr. Hughes therefore proposed, in the case of the United States and Canada, a joint committee of eminent citizens of the two countries, to which such domestic issues might be referred. The provision in the Protocol is simply another such honest and foreseeing attempt to reconcile national sovereignty and world peace.

### 11. Protocol dependent on success of Disarmament Conference

The Protocol does not go into effect unless and until a World Conference on reduction of armaments has been held and has succeeded in agreeing upon a plan of reduction. If any nation which accepts the Protocol does not consider its interests safeguarded under the plan, it need not agree, and the Protocol ceases to have binding force.

### 12. Protocol Amendable

The Protocol is not unamendable. If the principle is accepted, doubtless amendments in detail could be effected at the next session of the League. Too much emphasis should accordingly not be laid upon minor objections.

## 2. AGAINST ACCEPTANCE

### 1. Protocol does not go to the root of the matter

The provision of more machinery and more sanctions does not go to the root of the matter. If we wish to prevent war, we must try to remove or lessen the causes of wars and to create an international atmosphere in which a peaceful solution may be reached. The League of Nations is doing splendid and fundamental work in bringing representatives of all the nations together in common causes. Any attempt to overload it, to impose upon it, at this stage, the task of absolutely forbidding and annihilating war, will bring failure, friction, and loss of prestige.

### 2. Distinction between Justiciable and Non-Justiciable

#### Disputes Ignored

The Protocol ignores the essential distinction between justiciable disputes, as to questions of law or fact, and non-justiciable disputes, involving questions of policy, racial prejudices, national aspirations. It is by recognizing this distinction in the past that progress in peaceful settlement of disputes has been made. The framers of the Covenant recognized it; the framers of the Protocol have ignored it.

Compulsory arbitration is possible only when there is some commonly accepted standard, some clear rule which can be applied. It is not possible when not only the parties to the dispute but the nations of the world in general disagree on the fundamental principles or clashing aspirations that are involved. It is possible to arbitrate as to the meaning of a clause in the Treaty of Versailles; it is not possible to give a binding judicial decision on the question whether Germany should be given back her colonies or Alsace-Lorraine. It was a dim recognition of this distinction which underlay the unwillingness of the British representatives who supported the Protocol to agree to accept compulsory jurisdiction even in all questions of law and fact, on the ground that there is no complete common ground, no universally accepted body of principles of international law, covering such maritime questions as blockade and contraband, and which a court could be relied upon to apply.

### 3. Parallel with Labor Disputes

In such issues of policy and prejudice, what is needed is mediation, machinery for bringing the parties together, publicity, not a binding and authoritative fiat. The situation is parallel to that arising in Labor disputes; the Canadian Industrial Disputes Investigation Act, which confines itself to bringing the parties together and empowering a board to investigate and make a recommendation for settlement, has been more successful than the Australasian legislation which has sought to go further and to compel both parties to accept the finding. If employers and employed in one country will not accept compulsory awards, will rival nations?

### 4. Findings will not have binding force

The procedure of arbitration is dilatory and cumbersome. The findings would not in all cases secure assent. The award of arbitrators appointed as a fourth and last solution, after negotiation, inquiry by the Council, attempts at arbitration or renewed Council inquiry have failed, will not possess that quality of clear-cut, obvious justice and inevitableness which is essential if fifty nations are automatically and at once to set out to punish the aggressors in consequence.

### 5. The Covenant and the Protocol: terms and times

The principles of the Protocol are not all in the Covenant, particularly the Covenant as interpreted in the Assembly discussions of Articles 10 and 16. The Covenant does not attempt to forbid all wars; the Protocol does. The Covenant does not take away the power of each state to decide whether a breach has been committed: the Protocol does. The Covenant requires unanimity in the Council; the Protocol accepts in some vital cases a two-thirds majority — a difference which is fundamental. "The great omission in the Covenant has been made good . . . the loopholes are now closed." (M. Benes).

Even if the Protocol did not introduce any new elements, it must be remembered that the conditions in the world are different. When the Covenant was drawn up, it was with the expectation and upon the reliance that the United States would be a member of the League. Many of the provisions as to economic or financial boycott, for example, easily solved with the United States in, are unworkable with the United States out and standing on its traditional policy of asserting neutral rights. Many members of the League, certainly Canada, would have hesitated to sign or accept membership had it been certain that the United States would not enter, even with reservations. Instead of trying to stiffen the Covenant, we should continue, as Canada has tried to do in the past, to make it more flexible.

### 6. Prevents Entry of United States or Germany

The Protocol bangs, bars, and bolts the door on the entry of the United States or Germany into the League. Without universality, the League cannot wholly succeed. Without the United States, the economic and financial boycott cannot be applied.



### 7. Imposes too great strain

It is doubtful whether nations will live up to the requirements of the Covenant when what they consider vital interests are at stake (Italy and her honor in Corfu; Britain and her control of the Suez in Egypt). Why impose still more onerous paper requirements, which are sure to be disregarded when the strain comes?

### 8. Power of Council unduly increased

The Protocol increases the power of the Council unduly. It, and not each state, decides in last resort whether an aggression has taken place. It alone can bring the application of sanctions, and that by a unanimous vote, to a close. It may take steps which make the application of sanctions by all signatories inevitable, by a mere two-thirds majority.

### 9. Universalizes war, not ends it

The Protocol will not end war; it will merely universalize it. Hereafter no war can take place that we, if signatories, will not be in — more or less, and if beginning as less, ending as more.

### 10. Preventive procedure may cripple a naval power

The provisions for setting up and enforcing an armistice and other preventive procedure do not affect all countries the same way. They might be serious in the case of a maritime power like Britain, which depends upon the quick mobility of its fleet (that is, assuming Britain as one of the disputants).

### 11. Vagueness of provisions

Article VIII of the Protocol is more vague and dangerous than Article 10 of the Covenant to which Canadian governments of all parties have stood opposed. States are forbidden to make even a "threat of aggression": other states may be required in consequence of action taken on a two-thirds vote of the Council, to apply sanctions. This vague provision would open up interminable disputes as to what constitutes a threat of aggression — United States fleet manoeuvres in the far Pacific? a British base at Singapore? a reorganized General Staff?

### 12. Would not effect Disarmament

It is doubtful whether the Protocol would really bring about much further disarmament. France and Czecho-Slovakia would probably still consider special security pacts necessary. The partial alliances would continue, with their fruit in counter alliance and suspicion. It is quite possible that some countries would be required (and their co-signatories would remind them of it) to increase their armaments in order to fulfil their duties.

The World Conference might not effect any reduction worth while but diplomatic prestige would induce those present to accept a pittance rather than confess failure.

If the Geneva Conference is not held, it is altogether probable that President Coolidge will call a World Conference on reduction of armaments.

Such disarmament as has come about in the past two years (and there has been real progress, e.g., France's reduction of the term of service) has come as a result of a better atmosphere, particularly through better prospects of reparations settlements and decline of revolutionary class struggles.

### 13. A League of European Victors

The Protocol is distinctly a European affair. It would not protect Canada an iota. It is designed to safeguard the territorial gains of the winners in the world war: it is significant that the chief signatories thus far are countries which hold part of the former territories of Germany, Austria, Hungary, and Russia — France, Belgium, Czecho-Slovakia, Jugo-Slavia, Albania, Poland, Finland, Latvia, and Esthonia. It would stereotype the boundaries of the Peace of Versailles.

### 14. The Japanese Amendment

The Japanese Amendment involves an impossible interference with domestic policy. The Council, dominated by European and Asiatic powers, even if not able to enforce its finding, would endeavor to give the emigrating or raw-material-seeking state the advantage of its moral backing.

[O. D. SKELTON]

507.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 15, 1925

CONFIDENTIAL. Following from Prime Minister for your Prime Minister. Begins. I am sorry to say that the replies from the Dominion Prime Ministers<sup>1</sup> to my message of December 19th indicate that there are great difficulties in arranging for a special meeting of the Imperial Conference at the beginning of March to discuss the problems arising out of the Geneva Protocol.

...

508.

*Memorandum du Comité inter-ministériel au Premier ministre*  
*Memorandum from Inter-departmental Committee to Prime Minister*

Ottawa, March 2, 1925

Dear Sir,

In accordance with your instructions, the undersigned members<sup>2</sup> of the Informal Interdepartmental Committee on the Protocol of Geneva have con-

<sup>1</sup>On trouvera un sommaire de ces réponses dans *Cmd. Paper*, 2458.

<sup>1</sup>A summary of the replies is printed in *Cmd. Paper*, 2458.

<sup>2</sup>Thomas Mulvey, O. M. Biggar, W. Stuart Edwards, R. H. Coats, J. H. MacBrien, W. Hose, W. H. Walker, O. D. Skelton, L. C. Moyer, R. O. Campney.

sidered the question of Canada's adherence to the Protocol. Five meetings have been held, and memoranda prepared by various members of the Committee on general or special phases.

We desire to submit for consideration the following summary of our conclusions:

1. That Canada should continue to give whole-hearted support to the League of Nations, as the most hopeful agency for increasing understanding and peace among the peoples of the world, through its work of conciliation, co-operation, and publicity.

2. That it would not be in the interests of Canada, of the British Empire, or of the League itself, to adhere to the Protocol, and particularly to its rigid provisions for the application of economic and military sanctions in every future war. Among the grounds noted for this opinion, perhaps the most compelling is the fact that the United States will not be a party to its obligations. It is unlikely that the Covenant would have taken its present form or have been signed by Canada, had it not been expected that the United States would enter the League. It would be unwise now to reaffirm and strengthen the commitments made in that expectation. If at a later date the United States, Germany, and Russia enter or co-operate closely with the League, some such plan as the Protocol might be re-examined. It does not appear, further, that the degree of disarmament likely to follow the adoption of the Protocol now would be such as to counterbalance these considerations.

3. That as Canada is a firm believer in the submission of international disputes to joint enquiry or arbitration, and has shared in certain notable undertakings in this field, we should express our willingness to accept the compulsory jurisdiction of the Permanent Court of International Justice in justiciable disputes, with requisite reservations, and to co-operate in further consideration of methods of supplementing the present provisions of the Covenant for the settlement of non-justiciable disputes, proposing, among other matters, consideration of the experience of Canada and the United States in the International Joint Commission and the suggestions of Secretary Hughes to the Canadian Bar Association at Montreal, Sept. 4, 1923, for the extension of that method with due regard to ultimate national control of domestic issues; it being understood that none of such proposals imply additional undertakings to enforce decisions against other states.

4. That Canada should express its willingness to take part in any general Conference on Reduction of Armaments which does not involve final acceptance of the Protocol in advance.

5. That while Canada would hesitate to stand out from acceptance of the whole Protocol if all the other members of the British Community of Nations which are also Members of the League were strongly in its favor, since, in fact, it is apparent that the majority at least of these

countries are each coming independently to the conclusion that acceptance of the Protocol in its present form is not advisable, this consideration tells in the other direction.

It has been suggested by one member of the Committee that the signature and ratification of the Protocol at this stage does not involve more than a pledge to take part in a Disarmament Conference; that final acceptance would depend not only upon a satisfactory plan of disarmament but upon the acceptance of the Protocol by a satisfactory list of countries, and that the Protocol should be signed with a reservation making this interpretation clear. Other members of the Committee have not been able to accept this view, but recognize its force and desire to suggest its consideration (Section 3 in Memo. appended).

A somewhat fuller discussion of these general conclusions is contained in the memorandum appended.<sup>1</sup>

509.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 3, 1925

SECRET. Following from Prime Minister for your Prime Minister. Begins. Since my secret message of January 15th report of the Sub-Committee of the Committee of Imperial Defence on the Geneva Protocol has been submitted. Report has been under examination by the Committee of Imperial Defence and the Cabinet, and the latter, after most careful and exhaustive enquiries, have come up to the conclusion that they cannot accept the Geneva Protocol or recommend its acceptance to the other Governments of the Empire. In this conclusion they have been confirmed by the general agreement revealed in the communications so far received from the Dominion Governments and from the Government of India. We feel that in view of the forthcoming session of the Council of the League of Nations which begins on March 9th, a definite statement can no longer be withheld, and the Foreign Secretary has been authorized by the Cabinet to make a statement, text of which will I hope be ready for transmission to you, in separate telegram, as soon as its terms have been finally approved of at the meeting of the Cabinet which is to be held tomorrow.

I trust this course and the tenor of the statement will meet with your general approval. I am very sorry not to have been able to communicate with you earlier, particularly in view of the pending meeting of the Council but I am sure you will appreciate that the important question of policy involved rendered full consideration inevitable. Similar message sent to other Prime Ministers. Baldwin. Ends.

<sup>1</sup>Non reproduit.

<sup>1</sup>Not printed.

510.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 7, 1925

Following from Prime Minister for your Prime Minister. Begins. The statement on the Geneva Protocol<sup>1</sup> referred to in your telegram of 3rd March was received shortly after a despatch had been sent summarizing conclusions to which the Canadian Government had come on the same subject. We have read this statement with much interest and are pleased to note that our Governments have taken substantially the same view as to the additional obligations involved in the sanctions provisions of the Protocol. Ends.

511.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 7, 1925

Secretary of State for Foreign Affairs has telegraphed from Paris enquiring whether your Government intend to publish its views on the Geneva Protocol as communicated to us.

Messages received from Canada, Commonwealth, New Zealand, Union of South Africa and India, indicate that the respective Governments are not prepared to accept the Protocol, and it is presumed there is no objection to Mr. Chamberlain, in the course of the proceedings at the Council next week, making a general statement to that effect. If your Prime Minister should wish the detailed views of your Government, or any special part of them, communicated to the Council by the Secretary of State for Foreign Affairs, we should be grateful if he would telegraph, not later than Monday, the exact terms of what is desired. Similar message sent to other Dominions.

512.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 8, 1925

URGENT. Your telegram 7th March. My Ministers see no objection to Mr. Chamberlain making general statement to Council of League of Nations to effect Dominions mentioned and India are not prepared to accept Protocol.

Statement of Foreign Secretary at December meeting of Council to effect that he spoke there for all Governments of Empire has been commented upon as indicating change from original understanding upon which Dominions received distinct representation in Assembly, and if so interpreted is likely to prejudice position of Dominions in League.

<sup>1</sup>On trouvera l'exposé du secrétaire aux Affaires étrangères dans *Cmd. Paper*, 2368.

<sup>1</sup>Foreign Secretary's statement is given in *Cmd. Paper*, 2368.

My Ministers of course believe this is not intention of Foreign Secretary but to avoid any misunderstanding in present instance suggest that Foreign Secretary might state that he has been authorized by Dominions concerned to make this statement on their behalf.

Since fact of its decision not to recommend adherence will be made public during Council meeting, my Government considers it desirable to publish its views on Geneva Protocol as communicated.

In this connection, it is proposed to cable to Secretary-General of League a statement identical with that communicated to you on March 4th with substitution of phrase "prepared to consider acceptance" for "prepared to recommend acceptance" under third heading. Intention is to send this tomorrow, Monday night, unless your Government suggests any consideration against this course.

513.

*Le Premier ministre au Secrétaire général, Société des Nations*  
*Prime Minister to Secretary General, League of Nations*

TELEGRAM

Ottawa, March 9, 1925

In response to your communication of October 27, 1924, enclosing certified true copy of Protocol for the Pacific Settlement of International Disputes, and noting that it is open for signature by representatives of all members of the League, the Government of Canada desires to state that after careful examination of the subject it has come to conclusions which may be summarized as follows: (1) That Canada should continue to give whole-hearted support to the League of Nations and particularly to its work of conciliation, co-operation, and publicity. (2) That we do not consider it in the interests of Canada, of the British Empire, or of the League itself to recommend to Parliament adherence to the Protocol and particularly to its rigid provisions for application of economic and military sanctions in practically every future war. Among the grounds for this conclusion is the consideration of the effect of the non-participation of the United States upon attempts to enforce the sanctions and particularly so in the case of a contiguous country like Canada. (3) That as Canada believes firmly in the submission of international disputes to joint inquiry or arbitration, and has shared in certain notable undertakings in this field, we would be prepared to consider acceptance of the compulsory jurisdiction of the Permanent Court in justiciable disputes with certain reservations, and to consider methods of supplementing the provisions of the Covenant for settlement of non-justiciable issues, including method of joint investigation, reserving ultimate decision in domestic issues and without undertaking further obligations to enforce decisions in case of other states. (4) That Canada would be prepared to take part in any general conference on reduction of armaments which did not involve prior acceptance of Protocol.

W. L. MACKENZIE KING

PARTIE 3 / PART 3  
PACTE DE LOCARNO  
LOCARNO PACT

514.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 6, 1925

SECRET. PRIORITY. My telegram dated March 5th. Copy of the debate in the House of Commons last night will be sent by mail as soon as possible.

In connection with the German proposal for a Security Pact, Foreign Secretary said that exchange of views between the Allied Governments had so far been of the slightest and that it was necessary for a much more complete exchange of views, and a much closer examination of the purport and possibilities of the German proposal to take place before he could usefully or safely add anything more on the subject.

Secretary of State for Foreign Affairs intimated, however, that His Majesty's Government attach the highest importance to the German proposals and mean to give them their most serious consideration, in the hope that in this voluntary movement of the German Government there may be found a passage which will lead us away from the unhappy past to a better and more friendly future. If such consummation could be reached by and with our help, and if our help were required to bring it into being, he was sure help, as well as the goodwill, of this country would not be lacking. Secretary of State for Foreign Affairs quoted the recent speech of Lord Grey emphasizing the importance of British co-operation in the work of pacifying Europe, and saying it was for British public opinion to recognize that the one thing it could do to help the European situation was to make some firm offer to promote European security, in which the British Empire could join. Secretary of State for Foreign Affairs said that, while it was far too early for him to have formed in his own mind, much less to express, an idea of the shape which our co-operation should take, it was in the spirit of Lord Grey's words that His Majesty's Government would approach the whole subject.

Later on in his speech, Secretary of State for Foreign Affairs, said it was not in the spirit of indifference to Europe and its misfortunes that we had exercised when it rested with us alone in the United Kingdom, our mission and our influence in the world, nor was it in that spirit of selfishness and, at the same time, shortsightedness of isolation that we should exercise them now, when we speak in consultation with the free self-governing Dominions of a great Empire.

Secretary of State for Foreign Affairs added that his object when at Paris today and at Geneva next week would be not to open negotiations for any

particular agreement nor to propound any plan but to exchange views and gather information.

Please inform your Prime Minister.

515.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 23, 1925

CONFIDENTIAL. PRIORITY. My telegram of April 1st. Treaties of 1839 establishing the status of Belgium. Notes were sent to the Belgian and Netherlands Governments in the terms foreshadowed and draft treaty to abrogate the multi-lateral Treaties of 1839 has now been prepared. Terms of the new Treaty are being telegraphed separately. This form of instrument has been adopted in preference to simply the exchange of notes, as it was considered that act of abrogation could only be effected by an instrument equal in weight and character with those to be abrogated.

Precise manner in which ex-enemy Powers are to be associated in the new instrument is still under discussion but as soon as this is settled it is desired to proceed at once with the remaining formalities, as the Belgian and Netherlands Governments are pressing for the conclusion of the Treaty in time to enable it to be ratified by the Netherlands Parliament before adjournment at the end of May, and Secretary of State for Foreign Affairs wishes, if possible, to meet this request on the grounds of both diplomatic courtesy and of expediency of not losing the present opportunity of regularising the anomalous situation which has obtained since the Peace Conference, as a result of the inability hitherto of the Belgian and Netherlands Governments to settle the base of new arrangements.

As regards the procedure for signature of the new Treaty, agreement of the Powers that the 1839 settlement no longer conformed to the situation has already been placed on formal record at the Peace Conference (see Article 31 of the Treaty of Versailles). Hence it is considered desirable that act of abrogation should be performed with as little formality as is compatible with legal validity, and accordingly proposed that signature should be limited to those of the principal Allied and Associated Powers who were parties to the 1839 Treaties.

In view of the reference in Article 31 of the Treaty of Versailles to the Convention to be "entered into by the principal Allied and Associated Powers" and the fact that the British Empire is described as a principal Allied and Associated Power in the preamble to that Treaty, new instrument has, as a matter of form, been drawn in the name of the British Empire rather than Great Britain, which was party to the 1839 Treaties. As, however, the new instrument merely terminates the existing obligations entered into by Great Britain under the 1839 Treaties without imposing new obligations of any kind, either on Great Britain or on other parts of the Empire, and as the Treaty



between Belgium and the Netherlands, to which assent is given by the new instrument, contains nothing of concern to other than those two powers, apart from the provisions relating to the abrogation of the neutrality of Belgium and the abolition of the restriction of the use of the Port of Antwerp, and provisions relating to the navigation of the Scheldt, which are considered satisfactory, it would seem to be in accordance with the principles underlying the resolution of the Imperial Conference of 1923, regarding the negotiation, signature and ratification of Treaties, that the new Treaty should be signed, so far as the British Empire concerned, only by His Majesty's Representative at The Hague, and it is proposed to proceed accordingly.

In view of the extreme urgency of the matter, His Majesty's Government would be much obliged if, in the event of your Ministers having any observations on the procedure described above, they could be communicated before Wednesday, May 27th.

516.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 26, 1925

PRIORITY. Your telegram of May 23rd, regarding Belgian Treaty. My advisers appreciate full statement of the situation and under the circumstances desire to avoid raising any question as to procedure suggested. In view of scope and antecedents of the agreement they are of the opinion that United Kingdom or Great Britain might have been expected as indicating the party to the Treaty, but if it is felt necessary to utilize Article 31 of the Treaty of Versailles to secure German adherence they consider that might constitute sufficient ground for using the same term "the British Empire" as in preamble of Treaty of Versailles. It will doubtless be agreed that terms required in this case would not involve precedent under different circumstances. It is recognized that a certain amount of verbal ambiguity or inconsistency is difficult to avoid where treaties framed at different periods are involved.

517.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, July 30, 1925

My telegram of March 25th. Please inform your Prime Minister, with reference to the latter part of the Prime Minister's message contained therein, that in view of the subsequent developments regarding the Security Pact and message from the Secretary of State for Foreign Affairs to Mr. Briand, as summarised in my telegram of July 8th, it hardly appears necessary to carry any further the suggestion of preliminary meetings in London with representatives of the Dominions before the League of Nations assemblies. Secretary of State for Foreign Affairs expects to be at Geneva for five days before the

opening of the Assembly, so that on arrival of the Dominion Delegation there would be convenient opportunity for preliminary consultation. Similar telegram sent to other Dominions.

518.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, October 16, 1925

SECRET. My telegram of October 15th. Secretary of State for Foreign Affairs reports that on October 15th Conference finally approved the draft of the Pact. After the Pact had been disposed of, Czecho and Polish Ministers for Foreign Affairs joined the Conference to hear the discussion where it concerned their own negotiations with Germany over Eastern Arbitration Treaties. The French Jurist explained the principles underlying the French and Belgian Arbitration Treaties, and the Conference concurred in their terms. The Czecho and Polish Minister for Foreign Affairs both stated that generally speaking they were ready to adopt the same text but that the political aspect of certain portions still remained to be settled. They hoped however that settlement would be reached so that their Treaties might be presented to the Conference at its meeting on October 16th.

Mr. Chamberlain, in consequence, considered that everything is practically settled and that it is reasonably certain that, unless unforeseen hitch occurs, the Pact and its ancillary Treaties will all be initialled on October 16th when a date will be fixed for their signature in London.

English translation of the text as finally approved, see last paragraph of my telegram of October 15th, which has been prepared in advance of official translation, will be telegraphed separately.

Please inform your Prime Minister.

519.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, November 18, 1925

CONFIDENTIAL. PRIORITY. Following from Prime Minister for your Prime Minister. Begins. As you are aware Article IX of the Treaty of Mutual Guarantee, which was initialled at Locarno and which it is hoped will be signed December 1st, provides that the Treaty shall impose no obligations upon any of the British Dominions or upon India, unless the Government of such Dominions or of India signify its acceptance thereof.

So far as this country is concerned, Parliament is being given an immediate opportunity to discuss the Treaty and assuming that Parliament gives its approval and that other signatories also are prepared to ratify the Treaty, we propose to advise His Majesty to ratify.

As regards the Dominions, we have been proceeding on the assumption that no obligations under Article IX of the Treaty would in any event be undertaken by any Dominion Government unless the whole position had been laid before its Parliament and approval of Parliament obtained. It has also seemed to us that before arriving at any final judgment, Dominion Governments would desire fullest possible information as to the situation created by the Treaty in relation to the whole field of foreign policy and defence.

It would appear to follow that there should be a general examination of the whole situation, and we suggest that such examination could best be deferred till there has been an opportunity of personal discussion between Ministers here and representatives of the Dominions and India such as would be afforded by the next Imperial Conference, as to the date of which we hope to be able to make a proposal in the near future. Similar message sent to other Prime Ministers. Baldwin. Ends.

Substance of statement which the Secretary of State for Foreign Affairs is making in the House of Commons today will be telegraphed later.

520.

*Le Gouverneur général au secrétaire aux Dominions*  
*Governor General to Dominions Secretary*

TELEGRAM

Ottawa, November 23, 1925

CONFIDENTIAL. Following from Prime Minister for your Prime Minister. Begins. Your telegram November 18th with reference to consideration by the Dominions of the Locarno Treaty of Mutual Guarantee received. It is noted that further suggestions are to be made in the near future in connection with the Imperial Conference proposal. The Government will give the present proposal its careful consideration in the meantime. Ends.

521.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, December 21, 1925

CONFIDENTIAL. Following from Prime Minister for your Prime Minister. Begins. You will remember that in my message of November 18th on the subject of the Locarno Treaty, I said that we hoped to be able to make proposal in the near future as to the date of the next Imperial Conference. We have been considering whether we should propose a meeting in 1926 or in 1927. We could hardly, at this stage, suggest a time for assembling if the latter alternative adopted but if a meeting were arranged for next year, we think the time might be either the middle of June or the beginning of October. Before however proceeding any further, we should be glad to know your own views as to the most suitable date. I am sending a similar telegram to other Prime Ministers. Baldwin. Ends.

PARTIE 4 / PART 4  
ENTENTES D'ARBITRAGE  
ARBITRATION AGREEMENTS

522.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 81

Downing Street, March 10, 1923

My Lord,

With reference to Viscount Milner's despatch Dominions No. 389 of the 16th May 1919, I have the honour to request Your Excellency to inform your Ministers that the following Arbitration Agreements with foreign countries which are renewable at intervals of five years will expire on the dates mentioned unless formally renewed:

France — Agreement of 14th October 1903 — 14th October 1923.

Italy — Agreement of 1st February 1904 — 1st February 1924.

Spain — Agreement of 27th February 1904 — 27th February 1924.

United States Convention of 4th April 1908 — 4th June 1923.

2. His Majesty's Government propose, in accordance with the established policy, which, they understand, is in harmony with the views of your Ministers, to take steps for the renewal of these Agreements and Convention in due course.

3. I should be glad to learn by telegraph whether your Ministers agree.

I have etc.

DEVONSHIRE

523.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 3, 1923

Your despatch March 10th. Doms 81 Canadian Government concurs in proposal of His Majesty's Government to take steps for renewal of agreements with France, Italy and Spain and Convention with U.S. respecting arbitration.

524.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 345

Downing Street, September 13, 1923

My Lord,

With reference to my despatch Dominions No. 81 of the 10th of March, I have the honour to request Your Excellency to inform your Ministers that

an Agreement for the renewal for five years from the 4th of June, 1923 of the Arbitration Convention with the United States of America of the 4th of April 1908, was signed by His Majesty's Ambassador at Washington on the 23rd of June.

2. Copies of notes exchanged between His Majesty's Ambassador and the Secretary of State of the United States of America in connection with the signature of this Agreement are enclosed.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*Le secrétaire d'État des États-Unis à l'Ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, June 23, 1923

Excellency,

In connection with the signing today of an agreement for the renewal of the Convention of Arbitration concluded between the United States and Great Britain, April 4, 1908, and renewed from time to time, I have the honour, in pursuance of our informal conversations, to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

On February 24 last the President proposed to the Senate that it consent under certain stated conditions to the adhesion by the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague. As the Senate does not convene in its regular session until December next, action upon this proposal will necessarily be delayed. In the event that the Senate gives its assent to the proposal, I understand that the British Government will not be averse to considering a modification of the Convention of Arbitration which we are renewing, or the making of a separate agreement, providing for the reference of disputes mentioned in the Convention to the Permanent Court of International Justice.

Accept etc.

CHARLES E. HUGHES

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*L'Ambassadeur aux États-Unis au secrétaire d'État des États-Unis*  
*Ambassador in United States to Secretary of State of United States*

Washington, June 23, 1923

Sir,

I have the honour to acknowledge the receipt of your note of today's date in which you were so good as to inform me, in connection with the renewal of the Arbitration Convention of April 4th, 1908, between Great Britain and

the United States, that the President of the United States had proposed to the Senate the adherence of the United States, under certain conditions, to the Protocol of December 16th, 1920, creating the Permanent Court of International Justice at The Hague, and that, if the Senate assents to this proposal, you understand that His Britannic Majesty's Government would be prepared to consider the conclusion of an agreement, providing for the reference to the Permanent Court of International Justice of disputes mentioned in the Convention.

Under instructions from His Majesty's Principal Secretary of State for Foreign Affairs I have the honour to confirm your understanding of His Majesty's Government's attitude on this point and to state that if the Senate approve the President's proposal His Majesty's Government will be prepared to consider with the United States Government the conclusion of an agreement for the reference to the Permanent Court of International Justice of disputes mentioned in the Arbitration Convention.

I have etc.

A. C. GEDDES

525.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 7

Downing Street, January 9, 1924

My Lord,

With reference to my despatch, Dominions No. 345, of the 13th of September, I have the honour to request Your Excellency to inform Your Ministers that a telegram has been received from His Majesty's Chargé d'Affaires at Washington reporting that ratifications of the Agreement for the renewal for five years from the 4th of June, 1923, of the Arbitration Convention with the United States of America of the 4th of April, 1908, were exchanged on the 29th of December.

I have etc.

DEVONSHIRE

526.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 25

Downing Street, January 22, 1924

My Lord,

With reference to my despatch Dominions No. 81 of the 10th of March, 1923, I have the honour to request Your Excellency, to inform your Ministers, that the Arbitration Agreements with the following countries, which have been successively renewed in the past at intervals of five years, will expire

during the current year on the dates mentioned unless further renewed by means of formal exchange of notes:

Norway (11th August, 1904)	—	9th November, 1924
Portugal (16th November, 1904)	—	16th November, 1924
Sweden (11th August, 1904)	—	9th November, 1924

2. His Majesty's Government propose, in accordance with the established policy, which, they understand, is in harmony with the views of your Ministers, to take steps for the renewal of these Agreements in due course.

3. I should be glad to learn whether your Ministers concur.

I have etc.

DEVONSHIRE

527.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 58

Ottawa, February 18, 1924

Sir,

With reference to the Duke of Devonshire's despatch, Dominions No. 25 of the 22nd January, on the subject of the renewal of Arbitration Agreements with Norway, Portugal and Sweden, I have the honour to inform you that the Minister of Justice of Canada has no objection to the renewal of these Agreements in due course.

I have etc.

BYNG OF VIMY

528.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, November 27, 1924

My despatch dated January 22nd. Dominions No. 25 Arbitration Agreement. Portugal concurs in the renewal but Norway and Sweden have raised the question of the enlargement of the scope of the agreement, former desiring it should embrace as many categories of disputes as possible, and also propose that the agreement should contain reference to the Permanent Court of International Justice. His Majesty's Government consider it desirable that all three agreements should be renewed in the same form, and as their expiry this month leaves no time for discussion of the extension of terms, would prefer simple continuation of the existing agreements, pending general decision on

the policy to be adopted towards the Geneva Protocol. His Majesty's Government see no objection, however, to the substitution in the text of the agreements of the Permanent Court of International Justice for the Permanent Court of Arbitration, provided the Governments of the Dominions and India concur. Please telegraph as soon as possible whether your Government agrees.

529.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 24, 1925

URGENT. My telegram November 27th. Arbitration Agreement between Norway, Sweden and Portugal. All other Dominions have now concurred and in view of the fact that the agreement expired last November Secretary of State for Foreign Affairs most anxious to be in a position to communicate with Foreign Governments concerned as soon as possible. In these circumstances should be grateful for reply at earliest possible moment and if possible before the end of the week.

530.

*Mémoire du sous-secrétaire d'État aux Affaires extérieures*  
*au Premier ministre*

*Memorandum from Under-Secretary of State for External Affairs*  
*to Prime Minister*

[Ottawa], March 3, 1925.

## RENEWAL OF ARBITRATION AGREEMENTS

## HIS BRITANNIC MAJESTY AND: NORWAY, SWEDEN, AND PORTUGAL

On January 22, 1924, the Colonial Secretary informed us that it was proposed to renew Arbitration Agreements with Norway, Sweden, and Portugal, as usual, for a five-year period, and asked whether Canada concurred.

On Feb. 14, 1924, it was replied "that the Minister of Justice of Canada has no objection to the renewal of these agreements in due course."

On Nov. 27, 1924, the Colonial Secretary stated that Norway and Sweden proposed (1) to enlarge the scope of the agreement and (2) to substitute the League organ, the Permanent Court of International Justice, for the older body, the Permanent Court of Arbitration. The British Government expressed its objection to the first and its concurrence in the second proposal.

No reply has been sent. On Feb. 24, 1925, the Colonial Secretary telegraphed (urgent) that as the agreements had expired and all the other Dominions had concurred, a reply at earliest possible moment was desired, if possible before the end of the week (Feb. 28).



A statement (March 2) has now been received from the Department of Justice stating that the Minister of Justice sees no objection to such concurrence.

On the substance of the proposal, there appears no ground for question.

On the form of the agreements, exception might be taken, as they have been negotiated and signed only by British plenipotentiaries, and, in the case of similar agreements in the past, have been ratified only by the British Government.

On the other hand, they are only renewals of treaties signed in 1904, long before the Imperial Conference resolution of 1923, and are for a limited term of years. Similar agreements have been renewed with the United States (1923) and with Spain (1924), etc., without any exception being taken on our part, and in February, 1924, we expressed concurrence in renewal of the present treaties, in their original form, without any question as to procedure. On the whole, then, it hardly seems necessary to enter a caveat in this particular connection.

O. D. S[KELTON]

531.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 3, 1925

URGENT. Your telegram February 24th. Regret delay. My Ministers have no objection to offer to renewal of agreements with proposed modification.

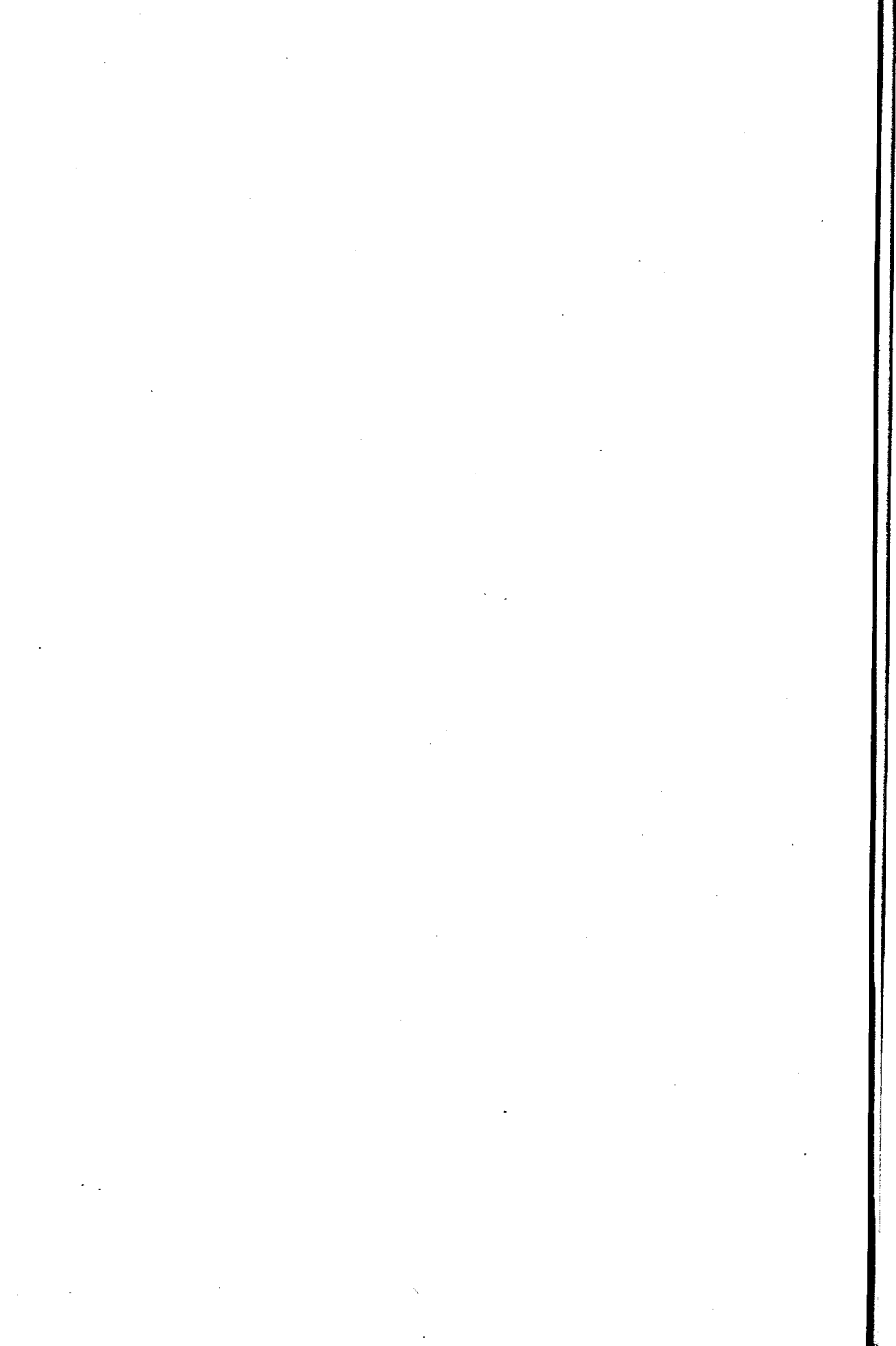
532.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, July 27, 1925

It is now found that the Portuguese Government unable to concur in the renewal of Arbitration Agreement in form referred to in my telegram of November 27th without first obtaining the approval of Parliament to the substitution of "Permanent Court of International Justice" for "Permanent Court of Arbitration". As this course would involve much delay and having regard to earlier correspondence, see my despatch of January 22nd, 1924, Dominions No. 25 and your reply, Secretary of State for Foreign Affairs is taking steps for the renewal of the existing Agreement without alteration but for period of 2 years only.



CHAPITRE VI / CHAPTER VI  
QUESTIONS FRONTALIÈRES ET TERRITORIALES  
BOUNDARY AND TERRITORIAL QUESTIONS

- |                                   |                                  |
|-----------------------------------|----------------------------------|
| 1. Souveraineté dans l'Arctique   | 1. Arctic Sovereignty            |
| 2. Frontière du Labrador          | 2. Labrador Boundary             |
| 3. Frontière américano-canadienne | 3. United States-Canada Boundary |
| 4. Eaux territoriales             | 4. Territorial Waters            |

PARTIE 1 / PART 1

SOUVERAINETÉ DANS L'ARCTIQUE  
ARCTIC SOVEREIGNTY

533.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 560

Downing Street, September 13, 1920

My Lord Duke,

With reference to Your Excellency's telegram of the 20th August, I have the honour to transmit to you, to be laid before Your Ministers, the accompanying copy of a note which has been sent to the Danish Minister regarding the recognition of Danish Sovereignty over Greenland.

I have etc.

MILNER

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire aux Affaires étrangères au ministre du Danemark*  
*Foreign Secretary to Minister of Denmark*

[London,] September 6, 1920

Sir,

With reference to your Note No. 202/30/B.2 concerning the official recognition by His Majesty's Government of His Danish Majesty's sovereignty over Greenland which you were good enough to address to me on July 20th, I have the honour to inform you that His Majesty's Government recognise His Danish Majesty's sovereignty over Greenland, but in view of its geograph-

ical proximity to the Dominion of Canada, His Majesty's Government must reserve their right to be consulted, should the Danish Government at any time contemplate the alienation of this territory.

I have etc.

(For the Secretary of State)

J. D. GREGORY

534.

*Mémorandum du Conseiller juridique au Premier ministre*

*Memorandum from Legal Adviser to Prime Minister*

SECRET

Ottawa, October 28, 1920

EXPLORATION AND OCCUPATION OF THE NORTHERN  
ARCTIC ISLANDS

1. The necessity for taking concrete steps to confirm the Canadian assertion of sovereignty over the northern arctic islands has now become more urgent; for information has been received that the Government of Denmark, instead of merely contemplating an expedition next year to settle Ellesmere Island as previously reported, have actually sent their expedition; indeed it is understood that it reached the scene of action in the summer of 1920. The Department of the Interior have information concerning this.

2. Practically the question concerns the islands north of Lancaster Sound; that is to say, Ellesmere Island, Heiberg Island, North Devon, Bathurst Island, the Ringnes Islands, Melville Island, Prince Patrick Island, and the islands discovered by the Stefansson Canadian Arctic Expedition of 1913-18, not to speak of any as yet undiscovered islands that may exist in this region. South of Lancaster Sound there is nothing, so far as our information goes, to indicate any likelihood that our claim will be disputed; and for the present at all events no special action seems called for in that quarter.

3. The position is that we have at various times asserted a claim of sovereignty broad enough to cover these islands; that in respect of some of them our case on grounds of discovery and exploration seems better than that of other nations, but that in respect of a number of them other nations could probably make a better case on these grounds than we could. But the important point is that mere discovery and exploration, even accompanied by a formal assertion of sovereignty, are not enough, without more, to create a permanent perfect title. At best such acts give rise only to what is described in international law as an inchoate or imperfect title. To complete this title action must be taken amounting to what is known as occupation. When a state does some act with reference to unappropriated territory which amounts to an actual taking of possession, and at the same time indicates an intention to keep the territory seized, it is held that a right is gained as against other states, which are bound to recognize the intention to acquire title, accompanied by the fact of possession, as a sufficient ground of proprietary right. The title thus obtained, called

title by occupation, being based solely upon the fact of appropriation would in strictness come into existence with the commencement of effective control, and would last only while it continued, unless the territory occupied had been held so long that title by occupation had been merged in title by prescription.

. . .

7. In view of the reported Danish action it is apparent that the most important immediate point toward which any Canadian action should be directed is Ellesmere Island. Action there seems urgent; action elsewhere seems necessary but not so urgent.

8. The question then arises as to the concrete steps we might take that would amount to occupation and so perfect our inchoate title. As already seen this is a question in law to be judged by the light of the circumstances of each case. The peculiar present conditions of arctic communication and habitation would undoubtedly be factors in this question. What might reasonably be required to establish the fact of occupation in a temperate zone country might well be unreasonable in the arctic zone. For example while in the temperate zone it might be reasonable to require permanent settlement or police posts continuously in existence, it would seem reasonably sufficient in the arctic that there should be only periodical sojourns, say, during the summer months. Occupation must be kept alive by repeated local acts showing an intention of continual claim. In the arctic it could hardly be insisted that the interval between these local acts should be as short as in the case of a country where communication was easy. A year or even two years, depending on circumstances, might be enough.

9. To meet the case for the present, therefore, some such practical program as the following, or some variation of it, might be considered;

(a) A Canadian Government Arctic Expedition to be despatched as soon as possible to complete the mapping of lands already known and to discover any lands not now known. This expedition should be regarded and announced as a continuation of the Stefansson Expedition of 1913-18, and the Bernier Expedition, since those expeditions were designed and announced as an integral part of the policy of making good the Canadian claim to the northern islands (See the Orders in Council). Thus striking notice of the continuity of our policy in this respect would be given the world — an important point.

(b) Steps to be taken at the same time and in conjunction with (a) to establish our customs, game law, and possibly police administration at strategically selected points.

(c) The operations under (a) and (b) to be combined. The ship conveying the exploratory expedition could be classed as a revenue cutter, and could carry north customs, game law and perhaps police officers as well as the others. After establishing and administering appropriate posts and stations these officers could return with the ship at the end of the navigation season, leaving the exploration party to continue

in other ways. The ship could return every summer or every other summer according to circumstances.

(d) For the exploration work the name of Mr. Vilhjalmur Stefansson suggests itself, both because of his connection with the previous expedition, and because of the economical method of arctic exploration and travel which he has developed. It is understood that Mr. Stefansson would be prepared to undertake such work for the Government, but his lecture engagements are such that an understanding should be reached with him by the end of January, 1921; otherwise he will not be available.

10. These suggestions have been outlined for the purpose of illustrating what in law would amount to an occupation. The drawing up of a detailed program should presumably be referred to the departments concerned in conjunction with the explorer to be selected.

11. A further question that might with advantage be referred at the same time to the technical departments concerned is the feasibility of encouraging the quiet, unostentatious settlement of Wrangel Island by some Canadian development company, such as the Hudson's Bay Company. This if done would establish a basis for a subsequent assertion of Canadian title to the island; an asset that might prove of value in the future.

12. It is also submitted that in the future we should refrain in official or public documents from admitting that the 141st meridian north of Alaska constitutes the Western boundary of the Canadian domain. Official documents in the past have implied such an admission. There is no need for this. The treaty defining the Alaska boundary carried the 141st meridian only "to the frozen ocean".

L. C. CHRISTIE

535.

*Mémorandum du sous-secrétaire d'État aux Affaires extérieures  
au Premier ministre*

*Memorandum from Under-Secretary of State for External Affairs  
to Prime Minister*

Ottawa, November 25, 1920

#### CLAIM TO CERTAIN ISLANDS WITHIN THE ARCTIC CIRCLE

At the suggestion of Sir James Lougheed, when Acting Secretary of State for External Affairs, I have been attending some meetings of the Advisory Technical Board of the Department of the Interior, called to consider the question of Canadian sovereignty in the Arctic Archipelago.

(1) The subject of discussion at the first meeting related to the expediency of our taking possession of *Wrangel Island*. This island lies in the Arctic Ocean off the north coast of Siberia. Our claim of discovery thereto rests upon the fact of its having been originally sighted by a British navigator, who, however, never landed thereon. The island is unoccupied and so far as we know, unclaimed. It is far removed from the Dominion—in fact is not even in the western hemisphere,

as the 180th meridian of longitude falls upon it. Essentially, it is an Asiatic island. The idea of Canada laying claim to it was originally suggested by Mr. Stefansson as a convenient base for exploration in the Arctic Ocean, but the proposal did not find favour with the members of the Advisory Board. It was generally considered that any pretensions we might have to this island must be of a very unsubstantial character, and could only result in weakening our legitimate claims to the Arctic islands contiguous to our own territory, for if we can go so far afield as Wrangel to take possession of islands, unconnected with Canada, what is there to prevent the United States or any other power, laying claim to islands far from their shores but adjacent to our own.

(2) Our claim to the islands north of the mainland of Canada rests upon quite a different footing, by reason of their geographical position and contiguity. Besides which, in 1905, they were formally taken possession of by the Government of Canada, represented by Mr. A. P. Low in charge of the *Neptune*, though unfortunately this claim was not followed up by effective occupation. I think the suggestion to send a Mounted Police force to occupy certain stations on Ellesmere Island and adjacent regions an excellent one, and one which should be no longer postponed. In the past our territorial claims have suffered not a little by inaction and delay, e.g., Alaska and Labrador.

JOSEPH POPE

536.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

CONFIDENTIAL

Downing Street, August 20, 1923

My Lord,

With reference to previous correspondence on the subject of Wrangel Island, I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch from the British Commercial Mission at Moscow regarding an article in the Russian newspaper *Izvestia* dealing with claims to the Island.

2. I take this opportunity to transmit copies of a Note on this subject from the Russian Soviet Agent in this country, dated the 25th of May, and of correspondence which took place with the United States Embassy in June.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*La Mission commerciale britannique au secrétaire aux Affaires étrangères*

*British Commercial Mission to Foreign Secretary*

No. 538

Moscow, July 16, 1923

My Lord,

I have the honour to report that the *Izvestia* of the 10th July publishes an article dealing with an alleged attempt of the Canadian Government to obtain

possession of Wrangel Island, which was discovered one hundred years ago by the Russian Lieutenant Wrangel.

2. The article states that a report was received last March of the hoisting of the British Flag, while in May news reached Moscow of the arrival in London of a certain Doctor Stefansson, leader of the Canadian Arctic Expedition, with the evident object of arranging the annexation of the island.

3. The Russian Government is stated to have the following grounds for claiming the island:

a) In 1910 the Russian Government had a large navigation mark fixed,

b) when the survivors of a Canadian ship reached Wrangel Island, the Canadian Government applied to the Russian Government for assistance, thus indicating that they considered the island as belonging to Russia.

c) The Russian Government declared its sovereignty over the island in a circular note addressed to various governments in 1916.

Incidentally the writer remarks that the island is believed, in well informed circles, to contain gold deposits, and that this probably explains the desire of the Canadian Government to acquire possession.

In conclusion it is stated that the Soviet Government has every reason to maintain its rights and will not, of course, countenance this attempt of an agent of the British imperialism to seize property which belongs to others.

I have etc.

WILLIAM PETERS

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*La Mission commerciale russe au secrétaire aux Affaires étrangères*

*Russian Trade Delegation to Foreign Secretary*

[London,] May 25, 1923

M. Krassin, Official Agent of the Russian Soviet Government in Great Britain, presents his compliments to the Marquess Curzon of Kedleston, and begs to refer to the correspondence exchanged on the question of Wrangel Island.

As already pointed out, in 1921 a group of Canadians under the leadership of a Mr. Stevenson [Stefansson], landed on Wrangel Island, claiming to be a scientific expedition, and hoisted the British flag.

In 1922, Mr. Stevenson made another attempt to land on the island a second group of Canadians, but the ice prevented him from achieving his purpose. No doubt he will make another attempt to land this year, in order to remove from the island the party which he left.

It has already been brought to the notice of His Majesty's Government that this island is a Russian possession, and therefore, M. Krassin is instructed by



his Government to approach the British Government requesting it to use its good services with the Canadian Government in order to put an end to these raids.

M. Krassin would like to add that his Government is adopting measures for the prevention in future of the violation of its sovereignty over the island in question.

[PIÈCE JOINTE 3 / ENCLOSURE 3]

*Le chargé d'affaires des États-Unis en Grande-Bretagne  
au secrétaire aux Affaires étrangères*

*Chargé d'Affaires of United States in Britain  
to Foreign Secretary*

No. 793

London, June 4, 1923

The American Chargé d'Affaires presents his compliments to His Majesty's Secretary of State for Foreign Affairs and begs to refer to a memorandum dated September 27th, 1922, which was transmitted by the Embassy to the Foreign Office in regard to the status of Wrangel Island. In leaving this memorandum the Foreign Office was informed that a statement of the views of His Majesty's Government regarding this matter would be welcomed, especially in view of the statement reported to have been made by the Canadian Minister of Munition and Defence in the Canadian House of Commons on May 13th, 1922, indicating a possible intention on the part of the Canadian Government to assert ownership thereof. It was pointed out that in addition to possible claims by the United States or by Great Britain (for itself or on behalf of the Canadian Government), a claim to the Island had been put forward by Russia.

Since the communication of the memorandum referred to informal inquiries have been made from time to time of the Foreign Office with the object of ascertaining, if possible, the views of the British Government in this matter. Inasmuch as the informal inquiries in question have been without result, and acting under fresh instructions from the Department of State, Mr. Post Wheeler now has the honour to renew the formal inquiry as to the position which His Majesty's Government may intend to assume in regard to the status of Wrangel Island.

[PIÈCE JOINTE 4 / ENCLOSURE 4]

*Le secrétaire aux Affaires étrangères au chargé d'affaires des États-Unis  
Foreign Secretary to Chargé d'Affaires of United States*

[London,] June 11, 1923

Sir,

With reference to your note verbale No. 793 of the 4th instant, I have the honour to inform you that the question of the status of Wrangel Island is being

considered in consultation with the other departments of His Majesty's Government concerned, and that a reply will be returned to your enquiry as soon as possible.

I have etc.

(For the Secretary of State)

G. R. WARNER

537.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

CONFIDENTIAL DESPATCH

Downing Street, June 18, 1924

My Lord,

With reference to my predecessor's confidential despatch of the 24th December 1923, and previous correspondence, I have the honour to request Your Excellency to inform your Ministers that in anticipation that the question of the ownership of Wrangel Island may be raised by the Soviet Delegation during the Conference which is now being held in London, His Majesty's Government have given further consideration to the matter with a view to deciding whether a claim to the Island should be put forward and an effort made to secure the reference of the matter to arbitration.

2. The position in regard to claims by foreign Governments may now be stated as follows:

(a) The United States Government are thought to have a strong, if not an indisputable, claim to the Island, if they see fit to press it, on the ground that Captain Calvin L. Hooper, of the United States Ship *Corwin*, took formal possession of it in the name of the United States Government in the year 1881.

(b) The Soviet Government have made a definite claim to the Island, although this would seem to depend only on its geographical proximity to the Russian Mainland.

3. Your Ministers will be aware from my predecessor's confidential despatch of the 25th August 1923 that it is probable that the United States Government would contest, on the ground of priority of occupation, any claim put forward by His Majesty's Government; but assuming that the United States Government do not lay claim to the Island, His Majesty's Government would be unwilling to adopt an attitude calculated to create difficulties with the Soviet Government, unless substantial interests were at stake.

4. The War Office, the Air Ministry and the Admiralty have been consulted in the matter by the Secretary of State for Foreign Affairs.

The Army Council express the view that the Island is of no military significance.

The Air Council state, that, from the point of view of service aviation, they do not consider that this Island is of sufficient potential importance to justify

any claim for British ownership being pressed. As regards its potentialities for civil aviation, it is possible that the Arctic Circle may eventually offer considerable advantages through the possibility of reducing distances East and West by flying over the Arctic Circle. This possibility is, however, considerably discounted by the fact that, owing to the prevalence of fog on Wrangel Island, the climate is probably less favourable than was suggested by Mr. Stefansson when this subject was discussed with him. Unless the Island was suitable as an Air base, it would be unnecessary as a Wireless Telegraph Station. The Air Council's conclusion is that, so far as they are concerned, it is not considered necessary that the question of ownership could be referred to arbitration.

The Admiralty have examined the question of the desirability of claiming the Island either for possible use for a wireless telegraph station or as an air base. As to the former, the Admiralty do not consider that the interests at stake are sufficient to justify the reference of the question of ownership to arbitration. As to the latter, they take note of the Air Council's views, but they point out that the Island has not the same importance for trans-polar flight to the United States and Soviet Governments as to this country, because the United States and the Soviet have other and more convenient territory quite near, whereas there is no British territory within some thousands of miles. While agreeing that the claim should not be pressed to arbitration, they suggest that, in view of the circumstances referred to in the preceding sentence, the raising of the question should, if possible, be avoided and the matter allowed to remain as it stands at present, in which case if at a later date aerial development conferred great value on the Island a claim might be put forward by His Majesty's Government.

5. The Secretary of State for Foreign Affairs would not propose to raise the question with the Soviet Delegation. But should it be raised by the Delegation, it will be necessary to decide what attitude to adopt, and as at present advised His Majesty's Government would be disposed not to lay claim to the Island. Before taking a decision, however, they would be glad to learn whether your Ministers have any observations to offer. As the matter, if brought up by the Soviet Delegation, may have to be dealt with at an early date, it would be convenient if a reply to this despatch could be sent by telegraph.

I have etc.

J. H. THOMAS

538.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 18, 1924

Referring to your despatch 18th June, Confidential, Minute of Council approved 17th July to effect that view taken by Imperial Authorities as to undesirability of laying claim to Wrangel Island is shared in by Government of Canada.

539.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

CONFIDENTIAL DESPATCH

Downing Street, September 10, 1924

My Lord,

With reference to Your Excellency's confidential despatch of the 24th of July and previous correspondence regarding the ownership of Wrangel Island, I have the honour to invite attention to the fact that a declaration was made on behalf of the British delegation at the meeting of the Anglo-Soviet Conference on the 6th of August that His Majesty's Government lay no claim to the island of Wrangel.

An extract from the proceedings of the meeting of the Conference of the 6th of August is enclosed<sup>1</sup> for convenience of reference.

I have etc. (For the Secretary of State)  
 ARNOLD

540.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 103

Ottawa, June 4, 1925

SECRET

Sir,

My advisers have noted press reports that a scientific expedition is being prepared in the United States for exploration in the Arctic regions, to be led by Dr. Donald B. MacMillan, under the auspices of the National Geographic Society and with the co-operation of the United States Navy.

I would request Your Excellency to inquire of the Secretary of State whether this report is correct. If so, I would desire to call the attention of the Government of the United States to the fact that the Government of Canada has established Royal Canadian Mounted Police Posts in Baffin Island, Ellesmere Island and other sections of its northern territories, that in the course of the Police patrols through the Arctic Islands depots of provisions have been established at various centres, and that in addition Hudson Bay Company posts are in existence at island and mainland points.

The Government of Canada would be pleased under these circumstances to assure the expedition of whatever assistance could be given from these posts and depots and by the Royal Canadian Mounted Police, to furnish the necessary permits for the expedition, and in any other way possible to facilitate the plans of Dr. MacMillan and his associates.

I have etc. BYNG OF VIMY

<sup>1</sup>Non reproduit.<sup>1</sup>Not printed.

541.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

PARAPHRASE OF TELEGRAM 51

Washington, June 12, 1925

SECRET. With reference to your despatches Nos. 103 and 104, I feel that as the Dominion Government seem to fear that the MacMillan Expedition may end in an attempt on the part of the United States to lay claim to Axel Heiberg and possibly Ellesmere Island, that it would be well to lose no time in intimating to the Government of the United States that Canada regards both these islands as being her territory. You do not state in your despatch No. 103 whether any police or trading posts have been established in Axel Heiberg. I could inform the State Department that such posts have been established in "Baffin Island, Ellesmere Island, Axel Heiberg Island, and other sections of the Canadian Northern territories" if this is the case.

If this is not the case, I can refer to MacMillan's reported intention to fly across "certain Canadian Northern territories, including Ellesmere and Axel Heiberg Islands, and to establish an advance base in the latter", in my note to Mr. Kellogg.

I would appreciate a very early reply by telegraph as the Expedition is said to be due to start June 17th.

CHILTON

542.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

TELEGRAM 73A

Ottawa, June 12, 1925

SECRET. With reference to my despatch June 4th, No. 103, Secret, my Ministers represent that the Hon. Charles Stewart, Minister of the Interior, is to-day giving an interview to the press on the subject of the title to the Arctic Islands in the terms noted in the following statement. Begins. He stated that Canada's northern territory includes the area bounded on the east by a line passing midway between Greenland and Baffin, Devon and Ellesmere Islands to the 60th meridian of longitude, following this meridian to the Pole; and on the west by the 141st meridian of longitude following this meridian to the Pole, as indicated for example by the official map published in 1904, showing "Explorations in Northern Canada". Mr. Stewart emphasized the fact that no new claims are being advanced on Canada's behalf, and that the present policy of the Government was simply a continuation of methods followed for many years past in administering the northern territories of the Dominion. For years, he continued, the Canadian Government has been sending out expeditions and at much expense has established posts on Ellesmere, Devon and other islands.

Mr. Stewart also pointed out that in 1880 Great Britain, by Imperial Order-in-Council transferred the Arctic Archipelago to Canada. The Order provided that "all British territories and possessions in North America and the islands adjacent to such territories and possessions, which are not already included in the Dominion of Canada, should (with the exception of the Colony of Newfoundland and its dependencies) be annexed to and form part of the said Dominion".

So far as discovery goes, Mr. Stewart pointed out that the title of Great Britain and thus of Canada, to the northern islands is beyond question. With few exceptions all the known insular areas in the Canadian Arctic were discovered and formally taken possession of by British commissioned navigators from a century to three-quarters of a century ago, and such acts of possession were formally announced to the world in British Government blue-books. A list of English navigators would include Bylot and Baffin, who discovered Ellesmere Island in 1616, Captain John Ross, R.N., Sir John Franklin, Commander Inglefield, R.N., Captain Nares, R.N., and many others.

In 1670 King Charles II, granted a charter to the Hudson's Bay Company, by virtue of which the company, for two centuries exercised a proprietary government over the area covered by its charter and established posts throughout the Arctic drainage basin of the mainland. Since the sale of its rights and privileges to the British Crown and the transfer thereof to Canada, over a half century ago, the Hudson's Bay Company, and other fur trading companies have extended their operations to the Arctic Islands and have established posts therein, thus exercising a control over practically the whole of the native population.

This was followed up by occupation and control on the part of Great Britain and Canada as regards the natives both of the Mainland and of the Arctic Islands between Greenland and the 141st Meridian. Canadian Government has sent many expeditions to the archipelago and formal proclamations have been made reaffirming British sovereignty. Police posts and customs houses have been established at various points, detachments of the Royal Canadian Mounted Police make extensive patrols every year, and a general administration of the law and of the game regulations has been maintained. Duty has been collected on whalers' and traders' outfits entering the archipelago. Game licenses have been issued and other acts of administration have been performed. The welfare of the natives is being looked after and an attempt is being made to have them adjust themselves to the whiteman's law as adapted to their special circumstances and conditions. Ends.

My Ministers also indicated that in view of fact that the MacMillan expedition is stated by the press to be leaving Boston on June 17th, and Wiscasset on June 20th, and the further fact that no communication on the subject has yet been received either from the Government of the United States or from the directors of the expedition, it is requested that the attention of the Secretary of State may be drawn to this circumstance, and to the readiness of the Government of Canada, as previously indicated, to furnish all permits

required for exploring and scientific expeditions entering the northern territory of Canada, including air permits for flying over Baffin, Ellesmere and the adjoining islands within the boundaries of Canada, and its readiness also to afford any assistance that can be given by the Royal Canadian Mounted Police and other Canadian officers in the North.

BYNG

543.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

TELEGRAM 76A

Ottawa, June 13, 1925

URGENT. SECRET. Your telegram 12th June, No. 51. As indicated in my telegram June 12th, Government of Canada agrees that a more explicit statement should now be conveyed to the United States Government. No Canadian police or trading posts have ever been established on Axel Heiberg. While Canada considers this island as being her territory, it is probably the area most open to question, though open to question only from the Norwegian and not from the United States Government. It is considered desirable, if the question is raised, to state that Canada claims this island, but it might be well in the first instance to limit reference to air permits to some such phrase as mentioned in my telegram June 12th, namely flying over Ellesmere, Baffin and other islands within Canadian Boundaries. It might be added that legislation formally requiring any scientific or exploring expedition to secure a permit before entering any part of Canadian Northern Territory has been passed this month by both Houses of Canadian Parliament. Canadian Government Steamer *Arctic* will sail this month carrying the usual patrols of the Royal Canadian Mounted Police, touching various points including posts on Ellesmere Island.

BYNG

544.

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

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

No. 627

Washington, June 15, 1925

IMMEDIATE

Sir,

I have the honour to inform you that the Government of Canada have reason to believe, from statements which have lately appeared in the press, that a scientific expedition, commonly referred to as the MacMillan expedition, organised under the auspices of the National Geographical Society with the co-operation of the United States Navy, will shortly be leaving for the far North for the purpose of exploring and flying over Baffin, Ellesmere, Axel

Heiberg, and certain other islands within the northern territories of the Dominion.

As you are doubtless aware, posts of the Royal Canadian Mounted Police have been established in Baffin and Ellesmere islands and other sections of the Canadian northern territories, in addition to which Police patrols through the Arctic islands have created depots of provisions at various centres. There are also a number of Hudson Bay Company posts in existence at island and mainland points.

In these circumstances, and although the Dominion Government have received no intimation from the Government of the United States regarding the route of the MacMillan expedition or of the intention of the members thereof to carry out explorations through and over Canadian territory, they have requested me to inform you of their readiness to furnish the expedition with the necessary permits for an exploring and scientific expedition entering Canadian northern territories, and possibly desiring to fly over Baffin, Ellesmere and the adjoining islands within the boundaries of the Dominion. Legislation formally requiring scientific and exploring expeditions to secure such permits before entering any part of the Canadian northern territories was enacted by both Houses of Parliament this month.

I would also take this opportunity of assuring you of the Canadian Government's readiness to afford the MacMillan expedition any assistance within the power of the Royal Canadian Mounted Police and the other Canadian officers in the north. In this connection, I would add that the Dominion Government, S.S. *Arctic* will sail at an early date on her customary northern patrol and will carry Royal Canadian Mounted Police details and reliefs. This vessel will touch at various points and will visit the police and trading posts on Ellesmere Island.

I have etc.

H. G. CHILTON

545.

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

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

Washington, June 19, 1925

Sir,

I beg to acknowledge the receipt of your note No. 627, dated June 15, 1925, concerning the proposed MacMillan Exploration Expedition. It is the understanding of this Department that the Expedition in question will sail from Wiscasset, Maine, on June 20, directly to Etah, Greenland, and that no flights over Baffin Island are contemplated. The planes attached to the Expedition are expected to fly from Etah across Ellesmere Island to Axel Heiberg Land, and to establish a base there from which exploration flights to the northward and westward may be made.



A copy of your note has been forwarded to the other interested Departments of this Government and, upon receipt of further information, I shall address a communication to you dealing with the other questions raised in your note.

In order that full information may be available for use in studying these questions, I shall be grateful if you will inform me what constitute a post of the Royal Mounted Police mentioned in the second paragraph of your note and the establishment thereof; where such posts have been established; how frequently they are visited; and whether they are permanently occupied, and, if so, by whom.

I desire to thank you for the offer of co-operation by any Canadian agency which may temporarily be in the same territory with the MacMillan Expedition and I am sure that the persons responsible for the Expedition will also appreciate the kind offer of the Canadian Government. The scientific character of the Expedition and the experience of those participating in it give assurance that useful data and information of value to the world will unquestionably result from their efforts.

Accept etc.

FRANK B. KELLOGG

546.

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

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

No. 676

Manchester, Mass., July 2, 1925

Sir,

In continuation of my note No. 627 of the 15th ultimo, and in response to the specific enquiries contained in your note of the 19th ultimo, I have the honour to inform you that I have received the following particulars from the Governor General of Canada regarding posts of the Royal Canadian Mounted Police established in Baffin and Ellesmere Islands and other sections of the Canadian Northern territories:

A Mounted Police post in so far as buildings are concerned is composed of a small barracks to house members of the Force and separate buildings for storing supplies. In so far as personnel is concerned, each post is in charge of a non-commissioned officer with two or three constables for duty and patrols, and the necessary number of natives to act as dog drivers, guides and interpreters.

The Posts established in the Eastern Arctic Sub-District include the following:

*Baffin Island*

- (1) Pangnirtung, Cumberland Sound,
- (2) Ponds Inlet, on the North end of island.

*Devon Island*

- (1) Dundas Harbour.

*Ellesmere Island*

- (1) Craig Harbour. (South of the island),
- (2) Rice's Strait. (near Cape Sabine).

All the above mentioned posts are permanently occupied by members of the Royal Canadian Mounted Police, with the exception of Rice's Strait, near Cape Sabine, where stores only have been placed, pending the arrival of buildings for a permanent post and personnel, which are being sent up this year.

The above Sub-District is in charge of a Commissioned officer of the Royal Canadian Mounted Police who resides at any one of the posts, as circumstances demand. All the posts are visited once a year by the Commissioned Officer mentioned and by the officials of the Canadian Department of the Interior.

In regard to the duties of members of the Royal Canadian Mounted Police stationed in the Eastern Arctic, it may be added that all the Mounted Police Detachments in the Eastern Arctic are Post Offices and Customs Ports, and the Non-Commissioned Officers in charge have been appointed Postmasters and Collectors of Customs.

Furthermore, the duties of members of the Force stationed in the Eastern Arctic include the supervision of the welfare of the Eskimo for the Department of Indian Affairs, educating them as far as possible in the White Man's Laws and issuing destitute relief where necessary, enforcement of all the Ordinances and Regulations of the Northwest Territories, including Game Laws and the protection of Musk Oxen, and the issue of Game, Animal and Bird Licenses to the various Trading Companies, the supervision of liquor permits, the enforcement of the Migratory Birds Convention Act for the Department of the Interior; the enforcement of the Criminal Code and Assistance to the Post Office and Customs Department, as set forth in the last paragraph above, as well as to the Department of Mines and Agriculture in the collection of Eskimo material and ethnological and biological specimens.

Members of the Force are also called upon to assist in the taking of the Census and assisting the Director of Meteorological Service in the taking of readings at the different Posts from time to time, and to supply topographical information to the Federal Service.

In addition, Police patrols to surrounding settlements and Eskimo villages and also extended patrols to remote points are also made by each detachment for the purpose of obtaining the information required.

In bringing the above information to your notice, I have the honour to renew the assurance conveyed to you in my above mentioned note of the Canadian Government's readiness to afford the MacMillan expedition any

assistance within the power of the Royal Canadian Mounted Police and the other Dominion officers in Canadian Northern territories.

I have etc.

H. G. CHILTON

547.

*Le chargé d'affaires aux États-Unis au  
Gouverneur général suppléant  
Chargé d'Affaires in United States  
to Deputy Governor General*

[DESPATCH] 316

Manchester, August 4, 1925

CONFIDENTIAL

Sir,

With reference to my despatch No. 313 of the 24th ultimo, and to previous correspondence regarding the MacMillan expedition to the Arctic regions, I have the honour to inform you that the Norwegian Chargé d'Affaires called at His Majesty's Embassy in Washington on July 31st and enquired of the Resident Secretary whether any reliance could be placed upon reports which had reached him through the Norwegian Consul in Montreal and the Associated press that the Dominion Government had addressed an official communication to the United States Government setting out their views as regards the sovereignty of territory which might be traversed or discovered by the expedition in question in the far north.

Mr. Steen was informed that the question of sovereignty over these regions had not formed the subject of discussion between the Governments of Canada and of the United States, whereupon he replied that if it were raised the Norwegian Government would be interested as the islands of Axel Heiberg and Ellesmere had originally been discovered by Norwegian explorers.

I have etc.

H. G. CHILTON

548.

*Le Gouverneur général à l'ambassadeur aux États-Unis  
Governor General to Ambassador in United States*

DESPATCH 227

Ottawa, December 9, 1925

Sir,

With further reference to Mr. Chilton's despatches No. 283<sup>1</sup> of the 16th June and No. 299 of the 3rd July, 1925, on the subject of the MacMillan Arctic Expedition 1925, I would request Your Excellency to bring to the attention of the Secretary of State of the United States the following facts

<sup>1</sup>Based on our despatches of June 4 and June 27 respectively, and addressed to the Department of State. [Note telle que dans le document. Footnote as in Document.]

which have been reported by the Officer in Command of the Canadian Government Ship *Arctic*.

That vessel on her annual patrol to the Canadian Arctic Archipelago, was at Etah, North Greenland, on the 19th and 20th of August last. The MacMillan Arctic Expedition, to which was attached a United States Naval Aeroplane Unit under Commander R. E. Byrd, United States Navy, had preceded the Canadian Expedition to that port. The steamship *Peary* and the auxiliary schooner *Bowdoin* carrying the MacMillan Expedition was found at anchor in that port on the arrival of the *Arctic*.

Mr. G. P. Mackenzie, in command of the Canadian Expedition, was informed by Commander Byrd that the flying unit under his command had made a number of flights over Ellesmere Island and had landed stores for flying purposes at Flagler and Sawyer bays on the east coast of Ellesmere but that, owing to ice conditions, it had been found unfeasible to effect a landing on the west coast of Ellesmere or on Axel Heiberg Island. Mr. Mackenzie, knowing that, up to the date of his departure from Quebec for the North, no permit to fly over the Canadian Arctic Archipelago had been granted the MacMillan Expedition or any person attached thereto, sent his Secretary, Mr. H. E. R. Steele, to Commander Byrd to inform him that if he had not obtained such permit he (Mr. Mackenzie) would on behalf of the Canadian Government issue one to him. Commander Byrd informed Mr. Steele that he did not think that they had a permit: that he would ascertain definitely from Commander MacMillan and, if he found that no permit had been secured, he would come aboard the *Arctic* in a short time and formally apply for one.

Within the hour he came on board the *Arctic* in full uniform and was received by Mr. Mackenzie. He thanked Mr. Mackenzie for the offer of a permit made through his Secretary, Mr. Steele, and stated that he had just taken the matter up with Commander MacMillan; that Commander MacMillan had stated that he was already in possession of a permit from the Canadian Government to carry on flying operations over Ellesmere and other islands in the Canadian Arctic Archipelago; that such permission had been granted subsequent to the departure of the MacMillan Expedition to the North and that the granting of the permit had received publicity in the press.

Mr. Mackenzie told Commander Byrd that so far as he knew no such permission had been granted but that there was a possibility that his Government had omitted to inform him or that, as the radio on the ship had not been working satisfactorily, the message might have failed to come through. First Officer of the *Arctic* L. D. Morin, who was also on deck, heard this conversation. However, Mr. Mackenzie called him over and, after repeating the substance of Commander Byrd's statement to Officer Morin in Commander Byrd's presence, asked Commander Byrd whether his summarization of the conversation was correct. Commander Byrd replied, "Yes, That is correct". In the presence of Commander Byrd, Mr. Mackenzie then told Officer Morin that he regarded the statement as of importance and requested him to make note of the same.

The Government of Canada has never received an application by the MacMillan Expedition or any person attached thereto for permission to carry on flying operations over the Canadian Arctic Archipelago, as provided by the Air Board Act, and no such permit has ever been issued, nor has any application been received or permit or license been issued to enter said archipelago for scientific purposes as provided by the Northwest Territories Act.

Neither the steamship *Peary* nor the auxiliary schooner *Bowdoin* when reporting outwards from the port of Sydney, Nova Scotia, on the 26th of June, 1925, indicated any intention of landing goods on Canadian territory, nor on their inward report at the same port on the 3rd day of October, 1925, did they report having landed any goods in Canadian territory, as provided by the Customs regulations.

I would request Your Excellency to have the goodness to draw the attention of the United States Secretary of State to the apparent failure on the part of the Expedition to observe the requirements of the Canadian laws.

I enclose, for convenience of reference, copies of the laws in question, together with copies of three affidavits taken by Messrs. Mackenzie, Morin and Steele.

I have etc.

BYNG OF VIMY

PARTIE 2 / PART 2

FRONTIÈRE DU LABRADOR  
LABRADOR BOUNDARY

549.

*Décret du Conseil*  
*Order in Council*

P.C. 1198

June 12, 1919

The Committee of the Privy Council have had before them a memorandum from the Acting Minister of Justice, dated 9th June, 1919, reporting, in reference to the dispute as to the boundary between Newfoundland and the Dominion of Canada in the peninsula of Labrador, that the Department of Justice has been in communication from time to time with the Government of Newfoundland since the year 1907, when the latter Government agreed with the Government of Canada to refer the question in dispute to the Judicial Committee of the Privy Council for determination under section 4 of Imperial Statute 3 and 4, William IV, Ch. 41, in an effort to arrive at an agreement with the Government of Newfoundland upon the terms of the question to be submitted to the Judicial Committee.

A lengthy correspondence with the Government of Newfoundland culminated in February, 1916, in the Government of Newfoundland agreeing to submit the question in the following terms:

What is the location and definition of the boundary as between Canada and Newfoundland in the Labrador Peninsula under the statutes and proclamations?

The question, as so framed, substantially corresponded in terms with the submission which had been proposed by the Deputy Minister of Justice except for the omission of the words "Orders in Council" following the word "statutes". As to the proposed omission of these words the Governor of Newfoundland said:

The Newfoundland Government are not aware of any Orders in Council in any way affecting the question, but if there are any within the knowledge of the Canadian Government, they will be glad to have copies furnished with a view to considering as to whether they should be included in the submission.

In July, 1917, a copy of the *London Gazette* of 24th June, 1870, containing a copy of the Order in Council of 23rd June, 1870, whereby Rupert's Land was admitted into and became part of the Dominion of Canada, and a certified copy of the Order in Council of 21st July, 1880, whereby all British possessions and territories in North America not then included in the Dominion of Canada and all islands adjacent to all such possessions and territories were, with the exception of the Colony of Newfoundland and its dependencies, annexed to the Dominion, were transmitted to the Governor of Newfoundland through the Premier of Quebec, to whom the request for these orders had been addressed; and the Government of Newfoundland was informed that the Government of Canada, while preferring the form of submission which the Deputy Minister of Justice had proposed, was content for the sake of agreement to adopt the phraseology of the Government of Newfoundland, but could not agree to omit a reference to the Orders in Council. With this view, Sir Lomer Gouin, on behalf of the province of Quebec, which is an interested party in the dispute, expressed its concurrence. No reply to this communication having been received, the Premier of Quebec in December last wrote again to the Governor of Newfoundland inviting an answer from his Government. This last communication evoked a despatch dated 30th November, 1918, from the Governor of Newfoundland to Your Excellency acknowledging the receipt of Sir Lomer Gouin's despatch and stating that the reply to the same would be transmitted through Your Excellency. The reply of the Governor of Newfoundland not having been received, Your Excellency was moved on the 4th April last to transmit a despatch to the Governor of Newfoundland with a view to ascertaining the decision of his Government upon the subject above mentioned, reviewing the course of the negotiations as above related and intimating that Your Excellency's Government was not aware of any reason why the Government of Newfoundland should longer withhold its consent to the insertion in the terms of the submission agreed upon of a reference to Orders in Council.

By despatch dated 25th April, 1919, the Governor of Newfoundland acknowledged the receipt of Your Excellency's last mentioned despatch and said — "My Ministers are still studying the question. I am reminding them about it".

The dilatory attitude of the Government of Newfoundland towards this matter compels the Minister to abandon any hope of inducing action on the part of the Newfoundland Government looking to an agreement upon the terms of the submission within any definite period of time.

His Majesty's Government by despatch of the Colonial Secretary dated May 20th, 1904, expressed concurrence in the view of the Canadian Ministers that the question in dispute was a proper one to be referred to the Judicial Committee of the Privy Council under section 4 of Imperial Statute 3 and 4, William IV, Ch. 41.

The Committee therefore, on the recommendation of the Acting Minister of Justice, advise that Your Excellency may be pleased to request His Majesty's Government, in view of the circumstances narrated above, to cause a proper reference of the question in dispute to be made to the Judicial Committee upon the papers as they stand and subject to such directions as to the procedure to be followed in submitting the case as the Judicial Committee may consider it necessary and appropriate to give.

All which is respectfully submitted for approval.

550.

*Le gouverneur de Terre-Neuve au Gouverneur général*  
*Governor of Newfoundland to Governor General*

CONFIDENTIAL DESPATCH

St. John's, June 23, 1919

My Lord Duke,

With further reference to Your Excellency's confidential despatch of the 4th of April and my acknowledgment of the 25th April on the subject of the boundary between Newfoundland and the Dominion of Canada in Labrador I have the honour to inform you that I have lately pressed my Ministers upon the matter, and they explain that the Attorney General in the recently formed administration is now looking into the whole matter with a view to making as early a communication as may be possible.

2. Meanwhile it may be worth my while to express to Your Grace my own personal impression as one whose experience with boundary questions is perhaps almost unique: especially as the law of the watershed (which comes up in this case) was never systematically expounded until I wrote the chapter in the case against Brazil which dealt with the subject. That particular chapter I placed at the disposal of Sir C. Sifton and Sir J. Pope when they were dealing with the Alaska Boundary about the same time that I was arguing the case against Brazil (1912-13).

3. The result of my own examination is that on no fair statement of the watershed theory could the Province of Quebec have any sort of claim to any territory to the east of the watershed in the Labrador. I have only recently turned up a document which strongly supports the claims of Newfoundland to the whole of the territory up to the watershed and I would suggest that

the Government of Quebec would do well to abandon the somewhat extravagant claims which they have hitherto been inclined to adopt and be prepared to discuss the matter on a practical and reasonable basis.

I have etc.

C. ALEXANDER HARRIS

551.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

DESPATCH 303

Downing Street, July 14, 1919

My Lord Duke,

I have the honour to acknowledge the receipt of Your Excellency's despatch No. 502 of the 16th ultimo forwarding a copy of an approved Minute of the Privy Council for Canada asking that steps may now be taken for a reference to the Judicial Committee of the Privy Council on the subject of the dispute as to the boundary between Newfoundland and the Dominion of Canada in the peninsula of Labrador.

2. I have to request that you will inform your Ministers that His Majesty's Government appreciate their desire for an early submission on the question to the Judicial Committee but do not feel that they are in a position to proceed in the matter except with the concurrence of both Governments concerned. I am, however, communicating with the Governor of Newfoundland and I hope that I shall be in possession of the views of his Government on the subject at an early date.

I have etc.

MILNER

552.

*Le gouverneur de Terre-Neuve au Gouverneur général*

*Governor of Newfoundland to Governor General*

CONFIDENTIAL DESPATCH

St. John's, September 30, 1919

My Lord Duke,

I have the honour to inform you, with reference to my Confidential despatch of the 23rd of June last on the subject of the boundary between Newfoundland and the Dominion of Canada in Labrador, that my Ministers have now definitely agreed to the amendment of the phraseology of the form of submission which was proposed by the Canadian Government and that that submission will now read as follows:

What is the location and definition of the boundary as between Canada and Newfoundland in the Labrador Peninsula under the Statutes, Orders in Council and Proclamations?

2. I have informed the Secretary of State accordingly.

I have etc.

C. ALEXANDER HARRIS



553.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 894

Ottawa, December 11, 1919

My Lord,

With reference to your despatch No. 525 of the 7th November regarding the dispute as to the boundary between Newfoundland and the Dominion of Canada in the peninsula of Labrador, I have the honour to transmit, herewith, a copy of a letter from the Department of the Secretary of State for External Affairs regarding the agreement as to procedure between the Canadian Government and the Government of Newfoundland.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

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

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

Ottawa, December 9, 1919

Sir,

With reference to a despatch from the Secretary of State for the Colonies to the Governor General, dated the 7th November, 1919, relative to the dispute as to the boundary between Newfoundland and the Dominion of Canada in the peninsula of Labrador, asking to be informed whether His Majesty should now be advised to refer to the Judicial Committee of the Privy Council for hearing and consideration, under section 4 of 3 William IV, chapter 41, the question as stated in the terms of the submission now agreed upon between the Canadian Government and the Government of Newfoundland, I have the honour to represent that the Minister of Justice is presently in correspondence with the Attorney General of Newfoundland with a view to coming to an agreement as to the procedure. Under the agreement proposed by the Minister of Justice, each Government shall, within a fixed time to be mutually agreed upon, present to the other, and lodge at the Privy Council office, a printed case setting forth the agreement and the evidence, historical or otherwise, upon which it intends to rely in support of its contention upon the question agreed to be submitted, and, within a further fixed time to be mutually agreed upon, a printed counter-case, in which may be included evidence in rebuttal not contained in its case; and it is proposed that the two governments shall thereupon petition His Majesty the King to refer the question so put in issue to the Judicial Committee for hearing and determination. The proposed agreement contains other customary provisions as to procedure.

The Minister of Justice has not had any reply yet from the Attorney-General of Newfoundland, but this will doubtless be received in due course.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense.

I have etc.

JOSEPH POPE

554.

*Le gouverneur de Terre-Neuve au Gouverneur général*  
*Governor of Newfoundland to Governor General*

St. John's, January 17, 1920

My Lord Duke,

I have the honour to transmit herewith for your information copy of a Despatch which I have addressed to the Secretary of State for the Colonies on the subject of the dispute between Newfoundland and the Dominion of Canada in regard to the boundary of Labrador.

I have etc.

C. ALEXANDER HARRIS

[PIÈCE JOINTE / ENCLOSURE]

*Le gouverneur de Terre-Neuve au secrétaire aux Colonies*  
*Governor of Newfoundland to Colonial Secretary*

DESPATCH 14

St. John's, January 16, 1920

Sir,

I have the honour to acknowledge the receipt of your despatch No. 88 of the 7th November last regarding the dispute between Newfoundland and the Dominion of Canada in regard to the boundary of Labrador.

2. I am informed by my Ministers that the Law Officers of the Government of Canada and the Government of Newfoundland have recently signed an agreement to refer the matter to the Judicial Committee of Privy Council which provides that after the completion of each party's case the two Governments shall petition His Majesty to refer the question so put in issue to the Judicial Committee for hearing and determination.

3. My Minister of Justice suggests that as issue has not been joined nor the two cases completed, it will be unnecessary for you as yet to advise His Majesty to refer the question to the Judicial Committee of the Council; but I am not sure that the view is correct, and leave the matter in your hands.

I have etc.

C. ALEXANDER HARRIS

555.

*Décret du Conseil**Order in Council*

P.C. 1043

May 17, 1922

The Committee of the Privy Council have had before them a report, dated 11th May, 1922, from the Minister of Justice, to whom was referred a Despatch dated the 10th December, 1921, from the Governor of Newfoundland, transmitting copies of two Minutes of Council of the Newfoundland Government respecting the transactions of the C.G.S. *Acadia* and a schooner called the *Corsair*, at Lake Melville and Rigoulette, near the Labrador coast, during the past summer.

The Minister observes that in the said Minutes of Council it is stated that the *Acadia* carried out certain survey work within the territorial waters of the Newfoundland Government on the Labrador coast last summer without obtaining the permission of the Newfoundland Government to do so; further, that the schooner *Corsair* arrived at Rigoulette on August 6th from Sydney, N.S., having on board coal, provisions, cigarettes, gasolene, and lumber, all of which were transferred to the *Acadia*; that the Captain of the *Corsair* reported to the Newfoundland Sub-Collector of Customs at Rigoulette, but tendered no entry in respect of his cargo, and refused to pay any duties or to recognize the authority of the Sub-Collector, and that the *Acadia*, which arrived at Rigoulette at the same time, also refused to report to the Customs Officer. It is affirmed that both ships were in waters within the territorial jurisdiction of Newfoundland, and were, therefore, amenable to the Newfoundland laws and customs regulations.

In view of these circumstances, the Newfoundland Government enters a strong protest against the non-recognition of acknowledgment of the authority of the Newfoundland Government and of the Newfoundland laws and regulations by the Captains of the above-named ships, and requests the Canadian Government to take proper steps to deal with the offenders and to issue such instructions as will prevent similar infractions of their laws in the future.

The Canadian Government is further requested to arrange for the payment of the customs duties alleged to be exigible, under the Newfoundland customs regulations, in respect of the cargo transferred by the *Corsair* to the *Acadia*, as above mentioned, amounting to \$415.52.

The Minister states that he has ascertained that the C.G.S. *Acadia*, under instructions from the Department of the Naval Service, carried out a hydrographic and topographic survey of Lake Melville and the Narrows last summer for the Department of Justice, in connection with the preparation of the Dominion's case in the pending reference to the Judicial Committee of the Privy Council of the question in dispute with the Newfoundland Government as to the location and definition of the landward boundary of the Labrador coast. This survey was performed between July 14th and October 5th last year. Certain supplies, consisting of a quantity of gasolene and lumber, were

landed by the *Acadia* at Rigoulette on July 14th last for the purposes of a survey party which, with Rigoulette as its base, carried out survey work in the Narrows and in the east end of Lake Melville; and on August 16th the *Corsair*, a schooner owned in Newfoundland, but chartered by Joseph Salter and Son, of North Sydney, N.S., transferred to the *Acadia*, at a point in the east end of Lake Melville, near Shag Island, seventeen miles south and west from Rigoulette, a cargo of coal and a quantity of supplies. The officer in charge of the *Acadia* reports that when his vessel was at Rigoulette on July 25th, the Sub-Collector of Customs at Rigoulette came on board and informed him that his instructions from St. John's were that the ship was exempt from customs duty, but that duty must be collected on the consumable survey stores which had been landed at Rigoulette, and that, in answer, he told the Sub-Collector that he would have to wire Ottawa for instructions before taking any action in the matter. The *Acadia* was at Rigoulette again on August 14th. The Sub-Collector again came on board to discuss the question of duties, and it was finally decided that the matter should be left in abeyance until the Justice Department at Ottawa and at St. John's (Nfd.) had arrived at some understanding in the matter.

In order to arrive at a *modus vivendi* with Newfoundland, on the subject of its claim to customs duties, which would conserve the claims of both the Dominion and Newfoundland, the Deputy Minister of Justice, on August 26th last, telegraphed the Honourable W. R. Warren, Minister of Justice at St. John's, Newfoundland, as follows:

Referring your Government's claim collect customs duties upon heavy goods landed at Rigoulette for use of Canadian Government survey party, these duties do not appear to be legally exigible apart from question of territorial jurisdiction as the Crown is not mentioned in Newfoundland customs law, but if you held Crown as represented by Dominion liable to pay customs duties under your statutes, will your Government accept undertaking to pay duties properly chargeable if Rigoulette should be held part of Newfoundland Labrador and if duties be otherwise legally exigible?

To this proposal the Honourable Mr. Warren replied by telegram dated August 29th, as follows:

Newfoundland Government collecting duties Rigoulette for very many years and cannot now interrupt practice. Goods for Canadian Government not exempt under our Revenue Act.

In view of the nature of this reply, the officer in charge of the *Acadia* was instructed to pay customs duties only if it were necessary to secure possession of the goods charged as imports, and in that event to pay the duties under protest in writing without prejudice to any questions which might arise in the present dispute as to the location of the boundary line on the Labrador coast or to any claim which the Dominion might be advised to assert for the recovery of the duties so paid. Since the officer in charge of the *Acadia* had possession of the goods alleged to be dutiable by the Sub-Collector at Rigoulette, no duties were paid.

It need hardly be stated that the Government of Canada would not wittingly sanction, or would not hesitate to disavow, a course of action on the part of

any of its officers involving a violation of the jurisdiction of the Newfoundland Government or an infringement of its laws within the clearly established and recognised limits of Newfoundland territory. In the present case, the Newfoundland Government asserts that the area within which the survey work was performed by the C.G.S. *Acadia* and supplies were landed or transferred to the *Acadia* for the purposes of the said work, is within the territorial jurisdiction of the Newfoundland Government, as if there was not the least doubt about it, but this pretension of territorial jurisdiction, far from being free from doubt, is in fact the *raison d'être* of the pending reference to the Judicial Committee of His Majesty's Privy Council, which the Dominion and the Newfoundland governments have agreed upon for a decision on the question of the location and definition of the boundary of the Labrador coast.

The Minister submits that, until that decision is had, the precise limit of jurisdiction, as between the Dominion of Canada and the Colony of Newfoundland, on the Labrador coast, will remain the subject of doubt and dispute. In the meantime, the Government of Canada cannot consistently with what the Minister considers to be the true interpretation of The Statutes, Orders in Council, and Proclamations bearing on the question in dispute, admit that its officers or citizens were, in respect of the transactions of the C.G.S. *Acadia* and the schooner *Corsair*, at Lake Melville and Rigoulette last summer, guilty of any violation or infringement of the territorial jurisdiction or laws and regulations of the Colony of Newfoundland.

The Committee, concurring, advise that Your Excellency may be pleased to forward copies of this Minute to the Governor of Newfoundland for the information of his Ministers, and also to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

556.

*Décret du Conseil exécutif de Terre-Neuve*  
*Order of Executive Council of Newfoundland*

September 14, 1922

Committee of Council had under consideration Despatch from His Excellency the Governor General of Canada of date 19th May last, covering copy of an approved Minute of the Canadian Privy Council dated 17th May on the subject of the action of the Canadian Steamer *Acadia* and the Canadian Schooner *Corsair* on the Coast of Labrador in the Summer of 1921. The committee of Council deeply regrets the position taken by the Government of the Dominion of Canada, and they are unable to accept their suggestion that the action of the *Acadia* and the *Corsair* is justified by the fact that the area in question is in dispute between the two Governments, and that the question of ownership is part of the issue to be discussed before the judicial Committee of the Privy Council. The Committee desires to point out that the real question at issue between the two Governments is as to the true boundary to be laid

down in Labrador on land, and there never was, until the last few years, any suggestion even on the part of Canadian authorities that any portion of the sea or its inlets came into the question at all.

For the greater part of the past one hundred years, the Government of Newfoundland has exercised jurisdiction over all these waters, and there has been no pretence to the contrary on the part of any Government. The Customs Laws of Newfoundland have, ever since the establishment of responsible Government, provided for a Customs Service on the Labrador, and the laws have been maintained there and no protest was ever made by the Canadian Government, either against the passage of the Customs Management Act of 1858, or against its approval by the Imperial authorities. When the Quebec Government a few years ago raised the question of jurisdiction, the Hudson's Bay Company and Revillon Frères noted a protest when paying duties, but there was no attempt to disregard the Law or to override the Newfoundland officials as in the case of the *Acadia* and the *Corsair*.

If the Canadian Government has been advised that it was necessary to survey waters, that for the past century have been under the Newfoundland Government, leave to do so would gladly have been given by this Government.

The Government of Newfoundland reiterates the protest and requests made under Minute of Council of date 26th November last, copies of which were forwarded to the Government of the Dominion of Canada, and now again records the strongest possible protest against the action of the Canadian Government as an attempt to prejudice the whole matter before the Privy Council.

The Committee advise that Your Excellency may be pleased to forward copies of this Minute to His Excellency the Governor General of Canada, and also to the Right Honourable the Secretary of State for the Colonies.

557.

*Le sous-ministre de la Justice au sous-secrétaire d'État  
aux Affaires extérieures*

*Deputy Minister of Justice to Under-Secretary of State  
for External Affairs*

Ottawa, April 27, 1923

Dear Sir Joseph,

Referring to your letter of the 26th instant and to the cable received by the Prime Minister from Dr. Doughty, Dominion Archivist, now in London, relative to this case, I may say that we received a cable from Messrs. Charles Russell & Co., our London agents, on the 25th instant, from which it would appear that the memorandum referred to by Dr. Doughty is a copy of a memorandum which we already have. This memorandum is entitled "Minutes on the Proposed Bill" and is found in the Canadian Archives, series Q175, p. 34. There is some doubt as to the authorship of this memorandum, but the Public

Records Office says it was probably written by R. Wilmot Horton, Esq., M.P., who was Under-Secretary of State for War and the Colonies under the Earl of Bathurst. It was evidently written for the purpose of explaining the provisions of the Canada Tenure Bill, 6 Geo. IV ch. 59 (1825). The Journals of the House of Commons for that year show that Mr. Horton was entrusted with the preparation of this Bill and sponsored it in the House. The third paragraph of the memorandum deals with the 9th section, relating to the coast of Labrador, and indicates that Blanc Sablon was fixed upon as the point for the division of the coast by the Governors of the respective colonies, it being supposed that Canadian settlements ended at this point.

I suggest that Dr. Doughty should be instructed to secure a copy of this memorandum and to ascertain definitely, if he can, the authorship of the same.

Yours faithfully,

E. L. NEWCOMBE

558.

*Le secrétaire aux Colonies au Gouverneur général*  
Colonial Secretary to Governor General

TELEGRAM

London, July 7, 1925

Your despatch of December 11th, 1919, No. 894. Joint Petition by Governments of Canada and Newfoundland praying His Majesty to refer Labrador boundary question to Judicial Committee having been lodged with Privy Council, Lord President proposes to submit Petition to His Majesty in Council at the first convenient opportunity with a view to reference being made to Judicial Committee accordingly.

PARTIE 3 / PART 3

FRONTIÈRE AMÉRICANO-CANADIENNE  
UNITED STATES-CANADA BOUNDARY

559.

*Le secrétaire, premier ministre de Grande-Bretagne, au conseiller juridique*  
Secretary, Prime Minister of Britain, to Legal Adviser

CONFIDENTIAL

Paris, February 13, 1919

My dear Christie,

In talking with two or three people at the Hotel Crillon today I found that the expert members of the American Delegation concerned with Colonial and similar questions [were] very disposed to consider the rectification of the Alaska pan-handle in favour of Canada as part of a general settling up all round. I don't know whether Sir Robert has taken any steps in regard to the matter but I think that it would be worth your while to see that the question is brought forward, possibly at a rather later stage of the negotiations. I enclose

a map which was given me. So far as I can gather Beer and Shotwell would be willing to rectify the frontier so as to give to Canada a tidal port for their railway at Skagway and to give them control of the Stikine river down to the sea.<sup>1</sup>

I might also mention that it struck me that they had in mind the possibility of some of the West Indian islands being handed over to the United States.

Yours sincerely,

P. H. KERR

560.

*Major O'Gorman au Premier ministre*

*Major O'Gorman to Prime Minister*

Somewhere in France, April 26, 1919

Dear Sir Robert Borden,

I enclose a letter on "Canada's Dalmatia", dealing with our claim to the western coastline, from the 141st parallel to the Portland Canal. I am sending this letter to the Press.

Would it be possible, at this juncture, to bring up this question diplomatically? As things stand, Canada is deprived of half the coast of British Columbia on the west, and, to a certain degree, of the whole coast of Labrador on the east. Surely it should be our desire to rectify this.

I have etc.

JOHN J. O'GORMAN

[PIÈCE JOINTE / ENCLOSURE]

Somewhere in France, April 26, 1919

Sir,

THE CANADIAN DALMATIA

Magnificent as was President Wilson's appeal to Italy to forego her claims to Fiume and Dalmatia, one can readily understand how difficult Italy finds it to make the great renunciation. Why, she asks, should she be called upon to abandon her Promised Land, when other nations are having their widest claims most generously satisfied. America, by virtue of the Fourteen Points and League of Nations, would deprive Italy of Fiume and Dalmatia, yet in spite of the Fourteen Points and the League of Nations intends maintaining the Munroe Doctrine. If the United States were called upon to sacrifice something by virtue of the same principles, Italy would find it much easier to make her sacrifice. Now there is an exact parallel to Dalmatia on the western coast of Canada. From Alaska proper to the Dixon Entrance, that is, for well over five hundred miles, the western coast of Canada, for fifty miles inland, is owned

<sup>1</sup>The red line gives an idea of the sort of readjustment they had in mind.

[Note telle que dans le document. / Footnote as in Document.]



by the United States. It is as unjust a boundary as any in the world and was obtained by The United States by mere chance. Alaska was a Russian colony, and the Russians stretched their claims southwards down the coast for over half a thousand miles. As nobody had settled the hinterland, or bothered about it, no objection was raised to Russia holding the coast. Then the United States, in a moment when British statesmanship was asleep, bought Alaska from Russia for a nominal sum and obtained with it several hundred miles of the coastline of the newly formed Dominion of Canada. Geographically the United States has as much right to this Canadian Dalmatia, as Canada would have to a strip of the American coast fifty miles inland from Maine to Long Island. Canada has long since abandoned her claim to northern Maine, yet America holds jealously to Prince of Wales Island, though the name in all truth is British enough.

A glance at the accompanying map<sup>1</sup> makes the matter self-evident. The hundred and forty-first parallel of longitude separates Alaska and Canada from the Arctic Ocean to within fifty miles of the Pacific Ocean. It should continue to be the boundary line right to the sea. A cluster of mountains stand here as the natural and eternal sentinel between Alaska and Canada, as 'the whole sweep of the Alps' separates Italy from her neighbours. Will President Wilson advocate this commonsense boundary and ask his country to forego her claim to Canada's coastline from Yakutat Bay to the Portland Canal? Up to the present, there has been no indication of any intention on the part of the American president or the American people to abate one inch of their claim in this region. The 'fifty mile inland' phrase was interpreted by the United States, not fifty miles from the Pacific coastline, but fifty miles inland from the deepest indentation, which brings the line a couple of hundred miles inland. The United States has not merely failed to be generous to her friend Canada in dealing with this question, but she has demanded the last ounce of her pound of flesh, as the result of the last arbitration on the Alaskan boundary showed. The Canadian delegates returned feeling that they had been not merely ungenerously treated, but also cheated.

However, since then the United States has formulated the Fourteen Points and 'the compulsion is on her to square every decision she takes part in with those decisions'. 'If those principles are to be adhered to, *Skagway* must serve as the outlet and inlet of the commerce, not of the *United States* but of the land to the north and north-east of that port' — the Yukon and Northern British Columbia. The Yukon is a territory over five hundred miles in length and on an average a couple of hundred miles wide. Yet its only egress to the sea, apart from the ice-bound and economically impossible Arctic, is through Skagway. How can the river commerce of Dawson, Ogilvie, Selkirk, with the gold of the Yukon, how can the commerce of the White Horse Railway, reach the sea except through Skagway? If Skagway is Canada's Fiume, the coast and islands from the Lynn Canal to the Portland Canal, form a perfect geographical parallel to Dalmatia. There is this difference, however, Italy claims only part of the islands and ports of Dalmatia, while the United States holds the whole

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

five hundred and more miles of coast from Yakutat Bay to the Dixon Entrance. This should be given to Canada at once. 'There can be no fear of the unfair treatment of groups of *American* people, because adequate guarantees will be given, under international sanction, of the equal and equitable treatment of all racial or national minorities'. As Canadians and Americans are not like the Croats and the Italians, hereditary enemies, but, on the contrary, hereditary friends of the same language and blood and ideals, and as all the American settlers on the whole coast from mountain-bound Alaska to the Canadian terminus of the Grand Trunk Pacific do not number as many as the inhabitants of Fiume, the difficulties connected with America's giving up this territory are immeasurably less than those connected with Italy's renunciation of Fiume and Dalmatia. Here is the golden opportunity for President Wilson to convince the world that his ideals, which are the ideals of all Christian democracies, can hold their own in this hard, selfish world.

JOHN J. O'GORMAN

561.

*Le Premier ministre au premier ministre de Grande-Bretagne*  
*Prime Minister to Prime Minister of Britain*

SECRET

Paris, April 29, 1919

Dear Mr. Lloyd George,

A Canadian officer has put in a rather convincing way the situation on the western coast of Canada of which I have spoken to yourself and to Lord Milner. A very prominent American assistant delegate has had a confidential conference with me on the subject in which he strongly urged that it should be taken up during the Peace Conference. It was suggested that British Honduras, which remains, I believe, quite undeveloped, might be given in exchange.

Faithfully yours,

[ROBERT L. BORDEN]

562.

*Le secrétaire aux Colonies au Premier ministre*  
*Colonial Secretary to Prime Minister*

SECRET AND PERSONAL

Downing Street, May 7, 1919

My Dear Sir Robert,

Thank you very much for your letter of the 29th April and the interesting enclosure from Major O'Gorman about "Canada's Dalmatia." This is a matter upon which I can at the present moment only express a purely personal view. Speaking for myself and quite unofficially, and looking at the question, as I like to look at it, from the point of view of the British Empire as a whole, I should certainly say that it would be good business to exchange British Honduras for the strip of American coast which intervenes between so much of British Columbia and the sea, or even a considerable portion of it. It is true that Honduras is quite a valuable possession. It is a country of considerable

extent and great natural resources. But it is, as you say, very little developed and not likely to be developed quickly by us. On the other hand, its exchange value to a country which, like the United States, would probably develop it quickly, is great.

It is true that the exchange is somewhat lop-sided because it is Great Britain which would be giving up Honduras and Canada which would be getting the coast of British Columbia. But that is only an objection from the particularist point of view, with which I do not sympathise. Believing, as I do, that the British Empire, for all its different Governments and States, will somehow or other hang together, the coast in question is a far greater gain to it than British Honduras is a loss. Therefore, from the broad point of view, the exchange would be desirable.

On the other hand, there is always a certain objection to swopping, when it involves not merely land but people. The white inhabitants of British Honduras are fortunately not many, but they would probably object, or a good many of them would object, to being handed over to another country. This is a real difficulty though I think, for the important object in view, we ought to be prepared to face it. But I should not like to stir up the question — involving as it certainly would, some disagreeables and some controversy — unless I felt sure that the other party was certainly prepared to deal. The first step, it seems to me, is that we should get from some authoritative American source an intimation, however informal, that they really would be prepared to give up that strip of coast, or at any rate the bulk of it, in exchange for British Honduras.

I am anxious on our side that no question should be entertained of swopping anything but that territory. If more were asked for, I should be disposed to shut down the discussion at once. I have at one time or another heard other suggestions — about British Guiana, for instance, or some of the West Indian Islands. The surrender of any of these would present much greater difficulties than that of Honduras. And besides, I think that, if America were to get, for instance, British Guiana, she would be being bought out of that strip of coast of hers at too high a price. Both British Guiana and the West Indies have an enduring interest, not only for Great Britain but for Canada, which British Honduras has not, or only has to a much lesser degree.

Yours very sincerely,

MILNER

563.

*Décret du Conseil*  
*Order in Council*

P.C. 1712

October 1, 1924

The Committee of the Privy Council have had before them a Report, dated 22nd September, 1924, from the Right Honourable the Secretary of State for External Affairs, representing, — with reference to a despatch from His Majesty's Ambassador at Washington, enclosing the draft of a proposed treaty for the further regulation of the International Boundaries between Canada and

the United States, which has been prepared and recommended by the Commissioners under the Treaty signed at Washington on the 11th of April, 1908, for the demarcation of the International Boundary between the United States and Canada, — that the points covered by this draft treaty are:

- (1) The definition and permanent location of the point of the boundary line to be known as the north-westernmost point of Lake of the Woods.
- (2) The definition of the boundary line between the United States and Canada from the north-westernmost point of Lake of the Woods to the summit of the Rocky Mountains along the forty-ninth parallel of north latitude as consisting of a series of straight lines joining adjacent monuments.
- (3) The extension of an additional course of the boundary line in Grand Mahan channel from its terminus as defined by the Treaty of May 21, 1910, to the high seas.
- (4) The maintenance of an effective boundary line between the United States and the Dominion of Canada and between Alaska and the Dominion of Canada by the Commissioners appointed under the Treaty of 1908 and their successors as provided in the draft treaty.

The Minister observes that Article II of the draft treaty provides that the boundary along the forty-ninth parallel from the Lake of the Woods to the summit of the Rocky Mountains shall be a series of straight lines joining adjacent monuments now established, instead of following the course of the forty-ninth parallel, and that this change would involve the cession of territory by Canada which in the aggregate will not exceed 24 acres, but precedents exist in connection with previous treaties with the United States for relinquishing small portions of territory with the object of securing a practical and convenient boundary.

The Minister states that the draft treaty has been carefully considered in the Department of the Interior and the Minister of the Interior is of opinion that it may be accepted.

The Committee concur in the foregoing, and, on the recommendation of the Secretary of State for External Affairs, advise that the draft treaty be approved, and that His Majesty's Ambassador at Washington be requested to inform the United States Government that it is acceptable to the Canadian Government.

All of which is respectfully submitted for Your Excellency's approval.

564.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

TELEGRAM 7A

Ottawa, January 23, 1925

Your despatch November 18th, No. 425, 1924. Appointment of Plenipotentiary to sign proposed new treaty for further regulation of International boundary between United States and Canada. Canadian Government desire to modify slightly text of treaty as already agreed upon in following particulars:

(a) To insert in preamble after word "India", in His Majesty's title, words "in respect of the Dominion of Canada", and to insert same words, in the clause naming Canadian Plenipotentiary, after "His Britannic Majesty". (b) In Article V to make provision for exchange of ratifications in alternative at Ottawa, by inserting after "Washington" in first sentence words "or Ottawa".

My Ministers anxious to ascertain by telegraph whether United States Government would concur in these proposed changes and would be grateful for early reply in order that necessary arrangements for signing treaty may be made.

BYNG

565.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM 4

Washington, January 29, 1925

Your telegram No. 7A. United States Government agree to the modifications suggested and text of Treaty has been amended accordingly.

HOWARD

566.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, February 25, 1925

Your telegram February 21st. Conventions with the United States of America. My Ministers appreciate very much the promptness and effectiveness of the steps taken to comply with their request for issue of full powers to Lapointe. They have been informed that the Conventions were signed at Washington yesterday.<sup>1</sup>

PARTIE 4 / PART 4

EAUX TERRITORIALES  
TERRITORIAL WATERS

567.

*Le sous-ministre, ministère du Service naval, au sous-secrétaire*  
*d'État aux Affaires extérieures*

*Deputy Minister, Department of Naval Service,*  
*to Under-Secretary of State for External Affairs*

Ottawa, May 3, 1919

Dear Sir Joseph,

We are having a little trouble in New York with the firm of Bullowa, 32 Broadway. This is a firm of lawyers and the facts are as follows:

<sup>1</sup>Le Traité de délimitation de la frontière est reproduit dans: *Treaties and Agreements affecting Canada* . . . , 1927, pp. 515-519.

<sup>1</sup>The Boundary Demarcation Treaty is printed in *Treaties and Agreements affecting Canada* . . . , 1927, pp. 515-519.

One of the scientists engaged on the Canadian Arctic Expedition was a man of the name of Bjarne Mamen, who was one of the men on the C.G.S. *Karluk* and that vessel being caught in the ice drift sank off the coast of Wrangel Island, on which land the party spent the winter until they were rescued under arrangements made by the Canadian Government, The arrangements under which the men of the expedition were engaged provided that they should keep diaries of their work and of the expedition and all the documents should be the property of the Canadian Government. Mr. Mamen died on Wrangel Island and Captain Bartlett later on handed to Mr. Stefansson representing this Department certain documents, among them Mamen's diary. The diary was written in Norwegian, was not very legible and needed to be deciphered by some one thoroughly familiar with the Norwegian language. Mr. Stefansson made an arrangement with Mamen's brother, by which the latter's typewriter would have made a typewritten copy of the diary for the use of the Department and the diary itself was handed to Mr. Mamen's brother in New York for this purpose.

The Department is now in receipt of a letter from the Bullowa firm stating that their client, Mr. Mamen's brother, is in possession of this diary, that it contains information of value to the Canadian Government, hinting that the publication of this information may be detrimental to the Government and asking what price the Canadian Government is prepared to pay for the diary. Mr. Stefansson wishes to interview this firm of lawyers and asks that he should be accompanied by a member of the British Consul's office to act as representative of this Department. It is advisable that some other representative of the Department, besides Mr. Stefansson, should be at this interview and I should be glad if you would ask the Consulate to take the action indicated above. Mr. Stefansson would call at the Consulate and make necessary arrangements.

It is necessary to act promptly and I should be glad if you would write immediately and possibly telegraph so as to secure prompt attention. I am advising Mr. Stefansson in New York that this is being done.

Yours truly,

G. J. DESBARATS

568.

*Le sous-ministre, ministère du Service naval, au sous-secrétaire  
d'État aux Affaires extérieures*

*Deputy Minister, Department of Naval Service,  
to Under-Secretary of State for External Affairs*

Ottawa, June 16, 1919

Dear Sir Joseph,

With reference to my letter of May 3rd regarding action to be taken by the British Consulate at New York in connection with the diary of the late Bjarne Mamen.

I understand that the Consulate has employed a firm of lawyers to act in this matter. I also understand that Mr. Mamen's brother is to sail for Europe this week and proposes to take the diary with him. This may result in the

diary not returning to the country and the information which we may need being lost to us. It has been suggested that the Consulate's lawyers should obtain an order from the Courts to seize the diary and have it lodged in the possession of the Courts pending a decision as to its ownership. The exact action to be taken would depend on the advice of the New York lawyers.

As immediate action is necessary I should be glad if you would wire the Consulate at New York asking that they should take the necessary steps.

Yours truly,

G. J. DESBARATS

569.

*V. Stefansson au consul général à New York*

*V. Stefansson to Consul General in New York*

Ottawa, June 21, 1919

Sir,

I received June 19th the following telegram from the Deputy Minister of Naval Service of Canada:

Justice department has taken matter of Mamen diary up directly with lawyer Fox they consider better to have lawyer act direct in the matter and not as agent for consul. G. J. Desbarats.

It seems from this telegram that the Justice Department of Canada prefers to act directly through Attorney Fox. However, my Minister with whom I have communicated twice by telephone, is very grateful for your assistance in the matter. We now hope for a possibility of success through the Censorship Department in Great Britain. This valuable suggestion was originally yours and I hope that if Mr. Fox is unable to get what we want in New York you will be able to put him in the way of getting a copy of the diary in Great Britain.

Temperamentally I am always ill-content with being so easily worsted as we shall probably prove to be in this case by people of the type of Bullova and Bullova. I suppose a wide knowledge of the world will show that honest methods frequently fail to triumph but somehow it seems, at least to those who are inexperienced, that the right side ought to win.

V. STEFANSSON

570.

*Le consul général suppléant à New York au sous-secrétaire d'État  
aux Affaires extérieures*

*Acting Consul General in New York to Under-Secretary of State  
for External Affairs*

New York, June 23, 1919

Sir,

With reference to your letter of May 12th, regarding the diary in which the Canadian Government and Mr. Stefansson are jointly interested, I have the honour to transmit to you herewith copy of a report made by Mr. Fox,

and also a letter which I have today received from Mr. Stefansson.

I regret that I was unaware till too late that the holder of the diary was leaving the country, as I think that I could have brought some pressure to bear upon the individual if I had had time to make the necessary arrangements.

I have etc.

FREDERICK WATSON

[PIÈCE JOINTE / ENCLOSURE]

*Charles Fox au consul général à New York*

*Charles Fox to Consul General in New York*

New York, June 21, 1919

Dear Mr. Watson,

RE: MAMEN

I am returning herewith the letters which you enclosed to me in connection with the above matter. I immediately took up the matter with Mr. Bullowa, one of the attorneys for Mamen, and an appointment was made to meet Mr. Steffanson [sic] and me at the Harvard Club on the evening of June 10th at 8 p.m. We had a conference at that time and Mr. Bullowa was disposed, and so expressed himself, to advise his client to place this diary in my possession for thirty days that the transcript therefrom could be compared to ascertain whether it was a correct copy of the original diary. He communicated with his client and I am enclosing to you herewith copy of the letter stated by him to have been written to his client and the client's reply thereto. Copies of these were mailed upon their receipt to the attorneys for Mr. Steffanson and I did not hear anything further of the matter until the 17th instant, when a little after four o'clock I received a telegram from the Assistant Deputy Minister of Justice, Mr. Edwards, to the effect that if proceedings could be taken to replevy or otherwise prevent the diary from being taken outside of the jurisdiction of the court please take proceedings immediately on behalf of this Government in the name of the Attorney General or Steffanson at the Harvard Club who will give full details. I called up the Harvard Club immediately upon receipt of this telegram and was informed that Mr. Steffanson had gone to Englewood, New Jersey and the telephone number where he was visiting was given to me and I called up this number but Mr. Steffanson had not arrived there and was not expected until after five o'clock, I then called up his attorneys here in New York and an appointment was fixed for 11 a.m. the next day to take the matter up. Mr. Steffanson called me up that evening from Englewood and this appointment was reported to him. He came in with his attorneys and the matter of a replevin was taken up. This action is of very little importance so far as obtaining property is concerned unless you know the exact location of the property so that the officer with the Writ can take it into his possession. The location of this property was unknown and it was considered futile to com-



mence any such proceeding. Then it was thought that a criminal proceeding might be commenced against Mamen as he was going to leave the next day and he might turn over the property that his journey might not be retarded. The question of who should be the complainant in the matter came up, Mr. Steffanson did not want to appear as complainant as for personal reasons he thought it might appear that he was endeavouring to suppress in some way the contents of this diary, but he understood that you were to be the complainant. From my interview with you it would appear that you had no such impression or instructions in the matter. We went to the City Magistrate's Court where the matter was stated to the Magistrate, and it should be said in this connection that Mr. Steffanson's attorneys were very helpful in the matter, as Mr. Steffanson would not make the complaint and I did not feel that I was in a position to charge him with having committed larceny that a warrant might issue for his arrest. It resulted in the Magistrate upon my statement that I made a complaint against Mamen for withholding property belonging to the Department of Naval Service issuing a Summons requiring Mamen to appear before him at 10 a.m. on the 19th instant. This Summons Mr. Steffanson had served on Mamen on the evening of the 18th instant, and on the 19th instant at 10 a.m. I appeared in the City Magistrate's Court, but Mr. Mamen did not, he was represented by attorney who claimed that Mamen had not this property in his possession that it had been sent to Norway and for forty-eight hours was in the possession of the Censor Department of the Post Office and that the diary was the property of the estate of the deceased Mamen and belonged to nobody else. The Judge then said the man himself ought to have appeared at 10 a.m., and it was stated that he was then on board ship and intended to start for Norway, the judge stated that he would issue a warrant for this man for failure to obey the Summons. I made a complaint and a warrant was issued rather for the effect on the attorney as it could not be served as the man was on board a ship in Hoboken, New Jersey and the jurisdiction of this Magistrate did not run that far, but we made every endeavour to execute the warrant and the matter was then dropped.

You took the matter up with the Censor Department of the Post Office and the Customs and you know the result of those efforts.

Mr. Steffanson seemed to be under the impression from communications that he had received from the Department of Naval Service that you were to be the complainant and institute these proceedings against Mamen, as I understood your position you had no instructions that would justify you commencing any proceedings and no information that would warrant you acting, but Mr. Steffanson seemed to be under the impression that such instructions would come, but if they have come since they can be of no service, but it always seemed to me that Mr. Steffanson under the circumstances was the logical complainant as he gave the property to the person charged and knew all the facts and details of the matter.

Faithfully yours,

CHAS. FOX

571.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

TELEGRAM

London, April 18, 1921

Notice has been given of following question in House of Commons. Begins. Whether any area of the estuary of the St. Lawrence or Gulf of St. Lawrence situated further than three miles from the nearest land is regarded by the Government as being within territorial waters. Ends.

Should be glad to have by telegram as soon as possible advice of your Government as to answer to be returned to this question.

CHURCHILL

572.

*Le sous-ministre de l'Intérieur au sous-secrétaire d'État  
aux Affaires extérieures**Deputy Minister of the Interior to Under-Secretary  
of State for External Affairs*

Ottawa, April 25, 1921

Sir,

I beg to acknowledge the receipt of your reference of the 19th instant, covering a copy of a telegraphic despatch dated the 18th instant, from the Secretary of State for the Colonies to the Governor General, respecting Territorial Waters in the Gulf of St. Lawrence.

In reply I may say that we have nothing on record to indicate that Canada has claimed or intends to claim jurisdiction beyond the limits fixed by the decision of the permanent court of arbitration at The Hague in September, 1910, and the agreement of July, 1912, between Great Britain and the United States. The jurisdiction extends beyond three miles from the nearest land only in the case of a number of bays.

It is provided in the Reciprocity Treaty of 1854 that the river St. Lawrence ends, and the Gulf of St. Lawrence commences at a line joining Pointe des Monts to Cap Chat; above this line, Canada claims exclusive jurisdiction although the width of the river is considerably over six miles.

The limit of three nautical miles was originally the range of cannon shot and was adopted in international agreements as defining the waters under the protection of the coast artillery. It has not, however, been recognized by all nations, some of whom claim far beyond the three miles. As the range of artillery is now much greater than three miles, Canada may wish later to exercise jurisdiction over a greater part of the St. Lawrence estuary and it seems that it would not be wise to abandon such a claim until the necessity arises.

I have etc.

W. W. CORY

573.

*Mémorandum du sous-ministre adjoint des Pêcheries au  
sous-ministre de la Marine*  
*Memorandum from Assistant Deputy Minister of Fisheries  
to Deputy Minister of Marine*

Ottawa, May 3, 1921

## TERRITORIALITY OF ESTUARY AND GULF OF ST. LAWRENCE

On the 18th ultimo the Secretary of State for the Colonies wired explaining that notice had been given in the British House of Commons of the following question:

Whether any area of the estuary of the St. Lawrence or Gulf of St. Lawrence situated further than three miles from the nearest land is regarded by the Government as being within territorial waters.

Keeping in view the study that the Deputy Minister of Justice has given this question and that he took part in the Hague Arbitration, there is probably no one more competent to give an opinion in the premises.

1. Whether or not any portion of the estuary of the St. Lawrence that is more than three miles from land has been regarded as territorial would depend on what the estuary would actually be held to be. Article I of the Reciprocity Treaty of 1854 with the United States provided that United States fishermen might fish on our coast without restriction as to distance from the shore excepting for the salmon and shad fisheries and for all the fisheries in the rivers and mouths of rivers which the Treaty states "are hereby reserved exclusively for British fishermen." In order to prevent disputes as to what the term "rivers" meant the Treaty further provided for the appointment of a Commission to determine the matter. This Commission consisted of M. H. Perley representing Great Britain and John Hubbard representing the United States, and on November 9th, 1860, it defined that the mouth or outer limit of the St. Lawrence should be at a line drawn north 40 degrees west (magnetic) connecting Cape Chat with Pointe des Monts.

Article XVIII of the Treaty of 1871 practically renewed these privileges to the United States and apparently the lines accepted under the 1854 Treaty for the mouths of rivers were regarded as standing.

The undersigned is not aware that claim to territoriality in the River St. Lawrence beyond this line has been asserted.

2. No claim so far as the undersigned knows has been made that the Gulf of St. Lawrence is territorial. While there may be argument as to the difference between a Gulf and a Bay the fact of the matter is that the Treaty of Independence of the United States provided that the citizens of that country should enjoy "the right to fish in the Gulf of St. Lawrence, etc., as they had previously done." It will be observed that it was not stated as a *privilege* or as a liberty but asserted as a *right*.

Again the Treaty of 1818 provides for special fishery concessions on a part of the coast of Newfoundland fronting the Gulf of St. Lawrence and on a part of the North Shore of the Gulf of St. Lawrence in Canada, as well as around the Magdalen Islands, which in itself would evidence clearly that the Gulf of St. Lawrence as a whole was regarded as open sea in which the nations of the world might operate. The various treaties since that time so far as fishery matters are concerned right down to that of 1888 contain similar provisions.

W. A. F[OUND]

574.

*Mémoire du ministère du Service naval au sous-secrétaire d'État aux Affaires extérieures*

*Memorandum from Department of Naval Service to Under-Secretary of State for External Affairs*

[Ottawa,] May 4, 1921

#### CANADIAN SOVEREIGNTY IN THE GULF OF ST. LAWRENCE

The above matter involves questions of great complexity and doubt. From a sentimental point of view, it would seem as if Canada ought to exercise sovereignty over the whole of the waters of the Gulf of St. Lawrence. In practice the matter is not so clear.

#### Territorial Waters

2. The actual extent of territorial waters from the shore is still the subject of disputes amongst nations. Great Britain and United States claim 3 miles, Sweden claims 4, Spain 6, Italy 10, Russia 12; but distances beyond 3 miles have not been recognized by general consent. The question of bays and gulfs requires separate treatment to coasts on the open sea; these are again subdivided into bays surrounded by territory belonging to one nation, and bays surrounded by territory belonging to two or more nations, to open bays and bays approached by narrow straits and to bays with particular conditions in different places.

3. Great Britain has always contended for the narrowest interpretation of territorial waters possible, the reason being that the question assumes greater importance in war than at any other time. Any extension of territorial waters would then hamper British naval movements in all parts of the world.

#### Disadvantages

4. If Canada wishes to claim sovereignty over the Gulf of St. Lawrence, there are abundant arguments to support her claim. On the other hand, however, there are plenty of equally good arguments against it. It is, therefore, of little use arguing from the point of view of Canadian rights. It is better to approach the matter from the point of view of expediency.

5. The main disadvantage of claiming sovereignty over the St. Lawrence lies in the fact that the sovereignty of other nations over similar bodies of

water would have to be admitted. As previously remarked this would be very inconvenient and might have serious consequences in war time, but it might also be inconvenient in peace time, as the following instance shows,—

6. In 1905 a Canadian Schooner was seized by the Uruguayan authorities for sealing in the River Plate outside the three-mile limit, Uruguay contending that the whole of the River Plate estuary was under the jurisdiction of themselves and Argentina. In view of her consistent attitude with regard to the limits of territorial waters, Great Britain protested strongly against the assumption of this sovereignty, and the Canadian Schooner was released.

7. Another disadvantage in claiming sovereignty over large areas of water, such as the St. Lawrence, lies in the difficulty and expense which would be entailed in effectively enforcing sovereignty. For instance, if the whole of the waters of the St. Lawrence Gulf were claimed to be exclusively Canadian, there would arise probably great agitation for the proper protection of the fisheries. This would mean a large additional expenditure by Canada without any appreciable gain.

#### Advantages

8. It might possibly be considered an advantage to have exclusive possession of the fisheries in the Gulf, but even this doubtful advantage would be lost, as it would no doubt be found impossible to close the St. Lawrence to United States Fishing Vessels after having been accustomed to their use for so many generations past.

9. The only real advantage to be gained would seem to be in the case of a war in which the Empire was neutral. In such a case hostile operations would not be permissible within the Gulf, if the waters were Canadian. This, of course, presupposes sufficient naval forces to enforce respect for the law.

#### Difficulties

10. Apart from any other considerations, there would be considerable difficulty in Canada claiming full sovereignty, in view of the Agreement between Great Britain and the United States regarding bays following the decision of the Hague Tribunal in September 1910. In Article 2 of that Agreement are laid down limits of certain bays in the Gulf of St. Lawrence from within which American fishing vessels are excluded. The point being that Canadian authority is recognized within these areas although they may extend outside the three-mile limit, and thus by inference recognising the body of the gulf as the high sea.

#### River St. Lawrence

11. On the other hand, to limit Canadian sovereignty in the River St. Lawrence strictly in accordance with the principles laid down in the North Sea Fisheries Convention of 1884 and in 1910 by the Hague Tribunal on North Atlantic Coast Fisheries does not seem possible. These Agreements would fix territorial waters as extending three miles beyond the point where the river narrows to ten miles and would bring international waters far above Rimouski and even above the Saguenay.

12. The question of Canadian jurisdiction over the River St. Lawrence was raised after the signing of the Reciprocity Treaty of 1854 between Great Britain and the United States. In that case it was mutually agreed that the mouth of the St. Lawrence was a line drawn from Pointe des Monts to Cape Chat. The River St. Lawrence is at this point 30 miles wide. The agreement thus grants to Canada sovereignty over comparatively large areas of water outside the three-mile limit.

#### Conclusion

As the law of nations is so indefinite in the matter and as sovereignty is at least of very doubtful value to Canada at the present time, it does not seem desirable to lay down any hard and fast rule, especially as circumstances may change and what is desirable today may be undesirable tomorrow.

It is considered, therefore, that the only definite claim to waters outside the three-mile limit which should be advanced is one involving those areas in the St. Lawrence from which United States fishermen are excluded by Treaty, but without prejudice to any further extension of territoriality which Canada may claim at a later date.

575.

*Mémoire du sous-ministre de la Justice au sous-secrétaire  
d'État aux Affaires extérieures*

*Memorandum from Deputy Minister of Justice to Under-Secretary  
of State for External Affairs*

Ottawa, May 17, 1921

Referring to Colonial Office despatch of 18th ultimo, enquiring whether any area of the estuary of the St. Lawrence or Gulf of St. Lawrence situated further than three miles from the nearest land is regarded by the Government as being within territorial waters, I think this question must be answered generally in the affirmative. I am not prepared to discuss the situation with regard to the whole Gulf of St. Lawrence, neither am I asked to do so, but certainly this Government would claim the whole of the estuary and the Baie des Chaleurs, and perhaps the Gulf. At all events I do not think this an occasion for making an admission to the contrary; therefore I would answer in the affirmative.

E. L. NEWCOMBE

576.

*Mémoire du Conseiller juridique au sous-secrétaire d'État  
aux Affaires extérieures*

*Memorandum from Legal Adviser to Under-Secretary of State  
for External Affairs*

[Ottawa,] May 19, 1921

I agree with the Deputy Minister of Justice that the question put by the

Colonial Secretary should be simply answered in the affirmative — that is to say, without any additional explanation or attempt at description.

L. C. CHRISTIE

577.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 20, 1921

Your telegram April 18. Territorial waters. Reply is in affirmative.

DEVONSHIRE

578.

*Le consul général de Norvège au sous-secrétaire d'État*  
*aux Affaires extérieures*  
*Consul General of Norway to Under-Secretary of State for*  
*External Affairs*

Montreal, October 15, 1925

Sir,

I have been instructed by my Government to supply them with a detailed report regarding the rules governing the extension of the sea territory of the Dominion of Canada. I should therefore be obliged if you would kindly provide me with material to make such report.

Thanking you in advance for any information you may give on the subject.

I have etc.

LUDVIG AUBERT

579.

*Le sous-secrétaire d'État aux Affaires extérieures*  
*au consul général de Norvège*  
*Under-Secretary of State for External Affairs to*  
*Consul General of Norway*

Ottawa, October 16, 1925

Sir,

I have the honour to acknowledge the receipt of your letter of the 15th instant, stating that you have been instructed by your Government to supply them with a detailed report regarding the rules governing the extension of the sea territory of the Dominion of Canada.

I am not quite clear as to what is meant by 'the extension of the sea territory of the Dominion' and should therefore be greatly obliged if I could be given somewhat more detailed information on this point.

I have etc.

O. D. SKELTON

580.

*Le consul général de Norvège au sous-secrétaire d'État  
aux Affaires extérieures*  
*Consul General of Norway to Under-Secretary of State for  
External Affairs*

Montreal, October 19, 1925

Sir,

In reply to your letter of the 16th instant I beg to explain that by "rules governing the extension of the sea territory of the Dominion of Canada" I meant rules fixing the limits of the territorial waters within which Canada has jurisdiction. If there are special rules for Customs purposes, I would appreciate to obtain information on this side of the question as well.

I have etc.

LUDVIG AUBERT

581.

*Le sous-secrétaire d'État aux Affaires extérieures  
au consul général de Norvège*  
*Under-Secretary of State for External Affairs to  
Consul General of Norway*

Ottawa, October 21, 1925

Sir,

With reference to your letters of the 15th and 19th instant, asking for information regarding the rules fixing the limits of the territorial waters within which Canada has jurisdiction, I would state that Canada accepts as a general rule that the limit of territorial waters for all purposes should be fixed at three miles from low water mark, but considers that special circumstances in connection with specific waters may necessitate a departure from this general rule. I might instance that such a departure was recognized in the Award of the International Tribunal which sat at The Hague in 1910 to decide questions relating to fisheries on the North Atlantic coast between Great Britain and the United States, in respect of certain bays on the coasts of Canada and Newfoundland.

I have etc.

O. D. SKELTON



## CHAPITRE VII / CHAPTER VII

### PÊCHERIES

### FISHERIES

Rapport de la Conférence canado-américaine sur la pêche; négociation du traité du saumon sockeye; projet de traité relatif aux privilèges portuaires; Comité international d'étude de la pêche maritime; Convention réglementant la pêche du flétan; enregistrement de la Convention sur le flétan au Secrétariat de la Société des Nations.

Report of Canadian-American Fisheries Conference; Sockeye Salmon Treaty negotiations; Draft Treaty concerning Port Privileges; International Committee on Marine Fishery Investigations; Convention for Regulation of Halibut Fisheries; registration of Halibut Convention with the League of Nations Secretariat.

582.

*Le secrétaire d'État par intérim des États-Unis à l'ambassadeur aux États-Unis<sup>1</sup>*

*Acting Secretary of State of United States to Ambassador in United States<sup>1</sup>*

Washington, March 21, 1919

Excellency,

As you are no doubt aware, the Government of the United States and the Government of Canada, appointed Commissioners to confer in respect to certain questions relating to the fisheries in contiguous waters which had been under discussion by our Governments. My Government has given consideration to the report of this conference, and as a result has drawn up a tentative draft of a convention between Great Britain and the United States concerning the sockeye salmon fisheries, a copy<sup>2</sup> of which I enclose for submission to your Government as a basis for negotiation. On account of the depleted condition of the sockeye salmon fisheries in the boundary waters, and in the Fraser River system, I am anxious to conclude, if possible, a convention for the conservation and propagation of the salmon fishes in time to lay the convention before the next session of the Senate, which will perhaps

<sup>1</sup>Transmise au Gouverneur général le 25 mars.

<sup>2</sup>Non reproduite.

<sup>1</sup>Forwarded to the Governor General on March 25.

<sup>2</sup>Not printed.

convene during the coming summer. May I ask, therefore, that you will present to your Government my wish that the negotiation of the proposed convention be taken up at the earliest possible date.

Accept etc.

FRANK L. POLK

583.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 253

Ottawa, March 24, 1919

My Lord,

I have the honour to transmit, herewith, for your information, copies of an Approved Minute of the Privy Council for Canada approving, with certain modifications set forth in the body of the Minute, the report of the Canadian-American Fisheries Conference.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*

*Order in Council*

P.C. 506

March 11, 1919

The Committee of the Privy Council have had before them a Report, dated 5th March, 1919, from the Acting Secretary of State for External Affairs, submitting the Report of the Canadian-American Fisheries Conference, dated 6th September, 1918.

The principal subjects under consideration at this conference were:

Privileges to the fishing vessels of either country in the ports of the other.

Rehabilitation and protection of the sockeye salmon of the Fraser River system.

Protection of the Pacific halibut fishery.

Fishing by United States lobster well-smacks off Canadian coast.

Protection of the fisheries of Lake Champlain.

Requirements imposed on Canadian fishing vessels passing through territorial waters of Alaska.

Protection of the sturgeon fisheries.

Protection of whales.

Taking up these questions in the reverse order of their enumeration, the Minister offers the following observations:

### (1) Protection of Whales

The Commission are of opinion that the subject of the protection of whales on the Atlantic and Pacific coasts of both countries is one calling for world-wide international action, and they recommend that an international conference composed of representatives of the different maritime nations interested should be called to consider this important question, with a view to the saving of the whales from extinction and the perpetuation of the whaling industry. The Minister concurs in this suggestion.

### (2) The Protection of the Sturgeon Fisheries

On this subject, the conference adopted a resolution setting forth that sturgeons are by far the most valuable fishes inhabiting North American waters; that the supply of this fish is diminishing, and in some waters has almost disappeared; that the remedial measures heretofore adopted are inadequate to arrest this rapid decline. They accordingly recommend that all sturgeon fishing in contiguous waters of the United States and Canada be suspended for at least five years, and that similar action should be taken by the legislative bodies controlling non-contiguous waters. The conference commends the regulation adopted by Minute of the Privy Council approved by Your Excellency on the 22nd March, 1918, providing for a four-years' prohibition of sturgeon fishing of Lake Erie, conditional upon the bordering States of New York, Pennsylvania and Ohio, enacting similar legislation, and urges that such action be taken by these States. It also urges that provision be made for a longer period of closure as far as all boundary waters are concerned as well as waters not contiguous to the boundary of both countries. The Minister is of the opinion that the Canadian Government might profitably join in steps looking to the protection of this valuable industry.

### (3) Requirements imposed on Canadian Fishing Vessels Passing through Territorial Waters of Alaska.

The Canadian Commissioners brought up for consideration, the difference in treatment accorded the Canadian fishing vessels on the Northern Pacific by the United States authorities and that accorded the United States fishing vessels by the Canadian authorities. On this matter the conference reported as follows:

On the Pacific Coast the United States fishing vessels leaving Washington ports for the Northern fishing grounds of Alaska, sail through the narrow territorial channels along the Coast of British Columbia, between the islands and the mainland, so as to escape the rougher outside waters, and are required neither to enter nor report at any Canadian customs office, while Canadian fishing vessels passing through similar channels along the Coast of Alaska to the fishing grounds on the high seas beyond, have been required to enter and clear at Ketchikan, thus not only losing time, but involving the payment of fees, which usually amount to from \$12 to \$15 on the larger vessels, on each occasion.

This matter was investigated during the hearings on the Pacific Coast, and was found to be substantially as above stated, for while the vessels were not cleared from Ketchikan for the fishing grounds, they were cleared for a Canadian port by way of the fishing grounds, and thus went from Ketchikan to the fishing grounds, and thence back to a Canadian port.

The law under which entry and clearance was required was an enactment to prevent smuggling, and as there was some question as to whether a proper interpretation was being placed upon it, in requiring passing fishing vessels to enter and clear, the question was forthwith taken up by the Department of Commerce, which, after full consideration, found that the practice which had grown up was not warranted by law. It was forthwith discontinued.

This cause of complaint and irritation which has existed in the Canadian vessel fisheries ever since the beginning of the northern fishing voyages, has thus been removed.

The Minister observes that as a different interpretation had been placed upon this law for a long period, it would appear to be desirable, in order to avoid the possibility of controversy in the future, that in any convention framed upon this report the rights of Canada and of the United States in respect of the fishing vessels of either of them passing through the territorial waters of the other in the Northern Pacific should be declared and set forth.

#### (4) Protection of the Fisheries on Lake Champlain

The Canadian section of the conference recommended to their Government that the net fishing in Missisquoi should be stopped. This was done by Order of Your Excellency in Council of the 18th February, 1918, and there is no further source of irritation upon that head.

#### (5) Fishing by United States Lobster well-smacks off the Canadian Coast

The pursuit of this practice has caused in the past much local irritation and dissatisfaction, and has also tended to deplete the lobster fisheries. The conference, having considered the matter, reported as follows:

When at an early meeting of the conference, the Canadian section explained the unfair position in which the Canadian lobster fishermen on certain parts of the Nova Scotia Coast were being placed, by the United States lobster well-smacks fishing just outside the territorial waters during the close time for lobster fishing inside such waters, and using the local harbours as a base for this fishery by resorting thereto each night, under the cloak of coming in for shelter, which seems a clear breach of the spirit or intention of the Treaty of 1818, the unfairness of the position was admitted by the United States section, and forthwith the Secretary of Commerce ordered that there be prepared, for submission to Congress, a Bill designed to prevent such fishing.

This prompt action was endorsed at the hearings at Boston by all the people who had been engaged in the industry, all of whom said they would not put any vessel in this fishery.

Thus even before Congressional action could be completed, the end in view has been achieved, and there has been settled a question, which, though affecting up to the present only a limited portion of the Coast of Nova Scotia, was causing such growing unrest among the lobster fishermen there, as to threaten the total breakdown of the protective regulations designed for the conservation of the fishery, both inside and outside territorial waters.

The Minister is of the opinion that in order to insure the permanence of the arrangement above set forth, and to guard against misunderstandings and consequent irritation in the future, it is desirable that any convention based hereon, should contain a declaration that such lobster well-smacks fishing is contrary to the spirit and intention of the Treaty of 1818 and should, therefore, be permanently discontinued.

#### (6) Protection of the Pacific Halibut Fishery

The Commissioners recommend that there should be a uniform close season for halibut fishing on the Pacific Coast for the United States and Canada, such close season to be from the 16th November to the 15th day of February in each year for ten years, and that the proper penalties for the violation of its provisions should be provided by each country. The Commissioners also recommend further investigation into the halibut fishing, and that commissions be appointed under the suggested sockeye salmon fishery treaty (dealt with in the paragraph immediately following), which shall also be charged with the supervision of the proposed halibut close season. The Minister concurs in this recommendation.

#### (7) The Rehabilitation and Protection of the Sockeye Salmon of the Fraser River System

The Commissioners point out many difficulties in dealing with this problem and recommend that a treaty be entered into between the two countries respecting the matter. With a view to expedition, they have submitted a draft of such proposed treaty (Appendix A to their report), together with certain suggested regulations thereunder (Appendix B to their report). This proposed treaty limits the time, season, and methods of sockeye salmon fishing in the Fraser River, requires the two countries to enforce by legislation and executive action such regulations, and defines the area over which the same are to be operative. It also provides for the appointment of an international fisheries commission to be composed of two commissioners from each country to conduct investigations. The proposed treaty to be in force for fifteen years and thereafter cancellable on two years' notice. The Minister concurs in this recommendation.

#### (8) Privileges to the Fishing Vessels of either Country in the Ports of the other

The Commissioners in their report have traced the history of this complex question, which, taking its origin in the War of the Revolution, has for considerably more than a century periodically engaged the attention of British and American diplomatists. After an extensive review of the past and present conditions, they have made certain recommendations which read:

That Article 1 of the treaty of the 20th October, 1818, be amended so as to make available in either country to the fishing vessels of the other, the privileges covered by the instructions of the United States Secretary of Commerce to collectors of customs of that country, dated February 21, 1918, and by the Canadian Order in Council, dated March 8, 1918, in substance as follows:

1. That the fishing vessels of either country may enter from the high seas any port of the other, and clear from such port back to the high seas and the fishing grounds.

2. That the fishing vessels of either country may dispose of their catches and purchase bait, ice, nets, lines, coal, oil, provisions and all other supplies and outfits in the ports of either country.

3. That the repairing of fishing implements in the ports of either country be allowed to the vessels of the other country.

4. That the fishing vessels of either country may dress, salt, and otherwise prepare their catches on board such vessels within the territorial waters of the other country.

5. That the fishing vessels of either country may ship their crews and tranship their catches in the ports of the other country.

6. That the fishermen of either country may sell their catches in the ports of the other country, subject to customs tariff, if any.

It is understood that such an arrangement as is here proposed is to include both the Atlantic and Pacific coasts. The Minister observes that the recommendations above numbered from one to six are virtually those in force at the present time under an Order of Your Excellency in Council, which provided for their continuance during the existence of the present war.

The Minister sees no objection to their adoption and incorporation in a treaty provided that:

1. The Treaty of 1818 be not amended, but its operation suspended so far and only so far as may be necessary to give effect to the new treaty.

2. Any treaty to be entered into shall be for a fixed period, not to exceed fifteen years and thereafter determinable with two years' notice.

3. The rights of Canadian and American fishing vessels respectively, in passing through the territorial waters of the other in the Northern Pacific, be declared and set forth in such treaty.

4. There be incorporated in the treaty, the finding of the Conference, that the lobster well-smacks fishing by citizens of the United States, just outside the territorial waters of Canada during the closed time for lobster fishing inside such waters, and using the local harbours as a base for this fishery, is contrary to the spirit and intention of the Treaty of 1818.

In addition to the subjects referred to them for discussion and deliberation, the Commissioners have considered the question of the removal of the duty on fresh fish entering the Dominion from the United States, and have recommended that the Canadian duty on fresh and frozen fish, not including shell-fish, be removed, and with a view to assuring stability in the industry, that the two countries enter into an agreement by which such fish will be admitted customs duty free from either country into the other, and that such arrangement remain in force for fifteen years, and thereafter until two years after the date, when either party thereto shall give notice to the other of its wish to terminate the same.

The Minister is of opinion that as this question did not form part of the subject matter of the reference to the Commissioners and relates to the fiscal policy of the country, it should not be dealt with in the proposed convention, but if considered desirable, it should form the subject of a separate negotiation.

The Minister, with the concurrence of the Minister of the Naval Service, recommends that subject to the modifications above set forth, the report of the Canadian-American Fisheries Conference receive the approval of Your Excellency.

The Committee concurring, recommend the same for Your Excellency's approval accordingly.

584.

*Décret du Conseil*  
*Order in Council*

P.C. 955

May 6, 1919

The Committee of the Privy Council have had under consideration a report, dated 29th April, 1919, from the Acting Secretary of State for External Affairs, to whom was referred a despatch from His Majesty's Ambassador at Washington to Your Excellency, dated the 25th March, 1919, forwarding copy of a communication dated 21st March, 1919, from the Acting United States Secretary of State covering copy of a tentative draft convention between Great Britain and the United States relating to the sockeye salmon fisheries, representing with the concurrence of the Minister of Marine and of the Acting Minister of Justice, that this draft is acceptable with certain modification noted below:

1. In the first line of the preamble, it is considered that in conformity with the remainder of the draft, the first party to the convention should be described as the President of the United States, instead of "The United States."

2. The concluding sentence of article 2 is ambiguous. The reframing thereof as follows is suggested:

Each of the High Contracting Parties may by appropriate legislation provide for the trial, conviction and punishment within his jurisdiction of any person found there who has contravened any provision of this convention or of the said regulations within the jurisdiction of the other High Contracting Party, and who has not been punished for the said offence within the latter jurisdiction.

3. As it is eminently desirable that the Commission should be appointed with as little delay as practicable, two months after the exchange of ratifications seems a sufficient time in which to appoint the Commission provided for in article 4.

4. It is suggested that the word "treaty" in the third line of article 4 be changed to "Convention" and that as this latter word seems to more

aply describe an agreement of this sort, it be used throughout instead of the word "Treaty".

5. In the second paragraph of article 6, it is provided that the High Contracting Parties by special agreement upon the recommendation of the Commission, may make "modification" in the regulations, while in article 5, the terms "additions to" and "substitutions for" are used. It is considered well that these terms should be also included in this paragraph. The following wording for the first five lines of this paragraph is suggested:

It shall, however, at any time, be in the power of the High Contracting Parties, by special agreement upon the recommendation of the International Fisheries Commission, to make modifications of, additions to, or substitutions for, the regulations in force, and or to make the provisions of this convention, etc. . . .

6. In section 2 of the regulations, in the definition of "treaty waters" the words "section 2" in the second line, should be "article 3".

7. In paragraph (B) of section 3 of the regulations, the words "British Columbia" should be replaced by the word "Canada".

8. In paragraph (D) of the said section 3, the word "one" is omitted after the first word.

The Minister recommends that this draft, with the above recited modifications, be accepted by the Canadian Government.

The Committee, concurring, advise, on the recommendation of the Acting Secretary of State for External Affairs, that Your Excellency may be pleased to forward copy hereof to His Majesty's Ambassador at Washington, for communication of its purport to the United States Government.

All which is respectfully submitted for approval.

585.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

DESPATCH 104

Washington, June 10, 1919

My Lord Duke,

With reference to Your Excellency's despatch No. 44 of the 12th May, I have the honour to transmit, herewith, copy of a note from the State Department making further suggestions with regard to the draft convention between Great Britain and the United States relative to the sockeye salmon fisheries.

I should be grateful if Your Excellency would be so good as to inform me whether the conclusion regarding the two points mentioned in the note from the State Department meets with the approval of your Government.

I have etc.

R. C. LINDSAY  
(for H. M. Chargé d'Affaires)



## [PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État par intérim des États-Unis au chargé  
d'affaires aux États-Unis*

*Acting Secretary of States of United States to Chargé d'Affaires  
in United States*

No. 356

Washington, June 9, 1919

Sir,

With reference to your note of May 20, 1919, enclosing copies of an approved minute of the Privy Council for Canada, recommending, with certain slight modifications mentioned in said minute, the acceptance of the draft convention between Great Britain and the United States concerning the sockeye salmon fisheries submitted to you in my note of March 21, 1919, I have the honour to say on behalf of the Government of the United States that there is no objection to the amendments suggested with the exception of the first amendment. It is suggested in the minute that the words "President of the United States" be substituted for the words "The United States" in the preamble of the convention, but in accordance with the practice in treaties negotiated by my Government in the past, the preamble should read as stated in my note of March 21, 1919, "The United States of America, and His Majesty, George V," *et cetera*.

The American members of the American-Canadian Fisheries Conference have called attention to the fact that in section VI of the regulations attached to the convention it is provided that the annual closed season from July 20 to July 31 shall be effective during the years 1919 to 1926, both inclusive, and that since it may be impossible to put the convention and the regulations in force before July 20, 1919, it may be well to change the period to run from 1920 to 1927, both years inclusive.

I understand that this point has been taken up informally by Doctor Hugh M. Smith, former American member of the conference, and Mr. William A. Found, Superintendent of Fisheries of Canada, and that they favour this change. I accordingly suggest that the first sentence of section VI of the regulations contain the dates "1920 to 1927" instead of "1919 to 1926".

Will you kindly inform me whether the conclusion regarding the two points above mentioned meets with the approval of your Government.

Accept etc.

FRANK L. POLK

586.

*Le Gouverneur général au chargé d'affaires aux États-Unis  
Governor General to Chargé d'Affaires in United States*

DESPATCH 65

Ottawa, June 18, 1919

Sir,

With reference to your despatch No. 104 of the 10th June, transmitting a copy of a note from the State Department making further suggestions with

regard to the draft convention between Great Britain and the United States relative to the sockeye salmon fisheries, I have the honour to represent that the two slight modifications suggested by the United States Secretary of State are acceptable to the Canadian Government.

My Government will be glad to learn when it is expected that the draft treaty will be ready for signature.

I have etc.

DEVONSHIRE

587.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

DESPATCH 114

Washington, June 20, 1919

My Lord Duke,

With reference to Mr. Barclay's despatch No. 104 of the 10th instant, regarding the draft of the convention between Great Britain and the United States concerning the sockeye salmon fisheries, I have the honour to transmit, herewith, copy of a further note from the State Department suggesting a minor change to be made in paragraph C of section 3 of the regulations, and stating that a cable was received yesterday embodying the text of the full power signed by the President on June 9 authorizing the Acting Secretary of State to sign the Sockeye Salmon Fisheries Treaty.

I have etc.

R. C. LINDSAY

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État par intérim des États-Unis au chargé d'affaires*  
*aux États-Unis*

*Acting Secretary of State of United States to Chargé d'Affaires*  
*in United States*

Washington, June 18, 1919

Sir,

With reference to your notes of May 20, 1919, and June 3, 1919, and my note of June 9, 1919, regarding the draft of a convention between Great Britain and the United States, concerning the sockeye salmon fisheries, I beg to call your attention to a minor change which it seems to me should be made in paragraph C of section 3 of the regulations transmitted in your note of May 20, 1919. In the description of the stock company or corporation to which licenses by the State of Washington may be issued, it is provided that "a majority of the stockholders" of such company shall be American citizens. It would be more accurate to say: "The holders of a majority of the stock," and my Government accordingly desires to have that change made in the draft.

I have to-day received by cable the text of the full power signed by the President on June 9, 1919, authorizing me to sign the Sockeye Salmon Fisheries Treaty. Accordingly, as soon as I shall have received a favourable answer from your Government with regard to the suggestions contained in this note and my note of June 9, 1919, I foresee no obstacles to proceeding to the final steps in the negotiation of this treaty.

Accept etc.

WILLIAM PHILLIPS

For the Acting Secretary of State

588.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

TELEGRAM 91

Washington, September 2, 1919

Sockeye Salmon Treaty signed today.

HAZEN

LINDSAY

589.

*Décret du Conseil*

*Order in Council*

P.C. 2024

September 27, 1919

The Committee of the Privy Council have had before them a report, dated 22nd September, 1919, from the Secretary of State for External Affairs, submitting with reference to the Minute of Council of March 11, 1919 (P.C. 506),<sup>1</sup> which laid down the views of the Government on the report, dated September 6, 1918, of the Canadian-American Fisheries Conference, that these views were communicated to the Government of the United States and as a result one of the recommendations of the Conference has been finally disposed of by the conclusion and signature at Washington on September 2, 1919, of a treaty between Canada and the United States concerning the sockeye salmon fisheries of the Fraser River System. There remains for final settlement a treaty or treaties covering the other recommendations of the conference, and it is desirable that this settlement should be reached at an early date.

The Minister observes that in this connection it appears expedient that the Minute of Council of March 11th should be modified in so far as it concerned the recommendation of the conference relative to the removal of the duty on fresh and frozen fish. Having regard to the importance of making the food fish supply of the adjacent waters freely available for the people of both countries as soon as possible, the Prime Minister is of opinion that the recommendation of the conference in this respect should be accepted.

The Prime Minister therefore recommends that negotiations be undertaken with the Government of the United States for extending the proposed arrange-

<sup>1</sup>Pièce jointe au doc. 583.

<sup>1</sup>Enclosure to Doc. 583.

ment to fish packed in ice, canned, salted or preserved in any form, and also shell-fish of all kinds, in the shell, canned or in bulk, including the container in all these cases; and that the Honourable Sir John Douglas Hazen be authorized to conduct such negotiations.

The Prime Minister further recommends that the Honourable Sir John Douglas Hazen be authorized, on behalf of the Government of Canada, to negotiate as soon as possible with the Government of the United States a further treaty or treaties on the basis aforesaid, and that the said Sir John Douglas Hazen be authorized to sign such treaty or treaties on behalf of the Dominion of Canada.

The Committee concur in the foregoing recommendations and submit the same for approval.

590.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM

Washington, October 2, 1919

SECRET. Following is repetition of my telegram No. 1409 to Foreign Office of October 2. Begins. Am informed by Sir Douglas Hazen that he is on the point of concluding an entirely satisfactory treaty with State Department regulating reciprocal treatment of American and Canadian fishing vessels in ports of each country. Treaty will also cover practically all points susceptible of being arranged by treaty mentioned in Minute of Canadian Privy Council dated March 11th last. Canadian Government have waived their objections to removing duty on fresh and frozen fish, and this will provide for a period of fifteen years. This satisfactorily disposes of matters which for many years have given more or less trouble. Sir Douglas Hazen has full power to make and sign on behalf of the King, and he is anxious to sign at once. I have told him, therefore, that I see no objection to treaty being signed by him at once. Treaty does not affect any other Imperial interest, and Sir Douglas Hazen regards it as entirely satisfactory to Canada. [Ends]

GREY

591.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 280

Washington, October 28, 1919

My Lord Duke,

With reference to my despatch No. 266 of the 13th instant, concerning the fisheries treaty to be signed with the United States Government, I have the honour to state that according to a telegram received from the Foreign Office, Sir Douglas Hazen was expected to sign any treaty resulting from the negotiations in conjunction with His Majesty's representative at Washington. In this

connection I have the honour to enclose copy of a letter from the Foreign Office to the Colonial Office on this subject, forwarded to this Embassy in April of last year. It had been overlooked by this Embassy until the receipt of the telegram from the Foreign Office.

In the meanwhile I learn that the Foreign Office is forwarding general full powers to myself to enable me to sign the treaty conjointly with Sir Douglas Hazen when the State Department is ready with it. Unfortunately the illness of the President makes it impossible for him to assign the necessary authority to the Secretary of State. The completion of the formality for the signature is thus indefinitely delayed and I shall inform Your Excellency the moment the matter can be proceeded with.

In the meanwhile I should be glad to learn from Your Excellency whether the text of the proposed treaty has been communicated to the Colonial Office for their information and approval, as I have myself received no copy of it.

I have etc.

R. C. LINDSAY  
for H.M. Ambassador

[PIÈCE JOINTE / ENCLOSURE]

*Le Foreign Office au Colonial Office*  
*Foreign Office to Colonial Office*

Foreign Office, April 25, 1919

Sir,

With reference, to your letter (16339) of the 6th instant, I am directed by Mr. Secretary Balfour to enclose herewith a Special Full Power under the Royal Sign Manual and Signet authorizing and empowering the Honourable James Douglas Hazen, Chief Justice of New Brunswick, to carry on negotiations with the United States Government relative to the North American Fisheries, and to sign (in conjunction with His Majesty's Ambassador at Washington), any treaty, convention or agreement which may result from such negotiations.

I am etc.

LOUIS MALLET

592.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 119

Ottawa, November 5, 1919

My Lord,

With reference to your Lordship's despatch, No. 266, of the 13th October, on the subject of the draft treaty for the settlement of outstanding fisheries

questions with Canada recently negotiated with the United States State Department by Sir Douglas Hazen under powers received from His Majesty, I have the honour to enclose, herewith, copies of this draft, which, I understand, is still subject to final revision by Sir Douglas Hazen. Any modification of the draft made by Sir Douglas Hazen will be communicated to you at once by telegraph.

A copy of this draft is also being forwarded to the Colonial Office.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

October 24, 1919

**DRAFT TREATY BETWEEN THE UNITED STATES OF AMERICA AND  
GREAT BRITAIN CONCERNING PORT PRIVILEGES OF FISHING VESSELS,  
LOBSTER FISHING, HALIBUT FISHING, AND TARIFF ON FRESH FISH**

The United States of America and His Majesty George the V, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Emperor of India, being equally desirous of avoiding further misunderstanding in regard to the extent of the liberties of the inhabitants and the fishing vessels and boats of the United States and of the Dominion of Canada in the ports and waters of the United States and the Dominion of Canada, and of securing the preservation of the lobster fishery along the North Atlantic coasts of the two countries, the halibut fishery of the Northern Pacific Ocean, and the free movement of fresh fish as an aid to obtaining an increase in the food supplies of the United States and the Dominion of Canada, have resolved to conclude a Convention for these purposes, and have named as their plenipotentiaries:

The President of the United States of America, the Honourable Robert Lansing, Secretary of State of the United States of America, and His Britannic Majesty, the Honourable Sir John Douglas Hazen, a Knight Commander of the Most Distinguished Order of St. Michael and St. George, Chief Justice of New Brunswick, and a member of his Privy Council for Canada, who after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

**Article I**

It is agreed by the High Contracting Parties that the inhabitants and the fishing vessels and boats of the United States shall have, in common with the inhabitants and the fishing vessels and boats of the Dominion of Canada, the liberty to enter any port on the Atlantic and Pacific Coasts of the Dominion of Canada without the requirement of a license, or the payment of fees not charged to Canadian fishermen or fishing vessels for the purposes of —

(a) Purchasing bait, ice, nets, lines, coal, oil, provisions, and all other supplies and outfits used by fishing vessels whether the same are of a like character to those named herein or not;

(b) Repairing fishing implements;

(c) Shipping crews;

(d) Transshipping their catches, and when transhipped for destination within the United States, shipping same in bond;

(e) Landing and/or selling their catches in the Dominion of Canada, subject to the payment of customs duties thereon, if any;

(f) Entering from and clearing for the high seas and the high sea fisheries without the payment of any tonnage dues or duties and/or other charges specifically imposed on vessels entering from, and clearing for, foreign ports; and

(g) Dressing, salting, and otherwise preparing their catches on board ship in port and in the territorial waters of the Dominion of Canada, subject to local laws and/or regulations.

## Article II

It is further agreed by the High Contracting Parties that the inhabitants and the fishing vessels and boats of the Dominion of Canada shall have, in common with the inhabitants and the fishing vessels and boats of the United States the liberty to enter any port on the Atlantic and Pacific coasts of the United States without the requirement of a license, or the payment of fees not charged to American fishermen or fishing vessels for the purposes of —

(a) Purchasing bait, ice, nets, lines, coal, oil, provisions and all other supplies and outfits used by fishing vessels whether the same are of a like character to those named herein or not;

(b) Repairing fishing implements;

(c) Shipping crews;

(d) Transshipping their catches, and where transhipped for destination within the Dominion of Canada, shipping same in bond;

(e) Landing and/or selling their catches in the United States, subject to the payment of customs duties thereon, if any;

(f) Entering and clearing for the high seas and the high sea fisheries, without payment of any tonnage dues or duties and/or other charges specifically imposed on vessels entering from and clearing for, foreign ports; and

(g) Dressing, salting and otherwise preparing their catches on board ship in port and in the territorial waters of the United States, subject to local laws and/or regulations.

### Article III

It is further agreed by the High Contracting Parties that all persons employed or being upon fishing vessels or boats of either the United States or the Dominion of Canada entering the ports of the other from the high seas and the high sea fisheries shall be subject to the immigration laws and regulations applicable thereto, upon landing from such vessels or boats.

### Article IV

It is further agreed by the High Contracting Parties that fishing vessels and boats of either the United States or the Dominion of Canada merely passing through the territorial waters of the other country on their way to and from fishing grounds located on the high seas, and using such territorial waters for no other purpose whatever, shall not be required to enter or clear at any port, or to report to any customs official, of the other country.

### Article V

It is further agreed by the High Contracting Parties that nothing in this convention shall be construed in derogation of the liberties secured to the United States and the inhabitants thereof by the convention between these High Contracting Parties concluded on October 20, 1818.

### Article VI

It is further agreed by the High Contracting Parties that the inhabitants and the fishing vessels and boats of the United States, engaging in the lobster fisheries in waters outside territorial waters of the Dominion of Canada and opposite thereto, and that the inhabitants and the fishing vessels and boats of the Dominion of Canada engaging in the lobster fishery in waters outside territorial waters of the United States and opposite thereto, shall pursue such fishery subject to the same restrictions as may be imposed by law within the nearest territorial waters opposite and adjacent to the place of such fishery.

It is further agreed by the High Contracting Parties that any person, vessel or boat engaged in lobster fishing in violation of the provisions of this convention may be seized, detained and delivered in the same manner as is provided in Article VII, with regard to violations of the provisions relating to the halibut fishery.

### Article VII

It is further agreed by the High Contracting Parties —

(a) That the inhabitants and the fishing vessels and boats, of the United States and of the Dominion of Canada respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) both in the territorial waters and in the high seas off the western coasts of the United States, and the Dominion of Canada including Behring Sea, from the 16th day of November, 1920, to the 15th day of February, 1921, both days inclusive, and during the same period yearly thereafter until the 15th day of February, 1930, provided that



upon the recommendation of the International Fisheries Commission hereinafter described, this close season may be modified or rescinded by the High Contracting Parties by special agreement at any time after February 15, 1924, it being understood that such special agreement shall, on the part of the United States, be made by the President of the United States, by and with the advice and consent of the Senate thereof.

(b) That nothing contained in this article shall prohibit the inhabitants and the fishing vessels and boats of the United States and the Dominion of Canada, from fishing in the waters hereinbefore specified for other species of fish during the periods when fishing for halibut in such waters is prohibited by this article, and any halibut that may be incidentally caught when fishing for such other species of fish may be retained and landed; but must either be sold fresh for consumption in the port or place where it is landed, or must be frozen, canned or cured in such port or place;

(c) That during the periods when halibut fishing in the waters hereinbefore specified is prohibited by this article no halibut shall be shipped or transported in any manner from any port or place on the Pacific coast of North America within the jurisdiction of either of the High Contracting Parties unless such halibut is frozen, canned, or cured;

(d) That every person, vessel or boat engaged in the halibut fishing in violation of this article may be seized, except within the territorial jurisdiction of the other party, and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, to be delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; that the authorities of the nation to which such person, vessel or boat belongs alone shall have jurisdiction to try the offence and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offence, so far as they are under the control of the other of the High Contracting Parties, shall be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offence;

(e) That the High Contracting Parties shall cause to be made a thorough joint investigation into the life history of the Pacific halibut and that such investigation shall be undertaken as soon as practicable. Each party shall pay any investigator or investigators it may employ and any joint expenses incurred by agreement between the High Contracting Parties shall be paid by the High Contracting Parties in equal moieties.

(f) That the International Fisheries Commission appointed under the provisions of Article IV of the Convention of September 2, 1919, for the rehabilitation and protection of the Sockeye Salmon Fishery of the Fraser River system shall be charged with the supervision of the investigation provided for in this article.

### Article VIII

All shipments of fresh fish, including frozen fresh fish and fresh fish packed in ice, which enter the United States or the Dominion of Canada, from the vessels, boats and/or territory of the other, and which shall have been taken by the inhabitants, or the vessels and boats of either of these countries, shall be admitted into the other country free of duty.

### Article IX

Each of the High Contracting Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions, with appropriate penalties for violations thereof.

### Article X

This Convention shall remain in force for a period of fifteen years and thereafter until two years from the date when either of the High Contracting Parties shall give notice to the other of its desire to terminate this Convention.

The present Convention shall be duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof, the respective plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at Washington, the [blank] day of [blank] in the year of our Lord one thousand nine hundred and nineteen.

593.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 346

Washington, December 30, 1919

My Lord Duke,

Enquiry has been made of the Solicitor of the State Department as to what stage the Senate Committee on Foreign Relations has reached in their consideration of the Sockeye Salmon Treaty.

Mr. Woolsey said that objection had been raised to Article 2 of the Treaty, the concluding words of which did not exclude the possibility of a man being tried and acquitted of an offence under the Treaty in the courts of one country and then being tried and condemned for the same offence in the courts of the other country. The objection to the principle under which a man may twice be placed in jeopardy for a single offence was likely to be insuperable and Mr. Woolsey did not think the Treaty embodying the principle could be accepted by Senators. The Secretary of State was thinking of withdrawing the Treaty from the Committee and inviting a renegotiation of its terms.

As to renegotiation, Mr. Woolsey thought it might be well to insert stipulations by which evidence as to offences under the Treaty and legislation dependent on it obtainable on one side of the frontier should be made available in the courts of the other side of the frontier. He thought this might be made possible. As to the American court competent to deal with such offences, it was perfectly easy to make the Federal courts competent to deal with them; he recognized that it would be desirable to make them *exclusively* so competent, but whether it would be possible to effect this, he was not quite certain, and he would like to think the matter over.

I should be glad to know whether the Canadian Government would desire any action to be taken in this matter.

I have etc.

R. C. LINDSAY  
for H.M. Ambassador

594.

*L'Administrateur au chargé d'affaires aux États-Unis*  
*Administrator to Chargé d'Affaires in United States*

DESPATCH 42

Ottawa, April 16, 1920

Sir,

With reference to your despatch No. 144 of the 26th March regarding the proposal of the United States Government to amend the second sentence of Article II of the Sockeye Salmon Treaty to read as follows:

Each of the High Contracting Parties may, by appropriate legislation, when and so long as the other High Contracting Party enacts and enforces reciprocal legislation, provide for the trial, conviction and punishment within its jurisdiction of any person found there who has contravened any of the provisions of this convention, and/or said regulations within the jurisdiction of the High Contracting Party and who has not been subjected to trial for such offence, resulting in conviction, acquittal, or other judicial determination of the case, within the latter jurisdiction.

I have the honour to inform you that my Government has no objection to offer to this change proposed by the United States Government.

As it is important that this Treaty should become effective with the least possible delay, my Government desire that you be informed that they concur in the proposed modification of Article II of this Treaty as aforesaid and will be obliged if the United States Government will name a date, which should be as early as possible, for the signature of the Treaty as amended.

I have etc.

L. H. DAVIES

595.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 51

Ottawa, May 11, 1920

Sir,

I have the honour to transmit, herewith, for Your Excellency's information, a copy of a letter<sup>1</sup> from the Department of the Secretary of State for External Affairs suggesting that the Government of the United States be approached with a view of their sending experts to a conference in Ottawa to be held in September or October next, as may be agreed upon, to decide upon a programme of work to be taken up in 1921 in connection with a thorough scientific investigation to ascertain the migrations of fish, the causes of such migrations, the effects of different methods of capturing fish, the spawning places of fish, the haunts of young fish and the abundance of organisms which supply food for fish, etc.

The Government of Newfoundland is also being approached as the waters on the Atlantic coast resorted to by Canadian fishermen are frequented by the fishermen of that Dominion, as well as those of the United States, while on the Pacific coast they are frequented by those of the United States.

My Government will be grateful if Your Excellency will approach the Government of the United States on this subject.

I have etc.

DEVONSHIRE

596.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 229

Washington, June 9, 1920

My Lord Duke,

With reference to my telegram No. 37 of May 25, I have the honour to transmit, herewith, copies of the print of the Amended Treaty signed on the 25th May by the Secretary of State, Sir Douglas Hazen and myself, providing for the protection of the Salmon Fisheries in the waters contiguous to the Dominion of Canada and the United States, and in the Fraser River System.<sup>2</sup>

I have etc.

A. C. GEDDES

<sup>1</sup>Non reproduite.<sup>1</sup>Not printed.<sup>2</sup>L'amendement se rapporte à l'article II tel que défini dans le doc. 594.<sup>2</sup>The amendment pertained to Article II as described in Doc. 594.

597.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 259

Washington, June 17, 1920

My Lord Duke,

With reference to Your Excellency's despatch No. 51 of May 11, suggesting that the Government of the United States might participate in the Conference to be held in Ottawa on a programme of scientific fishery investigation, I have the honour to transmit herewith copy of a note from the State Department accepting the invitation and suggesting that the most convenient time for the Conference would be either immediately before, or immediately after the meetings of the American Fisheries Society, which takes place in Ottawa on September 20 to 22.

I have etc.

A. C. GEDDES

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État par intérim des États-Unis*  
*à l'ambassadeur aux États-Unis*

*Acting Secretary of State of the United States*  
*to Ambassador in United States*

Washington, June 14, 1920

Excellency,

Referring to your note No. 306 of May 18, 1920, in regard to participation by the Government of the United States in a conference to be held in Ottawa in September or October next, to decide on a programme of scientific fishery investigation of common interest to the United States and Canada, on both the Atlantic and Pacific coasts, I have the honour to inform you that the Department of Commerce, through the Bureau of Fisheries, will be pleased to be represented at the proposed conference.

The Secretary of Commerce in making this announcement states that at the present time there appears to be no special reason for the formation of a formal international body for the purpose in view, but that there should undoubtedly be co-operative planning as to the methods, scope, et cetera, in order that the maximum results may be obtained in the shortest time and at the least expense.

The Secretary of Commerce suggests that a convenient time for the conference would be in September, immediately before or after the meeting of the American Fisheries Society which occurs in Ottawa, September 20, 21 and 22.

Accept etc.

FRANK L. POLK

598.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM 43

Washington, June 25, 1920

SECRET. With reference to my despatch No. 262, it seems probable that the date of signature of Fisheries Treaty may be further postponed, as according to press reports Senator Jones has written Secretary of State strongly deprecating ratification on the ground that its advantages are all on the side of Canada.

GEDDES

599.

*Le Gouverneur général suppléant à l'ambassadeur aux États-Unis*  
*Deputy Governor General to Ambassador in United States*

DESPATCH 93A

Ottawa, September 28, 1920

Sir,

I have the honour to inform Your Excellency that a conference of fishery experts representing Newfoundland, Canada and the United States was held at Ottawa on the 23rd instant to consider the question of co-operation in scientific investigation of the deep-sea fisheries adjacent to both coasts of this continent. At this conference the following resolution was unanimously adopted:

Be it Resolved That, — It is the sense of this meeting that, on the nomination of the fishery services of the countries represented, each of the respective Governments should forthwith designate three persons to constitute an International committee on marine fishery investigations, this committee to determine what measure of International co-operation is desirable, what general investigations should be undertaken; consider definite problems that may be awaiting study, submit recommendations to their respective Governments, and co-ordinate and correlate the results of the work.

It is the expectation that the respective Governments will undertake to provide the necessary ways and means for conducting such independent and co-operative investigations as may be adjudged desirable by the International Committee.

It is recommended that the International committee establish contact with The Permanent International Council for the Exploration of the Sea.

My Government will be grateful if Your Excellency will communicate this resolution to the United States Government and they will be glad to learn as soon as possible whether the recommendations contained in this resolution meet with their approval. It is requested that Your Excellency will at the same time inform the United States Government that Canada is prepared to approve of these recommendations.

My Government will also be glad to learn whether the Government of the United States will agree to this resolution being made public on the 15th of October next.

I have etc.

L. H. DAVIES

600.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM 68

Washington, October 14, 1920

VERY URGENT. Your despatch 93 of September 28th, Conference Fishery experts, United States Government approve recommendations contained in resolution and agree to its publication October 15, 1920.

GEDDES

601.

*Le gouverneur de Terre-Neuve au Gouverneur général*  
*Governor of Newfoundland to Governor General*

TELEGRAM

St. John's, December 7, 1920

Your telegram 2nd November and your despatch 28th September Ministers now express their concurrence in resolution and will co-operate with Canadian Government and United States Government, but they regret they are unable to provide at present more than ten thousand dollars per annum.

HARRIS

602.

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

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

Ottawa, February 11, 1921

Sir,

Adverting to previous correspondence on this subject, I have now the honour to set forth a narrative of facts and circumstances bearing upon the amended treaty with the United States of the 25th May, 1920, for the protection, preservation and propagation of the salmon fisheries of the Fraser River system, which is now before the American Senate:

1. The question of the best method for the rehabilitation and protection of the sockeye salmon fisheries of the Fraser river, — including Puget Sound, — was referred to the International Fisheries Commission, which was appointed in 1918 to consider a settlement of outstanding fisheries questions between Canada and the United States.

2. That Commission reached unanimous findings in the premises. It recommended that a treaty be entered into between the two countries for the joint protection of this system of salmon fisheries, and to that end it submitted a draft of a proposed treaty and regulations thereunder.

3. This draft treaty and regulations, with slight modifications not involving any change in intention of the treaty or regulations, was approved by the two Governments, and a treaty was signed at Washington on the 2nd September, 1919.

4. On the following day this treaty was submitted by the President of the United States to the Senate for ratification; but when it came up for consideration in the Senate objection arose to the wording of the last sentence of the second Article, on the ground that under the wording of this sentence a person who was tried in one country for a violation of the regulations and was acquitted might be tried for the same offence, if he visited the other country, as he would not have been "punished for the offence" in the other country. Consequently on the 15th January, 1920, the President requested the Senate to have the treaty returned to him for further consideration. This was approved by the Senate on the 17th of that month.

5. This treaty was submitted to both Houses of Parliament in Canada in October, 1919, and was approved thereby.

6. Following withdrawal of the treaty from the Senate by the President, its renegotiation was taken up and on the 25th of May, 1920, an amended treaty was signed at Washington, which treaty was submitted by the President of the United States to the Senate on the 29th day of that month, but up to the moment it has not been ratified by that body.

The delay in finally dealing with this treaty is extremely regrettable, as it is eminently in the interests of both countries that the building up process, which experience has shown can only be accomplished by International co-operation, should not be delayed. Unless the treaty is approved at an early date, it will be too late to afford the fisheries the benefit thereof, so far as the season of this year is concerned. The existing conditions, and what these might be made are succinctly set out in the following extract from the report of the above-named Commission:

The fact that these fish pass through the waters of the two countries makes it impossible to properly protect them by independent action. The fishermen of either side are inclined to operate to the limit when the fish are in their waters and place the responsibility for untoward results on those of the other country.

How the fishery has declined will be realized from the following statement of the packs of sockeye salmon for a series of years:



Year	Fraser River No. Cases	Puget Sound No. Cases	Total No. Cases
1902	293,477	372,301	665,778
1903	204,809	167,211	372,020
1904	72,688	109,264	181,952
1905	837,489	825,453	1,662,942
1906	183,007	178,748	361,755
1907	59,815	93,122	152,937
1908	63,126	170,951	234,077
1909	542,248	1,097,904	1,640,152
1910	133,045	248,014	381,059
1911	58,487	127,761	186,248
1912	108,784	184,680	293,464
1913	684,596	1,673,099	2,357,695
1914	185,483	635,230	520,713
1915	89,040	64,584	153,524
1916	27,394	84,637	112,031
1917	123,614	411,538	535,152
*1918	16,849	50,723	67,572
*1919	29,628	64,346	93,974

\*1920 (United States returns not yet received.)

(\* Added.)

Two facts are outstanding:

1. The yearly possibilities of the Fraser River must be measured by the conditions of the "big years." All that is needed to produce the run of a "big year" any season is to have the spawning beds of the whole system seeded as plentifully as in the "big years" of the past. The river is as free from pollution or artificial obstruction as it ever was, and all the conditions for successful spawning are as favourable as in early times. The only deficiency is in the spawning fish.

2. Unless drastic action is taken, internationally, to save the situation, the fishery will become commercially exhausted in a few years. The figures for 1918 clearly evidence this.

It would be an international calamity, involving almost criminal neglect, on the part of both countries, if the latter condition were allowed to obtain. On the basis of the present prices, the sockeye progeny of this river should be producing, annually, a food worth over \$30,000,000, this figure being based on the actual pack of the last "big year", 1913. As it is, the average value for the four years ending 1918 is about three million dollars.

I am to ask that His Excellency the Governor General may be humbly moved to communicate the foregoing résumé to His Majesty's Ambassador at Washington, with the request that this matter may be taken up with the United States Secretary of State, who will be in office after the 4th of March next, as soon as possible after that officer shall have entered upon his duties, and that the Ambassador will be good enough to impress upon the said Secretary of State the urgency and great importance to all concerned, of early action by the Senate on this treaty.

I have etc.

JOSEPH POPE

603.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM 26

Washington, June 29, 1921

URGENT. Your telegram 20th June, 39A, Salmon Treaty. I have spoken to Secretary of State who informs me difficulty resides in fact that authorities of State of Washington refuse to have anything to do with Treaty maintaining that matter relating to policing of Fisheries comes within jurisdiction of State. Having regard to *impasse* which has been reached, Secretary of State enquires whether some way could not be found to permit this matter being settled directly between State of Washington (and) Province of British Columbia in form of police regulations to be issued by respective local authorities.

GEDDES

604.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 208

Washington, July 1, 1921

My Lord Duke,

With reference to Lord Reading's telegram of February 27, 1918, respecting certain privileges in entering and clearing ports in United States which were extended during the war to fishing vessels of Canada, and to other countries acting with the United States, I have the honour to transmit herewith copy of a note from the Department of State dated June 30, 1921.

Your Excellency will observe that in view of the Joint Resolution of Congress approved March 3, 1921, the Secretary of Commerce feels that he no longer has authority to extend these privileges and, accordingly, he is issuing instructions to the collectors of customs and other officers concerned to discontinue on July 15 next the privileges referred to.

I have etc.

R. L. CRAIGIE

(For the Ambassador)

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, June 30, 1921

Excellency,

I have the honour to refer to certain privileges<sup>1</sup> in entering and clearing ports of the United States which, by authority of the Secretary of Commerce, were

<sup>1</sup>Pour une Liste voir le Vol. 1, pièce jointe au doc. 630, p. 506.

<sup>1</sup>For a list see Vol. 1, enclosure to Doc. 630, p. 506.

extended during the war to fishing vessels of Canada and other countries acting with the United States.

A communication dated February 21, 1918, from the Secretary of Commerce to collectors of customs and others concerned directing them to accord such privileges during the war to the fishing vessels of the countries affected was quoted by Lord Reading in his note, No. 300, of March 19, 1918, to the Department informing this Government that certain corresponding privileges had been extended to American fishing vessels in Canadian ports by a minute of the Privy Council for Canada, approved by the Government General on March 8, 1918.

The emergency which was the basis for the extension of these privileges no longer existing, this Government feels that, in view of the Joint Resolution of Congress, approved March 3, 1921, terminating practically all war legislation and proclamations, the Secretary of Commerce does not have authority longer to extend these privileges, and that it is necessary that they should be discontinued after reasonable notice to the Canadian Government.

Accordingly, I have the honour to inform you that the Secretary of Commerce will issue instructions to the collectors of customs and other officers concerned to discontinue on July 15, 1921, the privileges which were authorized by his General Letter, No. 174, of February 21, 1918, and supplemental letters of March 18 and 25, 1918, copies of which are attached.<sup>1</sup>

Accept etc.

CHARLES E. HUGHES

605.

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis<sup>2</sup>*

*Secretary of State of United States to Ambassador in United States<sup>2</sup>*

Washington, August 27, 1921

Excellency,

Referring to previous correspondence regarding the so-called Sockeye Salmon Fishery Treaty which for some time has been pending before the United States Senate, I have the honour to inform you that it has been deemed appropriate to withdraw the treaty from the Senate for further consideration.

You are aware of the fact that considerable opposition has been made to this agreement. I have taken note of the information which the Embassy was good enough to furnish me in its memorandum of July 14, 1921, to the effect that the authorities of British Columbia have no jurisdiction in connection

<sup>1</sup>Non reproduites.

<sup>1</sup>Not printed.

<sup>2</sup>Retransmise au Gouverneur général le 29 août.

<sup>2</sup>Forwarded to the Governor General on August 29.

with the regulation or administration of the fisheries which it was intended should be protected by the treaty, and that, therefore, protection through direct co-operation between them and the authorities of the State of Washington which it appears that the latter had in contemplation would not be possible. However, since it seemed certain that the treaty in its present form could not receive the approval of the Senate and, therefore, could not be ratified, the only practicable course at this time appeared to be to withdraw the treaty.

Accept etc.

CHARLES E. HUGHES

606.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 128

Ottawa, September 13, 1921

Sir,

With reference to Your Excellency's despatch No. 262 of the 29th August enclosing a copy of a note from the Secretary of State of the United States announcing the withdrawal from the Senate, for further consideration, of what is known as the Sockeye Salmon Fishery Treaty, I am asked to express the regret of my Government that this important matter should be allowed to drag on without final action being taken, in consequence of which the fishery is not receiving the protection it should.

My Government would be glad to be informed of the nature of the modifications in this treaty which are considered necessary.

I have etc.

BYNG OF VIMY

607.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 296

Washington, October 20, 1921

My Lord,

With reference to Your Excellency's despatch No. 128 of September 13 with regard to the Sockeye Salmon Treaty, I have the honour to transmit herewith copy of a note addressed to me by the Secretary of State, under date of October 17 in which Mr. Hughes informs me that, owing to the strong opposition aroused by the suggested Treaty in the West, he does not feel able to suggest any modifications which would render possible the ratification of the Treaty.

I have on repeated occasions at Your Excellency's instance impressed on the Secretary of State, both in written and verbal communications, the importance of providing for the regulation of the fisheries in question, and,

while the intention of the United States Government, as expressed in the present note, is unmistakably to convey a refusal to proceed any further with the consideration of the Treaty, I was to-day given to understand verbally by Mr. Hughes that it might be possible to revive the question if some means could be found to convince the authorities of the State of Washington that the provincial authorities of British Columbia are not in a position, or are unwilling, to settle the question by direct negotiation with the State of Washington. It appears that the opposition in that State, to which Mr. Hughes refers in his note, is due to the existence of a belief that the matter can best be adjusted without the intervention of either the Dominion or the Federal Government.

The State Department are aware, from the note which I addressed to them on receipt of your predecessor's telegram No. 39A of June 20, that the provincial authorities of British Columbia have no jurisdiction in the matter, but Your Lordship's Ministers may perhaps be able to devise some method of impressing this fact on the authorities of the State of Washington in a manner sufficiently emphatic to carry conviction.

I have etc.

H. G. CHILTON  
(For the Ambassador)

608.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 318

Washington, November 18, 1921

My Lord,

With reference to my despatch No. 310 of October 31 regarding the withdrawal of certain privileges which were extended by the United States Government during the war to Canadian fishing vessels, I have the honour to transmit herewith a copy of a note received from the Department of State dated November 15.

Your Excellency will observe that the administrative officers of the United States Government are unable to suspend the operation of the Act R.S. 4311, but that the question of the continuance of the negotiation of a treaty or treaties dealing with this matter will receive careful consideration.

I have etc.

A. C. GEDDES

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, November 15, 1921

Excellency,

I have the honour to refer to your note No. 741 of October 3, 1921, relative to the discontinuance of the privileges accorded during the war period to

Canadian fishing vessels in United States ports, and to inform you that a communication has now been received from the appropriate authority of this Government dealing with the matter. Section 4311 of the Revised Statutes of the United States provides as follows:

Vessels of twenty tons and upward, enrolled in pursuance of this Title (R.S. 4311-4390), and having a license in force, or vessels of less than twenty tons, which although not enrolled, have a license in force, as required by this Title, and no others, shall be deemed vessels of the United States entitled to the privileges of vessels employed in the coasting trade or fisheries.

Since the joint resolution of Congress, approved March 3, 1921, terminated practically all war legislation, proclamations and orders issued to aid in the prosecution of the war, it is believed that no attempt should be made to exercise any of the unusual powers exerted during the war. As a result of this Act, R.S. 4311 is again in full effect and the order of July 6, 1921, cancelling the previous circular No. 174 of February 21, 1918, to the collectors of customs and others, was made as a matter of course merely to clear the record and to prevent confusion in the enforcement of the statute. The order of July 6, 1921, was designed to remove the manifest conflict between the provisions of the statute and the provisions of the administrative order, and since the language of the statute is clear and explicit, administrative officers of this Government are of the opinion that they do not have power at this time to suspend its operation.

As regards the negotiation of a treaty or treaties dealing with the matter, I desire to state that the question of the continuance of the negotiations on this subject is receiving careful consideration and I shall not fail to communicate with you again regarding it as soon as possible.

Accept etc.

HENRY P. FLETCHER

For the Secretary of State

609.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 18

Ottawa, February 22, 1922

Sir,

With reference to your despatch No. 313 of the 5th November, on the subject of the Sockeye Salmon Fisheries Treaty, I have the honour to inform you that the course suggested by Your Excellency of an effort to save the fisheries concerned by co-operation between the Marine and Fisheries Department and the Fisheries Board of the State of Washington was duly adopted.

After communication with the Board, conferences between it and representatives of the Marine and Fisheries Department took place at Vancouver on the 12th and 13th of December, but it was not found possible to reach an agreement — not because of inability to agree as to the immediate steps that

it would be well to take, but because the Washington State Board found itself unable to give any assurance that fishing would be adequately controlled in the future. Both sides were of opinion that the conditions are sufficiently serious to justify stopping all sockeye fishing in the Fraser River System for at least five years; but the representatives of the Marine and Fisheries Department felt that such a very drastic course should not be taken unless there was some reasonable assurance that, when fishing was resumed, purse-seines — which have proved so destructive — would be eliminated from the waters amongst the islands in the Gulf of Georgia and that trap-nets and gill-nets would be properly regulated.

The wisdom of such provisions can scarcely be doubted. It was not on these grounds that the conference failed, but because of inability to give such assurance. Actually, the difficulty of so doing is about as great in Canada as in the State of Washington, as Dominion fishery regulations are subject to change by Order in Council. Indeed the conference strongly emphasized the fact that such a matter as the protection of these fisheries is one that can be properly dealt with only by treaty between the two countries.

In view of the suggestion of the United States Secretary of State, as conveyed in Your Excellency's despatch No. 296 of the 20th October last, that if some means could be found to convince the State of Washington that the provincial authorities of British Columbia are not in a position to deal with the matter by direct negotiations with the State of Washington, the treaty might be revived, it is believed that as this has now been done and as the conference with the State Fisheries Board was without success in this question and, moreover, as already indicated, it served to emphasize the necessity for a treaty in dealing with the matter, the State of Washington would not now be disposed to oppose the ratification of the treaty. My Government, therefore, have requested me to inform Your Excellency of the result of the conference and to ask that you will again take up with Mr. Secretary Hughes the question of the wisdom of re-introducing the Treaty.

I have etc.

BYNG OF VIMY

610.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 77

Washington, March 31, 1922

My Lord,

With reference to my despatch No. 70 of the 23rd of March, I have the honour to transmit herewith copy of a note received from the Department of State, together with copy of the Senate resolution<sup>1</sup> referred to. According to this resolution the President of the United States is requested to negotiate on

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

behalf of the United States a treaty or treaties for the protection of salmon in the waters of the Pacific ocean off the coasts of the United States, including the Territory of Alaska, and of the Dominion of Canada beyond the limits of the territorial waters.

It will be observed that Mr. Hughes is anxious to receive the views of the Canadian Government in regard to the conclusion of such a treaty or treaties, and I should be grateful if you would be good enough to inform me as to the nature of the reply you desire me to make to the United States Government.

I have etc.

H. G. CHILTON  
for the Ambassador

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, March 28, 1922

Excellency,

I have the honour to inform you that on June 6, 1921, the Senate of the United States agreed to a resolution requesting the President to negotiate on behalf of the United States a treaty or treaties for the protection from unnecessary destruction, through wasteful practices, devices and methods of capture, of salmon in the waters of the Pacific ocean off the coasts of the United States, including the territory of Alaska, and of the Dominion of Canada, beyond the limits of the territorial waters.

The Secretary of Commerce informs this department that from facts disclosed by the investigation of the Bureau of Fisheries he is led to believe that the regulation of salmon fishing beyond the three-mile limit of the coasts of the United States, Canada and Alaska should be controlled by a treaty, by which the two Governments would undertake to prevent the landing of fish taken beyond the three-mile limit and to provide for suitable penalties for attempts to make such landings.

The Secretary of Commerce has brought to the attention of this department facts which seem to show that co-operative action by the Governments of the United States and Canada for the protection of these deep sea salmon fisheries is desirable.

Fishermen are, by various devices, taking salmon that are distinctly immature. A conservative estimate is that at least 50 per cent of the catch beyond the three-mile limit is of that character. The taking of these immature fish results in great waste. The immature fish which are being taken weigh from five to ten pounds each, while if left until maturity, the weight would run from twenty to twenty-five pounds each. There is also waste resulting from the spoiling of fish, due to the fact that practically all that are taken by trawl or



purse seine in the open ocean are feeding, and their stomachs are filled with food. In a comparatively short time after being taken from the water, auto-digestion sets in, and the fish soon become soft and take on a disagreeable odor. There is further waste resulting from injury to the fish that are hooked but not landed.

From investigations made, it seems quite certain that salmon do not start for the inland waters until they are mature. Consequently, if fishing of the character indicated is allowed to continue, salmon fishing in the coastal waters will soon be destroyed.

I should be pleased to be informed as to any views which the British Government or the Canadian Government may be disposed to communicate with reference to the conclusion of a treaty with the United States having for its purpose the protection of the salmon fisheries of the Pacific ocean in waters beyond the three-mile limit off the coasts of the United States, Alaska and Canada.

Accept etc.

CHARLES E. HUGHES

611.

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

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

Ottawa, April 19, 1922

Sir,

With reference to the despatch to His Excellency from His Majesty's Ambassador at Washington, dated 31st March, 1922, forwarding copy of a Senate Resolution requesting the President of the United States to negotiate a treaty or treaties for the protection of salmon fisheries in extra-territorial waters along the Pacific Coast of the United States, Canada and the territory of Alaska, I have the honour to state that the Canadian Government shares the view of the United States Government that it is necessary for the proper protection of the salmon fisheries that they should be adequately controlled beyond as well as within territorial waters. It is to be observed, however, that both Governments have already agreed that it is essential that they should join their efforts in preserving and building up the salmon fisheries of the Fraser River System, and with that object a Treaty was signed as long ago as the 25th May, 1920. This Treaty, however, has not yet been ratified by the Senate of the United States, although the fisheries of that system, which admittedly could be made one of the most important to both countries on the Pacific Coast, are rapidly going down year by year. Further, both countries have agreed on the necessity for joint efforts in saving the halibut fisheries of the Pacific Coast and a Treaty to that end has been awaiting signature since October, 1919, Canada having on several occasions in the meantime urged that the Treaty should be completed. While, therefore, the Canadian Govern-

ment is prepared to consider details for a Treaty for the protection of salmon in extra-territorial waters, it is of opinion that the even more important Treaties for the protection of the Fraser River salmon fisheries and of the Pacific halibut fisheries, and for the settlement of other matters, should first be completed.

I am to request that His Excellency may be humbly moved to reply to Sir Auckland Geddes' despatch in the sense of the foregoing.

I have etc.

JOSEPH POPE

612.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 137

Washington, May 24, 1922

My Lord,

With reference to your despatch, No. 69, of May 10th, regarding the withdrawal of the privileges extended by the United States Government during the war to Canadian fishing vessels. I have the honour to inform you that I have, as you requested, communicated to the Department of State the arrangements which the Government of Canada has been pleased to make in view of the fact that legal authority no longer exists to continue to allow the United States fishing vessels the privileges conferred by the Order in Council of the 8th of March, 1918, under the War Measures Act. I have, at the same time, again pressed upon the attention of the United States Government the desirability, not only of ensuring proper protection to the salmon fisheries of the Pacific Coast but also the Fraser River salmon fisheries and the Pacific halibut fishery. I have further emphasized the desirability of taking up anew, at the earliest possible moment, the negotiations for the settlement of all outstanding questions between the Dominion of Canada and the United States.

I shall not fail to keep these matters most prominently before the Department of State nor to communicate to Your Excellency any further information which I may receive on the subject.

I have etc.

A. C. GEDDES

613.

*Le Gouverneur général suppléant au chargé d'affaires aux États-Unis*  
*Deputy Governor General to Chargé d'Affaires in United States*

DESPATCH 107

Ottawa, July 6, 1922

Sir,

With reference to the Duke of Devonshire's despatch No. 19 of the 25th January, 1921, regarding Canada's representation on the International Committee on marine fishery investigations, I have the honour to inform you that

the Consul General of France in Canada has intimated that, as France is conducting an important fishing industry on this side of the Atlantic from St. Pierre and Miquelon as a base and has already undertaken certain scientific investigations into the natural history affecting fish life on the Grand Banks, his Government wishes to have representation on this Committee. The Canadian Government is of the opinion that it is very desirable that France should have such representation and I shall be glad if you will take steps to ascertain the views of the United States Government on this question.

I have etc.

L. H. DAVIES

614.

*Le consul général de France au sous-secrétaire d'État  
aux Affaires extérieures*

*Consul General of France to Under-Secretary of State  
for External Affairs*

Montréal, 7 juillet 1922

Monsieur le Sous-Secrétaire d'État,

J'ai l'honneur de porter à votre connaissance, d'ordre du Gouvernement français, que la France désirerait faire partie du conseil nord américain pour l'exploration des pêcheries maritimes sur le versant de l'Atlantique, en raison des recherches et travaux scientifiques déjà effectués par le Gouvernement français sur les Grands Bancs de Terre-Neuve et dans les parages de St-Pierre-et-Miquelon.

M. Le Danois, chargé de mission par le Ministère français de la Marine et par l'Office international des Pêches, a entretenu récemment de cette question technique M. Lapointe et M. Found et je me plais à espérer qu'une solution favorable pourra facilement être trouvée.

Veillez agréer etc.

P. E. NAGGIAR

615.

*Le sous-secrétaire d'État par intérim aux Affaires extérieures  
au secrétaire, Gouverneur général*

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

Ottawa, August 12, 1922

Sir,

With reference to previous correspondence with His Majesty's Embassy at Washington, terminating with Sir Auckland Geddes' despatch No. 102 of the 26th April last, regarding the continuance of negotiations for a treaty or treaties for the settlement of outstanding fishery matters between Canada and the United States, I have the honour to state that there appears to be no indication of likelihood that the United States Government will find it possible

at an early date to arrange for the signing of the draft treaty concerning port privileges of fishing vessels, the protection of halibut fishery, lobster fishing, etc., copy of which was enclosed in the Duke of Devonshire's despatch to Lord Grey, No. 119, of the 5th of November 1919.

Article VII of that draft treaty provides for the protection of the rapidly declining halibut fishery of the Pacific coast by the enforcement of a close season by the two countries for halibut fishing from the sixteenth of November in each year to the fifteenth of February following, both days inclusive, for a term of years. It further provides for joint investigation into the life history of the halibut as well as for the appointment of a joint Commission to supervise such investigations and to recommend such modifications in the close season as the information that would be obtained might indicate to be necessary.

The report of the International Fisheries Commission on which this draft was based shows that there was remarkable unanimity of opinion amongst those engaging in the different branches of the fishery on both sides of the line, as to the wisdom of this close season, and the experience of intervening years has served to emphasize the urgent need of it, if this fishery, which is of great value to both countries, is to be saved from commercial exhaustion.

The Canadian Government regrets that the United States Government has not found it possible up to the moment to deal finally with this treaty as a whole, but in view of the importance to both countries of affording the halibut fishery proper protection, and of the fact that there is apparently no difference of opinion in either country as to the wisdom of steps for such protection being undertaken at once, it is thought advisable that an enquiry should be addressed to the United States Government to ascertain whether it is prepared at an early date to enter into a treaty which will deal with the Pacific halibut fishery alone, in the manner contemplated by Article VII of the draft treaty, with the modifications in detail necessitated by dealing with it as a separate issue.

I am therefore to request that His Excellency may be humbly moved to represent the view above set forth to His Majesty's Chargé d'Affaires at Washington, asking him to make the necessary enquiry of the United States Government.

I have etc.

W. H. WALKER

616.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 255

Washington, September 20, 1922

Your Excellency,

I have the honour to transmit to you, herewith, copies of . . . [United States note].

I have etc.

R. L. CRAIGIE  
(for the Ambassador)

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État par intérim des États-Unis  
à l'ambassadeur aux États-Unis*

*Acting Secretary of State of United States to Ambassador  
in the United States*

Washington, September 19, 1922

Excellency,

I have the honour to acknowledge the receipt of your Embassy's note No. 667 of August 29, 1922, relating to the draft treaty transmitted to this Department with your Embassy's note No. 815 of November 10, 1919, providing for reciprocity between the United States and Canada in the matter of port privileges for fishing vessels, the protection of halibut fisheries, lobster fishing, and the importation, free of duty, of fresh fish taken by the fishermen of either country into the other country. Your Embassy's note expresses the regret of the Canadian Government that the Government of the United States has not found it possible, up to the present, to deal finally with the proposed treaty as a whole and you inquire whether, in view of the importance to both countries of affording the halibut fisheries proper protection and of the fact that there is apparently no difference of opinion in either country concerning the wisdom of providing such protection at once, the United States Government is prepared at an early date to enter into a treaty which will deal with the Pacific halibut fisheries alone in the manner contemplated by Article 7 of the draft treaty, with the modifications in detail necessitated by dealing with it as a separate issue.

This matter is receiving the attentive consideration of this Government, and a further communication regarding it will be addressed to you in due course.

Accept etc.

WILLIAM PHILLIPS

617.

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

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

Ottawa, October 17, 1922

Sir,

I have the honour to state that by joint action of the Governments of Canada, of the United States and of Newfoundland, a conference of fishery experts of the three Governments was assembled at Ottawa in September, 1920, at which the following resolution was adopted:

Be it resolved that, — It is the sense of this meeting that, on the nomination of the fishery services of the countries represented, each of the respective Governments

should forthwith designate three persons to constitute an International Committee on Marine Fishery Investigations, this Committee to determine what measure of International co-operation is desirable, what general investigations should be undertaken, consider definite problems that may be awaiting study, submit recommendations to their respective Governments, and co-ordinate and correlate the results of the work.

It is the expectation that the respective Governments will undertake to provide the necessary ways and means for conducting such independent and co-operative investigations as may be adjudged desirable by the International Committee.

It is recommended that the International Committee establish contact with the Permanent International Council for the Exploration of the Sea.

In pursuance of this resolution an International Committee on Marine Fishery Investigations was duly constituted, the first meeting being held at Montreal on the 23rd of June, 1921. An intimation having recently been received, through the Consul General of France at Montreal, of the wish of the French Government to be represented on the Committee, the suggestion was brought to the attention of the Governments of the United States and of Newfoundland, by whom it has been favourably received.

I am to request that His Excellency may be humbly moved to inform the Secretary of State for the Colonies of the position, and to ask that there may be conveyed to the French Government an expression of the pleasure with which its accession to the International Committee will be welcomed by the three Governments concerned, and that it may be requested to name its representative on the Committee. It might be added that the appointment of a representative would not involve any financial contribution by the French Government.

I have etc.

W. H. WALKER

618.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 328

Washington, December 21, 1922

My Lord,

With reference to Your Excellency's despatch No. 124 of August 15th last, I have the honour to transmit to you herewith, for the consideration of the Dominion Government, copy of a note which I have received from the Department of State and of a draft convention, based on Article VII of the original draft treaty of 1919, which they propose should be concluded for the protection of the Pacific halibut fishery.

I am also communicating copies of these documents to His Majesty's Principal Secretary of State for Foreign Affairs.

I have etc.

A. C. GEDDES

## [PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, December 14, 1922

Excellency,

With further reference to Your Embassy's note No. 667 of August 29, 1922, I have the honour to inform you that this Government would be glad to conclude with His Majesty's Government a convention which will deal with the Pacific halibut fishery alone in the manner contemplated by Article VII of the draft treaty concerning port privileges of fishing vessels, protection of halibut fishery, lobster fishing and tariff on fresh fish, which was transmitted to this Department with your Embassy's note No. 815 of November 10, 1919.

Using Article VII of the draft prepared in 1919 as a basis, I have caused to be prepared a draft of a convention for the protection of the Pacific halibut fishery, copies of which are enclosed.<sup>1</sup>

The departure of greatest consequence in the enclosed draft from the proposals with regard to the halibut fishery embraced in Article VII of the draft prepared in 1919 is in the provision in Article I which relates to the disposal required to be made of halibut that may be taken during the proposed close season by fishermen engaged in fishing for other species of fish. It appears to this Government that large opportunity for evasion of the prohibition against fishing for halibut during the close season and escape from the penalties which will be prescribed for violations of the prohibition would exist under the provisions which were proposed in the draft of 1919 permitting halibut taken incidentally while fishing for other species of fish during the close season to be retained and landed and to be sold fresh in the port where landed or to be shipped or transported from the port of landing, provided they are first frozen, canned, or cured. In lieu of these provisions the draft which I herewith present provides in Article I that halibut that may be taken incidentally when fishing for other fish during the season when fishing for halibut is prohibited may be used for food for the crew of the vessel by which they are taken and that any portion thereof not so used shall be landed and immediately turned over to officers of the Department of Commerce of the United States or of the Ministry of Marine and Fisheries of the Dominion of Canada, who will be duly authorized to receive and sell them and required to pay the net receipts into the public treasuries. It is believed that this procedure will operate as an efficient deterrent of evasions of the close season because under it the opportunity for private profit by the sale of halibut taken during the close season is removed.

In Article III of the draft transmitted herewith provision is made for the appointment of an international fisheries commission of the character which would have been appointed under Article IV of the Convention for the

<sup>1</sup>Non reproduites.

<sup>1</sup>Not printed.

Protection of the Sockeye Salmon of the Fraser River System and which under the provisions of Article VII of the draft treaty concerning port privileges of fishing vessels, protection of halibut fishery, lobster fishing and tariff on fresh fish would have been charged with the supervision of the investigation of the halibut fishery, if those two proposed conventions had been perfected. It is believed that the provisions of Article III of the draft enclosed herewith for the appointment of this commission and the investigation into the life history of the Pacific halibut fishery meet the suggestions which were made in your Embassy's note No. 667 of August 29, 1922, with reference to the appointment of such a commission and the making of an investigation and in these particulars would carry out the recommendations of the American-Canadian Fisheries Conference, 1918.

By Article I of the enclosed draft, the term after which the close season may be modified or suspended by a special agreement would be three years instead of four as was contemplated by Article VII of the former draft and by Article V the period after which the convention might be terminated on notice by either party would be five instead of fifteen years. It is believed that within the shorter periods the two governments would have available for their consideration the results of the investigations of the joint commission which should aid them in establishing a system of permanent protection of the halibut fishery, and that in general the proposed shorter terms are better adapted to the purposes of a convention dealing with the halibut fishery alone than the longer terms which were accommodated to the conditions concerning port privileges of fishing vessels and other subjects as well as to the halibut fishery.

I should be pleased to be informed of the views of the British and Canadian Governments with reference to the draft which I herewith enclose, and should this draft be acceptable to them to proceed to the signature of the convention at an early date in order that it may, if possible, be submitted to the Senate for its advice and consent to ratification during the present session with a view to establishing the close season in November of next year.

Accept etc.

CHARLES E. HUGHES

619.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, January 16, 1923

SECRET. Copies of a Draft Convention between the United States and Great Britain concerning the halibut fishery, I understand from His Majesty's Ambassador at Washington, were communicated by him to the Foreign Office on or about the 21st December last. With the following modifications this Draft Convention is acceptable to my Government and I have to-day telegraphed to the Ambassador at Washington:



1. Substitute the words "The Dominion of Canada" for the words "Great Britain" in the second line in the heading.
2. Substitute the word "Department" for the word "Ministry" in the second paragraph of Article I on page three of the Draft.
3. Add after the words "North Pacific ocean" the words "including Behring sea" in the second last line of the second paragraph of Article III on page five of the Draft.

To enable him to sign the Treaty so amended on behalf of the Dominion at an early date, my Government request that the Secretary of State for Foreign Affairs be informed that it is their desire that the necessary full powers be given to the Honourable Ernest Lapointe, K.C., B.A., LL.B., Minister of Marine and Fisheries.

BYNG OF VIMY

620.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 47

Washington, February 12, 1923

My Lord,

With reference to your despatch No. 7 — Secret, of the 23rd ultimo and to earlier telegraphic correspondence, I have the honour to inform Your Excellency that I have duly informed the United States Government of the modifications which the Canadian Government desire to make in the Draft Convention for the protection of the Pacific halibut fishery, and I have notified the Secretary of State of the desire of your Ministers to conclude this Convention at the earliest possible moment.

I have the honour to add however that, having regard to the fact that the Treaty as signed will bear no title, its object being plainly expressed in the preamble of the document, I have, under instructions from His Majesty's Government, omitted from my note to Mr. Hughes modification No. 1 proposed by the Canadian Government, namely, the substitution in the title of the words "the Dominion of Canada" for the words "Great Britain".

I have etc.

A. C. GEDDES

621.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM

Washington, February 14, 1923

SECRET. Enquiry made by State Department whether Mr. Lapointe will sign Treaty with me. Early reply would be much appreciated. See my telegram of February 13th.

GEDDES

622.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 15, 1923

SECRET. Your telegram January 16th and your despatch January 24th, Secret, full powers for Mr. Lapointe sent by mail February 13th. As regards text of Draft Treaty, Secretary of State for Foreign Affairs suggests following modifications: (1) Title of Treaty to be "Convention for the Regulation of Halibut Fisheries on the Pacific Coast of Canada and the United States." (2) In accordance with the usual Treaty practice title of His Majesty preamble to read "His Majesty the King of the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas, Emperor of India."

Do your Ministers see any objection?

DEVONSHIRE

623.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, February 17, 1923

Halibut Convention, modifications suggested in your telegram February 15th, concurred in by Canadian Government.

BYNG

624.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

TELEGRAM

Ottawa, February 21, 1923

SECRET. With reference to Your Excellency's telegrams of the thirteenth and fourteenth instant, relative to the signing of the Halibut Convention, the Secretary of State for the Colonies under date the fifteenth instant, has telegraphed that full powers for Mr. Lapointe were sent by mail on the thirteenth instant. On receipt of these powers, Mr. Lapointe will leave for Washington. My Ministers are of the opinion that as respects Canada, signature of the treaty by Mr. Lapointe alone will be sufficient and that it will not be necessary for you to sign as well.

BYNG

625.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM

Washington, February 23, 1923

SECRET. Halibut Treaty, modifications proposed in your telegram of January 16th are still being considered by United States Government. They expect,

however, to give reply tomorrow. Until I am informed that the United States Government are ready to sign it would be preferable that Mr. Lapointe should not actually start. I have been instructed by His Majesty's Government to sign Treaty in association with Mr. Lapointe.

The above is answer to your telegram No. 7 of the 21st of February.

GEDDES

626.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

TELEGRAM 8

Ottawa, February 28, 1923

SECRET. Mr. Lapointe in Toronto to-day. Will proceed this afternoon from Toronto to Washington, arriving probably one-ten tomorrow afternoon, Thursday, March first. He will be joined at Washington about same hour by Mr. Alex. Johnston, Deputy Minister Marine and Fisheries, who is leaving Ottawa this afternoon. Their accommodation has already been reserved at New Willard. Canadian Government is of view that, Treaty being one of concern solely to Canada and the United States and not affecting in any particular any imperial interest, signature on behalf of Canada by Mr. Lapointe, who has full powers, should be sufficient. A communication is being sent to-day to His Majesty's Government, expressing hope that His Majesty's Government will concur in this view and advise your Excellency accordingly.

BYNG OF VIMY

627.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, February 28, 1923

SECRET. Halibut Treaty. The Full Powers issued to Honourable Ernest Lapointe in connection with proposed convention with United States for protection of Pacific Halibut Treaty [Fishery] have been duly received and transmitted to Mr. Lapointe, who is at present on his way to Washington.

My Ministers are of opinion that, as respects Canada, signature of the Treaty by Mr. Lapointe alone should be sufficient. They proceeded on this assumption in asking for full powers for Mr. Lapointe. Having so notified the British Ambassador at Washington, it was with some surprise that an intimation was received from Sir Auckland Geddes to the effect that he had been instructed by His Majesty's Government to sign the Treaty in association with Mr. Lapointe. Evidently it has been assumed by His Majesty's Government that such was the wish of the Canadian Government. The view of my Ministers, however, is that the Treaty being one of concern solely to Canada and the United States, and not affecting in any particular any imperial interest, the signature of the Canadian Minister should be sufficient, and they would respectfully request that His Majesty's Ambassador at Washington be instructed accordingly.

The Government of the United States having expressed a desire that the Treaty should be signed on the afternoon of Thursday, March first, in order to obtain ratification before the Senate rises on March fourth, it is most important that word should be cabled to Washington with the least possible delay. Sir Auckland Geddes has been advised of this request. Kindly inform me, as soon after the receipt of this message as possible, of the action that may be taken by His Majesty's Government.

BYNG OF VIMY

628.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 1, 1923

SECRET. With reference to your telegram of the 28th February regarding the Halibut Treaty. The wishes of your Ministers are being telegraphed to His Majesty's Ambassador at Washington by the Secretary of State for Foreign Affairs.

DEVONSHIRE

629.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 82

Washington, March 9, 1923

My Lord,

With reference to Your Excellency's telegram No. 8 of the 28th ultimo and to previous correspondence relative to the Convention for the Protection of the Halibut Fishery of the North Pacific Ocean, signed on the 2nd instant,<sup>1</sup> I have the honour to transmit to Your Excellency herewith copy of a note from the United States Government. In this note Mr. Hughes states that the Senate gave its consent on the 4th instant to the ratification of this instrument on the understanding that none of the nationals, inhabitants, vessels or boats of any other part of Great Britain shall engage in the Halibut fishery contrary to the provisions of the said Convention.

Mr. Hughes expresses the hope that this "understanding," which the Senate has made part of its resolution of ratification, will be accepted by His Majesty's Government.

The effect of this action on the part of the Senate is to widen the scope of the treaty so as to embrace the Empire as a whole, instead of Canada alone, to which it is understood the Dominion Government intended the Treaty to refer. In view of this development, a copy of the State Department note is

<sup>1</sup>Le Traité se trouve dans *Treaties and Agreements affecting Canada* . . . , 1927, pp. 505-507.

<sup>1</sup>The Treaty is printed in *Treaties and Agreements affecting Canada* . . . , 1927, pp. 505-507.

being communicated to His Majesty's Principal Secretary of State for Foreign Affairs in order to ascertain the views of His Majesty's Government in regard to this "understanding."

Meanwhile I should be grateful if I might be furnished with any observations which Your Excellency may desire to offer on the subject.

I have etc.

A. C. GEDDES

630.

*Mémoire du sous-secrétaire d'État aux Affaires extérieures  
au Premier ministre*

*Memorandum from Under-Secretary of State for External Affairs  
to Prime Minister*

Ottawa, March 17, 1923

The enclosed note from the Governor General's Secretary is herewith submitted to the Prime Minister for instructions as to the nature of the reply which should be made thereto.

J. POPE

[PIÈCE JOINTE / ENCLOSURE]

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

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

Ottawa, March 17, 1923

The Governor General's Secretary presents his compliments to the Under-Secretary of State for External Affairs and is commanded by the Governor General to enquire whether it is true, as reported in the Press this morning, that certain correspondence in connection with the Pacific Halibut Treaty has been laid on the Table of the House of Commons and, if so, whether these papers include despatches and telegrams from the Secretary of State for the Colonies and His Majesty's Ambassador at Washington, permission to lay which documents on the Table of the House has been asked for by telegraph from the Secretary of State for the Colonies and His Majesty's Ambassador at Washington, no answer having as yet been received to the request.

631.

*Mémoire du sous-secrétaire d'État aux Affaires extérieures  
au Premier ministre*

*Memorandum from Under-Secretary of State for External Affairs  
to Prime Minister.*

Ottawa, March 20, 1923

The understanding with the Colonial Office heretofore has been that code telegrams, unless specifically marked Secret or Confidential, may be given to

Parliament as a matter of course without permission being asked. In view of this understanding the telegram of the 27th October might be brought down. On principle I do not think that it would be necessary to ask permission to bring down telegrams from the Canadian Government, but in practice consent becomes necessary if such telegrams are part of a continued secret correspondence, and make reference to secret communications from the Imperial Government.

In the present instance, with the exception of the telegram of the 27th October, I think permission should be asked for all the papers, and I have accordingly sent the letter, copy of which I attach, to the Governor General's Secretary.<sup>1</sup>

J. POPE

632.

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

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

Ottawa, March 20, 1923

Sir,

With reference to a despatch from His Majesty's Ambassador at Washington to the Governor General, dated the 9th March, 1923, transmitting copy of a note dated 5th instant from the United States Secretary of State, touching the resolution of ratification of the Halibut Treaty which was adopted by the United States Senate, I have the honour to represent that the Minister of Marine and Fisheries is of opinion that there are no practical difficulties in the way of carrying out in full "the understanding embodied in this resolution." It is proposed during the present session of the Canadian Parliament to ask Parliament to enact such legislation as may be necessary to make effective the terms of the treaty. That legislation will contain a provision by which Canadian ports and territorial waters on the Pacific coast will be closed to the vessels, boats and fishermen of all nations that would undertake to engage in fishing for halibut in the waters covered by the treaty during the time that such fishing is prohibited by it. The United States Government would doubtless adopt a similar policy in so far as United States ports and territorial waters are concerned. It will be readily observed that in this way fishing in the area designed to be protected by the treaty will be made quite impracticable.

The Minister of Marine and Fisheries is unable to agree with the view expressed by His Majesty's Ambassador that the action of the United States Senate so widens the scope of the treaty as to make it applicable to the Empire as a whole. Inasmuch as the treaty is not and was not intended to be applicable to Great Britain, it is somewhat difficult to determine exactly what the United States Senate had in mind when the resolution alluded to was

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

adopted. The stipulation in this resolution "that none of the nationals and inhabitants and vessels and boats of any other part of Great Britain shall engage in halibut fishing contrary to any of the provisions of this treaty" would seem to imply an understanding on the part of the Senate that the treaty is applicable to Great Britain. That this understanding is shared by the United States Secretary of State is evident from his note of the 5th instant, in the course of which he refers to the treaty as one concluded between the United States and Great Britain. But even if the treaty did refer to Great Britain, it is submitted that the Senate resolution applying its provisions to any other part of Great Britain, cannot be made to bear the construction placed upon it by His Majesty's Ambassador of embracing the whole Empire.

I am to ask that His Excellency may be humbly moved to inform His Majesty's Ambassador in the foregoing sense, and request him so to acquaint the United States Secretary of State, directing particular attention to the view that he is under a misapprehension in assuming, as he does in his note of the 5th instant, that the treaty has been concluded between the United States and Great Britain, and, that in the opinion of the Minister of Marine and Fisheries, there need be no difficulty in fully observing the provisions of the treaty, including the understanding embodied in the Senate resolution.

I have etc.

JOSEPH POPE

633.

*Le Premier ministre au Gouverneur général*  
*Prime Minister to Governor General*

Ottawa, March 21, 1923

Dear Lord Byng,

With reference to the correspondence<sup>1</sup> concerning the signing of the Pacific Halibut Treaty which I laid on the Table of the House of Commons immediately before adjournment on Friday night last, I should like to draw the attention of Your Excellency to the following circumstances which governed my action in the matter.

When the House met on Friday afternoon, I was asked by the Leader of the Opposition why the correspondence which had been asked for some days before had not yet been tabled. It was perfectly clear to me that the motive of the Leader of the Opposition in asking the question was a political one. It was to create a suspicion in the public mind as to the significance of the correspondence and the significance of the delay in presenting it to Parliament. On several occasions this Session, Mr. Meighen has complained of the "secret diplomacy" to which he alleged the Government was lending itself, and, as Your Excellency is well aware, the Government has been subjected to criticism both in and out of Parliament for not giving to Parliament the despatches which passed between the British and Canadian Governments with

<sup>1</sup>*Documents parlementaires*, 1923, n° 111a.

<sup>1</sup>*Canada, Sessional Papers*, 1923, No. 111a.

respect to the Near East crisis. There are few replies calculated to arouse stronger resentment with respect to Canada's inter-imperial and international relations than that "permission is being asked of the Colonial Office to bring down certain of the correspondence," or that "the correspondence cannot be made public." Every time such admissions have to be made by the Government in the House of Commons, a weapon is handed to those who are in search of arguments wherewith they can ridicule the so-called national status of Canada, or raise a question concerning existing relations between the Governments of the Dominion and of the United Kingdom.

I recognize that in some cases it is inevitable that one or other of the above replies must be made. I believe, however, that it is the part of wisdom, in the interest solely of our inter-imperial and international relations, that they should be made as seldom as possible. It was for this reason that, in replying to the question of the Leader of the Opposition at the time it was asked, I was careful to avoid the use of words which I felt would create embarrassment, and sought to make light of the delay to which the Leader of the Opposition had called attention by simply saying:

I think I can promise to give my right hon. friend most of the papers to-day. The delay has been on account of a cable having been sent to the British Government to ask a question with respect to some of the papers, and the reply not yet having been received.

(See Unrevised Hansard, March 16, page 1262.)

In the same spirit and from the same motive, I tabled the correspondence when I did. I was fully aware that a cable had been sent some days previously asking for permission to table the correspondence, and that no reply had been received, but I regarded this as a purely formal procedure on the part of the Under-Secretary of State for External Affairs. I was not aware that Your Excellency had sent any message.

Having regard for the circumstance that the correspondence asked for was, in all its essential particulars, either in the nature of communications from the Canadian Government which were never intended to be secret, or direct replies to these communications, I did not think that I was violating, in spirit at all events, any rule or practice which is customary in these matters. I felt very strongly, on the other hand, that the injury to an existing situation would be materially augmented by a further admission of the reasons which made it impossible for the Government to comply with an Order of the House of Commons. Obviously, only one of two possible replies could have been made to the request for permission to publish the correspondence: first, acquiesce in the request — in which event, the value of such permission would in part have been lost by a further delay; or, a refusal of the request — in which event, the Government would have been obliged to insist on its undoubted right of making public its own communications, which were never intended as confidential or secret, with further mystery as to the communications which had been received in reply and which had been refused publication by London or Washington. Moreover, such correspondence as there was, it appeared to me to be wholly in the interest of the British Government to have made public.



I recognize that, having regard for a procedure which it is obviously desirable to safeguard, Your Excellency was justified in experiencing regret at the incident, and causing the communication to be sent which I have received. At the same time, I should like Your Excellency to know, and should be pleased if the Secretary of State for the Colonies could be so informed, that, in taking the course I did, I was actuated mainly, if not solely, by the motive of avoiding unnecessary controversy in Parliament and in the Press respecting features of our inter-imperial and international relations which, in the interest of all concerned it is better should be considered in conference between representatives of the Dominions and the British Government than publicly discussed in debate and at long range.

I am etc.

W. L. MACKENZIE KING

634.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 114

Washington, April 6, 1923

My Lord,

In Your Excellency's despatch No. 29 of March 21st you were so good as to communicate to me a letter from the Department of the Secretary of State for External Affairs raising the question of the exact meaning of the resolution of ratification of the Halibut Treaty adopted by the United States Senate.

In order to clear up this point I enquired unofficially of the Secretary of State and a copy of my letter and of his reply are enclosed herein. It will be seen that by the phrase "any other part of Great Britain" the Senators responsible for the resolution intended to refer to any part of the British Empire.

In these circumstances I feel that the Canadian Government will desire to give further consideration to the matter and possibly to consult with His Majesty's Government in London. I propose therefore to defer making representations to the United States Government until I am in receipt of further instructions.

I have etc.

A. C. GEDDES

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis*  
*Ambassador in United States to Secretary of State of United States*

No. 240

Washington, March 28, 1923

My Dear Mr. Secretary,

In your note of the 5th instant you were good enough to inform me of the text of the Senate Resolution by which the United States Senate, on March

4th, 1923, gave its advice and consent to the ratification of a convention for the protection of the halibut fishery of the North Pacific ocean. According to this resolution such consent is given on the understanding that none of the nationals and inhabitants and vessels and boats of "any other part of Great Britain" shall engage in halibut fishing contrary to any of the provisions of this treaty.

I should be grateful if you would let me know what is your understanding of the meaning of the words "any other part of Great Britain." Is the resolution intended to refer exclusively to the geographical entity properly known as Great Britain, namely, England, Scotland and Wales, or is Great Britain, in the mind of the framers of the resolution, intended to be synonymous with the term "British Empire"? Canada as a Dominion of the British Empire cannot, of course, properly be described as "a part of Great Britain." I should be very much obliged for your kind assistance in clearing up this point.

Believe me etc.

A. C. GEDDES

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, April 4, 1923

My Dear Mr. Ambassador,

In your note of the 28th ultimo referring to the Resolution of March 4, 1923, by which the Senate gave its advice and consent to the ratification of the convention for the protection of the halibut fishery of the North Pacific ocean, you inquired in regard to the meaning that it is intended the words "any other part of Great Britain" shall have as they are used in the Resolution. I note your inquiry whether in the mind of the framers of the Resolution "Great Britain" is intended to be synonymous with the term "British Empire".

Senator Lodge, Chairman of the Committee on Foreign Relations of the Senate, informs me that he has conferred with Senator Jones of the State of Washington, who introduced the Resolution in the Senate, and that the intention was undoubtedly to cover any part of the British Empire.

I trust that this information will be of assistance.

I am etc.

CHARLES E. HUGHES

635.

*Mémoire du secrétaire, Gouverneur général, au Premier ministre*

*Memorandum from Secretary, Governor General, to Prime Minister*

Ottawa, April 12, 1923

OFFICIAL CORRESPONDENCE

Sir Joseph Pope's memorandum of the 20th March, on the subject of papers regarding the Lausanne Conference, is, I think, not quite clear and is liable to misinterpretation.

Correspondence between the Government of Canada and His Majesty's Government is carried on, not by the Prime Minister or the Cabinet, but by the Governor General who is the Chief Executive and Head of the Government. He transmits, as such, his Ministers' opinions and follows their advice but the responsibility is his and the custody of the correspondence is his duty.

The Colonial Office Regulations with regard to official correspondence are framed for the guidance and instruction of Governors General and for the safeguarding of that correspondence.

When Sir Joseph Pope says that "The understanding with the Colonial Office heretofore has been that code telegrams, unless specifically marked Secret or Confidential, may be given to Parliament as a matter of course without permission being asked", he is in one sense correct. Such telegrams or despatches may indeed be made public but, in theory at least, only by permission of the Governor General, who has discretion in the matter and does not need to ask permission from the Secretary of State for the Colonies. It is needless to say that the Governor General always meets the wishes of his Prime Minister in such cases. It is true that, in the case of numbered despatches, publication when required is made in *The Canada Gazette* without express permission being asked but such despatches are generally concerned with regulations, e.g. regulations affecting the transfer of registry of vessels, and are of such a nature that their very transmission implies publication, — permission therefore, being tacitly given by His Excellency.

There is, however, no record, so far as I am aware, of any papers being laid before Parliament without the permission of the Governor General. Indeed, at one time, when Ministers desired to bring down despatches, the documents in question were prepared by the Office of the Governor General's Secretary.

With regard to Confidential despatches, the case is different and the regulations given for the instruction of the Governor General lay down that "No confidential despatch, either to or from the Secretary of State for the Colonies, may be made public without his permission".

Sir Joseph Pope continues "On principle I do not think that it would be necessary to ask permission to bring down telegrams from the Canadian Government". This principle enunciated by Sir Joseph Pope does not accord with the regulation quoted above.

Despatches handed in to the Governor General's office in draft form are actually only written records of the advice of his Ministers to the Governor General, on which it is true that he acts, but the correspondence based on that advice is the act of the Governor General himself and the correspondence is his and remains in his custody. The fact that a telegram may be sent in the exact words suggested by the Prime Minister, who in drafting such telegram is fulfilling one of his proper functions as principal adviser to the Governor General, does not make that telegram his. So far as the substance of the despatch or the policy involved is concerned, Ministers naturally can at any

time make this public in their speeches in the House of Commons or elsewhere but this does not affect the sanctity of official correspondence.

Such sanctity does not imply secret diplomacy. It is merely a safeguard, — as much to Ministers as to the Governor General or the Secretary of State for the Colonies — and is intended to provide a safe means whereby matters of public concern may be discussed in private. It is easily understood that discussions between parties whose interests are not always identical, and whose points of view must necessarily at times differ, might occasionally be somewhat acrimonious and nothing is to be gained by displaying such discussions to the public gaze. The whole object of such private correspondence is to promote and ensure the continuation of the harmonious relations which have so happily and for so long existed between the Mother Country and the self-governing Dominions.

With regard to Secret despatches or Cypher telegrams, the regulations are much the same as in the case of Confidential despatches, except that the Governor General is forbidden to “communicate such despatches to any one without express authority from the Secretary of State for the Colonies”. This regulation is sufficiently explicit and is most important also, in view of the danger of compromising the Cyphers. This last point is an additional reason for great care in bringing down any papers. Cyphers must always be paraphrased.

The whole object of the procedure outlined above is to safeguard official correspondence in the interests of all concerned and to keep both Governments closely informed of what is proposed to be done in the matter of laying papers before their respective Parliaments, &c. The procedure has, as far as I am aware, never been objected to, has always worked well, and it would appear to be dangerous to alter it except after the fullest consultation with and consideration by all concerned.

A. F. SLADEN

636.

*Mémoire du sous-secrétaire d'État aux Affaires extérieures  
au Premier ministre*

*Memorandum from Under-Secretary of State for External Affairs  
to Prime Minister*

Ottawa, April 19, 1923

As I understand that the accuracy of the statements made in my memorandum of the 20th of March has been questioned, I can only say that while, in regard to the telegrams in code, I am unable to point to any record of the understanding with the Colonial Office, I feel satisfied from my experience of the preparation of such returns, and am confirmed in my opinion by the Assistant Under-Secretary, who was long familiar with the practice in the Governor General's office before the creation of this Department, that code telegrams were treated as of the same nature as numbered despatches, which in accordance with standing Colonial Regulation No. 173 “may be published unless express directions are given to the contrary”. In any case, the object

of putting a telegram in code is not secrecy, but economy, and while no doubt the incidental effect is to conceal its meaning to a certain extent, no confidential character is conferred on the message to differentiate it from a telegram *en clair*.

J. POPE

637.

*Mémorandum du sous-secrétaire d'État aux Affaires extérieures  
au Premier ministre*

*Memorandum from Under-Secretary of State for External Affairs  
to Prime Minister*

Ottawa, April 20, 1923

Whatever practical advantages may attach to the practice of entrusting to the Governor General's office the preparation of returns for Parliament of official correspondence with outside Governments, I venture to think that there is serious objection from a constitutional point of view to a reversion to that old time practice which obtained before the establishment of this Department. Such a course appears to imply the retention by the Crown of a control over matters which for many years have been committed to a responsible minister, such as is not consistent with sound constitutional theory, and such as is not exercised, I think, in any other department of Canadian affairs. It involves the position that the discretion of the Secretary of State for External Affairs as to the action to be taken in respect of communications made to the Canadian Government, is to be regarded as a provisional one, fettered by the necessity of submitting such action in certain particulars, for the special approval of the Crown, whereas the position hitherto taken in such matters is that the discretion to be exercised in the selection of papers to lay before Parliament is vested in the responsible minister. It might be pointed out that publication in *The Canada Gazette* of despatches coming to the Government through the Governor General, where such action seems necessary or expedient, is made as a matter of ordinary practice under the Minister's authority, without any special reference to His Excellency, and why a different practice should prevail in respect of communication to Parliament is not apparent. Of course, in any case publication is subject to the usual rules governing international practice in this matter.

J. POPE

638.

*Le chargé d'affaires aux États-Unis au Gouverneur général  
Chargé d'Affaires in United States to Governor General*

DESPATCH 338

Washington, September 6, 1923

My Lord,

I have the honour to transmit to Your Lordship, herewith, copies of the paper mentioned in the subjoined schedule.

I have etc.

H. G. CHILTON

[PIÈCE JOINTE / ENCLOSURE]

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

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

No. 764

Washington, September 6, 1923

Sir,

With reference to my note No. 618 of July 27th last relative to the Northern Pacific Halibut Fishery Convention, I have the honour to inform you that in view of the terms of the Resolution passed by the Senate at the time of the ratification of this Convention the Government of Canada find it difficult to put into force the Act recently passed by the Canadian Parliament in execution of the Convention.

In these circumstances and under instructions from my Government I have the honour to ask you to be so good as to inform me whether there is any prospect of the United States Senate, when it reassembles in December, being willing to withdraw the Resolution attached to the ratification and to ratify the Convention in the form in which it was signed.

I understand from the Dominion Government that unless such ratification could be obtained before the middle of November it would be impossible for the close season provided for by the Convention to become effective this year. As, however, the Senate will not meet until December it seems clear that it will not be possible to put the Treaty into effect this year. In these circumstances I have further the honour to enquire whether the United States Government would agree to a simultaneous public announcement by the United States Government and the Government of Canada, on a date to be agreed upon between them, that the close season shall not be effective during the 1923-24 season.

I should be most grateful to receive an expression of the views of the United States Government on these two points at your early convenience for communication to the Dominion Government.

I have etc.

H. G. CHILTON

639.

*Le chargé d'affaires aux États-Unis au Gouverneur général  
Chargé d'Affaires in United States to Governor General*

TELEGRAM

Washington, October 4, 1923

SECRET. A note from the State Department, copy of which is being sent by Post, has now been received by me confirming what the Under-Secretary of State said to me as reported in my telegram No. 68, and adding that the United States Government agree to co-operate with Canadian Government in

public announcement to the effect that the close of season provided for by the Halibut Convention will not be effective during the season of 1923-24, such announcement to be issued simultaneously in Washington and Ottawa.

They desire to receive draft of statement propose to issue and suggest October 15th as the date on which to make the announcement.

CHILTON

640.

*Décret du Conseil*

*Order in Council*

P.C. 2252

November 13, 1923

The Committee of the Privy Council have had before them a Report, dated 5th November, 1923, from the Acting Minister of Marine and Fisheries, submitting that he has had under consideration the system of granting *modus vivendi* licenses to United States fishing vessels for the purpose of enabling them to purchase bait, ice, seines, lines and all other supplies, and also for the transhipment of catch and the shipping of crews;

The Minister represents that the legislation under which this system was established was enacted by the Parliament of Canada in 1892, and from that date until the year 1918 licenses were regularly issued to United States vessels in accordance with its provisions. During that period attempts were made to secure for Canadian fishermen some privileges in United States ports. The efforts in this direction were unsuccessful until the year 1918, when arrangements were concluded on the recommendation of the International Fisheries Commission appointed that year whereby privileges were granted reciprocally in either country to the fishing vessels of the other. These privileges were extended in both the United States and Canada under the provisions of war legislation.

When the United States war legislation ceased to be effective on the 1st July, 1921, the privileges enjoyed by Canadian fishing vessels in the ports of the United States were terminated. The Government of Canada was at that time urged from many quarters to adopt a similar course as a matter of sound public policy but took the view that the privileges of using Canadian ports which had been extended to United States vessels for upwards of thirty years should not be terminated hastily. In deciding to continue the policy effective since 1892, the Canadian Government was influenced by the hope that the United States Government would ultimately recognize that Canada was entitled to some compensation for the privileges extended to United States vessels in Canadian ports, and further, that it would be recognized that the granting of reciprocal privileges during the years from 1918 to 1921 had not prejudicially affected any United States interests, and that on further consideration the Government of the United States would be disposed to restore them. In this hope, however, Canada has been disappointed. The Government

of the United States has not only not made provision for the restoration of the arrangement of 1918, but has by tariff provisions imposed additional duties upon Canadian fish seeking the markets of that country.

In the meantime renewed demands for the termination of the privileges now enjoyed by United States fishing vessels in Canadian Atlantic ports have come from many quarters. The matter having received most careful consideration, the competent authorities of the Government of Canada have recommended and the Government has approved the recommendation, that as from the 31st December 1923, licenses as provided by Section 3 of Chapter 47 of the Revised Statutes of Canada shall not issue to fishing vessels of the United States but that instead thereof, the provisions of the Treaty of 1818 shall be effective as from that date.

The Committee, on the recommendation of the Acting Minister of Marine and Fisheries, advise that Your Excellency may be pleased to cause His Majesty's Ambassador at Washington to be apprised in the sense of this Minute; also to request him to inform the Government of the United States accordingly.

The Committee request that the Canadian Government may be informed by telegraph of the date in which this notification is made to the Government of the United States.

All of which is respectfully submitted for Your Excellency's approval.

641.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

DESPATCH 427

Washington, December 3, 1923

My Lord,

I have the honour to transmit to Your Lordship, herewith, copies of the paper mentioned in the subjoined schedule.

I have etc.

H. G. CHILTON

[PIÈCE JOINTE / ENCLOSURE]

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

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

Washington, November 28, 1923

Sir,

The receipt is acknowledged of your note No. 995 of November 21, 1923, informing this Government that the Canadian Government has decided that



from the 31st of December, 1923, *modus vivendi* licenses as provided by Section 3 of Chapter 47 of the Revised Statutes of Canada will not be issued to fishing vessels of the United States and that after that date their rights will be governed only by the provisions of the Treaty of 1818.

Information as to the decision of the Canadian Government has been communicated to the appropriate authorities of this Government in order that public announcement may be made for the information of interested persons.

Accept etc.

WILLIAM PHILLIPS  
(For the Secretary of State)

642.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 13

Washington, January 18, 1924

My Lord,

I have the honour to transmit to Your Lordship, herewith, copies of the paper mentioned in the subjoined schedule.

I have etc.

H. G. CHILTON  
(For the Ambassador)

[PIÈCE JOINTE / ENCLOSURE]

*L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis*  
*Ambassador in United States to Secretary of State of United States*

No. 63

Washington, January 18, 1924

URGENT

Sir,

At the request of His Excellency the Governor General of Canada, I have the honour to draw your attention to the serious condition of the Canadian halibut fishing industry on the Pacific Coast. This industry has, for more than a year now, been unsatisfactory and disappointing to those engaged in it, and the situation has recently become so grave that public meetings have been held at Prince Rupert at which resolutions were adopted urging action on the part of the Dominion Government with the object of ameliorating in some way the present state of affairs. In order to convey a comprehensive idea of the position, the facts may be summarized as follows:

1. In 1894, a United States fishing company, which had for some years been engaging in the halibut fishery on the Pacific Coast from Seattle as a base, opened a branch at Vancouver, B.C., owing to the greater proximity of that port to the then main fishing grounds, and to the fact

that shipments could be made from it to central and eastern United States markets as cheaply and as expeditiously as from Seattle. The fish handled were obtained from Canadian fishermen. Hence on the shipments to the United States, the duty, which was then half a cent per pound, had to be paid. The company asked that arrangements might be made for United States fishing vessels to come with their catches to Vancouver and ship such catches in bond to the United States, but this privilege was at that time refused.

2. Three years later the United States duty was raised to one cent per pound. Following this action very strong representations were made on behalf of the said company to have the above-mentioned privileges granted, and it was decided to authorize them for the year 1898. This was done under the authority of an Order in Council. This Order also provided, at the request of the United States interests referred to above, that American fishing vessels coming with their catches to British Columbia ports should be permitted to purchase provisions and equipment and to ship crews at such ports.

3. Very strong objection was taken at the time by Canadian interests to the granting of these privileges. It was claimed that as the principal market for halibut was in the United States, any Canadian company going into the fishing business would find it necessary to ship fish to that country. Hence such a company would be at a direct disadvantage, to the extent of the duty, with United States fishing vessels coming to British Columbia ports, and so could not compete with them.

4. Objection to these privileges on the part of Canadian subjects engaged in the industry continued to grow in intensity more especially up to the commencement of the war. The United States Government, however, having removed the duty on halibut, the Canadian Government, notwithstanding all opposition, decided to renew the privileges from year to year. In 1918 the difficulty was set at rest for the time being by the reciprocal arrangement that was concluded following the recommendation of the International Fisheries Commission of that year.

5. Owing to the comparative depletion of the halibut fishery in the more southern waters, the fishing vessels of both countries have for a number of years past mainly resorted to the waters off northern British Columbia and Alaska. Hence when Prince Rupert became the terminus of a transcontinental railway, so that shipments of fish therefrom could be placed on the central and eastern markets as speedily and as cheaply as from Seattle, the privileges became more valuable to United States fishing vessels and were consequently much more generally availed of by them.

6. The reciprocal arrangement referred to in subparagraph 4 above was terminated by the United States Government in 1921, following which the demands for the termination of privileges by the Canadian Government were renewed. Animated by the hope that some arrange-

ment mutually advantageous to the nationals of both countries was quite possible and even probable, the Canadian Government at the time declined to terminate the privileges that had been in existence for upwards of twenty years. Meanwhile, the United States Government have restored the duty on foreign-caught halibut, which now stands at 2 cents per pound. This duty, coupled with the privileges afforded to United States fishing vessels in Canadian ports, necessarily places Canadians engaged in the industry at a great disadvantage.

7. These conditions have culminated in strong agitation among the Canadian fishing vessel owners and fishermen, as well as among other Canadians who are interested to obtain the cancellation of those privileges to American fishing vessels. Recently at a large meeting held at Prince Rupert by the Canadian Fish Boat Owners' Association, which was attended by Canadian fishermen and businessmen, a resolution was adopted urging the Canadian Government to close Pacific ports to American fishing vessels as had been done on the Atlantic coast. It was also urged that a port tonnage tax, equal to the United States duty, should be imposed on all shipments of United States halibut through British Columbia ports, or, as an alternative, that the privileges should be continued, but that this tax should be charged on all shipments of halibut entering British Columbia ports for transshipment from a United States port.

8. It appears that United States citizens engaged in the fishing industry on the Pacific Coast have taken cognizance of the present agitation in the Dominion for the exclusion of American fishing vessels from Canadian ports. In this connection Lord Byng of Vimy has learnt that a telegram was addressed to the Canadian Department of External Affairs by the Deep-Sea Fishermen's Union of the Pacific, whose headquarters are at Seattle, on the 6th ultimo, which was worded as follows:

I am informed that after January 1st, 1924, no American vessels can land fish in Prince Rupert for the purpose of shipping same in bond to the United States. Kindly inform me of the facts, and if caused by United States tariff law as now operated, we will do all in our power to have the law amended, provided such amendment will bring about a condition that permits American vessels to again ship through Prince Rupert as heretofore.

From this it seems that the United States citizens who are directly concerned are anxious that the operation of the present United States tariff law should not be the cause of rescinding privileges so long extended by the Canadian authorities to American fishing vessels on the Pacific Coast, and the Dominion Government feel that the situation which would be brought about by the termination of the said privileges should not be precipitated until an opportunity has been given for a full and free discussion of the whole question in all its bearings between representatives of the Canadian and United States governments.

The Canadian Government would accordingly be glad to learn whether the United States Government are disposed to agree to such a discussion taking

place. They suggest that if the United States Government concur, and since the matter is urgent, an early date should be appointed for this conference which, in their opinion, might take place either at Washington or at any other place deemed more suitable.

I have the honour to request that I may be furnished as soon as possible with an expression of the views of the United States Government on the above-mentioned proposal, for communication to His Excellency the Governor General of Canada.

I have etc.

H. G. CHILTON  
(For the Ambassador)

643.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM 63

Washington, June 2, 1924

Your telegram No. 73A. On May 31st Senate ratified Halibut Convention without reservations.

HOWARD

644.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM 66

Washington, June 6, 1924

My telegram No. 63. United States Government informs me they are ready to exchange ratifications. Will Dominion Government send representative to effect exchange or do they wish me to act? If latter I hope Canadian ratification will be sent to me at earliest possible moment as I leave for Boston June 12th.

HOWARD

645.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 11, 1924

My Ministers request that His Majesty the King may be humbly moved to ratify Convention concluded between Canada and the United States on March 2nd, 1923, to secure preservation of Halibut Fishery of Northern Pacific Ocean, and that instrument of ratification be forwarded to me to be exchanged in Washington by representative of Canadian Government against similar ratification of President of the United States.

646.

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

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

Ottawa, June 20, 1924

Sir,

With reference to a despatch from His Majesty's Ambassador at Washington to the Governor General, dated 21st May, 1924, on the subject of a suggested conference in connection with the halibut fishery on the Pacific coast, I have the honour to represent that not only is the situation on the Pacific coast becoming more aggravated as time goes on and the approach of the day is consequently being hastened when some action must be taken, but the conditions on the Atlantic coast are far from satisfactory.

It will be recalled that in a Minute of the Privy Council approved by His Excellency on the 13th November last, the reasons why Canada felt impelled to discontinue the so-called *modus vivendi* licenses to United States fishing vessels after the end of last year were explained. Notwithstanding the withdrawal of these licenses United States fishing vessels finding themselves in need of the privileges involved continue to visit our Atlantic ports to obtain special concessions that will facilitate their operations or enable them to prevent losses. Last week the United States Consul at Yarmouth, Nova Scotia, requested by wire special privileges on behalf of two United States fishing vessels. These vessels were the *Bay State*, which called at Sandy Point, Shelburne County, to obtain supplies for a return trip to Gloucester, the vessel having apparently remained on the fishing banks longer than her preparations contemplated, in the hope of making a satisfactory catch. The other vessel was the *Ellen T. Marshall* which was on a fresh fish fishing trip, but had run out of gasoline and so desired to purchase sufficient to enable her to get to Gloucester and save her catch. Both these requests were granted. Several other vessels had previously called at different ports for special privileges, most of which were granted; but as the season has just begun when such privileges are usually in demand it is not unlikely that the number of requests will increase from now on.

While the Canadian Government hesitates to refuse special privileges to United States fishing vessels that would save them from losses that would be involved in leaving the fishing banks before they have made a satisfactory fare or in the spoiling of their fish, it cannot be expected, under existing conditions, to continue to grant such privileges. Also the existing conditions do not tend towards the neighbourly relations that it is felt should obtain; neither do they seem in the best interests of either country.

I am accordingly to request that His Excellency may be humbly moved to cause His Majesty's Ambassador at Washington to be informed in the above sense, and asked to invite the attention of the United States Government to

the suggestion contained in my letter of the 11th January, 1924, for a conference at which the whole Pacific situation would be fully and freely discussed in all its bearings, and at the same time, for the reasons given above, that such discussion should be extended to include conditions on the Atlantic coast.

I have etc.

JOSEPH POPE

647.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 327

Downing Street, July 31, 1924

My Lord,

With reference to my telegram of the 18th July I have the honour to transmit to Your Excellency the King's Ratification of the Convention signed at Washington on the 2nd March, 1923, relating to the preservation of the Northern Pacific halibut fishery, for exchange against a similar ratification on the part of the President of the United States of America.

The Secretary of State for Foreign Affairs would be obliged if an authenticated copy of the certificate recording the exchange could be sent in due course.

I have etc.

J. H. THOMAS

[PIÈCE JOINTE / ENCLOSURE]

GEORGE, 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, etc., etc. To all and singular to whom these Presents shall come, Greeting:

Whereas a Convention between Us and Our Good Friends the United States of America, concerning the preservation of the halibut fishery of the Northern Pacific Ocean, was concluded and signed at Washington on the Second day of March, in the year of Our Lord One Thousand Nine Hundred and Twenty-three, by the Plenipotentiaries of Us and of Our said Good Friends duly and respectively authorized for that purpose, which Convention is, word for word, as follows: (Here follows the text of the Convention).

We, having seen and considered the Convention aforesaid, have approved, accepted, and confirmed the same in all and every one of its Articles and Clauses, as We do by these Presents approve, accept, confirm, and ratify it for Ourselves, Our Heirs and Successors; engaging and promising upon Our Royal Word that We will sincerely and faithfully perform and observe all and singular the things which are contained and expressed in the Convention aforesaid, and that We will never suffer the same to be violated by any one, or transgressed in any manner, as far as it lies in Our power. For the greater

testimony and validity of all which, We have caused Our Great Seal to be affixed to these Presents, which We have signed with Our Royal Hand.

Given at Our Court of St. James, the Twenty-first day of July, in the year of Our Lord One Thousand Nine Hundred and Twenty-four, and in the Fifteenth year of Our Reign.

GEORGE R. I.

(L.S.)

648.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 457

Ottawa, October 30, 1924

Sir,

With reference to your despatch No. 327 of the 31st July, regarding the ratification of the Halibut Convention signed at Washington on the 2nd March, 1923, between Great Britain and the United States of America, I have the honour to inform you that the ratifications of this Convention were duly exchanged at Washington on the 21st instant by the Honourable Ernest Lapointe, Minister of Justice, acting on behalf of Canada, and the Honourable Charles E. Hughes, Secretary of State, acting on behalf of the United States of America.

A certified copy of the Protocol of Exchange of Ratifications is enclosed.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

PROTOCOL OF EXCHANGE

The undersigned Plenipotentiaries having met for the purpose of exchanging the ratifications of the Convention signed at Washington, March 2, 1923, between Great Britain and the United States of America, for the preservation of the halibut fishery of the Northern Pacific Ocean, including Bering Sea, and the ratifications of the Convention aforesaid having been carefully compared and found exactly conformable to each other, the exchange took place this day in the usual form.

In witness whereof, they have signed the present Protocol of Exchange and have affixed their seals thereto.

Done at Washington this twenty-first day of October, one thousand nine hundred and twenty-four.

(L.S.)

(L.S.)

ERNEST LAPOINTE

CHARLES E. HUGHES

Certified a true copy of the original

W. H. WALKER

649.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 19

Ottawa, January 16, 1925

Sir,

With reference to your despatch No. 2 of the 2nd instant enquiring whether it is the wish of my Government that His Majesty's Government should include the Pacific Halibut Fishery Convention amongst those which they themselves communicate to the League of Nations for registration under Article 18 of the Covenant, I have the honour to refer you to my despatch No. 5 of the 13th instant, in which it was intimated that it was proposed that the duty of registering treaties or Conventions negotiated, signed and ratified by or at the instance of the Canadian Government should be undertaken by that Government. In accordance with this procedure steps have already been taken for the registration of the Convention referred to, through the medium of the recently appointed Canadian Advisory Officer for League of Nations purposes at Geneva.

I have etc.

BYNG OF VIMY

650.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

Geneva, February 4, 1925

Sir,

I beg to acknowledge your letter of the 13th ultimo, and to intimate that I have forwarded as requested to the Secretary General of the League for registration in accordance with the provisions of Article 18 of the Covenant the three enclosed duly certified copies<sup>1</sup> of a Convention for the preservation of the halibut fishery of the Northern Pacific Ocean, between His Majesty and the United States of America, signed at Washington on the 2nd day of March, 1923, the ratifications of which were exchanged at Washington on the 21st of October, 1924.

I have etc.

W. A. RIDDELL

651.

*Le Conseiller au sous-secrétaire d'État aux Affaires extérieures*  
*Advisory Officer to Under-Secretary of State for External Affairs*

Geneva, February 10, 1925

Sir,

I have the honour to enclose a certificate of registration of the Convention for the preservation of the halibut fishery of the Northern Pacific Ocean,

<sup>1</sup>Non reproduites.<sup>1</sup>Not printed.



between His Majesty and the United States of America, signed at Washington on the 2nd day of March, 1923, together with a letter of acknowledgment from Mr. Van Hamel, for the Secretary-General, in which he states that he would be very grateful if you would forward a French translation of this Convention should it be available in the Department for External Affairs.

I have etc. W. A. RIDDELL

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*Le Secrétaire général, Société des Nations, au Conseiller  
Secretary General, League of Nations, to Advisory Officer*

Geneva, February 7, 1925

Sir,

I have the honour to acknowledge receipt of your letter of January 30th last, with which you were good enough to forward me for registration a certified true copy of a Convention for the preservation of the halibut fishery of the Northern Pacific Ocean between His Majesty and the United States of America, signed at Washington on the second day of March, 1923.

In accordance with Article XVIII of the Covenant of the League of Nations, the above-mentioned international engagement has been registered with the Secretariat of the League on February 2nd, 1925, and will be published as soon as possible in the League of Nations Treaty Series.

Attached hereto you will find certificate of registration.

As all international engagements registered with the Secretariat are published in the League's Treaty Series in their original languages and translations, if and when necessary, are made into English and French, I should be very grateful if you would forward to me a French translation of this Convention, if it is available in the Department of External Affairs.

I have etc. VAN HAMEL  
(for the Secretary General)

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*Certificat d'enregistrement  
Certificate of Registration*

No. 809

Geneva, February 2, 1925

The Secretary General of the League of Nations hereby certifies that at the request of the Advisory Officer of Canada for League purposes a Convention between Canada and the United States of America for the preservation of the halibut fisheries of the Northern Pacific Ocean, signed at Washington, March 2, 1923, has been registered on February 2, 1925, under No. 809 in the Official Register of Treaties of the Secretariat in accordance with Article 18 of the Covenant of the League of Nations.

ERIC DRUMMOND

652.

*Le Gouverneur général suppléant au chargé d'affaires aux États-Unis*  
*Deputy Governor General to Chargé d'Affaires in United States*

DESPATCH 133

Ottawa, July 8, 1925

Sir,

With reference to your telegram of the 29th June explaining why the United States Department of State considers it desirable that public hearings on the report of the United States Tariff Commission on the relative cost of the production of halibut in Canada and the United States should take place before convening the conference between representatives of the two Governments to consider a settlement of outstanding fishery questions on both the Pacific and Atlantic coasts, and stating that the United States Department of State suggests that in the circumstances the conference should be deferred until about October 1st next, I have the honour to represent that while, for reasons explained in previous correspondence, the Canadian Government would be glad if the conference could be held immediately, in view of the importance that is being attached by the United States Government to the public hearings on the report of the Tariff Commission, it is considered that Canada should not press for this. Any date in October after the middle thereof would be acceptable to Canada for the conference. In order that the matter may be definitely settled, it is suggested that the conference meet at Washington on Tuesday, October 20th, next.

If October 20th is not suitable to the United States Government, the Canadian Government will be grateful if you will be good enough to arrange for that Government to fix a date.

With regard to the enquiry contained in the telegram as to the Canadian Departments that will be represented at the conference, it is not at present anticipated that any Canadian Department other than the Department of Marine and Fisheries will be so represented.

I have etc.

FRANCIS A. ANGLIN

653.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 604

Washington, December 4, 1925

My Lord,

I have the honour to transmit to Your Lordship, herewith, copies of the paper mentioned in the subjoined schedule.

I have etc.

H. G. CHILTON  
 (For the Ambassador)

[PIÈCE JOINTE / ENCLOSURE]

*L'ambassadeur aux États-Unis au secrétariat d'État des États-Unis*  
*Ambassador in United States to Secretary of State of United States*

No. 1043

Washington, December 4, 1925

Sir,

I have the honour to refer you to Mr. Grew's note of August 24th last regarding the proposed Conference between representatives of the Canadian and United States Governments to consider a settlement of certain outstanding fishery questions on both the Pacific and Atlantic coasts.

In this note Mr. Grew pointed out that it would not seem possible to fix a definite date for the Conference in question until about the first of October, at which time it was stated that the Tariff Commission would have completed their report on the relative costs of production of halibut taken by Canadian and United States fishing vessels.

At the request of His Excellency the Governor General of Canada, I have the honour to recall your attention to this matter, and to request that you may now be so good as to advise me of the earliest possible date when the appropriate authorities of the United States Government consider that this Conference can usefully be held.

I have etc.

ESME HOWARD

654.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 225

Ottawa, December 5, 1925

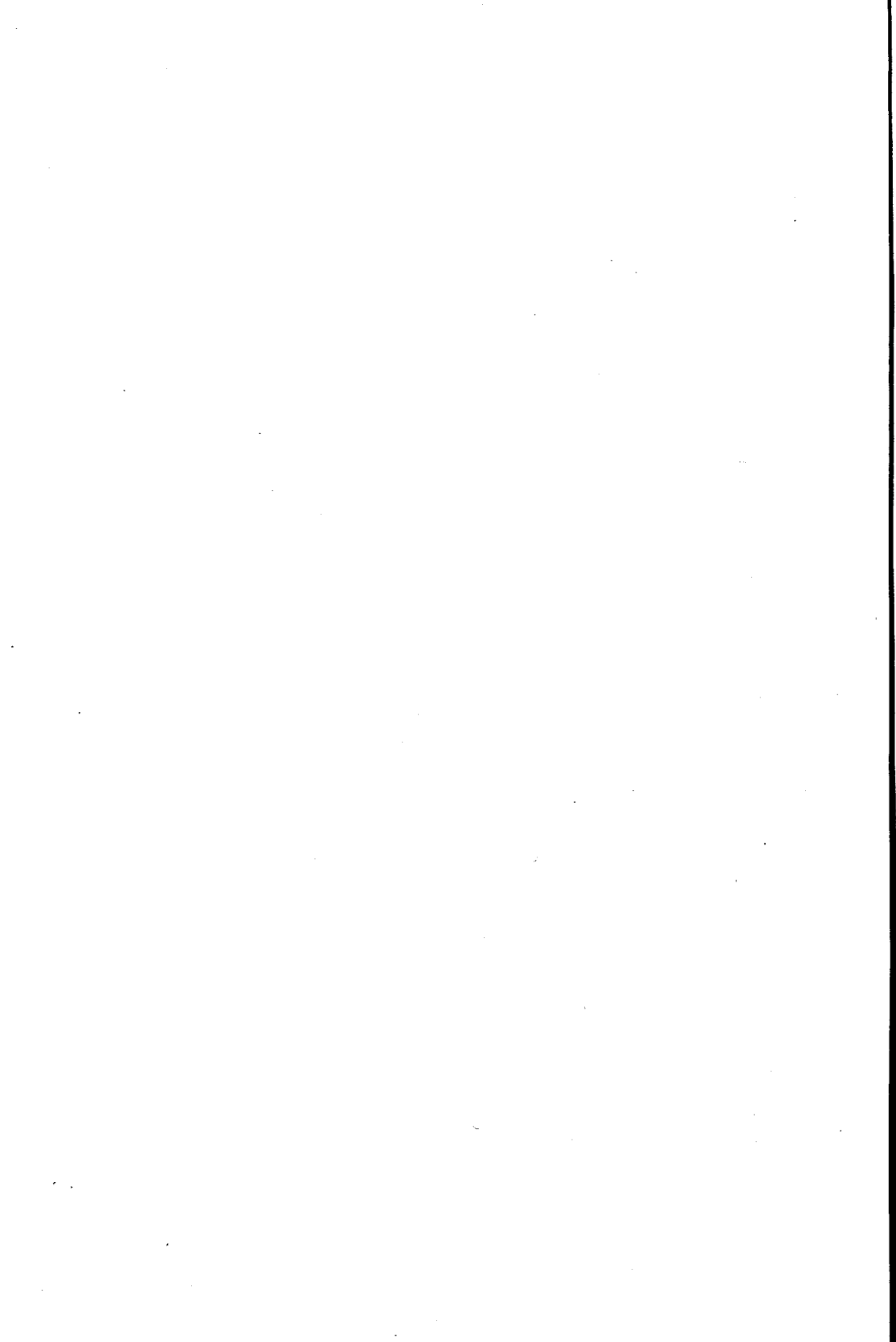
Sir,

With reference to my telegram of the 14th July, 1924, on the subject of the North American Committee on Fishery Investigations, I have the honour to inform Your Excellency that at the last meeting of the Committee it was unanimously resolved that the Committee express itself as desiring that Portugal be represented on it.

My Government will be grateful if Your Excellency will ascertain if the United States Government is agreeable to the Portuguese Government being invited to appoint a representative on the said Committee.

I have etc.

BYNG OF VIMY



## CHAPITRE VIII / CHAPTER VIII

### IMMIGRATION

Interdiction de l'immigration des pays ex-ennemis; réciprocité de traitement entre l'Inde et les dominions; question de l'immigration maltaise; restrictions additionnelles à l'égard des travailleurs japonais; nouveau règlement des passeports pour les pays européens; loi de l'Immigration chinoise et admission des Chinois.

Prohibition of immigration from former enemy countries; reciprocity of treatment between India and the Dominions; Maltese immigration question; further restrictions on Japanese labourers; new passport regulation for European countries; Chinese Immigration Act and admission of Chinese.

655.

*Décret du Conseil*

*Order in Council*

P.C. 641

March 26, 1919

The Committee of the Privy Council have had before them a report, dated 22nd March, 1919, from the Acting Secretary of State for External Affairs, to whom was referred despatches dated respectively 7th August, 1917, 28th August, 1918, and 28th January, 1919, from the Secretary of State for the Colonies to Your Excellency, on the subject of reciprocity of treatment between India and the self-governing Dominions, submitting that the memorandum of the India Office, bearing date of March 22nd, 1917, which was under consideration by the Imperial War Conference, calls attention especially to:

1. The policy of restriction of British East Indian immigration adopted by almost all the self-governing Dominions;

2. The policy of Canada, which places the East Indian, who is a British subject, in a less advantageous position than Japanese and other Asiatics who do not belong to the Empire;

3. The existing regulations of Canada which offer almost insuperable obstacles to the entry of wives and families of British East Indians now domiciled in Canada;

4. The difficulties met with by tourists and other non-immigrant classes in establishing their right to free access to Canada, as provided by our law;

5. The existing regulations, which practically constitute an embargo against the entry of immigrants of the labouring classes.

The memorandum also suggests the possibility of an agreement between India and the self-governing Dominions on the following lines:

1. As regards Indians already permanently settled in the Dominions, they should be allowed to bring in wives (subject to the rule of monogamy), and minor children, and in other respects should not be less privileged than Japanese settled immigrants.

2. Future admissions of Indians for labour or settlement should, if possible, be regulated on lines similar to and not less favourable than those governing the admission of any other Asiatic race.

3. If this is not possible, there might be reciprocal treatment in India and each Dominion of immigration for purposes of labour or permanent settlement. If a Dominion is determined to exclude these two classes of immigration from India, India should be free to do the same as regards the Dominion. It would be clearly recognized that the exclusion of either case was not motivated by prejudice of race, but was the outcome of different economic conditions.

4. Along with such exclusion, reciprocal arrangements would be made for granting full facilities for the admission of tourists, students, and the like, and for business visits entailing temporary residence, so long as this residence was not for labour purposes or for permanent settlement.

At the request of the representatives of India, the subject of reciprocity of treatment between India and the self-governing Dominions came up for further consideration at the Imperial War Conference in 1918. At this Conference, all the self-governing Dominions and India were represented, and it was unanimously agreed that:

1. It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities.

2. British citizens domiciled in any British Country, including India, should be admitted into any other British country for visits, for the purpose of pleasure or commerce, including temporary residence for the purpose of education. The conditions of such visits should be regulated on the principle of reciprocity as follows: (a) the right of the Government of India is recognized to enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such country; (b) such right of visit or temporary residence shall, in each individual case, be embodied in a passport or written permit issued by the country of domicile, and subject to visé there by an officer appointed by and acting on behalf of the country to be visited, if such country so desires; (c) such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement.

3. Indians already permanently domiciled in the other British countries, should be allowed to bring in their wives and minor children, on condition (a) that not more than one wife and her children shall be admitted for each such Indian, and (b) that each individual so admitted, shall be certified by the Government of India as being the lawful wife or child of such Indian.

The principal movement of East Indians to Canada occurred in 1907-1908, the total immigration being under seven thousand. Of this number, possibly not more than twelve hundred now remain in Canada, there having been a heavy exodus to the United States, in addition to which quite a number have returned to India. Climatic, industrial and social conditions in Canada have not, on the whole, been found congenial. Disease has made considerable inroads upon East Indians. Their caste system has seriously interfered with their employment in many walks of life. Notwithstanding the fact that only a small proportion of those who originally emigrated to Canada are now resident here, the Minister submits that certain modifications of the restrictive provisions of the Immigration Act and Regulations should be made for the relief of such of our fellow-British Subjects of the East Indian race as may be affected by the Resolution of the Imperial War Conference of July 24th 1918, as above recited.

The Minister, therefore, with the concurrence of the Minister of Immigration & Colonization, recommends that the following declaration unanimously adopted at the Imperial War Conference, July 24th 1918, be approved, viz. that

1. It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities.

2. British citizens domiciled in any British country, including India, should be admitted into any other British country for visits, for the purpose of pleasure or commerce including temporary residence for the purpose of education. The conditions of such visits should be regulated on the principle of reciprocity as follows: (a) the right of the Government of India is recognized to enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such country; (b) such right of visit or temporary residence shall in each individual case be embodied in a passport or written permit issued by the country of domicile, and subject to visit there by an officer appointed by and acting on behalf of the country to be visited, if such country so desires; (c) such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement.

3. Indians already permanently domiciled in the other British countries should be allowed to bring in their wives and minor children on condition (a) that not more than one wife and her children shall be admitted for each such Indian and (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.

The Committee of the Privy Council concur in the foregoing report, and the recommendations therein contained, and recommend that Your Excellency may be pleased to forward a copy hereof to the Right Honourable the

Secretary of State for the Colonies, for the information of His Majesty's Government.

All which is respectfully submitted for Your Excellency's approval.

656.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

DESPATCH 460

Ottawa, May 31, 1919

My Lord,

With reference to your despatch No. 171 of the 28th April transmitting a copy of a note from the Swedish Chargé d'Affaires enclosing a copy of a petition on behalf of a number of German-Austrian officers and others for permission to emigrate to Canada, I have the honour to point out that there is an Order in Council, copy of which for convenience I enclose, debarring the entry to this country at the present time of enemy subjects, except with the permission of the Minister of Immigration and Colonization. In view of the very strong feeling existing throughout Canada against the entry of enemy subjects, my Government feel that they cannot accede to the application in question.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*

*Order in Council*

P.C. 552

March 14, 1919

His Excellency the Governor General in Council, on the recommendation of the Minister of Immigration and Colonization, and under the authority of Section 38 of the Immigration Act, is pleased to make and enact the following Regulation and the same is hereby made and enacted accordingly:

REGULATION

From and after the date hereof and until otherwise ordered, the entry to Canada of immigrants of German, Austro-Hungarian, Bulgarian or Turkish race or nationality is prohibited, except with the permission of the Minister of Immigration and Colonization.

657.

*Décret du Conseil*

*Order in Council*

P.C. 1204

June 9, 1919

Whereas owing to conditions prevailing as the result of the war, a widespread feeling exists throughout Canada and more particularly in Western



Canada that steps should be taken to prohibit the landing in Canada of immigrants deemed undesirable owing to their peculiar customs, habits, modes of living and methods of holding property and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their entry;

And whereas it appears that persons commonly known as Doukhobors, Hutterites and Mennonites are of the class described;

Therefore His Excellency the Governor General in Council is pleased, under the authority of Section 38 of the Immigration Act, 9-10 Edward VII, Chapter 27, as amended by 9-10 Geo. V., Chapter 25, to make the following regulation, and the same is hereby made and established accordingly:

From and after the date hereof and until otherwise ordered, the landing in Canada shall be and the same is hereby prohibited of any immigrant of the Doukhobor, Hutterite or Mennonite class.

658.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 432

Downing Street, September 19, 1919

My Lord Duke,

I have the honour to request Your Excellency to inform your Ministers that I communicated to the Secretary of State for India, your despatch No. 275 of the 27th March, regarding Resolution XXI of the Imperial War Conference, 1918,<sup>1</sup> which relates to the reciprocity of treatment between India and the self-governing Dominions in Immigration matters.

2. As regards the two questions which particularly affect Indians in Canada, namely,

(1) That of visits or temporary residence for the purpose of pleasure or commerce, and

(2) That of the admission of the wives and children of residents, Mr. Montagu enquired whether it is to be inferred from the Minute of the Privy Council which accompanied your despatch that it is the view of the Canadian Government that no legislative action is necessary in order to give effect to the resolution under those heads, and that where necessary administrative action will be taken.

3. In the event of the latter assumption being correct Mr. Montagu asked whether it is considered that the object in view could be obtained by the grant of permits under Section 4 of the Immigration Act, authorizing the persons concerned to enter Canada without being subject to the provisions of the Act in so far as (for example in the case of merchants and intending temporary residents and the wives and children of residents) they do not at present fall

<sup>1</sup>Vol. 1, pp. 352-353.

within the "non-immigrant classes" defined in Section 2 of the Act. He enquires further whether it is the intention of the Government of Canada to take administrative action on these or similar lines.

4. With reference to the statement contained in the Privy Council's Minute that possibly not more than 1,200 Indians now remain in Canada, and that a number have returned to India, Mr. Montagu expresses the hope that those who have gone back to India (as many have probably done during the war) should be permitted to return to Canada, if they wish to do so, whether their Canadian domicile has been technically retained or lost.

5. Mr. Montagu adds that the Government of India are being consulted with regard to the details of the procedure to be adopted in order to facilitate the task of the Canadian immigration authorities, by the issue in India of passports or written permits to *bona fide* visitors or intending temporary residents, and of certificates to the lawful wives and children of Indian residents. Care will be taken by the Government of India that no certificate is issued in respect of an Indian resident who has a wife already with him in Canada and that no further certificate is issued in respect of any Indian resident in Canada who has secured the admission of one certified wife as long as marriage with her continues. As at present advised Mr. Montagu considers the most convenient procedure would be that any Indian resident applying to bring his wife or children should be required to submit on a prescribed form full particulars of their identity to the Canadian authorities, who would then, if they were satisfied that he had no wife already in Canada, transmit the application for the authorities in India to verify and grant, or withhold, as the case might be, the necessary certificate and he would be glad to be favoured with the views of your Ministers on this suggestion.

I have etc.

MILNER

659.

*Décret du Conseil*

*Order in Council*

P.C. 2498

December 24, 1919

The Committee of the Privy Council have had before them a report, dated 12th November, 1919, from the Acting Secretary of State for External Affairs, to whom was referred a despatch to Your Excellency from the Secretary of State for the Colonies, dated the 19th September, 1919, relative to an enquiry made by the Secretary of State for India in regard to the meaning and interpretation of the Order in Council, dated the 26th March, 1919 (P.C. 641), dealing with the question of reciprocity of treatment between India and the Self-governing Dominions in immigration matters.

The Minister submits a copy of a report to the Minister of Immigration and Colonization from the Assistant Deputy Minister of that Department furnishing a reply to the questions raised by Mr. Secretary Montagu.

The Minister observes that it is the view of the Department of Immigration and Colonization, in which view he concurs, that legislative action is not necessary to give effect to the policy embodied in the Resolution of the Imperial War Conference, 1918, and approved by the Minute of Council above referred to, in so far as it is concerned with (1) visits or temporary residences for the purpose of pleasure or commerce, and (2) with the admission of the wives and children of residents, administrative action affording ample provision for securing the desired effect by means of procedure which is fully explained in Mr. Scott's report.

The Committee concur in the foregoing and on the recommendation of the Acting Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward to the Secretary of State for the Colonies a copy hereof, if approved, together with a copy of the annexed report from Mr. Scott, as expressing the view of the Canadian Government in the matter.

All of which is respectfully submitted for approval.

[ANNEXE / ANNEX]

*Le sous-ministre adjoint de l'Immigration et de la Colonisation  
au ministre de l'Immigration et de la Colonisation*

*Assistant Deputy Minister of Immigration and Colonization  
to Minister of Immigration and Colonization*

Ottawa, [n.d.]

REPORT ON THE ADMISSION OF EAST INDIANS TO CANADA. THE  
RECOMMENDATIONS MADE HEREIN HAVE BEEN APPROVED BY THE MINISTER.

...

(3) The Secretary of State for the Colonies asks whether legislative action is necessary or whether administrative action will be taken. The answer to the former is "No" and to the latter "Yes". In connection with administrative action a further enquiry is made as to the issue of a special Permit under Section 4 of the Immigration Act, and it is suggested that this may be necessary in the case of merchants and wives and children who do not appear to fall within the non-immigrant classes. The answer to this is that Section 4 is not intended to cover such persons as are referred to in this correspondence, although the holder of a Permit under Section 4 may be regarded as in the non-immigrant classes. A merchant would, for the purposes of the Immigration Act, be looked upon somewhat as a commercial traveller. I may say that although certain classes are definitely specified as non-immigrant, we recognize that it is difficult for the law to specify in every case the trade, occupation, employment, or status of a person who may properly be regarded as a non-immigrant and it has been our custom to regard the person entering Canada for a legitimate and temporary purpose, not however, to become a factor in the labour market, as a non-immigrant and the same policy in my judgment should be extended to East Indians.

(4) With regard to wives and children, I think it would not be advisable to issue Permits to these under Section 4. We have already admitted the claim of East Indians to the admission of their wives and minor children, providing such relatives are mentally and physically fit and providing further that the husband and father in Canada is legally here and in a position to receive and care for his dependents. These requirements are substantially the same as in the case of any other immigrant and when the East Indian meets the condition, I think we should not place him in a less advantageous position than we would place persons of other nationality, in other words, when his dependents are found physically fit we will permit their landing in Canada as immigrants.

(5) In connection with the entry to Canada of the wives and families of East Indians domiciled here, it is suggested that the Government of India may be able to offer protection both to the wives and children and also to the Government of Canada by the issue in India of a written permit, not only to wives and children, but also to visitors. I think we should take advantage of this suggestion. We should make it known to our Agents on the Pacific Coast that when an East Indian desires to bring into Canada his wife and family, he should make application showing (a) his own legal entry, (b) his ability and willingness to receive and care for his dependents, (c) their names, ages, and address in India. On receipt of this information we could communicate direct with some officer of the Government of India, conveying the information that from our viewpoint there would be no objection to the entry of the wife and children named in our letter, conditional only on such wife and children being found physically and mentally fit. This would give the Government of India an opportunity of making proper enquiry before the issue of a document.

(6) In order to carry out this arrangement in a business-like manner, we should not have to send our communications through the usual diplomatic or state channels as that would mean unnecessary work and delay. The Government of India could very easily name an official and we could either write from here or a letter could be sent by our Commissioner at Vancouver.

(7) A further matter is mentioned by the Secretary of State for the Colonies, namely, whether the Government of Canada is prepared to allow the return to Canada of Indians formerly domiciled here, but who have within recent years returned to India. In connection with this, I may say that for quite a number of years we have adopted on the Pacific Coast for the convenience of East Indians and for our own protection, a system of registering out. An East Indian desiring to return to his home and at the same time retain his domicile in Canada and with it the right of return, may register with our Agent at Victoria or our Commissioner at Vancouver. In the act of registration, he may make a declaration as to the probable length of his visit and as to his intention to return. This system has worked out very well, except that during the period of the war, I believe a number have over-stayed the period mentioned at the time they registered out. A number of these cases are now up for consideration and personally I think that the Department might show considerable leniency in the matter of extension of time when satisfied that

the East Indian left Canada in good standing, for a legitimate purpose, intending to return and that his return has been delayed owing to the War. I may point out that in the case of Chinese, we have extended the time by Orders in Council and it would seem reasonable to take the same view in regard to East Indians.

W. D. SCOTT

660.

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

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

Ottawa, May 25, 1920

Sir,

With reference to the despatch to His Excellency from the Secretary of State for the Colonies, dated the 14th April, 1920, enclosing copies of correspondence with the India Office regarding the admission into Canada of the wives and children of East Indians resident and of East Indians who have been previously domiciled in Canada returning to the Dominion after absence for a temporary purpose, I have the honour to subjoin a statement containing the expression of the views of the Department of Immigration and Colonization in regard to this matter:

(1) It is not considered advisable to attempt to redraft Orders-in-Council P.C. 23 of the 7th January, 1914, which relates to continuous journey, and P.C. 24 of the 7th January, 1914, which relates to the possession of \$200.00.<sup>1</sup> Neither of these Regulations apply to a non-immigrant. Nominally they both apply to wives and children of Indians domiciled in Canada but as each individual case will be dealt with separately, and a letter written by the Department of Immigration, the letter will express whether either or both of these Regulations are to be waived.

(2) It would be very difficult to deal by Order-in-Council with the question of domicile as suggested in paragraph No. 4 of the letter of the 20th March from the India Office, Whitehall. Canadian domicile is lost by intention as well as time. The Immigration Act does not provide that a change may be made in the definition, by means of an Order-in-Council. In order to meet the somewhat peculiar situation with regard to Indians resident in Canada and who have been in the habit of returning to India for somewhat prolonged visits, the Immigration Department adopted some time ago the plan of registering out. In the document issued, two copies of which are hereto attached,<sup>2</sup> it will be observed that provision is made for a declaration as to intention to return and

<sup>1</sup>Voir Vol. I, docs. 743 et 744, pp. 636-7.

<sup>2</sup>Non reproduites.

<sup>1</sup>See Vol. I, Docs. 743 and 744, pp. 636-7.

<sup>2</sup>Not printed.

also as to time of return. In cases where Indians registered on going out and declared intention of returning within a specified period and where return within the time specified has not been possible owing to conditions over which the Indian has no control, it is our custom to recognize retention of domicile.

(3) The procedure suggested in the second paragraph of the Indian Government's despatch of the 19th February 1920, by which the husband or father resident in the Dominion should make application to the Immigration authorities, or to the local Magistrate, for a certificate permitting him to bring his wife and children from India to the Dominion and should transmit such certificate, when obtained, to his wife or children in India with his application for a certificate of relationship for production before the principal local Magistrate in India is approved by the Immigration Department. The certificate issued by the Department to the husband or father in Canada will express not only the names, ages and relationship of persons to be admitted, but also the conditions to be observed in each case. It may be stated that one general condition will always apply, viz., physical and mental health and character. If in any case the continuous journey or the money Regulation is to be observed, the letter will so state, and similarly if these Regulations are to be waived as is likely to be the general rule, the letter will make this fact clear.

I am to request that His Excellency may be humbly moved to reply to Lord Milner's despatch above referred to in the sense of this statement.<sup>1</sup>

I have etc.

JOSEPH POPE

661.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 14, 1920

Under Canadian Chinese Immigration Act, Chinese merchants who are in possession of certificates of identity issued by Chinese Government and endorsed (visé) by British Consular officials, are admissible to Canada exempt from head tax of five hundred dollars. Within recent months practice has grown up and is now widespread of issuing these certificates with endorsement of British Consular Officers to Chinese labourers. As a consequence Canadian law is being evaded in a wholesale way. Owing to labour conditions existing in British Columbia and feelings of residents of that province, it is imperative that measures be taken to put end to irregular practices now prevailing.

<sup>1</sup>Copie de cette lettre fut expédiée au secrétaire aux Colonies le 28 mai 1920.

<sup>1</sup>A copy of this letter was sent to the Colonial Secretary on May 28, 1920.

My Ministers desire to urge upon His Majesty's Government desirability of instructing all British Consular Officers in China, by telegraph, to postpone endorsing certificates above mentioned until such time as officer of Canadian Immigration Department has opportunity to proceed to China to investigate whole situation.

My Ministers ask that Canadian Government may be informed by telegraph of any decision reached in this matter.

DEVONSHIRE

662.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 24, 1920

Your telegram 14th December Chinese Immigration Secretary of State for Foreign Affairs has telegraphed His Majesty's Minister at Peking with a view to issue of instructions to Consuls in sense desired.

MILNER

663.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 27, 1921

My telegram 24th December Chinese Immigration, following received from His Majesty's Minister at Peking. Begins: I have called for report from all Consular Officers and have instructed them to exercise particular care and to withhold visa unless they are satisfied that applicants belong to one of categories admitted under Canadian Immigration Acts as free from tax. Unless instructed by you to do so I should be loath to give instructions for withholding of all visas as such drastic action would evoke much discontent among Chinese students and other *bona fide* travellers. Ends.

Should be glad to receive the observations of your Ministers as soon as possible.

MILNER

664.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, February 4, 1921

Your telegram January 27. Chinese Immigration. It is earnestly requested that British Consuls in China withhold their visa until officer of Canadian Immigration Department, who is being immediately despatched to China,

sailing February 10th, has opportunity of consulting British Consuls on matter. In the meantime, it might be pointed out that withholding visa does not mean that Chinese without passports so endorsed cannot enter Canada, but simply that Canadian Immigration Department can refuse entry to those Chinese who do not comply with law.

DEVONSHIRE

665.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 11, 1921

Your telegram 4th February Chinese Immigration His Majesty's Minister at Peking is being requested to issue necessary telegraphic instructions to British Consuls but Secretary of State for Foreign Affairs thinks that most desirable that any possible friction of nature contemplated telegram from H.M. Minister Peking communicated in my telegram 27th January should be dispelled at earliest possible moment and he suggested that telegram should be sent by your Government to await in Shanghai arrival of Officer of Canadian Immigration Department, instructing him to proceed at once on arrival to Peking and discuss whole question with Minister.

666.

*Le Ministre en Chine au secrétaire aux Affaires étrangères*  
*Minister in China to Foreign Secretary*

DESPATCH 211

[Peking,] April 19, 1921

My Lord,

With reference to Your Lordship's telegram No. 60 of February 10th last, I have the honour to transmit herewith copies of correspondence with His Majesty's Consul-General at Canton relative to the proposed modification of procedure in regard to the admission of certain classes of Chinese immigrants into Canada.

I have approved Mr. Jamieson's action in the matter as reported in his despatch No. 18 of March 26th, and I consider that there are no objections from the point of view of this Legation to the alterations in the system of passports recommended by Mr. Percy Reid to the Canadian Government.

I am sending a copy of this despatch to His Excellency the Governor General of Canada direct.

I have etc.

B. ALSTON



[PIÈCE JOINTE 1 / ENCLOSURE 1]

*Le Ministre en Chine au consul général à Canton*  
*Minister in China to Consul General in Canton*

No. 11

[Peking,] March 8, 1921

Sir,

With reference to your telegram No. 10 of the 4th instant, I have to inform you that after discussing the question of Chinese Immigration to Canada with Mr. Reid, I have come to the conclusion that, as emigrants sail almost exclusively from Canton, the best procedure will be for Mr. Reid to examine the question in consultation with you on the spot. Whatever proposals you then agree upon for the improvement of the present system should be referred to me for approval, if necessary by telegraph.

Enclosed herein is a copy of leaflet containing the Chinese Immigration Act with the latest amendments which has been supplied by Mr. Reid. You will find on page 7 the provisions concerning Identity Certificates. Mr. Reid has put forward the suggestion that the simplest way of dealing with the present abuses will be to abolish the alternative condition for exemption from capitation tax, namely the production of an Identity Certificate endorsed by a British Consul. The amendment of the regulations in this sense would apparently have the same effect as the proposal contained in your telegram under reference with the further advantage of relieving H.M. Consular officers of the responsibility of verifying the statements in the certificate.

On the other hand, the system of Identity Certificates has the advantage of enabling a *bona fide* Chinese merchant to sail for Canada with the certainty that he will be allowed to land free of tax, a certainty that he cannot fully enjoy if his admission depends on his ability to "Substantiate his status" on arrival. Students would presumably have no difficulty in producing documentary evidence at the port of landing.

You will no doubt give full weight to these considerations and to any other objections which the proposed alteration of the regulations might possibly entail in the way of creating unnecessary discontent among the class of immigrants, particularly students whose admission into a British Dominion it is not desired to discourage.

B. ALSTON

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le consul général à Canton au Ministre en Chine*  
*Consul General in Canton to Minister in China*

TELEGRAM 23

[Canton,] March 23, 1921

With my approval, and without dissent of Chinese authorities Mr. Reid has telegraphed to Ottawa recommending deletion of provisions for visa and

identity certificates set forth in Chinese Immigration Act, 1920, subsection 1, last paragraph, and subsection 2 of Section 7.

[PIÈCE JOINTE 3 / ENCLOSURE 3]

*Le consul général à Canton au Ministre en Chine*  
*Consul General in Canton to Minister in China*

[Canton,] March 26, 1921

Sir,

With reference to my telegram No. 23 of the 23rd instant, I have the honour to transmit copy of a despatch addressed to me on the 23rd instant by Mr. Percy Reid, Canadian Immigration Commissioner, subsequent to his interview with the Commissioner for Foreign Affairs in connection with the issue of identity certificates to Chinese desirous of proceeding to Canada.

I explained to Mr. Reid the absolute impossibility for this Consulate to check the *bona fides* of applicants for visa and that accordingly I had no other recourse, under the existing regulations, but to honour the signature of the Commissioner for Foreign Affairs who issued the certificates. This Consulate had never been informed of the more recent legislation prohibiting the entry into Canada of skilled or unskilled labour.

My predecessor, Mr. Goffe, noticed the unprecedented increase in the number of applications but, without a protest from the Canadian Government, did not see his way to withhold his visa, though he mentioned the matter to the Chinese authorities. In view of the prohibition re the labouring class, there remains no longer any doubt in my mind as to what has been happening during the last six months. It is to be assumed with practical certainty that an outside agency has been at work smuggling persons into Canada, whom the Canadian authorities classify as labourers or persons who should pay the capitation fee of G. \$500. They have been described on the identity certificates as "merchant," but a close cross-examination of applicants by the Vice-Consul during the past three months has revealed the fact that many of them were nothing more or less than very small shopkeepers from the country, shop assistants and the like, and some might even be classified as coolies. The definition of a merchant by the Canadian Government and the Commissioner for Foreign Affairs has been widely divergent, so that the inclusions in this category of the prohibited and capitation classes would enable an outside agency to "squeeze" the applicant up to very nearly G \$500 — the amount of the capitation fee, which the holder of a merchant certificate did not have to pay. Mr. Reid has explained clearly to the Commissioner for Foreign Affairs that *bona fide* merchants of good standing are always welcome, and that entry will never be refused to *bona fide* shop assistants and clerks, but the latter must pay the capitation fee. Should they subsequently be discovered working in laundries and restaurants they would be classified as labourers and sent back. The Commissioner for Foreign Affairs has promised in future to define the status of applicants on their certificates more accurately.

Although Mr. Reid recommended the abolition of identity certificates, the Commissioner for Foreign Affairs stated that he would continue to issue them — his reason is doubtless to safeguard a profitable source of revenue, as the charge for a merchant passport is \$96. Mr. Reid said he would welcome the certificate as a means of identification on landing, but the Canadian Government would reserve to itself the right under the amended legislation to send back any person whom it considered did not comply with the law.

With regard to my withholding the visa pending the passing of the amendments proposed, I informed Mr. Reid that I saw no difficulty, as it was not incumbent on me to countersign any certificates issued by the Military Government, the latter not having yet obtained the recognition of the Treaty Powers.

I have etc.

J. W. JAMIESON

[PIÈCE JOINTE 4 / ENCLOSURE 4]

*Le commissaire à l'Immigration au consul général à Canton*  
*Immigration Commissioner to Consul General in Canton*

Canton, March 23, 1921

Sir,

With reference to my interview yesterday with the Commissioner for Foreign Affairs I may say that Mr. Sly and myself quite frankly placed the matter of the alleged merchants before Mr. Lee, who agreed that many of them could not possibly be classed as merchants within the meaning of the Canadian Immigration Act (Chinese). We also explained to him that a bearer of certificate of identity issued by him and endorsed (visé) by British Consular official is admitted to Canada exempt from head tax without examination other than necessary to establish identity, hence the request to your Government to withhold visé on such documents until some better arrangement can be made.

I further informed him that it was contemplated by the Government of Canada to amend the law so as to do away with this visé altogether, as explained to you and His Majesty's Minister at Peking.

Mr. Lee agreed with Mr. Sly and myself that it was advisable to do this immediately, thus saving him embarrassment and trouble in many cases. It was further agreed that Mr. Lee would continue issuing these certificates but would in future give them his personal attention, and would only issue to *bona fide* merchants.

I am enclosing herewith a copy of a cablegram I am forwarding to my Department.

I am etc.

PERCY REID

[PIÈCE JOINTE 5 / ENCLOSURE 5]

*Le commissaire à l'Immigration au sous-ministre de l'Immigration  
et de la Colonisation*

*Immigration Commissioner to Deputy Minister of Immigration  
and Colonization*

TELEGRAM

[Canton,] March 23, 1921

After consulting British and Chinese officials here would urgently recommend Chinese Act be amended immediately as my memorandum eight December last<sup>1</sup>. Sailing thirty-first.

REID

667.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

DESPATCH 580

Ottawa, September 28, 1921

Sir,

I have the honour to transmit, herewith, for your consideration, a copy of a letter from the Department of the Secretary of State for External Affairs with reference to the subject of immigration into Canada. My Ministers feel that it is very necessary that steps should be taken that will both safeguard hardship to passengers who may be found on arrival in Canada ineligible for entry under the Canadian Immigration Regulations, and also afford protection to Canadian ports against the arrival of such people whose presence in Canada is especially undesirable at a time when unemployment conditions so largely prevail.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

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

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

Ottawa, September 24, 1921

Sir,

I have the honour to represent that for some time past, the Minister of Immigration has had under his consideration the best means of preventing the sailing from European ports of passengers bound for Canada who are unable to comply with the Dominion's immigration regulations. With this

<sup>1</sup>Voir *Statuts du Canada*, c. 21, 1921.<sup>1</sup>See *Statutes of Canada*, C. 21, 1921.

object in view, the Immigration Department has opened an office at Antwerp, and their officers making that port their headquarters, visit other Continental ports where passengers embark for Canada. It will at once be recognized that if a preliminary examination of a passenger can be successfully conducted at time of sailing, the Department will thereby save great hardship to the passenger, and at the same time, afford protection to our own ports against the arrival of many persons quite unable to qualify under our immigration regulations, and whose presence in Canada is especially undesirable at a time when unemployment conditions so largely prevail.

There is, at the present time, a decided movement towards Canada from various parts of the Continent, as well as from the Near East. Belgium and France are evidently meeting with difficulty in dealing with alien passengers coming to ports of embarkation in these countries, and there discovering the impossibility of continuing their journey to Canada because of Canadian immigration regulations. It is expected that the contact of our officers with steamship booking agencies and shipping interests generally, will do much to correct this state of affairs so far as concerns such countries as Russia, Poland, the Ukraine and Roumania. The Belgian authorities have already expressed appreciation of our efforts to cope with this situation, and the French Government has also expressed interest in our work. Monsieur Edouard de Havailles, Chef de Bureau au Ministère des Affaires Etrangères, in a recent conversation with our officials in Paris, drew attention to the number of travellers from Turkey, Syria, Armenia and Palestine who set out for Canada and arrive at Marseilles, Havre and other French ports very often destitute and almost in every case unable to comply with the Canadian regulations. Apart from Canadian interests, it is felt that some measure of protection against this influx of undesirable persons is due to France and Belgium in their present circumstances.

In view of the above, I am to ask that His Excellency the Governor General may be humbly moved to suggest to His Majesty's Government the expediency of causing a suitable notification, in the form of a circular memorandum or otherwise, to be issued by Foreign Office to British consular or Government representatives in the Near East. This memorandum might represent

(1) The attitude of the Canadian Government as being unfavourable to general immigration from the Near East.

(2) The necessity that persons coming to Canada to reside shall be mentally, physically and morally fit. Unless persons are entirely desirable in these respects, they are sure to be rejected at a Canadian port of entry, with consequent hardship to themselves.

(3) One of the Canadian immigration regulations requires that an immigrant to Canada shall travel by a continuous journey from his own country to Canada, and on a through ticket purchased in his own country or prepaid in Canada. This regulation is at present causing great hardship, because passengers are booking from Beirut to Marseilles, who have to buy transportation from Marseilles to Canada, either from a Con-

tinental or British port. The continuous journey and through ticket features of this regulation should be explained to travellers from Eastern Europe.

(4) Immigrants are required to be able to read in their own language. Exception is made in the case of a wife and unmarried or widowed daughters, and also sons under 15 years of age. A further exception is made in the case of a father, grandfather, mother or grandmother, over 55 years of age.

(5) Immigrants are required to have in their own right at time of arrival, the sum of two hundred and fifty dollars. Exception is extended to certain classes of relatives joining those already in Canada, such as a wife or children going to husband or father. Where a man is accompanied by his wife and children, he is required to have an additional sum of one hundred and twenty five dollars for his wife, and fifty dollars for each child between five and eighteen years of age. The money regulation is subject to change, but since Canada does not encourage immigration from the Near East, it is unlikely that it will be reduced.

(6) It is required that all persons coming to Canada from the Near East shall be in possession of a passport, presented within one year of the date of its issue, and if not a British passport, it must carry the visa of a British diplomatic or consular officer. The passport must be issued in the country of which the holder is a subject or citizen.

I have etc.

JOSEPH POPE

668.

*Le Premier ministre au représentant de l'Inde*

*Prime Minister to Representative of India*

Ottawa, September 5, 1922

Dear Mr. Sastri,

In reply to the representations made by you at the interview with my colleagues and myself on Friday of last week, and which were the subject of further conference between us yesterday, I desire to assure you that, at the earliest favourable moment, the Government will be pleased to invite the consideration of Parliament to your request that the natives of India resident in Canada be granted a Dominion parliamentary franchise on terms and conditions identical with those which govern the exercise of that right by Canadian citizens generally.

The subject is necessarily one which Parliament alone can determine. It will be submitted to Parliament for consideration when the franchise law is under revision.

In conveying to the Government of India an expression of the attitude of the Government of Canada in this matter, we hope that you will not fail

to make it clear that at the present time, in eight out of the nine provinces of which our Dominion is composed, the federal franchise is granted to natives of India resident in Canada, on terms which are identical with those applicable generally to Canadian citizens.

Yours sincerely,

W. L. MACKENZIE KING

669.

*Le premier ministre de Malte au Premier ministre  
Prime Minister of Malta to Prime Minister*

TELEGRAM

[Valetta,] September 13, 1922

Canadian Government immigration official London cables Maltese emigrants cannot be treated as British subjects from self-governing Dominion and therefore subject to full regulations P.C. seven one seven and will require Canadian visa on passport reserved only aliens. Malta has been self-governing state since November last. Urge immediate instructions Canadian officials in England and continent to recognize status.

670.

*Le représentant de l'Inde au Premier ministre  
Representative of India to Prime Minister*

Ottawa, September 22, 1922

My dear Prime Minister,

My sojourn in Canada is drawing to a close. To-night I leave for New York. Everywhere during my stay I have been the recipient of the most generous hospitality and I shall long cherish the memory of these happy days. My grateful appreciation is also due to Mr. Christie, who has been a very helpful friend.

You will forgive me if I avail myself of this opportunity to revert to the object of my visit to this Dominion. The sympathy and even enthusiasm with which my request for the enfranchisement of resident Indians, has been received by every audience which I have been privileged to address, emboldens me to hope that your Government may take early steps to invite Parliament to confer the Dominion franchise on my fellow countrymen. As you say, the subject is one which Parliament alone can determine, but Parliament would need guidance which Government alone can afford. You are doubtless aware that this question has been the subject of discussion at various Imperial gatherings, and only last year the Imperial Conference passed a resolution recommending the admission of Indians to equality of citizenship in the self-governing Dominions, which was accepted by your predecessor, Mr. Meighen. With the reasons which led him to take such a step I have no doubt you are in full sympathy. It is true that in eight out of the nine Provinces of Canada, the Federal Franchise is granted to resident natives of India on terms which

are identical with those applicable generally to Canadian citizens, but the satisfaction caused by this is, in the public estimation, qualified by the fact that 1,100 out of the 1,200 Indians domiciled in this country reside in British Columbia and are, therefore, denied the Dominion Franchise. In the circumstances, the Government of India would have greatly appreciated an expression of the attitude of your Government. Perhaps you will soon be able to convey a message of hope. Everyone to whom I have talked about the question is favourably inclined to my request, and I venture to believe that a measure of enfranchisement would encounter little opposition.

Of the importance of prompt action, I need not again speak at length. Expedition would seem to me to be of the very essence of success. It will have a soothing effect and allay the misgivings which people in India now feel as to the status of their compatriots who are domiciled in other parts of the Empire.

With renewed thanks for all your courtesy and hospitality.

Believe me etc.

V. SRINIVASA SASTRI

671.

*Le Premier ministre au premier ministre de Malte*  
*Prime Minister to Prime Minister of Malta*

TELEGRAM

Ottawa, September 26, 1922

Your cable received. Immigration Department advise me they are informed by Colonial Office that Malta does not enjoy status of self-governing Dominion. Consequently certain features of regulations must apply. They do not however require Canadian visa which is only required in the case of an alien. Immigration Department add that agricultural and domestic servant classes may enter from Malta and that a Maltese in Canada may send for his wife and children but that immigration of other classes cannot be encouraged at present as their labour is not required in Canada.

W. L. M. KING

672.

*Le chef du Conseil, Malte, au Premier ministre*  
*Head of the Ministry, Malta, to Prime Minister*

Valetta, October 6, 1922

Sir,

I have the honour to acknowledge the receipt of your cablegram of the 27th September, 1922, regarding certain difficulties that have arisen in connection with emigration from Malta to Canada, and to thank you for the promptitude with which you have been good enough to reply to my cablegram of the 13th September.



2. I hope that you have immediately given instructions to the Canadian Agents for emigration in England and on the Continent in the sense of your cablegram, namely, that their visa will not be required in the case of Maltese immigrants who belong to the class of agricultural and domestic servants and that a Maltese settler in Canada may send for his wife and children. I may mention in this connection that some 20 Maltese emigrants who satisfied the Canadian Agents at Cherbourg of their qualifications as agriculturists, were rejected on the ground of nationality.

3. The advice given to the Immigration Department, to which reference is made in your cablegram, that Malta does not enjoy the status of a self-governing Dominion, cannot be accepted by my Government, as Malta has under His Majesty's Letters Patent of the 14th April, 1921, been granted the Constitution of Responsible Government. Representations to this effect have been made to the Secretary of State who has been requested to advise your Government that the self-governing Colony of Malta should enjoy all the privileges extended to the Governments of British Dominions.

4. I do not intend to convey that emigration *en masse* is claimed or that any exception from immigration legislation governing citizens of the United Kingdom or of the self-governing Dominions is demanded. The Emigration Policy of my Government is to send only that class of emigrants which is certain of being accepted and we will loyally conform to the strict requirements of the country of destination.

I have etc.

J. HOWARD

673.

*Le sous-secrétaire d'État aux Affaires extérieures  
au chef du Conseil, Malte*

*Under-Secretary of State for External Affairs  
to Head of Ministry, Malta*

Ottawa, November 13, 1922

Sir,

I am desired by the Prime Minister to acknowledge the receipt of your letter of the 6th ultimo, relating to certain difficulties that have arisen in connection with emigration from Malta to Canada, and in reply to say that there appears to be still some misunderstanding on the part of the Government of Malta as to the application of Canadian Immigration Regulations to immigrants from Malta.

It is not required in Canadian Immigration Regulations that immigrants from Malta shall have their passports vised or endorsed by a Canadian officer. So far as passport is concerned, it makes no difference what the occupation of the Maltese immigrant is, nor does it make any difference what his relationship is. A visé is required only in the case of alien immigrants coming from the

Continent of Europe, and while Maltese are regarded by the Canadian Immigration authorities as coming within the general term "Continent of Europe", they are not aliens.

Passports are looked upon as necessary, but in the event of change being made in the Regulation, careful consideration will be given to the representations that have been made by the Government of Malta, and it is possible that Maltese may be exempted from the necessity of carrying passport.

Immigrants from Malta are subject to the occupational test provided in Order of the Privy Council of the 9th May, 1922, P.C. 717, which means that agriculturists, domestic servants and the wife and children of a man resident in Canada, will be freely admitted. Other classes are debarred for the time being.

With regard to the incident of the rejection of twenty Maltese at Cherbourg, which gave rise to this correspondence, I am to say that information in the possession of the Department of Immigration indicates that these people were not *bona fide* agriculturists coming to Canada to follow that occupation. There has been immigration from Malta to Canada for quite a number of years, and very few of the immigrants who have come have taken up farming; as a matter of fact, the Department of Immigration does not know at the present time where to find in this country a Maltese farmer. This may not be wholly the fault of the Maltese. Naturally Maltese, like others, settle where they can find some of their fellow countrymen and where wages and working conditions are attractive, and it is believed that almost all the Maltese in Canada are found in the cities. It is for this reason that a general movement from Malta has been discouraged at the present time, as employment in Canadian cities is scarce.

I have etc.

[JOSEPH POPE]

674.

*Décret du Conseil*

*Order in Council*

P.C. 183

January 31, 1923

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Immigration and Colonization, is pleased to rescind the Order in Council of the 9th day of May, 1922 (P.C. 717) and the same is hereby rescinded as from and after the 15th February, 1923.

His Excellency the Governor General in Council, under the authority of Section 38 of the Immigration Act, 9-10 Edward VII, Chapter 27, as amended by 9-10 George V. Chapter 25, and having regard to unemployment conditions now existing in Canada, is pleased to make the following regulation and the same is hereby made and established accordingly:

From and after the 15th February, 1923, and until otherwise ordered, the landing in Canada of immigrants of all classes and occupations, is hereby prohibited, except as hereinafter provided:

The Immigration Officer in charge may notwithstanding the provisions of P.C. 23 of the 7th January, 1914, permit to land in Canada any immigrant who otherwise complies with the provisions of the Immigration Act, if it is shown to his satisfaction that such immigrant is,

(1) A *bona fide* agriculturist entering Canada to farm and has sufficient means to begin farming in Canada.

(2) A *bona fide* farm labourer entering Canada to follow that occupation and has reasonable assurance of employment.

(3) A female domestic servant entering Canada to follow that occupation and has reasonable assurance of employment.

(4) The wife or child under 18 years of age, of any person legally admitted to and resident in Canada, who is in a position to receive and care for his dependents.

(5) A United States citizen entering Canada from the United States, provided it is shown to the satisfaction of the Immigration Officer in Charge, that his labour or service is required in Canada.

(6) Any British subject entering Canada directly or indirectly from Great Britain or Ireland, Newfoundland, the United States of America, New Zealand, Australia or the Union of South Africa, who shall satisfy the Immigration Officer in Charge at the port of entry that he has sufficient means to maintain himself until employment is secured: provided, that the only persons admissible under the authority of this clause are British subjects by reason of birth or naturalization in Great Britain or Ireland, Newfoundland, New Zealand, Australia or the Union of South Africa.

And provided further that the provisions of this Order in Council shall not apply to immigrants of any Asiatic race.

675.

*Décret du Conseil*

*Order in Council*

P.C. 185

January 31, 1923

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Immigration and Colonization, is pleased to rescind the Order in Council of the 12th May, 1922 (P.C. 1041) and the same is hereby rescinded as from the 15th February, 1923.

His Excellency the Governor General in Council, under the authority of Section 37 of the Immigration Act, 9-10 Edward VII, Chapter 27, as amended by 11-12 George V, Chapter 32, is pleased to make the following regulation and the same is hereby made and established accordingly:

On and after the 15th February, 1923, it shall be necessary as a condition to permission to land in Canada, that every immigrant shall be in possession of a valid passport issued in and by the Government of the Country of which such person is a subject or citizen, such passport to be presented within the one year of the date of its issue; provided

1. That this regulation shall not apply to British subjects landing in Canada directly or indirectly from Great Britain or Ireland, Newfoundland, New Zealand, Australia, the Union of South Africa or the United States of America, nor shall it apply to United States citizens or to farmers, farm labourers or female domestic servants landing in Canada from the United States. The term, British Subject, within the meaning of this clause, includes only persons born or naturalized in Great Britain or Ireland, Newfoundland, New Zealand, Australia or the Union of South Africa.

2. That the passport of any alien immigrant sailing directly or indirectly from the Continent of Europe, shall carry the visé of a Canadian Immigration Officer stationed on the Continent of Europe.

3. That the passport of any alien immigrant not included in No. (2) of this regulation, shall carry the visé of a British Diplomatic or Consular Officer.

676.

*Le sous-secrétaire d'État aux Affaires extérieures  
au chef du Conseil, Malte*

*Under-Secretary of State for External Affairs  
to Head of Ministry, Malta*

Ottawa, February 10, 1923

Sir,

I am desired by the Prime Minister to acknowledge the receipt of your letter of the 29th December last, regarding difficulties which have arisen in connection with emigration from Malta to Canada, and in reply to your enquiries, to enclose herewith two copies each of an Order of the Governor-General in Council, dated 31st January, 1923, and further Order-in-Council bearing even date. The former is the occupation test, and the latter is the new passport regulation.

Under Order-in-Council P.C. 183 Maltese are admissible to Canada if farmers, farm labourers or domestic servants, or if the wife or child under 18 of a person legally resident in Canada. Under the new passport regulation, Maltese require a passport, but no *visa*.

I have etc.

JOSEPH POPE

677.

*Note remise par le consul général du Japon*

*Note left by Consul General of Japan*

[Ottawa], March 10, 1923

Interim translation

In reference to your telegram of February 25th, you are hereby instructed to state to the Canadian Prime Minister that the Imperial Government deeply appreciate the care and pains he is taking in order to suppress the Neill bill which is not only in contravention with the treaty and documents appertaining thereto, but is detrimental to the good relations between Canada and Japan. They also gladly acknowledge their indebtedness for the goodwill with which Mr. King, giving proper consideration to their views, has refrained from introducing a bill relative to the registration of Japanese subjects in Canada.

As regards the note the Prime Minister advised you to forward in connection with Japanese immigration, the Imperial Government are disposed to study it in all friendliness and will endeavour to find their way to meet the Canadian wish if it is not incompatible with the dignity and legitimate standing of Japan. They feel, while realizing the situation which the Canadian Government are facing, obliged to respond to the cordial spirit thus far manifested by the Prime Minister and are, at the same time, jealous of promoting the traditional relations as well as commercial interests with Canada. It must, however, be taken for granted that the Imperial Government would, by so doing, understand that the Canadian Government will omit no effective effort to check any legislation which is undesirable in the light of international cordiality.

678.

*Le sous-secrétaire d'État aux Affaires extérieures  
au chef du Conseil, Malte*

*Under-Secretary of State for External Affairs  
to Head of Ministry, Malta*

Ottawa, March 18, 1923

Sir,

I am desired by the Prime Minister to acknowledge the receipt of your letter of the 3rd February, 1923, on the subject of emigration from Malta to Canada, and in reply beg to refer you to my letter of the 10th February last, which replies to the questions raised by you in your letter above referred to in so far as the law itself is concerned.

In reply to the questions of policy and procedure, namely:

- (1) whether Maltese immigrants of the agricultural class require a special permit or letter from the Department of Immigration and Colonization before they can sail, and

(2) whether a wife and children will be freely admitted to join the head of the family resident in Canada or if not, whether they too will require a letter or permit from the Department of Immigration and Colonization.

I may say, as regards the former, that it is not one of the requirements of the Immigration Act that Maltese or others shall have a letter or permit from the Department of Immigration and Colonization before immigrants may sail for Canada, who can comply with Canada's immigration regulations. The idea of a letter or permit has no doubt grown up through the number of persons who have written the Department of Immigration and Colonization within recent years to find out whether their relatives or friends may be admitted. Some of the steamship companies have adopted a form of Affidavit of Support which bids fair to outrival a departmental letter in a point of popularity. Neither the Affidavit of Support nor a letter from the Department of Immigration and Colonization is a requirement of the law, and that Department is desirous of preventing such an idea being generally accepted.

With reference to the emphasis that has been placed upon the intention of Maltese to engage in farming pursuits in Canada and the suitability of numbers of these people for that occupation, the Deputy Minister of Immigration and Colonization states that his Department is obliged to base its estimate of the agricultural worth of immigrants upon the general course pursued by persons of any particular race or nationality. Quite a number of years ago a Maltese gentleman toured Canada in the interests of agricultural settlement of his fellow-countrymen. His visit was followed by some influx. It is not known now where to find any of these Maltese engaged in farming. The Department of Immigration and Colonization gets quite a number of letters from Maltese in Canada asking for the admission of relatives or friends, but so far as the Deputy Minister of Immigration and Colonization can recall, he does not remember a single application having reached the Department during the past two or three years from a Maltese engaged in farming, and he thinks that those who are most closely in touch with the situation in Canada are a unit in believing that Maltese seldom engage in farming here. This may be due to lack of capital or to their preference to live in the cities. The fact, however, remains that almost all the Maltese in Canada are living in the cities or towns and following non-agricultural employment.

We would be glad to have Maltese farmers if they would follow farming in Canada, but it should be clearly understood that we cannot offer encouragement to Maltese who may have been engaged in farm work in their own country but who on arrival in Canada would seek other employment and take agricultural employment only as a last resort.

With regard to the second point, I may say that Minute of the Privy Council, dated 31st January, 1923, P.C. 183, of the new Regulations defines "family" as including the wife and children under eighteen years of age. It is not necessary that the wife and children shall have a letter from the Department of Immigration and Colonization before sailing. The general policy is to

encourage a man who is settled in Canada to bring his wife and children here if there is reasonable ground to expect that he will be able to look after them. You will observe the requirement that the head of the family shall be legally resident in Canada. If a man entered Canada surreptitiously and was himself subject to deportation, the Government would not care to encourage the admission of his wife and children. This, however is not likely to occur in the case of a Maltese who has come from Malta to Canada. It is much more likely to occur in the case of other people who have resided in the United States for a time and have crossed into Canada without inspection or otherwise contrary to the Immigration Act. It is thought that in the majority of cases the correspondence that a wife shows as having been received from the husband settled in Canada will give a fair indication of whether he is in a position to receive and care for her and the other members of the family. It is a rare occurrence that a wife and children are held up at a Canadian ocean port if they are found to be mentally and physically fit.

I have etc.

JOSEPH POPE

679.

*Le Premier ministre au consul général du Japon*  
*Prime Minister to Consul General of Japan*

Ottawa, March 19, 1923

Dear Mr. Ohta,

On behalf of my colleagues and myself, I wish to express appreciation of the care with which, as a result of our several conversations, you have made known to the Imperial Japanese Government the difficulties which have presented themselves with respect to immigration from Japan to Canada; also our appreciation of the attitude of the Japanese Government in undertaking to endeavour, as a result of the spirit in which the subject has been approached, to find a way to meet the wishes of the Canadian Government in so far as they may not be incompatible with the dignity and legitimate standing of Japan. The international good-will thus expressed should make it possible to find a solution of the existing situation in a manner which will avoid all possible prejudice to the traditionally friendly relations between our respective countries and to their commercial interests.

Before inviting a further consideration of this matter by my colleagues in the Cabinet, may I ask that you will be so kind as to ascertain definitely from the Imperial Japanese Government just what the Government of Japan may be prepared voluntarily further to undertake by way of effective restriction of emigration of Japanese labourers to Canada.

I should be obliged if, at the same time, you would assure the Imperial Japanese Government that if an effective restriction can be voluntarily obtained, our Government will be only too ready to do all in its power to avoid the

enactment by the Parliament of Canada of any legislation which, in the light of international good-will, might appear to be undesirable.

Yours very sincerely,

W. L. MACKENZIE KING

680.

*Le consul général du Japon au Premier ministre*  
*Consul General of Japan to Prime Minister*

Ottawa, April 10, 1923

Sir,

In reply to your note of March 19th last, relating to the question of the restriction of Japanese immigration into Canada, I have the honour to inform you that the Japanese Government have been pleased to perceive the spirit of appreciation in which you have referred to their attitude in respect of the immigration problem.

They wish me to express their appreciation of the friendly and considerate attitude with which you have approached them on the question, holding in regard the traditionally amicable relations existing between Canada and Japan and the mutual commercial interests of the two countries.

The Canadian Government are undoubtedly aware of the fact that, as a result of the rigorous control and restrictions which have, though causing much hardship to the Japanese people, been imposed by the Japanese Government since the so-called Lemieux Agreement was effected in 1907, the number of Japanese who have entered Canada each year has been always well within the limit of the terms of the Agreement. In view of so many years' evidence, neither the sincerity of the Japanese Government nor the efficacy of the measure they have adopted in restricting and controlling emigration could be justly questioned.

In consideration, however, of the ardent wish expressed by the Canadian Government to meet the situation now confronting them in respect of immigration, and, further relying on your government to do everything in their power to avoid the enactment by the Parliament of Canada of any legislation which, in the light of international goodwill, might appear to be undesirable, the Japanese Government find themselves persuaded to impose and effect a further restriction of immigration into Canada. In applying such measure, the Japanese Government will, as in the past have to give the most careful consideration to the public opinion in Japan.

As to the extent of the further restriction, I am instructed to negotiate with the Canadian authorities with a view to meeting the wishes of your government in a way consistent with a sense of justice and a regard for fair human rights.

I have etc.

T. OHTA



681.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 227

Downing Street, May 15, 1923

My Lord,

I have the honour to transmit to Your Excellency, for the consideration of your Ministers, the accompanying copies of notes from the Chinese Chargé d'Affaires relative to the proposed Canadian legislation regarding the admission of Chinese into the Dominion.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*Le chargé d'affaires de Chine en Grande-Bretagne au secrétaire*  
*aux Affaires étrangères*

*Chargé d'Affaires of China in Britain*  
*to Foreign Secretary*

London, May 3, 1923

My Lord,

I have the honour to inform Your Lordship that I have received a despatch from the Chinese Consul General at Ottawa to the effect that the Chinese residents in Canada are very seriously perturbed by the menaced application of the system of finger prints to the Chinese entering the Dominion.

There is no objection whatever to the introduction of effective but in-offensive methods of identification and there exist many such apart from the taking of finger prints. From the Chinese standpoint this form of identification is only normally employed in China in connection with criminal cases and especially after the condemnation of prisoners. It is but natural, therefore, that it should be regarded as humiliating and degrading to be asked to affix finger prints to any documents and the introduction of the system is very keenly deprecated.

Against the passage of legislation on these lines entailing the compulsory record of finger marks, the Chinese in Canada very strongly protest and I shall be grateful if Your Lordship will be good enough to submit this representation of their views for consideration to the Department concerned and favour me with an early reply.

I have etc.

CHAO-HSIN CHU

## [PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le chargé d'affaires de Chine en Grande-Bretagne au secrétaire  
aux Affaires étrangères*

*Chargé d'Affaires of China in Britain  
to Foreign Secretary*

London, May 5, 1923

My Lord,

I have the honour to bring to Your Lordship's notice that I have received a number of telegrams and written communications from the Chinese Benevolent Association and kindred bodies in Canada protesting against the Chinese Immigration Bill which has now just passed its Second Reading in the Dominion Parliament.<sup>1</sup>

These representations lay stress on a number of points in this proposed legislation which are regarded as both unjust and prejudicial. Among them I may particularly specify the refusal of admission to the wives and children of Chinese merchants and the Chinese professional classes generally, notably editors and missionaries; the liability to deportation of Chinese residents who may either change their occupation, become temporarily unemployed, or fall victims to illness; discrimination against the Chinese in respect of the heavy penalty (500 dollars) for failure to register; and the complete absence of any appeal of a judicial nature against the decision of the Immigration authorities.

These representations are supported by the Chinese Consul General at Ottawa. I shall accordingly be grateful to Your Lordship if consideration can be extended to these protests by the Departments concerned and I should appreciate the favour of an early reply.

I have etc.

CHAO-HSIN CHU

682.

*Le Gouverneur général au secrétaire aux Colonies  
Governor General to Colonial Secretary*

DESPATCH 283

Ottawa, May 31, 1923

My Lord Duke,

With reference to Your Grace's despatch No. 169 of the 13th April last, forwarding a copy of a despatch from the Governor of Malta suggesting that the Canadian Government should assign an annual quota of immigrants, exclusive of agriculturalists and domestic servants, who may be allowed to enter Canada provided that they have means of maintenance to look after themselves until employment is secured, I have the honour to inform you that my Ministers represent that, as it is not yet evident that any considerable influx of skilled or unskilled labour outside the classes indicated will be

<sup>1</sup>Voir *Statuts du Canada*, C. 38, 1923.

<sup>1</sup>See *Statutes of Canada*, C. 38, 1923.

required in Canada during this year, it is regretted that the time is not considered opportune to agree to the proposal made by the Governor of Malta.

My Ministers desire to state, however, that if later circumstances should warrant such action being taken, the Government of Malta will be duly informed.

I have etc.

BYNG OF VIMY

683.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

CONFIDENTIAL

Ottawa, July 27, 1923

My Lord Duke,

With reference to Your Grace's Confidential despatch of the 6th June, on the subject of a statement made by the Prime Minister on the 23rd March last regarding certain negotiations between the Canadian and Japanese Governments respecting Japanese immigration, I have the honour to transmit herewith, for Your Grace's information, copy of a letter from the Department of the Secretary of State for External Affairs setting forth the position taken by my Government.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Le sous-secrétaire d'État aux Affaires extérieures*  
*au secrétaire, Gouverneur général*  
*Under-Secretary of State for External Affairs*  
*to Secretary, Governor General*

CONFIDENTIAL

Ottawa, July 23, 1923

Sir,

With reference to the confidential despatch from the Secretary of State for the Colonies to the Governor General dated the 6th June, 1923, on the subject of a statement made by the Prime Minister on the 23rd March last regarding certain negotiations between the Canadian and Japanese Governments respecting Japanese immigration, I have the honour to represent that under the so-called Lemieux Agreement the Japanese Government voluntarily undertook to restrict the numbers of Japanese immigrants of the labouring classes to a maximum figure named therein. A monthly return of the number submitted under this Agreement is made by His Majesty's Ambassador at Tokio to the Department of External Affairs through which it is transmitted to the Department of Immigration.

At the session of Parliament of 1922 and the session recently closed, a Bill was introduced by Mr. Neill, representative for Comox-Alberni, in the nature of Japanese Exclusion Act. It was pointed out to the Japanese Consul General that unless the Japanese Government could find it possible voluntarily to further restrict the numbers of Japanese labourers entering Canada, in view of existing conditions and feelings in the Province of British Columbia, the Government might find it necessary to lend its support to the measure introduced by Mr. Neill or itself introduce legislation imposing added restrictions upon Japanese immigration. It was further represented that, appreciating the difficulties with which the Japanese Government was faced, the Government of Canada was most anxious, if that were at all possible, to avoid dealing with this matter by legislation, and the Consul General was advised to make representations accordingly.

These representations have resulted in the Japanese Government agreeing further to limit the number of passports which it will issue to labourers leaving Japan for Canada. A definite number has not been fixed, but the Japanese Government have been told that whether or not legislation of the character referred to may become necessary at a subsequent session of Parliament will depend on how effective the Japanese Government's efforts further to impose restrictions may be. It is hoped that the reductions in the number of Japanese labourers entering Canada from now will be such as to avoid the necessity of the enactment of any legislation.

For obvious reasons, the Canadian Government sought to avoid creating an international issue in this matter, and have, therefore, deemed it prudent to proceed in the manner referred to. Should formal action with respect to a modification of the Lemieux Agreement be required, at any stage, the Government will be pleased to see that the Secretary of State for Foreign Affairs is immediately informed with respect thereto.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense.

I have etc.

JOSEPH POPE

684.

*Le consul général du Japon au Premier ministre*

*Consul General of Japan to Prime Minister*

Ottawa, August 22, 1923

Sir,

I have the honour to send herewith for your information a copy of my letter addressed to the Honourable J. A. Robb, Minister of Immigration of Canada, in pursuance of the instructions from Count Uchida, Minister for Foreign Affairs, in regard to the further restriction of the Japanese labourers coming to Canada.

Count Uchida directs me also to state that he is happy to note that drastic measures proposed in the last session of the Parliament of Canada relative to the Japanese immigration were rejected and, further, to convey to you his sincere appreciation of friendly efforts you so thoughtfully made in order to prevent such circumstances as might have been inimical to the friendly relations now existing between Canada and Japan.

I have etc.

T. OHTA

[PIÈCE JOINTE / ENCLOSURE]

*Le consul général du Japon au ministre de l'Immigration et de la Colonisation*  
*Consul General of Japan to Minister of Immigration and Colonization*

[Ottawa,] August 22, 1923

Sir,

Having reported to Count Uchida, Minister for Foreign Affairs, the result of the conversation I had with the Honourable Charles Stewart, your predecessor, on the 26th June last, for the further restriction of Japanese emigrants, I am now in receipt of an instruction from him to inform you that the Japanese Government do not, under the administrative measures now adopted, contemplate that the number of Japanese emigrants going to Canada as household servants and agricultural labourers will exceed one hundred and fifty annually.

I have etc.

T. OHTA

685.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 461

Ottawa, August 29, 1923

My Lord Duke,

With reference to your despatch No. 227 of the 15th May on the subject of the proposed Canadian legislation regarding the admission of Chinese into Canada, I have the honour to enclose, herewith, a copy of the Chinese Immigration Act, 1923, which limits the immigration of Chinese into Canada to merchants and university students. In regard thereto, it may be observed that in so far as right of appeal is concerned, there is no discrimination against Chinese as such, as all immigrants refused admission to Canada or ordered deported from the Dominion, have the right of appeal to the Minister, and the right of appeal to the courts where they claim Canadian citizenship or domicile.

I may add that there is no provision in the Chinese Immigration Act for the finger-printing of Chinese immigrants.

I have etc.

BYNG OF VIMY

686.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 490

Downing Street, October 13, 1923

My Lord,

With reference to Your Excellency's despatch No. 461 of the 29th of August, I have the honour to transmit to you, for the information of Your Ministers, the accompanying copy of a note addressed to the Chinese Chargé d'Affaires on the subject of the recent Canadian legislation regarding the admission of Chinese into Canada.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire aux Affaires étrangères au chargé d'affaires*  
*de Chine en Grande-Bretagne*

*Foreign Secretary to Chargé d'Affaires of China*  
*in Britain*

Foreign Office, September 29, 1923

Sir,

With reference to my note of May 22nd last, I have the honour to inform you that a reply has now been received from the Government of Canada regarding the complaints contained in your notes of May 3rd and 5th on the subject of the immigration of Chinese into the Dominion.

2. It is pointed out that, under the Chinese Immigration Act, 1923, there is no discrimination against Chinese as such, so far as right of appeal is concerned, as all immigrants refused admission to Canada, or ordered to be deported from the Dominion, have the right of appeal to the Minister of Immigration and Colonization and the right of appeal to the courts where they claim Canadian citizenship or domicile.

3. Further, as regards the fears expressed by the Chinese community in Canada that the finger print system of identification is to be applied, it is stated that there is no provision in the Chinese Immigration Act for the finger printing of Chinese immigrants.

I have etc.

V. WELLESLEY  
for the Secretary of State

687.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 44

Downing Street, January 22, 1924

My Lord,

With reference to my despatch No. 490 of the 13th of October, 1923 and previous correspondence regarding the Canadian Chinese Immigration Act 1923, I have the honour to request Your Excellency to inform your Ministers that the Secretary of State for Foreign Affairs has enquired whether it is the intention of the Canadian Government to substitute the stamp of a Canadian Immigration Officer for the British diplomatic or consular visa, which is required under the existing Canadian Orders in Council in the case of immigrants arriving in Canada from places outside the continent of Europe. At the same time, as it is apparently proposed to appoint only one Canadian official for the whole of China, it is presumed that His Majesty's Consuls will still be called on to perform some service in connection with prospective immigrants from China to Canada, at any rate in an advisory capacity.

2. In the circumstances the Secretary of State for Foreign Affairs will be obliged if arrangements can be made to give timely warning of the appointment of the Canadian Immigration Officer in China together with a statement of the Canadian Government's wishes in regard to his relations with His Majesty's Consular Officers, and of the extent to which they desire the instructions to those officers to be modified in virtue of the new arrangements under the Act.

I have etc.

DEVONSHIRE

688.

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

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

Ottawa, February 14, 1924

Sir,

With reference to a despatch from the Secretary of State for the Colonies to the Governor General, dated 22nd January, 1924, on the subject of the Canadian Chinese Immigration Act 1923, I have the honour to represent that the above mentioned Act confines the immigration to Canada of persons of Chinese origin to merchants and university students. As a condition to their entry, these two classes of Chinese are required to be in possession of a valid passport issued in and by the Government of China and endorsed (visé) by a Canadian Immigration officer at the place where such passport was granted or at the port or place of departure from China.

The Chinese Immigration Act, which became law on June 30th, 1923, of course supersedes any previous legislation or Orders in Council in so far as the passports of Chinese coming to Canada are concerned.

For the purpose of endorsing passports of Chinese destined to Canada, Mr. J. E. Featherston has been appointed Commissioner of Immigration for Canada, with headquarters at Hong Kong, and has proceeded to China, arriving there on the 5th instant.

Mr. Featherston is accompanied by his assistant, Mr. D. F. Warren, and therefore, if occasion arises, he will be in a position to visé the passports of Chinese for Canada sailing from the port of Shanghai. It might be pointed out, however, that the majority of Chinese who come to Canada sail from the port of Hong Kong, and consequently it would not appear necessary to appoint Canadian Immigration Officers at other points in China.

Under the circumstances the visa of a British diplomatic or consular official on passports of Chinese persons coming to Canada from China will no longer be necessary.

I am to request that His Excellency may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense.

I have etc.

JOSEPH POPE

689.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 26, 1924

Your despatch dated February 18th No. 55. Secretary of State for Foreign Affairs desires to issue instructions to His Majesty's Consular Officers in China regarding procedure to be adopted in cases where Chinese proposing to proceed to Canada apply to the Consul for visa. It is understood that such applicants should in future be referred by the Consul to the Canadian Immigration Officer but the Secretary of State for Foreign Affairs would be glad to know: (i) Whether it is to be understood that the services of the Consul will not be required in any advisory capacity. (ii) What is the exact procedure contemplated in the case of applicants at Shanghai or proposing to sail from that port. It is intended that Warren should be stationed at Shanghai and that such applicants should be referred to him instead of to the Immigration Officer at Hong Kong.

690.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 3, 1924

Your telegram March 26th. Chinese proposing to proceed to Canada. Department of Immigration and Colonization intimate that services of His



Majesty's Consuls would not appear to be of value to Canadian Officials in dealing with such applications and that visa of British Consul would be unnecessary. As regards procedure in case of applicants at Shanghai it should be same as in case of Chinese applying at Hong Kong and such persons should be advised to communicate with Mr. J. E. Featherstone, Commissioner of Immigration for Canada, Box 247, Victoria, Hong Kong.

691.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 202

Downing Street, May 21, 1924

My Lord,

I have the honour to acknowledge the receipt of Your Excellency's telegram of the 3rd of May regarding the procedure to be adopted in cases where Chinese proposing to proceed to Canada apply to His Majesty's Consuls in China for visas, and to transmit to you, for the information of your Ministers, a copy of a telegram to His Majesty's Minister at Peking on the subject.

I have etc.

J. H. THOMAS

[PIÈCE JOINTE / ENCLOSURE]

*Le Foreign Office au ministre en Chine*  
*Foreign Office to Minister in China*

TELEGRAM

[London,] May 15, 1924

Please instruct His Majesty's consular officers under your superintendence that in future no visa should be granted to Chinese subjects proposing to proceed to Canada. They should also refrain from offering any advice to applicants, who should be referred without exception to Mr. J. E. Featherstone, Commissioner of Immigration for Canada, Box 247, Victoria, Hong Kong.

692.

*Le consul général de Norvège au sous-secrétaire d'État*  
*aux Affaires extérieures*  
*Consul General of Norway to Under-Secretary of State*  
*for External Affairs*

Montreal, May 22, 1924

Sir,

In a letter, dated December 28th 1923, the Deputy Minister of Immigration has made the following request:

The Department of Immigration and Colonization of the Canadian Government has had in mind for some time the establishment of an agency in Norway, the object of which would be to promote the settlement in Canada of citizens of that country.

The Department is now prepared to proceed along this line and I shall be obliged if you will be good enough to inform me of the restrictions, if any, your Government will impose should we name an official representative for Norway whose sole duties will be in the direction of securing immigrants.

An early reply will be appreciated.

I have the honour to request that you will be kind enough to inform the Department of Immigration that the Norwegian Government have hesitations respecting an approval of the establishment in Norway of a Canadian Agency as mentioned above. If the functions or work of the agent be such as to come under the Norwegian laws with regard to engaging people for employment or contracting labour, the said laws might eventually be invoked against the agent.

I have etc.

LUDWIG AUBERT

693.

*Le sous-secrétaire d'État aux Affaires extérieures  
au consul général de Norvège*  
*Under-Secretary of State for External Affairs  
to Consul General of Norway*

Ottawa, June 2, 1924

Sir,

With reference to Mr. Walker's letter of the 26th May, 1924, I have the honour to inform you that the matter of establishing a Canadian Immigration Agency in Scandinavian countries has been dropped for the present at least.

I have etc.

JOSEPH POPE

694.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 25, 1924

My telegram May 31st, application by the Canadian immigration authorities of visa provisions to the nationals of Spain, Portugal, Italy, and Greece, Department of Immigration and Colonization draws attention to a misunderstanding which appears to have arisen in Italy as regards wives and children coming to join Italians settled in this country.

It is pointed out that when the passport regulation was made which calls for an examination visa by a Canadian Officer on the Continent, it was not considered advisable to apply this strictly in Italy, Greece, Spain and Portugal because there were no facilities in these countries for a Canadian examination. Further than this, objection was raised by the Government of Italy to the placing of a Canadian officer in that country. This condition continued until the 1st July, when it was decided, due notice being given, to apply the regulation to all immigrants except in the case of a wife or child under 18 coming to join the head of the family domiciled in Canada. Up to the 1st July a British Consular visa was accepted not as an examination visa, but purely as a consular visa. After the 1st July it was intended to continue the acceptance of the British Consular visa for wives and children, but not for any other class. This perhaps was not sufficiently explained in my telegram under reference. Information was received from the Italian Consul-General here on the 22nd instant that he had received a cable from his Government stating that some fifty wives with their families are held up in Italy as they cannot sail without some visa and cannot readily get in touch with any of the Canadian officers on the Continent, there being no such officer in Italy.

Immigration Department did not intend abolition of the British Consular visa in the countries referred to for wives and children joining husbands and fathers in Canada, but only that a Canadian visa was not required for such classes, and the Department would be glad if British Consuls interested might be advised, in view of the reports received that families are having difficulty in sailing.

695.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

SECRET DESPATCH

Ottawa, September 3, 1924

Sir,

With reference to your secret despatch Dominions No. 365 of the 31st July, directing attention to a warning received from His Majesty's Ambassador at Tokyo in regard to Canadian policy with respect to Japanese immigration, I have the honour to inform you that the matter having been brought to the attention of the Department of Immigration and Colonization, a memorandum has been prepared in that Department, copy of which is enclosed, intimating that the statements published in Japanese newspapers to the effect that the Canadian Minister of Immigration and Colonization had informed the Canadian House of Commons that measures to bar the Japanese from Canada were being considered, are without foundation. A copy of the House of Commons Debates of the 11th July, 1924, containing a report of the discussion referred to in the memorandum, is also enclosed. The speeches of the Minister of Immigration and Colonization and of the Prime Minister (see pages 4516 - 4518) indicate the attitude of the Government towards this question.

My Government will be grateful if this information may be communicated to His Majesty's Ambassador at Tokyo.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Mémorandum du sous-ministre de l'Immigration et de la Colonisation  
au Premier ministre*

*Memorandum from Deputy Minister of Immigration  
and Colonization for Prime Minister*

[Ottawa,] August 15, 1924

This Department has just received from the Department of External Affairs copy of a letter addressed to His Excellency the Governor General by Right Honourable J. H. Thomas, Secretary of State for the Colonies, covering an extract from a despatch from His Majesty's Ambassador at Tokio to the Secretary of State for Foreign Affairs with respect to the legislation excluding the Japanese from the United States. In this despatch the British Ambassador refers to an interview with Baron Matsui of the Japanese Government on May 17th and the following statement is made:

He (Baron Matsui) said that the Canadian Government had treated Japan with perfect courtesy in the matter of limiting immigrating and that he had no complaints to make. Since then, however, certain newspapers in Japan have published notices to the effect that the Canadian Minister of Immigration and Colonization has informed the Canadian House of Commons that measures to bar the Japanese from Canada are being considered. I trust that this is untrue, but, if it is not, I venture to warn you, Sir, that nothing could be more fatal to the continuation of Anglo-Japanese friendship than the imitation of American methods by our Dominions.

A scrutiny of Hansard for the session which closed on July 19th shows that the question of Oriental immigration received more or less attention. Questions were asked by private members concerning both Japanese and Chinese immigration and on one occasion you made a brief statement bearing on the Gentlemen's Agreement now in force between the Governments of Japan and Canada. The principal discussion — in fact the only real discussion — on the subject of Japanese immigration took place on July 11th when the House was in Committee of Supply on the vote of \$750,000 for "Immigration and Colonization — Immigration outside Service — Salaries." Mr. Neill, M.P. was the chief critic, while certain statements concerning the Japanese and their entry into Canada were made by yourself. Mr. Robb did make a few remarks in reply to Mr. Neill, but neither the Minister of Immigration nor any other member of the Government used words to the effect that measures to bar the Japanese from Canada were being considered. It is somewhat difficult in view of this to appreciate how Japanese newspapers should publish such a statement as that referred to by the British Ambassador at Tokio, but I presume public feeling in Japan was intensely aroused at the time owing to the United States legislation and that some entirely unwarranted news despatch was sent to Japan as a result of the discussion in our own Parliament.

I understand from one of your private secretaries that you desired a memorandum from this Department dealing with the matter as it is your intention to take the necessary steps to have the Canadian attitude regarding Japan placed before the Government of that country, or at least to remove any false impression that may have been created in the minds of the Japanese authorities as a result of the publication of the despatch referred to. The copy of the correspondence furnished us by the Department of External Affairs shows that a copy has likewise been sent to yourself.

W. J. EGAN

P.S.: — It is of course understood that on the return of my Minister we are to discuss the possibility of discontinuing the recognition of picture brides and enforcing the Domicile Regulations with regard to Japanese, but whatever we may do in these directions will not differ in any way to what is now being done with respect to persons coming to Canada from the European Continent.

696.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, September 5, 1924

CONFIDENTIAL. Your telegram August 25th. Instructions have been sent to Consular and Passport Control Officers concerned in sense requested. In this connection Secretary of State for Foreign Affairs fears that difficulties likely to arise with Government of Italy as regards procedure in case of Italian emigrants to Canada other than wives and children of Italians in Canada. Understood intention of Canadian Government is that with this exception, Italians desiring to enter Canada as immigrants must be examined personally by Canadian Immigration Officer who if satisfied will grant necessary endorsement on passports and that as Government of Italy have declined to agree to appointment of Canadian Officer in Italy itself such persons will in practice be compelled to embark either at Cherbourg or Antwerp after examination by Canadian Officers at Paris and Antwerp respectively. Having regard to importance attached by Italian Government to assisting emigration of Italians this arrangement seems likely to lead to serious objections on their part. Secretary of State for Foreign Affairs desires to assist Canadian Government in every possible way in controlling immigration and with this end in view would be glad of advice as to attitude of Canadian Government towards immigration of Italians.

If so desired he will be prepared to urge Italian Government to agree to Canadian Immigration Officer being established in Italy itself, thus obviating necessity for examination at Paris or Antwerp, but if policy of Canadian Government is generally opposed to granting facilities for such immigration, he would propose to instruct Consular and Passport Control Authorities in Italy to use any means in their power to discourage prospective Italian emigrants. As regards Spain, Portugal and Greece similar difficulty appears

unlikely to arise and Consular and Passport Control Officers in these countries have been instructed to recommend intending emigrants other than wives and children of persons resident in Canada to apply to Canadian Immigration Officer, Antwerp.

697.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 17, 1924

Your telegram of 5th September. My Ministers state that the matter of placing a Canadian Inspector in Italy has been discussed directly or indirectly with the Italian authorities at various times during the past two years, and until recently immigrants were accepted without a Canadian examination overseas. As Dr. Bonardelli, the Italian Consul General at Ottawa, has been in close touch with the Immigration Department for a considerable period, no doubt is felt that the Italian Government is in possession of the fullest possible information concerning the immigration of Italians, and due notice was given to Dr. Bonardelli of the decision not to accept without a Canadian examination visé, Italian immigrants other than a wife or children coming to join the head of the family in Canada. The whole question is now being discussed by Dr. Bonardelli with the Italian Government, and should that Government express willingness to have a Canadian Immigration officer stationed in Italy, the matter will be considered. Meantime it is thought better to await the results of the present negotiations.

698.

*Le Gouverneur général à l'ambassadeur au Japon*  
*Governor General to Ambassador in Japan*

Ottawa, November 4, 1924

Sir,

With reference to Your Excellency's despatch of the 9th April enclosing returns of emigrants who had left Japan for Canada during the months of September and October 1923, I have the honour to inform you that the Department of Immigration thinks it desirable that Your Excellency's attention should be drawn to the fact that the quota agreed on instead of being 150 per month, was to be 150 per year of the special classes.

I am informed that further negotiations are in progress with the Japanese Consul General here with the object of making different arrangements from those now in effect for keeping statistics and for the determination of the various classes of Japanese coming to Canada.

I have etc.

BYNG OF VIMY

699.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 514

Downing Street, November 26, 1924

My Lord,

With reference to my predecessor's despatch No. 202 of the 21st of May last, I have the honour to transmit to Your Excellency to be laid before your Ministers, the accompanying copy of a despatch from His Majesty's Minister at Peking enclosing a copy of a circular which he has addressed to His Majesty's Consular Officers in China regarding the operation of the Canadian Chinese Immigration Act of 1923.

I have etc.

L. S. AMERY

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*Le ministre en Chine au secrétaire aux Affaires étrangères*  
*Minister in China to Foreign Secretary*

Peking, September 16, 1924

Sir,

Referring to your telegram No. 103 of May 15th and to your despatch No. 381 of May 16th last, I have the honour to transmit herewith copy of a circular which I have addressed to His Majesty's Consular Officers in China in regard to the operation of the Canadian Chinese Immigration Act of 1923, after full discussion of the subject with Mr. J. E. Featherstone, the Commissioner of Immigration for Canada, who has recently visited Peking.

I should explain that it was assumed from your telegram above referred to, which was communicated to Consular Officers under my superintendence, that the latter were in future to abstain from offering facilities of any kind in respect of Chinese citizens proposing to proceed to Canada, but Mr. Featherstone is of opinion that his Government does not contemplate any change in the procedure hitherto in force as regards non-immigrants, and this opinion appears to be borne out by the correspondence enclosed in your subsequent despatch No. 381.

In the event of the directions which have now been issued to His Majesty's Consular Officers not corresponding however with the wishes of the Canadian Government, I would request to be favoured with your further instructions.

I have etc.

R. MACLEAY

CIRCULAR

Peking, September 16, 1924

Sir,

Referring to my Circulars Nos. 35 and 41 in this series of 17th May and

## [PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le ministre en Chine aux agents consulaires en Chine*

*Minister in China to Consular Officers in China*

10th June last, respectively, I have to inform you that the opportunity afforded by the recent visit to Peking of Mr. J. E. Featherstone, the Canadian Government's Commissioner of Immigration in China, was taken to discuss with him the operation of the Canadian Government's new legislation with regard to Chinese proceeding to Canada.

I drew his attention to the uncertainty as regards the procedure in the case of Chinese officials proposing to proceed to Canada and of Chinese citizens merely passing through Canada in transit to other countries and pointed out the obvious inconvenience to which persons of these classes from northern ports would be subjected were they required to apply, in person or otherwise, to Hongkong for passport facilities. Mr. Featherstone replied that such persons as non-immigrants did not require visas by his office and explained that the functions of the Commissioner of Immigration at Hongkong were confined to Chinese coming within the category of immigrants. He was therefore of opinion that the instructions received from home and communicated to you in my Circular No. 35, namely that in future no visas should be granted by Consular Officers to Chinese subjects proposing to proceed to Canada were intended to refer only to Chinese immigrants as defined by the Act, and that it was still contemplated that on other cases Consular Officers should continue to render the same services as hitherto.

It being necessary that the dividing line between the duties taken over by the Commissioner of Immigration and those left to His Majesty's Consular Officers should be clearly defined, the subject has been discussed in detail with Mr. Featherstone, and I have now to instruct you as follows in regard to the various classes of Chinese covered by the Chinese Immigration Act of 1923.

1. *Members of diplomatic corps, etc. (Sec. 5a of Act.)* No reference to Hongkong required. Persons falling under this category should be in possession of passports, which may be visé by Consular Officers.

It should be noted that servants of Consuls and Consular agents do not come within this section, and such cases must (with the exception of female servants) be referred to the Commissioner of Immigration.

2. *Children born in Canada of parents of Chinese race or descent, who have left Canada for educational or other purposes. (Sec. 5b of Act.)* If provided with Canadian passports can be dealt with in the same way as persons coming under Sec. 5a, but otherwise must be referred to the Commissioner of Immigration.

3. *Merchants and students. (Sec. 5c of Act.)* All cases must be referred to Hongkong. No functions of any kind to be performed by Consular Officers beyond directing applicants to communicate with Commissioner for Immigration.



4. *Chinese of all classes in transit. (Sec. 22 of Act and P.C. 1273.)*  
Must have passports which should be visé by Consular Officers. Reference to Hongkong not required.

You should until further notice be guided by the above instructions in dealing with any cases which may arise at your post.

I am etc.

(For H.M. Minister)

R.H.

700.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 46

Ottawa, February 4, 1925

Sir,

With reference to your despatch No. 514 of the 26th November, 1924, enclosing a copy of a circular addressed to His Majesty's Consular Officers by His Majesty's Minister at Peking regarding the operation of the Canadian Chinese Immigration Act of 1923, I have the honour to inform you that, with regard to the clause marked I in the third paragraph of that circular and the statement that "It should be noted that servants of Consuls and Consular agents do not come within this section, and such cases must (with the exception of female servants) be referred to the Commissioner of Immigration," the Department of Immigration is of opinion that it would be advisable to change somewhat the regulation as quoted and to provide that His Majesty's Consular Officers may visé the passports of servants of Consuls-in-Charge providing such servants are in possession of Chinese passports clearly indicating that the holders thereof are the personal servants of such Consuls-in-Charge; and further, that in the case of servants of other Consular Officers attached to Chinese Consulates the same be referred to the Commissioner of Immigration at Hong Kong.

I have etc.

BYNG OF VIMY

701.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 115

Downing Street, March 13, 1925

My Lord,

With reference to Your Excellency's despatch No. 46 of the 4th of February

relative to the Circular addressed to His Majesty's Consular Officers by His Majesty's Minister at Peking regarding the operation of the Canadian Chinese Immigration Act of 1923, I have the honour to request you to inform your Ministers that the Secretary of State for Foreign Affairs concurs in the modification of the circular instruction proposed by the Canadian Government to meet the case of the servants of Chinese Consular Officers.

2. His Majesty's Minister at Peking has been requested to instruct His Majesty's Consular Officers in China accordingly.

I have etc.

L. S. AMERY

702.

*Mémorandum d'une entrevue entre le Premier ministre et  
le consul général du Japon*

*Memorandum of Interview between Prime Minister and  
Consul General of Japan*

Ottawa, April 2, 1925

The Prime Minister informed Mr. Matsunaga that he had asked him to call in order to discuss further the necessity of negotiations for restriction of Japanese immigration. He reminded Mr. Matsunaga that it had been understood as the result of restrictions agreed upon in 1923 that there would be a substantial reduction in the total immigration of Japanese into Canada. This had not taken place and in fact the numbers had distinctly increased, particularly of women and children. This was a very serious side of the question, since the children were in many cases 16, 18 and 20 years old, practically ready to enter the labor market, and since the coming of the wives of laborers in such large numbers would mean a substantial increase to the Japanese population. It had been stated in the House of Commons last session that negotiations for further restriction would be continued. This had not yet been done, but the matter was now urgent. The action of the Legislature of British Columbia, the many questions asked in the House of Commons on the subject of Japanese immigration, and recent activities on the part of the Conservative and Liberal members from British Columbia made it clear that a strong demand for vigorous action was to be expected. The Prime Minister declared that he would greatly deplore seeing this question made an issue in any general election, and trusted that it would not be necessary for the Canadian Government to pass legislation itself to effect the restriction, as they would much prefer that action should come through the Japanese Government itself. In case, however, this latter course was not found possible, the Canadian Government would have to consider itself free to enact new legislation or to apply its general immigration regulations to Japanese as well as to other immigrants. If the necessity arose it would abrogate the Lemieux Agreement, though it did not consider the application of the general immigration regulations to Japanese citizens was inconsistent with that Agreement.

The Prime Minister stated further that in order to ease these negotiations the Japanese Government should undertake to issue no further passports for some months to come. In the negotiations which were about to open up he considered that the question of restricting the entrance of women and children would be of most importance and that in this connection it might possibly be arranged by the Japanese Government to notify in future single immigrants that they would not be entitled if returning to Japan from Canada to take a wife and family back with them.

Mr. Matsunaga stated that the reference to women and children raised a new issue. He did not see how the Japanese Government could completely stop the issue of passports without creating a great sensation in Japan. He undertook to cable at once to his Government the circumstances of this interview and to impress upon them the importance of making concessions to avoid public agitation and drastic legislative action.

O. D. SKELTON

703.

*Mémoire d'une entrevue entre le Premier ministre  
et le consul général du Japon*

*Memorandum of Interview between Prime Minister  
and Consul General of Japan*

Ottawa, May 5, 1925

Mr. Matsunaga stated that he had communicated to his Government a summary of the statement made by the Prime Minister in the interview of April 2. He had now received a reply. His Government had instructed him to say that they recognized the position which faced the Canadian Government, and would be pleased to do all that was in their power to meet the wishes of Canada. They did not consider that the suggestion of refraining from issuing passports for some months, in order to create a better atmosphere for further negotiations, would work out satisfactorily from the point of view of either country. It would result in a political disturbance in Japan, would alarm individual holders of passports, and, since passports were valid for a number of months, and many were outstanding, a notification of the cessation of issue of passports would probably lead to a rush of all those holding passports to Canada in order to avoid the imposition of possibly more stringent regulations later, thus bringing about the very conditions which it was desired to avoid.

He added that his Government would like to emphasize the figures of returning as well as of incoming Japanese. These figures showed that there was no net increase in recent months. He concluded by saying that his Government would be pleased to have a statement of the changes which the Canadian Government had in mind.

The Prime Minister stated that he regretted that the Japanese Government had thus far not been able to accede to the suggestion to withhold the issuing

of passports for a few months, as he felt that this would have created a favorable public atmosphere for discussion, and would have averted the likelihood of parliamentary discussion and parliamentary legislation during this session.

In view of the strong feeling, irrespective of party, which existed on this subject, he felt it would be essential to come to an understanding as to a reduction of the present numbers of immigrants, and that if this failed it would not be possible to avoid legislative action.

In summarizing the situation the Prime Minister declared that he wished to make it clear that any action taken in restricting immigration, whether in the case of European or of Japanese immigration, was not based on racial grounds, but upon economic grounds. He referred to a recent summary of his views on Oriental immigration in a pamphlet prepared by E. Price Bell as illustrating the Government's point of view. He emphasized also the strong desire of the Canadian Government to effect a settlement of the situation by mutual agreement which would obviate the necessity of special legislative action by Canada.

The agreement of 1907, the Prime Minister continued, was substantially a measure whereby Japan undertook to restrict within certain limits the departure to Canada of emigrants who might compete with Canadian workers, while Canada undertook not to pass any legislation discriminating specially against Japanese immigrants. It was not contemplated that Japanese immigrants would be exempt from the general regulations applying to all immigrants, or that the number of Japanese immigrants to which the Japanese Government proposed to limit the issue of passports should be regarded as a minimum entitled to admission in any case.

Since 1907 the situation had changed in several important respects. First, the adoption, by Canada as by other countries, of stricter regulations as regards immigration generally. Second, the passing of the United States Exclusion Law, which had aroused fears of concentration of immigration upon British Columbia and demands from British Columbia for similar action, and, third, the rapid growth of the Japanese population of Canada (1911, 9021; 1921, 15,868) and particularly in British Columbia, and the control of important industries, particularly fruit and vegetable growing, fishing and retail business in many districts, by these groups. These factors made it necessary to reconsider the situation.

It was the feeling of the Canadian Government that, in the first place, immigration from Japan should be subjected to the immigration laws and regulations which applied to immigrants of other nationalities. That would not constitute a discrimination against Japan. On the contrary, a discrimination at present exists in favor of Japan against immigrants from other countries.

Among the regulations which it was felt should be applied in the case of Japanese, as of other immigrants, were the following:

- (a) The interpretation, particularly definitions of *domicile* and *immigrant*, contained in Section 2 of the Immigration Act (consolidated 1924).

(b) The barring of certain prohibited classes as listed in Section 3.

(c) All other applicable sections of the Act.

(d) Order-in-Council of January, 1914 (P.C. 23), prohibiting the landing in Canada of any immigrant who has come to Canada otherwise than by continuous journey from a country of which he is a native or a naturalized citizen (Immigration Act, page 44).

(e) Order-in-Council of June, 1919 (P.C. 1202), prohibiting the landing in Canada at any port of entry in British Columbia therein specified of any skilled or unskilled laborer.

(f) Orders-in-Council of January, 1923, (P.C. 182, 183), prohibiting the landing in Canada of immigrants of all classes except *bona fide* farmers, farm laborers, family domestic servants, and the wives and children of persons legally resident in Canada.<sup>1</sup>

(g) Order-in-Council of January, 1923 (P.C. 185), requiring immigrants to possess valid passports, which, in the case of European immigrants, shall be viséd by Canadian immigration officers stationed on the Continent of Europe.<sup>2</sup>

(h) The administration of the Canadian immigration law and immigration regulations is in the hands of Canadian officials, as is true of other countries in a similar connection.

The Prime Minister stated that the above regulations summarized, in part, the provisions of the existing immigration policy of Canada. The agreement of 1907 provided that, so far as the Government of Japan was concerned, it would restrict Japanese immigration to Canada to four classes only:

(1) Those returning from a visit abroad. It was apparent that this was intended to apply to Japanese who had lived in Canada prior to 1907, and to whom the right to return thereafter was reserved. Further, if it were agreed to apply this provision to Japanese not resident in Canada before 1907, it would be essential to ensure that they had previously established a legitimate domicile in Canada.

(2) Wives and children of such immigrants. These clauses clearly applied only to wives and children of Japanese returning from a visit abroad, and would not cover wives and children coming to Japanese in Canada. It was agreed last year that the practice of issuing passports to "picture brides", which had ceased in the case of the United States in 1920, should also cease as regards Canada.

(3) Domestic servants for Japanese in Canada, and agricultural workers in contract with Japanese farmers in Canada. It was understood in 1907 that passports would not be issued to more than 400 in a year,

<sup>1</sup>It is doubtful whether these regulations as they stand could be applied to Japanese immigrants, in view of the concluding provisions of the two Orders-in-Council. [Docs. 674, 675.]

<sup>2</sup>It would be questionable whether this regulation could be applied to Japanese immigrants without giving ground for a claim of discrimination, in view of the fact that it happens that Great Britain, the Dominions, and the United States are exempted from its scope.

[Notes telles que dans le document. / Footnotes as in Document.]

a figure which in 1923 was revised to 150. It would, of course, be understood that the wives and children of agricultural workers or domestic servants belonging to these classes would be included in the maximum figures set.

(4) Contract laborers under contracts approved by the Canadian Government. As the agreement stood, then, it would appear that the only classes of emigrants to whom passports would be issued were certain classes of agricultural workers and domestic servants, not to exceed 150 in any year, together with laborers returning from a visit abroad and wives and children accompanying them.

Continuing, the Prime Minister stated that, so far as any change in the agreement was in contemplation, the chief point which had been emphasized in the discussion in Canada was the limitation of women and children immigrants. He concluded by stating that the Canadian Government would of course be quite prepared to agree to the adoption of parallel restrictions in the case of Canadian immigration to Japan.

O. D. S[KELTON]

704.

*Mémorandum d'une entrevue entre le Premier ministre  
et le consul général du Japon*

*Memorandum of Interview between Prime Minister  
and Consul General of Japan*

[Ottawa,] May 22, 1925

In accordance with the understanding reached at the interview of May 5th, a further interview was held on this date to permit further consideration of the changes in immigration regulations which the Government of Canada had in mind.

Mr. Matsunaga stated that he had informed his Government by cable of the interview with the Prime Minister on May 5th, as well as the preceding interview of April 2nd.

The Prime Minister read a statement as attached,<sup>1</sup> indicating the factors which had made it necessary to press the matter, the interpretation of the Japanese Agreement of 1908 which seemed to the Canadian Government desirable, and also the necessity of applying the general provisions of the Immigration Act to emigrants from Japan on the same basis as to emigrants from other countries.

In the course of the discussion on the immigration of women and children, the Prime Minister stated that he understood that it had been agreed last year that picture brides would hereafter not be admitted. Mr. Matsunaga stated that his understanding was that while this proposal had been made by the Dominion Government, it had not been accepted by his Government.

<sup>1</sup>Non reproduit.

<sup>2</sup>Not printed.

It was agreed, in view of the fact that the whole question was being taken up in a more comprehensive manner this year, to assume that this phase was still under discussion and to include in the requests of the Government of Canada a provision that the practice of including picture brides among the "wives" eligible for admission should cease.

The Prime Minister impressed upon Mr. Matsunaga the necessity of an early agreement in order to avoid what would otherwise be necessary — a lengthy discussion in Parliament and legislative action before Parliament adjourned. Mr. Matsunaga undertook to cable the substance of the memorandum to his Government and to point out to them the desirability of a speedy reply.

O. D. SKELTON

705.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 26, 1925

CONFIDENTIAL. Canadian Government has found it necessary to consider the question of further restrictions on Japanese Immigration into Canada. Since the agreement of 1907 the situation has materially changed through the development of restrictions on immigration in general, the growth of Japanese population in British Columbia, and the passing of the United States Exclusion Act. The Legislature of British Columbia has recently by unanimous vote demanded adoption by Canadian Parliament of a similar measure but my Ministers are averse to legislative action unless as last resort and prefer to give Japan opportunity to agree to reasonable interpretations or modifications of existing understanding. They recently proposed to Japanese Consul-General here, that Japan cease issue of passports to emigrants for some months to provide favourable atmosphere for negotiations which might in that case extend over several months. Japanese Government has replied it does not consider this step advisable but is prepared to consider suggestions for modifications. My Ministers are now informing the Consul-General that they regret the inability of Japanese Government to provide this breathing-space and that it will therefore be necessary to endeavour to secure modifications by agreement before end of present Canadian Parliamentary Session possibly in June since if settlement by agreement not possible it will be difficult to avoid legislative action before Parliament adjourns.

Canadian Government after emphasizing desire to reach mutual agreement and economic rather than racial ground of its whole immigration policy proposes:

*First*, that provisions and administrative procedure of the Canadian Immigration Act should be considered to apply to Japanese as to all other immigrants since contrary understanding would constitute discrimination in favour of Japanese against European immigrants.

*Second*, as to interpretation of 1907 agreement Canadian Government prepared to recognize Japanese domiciled at any time as entitled to return though strict interpretation would confine privilege to Japanese resident in Canada before 1907. It is proposed however to restrict to Japanese who were legally admitted into Canada prior to July 1st 1925 privilege of bringing back wives and children. It is further proposed to bar picture brides and to interpret children as being under 18 years of age as in Immigration Act. Canadian Government further proposes that maximum figure of one hundred and fifty agreed upon in 1923 to whom Japanese Government will issue passports shall include not only domestic servants and agricultural laborers but wives and children above referred to and that Canadian immigration authorities shall pre-investigate applications for admission of Japanese domestic servants and agricultural workers as in case of immigrants of other nationalities.

Please advise Secretary of State for Foreign Affairs.

706.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, June 17, 1925

SECRET. The Secretary of State for Foreign Affairs to whom your telegram of 26th May was communicated, is much obliged to your Ministers for furnishing this information regarding Japanese Immigration.

It is reported by Sir C. Eliot, His Majesty's Ambassador at Tokio, in a despatch just received from him that in the course of a conversation on 7th May with the Japanese Minister for Foreign Affairs the latter alluded to recent discussions between your Prime Minister and the Japanese Consul General at Ottawa as to the modification of the present immigration arrangements with Canada, and said that Japanese Government would be glad to consider any definite proposal made by the Canadian Government, e.g., with reference to picture brides, but he evidently wished that any difficulties which may arise in the future or exist now, should be settled not by Canadian legislation but by negotiation between the two Governments.

It is noted by the Secretary of State for Foreign Affairs that if agreement cannot be reached by the end of this month, your Government may feel it necessary to take legislative action, but he earnestly trusts that this will not prove necessary and that solution can be found, on friendly lines and with the least possible publicity between your Government and the Government of Japan.

From the enclosures in my predecessor's despatch of July 31st, 1924, Secret Dominions 355, describing the effect of the United States Immigration Law on Japanese sentiment, it will be realised that Japan would regard very seriously discriminatory legislation against the Japanese. Our whole policy in the Pacific, and that of the United States, are closely scrutinized by public



opinion in Japan since the termination of the alliance with them; and proceedings which are in no sense directed against Japan, such as our decision to proceed with the Singapore Base and arrangements by the United States Government for forthcoming cruise of the United States Fleet to Australia and New Zealand, there is a tendency to misconstrue.

At the present moment, in view of the critical state of affairs in China where Nationalistic and anti-foreign feeling is running very high and is being exploited against us by Soviet influences, the Secretary of State for Foreign Affairs regards it as specially important to avoid any possibility of friction with Japan whose co-operation is essential for solution of problem, and of giving to the small party in Japan who favour a Russo-Japanese Entente any material for propaganda.

707.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

PARAPHRASE OF TELEGRAM

Ottawa, June 19, 1925

SECRET. Your telegram 17th June. As a result of the increasing Oriental population in British Columbia and the influence of the exclusion policy of the United States Canadian Government as noted in my telegram of May 26th, regards the question of Japanese Immigration as of pressing urgency. Public discussion cannot be avoided so long as present situation exists. Total exclusion by legislative action has been unanimously demanded by the Legislature of British Columbia and failure to adopt this policy is causing criticism of the Government.

In view of tension at the present time in Asia, Canadian Government recognizes particularly force of considerations which make agreed solution desirable. From enclosures in your despatch 31st July, 1924, and from observations of British Secretary and Japanese Minister for Foreign Affairs contained in your telegram June 17th, it is noted that Japanese Government is averse to any policy of discrimination, is very ready to meet views of Dominion as to numerical numbers and prefers settlement by joint agreement rather than unilateral legislation. These considerations are conformed to by Canadian Government policy outlined in previous despatch.

(1) Removal of discrimination which now exists through administrative procedure and general provisions of Immigration Act not being applied to Japanese as to other immigrants is proposed, rather than no discrimination.

(2) Fact that it would adopt unilateral action by legislation or Order-in-Council only as last resort and that it prefers settlement by joint agreement, has been strongly emphasized in communications of the Canadian Government.

(3) In addition to general applicability of Immigration Act, the chief proposals of Canadian Government are along the line of numerical restric-

tion through inclusion of wives and children in maximum figure of one hundred and fifty to whom passports will be issued by the Japanese Government.

Because it is anxious to avoid friction that would arise through legislative action and prolonged public discussion, is precisely the reason why Canadian Government has been seeking to have matter expedited and decision reached before end of present Parliamentary Session. Canadian Government may find it difficult to avoid making announcement as to its future policy if negotiations are not completed by that time.

If these considerations could be brought to the attention of His Majesty's Ambassador at Tokio by the Foreign Secretary, my Ministers would be very greatly obliged.

708.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, July 2, 1925

SECRET. With reference to your telegram regarding Japanese immigration dated the 19th June. Position has been explained to His Majesty's Ambassador at Tokio, by telegraph, as desired. Secretary of State for Foreign Affairs makes enquiry as to whether any announcement on the matter was found necessary before Canadian Parliament arose and if so in what terms it was made. He would be glad to know whether your Ministers desire His Majesty's Ambassador at Tokio to take any action.

709.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 3, 1925

SECRET. Your telegram July 2nd regarding Japanese immigration. In order to avoid any possible embarrassment to pending negotiations Government decided not to make any announcement on question before Parliament rose. The situation was communicated privately to members most interested, who acquiesced in this course on understanding that public statement would be made by Government within few weeks. It was concluded that further legislation was not necessary as the Immigration Act gives authority for altering or abrogating Agreement of 1908 or taking any other action by order in Council which may be found necessary. Government would be gratified if Ambassador at Tokio could impress upon Japanese Government the desirability of reaching a settlement as early as possible.<sup>1</sup>

<sup>1</sup>La substance de ce message fut communiquée au Consul général du Japon dans une lettre datée du 16 juillet 1925.

<sup>1</sup>The substance of this message was communicated to the Consul General of Japan in a letter dated July 16, 1925.

710.

*Mémorandum d'une entrevue avec le consul général du Japon, le 19 août**Memorandum of Interview with Consul General of Japan on August 19*

[Ottawa, n.d., 1925]

On Thursday, August 13, the Consul-General of Japan, Mr. Matsunaga, informed the Under-Secretary of State for External Affairs that he had received instructions from his Government with reference to the questions raised in the Canadian memorandum on immigration, and that he desired to communicate them orally to the Prime Minister. The Prime Minister accordingly arranged an interview at Laurier House on August 19, at which the Consul-General and the Under-Secretary were present.

Mr. Matsunaga stated that he had been instructed to communicate the views of his Government orally, on the understanding that a more formal communication might be submitted later if occasion required. He stated that his Government and the people of Japan regarded the question of restrictions on immigration as a very serious matter. They had, however, considered the extent to which it might be possible to make concessions to meet the wishes of the Canadian Government and the situation on the Pacific coast, and were prepared to suggest the following counter-proposals:

(1) Total Number of Immigrants

The agreement to be revised to provide that the total number of immigrants admitted to Canada would not exceed 300 in a year, these to include:

(a) Wives and children of Japanese resident in Canada who would fetch or send for their families.

(b) Bona fide domestic servants, male and female.

(c) Bona fide agricultural laborers.

It is to be understood that the distribution of these classes would be unrestricted, so long as the total of (a), (b), and (c) did not exceed 300.

While the Japanese Government must retain the opinion that so-called "picture brides" are legal wives, it is prepared to agree that they shall not be included in future among the wives admissible under the above arrangement.

It is further agreed that the term "children" is to be restricted to persons under 18 years of age.

(2) Time Limit on Right to Bring in Wives and Children

It is proposed that no time limit should be set on the right of Japanese immigrants resident in Canada to bring wives and children in accordance with the above understanding, and that those who enter Canada after the new agreement comes into force should be as fully entitled to bring in their families as those who have entered before the agreement. Mr. Matsunaga stated that his Government considered that the proposal to deny to Japanese admitted to Canada after 1925 the right to bring in wives and children was objectionable on three grounds:

(i) because repugnant to the natural laws of social justice and humanity, and

(ii) because constituting a discrimination which had no parallel in the case of European immigrants.

(iii) because in practical working the right would not prove of great importance; the natural outcome of the agreement to include wives and children of residents along with domestic servants and agricultural laborers in the number admissible each year would be that the first class would increase and the other classes decrease, so that there would be fewer male immigrants who would be in a position to send for wives or families in future.

Mr. Matsunaga added, with reference to the Prime Minister's observation that Japanese immigrants coming to Canada after 1925 would do so in full knowledge of the fact that they could not expect to bring in wives or families, that this would not be so in the case of men who had been born in Canada or who came to Canada as children, and that he assumed therefore, there would be no objection to the latter being free to marry wives in Japan and bring them to Canada.

### (3) Conditions for Readmission of Returning Immigrants

(a) The Japanese Government would be prepared to agree that only those persons who had legally been admitted to Canada within the meaning of the Immigration Act should be entitled to readmission.

(b) The Japanese Government would agree further to the proposal that immigrants returning to Japan should be required to secure a certificate from the Canadian immigration authorities before sailing as a condition of readmissibility.

(c) The Japanese Government understands that, while full Canadian domicile can be acquired only by five years' residence, it is the practice of the Canadian immigration authorities to permit foreign immigrants who have resided in Canada for a shorter period, and who establish the necessity to return to their country of birth for a temporary purpose, to be readmitted as returning immigrants; it assumes that the same practice would be applicable to Japanese immigrants, who would therefore not be included in the number of 300 set out under (1) above.

(d) The Japanese Government inquires what is the present practice as to the length of time immigrants who have returned to the country of their birth may remain before losing their right to return to Canada, and as to the procedure which is necessary for extension of this time; it assumes that the same practice would be applicable in the case of Japanese immigrants.

### (4) Pre-investigation

The Japanese Government has no objection to the existing practice of the Canadian immigration authorities investigating the bona fides of applications

for admission of domestic servants and agricultural laborers, before a certificate is issued as the basis for a consular visa, being applied in the case of Japanese immigrants of these classes.

#### (5) Applicability of Immigration Law

The Japanese Government has no objection to the application of the general immigration law of Canada to Japanese immigrants, so far as it is applied without discrimination to Europeans and Americans as well, and in so far as it is not in conflict with the terms of this special agreement.

#### (6) Scope of the Term "Immigrant"

If "immigrant" is used in the sense of the definition in the Immigration Act, it is feared that merchants, tourists, students, and clerks of commercial firms and houses, might come within this classification. The Japanese Government considers that they are not laborers, and that they should be classed definitely as non-immigrants in this agreement.

#### (7) Time of Application of New Agreement

It is proposed that the restrictions involved in the new agreement as regards the issue of passports should come into force three months after the agreement is concluded.

It is pointed out that some special arrangement will be necessary to permit Japanese who had returned to Japan before the special arrangements for procuring a certificate had been put into force, to return to Canada.

It is further pointed out that, as Japanese passports are valid for six months after issue, the two systems would overlap for a short time.

The Prime Minister expressed his appreciation of the evident desire of the Japanese Government to consider the question carefully, and to meet the situation which had developed. He believed it would be possible to come to an agreement on most of the points covered. He considered it necessary, however, to point out at once certain respects in which it was altogether probable that the counter-proposals which had been made could not be accepted by the Canadian Government:

(1) The suggestion for unrestricted distribution of the three classes of immigrants would be interpreted by public opinion in Western Canada as indicating both the possibility and the intention of sending in a very large proportion of female immigrants.

(2) He considered that no hardship would be imposed on Japanese immigrants coming to this country hereafter if they understood before coming that they were not to have the right to send for or to bring in wives and children.

(3) The definition of "immigrant" would have to be considered carefully. Probably the United States practice in this case could be accepted.

711.

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

*Under-Secretary of State for External Affairs  
to Consul General of Japan*

Ottawa, August 27, 1925

My dear Mr. Matsunaga,

I am directed by the Prime Minister to state that he has considered with care the observations which you conveyed to him last week on behalf of your Government, on the subject of Japanese immigration into Canada.

The Prime Minister notes with much pleasure that the Governments of Japan and of Canada are in full agreement upon several phases of the question, including the understanding that only persons previously legally admitted to Canada are to be entitled to readmission; that immigrants proceeding to Japan with the intention of returning to Canada should obtain certificates from the Canadian immigration authorities before sailing; that the existing practice of pre-investigating applications for the admission to Canada of domestic servants and agricultural workers should apply in the case of Japanese immigrants of these classes; that the term "children" shall mean persons under eighteen years of age; and that so-called picture brides will not be included in future among the wives admissible under this agreement.

It is noted that the Japanese Government has no objection to the application of the general immigration law of Canada to Japanese immigrants, so far as it is applied without discrimination to Europeans and Americans as well, and in so far as it is not in conflict with the terms of this special agreement. The Canadian Government believes that the Government of Japan will agree that it would not be possible for Canada or any other country to relinquish its right to apply the immigration law of the country to all comers, subject of course to the provisions of any special agreement.

With reference to your inquiry whether, as the Government of Japan understands, it is the practice of the Canadian immigration authorities to readmit to Canada immigrants who have resided in Canada for less than the five years required to acquire domicile, but who give evidence of some necessity which required their temporary return to their native country, the Prime Minister states that this understanding correctly represents the present practice, which would be applicable in the case of Japanese immigrants as well. On returning, such immigrants would not be included in the number annually admissible.

With reference to the further inquiry as to the length of time immigrants who have returned to the country of their birth may remain before losing their right to return to Canada, and as to the procedure necessary for extension of this period, the Prime Minister states that in the case of British subjects by birth elsewhere in the British Empire or by naturalization, the period is set

by law at twelve months, but that in the case of aliens no limit is set by law. In practice, aliens are allowed to return upon establishing that their absence has been for a temporary purpose. It is proposed to grant Japanese immigrants similar consideration to that at present granted to British subjects, namely, that the certificates issued by the Immigration Agent at the port of embarkation should be valid for a period of twelve months, and should be extensible, if warranted, on application to the issuing agent.

On the proposals as to the inclusion of women and children in the number of 150 admissible annually, and as to the time limit upon the right of immigrants to bring in wives and families, it is noted that the Government of Japan suggests certain counter-proposals, namely that the figure in the first case should be set at 300, with unrestricted distribution, and that no time limit whatever should be set. The Prime Minister regrets that it would not be possible to accept this counter-proposal. In order, however, to meet the Japanese Government as far as possible, and to facilitate an early conclusion of an agreement, the Government of Canada, while adhering to its proposal to set the inclusive figure at 150, would be prepared to agree that immigrants arriving hereafter who are already married should be entitled to bring in or send for their families. If all other proposals are agreed upon, the Canadian Government would be prepared to go further and waive the suggested time limit for single as well as for married immigrants, and also to accept the proposal as to unrestricted distribution within the inclusive figure of 150.

It is noted, further, that the Japanese Government proposes that tourists, students, merchants and clerks of commercial firms and houses should be classed as non-immigrants. The Prime Minister regrets that it would not be possible to depart from the definition of the Immigration Act, which classifies as immigrants all persons entering Canada with the intention of acquiring Canadian domicile, and further designates as immigrants all persons entering Canada, unless belonging to certain specified classes, e.g., diplomatic and consular officials, tourists, university students, professors, lawyers, physicians, ministers of religion, commercial travellers, etc., entering for the temporary exercise of their respective callings. It should be noted further, as was indicated in our communication of May last, that changes in the industrial situation in Canada during the past twenty years have led to the adoption of a general policy of restricting immigration of town-workers. The only classes of immigrants now generally admissible are agricultural laborers and domestic servants. Japanese coming within the above mentioned classifications (*Immigration Act*, Sect. 2(g) ) would be admissible as non-immigrants on the same basis as persons of other nationalities. Recognizing, further, that Japanese firms with branches abroad sometimes find it desirable to transfer officials to these branches for temporary periods, the Canadian Government would be prepared to classify such persons as non-immigrants, on presentation of passports from the Japanese Government establishing their status and under regulations to be agreed upon.

As to the time of application of the revised agreement, while the Canadian Government would prefer that it should go into force when concluded, it is

prepared to accept the proposal that the issue of passports should continue on the old basis for three months thereafter. It is noted that such Japanese passports are valid for six months, and that it will be necessary to issue instructions to provide for readmission of immigrants who had returned to Japan before the special arrangements for procuring a certificate went into force.

The Prime Minister would be very greatly obliged if the Government of Japan would indicate its reply in time for consideration at the Cabinet meeting to be held on Tuesday, September 1. He notes that he averted a discussion of the question during the recent session of Parliament by undertaking to make very shortly after the session a public statement as to the situation. He adds that he would desire to discuss with you in advance the time and form of any public statement as to the revised agreement.

Yours sincerely,

O. D. SKELTON

712.

*Mémorandum sur l'immigration japonaise par le sous-secrétaire d'État  
aux Affaires extérieures*

*Memorandum on Japanese Immigration by Under-Secretary  
of State for External Affairs*

[Ottawa,] September 10, 1925

REPLY OF JAPANESE GOVERNMENT

Mr Matsunaga telephoned this morning that he had received the reply of his Government to our communication of August 27, and was instructed to communicate it to the Prime Minister. I informed him that the Prime Minister would not return to town until the 12th. Accordingly Mr. Matsunaga called and made a verbal statement of his Government's position.

The Japanese Government reiterate the great difficulties they have met in re-opening the question of Japanese immigration into Canada. Public opinion is extremely sensitive on the question. In spite of this fact, the Japanese Government has endeavored to go as far as possible in meeting Canadian wishes. The concessions which it has already offered to make go much farther than public opinion in Japan would warrant, but the Government is prepared to stand behind them and take the consequences. The old Lemieux Agreement was never made public, but the Japanese Government believes that in the case of the new agreement publicity will be essential, in view of the two considerations that a public statement will be made in Canada, and that in Japan itself the public demand more information on foreign relations than was the case twenty years ago. The very fact that any revision of the agreement will have to be made public complicates the situation for the Japanese Government.

The Japanese Government regrets that it is not possible to accept the suggestion of a total figure of 150, covering both women and children and



agricultural and domestic immigrants. They consider that the figure of 300 previously suggested represents a very marked advance, particularly since it is the first time that any restriction upon the coming of women and children has been considered or agreed to.

On the second point, the time limit on the right to bring in wives and children, the Japanese Government still adheres to its view that any such provision would be both discriminatory and anti-humanitarian, and that it would therefore not be possible to agree to it.

As to the question whether merchants and clerks are admissible, the Japanese Government is not altogether satisfied with the arrangement now existing in the United States, which provides for the admission of all Japanese engaged in international trade, whether merchants in a large way or petty clerks. The Government does not consider that the distinction between international business and general business is a satisfactory one. They would suggest as a possible basis of discussion the setting of a minimum capital standard, all merchants possessing capital of that amount or more to be admissible, whether their business was of international or general character.

I said to Mr. Matsunaga that I was sure the Prime Minister would regret that the Japanese Government had not been able to accept the very fair compromise proposals which the Canadian Government had put forward two weeks ago. The objection to a time limit on the privilege of bringing in women and children had no good ground, in view of the fact that the Canadian Government offered to waive this condition if its other conditions were accepted. As to the admission of merchants and clerks, it would seem that the Japanese Government had not realized the fact that the Canadian immigration law was much more drastic than it had been twenty years ago with regard to the admission of industrial and commercial classes, and much more drastic in these respects than the United States immigration law today. Under the immigration law of Canada European merchants and clerks were excluded. Mr. Matsunaga replied that he had endeavored to make all these points clear to his Government.

Mr. Matsunaga was informed that his statement would be brought to the attention of the Prime Minister at the earliest possible moment.

O. D. S[KELTON]

713.

*Mémoire d'une entrevue avec le consul général du Japon  
le 21 septembre*

*Memorandum of Interview with Consul General of Japan  
on September 21*

[Ottawa, n.d. 1925]

Mr. Matsunaga was informed that the Prime Minister and the Minister of Immigration had now considered the reply of the Japanese Government as

communicated on September 10, and that I had been instructed to convey their comments:

The Canadian Government regrets very greatly that the Japanese Government has not seen its way to accept the proposals of the Canadian Government, particularly in view of the important concessions which were made in the last communication. It is recognized that in Japan, as in Canada, a sensitive public opinion must be reckoned with, but it is felt that if the people of Japan realised the extent to which the whole immigration policy of Canada has been made more restrictive in the past twenty years they would realize the necessity for revising the agreement of 1908 to bring it into conformity with the change in the general policy.

It is noted that the Japanese Government is not prepared to accept the figure of 150 as covering immigration both of women and children and of agricultural laborers and domestic servants. The Canadian Government is anxious to meet the Japanese Government as far as possible, and therefore would be willing to agree to a total of 200, divided into 100 women and children and 100 agricultural laborers and domestic servants, without transfer between the two groups.

Mr. Matsunaga stated that he had understood from the Prime Minister in the interview at Laurier House that he was prepared to consider a figure of 300, divided into two distinct groups of 150. It was replied that this had been tentatively suggested, but only on condition that the time limit on the right to resident Japanese to bring wives and children should be accepted. In view of the fact that the Canadian Government had expressed its willingness to waive the time limit, the Government was not prepared to go further as to numbers than the present suggestion.

As to merchants and clerks, the Government could only take the position that the Immigration Act of Canada applied to all comers, except in so far as it had been explicitly varied by agreement with any country. The Lemieux Agreement restricted all classes of skilled and unskilled labor. It was understood not to apply to merchants, tourists, and students. This, however, did not mean that all Japanese except the classes covered in the special agreement were to have the right of unrestricted entry into Canada. They, like all other newcomers, must conform to the general immigration law of Canada. In 1908 this law did not restrict merchants as immigrants; to-day it does. The Immigration Act enumerates certain classes as non-immigrants. Merchants are not included in this enumeration. They are therefore to be classed as immigrants, and come under the provision of the Orders-in-Council which bar the entrance of immigrants, save agricultural laborers and domestic servants. The Department of Immigration had, however, suggested that under Section 4 of the Immigration Act the Minister could issue permits to Japanese merchants of proved standing, e.g., with certain minimum capital, to enter the country for specified periods.

Mr. Matsunaga contended:

(1) *That the Lemieux Agreement covered the whole field of Japanese immigration, and that no restrictions were to be imposed except those explicitly mentioned. He was informed that this view was absolutely unacceptable.*

(2) *That ever since 1908 Japanese merchants had been allowed to enter Canada under passport. These merchants included some clerks who were considered by Japan as coming under the same general heading, but only merchants of high standing and clerks of important business houses had been given passports, a very small number in all. To this was replied that greater restrictions had of late years been imposed on the immigration of the mercantile classes from other countries, and it was simply proposed, now that the question had been raised, to apply the same principles to Japan.*

(3) *That the Immigration Act only presumed that classes other than those enumerated were to be classed as immigrants, and that this presumption might be overcome by positive proof that certain persons, merchants, clerks, or others, were in fact coming only for a temporary stay.*

(4) *That as a matter of fact, even if merchants were to be regarded as immigrants, there was no Canadian law now in force barring their entry. P.C. 1202, if it applied at all, applied only to skilled and unskilled labor; P.C. 183 did not apply to Asiatic immigrants; and P.C. 182 did not apply to the nationals of any country with which there was a special agreement. To this it was replied that the obvious intention of P.C. 182 was to exempt from the order prohibiting the landing of any Asiatic immigrants only those classes covered by the Lemieux Agreement, and not all Japanese nationals, and that if any doubt as to the interpretation of the order existed, the Department of Immigration would undoubtedly recommend an amendment to make this clear.*

(5) *That the suggestion as to admission under permit would cover only temporary visits, and not permanent entry.*

Mr. Matsunaga said that his Government attached importance to this question, particularly since restrictions were being imposed on other classes. He was asked what there was to prevent a thousand or two thousand merchants or clerks coming, if no restrictions were imposed. He replied that these classes did not, as a matter of fact, desire to come to Canada, and the Japanese Government, in the past, had issued very few passports, a dozen or so a year. To this it was replied that if the Canadian Government were to make any concessions in modifying the application of the Immigration Act, they would undoubtedly desire to keep the administration of any such modifications in their own hands.

Mr. Matsunaga stated that he would communicate the Government's views to his Government, but that frankly he did not think they would be prepared to agree to such a drastic restriction on the numbers of women and children,

and at the same time exclusion of merchants for the first time. He was requested to obtain a reply as quickly as possible.

O. D. S[KELTON]

P.S. Mr. Matsunaga inquired how it was, if immigrants other than domestic servants and agricultural laborers were excluded by Order-in-Council, particularly as regards European countries, that the report of the Department of Immigration for 1924 showed in detail large numbers of immigrants of other occupations entering from these countries. He stated that he would like to be informed if there was any administrative practice modifying the formal Order-in-Council.

714.

*Mémorandum sur l'immigration japonaise par le sous-secrétaire d'État  
aux Affaires extérieures*

*Memorandum on Japanese Immigration by Under-Secretary  
of State for External Affairs*

Ottawa, October 2, 1925

Mr. Matsunaga reported to-day that he had received further instructions from his Government.

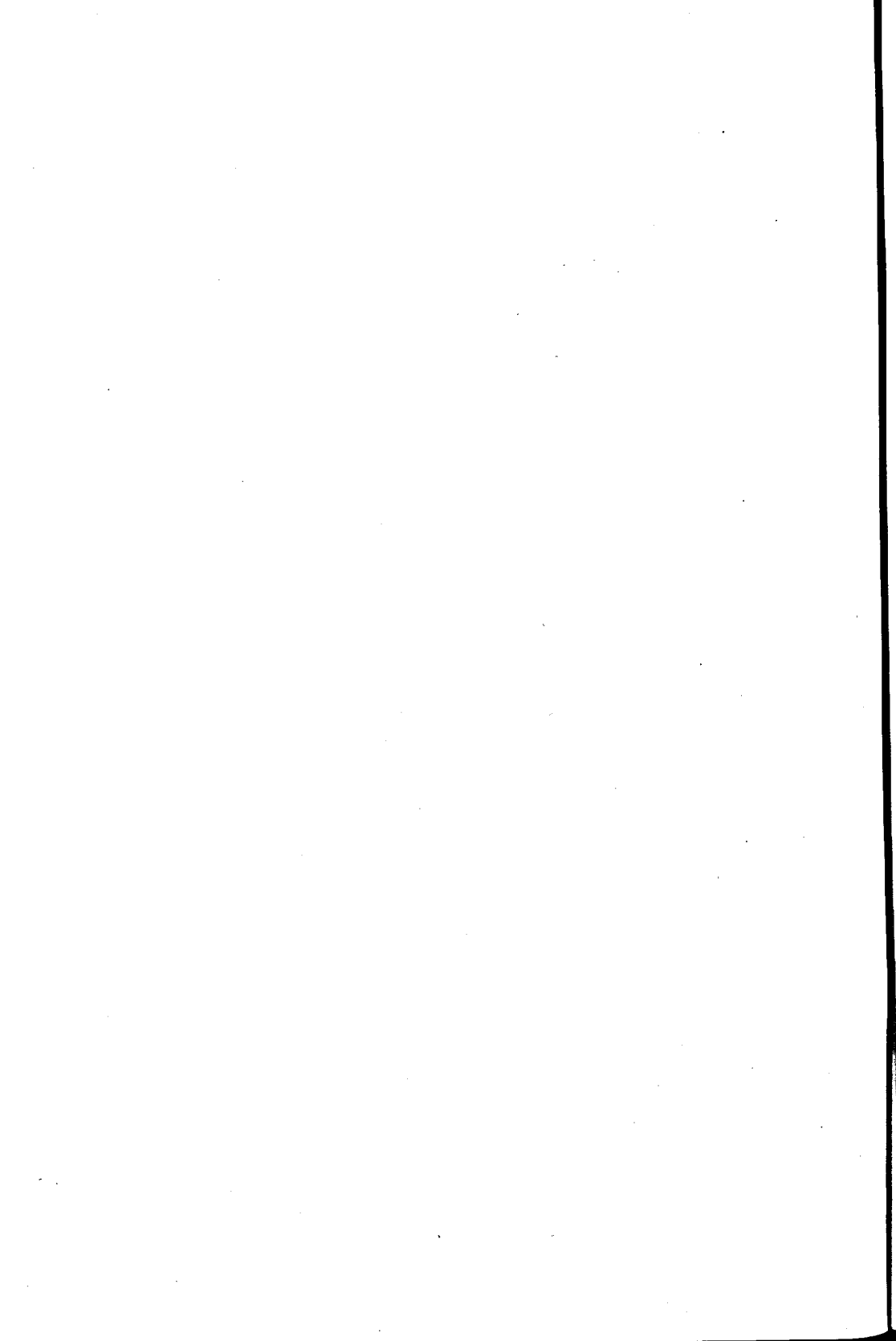
(1) As to *restriction upon women and children*, his Government desires to emphasize again the difficulty that there will be in introducing for the first time any restriction whatever upon the numbers of women and children, particularly as no such restriction was ever imposed upon women and children going to the United States during the operation of the Gentlemen's Agreement there. They considered the inclusive figure of 300 as their maximum proposal. They have, however, agreed to reduce this figure by 50, the understanding therefore being that the maximum number of women and children, agricultural laborers and domestic servants to be admitted in one year will be 250. The restriction of 150 on the agricultural laborers and domestic servants would still remain, but there would be no restriction within this limit on the number of women and children. There might, for example, be 200 women and children and 50 laborers and servants.

(2) As to *merchants and clerks*, the Japanese Government states it does not desire any other arrangement than that which exists at present. Their understanding of the agreement, and the interpretation accepted by both countries ever since 1908, has provided for the admission of a limited number of merchants every year. The Japanese Government does not consider that the proposal to admit merchants under permit in accordance with Section 4 of the Immigration Act would meet the situation. This section applies only to persons admitted for a limited and specified period, and would not therefore meet the need of merchants who are immigrants in the true sense, coming to settle permanently in the country. Even as regards merchants coming temporarily, the permit system would be objectionable, involving much red tape and delay.

Mr. Matsunaga further referred to the fact that the official reports of the Immigration Department for 1923-24 indicate that large numbers of merchants, artisans, etc., were admitted from each of a score of countries, and that it would therefore appear that the provisions of the Order-in-Council restricting all immigrants except agricultural laborers and domestic servants are applied with some discretion. He therefore considered that no more rigorous rule should be adopted in the case of Japan than in the case of these countries. It was pointed out that the essential difference was that discretion was exercised in the one case by the Canadian and in the other case by the Japanese Government.

Mr. Matsunaga was informed that the views of his Government would be communicated to the Prime Minister immediately.

O. D. S[KELTON]



CHAPITRE IX / CHAPTER IX  
RELATIONS AVEC DIVERS PAYS  
RELATIONS WITH INDIVIDUAL COUNTRIES

Autriche; Belgique; Antilles anglaises; Chine; Tchécoslovaquie; Finlande; France; Italie; Les Pays-Bas; Norvège; Roumanie; Union soviétique; Espagne; Etats-Unis: Convention sur la propriété, dérivation à Chicago, lac des Bois, navires de guerre sur les Grands lacs, voie maritime du St-Laurent, contrebande.

Austria; Belgium; British West Indies; China; Czechoslovakia; Finland; France; Italy; The Netherlands; Norway; Romania; Soviet Union; Spain; United States: Property Convention, Chicago Water Diversion, Lake of the Woods, Naval Vessels on the Great Lakes, St. Lawrence Waterway, Smuggling.

AUTRICHE / AUSTRIA

715.

*Le Premier ministre par intérim au Premier ministre*  
*Acting Prime Minister to Prime Minister*

TELEGRAM P.67

Ottawa, December 11, 1918

From White. We are considering question of treaties between Great Britain and Austria and Germany, also our own commercial convention with Germany. We think that postal treaties insofar as they relate to Canada should be revived. We think that our commercial convention with Germany should not be revived, and that commercial treaties between Great Britain and Germany and Austria insofar as they relate to Canada should not be revived. Should like to have your views.

716.

*Le Premier ministre au Premier ministre par intérim*  
*Prime Minister to Acting Prime Minister*

TELEGRAM B. 60

London, December 13, 1918

Your P67. Treaties. We concur in your views.

BORDEN

717.

*Décret du Conseil*  
*Order in Council*

P.C. 3061

December 19, 1918

The Committee of the Privy Council have had before them a report, dated 2nd December, 1918, from the Acting Secretary of State for External Affairs

to whom was referred a despatch from the Secretary of State for the Colonies to Your Excellency, dated 26th October, 1918, enclosing copies of the first and final Reports of the Treaty Revision Committee, submitting that he concurs in the recommendation embodied in the Final Report of the Treaty Revision Committee (Section 52), in regard to postal treaties, and recommends that these treaties, in so far as they relate to the Dominion of Canada, be revived.

The Minister also recommends with reference to Section 73 of the same report, on the subject of commercial relations between Canada and Germany that this agreement be not revived.

The Minister further recommends as regards Section 74, on the subject of treaties between Great Britain and Austria, that these treaties in so far as they relate to the Dominion of Canada, be not revived.

The Committee concurring, advise on the recommendation of the Secretary of State for External Affairs, that Your Excellency may be pleased to forward a copy hereof to the Right Honourable the Secretary of State for the Colonies, for the information of His Majesty's Government.

All which is respectfully submitted for approval.

718.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 12, 1919

Allied and Associated Governments have decided to raise no objection to shipment of goods from Germany and Austria, each Government being left to determine its own policy as regards importation. His Majesty's Government will permit transhipment of such goods in United Kingdom but for the present will maintain policy of refusing to allow importation into United Kingdom of goods containing more than five per cent enemy origin.

Please telegraph whether your Government wish to adopt similar policy.

MILNER

BELGIQUE / BELGIUM

719.

*Décret du Conseil*  
*Order in Council*

P.C. 824

April 15, 1919

The Committee of the Privy Council have had before them a Report, dated 12th April, 1919, from the Acting Secretary of State for External Affairs, with the concurrence of the Minister of Finance, submitting herewith the annexed draft Memorandum of Agreement between His Majesty, represented



by the Minister of Trade and Commerce and the Government of the Kingdom of Belgium in which the Dominion of Canada agrees to extend a credit to the Government of Belgium as set forth in the Agreement with a view of facilitating the purchase in Canada by the citizens of that Kingdom of goods produced in Canada to be consumed in Belgium exclusively.

The Minister, therefore, recommends that the Minister of Finance be authorized to make advances from time to time as set forth in said Agreement to an amount not exceeding Twenty-five millions of dollars (\$25,000,000) such advances to be paid out of funds available from War Appropriation Acts already assented to by Parliament and from the proposed Demobilization Appropriation Act, 1919, and that the Minister of Trade and Commerce be authorized to sign the said Agreement on behalf of the Dominion of Canada.

The Committee concur in the foregoing recommendation and submit the same for approval, and recommend that Your Excellency may be pleased to forward copy hereof to the Right Honourable the Secretary of State for the Colonies, for transmission to the Government of Belgium.

[ANNEXE / ANNEX]

DRAFT CONTRACT OF CREDIT TO BE EXTENDED BY THE GOVERNMENT OF  
CANADA TO THE GOVERNMENT OF THE KINGDOM OF BELGIUM

This Memorandum of Agreement entered into on the \_\_\_\_\_ day of March, one thousand nine hundred and nineteen between His Majesty King George V acting in the right of the Dominion of Canada, herein represented by the Minister of Trade and Commerce.

Party of the First Part.

— and —

The Government of the Kingdom of Belgium, represented by Mr.

Party of the Second Part.

Witnesseth:

Whereas the said parties hereto, with a view of facilitating the purchase in Canada by the said Government of Belgium and by citizens of the said Kingdom, of goods produced in Canada and to be exclusively consumed in Belgium, have mutually agreed that the Government of the Dominion of Canada should extend a credit as hereinafter specified to the said Government of the Kingdom of Belgium.

Now, therefore, by these presents, the said parties hereto have entered into the following agreement upon the covenants, terms and conditions hereinafter set forth, to wit.

— I —

The Government of the Dominion of Canada hereby agrees to grant, subject to the terms and conditions hereinafter set forth, to the Government of the Kingdom of Belgium a credit for a sum not exceeding twenty-five millions of dollars (\$25,000,000) in Canada, to be employed by the said Government of

the Kingdom of Belgium in the manner hereinafter set forth before the thirty-first day of December 1919 the unemployed portion at that date to be cancelled, unless a new contract is entered into.

This credit will be placed to a special account with the Bank of Montreal against the discount of  $5\frac{1}{2}$  per cent from time to time of Belgium Government Dollar six month Treasury Bills to be deposited in London up to an aggregate face value of \$25,000,000 such bills to be renewable until the receipt of compensation from the Enemy Powers enables them to be discharged in accordance with the following paragraph, or, failing such discharge, for a period of five years from their respective dates to their first deposit.

The first receipts accruing to the Belgian Government in respect of compensation or indemnity from the Enemy Powers shall be applied to the liquidation of the above Treasury Bills, *pari passu* with the liquidation of any similar advances received from any other of the Associated Governments, subject always to such general principles as may be laid down by the Peace Conference as to the disposal of the assets made available by the Enemy Powers.

The proceeds of the above credit shall be administered by the Belgian Exchange Committee on behalf of the Belgian Government, subject to the general approval of the Canadian Minister of Finance upon the following principles.

— II —

The said credit shall be by the said Government of the Kingdom of Belgium utilized exclusively for the payment of the purchase price, free on board at Canadian ports, of goods produced in Canada, of kinds and descriptions approved by the said Government of the Dominion of Canada, and shall be, as nearly as possible, distributed in the following proportion:

- 1/5 one fifth for foodstuffs;
- 1/5 one fifth for raw materials; and
- 3/5 three fifths for manufactured articles.

— III —

The purchase so to be made shall be effected by the Belgian Government through the Canadian Mission in London or by the agents of the Belgian Government in Canada under such conditions as the Canadian Mission may approve. No charge shall be made for the services of the said Mission or its representatives, but any outlay or expenses in connection with the same shall be re-imbursed by the Government of Belgium.

— IV —

The Treasury Bills of the Kingdom of Belgium given under the present agreement in payment for goods purchased as herein above specified, shall, when presented for discount, be accompanied by the certificate of the Canadian Mission in London that they have been so given with its approval.

— V —

All Treasury Bills which may be given in execution of the present agreement shall participate in and benefit by any and every security in any form, whether by pledge, hypothec, lien or mortgage upon Government property, or otherwise, that may be attached to any loan that may, while any of the bills to be discounted under the credit to be granted hereunder remain unpaid and the present agreement remains in force, be made, or any Debentures or Treasury Bills that may, during the same period, be issued by the said Government of Belgium.

The Government of the Kingdom of Belgium hereby undertakes that the full amount of the said Bills with interest at 5½ % from their respective dates will be paid in full within five years from their respective dates, and any of the said Bills remaining unpaid at the expiry of five years shall not be subject to renewal but the amount thereof shall then become due and exigible.

GEORGE E. FOSTER  
Minister of Trade & Commerce  
Paris

LÉON DELACROIX  
Prime Minister of Belgium

720.

*Le consul général de Belgique au Premier ministre*  
*Consul General of Belgium to Prime Minister*

Ottawa, April 5, 1924

Dear Prime Minister,

Following our conversation of last Wednesday night, I have immediately cabled to Brussels and I have the honour to inform you that I just received a telegraphic answer from our Minister for Foreign Affairs.

Monsieur Hymans expresses his satisfaction to see that our Commercial Treaty with Canada is nearing conclusion. He accepts your so kind suggestion concerning the Belgian signatory, and is sending me accordingly the necessary full powers.

Allow me to thank you once more for having thought of me for the signing of this treaty, which, I think, will be the first ever signed in the Capital of the Dominion.

Believe me etc.

FLORENT DE SELYS

721.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 143

Ottawa, April 7, 1924

Sir,

I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council<sup>1</sup> for Canada appointing the Honourable James A. Robb, M.P., Acting Minister of Finance, and the Honourable H. S. Béland, M.D., M.P., Minister of Soldiers' Civil Re-Establishment, to negotiate on behalf of Canada a Treaty of Trade and Commerce between Canada and Belgium.

My Government request that the necessary full powers be given to the Honourable J. A. Robb and the Honourable H. S. Béland aforesaid to negotiate and conclude a Treaty of Trade and Commerce with Belgium, and to sign such Treaty when concluded.

I have etc.

BYNG OF VIMY

722.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 28, 1924

My despatches April 7th No. 142 and No. 143. Treaties of Trade and Commerce between Canada and Netherlands and Canada and Belgium. It is desired if possible to conclude these Treaties so that any necessary legislation in connection with them might be passed before the close of the present Session of Parliament.

My Ministers enquire if full powers asked for may soon be expected.

723.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 30, 1924

Your telegram dated May 28th Treaties with Belgium and the Netherlands. Full Powers being prepared and will be sent as soon as possible. Secretary of State for Foreign Affairs enquires whether it is contemplated that the negotiations should be completed in the countries named or in Canada, and in the former event, whether it is desired that any formal communication should be made by him to the Belgian and Dutch Governments.

<sup>1</sup>Le décret C.P. 464, daté du 31 mars 1924, n'est pas reproduit.

<sup>1</sup>P.C. 464, dated March 31, 1924, is not printed.

724.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 30, 1924

With reference to your telegram 30th May, regarding Treaties with Belgium and the Netherlands, my Ministers desire to express their thanks for your intimation that Full Powers are being prepared and will be sent as soon as possible and to state that it is intended that the negotiations in connection with both these Treaties should be completed in Canada.

725.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 12, 1924

My telegram May 30th. Treaties with Belgium and the Netherlands. Canadian Parliament is now nearing close of its session and my Advisers are most anxious to conclude Treaties referred to in time to have them approved by Parliament before prorogation. My Ministers would greatly appreciate expedition of full powers required and enquire when these documents may be expected.

726.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 17, 1924

My telegram June 13th. Full powers in respect of Treaty with Belgium sent to-day.

727.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 357

Ottawa, August 14, 1924

Sir,

I have the honour to enclose, herewith, a certified copy of the Convention concluded at Ottawa on the third day of July, 1924, between His Majesty and His Majesty the King of the Belgians,<sup>1</sup> acting both in his own name and in the name of Her Royal Highness the Grand Duchess of Luxembourg, with the object of improving and extending the commercial relations between Canada

<sup>1</sup>La Convention se trouve dans (British) *Treaty Series*, 1925, n° 7.

<sup>1</sup>The Convention is to be found in (British) *Treaty Series*, 1925, No. 7.

and the Economic Union of Belgium and Luxembourg, together with certified copy of the Act of the Canadian Parliament approving such Convention, and copy of a communication from the Belgian Consul General notifying, by direction of his Government, that on the 23rd July last the Belgian House of Representatives voted the bill concerning the ratification of this Convention, that on the 31st July the Belgian Senate voted the same bill and that the instrument effecting the ratification of the Belgian Government is being forwarded to Ottawa.

My Government will be grateful if His Majesty may be humbly moved to ratify the Convention and if the instrument of ratification may be forwarded to me to be exchanged here against the ratification of His Majesty the King of the Belgians.

I have etc.

BYNG OF VIMY

728.

*Le consul général de Belgique au Premier ministre*  
*Consul General of Belgium to Prime Minister*

Ottawa, August 26, 1924

Sir,

Referring to my letter of August 1st, I have the honour to inform you that I have received to-day from His Majesty's Government the instrument bearing the ratification of the Commercial Convention between Canada and the Economic Union of Belgium and Luxembourg, signed at Ottawa on July 3rd.

My Government has requested me to exchange that document and to forward to Brussels the instrument bearing the ratification of His British Majesty's Government. I have further been instructed to cable the date on which said exchange will take place as the Convention shall come into force immediately afterwards.

I would appreciate if you would kindly let me know the day on which it would be agreeable to you to proceed with the exchange of said instruments.

I have etc.

F. DE SELYS

729.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 8, 1924

With reference to my despatch 14th August, No. 357, Convention between Canada and the Economic Union of Belgium and Luxembourg — Prime Minister is anxious that the exchange of ratifications may be effected at the earliest possible moment, my Ministers ask that everything possible may be done to expedite the transmission of the instrument of ratification.

730.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 2, 1924

Your telegram dated September 8th Convention between Canada and Belgium. His Majesty's ratification being sent by mail to-day.

731.

*Certificat d'échange des ratifications<sup>1</sup>*  
*Certificate of Exchange of Ratifications<sup>1</sup>*

The undersigned having met together for the purpose of exchanging the Ratification of the Commercial Convention between His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, on behalf of Canada, and His Majesty the King of the Belgians on behalf of the Economic Union of Belgium and Luxembourg, signed at Ottawa on the third day of July, nineteen hundred and twenty-four; and the respective Ratifications of the said Convention having been carefully compared, and found to be exactly conformable to each other, the said exchange took place this day in the usual form.

In witness whereof they have signed the present Certificate and have affixed thereto the seal of their arms.

Done at Ottawa, in duplicate, the 22nd day of Oct. — nineteen hundred and twenty-four.

Les soussignés s'étant réunis pour procéder à l'échange des ratifications sur la Convention de Commerce entre Sa Majesté le Roi des Belges, agissant au nom de l'Union Economique Belgo-Luxembourgeoise, et Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes, au nom du Canada, signée à Ottawa le trois juillet mil neuf cent vingt-quatre; et les instruments respectifs ayant été soigneusement comparés et trouvés en tout conformes l'un à l'autre, ledit échange eut lieu aujourd'hui avec la formalité d'usage.

En foi de quoi les soussignés dûment autorisés à cet effet, ont signé le présent procès-verbal et l'ont revêtu de leurs cachets.

Fait à Ottawa, en double exemplaire, le 22 Octobre mil neuf cent vingt-quatre.

J. A. ROBB

JOHN VAN RICKSTAL

<sup>1</sup>Une copie certifiée fut transmise au secrétaire aux Affaires étrangères dans la dépêche n° 450, datée du 27 octobre 1924.

<sup>1</sup>An authenticated copy of this Certificate was transmitted to the Foreign Secretary by Despatch 450, dated October 27, 1924.

732.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 547

Downing Street, December 16, 1924

My Lord,

I have the honour to acknowledge the receipt of Your Excellency's despatch No. 450 of the 27th October and to enquire whether your Ministers would wish His Majesty's Government to include the Commercial Convention between Canada and the Economic Union of Belgium and Luxemburg amongst those which they themselves communicate to the League of Nations for registration under Article 18 of the Covenant.

2. In this connection I would refer to my predecessor's despatch No. 108 of the 7th March and to your despatch No. 146 of the 17th April.

I have etc.

L. S. AMERY

733.

*Le Premier ministre au sous-secrétaire d'État aux Affaires extérieures*  
*Prime Minister to Under-Secretary of State for External Affairs*

[Ottawa,] January 2, 1925

My dear Sir Joseph,

I am in receipt of your memorandum of 30th December, enclosing a reply to the inquiry of the Colonial Office as to the registration of the Belgo-Canadian Commercial Convention.

I note that on a previous occasion registration of a Canadian treaty was effected through His Majesty's Government. I do not recall the circumstances under which this decision was taken, but it is quite clear that it is a matter in which we should act directly. Article 18 of the Covenant of the League requires that "every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat." This duty devolves upon each Member of the League, and Canada as a Member should in all cases hereafter undertake the registration of any treaties or conventions which have been negotiated, signed, and ratified by or at the instance of the Canadian Government.

I should therefore be obliged if you could take steps to have the Halibut Fisheries Convention with the United States registered with the League. Apparently it is the custom to send three authenticated copies, and, when the Member has a representative accredited to the League at Geneva, to effect registration through him.

As to the Belgo-Canadian Commercial Convention, while it may be registered by either party, it might be well to inquire through the Belgian



Consul whether the Belgian Government would prefer to register it concurrently with us, or whether we should take steps to register it ourselves.

I should further be obliged if you could inform the Colonial Office, in reply to its query of Dec. 16, that steps are being taken here to register the treaty.

Yours sincerely,

W. L. MACKENZIE KING

734.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 5

Ottawa, January 13, 1925

Sir,

With reference to your despatch No. 547 of the 16th ultimo, enquiring whether it was the desire of the Canadian Government that the Commercial Convention between Canada and the Economic Union of Belgium and Luxemburg should be included amongst the Conventions which His Majesty's Government communicate to the League of Nations for registration under Article 18 of the Covenant, my Government have asked me to express to you their obligations to His Majesty's Government for their kind services in hitherto making the arrangements for the registration of treaties with the League of Nations on behalf of Canada, but to add that they are of opinion that as a Member of the League, Canada should herself hereafter undertake the registration of any treaties or conventions which have been negotiated, signed and ratified by or at the instance of the Canadian Government and that, accordingly, steps for the registration of the Belgo-Canadian Treaty will be taken here.

I have etc.

BYNG OF VIMY

735.

*Le Secrétaire général, Société des Nations, au Conseiller*  
*Secretary General, League of Nations, to Advisory Officer*

Geneva, February 6, 1925

Sir,

I have the honour to acknowledge receipt of your letter of February 4th, 1925, with which you were good enough to forward me for registration three certified true copies of the Commercial Convention between Canada and the Economic Union of Belgium and Luxemburg, signed at Ottawa on the third day of July, 1924.

In accordance with Article 18 of the Covenant of the League of Nations, the above mentioned Convention was registered with the Secretariat of the League on January 19th, 1925, at the request of the Belgian Minister of Foreign

Affairs and will be published as soon as possible in the League of Nations Treaty Series.

The presentation for registration of this Convention by Canada has been duly noted in the Treaties Register of the League of Nations and will be mentioned in the Treaty Series when the Convention is published.

I have etc.

VAN HAMEL  
(for the Secretary-General)

ANTILLES ANGLAISES / BRITISH WEST INDIES

736.

*Le sous-secrétaire d'État parlementaire aux Affaires extérieures<sup>1</sup>  
au Premier ministre*

*Parliamentary Under-Secretary of State for External Affairs<sup>1</sup>  
to Prime Minister*

[Ottawa,] December 6, 1918

Dear Sir Robert,

Reference was made in mine to you of the 30th November, of the movement in the United States for annexing the West Indian Islands.

Enclosed herewith, so that you could lay same before the Home authorities, are some extracts<sup>2</sup> upon the subject, from an address of the Professor of History of Columbia University (Wm. R. Shepherd) delivered on May 30th, 1917 and also of Edmond Borchard, Professor of Law, Yale University, delivered on the same date, at the proceedings of the National Conference of Foreign Relations with the United States held under the auspices of the Academy of Political Science.

If the full text of these addresses should be desired they will be found in Volume 7, 1917-18 of the Proceedings of the Academy of Political Science, New York.

When the University Professors of the United States are advocating that the Caribbean Sea should be an American Lake, and that the Stars and Stripes should, in future, wave over the British West Indian Islands, it is probably a befitting time to make united effort to off-set such teaching and to incorporate, if possible, these Islands in some way with Canada. Should the United States get control of these Islands they would have a great advantage in their tropical products over Canada; whereas, if Canada had same they would leave this country somewhat independent of the United States for tropical products.

<sup>1</sup>Titre officiel du secrétaire parlementaire du secrétaire d'Etat aux Affaires extérieures et dont le premier titulaire, le lieut.-col. Hugh Clark, fut nommé le 21 octobre 1916. F. H. Keefer fut nommé le 7 novembre 1918.

<sup>1</sup>Official title of the Parliamentary Secretary to the Secretary of State for External Affairs. The first appointment to this position was made on October 21, 1916 to Lt. Col. Hugh Clark. F. H. Keefer was appointed November 7, 1918.

<sup>2</sup>Non reproduits.

<sup>2</sup>Not printed.

To my mind the question is from now on of considerable importance, and the good work that has been done by Sir George Foster, whereby the preferential arrangements were initiated, should be followed up and could be extended.

I do not know, as of course you will know, the correct situation in regard to the West Indies, but I assume that in the past they feel that they have been somewhat neglected in interest and development by the Home authorities. I also take it for granted that the Islands desire to continue to be British and assume that the Home Government would be quite willing, in fact prefer, to see them united with Canada.

There seems to be only one serious problem for careful consideration, and that is, the negro question as regards representation in the Canadian Confederacy. It may be that some form of commercial union with Canada should be the first step, to be followed, if advisable hereafter, by political union.

It may be possible also, that a transference of the present status from Great Britain to Canada, of these Islands, could be accomplished and then the details could hereafter, as regards representation, be worked out.

I would like to receive from you, Sir Robert, at your earliest convenience, an expression of your wish in regard to this matter, as, if contrary to my assumption, the idea does not meet with your favour, then of course, I will drop it, but if it does meet with your concurrence, then I would conceive it my duty to begin to plan, quietly and systematically, a movement, especially among those Islands, who are in favour of closer union with us, and endeavour to help it along until it comes to a point in which negotiations should be commenced. Plants have to be started and nourished at first, and I should like to commence on the problem. I would, therefore, be glad to hear from you at your early convenience, with, I hope, your blessing thereon.

It does seem to me that now is the psychological period to move in the matter. Australia will, doubtless, be taking on the German Archipelago in the South Pacific; the South African Confederacy some parts of Africa; the West Indies should come to Canada and thus consolidate and simplify the British Empire. This would make it truly, a "Company of Nations" which Israel of old was foretold to become.

I am leaving tomorrow night for New York to attend the National British Day Committee's Celebration in that city on Friday and Saturday. It is an excellent movement and will disseminate very advisable information and will increase the harmonious relationship between all of the English-speaking peoples.

Yours faithfully,

FRANCIS HENRY KEEFER

737.

*Le Premier ministre au sous-secrétaire d'État parlementaire  
aux Affaires extérieures*

*Prime Minister to Parliamentary Under-Secretary of State  
for External Affairs*

CONFIDENTIAL

London, January 1, 1919

Dear Mr. Keefer,

Your letter of 6th December reached me some days ago and I read with great interest the observations of Professor Shepherd and Professor Borchard with respect to the West Indies. The question of handing over the administration of the British West Indies Islands to Canada or of having them formally annexed to Canada has been under discussion with the British Government more or less during the past two years. The British Prime Minister is thoroughly in sympathy with the proposal but of course he could not undertake to carry it out against the wishes of the inhabitants.

From the Canadian standpoint there would be disadvantages as well as advantages; the latter as they occur to me at the moment might be summarized as follows:

1. The inclusion of territory yielding many products that are not available and cannot be grown in Canada.
2. The increased sense of responsibility due to administration of a territory largely inhabited by backward races and the training which it would give to our public service employed for that purpose.
3. The lesson which it would teach as to the necessity of naval power.
4. The increased trade which would be developed between Canada and the British West Indies.
5. The feeling that the accession of these rich and undeveloped territories was some recognition of if not compensation for Canada's sacrifice in this war.

On the other hand there would be serious disadvantages.

1. The difficulty of dealing with the coloured population who would probably be more restless under Canadian than under British control and would desire and perhaps insist upon representation in Parliament. As Canadian negroes are entitled to the franchise, West Indian negroes would consider themselves equally entitled.
2. The loss of revenue both to Canada and to the British West Indies.
3. The expenditure of capital in development which for some years might be unproductive.

On the whole I am favourable to the proposal and I see no reason why you should not take it up as suggested.

Thanks for the clipping which illustrated the launching of the first Canadian freight ship at Montreal.

Best wishes for the New Year.

Yours faithfully,

[ROBERT L. BORDEN]

738.

*L'Administrateur au secrétaire aux Colonies*  
*Administrator to Colonial Secretary*

TELEGRAM

Ottawa, March 25, 1920

Minute of Council approved March 23rd dealing with question of commercial and transport relations between Canada and British Possessions in West Indies and referring to marked growth of trade resulting from Canadian preferences of 1897, arrangements with West Indian Colonies of 1912,<sup>1</sup> establishment of steamship and cable service and financial aids provided by Canadian banks. Attention is drawn to resolution passed by associated West Indian Chamber of Commerce of February last urging assembly of representatives of Imperial, Canadian and West Indian governments to consider development of trade relations and cognate matters. Ministers believe that above considerations with changed conditions brought about by war and renewed interest in West Indies and in Canada make it advisable that conference should be held at an early period between representatives of all the British West India colonies and the Government of Canada for the purpose of considering the whole question of trade relations and transport facilities between these countries and Canada with view to their improvement. The present time being opportune and sentiment favourable the following basis for the suggested conference is submitted for your consideration and for such action as you may think advisable.

1. That each separate West Indian Administration and the Administration of British Honduras be invited to send one representative to the Conference.

2. That the Dominion Government shall appoint such representatives as they think necessary.

3. That the Secretary of State may, if he sees fit, nominate one or more persons to attend the Conference but that such person or persons shall not vote on any question before the conference.

4. That each Administration mentioned above may appoint such experts or advisers as it deems necessary to assist its representatives, but these shall not have any voting power.

5. That each Administration shall provide the expenses of its own representatives and that any necessary joint expense shall be borne one-

<sup>1</sup>Vol. 1, pp. 697-700.

half by the Canadian Government and one-half by the Administrations represented.

6. That the conference be held at Ottawa at a convenient date in May, the place of conference to be provided by the Canadian Government.

7. That all questions be decided by a majority of votes, the Canadian Government reserving the right to declare that any proposition not acceptable to it shall not be entertained.

8. That the conclusions arrived at in the conference shall be reported for acceptance or rejection as a whole to the Legislatures represented at the conference and shall come into force when accepted by these Legislatures and approved by the Dominion and Home Governments.

Despatch follows by mail.

739.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, April 3, 1920

Your telegram 25th March Conference with West Indian Colonies. I have repeated your telegram to all the West Indian Colonies stating that I concur generally in the proposals and requesting the Governors to lay them before the legislatures and if the legislatures approve to take steps to nominate a representative and if desired advisers also. Governors have been asked to telegraph as soon as possible earliest date by which representative could arrive at Ottawa but I fear that some delay is inevitable owing to necessity for consulting legislatures. Question of representation of Imperial Government not yet settled and possible only representative of Department of Overseas Trade may attend the conference. No communication has been sent to Bermuda. Would be glad to learn whether attendance of representative of Bermuda will be welcome to Dominion Government.

MILNER

740.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, April 26, 1920

Your telegram 20th April following for Acting Prime Minister: As Royal Mail Steamer *Chaudière* arrives St. John about May 25th do not think it will be advisable to fix date of Conference before 28th May suggest you should fix date accordingly as convenient and communicate direct with West Indian Colonies, informing me at same time. I am telegraphing in above sense to them. No replies received so far from Leeward Islands Bermuda Bahamas but presume that you will wish conference with remaining Colonies who appear generally favourable to proposal to hold Conference though as regards Barbados I am still awaiting view of Legislature.

MILNER

741.

*L'Administrateur au secrétaire aux Colonies*  
*Administrator to Colonial Secretary*

TELEGRAM

Ottawa, April 30, 1920

With reference to your telegram April 26, West India Conference. My Ministers represent that Ottawa Conference is fixed for May 31st. Governors of Leeward Islands, Bermuda, Bahamas, and Honduras have been notified accordingly.

742.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

CONFIDENTIAL DESPATCH

Ottawa, June 25, 1920

My Lord,

I have the honour to inform you that the Canada-West Indies Trade Conference was concluded on the 18th June and I enclose a copy of the Agreement entered into between the Contracting Parties.<sup>1</sup>

You will notice on page 2 of Schedule "A" that the percentage under Item 134 has been left blank. This percentage is being worked out by the Canadian Customs experts and will be filled in later, when you will be duly informed.

You will have received from Colonel Amery a more detailed report of the progress of the discussion than I am able to give you and consequently I do not propose to dwell on the details. The result of the Conference may be regarded as a great success. The West Indian delegates are extremely well satisfied with the result and the proceedings have been most harmonious, although on one day there was grave fear that the negotiations might fall through. In this connection I wish to draw particular attention to the services rendered by Colonel Amery. It is not too much to say that without his presence and the unflinching tact and skill with which he got the delegates together and held them together, the conference must have been ineffective. From the very beginning he convinced them of the value and practicality of his ideas on the subject and showed most clearly that his one desire, and the desire of the Home Government which he represented, was to bring about an arrangement that would be of the greatest possible advantage to both Parties.

The result of the Conference is, I consider, a subject for congratulation, not only to the Governments of the Dominion and the West Indies but also to His Majesty's Government, and I cannot help feeling that the greatest benefit will accrue to both Contracting Parties, not merely from the material advantages gained but from the moral effect of the success of such an open discussion whereby interests that are in many cases conflicting, particularly

<sup>1</sup>*British and Foreign State Papers*, Vol. 113, 1920, pp. 281-289.

in the case of the individual Governments of the West Indian Islands, should have been reconciled.

I have etc.

[DEVONSHIRE]

743.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, January 3, 1921

Your telegram December 21. Steamship Service to British Honduras. According to information at hand this service will be inaugurated by Steamer *Canadian Fisher* of Canadian Government Merchant Marine Limited, which will leave Halifax January 13th for Nassau, Bahamas, thence to Kingston, Jamaica, thence to Belize, British Honduras, and thence back to Canada. The sailing of *Canadian Fisher* will be followed on February 3rd by that of *Canadian Forester* on similar schedule. These two boats will perform this service. Have informed Governor British Honduras.

DEVONSHIRE

744.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 2, 1921

Trade Agreement of June 18th has been accepted by Legislature of Trinidad, British Guiana, Grenada, St. Lucia, St. Vincent, Bahamas, Jamaica and British Honduras. I approve of agreement subject to approval of it by Canadian Parliament. When your Ministers have fixed with each of the Colonies date from which agreement is to be regarded as having come into force as provided in Article 17, I should be glad if I may be informed of decision in each case.

CHURCHILL

745.

*Le gouverneur des Bermudes au Gouverneur général*  
*Governor of Bermuda to Governor General*

March 24, 1921

My Lord Duke,

I regret to inform Your Excellency that the House of Assembly of this Colony has rejected by a majority of 16 to 11 a motion to ratify the Canada-West Indies Trade Agreement, 1920, which has been under consideration of the local Legislature since the 4th August, 1920. The rules of procedure



preclude reconsideration during the present session and the matter must, therefore, be regarded as closed until the opening of the next session which will probably take place about October next.

2. I am greatly disappointed at this decision as the conclusion of the Agreement formed in my opinion a signal mark of the solidarity of the interests of British communities on this side of the Atlantic, to which I had much hoped that this Colony would subscribe. Whether future developments may serve to bring about a change of opinion it is of course impossible to say, but should this prove to be the case, I trust that the Government of Canada will be willing to consider the adherence of Bermuda to the terms of the Agreement at a later date.

I have etc.

JAMES WILLCOCKS

746.

*Le Gouverneur général suppléant au secrétaire aux Colonies*  
Deputy Governor General to Colonial Secretary

DESPATCH 217

Ottawa, April 7, 1921

Sir,

With reference to your despatch No. 129 of the 14th March enquiring whether it had been found practicable to carry out the installation of cold storage in the S.S. *Canadian Fisher* and *Canadian Forester*, I have the honour to inform you that so far it is not practicable to install cold storage in these vessels.

I have etc.

L. H. DAVIES

747.

*Le Gouverneur général au secrétaire aux Colonies*  
Governor General to Colonial Secretary

DESPATCH 78

Ottawa, February 14, 1922

Sir,

With reference to the provisions of the Canada-West Indies Trade Agreement of the 18th June, 1920, regarding the establishment of a steamship service between Canada, the British West Indies and British Guiana, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada giving particulars of the results of the call for tenders in connection with this matter and intimating that authority has been granted for the conclusion of a contract with the Royal Mail Steam Packet Company for the purpose of carrying on the services as performed at present, subject to certain modifications.

My Government will be grateful if the West Indian Colonies, who are parties to the Agreement, may be informed of the purport of this Minute.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*

*Order in Council*

P.C. 307

February 10, 1922

The Committee of the Privy Council have had before them a report, dated 1st February, 1922, from the Minister of Trade and Commerce, submitting as follows:

Pursuant to Article 10 and subsequent Articles of the Canada-West Indies Agreement, 1920, the Department of Trade and Commerce called for tenders on September 20th, 1921, for a mail, passenger and freight steam service between Canada, the British West Indies and British Guiana, to be received up to noon of January 31st, 1922.

On January 31st, at noon, only one tender had been received. This is from the present contractors for the Canada-West Indies Service, the Royal Mail Steam Packet Co. of London, England.

The Canada-West Indies Agreement contemplates the establishment of a weekly service. The R.M.S.P. however, point out that there is not sufficient trade on this route to keep a weekly service up, and that such a service would have to be run at a heavy loss. They therefore propose to put on a fortnightly service, the itinerary to be left to the Canadian Government.

As it would be necessary to build four new ships, the contract would be required to coincide with the life of the ships, viz., twenty years, in view of the vessels being built for this special service, and consequently being unsuitable for transferring to other trades if the contract terminated at the end of five or ten years.

The present contract contains the provision that the freight and passenger rates are to be subject to the approval of the Minister of Trade and Commerce, which prevents the contractors in good times from obtaining the advantage of current high market rates, which in ordinary circumstances without any contract would offset low market rates in bad times.

The contractors protest against the competition of Canadian Government ships, which are now running on the West Indies service; although it is admitted that there is sufficient southbound traffic for both lines, yet the northbound cargo, which consists principally of sugar and molasses, is limited in quantity, and there is not sufficient for both lines, in consequence of which the subsidized line allege that they suffer a serious loss on northbound traffic.

The Royal Mail Steam Packet Co. state that they could not afford to run the proposed new service for a fixed subsidy while the steamers of the Canadian Government Merchant Marine were at the same time running in competition with the subsidized vessels.

The R.M.S.P. offer, therefore, to provide a fortnightly service with new steamers of the size and type contemplated by the Canada-West Indies Agreement, on condition that the Canadian Government guarantee a minimum return of 7½ % per annum on the capital value of the ships provided to maintain the service. If the revenue from the freight and passenger money were sufficient to provide a return of 7½ % after paying all operating costs, including depreciation, insurance, etc., then the Canadian Government would not be required to pay anything, but if the revenue fell short of an amount sufficient to provide the aforesaid 7½ % return on capital, then the Canadian Government would be called upon, under a guarantee, to make up the difference. This guarantee would be required to run for a period of twenty years, being the actual life of the ships constructed under it.

The R.M.S.P. Co. would be prepared to register a Canadian Company to own the ships, the shares of the said Company to be held by the Royal Mail Steam Packet Co., thus enabling ships to sail under the Canadian flag, and be managed from Canada. The R.M.S.P. Co. would be willing to allow the Canadian Government to take a substantial interest in such company if they so desired, together with representation on the board of management.

The above offer is for a fortnightly service, but if it were found that the volume of trade between Canada and the British West Indies in future years would require a weekly service, additional vessels could be constructed under a similar guarantee.

The R.M.S.P. Co. state that if the above proposal is not agreeable to the Canadian Government, they are willing to continue running the present service for the subsidy at present paid, amounting to \$340,666.66, subject to the condition that they are at liberty to withdraw one or more ships if and when they are, in the opinion of the Company, no longer suitable to conduct the service satisfactorily. This stipulation is necessary in view of the age of the vessels employed, although they are at present in good condition, and running a satisfactory service. In view of their age the cost of maintaining them in suitable condition is heavy, and the point may be arrived at when this heavy expenditure for repairs would not be justified by their probable life. The Company think that they might be expected to run for another couple of years, but would not like to bind themselves for a specific period. They therefore make this alternative proposal in case the Government requires time to consider the matter, as the present contract expires on March 31, 1922.

In view of the probable heavy cost of the proposed new service, the Minister does not consider that it is practicable at the present time to accept the offer of the Royal Mail Steam Packet Co. to build four new ships and operate them under a guarantee of 7½ % net return on the capital investment.

No other offers have been received to perform this service. The Canadian Government Merchant Marine have stated that it is not their intention to tender for this service, as they have no steamers which would comply with the requirements as to passenger accommodation, nor cold storage, should the latter be necessary.

The Minister therefore recommends that authority be granted for the conclusion of a contract with the Royal Mail Steam Packet Co. for the purpose of carrying on the service as performed at present, and on the same terms and conditions as contained in the last contract, which expired on October 31st, 1920, and which has been continued by Order in Council until March 31, 1922, subject to the addition of a clause to the effect that if one or more of the steamers now performing the service should have to be withdrawn by the contractors by reason of inefficiency, or other cause, then the contractors should be called upon to use their best endeavours as far as may be reasonably possible to replace such ship or ships by other suitable vessels; together with such other modification as the Minister may deem necessary.

In view of the fact that such an extension of the present service would not comply with the Canada-West Indies Agreement, it would not, of course, be possible to call upon the West Indian Colonies to carry out the provisions of Art. 13, providing for the contribution by the West Indian Islands to the subsidy of various sums, amounting in all to £27,000.

The Committee, concurring in the above, advise that Your Excellency may be pleased to forward a copy of this Minute to the Right Honourable the Secretary of State for the Colonies with the request that the West Indian Islands, who are parties to the agreement, may be notified of the sense thereof.

All of which is respectfully submitted for approval.

748.

*Le gouverneur de la Jamaïque au Gouverneur général*

*Governor of Jamaica to Governor General*

DESPATCH

June 30, 1922

My Lord,

In continuation of my letter, No. 7429/8394, dated the 14th. instant, on the subject of the contribution to be made by this Government to the Canadian Government Merchant Marine, I have the honour to say that though, as stated in my letter above referred to, the Legislative Council on the 6th. instant passed a vote of £5000 under Article XVI of the Canada West Indies Trade Agreement, 1920, this Government was subjected to considerable criticism by the Elected Members of the Council on two main grounds, viz.,

- (a) That the service was not fortnightly, as prescribed by Article XV.
- (b) That cold storage has not been provided under Article XV(1).

A copy of the Debates in the Legislative Council as published in the *Daily Gleaner* of the 7th. instant is enclosed for your perusal. I feel sure that the Canadian Government will do all that lies in its power to remedy the defects in the service pointed out by the Elected Members during debate.

2. With regard to the number of sailings, I desire to say that the account transmitted by you in your despatch of the 4th. of May last shows that during the year ended the 31st. of December 1921 only seven trips were made by each steamer, or 14 in all, being at the rate of only one trip in 3 5/7 weeks.

3. On the 13th. of October, 1920, the former Attorney General of this Colony, Mr. E. St. J. Branch, in moving the adoption of the Canada West Indies Trade Agreement in the Legislative Council spoke as follows:

Steamship services, so far as Jamaica is concerned, are dealt with in Articles XV and XVI. In connection with these services I pointed out that the inclusion of the Bahamas and British Honduras created a difficulty as these Colonies have at the present time very little freight for the voyage to and from Jamaica. A steamer with a ten knot ocean going speed is also too slow but that is the only class of steamer which the Canadian Government can at present supply and it seems to me that it would be best to start with such a service and not wait for the building of new ships. If the service proves unremunerative the total cost to Jamaica cannot exceed £ 5,000 per annum,

thus leaving the Legislature under the impression that the Canadian Government would in due course take steps to inaugurate the fortnightly service contemplated under Article XVI. I would be greatly obliged if you would be good enough to indicate whether there is any likelihood in the near future of the service being made fortnightly in accordance with that Article of the Agreement.

4. With regard to cold storage not being provided under Article XV(1), the Secretary of State for the Colonies has transmitted to this Government copies of the correspondence on the subject between the Colonial Office and the Dominion Government, terminating with the Deputy Governor General's despatch, No. 217 of the 7th. of April 1921: from which it is learned that so far, it had not been found practicable to install cold storage in the *S.S. Canadian Fisher* and the *Canadian Forester*.

5. I desire also to say that I fully appreciate the practical difficulties of installing cold storage in these vessels, and am confident that your Lordship's Ministers, with a view further to stimulating trade between this Island and Canada and especially in order to get return cargo from the West Indies, will give further earnest consideration to this problem.

I have etc.

L. PROBYN

749.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

CONFIDENTIAL DESPATCH

Downing Street, January 16, 1923

My Lord,

With reference to my despatch No. 28 of even date, I have the honour to transmit to Your Excellency, for the confidential information of your

Ministers, the accompanying copy of a report<sup>1</sup> of the West Indies Communications Sub-Committee of the Imperial Communications Committee recommending certain proposals for dealing with the problem of telegraphic communications with the West Indies.

2. Your Ministers will observe that the decision to call for tenders referred to in my numbered despatch put into effect the recommendations of the Sub-Committee. The result of this invitation will, it is hoped, enable His Majesty's Government to supplement the information contained in the Report by more precise figures as to the probable cost, and I shall not fail to communicate these further details to you as soon as possible.

3. It will be noticed that the Report touches on the question of making available for the new system an amount equivalent to the subsidies now paid to the West Indies and Panama Telegraph Company, and on the possibility that an annual sum larger than these subsidies may be needed. The allocation of any amount which may be required on this account, as between the various Governments interested, has not yet been considered in detail, but His Majesty's Government hope that when the time comes your Ministers will be disposed to consider favourably the question of making a contribution to the cost of the new scheme.

I have etc.

DEVONSHIRE

750.

*Le Gouverneur général au gouverneur de la Jamaïque*  
*Governor General to Governor of Jamaica*

TELEGRAM

Ottawa, March 16, 1923

Following from My Prime Minister. Begins. I am informed through the Canadian Department of Trade and Commerce that their Trade Agent at Kingston has communicated with them touching steamship service which was to have been established between the British West Indies and Canada under the Trade Agreement Treaty. Immediately after this Treaty was entered into, Dominion Government arranged with the Management of the Canadian Government Merchant Marine to put into service certain steamships between the British West Indies and Canada. The Government was aware at that time that these ships scarcely conformed to the specifications set out in the treaty, but as it was considered important that such service should be immediately established, only ships available at moment were used. Enquiry has shown that to carry out terms of the agreement to the letter, eight ships would have to be built or purchased at estimated cost of from eight to ten millions of dollars, and question as to whether trade would warrant this expenditure is now under consideration. In the meantime service is involving considerable loss, of which Canada bears the major portion. In view of this fact, the Canadian Government submits that the other parties to the agreement should

<sup>1</sup>Non reproduite.

<sup>2</sup>Not printed.

continue their support. Canadian Government would be glad to learn that their suggestion for continuation of present service for reasonable period meets with approval of your Government. Ends.

BYNG

751.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 378

Ottawa, July 17, 1923

My Lord Duke,

With reference to Your Grace's despatch No. 297 of the 22nd June, regarding the proposed new system of telegraph communication with the Lesser Antilles and British Guiana, I have the honour to inform you that the Prime Minister of Canada proposes to discuss this question with His Majesty's Government when attending the Imperial Conference.

I have etc.

BYNG OF VIMY

752.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 25, 1923

My despatch February 14th, 1922, No. 78. In response to recent call for tenders for steamship service between Canada and British West Indies and British Guiana, but one tender was received and that was from present contractors for annual subsidy of \$584,000 which is increase of \$243,333.44. Minister of Trade and Commerce has addressed communication to Government of Windward Islands, Leeward Islands, Bermuda, Barbados, Trinidad and British Guiana enquiring if they are still willing to pay amounts set opposite their names in Canada-West Indies Trade Agreement although that Agreement contemplated weekly service and it has since been found that owing to limited amount of freight available fortnightly service is all that can be economically operated on this route.

Even if construction of new ships is commenced immediately they cannot be ready for expiration of contract on March 31st 1924 but if Royal Mail Steam Packet's tender is accepted it may be possible to keep service going with present old ships until new ships can be placed on route which will probably be not earlier than Autumn of 1924.

Canadian Government does not desire to make any larger appropriation for service on this route than it is making at present but unless satisfactory arrangements can be made with Royal Mail Steam Packet Company for continuance of service according to their tender it appears probable that whole

idea of subsidized service may fall through and that only connection left between Canada and West Indies will be by means of freight service performed by Canadian Government Merchant Marine and Canadian Pacific Railway. All passengers would have to go by way of New York. If West Indies contribute amounts allotted to them totalling £27,000 or about \$131,400 this will still leave increase of about \$111,000 per annum over present subsidy.

My Ministers enquire whether His Majesty's Government would consider contributing difference in subsidy between subsidy now being paid by Government and increased demands of Royal Mail Steam Packet Company less any amounts which may be contributed by West Indian Islands. My Ministers request that if possible reply may be received before August 6th at which date it is desired to bring matter before Canadian Privy Council. Despatch follows by mail.

753.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, July 31, 1923

Your telegram of July 25th. Necessary in first instance to ascertain the views of West Indian colonies and Bermuda, have therefore asked Governors report by telegraph nature of reply returned to enquiry made by your Government.

As at present advised am doubtful whether I should be justified in supporting proposal for contribution from Imperial funds and in any case His Majesty's Government are unlikely to be prepared to consider matter pending discussion of Steamship communication generally by Imperial Economic Conference.

754.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, August 28, 1923

URGENT. Your despatch of 17th July, No. 378. Contract with West India and Panama Telegraph Company expires September 30th, 1924. His Majesty's Government are advised that manufacture and completion of new system will require a year from date of placing order, that if order not placed before end of September, 1923, for some if not all of necessary plant, there will be danger of total interruption of communication by cable with Trinidad and other Colonies through Panama Company ceasing to operate when agreement expires. Hence, I am anxious to know as soon as possible whether Canadian Government prepared to accept in principle arrangement outlined in my despatch June 22nd, No. 297.

DEVONSHIRE



755.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 5, 1923

With reference to your telegram 28th August. Telegraph Communication Canada and British West Indies. Canadian Government will agree in principle to arrangement outlined in your despatch 22nd June, No. 297, but that its final decision will depend entirely upon extent to which it may be assured that final tenders for cost of contract will not exceed estimated cost.

756.

*Le sous-secrétaire aux Colonies au Premier ministre*  
*Under-Secretary for Colonies to Prime Minister*

Dear Mr. Mackenzie King,

Downing Street, November 3, 1923

With reference to our interview yesterday, I enclose a memorandum giving a short résumé of the position in regard to the West Indies Cable and Wire-less scheme.

If agreeable to you, I would suggest that you might telegraph to the Ministry of Trade and Commerce in Canada as follows:

With reference to telegram from the Governor General to the Secretary of State of the 5th September Telegraph Communication Canada and British West Indies final estimate of costs are lower than those stated in Secretary of State's despatch of 22nd June, No. 297, and I propose to express final consent of Government of Canada to scheme. Do you agree. Drafts of proposed legislation as to financing scheme and powers of Pacific Cable Board are satisfactory.

I might add that if the Canadian Government express their final adherence to the scheme we shall introduce the proposed legislation into Parliament at the opening of the Session.

W. ORMSBY GORE

[PIÈCE JOINTE / ENCLOSURE]

## WEST INDIES CABLE AND WIRELESS SCHEME

The scheme was explained to the Government of Canada in the Secretary of State's despatch No. 297 of the 22nd June. On the 17th July the Governor General in his despatch No. 378 replied that "the Prime Minister of Canada proposed to discuss this question with His Majesty's Government when attending the Imperial Conference". The Secretary of State telegraphed pointing out the urgency of the scheme and asking whether in the circumstances the Canadian Government was prepared to accept in principle the arrangements outlined in his despatch of the 22nd June. On the 5th September the Governor General replied as follows:

Your telegram of 28th August Telegraph communication Canada and British West Indies. Canadian Government will agree in principle to arrangements outlined but its final decision will depend entirely upon the extent to which it may be assured that final tender for cost of contract will not exceed estimated cost.

The cost outlined in the Secretary of State's despatch of the 22nd June was as follows:

Cables .....	£267,000
Contingencies .....	13,000
Wireless Telegraph Stations .....	80,000
Total cost .....	<u>£360,000</u>
Estimated income (if whole of Barbados traffic secured) .....	£ 60,000
or (if Western Union Telegraph Co. secure greater part of Barbados traffic) .....	£ 50,000
Estimated expenditure .....	£ 70,000
Deficit (maximum) .....	£ 20,000

When the reply was received from the Canadian Government it was decided that fresh tenders must be called for and this has now been done. The results are as follows:

Cables .....	£244,000
Allowance for Contingencies .....	16,000
Wireless Stations .....	70,000
Allowance for Contingencies .....	5,000
	<u>£335,000</u>
Estimated income .....	£ 47,000
(assuming that Western Union Co. take half Barbados traffic)	
Estimated expenditure .....	£ 65,000
Estimated deficiency .....	£ 18,000

At present the Governments concerned are paying between them subsidies amounting to £26,000 a year. Therefore, even if the whole estimated deficiency actually occurs there will still be a saving of £8000 a year on present expenditure.

The draft West Indian Telegraph Bill, which has already been communicated to Mr. Mackenzie King, authorises the Treasury to provide £400,000 for the expenses of the scheme. This allowed for working capital to the extent of £40,000, but it is extremely unlikely that anything more than a small proportion of this amount will be required. Consequently, no provision has been made in the estimated expenditure for interest and sinking fund on any working capital so provided.

The last estimate of income of £47,000 is taken from the latest figures of the West India and Panama Telegraph Company and is thought to be under rather than over the mark.

757.

*Le Premier ministre au sous-secrétaire aux Colonies**Prime Minister to Under-Secretary for Colonies*

Dear Mr. Ormsby Gore,

London, November 6, 1923

On receipt of your letter of the 3rd instant, I sent to the Hon. Thomas A. Low, Minister of Trade and Commerce, a message along the lines of the telegram you suggested. Today I have received from Mr. Low a reply expressing agreement with the arrangement proposed, providing the subsidy to be paid will not be in excess of that now paid for the service. Subject to this provision, therefore, you may take it that our Government acquiesces in the proposal we have discussed respecting the West India Cable and Wire-less scheme.

Yours sincerely,

W. L. MACKENZIE KING

758.

*Le Gouverneur général au secrétaire aux Colonies**Governor General to Colonial Secretary*

TELEGRAM

Ottawa, September 9, 1924

With the object of encouraging the development of trade between Canada and the West Indian Colonies, Canadian Government proposes to despatch Mr. D. H. Ross, as Canadian delegate to visit the various Colonial Governments concerned and to discuss with them the preliminaries of such Treaty as it might seem expedient to conclude in this connection. The Colonies which it is desired that he should visit are The Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Jamaica, Leeward Islands, Trinidad and Windward Islands. It is intended that person named shall leave Canada in about three weeks' time.

My Ministers ask that the Governments of the Colonies named may be notified and mission of Ross commended to their favourable consideration.

759.

*Le Gouverneur général au secrétaire aux Colonies**Governor General to Colonial Secretary*

TELEGRAM

Ottawa, November 25, 1924

My Ministers state that for the purpose of developing Canadian Trade Relations with the West Indian Colonies and the northern part of South America, it is proposed to despatch a Canadian delegation to those countries during the coming winter to be headed by the Honourable T. A. Low, Minister of Trade and Commerce, who will be accompanied by Miss Charlotte Whitton, his Private Secretary; Mr. Hance Logan, M.P.; and Mrs. Logan; Mr. James A. Russell, Tariff Expert, and a transportation official from the Department of Railways, whose name has not yet been announced.

The countries which it is proposed to visit are Bermuda, The Leeward Islands, The Windward Islands, Barbados, Trinidad, British Guiana, Venezuela, Colombia, Cuba, Jamaica, the Bahamas, and probably Haiti. The party would land at Miami, Florida, for the return journey to Ottawa. The exact date of sailing of the delegation has not yet been fixed but may possibly be early next month.

My Ministers ask that steps may be taken to notify the approaching visit to the Governments of the countries referred to at the earliest possible moment, asking that the usual diplomatic courtesies and facilities may be extended to the delegation so that if possible the production of vaccination certificates may be dispensed with.

760.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 6, 1924

My Ministers state that owing to the extreme difficulty experienced in arranging convenient steamship connections in the British West Indies, the necessity of limiting the duration of the mission and of the early assembling of Parliament, the full delegation will not be able to visit British Honduras, though Mr. Ross, who will accompany the Delegation as a technical adviser, will do so. If it is desired by the Government of British Honduras, arrangements could be made for its representatives to meet the Delegation at some point in the British West Indies, and if telegraphic information were received as to their wishes in this regard, Delegation would be asked to arrange a point of meeting at some mutually convenient date during its tour of the West Indies.

The Honourable Mr. Low, Minister of Trade and Commerce, will not, as originally proposed, head the Delegation, which will consist of Mr. Hance J. Logan, M.P., with Lt. Col. J. Carlton Brown and Mr. D. H. Ross as technical advisers. Mr. Logan will sail from Halifax on the 13th of December for Bermuda, and will leave Bermuda on the 23rd December by the R.M.S.P. Steamship *Chignecto*.

My Ministers request that the wishes of the Government of British Honduras may be ascertained as regards the point referred to.

761.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, January 29, 1925

Following telegram has been sent to Governors of Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Jamaica, Leeward Islands, Trinidad and Windward Islands. [Begins.] With reference to the steps recently taken through the appointment of a Trade Delegation towards the development

of trade relations with the West Indian Colonies, it is proposed by the Canadian Government to hold at Ottawa, in the latter half of May, a joint Conference between representatives of Canada and of the West Indian and neighbouring British Colonies, for the purpose of reviewing the Canada-West Indies Trade Agreement of 1920. My Ministers desire to convey to Your Excellency an invitation to send delegates to take part in such Conference. It is intimated that precise date of Conference could be arranged later by mutual agreement, and that such matters as details of representation, the scope of the Conference, financial arrangements, etc., would be considered upon receipt of an intimation of the decision of your Government as to participating in the Conference. [Ends]

762.

*Le Gouverneur général au gouverneur des Bahamas<sup>1</sup>*

*Governor General to Governor of Bahamas<sup>1</sup>*

TELEGRAM

Ottawa, April 6, 1925

My telegram January 29th. My Ministers represent that June 19th next has been definitely fixed for assembling of Conference to be held at Ottawa between representatives of Canada and of the West Indian and neighbouring British Colonies. This date has been set as it would appear to be more convenient to some of the West Indian Islands and also by reason of the fact that the Royal Mail Steam Packet Company's Steamship *Chaudière* arrives at St. John on the 16th June. It is proposed at the Conference to review the Canada-West Indies Trade Agreement of 1920 and to consider the question of adequate mail, passenger and freight steamship service, as well as any other subject which may be considered of mutual interest. It is also proposed that the various delegates will defray their own expenses to and from Canada, but the Canadian Government will be glad if such representatives will be the guests of the Canadian Government during their stay in Ottawa. My Ministers hope that date fixed will be satisfactory to your Government. Canadian Government will be glad to have an early reply and to be informed of the names of those who will be present at the Conference.

BYNG

763.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 10, 1925

PRIVATE. Following from My Prime Minister. Begins. Your cable May 7th. I greatly regret pressure of sessional duties has caused me to overlook sending

<sup>1</sup>Des télégrammes semblables furent envoyés aux gouverneurs de la Barbade; des Bermudes; de la Guyane britannique; du Honduras britannique; de la Jamaïque; des îles sous le Vent, de la Trinité et des îles du Vent.

<sup>1</sup>Similar telegrams were sent to Governors of Barbados, Bermuda, British Guiana, British Honduras, Jamaica, Leeward Islands, Trinidad and Windward Islands.

earlier reply to your letter of March 13th, with respect to a representative of the Colonial Office attending the forthcoming conference between Canada and the West Indies. I discussed its representations with my colleagues the Minister of Trade and Commerce and the Minister of Finance at the time of its receipt. They were each of the opinion that in view of the fact that the main lines of discussion of the conference have been established, and that the chief question to be decided will be the extent to which the Canadian Government itself is prepared to go to meet the desires of the West Indies Colonies for extended steamship service, it would be inadvisable to request the Colonial Office to send a representative. Having since discussed the matter further with the Cabinet as a whole, I might say that while we would cordially welcome the presence and good offices of Mr. Ormsby-Gore or any other representative or representatives whom the Colonial Office or the West Indies Colonies might desire to have present we all feel it is rather for the British Government and the West Indies Colonies than for us to determine the character and personnel of the representation either may desire. We very much appreciate your kind thought and suggestion, and feel sure that in the particulars you have mentioned, were your suggestions to be carried out all parties might find very great assistance. If you deem it desirable we would be pleased to have the West Indies Colonies so advised. The Conference is fixed for June 15th. In all probability it will not exceed a week's duration. [Ends.]

764.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 18, 1925

PRIVATE. Following for your Prime Minister. Begins. Your telegram of May 10th. I much appreciate the full statement of the views of your Government and in the circumstances propose only R. A. Wiseman, who is a member of the West Indian Department, Colonial Office, should attend the Conference as representative of His Majesty's Government. I am anxious to keep in touch with both the Canadian Government and the West Indian Colonies during the progress of this Conference, and consider this would be the best method of doing so. I understand that His Majesty's Trade Commissioner at Montreal would like to be present as on previous occasion, when the Trade Commissioner assisted the representative from this country. I hope there will be no objection to this. [Ends.]

765.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, May 26, 1925

Your telegram of May 11th. In the circumstances Government of Newfoundland does not wish to send delegates to Ottawa Conference.

766.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 7, 1925

Following from Prime Minister. Begins. The representatives of the British West Indies, Bermuda, British Guiana and British Honduras join with the representatives of Canada now assembled at Ottawa in asking you kindly to convey to His Majesty the King the expression of their deep satisfaction at the consummation to-day of an Agreement<sup>1</sup> respecting trade and transportation between these parts of His Majesty's Empire in the Western Hemisphere which they believe will be not only to their mutual advantages but will serve materially to unite British America in bonds of unity within the Empire and of loyalty to His Majesty. Ends.

## CHINE / CHINA

767.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, September 1, 1925

SECRET. My telegram of August 21st. H. M. Government have now accepted the invitation of the Chinese Government to be represented at the Tariff Conference, and have agreed to October 26 as date for formal opening. Sir R. Macleay, H. M. Minister at Peking, who is returning to China via Canada September 19th, will be the chief delegate, and he will be assisted by Lieut.-Col. The Hon. Sidney Peel, as financial adviser, Mr. Basil Newton, Foreign Office, and Mr. F. H. Fox, C.M.G., Commercial Counsellor to H. M. Legation, Peking, as commercial adviser. Composition of delegation is, however, not necessarily fixed and other additions may be made. Main objects of Conference as defined by the Washington Treaty are: (a) To prepare the way for the abolition of likin on basis provided for in the previous treaties with China; (b) To determine date, purposes and conditions for imposition of surtax of 2½ per cent. ad valorem on imports, with surtax not exceeding 5 per cent. on certain luxuries. Chinese Government have also proposed that the question of tariff autonomy for China should be brought up at the Conference. H.M. Government have replied that they are willing, either at the Conference or at subsequent time, to consider and discuss any reasonable proposals that may be made by the Chinese Government for the revision of Treaties on the subject of tariffs. Please inform your Prime Minister. Should he wish to send a representative to the Conference please let me know at once. Similar telegram sent to other Dominions.

<sup>1</sup>*British and Foreign State Papers*, Vol. 123, Part 1, pp. 578-588.

768.

*Le Gouverneur général au secrétaire aux Dominions*  
*Governor General to Dominions Secretary*

TELEGRAM

Ottawa, September 15, 1925

Referring to your telegram September 1st Chinese Customs Conference — Canadian Government is interested in Conference and will name representative if suitable man available. Please advise whether Sir Robert Macleay passing through Ottawa.

769.

*Le Gouverneur général au secrétaire aux Dominions*  
*Governor General to Dominions Secretary*

TELEGRAM

Ottawa, October 20, 1925

Your telegram thirteenth October regarding Chinese Customs Conference. Arrangements were made for joining Macleay from Montreal to Ottawa but he changed route possibly due to lateness of boat arrival and no interview took place. As regards representation my Government desires information as to whether Dominions specifically invited to participate and as to what basis of representation has been contemplated for Dominions also position of other Dominions on matter.

770.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, October 23, 1925

Your telegram of October 20th. Invitation to participate in the Chinese Customs Tariff Conference was contained in note from the Chinese Chargé d'Affaires enclosed in my despatch of September 11th, Dominions 406. It will be observed that the invitation was stated to be issued in pursuance of Article II of the Washington Treaty, relating to Chinese Customs tariff, which provided that the Conference should be composed of representatives of Signatory Powers as well as such other Powers as might desire to participate and might adhere to that Treaty. Accordingly it had been assumed that should the Dominions desire to send delegates, their representative would form part of a single British Empire Delegation, as at the Washington Conference. As regards the position of the Dominions, Governments of the Commonwealth of Australia, New Zealand and the Irish Free State, have stated that they do not propose to send representatives to the Conference. No replies to telegram of September 1st received from the Governments of the Union of South Africa and Newfoundland.



771.

*Le Gouverneur général au secrétaire aux Dominions*  
*Governor General to Dominions Secretary*

TELEGRAM

Ottawa, October 26, 1925

Your telegram October 23rd. Under all circumstances my Ministers do not desire to name representative Customs Conference.

772.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, December 19, 1925

SECRET. My telegram of December 3rd. H.M. Government are still in consultation with Sir R. Macleay upon the situation created by the provisional consent of the Powers to Chinese tariff autonomy as from January 1st 1929. They are examining the possibility of making a declaration on the principle of provisional participation in customs revenues and are considering whether such participation might not best be secured by modifying the existing system, under which customs revenues after collection are controlled by foreign custodian Banks, the Inspector General of Customs and the Diplomatic Body. British Delegation consider the conclusion of a bi-lateral Commercial Treaty to be the logical consequence of tariff autonomy, and ask for an indication of the lines on which such a Treaty should be framed. Proceedings of the Conference are being impeded by the disturbed political and military situation, but the Conference is still in being and Sub-Committees are meeting.

. . .

TCHÉCOSLOVAQUIE / CZECHOSLOVAKIA

773.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 616

Ottawa, December 19, 1923

My Lord Duke,

With reference to Your Grace's despatch No. 427 of the 19th November, regarding the desire of the Czecho-Slovak Minister at London to be supplied with a list of the Dominions, Colonies and Protectorates which accord to Czecho-Slovak goods treatment as favourable as that accorded to goods produced or manufactured in any other foreign country, I have the honour to inform you that Canada cannot be placed on such a list. Czecho-Slovak goods enter Canada under the General Tariff, while goods of certain other countries are accorded lower tariff rates.

A copy of Memorandum No. 36 of the Department of Customs and Excise, dated September 14th, 1923, on the subject of the French Convention 1922, is enclosed. In this Memorandum is set out a list of countries accorded most favoured nation treatment in tariff matters by Canada and Czecho-Slovakia is not in this list.

I have etc.

BYNG OF VIMY

774.

*Mémorandum du Conseiller au Premier ministre*

*Memorandum from Counsellor to Prime Minister*

INTERVIEW WITH CONSUL GENERAL OF CZECHOSLOVAKIA

February 12, 1925

The Czecho-Slovakian Consul-General, Dr. B. K. Ryznar, stated last week that he would be obliged if a summary of the difficulties in which Czecho-Slovakia finds itself regarding Canadian trade could be submitted to you. He has already discussed the question with Mr. Robb and with Mr. Russell.

Dr. Ryznar states that Czecho-Slovakia exporters have been very hard hit by the recent working of the regulation which provides for special valuation of goods imported from countries with depreciated currencies. As Czecho-Slovakia exports, to a considerable extent, the same class of goods that Germany exports, its trade has been greatly hampered by the decision in December, 1924, to exclude Germany from the list of countries with depreciated currencies, due to its practical return to the gold basis. Dr. Ryznar claims that the result has been to lead Canadian importers to cancel orders from Czecho-Slovakia and place them with German firms. He urges further that the Czecho-Slovakian currency cannot fairly be considered "substantially depreciated," since the normal standard by which the crown should be measured is not its value under the old Austro-Hungarian regime, but its value when the Czecho-Slovakian Republic came into existence. He pointed out that the Czecho-Slovakian Government had succeeded, the past two years, in stabilizing the crown within the limits of .029 and .031 dollars. When asked why his country did not follow the example of Germany and Poland, and adopt a gold basis, he stated that his country did not wish to go through the preliminary step of virtual bankruptcy which had preceded the return to the gold basis in both Germany and Poland.

He adds that the present rule is likely to encourage attempts at evasion.

For these reasons he urges that Czecho-Slovakia should be exempted from the list of countries subject to the depreciated currencies regulation.

Dr. Ryznar further claimed that much of the Canadian exports credited to Germany, notably in flour, are really going to Czecho-Slovakia, being transhipped through the free port of Hamburg.

O. D. S[KELTON]

775.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 227

Downing Street, May 29, 1925

My Lord,

With reference to my predecessor's despatch Dominions No. 477 of the 30th of September, 1924, I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a memorandum<sup>1</sup> from the Commercial Secretary to the British Legation at Prague regarding the position of the Dominions in relation to the Commercial Treaty with Czechoslovakia.

2. It is being explained to the Czechoslovak Government that they are under a misapprehension in supposing that goods produced or manufactured in any of the Dominions or Colonies could only obtain the benefits of the proposed new Conventional Tariff if the Dominion or Colony concerned had acceded to the Treaty, seeing that the second paragraph of Article 9 of the Treaty provides for the grant of most favoured nation treatment to goods produced or manufactured in any of the Dominions or Colonies (subject to the reservation contained in Article 4) so long as the Dominion or Colony concerned in fact grants similar treatment to Czechoslovak goods.

I have etc.

L. S. AMERY

776.

*Le ministre en Tchecoslovaquie au secrétaire aux Affaires étrangères*  
*Minister in Czechoslovakia to Foreign Secretary*

DESPATCH 279

Prague, August 19, 1925

Sir,

With reference to your despatch No. 206 (c.5232/4857/12) of the 20th May last, I have the honour to transmit herewith a copy of a Note which I have received from the Czechoslovak Ministry of Foreign Affairs, from which it will be seen that they are in agreement with the views expressed by His Majesty's Government.

2. The Note goes on to ventilate the question of the formal adhesion of certain of the Dominions to the existing Commercial Treaty, and asks for information regarding the treatment which Australia gives to Czechoslovak imports. At the same time information is requested regarding the Newfoundland Law of the 16th October 1923, respecting "a preferential tariff on products of Spain."

<sup>1</sup>Non reproduite.<sup>1</sup>Not printed.

3. Perhaps the question of most importance to Czechoslovakia is that of coming to some arrangement with Canada under which Czechoslovak goods would be granted "most favoured nation" treatment, and it will be seen that this point is the one first mentioned in the Note transmitted.

. . .

7. I mention the above as some of the points which have arisen between the British Dominions and Czechoslovakia and as illustration in some measure [of] the desire of the Czechoslovak Government to clear up the vagueness at present surrounding their trade position with more especially Canada and Australia.

8. I should be grateful for instructions as to the reply which I am to return to the Czechoslovak Ministry of Foreign Affairs.

I have etc.

GEORGE R. CLERK

[PIÈCE JOINTE / ENCLOSURE]

*Le ministère des Affaires étrangères de Tchécoslovaquie  
à la légation en Tchécoslovaquie*

*Czechoslovak Ministry of Foreign Affairs  
to Legation in Czechoslovakia*

NOTE

Prague, le 4 août 1925

En accusant réception de la Note No. 79 en date du 28 Mai 1925, le Ministère des Affaires Etrangères a l'honneur de porter à la connaissance de la Légation de Sa Majesté Britannique ce qui suit:

1. Tous les dominions, colonies, possessions ou protectorats britanniques qui accordent aux produits d'origine tchécoslovaque le traitement de la nation la plus favorisée, jouissent pour leurs importations en Tchécoslovaquie du régime prévu à l'alinéa 2 de l'Article IX du Traité de Commerce du 14 juillet 1923.

Conformément aux communications parvenues au Gouvernement tchécoslovaque par la voie diplomatique, le régime susdit est accordé aux produits des territoires britanniques suivants:

Inde Britannique /note du Foreign Office du 19 novembre 1923/,

"Colonies not possessing responsible Government", protectorats britanniques et territoires sous mandats A et B (Note du F.O. du 13 décembre 1923) Etat libre d'Irlande (Note du F.O. du [9] janvier 1924) Union Sud-Africaine, Afrique du Sud-Ouest et Rhodésie du Sud (Note du F.O. du 13 février 1924) Terre-Neuve (Note du F.O. du 9 avril 1924).

Le Gouvernement tchécoslovaque est donc d'avis que l'application donnée de sa part à l'alinéa 2 de l'article IX du Traité de Commerce, ne diffère en rien du point de vue qu'occupe à ce sujet le Gouvernement britannique.

2. L'entretien de Monsieur Dvoracek, Chef de la Section Economique de ce Ministère, dont il est fait mention dans la note No. 79, a touché la question d'une adhésion formelle éventuelle — si celle-ci répondait aux vues du Gouvernement britannique — au Traité du 14 juillet 1923 (conformément à l'article IX alinéa 1) de certains des territoires britanniques dont la position est dès maintenant déterminée par les dispositions de l'article IX alinéa 2 du Traité précité, ainsi que la possibilité d'un arrangement au sujet de territoires qui jusqu'à présent n'accordent pas aux produits tchécoslovaques le régime de la nation la plus favorisée, comme Canada (voir la Note du Foreign Office No. C555/143/12 du 16 janvier 1924). En ce qui concerne l'Australie, le Ministère des Affaires Etrangères n'est pas encore en possession de renseignements exacts sur le régime qui est réservé dans le Commonwealth aux importations tchécoslovaques en comparaison aux autres provenances européennes et serait particulièrement reconnaissant de toute information à ce sujet.

En informant de ce qui précède la Légation de Sa Majesté Britannique, le Ministère des Affaires Etrangères a en même temps l'honneur de remarquer que Terre-Neuve a voté, le 16 août 1923, une [loi] ici appelée "An Act respecting a Preferential Tariff on Products of Spain". Le Ministère des Affaires Etrangères serait reconnaissant de pouvoir apprendre si les dispositions de cette loi ont un caractère préférentiel et s'ils [sic] sont encore en vigueur.

Le Ministère des Affaires Etrangères saisit l'occasion pour renouveler à la Légation de Sa Majesté Britannique les assurances de sa haute considération.

777.

*Le consul général par intérim de Tchécoslovaquie au sous-secrétaire  
d'État aux Affaires extérieures*

*Acting Consul General of Czechoslovakia to Under-Secretary  
of State for External Affairs*

[Montreal,] September 1, 1925

Sir,

I beg to draw your attention to the fact that the following countries have acceded to the Commercial Treaty between Czechoslovakia and the United Kingdom signed in London July 14, 1923 and in effect since September 1, 1923:

*British India / note of the Foreign Office dated January [sic] 19, 1923/.*

*Colonies not possessing responsible government, possessions, or protectorates, also territories under mandate A and B / note of the Foreign Office dated December 13, 1923/.*

*Free State of Ireland / note of the Foreign Office dated January 9, 1924/.*

*Union of South Africa, South-West Africa and South Rhodesia / note of the Foreign Office of February 13, 1924 / and Newfoundland / note of the Foreign Office dated April 9, 1924/.*

The above mentioned countries grant most-favoured-nation treatment to Czechoslovak goods and consequently enjoy the same treatment / benefits of the Czechoslovak Conventional Tariffs / as concerns goods originating from these countries.

According to the provision of Section 3 of a bill just presented to Parliament, the Government is authorized to apply, if necessary, tariff reductions on certain articles of first necessity, only to goods imported from those countries which have concluded commercial treaties with the Czechoslovak Republic or which do not treat goods of Czechoslovak origin less favourably than goods of any other origin.

As this provision of the mentioned act will probably affect the reductions on cereals and other agricultural products adjusted by the Decree of the Czechoslovak Government of June 4, 1925, Article II, and would practically bar Canadian wheat and flour from the Czechoslovak market, I beg to draw your attention to the advisability of an immediate arrangement in order to avoid the probable consequences of such a measure.

I have etc.

F. V. KVETON

FINLANDE / FINLAND

778.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 159

Ottawa, April 12, 1924

Sir,

With reference to your despatch No. 95 of the 28th February, enclosing copies of a Treaty of Commerce and Navigation between Great Britain and Finland, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*  
*Order in Council*

P.C. 462

April 8, 1924

The Committee of the Privy Council have had before them a Report, dated 18th March, 1924, from the Acting Minister of Finance, stating that a Treaty of Commerce and Navigation was concluded between the United Kingdom and Finland on the 14th December, 1923;

The Minister submits, with reference thereto, that it is undesirable to accept the Treaty as a whole on behalf of Canada but that it is desirable to accept that portion of Article 23 of the Treaty which provides that goods produced or manufactured in a self-governing Dominion shall enjoy in Finland the same treatment as would be enjoyed by similar goods if produced or manufactured in the United Kingdom so long as goods produced or manufactured in Finland are accorded in such self-governing Dominion treatment as favourable as that accorded to goods produced or manufactured in any other foreign country;

The Committee, concurring, advise that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies that the Government of Canada will introduce a resolution in the House of Commons to provide that goods produced or manufactured in Finland shall receive treatment as favourable as that accorded to goods produced or manufactured in any other foreign country provided that goods produced or manufactured in Canada shall enjoy in Finland the same treatment as would be enjoyed by similar goods if produced or manufactured in the United Kingdom.

All of which is respectfully submitted for Your Excellency's approval.

779.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 25, 1924

My despatch dated May 14th Dominions No. 224 Anglo-Finnish Commission. I should be glad to be notified by telegraph of the entry into force of most favoured Nation treatment of Finnish goods. Before the Finnish Government will extend most favoured Nation treatment to goods produced or manufactured in any Dominion or Colony, they desire assurance that such Dominion or Colony is giving most favoured Nation treatment to Finnish goods.

780.

*Le ministre des Affaires étrangères de Finlande au ministre en Finlande*  
*Minister of Foreign Affairs of Finland to Minister in Finland*

Helsingfors, July 4, 1924

Monsieur le Ministre,

I have the honour to acknowledge receipt of your note of this day, whereby you have informed me, acting under instructions from His Britannic Majesty's Principal Secretary of State for Foreign Affairs, that the Government of Canada do not propose to accede to the treaty of commerce and navigation between Finland and the United Kingdom, as a whole, but that the said Government are taking necessary measures to ensure compliance with the latter part of Article 23, concerning the customs duties.

Thanking you for this communication, I have the honour to await a further Note from Your Excellency as to the actual measures taken by the Government of Canada in this respect. I will have the pleasure after receipt of same, immediately to cause necessary steps to be taken in Finland for the fulfilment of the stipulations in Article 23 of the said treaty in what regards the treatment of goods produced or manufactured in Canada.

I avail myself etc.

HJ. J. PROCOPÉ

781.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, July 31, 1924

With reference to your telegram of 25th June, extension of most-favoured nation treatment to Finnish goods, my Ministers represent that Bill authorizing such treatment which passed House of Commons failed to pass Senate. Despatch follows by mail.

782.

*Le sous-secrétaire d'État aux Affaires extérieures*  
*au consul général du Danemark*  
*Under-Secretary of State for External Affairs*  
*to Consul General of Denmark*

Ottawa, April 17, 1925

Sir,

I am in receipt of your letter of April 16th, enquiring as to a Bill respecting trade between Canada and Finland at present before Parliament, and particularly as to whether the Bill has yet been passed by the House of Commons and the Senate.

A Bill on this subject was introduced into the House last session, but final action was not taken.

It is the intention to introduce a Bill this session, but it has not yet been brought down. As soon as it is brought down, I shall have pleasure in sending you three copies of the Bill as requested. The question has arisen as the result of the conclusion of the Treaty of Commerce and Navigation between Great Britain and Finland, which included an optional provision for exchange of most favoured nation treatment between Finland and any of the Dominions which might desire to accept.

I have etc.

O. D. SKELTON



783.

*Le Gouverneur général suppléant au secrétaire aux Colonies*  
*Deputy Governor General to Colonial Secretary*

DESPATCH 260

Ottawa, June 22, 1925

Sir,

With reference to your despatch, Dominions No. 224 of the 14th of May, 1924, regarding the attitude of Canada with regard to the Treaty of Commerce and Navigation with Finland of the 14th of December, 1923, I have the honour to enclose, herewith, certified copies of an Act of the Canadian Parliament respecting trade between Canada and Finland<sup>1</sup> authorizing the extension of favoured-nation treatment to goods produced or manufactured in Finland.

It is intended to fix, by proclamation in the *Canada Gazette*, as provided in section 5 of the Act, the 1st of August next as the day from which the favoured-nation treatment shall be extended to Finnish goods, and such proclamation will be made when notice has been received that the benefits of the Treaty, as provided in Article 23, will be extended in Finland to Canadian goods from the same date.

The Canadian Government will be grateful if you will ascertain from the Finnish Government whether it agrees to the 1st of August next as the date from which the Treaty benefits shall be made effective.

I have etc.

F. A. ANGLIN

784.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, July 25, 1925

Your despatch of June 22nd No. 260. Finnish Government agree to August 1st as the date from which the benefits of the Anglo-Finnish Commercial Treaty, as provided for in Article XXIII, shall be extended in Finland to Canadian goods.

FRANCE

785.

*Le Colonial Office au Haut commissariat*  
*Colonial Office to Office of High Commissioner*

Downing Street, September 26, 1919

Sir,

With further reference to your letter No. T 13/16 of the 10th September I am directed by Viscount Milner to inform you that the French Government

<sup>1</sup>*Statuts du Canada*, 15-16 George V, C. 11, 1925.

<sup>1</sup>*Statutes of Canada*, 15-16 George V, C. 11, 1925.

announced their intention to denounce as from the 10th September, 1919 various Commercial Conventions in force between France and Great Britain and certain British Oversea Countries and at the same time proposed that the various Conventions should remain in operation after the period of denunciation had expired subject to three months' notice on either side.

2. The French Ambassador was informed that His Majesty's Government agreed to this proposal and Lord Curzon considers that there can be no question but that the Agreements are still in force until denounced by either party at three months' notice.

I am etc.

L. S. AMERY

786.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, March 4, 1920

Your despatch September 30th, No. 446, Franco-Canadian Commercial Conventions 1907 and 1909. Canadian Government desire that notice shall be given for final termination of these treaties, and request that steps may be taken for notification to French Government of Canada's intention three months after such notification finally to terminate treaties referred to.

DEVONSHIRE

787.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 12, 1920

My despatch 17th April No. 236 Franco-Canadian Commercial Conventions, memorandum received from French Minister of Foreign Affairs states that Government of France are anxious that there should not be any serious disturbance of economic relations between France and Canada and desire that clauses of these Conventions relating to Customs should be continued to be applied by tacit understanding until signature of new arrangement for conclusion of which Government of France ready to enter into negotiations at once. Canadian goods would therefore continue after June 19th to enjoy benefit on entry into France of conventional regime which has been abolished if Canadian Government accept this proposal and will consent to adopt similar policy with regard to goods of French manufacture imported into Canada.

Would be glad to learn at earliest possible date what reply your Ministers would wish sent to Government of France.

MILNER

788.

*Le secrétaire aux Colonies à l'Administrateur*  
*Colonial Secretary to Administrator*

DESPATCH 236

Downing Street, April 17, 1920

Sir,

With reference to my despatch No. 209 of the 30th of March, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a note from the French Foreign Office acknowledging the notification of the decision of the Canadian Government to terminate the Franco-Canadian Commercial Conventions of 1907 and 1909.

I have etc.

MILNER

[PIÈCE JOINTE / ENCLOSURE]

*Le ministère des Affaires étrangères de France à l'ambassade en France*  
*French Foreign Office to Embassy in France*

NOTE

Par une note en date du 19 de ce mois, l'Ambassade de Sa Majesté Britannique a bien voulu faire savoir au Ministère des Affaires étrangères que le Gouvernement Canadien avait décidé de dénoncer les accords commerciaux du 19 septembre 1907 et du 23 janvier 1909, et que cette dénonciation entretrait en vigueur trois mois après la date de sa notification, c'est-à-dire au 19 juin 1920.

Le Ministre des Affaires Etrangères a l'honneur d'accuser réception et de prendre note de cette communication.

Paris, le 30 mars 1920

789.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 470

Ottawa, July 13, 1920

My Lord,

With reference to your telegram of the 12th June regarding commercial treaty arrangements between Canada and France, I have the honour to transmit herewith copies of an approved Minute of the Privy Council of Canada<sup>1</sup> recommending that the French Government be informed that the Canadian Government is prepared to admit French products to the advantages of the Intermediate Tariff in return for an extension by the French Government of

<sup>1</sup>Non reproduite.<sup>1</sup>Not printed.

the Tariff rates under the old Treaty, such temporary arrangement to continue until opportunity shall have been given to negotiate a new Treaty of a permanent character.

It was upon this Minute that my telegram of the 12th [6th] instant was based.  
I have etc.

DEVONSHIRE

790.

*Le ministre du Commerce au secrétaire aux Colonies*  
*Minister of Trade and Commerce to Colonial Secretary*

London, December 30, 1920

Dear Lord Milner,

I am enclosing herewith an agreement<sup>1</sup> which had been arrived at by myself and the Ministers of Commerce and Foreign Affairs of France with reference to a *modus vivendi* carrying on for a period the main features of the Convention of 1907-9, of which I spoke to you yesterday, and I would be much obliged if you would forward it to the Secretary of State for Foreign Affairs for transmission to the British Ambassador at Paris. The French Ministers have the duplicate of the agreement and will sign it and forward to me at Ottawa for my signature and they will sign this attached copy and retain for themselves.

I would be much obliged if this could be facilitated so as to occasion no delay in signatures and consequent completion of the arrangement which has been arrived at by numerous pourparlers and concluded by me in Paris with the French Ministers on the 19th December.

Yours etc.

GEORGE E. FOSTER

791.

*Le consul général de France au Premier ministre*  
*Consul General of France to Prime Minister*

Montreal, November 17, 1921

Sir,

By a memorandum (No. 5) of the 4th May 1921, the Federal Department of Customs has limited to France proper the privilege of the favoured nation provided in the commercial Franco-Canadian *modus vivendi* signed in Paris on the 29th January 1921.<sup>2</sup> The Department of Customs evidently basing its decision on sec. 1 of the *modus vivendi* has denied the application of the agreement to the native products of Algeria and of the French colonies and possessions.

On the other hand, at the request of importers established in Canada, this Consulate has sought to find out whether the Dominion Customs would grant the privilege mentioned in said *modus vivendi* to the native products of the territory of La Sarre Basin which, according to Section 45 and following

<sup>1</sup>Non reproduit.

<sup>2</sup>(British) *Treaty Series*, No. 16.

<sup>1</sup>Not printed.

sections of the Treaty of Versailles (Annex, Chap. 11, p. 31), is part of France's Customs territory. In a letter bearing No. 103072, of the 30th September last, the Commissioner of Customs invoking the purport of memorandum of May 4th has informed me that said products were coming under the general tariff and could not be given preferential tariff treatment.

The Government of the Republic, to which I communicated this information, have just sent me their answer, which I have the honour to transmit to you hereafter. The French Government is of the opinion that the interpretation by the Federal Department of Customs of the *modus vivendi* of the 29th January concerning Algeria and the French Colonies and possessions as well as the La Sarre Basin, is incompatible, if not with the letter, at least with the spirit of the agreement. By stipulating in Section 3 thereof that, generally and save a few modifications dealing solely with the tariff question, the covenants of the agreement of 1907 were upheld, the negotiators had it well in mind that the two countries, so far as the French colonies were concerned, should partake of the advantages to be derived from the regime established between France and Canada. Nevertheless, this solution is not detrimental to the interests of the Dominion since the St. Pierre and Miquelon Islands sell the Dominion but for \$40,000 (pre-war average) whilst they purchase from Canada for \$140,000. As for those two last mentioned islands, for the first four months of the fiscal year 1919, 1920, 1921, I may add that their imports from Canada figured up to only \$25,742 as against \$630,091 Canadian exports [*sic*].

Acting upon the instructions I have received, I have the honour to inform you that the Government of the Republic cannot countenance a decision creating an unprecedented situation for the French Colonies and which, in the case of the territory of La Sarre, ignores the covenant in the Treaty of Versailles whereby the latter territory forms part of the French Customs territory.

I would therefore pray you, Sir, to kindly have competent officials of the Trade & Customs Department, as soon as possible, look into the subject matters of these presents. I may add that should the Canadian authorities decide to maintain the attitude complained of herein, the French Government would reserve freedom of action.

Please accept etc.

MARCEL DE VERNEUIL

792.

*Le consul général de France au sous-secrétaire d'État  
aux Affaires extérieures*

*Consul General of France to Under-Secretary of State  
for External Affairs*

Montreal, February 10, 1922

Dear Sir,

In answer to your letter of the 28th January, I am sending to you copy of my letter of today's date to Mr. Fielding.

In my opinion it will be very desirable that the question be settled as soon as possible for the following reasons:

1. it has been put before the Canadian Government officially since the 17 November 1921 without any answer up to the present;
2. the French Government already extends the benefit of the trade agreement of 1921 to Canadian goods imported into the French colonies and the Saar territory while the Canadian Government refuses the same treatment to French colonial goods or Saar goods imported into the Dominion.

Yours very sincerely,

[P. E. NAGGIAR]

[PIÈCE JOINTE / ENCLOSURE]

*Le consul général de France au ministre des Finances*

*Consul General of France to Minister of Finance*

TRANSLATION

Montreal, February 10, 1922

Monsieur le Ministre,

During the interview which Mr. Mackenzie King was good enough to grant me on the 20th [*sic*] of this month, I spoke to the Prime Minister about the divergencies of views which presently exist between France and Canada with regard to the commercial *modus vivendi* of 1921.

Mr. King advised me to call your attention to this matter as soon as possible.

As you are aware a *modus vivendi* to be renewed every four months, was signed at Paris January 29th, 1921 following the denunciation of the Franco-Canadian Treaties of 1907-1909.

Now this agreement was applied differently in France and in Canada.

The French Government gave it a wide interpretation and has extended the benefit of its provisions to imported Canadian products not only as regards France but similarly as regards her colonies and the Saar territory (which under the Treaty of Versailles is subject to French customs regulations).

On the contrary the Canadian Government interpreted the agreement of 1921 in a narrow sense and refuse to extend its benefit to products originating or coming from French colonies or the Saar territory.

This creates a decidedly unjust situation for France.

I have therefore the honour to renew with you the steps already taken with Mr. Meighen and to request of you that the benefit of the *modus vivendi* of 1921 be extended to French colonies and the Saar territory.

I have etc.

[P. E. NAGGIAR]

793.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, September 13, 1923

Your telegram of 11th September, Franco-Canadian Commercial Convention,<sup>1</sup> British Ambassador at Paris reports ratification exchanged 5th September.

## ITALIE / ITALY

794.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 525

Downing Street, November 1, 1923

My Lord,

With reference to my despatch No. 446 of the 18th of September, I have the honour to transmit to Your Excellency for the information of your Ministers, a copy<sup>2</sup> of a despatch from His Majesty's Ambassador at Rome reporting that the Italian Parliament will reassemble at the end of November when the commercial treaties with Switzerland, Austria and Canada<sup>3</sup> will be discussed.

I have etc.

DEVONSHIRE

795.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 33

Downing Street, January 18, 1924

My Lord,

In confirmation of my telegram of the 11th January, I have the honour to request Your Excellency to inform your Ministers that the exchange of ratifications of the Italo Canadian Commercial Convention was duly effected with the Italian Ambassador on the 8th January. It is now proposed, as in the case of the Commercial Convention between Canada and France (see my

<sup>1</sup>La Convention, signée le 15 décembre 1922, se trouve dans (British) *Treaty Series*, 1923, n° 25.

<sup>2</sup>Non reproduite.

<sup>3</sup>La Convention de commerce entre l'Italie et le Canada fut signée à Londres le 4 janvier 1923.

<sup>1</sup>The Convention, signed on December 15, 1922, is printed in (British) *Treaty Series*, 1923, No. 25.

<sup>2</sup>Not printed.

<sup>3</sup>The Commercial Convention between Italy and Canada was signed at London on January 4, 1923.

despatch Dominions No. 441 of 24th November), to publish the Convention in the Treaty Series of Parliamentary Papers.<sup>1</sup>

2. I take this opportunity to enclose a copy of a despatch from His Majesty's Ambassador at Rome regarding the discussion on the Treaty in the Italian Senate.<sup>2</sup>

I have etc.

DEVONSHIRE

796.

*Le sous-secrétaire adjoint aux Colonies au secrétaire, Premier ministre*

*Assistant Under-Secretary for Colonies to Secretary, Prime Minister*

Downing Street, March 7, 1924

Dear McGregor,

The Secretary of State is sending an official despatch to the Governor General by this mail (No. 108) enquiring the wishes of the Canadian Government as to the registration of the Italo-Canadian Commercial Convention with the Secretariat of the League of Nations.

In this connection I have been asked to explain that hitherto the regular practice of the Foreign Office has been to register with the League Secretariat all Treaties with foreign states as soon as they have been published in the "Treaty Series" of Parliamentary Papers. In accordance with this practice, the Franco-Canadian Commercial Convention of 1922 (Treaty Series No. 25 of 1923) as well as certain previous instruments specially affecting Canada, of which I enclose a list,<sup>3</sup> have been registered with the League, the matter being dealt with in the Foreign Office as one of ordinary routine. Attention having been called to the point, the Foreign Office at our request are not taking any action as regards registration of the Italo-Canadian Convention and will not take action as regards other treaties specially affecting Canada, pending an expression of the views of the Canadian Government on the question raised.<sup>4</sup>

I should be much obliged if you would bring this to the notice of Mr. Mackenzie King, and, if he sees no objection, to that of the Department which deals with the Official despatch.

Yours sincerely,

E. J. HARDING

<sup>1</sup>(British) *Treaty Series*, 1924, No. 10.

<sup>2</sup>Non reproduite.

<sup>2</sup>Not printed.

<sup>3</sup>Non reproduite.

<sup>3</sup>Not printed.

<sup>4</sup>La Convention fut déposée au Secrétariat de la Société le 7 juin 1924 par l'entremise du "Foreign Office".

<sup>4</sup>The Convention was registered with the League Secretariat on June 7, 1924, by the Foreign Office.



## LES PAYS-BAS / THE NETHERLANDS

797.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 142

Ottawa, April 7, 1924

Sir,

I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council appointing the Honourable James A. Robb, M.P., Acting Minister of Finance, and the Honourable T. A. Low, M.P., Minister of Trade and Commerce, to negotiate on behalf of Canada a Treaty of Trade and Commerce between Canada and the Netherlands.

My Government requests that the necessary full powers be given to the Honourable J. A. Robb and the Honourable T. A. Low aforesaid to negotiate and conclude a Treaty of Trade and Commerce with the Netherlands and to sign such Treaty when concluded.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil**Order in Council*

P.C. 463

April 2, 1924

The Committee of the Privy Council have had before them a Report, dated 18th March, 1924, from the Acting Minister of Finance, submitting that it is desirable to enter into negotiations for the making of a Treaty of Trade and Commerce between Canada and the Netherlands, such negotiations to be conducted on behalf of Canada by the Honourable James A. Robb, Acting Minister of Finance, and the Honourable T. A. Low, Minister of Trade and Commerce.

The Committee, therefore, advise that Your Excellency may be pleased to cause a despatch to be sent to the Right Honourable the Secretary of State for the Colonies requesting the issue of authority by His Majesty to the Honourable James Alexander Robb, Member of the Parliament of Canada, Member of His Majesty's Privy Council for Canada, Acting Minister of Finance of Canada, and the Honourable Thomas Andrew Low, Member of the Parliament of Canada, Member of His Majesty's Privy Council for Canada, to negotiate and conclude a Treaty of Trade and Commerce with the Netherlands and to sign such Treaty when concluded.<sup>1</sup>

All of which is respectfully submitted for Your Excellency's approval.

<sup>1</sup>La Convention, signée à Ottawa le 11 juillet 1924, se trouve dans (British) *Treaty Series*, 1925, n° 52.

<sup>1</sup>The Convention, signed at Ottawa, July 11, 1924, is printed in (British) *Treaty Series*, 1925, No. 52.

## NORVÈGE / NORWAY

798.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 19, 1919

My telegram 27th September, Spitzbergen Treaty now communicated to Government of Norway which has accepted it and Government of France have invited assent of other Governments concerned. Final text of treaty which follows by post provides that treaty will come into force in so far as stipulation of article 8 concerned from date of ratification by all signatories of Powers and in all other respects on same date as mining regulations provided for in that article. No other substantial variation from text enclosed in my despatch 7th October. Considered of great importance that original signatures should include those affixed on behalf of British Empire and for this purpose assent of treaty required before 17th January. Preamble provides for signature by Dominions and India. Please telegraph with least possible delay whether your Ministers agree to assent to treaty and if so whom they wish to nominate to sign it as their representative.

799.

*Mémoire du Conseiller juridique*  
*Memorandum by Legal Adviser*

Ottawa, December 22, 1919

The attached telegram of December 19th from the Colonial Secretary asks whether Canada is ready to sign the Spitzbergen Treaty and who shall act for the purpose. The Treaty recognizes the full sovereignty of Norway over the Archipelago of Spitzbergen. It provides that the ships and nationals of all the High Contracting Parties shall enjoy equality of rights in respect of fishing, hunting, access to the waters and ports; maritime, industrial, mining or commercial enterprises; exports, imports and transit traffic, coasting trade, public wireless telegraph, etc. Norway may enact regulations to conserve the fauna and flora and the mines. Norway undertakes to submit the draft mining regulations to the other High Contracting Parties three months before they come into force, and if there are objections the regulations are to be submitted to a Commission composed of one representative of each Signatory Power. The High Contracting Parties recognize the utility of establishing an International Meteorological Station in Spitzbergen, the organization of which shall form the subject of a subsequent Convention. The rights of nationals of the H. C. P. shall be recognized and a Commission is set up to hear and examine all claims in this respect, and there is provision for appeal to an arbitral tribunal. Subject to the rights and duties resulting from the admission of Norway to the League of Nations, Norway undertakes not to create nor to allow the establishment of any naval base in the territories in Spitzbergen and not to construct any fortification.

It would seem that Canada's only interest in this matter is to see that there shall be no discrimination against her nationals. The proposed Treaty provides for this. There seems, therefore, no objection to authorizing Sir George Perley to sign the Treaty.

L. C. CHRISTIE

P.S. An Order in Council does not seem necessary. Sir G. Perley has Full Powers.

800.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 23, 1919

Your telegram December 19th respecting Spitzbergen Treaty. Canadian Government have today authorized Sir George Perley to sign on behalf of Canada.

DEVONSHIRE

801.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 30, 1919

CONFIDENTIAL. My telegram 19th December Spitzbergen Treaty. It is proposed when notifying Government of France of intention to sign to add formal declaration that His Majesty's Government will not recognize any limit of territorial waters other than three mile limit. Matter is one to which Admiralty attach great importance from naval point of view.

802.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, February 12, 1920

With reference to your telegram December 30th, Spitzbergen Treaty.<sup>1</sup> My Ministers represent that on the presumption that formal declaration of His Majesty's Government against recognition of territorial waters other than three mile limit, which it is proposed to add will not be interpreted to apply to waters outside areas affected by this Treaty, Canadian Government does not object to declaration in question.

DEVONSHIRE

<sup>1</sup>Le Traité réglementant le statut de Spitzbergen et accordant la souveraineté à la Norvège fut signé à Paris le 9 février 1920. Le texte se trouve dans (British) *Treaty Series*, 1924, no 18.

<sup>1</sup>The Treaty regulating the Status of Spitzbergen and conferring the Sovereignty on Norway was signed at Paris on February 9, 1920. For the text see (British) *Treaty Series*, 1924, No. 18.

803.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, February 21, 1920

Your telegram 12th February in communication to Government of France signifying assent to Spitzbergen Treaty no reservation made in respect of territorial waters, explanatory note follows.

804.

*Le sous-secrétaire adjoint aux Colonies au sous-secrétaire*  
*d'État aux Affaires extérieures*  
*Assistant Under-Secretary for Colonies to Under-Secretary*  
*of State for External Affairs*

Downing Street, April 6, 1925

Dear Skelton,

We think that you may like to have on record the enclosed copies of correspondence with the Norwegian Minister as to negotiations for a Commercial Treaty between Canada and Norway. It hardly seems necessary to send in an official despatch.

The reply to the Norwegian Minister's enquiry was of course, based on the Resolutions of the Imperial Conference of 1923 as to the Negotiation, Signature and Ratification of Treaties.<sup>1</sup>

Yours sincerely,

E. J. HARDING

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*Le ministre de la Norvège en Grande-Bretagne*  
*au secrétaire aux Affaires étrangères*  
*Minister of Norway in Britain to Foreign Secretary*

No. 31

London, March 2, 1925

Sir,

I am desired by my Government to say that the Norwegian Government would be interested in entering into negotiations with the Government of the Dominion of Canada respecting the conclusion of a treaty of commerce and navigation with Canada, and to ask that you will be good enough to inform me whether there is any objection to my Government dealing directly with the Dominion Government in connection with this matter.

I have etc.

B. VOGT

<sup>1</sup>Resolution IX, Document 235, pp. 282-84.

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le secrétaire aux Affaires étrangères au ministre  
de la Norvège en Grande-Bretagne*  
*Foreign Secretary to Minister of Norway in Britain*

Foreign Office, March 27, 1925

Sir,

With reference to your note No. 31/1925 of March 2nd, I have the honour to inform you that His Majesty's Government have no objection to the Norwegian Government's entering into direct negotiations with the Government of the Dominion of Canada for the conclusion of a treaty of commerce and navigation.

I have etc.

J. D. GREGORY  
(For the Secretary of State)

805.

*Le sous-secrétaire d'État aux Affaires extérieures  
au sous-secrétaire adjoint aux Colonies*  
*Under-Secretary of State for External Affairs  
to Assistant Under-Secretary for Colonies*

Ottawa, April 21, 1925

My dear Harding,

I am much obliged by your courtesy in sending a copy of the correspondence with the Norwegian Minister as to negotiations for a commercial treaty between Canada and Norway.

I have no doubt the Canadian Government would be pleased to discuss the question of a commercial arrangement with Norway. A good deal of opposition is being expressed, however, by commercial interests to the extension of most favoured nation terms to additional countries. A Bill providing for adherence to the Finnish Commercial Convention was held up last session by the non-concurrence of the Senate, though it is being re-introduced this session.

Yours sincerely,

O. D. SKELTON

806.

*Le consul général de la Norvège au Premier ministre*  
*Consul General of Norway to Prime Minister*

Montreal, April 23, 1925

Sir,

According to instructions received from my Government I have the honour to apply to your kind intervention in order to be informed whether the

Canadian Government would be willing to enter into negotiations with the Norwegian Government with a view to have concluded a treaty of commerce and navigation between Norway and Canada. In case the Canadian Government have no objections to such negotiations, my Government will be glad to present, through this Consulate General, as basis for the negotiations, a draft of convention between the two countries.

I have etc.

LUDVIG AUBERT

807.

*Le Premier ministre au consul général de la Norvège*  
*Prime Minister to Consul General of Norway*

Ottawa, May 1, 1925

Sir,

I am in receipt of your letter of April 23rd, enquiring on behalf of the Norwegian Government whether the Canadian Government would be willing to enter into negotiations with a view to the conclusion of a treaty of commerce and navigation between Norway and Canada.

I shall discuss this question with the Minister of Finance and others of my colleagues, and shall advise you later of the Government's decision.

I have etc.

W. L. MACKENZIE KING

808.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, July 16, 1925

CONFIDENTIAL. URGENT. My despatch May 11th, Dominions 196 — Confidential. As your Ministers will be aware discussions have been proceeding for some time between His Majesty's Government and Norwegian Government on subject of Norwegian Territorial Waters. Recently Conference has been held here between representatives of both Governments and the following recommendations made:

1. That a Convention should be concluded with Norway under which Norway would accept principles of three mile limit while on our side certain specified Norwegian Fjords would be recognized as Territorial Inlets.
2. That another Convention should be concluded dealing with question of fisheries north of latitude 61 degrees north on lines of Anglo-Danish Convention 1901.
3. That Norway should accede to North Sea Fisheries Convention 1882.

Above recommendations open way to:

a. To ending disputes regarding seizure by Norway of British fishing vessels in places which His Majesty's Government cannot admit to be Norwegian Waters.

b. To secure recognition of three mile limit by Norway (which has long maintained a claim to jurisdiction up to four miles) and it supports this limit at any future International Conference. Question whether recognition of Norwegian Territorial Inlets may at some time cause embarrassment in our dealings with other Powers has been carefully considered but each case has been carefully scrutinised by the Admiralty Experts and His Majesty's Government are advised that proposed concessions can be properly and safely made and would indeed be likely to strengthen any claims put forward at an International Conference on behalf of various parts of the British Empire.

Declaration of principle of three mile limit for Territorial Waters and recognition of [word missing?] specified that territorial inlets are in accordance with conclusions of Imperial Conference 1923, see my despatch 10th January, 1924, Confidential, Dominions No. 13.

His Majesty's Government are prepared to accept conclusions of Conference with Norwegian Representatives. They are satisfied that terms arranged between two delegations are beneficial to interests of British Empire and they propose to proceed with preparation of necessary Convention to give effect to Conclusions (1) and (2). But they would be glad to learn as soon as possible by telegraph whether your Ministers have any observation to make — matter most urgent as Secretary of State for Foreign Affairs fears that unless agreement with Norway be reached without delay, prospects of a settlement may be endangered.

## ROUMANIE / ROMANIA

809.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

DESPATCH 346

Ottawa, April 25, 1919

My Lord,

I have the honour to transmit herewith, copies of four Minutes of Council approving Agreements between His Majesty and the Governments of Roumania, Greece<sup>1</sup> and Belgium respectively, with regard to credits extended to these

<sup>1</sup>Le projet de memorandum d'Accord, accordant des crédits pour une somme n'excédant pas \$25,000,000 au Gouvernement du royaume de Grèce, est daté du 21 mars 1919. Pour l'accord avec la Belgique, voir doc. 719.

<sup>1</sup>The draft memorandum of Agreement, granting credits in an amount not exceeding \$25,000,000 to the Government of the Kingdom of Greece, is dated March 21, 1919. For the agreement with Belgium, see Doc. 719.

Governments in this Country. My Government will be grateful if you will take steps to have copies of these Minutes transmitted to the Governments interested.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*

*Order in Council*

P.C. 690

April 2, 1919

The Committee of the Privy Council have had before them a report, dated 26th March, 1919, from the Minister of Finance, submitting herewith for the approval of Your Excellency in Council, the annexed draft memorandum of agreement dated the 6th March, 1919, between His Majesty represented by the Minister of Trade and Commerce, and the Government of the Kingdom of Roumania, in which the Dominion of Canada agrees to extend a credit to the Government of Roumania as set forth in the agreement, with a view of facilitating the purchase in Canada by the citizens of that Kingdom, of goods produced in Canada to be consumed in Roumania, exclusively.

The Minister recommends that he be authorized to make advances, from time to time, as set forth in the said agreement, to an amount not exceeding twenty-five millions of dollars (\$25,000,000), such advances to be paid out of funds available from War Appropriation Acts already assented to by Parliament and from the proposed Demobilization Appropriation Act, 1919.

The Committee concur in the foregoing recommendation, and submit the same for approval.

UNION SOVIÉTIQUE / SOVIET UNION

810.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to the Governor General*

DESPATCH 116

Downing Street, March 24, 1921

My Lord Duke,

With reference to my predecessor's despatch Dominions Confidential No. 36 of the 21st January, which need no longer be treated as Confidential, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of the Trade Agreement between His Majesty's Government and the Russian Soviet Government and of the Declaration of the Recognition of Claims signed on the 16th March by Sir Robert Horne, President of the Board of Trade and M. Krassin.<sup>1</sup>

<sup>1</sup>L'Accord commercial et la Déclaration se trouvent dans *Cmd.* 1207, 1921.

<sup>1</sup>The Trade Agreement and the Declaration are to be found in *Cmd.* 1207, 1921.



2. I should be glad to learn whether your Ministers would desire to participate in this arrangement for the resumption of trade with Russia and, if so, in what manner.

I have etc.

(For the Secretary of State)

L. S. AMERY

811.

*Le Premier ministre au Premier ministre par intérim*

*Prime Minister to Acting Prime Minister*

TELEGRAM

London, July 21, 1921

For Foster. On Sunday British Government Trade Mission left here to establish headquarters Moscow in pursuance Trade Agreement March 16th with Russian Soviet Government. Have discussed with Foreign Office possibility attaching Canadian representative to mission for short time to investigate and report to us in Ottawa on conditions generally and on advisability appointing permanent Trade Representative. This however not at present practicable since Canada has not adhered Trade Agreement. Without such adhesion undesirable request Soviet Government for permission send representative. Undesirable put ourselves in position of seeking favours from that Government and in general our relations with them if any should be on correct and regular basis. I suggest you should carefully consider in Council question of adhering agreement and attaching Canadian representative to British Trade Mission. If you adopt principle of establishing trade relations with Russia there seems nothing in terms of Agreement objectionable from our viewpoint. I had considered proposing as our representative H. J. Mackie, member South Renfrew, now in London until First August who has had considerable experience in Russia. Hope you can reach decision early date and cable result High Commissioner's Office who can then if you so decide arrange for exchange notes embodying our adhesion agreement and for sending representative.

MEIGHEN

812.

*Le Conseiller juridique au secrétaire, Haut commissariat*

*Legal Adviser to Secretary, Office of High Commissioner*

[London], July 30, 1921

Dear Mr. Griffith,

Further cables have passed between Mr. Meighen and his colleagues in Ottawa on the subject of trade relations with Russia referred to in my letter of July 21st. As a result, just before he left London, Mr. Meighen told me his conclusions and asked me to convey them to you for action.

He would be glad if you would arrange with the appropriate authority here for the adhesion of Canada to the Trade Agreement of March 16th with

Russia through an exchange of notes or through such other means as may be suitable. It is understood from the Foreign Office that this is a necessary prerequisite to our sending official representatives. As to the latter, Mr. Meighen asks that you arrange to have Mr. H. J. Mackie, M.P., with Mr. Wilgress as his assistant, attached to the British Trade Mission now in Moscow. Their object will be to investigate and report to the Canadian Government on conditions in Russia and on the advisability of appointing a permanent trade representative there.

Yours sincerely,

L. C. CHRISTIE

813.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 517

Ottawa, August 30, 1921

Sir,

With reference to your despatch of the 24th March, 1921, Dominions No. 116, enclosing copy of the Trade Agreement between His Majesty's Government and the Russian Soviet Government, I have the honour to transmit herewith, copies of an Approved Minute of the Privy Council of Canada, dated the 22nd instant, intimating that Canada desires to participate in the arrangement for the resumption of trade with Russia, and asking that permission be given to attach Canadian representatives to the British Government Trade Mission which has recently left London to establish headquarters in Moscow.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*  
*Order in Council*

P.C. 2892

August 22, 1921

The Committee of the Privy Council have had before them a report, dated 10th August, 1921, from the Minister of Trade and Commerce, with reference to a despatch, under date of March 24th, 1921, Dominions No. 116, from the Right Honourable the Secretary of State for the Colonies, enclosing copy of the Trade Agreement between His Majesty's Government and the Russian Soviet Government, which was signed at London on March 16, 1921.

The Minister recommends that His Majesty's Government be informed that Canada desires to participate in the arrangement for the resumption of trade with Russia.

The Minister further recommends that a request be made also to permit Canadian representatives to be attached to the British Government Trade

Mission which has recently left London to establish headquarters in Moscow in pursuance of the Trade Agreement referred to.

The Committee concur in the foregoing recommendations and submit the same for approval.

814.

*Le secrétaire, Haut commissariat, au sous-secrétaire d'État  
aux Affaires extérieures*

*Secretary, Office of High Commissioner, to Under-Secretary of State  
for External Affairs*

London, September 7, 1921

Sir,

Referring to the Prime Minister's cablegram of the 21st July, addressed to your Office for Sir George Foster in respect of the temporary attachment of representatives of Canada to the British Trade Mission to Russia, I beg to inform you that satisfactory arrangements were subsequently made through the Foreign Office and Colonel H. J. Mackie and Mr. L. D. Wilgress have left for Moscow.

I am etc.

W. L. GRIFFITH

815.

*Le secrétaire aux Colonies au Gouverneur général  
Colonial Secretary to Governor General*

DESPATCH 563

Downing Street, October 15, 1921

My Lord,

I have the honour to acknowledge the receipt of Your Excellency's despatch No. 517 of the 30th of August and to transmit to you, to be laid before your Ministers, a copy of correspondence with the Russian Trade Delegation regarding the desire of the Canadian Government to participate in the arrangement for the resumption of trade with Russia and to attach Canadian representatives to the British Trade Mission in Moscow.

2. As regards the participation of the Canadian Government in the Trade Agreement, no reply has yet been received from the Soviet Government. The Secretary of State for Foreign Affairs however, suggests that the following formula might be embodied in notes to be exchanged between the Foreign Office and the Russian Trade Delegation, provided, of course, that the Soviet Government agree:

The Government of the Dominion of Canada having expressed their desire that the provisions of the Agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries, which was signed at London on the 16th day of March, 1921, should apply also to Canada and to merchandise the produce and manufacture

of Canada, it is hereby agreed that the provisions of that Agreement shall as and from the date of the present Agreement be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia.

I should be glad to be informed by telegraph whether your Ministers concur in the terms of the proposed formula.

3. I would add that the Secretary of State for Foreign Affairs has been asked to correct the error in the description of Mr. Mackie in the correspondence with Monsieur Berzin.

I have etc.

WINSTON S. CHURCHILL

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*Le Foreign Office à la Délégation commerciale russe*  
*Foreign Office to Russian Trade Delegation*

Foreign Office, August 25, 1921

Sir,

I am directed by the Marquess Curzon of Kedleston to inform you that the Canadian Government has expressed the desire to be associated with His Majesty's Government in the Trade Agreement between Russia and Great Britain.

2. Pending formal negotiations for a Canadian Russian agreement, the Canadian Government are desirous of attaching Mr. H. J. Mackie, member of the Canadian Government<sup>1</sup> and Mr. L. D. Wilgress, member of the Canadian Ministry of Trade and Commerce, to the British Mission in Moscow, and I am to enquire whether the Soviet Government would agree to these gentlemen being temporarily attached to the British Mission, and if they would afford them all the necessary facilities for making a report to their Government.

I am etc.

J. D. GREGORY

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*La Délégation commerciale russe au Foreign Office*  
*Russian Trade Delegation to Foreign Office*

NOTE

Mr. Berzin presents his compliments to the Under-Secretary of State for Foreign Affairs and begs to acknowledge receipt of a letter under the above reference dealing with the desire of the Canadian Government to be associated with His Majesty's Government in the Trade Agreement between Russia and Great Britain.

<sup>1</sup>Le 6 septembre la Délégation commerciale russe fut avisée que H. J. Mackie était député à la Chambre, non un ministre du Conseil.

<sup>1</sup>On September 6 the Russian Trade Delegation was informed that H. J. Mackie was a Member of Parliament, not a member of the Government.

This information has been communicated to the Soviet Government in Moscow by telegram and in due course a reply will be sent to His Majesty's Government.

[London,] August 26, 1921

[PIÈCE JOINTE 3 / ENCLOSURE 3]

*La Délégation commerciale russe au Foreign Office*  
*Russian Trade Delegation to Foreign Office*

NOTE

Mr. Berzin presents his compliments to the Under Secretary of State for Foreign Affairs, and with further reference to the Foreign Office note of the 25th instant, under the above reference, begs to inform him that the Russian Government will be pleased to receive in Moscow Mr. H. J. Mackie, member of the Canadian Government and Mr. L. D. Wilgress, member of the Canadian Ministry of Trade and Commerce.

On presentation of their passports at our office, the necessary visas will be given.

[London,] August 29, 1921

816.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, December 28, 1921

Your despatch No. 563 of October 15th. Minute of Council approved 26th December stating that Canadian Government approve of terms of formula which it is proposed to embody in notes to be exchanged between Foreign Office and Russian Trade Delegation in regard to Canada's participation in arrangement for resumption of trade with Russia. Despatch follows by mail.

BYNG

817.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 85

Downing Street, February 16, 1922

My Lord,

I have the honour to acknowledge the receipt of Your Excellency's despatch No. 755 of the 31st of December, 1921, and to transmit to you, for the information of your Ministers, copies of notes<sup>1</sup> which have been addressed to

<sup>1</sup>La note relative au statut de H. J. Mackie n'est pas reproduite.

<sup>1</sup>The note on the status of H. J. Mackie is not printed.

the Russian Trade Delegation regarding the desire of the Canadian Government to participate in the arrangement for the resumption of trade with Russia.

I have etc.

WINSTON S. CHURCHILL

[PIÈCE JOINTE / ENCLOSURE]

*Le Foreign Office à la Délégation commerciale russe*  
*Foreign Office to Russian Trade Delegation*

Foreign Office, February 8, 1922

Sir,

I am directed by the Secretary of State for Foreign Affairs to refer to Foreign Office letter No. N. 10058/9457/38 of the 6th September last and previous correspondence regarding the visit of Colonel Mackie to Russia, and the desire of the Canadian Government to be associated with the Anglo-Russian trade agreement.

2. The Canadian Government have now requested His Majesty's Government to ascertain whether the Soviet Government would be willing to agree to an exchange of notes confirming the fact that the Canadian Government are associated with His Majesty's Government in the terms of the Anglo-Russian trade agreement.

3. I am therefore to request you to be good enough to consult your government as to whether they would agree to an exchange of identic notes in the following terms:

The Government of the Dominion of Canada, having expressed their desire that the provisions of the agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries, which was signed at London on the 16th day of March, 1921, should apply also to Canada, and to merchandise the produce and manufacture of Canada, it is hereby agreed that the provisions of that agreement shall as from the date of the present agreement be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia.

I am etc.

J. D. GREGORY

818.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 261

Downing Street, May 24, 1922

My Lord,

With reference to my despatch No. 85 of the 16th February, I have the honour to transmit to Your Excellency for the consideration of your Ministers, a copy of further correspondence with the Russian Trade Delegation relative

to the adhesion of Canada to the Russian Trade Agreement of the 16th March 1921.

2. I should be glad to receive an expression of your Ministers' views as to the representation of Canada in Russia under the Agreement.

I have etc.

WINSTON S. CHURCHILL

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*La Délégation commerciale russe au sous-secrétaire aux Affaires étrangères*

*Russian Trade Delegation to Under-Secretary for Foreign Affairs*

[London,] March 24, 1922

Sir,

I am directed by Mr. Berzin to refer to your letter of the 8th February, reference N 986/567/38, and to inform you that we have received instructions from our Government to agree to an exchange of identical notes in the terms mentioned in paragraph three of the letter above mentioned as follows:

The Government of the Dominion of Canada having expressed their desire that the provisions of the agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries, which was signed at London on the 16th day of March, 1921, should apply also to Canada, and to merchandise the produce and manufacture of Canada, it is hereby agreed that the provisions of that agreement shall as from the date of the present agreement be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia.

As to the personnel of the Delegation, Mr. Berzin would like to know the views of the Canadian Government on this matter and also would like to have the name of the person with whom negotiations can be conducted with reference to this matter.

I am etc.

N. KLISHKO

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le Foreign Office à la Délégation commerciale russe*

*Foreign Office to Russian Trade Delegation*

Foreign Office, May 6, 1922

Sir,

I am directed by the Marquess Curzon of Kedleston to acknowledge the receipt of your memorandum No. IB/8147 of March 24th last stating that the Soviet Government agree to an exchange of notes with His Majesty's Government providing for the adhesion of Canada to the Trade Agreement of March 16th.

2. Communications on this subject from the Soviet Government should continue to be addressed to the Foreign Office as heretofore.

3. No information is at present available about the intentions of the Canadian Government respecting their representation in Russia under the agreement, but enquiries are being made and the result will be communicated to you in due course.

4. The Foreign Office are ready to proceed with the exchange of notes at any time convenient to Monsieur Berzin.

I am etc.

ESMOND OVEY

819.

*Le Gouverneur général suppléant au secrétaire aux Colonies*  
*Deputy Governor General to Colonial Secretary*

DESPATCH 355

Ottawa, June 21, 1922

Sir,

With reference to your despatch No. 261 of the 24th May, in regard to the question of Canada's adhesion to the Russian Trade Agreement of the 16th March, 1921, I have the honour to inform you that the Minister of Trade and Commerce is of the opinion that all future negotiations between Canada and the Russian Soviet Government of Russia, or the Russian Trade Delegation in London, should be conducted as foreign negotiations are usually conducted by Canada, that is to say, through His Majesty's Colonial and Foreign Offices.

As to the representative to be sent to Russia, the Minister would submit the name of Mr. Leolyn Dana Wilgress, a Canadian Trade Commissioner regularly on the staff of the Department of Trade and Commerce who is, at present, on special duty in London. The Minister would be glad to instruct Mr. Wilgress to proceed to Russia at such time as may be deemed expedient and to open an office at such point as may hereafter be considered desirable, it being understood that Mr. Wilgress' duties will be confined wholly to carrying out such instructions as he may receive from the Department of Trade and Commerce with regard to the extension of Canadian trade in Russia.

I have etc.

L. H. DAVIES

820.

*Le Haut commissaire au sous-secrétaire d'État aux Affaires extérieures*  
*High Commissioner to Under-Secretary of State for External Affairs*

TELEGRAM

London, July 13, [1922]

Anglo-Russian Trade Agreement. Foreign Office advises receipt of note from Russian Trade Delegation stating adherence Canada regarded as accomplished with effect as from third July.



821.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 364

Downing Street, July 24, 1922

My Lord,

With reference to Sir L. H. Davies' despatch No. 355 of the 21st of June, I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of Notes exchanged between the Foreign Office and the Russian Trade Delegation regarding the application to the Dominion of Canada of the provisions of the Anglo-Russian Trade Agreement of the 16th of March 1921.

I have etc.

WINSTON S. CHURCHILL

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*Le Foreign Office à la Délégation commerciale russe*  
*Foreign Office to Russian Trade Delegation*

Foreign Office, July 3, 1922

Sir,

I am directed by the Earl of Balfour to inform you that, the Government of the Dominion of Canada having expressed their desire that the provisions of the agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries, which was signed at London on the 16th day of March, 1921, should apply also to Canada, and to merchandise the produce and manufacture of Canada, it is proposed that the provisions of that agreement shall be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia.

2. Should your Government agree to this proposal, I am to request that you will address to me a note in confirmation of this arrangement, which may then be regarded as being completed and having full effect from the date of the present exchange of notes.

I am etc.

ESMOND OVEY

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*La Délégation commerciale russe au secrétaire aux Affaires étrangères*  
*Russian Trade Delegation to Foreign Secretary*

[London,] July 3, 1922

Sir,

I am directed by Mr. Tchitcherine, the People's Commissar for Foreign Affairs, to acknowledge the receipt of your note of today's date, informing me

that, the Government of the Dominion of Canada having expressed their desire that the provisions of the Agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries, which was signed at London on the 16th day of March 1921, should also apply to Canada, and to merchandise the produce and manufacture of Canada, it is proposed that the provisions of that Agreement shall be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia.

I am to inform you in reply that my government agree to this arrangement, which is regarded as being completed and having full effect as from today's date.

I have etc.

J. BERZIN

822.

*Le Gouverneur général suppléant au secrétaire aux Colonies*  
*Deputy Governor General to Colonial Secretary*

DESPATCH 535

Ottawa, September 30, 1922

Sir,

With reference to your despatch No. 446 of the 13th instant, regarding the appointment of Mr. L. D. Wilgress as Canadian Trade Commissioner in Russia, I have the honour to inform you that, during the recent visit to England of the Honourable James A. Robb, Minister of Trade and Commerce, he was given to understand that at the present time all buying for Russia is done through the Russian Trade Delegation in London. For the present, therefore, the appointment of a Canadian Trade Commissioner in Russia will be deferred.

I have etc.

L. H. DAVIES

823.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 121

Downing Street, March 13, 1923

My Lord,

With reference to my predecessor's despatch No. 364 of the 24th of July last, I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a Note from the Russian Trade Delegation regarding the proposal of the Soviet Government to send a Mission to Canada. I should be glad to learn what reply your Ministers would wish to be returned to this Note. In this connexion I enclose a copy of a telegram from His Majesty's Representative at Moscow reporting that the Soviet Concessions Committee has passed a resolution in favour of refusing the Canadian Pacific Railway Company the right to do shipping business in Russia and of closing the Company's offices in the territory of the Republic.

2. Copies of correspondence between the Foreign Office and the Russian Trade Delegation relative to the proposed Soviet Mission to Canada, are enclosed for convenience of reference. This correspondence was communicated to the High Commissioner for Canada at the time; and the Foreign Office Note of the 6th of December was founded on information received by the High Commissioner from Ottawa.

3. In the meantime, the Russian Trade Delegation has been informed that the refusal of the Government of Canada to accept the proposed Mission was due to objections to the personnel of the staff and not to any objection of principle against the reception of a mission. This information also was founded on a message received by the High Commissioner from Ottawa.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*La Délégation commerciale russe au Foreign Office*

*Russian Trade Delegation to Foreign Office*

NOTE

M. Klishko, Assistant Official Agent of the Russian Soviet Government in Great Britain, presents his compliments to the Marquess Curzon of Kedleston, and, with reference to the Foreign Office communication of the 6th December 1922, reference N 10604/567/38, begs to state that he is instructed by the People's Commissariat for Foreign Affairs to call his attention to the following facts:

On the 3rd of July 1922, Mr. Esmond Ovey, acting upon instructions from the Earl of Balfour, informed Mr. Berzin of the desire of the Government of the Dominion of Canada, "that the provisions of the agreement between the Government of the United Kingdom and the Russian Soviet Government for the resumption of trade and commerce between the two countries which was signed in London on the 16th March, 1921, should apply also to Canada", and proposed "that the provisions of that agreement shall be held to apply to the Dominion of Canada and to govern the relations between Canada and Russia".

The note further requested that, should the Russian Government agree to this proposal, a note in confirmation should cause the arrangements to be regarded "as being completed and having full effect as from the date of the present exchange of notes".

Mr. Berzin's reply of the same date containing the Russian Government's assent to the above proposal made the arrangement duly "complete and having full effect" from that day's date, i.e. from the 3rd of July, 1922.

The above mentioned notes show clearly that all three governments concerned have agreed that the relations between Russia and Canada were from that date to be regulated by all the provisions of the Anglo-Russian Trade

Agreement. In accordance with this, the Canadian Government has appointed Mr. Leolyn Dana Wilgress to the post of Canadian Trade Representative in Russia, and the British Agent in Russia, under the instructions of His Majesty's Government, informed the People's Commissariat for Foreign Affairs to that effect in his Aide Memoire, No. 239 of the 7th August, inquiring whether this appointment was acceptable to the Russian Government. The Russian Government regarded this appointment as coming under Article 5, paragraph I of the Anglo-Russian Trade Agreement and having no objections to Mr. Wilgress' candidature, accepted him as the Canadian Official Agent, of which fact the British Agent was informed by the People's Commissariat for Foreign Affairs in its Aide Memoire No. 3A/422 of the 23rd August, 1922.

The Russian Government, likewise, has appointed as its Official Agents to Canada, Mr. Peter Voykoff and Mr. Gregory Weinstein, with Mr. Samuel Kahan and Mr. Maxim Divilkovsky included in their staff; and Mr. Berzin requested the British Foreign Office to inquire whether the above persons were acceptable to the Canadian Government.

More than two months have elapsed from the date of the above request, and, with the exception of a single letter from the British Foreign Office, regarding a technical misunderstanding (cleared up at the time) as to the proposed staff of the Mission, no official intimation from the Canadian Government regarding the acceptability of the members of the Mission has been forthcoming. At last on the 6th of December, the Foreign Office informs Mr. Berzin "that the Government of Canada has now replied refusing permission to Mr. Peter Voykoff, Mr. Gregory Weinstein and Mr. Samuel Kahan to visit that country."

It must be noted in this connection that the British Government, as well as the Government of Canada, were fully aware of the purpose of the above mentioned persons going to Canada. It could in no way be regarded as a mere visit to that country, and it is surprising that the British Foreign Office, in its note of the 6th of December should refer to it as to an intended visit, permission for which could be refused in the ordinary way. The Russian Government wished to send Mr. Peter Voykoff, Mr. Gregory Weinstein, Mr. Samuel Kahan and Mr. Divilkovsky, as seen from Mr. Berzin's note of the 21st September, in the capacity of members of the Official Mission to Canada, and the reply of the Canadian Government refusing to admit them can be regarded only as a refusal to admit to Canada Russian official Agents as such, which amounts to a refusal to carry out one of the provisions of the Anglo-Russian Trade Agreement.

In view of the fact that the Russian Government is up till now not aware of the Canadian Government's ever having expressed its desire to rescind the arrangement of July 3rd, 1922, the People's Commissariat for Foreign Affairs would be glad if the Foreign Office would be kind enough to inquire of the Canadian Government whether it intends to carry out the provisions of the Anglo-Russian Trade Agreement, including Article 5, paragraph I and to admit to Canada Russian Official Agents with their staff.

It is also to be noted that there was no intention on the part of the Russian Government to include in the Official Mission Madame Kollontai, Mr. Nuorteva and Professor Tulaikov, mentioned in Mr. Gregory's letter of the 6th December, 1922.

[London,] January 10, 1923

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le Représentant britannique en Russie au Foreign Office*  
*British Representative in Russia to Foreign Office*

TELEGRAM

Moscow, February 22, 1923

Concession Committee has passed resolution in favour of refusing Canadian Pacific lessee right to do shipping business in Russia and closing company's offices in territory of republic. Pretext is that Canadian shirks fulfilment of its agreement with Soviet Government. I have asked for explanation of allegation and have pointed out that as company's representative was working legally in Russia before adhesion of Canada to trade agreement, charge, even if it could be sustained, would be no justification for proposed action.

[PIÈCE JOINTE 3 / ENCLOSURE 3]

*La Délégation commerciale russe au Foreign Office*  
*Russian Trade Delegation to Foreign Office*

NOTE

M. Berzin, Assistant Official Agent of the Russian Soviet Government in Great Britain, presents his compliments to the Marquess Curzon of Kedleston and begs to state that in connection with the Trade Agreement concluded the 3rd July 1922 between his Government and Canada, his Government wishes to send a Mission to Canada under the Chairmanship of Mr. Peter Voikoff. The Mission consists of:

Grigori Veinstein (Member)

Samuel Kahan (Secretary) and

Maxim Divilkovsky (Member of the staff)

Mr. Kahan will be accompanied by his wife and seven year old son.

The mission proposes to leave Russia on the 1st October next, and M. Berzin would be glad if the Marquess Curzon of Kedleston would approach the Canadian Government with a view to obtaining the necessary permission for the above to enter that country.

London, September 21, 1922

## [PIÈCE JOINTE 4 / ENCLOSURE 4]

*Le Foreign Office à la Délégation commerciale russe**Foreign Office to Russian Trade Delegation*

Foreign Office, September 25, 1922

Sir,

With reference to your letter No. J.B./12435 of the 22nd instant, I am directed by the Marquess Curzon of Kedleston to inform you that, as a result of Monsieur Klishko's recent verbal enquiry, the competent department of His Majesty's Government was requested to ascertain whether the Government of Canada would be willing to admit Monsieur Nuorteva, Madame Kollontai and Monsieur Tulaikoff as members of the trade mission which the Soviet Government proposes to send to that country.

2. Pending the receipt of a reply to this enquiry no guarantee can be given that Monsieur Tulaikoff will be admitted to Canada nor can the facilities asked for in your letter under reference be granted.

3. No intimation has reached this department that Monsieur Tulaikoff has ever received permission to visit this country and I am to enquire whether he has in fact received such permission and by whom was it granted.

4. I am further to point out that in your letter, No. J.B./12415 of the 21st instant, the proposed mission is stated to consist of Monsieur Voikoff, Grigori Veinstein, Samuel Kahan and Maxim Divilkovsky. This information would appear to conflict with that supplied by Monsieur Klishko and it is not understood what the exact composition of the mission is now intended to be.

5. I am, therefore, to request that the requisite information on this point may be communicated to this Department at an early date for transmission to the Canadian authorities.

I am etc.

J. D. GREGORY

## [PIÈCE JOINTE 5 / ENCLOSURE 5]

*Le Foreign Office à la Délégation commerciale russe**Foreign Office to Russian Trade Delegation*

Foreign Office, December 6, 1922

Sir,

With reference to your memorandum No. J.B./12435 of the 22nd of September, relative to the proposed Soviet Mission to Canada, I am directed by the Secretary of State for Foreign Affairs to state that the Government of Canada has now replied, refusing permission to Mr. Peter Voikov, Mr. Gregory Weinstein, Mr. Samuel Kahan, Mr. Nuorteva, Professor Tulaikov and Mrs. Kollontai, to visit that country.

I am etc.

J. D. GREGORY

824.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

DESPATCH

Downing Street, July 30, 1923

CONFIDENTIAL (2)

My Lord,

With reference to my despatch No. 121 of the 13th of March, I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a memorandum from the Russian Trade Delegation regarding the refusal of the Canadian Government to accept the proposed Soviet Government mission to Canada. This memorandum was not communicated to you immediately on its receipt as it was thought that action on it must depend on the outcome of the general correspondence with the Soviet Government as to relations with Russia.

2. It is observed from the telegram from the Under-Secretary of State for External Affairs to the High Commissioner of the 15th of March that Canada would be prepared to admit any persons forming the Russian Trade Delegation who might be approved by His Majesty's Government. So far as Messrs. Peter Lazarevich Voikov and Gregory Weinstein, of the proposed trade mission, are concerned, it has been ascertained that the Secretary of State for Home Affairs would not be prepared to agree to the grant of visas for the purpose of their entering Great Britain. Messrs. Samuel Kahan and Maxim Divilkovski would, however, on present information, probably be allowed to enter Great Britain if they applied for permission. In order to prevent any undue delay in the settlement of this question, the Russian Trade Delegation is being informed that the appointment of Messrs. Voikov and Weinstein will not in any case be acceptable to the Government of Canada, while as regards that of Messrs. Kahan and Divilkovski definite information is still awaited. The Russian Delegation will thus be able to advise the Soviet Government to proceed with the selection of some other persons to fill the places of Messrs. Voikov and Weinstein. A copy of the note to the Delegation is enclosed.

3. I should be glad to be informed whether the Canadian Government would be prepared formally to withdraw their objection to the admission to Canada of Messrs. Kahan and Divilkovski, in order that the Russian Trade Delegation may be informed of their definite decision on this point. The names of persons ultimately selected by the Soviet Government to replace Messrs. Voikov and Weinstein will be submitted to the Government of Canada in due course.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE 1 / ENCLOSURE 1]

*La Délégation commerciale russe au Foreign Office*  
*Russian Trade Delegation to Foreign Office*

## NOTE

Monsieur Berzin, Assistant Official Agent of the Russian Soviet Government in Great Britain, presents his compliments to the Marquess Curzon of Kedleston, and begs to refer to the Foreign Office communication of the 15th February reference N 1042/80/38, dealing with the question of the admission of the Soviet Mission to Canada.

The Russian Government notes with pleasure that no difference on the interpretation of the various clauses of the Anglo-Russian Trade Agreement exists between the two Governments.

The Russian Government is also pleased to note that the Government of Canada does not object on principle to the admission of a Soviet Mission as such, but the objection is due to the personnel of the staff appointed by the Russian Government. At the same time, the Russian Government cannot help expressing surprise that the refusal has been extended to the complete staff of the Mission appointed, and it would like to know the reason for this refusal, as this information will serve as a guide in the appointment of the staff of the new Mission.

Monsieur Berzin would deem it a great favour if this matter could be dealt with with as little delay as possible, as, in view of the uncertain position which has resulted from the refusal of the Canadian Government to admit the Soviet Mission to Canada, a number of trade negotiations have of necessity been suspended with Canada and Russia.

[London,] April 13, 1923

[PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le Foreign Office à la Délégation commerciale russe*  
*Foreign Office to Russian Trade Delegation*

Foreign Office, July 25, 1923

Sir,

I am directed by the Marquess Curzon of Kedleston to state, in reply to an enquiry made by you whilst calling at this department on the 27th of June and with reference to Foreign Office letter of the 15th of February, that the refusal of the Government of Canada to accept the proposed Soviet mission to that country was due to objections to the personnel of the staff, and not to any objection in principle against the reception of the mission.

2. There is no prospect that the Government of Canada would be willing to accept Mr. Peter Lazarevich Voikov or Mr. Gregory Weinstein. Definite information is still awaited whether they would have any objection to the



appointment of Mr. Samuel Kahan or Mr. Maxim Divilkovski. I am therefore to suggest that, if your Government is still desirous of proceeding with the despatch of a mission to Canada, the names of any persons whom it may be desired to appoint in place of Mr. Voikov and Mr. Weinstein should be communicated in due course to His Majesty's Government for submission to the Government of Canada.

I am etc.

ESMOND OVEY

825.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 18, 1923

CONFIDENTIAL. Your despatch of July 30th, Confidential (2). Refusal of Canadian Government to accept proposed Soviet Government mission to Canada. My Ministers represent in reply to enquiry contained in paragraph 3 that Canadian Government now prepared to withdraw its objection to admission to Dominion of Messrs. Kahan and Divilkovski.

826.

*Le Haut commissaire au secrétaire aux Affaires étrangères*

*High Commissioner to Foreign Secretary*

London, November 16, 1923

Dear Lord Curzon,

I had a conversation a day or two ago with M. Radkovsky and his colleague when he pointed out to me that his Government desires to send a Trade Commission to Canada. He represents that they are in need of large quantities of agricultural implements etc. which we in Canada manufacture and ship to all parts of Europe.

I have spoken to my Prime Minister, Mr. Mackenzie King, about the matter and he advised me to communicate with you and ask if there is any arrangement between the Imperial and the Dominion Government by which we should not permit a delegation of this kind to enter Canada, or by which we should not trade with them, or if you are of the opinion that it would be injudicious.

I should be very glad to hear from you on this subject.

Yours sincerely,

PETER C. LARKIN

827.

*Le secrétaire aux Affaires étrangères au Haut commissaire*  
*Foreign Secretary to High Commissioner*

Foreign Office, November 22, 1923

Dear Mr. Larkin,

I am much obliged to you for your letter of the 16th November enquiring whether there is any arrangement between the Imperial and Dominion governments by which the latter should not admit a Russian trade delegation to Canada or otherwise trade with Russia if we consider this injudicious.

I can assure you that no arrangement of this kind exists or is desired by us. Canada, as you know has decided to participate in the trade agreement signed by Monsieur Krassin and Sir R. Horne on March 16th 1921; and as a result of this decision the Dominion government have decided to admit a Russian trade delegation to Canadian territory. The police authorities in Canada and London have been in consultation through the usual channels in regard to the bona fides and previous records of the Russians composing this delegation, and since we have a great deal of information about Russian political personages which is probably not readily available in Ottawa, the Canadian government will probably wish to continue to receive advice from us if the Soviet delegation in Canada propose to alter or add to its personnel. But in this case our only desire is to give you all the assistance we can and we have no wish to hamper the discretion of the Canadian department concerned either as to the character of any Russians whom they may admit to Canada or as to any particular trading transactions which may be contemplated.

I am etc.

CURZON

828.

*Le commissaire aux Affaires étrangères au Premier ministre*  
*Commissary for Foreign Affairs to Prime Minister*

TRANSLATION

Moscow, January 9, 1924

Dear Prime Minister,

In pursuance of the exchange of Notes between the Governments of the Russian Socialist Federal Soviet Republic and of Great Britain, of July 3, 1922, the Government of the Union of Soviet Socialist Republics, which now represents the Russian Socialist Federal Soviet Republic in international relations, has found it necessary to appoint Mr. Alexander Alexandrovich YAZIKOV as its Official Agent in Canada.

In notifying the above, the Government of the Union of Soviet Socialist Republics has the honour to request you, Mr. Prime Minister, to render assistance and aid to Mr. A. A. Yazikov in the fulfilment of the duties with

which he is charged, and to accord confidence to any communications he may have the honour to make to you.

Please accept etc.

GEORGE CHICHERIN

829.

*L'agent officiel de l'Union soviétique au Premier ministre*  
*Official Agent of Soviet Union to Prime Minister*

Montreal, March 20, 1924

Sir,

Referring to the conference which I had with you yesterday, and wishing to have a more definite basis for trade negotiations and for the performance of my other functions, I would ask you to be good enough to inform me whether the *de jure* recognition of the Union of Soviet Socialist Republics, proclaimed by His Britannic Majesty's Government on the first of February last, comprehends recognition by Canada.

I beg etc.

A. YAZIKOFF

830.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, March 21, 1924

SECRET. My despatch dated February 14th Secret. List of Treaties in Enclosure 2 to Prime Minister's letter have been under examination and hoped to inform your Ministers at an early date of the views of His Majesty's Government as to renewal or otherwise of the Treaties in question. Meanwhile it would be convenient to His Majesty's Government to learn the wishes of the Canadian Government as to two particular questions – (i) Whether Notes of 1893, 1894, in so far as these continue in force, and the Convention of 1911 relating to Seal Fishery, should be maintained; (ii) Whether in the event of the Trade Agreement of 1921 being replaced, as regards this country, by new provisions on commercial matters, Canadian Government would desire Agreement to be maintained so far as Canada concerned?

Anticipated that negotiations with Russian representative will open first week in April.

831.

*Le Premier ministre à l'agent officiel de l'Union soviétique*  
*Prime Minister to Official Agent of Soviet Union*

Dear Sir,

Ottawa, March 24, 1924

Following up my conversation of a few days ago, and with special reference to your letter of the 20th instant, I have the honour, in the best interests of

both countries, to represent that Canada is prepared to recognize the Union of Soviet Socialist Republics.

I have etc.

W. L. MACKENZIE KING

832.

*Le consul général d'Allemagne au Premier ministre*  
*Consul General of Germany to Prime Minister*

Montreal, April 2, 1924

Sir,

The Montreal *Gazette* of March 27th, reprints your letter to Mr. Alex Yazikoff, Agent in Canada of the Union of Soviet Socialist Republics, in which you represent that Canada is prepared to recognize the Union of Soviet Socialist Republics. On reading your letter it is not quite clear to me whether it expressed merely a preparedness on the part of Canada to recognize the Soviet Republics, so that formal recognition may be effected later, or whether it actually contains a definite recognition, as the *Gazette* seems to assume.

As my Government is naturally greatly interested to know whether the Union of Soviet Socialist Republics is formally recognized by the Canadian Government, I should be grateful if you would be so kind as to enlighten me on the subject.

Availing myself etc.

L. KEMPPF

833.

*Le sous-secrétaire d'État aux Affaires extérieures*  
*au consul général d'Allemagne*  
*Under-Secretary of State for External Affairs*  
*to Consul General of Germany*

Ottawa, April 16, 1924

Sir,

In reply to your letter of the 2nd instant to the Prime Minister on the question of the recognition of the Union of Soviet Socialist Republics, I am desired by Mr. King to inform you that the Union of Soviet Socialist Republics is formally recognized by the Canadian Government.

I have etc.

[JOSEPH POPE]

834.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 17, 1924

SECRET. Your telegram March 21st, Treaties with Russia. Department of Marine and Fisheries is of the opinion that notes of 1893 and 1894 are no

longer of effect since legislation of 1912 giving effect to Convention of 1911 and Order in Council passed thereunder sealing being prohibited in all Pacific waters north of 30th parallel of north latitude including Bering Sea. It is desired however that Convention of 1911 relating to Seal Fishery should be maintained. It is also desire of Canadian Government that Trade Agreement of 1921 should be maintained so far as Canada is concerned.

835.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 14, 1924

My telegram of today. Proposed Commercial Treaty with Union of Soviet Republics arrangements not intended to affect position of Canada in the meantime under the Trade Agreement of 1921, as to which understood Soviet Delegation agree to accept proposals at the end of your telegram of April 17th.

836.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, July 21, 1924

CONFIDENTIAL. Your telegram dated April 17th, my despatch dated May 22nd Dominions No. 231. Confidential. Fourth Committee Anglo-Soviet Conference is about to submit to the Conference further report recommending that a protocol, or other similar instrument, should be drawn up, which, in addition to giving effect to paragraphs 2, 3 and 5 of the Committee's report of May 9th as regards bi-lateral treaties, would contain provision that there is no obstacle to the observance of the stipulations of certain multi-lateral treaties to be set out in the schedule, and that these treaties shall in future be applied as between the two countries. Where these treaties are not in fact being applied at present, application should commence at the latest on the coming into force of the protocol. Committee recommend that the schedule should include the Convention of July 7th 1911 respecting the protection of the fur of seals in the North Pacific, and that joint declaration should be made that the Convention has been included on the assumption that the Government of the United States of America and the Government of Japan regard it as still in force and are willing to observe its provisions, that His Majesty's Government will on the coming into force of the protocol address communication to the Government of the United States of America and the Government of Japan, with a view of avoiding any misunderstanding of the position and that in the event of an unfavourable answer being received from those Governments, or from either of them, His Majesty's Government and the Soviet Government will concert together as to further measures which should be taken. His Majesty's Government will be glad to learn as soon as possible whether your Ministers would regard this arrangement as satisfactory.

837.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, August 1, 1924

SECRET. My telegram of today Treaties with Soviets. Proposed that provision as to the maintenance of the Trade Agreement between Canada and the Soviet Union should be inserted in separate exchange of notes. As it is desired, if approved by the Soviet Government, Treaties should be signed early next week, His Majesty's Government would be grateful for reply, as soon as possible, to my telegram dated July 21st Fur of Seals Convention, my telegram dated July 14th Commercial Treaty.

838.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 4, 1924

PRIORITY. Following from my Prime Minister. Begins. Your telegram August 1st Treaties with Soviet Union. Provision regarding North Pacific Fur Seals Convention contained in your telegram July 21st not acceptable. Assume if subsequent negotiation necessary on this point, Canadian representative will participate. Provision in Commercial Treaty regarding extension to Dominions contained in your telegrams July 14th and August 1st satisfactory provided liberty of denunciation of most favoured nation customs treatment is made reciprocal and open to Dominion as well as to Union. Desirable also, though not so essential, to provide twelve or six months' notice of such denunciation. Provision in yours August 1st for maintenance of Trade Agreement between Canada and Soviet Union to be inserted in exchange of notes satisfactory. Canadian Government understands this agreement ensures most favoured nation customs treatment so long as in force. Canada now accords Union such treatment. As both treaties are stated to be drawn between Great Britain, Northern Ireland and Union, presumably they apply only to Great Britain and require ratification only by British Government or Parliament. In general treaty, however, some paragraphs appear from cable summary to cover all Empire subjects, for example paragraphs seven and nine regarding loans and claims. Please advise intended scope this respect, also whether said loans include loans issued by Russian Government during war and subscribed privately. Ends.

839.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, August 9, 1924

Your telegram dated August 4th. Treaties with the Soviet Union. As regards Fur of Seals Convention your Prime Minister's presumption correct. As

regards Commercial Treaty, provision referred to leaves non-acceding Dominions liberty to withdraw most favoured nation treatment from Soviet goods at any time. Obligations under both Treaties confined on British side to Great Britain and Northern Ireland but it is the established practice of His Majesty's Government to interpret provision of Commercial Treaty, conferring rights on British subjects generally, as applying to all British subjects. Similarly they regard the benefits conferred by the General Treaty on British nationals in matters of claims, etc., as extending to all British subjects irrespective of the part of the Empire with which connected. As regards the scope of the provision relating to loan, will reply later.

840.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

PARAPHRASE OF TELEGRAM

London, August 9, 1924

SECRET. With reference to my telegram August 9th, apparently question of interpretation of Article 1 Russian Trade Agreement 1921 has never arisen in practice. The provision prohibiting discrimination against trade between Soviet Union and this country as compared with that carried on with any other foreign country, would have been interpreted by His Majesty's Government if the question had arisen, in the sense of ensuring unconditional most favoured nation treatment in customs matters; but it is by no means certain that this would have been the view of the Soviet Government in view of the discussions, referred to in my telegram July 14th, at the Commercial Treaty Committee, Anglo-Soviet Conference.

841.

*Le Premier ministre à l'agent officiel de l'Union soviétique*

*Prime Minister to Official Agent of Soviet Union*

Ottawa, August 13, 1924

Dear Sir,

I am in receipt of your request for a statement as to the receipt of your credentials from the Union of Soviet Socialist Republics.

I have already stated in the House of Commons (June 23, 1924) the facts as to the extension of the Trade Agreement to the Dominion:

By minute of Council of December 26, 1921, the Canadian Government approved a formula suggested by His Majesty's Government to make applicable to Canada the provisions of the Trade Agreement between His Majesty's Government and the Russian Soviet Government of the 16th of March, 1921. Effect was given to this decision by an exchange of notes dated the 3rd July, 1922, between the Foreign Office and the Russian Trade Delegation in London, so that agreement should apply to the Dominion from that date.

In accordance with Article V of the Trade Agreement, providing that "either party may appoint one or more official agents, to a number to be

mutually agreed upon, to reside and exercise their functions in the territories of the other" the Government of the Union of Soviet Socialist Republics (the official designation of the Central Government of what was formerly known as the Russian Empire, less Poland, Finland, the Baltic States, and Bessarabia) decided to appoint an Official Agent in Canada. The Canadian Government received a communication from the Government of the Union of Soviet Socialist Republics, dated 9 January, 1924, and signed by the People's Commissary for Foreign Affairs, naming Alexander Alexandrovich Yazikoff as its Official Agent in Canada. These credentials were presented to the Canadian Government by you in March, 1924 and duly accepted. On March 24, I added the statement, in response to a communication from you, that "I have the honour, in the best interests of both countries, to represent that Canada is prepared to recognize the Union of Soviet Socialist Republics".

I have etc.

W. L. MACKENZIE KING

842.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 13, 1924

CONFIDENTIAL. Your telegram 21st July. Fur Seals. Minute of Privy Council approved 9th August. It is desire of Canadian Government that Treaty referred to which is at present being fully respected by Canada, United States and Japan, should be maintained, and arrangement proposed is satisfactory.

843.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, August 16, 1924

Your telegram dated 9th August re treaties with the Soviet Union. We note doubt as to whether Union would admit Trade Agreement involves Most Favoured Nation treatment in customs matters, but consider this ensured by exchange of notes Foreign Office and Russian Trade Delegation, 3rd July, 1922, stating agreement applies to Canada and to merchandise the product and manufacture of Canada. We note obligations of both treaties confined to Great Britain and Northern Ireland but certain rights extend to all parts of Empire. This attitude appreciated but position ambiguous and would seem to require consideration later.



## ESPAGNE / SPAIN

844.

*Le secrétaire aux Colonies au Gouverneur général**Colonial Secretary to Governor General*

DESPATCH 267

Downing Street, July 6, 1921

My Lord Duke,

With reference to Lord Milner's telegram of the 10th September, 1919 and connected correspondence, I have the honour to request Your Excellency, to inform your Ministers, that the Spanish Government are at present engaged in revising their tariff, and have recently introduced a new one which came into operation on the 21st May. A translation was published as a Supplement to the issue of the *Board of Trade Journal* for 26th May, and certain amendments were notified in the *Journal* for the 9th June.

2. The tariff is provisional and is intended to remain in force until, but only until, it is replaced in due course by one of a more permanent character, the form and details of which are now under the consideration of a Commission appointed by the Spanish Government. No definite date has been fixed for the coming into force of this revised tariff, so far as the Board of Trade are aware, but they understand that it will probably take effect early next year; and, having regard to this situation, they are anxious to take such steps as may be possible to secure that it shall embody in favour of British Trade some reductions in the rates of duty imposed by the Provisional Tariff where it can be shown that the latter are such as to make trade in the articles concerned impossible or difficult.

3. As your Ministers will be aware, commercial relations between Spain and the British Empire were regulated by an exchange of notes between the British and Spanish Governments dated June/December, 1894; and the produce and manufactures of all parts of the Empire which have not withdrawn from that arrangement continue to be entitled to the lowest rates of customs duty applicable to the products and manufactures of other countries, excluding, however, any special Tariff concessions which Spain may accord to Portugal. Such goods are accordingly subject to the lower rates shown in the "Second Tariff" column of the Supplement to the *Board of Trade Journal* of May 26th.

4. So far as the United Kingdom is concerned, His Majesty's Government are taking steps to ascertain the views of Chambers of Commerce (a) as to specific articles in respect of which a reduction of duty, if practicable, or if not, the least possible increase, is desired, and (b) as to the maximum rates on such articles under each tariff heading, which British exporters could face without losing the market (i.e. the total duty payable in Spanish currency inclusive of the *agio* referred to in the Introductory Note to the *Board of Trade Journal* Supplement of the 26th May).

5. If your Ministers should wish any representations made to the Spanish Government as regards goods in which exporters in Canada are interested, it would be convenient if a summary of their views could be telegraphed.

I have etc.

WINSTON S. CHURCHILL

845.

*L'Administrateur au secrétaire aux Colonies*

*Administrator to Colonial Secretary*

TELEGRAM

Ottawa, August 11, 1921

Your despatch July 6, Dominions No. 267. Canadian Government would desire low Spanish tariff on following commodities: Wheat, agricultural implements, wood pulp, wheat flour, rubber and manufactures thereof, condensed milk, automobiles, iron pipe and tubing, asbestos, ammonium sulphate, dried codfish, aluminum manufactures, coal tar, pitch, sausage casings, upper leather, enamelled ware, machine tools, lumber, coated paper, wall papers, wrapping paper, stationery, pumps, builders' hardware, railway material and rolling stock and pianos.

846.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, September 25, 1922

New Commercial Treaty with Spain<sup>1</sup> outline of which given statement President of Board of Trade, House of Commons, August 3rd, reprinted see *Board of Trade Journal* of August 10th not yet signed. In addition to special advantages mentioned in statement Treaty accords general most favoured nation treatment on British side to Spanish goods but as policy of Government of Spain is not to grant general most favoured nation treatment to any country, Treaty does not contain formal stipulations for general most favoured nation treatment British goods. Similarly not found practicable to include in Treaty provision on usual lines securing most favoured nation treatment to non-acceding parts of Empire while they continue to give most favoured nation treatment to Spain. Exchange of notes 1894 provided for reciprocal most favoured nation treatment as between Spain and Dominions and Colonies, will lapse when Treaty comes into force. While applying in first instance on British side to the United Kingdom only, Treaty contains accession clause for other parts of Empire. Feared, however, no prospect of inducing Government of Spain after Treaty has come into force to grant the Dominions and Colonies pending accession of Treaty or other arrangements regulating their com-

<sup>1</sup>Le Traité de Commerce et de Navigation entre l'Espagne et le Royaume-Uni se trouve dans (Canada) *Recueil des Traités*, 1928, no 7.

<sup>1</sup>The Treaty of Commerce and Navigation between Spain and the United Kingdom is printed in (Canada) *Treaty Series*, 1928, No. 7.

mercial relations with Spain even in return for general most favoured nation treatment benefit of lower rate than second column of Spanish tariff published see *Board of Trade Journal* of February 23rd as such is given only in return for special privilege. Apprehending indeed that unless other arrangements made, Government of Spain may subject Dominions and Colonies to duties in the first column Spanish tariff. In order to avoid this suggested that there should be exchange of notes guaranteeing produce or manufacture of Dominions and Colonies rates in second schedule Spanish tariff as long as Dominion or Colony concerned gives Spanish goods most favoured nation treatment. Please telegraph whether your Government concur and whether if necessary in order to obtain rates in second schedule Spanish tariff they would be prepared to undertake to accord general most favoured nation treatment to Spanish imports subject to right to terminate at six months notice. It should be explained that list of British goods for which most favoured nation treatment secured by the Treaty drawn up as far as possible with reference to trade interests of all parts of Empire. Similar telegram sent to other Dominions.

847.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, October 3, 1922

Your Telegram September 25th. New Commercial treaty with Spain. Attention of Mr. Fielding, Finance Minister, who is attending Meeting League of Nations, Geneva, has been called to questions raised in your telegram and it is understood that he will discuss subject with His Majesty's Government while in Europe.

BYNG

848.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, November 3, 1922

My telegram of September 25th. Treaty with Spain signed October 31st with protocol stating that they will come into force on November 6th as *modus vivendi* pending ratification. At the time of signature Spanish Minister for Foreign Affairs handed His Majesty's Ambassador note granting Dominions and Colonies in return for most favoured nation treatment second column rates Spanish tariff six months from date of the coming into force of the Treaty. This arrangement intended to give time for study of Treaty by overseas Governments and for decision as to accession or otherwise but His Majesty's Ambassador is endeavouring to secure arrangements outlined in my telegram of September 25th providing for continuance of second column rates for those Dominions and Colonies which undertake to accord general most favoured nation treatment to Spanish imports subject to right of termination

at six months notice. Final text of Treaty as signed will be sent as soon as possible. It replaces inclosures in my Despatch of October 11th No. 369 Dominions with slight modifications, chief of which are — reduction on amount of coal enjoying specially low rates of duty — importation into Spain from 1,000,000 to 750,000 metric tons and on British side — addition of tomatoes and bananas to Spanish goods which will be admitted free of duty.

DEVONSHIRE

849.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, April 17, 1923

My despatch dated March 26th No. 142. Intention of Spanish Government understood to be that after May 5th products of the Dominions to which the provisions of the Anglo-Spanish Commercial Treaty have not been made applicable under Article No. 24, will only be entitled to second column rates if the Dominion concerned guarantees most favoured nation treatment to Spanish goods, this arrangement to be subject to six months termination on either side. Understood from Fielding, before he left, that question of the relations between Canada and Spain was standing over till his return to Canada. Please let me know whether your Ministers desire any communication with regard to position after May 5th to be made to Spanish Government on their behalf.

DEVONSHIRE

850.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 17, 1923

Your telegram April 17th. Commercial relations between Spain and Canada. Spanish Government desire Canada to adhere to Anglo-Spanish commercial treaty. In some respects that treaty, while well adapted to British trade, is not suited to Canadian conditions. Canadian Ministers, Fielding and Lapointe, discussed the whole subject fully with Spanish Ambassador in London, setting forth Canadian Government's view and suggesting that negotiations be entered into with a view to the making of special treaty. After the return of Ministers to Canada, they received a further communication from the Spanish Ambassador, but it merely reiterated the former expression of a desire that Canada adhere to the Anglo-Spanish treaty. Canadian Ministers again pointed out difficulty of doing this and suggested that further negotiations be continued with Spanish Consul General in Canada or any other authorized representative of the Spanish Government. To this request no reply has been received. Canadian trade with Spain is not extensive, but such as there is, is largely favourable to Spain. Canadian Government earnestly desirous of

making friendly arrangement so that they may extend to Spain the benefit of most favoured nation. Refusal by Spanish Government to consider Canadian request for further negotiations would make products of Spain imported into Canada subject to Canadian general tariff, which situation the Canadian Government are earnestly anxious to avoid. Canadian Government will be pleased to have Your Grace convey the substance of this communication to the Spanish Government either through the Spanish Ambassador in London, or through the British Ambassador at Madrid, or through both channels as in Your Grace's judgment may be deemed best.

851.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, October 2, 1923

Your telegram of May 17th — my despatch dated September 24th, No. 469, British Ambassador, Madrid, understands there is danger that if the Spanish Government now impose first column duty on Canadian goods, in view of Canada not having accepted the arrangement described my despatch of April 17th, all goods from Canada which have entered Spain since the beginning of May may be required to pay first column duty. British Ambassador has not received reply to Note enclosed in my despatch of June 20th, No. 288.

DEVONSHIRE

852.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, October 20, 1923

Your telegram October 2nd. Commercial relations with Spain. Position of Canadian Government was clearly set forth in my telegram May 17th, Canadian Government have received no communication from Spanish Government in answer to representations then made.

853.

*Le sous-secrétaire d'État aux Affaires extérieures*  
*au consul général d'Espagne*  
*Under-Secretary of State for External Affairs*  
*to Consul General of Spain*

Ottawa, November 2, 1923

Sir,

I have the honour to acknowledge the receipt of your letter of the 22nd ultimo, enquiring whether Canada concedes most-favoured-nation treatment to Spain under the Treaty between Great Britain and Spain.

In reply I am to say that Canada has not accepted the Treaty between Spain and the United Kingdom which came into operation on the 6th November, 1922. Our Ministers have had communications, through the Spanish Ambassador in London, and also through the British Foreign Office, with the Spanish Government, with a view to making a special treaty with Spain. On the 17th May, 1923, the Secretary of State for the Colonies was informed that the Canadian Government were earnestly desirous of making friendly arrangement, so that they may extend to Spain the benefit of most favoured nation, and that refusal by Spanish Government to consider Canadian request for further negotiations would make products of Spain imported into Canada subject to Canadian general tariff, which situation the Canadian Government are earnestly anxious to avoid. The Canadian Government have received no communication from the Spanish Government in answer to the representations then made.

In a memorandum, dated 14th September, 1923, the Department of Customs and Excise of Canada have issued instructions to their officers and others concerned in connection with the new commercial treaty with France. In this memorandum is a list of countries to which most favoured nation treatment in tariff matters is accorded in Canada. The name of Spain does not appear in this list. Therefore the products of Spain, when imported into Canada, are now subject to the provisions of the general tariff.

I have etc.

JOSEPH POPE

854.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 4, 1924

Your telegram dated October 20th. Commercial relations with Spain, following telegram has been received from His Majesty's Ambassador at Madrid. Begins. Spanish Government has sent me a note stating that in view of the fact that Canada is not included in the list of August 14th of British Dominions, Colonies, etc., adhering to the provisional (?) arrangement of March 9th because she does not concede most favoured nation treatment to Spanish products, Canadian imports are considered subject to first column duty rates. Spanish Government hopes that certain administrative changes here will make it possible to begin negotiations shortly. Translation of note by post. Ends. For list of August 14th see my despatch of September 3rd, No. 408.<sup>1</sup>

DEVONSHIRE

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

855.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 29

Downing Street, January 16, 1924

My Lord,

With reference to my telegram of the 15th January, I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of correspondence between His Majesty's Ambassador at Madrid and the Spanish Government on the subject of commercial relations between Canada and Spain. The Commercial Secretary of the British Embassy has received direct from the Canadian Department of Customs a copy of the Canadian Customs Tariff with the latest Amendments and Appendices indicating that Canada has ceased to grant most-favoured nation treatment to Spanish goods.

2. Sir E. Howard has further reported that on the 4th January the Commercial Secretary had an interview with Senor Castedo, one of the Members of the Spanish Tariff Commission, as to the duties on Canadian goods. Senor Castedo made it quite clear that the reason why the Spanish Government had decided to subject Canadian goods to First Column rates of duty was that they had been informed by the Spanish Consul at Montreal that Spain was not included amongst the countries which were receiving the benefits of the Franco-Canadian Convention. He went on to say that the Treaties Commission, which was in process of re-organisation, but of which he was still a member, was of the opinion that it would not be possible for Spain to negotiate a separate Treaty with Canada, as its interpretation of the Anglo-Spanish Commercial Treaty of 1922 was that the Dominions, Colonies, etc., must either adhere to the Treaty or, in return for most favoured nation treatment to Spain, receive the Second Column rates of the Spanish Tariff. Sir E. Howard points out that this interpretation cannot be regarded as well founded, since there is no clause in the Treaty to prevent the Dominions or India from making separate Trade Agreements if they wish to do so.

3. It was as a result of this conversation that Sir E. Howard expressed the opinion referred to in my telegram, that there is little likelihood of the Spanish Government immediately negotiating a separate Treaty with Canada, and that (on the assumption that adherence to the 1922 Treaty is not contemplated) the only means whereby Canadian goods on importation into Spain can secure Second Column rates appears to be for the Canadian Government to grant most favoured nation treatment to Spain with retrospective effect from the date when such treatment ceased to be given.

4. Sir E. Howard has added that the imposition of First Column rates on Canadian goods as a result of the alteration in the treatment of Spanish goods imported into Canada involves serious financial loss to several firms importing

Canadian goods who have suddenly become liable to pay very large sums in Custom duties.

I have etc.

DEVONSHIRE

856.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

DESPATCH 317

Ottawa, July 18, 1924

Sir,

With reference to my telegram of the 17th May, 1923, on the subject of the Anglo-Spanish Commercial Treaty of the 31st October, 1922, I have the honour to transmit, herewith, copies of an approved Minute of the Privy Council to the effect that the Government of Canada, while unable to accept either the Treaty or the second column tariff, is willing to proceed with the negotiation of a commercial agreement between Canada and Spain.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*

*Order in Council*

P.C. 1208

July 12, 1924

The Committee of the Privy Council have had before them a Report, dated 10th July, 1924, from the Secretary of State for External Affairs, submitting that Article 24 of the Treaty of Commerce and Navigation concluded between the United Kingdom and Spain on the 31st October, 1922, provides:

The stipulations of the present Treaty shall not be applicable to any part of His Britannic Majesty's territories outside the United Kingdom unless notice is given by His Britannic Majesty's representative at Madrid of the desire of the Government of such part of His Britannic Majesty's territories that the said stipulations shall be so applicable.

As regards the parts of His Britannic Majesty's territories to which the stipulations of the present Treaty shall have been made applicable under this Article, either of the Contracting Parties shall have the right to terminate it separately any time on giving six months' notice to that effect.

The Minister states that the opinion was expressed by Mr. Fielding, Minister of Finance, to the Spanish Ambassador that the terms of the Treaty with the United Kingdom were not adapted to Canadian conditions.

The following is an extract from a letter, dated 19th February, 1923, sent to His Excellency Sir Esme Howard, British Ambassador at Madrid, by the Spanish Minister of Foreign Affairs:



I have the honour to inform you that His Majesty's Government, in their desire to meet the wishes of the Government of His Britannic Majesty, agree to extend to six months the term that must elapse between the denunciation and the date of termination of the Agreement which both Governments have arrived at, and in virtue of which the products of India and of the British Colonies and Dominions will be dutiable in Spain, until such time as they adhere to the above-mentioned Treaty, at the rates of the second column of the Customs Tariff, in exchange for the concession by these countries of Most Favoured Nation treatment to Spanish products.

The Minister is of opinion that the benefits of the rates of the second column of the Spanish Customs Tariff would not be suitable to Canadian conditions, as these rates would leave the products of Canada at a disadvantage when imported into Spain in comparison with importations of like goods from other countries, and especially from the United States, which is our principal competitor.

The Committee concur in the foregoing and on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Acting Minister of Finance, advise that Your Excellency may be pleased to forward a copy hereof to the Secretary of State for the Colonies, for communication of its purport to the Spanish Ambassador in London, with a request that he would be good enough to inform the Government of Spain that the Government of Canada while unable to accept either the Treaty or the second column tariff, are willing to proceed with the negotiation of a commercial agreement between the two countries.

All of which is respectfully submitted for Your Excellency's approval.

857.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

TELEGRAM

London, November 15, 1924

URGENT. My despatch dated October 20th No. 442 British Ambassador at Madrid telegraphs that the Canadian Trade Commissioner, Italy, has informed the Commercial Secretary at the British Embassy, Madrid, that he has received instructions from the Canadian Minister of Commerce to proceed to Madrid to enter into preliminary negotiations with the Spanish Government as representative of the Canadian Government, and has asked that the Ambassador will inform the Spanish Government that he has been accredited as the Canadian representative for these negotiations. Ambassador understands that the Spanish Government, who have not yet sent the further communication referred to in the note of September 18th enclosed in my despatch of October 20th, are not ready to begin negotiations at present. In these circumstances Secretary of State for Foreign Affairs suggests that the Commissioner should be informed he should not proceed to Madrid pending further communication. Do your Ministers agree? If so presume they will communicate with Commissioner accordingly.

858.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, November 21, 1924

Your telegram November 15th. Clarke, Canadian Trade Commissioner in Italy, has already started for Madrid. Under circumstances my Ministers trust it may be possible to open negotiations on his arrival. Please advise me by telegraph so that necessary instructions may be issued to Clarke.

859.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 2, 1924

URGENT. Your telegram dated November 21st. His Majesty's Ambassador at Madrid was asked to enquire whether the Spanish Government willing to negotiate and to report by telegraph attitude of Spanish Government. He now states that while no official reply received, President of the Spanish Treaty Commission has expressed view that there should be no difficulty in arranging for preliminary meeting with Canadian Commissioner early in December. He understands this view shared by Spanish Under-Secretary of State for Foreign Affairs. He has addressed note to Spanish Government informing them of Clarke's appointment and asking them to arrange preliminary meeting between him and the Treaty Commission at an early date.

860.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

DESPATCH 84

Ottawa, February 25, 1925

Sir,

I have the honour to enclose, herewith, copies of an approved Minute of the Privy Council for Canada submitting a draft Trade Agreement which it is proposed to enter into with the Government of Spain.

My Government will be grateful if His Majesty's Ambassador at Madrid may be authorized to sign the said Agreement on behalf of the Government of Canada.

I have etc.

BYNG OF VIMY

## [PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil**Order in Council*

P.C. 247

February 17, 1925

The Committee of the Privy Council have had before them a Report, dated 13th February, 1925, from the Secretary of State for External Affairs, representing that the Acting Minister of Finance and the Minister of Trade and Commerce have been conducting negotiations with the Government of Spain looking to the conclusion of a convention of commerce between the two countries.

The Minister states that it has not been found possible to conclude a permanent agreement immediately and pending the conclusion of such a permanent agreement it is considered desirable to enter into a provisional trade agreement with the Government of Spain whereby Spain shall grant to Canada the benefits of her second tariff duties and Canada shall grant to Spain the benefits of the Intermediate Tariff.

The Minister therefore, with the concurrence of the Acting Minister of Finance, recommends that Your Excellency, under the authority of Section 4 of the Customs Tariff, 1907, in consideration of benefits satisfactory to Your Excellency, be pleased to extend the benefit of the Intermediate Tariff to goods the produce or manufacture of Spain when conveyed without transshipment from a port of Spain or from a port of a country enjoying the benefit of the Preferential or Intermediate Tariff into a sea or river port of Canada upon the terms and conditions of an agreement to be entered into between the Government of the Dominion of Canada and the Government of the Kingdom of Spain substantially in the form of the draft agreement annexed hereto;<sup>1</sup> and that the benefits of the Intermediate Tariff shall be so granted to goods the produce or manufacture of Spain on and after a day to be fixed by proclamation which shall be published in the *Canada Gazette*.

The Minister also recommends that His Britannic Majesty's Ambassador at Madrid be authorized to sign the said agreement on behalf of the Government of the Dominion of Canada and that Your Excellency may be pleased to cause a despatch to be sent to the Secretary of State for the Colonies for transmission to the Foreign Secretary requesting that he authorize the British Ambassador at Madrid to sign the said agreement on behalf of the Government of Canada.

All of which is respectfully submitted for Your Excellency's approval.

<sup>1</sup>Non reproduit.

<sup>1</sup>Not printed.

861.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 206

Downing Street, April 29, 1925

My Lord,

With reference to Your Excellency's despatch No. 84 of the 25th of February, I have the honour to transmit to you, to be laid before your Ministers, the accompanying copy of a despatch from His Majesty's Ambassador at Madrid regarding the provisional trade agreement between Canada and Spain.

I am etc.

(For the Secretary of State)

W. ORMSBY GORE

[PIÈCE JOINTE / ENCLOSURE]

*L'ambassadeur en Espagne au Foreign Office*  
*Ambassador in Spain to Foreign Office*

DESPATCH 174

Madrid, April 11, 1925

Sir,

With reference to previous correspondence ending with your despatch No. 200 of the 8th instant, I have the honour to transmit to you herewith a copy of the Spanish Note, together with a translation, which I received yesterday from the Acting President of the Directorate, setting forth the conditions on which the Spanish Government are prepared to conclude a Commercial *Modus Vivendi* with Canada. A copy of my Note acknowledging this communication and recapitulating the conditions in question is likewise enclosed. The *Modus Vivendi* is considered as concluded by means of this exchange of Notes and it will go into force on the 20th instant. The original of the Spanish Note has been handed to Mr. Clarke for transmission to his Government.

In company with Mr. Clarke (the Canadian Trade Delegate) and Captain Charles, I attended all the meetings of the Treaty Commission at which we discussed the possibility of concluding a *Modus Vivendi* between Spain and Canada. There have been five such meetings, the first taking place on December 19th last and the final meeting having been held on the 28th ultimo.

The Canadian Government put forward two alternative proposals, the second of which they have succeeded in obtaining. Briefly this provides for the application of the Canadian Intermediate Customs Tariff to Spanish goods in return for the application of the duties in the second column of the Spanish Customs Tariff to Canadian goods.

This *Modus Vivendi* will come into force on the 20th instant and will cease to be in force three months after its denunciation by either contracting party. The contracting parties undertake to commence without undue delay the necessary negotiations for the conclusion of a more general and definite convention, for the regulation of a Commercial Agreement between Spain and Canada.

An Agreement in principle with regard to the *Modus Vivendi* was reached at the fourth meeting of the Spanish Treaty Commission on February 6th. The Spanish Treaty Commission, however, raised objections to two points at the last minute. These were the stipulations that Spanish goods subject to the Intermediate Customs Tariff must be imported into a "sea or river port of Canada without transshipment from a Spanish port."

The Spanish Authorities pointed out that, whereas on the basis of Mr. Clarke's calculation twenty-two per cent of the Spanish exports to Canada are not subject to any duty and can be imported into Canada via the United States, the advantages of the *Modus Vivendi* only extended to seventy-eight per cent of the Spanish exports to Canada, which must be imported direct into a sea or river port of Canada. They therefore had to consider whether the Tariff advantages, which it was proposed to extend to that seventy-eight per cent were sufficient compensation for the extension of the Second Column of the Spanish Customs Tariff to Canadian products. After some delay the Spanish Treaty Commission decided in the affirmative.

It only remains for me to add that Mr. Clarke, at my request, consulted the Canadian Government with regard to the Spanish suggestion that the *Modus Vivendi* should be considered as concluded by an exchange of Notes and received a reply approving the signature of the Agreement if it embodied all the essential points of the Canadian draft and if he himself was quite satisfied. I have been in the closest touch with Mr. Clarke during the negotiations and Captain Charles has been of great assistance to him.

I have etc.

HORACE RUMBOLD

[ANNEXE 1 / SUB-ENCLOSURE 1]

*Le président du Conseil militaire par intérim à l'ambassadeur en Espagne*  
*Acting President of Military Directorate to Ambassador in Spain*

No. 104

Madrid, April 10, 1925

TRANSLATION

Your Excellency,

With reference to the Note which Your Excellency has been good enough to address me regarding the negotiations for a Commercial Agreement between Spain and Canada and especially with reference to the Note No. 76 of February 25th last under cover of which a Draft *Modus Vivendi* to be

drawn up between the two countries was enclosed, and in view of the report on the question from the corresponding Departments, I have the honour to inform Your Excellency that the Government of His Catholic Majesty has agreed to draw up a *Modus Vivendi* in accordance with the following clauses:

(1) The Government of the Dominion of Canada will apply the duties of her intermediate Customs Tariff to goods the produce or manufacture of Spain on their importation by a sea or river port of Canada without trans-shipment from a Spanish port or from a port of any country which may enjoy in Canada the benefits either of her preferential tariff or of her intermediate tariff.

(2) The Government of His Catholic Majesty will apply to goods the produce or manufacture of Canada on their importation into Spain the duties of the second column of the Customs Tariff in force at any time.

(3) The present *Modus Vivendi* will come into force on the 20th April 1925 and will cease to be in force three months after its denunciation by either contracting party.

In view of the provisional character of this arrangement both Governments agree to commence without undue delay the necessary negotiations for the conclusion of a more general and definite Convention for the regulation of the commercial relations between Spain and Canada. The government of His Catholic Majesty considers that the present *Modus Vivendi* will be concluded by means of the exchange of this Note and the similar Note which Your Excellency will be good enough to address to me.

I avail myself etc.

EL MARQUES DE MAGAZ

[ANNEXE 2 / SUB-ENCLOSURE 2]

*L'ambassadeur en Espagne au président du Conseil militaire*

*Ambassador in Spain to President of Military Directorate*

No. 133

Madrid, April 11, 1925

Your Excellency,

I have the honour to acknowledge the receipt of your Note No. 104 of April 10th, in which Your Excellency is so good as to inform me that the Government of His Catholic Majesty are prepared to conclude a Commercial *Modus Vivendi* with the Government of the Dominion of Canada, on the following basis:

1. The Government of the Dominion of Canada will extend the benefits of the intermediate Tariff to goods the produce or manufacture of Spain when conveyed without trans-shipment from a port of Spain or from a port of a country enjoying the benefits of the preferential or intermediate tariff into a sea or river port of Canada.

2. The Government of His Catholic Majesty the King of Spain will apply to goods the produce or manufacture of Canada on their importation into Spain the duties under the Second Column of the Spanish Customs Tariff in force at any time.

3. The present *Modus Vivendi* will come into force on April 20th, 1925, and will cease to be in force three months after its denunciation by either Contracting Party.

In view of the provisional character of this arrangement the Governments of both Contracting Parties agree to commence without undue delay the necessary negotiations for the conclusion of a more general and definite Convention for the regulation of the Commercial relations between Canada and Spain.

I have been authorized to assure Your Excellency that the Government of the Dominion of Canada accept the above arrangement which they will regard as completed by the present Note and that which I have had the honour to receive from Your Excellency, and that the necessary proclamation will be published in the *Canada Gazette* bringing it into effect in Canada as from the 20th April next.

I avail myself etc.

HORACE RUMBOLD

862.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, April 29, 1925

My despatch 25th February, No. 84. Draft Trade Agreement with Spain. Canadian Government have been informed that the first stage in these negotiations was concluded on April 10th by an exchange of notes between the British Ambassador in Madrid and the Spanish Government, providing for the granting of the Canadian intermediate tariff as against the Spanish second column tariff as a *modus vivendi* pending the undertaking of negotiations for a more general and definite convention for the regulation of commercial relations between Canada and Spain.

During these negotiations the Canadian Government expressed its desire to accede to the Agreement between the United Kingdom and Spain of June, 1924, regulating treatment of companies under Article 11 of that Agreement. We are informed that shortly before April 12th the British Ambassador in Madrid received a reply from the Spanish Government that as Canada has not adhered to the Treaty of Commerce and Navigation, and as this Treaty and the Companies Agreement are inter-related the latter would not be open to Canadian adherence.

The Canadian Government would be greatly obliged if the opinion of the legal officers of the Foreign Office upon the validity of the Spanish contention could be secured. If it is upheld, they would desire that the British Ambassador

in Madrid should be requested to enquire of the Spanish Government what procedure in its opinion should be followed to make it possible to come to an agreement so far as Canada is concerned on reciprocal treatment of companies. The Government of Canada desire to add, for your information that they would be prepared to negotiate a separate agreement on the treatment of companies, or include it in the general trade agreement, and they would desire as early a settlement as possible, as Spanish taxation of Canadian companies is at present very onerous.

The Canadian Government will communicate with you later regarding negotiations for the permanent trade agreement.

863.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

DESPATCH 202

Ottawa, May 6, 1925

Sir,

With reference to my despatch No. 84 of the 25th February, on the subject of a trade agreement with Spain, I have the honour to enclose, herewith, a copy of an approved Minute of the Privy Council for Canada expressing the willingness of the Canadian Government to proceed with the negotiation of a commercial agreement.

My Government request that the purport of this Minute may be communicated to the Government of Spain.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*

*Order in Council*

P.C. 674

May 1, 1925

The Committee of the Privy Council have had before them a Report, dated 29th April, 1925, from the Secretary of State for External Affairs, referring to the Minute of Council approved by Your Excellency on the 17th February, 1925, authorizing the conclusion of a provisional trade agreement with the Government of Spain, and stating that such an agreement was duly concluded at Madrid on the 10th of April, 1925, Article 3 of which provided:

The *modus vivendi* will come into force on 20th April, 1925, and will cease to be in effect three months after its denunciation by either contracting party. In



view of the provisional character of this arrangement the Governments of both of the contracting parties agree to commence without undue delay the necessary negotiations for the conclusion of a more general and definite convention for the regulation of the commercial relations between Canada and Spain.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to request the Secretary of State for the Colonies to cause the Government of Spain to be informed that the Government of Canada is willing to proceed with the negotiation of a commercial agreement between the two countries.

All of which is respectfully submitted for approval.

864.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 5, 1925

Your telegram of April 29th. Agreement with Spain regarding treatment of Companies. Opinion of the Secretary of State for Foreign Affairs is that the point of view of the Spanish Government appears to be (see my despatch of May 9th No. 216) that Canada is not entitled to accede to the Agreement since the effect of accession would not be that which was contemplated by accession of the clauses of the Agreement. This contention seems difficult to resist since the Spanish Companies would not desire, from the accession of Canada, any benefits under Article 2 of the Agreement, as Spanish subjects do not in fact enjoy any benefits in Canada under the Treaty of 1922. In the circumstances, Secretary of State for Foreign Affairs considers best course would be for the Canadian Government to negotiate a separate Agreement with the Spanish Government as regards the treatment of Companies. If your Ministers concur in this view, should be glad to learn what communication they would wish made to the Spanish Government on the subject.

865.

*Le secrétaire aux Dominions au Gouverneur général*  
*Dominions Secretary to Governor General*

TELEGRAM

London, October 31, 1925

My telegram of October 26th Commercial Agreement between Canada and Spain. Note received by His Majesty's representative at Madrid from the Spanish Ministry of State stating that after having heard the opinion, regarding the Treaty, of the Department of the Council of National Economy, a draft project will be transmitted to H.M. Embassy as soon as possible for transmission to the Canadian Government.

## ÉTATS-UNIS / UNITED STATES

## CONVENTION SUR LA PROPRIÉTÉ

## PROPERTY CONVENTION

866.

*Mémoire du sous-secrétaire d'État aux Affaires extérieures  
au Premier ministre*

*Memorandum from Under-Secretary of State for External Affairs  
to Prime Minister*

Ottawa, January 14, 1921

CONVENTION BETWEEN GREAT BRITAIN AND THE UNITED STATES  
RELATIVE TO THE DISPOSITION OF REAL AND PERSONAL PROPERTY

On the 2nd March, 1899, a Convention (copy attached)<sup>1</sup> was entered into between Great Britain and the United States relative to the above named subject. Briefly it provides for reciprocal facilities in connection with the succession to property. A clause therein declares that the stipulations of this Convention shall not be applicable to any of the British colonies unless notice to that effect shall have been given. In the year 1900, Her Majesty's Government asked us if we wished to adhere to this treaty. It being a matter relating to property and civil rights, the Canadian Government consulted the provinces. All of them were agreeable to becoming parties to the Convention except New Brunswick, which declined to come in on the ground that their law imposed a double succession duty in the case of property left by will outside the province, which they were afraid of losing if they adhered to the treaty. The Canadian Government of the day expressed their regret at this decision of the New Brunswick Government, and asked the Imperial authorities if the provisions of the Convention might be made applicable to the Dominion with the exception of that Province. The Law Officers replied that could not be done, but expressed doubt as to whether the New Brunswick Government were correct in supposing that adherence to the Convention would necessitate an alteration in their provincial succession duties, since the discrimination in their law is directed against owners non-resident in the province, and not against aliens. They further pointed out that this subject, relating as it did to aliens, under Section 91 of the British North America Act appertained exclusively to the Dominion. Notwithstanding this, the Dominion Government refrained from pressing New Brunswick further, or from taking advantage of the 132nd Section of the British North America Act, which gives the Parliament and Government of Canada all powers necessary for performing the obligations of Canada or any province thereof, towards foreign countries arising under treaties. Canada therefore did not adhere to the Convention, and the question slumbered for many years. It has recently been revived by the United States Government, who last year, enquired of the Government of Canada whether the Dominion is now disposed to adhere to the Convention of 1899. The question was again referred to the Government of the Province of

<sup>1</sup>(British) *Treaty Series*, 1900, No. 17.

New Brunswick, which did not even condescend to give the Dominion a courteous answer, the Lieutenant Governor merely enclosing a note from the Clerk of the Executive Council, to his own Private Secretary, saying that the despatch of the Dominion Government had been *filed for reference*. Meanwhile, we have by our Naturalization Acts, given to aliens full rights with our own people to hold and dispose of real and personal property, so that apparently we have everything to gain by adhering to the Convention, and, with the possible exception of New Brunswick, nothing to lose.

The point has been raised that although Canada has not adhered, still Canadians, as individual British subjects, are entitled to share in the advantages of the Convention, which is applicable to all citizens of the British Empire. This view apparently is shared by His Majesty's Government, for on the 2nd December, 1899, Mr. Chamberlain, then Secretary of State for the Colonies, informed Her Majesty's Minister at Tokio, in regard to the Japanese Treaty of 1894, that 'in the opinion of Her Majesty's Government, Article XIX of the Treaty has not the effect of limiting the rights of British subjects connected with non-adhering Colonies or Possessions, as the inhabitants of such places are, generally, and not locally merely, British subjects, and that the fair meaning of the Treaty is that all persons who by British law are recognized as possessing the rights of British citizenship all over the world, are entitled to the benefits of its stipulations, and that this test includes the inhabitants — being British subjects — of all Colonies and Dependencies, whether they adhere to the Treaty or not'. This view, however, apparently has not found favour with the Supreme Court of the United States, which I see by the newspapers, has recently decided in the case of an appeal from Kansas, that Canadians cannot share in the advantages of the treaty unless and until Canada gives formal notice of its adherence thereto. Meanwhile, the Ambassador's despatch and the enquiry of the United States Government, now nearly a year old, have not been answered, nor can they be until the Government decide what action they will take in the matter. I suppose it may be assumed from New Brunswick's recent action that they adhere to their original determination not to come in. The question, therefore, for the consideration of the Government is whether they will permit New Brunswick longer to stand in the way of an arrangement which can scarcely fail to be of advantage to the rest of the Dominion.

JOSEPH POPE

867.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

DESPATCH 39

Ottawa, February 22, 1921

Sir,

With reference to Sir Auckland Geddes' despatch No. 312 of the 17th August, 1920, on the subject of the Convention between the United States

and Great Britain with regard to the tenure and disposition of real and personal property, I have now the honour to transmit, herewith, copies of an approved Minute of the Privy Council for Canada<sup>1</sup> requesting that the Government of the United States be approached with a view to arranging for adherence on behalf of the Dominion.

I have etc.

DEVONSHIRE

868.

*L'ambassadeur aux États-Unis au Gouverneur général*

*Ambassador in United States to Governor General*

DESPATCH 149

Washington, May 11, 1921

My Lord Duke,

With reference to your despatch No. 39 of February 22nd, respecting the Convention between the United States and Great Britain with regard to the tenure and disposition of real and personal property I have the honour to transmit herewith copy of a note received from the State Department, together with a draft of a supplementary convention<sup>2</sup> which provides for the adherence of the Dominion of Canada to the Convention of 1899.

I should be grateful if you would be good enough to inform me in due course what reply I should return to the State Department's note.

I have etc.

For the Ambassador

H. G. CHILTON

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*

*Secretary of State of United States to Ambassador in United States*

Washington, April 26, 1921

Excellency,

I have the honor to acknowledge the receipt of your note of March 1, 1920 [?], in which you informed this Government that the Government of the Dominion of Canada desires to adhere to the Convention with regard to the tenure and disposition of real and personal property concluded by Great Britain and the United States on March 2, 1899, and in which you suggested that the necessary steps be taken to prepare for signature a supplementary convention which will give effect to the wish of the Canadian Government.

I have the honor to enclose for the consideration of your Government a draft of a supplementary convention which provides for the adherence of the

<sup>1</sup>C.P. 395 du 16 février, non reproduit.

<sup>2</sup>Non reproduite.

<sup>1</sup>P.C. 395 of February 16, not printed.

<sup>2</sup>Not printed.

Dominion of Canada to the Convention of 1899. The effect of such a convention would be to give to the Dominion of Canada the same right to adhere to the Convention of 1899 as was accorded by that treaty to all British colonies and possessions. The draft convention fixes a period of one year from the date of the exchange of ratifications within which adherence may be given by Canada.

I should be grateful if your Government would consider the enclosed draft and inform me of their views with respect thereto. A convention could doubtless be concluded which by its terms would effect the adherence of the Dominion of Canada to the Convention of 1899 at once on the exchange of ratifications of the supplementary convention rather than by a subsequent act of adherence. If that procedure is deemed desirable by your Government, I should be glad if they would submit a draft of such a convention.

Accept etc.

CHARLES E. HUGHES

869.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 80

Ottawa, May 26, 1921

Sir,

With reference to Your Excellency's despatch No. 149 of the 11th instant regarding the convention between the United States and Great Britain with regard to the tenure and disposition of real and personal property, and transmitting a note received from the State Department with a draft supplementary convention providing for the adherence of this Dominion to the Convention of 1899, I have the honour to inform Your Excellency that my Government consider that it would be preferable to adopt the more direct procedure suggested by Mr. Hughes in the alternative. My Government, therefore, suggests that Article I of the draft submitted should be replaced by the following:

The provisions of the Convention of March 2nd, 1899, shall become applicable to the Dominion of Canada upon ratification of the present Convention in the manner provided by Article II hereof.

I have etc.

DEVONSHIRE

870.

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, June 30, 1921

Excellency,

With reference to your note No. 427 of June 4, 1921, I have the honour to inform you that the provision which the Government of Canada suggests for Article I of the proposed convention providing for the adherence of Canada

to the convention concerning the tenure and disposition of real and personal property concluded on March 2, 1899, between the United States and Great Britain is acceptable to this Government.

There is enclosed for your consideration a copy of a revised draft of the convention<sup>1</sup> into which Article I as suggested by the Government of Canada is incorporated. If the enclosed draft is acceptable to your Government, upon being so informed, I shall be pleased to have the official texts drawn and to appoint a date for the execution of the convention whenever you inform me that you are prepared to sign it.

Accept etc.

CHARLES E. HUGHES

871.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 202

Washington, June 30, 1921

My Lord Duke,

With reference to Your Excellency's Despatch No. 80 of May 26th regarding the Convention between the United States and Great Britain regarding the tenure and disposition of real and personal property, I have the honour to inform you that I have received instructions from His Majesty's Government to suspend the accession of Canada to this Convention for the present, as His Majesty's Government may wish to extend the draft agreement to cover other portions of the Empire.

I have accordingly addressed a note in this sense to the United States Government.

I have etc.

(For the Ambassador)

R. L. CRAIGIE

872.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 221

Washington, July 14, 1921

My Lord Duke,

With reference to my despatch No. 213 of July 8th, respecting the Convention between the United States and Great Britain with regard to the tenure and disposition of real and personal property, I have the honour to inform you that I have received a further communication from His Majesty's Government to the effect that, in view of the progress already made towards bringing

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

about the accession of Canada, they do not wish at present to pursue the proposal for the accession of other parts of the Empire.

I have the honour to transmit to Your Excellency a copy of a note which I have addressed to the United States Government in the sense of the above paragraph.

I have etc.  
(For the Ambassador)

R. L. CRAIGIE

[PIÈCE JOINTE / ENCLOSURE]

*L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis*  
*Ambassador in United States to Secretary of State of United States*

No. 545

Washington, July 14, 1921

Sir,

With reference to my note No. 511 of June 30th respecting a Convention between the United States and Great Britain with regard to the tenure and disposition of real and personal property, I have the honour to inform you that I have now received a further communication from my Government to the effect that, in view of the progress already made as regards the accession of Canada, they no longer desire to pursue at present the proposal for the accession of other parts of the Empire.

His Majesty's Government are accordingly anxious that the draft convention should be carried out in the manner referred to in the note which you were good enough to address to me on the 30th ultimo. I did not fail to inform the Canadian Government at the time of the contents of this note and I shall hasten to communicate to you their reply as soon as it is received.

I have etc.  
(For the Ambassador)

R. L. CRAIGIE

873.

*L'ambassadeur aux États-Unis à l'Administrateur*  
*Ambassador in United States to Administrator*

DESPATCH 236

Washington, August 2, 1921

Sir,

With reference to my despatch No. 221 of July 14th respecting the Convention between the United States and Great Britain in regard to the tenure and disposition of real and personal property, I have the honour to inform you that, according to instructions received from His Majesty's Government, the following verbal alterations should be made in the preamble of the Convention in order to bring it into accord with the usual practice. The words "the King"

should be substituted for "George V" in line 1 and the word "accede" for the word "adhere" in line 5 in the Preamble to the Convention.

I should be grateful if you would be good enough to inform me whether the draft of the Convention as amended by the United States Government which was transmitted to you with my despatch No. 213 of the 8th ultimo, is acceptable to the Canadian Government and, if so, whether the Canadian Government now desire me to make the necessary arrangements for its signature.

I have etc.

A. C. GEDDES

874.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 121

Ottawa, August 18, 1921

Sir,

With reference to Your Excellency's despatch No. 236 of the 2nd instant, relative to Canada's accession to the Convention between the United States and Great Britain in regard to the tenure and disposition of real and personal property, I have the honour to inform you that the verbal alterations in the proposed draft Convention suggested in the first paragraph of the despatch referred to are acceptable to the Canadian Government; and as the draft of the Convention transmitted with Your Excellency's despatch No. 213 of the 8th ultimo embodies the amendment suggested in my predecessor's despatch No. 80 of the 26th May last, it also is satisfactory.

My Ministers request that the necessary arrangements may be made for the signature of the Convention.

I have etc.

BYNG OF VIMY

875.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM 44

Washington, October 12, 1921

With reference to your despatch August 18th, No. 121. Secretary of State suggests October 21st for signing Convention. Please inform me whether this date will be convenient and also whether Canadian Government propose to send a Minister for this purpose, or whether they desire me to sign Convention.



876.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

TELEGRAM 66A

Ottawa, October 17, 1921

Your telegram October 12, No. 44. My Ministers represent that October 21st will be convenient date for signing of Convention relative to tenure and disposition of real and personal property and Canadian Government will be glad if Your Excellency will sign Convention on their behalf.

BYNG

877.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM 49

Washington, October 21, 1921

With reference to your telegram No. 66A. Convention was signed by Secretary of State and myself today.<sup>1</sup> Document being sent you by safe opportunity.

GEDDES

DÉRIVATION À CHICAGO  
 CHICAGO WATER DIVERSION

878.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

TELEGRAM

Ottawa, April 15, 1921

SECRET. Recent statements in the public press represent that Chicago authorities are approaching Congress for legislative authority to increase diversion of water from Lake Michigan for Chicago Sanitary Canal up to ten thousand cubic feet per second and possibly even more. Canadian attitude in this matter has been clearly made known to United States Government in the past. See Report of Hearings before United States Secretary of War, March 27, 1912; my predecessor's despatches, No. 145 of November 23, 1912,<sup>2</sup> and No. 16 of February 25th, 1913;<sup>3</sup> my telegram of June 8th, 1916, and despatch No. 135 of June 9th, 1916. Canadian Government are therefore confident that Government of the United States will not countenance Chicago application or take any step in the matter affecting Canadian interests without arranging

<sup>1</sup>*Treaties and Agreements affecting Canada . . .*, p. 474.

<sup>2</sup>Vol. 1, doc. 556, p. 428.

<sup>2</sup>Vol. 1, Doc. 556, p. 428.

<sup>3</sup>On trouvera la correspondance antérieure et plus ample information dans les *Documents parlementaires*, 1924, n° 180.

<sup>3</sup>For previous and further correspondence see *Sessional Papers*, 1924, No. 180.

for discussion with Canadian Government. My Ministers would be glad if you could take an early opportunity of making representations in this sense to Secretary of State.

Existing diversion, which has never been acquiesced in by Canada and which is in fact greatly in excess even of amount authorized by Secretary of War on December 5th, 1901, has done serious injury to navigation and water power interests throughout all of the Great Lakes and St. Lawrence System from Lake Huron to tidewater, and Canadian Government look upon whole position with apprehension. In their view no solution of such cases can be permanently sound and satisfactory unless it is based upon a recognition of the principle of international practice that no permanent diversion should be permitted to another watershed from any watershed naturally tributary to the waters forming the boundary between two countries.

DEVONSHIRE

879.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

CONFIDENTIAL DESPATCH

Downing Street, July 2, 1921

My Lord Duke,

I have the honour to request Your Excellency to inform your Ministers that the Secretary of State for Foreign Affairs has received from His Majesty's Ambassador at Washington copies of the recent correspondence which he has had with the United States Secretary of State respecting the reported intention of the city of Chicago to apply for Congressional sanction for a further diversion of water from Lake Michigan. Copies of these despatches are enclosed for convenience of reference.<sup>1</sup>

2. After perusing Sir A. Geddes' note of the 22nd April the Secretary of State for Foreign Affairs has made the following observations upon the legal aspects of the matter for the consideration of your Government.

In his note to Mr. Bryan of the 17th March, 1913, Mr. Bryce, acting on the suggestion of the Canadian Government, based the arguments against such diversion on the rights accruing to Canada under Article 7 of the Ashburton-Webster Treaty of 1842, on the rights of navigation in boundary waters and in Lake Michigan to which Canada is entitled under the Boundary Waters Treaty of 1909, and on the general principles of International Law.

These arguments, however, were in the opinion of the Legal Advisers of the Foreign Office at the time, not altogether sound, inasmuch as Article 7 of the Treaty of 1842 appears to be directed to the prevention of discrimination by either of the High Contracting Parties against the nationals or shipping of the other, while the same appears to be the case as regards Article 1 of the Treaty of 1909. Neither of these articles therefore can apparently easily be construed

<sup>1</sup>*Ibid.*

as covering the case now under discussion. The Legal Advisers further observed that the only principle of International Law which would be invoked was the somewhat vague one that no State is allowed to alter the natural conditions of its own territory to the disadvantage of the natural conditions of the territory of a neighbouring State. No customary or conventional detailed rules of International Law are, however, in existence which would appear to cover the present case.

While, therefore, this latter argument might be used until such time as the United States Government choose to contest it, the Secretary of State for Foreign Affairs would suggest that reliance should be mainly placed on Article 3 of the Treaty of 1909, which provides that no further . . . diversions . . . shall be made except . . . with the approval . . . of a Joint Commission. It appears to him that it would constitute a clear infraction of this Article were the United States Government to allow the diversion of water in excess of the amount permitted before the date of Treaty, viz., 4,167 cubic feet per second, except after submission to, and with the approval of the Joint Commission.

It might be argued by the United States Government that, with regard to the construction of the canal in question, they would be entitled to prove by evidence that it fell within the protection of the proviso to Article 3 but the Secretary of State for Foreign Affairs is advised that, so far as can be judged from the information at present available, it is unlikely that such a claim could in fact be established.

I have etc.

WINSTON S. CHURCHILL

880.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 155

Washington, June 6, 1922

My Lord,

With reference to my despatch No. 156 of the 17th of May 1921, I have the honour to state that my attention has been drawn by Mr. M. M. Mahoney, agent of the Canadian Department of External Affairs, to the excessive diversion of water from the Great Lakes which appears at present to be in progress. Mr. Mahoney had an opportunity to examine a report by Colonel J. G. Warren, United States Corps of Engineers, entitled "Report on the Diversion of Water from Great Lakes and Niagara River, 1921." The distribution of this report appears to have been controlled by the Foreign Affairs Committee of the House of Representatives and I have not so far been able to obtain a copy. Mr. Mahoney, however, draws attention to the following statements which appear in the report:

The diversion through the Chicago Sanitary Canal averaged 8,800 cubic feet per second in 1917, although some daily averages were 10,000 cubic feet per second or more. Of this diversion, 6,800 cubic feet per second is incidentally used in the development of power. (page 19).

It is definitely known that the diversion of the amount of water authorized to be taken by the terms of the permit of 1903, namely, 4,167 cubic feet per second, at mean stages would lower the level of Lakes Michigan and Huron about 0.2 feet, of Lakes Erie and Ontario about as much, and of the St. Lawrence River at Lock 25 about 0.28 feet. The average diversion for 1917, 8,800 cubic feet per second, being uncompensated, has lowered the level of Lakes Michigan and Huron about 0.43 feet, of Lakes Erie and Ontario about 0.41 feet, and of the St. Lawrence River at Lock 25 about 0.57 foot. Damage varying in amount with the locality extends from the lower miter sills of the locks at Sault Ste. Marie through all the lakes and connecting channels to tide water in the lower St. Lawrence River, and its amount increases in the same proportion as the diversion at Chicago increases. (page 20)

. . . To this total loss of earnings the diversion of the Chicago Sanitary Canal, an average of 8,800 cubic feet per second in 1917, contributed \$2,866,000 annually, and even the diversions for power in the Chippawa-Cross Island pool, far below the foot of Lake Erie, lower it nearly one-tenth foot and cause a loss of about \$526,000 each year. (page 44).

The general estimate arrived at was that the present diversion of 8,800 cubic feet per second has a value to the City of Chicago of about \$7,000,000 a year, or \$800 per cubic foot per second per annum. (page 93).

It is, I believe, the understanding of the Canadian Government that the diversion of water through the Chicago Sanitary Canal should not exceed 4,167 cubic feet per second whereas, according to Colonel Warren's report, the diversion averaged 8,800 cubic feet per second in 1917, some daily averages rising as high as 10,000 cubic feet per second. Later on Colonel Warren speaks of the "present diversion of 8,800 cubic feet per second".

It will be seen from the earlier correspondence that, in the note which I addressed to the State Department on the 22nd of April, 1921, (No. 285), I made representations in regard to the alleged intention of the City of Chicago to approach Congress with a view to obtaining legislative authority to increase the diversion of water from Lake Michigan for the use of the Sanitary Canal up to, and even possibly beyond, a rate of 10,000 cubic feet per second. In their reply the State Department stated that no bill had been introduced for this purpose in either House of Congress and that, so far as the State Department were aware, no proposals were under consideration which might lead to the introduction of such bills.

Judging from Colonel Warren's report, the Chicago authorities have persistently exceeded the limit of 4,167 cubic feet laid down in the American War Department permit of 1903 and accepted, if I am correctly informed, as the basis for the Boundary Waters Treaty of 1909, Article 3 of which provides that no further . . . diversions . . . shall be made except . . . with the approval . . . of a Joint Commission.

I have the honour to enquire whether it is the desire of the Canadian Government that representations in the above sense should be addressed to the United States Government.

A bill introduced in the House of Representatives on April 18th by Mr. Shaw and referred to the Committee on Rivers and Harbors is also enclosed. The purpose of this bill is to limit to 4,167 cubic feet per second the quantity of water which may be withdrawn from Lake Michigan by the Sanitary District

of Chicago. I understand that the motive which inspired Mr. Shaw to introduce this measure was that the present excessive diversion of water has caused floods in the District of Illinois which he represents.

I have forwarded a copy of this despatch to His Majesty's Principal Secretary of State for Foreign Affairs.

I have etc.

A. C. GEDDES

881.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

DESPATCH 170

Ottawa, December 19, 1923

Sir,

I have the honour to inform you that numerous communications have been received by the Canadian Government from various interests and corporate bodies directly concerned, protesting vigorously against the diversion of water from Lake Michigan. The position of the Government of Canada in opposition to and in protest of the injurious effects of this diversion, both to navigation and water power, has been fully declared in representations which have been made to the Government of the United States. The attitude of the Canadian Government was clearly made known in a brief filed with the Secretary of War of the United States on the 27th March, 1912, and in Governor General's despatches No. 145 of the 23rd November, 1912, No. 16 of the 25th February, 1913, telegram of the 8th of June, 1916, No. 135 of the 9th June, 1916, and Secret telegram of the 15th April, 1921, to His Majesty's Ambassador at Washington for transmission to the Government of the United States.

In connection with the aforementioned representations, it has been brought to the attention of the Canadian Government that on or about the month of June, 1923, the Government of the United States was granted an injunction restraining the Sanitary District of Chicago from diverting water from Lake Michigan and, further that this injunction would not become active for a period of six months, to permit the Sanitary District time in which to appeal to the Supreme Court of the United States.

I shall be grateful if you will inform the Government of the United States that the declared attitude of the Government of Canada in the above matter is unchanged.

My Government request that appropriate enquiries may be made regarding the legal proceedings undertaken by the Government of the United States, which the Canadian Government confidently trusts will be vigorously pressed.

I have etc.

BYNG OF VIMY

882.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

DESPATCH 19

Ottawa, February 9, 1924

Sir,

With reference to your despatch No. 447 of the 21st December, on the subject of a special Committee of the United States Senate appointed to investigate the problem of a nine-foot channel in the waterway from the Great Lakes to the Gulf of Mexico, I have the honour to transmit, herewith, a copy of a letter from the Department of the Secretary of State for External Affairs setting forth the views of my Government on the matter and requesting that you will be good enough to communicate the sense of this letter to the Government of the United States.

It is upon the last paragraph of this letter that my telegram No. 15A. of the 8th February was based.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

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

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

No. 447

Ottawa, February 8, 1924

Sir,

With reference to a despatch from His Majesty's Chargé d'Affaires at Washington to the Governor General, dated 21st December, 1923, on the subject of a special Committee of the United States Senate appointed by the Vice-President to investigate the problem of a nine-foot channel in the waterway from the Great Lakes to the Gulf of Mexico and to enquire into the navigability of the Mississippi, Ohio and Missouri Rivers with a view presumably to exploring the possibility of establishing direct maritime communication between the Great Lakes and the South Atlantic and Pacific Oceans, I have the honour to represent that Bills before both the United States Senate and United States House of Representatives, after defining the nature of the work to be done in the stretch above mentioned, proceed to confer upon the Sanitary District of Chicago the legal right to divert for sewage dilution and navigation 10,000 cubic feet of water per second from Lake Michigan upon condition that the said district shall pay into the Treasury of the United States such sums as may be estimated to be its reasonable share of the cost of constructing compensating works at several points for the purpose of controlling and restoring to the lakes above mentioned, the levels lost by reason of this diversion.

In that connection it is observed that no provision is made for the restoration of the levels of the St. Lawrence River from its head to tidewater. In other words, the restoration to be provided is to be in the waters where United States navigation predominates but none is provided for the waters so extensively used by Canadian shipping.

Representations that have been made to the Department of Marine and Fisheries refer not only to the loss of levels that affect navigation but also to the diversion of water for power purposes both in the international stretches where compensation may be determined and in the international stretches below Cornwall, in the Province of Quebec. In that connection it is submitted that the limit of 10,000 cubic feet of water per second, as contemplated by the proposed legislation, is about 1500 c.f.s. more than is being diverted at present and it is possible that the proposed legislation may mean that the 10,000 c.f.s. is allowed for diversion and power at Lockport whilst the amount that would be required for lockages may be extra.

Having regard to the foregoing, I have the honour to represent that the Canadian Government is unalterably opposed to the proposed diversion of water from the Great Lakes watershed to that of the Mississippi to the great detriment of navigation from Sault Ste. Marie to tidewater. The diversion that has already taken place at Chicago has lowered the waters of the Great Lakes to an extent that is now well known. It affects harbours that have cost many millions of dollars to deepen by dredging. It affects the locksills of the Sault Ste. Marie Canals, the Welland Canal and the St. Lawrence Canals, and it also injuriously affects the ocean shipping channel between Montreal and the sea, where the Government of the Dominion of Canada have spent many more millions of dollars in dredging operations. How great the injuries sustained by navigation interests are may be gathered from the fact that every inch of navigable water means an additional 60 to 80 tons of carrying capacity. The waters of the Great Lakes are the heritage of both the people of the United States and the people of Canada and quite obviously they should be conserved for the interests of both peoples.

It is therefore sincerely to be hoped that the Government of the United States will not only not permit any further diversion of water from Lake Michigan but will intimate to, and if necessary insist upon, the Sanitary District of Chicago adopting some more scientific method of sewage disposal.

I am to request that His Excellency may be humbly moved to ask His Majesty's Chargé d'Affaires to communicate the sense of this communication to the Government of the United States.

I am to add that this Government is in receipt of information that the hearings on the Bills now before the United States Senate and House of Representatives, dealing with the matter, will commence at Washington on Monday of next week, and I am further to request that His Excellency may be humbly moved to cause His Majesty's, Chargé d'Affaires to be informed by telegraph that it is proposed to send Mr. W. J. Stewart, Chief Hydrographer, to Washington to be present at these hearings on behalf of the Canadian

Government, and asked that the necessary arrangements for Mr. Stewart's attendance at these hearings should be made.

I have etc.

JOSEPH POPE

883.

*Le secrétaire d'État des États-Unis au chargé d'affaires aux États-Unis*  
*Secretary of State of United States to Chargé d'Affaires in United States*

Washington, February 15, 1924

Sir,

I beg to acknowledge the receipt of your note No. 144, of February 13, 1924, concerning the proposed building of a nine foot channel in the waterway from the Great Lakes to the Gulf of Mexico, and the suggested further diversion by the Sanitary District of Chicago of waters of Lake Michigan.

The contents of your note have been communicated to the appropriate Departments of this Government for consideration and upon receipt of their replies I shall be glad to send you the expression of the views of this Government for which you ask.

Accept etc.

CHARLES E. HUGHES

884.

*Le secrétaire d'État des États-Unis au chargé d'affaires*  
*par intérim aux États-Unis*  
*Secretary of State of United States to Chargé d'Affaires*  
*ad interim in United States*

Washington, February 16, 1924

Sir,

With reference to your note of December 29, 1923, in regard to the legal proceedings instituted by the Government of the United States against the Sanitary District of Chicago to prevent the unauthorized diversion of water from Lake Michigan, I have the honour to inform you that the Department has been advised by the Solicitor General of the United States that an appeal has been taken by the Sanitary District of Chicago from the decision of the United States District Court in favor of the Government and that the appeal is still pending in the Supreme Court of the United States. The Solicitor General further stated that as soon as the record of the case shall have been printed a motion will be submitted to the court to advance the case for early argument.

Accept etc.

For the Secretary of State  
LELAND HARRISON



885.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

TELEGRAM 34A

Ottawa, March 17, 1924

The question of the diversion of water from the St. Lawrence watershed into that of the Mississippi by the Sanitary District of Chicago is still causing great concern in Canada, particularly in view of the bill on the subject which has been introduced into Congress, and my Ministers desire that the Government of the United States be informed of their hope that no action will be taken either to confirm or permit the extension of the claims of the Sanitary District to continue any diversion and thus adversely affect important interests in the navigation of the Great Lakes and the St. Lawrence River and the development of power, actual or prospective, upon the river or upon interlake connecting waters.

The position of the Government of Canada in opposition to and in protest against the injurious effects of this diversion has been consistently maintained, and is still held, and my Ministers venture to suggest that it would be unfortunate if, now that the development of the St. Lawrence waterway for navigation and power purposes is under consideration, any action should be taken which might adversely affect the possibility of such development. They sincerely trust that this view will commend itself to the Government of the United States.

BYNG

886.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 111

Washington, March 18, 1924

My Lord,

I have the honour to acknowledge the receipt of Your Excellency's despatch No. 39 of the 13th instant, and in accordance with the request contained therein, to transmit to Your Excellency herewith copy of a note which Mr. Chilton addressed to the United States Government on December 29th last on the subject of the diversion of water from Lake Michigan by the Sanitary District of Chicago, together with a copy of the reply which was received from the United States Government to this communication.

I have etc.

For the Ambassador  
JOHN CECIL

## [PIÈCE JOINTE 1 / ENCLOSURE 1]

*Le chargé d'affaires aux États-Unis au secrétaire d'État des États-Unis*  
*Chargé d'Affaires in United States to Secretary of State of United States*

No. 1111

Washington, December 29, 1923

Sir,

My attention has been drawn by the Government of Canada to the fact that about the month of June last the Government of the United States were granted an injunction restraining the Sanitary District of Chicago from diverting water from Lake Michigan, but that this injunction would not take effect for a period of six months in order to allow time for the Sanitary District of Chicago to appeal to the Supreme Court of the United States. I understand that such an appeal has been lodged but that the Supreme Court has not yet acted upon it.

I have the honour to inform you that the Government of Canada have received numerous communications from various bodies and interests directly concerned with this question, protesting against this diversion of water from Lake Michigan and I would further explain that, owing to the injurious effect of such diversion both upon navigation and water power, the Dominion Government still maintain their attitude of opposition as already explained to the United States Government in Sir Auckland Geddes' note No. 285 of April 22nd, 1921, and previous correspondence.

In these circumstances, the Governor General of Canada has asked me to enquire the present status of the legal proceedings instituted by the Government of the United States with a view to preventing any increase in the diversion of water from Lake Michigan, and to add that the Dominion Government confidently hope that these legal proceedings will be vigorously pressed by the United States Government.

I have etc.

H. G. CHILTON

## [PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, January 21, 1924

Excellency,

I have the honour to acknowledge the receipt of your Embassy's note No. 1111, of December 29, 1923, regarding the diversion of water from Lake Michigan by the Sanitary District of Chicago.

A copy of the note has been referred to the proper authorities to ascertain the status of the legal proceedings pending against the Sanitary District of

Chicago and a further communication in regard to the matter will be addressed to you upon receipt of their reply.

Accept etc.

For the Secretary of State  
WILLIAM PHILLIPS

887.

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, June 28, 1924

Excellency,

I have the honor to acknowledge the receipt of your note No. 533 of June 13, 1924, in further reference to the diversion of water from Lake Michigan at Chicago.

In previous correspondence in regard to this matter reference was made to the suit brought by this Government to restrain the Sanitary District of Chicago from diverting a larger quantity of water from Lake Michigan than is authorized by the permit issued to the Sanitary District by the Secretary of War and to bills introduced in Congress during the past session with reference to the construction of the proposed waterway from Lake Michigan to the Mississippi River and the sewage disposal system of Chicago.

The suit for an injunction, which is now pending on appeal in the Supreme Court of the United States, has been assigned for argument on November 10, 1924, early in the next term of the court. The position of the United States as plaintiff in this litigation is evidence of the interest which this Government has in the preservation of the navigability of the Great Lakes system of waterways. Until the Court has rendered an opinion in the case this Department will not be in a position to furnish the Canadian Government with further information in regard to the views of this Government concerning the questions involved in the litigation.

Hearings were held in March, April, and May, 1924, by the Committee on Rivers and Harbors of the House of Representatives on the several bills introduced in Congress. In order that the Committee might be fully informed of the views of the Canadian Government in regard to the diversion of water from Lake Michigan I sent copies of your notes of February 13, 1924, and March 21, 1924, to the Chairman of the Committee. I have also sent him a copy of your note of June 13, 1924. In my note of April 2, 1924, I informed you that the Committee would be glad to have Mr. W. J. Stewart, Chief Hydrographer of the Canadian Government attend the hearings. The bills were still before the Committee on the adjournment of the session of Congress on June 7, 1924.

I regret that the formulation of a comprehensive statement of the views of this Government concerning the diversion of water from Lake Michigan will

have to be deferred for a time because certain of the questions involved are under consideration by Congress and the Supreme Court both of which are at the present time in recess. This Government is prepared, however, to include consideration of the diversions of water from Lake Michigan among the questions to be referred by the United States and Canada to the Joint Board of Engineers appointed for the further investigation of the proposed Saint Lawrence Waterway, as will be fully explained in my note in regard to the instructions to be given to the engineers. It would be understood, of course, that the submission of this question to the Joint Board of Engineers would be without prejudice to the rights of this Government with reference to the diversion of water from Lake Michigan or the position which it may take concerning questions that may arise because of such diversions.

In connection with the statement made in your note under acknowledgment that it is the purpose of the Canadian Government to publish forthwith your note No. 256 of March 21, 1924, I invite your attention to the release of my note of April 2, 1924, given in my note of April 9, 1924.

Accept etc.

CHARLES E. HUGHES

888.

*L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis*  
*Ambassador in United States to Secretary of State of United States*

No. 198

Washington, February 24, 1925

Sir,

I have the honour to refer to your note of the 13th instant, and to inform you that the Government of Canada have observed that public hearings have recently been held by the War Department in Washington on an application made by the Sanitary District of Chicago for permission to increase the quantity of water which that District is now permitted to divert from Lake Michigan under authority of the Secretary of War and that the question whether, in accordance with the recommendation of the Chief Engineer, the amount permitted to be diverted should, under certain conditions, be increased to 8,500 cubic feet per second instead of 4,167 cubic feet per second to which the Sanitary District is limited under a recent judgment of the Supreme Court of the United States, was also considered.

The Dominion Government now desire me to state that, while they would not wish to oppose any interim measure which may be necessary to protect the health of the inhabitants of the city of Chicago, they feel compelled to reiterate the protest they have already made against the abstraction of water from the St. Lawrence basin and, in order that there may be no misunderstanding, I desire to take this opportunity of making it clear that the Government of Canada do not surrender any claims that might be put forward for consequential losses already suffered or which may possibly be suffered in the future on

this account. The Dominion Government are of opinion that it is impossible to lose sight of the fact that the effect of the present increase in permitted diversion of water will be to postpone the relief for which the navigation and other interests injuriously affected by the attitude of the Chicago Sanitary District have been waiting already too long, and which, subject only to the paramount necessity of safeguarding public health, these interests are now entitled to receive.

I feel sure that you will readily appreciate that the injury to Canadian interests by any lowering of the natural level of the Great Lakes connecting waters and the St. Lawrence River by the diminution of their natural water supply is of constantly increasing importance not only on account of navigation on the Great Lakes and lower St. Lawrence River but also on account of power development. The Government of Canada have not failed to recognise that United States interests are likewise substantially affected by this question.

The Government of Canada feel confident that the Government of the United States is fully alive to the advisability of restricting within the narrowest possible limit the amount of water to be diverted from Lake Michigan for use by the Sanitary District of Chicago, and in this connection, they feel certain that no permit will be granted for the diversion of any water not essential to safeguarding the health of the population of that city, and, further, that the period during which such diversion must on this account continue, will be made as short as circumstances permit.

I should be most grateful if you would be so good as to communicate the contents of this note to the interested authorities of the United States Government.

I have etc.

ESME HOWARD

889.

*L'agent aux États-Unis au sous-secrétaire d'État adjoint  
aux Affaires extérieures*

*Agent in United States to Assistant Under-Secretary of State  
for External Affairs*

TELEGRAM

Washington, March 5, 1925

CONFIDENTIAL. Secretary of War has released for publication morning papers Saturday March 7th decision on Chicago drainage case authorizing Sanitary District to divert from Lake Michigan through its main drainage canal and auxiliary channels water not to exceed annual average 8,500 second feet instantaneous maximum not to exceed 11,000 feet upon conditions briefly as follows: one, that there shall be no unreasonable interference with navigation by work authorized; two, that if inspection or any other operations by United States are necessary in interests navigation expenses connected therewith shall be borne by permittee; three, that no attempt shall be made by the permittee or the owner to forbid the full and free use by public of any

navigable waters of United States; four, that Sanitary District shall carry out a program of sewage treatment by artificial processes which will provide equivalent of complete 100% treatment of sewage population of at least one million two thousand before expiration permit; five, that Sanitary District shall pay its share of cost of regulating or compensating works to restore levels or compensate for lowering of the Great Lakes System if and when constructed and post guarantee of \$1,000,000; six, that Sanitary District shall submit for approval of War Department plans for controlling works to prevent discharge of Chicago River into Lake Michigan in times of heavy storms these works shall be constructed in accordance with the approved plans and shall be completed and ready for operation by July 1st, 1929; seven, that execution of sewage treatment program and diversion water from Lake Michigan shall be under supervision of United States District Engineer at Chicago; eight, that if within six months after issuance this permit city of Chicago does not adopt program for metering at least ninety percent its water service and provide for execution said program at average rate ten percent per annum thereafter permit may be revoked without notice; nine, that if in judgment of War Department sufficient progress has not been made by end each calendar year in program of sewage treatment prescribed herein so as to insure full compliance with provisions of condition four permit may be revoked without notice; ten, that permit is revokable at will of Secretary of War and is subject to such action as may be taken by Congress; eleven, that permit if not previously revoked or specifically extended shall cease and be null and void on December 31st, 1929. Major Putnam District Engineer Chicago in report recommending issuance above permit states compliance with condition number four will make possible reduction in amount diversion to seven thousand two hundred fifty second feet or lower by end of 1929 and that this condition looks to reduction to four thousand one hundred sixty seven second feet by 1935. Forwarding copies permit and Putnam Report today's mail they must not be made public before Saturday morning.

M. M. MAHONEY

890.

*Le Gouverneur général à l'ambassadeur aux États-Unis*

*Governor General to Ambassador in United States*

DESPATCH 83

Ottawa, May 1, 1925

Sir,

I have the honour to refer to your despatch No. 164 of the 25th March, relating to a permit dated the 3rd March, 1925, issued by the Secretary of War of the United States to the Trustees of the Sanitary District of Chicago authorizing a diversion from Lake Michigan through its main drainage canal and auxiliary channels, of an amount of water not to exceed an annual average of 8,500 cubic feet per second, the instantaneous maximum not to exceed 11,000 cubic feet per second.

Before considering further the situation resulting from the action of the Secretary of War in authorizing an increase of the flow through the main drainage canal and auxiliaries beyond the limit of 4,167 cubic feet per second specified in the permit of 30th June, 1910, and the consequences to navigation, power and other interests on the Great Lakes and St. Lawrence waterway system resulting from this continued diversion against which the Government of Canada has been compelled to protest repeatedly and against which it must still protest, the Government of Canada desires to ascertain precisely the extent to which the new permit would modify the actual conditions which obtained during the year immediately preceding the 3rd March, 1925.

Inasmuch as previous permits on the part of the Secretary of War have authorized a certain total flow in the main canal and auxiliary channels, either by direct limitation of flow or by authorization of channel capacity, the Government of Canada interprets the aforementioned permit as being issued on a similar basis, with the sole exception that modification has been made in the total amount of water specified. In other words, the flow permitted under previous permits included all waters from whatever source passing Lockport, and under the permit of 3rd March, 1925, this flow is not to exceed an annual average of 8,500 cubic feet per second.

The Government of Canada would, therefore, appreciate being advised as follows:

First—What has been the actual average flow of the water passing Lockport during the year ending 3rd March, 1925;

Second—By what amount will this average flow of water passing Lockport be immediately reduced under the terms of the permit of 3rd of March;

Third—By what amount will this average flow be further reduced by 31st of December, 1929, the date upon which the new permit terminates.

I have etc.

BYNG OF VIMY

891.

*Le Gouverneur général à l'ambassadeur aux États-Unis*

*Governor General to Ambassador in United States*

DESPATCH 84

Ottawa, May 1, 1925

CONFIDENTIAL

Sir,

With reference to my despatch No. 83 of even date, requesting information from the Government of the United States relative to a permit dated 3rd March, 1925, issued by the Secretary of War of the United States to the Trustees of the Sanitary District of Chicago, it would appear advisable that for your confidential information the views of the Canadian Government with respect to the above matter be clearly outlined.

The permit of 3rd March, 1925, in authorizing "the said Sanitary District of Chicago to divert from Lake Michigan, an amount of water not to exceed an annual average of 8,500 cubic feet per second" does not define the meaning of the word "divert" in such manner as would clearly indicate the waters included under the permit.

While all water carried in the Drainage Canal is a diversion from the St. Lawrence waterway system, yet the waters carried in the canal are not all diverted in the same manner. Certain of the waters are diverted directly from Lake Michigan by the main drainage canal and its auxiliaries. A second manner of diversion is through disposal of the domestic water supply which is pumped from Lake Michigan and, as sewage, passes into the drainage canal. The quantity of water so diverted at present amounts to some 1200 cubic feet per second. A third manner of diversion has been the reversal of flow of the Chicago and Calumet rivers, whose waters in the natural state were discharged into Lake Michigan, but are now diverted into the Drainage Canal. This last diversion is estimated to be an average annual amount of 1300 cubic feet per second.

Referring again to the permit of 3rd March, 1925, it is possible that the Government of the United States may interpret the permit as being applicable in one of the three following manners:

- (1) That the amount of 8,500 cubic feet per second is inclusive of all waters diverted, regardless of the manner in which diversion may be made;
- (2) That the amount of 8,500 cubic feet per second is inclusive of all waters diverted, with the exception of the water diverted for domestic purposes.
- (3) That the amount of 8,500 cubic feet per second is applicable only to the direct diversion by the drainage canal and auxiliaries from Lake Michigan and is exclusive of the water diverted for domestic water supply and by the reversal of flow of the Chicago and Calumet rivers.

Of interest in this connection is a report dated 2nd March, 1925, by Major R. W. Putnam, District Engineer of the United States Corps of Engineers at Chicago, addressed to the Chief of Engineers, Washington, upon which it is believed the terms and conditions of the permit of 3rd March, 1925, were largely based. Major Putnam defines diversion as follows: "Diversion is taken to be the gross flow at Lockport, less the amount of water used by the City of Chicago for domestic purposes." This interpretation which is in accord with Number (2) as above set forth, would increase the apparent limit of 8,500 cubic feet per second under the permit to an actual limit of 9,700 cubic feet per second.

In disagreement with Major Putnam's interpretation is that given in an informal communication of the Chief of Engineers of the War Department of the United States to an Official of the Canadian Government, that the permit is exclusive of water used for domestic purposes and of the runoff of the Chicago and Calumet rivers. This interpretation, which is that set forth as



Number (3) above, would increase the apparent average of 8,500 cubic feet per second set forth in the permit to an actual average of some 11,000 cubic feet per second, which amount, in fact, would exceed the average of 8,500 cubic feet per second actually diverted during the past year.

While the Government of Canada is opposed to any diversion from the St. Lawrence river system, it appreciates the fact that conditions would be much more adverse to Canada if the 8,500 cubic feet per second specified in the permit of 3rd March is interpreted as being other than inclusive of all waters diverted. To this end the Government of Canada, in the accompanying despatch, has made reference to the fact that previous permits issued by the Secretary of War of the United States have limited the total amount of all waters passing Lockport, a point at which there is combined flow of all waters diverted, and states that the Government of Canada interprets the new permit as being applicable on a similar basis. The despatch thereupon proceeds to enquire specifically as to what will be both the immediate and ultimate effects of the application of the new permit on the actual diversion obtaining during the past year.

I have etc.

BYNG OF VIMY

892.

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

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

Washington, June 15, 1925

Sir,

Referring further to your note No. 467 of May 7, 1925, concerning the diversion of water from Lake Michigan by the Sanitary District of Chicago, I have the honor to furnish you with the following information in reply to the inquiries made by the Canadian Government.

First: The actual average flow of the water passing Lockport during the year ending March 3, 1925, has been 9,700 cubic feet per second.

Second: This average flow of water passing Lockport will not be immediately reduced by any amount under the terms of the permit issued by the Secretary of War on March 3, 1925.

Third: This average flow may be reduced by December 31, 1929, by an amount varying from 1,750 to 3,000 cubic feet per second.

By way of explanation of the wide range over which the amount of reduction by December 31, 1929, varies, it should be stated that the amount of reduction depends upon the decrease in the sewage load on the water in the Drainage Canal. The permit prescribes that a minimum population of 1,200,000 be provided with the equivalent of 100% treatment. The program of sewage treatment plant construction contemplates the completion of plants which

will give 100% treatment to a population of slightly over 1,400,000. If this program is carried to completion a larger reduction may be made in the flow than if only the requirements of the permit are carried out.

Furthermore, when the controlling works which are required to be placed in the Chicago River or Drainage Canal to prevent reversals into Lake Michigan in times of flood are completed and in operation it may be found practicable to make a much larger reduction in the flow of water with safety to the water supply of the City of Chicago during winter season, a time when the oxygen content of the diluting water is much higher than it is during the summer season.

It is also expected that there will be a substantial reduction in the amount of water consumed in the locality for domestic purposes as the result of a requirement of the permit of March 3, 1925, which makes it necessary for the City of Chicago to adopt and carry into execution a program for metering its water supply. By December 31, 1929, this reduction will vary between 400 and 600 cubic feet per second.

The net result of all these varying influences will be to make it possible to reduce the average flow by a minimum amount of 1,750 cubic feet per second and possibly by the maximum amount of 3,000 cubic feet per second.

To explain the apparent inconsistency between the amount of water specified in the permit (8,500 cubic feet per second measured at the intakes) and the flow at Lockport (9,700 cubic feet per second) it might be stated that the difference represents the amount of domestic water consumption by the City of Chicago which would not be authorized or included properly in a permit issued to the Sanitary District of Chicago, a separate municipality, other than to make the permit non-operative in case of failure on the part of the former agency to adopt certain measures of conservation which were specified. Condition 8 of the permit of March 3, 1925, looks to a substantial reduction of this portion of the flow in the Chicago Drainage Canal, at the same time condition 4 makes possible a reduction in the amount of water used for dilution of sewage.

Accept etc.

For the Secretary of State

JOSEPH C. CREW

893.

*Le Gouverneur général au chargé d'affaires aux États-Unis*

*Governor General to Chargé d'Affaires in United States*

DESPATCH 160

Ottawa, September 10, 1925

Sir,

With reference to your despatch No. 292 of the 19th June last, I have the honour to inform you that the Government of Canada has carefully considered the communication made by the Secretary of State of the United States under

date of 15th June, 1925, on the subject of the interpretation of the permit granted by the Secretary of War on the 3rd March, 1925, for the diversion of water from Lake Michigan by the Sanitary District of Chicago.

The Government of Canada is constrained to point out that despite repeated protests against the diversion of water from Lake Michigan, the permit of 3rd March, 1925, authorizes a diversion in amount over twice that stipulated in any previous permits.

My Government also views with apprehension the interpretation which has been placed upon the permit by the Secretary of State of the United States. As set forth in my despatch No. 83 of the 1st May, it was believed that the present permit, as in the case of previous permits, would limit the amount of the total diversion and be applicable to all waters passing Lockport. The interpretation of the permit of the 3rd March, 1925, transmitted to me in your despatch under reference, would indicate that the point of measurement is changed from Lockport to the intake works of the Sanitary District and through such change the permit recognizes an actual diversion much in excess of the stipulated amount of 8,500 second feet set forth in the permit. In other words, it is clearly stated that the permit does not embrace water diverted by the City of Chicago's pumping stations which at the present rate of pumping amount to some 1200 second feet thereby increasing the authorized diversion from 8,500 second feet to 9,700 second feet.

In addition, it would appear that if measurement be made at the intake from Lake Michigan the result would be to exclude from the operations of the permit the intercepted flow of the Chicago and Little Calumet Rivers, which varies in amount but is equal, it is understood, to an annual average of about 1300 second feet. In these circumstances it would appear that the effect of the permit of the 3rd March would not merely authorize an average annual diversion of 9,700 second feet as above noted, but would recognize and permit of a total diversion passing Lockport of 11,000 second feet.

While it is understood from the despatch of the 15th June from the Secretary of State that the Government of the United States anticipates that at the expiry of a five year period the annual diversion may be reduced between 1,750 and 3,000 second feet, this is far from reassuring since even if the larger suggested reduction becomes effective, the diversion at the beginning of 1930 will still be almost double that authorized by the Secretary of War of the United States when action for an injunction against the Sanitary District of Chicago was commenced in 1908.

The Government of Canada would further point out that works dependent on the levels and flow of the Great Lakes System cannot be confidently projected or economically carried out if diversions from the watershed are permitted without mutual assent thereto. Furthermore, in this connection the continued and increasing impairment of the natural levels and discharge of the Great Lakes System, due to the diversion from Lake Michigan, raises the question as to the extent to which this Government would be warranted in

giving consideration to any further improvements therein until there is an assurance of definite curtailment of such diversion.

In connection with this matter the attention of the Canadian Government has been called to a permit dated the 30th April, 1925, from the Acting Secretary of War, authorizing the Sanitary District of Chicago to carry out certain dredging work in the Calumet river system, which it is understood will involve an expenditure of \$1,500,000 and enable the Calumet-Sag Channel to bypass 2,000 second feet into the main drainage canal. If the report of this large expenditure is correct, it would appear to indicate that the Sanitary District is proceeding in expectation of continued diversion.

The Canadian Government is therefore forced to the conclusion that despite repeated protests no immediate or definite reduction has been provided and, furthermore, that if the above interpretation of the permit of 3rd March, 1925, is confirmed, the effect will actually be to authorize a greater diversion than is now being made. It would therefore enquire whether it is not the intent of the Government of the United States to take measures to ensure immediate as well as more definite and more substantial future curtailment in the amount of water which is being diverted with such serious results from the Great Lakes and St. Lawrence System.

I have etc.

BYNG OF VIMY

894.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 194

Ottawa, October 30, 1925

Sir,

With reference to Mr. Chilton's despatch No. 492 of the 15th September, on the subject of the diversion of water from Lake Michigan by the Sanitary District of Chicago, my Government have desired me to invite Your Excellency's attention to what is apparently an error in the seventh paragraph of his communication to the Secretary of State of the United States, No. 813 of the 15th September, a copy of which was enclosed in the despatch under reference. In that paragraph it is stated that "In connection with this matter the attention of the Canadian Government has been called to a permit dated the 30th April, 1925, from the United States Acting Secretary of War, authorizing the Sanitary District of Chicago to carry out certain dredging work in the Calumet river system, which it is understood will involve an expenditure of \$1,500,000 . . .", while in Mr. Anglin's despatch to Mr. Chilton of the 10th September, 1925, (No. 160), the amount is stated as \$1,600,000.

I have etc.

BYNG OF VIMY

895.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 594

Washington, November 30, 1925

My Lord,

With reference to Mr. Chilton's despatch No. 492 of September 15th last, I have the honour to transmit to you herewith copy of a note from the United States Government replying to this Embassy's communication No. 813 of September 15th in regard to the diversion of water from Lake Michigan by the Sanitary District of Chicago.

I have etc.

ESME HOWARD

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, November 24, 1925

Excellency,

Referring further to your Embassy's note No. 813 of September 15, 1925, bringing to my attention certain remarks and inquiries of the Canadian Government in regard to the diversion of water from Lake Michigan by the Sanitary District of Chicago, I take pleasure in submitting the following statements:

The Sanitary District of Chicago to which the permit of March 3, 1925, was issued by the Secretary of War, is a municipal corporation separate and distinct from the City of Chicago. The operations of the Sanitary District are conducted under direct authority of the legislature of the State of Illinois without reference to the operations of the municipal government of the City of Chicago.

Diversion of water for domestic consumption in the City of Chicago being purely a function of the municipal government of the City, it is considered that the authority granted the Sanitary District could not be made to apply to or include this other diversion as well. The case before the Secretary of War for action involved the granting of a permit for diversion of water for sanitary purposes only, and the instrument of authority was worded accordingly.

On the other hand, it seemed to the Secretary of War that the diversion of water for domestic consumption by the City of Chicago was larger than it should be, and that the amount wasted was not a negligible portion of the gross diversion. He also considered that this excessive diversion for domestic purposes made the cost of sewage treatment plant construction and operation unnecessarily high and consequently added to the length of the construction

period and the difficulties of financing. For these reasons the Secretary of War took cognizance of the diversion for which the City of Chicago is responsible, in a restrictive way, rather than by permissive means, and included a condition in the permit making the instrument voidable in case the City of Chicago fails to take specified steps looking to a curtailment in the amount of water diverted for domestic purposes.

In the judgment of the Secretary of War the average diversion which should be authorized for sanitary purposes under the conditions known to exist should be not less than 8,500 cubic feet per second. The safety of the lives and health of citizens of the locality cannot be disregarded, and until the conditions of the permit of March 3, 1925, have been complied with no substantial reduction in the amount of diversion could be made without endangering health if not life.

The expression "measured at the intakes", used to designate the places where the total actual flow should not exceed that specified in the permit, is hypothetical as it is impracticable to measure the diversion at the numerous intakes with accuracy. For this reason, the practical enforcement of the limitation placed upon the diversion will be carried out at Lockport. Measurements taken there will determine the gross diversion, sanitary and domestic and, as accurate information is available in regard to the amount of water pumped by the City of Chicago for domestic purposes, the sanitary diversion may be computed by subtracting the domestic diversion from the gross flow at Lockport.

The term "diversion" as used in the permit is construed to include the discharge of the Chicago and Calumet Rivers. In view of the methods employed in computing the amount of the diversion the discharge of these streams will be included within the 8,500 cubic feet per second authorized by the permit of March 3, 1925.

With reference to the permit issued on April 29, 1925, by the Acting Secretary of War, authorizing the dredging of the Little Calumet River, attention is invited to the following special condition attached thereto:

That this permit does not authorize and should not be construed as authorizing or allowing any increase whatever in the diversion of water from Lake Michigan authorized by permit issued to the Sanitary District of Chicago by the Secretary of War March 3, 1925, nor as modifying in any respect the conditions of that permit.

The deepening of the Little Calumet River will give the Sanitary District of Chicago better control over river reversals, for it will increase the discharge capacity of the system at intermediate stages and insure protection of the water supply during these critical periods. Since the total sanitary diversion is limited to an average of 8,500 cubic feet per second and an instantaneous maximum of 11,000 cubic feet per second, if the Sanitary District chooses to pass 2,000 cubic feet per second through the Calumet River and Sag Channel it will be required to reduce the amount diverted through its other intakes to keep within the limitations placed by the permit of March 3, 1925.

The Canadian Government is correct in concluding that no immediate reduction in diversions has been provided, but its conclusion that no definite reduction is assured and that the effect of the permit will actually be to authorize a greater diversion than is now being made cannot be confirmed. The *gross flow* at Lockport will not exceed an average of 9,700 cubic feet per second, and by the time the permit of March 3, 1925, has expired the gross flow may be reduced to 8,000 cubic feet per second and probably to 6,700 cubic feet per second. The sewage treatment program of the Sanitary District has been arranged, so as to make it possible to effect a reduction to a gross flow of 4,167 cubic feet per second by the year 1935 or before.

I shall be grateful if you will cause the foregoing statements to be brought to the attention of the Canadian Government.

Accept etc.

FRANK B. KELLOGG

LAC DES BOIS  
LAKE OF THE WOODS

896.

*Décret du Conseil*  
*Order in Council*

P.C. 1446

July 17, 1919

The Committee of the Privy Council have had before them a report, dated 10th July, 1919, from the Right Honourable the Secretary of State for External Affairs, submitting that he has had under consideration a despatch from the British Embassy at Washington containing a note from the Secretary of State of the United States, dated April 25th, 1919, (No. 65) asking—“if the Government of the Dominion of Canada is now ready to designate a representative to confer with the representative of the Government of the United States in considering the report and recommendations of the International Joint Commission on the regulation of levels of the Lake of the Woods with a view to formulating an agreement with respect thereto”, and has also had under consideration the report and recommendations of the Lake of the Woods Technical Board on the report of the International Joint Commission in the matter of the reference from the Governments of the Dominion of Canada and the United States of America, regarding the levels of the Lake of the Woods.

The Minister is advised that:

1. The International Joint Commission finds that it is practicable and desirable both for the improvement of navigation and for the betterment of power conditions in the Winnipeg River to maintain the level of the Lake at an ordinary maximum stage of 1061.25 (sea level datum) but that in seasons of heavy precipitation and with the present restricted outlet the water will probably rise to 1062.5 and in years of small precipitation fall as low as 1056.

2. The above recommendation will mean holding the level of the lake about 2¼ ft. higher than the computed normal or natural level and will flood about 24,000 acres of land, valued at \$164,000 in the United States and 40,800 acres valued at \$81,000 in Canada, below contour 1064 (sea level datum) to which level the Commission recommends that flowage rights should be acquired.

3. The following further expenditures will be required, that is to say:

A. \$115,000 for protection and other works around the south shore of the Lake and Rainy River.

B. \$25,000 to compensate interests at the outlets for necessary alterations to their plants.

C. \$30,000 to acquire flowage rights in the Winnipeg River below the outlet from Lake of the Woods.

D. \$50,000 to provide additional wasteway capacity in the Norman dam should it be used as a power dam.

E. \$175,000 for enlarging the western outlet from the Lake so as to provide a discharging capacity of at least 47,000 c.f.s. at a level of 1061 (sea level datum).

Total estimated cost of \$650,000.00

4. That full advantage should be taken of existing reservoir capacity of Rainy Lake and the lakes above Kettle Falls and as soon as the demands for power warrant 50% additional should be secured, but the cost of this cannot at present be determined.

5. That the dams and regulating works extending across the International Boundary and the dams at Kettle Falls should be placed under an International Board of Control to be composed of one member to represent the Government of the Dominion of Canada and one to represent the Government of the United States, and for controlling and supervising the regulating works at the outlet of Lake of the Woods a Board of Control composed of Canadian Engineers should be appointed.

The Minister observes that the proposed regulation of the level of the Lake of the Woods will give a more uniform surface to which riparian and other owners can work; will provide a higher mean level (of material benefit to navigation) as it will provide deeper harbours and give more water over the shoals and bars.

That the improved regulation will increase the dependable flow in the Winnipeg river by about 5,000 second feet.

That of the estimated cost of \$650,000 it would appear that \$325,000 is properly chargeable to the improvement of navigation and should be borne equally by both countries and the balance — \$325,000 should be borne by the power interests.



The Minister therefore recommends:

1. That the Government of the Dominion of Canada agrees with the Government of the United States that the level of the Lake of the Woods should be maintained at an ordinary maximum level of 1061.25, with an extreme, in cases of large flood inflows, of 1062.5, as has been reported to the respective Governments by the International Joint Commission in answer to question 1 of said Reference.

2. (A) That to carry out this regulation flowage rights up to 1064 should be acquired, entailing an expenditure of about \$164,000 in the United States, and about \$81,000 in Canada. The United States to acquire and hold in perpetuity for this purpose, the necessary land on its side of the boundary, and Canada to acquire and hold in perpetuity for this purpose, the necessary lands on the Canadian side of the boundary.

(B) That a sum of approximately three-quarters of \$115,000 i.e. one-half chargeable to power and one-quarter chargeable to navigation, be set aside for necessary protection works along the low shores and in the towns along the south side of the lake and in Rainy River.

(C) That the enlargement of the western outlet from Lake of the Woods be proceeded with to give a discharge of 47,000 c.f.s. at a stage of 1061 (sea level datum) to cost approximately \$175,000.00.

(D) That a sum of \$25,000 be set aside for the power interests at the outlets for necessary alterations to their plants.

(E) That \$30,000 be set aside for compensation for the flooded area in the Winnipeg river below the outlet.

(F) That \$60,000 be set aside for enlarging the wasteway capacity of Norman dam when the same is converted into a power dam.

(G) That of the above total of \$650,000 it would appear that Canada's share is \$488,000 and that of the United States \$162,000.

3. That the Boards of Control as hereafter recommended be instructed to take every advantage of the existing reservoir capacity on Rainy Lake and the Lakes above Kettle Falls, and that when the demands of power warrant, the two Governments will enlarge these reservoirs by 50% the cost of which cannot be estimated at present, and the apportionment of which shall be a subject matter of further adjustment between the two countries, and that for the purpose of such enlargement the Governments, either Federal, State, or Provincial, owning any unpatented lands upon said lakes up to an elevation of at least five feet above extreme natural high water mark, reserve upon same a flowage easement in perpetuity.

4. That the Boards of Control be constituted, the one to be called Lake of the Woods Canadian Board of Control to supervise the operation of the dams and works at the outlets of Lake of the Woods when the level lies

between 1056 and 1061 (sea level datum), the other to be termed The Lake of the Woods International Board of Control to have charge of all the regulating works extending across the International Boundary and the dam in the Canadian channel at Kettle Falls.

The Minister further recommends for simplicity that in carrying out the arrangement between the two Governments and settling the expenditures to be borne by the two countries that Canada contribute to the United States the difference between what she should pay for compensation in the United States and what the latter should pay in Canada, viz. about \$112,000 and the United States should pay all other claims and acquire all the flowage rights in its territory and hold same in perpetuity for the purposes above set forth, and that Canada should undertake to deal likewise with lands on her side and complete the various works that have been considered necessary by the International Joint Commission and which have been concurred in by the Lake of the Woods Technical Board.

The Minister further recommends that in any arrangement with the Government of the United States regarding the carrying out of the recommendation of the Commission, it is to be understood that the contribution covers all claims.

The Minister further recommends that instead of allowing the International Joint Commission to appoint the Engineers for the International Boards of Control, as was recommended by them, that such officers be selected by each Government from its executive service.

The Minister further recommends that the Government of the United States be informed that the Government of Canada accepts the findings of the International Joint Commission on the reference concerning Lake of the Woods, save only as to the method of appointment of the two officers to constitute the International Board of Control, and would only vary that recommendation by suggesting that the said officials be appointed by their respective Governments and not by the International Joint Commission.

The Minister further recommends that the Government of the United States be informed that the Government of Canada is prepared to designate a representative to confer with a representative of the Government of the United States in the consideration of the report and representations of the International Joint Commission, with a view to formulating an agreement with respect to certain questions regarding Lake of the Woods, and hereby appoints William J. Stewart, Esq., the Dominion Hydrographer, for that purpose.

The Committee concur in the foregoing, and advise that Your Excellency may be pleased to forward a copy of this minute to His Majesty's Embassy at Washington for the information of the Government of the United States.

All of which is respectfully submitted for approval.

897.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 371

Washington, November 16, 1920

My Lord Duke,

With reference to Your Excellency's despatch No. 82 of July 21st, 1919, transmitting copy of an Approved Minute of the Privy Council for Canada, dealing with the recommendations of the International Joint Commission on the regulation of the levels of the Lake of the Woods, I have the honour to forward to you herewith copy of a note received from the State Department, dated November 12th on this subject.

I should be glad to be informed in due course what reply I should make to the points raised by the United States Government.

I have etc.

A. C. GEDDES

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, November 12, 1920

Excellency,

I have the honour to refer to your Embassy's note No. 553, dated July 25, 1919, transmitting a copy of an Approved Minute of the Privy Council for Canada regarding the recommendations of the International Joint Commission with respect to the regulations of the levels of the Lake of the Woods.

I beg to inform you that this Government has given very careful consideration to the proposals of the Canadian Government as outlined in the Minute of the Privy Council and feels from its study of those proposals that the two Governments are, generally speaking, substantially in accord in their endeavour to arrive at a fair and satisfactory settlement of the questions on the basis of the recommendations of the International Joint Commission.

However, in view of the change in conditions since the report of the International Joint Commission was filed and since the date of the Minute of the Privy Council, I am inclined to think not only that full advantage should be taken of existing reservoir capacity of Rainy Lake and the Lakes above Kettle Falls, as stated in the first of the paragraphs numbered four in the Minute of the Privy Council, but that flowage rights necessary to the acquisition in the future of the 50% additional reservoir capacity of Rainy Lake and

the lakes above Kettle Falls should now be acquired by the two Governments, since it seems probable that the additional reservoir capacity may be needed in the not far distant future. It is believed that the additional costs incident to the acquisition of these rights at the present time will be less than at any future time, and that since the benefits would inure primarily to the power interests, the major part of the expenses would properly be chargeable to those interests.

It is also desirable that claims of property owners in the vicinity of the Lake of the Woods who have suffered damage by reason of floods attributable to the artificial levels at which the lake has been maintained during the past several years should be settled. These claims are not numerous nor large in amount but this Government considers it important that they should be adjudicated at the same time that an arrangement is reached for the control of the Lake of the Woods.

I, therefore, beg to inquire whether in carrying out the recommendations of the International Joint Commission, concerning the general provisions of which, as stated above, it is believed that the two Governments are in virtual accord, the Canadian Government would be willing to confer upon the Commission, or upon the Lake of the Woods International Board of Control to be established (preferably by the former in view of its familiarity with the questions involved) the duty (1) of apportioning between the two Governments and the water power interest their respective shares of the entire costs of the improvements referred to in the Minute of the Privy Council and of the acquisition of flowage rights in connection with the Rainy Lake and the lakes above Kettle Falls and (2) of adjudicating the claims referred to above.

Under this arrangement the construction work in connection with the improvements could proceed under the supervision of engineers of the two Governments simultaneously with the work of the International Joint Commission, which, to enable the two Governments to effect temporary fiscal arrangements with respect to work that might be under way, could be instructed to submit preliminary reports from time to time as its work might permit. For example, since the regulation and control of the Lake of the Woods, are the more important features of the project under consideration, and since the information already in the possession of the Commission would enable it without great delay to pass upon the questions therein presented, the Commission could prosecute its investigations in connection with these waters to a final conclusion and submit a report thereon before taking up the work with reference to Rainy Lake and the lakes above Kettle Falls.

If the Canadian Government is willing to authorize the International Joint Commission to perform these duties, this Government will be glad to prepare for consideration by the Canadian Government a draft of an agreement to be entered into with respect to the entire project.

Accept, etc.

BAINBRIDGE COLBY

898.

*Décret du Conseil*  
*Order in Council*

P.C. 1031

March 29, 1921

The Committee of the Privy Council have had before them a report, dated 25th March, 1921, from the Right Honourable the Secretary of State for External Affairs, representing that he has had under consideration a note, dated 12th November, 1920, from the Secretary of State of the United States to His Majesty's Ambassador at Washington, concerning the Report of the International Joint Commission on the Lake of the Woods reference; this note, which was transmitted to the Canadian Government by the Ambassador's despatch (No. 371) of 16th November, 1920, being in response to the Minute of Council of the 17th July, 1919 (P.C. 1446).

The Minister states that it is gratifying to observe at the outset that the Government of the United States express themselves as being substantially in accord with the proposals of the Canadian Government looking to a fair and satisfactory settlement of the questions involved on the basis of the recommendations of the International Joint Commission.

The Minister further states that this note, however, then proceeds to suggest, in the first place, that not only should full advantage be taken of the existing reservoir capacity of Rainy Lake and the lakes above Kettle Falls, as proposed in the Minute of Council, but that the flowage rights necessary to the acquisition in the future of the 50% additional reservoir capacity of these lakes should now be acquired by the two Governments. Secondly, the Government of the United States raise a question concerning the adjustment of the claims of property owners near the Lake of the Woods in respect of flowage rights. Finally, the note enquires whether the Canadian Government, in carrying out the recommendations of the International Joint Commission, would be willing to confer upon the Commission, or upon the Lake of the Woods International Board of Control to be established, the duty of apportioning between the two Governments and the water power interests their respective shares of the entire cost of the improvements referred to in the Minute of Council and the acquisition of flowage rights in connection with the Rainy Lake and the lakes above Kettle Falls, and also the duty of adjudicating the claims referred to above.

With regard to the first suggestion, it is to be observed that at the request of the Canadian Government, made in pursuance of the recommendation of the Commission, the Government of the Province of Ontario has in fact already reserved a flowage easement on the public lands in Canada abutting on the lakes in question. If similar action were taken in respect of the public lands on the United States side the additional storage capacity recommended by the Commission would be substantially provided for. So far as the rights with respect to other lands and properties affected are concerned, however,

the Minister is advised that the demands in the watershed are not sufficient to warrant further action being taken at this stage. It also appears, as shown in the Report of the Commission<sup>1</sup> (page 35), that the existing storage has not yet been settled for by the power companies at International Falls and Fort Frances, a condition which renders it difficult to determine the cost of additional storage; so that until this settlement is made it is not considered advisable to give further consideration to the question of the acquisition of the additional storage beyond the action with regard to public lands mentioned above.

As for the second point, concerning the acquisition of flowage rights on the shores of the Lake of the Woods, it should be observed that under Question 2 of its Reference the International Joint Commission has already conducted an extensive investigation into the value of the lands that would be injuriously affected by the proposed regulation of the Lake of the Woods, and in its Report has referred to its work in this respect in the following terms (page 60): "The Commission wishes to emphasize the fact that no part of its investigation has been carried out with greater care than that involving the determination of the value of these various classes of lands adjoining the Lake of the Woods". The Minute of Council of 17th July, 1919, proposed in principle that any settlement reached as to the entire costs of the project recommended by the Commission should be understood as covering all claims, and that thereupon each Government should be responsible within its own territory for the payment of the individual claims. To this principle the Canadian Government attach great importance, believing that it is calculated to afford a speedy conclusion and to avoid the misunderstanding and irritations that other methods might entail.

Finally, with regard to the enquiry with which the United States Government's note concludes, the Minister observes that it is concerned essentially with a question of method or procedure rather than of substance. The question is in reality concerned with the method that should be pursued in reaching an understanding as to the final action to be taken by the Canadian and the United States Government on the Report of the International Joint Commission. The Minister shares with the Secretary of State the desire that such an understanding should be reached without delay, and he feels indeed that the Canadian Government have already done everything in their power to that end. With the same purpose he points out that in July, 1919, on the initiative of the United States Government, a method of procedure was arrived at between the two Governments for reaching an understanding regarding the Report of the Commission. It is accordingly somewhat surprising that at this stage a different method should be proposed, since it is to be feared that a change now would result in confusion and delay.

The Minister also states that it will be recalled that on 24th April, 1919, the United States Government enquired whether the Canadian Government

<sup>1</sup>Non reproduct.

<sup>2</sup>Not printed.

were ready to designate a representative to confer with a representative of the United States with a view to formulating an agreement with respect to the Report and recommendations of the Commission. The force of the suggestion was clearly recognized; for the advantages of direct conversations in such a complicated matter seem obvious, and the United States Government were therefore informed in July, 1919, that the Canadian Government concurred in this suggestion, and had in fact appointed William J. Stewart, Esq., the Dominion Hydrographer, as their representative for the purpose. Shortly afterwards the United States Government appointed Colonel Charles Keller as their representative. Thereupon the two representatives entered upon this duty and held a number of conferences. It is understood that these conferences were proceeding satisfactorily; there is no suggestion that the conferences have encountered any obstacle calculated to prevent an ultimate general agreement; while no other reason has appeared why they should not proceed with their labours.

In view of these considerations the Minister is unable to see any reason for departing from the method of procedure already agreed to by the Canadian Government at the suggestion of the United States Government. He would therefore propose that the two Governments should instruct their representatives to proceed forthwith to the completion of their task of formulating for the consideration of the two Governments an agreement with respect to the recommendations of the International Joint Commission. Since the State Departments of the two Governments will be concerned in the final form of the agreement it might well be advantageous to authorize the two representatives to call upon these Departments for appropriate assistance in completing their task; and if the United States Government consider such a method expedient, the Minister will be prepared to co-operate. Furthermore, to the end that the delay already caused by the interruption of their work should not be further unduly protracted, he would propose that the representatives be requested to render their report to their respective Governments within a period of ninety days from the date of their re-instruction. It is believed that in this manner it will be possible to reach with the least possible delay a mutually satisfactory adjustment of the views of the two Governments, which, as already seen, appear to be substantially in accord; and it is hoped, therefore, that the United States Government may see their way to issuing instructions to their representative at an early date.

The Committee concur in the foregoing and, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward a copy hereof to His Majesty's Ambassador at Washington for the information of the Government of the United States.

All of which is respectfully submitted for approval.

899.

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, September 21, 1921

Excellency,

With further reference to the formulation of an agreement with respect to the report and recommendations of the International Joint Commission concerning the regulation of the levels of the Lake of the Woods, I have the honor to inform Your Excellency that careful consideration has been given to the Minute of the Privy Council for Canada (P.C. 1031), approved March 29, 1921, which was communicated to this Government by your note No. 266 of April 7, 1921.

The disposition of the Canadian Government to proceed with negotiations to formulate with the least possible delay an agreement with this Government concerning the questions under consideration in connection with the report and recommendations of the International Joint Commission is shared by this Government, and with a view to facilitating the accomplishment of this common purpose this Government is ready, subject to the condition hereinafter stated, to accept the proposal of the Canadian Government as to the procedure to be followed for the formulation of an agreement. This Government will agree that the two Governments shall instruct their respective representatives to whom the recommendations of the International Joint Commission were referred to proceed to the completion of the formulation of an agreement for the consideration of the two Governments calling upon the respective State Departments for assistance in the completion of their task as occasion may require, and making their report within ninety days from the date of their instructions.

In agreeing to this procedure, however, this Government feels that it must adhere to the position taken in my predecessor's note of November 12, 1920, as to the importance of determining the following matters on the earliest opportune occasion: (1) the apportionment between the two Governments and the water power interests of the entire costs of the improvements to which reference is made in the Minute of the Privy Council (P.C. 1446), approved July 17, 1919; (2) the acquisition of flowage rights in connection with the Rainy Lake and lakes above Kettle Falls necessary to provide in future for 50% additional reservoir capacity of these lakes, and the apportionment of the costs of acquiring these rights; (3) and the adjudication of the claims of property owners in the vicinity of the Lake of the Woods who have suffered damage by reason of floods attributable to the artificial levels at which the Lake has been maintained during the past several years.

In the instructions which would be given to the representatives of the United States and Canada to meet the suggestions which are made in the Minute of the Privy Council (P.C. 1031), approved March 29, 1921, this Government would wish to include directions that the representatives consider



and endeavor to reach an agreement upon the several questions enumerated, as well as upon those questions which hitherto they have had under consideration, and include recommendations concerning these questions in the report which they will make to the two Governments.

I should be pleased to be informed in due course whether the Canadian Government is willing to include the foregoing questions in instructions to the representatives, and in the event that the Canadian Government is favourably disposed toward this course to give the necessary instructions to the representative of this Government.

Accept etc.

CHARLES E. HUGHES

900.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 170

Ottawa, December 21, 1921

Sir,

With reference to Your Excellency's despatch No. 281 of the 27th September last, respecting the regulation of the levels of the Lake of the Woods, I have the honour to enclose, herewith, a copy of an Approved Minute of the Privy Council for Canada submitting a memorandum which it is considered furnished an acceptable basis for the settlement of the questions which have arisen between the Governments of Canada and the United States in connection with the report of the International Joint Commission in this matter.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*

*Order in Council*

P.C. 4578

December 17, 1921

The Committee of the Privy Council have had before them a Report, dated 3rd December, 1921, from Sir James A. Loughheed, for the Secretary of State for External Affairs, referring to a despatch (No. 728) of September 27th, 1921, from His Majesty's Ambassador at Washington, transmitting a note of September 21st, 1921 from the United States Secretary of State, replying to the Minute of Council of March 29th, 1921, (P.C. 1031) with respect to the report and recommendations of the International Joint Commission concerning the regulation of the levels of the Lake of the Woods.

The Minister observes that in the note it is stated that the Government of the United States shares the disposition of the Canadian Government to

proceed with negotiations to formulate with the least possible delay an agreement between the two Governments concerning the questions under consideration in connection with the report and recommendations of the International Joint Commission.

In the Minute of Council of March 29th, 1921, above mentioned a certain procedure was proposed with a view to securing a speedy formulation of such an agreement. It now appears to the Minister, however, that it may be advantageous to vary somewhat the procedure therein proposed, as since the receipt of the note of September 21, 1921, Mr. W. J. Stewart and Mr. J. B. Challies, the Consulting Engineers of the Department of External Affairs, have given further consideration to the questions involved and have now submitted a memorandum, a copy of which is hereto annexed, outlining and recommending the terms of a proposed agreement.

The Minister states that he is of opinion that the proposals embodied in this memorandum constitute, under all the circumstances, an acceptable basis for the settlement of the questions that have arisen between the two Governments in connection with the report of the International Joint Commission, and that it would be of advantage to submit them to the Government of the United States in order to ascertain whether an agreement may not be arrived at forthwith on the basis of this memorandum.

The Minister accordingly recommends that these proposals be adopted and that they be submitted at once to the Government of the United States. Should they also prove acceptable to that Government the Canadian Government will be prepared to submit as soon as possible the drafts of a treaty and such other formal documents as may be appropriate for the purpose of arriving at a final settlement.

The Committee concur in the foregoing and submit the same for Your Excellency's approval.

[ANNEXE À LA PIÈCE JOINTE / ANNEX TO ENCLOSURE]

*Mémoire*

*Memorandum*

A. With regard to Lake of the Woods

1. The recommendations of the International Joint Commission contained in its report respecting Lake of the Woods will be accepted, agreed to and carried out by both Governments.

2. (a) There shall be constituted at once an International Lake of the Woods Control Board as recommended by the International Joint Commission to exercise supervision and control over the operation of the dams and regulating works at the outlets of Lake of the Woods when its level rises above 1061 or falls below 1056 sea level datum.

(b) In conformity with the findings of the International Joint Commission that the control of levels and outflow from Lake of the Woods, when the

elevation of the lake is at or below 1061 and at or above 1056, should be under the jurisdiction of the appropriate authority in Canada, the Governments of Canada will maintain for such purposes a Board of engineers known as the Canadian Lake of the Woods Control Board.

Note: Until the outlets have been enlarged as recommended by the International Joint Commission the levels of lake of the Woods should ordinarily be held at an elevation of 1060.5 and the International Lake of the Woods Control Board should have authority to advise the Canadian Control Board as to increasing the discharge from or conserving the waters of Lake of the Woods whenever it believes such changes in the existing regulations are necessary in order to safeguard international interests.

(c) The International Lake of the Woods Control Board shall consist of two engineers, one to be appointed by the Government of the United States and one to be appointed by the Government of Canada.

Note: To provide correlation between the proposed international Board and the Canadian Board as constituted the Government of Canada shall appoint one member of the Canadian Lake of the Woods Control Board as its representative upon the International Board.

### 3. The United States will:

(a) Assume all responsibility and bear all expense in respect of claims for compensation by riparian proprietors or others arising from or attributable to fluctuations of the level of Lake of the Woods in the United States.

(b) Acquire flowage easements up to elevation 1064, as recommended by the International Joint Commission upon all riparian lands in the United States bordering on Lake of the Woods.

(c) Assume all responsibility for the provision of such necessary protective works and improvements in the United States as will be consistent with the recommendations of the International Joint Commission in its report.

(d) Upon payment to it by the Government of Canada of the sum of \$275,000.00, release the latter Government in respect of all matters set forth in sub-sections (a) (b) and (c) above.

Provided, however, that in the event of the said sum of \$275,000.00 not proving sufficient to fully discharge the obligations set forth in sub-sections (b) and (c) above, the excess cost, if any, shall be divided between the two countries on a fifty per cent basis.

4. The cost of flowage easements, above mentioned, shall be determined by the United States in accordance with the usual constitutional requirements and legal procedure. In the event of the creation of any special tribunal to determine such costs, the Government of Canada shall be entitled to representation thereon. Should such costs be determined by the regularly established courts in the United States, the Government of Canada shall be entitled to representation by counsel before such courts.

### 5. The Government of Canada will:

(a) Acquire a flowage easement up to elevation 1064 as recommended by the International Joint Commission upon all riparian lands in Canada bordering on Lake of the Woods.

(b) Assume all responsibility for claims for compensation by riparian proprietors or others arising from or attributable to fluctuations of the level of the Lake of the Woods in Canada or the outflow therefrom.

(c) Assume all responsibility for the provision of necessary protective works and improvements in Canada as will be consistent with the recommendations of the International Joint Commission in its report.

(d) Assume all responsibility for the provision of necessary discharge capacity and control facilities at outlets of Lake of the Woods as will be consistent with the recommendations of the International Joint Commission in its report.

Note: The Canadian Lake of the Woods Control Board to submit plans for provision for such discharge capacity and control facilities at outlets of Lake of the Woods as will be consistent with the recommendations of the International Joint Commission to the International Lake of the Woods Control Board for an engineering report as to the suitability and sufficiency of same respecting the discharge capacity and the control as recommended by the International Joint Commission.

(e) Release the Government of the United States in respect of all matters arising from (a) (b) (c) and (d) of this section.

#### B. With regard to Rainy Lake and other international lakes above

1. It is agreed that flowage easements as recommended by the International Joint Commission shall be reserved upon all unoccupied public lands in their respective territories bordering on:

(a) Rainy Lake up to elevation 501 D.P.W. datum. (1112.61 sea level datum).

(b) Namakan lake and the lakes controlled by Kettle Falls dams up to elevation 516 D.P.W. datum (1127.61 sea level datum).

(c) Other international lakes above Namakan lake up to a maximum elevation of five feet above extreme high water mark.

2. (a) Upon the conclusion of an agreement embodying the above mentioned stipulations the two governments will refer to the International Joint Commission, the following questions for immediate investigation and an early report.

(b) The two governments will arrange for and furnish from their official staffs the necessary engineering and other technical assistance required by the Commission.

Question 1. In order to secure the most advantageous use of the waters of Rainy Lake and of the international waters flowing into and from Rainy Lake, for domestic, sanitary, navigation, transportation, fishing, power, and reclamation purposes, and also in order to secure the most advantageous use of the

shores and harbours of Rainy Lake and of the international waters flowing into and from the lake; is it now practicable and desirable or under what conditions will it become practicable and desirable?

(a) To permit the control of the elevation of the surface of Rainy lake at an ordinary maximum elevation in excess of 497 D.P.W. datum (1108.61 sea level datum).

(b) To permit the control of the elevation of the surface of Namakan lake and the lakes affected by the dams at Kettle Falls, at an ordinary maximum elevation in excess of 508.5 D.P.W. datum (1120.11 sea level datum).

(c) To provide storage facilities upon all or any of the international lakes above Namakan lake.

Question 2. If it be found practicable and desirable to permit such increases in elevation and or to provide storage facilities upon all or any of the international lakes above Namakan lake.

(a) What elevations are recommended?

(b) What lands and works will be necessary to provide for such elevations and what will be their respective costs?

(c) How should such cost be apportioned between the two countries and between the various interests benefited?

Question 3. What methods of control and operation are feasible and advisable in order to regulate the volume, use and outflow of the waters in question?

Question 4. Are any interests other than those on Rainy river benefited by the present storage on Rainy lake and the lakes above Kettle Falls? If so what are the nature and extent of such benefits in each case? What is the cost thereof and how should it be apportioned between the various interests so benefited?

901.

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, April 19, 1922

Excellency,

With further reference to the formulation of an agreement for the settlement of the questions that have arisen between Canada and the United States with respect to the report of the International Joint Commission concerning the regulation of the levels of Lake of the Woods, I have the honour to inform you that attentive consideration has been given by this Government to the memorandum of proposals, recommended by the Minute of the Privy Council for Canada (P.C. 4578), approved December 17, 1921, and transmitted to

this Department with a copy of the Minute by your note No. 964, dated December 31, 1921.

This Government finds the proposals which are made in the memorandum acceptable as a basis for the settlement of the questions involved, and will be pleased to receive and to consider with a view to their being adopted by both Governments the drafts of a treaty and other appropriate formal documents which the Canadian Government offers to prepare.

Accept etc.

CHARLES E. HUGHES

902.

*L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis*  
*Ambassador in United States to Secretary of State of United States*

No. 88

Washington, February 3, 1923

Sir,

In your note of April 19th, 1922, you were so good as to inform me that the United States Government would be pleased to consider the drafts of a treaty and other appropriate formal documents which the Canadian Government might prepare in regard to the regulation of the levels of the Lake of the Woods.

At the request of the Governor-General of Canada, I have the honour to inform you that the Dominion Government have now formulated a draft convention and certain other documents on this subject. The Prime Minister of Canada believes that at the present stage informal conference between Canadian and American technical officials would afford the most expeditious method of making progress towards a settlement of this question. If the United States Government are agreeable to this course Canadian officials would be prepared at once to proceed to Washington with a view to discussing with technical officials of the United States Government the drafts which have been prepared by the Canadian Government.

I have the honour to enquire whether the United States Government would be willing to concur in this procedure and to ask that you will be so good as to send me a reply at the earliest possible moment.

I have etc.

A. C. GEDDES

903.

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, February 5, 1923

Excellency,

I have the honor to acknowledge the receipt of your note No. 88 of February 3, 1923, in which, with reference to my note of April 19, 1922,

concerning the negotiations of a convention regarding the regulation of the levels of Lake of the Woods, you state that the Government of the Dominion of Canada have now formulated a draft convention and certain other documents on the question and that the Prime Minister of Canada considers that at the present stage informal conferences between Canadian and American technical officials would afford the most expeditious method of making progress toward a settlement of the question. You state that if this Government is agreeable to this course the Canadian officials will be in a position to proceed to Washington at once.

I beg to state that officials of this Department will be prepared to discuss the matter with Canadian officials at any time that they may find it convenient to come to Washington. If, however, it is the desire of the Canadian Government to discuss questions of an engineering character necessitating the presence of an American engineer, I would suggest that the Canadian Government be told that the Engineer of the War Department, to whom has been assigned matters pertaining to Lake of the Woods, is now out of the city and is not expected to return before February 15.

I shall be glad if you will inform me of the date on which the Canadian officials expect to arrive in Washington.

Accept etc.

CHARLES E. HUGHES

904.

*Décret du Conseil*

*Order in Council*

P.C. 648

April 13, 1923

The Committee of the Privy Council have had under consideration the following report, dated 24th March, 1923, from the Right Honourable the Secretary of State for External Affairs, upon the action that has recently been taken respecting the questions outstanding between the Governments of Canada and the United States relative to the regulation of the level of Lake of the Woods:

These questions, which arose from the report submitted by the International Joint Commission upon the reference of the 27th June, 1912, have now for several years been the subject of correspondence and discussion between the two Governments.

It will be recalled that as a result of the Minute of Council of the 17th December, 1921 (P.C. 4578) certain proposals, embodied in a memorandum annexed thereto, were made to the Government of the United States with the object, if they should prove acceptable, of reaching a final settlement of these long standing questions. On the 21st April, 1922, His Majesty's Ambassador at Washington transmitted a reply, dated 19th April, 1922, from the Government of the United States to the effect that the proposals so made were

acceptable as a basis of settlement. Thereafter, however, certain questions arose concerning the effect which such a settlement might have upon the special interests, on the one hand, of the Provinces of Ontario and Manitoba, and, on the other, of the State of Minnesota, in relation to the Lake of the Woods region. The Minister, having occasion to visit Washington during July, 1922, the Secretary of State of the United States raised this phase of the matter and suggested the advisability of the Governor of Minnesota and his advisers being afforded an opportunity of informally representing their views to the Government of Canada. Accordingly arrangements were made under which in September and November, 1922, two informal conferences were held in Ottawa between representatives of the various parties concerned, Federal, Provincial and State, for the purpose of disclosing the several points of view and thus expediting a satisfactory settlement of the whole matter.

Upon the completion of these steps it was arranged with the Government of the United States that the appropriate technical officials of the two Governments should meet together in order to draw up, for the consideration of their Governments, such formal documents as might be appropriate to embody the final agreement; and accordingly, Mr. L. C. Christie, Legal Adviser, and Messrs. W. J. Stewart and J. B. Challies, Consulting Engineers of the Department of External Affairs, and Mr. S. S. Scovil, Engineer of the Lake of the Woods Control Board, were instructed to proceed on the 15th February, 1923, to Washington for this purpose. These officials have now submitted as the result of their mission, three documents which were drawn up, in concert with their American colleagues in the discussion, upon the basis of the memorandum and of the results of the informal conferences to which reference has been made above. These documents, thus prepared for the consideration of the two Governments and for their signature if approved, are as follows, a copy of each being submitted herewith:

(1) A proposed Convention between His Majesty and the United States of America to regulate the level of Lake of the Woods.

(2) A proposed protocol accompanying the Convention to regulate the level of Lake of the Woods.

(3) Proposed Identical Letters of Reference to the International Joint Commission respecting Rainy Lake and other upper waters of the Lake of the Woods watershed.

The discussion between the technical officials proceeded, as the Minister is advised, upon the basis that the proposed Identical Letters of Reference to the International Joint Commission should be signed and transmitted to the Commission upon the date of the signature of the proposed Convention and Protocol.

The Minister is of the opinion that an agreement between His Majesty and the United States upon the terms of these documents would constitute a fair and equitable solution of the questions regarding Lake of the Woods outstanding between the two countries, and he therefore recommends, with the concurrence of the Minister of the Interior, that the Government of the



United States be informed that this Government is prepared on its part to make the appropriate arrangements for signature without delay.

At the same time it is desirable, in the view of the Minister, that certain further explanations should be given of the general scheme of these documents and of the relationship existing between the regulation of Lake of the Woods and the regulation of Rainy Lake and other upper waters of the Lake of the Woods watershed.

It is understood to be the contention of the United States that the principal benefit of the regulation of Lake of the Woods will accrue to Canadian interests, and that, on the other hand, the main American interests in this region, in so far as power development is concerned, lie in the upper part of the watershed. The Government of the United States also contend, it is understood, that the control of Lake of the Woods and any control of the upper international waters should be considered as one general problem in which both Governments would be interested. Since however there is not now available sufficient exact information to enable the two Governments to determine to what extent such upper waters should be regulated, it is not practicable to formulate the terms of an agreement with respect to these waters at present. This being so and there being also an immediate need for control of the waters of Lake of the Woods, it was agreed at the informal conferences held at Ottawa in September and November 1922, as above mentioned, that the proper course of action, having regard for the interests of both countries and of their nationals, would be to conclude at once an agreement for the control of the Lake of the Woods levels and at the same time to call upon the International Joint Commission for an investigation and report upon the upper waters.

This understanding, the Minister would point out here, will be fulfilled in the event of the signature, upon the same date, of the proposed Convention and Protocol and of the proposed Identical Letters of Reference to the International Joint Commission, as above recommended.

As for the contention that an agreement regarding Lake of the Woods would probably cover the main concern of Canada in the watershed, the Minister further recommends that this occasion be taken to inform the Government of the United States that the Canadian Government, as an indication of its desire to promote an equitable settlement, is prepared to accept the view that all these international waters should be considered and treated as one general problem. To this end the United States Government should also be informed that, should the International Joint Commission, under Questions 2 and 4 of the proposed Identical Letters of Reference, find benefits accruing to Canadian interests from the control of the waters of Rainy and Namakan Lakes, the Canadian Government will be ready to contribute towards the expense of such control such fair share as may be properly chargeable to Canadian interests; and that, should the Commission find that further control of the upper international waters should be desirable, the Canadian Government will be prepared as expeditiously as possible to enter into negotiations with

the Government of the United States looking to a further agreement for that purpose.

One further matter arose from the informal conferences of September and November 1922 to which some reference should be made. The suggestion was put forward that the International Joint Commission should supervise the arbitration and appraisal of all claims for damages incident to past, present or future storage on Rainy Lake and the other upper international waters. As at present disposed the Minister is of the opinion that such an employment of the machinery of the International Joint Commission not only was not contemplated by the Treaty of the 11th January, 1909,<sup>1</sup> by which it was created, but would be calculated to impair the high usefulness of the Commission to both countries. It is evidently, however, unnecessary to decide upon this point at the moment, and the Minister would suggest that it might well be left for discussion between the two Governments in connection with such future agreement as may be entered into with regard to the upper international waters.

In connection with these explanations concerning the proposed investigation and agreement relative to the upper waters the Minister considers it desirable to point out here that the whole practice of the two Governments in relation to the International Joint Commission has proceeded upon the basis that the functions of the Commission in such cases are simply those of investigation and recommendation. These indeed are the functions assigned to it in such a case by the Treaty of the 11th January, 1909. Such recommendations as the Commission may make are not binding in character; they are for the benefit of the two Governments and for their consideration and assistance in reaching an agreement upon the matter under investigation, while the definite terms of such an agreement are for the two Governments themselves to decide, nor is it conceived that either Government could admit that the findings of the Commission might have the effect of limiting its freedom of action in this respect.

The Committee concur in the foregoing and on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward a copy hereof, if approved, to His Majesty's Ambassador at Washington.

All of which is respectfully submitted for Your Excellency's approval.

905.

*L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis*  
*Ambassador in United States to Secretary of State of United States*

No. 341

Washington, May 7, 1923

Sir,

With reference to previous correspondence in regard to the proposed Convention between the United States and Canadian Governments to regulate the

<sup>1</sup>Le Traité sur les eaux limitrophes est reproduit dans: *Treaties and Agreements affecting Canada* . . . , pp. 312-319.

<sup>1</sup>The Boundary Waters Treaty is printed in: *Treaties and Agreements affecting Canada* . . . , pp. 312-319.

levels of the Lake of the Woods, I have the honour to transmit to you herewith, at the request of His Excellency the Governor General of Canada, copy of an Approved Minute of the Privy Council for Canada covering a copy of the Draft Convention proposed by the Government of Canada, together with a copy of a proposed Protocol to accompany the Convention, and of Identic Letters of Reference which it is proposed to address to the International Joint Commission respecting Rainy Lake and other upper waters of the Lake of the Woods watershed.

I have the honour to enquire whether the United States Government concur in the terms of these documents and whether they will be prepared to sign simultaneously the Convention, the Protocol, and the Identic Letters of Reference in the form enclosed herein.

I have etc.

A. C. GEDDES

906.

*Décret du Conseil*  
*Order in Council*

P.C. 2539

January 5, 1924

The Committee of the Privy Council have had before them a Report, dated 20th December, 1923, from the Minister of the Interior, referring to a Minute of Council dated 13th April, 1923, which set out the position of the Canadian Government respecting questions at issue concerning the Lake of the Woods watershed, and suggested, for the consideration of the Government of the United States, certain procedure looking to their final settlement.

The Minister observes, as the procedure suggested was in agreement with the result of informal conferences both at Washington and Ottawa, when the appropriate technical officers of the two Governments prepared the formal documents necessary to give early effect to the declared views of both Governments, that it was confidently felt that the Government of the United States would find it possible to take early action, with a view to the completion of the convention and the accompanying protocol regarding the Lake of the Woods, and concurrent with such completion, the signing of identical letters of reference to the International Joint Commission regarding Rainy Lake and other upper waters of the Lake of the Woods watershed.

As both Governments have already expressed a desire to have these matters concluded, and as they are in agreement regarding the manner and method of such conclusion, and as the Government of Canada is being urged to undertake extensive improvement works in the Lake of the Woods district involving considerable expenditure of public funds, the Minister recommends that enquiry be made as to the present status of these proceedings.

The Committee, concurring, advise that Your Excellency may be pleased to request His Majesty's Ambassador at Washington to make appropriate enquiries regarding the present status of the proceedings referred to in the

aforementioned Minute of Council, and at the same time, to assure the Government of the United States that the Government of Canada is still desirous of facilitating an early settlement of the Lake of the Woods questions.

All of which is respectfully submitted for Your Excellency's approval.

907.

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, March 7, 1924

Excellency,

I have the honour to acknowledge the receipt of the Embassy's note No. 207 of March 3, 1924, regarding the proposed convention between the United States and Great Britain for the settlement of certain questions between the United States and Canada relating to Lake of the Woods Watershed, in which inquiry is made concerning the present status of the matter.

I beg to state that since the proposed arrangement will on this side of the boundary affect primarily the State of Minnesota, the Department has taken up the matter with the authorities of that State but has not as yet received a definite indication of their views on the subject.

As soon as definite advices shall have been received from those authorities I shall be glad to communicate with you further on the subject.

Accept etc.

CHARLES E. HUGHES

908.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 141

Washington, April 10, 1924

My Lord,

With reference to Your Excellency's despatch No. 36 of April 14th, 1923, and to subsequent correspondence regarding the proposed convention for the regulation of the levels of the Lake of the Woods, I have the honour to transmit to Your Excellency herewith copies of a note from the United States Government relative to this matter.

My note No. 207 of March 3rd last, to which Mr. Hughes refers, was merely in the nature of a formal enquiry as to the present status of this question. The Secretary of State's note of March 7th was communicated to Your Excellency in my despatch No. 98 of the 10th ultimo.

I have etc.

(For the Ambassador)

H. W. BROOKS

## [PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, April 8, 1924

Sir,

I have the honour to refer to the Embassy's note No. 207 of March 3 and to my reply of March 7, 1924, regarding the proposed convention between the United States and Great Britain, concerning the Lake of the Woods Watershed, and to invite attention to the identic letter of reference which it is proposed shall be addressed to the International Joint Commission by the United States and Canada at the time of signing the convention, requesting the Commission to investigate and report upon certain questions regarding Rainy Lake and other international lakes of the Lake of the Woods Watershed.

Question 4 of the proposed letter, which would require the Commission to determine, among other things, the cost of the present storage of water on these lakes, reads as follows:

What interests on each side of the boundary are benefited by the present storage on Rainy Lake and on the waters controlled by the dams at Kettle Falls? What are the nature and extent of such benefits in each case? What is the cost of such storage and how should such cost be apportioned among the various interests so benefited?

The authorities of the State of Minnesota are desirous that the Commission in determining the cost of the storage should ascertain the amount of damage occasioned thereby to land and other property and have requested that there should be inserted in the fifth line of the question after the word "storage" the following words "including damages to land and other property". As amended the question would read as follows:

What interests on each side of the boundary are benefited by the present storage on Rainy Lake and on the waters controlled by the dams at Kettle Falls? What are the nature and extent of such benefits in each case? What is the cost of such storage, including damages to land and other property, and how should such cost be apportioned among the various interests so benefited?

This Government considers that in order to determine the cost of maintaining the storage it will be necessary for the Commission to take into account the resulting damage to riparian property and that, consequently, the suggested amendment is hardly essential. However, in order to avoid any possible difference of views when the questions came before the Commission for consideration, this Government would be pleased to have the assent of the Canadian Government to the proposed amendment of the question in the manner indicated.

Accept etc.

CHARLES E. HUGHES

909.

*L'ambassadeur aux États-Unis au secrétaire d'État par intérim  
des États-Unis*

*Ambassador in United States to Acting Secretary of State  
of United States*

No. 675

Washington, July 28, 1924

Sir,

In his note No. 711/4216/ L/211 of April 8th, regarding the proposed convention concerning the Lake of the Woods Watershed, the Secretary of State enquired whether the Canadian Government would assent to the amendment which he proposed to the fifth line of Question 4 of the proposed identic letter of reference to the International Joint Commission which is to investigate and report upon certain questions regarding Rainy Lake and other international lakes of the Lake of the Woods Watershed. The amendment suggested by Mr. Hughes was the insertion of the words "including damages to land and other property".

I did not fail immediately to refer this enquiry to the Governor General of Canada, and, I am now in receipt of His Excellency's reply.

The Dominion Government consider that the inclusion of these words would necessarily involve a consideration of any past damage to crops and/or other property which may have taken place since the construction of the dams at the outlet of Rainy and Namakan Lakes, and that such was not the intention of the Dominion Government in formulating the terms of reference.

The Government of Canada wish me to point out that the dams and other works at Kettle Falls on the outlets of Lake Namakan and at the outlet of Rainy Lake, were constructed under the authority of enabling legislation on the part of the Dominion of Canada, and of Acts of Congress on the part of the United States. They therefore consider that any claims for damages which may have arisen as a result of the construction or operation of the above dams or of other works, should properly be for decision by the Courts of the country in which such claim or claims may have arisen. Moreover they understand that claims on behalf of citizens of the United States are still pending in the Courts of the United States against the owners of the above-mentioned dams and other works, and the Dominion Government are therefore of opinion that these are matters which cannot with propriety be made the subject of reference to the International Joint Commission.

In view of the above, the Dominion Government do not consider that the proposed reference should be enlarged so as to include damage to land and other property; their interpretation is that the determination of the cost of storage under Question 4 of the proposed note of reference, (as previously submitted) should include only the initial cost of the acquisition of such storage, and not damages, which may have accrued as the result of failure to determine and settle damage claims at the time, when the works in question were constructed.

I should be grateful if you would be so good as to inform me in due course of the views of the United States Government on the above points.

I have etc.

ESME HOWARD

910.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM 14

Washington, February 19, 1925

URGENT. Your despatch No. 36 of April 14th, 1923. United States Government informs me that they agree to the draft Convention to regulate the levels of the Lake of the Woods as well as to the proposed protocol to accompany the Convention and terms of [identical] letters of reference to be addressed to the International Joint Commission. Secretary of State is prepared to sign these documents simultaneously on any date convenient to His Majesty's Plenipotentiary.

I understand from Mr. Cory who called here yesterday that in view of Mr. Stewart's absence from Ottawa Mr. Lapointe may be deputed to sign. If Convention and accompanying papers are to be submitted to the Senate during the present Session they should be signed as soon as possible. I imagine that there will be no difficulty in arranging signature even if full powers have not been received by Plenipotentiary provided I can give the Secretary of State assurance that these are on their way.

Telegraph name of plenipotentiary, suggested date for signature and time of his arrival in Washington. I should also be glad to learn whether you desire the words "in respect of the Dominion of Canada" to be inserted in the preamble of the Convention after the word "India" and whether the words "or at Ottawa" should be added to Article 12 after the word "Washington".

HOWARD

911.

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, February 24, 1925

Excellency,

I have the honour to acknowledge the receipt of your note of February 24, 1925, by which you advise me of the receipt of cabled information from your Government to the effect that full powers authorizing the Honorable Ernest Lapointe, Minister of Justice of Canada, to sign the Convention between the United States and His Britannic Majesty, in respect of Canada, to

regulate the level of the Lake of the Woods,<sup>1</sup> and related papers, and the Treaty for the further regulation of the international boundary between the United States and Canada,<sup>2</sup> have been issued by His Majesty.

In reply I have the honour to state that I have had the pleasure to sign the instruments mentioned with Mr. Lapointe this day.

Accept etc.

CHARLES E. HUGHES

912.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, February 25, 1925

Your telegram February 21st. Conventions with the United States of America. My Ministers appreciate very much the promptness and effectiveness of the steps taken to comply with their request for issue of full powers to Lapointe. They have been informed that the Conventions were signed at Washington yesterday.

NAVIRES DE GUERRE SUR LES GRANDS LACS  
NAVAL VESSELS ON THE GREAT LAKES

913.

*Mémorandum du sous-secrétaire d'État aux Affaires extérieures*  
*au Premier ministre*

*Memorandum from Under-Secretary of State for External Affairs*  
*to Prime Minister*

Ottawa, September 25, 1920

RE NAVAL VESSELS ON THE GREAT LAKES

For some time past the United States Government have, in effect, been taking the ground that the Rush-Bagot Agreement of 1818<sup>3</sup> (copy herewith), if not exactly obsolete, is out of date, and requires to be read in the light of modern conditions. They have given expression to this view by sending armed vessels, from time to time, in and out of the Great Lakes, without regard to the stipulations of the agreement. For example, about the 10th September, 1919, eighteen Eagle boats (armed) passed down the lakes and through the Lachine canal, without permission having been obtained or sought from the Canadian Government at the time. In notifying the department of this occurrence, the Deputy Minister of the Naval Service intimated that it was not intended that we should enter any protest on the occasion, but that he forwarded the information for purposes of record only. A few days

<sup>1</sup>La Convention, le Protocole et l'Accord se trouvent dans, *Treaties and Agreements affecting Canada . . .*, pp. 520-525.

<sup>2</sup>*Ibid.*, pp. 515-519.

<sup>3</sup>*Ibid.*, pp. 15-17.

<sup>1</sup>The Convention, Protocol and Agreement are to be found in, *Treaties and Agreements affecting Canada . . .*, pp. 520-525.



ago I received another letter from him, with reference to the United States vessel *Tuscarora*, which passed, armed, through the St. Lawrence canals *en route* to the Great Lakes on the 15th instant, no permission having been sought. (The letter from the Recording Secretary of the Army and Navy Veterans in Canada, at Kingston, calling attention to the fact that the United States Government has stationed a gunboat, the *Chillicothe*, fully armed, at Ogdensburg, New York, in the St. Lawrence river, which Mr. Meighen sent to me to-day, does not appear to contravene any provisions of the Rush-Bagot Agreement, which covers only lake Ontario, the Upper Lakes and Lake Champlain, without mention of the St. Lawrence river.)

On the 13th April, 1910, the Canadian Government passed a Minute of the Privy Council<sup>1</sup> (copy attached), expressing their "emphatic dissent" from such lax interpretation of the Rush-Bagot Agreement, though on the 19th May, 1916, a despatch from the Deputy Minister of the Naval Service<sup>2</sup> (copy attached) rather intimates that the Government might be prepared at that date to consider some modification of the whole agreement, adding that "such a course would be preferable to allowing a continuance of the present infringement of the convention by the United States, and would allow of a satisfactory settlement of a very delicate question."

No further correspondence on the *general* question has since taken place. The United States Government continue occasionally to send their armed vessels into the Great Lakes without asking our permission. I venture to think the time has arrived when the question should be considered by the Canadian Government, as otherwise, if we allow these breaches of the Rush-Bagot Agreement periodically to take place without notice, the United States Government may argue in future that by our inaction we have acquiesced in their view that the agreement should no longer be construed literally.

In considering this question, an important factor to be kept in mind is that the agreement is terminable on six months' notice by either party thereto.

While we may not be able to hold the United States to the letter of the old agreement, it would, I think, be desirable that there should be a clear understanding as to the nature and extent of the modifications to which we are prepared to agree.

J. POPE

914.

*Le Gouverneur général au chargé d'Affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

DESPATCH 38

Ottawa, February 22, 1921

Sir,

I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada<sup>3</sup> recommending that no armed vessels 'or

<sup>1</sup>Vol. 1, doc. 968, pp. 831-833.

<sup>2</sup>*Ibid.*, doc. 976, pp. 837-838.

<sup>3</sup>C.P. 274 du 16 février, non reproduit.

<sup>3</sup>P.C. 274 of February 16, not printed.

unarmed vessels of war be permitted to pass through canals in Canadian territory except by the authorization of the Minister of the Naval Service, and further that, in the case of foreign vessels, such authorization should not be granted except at the request of the foreign Government concerned.

I have etc.

DEVONSHIRE

915.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 164

Washington, May 24, 1921

My Lord Duke,

I have the honour to transmit to you, herewith, copies of . . . [Despatch 511 to Foreign Secretary].

I have etc.

(For the Ambassador)

R. L. CRAIGIE

[PIÈCE JOINTE / ENCLOSURE]

*L'ambassadeur aux États-Unis au secrétaire aux Affaires étrangères*  
*Ambassador in United States to Foreign Secretary*

DESPATCH 511

Washington, May 23, 1921

My Lord,

I have the honour to acknowledge the receipt of your despatch No. 446 of the 5th ultimo (A 2029/1871/45), in which your Lordship refers to certain reports that United States naval forces on the Great Lakes are now in excess of those permitted to be maintained under the treaties in force between the United States and Great Britain.

When General Bethell's report, which was enclosed in your despatch, was first brought to my notice last December, I caused enquiries to be made in regard to the strength of the United States naval flotilla on the Great Lakes, and I was furnished in due course with a memorandum prepared by the director of the Naval Service of Canada, a copy of which I have the honour to enclose herewith. After discussing the matter with Captain Blake, then Naval Attaché, I came to the conclusion that our information about the situation as a whole was incomplete and that before I raised the matter in a despatch to Your Lordship I should study the situation especially with regard to public sentiment in Canada and in the lake-wise States. Captain Blake assured me that the United States ships now on the Great Lakes were for the most part obsolete and possessed little naval value.

I have now probed the sentiment existing in the lake-wise States and find that among the Naval Reservists and Sea Scouts who are extremely keen on their naval training, there is a great deal of soreness about the limitation of their facilities for ship-board experience and that they are pressing the Department of the Navy to let them have more and more efficient boats to train in. So far as I can discover there is at present no strong popular feeling in Canada on the subject.

I have discussed the matter with Captain Bailey, who succeeded Captain Blake as Naval Attaché, and I have the honour to transmit to Your Lordship herewith a copy of a memorandum<sup>1</sup> which he has prepared showing the present position in so far as we can define it from the particulars available to this Embassy. Before a decision is taken to make representations to the United States Government, it seems desirable to bear in mind the two following considerations:

1. As pointed out in the last paragraph of Captain Bailey's memorandum, the restrictions as to displacement and armament contained in the Rush-Bagot Agreement of 1817 are not applicable to modern requirements and would, for this reason, be somewhat difficult to comply with. If therefore representations are made, we may be met with a suggestion that the agreement should be revised so as to bring it into accord with modern conditions. I am unaware how far His Majesty's Government and the Canadian Government would welcome a revision of the Convention.

2. From the enclosure contained in your despatch No. 485 of April 12 (A 1871/1871/45), it would appear that in the years 1908-1909 the Canadian Government decided not to press home the objection which they had originally made to the arming and maintenance on Lake Michigan at Chicago of the training ship *Nashville*. In commenting on this matter, His Majesty's Ambassador, in his annual report for 1909, made the following observations:

Both the desire of the lake States to train their naval militia and the wish of the lake shipbuilders to compete with those on the Atlantic coast in the construction of war vessels give reason to apprehend that the question may be raised again; and that there may be requests on the part of the United States either for our acquiescence in a new interpretation of the Rush-Bagot Agreement, or for its supersession by another which could be represented as more conformable to present conditions. The attention of the Dominion Government was therefore called, unofficially, to these risks, in order that demands of the nature indicated should not find them unprepared, in a letter to the Governor General of the 16th of December, 1909.

To sum up I would observe that there can be little doubt that the American Government are infringing the Rush-Bagot Agreement in respect of (a) the number of ships, (b) the tonnage, and (c) the armament, and that we are therefore entitled, if we so desire, to ask that they should conform strictly to the terms of the Convention. At the same time it would appear that in the year 1909 the Canadian Government were not disposed to insist on the removal<sup>\*</sup> from the Great Lakes of the training ship *Nashville*, and, furthermore, that

<sup>1</sup>Non reproduct.

<sup>\*</sup>Not printed.

any demand on our part that the American Government should adhere strictly to the terms of the agreement may lead to a counter-proposal on the part of the American Government in favour of its revision. In these circumstances I should be glad to be informed whether His Majesty's Government and the Canadian Government desire me to make representations on this subject to the Secretary of State. My personal view is that representations should be made and the situation faced at a carefully selected moment.

I have sent a copy of this despatch to His Excellency the Governor General of Canada.

I have etc.

A. C. GEDDES

[ANNEXE À LA PIÈCE JOINTE / SUB-ENCLOSURE]

*Mémorandum du Service naval*

*Memorandum by Naval Service*

[Ottawa, October 1, 1920]

LIST OF UNITED STATES WAR VESSELS  
ON THE GREAT LAKES, SEPTEMBER 1, 1920

Name	Displacement Tons	Speed Knots	Armament
<i>Commodore</i> .....	A wooden depot ship	—	No further information.
* <i>Essex</i> .....	1,375	10½	2-6 pdr. 2-Machine.
* <i>Gopher</i> .....	840	9	1-6 pdr. 2-3 pdr. 2-Machine.
* <i>Hawk</i> .....	375	14½	—
<i>Wilmette</i> .....	1,961	22	4-13 pdr. 4-3 pdr.
<i>Wolverine</i> .....	685	10½	6-6 pdr. 4-Machine.
* <i>Yantic</i> .....	900	8½	2-6 pdr. 2-3 pdr. 2-Machine.

(Authority D.N.I., Washington, December 29, 1919.)

Sub-Chaser 320.

Sub-Chaser 412.

Sub-Chaser 419.

†Sub-Chaser 432.

(Authority Navy Directory, page 136, September 1, 1920.)

(†Authority Navy Directory, page 254, September 1, 1920.)

\*These ships were ordered struck off the Register by U.S. Naval General Order No. 495 of August 7, 1919. Their names still, however, appear on the Official Navy Directory as stationed on the Great Lakes.

These ships have all been many years on the lakes, and cannot be considered seriously as fighting ships.

*Wilmette* is a merchant vessel which was purchased, armed and converted to warlike purposes during the war. No communication regarding her has been made by the United States Government.

The submarine chasers were built on the Great Lakes during the war. On the 29th December, 1919, the United States Navy Department stated that all sub-chasers on the Great Lakes except Nos. 419 and 432 were partially dismantled and were for sale. Nevertheless four sub-chasers are still officially stated to be on the Great Lakes.

The department has no recent information as to how many ships are actually in commission or the present state of their armaments. There is reason to believe, however, that all ships are out of commission, except perhaps two submarine chasers, owing to the great shortage of personnel.

Note — It is important to observe that there are different armed United States forces on the Great Lakes, e.g., Navy, Naval Reserves, Revenue. It is possible thus to create considerable confusion as to the real numbers of armed vessels on the lakes. If an enquiry is addressed to the United States Navy Department on the matter, it is likely that in their reply no reference will be made to naval reserve or revenue vessels and so on.

LIST OF UNITED STATES ARMED REVENUE CUTTERS  
ON THE GREAT LAKES — SEPTEMBER 30, 1920

Name	Displacement Tons	Armament
<i>Merritt</i> .....	420	2- 6 pdr.
<i>Owl</i> .....	950	2-14 pdr. 2-Machine.
<i>Pigeon</i> .....	950	2-14 pdr. A.A. 2-Machine.
<i>Tadousac</i> .....	.....	—
* <i>Tuscarora</i> .....	739	2- 6 pdr.

(Authority — Press Report, October 16, 1919.)

\*Official.

The above is the latest information on the subject available but cannot be entirely guaranteed.

916.

*Le sous-ministre du Service naval au sous-secrétaire d'État  
aux Affaires extérieures*

*Deputy Minister of Naval Service to Under-Secretary  
of State for External Affairs*

Ottawa, July 12, 1921

Sir,

I have the honour to refer to your communication of 31st May last, regarding the United States naval flotilla on the Great Lakes.

It is observed that the Ambassador remarks that, so far as he can discover, there is at present no strong popular feeling in Canada regarding the presence of United States armed vessels on the lakes. Whilst that may be technically correct, it would be due to the fact that the only province bordering on the lakes is Ontario. In this province more interest is taken in the question than elsewhere in Canada, and it is considered that too much reliance should not be placed on the present placid appearance of public opinion.

With regard to the question of making representations to the United States regarding the present strength of the naval force on the lakes, the main objections to doing so are:

1. The probable result would be a cry by the United States for the revision of, or abolition of, the Agreement. The effect of either of these courses would certainly be an increase of the United States force beyond what they have hitherto attained.
2. The ultimate effect would be for pressure to be exercised by Canadian cities on the lakes for the maintenance of Canadian cruisers in those waters.
3. The probable development which would take place in the capacity of the United States lake shipbuilding firms for the building of war ships.

In the memorandum submitted by the Naval Attaché, which was attached to your communication, he remarks that the restrictions as to displacement and armament are not applicable to modern requirements. On the contrary, it is considered that these restrictions are perfectly compatible with modern conditions, provided that there is a willing spirit to adhere to the Agreement.

Circumstances have arisen during the last quarter of a century which have required, in the opinion of the United States, the maintenance of a certain naval force on the lakes. These circumstances may be temporary and may, therefore, disappear. At the present time this force is weaker than it was before the war and appears to be in a more moribund condition. There has indeed been an increase in the coast guard force, but little or no attention has hitherto been paid these vessels and it appears to have been assumed that they are not covered by the Rush-Bagot Agreement.

The opinion is therefore expressed that the time is not opportune for reopening the question, but that the situation should be allowed to remain *in statu quo*, the Canadian Government always having in reserve the power to make representations to the United States if any serious infraction of the Agreement appears to be contemplated, provided Canada on her part maintains the Agreement.

I have etc.

G. J. DESBARATS

917.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

DESPATCH 381

Downing Street, July 19, 1921

My Lord Duke,

With reference to the despatch No. 511 of the 23rd May from His Majesty's Ambassador at Washington addressed to the Secretary of State for Foreign Affairs, on the subject of United States Naval Forces in the Great Lakes (of which a copy has been forwarded to Your Excellency direct), I have the honour to request you to inform your Ministers that the Lords Commissioners of the Admiralty state they are interested in this question and would be glad to learn the views of your Government in due course.

I have etc.

WINSTON S. CHURCHILL

918.

*L'Administrateur au secrétaire aux Colonies*  
*Administrator to Colonial Secretary*

DESPATCH 478

Ottawa, August 9, 1921

Sir,

With reference to your despatch No. 381 of the 19th July, asking for an expression of the views of the Canadian Government on the subject of United States Naval Forces in the Great Lakes, as dealt with in the despatch of the 23rd May from His Majesty's Ambassador at Washington to the Secretary of State for Foreign Affairs, I have the honour to transmit, herewith, a copy of a letter<sup>1</sup> from the Department of the Naval Service containing an expression of the views of that Department on the subject.

I have etc.

L. H. DAVIES

919.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 147

Ottawa, November 15, 1922

SECRET

Sir,

I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada on the subject of a proposed new Treaty between Great Britain and the United States regarding Naval Vessels on the Great Lakes.

<sup>1</sup>Doc 916.

Copies of this Minute are being forwarded to the Secretary of State for the Colonies.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*

*Order in Council*

P.C. 2333

November 7, 1922

The Committee of the Privy Council have had before them a report, dated 3rd November, 1922, from the Right Honourable the Secretary of State for External Affairs, representing that Your Excellency's Ministers having for some time past had under consideration various deviations on the part of the United States Government from the Rush-Bagot Agreement of the 28th April, 1817, limiting the naval forces to be maintained by the two powers on the Great Lakes, decided to make direct representations to the Secretary of State of the United States, and with that purpose in view, the Prime Minister and the Minister of National Defence shortly after prorogation of the last session of Parliament, visited Washington and had an interview with Mr. Hughes on the 12th July, 1922, at which meeting it was suggested that the principles contained in the Rush-Bagot Agreement should be embodied in a new treaty, due regard being had to the changed conditions of the times. Mr. Hughes concurred in this, and asked the Canadian Ministers to supply him with a memorandum showing the extent and disposition of the armament at present employed on the Great Lakes. He also requested that he might be furnished with a draft treaty of what the Canadian Ministers proposed. A draft was accordingly prepared, in consultation with His Majesty's Government, and is submitted herewith,<sup>1</sup> together with a memorandum as to the strength of the naval vessels on the lakes,<sup>2</sup> asked for by Mr. Hughes.

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward this draft treaty, together with the memorandum for the Secretary of State of the United States, to His Majesty's Ambassador at Washington for the consideration of the United States Government, and for an expression of their views thereon.

All of which is respectfully submitted for Your Excellency's approval.

920.

*Le Gouverneur général à l'ambassadeur aux États-Unis*

*Governor General to Ambassador in United States*

TELEGRAM 1A

Ottawa, January 2, 1923

As Parliament of Canada will open on January 31st, my Ministers desire that Your Excellency will express to United States Government hope that

<sup>1</sup>Voir la première colonne de la sous-annexe au document 922.

<sup>2</sup>Non reproduit.

<sup>1</sup>See first column of sub-enclosure to Document 922.

<sup>2</sup>Not printed.



draft Treaty relating to Naval Armament on Great Lakes may be sufficiently advanced to be signed by two Governments before that date in order that it may be possible to lay treaty before Parliament at opening of Session.

BYNG

921.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

TELEGRAM 2

Washington, January 22, 1923

Reference your telegram A1. Have been pressing United States expedite signature Lakes Treaty and they are doing their best hasten matter. At the same time they point out they have not yet had sufficient time to give full consideration to Canadian Draft and they fear there is no chance of signature before January 31st.

GEDDES

922.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 186

Washington, May 18, 1923

My Lord,

With reference to Your Excellency's despatch No. 147 of November 15th last, I have the honour to transmit to Your Excellency herewith copy of a note from the United States Government enclosing a new draft of the proposed treaty to replace the Rush-Bagot agreement of April 28th, 1817, regarding the use of armed vessels on the Great Lakes.

Mr. Hughes explains that the views of the United States Government have been embodied in a new draft, which differs somewhat from that enclosed in Your Excellency's despatch under reference, as it is thought that this method will facilitate the negotiation of a treaty acceptable to both parties.

I shall be glad to receive in due course an expression of the views of the Dominion Government in regard to this draft for communication to the United States Government.

A copy of this despatch with enclosures is being forwarded to His Majesty's Principal Secretary of State for Foreign Affairs.

I have etc.

A. C. GEDDES

## [PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, May 12, 1923

Excellency,

With your confidential communication No. 887 under date of November 28, 1922, you were good enough to transmit to me at the request of the Canadian Government a copy of a draft treaty designed to supplant the Rush-Bagot Agreement of April 28, 1817, and also a memorandum concerning the strength of naval vessels now stationed on the Great Lakes. You informed me also that the Dominion Government would be glad to receive in due course the views of the Government of the United States in response to the terms of the draft treaty.

I now have the honour to inform you that after the most careful consideration of the terms of the Canadian draft treaty, the Government of the United States, in order to facilitate the negotiation of an agreement acceptable to both countries, has deemed it expedient to embody its own views in the provisions of a fresh draft treaty. A copy of that draft is transmitted to you herewith, and in parallel columns a copy of the Canadian draft is set forth.

The following explanatory statement will make clear the position of the United States and will, it is hoped, reveal its effort to give practical effect to the high purpose animating both Governments by means of provisions enabling each to carry on its own domestic activities unhampered by unnecessary restraint.

The Preamble, adverting to the bond of peace happily long subsisting between the two countries, refers to their desire to "perpetuate the spirit" of the Rush-Bagot Agreement by an appropriate convention. It is believed that this simple yet definite statement suffices. The reference in the Canadian draft of the Treaty for the Limitation of Naval Armament, signed at Washington, February 6, 1922, seems to be hardly necessary, as there is no real connection between the two and it is deemed to be desirable to preserve the historic independence of the agreement relating to the Great Lakes.

Article One follows the Canadian draft except that there are added the words "the waters tributary to the Great Lakes", thereby somewhat enlarging the area of the waters designated.

The first clause of Article Two is identical with the Canadian draft. The second clause of the former, however, concerning the passage of vessels from the sea to the Lakes differs from the Canadian draft. The plan proposed by this Government does not forbid the passage of vessels of the two classes referred to in Article Three (those necessary for the enforcement of police laws and regulations, and naval vessels or merchant vessels converted to naval use); but it simply confines the class for the passage of which a mutual agreement beforehand is requisite to naval vessels other than of the character

described in Article Three. Thus this clause when read in connection with Article Three has a twofold purpose. It gives sufficient latitude with respect to the passage of vessels which ought to be permitted to have access to the Lakes without special consent; and further, it excludes passage without that consent to the type of vessels normally not entitled to the privilege. It is believed, moreover, that the precise terms of the second paragraph of Article Three with respect to naval vessels or merchant vessels converted to naval use amply suffice to cover treatment to be accorded those ships.

The Canadian draft of Article Two which is framed on a different theory would serve to bar passage without previous consent not only to naval vessels whose presence on the Lakes was permitted, but also to any vessels well outside of that service, and used for public or private purposes, if they had been previously designed, built or ever used for any naval end. It is suggested that the American draft contains all sufficient safeguards and imposes no unnecessary restriction.

In Article Three the American draft makes differing provisions for two distinct class of vessels concerned. The first paragraph relates to such vessels "as may be necessary for the enforcement of police law and regulations". These are ships employed for purely domestic purposes, such as enforcement of revenue laws, police protection, rescue work and the like. It is firmly believed that their number, specifications and armament should not be subjected to international agreement from time to time. On the other hand, to allay all possible fears or misconception as to their use, the American draft provides that their armament is to be limited to such as is appropriate to the purpose to be served, and also that they shall not be used on the waters designated for militia training, for naval maneuvers or for naval training other than that of their regular crews. It is also declared that they shall never be used for hostile purposes — even in time of war. Thus this first paragraph as it stands forbids every improper use of such vessels contrary to the spirit of the treaty, yet at the same time gives reasonable latitude for the enforcement of police laws and regulations which impose a peculiarly heavy burden on the authorities of the United States.

The second paragraph of Article Three concerns naval vessels or merchant vessels converted to naval use. It is provided that they may be maintained "for training purposes only", that they shall never be used for hostile purposes on the Great Lakes — even in time of war, and that "the number, specifications and armament of such vessels shall be the subject of agreement from time to time between the American and Canadian Governments".

It is believed that the foregoing distinctive treatment accorded the two classes of vessels referred to in Article Three is closely responsive to the actual requirements of the present day. For that reason it is calculated to eliminate all unnecessary friction and thus to enable both countries to unite the more strongly for the abolishment of warlike acts on the Great Lakes. \*

According to Article Four no vessel built on the waters designated in Article One for naval service in other waters shall have any offensive or defensive armament placed on board, while in the waters designated in that

Article. It will be noted that the words "in other waters" are a variation from the corresponding paragraph of the Canadian draft. Other differences in the phraseology between the two drafts of this Article are slight and require no comment.

Articles Five and Six of the two drafts are substantially alike.

In conclusion permit me to add that the Government and the people of the United States have been profoundly impressed by the practical value of the Rush-Bagot Agreement which despite its terms long since unresponsive to actual conditions has, through liberal and friendly interpretations on both sides of the boundary, served the real purpose for which it was concluded. It is with the warm desire to perpetuate the spirit of that Agreement by a fresh convention which by the reasonableness and flexibility of its terms may in no way weaken the common purpose of the two Governments that the accompanying draft treaty has been prepared.

I have the honour to request that you be good enough to transmit the treaty together with the views expressed in this communication to the Canadian Government.

Accept etc.

CHARLES E. HUGHES

[ANNEXE À LA PIÈCE JOINTE / SUB-ENCLOSURE]

CANADIAN DRAFT

PREAMBLE

His Majesty the King, etcetera, and the United States of America,

Desiring through the abolition of their naval armament on the Great Lakes, to contribute to the maintenance of the peace and good understanding that has happily so long subsisted between them.

Having to that end agreed to adapt to present day conditions the principles of the Agreement between Great Britain and the United States of America concluded at Washington on the 28th and 29th April, 1817, and to supplement by provisions relating to the Great Lakes the Treaty between the United States of America, the British Empire, France, Italy, and Japan for the Limitation of Naval Armament, signed at Washington on the 6th February, 1922.

AMERICAN DRAFT

PREAMBLE

The United States of America and His Majesty, the King, etc.,

Desiring to strengthen the bond of peace which has long happily subsisted between them, and in particular to perpetuate the spirit of the arrangement commonly called the Rush-Bagot Agreement, concluded between them April 28 and April 29, 1817, by an appropriate convention, have appointed to that end their plenipotentiaries, etc.

The President, etcetera.

Have resolved etcetera.

*Article One.* The present Treaty shall apply to the waters of the Great Lakes, the waters connecting the Great Lakes, the international boundary waters of the St. Lawrence River, and the waters of Lake Champlain.

*Article Two.* No armed vessel shall be maintained on the waters designated in Article One by either High Contracting Party except in accordance with Article Three; nor shall there be passed, for any purpose whatsoever, from the sea into the waters designated, by either High Contracting Party, any vessel, either armed or unarmed, which has been designed, built or used for Naval purposes, without a mutual agreement beforehand.

*Article Three.* Such vessels may be maintained on the waters designated in Article I by either High Contracting Party as may be necessary for revenue and police duties.

The numbers, specifications and armament of such vessels shall be agreed upon from time to time between the Canadian and American Governments.

Such vessels shall not be used on the waters designated in Article I for Naval or militia training or for naval manoeuvres.

*Article One.* The present Treaty shall apply to the waters of the Great Lakes, the waters tributary to the Great Lakes, the waters connecting the Great Lakes, the international boundary waters of the St. Lawrence River, and the waters of Lake Champlain.

*Article Two.* No armed vessel shall be maintained on the waters designated in Article One by either High Contracting Party except in accordance with Article Three; nor shall there be passed, for any purpose whatsoever, from the sea into the waters designated, by either High Contracting Party, any naval vessel other than of the character described in Article Three, either armed or unarmed, without a mutual agreement beforehand.

*Article Three.* Such vessels may be maintained on the waters designated in Article One by either High Contracting Party as may be necessary for the enforcement of police laws and regulations. The armament of vessels engaged in the enforcement of police laws and regulations shall be limited to such armament as is appropriate to that purpose. Such vessels shall not be used on the waters designated in Article One for militia training, for naval maneuvers or for naval training, other than that of their regular crews; nor shall they ever be used for hostile purposes — even in time of war.

Naval vessels or merchant vessels converted to naval use may be maintained for training purposes only, in the waters designated in Article One, provided the vessels so maintained shall never be used for hostile purposes on the Great Lakes — even in time of war. The number, specifica-

*Article Four.* No vessel built on the waters designated in Article I for naval purposes shall have any offensive or defensive armament placed on board while it is in these waters.

Any such vessel shall be removed from these waters within six months of the date when it is ready for launching.

Each High Contracting Party shall promptly inform the other of any such vessel to be built on these waters within its jurisdiction, communicating the date of the signing of the contract, the date when it is ready for launching and its main dimensions.

*Article Five.* Should either of the High Contracting Parties become engaged in war which in its opinion affects the naval defence of its national security it may, after notice to the other High Contracting Party, suspend for the period of hostilities its obligations under Article 4, provided that it shall notify the other High Contracting Party that the emergency is of such a character as to require such suspension. On the cessation of hostilities this suspension shall terminate and Article 4 shall resume its full force and effect.

*Article Six.* The present Treaty shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the exchange of the ratifications, which shall take place at Washington as soon as possible.

It shall remain in force until two years after one of the High Contract-

tions and armament of such vessels shall be the subject of agreement from time to time between the American and Canadian Governments.

*Article Four.* No vessel built on the waters designated in Article One for naval service in other waters shall have any offensive or defensive armament placed on board while it is in the waters designated in Article One.

Any such vessel shall be removed from those waters within six months of the date when it is ready for launching.

Each High Contracting Party shall promptly inform the other of any such vessel to be built on those waters within its territory, communicating the date of the signing of the contract, the date when it is ready for launching and its main dimensions.

*Article Five.* Should either of the High Contracting Parties become engaged in war which in its opinion affects the national defense of its national security, it may, after notice to the other High Contracting Party, suspend for the period of hostilities its obligations under Article Four, provided that it shall notify the other High Contracting Party that the emergency is of such a character as to require such suspension. On the cessation of hostilities this suspension shall terminate and Article Four shall resume its full force and effect.

*Article Six.* The present Treaty shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the exchange of the ratifications, which shall take place at Washington as soon as possible.

It shall remain in force until two years after one of the High Contract-

ing Parties has given notice to the other of an intention to terminate it.

Within one year of the date on which such notice of termination has been received, the High Contracting Parties shall meet in conference.

The present Treaty shall supersede the Agreement between Great Britain and the United States of America which was concluded at Washington on the 28th and 29th April, 1817.

ing Parties has given notice to the other of an intention to terminate it.

Within one year of the date on which such notice of termination has been received the High Contracting Parties shall meet in conference.

The present Treaty shall supersede the Agreement between the United States of America and Great Britain which was concluded at Washington on the 28th and 29th April, 1817.

923.

*Décret du Conseil*

*Order in Council*

P.C. 1773

October 8, 1924

The Committee of the Privy Council have had before them a report, dated 30th September, 1924, from the Honourable Ernest Lapointe for the Secretary of State for External Affairs, to whom was referred a despatch from His Majesty's Ambassador at Washington, dated the 18th May, 1923, No. 186, enclosing a new draft of the proposed treaty to replace the Rush-Bagot Agreement, regarding the use of Armed Vessels on the Great Lakes, put forward by the United States Government.

The Minister states that this draft has been carefully considered in the Department of National Defence which expresses views as follows upon it:

No objection is seen to the preamble as proposed;

In Article I the addition of the words "the waters tributary to the Great Lakes" which appears to be entirely in accord with the spirit and aims of the Treaty, is concurred in;

Article 2, as now drafted by the United States authorities, seems unobjectionable in view of the clearer definition given in Article 3 with respect to Naval vessels or merchant vessels converted to Naval use and the limitations imposed on the employment of same;

As regards Article 3, it is recommended that the following addition be made to the first paragraph of the United States draft:

Each High Contracting Party agrees to inform the other of the actual numbers, description and armament of such revenue or police vessels as are being maintained by them in the waters designated, on the understanding that such information will be considered by their Government as confidential if so desired.

The second paragraph is concurred in, as are also Articles 4, 5 and 6 of the draft.

The Committee concur and, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to transmit a copy hereof and of the attached draft treaty,<sup>1</sup> which reproduces the new United States draft, with the addition to paragraph 1 of Article 3 as proposed above, to His Majesty's Ambassador at Washington for communication to the United States Government, as being in the form acceptable to the Canadian Government.

All of which is respectfully submitted for Your Excellency's approval.

924.

*Le sous-ministre de la Défense nationale au sous-secrétaire d'État  
aux Affaires extérieures*

*Deputy Minister of National Defence to Under-Secretary of State  
for External Affairs*

Ottawa, October 9, 1924

Sir,

With reference to my letter of September 29th, regarding a draft treaty to replace the Rush-Bagot Agreement of 28th April, 1817.

I am in receipt of a cable from the Honourable E. M. Macdonald asking that this question be held until his return.

I have consulted the Acting Prime Minister, Mr. Graham, who agrees that the despatch should be held, and I should be glad, therefore, if you would defer any action in this matter until Mr. Macdonald's return.

It is expected that Mr. Macdonald will be back about the end of the month.

I have etc.

G. J. DESBARATS

925.

*Le sous-secrétaire d'État par intérim aux Affaires extérieures  
au sous-ministre de la Défense nationale*

*Acting Under-Secretary of State for External Affairs  
to Deputy Minister of National Defence*

Ottawa, October 10, 1924

Sir,

With reference to your letter of the 9th instant, No. 1005-6-1, I have the honour to inform you that action in regard to the draft treaty to replace the Rush-Bagot Agreement of the 28th April, 1817, has been delayed in accordance with your request.

I have etc.

W. H. WALKER

<sup>1</sup>Non reproduit.

<sup>1</sup>Not printed.



926.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 265

Washington, June 5, 1925

My Lord,

With reference to my despatch No. 340 of September 2nd, 1924, I have the honour to transmit to Your Excellency herewith copy of a letter from the Secretary of State, from which it will be observed that the United States Government are anxious to learn whether they may shortly expect a reply to their note of May 12th, 1923 enclosing the draft of a proposed new treaty to replace the Rush-Bagot Agreement of April 28th, 1817. A copy of this note was communicated to Your Excellency by Sir Auckland Geddes in his despatch No. 186 of May 18th, 1923.

I request that I may be informed at an early date of the nature of the reply which I should return to Mr. Kellogg's letter enclosed herein.

I have etc.

ESME HOWARD

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, June 2, 1925

My dear Mr. Ambassador,

Permit me to refer to the note of Secretary Hughes addressed to yourself August 28, 1924, in which he asked to be informed whether it was anticipated that a reply to his note No. 64 of May 12, 1923, transmitted to your predecessor, Sir Auckland Geddes, accompanying the draft of a treaty to replace the Rush-Bagot Agreement of April 28, 1817, might be expected in the near future.

Except for your note of September 2, 1924, in which you were good enough to advise Secretary Hughes that you had approached the Governor General of Canada with a view to ascertaining the desired information, the Department is without information as to the position of the Canadian Government. In renewing the inquiry of August 28, 1924, I beg to assure you that I should appreciate highly the courtesy of the Canadian Government, in advising me, through the medium of your Embassy, whether it is disposed to make a response in the near future to the proposal which this Government addressed to it in May 1923.

I am etc.

FRANK B. KELLOGG

VOIE NAVIGABLE DU ST-LAURENT  
ST. LAWRENCE WATERWAY

927.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 49

Washington, April 1, 1919

My Lord Duke,

I have the honour to transmit to Your Excellency, herewith, copy of a note from the State Department enclosing copy<sup>1</sup> of a letter addressed to the International Joint Commission of the United States and Canada, together with copy of an Act entitled "An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbours, and for other purposes", approved March 2, 1919.

I have etc.

For the Ambassador

COLVILLE BARCLAY

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État par intérim des États-Unis à l'ambassadeur*  
*aux États-Unis*

*Acting Secretary of State of United States to Ambassador*  
*in United States*

Washington, March 31, 1919

Excellency,

I have the honor to enclose, herewith, for your information, a copy of a letter addressed to the International Joint Commission of the United States and Canada, transmitting a copy of an Act entitled "An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1919, and inviting the attention of the Commission to Section 9 thereof, in which the International Joint Commission is requested, under the provisions of Article 9 of the Boundary Waters Treaty,<sup>2</sup> concluded between the United States and Great Britain on January 11, 1909, to investigate what further improvement of the St. Lawrence River between Montreal and Lake Ontario is necessary to make the same navigable for ocean-going vessels, together with the estimated cost thereof, and to report to the Government of the Dominion of Canada and to the Congress of the United States, with its recommendations for cooperation by the United States with the Dominion of Canada in the

<sup>1</sup>Non reproduite.<sup>2</sup>Not printed.<sup>3</sup>*Treaties and Agreements affecting Canada . . .*, pp. 312-319.

improvement of the St. Lawrence River. I have the honor also to enclose a copy of the Act referred to.

Accept etc.

WILLIAM PHILLIPS

928.

*L'ambassadeur aux États-Unis au Gouverneur général*

*Ambassador in United States to Governor General*

DESPATCH 55

Washington, April 12, 1919

My Lord Duke,

With reference to despatch from this Embassy of February 28th, 1914,<sup>1</sup> I have the honour to transmit herewith copy of a note from the Department of State enquiring whether the Canadian Government is now ready to submit to the International Joint Commission for investigation and report of certain questions outlined in the above mentioned despatch respecting the development and use of waters forming the boundary between the United States and Canada.

The Act of Congress approved March 2, 1919, mentioned in the note from the Department of State, was enclosed in my despatch No. 49 of April 1st.

I have etc.

For the Ambassador

COLVILLE BARCLAY

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État par intérim des États-Unis à l'ambassadeur  
aux États-Unis*

*Acting Secretary of State of United States to Ambassador  
in United States*

Washington, April 10, 1919

Excellency,

I have the honor to refer to this Government's note No. 262 of February 24, 1914, suggesting that the Government of the United States and the Government of Canada should refer to the International Joint Commission for investigation and report certain questions outlined in the note regarding the development and use of the waters forming the boundary between the United States and Canada, and to inquire whether the Canadian Government is now ready to submit the matter to the Commission, and if not, whether it is willing to join with this Government in submitting to the Commission for

<sup>1</sup>Vol. 1, doc. 562, pp. 436-439. On trouvera plus d'information dans les *Documents parlementaires*, 1924, nos 101c-101g.

<sup>1</sup>Vol. 1, Doc. 562, pp. 436-439. For further relevant material see *Sessional Papers*, 1924, Nos. 101c-101g.

investigation and report the matter referred to in Section 9 of the Act of Congress approved March 2, 1919, a copy of which was transmitted to Your Embassy in the Department's Note of March 31 last.

Accept etc.

FRANK L. POLK

929.

*Mémorandum du Conseiller juridique au Premier ministre*  
*Memorandum from Legal Adviser to Prime Minister*

Ottawa, July 18, 1919

ST. LAWRENCE RIVER DEVELOPMENT-PROPOSED REFERENCE  
 TO INTERNATIONAL JOINT COMMISSION

(See despatch of April 12, 1919 (No. 55) from British Ambassador, Washington, D.C. See also P.C. 1445)

As I had some share in drafting the proposed reference to the International Joint Commission concerning the development of the St. Lawrence River, I venture to submit two special points in support of the view that the reference ought by all means to be proceeded with.

(a) If the project of investigating the possibilities of a joint development of the River is now abandoned on this side, there is a very considerable danger that the Canadian Government will be held guilty by the other side of something verging on bad faith. The project was really put under weigh from this side before the war, and we have been urging it ever since as the real solution of the St. Lawrence problem. As recently as last year we urged it as the ground for opposing a special private development on the American side in spite of the fact that that development was needed for war purposes. Two Ministers went to Washington to press our view, and Mr. Harris was authorized to keep on pressing it. The American members of the International Joint Commission took little pains to conceal their skepticism as to our attitude at the time; if we change now they will feel convinced on the point.

(b) There are doubtless financial difficulties about going ahead with the project. But they are not immediate; there could scarcely be any prospect of an expenditure before two years from now at the earliest. And when the time comes there ought to be a good chance of easing the situation by getting the support of the financial resources of the United States through a joint bond issue or some such device.

On the other hand, what will the position be if we drop the project? We shall certainly be unable to urge it again as a ground for opposing special developments under private auspices – certainly on the American side, and very likely on this side. These private developments will proceed one by one, without the advantages of a considered scheme; and much of the capital will doubtless be American. So that in the end the expenditures will be made, and there will be this additional hold of American private capital on the St. Lawrence system.

In short, the choice seems to be not between action and inaction with respect to this project, but between development under public financial auspices and control and development under private auspices difficult to control.

It will be recalled that in the Order in Council of October 12, 1918 (P.C. 2509), transmitted to Washington, and also made public, the Canadian Government declared that "so far as its consent may be necessary it will, therefore, be unable to sanction further private enterprises of this nature." See also Order in Council of September 2, 1918 (P.C. 2144).

L. C. CHRISTIE

930.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

DESPATCH 81

Ottawa, July 21, 1919

Sir,

With reference to Mr. Barclay's despatch, No. 55 of the 12th April, transmitting copy of a Note from the Department of State of the United States inquiring whether the Canadian Government is now ready to submit to the International Joint Commission, for investigation and report, certain questions outlined in the above mentioned despatch respecting the development and use of waters forming the boundaries between the United States and Canada, I have the honour to transmit, herewith, copy of an Approved Minute of the Privy Council for Canada recommending that the Government of the United States be informed that the Government of Canada is prepared to join with the Government of the United States in submitting to the International Joint Commission the matters referred to in Section 9 of the Act of Congress approved on the 2nd March, 1919, and stating that the Government of Canada will forthwith appoint a representative who will discuss with the proper authorities of the United States the terms and conditions to be embodied in the proposed reference.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*

*Order in Council*

P.C. 1445

July 17, 1919

The Committee of the Privy Council have had before them a report, dated 10th July, 1919, from the Secretary of State for External Affairs, submitting that he has had under consideration a despatch dated 12th April, 1919, (No. 55), transmitting copy of a note from the Department of State of the United States enquiring whether the Canadian Government is now ready to submit to

the International Joint Commission for investigation and report, certain questions outlined in the above mentioned despatch, respecting the development and use of waters forming the boundaries between the United States and Canada.

The Secretary of State for External Affairs observes that the despatch in question, together with the Note of April 10th from the Acting Secretary of State of the United States, and a copy of the Act of the 65th Congress (Public No. 323) are appended hereto.

The Minister recommends that the Government of the United States be informed that the Government of Canada is prepared to join with the Government of the United States in submitting to the International Joint Commission, the matters referred to in Section 9 of the Act of Congress approved on the 2nd day of March, 1919, and that the Government of Canada will forthwith appoint a representative who will discuss with the proper authorities of the United States the terms and conditions to be embodied in the proposed reference.

The Committee concur in the foregoing and on the recommendation of the Secretary of State for External Affairs advise that Your Excellency may be pleased to transmit a copy of this proposed reference through the usual channel to the Government of the United States.

All of which is respectfully submitted for approval.

931.

*L'Administrateur au chargé d'affaires aux États-Unis*

*Administrator to Chargé d'Affaires in United States*

DESPATCH 106

Ottawa, September 23, 1919

Sir,

With reference to your despatch No. 208 of the 29th August transmitting a copy of a note from the Department of State of the United States of America designating Lieutenant Colonel Charles Keller to confer with the Canadian Government's representative to discuss the terms and conditions to be embodied in the proposed reference to the International Joint Commission respecting the St. Lawrence River, I have the honour to transmit, herewith, copies of an approved Minute of the Privy Council for Canada<sup>1</sup> appointing Mr. W. J. Stewart, Consulting Engineer of the Department of External Affairs, as the representative of the Government of the Dominion of Canada for the same purpose.

I have etc.

L. H. DAVIES

<sup>1</sup>C.P. 1955 du 18 septembre 1919; non reproduit.

<sup>1</sup>P.C. 1955 of September 18, 1919; not printed.

932.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 137

Ottawa, December 31, 1919

My Lord,

I have the honour to transmit, herewith, copies of an approved Minute of the Privy Council for Canada regarding the proposed reference to the International Joint Commission relative to the development and use of the St. Lawrence River between Montreal and Lake Ontario in the interests of Canada and the United States. As you will observe, the Canadian Government is ready to join the Government of the United States in submitting the reference to the International Joint Commission under Article IX of the Treaty of January 11th, 1909.

I have etc.

DEVONSHIRE

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil**Order in Council*

P.C. 2562

December 24, 1919

The Committee of the Privy Council have had before them a report, dated 19th December, 1919, from the Right Honourable Sir Robert L. Borden, Prime Minister, submitting that in pursuance of the Minute of Council of July 17th, 1919, (P.C. 1445) and the Minute of Council of September 18th, 1919 (P.C. 1955) concerning a proposed reference to the International Joint Commission relative to the development and use of the St. Lawrence River between Montreal and Lake Ontario in the interests of Canada and the United States, the Canadian representative appointed to confer with the United States representative for the purpose, has submitted a report, dated November 11th, 1919, signed by both representatives recommending the terms and conditions on which the reference to the Commission should be made. (A copy of the report is annexed hereto.)<sup>1</sup>

The Prime Minister states that the United States Government have now inquired through His Majesty's Ambassador at Washington whether this report meets with the approval of the Canadian Government and whether the Canadian Government is ready to join with the United States Government in submitting the matter to the Commission.

The Committee on the recommendation of the Prime Minister advise that the said report be approved and that the United States Government be

<sup>1</sup>Non reproduite.<sup>1</sup>Not printed.

informed that the Canadian Government is ready to join with it in submitting the reference, as recommended in the report, to the International Joint Commission under Article IX of the Treaty of January 11th, 1909.

All of which is respectfully submitted for approval.

933.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 127

Washington, May 18, 1922

My Lord,

I have the honour to transmit, herewith, for the information of Your Excellency's Ministers, copy of a note dated May 17th which I have received from the Secretary of State, containing certain suggestions with reference to the report of the International Joint Commission with respect to the St. Lawrence River Improvement scheme.

I understand from the State Department that the President is anxious to make public at the earliest possible moment a short statement to the effect that the United States Government have raised this question officially with the Government of the Dominion. I should, therefore, be glad if Your Excellency would inform me by telegram as soon as possible after the receipt of this despatch whether the Canadian Government have any objection to the publication of a statement to this effect. In making this announcement the United States Government do not propose nor desire to enter into any details as to the suggestions now communicated.

I have to add that I have received a lengthy despatch from His Majesty's Consul General at Chicago on the subject of the St. Lawrence River improvement, copies of which will be transmitted to Your Excellency as soon as they can be prepared.

I have etc.

A. C. GEDDES

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, May 17, 1922

Excellency,

On January 21, 1920, the Governments of the United States and Canada referred to the International Joint Commission for investigation and report under the terms of Article IX of the Treaty of January 11, 1909, relating to boundary waters, certain questions with respect to the improvement of the St. Lawrence River between Lake Ontario and Montreal for navigation and



for the development of water power. The Commission made a report bearing date of December 19, 1921. For convenience I may call attention to the following recommendations which the Commission submitted after setting forth the results of its investigation.

In harmony with its conclusions as outlined in the foregoing report the commission recommends:

(1) That the Governments of the United States and Canada enter into an arrangement by way of treaty for a scheme of improvement of the St. Lawrence River between Montreal and Lake Ontario.

(2) That the New Welland Ship Canal be embodied in said scheme and treated as a part thereof.

(3) That the proposed works between Montreal and Lake Ontario be based upon the report of the engineering board accompanying this report, but that before any final decision is reached the report of the board, together with such comments, criticisms, and alternative plans as have been filed with the commission be referred back to the board enlarged by other leading members of the engineering profession, to the end that the whole question be given that further and complete study that its magnitude and importance demand, and that after completion the administrative features of the improvement be carried out as set forth in recommendations 7 and 8 hereof.

(4) That there shall be an exhaustive investigation of the extent and character of the damage through flowage involved in the plan of development finally adopted.

(5) That, assuming the adoption of the plans of the engineering board, or of other plans also involving a readjustment of the international boundary, in order to bring each of the power houses on its own side of the boundary, appropriate steps be taken to transfer to one country or the other, as the case may be, the slight acreage of submerged land involved.

(6) That Canada proceed with the works necessary for the completion of said New Welland Ship Canal in accordance with the plans already decided upon by that country.

(7) That such 'navigation works' as do not lie wholly within one country or are not capable of economic and efficient construction, maintenance, and operation within one country as complete and independent units, be maintained and operated by a board hereinafter called 'the International Board,' on which each country shall have equal representation.

(8) That such 'navigation works' as lie wholly within one country and are capable of economic and efficient construction, maintenance, and operation as complete and independent units be maintained and operated by the country in which they are located with the right of inspection by the said international board to insure economy and efficiency.

(9) That 'power works' be built, installed, and operated by and at the expense of the country in which they are located.

(10) That, except as set forth in recommendation (11), the cost of all 'navigation works' be apportioned between the two countries on the basis of the benefits each will receive from the new waterway; *provided*, that during the period ending five years after completion of the works — and to be known as the Construction Period — the ratio fixing the amount chargeable to each country shall be determined upon certain known factors, such as the developed resources and foreign and coast-wise trade of each country within the territory economically tributary to the proposed waterway, and that that ratio shall be adjusted every five years thereafter

and based upon the freight tonnage of each country actually using the waterway during the previous five-year period.

(11) That the cost of 'navigation works' for the combined use of navigation and power over and above the cost of works necessary for navigation alone should be apportioned equally between the two countries.

It will be observed that the Commission recommends that an arrangement be entered into by way of a treaty for a scheme of improvement of the St. Lawrence River between Montreal and Lake Ontario, and that the works contemplated by such arrangement be based upon the report of the Board of Engineers which accompanied the report of the Commission.

The Board of Engineers submitted specific recommendations with regard to the improvement of navigation and the development of water power. The Board's recommendations and discussions deal with the project in five divisions and comprehend details of construction and estimates of costs thereof. The Board limited itself to the specific investigation entrusted to it with regard to a survey of the St. Lawrence River from Montreal to Lake Ontario. The International Joint Commission has recommended that the New Welland Ship Canal be embodied in and made a part of the project under consideration.

The report of the Joint Commission and the accompanying report of the Board of Engineers have doubtless by this time been considered by the Canadian Government. I am authorized by the President to state that he favors the negotiation of a treaty to be framed on the basis of the report of the Joint Commission, or such modifications as might be agreed upon, and I should be glad to be informed whether the appropriate British and Canadian authorities are disposed to undertake the negotiations of such a treaty.

Obviously much study would be required to frame a comprehensive agreement to govern the joint operations of the Governments of the United States and Canada with respect to the execution and the financing of the proposed work. Appropriate preliminary studies and investigations could probably be carried on by a joint commission of experts designated by the two Governments and charged with the framing of a project of a treaty. I venture further to suggest that, if it should not be deemed desirable to formulate in the first instance a treaty embracing a complete plan for the execution and the financing of the project, it might be practicable to conclude a treaty, pledging the two Governments to undertake the execution of the project on the basis of the recommendations submitted by the International Joint Commission, or such modifications as may be agreed upon, and making provision for a joint commission charged with the duty of formulating such a complete plan, which should be subject to the approval of the two Governments prior to the beginning of the work of construction.

I should be glad if you would take the necessary steps to obtain and communicate to me the views of the appropriate British or Canadian authorities with respect to the foregoing suggestions.

Accept etc.

CHARLES E. HUGHES

934.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

TELEGRAM 12A

Ottawa, May 29, 1922

Referring to your despatch May 18th, No. 127. St. Lawrence River Improvement scheme. Minute of Council approved May 29th setting forth that my Ministers have not thus far had opportunity to give report of International Joint Commission and accompanying report of Board of Engineers careful consideration, and having regard to magnitude of project and very large outlay of public money involved, they are of opinion that it would not appear to be expedient to deal with matter at present time. My Ministers have no objection to publication of statement as proposed by President that the United States Government have raised question officially with them. Despatch follows by mail.

BYNG

935.

*Le chargé d'affaires aux États-Unis au secrétaire d'État des États-Unis*  
*Chargé d'Affaires in United States to Secretary of State of United States*

No. 97

Washington, January 30, 1924

Sir,

I have the honour to refer to the note which you were so good as to address to me on November 17th last, regarding the St. Lawrence River improvement scheme and to inform you, by request of His Excellency the Governor General of Canada, that the Dominion Government have had under consideration the contents of your note addressed to Sir Auckland Geddes on May 17th, 1922. In that note you suggested either the immediate conclusion of a treaty looking to the development of the St. Lawrence waterway along the lines recommended by the International Joint Commission in its report and providing for the constitution of a Joint Commission charged with the formulation of a complete plan which would be subject to the approval of the two Governments, or, alternatively, the constitution of a Joint Commission of experts to make preliminary studies and investigations and to frame the draft of a treaty.

The Dominion Government point out that the report of the International Joint Commission recommended that, before any work was carried out, the Joint Engineering Board, whose proposals it generally approved, should be enlarged, and that once so enlarged the said Board should further consider the technical aspects of the problems in detail and decide upon the plan which should be adopted.

While the Government of Canada desire to give further consideration to the suggestions put forward in your note of May 17th, 1922, they are of opinion that the proposal made by the International Joint Commission should be acted

upon without further delay. The Dominion Government are accordingly prepared to appoint additional engineers to enlarge the Joint Engineering Board with a view to the Board undertaking the preparation of a final report covering the engineering features of the whole project, including its cost. The Government of Canada intend, further, to form a committee which will, in consultation with the Canadian members of the Joint Engineering Board, enquire fully from a national standpoint into the wide questions involved, and they hope shortly to be in a position to take further action on the proposals made by the United States Government.

Meanwhile the Government of Canada would be glad to learn the views of the United States Government in regard to the number of additional engineers who should be appointed by each Government to the Joint Engineering Board. The Dominion Government are also ready to nominate one or more technical officers to discuss with similar United States officers the form which the instructions to the enlarged Joint Engineering Board should take, and the time within which the Board should be directed to report.

In expressing the hope of the Government of Canada that the above proposals will be agreeable to the United States Government, I have the honour to inform you that Lord Byng of Vimy would be grateful if arrangements could be made by telegraph for their publication simultaneously in Washington and Ottawa.

I have etc.

H. G. CHILTON

936.

*Le secrétaire d'État des États-Unis au chargé d'affaires aux États-Unis*  
*Secretary of State of United States to Chargé d'Affaires in United States*

Washington, February 27, 1924

Sir,

In your note of January 30th, 1924, in regard to the project for joint action by the United States and Canada for the improvement of the St. Lawrence River between Montreal and Lake Ontario for navigation and the development of water power, you informed me that while the Government of the Dominion of Canada desires to give further consideration to the suggestions brought forward in my note of May 17, 1922, to Sir Auckland Geddes with a view to carrying out the recommendations made by the International Joint Commission, the Dominion Government is nevertheless prepared to act without delay on the recommendations for the enlargement of the Joint Engineering Board which assisted the Commission in making the investigation of the project and to appoint additional engineers to the Board with a view to having it undertake the preparation of a final report covering the engineering features of the whole project, including its cost.

You informed me also that the Government of Canada intends to form a committee which will in consultation with the Canadian members of the Joint

Engineering Board, inquire fully from a national standpoint into the wide questions involved in the project.

In reply permit me to say that this Government is gratified to learn that the Canadian Government hopes shortly to be in a position to take further action on the proposals made in my note of May 17, 1922, and meanwhile is especially pleased to be advised that the Government of Canada intends to create a committee for the purpose described in your note. This Government, similarly, will immediately constitute a national committee which will in consultation with the American members of the Joint Engineering Board make adequate inquiry from a national standpoint into the questions involved to the end that the project for the improvement of the St. Lawrence River for navigation and the development of its water power may be carried forward as speedily as possible.

This Government is glad to give its assent to the suggestion that the Joint Engineering Board should be enlarged and, in response to the request of the Canadian Government for its view as to the number of additional engineers which should be appointed, suggests that two engineers be added to the Board by each Government, the membership of the Board thus being increased to six, three of whom would be representatives of the United States and three would be representatives of Canada. In connection with this enlargement of the Board it may be noted that the first of the recommendations made by the International Joint Commission was that the Governments of the United States and Canada enter into an arrangement by way of treaty for a scheme of improvement of the St. Lawrence River between Montreal and Lake Ontario. It would appear that the Commission did not contemplate that negotiations for a treaty should be postponed until after a report should be made by an enlarged board of engineers but that negotiations should forthwith be opened, that the proposed works between Montreal and Lake Ontario should "be based upon the report of the Engineering Board" accompanying the report of the Commission, and that the Governments should have the benefit of the advice of an enlarged Board of Engineers before a "final decision" should be reached.

This Government would propose that the instructions to the enlarged Engineering Board should be prepared in joint conference by the two advisory committees which the Governments of Canada and the United States intend to establish, as indicated in your note and this reply, and that the two committees should accordingly be empowered to meet in joint conference for the purpose of formulating such instructions. However, the instructions would be given to the Board of Engineers by the Governments and the report of the engineers would be made to the Governments.

As it appears that the report of the Board of Engineers of June 24, 1921, while of a preliminary character, as contemplated in their instructions, nevertheless presented a general plan believed to be practicable in its main features, this Government would desire to have included in the first instructions to the enlarged Board the two fundamental questions whether the scheme for the improvement of the St. Lawrence Waterway which the Board presented in its

report of June 24, 1921, is practicable and whether the estimates of costs made by it require revision. The time within which the Board should make its report should, as was suggested by the Canadian Government, be determined in advance and stated in the instructions. It is believed that the fundamental questions can be reported upon within a short time. If the suggestion that the instructions to the Joint Engineering Board be prepared by the two advisory committees in joint conference be acceptable to the Canadian Government the appointment of technical officers especially for this purpose as proposed by the Canadian Government would not be necessary.

This Government further suggests that the two committees be empowered to meet from time to time in joint session in order to prepare supplemental instructions for the Board of Engineers as occasion may require, and to consider and develop the broader aspects of the whole matter so that each committee may be as helpful to the other as possible.

This Government is hopeful that the foregoing proposals will be acceptable to the Government of Canada and I should be pleased if arrangements can be made by telegraph for publishing them simultaneously at Washington and Ottawa.

Accept etc.

CHARLES E. HUGHES

937.

*Décret du Conseil*

*Order in Council*

P.C. 386

March 10, 1924

The Committee of the Privy Council have had before them a report, dated 6th March, 1924, from the Secretary of State for External Affairs, submitting that the problems presented by the proposal to develop the St. Lawrence Waterway are of such variety and complication that it would be useful to provide for the coordination of the views of the technical officers of the several departments of Government whose work may be affected by the initiation of negotiations leading to the conclusion of a treaty with the United States of America on the subject, or by the carrying out of the work, if it is undertaken.

The Minister accordingly recommends that there be constituted a committee including one representative from each of the following departments, viz, the Departments of Finance, Public Works, Marine and Fisheries, Interior, Railways and Canals and Trade and Commerce, such representatives to be selected by the Ministers of the said Departments respectively, who may each of them appoint an alternate member to act in the absence of his principal nominee, and that Colonel Biggar, Government Counsel, be appointed Chairman of such Committee.

The Minister further recommends that the Committee be directed to bring to his attention such technical aspects of the problems presented by the proposal as in its opinion may require consideration either in determining

whether or not negotiations looking to the conclusion of a treaty should be entered into, or, in the course of any such negotiations as may be initiated, and also to report especially upon any matter relating to the proposed waterway which may be referred to it by any Minister of the Crown or by the Canadian section of the Joint Engineering Board, the enlargement of which has already been agreed upon. Each member of the Committee shall keep his Minister informed of its proceedings and conclusions.

The Committee concur in the foregoing and submit the same for Your Excellency's approval.

938.

*L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis*  
*Ambassador in United States to Secretary of State of United States*

No. 228

Washington, March 12, 1924

Sir,

I have the honour to inform you that the Government of Canada have had under consideration the contents of the note which you were so good as to address to Mr. Chilton on the 27th ultimo in connection with the proposed improvement of the St. Lawrence River Waterway, and they concur in the suggestion of the Government of the United States that two additional engineers be appointed by each Government to the Joint Engineering Board whose membership will thus be increased to six, three members thereof representing the United States and three representing the Dominion of Canada. The Canadian Government desire me to express regret, however, that, owing to the death on the 3rd ultimo of Mr. W. A. Bowden, the late Canadian member of the Board, all three Canadian representatives will have to be new appointees.

The Dominion Government have noted the proposal of the United States Government that the national committees to be appointed by the two Governments concerned should meet from time to time for the purpose of formulating the terms in which the matters to be enquired into by the enlarged Joint Engineering Board should be defined. In this connection I would point out that the intention of the Dominion Government in constituting a national committee is that the body in question should be advisory to the Government of Canada, and it is felt that to impose upon this body, at all events at the outset, the duties suggested would be inconsistent with the purpose which it is intended to serve and would change the character of the said body from one primarily national to one of international significance. The Government of Canada consider that the terms of reference can, at least in the first instance, be settled quite adequately and in all probability more promptly in the manner set forth in the note which Mr. Chilton had the honour to address to you on January 30th last and they desire me to express the hope that the Government of the United States will concur in this view. Immediately upon being advised to that effect the Government of Canada will be ready to appoint a technical officer for the purpose named, and in the event of the Government of the

United States considering the appointment of more than one such officer to be desirable, they would have no objection to making an additional appointment.

The Government of Canada are entirely agreeable to the inclusion in the first instructions to the enlarged Joint Engineering Board of the two fundamental questions referred to in your note under reply, namely, whether the scheme for the improvement of the St. Lawrence Waterway which the Engineering Board submitted in their report of June 24th, 1921, is practicable and whether the estimates of the costs put forward by the Board require revision. On their part, the Dominion Government would suggest that amongst other matters, the Board should be directed to enquire into the extent to which the water levels in the river at and below Montreal, as well as the river and lake levels generally may be affected.

The Dominion Government desire me to suggest that, subject to the concurrence of the United States Government, this correspondence may be released on the night of Friday the 14th instant for publication simultaneously in Washington and in Ottawa on the morning of Saturday the 15th instant, and in these circumstances, I have the honour to request that I may be favoured with the views of the United States Government on this matter as soon as possible.

I have etc.

ESME HOWARD

939.

*L'ambassadeur aux États-Unis au Gouverneur général*

*Ambassador in United States to Governor General*

DESPATCH 167

Washington, April 29, 1924

My Lord,

I have the honour to refer to Your Excellency's despatch No. 32 of the 10th ultimo regarding the Joint Engineering Board in connection with the improvement of the St. Lawrence River, and to transmit to you herewith a copy of a note received from the United States Government in reply to the representations which I made on the 12th ultimo. A copy of my note of that date was enclosed in my despatch No. 103 of the same day.

I have received a verbal communication from the State Department to the effect that the United States Government desire to release this note for publication at the earliest possible moment, and I should therefore be grateful if Your Excellency would inform me by telegraph, with the least possible delay, whether your Ministers concur in its publication.

I have etc.

For the Ambassador

H. G. CHILTON



## [PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, April 28, 1924

Excellency,

In your note of March 12, 1924, you informed me further in regard to the views of the Canadian Government with reference to the proposal for joint action by the United States and Canada for the improvement of the St. Lawrence River between Montreal and Lake Ontario for navigation and the development of water power.

In pursuance of the intention of this Government, as stated in my note of February 27, 1924, the President has appointed a national committee of nine members having as its Chairman the Honorable Herbert Hoover, Secretary of Commerce, which will act as an advisory committee to this Government on all questions that may arise in the consideration of the project.

While regretting that the Canadian Government does not desire that the committees for the two Governments shall meet in joint conference, at least at the outset, to prepare instructions for the enlarged joint engineering board and to consider the broader aspects of the project for the proposed development of the St. Lawrence waterway, this Government would be grateful if you would inform the Canadian Government that the National Committee for the United States will be prepared at all times to meet in conference with the Canadian Committee in the event that circumstances should develop which in the view of the Canadian Government would cause it to appear that joint conferences by the two committees or by representatives of the committees might be desirable for the consideration of any questions arising in connection with the project.

This Government is pleased to note that the Canadian Government concurs in its suggestion that the enlarged Joint Engineering Board shall consist of six members, three representing the United States and three representing Canada, and to accept the proposal of the Canadian Government that two technical officers be appointed by each Government for the purpose of formulating the terms in which the matters to be enquired into by the Board shall be defined.

The United States will be represented on the Joint Engineering Board by Colonel Edgar Jadwin, Colonel William Kelly, and Lieutenant Colonel George E. Pillsbury, Corps of Engineers, United States Army. Colonel Jadwin and Lieutenant Colonel Pillsbury will also act as technical officers for the United States to formulate in collaboration with the technical officers to be designated by the Canadian Government the instructions which will be given to the engineers.

This Government is also pleased to note the acceptance by the Government of Canada of the proposal of this Government that there shall be included in

the first instructions to the Joint Engineering Board the two fundamental questions, whether the scheme for the improvement of the St. Lawrence River waterway which the Engineering Board submitted in its report of June 24, 1921, is practicable and whether the estimates of the costs of the project made by the Board require revision, and to agree to the suggestion made by the Dominion Government that amongst other matters the enlarged Board shall be directed to inquire into the extent to which the water levels in the St. Lawrence River at and below Montreal, as well as the river and lake levels generally, will be affected by the execution of the project.

It will, of course, be understood that the instructions drafted by the technical officers will be subject to review and approval by the appropriate officials of the respective Governments before they would be given to the Board of Engineers by the Governments in conformity with the remark made on that point in my note of February 27, 1924. In connection with such review and approval, the instructions drafted by the technical officers will be submitted by the officers for the United States to the National Committee for this Government.

This Government would be pleased to be informed at the early convenience of the Canadian Government of the names of the technical officers appointed by that Government in order that the officers for the two Governments may make arrangements with as little delay as possible to collaborate in the drafting of the instructions for the joint engineering Board. This Government would also be pleased to be informed in due course of the names of the Canadian members of the Joint Engineering Board.

Accept etc.

CHARLES E. HUGHES

940.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

TELEGRAM 59A

Ottawa, May 7, 1924

With reference to your despatch No. 167 of the 29th April. St. Lawrence River. The Government of Canada has selected as its representatives on the Board<sup>1</sup> — Duncan W. McLachlan, B.Sc., Ottawa; Olivier Odilon Lefebvre, Chief Engineer of the Quebec Streams Commission, Montreal, P.Q.; and Brigadier-General Charles Hamilton Mitchell, G.B., C.M.G., B.A.Sc., C.E., of Toronto; and of them the two last mentioned will act as technical officers on its behalf to settle the terms of reference.

<sup>1</sup>Les membres canadiens de la Commission furent nommés par le décret C.P. 778 du 7 mai et le "National Advisory Committee" fut établi par le décret C.P. 779 du même jour. Ces deux décrets du Conseil se trouvent dans les *Documents parlementaires*, 1924, nos 101f et 101g.

<sup>1</sup>The Canadian Members of the Board were appointed by P.C. 778 of May 7 and the National Advisory Committee was constituted by P.C. 779 of same date. Both Orders in Council are to be found in *Sessional Papers* 1924, Nos. 101f and 101g.

Canadian Government entirely concurs with the Government of the United States that it should be understood that the instructions drafted by the technical officers will be subject to approval by the respective Governments before being given to the Board, and these instructions will be submitted by the technical officers for Canada to the Canadian National Advisory Committee which has been constituted under the Chairmanship of the Honourable George P. Graham, Minister of Railways and Canals, and which includes among its members the Honourable Walter Edward Foster, of St. John, N.B.; the Honourable Sir Clifford Sifton, K.C.M.G., K.C., of Toronto, Ontario; Dr. Wilfrid Laurier McDougald, of Montreal, P.Q.; Major-General John William Stewart, C.B., C.M.G., of Vancouver, B.C.; the Honourable Adélard Turgeon, C.M.G., C.V.O., of Québec, P.Q.; and Messrs. Thomas Ahearn, of Ottawa; Beaudry Leman, B.Sc., C.E., of Montreal, P.Q.; and Edward D. Martin, of Winnipeg, Man.

The Canadian Government suggests that the unpublished despatches should be released for publication in the afternoon papers of Friday, May 9th.

BYNG

941.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 480

Washington, December 30, 1924

My Lord,

I have the honour to transmit to Your Lordship, herewith, copies of the . . . [enclosed note].

I have etc.

For the Ambassador

H. G. CHILTON

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, December 29, 1924

Excellency,

Referring to your note of December 2, 1924, informing me that the technical officers for Canada designated to prepare recommendations for instructions for the Joint Board of Engineers for the investigation of the St. Lawrence Waterway were being instructed to confer again with the technical officers representing the United States on the questions embraced in Section 6 (a), (b), and (c) of their joint report of June 20, 1924, and to make a supplementary joint report to the two governments concerning these questions, I have the honor to inform you that in pursuance of the intention of this

Government, as communicated to you by my note of November 10, 1924, the technical officers for the United States were instructed to confer with the technical officers for Canada for the purposes mentioned in your note.

Conferences were held by the technical officers in Washington on December 2 - 4, 1924, and an original copy of the supplementary joint report prepared by them was submitted to this Government. I understand that a duplicate original of the report was submitted to the Canadian Government.

Three recommendations are made in the report, as follows:

I. That the following paragraphs be substituted for Section 6 (a), (b) and (c) of the recommendations made by the technical officers in their joint report of June 20, 1924:

6. (a) To what extent and in what manner are the natural water levels in the St. Lawrence River and on the Lakes affected by diversions authorized by license by either Canada or the United States, from or in the St. Lawrence River watershed?

(b) By what measures could the water levels or navigable depths affected by the diversions referred to in Section 6 (a) be restored, and what would be the cost thereof?

(c) How much power could be developed on the St. Lawrence River with the water diverted from the watershed referred to in Section 6 (a) under:

(1) The plans recommended.

(2) Alternative plans providing for a full practical development of the river.

(d) Without considering compensation by the present relative diversions of water from the Niagara River and from Lake Erie, and without prejudice to a future consideration thereof, what works, if any, could be constructed to recover on the St. Lawrence River the amount of power determined under Section 6 (c) and what would be the cost of such works?

II. That a paragraph be added to the joint report of June 20, 1924, as the second of the unnumbered paragraphs at the end as follows:

It is also desired that in the preparation of the report, due regard should be had to any diversions from or in the St. Lawrence River watershed which, at the date of the report, are authorized by license by either Canada or the United States.

III. That the end of April, 1926, be designated as the date for the completion of the investigation and the final report by the Joint Board of Engineers instead of the end of October 1925, as was recommended in the report of June 20, last.

This Government has considered and finds acceptable the foregoing recommendations. It is therefore prepared to approve the joint report made by the technical officers on June 20, 1924, amended by the adoption of them.

The approval of the supplementary report involves the abandonment for the present of consideration of the proposal made by this Government in my note of July 2, 1924, to have included in Section 6 (b) the question of the extent to which the unequal diversions of water from Lake Erie and the Niagara River for power compensate for loss of power attributable to diversions from Lake Michigan. As appears from the supplementary report, the

Canadian technical officers took the position that the question is not an appropriate subject for consideration by the Joint Board of Engineers at the present time, especially in view of the other complex questions which the Board will have to consider, and the technical officers for the United States acquiesced in the exclusion of it on condition that the adoption of this course was without prejudice to its future consideration.

This Government gives its approval to the report as amended on the understanding reserved by its technical officers that consideration at a future time of the unequal diversions of water of Niagara as bearing on the diversion from Lake Michigan is in no wise prejudiced by the omission of the question from those which it is at this time proposed to refer to the Joint Board of Engineers.

If the recommendations of the technical officers as revised and the understanding stated with reference to the diversions near Niagara are acceptable to the Government of Canada, this Government, on receiving information to that effect, and that the Canadian Government is prepared to issue instructions in accordance with the recommendations to the Canadian members of the Joint Board of Engineers, will be pleased to issue similar instructions to the American members of the Board.

I shall be grateful if you will cause the foregoing to be communicated to the Canadian authorities and will inform me in due course of their views.

Accept etc.

CHARLES E. HUGHES

942.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 12

Ottawa, January 29, 1925

Sir,

With reference to Your Excellency's despatch No. 480 of the 30th December, notifying the terms on which the United States Government had given its approval of the Report of the Joint Board of Engineers of the 20th June, 1924, as amended by their Supplementary Report of the 4th December 1924, I have the honour to transmit, herewith for communication to the Government of the United States, a copy of an approved Minute of the Privy Council for Canada explaining the conditions upon which the Government of Canada has approved the supplementary report of the technical officers and the instructions as a whole as revised.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil**Order in Council*

P.C. 106

January 23, 1925

The Committee of the Privy Council have had before them a report, dated 16th January, 1925, from the Secretary of State for External Affairs, submitting that the Governments of Canada and the United States have accepted the recommendation of the International Joint Commission, in its report, dated 19th December, 1921, that the engineering problems connected with the proposed improvement of the St. Lawrence Waterway be referred to an enlarged Joint Board of Engineers to the end that the whole question be given that further and complete study that its magnitude and importance demand;

That it is desired that the enlarged Joint Board should review the report, dated 24th June, 1921, made by the late W. A. Bowden and Col. W. P. Wooten, and that it should extend its enquiries to certain additional matters with a view to supplying technical information relevant to the proposals made in the report of the International Joint Commission above referred to;

That for the purpose of formulating the necessary instructions to the enlarged Joint Board of Engineers, technical officers were appointed by the Government of each country; that these technical officers met at Montreal on June 20th, 1924, and jointly recommended that the following questions should constitute the terms of Reference to the engineers:

1. Is the scheme for the improvement of the St. Lawrence Waterway, presented by the Board in its report of June 24th, 1921, practicable and does it provide to the best advantage, at this time and ultimately, for the development of the capacities and possibilities of the waterway?

2. What alternative schemes, if any, could be better adapted to secure the ends desired, due consideration being given, —

(a) to any special international or local interests having an importance justifying exceptional consideration, and

(b) to the extent and character of the damage through flooding and the probable effect of the works upon the formation of ice and the consequent effect on the flow of the river?

3. Should the estimates of cost be revised and, if so, what are the revised estimates of cost having regard to alternative schemes?

4. In order to assist either Government to allocate the amounts chargeable to navigation and power, what would be the respective estimated costs for improving the river for navigation alone and for power alone?

5. To what extent may water levels in the St. Lawrence River at and below Montreal, as well as the river and lake levels generally, be affected by the execution of the project?

6. (a) To what extent and in what manner would the natural water levels in the St. Lawrence River and on the Lakes and the quantities of water available for power purposes in the St. Lawrence River, be affected by a diversion of 5,000 cubic feet per second and 10,000 cubic feet per second respectively from the St. Lawrence River watershed through Lake Michigan?

(b) To what extent and in what manner would the natural water levels in the lakes and interconnecting channels be affected by an increase in discharge of 1,000 cubic feet per second of water from Lake Erie?

(c) What would be the character and cost of measures necessary to restore the water levels and to compensate for the diversions as set forth in sections (a) and (b) above?

7. Having regard to economy of construction and maintenance, expedition of construction and efficiency of operation —

(a) Which of the works should be constructed under the technical supervision of an International Board and what other works, if any, might advantageously be constructed under such supervision?

(b) Which of the works should be maintained and operated by an International Board and what other works, if any, might advantageously be so maintained and operated?

8. What, if any, readjustments in the location of the International Boundary are necessary or desirable to place power structures belonging to either country within its borders, as recommended by the International Joint Commission?

9. If the Board is of the opinion that it would be advantageous to provide in the first instance for channel depths other than 25 feet, but less than 30 feet, for what draft of vessels should provision be made?

10. Having regard to the recommendation of the International Joint Commission that the new Welland Ship Canal should be embodied in the scheme and should be treated as a part thereof, and to the fact that if a greater depth than 21 feet be adopted for the initial project depth of the St. Lawrence, such greater depth would not be available to the upper lake ports without further work in the navigation channels in the lakes, what would be the cost of improving the main navigation channels between and through the lakes so as to provide, without impairing the present lake levels for (a) a depth of 25 feet and (b) for such other depth not exceeding 30 feet, as may be determined by the Board to be that for which it would be most advantageous to provide on the St. Lawrence River?

11. What is the time required to complete the proposed works, the order in which they should be proceeded with, and the progress which

should be made yearly towards the completion of each in order to secure the greatest advantages from each of the works and from the development of the waterway as a whole?

It is desired that the report be accompanied by such drawings as are necessary for showing the location and general character of the works proposed.

It is desired that the Board report, from time to time, on matters referred to it as the progress of its enquiries permits, and that these enquiries be so prosecuted that, if practicable, the Board should have reported on all such matters by the end of October, 1925.

The Minister further represents that, in a communication to the British Ambassador at Washington, dated July 2nd, 1924 — transmitted to Your Excellency by His Majesty's Ambassador (despatch No. 263) on July 7th — the United States Secretary of State observed, on behalf of the American Government, that:

It is the view of this Government that if the effect of the diversion from Lake Michigan be given consideration by the Board of Engineers the enquiry and report of the Board should embrace not only the effect of further diversions from Lake Erie on water levels, but also the extent to which the unequal diversions from Lake Erie and the Niagara River for power compensate for loss of power attributable to diversions from Lake Michigan. This Government proposes, therefore, that instead of Section 6 (b) of the recommendations made by the technical officers the following be submitted:

(b) To what extent and in what manner would the natural water levels in the lakes and interconnecting channels be affected by an increase in discharge of 1,000 cubic feet per second of water from Lake Erie and to what extent will the unequal diversions of water from Lake Erie and the Niagara River for power balance power lost, due to diversions from Lake Michigan?

That this proposed amendment was most carefully considered by the Government of Canada, which was unable to accept the same and, after extended correspondence, it was arranged between the two Governments that the technical officers should again confer as to the questions embraced in Section 6; that, agreeably thereto, the technical officers met at Washington on December 2nd, 3rd and 4th, and, as a result of this further conference, have submitted a supplementary report containing the following recommendations.

(1) That for Section No. 6 of the recommendations formerly agreed upon under date of June 20th last, there be substituted the following:

6. (a) To what extent and in what manner are the natural water levels in the St. Lawrence River and on the Lakes affected by diversions authorized by license by either Canada or the United States, from or in the St. Lawrence watershed?

(b) By what measures could the water levels or navigable depths affected by the diversions referred to in Section 6 (a) be restored, and what would be the cost thereof?

(c) How much power could be developed on the St. Lawrence River with the water diverted from the watershed referred to in Section 6 (a) under:

(1) The plans recommended.

(2) Alternative plans providing for a full practical development of the river.



(d) Without considering compensation by the present relative diversions of water from the Niagara River and from Lake Erie, and without prejudice to a future consideration thereof, what works, if any, could be constructed to recover on the St. Lawrence River the amount of power determined under Section 6 (c) and what would be the cost of such works?

That a paragraph to become the second of the unnumbered paragraphs at the end of the original recommendation be added, to read as follows:

It is also desired that in the preparation of the report, due regard should be had to any diversions from or in the St. Lawrence River watershed which, at the date of the report, are authorized by license by either Canada or the United States.

That the date contained in the concluding paragraph for the completion of the investigation and final report by the Joint Board of Engineers be changed from the end of October, 1925, to the end of April, 1926.

The Minister refers further to the despatch from His Majesty's Ambassador at Washington, No. 480, of the 30th of December, 1924, in which the American Secretary of State advises that the United States Government has considered and finds acceptable the revised recommendations and is prepared to approve the joint report made by the technical officers on June 20, 1924, amended by the adoption of the same, observing, however, that the approval of the United States Government is given on the understanding, reserved by its technical officers, that consideration at a future time of the unequal diversions of water at Niagara as bearing on the diversions from Lake Michigan is in no wise prejudiced by the omission of the question from those which it is at this time proposed to refer to the Joint Board of Engineers.

The supplementary report of the technical officers, and the proposed Terms of Reference as a whole, having been favourably considered by the National Advisory Committee, St. Lawrence Waterway, the Minister recommends that they be now approved and adopted.

The Committee concur in the foregoing, and on the recommendation of the Secretary of State for External Affairs advise that Your Excellency may be pleased to request His Majesty's Ambassador at Washington to inform the United States Government that the Government of Canada has approved the supplementary report of the technical officers, and the instructions as a whole as revised, subject to the following understanding: That the words "by either Canada or the United States" as appearing in Section 6 (a), mean the Federal authority in each case, and, furthermore, that the consideration by the engineers of the effect of the diversion of water at Chicago on the St. Lawrence project is not to be taken as admitting that any license to take water from the St. Lawrence basin which may be granted by the Government of the United States is binding upon Canada, whatever may be its validity under the domestic law of the United States; that, subject to these observations, the Government of Canada is prepared, upon formal acquiescence by the Government of the United States, to issue to the Canadian section of the enlarged

Joint Board of Engineers the instructions thus agreed upon, and would suggest their publication in Canada and the United States at a time and date to be arranged by telegraph.

All of which is respectfully submitted for Your Excellency's approval.

943.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 157

Washington, March 19, 1925

My Lord,

With reference to my despatch No. 140 of March 9th regarding the publication of certain official documents connected with the St. Lawrence Waterway question, I have the honour to transmit to you herewith copies of two notes from the Department of State dated the 17th instant.

The longer of these two notes is a reply to my note, No. 119 of February 4th, copies of which were enclosed in my despatch under reference, and it forwards a copy of the instructions which the United States Government propose to give to their representatives on the Joint Board of Engineers and gives the comments of the United States Government on the reservations made by the Government of Canada in regard to these instructions.

The second note<sup>1</sup> concurs in the publication of the documents mentioned in your telegrams Nos. 31A and 33A of February 27th and 28th, and suggests that in addition to, and simultaneously with, such publication, the long State Department note of March 17th enclosed herewith, with the instructions, should also be made public.

As regards the last sentence of the second paragraph of the short State Department note of the 17th instant, I am informing Mr. Kellogg that the United States Government may publish my notes in question. These notes merely embody the substance of your despatches to me mentioned in your telegrams above referred to.

I have the honour to ask that I may be informed a suitable time in advance of the date and hour when the Dominion Government propose to publish this correspondence, in order that I may inform the State Department and enable them to effect simultaneous publication in this country.

I have etc.

ESME HOWARD

<sup>1</sup>Non reproduite. Les documents furent remis pour publication simultanée dans les journaux du matin du 23 avril 1925.

<sup>1</sup>Not printed. Documents were released for simultaneous publication in the morning newspapers of April 23, 1925.

## [PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, March 17, 1925

Excellency,

This Government is pleased to learn from your note No. 119 of February 4, 1925, in regard to the instructions to be given to the Joint Board of Engineers which has been appointed to make a further investigation respecting the St. Lawrence Waterway, that the supplementary report made by the technical officers on December 4, 1924, and the proposed instructions as a whole as revised thereby, have been approved and adopted by the Government of Canada.

This Government is pleased to note also that the Government of Canada made no objection to the understanding reserved by the United States in connection with its approval of the recommendations, as amended, namely, that consideration at a future time of the unequal diversions of water at Niagara as bearing on the diversion from Lake Michigan is in no wise prejudiced by the omission of that question from those which will at this time be referred to the Joint Board of Engineers.

This Government notes that the Canadian Government gave its approval to the proposed instructions, as revised, subject to two understandings, namely, (1) that the words 'by either Canada or the United States' as appearing in Section 6 (a) mean the Federal authority in each case, and (2) that the consideration by the engineers of the effect of the diversion of water at Chicago on the St. Lawrence project is not to be taken as admitting that any license to take water from the St. Lawrence basin which may be granted by the Government of the United States is binding upon Canada.

While the Government of the United States is not advised of the reason of the Canadian Government for desiring to restrict the scope of the investigation to be made under Section 6 (a) to diversions authorized by the Federal authorities of the United States or of Canada, and believes that the investigation would be more satisfactory if it were not thus restricted, it will nevertheless, with a view to avoiding delay in the consideration of the major questions involved, and without prejudice to any of its legal rights in the premises, not interpose any objection to the first of the understandings stated by the Dominion Government. Likewise, this Government will make no objection to the second of those understandings.

In addition to the observation above that the acquiescence of this Government in the first of the foregoing understandings is without prejudice to its legal rights, this Government considers that it is appropriate to remark that as the work of the Joint Board of Engineers will be limited to the investigation and determination of facts and the preparation of plans and estimates, the legal rights of the United States and of Canada in relation to any question

will not be affected by reference or omission of reference of it or of other questions to the Board or by the action of the Board on the questions that are referred to it.

This Government is therefore giving instructions to its members of the Joint Board of Engineers in accordance with the joint reports made by the technical officers for the United States and Canada on June 20, 1924 and December 4, 1924. A copy thereof is enclosed. The suggestion made in your note of February 4 last, that the instructions be made public simultaneously in the United States and Canada is agreeable to this Government and it is prepared to make them public on the day which the Canadian Government may designate. It is suggested, however, that this be done on the same date that the correspondence referred to in your note No. 223 of March 5, 1923 is made public.

Accept etc.

FRANK B. KELLOGG

CONTREBANDE  
SMUGGLING

944.

*L'ambassadeur aux États-Unis au secrétaire aux Affaires étrangères*  
*Ambassador in United States to Foreign Secretary*

DESPATCH 615

Washington, May 25, 1922

My Lord,

On the 17th instant I informed your Lordship by telegraph that the Supreme Court of the United States had, two days previously, handed down a decision, arrived at by a majority vote, holding that shipments of intoxicating liquors passing in-transit through the territory of the United States contravene the Eighteenth Amendment to the United States Constitution and the National Prohibition Act. I have now the honour to transmit the text<sup>1</sup> of the opinion of the Supreme Court as delivered by Mr. Justice Holmes together with the text of the dissenting opinion written by Mr. Justice McKenna and concurred in by two of his colleagues on the Bench.

...

The decision now rendered by the Supreme Court sets aside the favourable finding of the U.S. District Court for the Eastern District of Michigan and confirms the unfavourable finding of the U.S. District Court for the Southern District of New York. It holds that Article XXIX of the Treaty of 1871 between the United States and Great Britain has been abrogated by the National Prohibition Laws if, indeed, that Article had not been already abrogated as was maintained by Presidents Cleveland and Harrison. The general effect of the Court's judgment is to make illegal all in-transit shipments

<sup>1</sup>Non reproduit.

<sup>1</sup>Not printed.

of wines, spirits, etc. through American territory or American waters. The United States Treasury Department lost no time in so advising Collectors of Customs at the various ports and at border points. Instructions were issued to those officials to refuse entry to all liquors arriving in transit after May 17th.

. . .

A copy of this despatch is being forwarded to His Excellency the Governor General of Canada for the consideration of the Canadian Government.

I have etc.

A. C. GEDDES

945.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

DESPATCH 196

Washington, June 29, 1922

My Lord,

I have the honour to transmit to you herewith a copy of an aide mémoire which was communicated to me yesterday by the Under Secretary of State in regard to the question of the suppression of the liquor traffic between Canada and the United States. It will be seen that the Prohibition Commissioner is anxious that legislation should be passed in Canada which would prohibit shipments of liquor to the United States unless a permit from United States Federal or State authorities had first been obtained.

In conversation with the Under Secretary of State I pointed out that no useful purpose was likely to be served by such legislation so long as the American authorities along the border, and particularly in the town of Detroit, were apparently working hand-in-glove with the liquor smugglers.

I also have the honour to transmit, for the confidential information of Your Excellency and of the Government, copy of a despatch<sup>1</sup> which I have addressed to the Secretary of State for Foreign Affairs with regard to the general question of assistance to the United States authorities in preventing the smuggling of liquor from British territory.

I have etc.

H. G. CHILTON

P.S. A copy of this despatch has been sent to the Foreign Office.

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

## [PIÈCE JOINTE / ENCLOSURE]

*Le département d'État des États-Unis à l'ambassade aux États-Unis*  
*Department of State of United States to Embassy in United States*

## AIDE-MÉMOIRE

One of the most serious difficulties encountered in the enforcement of the American prohibition law has arisen in connection with liquor illegally imported into the United States across the Canadian border. This matter has been receiving the serious attention of the Department of the Government of the United States charged with the enforcement of the law.

In seeking means to prevent these illegal importations of liquor, Prohibition Commissioner Haynes has had some correspondence with The Honorable James Hales, Chairman of the Board of License Commissioners for Ontario, with regard to the possibility of Dominion legislation which would prohibit shipments of liquor to the United States unless a permit from the United States Federal or State authorities were first obtained. Mr. Hales states that the Solicitor General of Canada intimated that, if a request for such legislation came from the Government of the United States, the Canadian Parliament might give effect to the request.

One of the important officials of the Canadian Government said, in writing to Mr. Hales:

You will remember that what I told you was that if the proper authorities of the United States Government took the question up with the Government of Canada, there would be a much better chance to have proper action taken, as you will readily understand that this Government or its officials do not care to be pressing their services upon the officials of the United States unless some proper and necessary steps are taken by themselves to obtain such assistance.

Mr. Haynes, Prohibition Commissioner, believes that if the Canadian Government would pass the legislation suggested above it would practically control the Canadian border smuggling problem and would prevent the entrance into this country of a very substantial quantity of Canadian liquor.

Washington, June 27, 1922

946.

*Le chargé d'affaires aux États-Unis au secrétaire par intérim*  
*aux Affaires étrangères*

*Chargé d'Affaires in United States to Acting Foreign Secretary*

DESPATCH 786

Washington, June 30, 1922

My Lord,

I have the honour to transmit to Your Lordship herewith copy of a note which I have received from the Secretary of State in regard to the question of co-operation on the part of the British and American authorities for the purpose of restricting the smuggling of liquor into this country. The Secretary

puts forward certain proposals to this end, including the supervision of the issuance of registries to vessels suspected of being engaged in illegal traffic and an arrangement between the two countries by which their respective authorities would be authorized to exercise a measure of control beyond the three-mile limit of territorial waters.

Mr. Hughes draws special attention to the apparent ease with which vessels of American registry are transferred to British registry, particularly at the Bahama Islands and, in this latter respect, the suggestion is made that the authorities at Bermuda and the Bahama Islands might be disposed to refuse the privilege of registry to American vessels unless a certificate is first produced showing that the vessel has been tendered to the Shipping Board.

While it is of course true, as pointed out in a letter from the Colonial Office dated the 10th of August, 1921 (which formed the enclosure to Lord Curzon's despatch No. 1147 of the 24th of August) that, under international law, a State is only responsible for the enforcement of its own laws, I nevertheless desire to express the hope that His Majesty's Government will not lose sight of the internal political situation in this country when giving consideration to the proposals now put forward by the American Government.

I have the honour in particular to invite reference to the observations contained in the last paragraph of Sir A. Geddes' despatch No. 452 of the 11th of May, 1921, and also in his despatch No. 667 of the 19th of May, 1920. His Majesty's Government would doubtless, in any case, be reluctant to take any action which interfered with the principle under which they have always resisted the claim of any State to jurisdiction outside the three-mile limit of territorial waters. Indeed, in the case of America it is necessary to proceed with special caution having regard to the openly expressed intention of many members of Congress to introduce measures which will render foreign vessels liable to a fine when entering American waters should they have liquor on board or even should liquor have been sold on such vessels during the voyage across the Atlantic. To extend American jurisdiction beyond the three-mile limit would obviously increase the capacity of the American Revenue Officers for interference with vessels innocent of any intention to engage in smuggling. At the same time there are certain other cooperative measures, such as the passage of legislation to prevent the smuggling of liquor to the United States and the tightening up of regulations governing the transfer of vessels to British registry, which might well be taken without involving any departure from important principles of international law. It would be understood, of course, that such measures, if taken, must be regarded purely as an act of grace on the part of the Dominions and Colonies concerned.

It is also a matter for consideration whether, assuming that His Majesty's Government and the Dominion and Colonial Governments concerned are prepared to take steps in the direction desired by the American Government, we should not ask for some *quid pro quo* in the nature of an undertaking that British vessels engaged in legitimate traffic would not be subject to interference within American territorial waters merely on account of the conveyance as

ships stores, or as cargo consigned to another port, of spirituous liquors or wines properly sealed, or on account of such liquors having been sold on the high seas. It appears to me that this *quid pro quo* should in any case be insisted upon if His Majesty's Government should be prepared to consider favourably an extension of the three-mile limit for the purposes proposed by Mr. Hughes.

I have the honour at the same time to transmit to Your Lordship a copy of a despatch<sup>1</sup> which I have addressed to the Governor-General of Canada with regard to the suppression of liquor traffic along the Canadian border. It seems desirable that these two communications from the State Department should, as far as possible, be considered and dealt with on parallel lines and in the light of the more general considerations of policy, to some of which I have drawn attention in this despatch.

A copy of this despatch has been communicated confidentially to the Governor-General of Canada.

I have etc.

H. G. CHILTON

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, June 26, 1922

Excellency,

I have the honor to lay before you certain important considerations with respect to a possible co-operation on the part of British and American authorities with regard to the smuggling of liquor. The authorities of the United States charged with the duty of enforcing the law of this country with respect to this matter are confronted by serious difficulties which they feel might be effectively met with the assistance of British authorities in British territories, which it appears are made bases of operations in flagrant violation of constitutional and statutory provisions of the United States. It is understood that the importation of intoxicating liquors into the Canadian Provinces of Nova Scotia, Manitoba, Saskatchewan and Alberta, is also prohibited by law.

I venture to submit definite suggestions as to methods by which the existing extremely unfortunate conditions might be remedied. It is believed that effective measures for this purpose might be taken by a careful supervision of the issuance of registries to vessels suspected of being engaged in illegal traffic and of the issuance of clearance papers for such vessels, and by an international arrangement between the United States and Great Britain under which the authorities of each nation would be authorized to exercise beyond the three-mile limit of territorial waters a measure of control over vessels belonging to the other.

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.



It has been found that many of the ships engaged in the illegal smuggling of liquor into the United States are registered under the British flag and that large quantities of liquor are carried by such vessels from the Bahamas Islands and from Bermuda. It appears that, in order to evade the customs officers and prohibition agents of the United States, the persons engaged in this illicit traffic of smuggling liquor into the United States from the Bahamas Islands have adopted the practice of packing the liquor so that it can be easily taken ashore in the United States. Liquor is placed in triangular-shaped packages consisting of six bottles carefully sewed in burlap, so that it can very easily be unloaded, and even a small ship can carry a very large consignment in a comparatively small hold space. Liquor is carried on both large and small ships; schooners carry cargoes out to sea from Nassau and unload them off the coast of the United States, and smaller boats carry their cargoes to Bimini and Gun Key, and from these places it is transported to West Palm Beach, Daytona and Fort Lowdendale [*sic*]. A list of vessels said to be plying between the United States and the Bahamas is herewith enclosed.<sup>1</sup>

This Department's attention has been drawn to the ease with which it seems vessels of American registry are transferred to British registry for the purpose of preventing the authorities of the United States from taking the necessary steps to thwart these smuggling operations. It is understood that British laws require that vessels to be entitled to British registry must be owned by British subjects. Apparently reliable information indicates that American citizens of questionable reputation who are known to be engaged in the smuggling business have succeeded in obtaining British registry at the Bahamas Islands for a large number of American vessels by means of the execution of paper transfers purporting to convey title to vessels to British subjects in the Bahamas, although the actual interest in the vessels continues to rest in American citizens.

Reference may be made in this connection to the fact that, under the laws of the United States relating to the transfer of registry, it is necessary for the owner of an American vessel to obtain a certificate from the United States Shipping Board showing that the vessel has first been tendered to the Board before the privilege of transferring it to a foreign register can be obtained. It would be of great assistance to this Government in combating the illicit traffic in liquors if authorities at Bermuda and in the Bahamas Islands should refuse the privilege of registry to American vessels unless a certificate from the United States Shipping Board is produced showing that the vessel has first been tendered to it. It is understood that for some time British laws have imposed restrictions necessitating some form of acquiescence of British authorities to the transfer of registry. It would seem that laws of this character cannot well be effectively administered unless the authorities of one nation are disposed to take cognizance of the legislation of another nation.

There is information before the Department indicating that the authorities at the Bahamas Islands have in many cases issued two sets of clearance papers to ships which have taken on board cargoes of liquor. It is said that persons

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

engaged in this traffic have openly made the statement that they have no trouble in obtaining from the Bahamas customs officials one set of clearance papers for a cargo of liquor declared to be destined for Halifax, Tampico or St. Pierre, and other clearance papers issued "in ballast" for an American port. This procedure is adopted by the liquor smugglers so that the ship may come within unloading distance of American shores, and if caught with a cargo of liquor on board the master can exhibit the clearance to Mexico or Canada; if the ship has succeeded in unloading the cargo on the shore without being captured, it proceeds into an American port with the second clearance papers.

. . .

While existing nefarious practices might be largely stopped by appropriate precautionary measures with respect to the issuance of British registries to vessels engaged in smuggling and with respect to the issuance of clearance papers to such vessels, the situation with which the authorities of this Government are confronted has become so serious that this Government feels prompted to inquire whether your Government would be disposed to enter into a treaty for the purpose of checking the illegal practices in question. Such a treaty might contain reciprocal provisions authorizing the authorities of each Government to exercise a right of search of vessels of the other beyond the three-mile limit of territorial waters to the extent of twelve miles from the shore. It would appear that no inconvenience would be experienced as a result of the exercise of such a right by vessels engaged in legitimate trade between Nassau and Halifax. It is evidently natural for such vessels to take a direct route to Hatteras and then a direct course to Diamond Shoal Lighthouse and from thence to Halifax. Apparently this course brings vessels at no point within four leagues of the American shore. I shall be glad if you will bring the contents of this communication to the attention of your Government, which I have no doubt will appreciate the serious considerations which prompt the request that the matters therein presented receive earnest consideration at the earliest convenient time.

Accept etc.

CHARLES E. HUGHES

947.

*L'ambassadeur aux États-Unis au Foreign Office*  
*Ambassador in United States to Foreign Office*

PARAPHRASE OF TELEGRAM 61

Washington, September 19, 1922

SECRET. Referring to my despatch No. 1000 and my despatch No. 15. Several fast armed vessels have reinforced prohibition flotilla which has resulted in the increased seizure of British and Canadian liquor boats. Undoubtedly there are some cases which never even get into the papers but fifteen cases in all have been reported to Embassy. Cases of seizures are also now being effected at much greater distance from the shore, and in the latest

case, that of Canadian sailing vessel *H.M. Gardner*, it seems undoubtedly that ship was seized nearest land at least eight miles and probably twenty-two miles.

Seizure of money found on vessels brought in amounting to as much as fifty thousand dollars in one case, is another new feature in recent cases. Seizure of this money although it most probably represents proceeds of liquor sold to small boats coming out from shore, cannot I think be defended even under American law.

Although H.M. Consul[ar] Officers are doing their best for all British nationals, the treatment of crews appears to be unsatisfactory and sometimes brutal.

Legal proceedings are protracted beyond all reason once vessel is seized, and no case has yet been brought shipping court as far as I am aware.

It seems to me that time may have come for re-consideration of policy of non-interference so far pursued and that we should at least request United States Government to state principles on which these seizures are being made even although I am convinced that all seizures so far reported have been vessels engaged in contraband traffic with shore. Detailed report of recent cases is being sent. Sent to Canada by post.

GEDDES

948.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

PARAPHRASE OF TELEGRAM 35

Washington, September 26, 1922

SECRET. After a Cabinet Meeting a statement was issued to-day at the White House to the effect that an embarrassing situation which may involve the United States in diplomatic discussions with foreign nations has been threatened by the activities of prohibition officers beyond the three mile limit. In future prohibition officers will be enjoined to use more judgment, but to the searching of ships beyond the three mile limit which are known to be in contact with the shore – such as running of small craft of (from) ship to some point on the land – this caution will not apply. According to communiqué this point, which is stated to be now before Supreme Court, has been held to be a violation of the prohibition laws by several courts of the United States. Following discussion between Secretary of State and me this action was decided on, with special reference to Canadian ships, by the United States Government. I hope Canadian Government will find this satisfactory.

GEDDES

949.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

PARAPHRASE OF TELEGRAM

Ottawa, September 30, 1922

SECRET. Searching of vessels by the United States prohibition Officers. My Ministers state that announcement with regard to vessels not in contact with

shore contained in your cypher telegram of 26th September, though not very definite or precise, is satisfactory as far as it goes. More detailed information is being awaited by the Secretary of State for External Affairs before communicating to Embassy protests in case of Canadian Schooner *Marion Mosher* said to have been seized on or about 20th August last outside the three mile limit, and also relative to Canadian *H.M. Gardner* seized while twenty-four miles from the United States coast by American Customs authorities on 13th September. Captain and crew of latter have been placed under arrest and the vessel towed into New York. My Ministers anxious to know whether you can ascertain present position of these two vessels, and with particular reference to release of captain and crew of *Gardner*, the course likely to be followed by the United States authorities in regard to them. Despatch follows by mail.

BYNG

950.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

PARAPHRASE OF TELEGRAM

Washington, October 2, 1922

SECRET. Referring to your telegram 30th September. With the exception of two members of the *Gardner* who turned States evidence and are being kept in jail as witnesses, Masters and crews of *Marion M* and *H.M. Gardner* have all been released. His Majesty's Consul at New York is doing everything possible for them and copies of relevant despatches are being sent to you. Regarding my enquiry whether the announcement of September 26th is to be made retrospective and all vessels released which are not accused of having been in contact with the shore by means of their own boats, reply is being awaited from Secretary of State.

There can be little doubt that so far, every vessel seen [?] has been engaged in smuggling operations, and I feel sure your Ministers will appreciate the desirability of proceeding with circumspection in the matter of written protests or representations in view of the strong political sentiment surrounding the prohibition question in this country.

Short of this however, everything possible is being done to obtain release of vessels and crews.

GEDDES

951.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 275

Washington, October 18, 1922

My Lord,

With reference to His Majesty's Consul General at New York's despatch to me No. 1576 of October 16th, of which a copy was sent to Your Excellency, reporting the seizure by United States authorities of the Canadian Schooner

*Emerald* with a cargo of liquor, I have the honour to transmit herewith copy of the memorandum which I addressed to the Secretary of State yesterday on the subject of this seizure.

The memorandum was left at the State Department by a member of my staff, who took the opportunity to make strong verbal remonstrances to the Head of the Western European Division against the action of the prohibition authorities which appears to be in direct conflict with the recently announced decision of the United States Government to refrain from seizing any craft outside the three-mile limit unless it could be shown that the vessel was in communication with the shore for illegal purposes by means of her own small boats.

My letter of September 29th to the Secretary of State, which is referred to in the enclosed memorandum, contained a semi-official enquiry as to whether this ruling was intended to be retroactive and therefore to apply to the cases of vessels already seized. To this enquiry I have so far had no reply due, I understand, to an acute divergence of opinion between the State Department and the office of the Attorney-General.

I have etc.

A. C. GEDDES

[PIÈCE JOINTE / ENCLOSURE]

*L'ambassade aux États-Unis au département d'État des États-Unis*  
*Embassy in United States to Department of State of United States*

NOTE 791

His Britannic Majesty's Ambassador presents his compliments to the Secretary of State and has the honour to inform him that he has received an official report to the effect that the Canadian Schooner *Emerald* was seized by United States authorities early yesterday, October 16th, with a cargo of liquor at a point stated to have been eight miles from shore off Jones Inlet. It is understood that the Captain of the vessel claims that his position was twenty-four miles south-east by east of Highlands or over twelve miles from shore and that this position was fixed by bearings, soundings and chronometer. The vessel is reported to have had an American motor boat alongside in which the authorities claim to have discovered liquor.

If the facts of this case are as stated above, Sir Auckland Geddes cannot but consider that the seizure of this vessel is in violation of the recent ruling of the United States Government, referred to in the letter which His Britannic Majesty's Ambassador had the honour to address to Mr. Hughes on September 29th last. Sir Auckland Geddes would, therefore, request that the circumstances of the seizure may be investigated immediately from this point of view.

H. G. CHILTON

Washington, October 17, 1922

952.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 151

Ottawa, November 27, 1922

Sir,

With reference to Your Excellency's despatch No. 289 of the 2nd November, regarding the proposals put forward by Mr. Hughes, Secretary of State of the United States, with a view to the restriction of liquor smuggling, I have the honour to inform Your Excellency that the Department of Marine and Fisheries, being anxious to co-operate with His Majesty's Government in the steps taken to stop the false transfer of vessels from United States to British registry in Canada, has issued instructions to Registrars of Shipping in Canada that in every case where an application is made to them to register a vessel which has been purchased from a United States subject, if the application for registry is not supported by a certificate under the seal of the United States Shipping Board authorizing the transfer to British registry, all papers must be forwarded to the Department of Marine and Fisheries for instructions before entering the vessel in the Register Book.

A copy of the instructions to Registrars is enclosed herewith.<sup>1</sup>

I have etc.

BYNG OF VIMY

953.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 323

Washington, December 12, 1922

CONFIDENTIAL

My Lord,

With reference to my despatch No. 305 of the 15th ultimo relative to the new regulations affecting the transfer of United States ships to foreign registry, I have the honour to transmit to Your Excellency herewith copy of a transfer order<sup>2</sup> authorizing, under certain conditions, the sale and subsequent transfer to Canadian registry of the American S.S. *Matoa*.

Two of the conditions laid down by the United States Shipping Board in this document state that (a) the vessel must not be used for the transportation of liquor to and from the United States and that if any infraction of this undertaking comes to light, the *Matoa* will be liable to seizure and forfeiture by the United States authorities, and (b) that the ship in question must not be used in trade with any American port.

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

<sup>2</sup>Non reproduite.

<sup>2</sup>Not printed.

It occurs to me that the unusual conditions attaching to this transfer may not have been brought to the attention of the proper Canadian authorities. In view of the important effect which these stipulations might have upon British shipping interests, and the complications which might ensue from any attempt on the part of the United States authorities to enforce the penal provisions of the transfer order, I should be grateful if I might be informed whether, in the opinion of the Dominion Government, it is desirable that transfers to British registry should be accepted under such conditions.

A copy of this despatch is being communicated to His Majesty's Principal Secretary of State for Foreign Affairs.

I have etc.

(For the Ambassador)

H. G. CHILTON

954.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 5

Ottawa, January 11, 1923

CONFIDENTIAL

Sir,

With reference to Your Excellency's Confidential Despatch No. 323 of the 12th December, referring generally to restrictions which have been attached by the United States Shipping Board to permits granted by the Board to transfer United States vessels to foreign registry, and more particularly to the permit granted for the transfer of the Steamer *Matoa* to Canadian registry, I have the honour to point out that, as the conditions laid down by the United States Shipping Board practically amount to an assertion of continued control of ships which are no longer vessels of the United States, the Department of Marine and Fisheries is not prepared to concede to the Government of the United States the right in any way to exercise jurisdiction over ships which may have come upon the Register Books of British Ships in Canada beyond such jurisdiction as may from time to time be applicable to all vessels of foreign registry while in United States waters.

Instructions, therefore, have been issued to Registrars of Shipping in Canada to refuse all applications to register vessels purchased from United States citizens, where the Order of the United States Shipping Board authorizing the sale and transfer of flag, or where the Bill of Sale contains any provisions restricting the use of the vessel in the manner indicated in the Order authorizing the transfer of the *Matoa*.

I have etc.

BYNG OF VIMY

955.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 92

Washington, March 14, 1923

My Lord,

I have the honour to transmit to Your Excellency herewith copy of a note from the United States Government drawing attention to the difficulties experienced by the Prohibition authorities in enforcing the law on the Canadian border and mentioning in particular the fact that small motor-boats are permitted by the Canadian authorities to take on cargoes of liquor and subsequently clear for some port in the United States.

Mr. Hughes proceeds to enquire whether, in view of the fact that the importation of liquor into the United States is illegal, the Dominion Government would be disposed to decline to issue clearance papers to vessels loaded with liquor destined for an American port.

I should be glad to learn what reply the Dominion Government desire me to return to the United States Government. I feel sure that anything which Your Excellency's Ministers feel able to do with a view to complying with this request will be greatly appreciated by the United States Government.

I have etc.

A. C. GEDDES

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, March 7, 1923

Excellency,

I have the honor to state that I have received communications from the authorities of this Government stating that difficulties have been experienced in enforcing the prohibition laws of the United States along the Canadian border because small motor boats are permitted by the Canadian authorities to take on cargoes of liquor and to make a regular customs clearance to some port in the United States, thus complying with the Canadian law which prohibits the sale of liquors to persons in Canada but allows its exportation to a foreign country. Particular reference is made to the smuggling of liquor into the United States from Belleville and Corbyville, Canada. It is further stated that these boats are American owned. As they do not enter at an American port they do not make a customs entrance, the merchandise being landed at night and transported by automobiles to points of delivery.

As the importation of liquor into the United States without a permit is illegal, it would seem that the Canadian authorities might be disposed to decline to grant clearance papers to vessels with cargoes of liquor destined



to ports in the United States, unless a permit authorizing its importation is presented. Such action would only result in the withdrawal of these facilities from persons engaged in attempts to violate the laws of the United States.

In your note No. 781 of October 13, 1922, you stated that His Majesty's Government "are desirous of assisting the United States Government to the best of their ability in the suppression of the traffic". Under the circumstances I have the honor to inquire whether the Canadian Government would be disposed to issue instructions to its collectors of customs that they should not issue clearances to vessels carrying cargoes of liquor destined to ports in the United States unless a permit authorizing such importation is presented.

Accept etc.

CHARLES E. HUGHES

956.

*L'ambassadeur aux États-Unis au Gouverneur général*  
*Ambassador in United States to Governor General*

DESPATCH 201

Washington, May 23, 1923

My Lord,

I have the honour to transmit to Your Excellency herewith copy of a letter from the Under-Secretary of State<sup>1</sup> in which Mr. Phillips enquires as to the action taken by this Embassy in connection with a State Department Aide-mémoire, dated June 27th, 1922, relative to the illegal importation of liquor into the United States across the Canadian border. A copy of this aide-mémoire is also enclosed.<sup>2</sup>

With reference to the third paragraph of Mr. Phillips' letter I would inform Your Excellency that a copy of the aide-mémoire in question formed one of the enclosures in Mr. Chilton's despatch No. 196 of June 29th, 1922,<sup>2</sup> regarding the difficulties encountered by the United States Government in the enforcement of the national prohibition laws.

As of possible assistance in tracing the correspondence in question, I would refer to my despatches Nos. 92 and 146 of March 14th and April 26th last respectively, dealing with the difficulties experienced by the Prohibition authorities in enforcing the law on the Canadian border, and mentioning in particular the fact that motor-boats are permitted by the Canadian authorities to take on cargoes of liquor and subsequently to clear for an American port. I trust that Your Excellency will soon be in a position to send me a reply on this subject.

I shall also be glad to learn whether Mr. Chilton's despatch No. 196 of June 29th last was in fact safely received. Your Excellency will doubtless com-

<sup>1</sup>Non reproduite.

<sup>1</sup>Not printed.

<sup>2</sup>Voir la pièce jointe au doc. 945.

<sup>2</sup>See enclosure to Doc. 945.

municate to me in due course the observations of the Dominion Government on the enclosed aide-mémoire.

I have etc.

[For the Ambassador]

H. G. CHILTON

957.

*L'ambassadeur aux États-Unis au secrétaire aux Affaires étrangères<sup>1</sup>*  
*Ambassador in United States to Foreign Secretary<sup>1</sup>*

TELEGRAM

Washington, June 11, 1923

My telegram No. 255. Secretary of State sent for counsellor to-day and said he was most anxious that inconvenience caused to maritime powers by recently issued prohibition regulations should be overcome. With that end in view he had drafted a treaty which he suggests should be concluded between United States and the various maritime powers, text of which is given in my immediately following telegram.

Secretary of State said that he was sure that Congress would not amend the law in so far as it relates to carriage of liquor in foreign vessels without some *quid pro quo* in view of the strong sentiment which still existed both in Congress and in the country in favour of prohibition. Main argument which would be used would be "why should we do anything to assist foreign powers which will do nothing to assist us in preventing their ships from breaking our laws"? Whereas, if it could be shown by means of these treaties that foreign governments were assisting United States by consenting to right of search up to 12 miles, Mr. Hughes was convinced that a very favourable sentiment would be created and he was sure that treaties would be ratified by Senate.

Mr. Hughes begged that no publicity should be given to this scheme at present though he realised that Your Lordship would of course wish to discuss it with other maritime powers to whom he is communicating draft text.

Mr. Chilton said he knew that His Majesty's Government had always been seriously averse to any interference with vessels outside the three mile limit, but he could not say what view they would take with regard to Mr. Hughes' proposal.

Mr. Chilton added that he presumed that proposed scheme would not involve any further interference with vessels regularly plying to United States ports than took place at present.

Mr. Hughes assured him that it would not.

<sup>1</sup>Le texte du télégramme fut transmis au Gouverneur général dans une dépêche du secrétaire aux Colonies en date du 30 juin 1923.

<sup>1</sup>The text of this telegram was transmitted to the Governor General by the Colonial Secretary in a despatch dated June 30, 1923.

958.

*L'ambassadeur aux États-Unis au secrétaire aux Affaires étrangères*  
*Ambassador in United States to Foreign Secretary*

TELEGRAM

Washington, June 11, 1923

My immediately preceding telegram. *Article 1.* The High Contracting Parties, without attempting to extend as between themselves limits of their respective territorial waters adjacent to high seas, agree that authorities of either Contracting Party may, within distance of twelve geographical miles from its coasts, board the private vessels of the other and make enquiry of masters as to whether such vessels or person or persons controlling them are engaged in any attempt, either with or without co-operation of other vessels or persons on board same, to violate laws of high contracting party making enquiry and prohibiting or regulating unloading near or importation into its territories of any articles.

An officer of one Contracting Party boarding a private vessel of the other may examine manifest of vessel and make enquiry of master with regard to cargo and destination. If such officer has reason to believe from statements of master or from documents exhibited by him or otherwise, that vessel or person or persons controlling it, either with or without co-operation of other vessels or persons on board same is or are engaged in wilful commission of acts, which constitute a violation of laws of state, of which such boarding officer is an official, with regard to unloading or importation of any article or articles, he shall impart his belief to master of vessel and thereupon may, with the aid of master, institute a search of vessel and an examination of any articles on board. Search shall be conducted with courtesy and consideration which ought to be observed between friendly nations. If there is reasonable cause for belief that vessel or person or persons controlling it is or are wilfully engaged, with or without co-operation of other vessels or persons on board same, in commission of acts which constitute a violation of laws of state, whose officer has conducted search, forbidding or regulating unloading near or importation into its territories of any article or articles, vessel, cargo and person or persons controlling it or them may be seized and brought in for an adjudication and subjected to imposition of penalties established by law by party whose laws and regulations are found to have been violated.

*Article 2.* Any article or articles importation of which into territories of either High Contracting Party is or are for any purposes prohibited by its laws, but which is or are listed as sea stores or as cargo destined for port foreign to either High Contracting Party, on board a private vessel of either High Contracting Party destined for a port of above High Contracting Party, may be brought within territorial waters of such other High Contracting Party on condition that upon arrival of vessel so destined within twelve geographical miles of such High Contracting Party, whose territorial waters are about to be entered, such article or articles may be placed under seal by appropriate officer of that party and shall be kept sealed continuously thereafter, until vessel

enters and during entire stay of vessel within those waters, and no part of such article or articles shall during that period be removed from under seal for any purposes whatsoever.

Upon departure of vessel from such territorial waters, destined for a foreign port, such article or articles under seal may be released therefrom either by an officer of vessel or by an officer of party affixing seal.

959.

*L'ambassadeur aux États-Unis au secrétaire d'État des États-Unis*

*Ambassador in United States to Secretary of State of United States*

No. 494

Washington, June 19, 1923

Sir,

With reference to the note which you were so good as to address to me on March 7th last regarding the illegal traffic in liquor across the Canadian border, I have the honour to inform you that I am now in receipt of a communication from His Excellency the Governor General of Canada relative to the issuing of clearance papers to small motor-boats and other vessels leaving Canadian ports, particularly Belleville and Corbyville, Ontario, with cargoes of liquor destined to ports in United States territory.

The Government of Canada have carefully investigated the matter and have ascertained that the provisions of the law as it stands are being properly observed. Owing to the fact that liquors in bond cannot be exported except upon the giving of a bond of a Guaranteed Company in double duties to produce a foreign customs landing certificate, the liquors in question are all duty paid. The Dominion Government further state that the export of liquor is not prohibited from Canada and that there exists no provision in the customs laws or regulations which would warrant the refusal of clearance papers to vessels carrying liquor destined for a foreign port because of the fact that the entry of such liquors, without special permits, is prohibited at the foreign port in question.

In these circumstances the Government of Canada much regret their inability to adopt the suggestion put forward by the United States Government in regard to this matter.

I have etc.

For the Ambassador

H. G. CHILTON

960.

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

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

No. 695

Washington, July 16, 1923

Sir,

With reference to Sir Auckland Geddes' note No. 494 of the 19th ultimo relative to the illegal traffic in liquor across the Canadian border, I have the

honour to inform you, by request of the Governor-General of Canada, that when a copy of the note which you were so good as to address to Sir A. Geddes on March 7th last was received by His Excellency, it was referred to and dealt with by the Departments of the Canadian Government especially concerned, and that the reply communicated to you in Sir Auckland Geddes' note under reference related exclusively to the observance of Canadian laws as they stand at present.

With regard to the general question whether the Canadian Government would be disposed to co-operate with the United States Government by prohibiting shipments of liquor from Canada to the United States unless a permit authorizing such shipments be first obtained from the competent United States authorities, I have to inform you that the Dominion Government have every desire to furnish such information to the American authorities as will assist them in securing observance of the United States law just as the Government of Canada would themselves welcome the co-operation of the United States Government in similar circumstances.

In this connection, I would add that Canadian Customs officers at Frontier ports already made a practice of notifying American Customs officials in adjacent territory of the exportation of duty paid liquors by vessels and that in some instances American officials have been present at the time such shipments were made from Canada.

I have the honour further to inform you that the Dominion Government would be glad to receive at Ottawa a representative of the United States Government with a view to discussing the possible ways and means of furnishing additional assistance with a view to meeting the situation described in your note of March 7th last. The Governor-General of Canada desires me to assure you that the attitude of the Canadian Government in this matter is entirely friendly, and is inspired by a desire to further as far as possible the most cordial relations with the United States.

I have etc. H. G. CHILTON

961.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

DESPATCH 295

Washington, August 2, 1923

My Lord,

With reference to my despatch No. 283 of the 24th ultimo regarding the illegal transport of liquor into the United States from Canada, I have the honour to transmit to Your Excellency herewith copy of a note which I have received from the Secretary of State.

I shall be grateful if Your Excellency will be so good as to inform me in due course as to the place and time of the proposed Conference so that the United States Government may be enabled to make arrangements accordingly.

I have etc. H. G. CHILTON

## [PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis au chargé d'affaires aux États-Unis*  
*Secretary of State of United States to Chargé d'Affaires in United States*

Washington, August 1, 1923

Sir,

Reference is made to your Note No. 593 of July 16, 1923, informing me that the Canadian Government is desirous of assisting the United States in preventing the smuggling of liquor from Canada, and is willing to receive a representative of this Government at Ottawa to discuss ways and means of furnishing additional assistance to the authorities of this country.

This Government has now selected as its representative for the suggested conference, Mr. McKenzie Moss, Assistant Secretary of the Treasury Department, who has direct charge of Internal Revenue, including Prohibition and also of both the Customs Service and the Coast Guard. He will be accompanied by several expert assistants.

I shall, therefore, be grateful if you will be good enough to inform me at what time and place in Ottawa the Canadian authorities would be willing to receive Mr. Moss and his assistants.

Accept etc.

CHARLES E. HUGHES

962.

*Le chargé d'affaires aux États-Unis au secrétaire d'État des États-Unis*  
*Chargé d'Affaires in United States to Secretary of State of United States*

No. 670

Washington, August 9, 1923

Sir,

At the request of His Excellency the Governor General of Canada, I have the honour to draw your earnest attention to the difficulties encountered by the Government of the Yukon Territory in the matter of the importation of liquor into the Yukon Territory via the port of Skagway in United States Territory and the Yukon port of Whitehorse. The reason for these difficulties appears to be that the United States authorities consider that, under the recent Supreme Court decision in the case of the United States Treasury versus the Cunard Steamship Company, the transportation of liquor across any territory of the United States is prohibited.

In the view of the Government of the Dominion of Canada liquor shipments for the Territory of the Yukon Government cannot be considered to be analogous either to in-transit shipments across American Territory from Canada to Mexico or to liquor on board a vessel intended for consumption thereon. Shipments of liquor for the Yukon Territory appear rather to imply

a question of principle similar to that of shipments through the Panama Canal zone which latter were by Congress specially exempted from the operation of the United States prohibition laws.

I would further draw your attention to the fact that under the provisions of Article 26 of the Treaty of Washington the Government of Canada possesses the right to transport liquor into the Yukon Territory via the Yukon River. In view of this treaty right the Government of Canada find it difficult to understand why the United States Government should be unwilling to take such steps as may be necessary to authorise the shipment of liquor via Skagway which affords a more convenient and less expensive route.

In these circumstances and having regard to the fact that such liquor is imported and dispensed *exclusively* by the Government of the Yukon Territory and to the treaty rights of the Government of Canada in this question, I have the honour to ask your good offices with the competent authorities of the United States Government and I trust that they may see their way to take immediate steps to regulate this matter in the sense desired by the Dominion Government.

In view of the short season of navigation in the Far North West I would draw your attention to the importance of this question being settled at the earliest possible moment and I have the honour to request the favor of an early reply.

I have etc.

H. G. CHILTON

963.

*Le secrétaire aux Colonies au Gouverneur général*

*Colonial Secretary to Governor General*

DESPATCH 336

Downing Street, September 6, 1923

SECRET

My Lord,

With reference to my Secret despatch Dominions No. 281 of the 1st of August, I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copies of an Aide-mémoire on the subject of the *extension of the three-mile limit to twelve miles* for the purpose of search and seizure of goods the importation of which is prohibited in the United States of America, which was handed to the United States Secretary of State by His Majesty's Representative at Washington on the 14th of July, and of a Note from the United States Government in reply, dated the 19th of July.

I have etc.

DEVONSHIRE

## [PIÈCE JOINTE 1 / ENCLOSURE 1]

*L'ambassade aux États-Unis au département d'État des États-Unis*  
*Embassy in United States to Department of State of United States*

## AIDE-MÉMOIRE

His Britannic Majesty's Chargé d'Affaires has received a telegraphic communication from His Majesty's Principal Secretary of State for Foreign Affairs pointing out that theoretically the international validity of the three-mile limit would be strengthened by the conclusion of a treaty making an exception for a special purpose. Practically, however, such a treaty would weaken the principle because it would form a precedent for the conclusion of further similar treaties until finally the principle would become a dead letter. For this reason Lord Curzon felt bound to state when questioned in Parliament that His Majesty's Government could not accept the proposal of the Secretary of State of the United States.

In the opinion of Lord Curzon, Mr. Hughes' proposed treaty would not provide for any immediate remedy for the present difficulties, seeing that it could not be ratified until Congress meets, when an amendment to the Volstead Act could equally well be introduced if the United States Government so desired. Moreover, even if the twelve-mile limit were accepted, cases would inevitably occur liable to cause serious friction between two countries, owing to the difficulty of deciding with any certainty the position of a limit usually out of sight of land, at any rate on the Atlantic coast.

Lord Curzon adds that the Hovering Acts in the United Kingdom were entirely superseded by the Customs Consolidation Act, 1876, by which British municipal legislation is made to conform with international law.

[Washington,] July 14, 1923

## [PIÈCE JOINTE 2 / ENCLOSURE 2]

*Le département d'État des États-Unis à l'ambassade aux États-Unis*  
*Department of State of United States to Embassy in United States*

## NOTE

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Great Britain and acknowledges the receipt of the memorandum under date of the fourteenth instant expressing the views of His Majesty's Principal Secretary of State for Foreign Affairs with respect to the proposed Treaty relating to visit and search of vessels within twelve miles of the coasts of the parties respectively, for the purpose of preventing the illegal introduction of articles into their territories and also relating to the carriage within territorial waters of certain sealed stores and cargo destined for foreign ports.

Preliminarily it should be observed that a draft Treaty was submitted informally simply for the purpose of avoiding misunderstanding and of making a concrete suggestion which could form the basis of discussion. It should also be said that it was not the purpose of the Secretary of State to propose an



extension of the limits of territorial waters and the draft proposal specifically negated such an intention.

It is noted that Lord Curzon points out that the theory of the international validity of the three mile limit would be strengthened by the conclusion of a Treaty making an exception for a special purpose but that he is of the opinion that such a Treaty would weaken the principle because it would form a precedent the following of which would ultimately deprive the principle of force. It is not perceived that this would be the result as no Power would be under obligation to make any other agreements unless it saw fit to do so or to treat the special agreement as a precedent except in a precisely analogous case and there could be inserted in the special agreement any statement or qualification that might be deemed to be desirable to show that it was definitely limited to the particular situation in view.

In relation to Lord Curzon's further suggestion it may be stated that, while the proposed Treaty could not be ratified until the Senate convenes, and while the Secretary of State is not in a position to give an assurance either with respect to the action of the Senate or with regard to the prospect of securing from it an amendment to the Volstead Act in relation to ship liquor and cargo liquor destined to foreign ports, it is believed that the solution of the present difficulty through the making of a fair and reasonable agreement such as is proposed would be the most promising method of securing early action. Therefore Mr. Hughes trusts that the suggestion will not be put aside upon the supposition that another course is equally feasible.

With respect to Lord Curzon's suggestion that, even if the twelve mile limit were accepted, cases would inevitably occur liable to cause serious friction between the two countries owing to the difficulty of deciding with any certainty the position of a vessel usually out of sight of land, at any rate on the Atlantic Coast, it is believed by this Government that the proposed special agreement would do much to reduce, if indeed it would not wholly eliminate, the causes of friction due to the present efforts to evade the laws of the United States. In this connection it must be emphasized that the proposed agreement would not interfere with British vessels engaged in legitimate commerce and bound for American ports. Such vessels will necessarily come not only within twelve miles but within three miles of the American Coast and will hence in any event be subject to examination by American authorities and will of course comply with the applicable laws of the United States. The proposed special agreement would bear only upon those vessels which come within twelve miles but hover off the three mile limit for the purpose of aiding in the smuggling of intoxicating liquor or other prohibited articles into the territory of the United States.

It is impossible for this Government not to take all proper and lawful measures to prevent this illicit traffic from being carried on. An illustration is afforded by the case of the schooner *Henry L. Marshall*, the conduct of which recently came under the scrutiny of the United States Circuit Court of Appeals for the Second Circuit, as stated in the memorandum of the Secretary of State

delivered to the British Embassy on the sixteenth instant. While it is understood that this vessel is not regarded as a British vessel for the reason which His Majesty's Government has stated, reference may be made to the practice of the vessel as showing the conditions with which the American Government is required to deal. The vessel did not come within the three mile limit but she made her arrangements for the carriage of her illicit cargo to the shore of the United States in violation of its laws and as the Court found while the unloading was begun outside the three mile limit it was continued within the territorial waters of the United States and the vessel was engaged contrary to the laws of the United States in introducing her cargo of intoxicating liquors within the commerce of the United States.

This Government has already expressed the hope that the British Government will interpose no obstacles in such cases to the enforcement of the laws of the United States but it is believed that an appropriate agreement which would not injure *bona fide* trade but would facilitate the enforcement of the laws of the United States in preventing the smuggling of liquor would remove occasions for misunderstanding and eliminate the serious friction to which the memorandum under consideration refers.

It may confidently be asserted that there would be no disposition on the part of the American authorities and the special agreement would not justify any attempt to seize a British vessel save within the limits proposed and when it was clear that the vessel concerned was directly involved in an attempt to introduce its illicit cargo into the territory of the United States. British vessels bound for the ports of the United States would encounter no additional obstacles to their trade, and vessels destined for foreign ports which happened to pass on legitimate errands within twelve miles of the American Coast would suffer no inconvenience, while such vessels as were engaged in the unlawful conduct above described would not be able to create difficulties between the two countries, much less serious friction, by attempts to secure immunity for their operations by invoking the protection of the British flag.

Although the Government of the United States regards the proposed agreement as an appropriate setting forth of the proposal, it would cordially welcome the co-operation of the British Government in moulding the form of an arrangement which would reasonably serve a purpose which it is firmly believed may be found to be common to both countries.

[Washington,] July 19, 1923

964.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

DESPATCH 357

Washington, September 19, 1923

CONFIDENTIAL

My Lord,

With reference to Your Excellency's telegram No. 59A of the 15th instant, regarding the importation of liquor into the Yukon Territory, I have the

honour to transmit to Your Excellency herewith copy of a note which I have received from Secretary of State. It appears that the competent authorities of the United States Government cannot see their way to grant the desired permission for the transport of this liquor.

I have the honour to suggest, however, that Your Excellency may be disposed to cause this question to be discussed at the commencement of the forthcoming conference on liquor smuggling to be held at Ottawa, and that the Canadian Government might consider it desirable to intimate through their representatives that a satisfactory issue of the Conference might depend to some extent upon the adoption of a reasonable attitude on the part of the United States Government with respect to the legitimate requirements of the Yukon Territory.

I have etc.

H. G. CHILTON

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État par intérim des États-Unis au chargé d'affaires  
aux États-Unis*

*Acting Secretary of State of United States to Chargé d'Affaires  
in United States*

Washington, September 13, 1923

Sir,

I have the honour to refer to my note dated August 16, 1923, replying to your note No. 670, dated August 9, 1923, concerning the difficulties arising in connection with the importation of liquor into Yukon Territory through Skagway, Alaska. You stated that the reason for these difficulties appeared to be that the authorities of this Government consider, under the recent Supreme Court decision in the case of the Cunard Steamship Company Ltd., v. Andrew W. Mellon et al, that the transportation of liquor across any territory of the United States is prohibited. You also stated that in the view of the Government of the Dominion of Canada liquor shipments for the territory of the Yukon Government cannot be considered to be analogous either to in-transit shipments across American territory from Canada to Mexico or to liquor on board a vessel intended for consumption thereon. You state that shipments of liquor for Yukon Territory appear rather to imply a question of principle similar to that of shipments of liquor through the Panama Canal, which latter were by Congress specially exempted from the operation of the prohibition laws of this country.

A communication has now been received from the appropriate authority, of this Government which states that several months ago Hon. George P. MacKenzie, Commissioner of Yukon Territory, called in person and expressed a desire for permission to transport liquors from Skagway, Alaska, across American territory into Yukon Territory. After full inquiry and lengthy consideration, it was decided, particularly in view of the decision of the

United States Supreme Court in the case of Cunard Steamship Company, Ltd. v. Mellon, that there was no authority of law for granting such permission, and it was, therefore, refused.

It is believed that the decisions of the Supreme Court of the United States in the cases of Gregan V. Walker, 259 U.S. 80, and Cunard Steamship Company, Ltd., v. Mellon, 14 Advance Opinions 552, support the conclusions reached.

Accept etc.

WILLIAM PHILLIPS

965.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

DESPATCH 401

Washington, November 3, 1923

My Lord,

I have the honour to refer to Your Excellency's despatch No. 134 of August 31st last, relative to the illicit traffic in liquor across the Canadian border, and to transmit to Your Excellency herewith a copy of a note from the United States Government in which Mr. Hughes states that Mr. Mackenzie Moss is prepared to proceed to Ottawa on the 26th instant with a view to discussing the general question of liquor smuggling with the officials of the Canadian Government at a conference convening on December 1st.

I should be most grateful if Your Excellency would inform me whether any definite decision has been reached in regard to the holding of the conference in question on that date.

I have etc.

H. G. CHILTON

[PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis au chargé d'affaires aux États-Unis*  
*Secretary of State of United States to Chargé d'Affaires in United States*

Washington, November 1, 1923

Sir,

I have the honour to refer to your note No. 773 of September 8, 1923, concerning the proposed conference at Ottawa, for the purpose of discussing ways and means of preventing the smuggling of liquor from Canada into the United States. You stated that the time and place for such conference had not as yet been settled, but that the matter was in the hands of the Canadian Minister of Customs who it was hoped would soon be in a position to fix a definite date for the Conference in question.

I am informed that the Canadian Minister of Customs and Excise has suggested that the conference be held during the week ending December 1.

This suggestion meets with the approval of Mr. McKenzie Moss, and he is prepared to go to Ottawa, accompanied by his expert assistants, to confer with the Canadian representatives on November 26, 1923.

I shall be grateful if you will be so good as to confirm my understanding with respect to the date for the conference and also inform me concerning the place in Ottawa at which the conference is to be held. I shall also be glad to learn the names of the Canadian representatives who will participate in the conference.

Accept etc.

CHARLES E. HUGHES

966.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

TELEGRAM 68A

Ottawa, November 23, 1923

Your despatch Nov. 3rd, No. 401. My telegram of Nov. 10th. Illegal importation of liquor into United States from Canada. Mr. Bureau having returned to Ottawa date of Conference in question has been fixed for Tuesday and Wednesday Nov. 27th and Nov. 28th when Minister of Customs will be glad to receive Mr. Moss and gentlemen accompanying him. As Mr. Bureau will not be in Ottawa before noon on Nov. 27th meeting on that day might be of preliminary nature. Following officials of Canadian Government will be present, Mr. Farrow, Commissioner of Customs, Mr. Taylor, Assistant Commissioner of Customs, Mr. Blair, General Executive Customs, Mr. Wilson, Chief of Preventive Service. Representatives of Departments of Justice, Marine and Fisheries, and Interior will also be present as matters concerning those Departments may be touched on.

BYNG

967.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 13, 1923

SECRET. My despatch dated November 16th Secret, Dominions 425. Proposed Liquor Treaty with the United States. His Majesty's representative at Washington has presented Draft Treaty to the United States Government. United States Government have suggested certain minor modifications and in particular, revised draft of Article III providing that the position of liquor carried on British ships under seal shall be the same as now provided in regard to liquor in transit through the Panama Canal.

Before Draft Treaty presented, clause added providing for its automatic lapse in the event of parties being prevented from carrying out the Treaty by difficulties of constitutional nature. United States Government while preferring

that the Treaty should be subject to denouncement in such an event, are prepared to agree to provision for automatic lapse in the event of either party being prevented by judicial decisions or legislative action from giving full effect to the provisions of the Treaty. Despatch follows.

DEVONSHIRE

968.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 17, 1923

My telegram dated December 13th. Liquor Treaty with the United States. Following is revised text<sup>1</sup> incorporating amendments proposed by the United States Government, which His Majesty's Government are prepared to accept. Before authorizing His Majesty's Chargé d'Affaires at Washington to sign Treaty, His Majesty's Government would be glad to learn whether your Government concurs in its terms. Contemplated that Parliament here should be given opportunity to discuss Treaty prior to ratification.

...

Please telegraph reply with least possible delay.

DEVONSHIRE

969.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, December 24, 1923

My telegram dated December 17th. Draft of Liquor Treaty with the United States. Preamble has now been added setting forth that His Majesty and the President of the United States of America, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a Convention for that purpose. In Article I words "its territories and possessions" have been inserted after "authorities of the United States".

I should be glad to learn as soon as possible whether your Ministers concur in the terms of the Treaty and agree that His Majesty's Chargé d'Affaires at Washington may be authorized to sign.

DEVONSHIRE

<sup>1</sup>Non reproduct.

<sup>1</sup>Not printed.

970.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 11, 1924

My telegram dated December 24th. Draft Liquor Treaty with the United States. In view of recent difficulties which have arisen over seizure of British ships by the United States authorities outside the three mile limit, His Majesty's Government are anxious to authorize signature of Treaty at earliest possible date by His Majesty's representative at Washington. Governments of the Commonwealth of Australia, New Zealand and Newfoundland have concurred in proposed Treaty. Should be glad to learn as soon as possible whether your Ministers also agree.

DEVONSHIRE

971.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, January 12, 1924

Replying to your telegram January 11th, the Government of Canada, subject to acquiescence by British Government in conditions herein mentioned, approves of the proposed Treaty with the United States in the terms set out in your cables of December 17th and 24th, and approves of signature of Treaty by His Majesty's representative at Washington. It has decided that parliamentary approval should be obtained before it should intimate its concurrence in ratification, and assumes that this will present no difficulty. The Canadian Parliament will probably meet before the end of February. The Canadian Government's present approval of the proposed Treaty is given on condition that it is understood that if a joint board to report upon a claim for compensation by a vessel of Canadian registry is required to be constituted under Article Four, the selection of the person whose name is to be submitted to His Majesty for appointment to the board will be made by it. It is assumed that undertaking by British Government on this point will be sufficient and that provision with reference thereto need not therefore be included in the Treaty.

972.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 21, 1924

URGENT. Your telegram dated January 12th, Liquor Treaty. Quite understood that Canadian Government wish to obtain the approval of the Canadian

Parliament before ratification and similar course contemplated here, see my telegram of December 17th. His Majesty's Government will readily leave to Canadian Government nomination of person to be member of the Joint Board referred to in Article IV, in respect of vessels of Canadian registry and agree it is not necessary to make provision in Treaty — same procedure contemplated in case of other Dominions. Hoped that His Majesty's representative at Washington may be able to sign Treaty this week.

DEVONSHIRE

973.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, January 26, 1924

His Majesty's Ambassador at Washington signed Liquor Treaty with the United States January 23rd.<sup>1</sup>

974.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

DESPATCH 18

Ottawa, February 6, 1924

Sir,

I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council regarding certain conferences which were held in November last between representatives of the United States and Canada on the subject of considering ways and means of preventing the smuggling of liquor from the Dominion into the United States.

My Government will be grateful if you will cause the purport of this Minute to be communicated to the Government of the United States. I shall be glad to learn for the information of my Government when the United States Government would be prepared to make these statements of proposals and recommendations public.

I have etc.

BYNG OF VIMY

<sup>1</sup>La Convention sur le trafic des boissons alcooliques, reconnaissant le droit de visiter les vaisseaux au delà de la zone de trois milles, se trouve dans, *Treaties and Agreements affecting Canada* . . . , pp. 509-511.

<sup>1</sup>The Liquor Traffic Convention, conceding the right of search beyond the three-mile limit, is to be found in, *Treaties and Agreements affecting Canada* . . . , pp. 509-511.



## [PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil**Order in Council*

P.C. 196

February 4, 1924

The Committee of the Privy Council have had before them a Report, dated 31st January, 1924, from the Minister of Customs and Excise, submitting as follows:

The conference for the purpose of discussing ways and means of preventing the smuggling of liquor from Canada into the United States took place at Ottawa from 27th to 30th November, 1923.

The representatives of the United States Government present were: The Honourable McKenzie Moss, Assistant Secretary of the Treasury. William R. Vallance, Assistant to the Solicitor, Department of State. James J. Britt, General Counsel, Prohibition Unit, Treasury Department. J. P. Crawford, of the Customs Legal Force, Treasury Department. Nathaniel G. Van Doren, Head Special Agency-Customs Service, Treasury Department. George E. Boren, Special Assistant to the Attorney General, Department of Justice. Colonel William J. Donovan, United States Attorney, Buffalo, N.Y. Captain F. C. Billard, Head, Coast Guard Service. Colonel L. C. Nutt, Chief, Narcotic's Division, Treasury Department.

The Canadian Government was represented by the following officials of the Departments of Customs and Excise, Interior, Marine and Fisheries, and Justice, viz: R. R. Farrow, Commissioner of Customs and Excise. W. W. Cory, Deputy Minister of the Interior. A. Johnston, Deputy Minister of Marine and Fisheries. W. Stuart Edwards, Assistant Deputy Minister of Justice. G. W. Taylor, Assistant Commissioner of Customs and Excise. C. P. Blair, General Executive Assistant-Customs and Excise. W. F. Wilson, Chief, Customs-Excise Preventive Service.

At the conclusion of the conference the United States delegation submitted a statement of proposals, a copy of which is hereto annexed.

Hereto annexed are the signed recommendations of the Canadian representatives with regard to the said statement of proposals.

The Committee, on the recommendation of the Minister of Customs and Excise, submit these recommendations for Your Excellency's approval and advise that authority be granted to take the necessary action to carry them into effect.

## [ANNEXE 1 / ANNEX 1]

STATEMENT OF PROPOSALS WHICH THE UNITED STATES DELEGATION  
HOPES MAY BE AGREED UPON AS A RESULT OF THE CONFERENCE

The United States delegation respectfully requests that an administrative agreement may be reached, evidenced by an exchange of letters:

1. That the Canadian Customs officers along the border be instructed to furnish to designated United States attorneys, United States customs officials, Prohibition officers or other officers, information concerning clearance of ships from Canadian ports with cargoes of liquor or other articles on board, and also information concerning consignments or loads of liquor or other articles transported by land or aeroplane across the border. United States Customs officers would be instructed to furnish information to Canadian Customs officers concerning shipments or loads of silk and other dutiable articles which there was reason to believe were being smuggled across the border into Canada.

2. That clearances be denied to ships carrying cargoes of liquor when the port of destination is in the United States and also that clearances be denied to ships with cargoes of liquor, which from their tonnage, size and general character would be unable to reach the destinations set forth in the applications for clearances.

3. That an executive reciprocal arrangement be effected for the return of stolen property of all kinds belonging to nationals of the one country and seized by the Customs authorities of the other, upon satisfactory proof of ownership and upon proof that there was no collusion.

4. That reciprocal arrangements be made for the exchange of information concerning the names and activities of those persons known or suspected to be engaged in violation of the customs, liquor and narcotic laws of the respective countries.

5. That upon request customs and other administrative officials of the respective Governments be instructed to attend as witnesses and produce such available records and files, or certified copies thereof as may be considered essential to the trial of civil or criminal cases.

It is understood that the cost of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases, and the cost of first class transportation both ways, maintenance and other proper expenses involved in connection with the attendance of such witnesses, would be paid by the nation requesting their attendance at the time of their discharge by the court from further attendance at such trial.

Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents promptly certified by the appropriate officials, in accordance with the provisions of the laws of the respective countries.

6. That a treaty be concluded containing reciprocal arrangements for the extradition of persons accused of violation of the customs, liquor and narcotic laws of the respective Governments or the States or Provinces thereof.

7. In the event that the proposed extradition convention shall not be concluded then the convention between the United States and Great Britain of May 18, 1908, with reference to reciprocal rights for the United States and Canada in the matters of conveyance of prisoners shall be amended by the conclusion of a supplemental convention which shall provide reciprocal rights

with respect to the conveyance of persons accused of violating the customs, liquor and narcotic laws of the respective Governments.

8. A treaty authorizing the Canadian authorities to transport liquor across Alaska under seal and under guard shall be concluded.

9. A treaty authorizing the revenue cutters of each country to pursue across the international boundary line, ships engaged in violating the customs, liquor and narcotic laws on the Great Lakes, and to search and seize vessels hovering along the international boundary line for the purpose of smuggling goods from one country into the other, or of violating its laws.

[ANNEXE 2 / ANNEX 2]

*Les représentants canadiens au ministre des Douanes et de l'Accise*  
*Canadian Representatives to Minister of Customs and Excise*

Ottawa, January 21, 1924

Referring to the recent conference held at Ottawa between representatives of the United States Government and officials of the Departments of Customs and Excise, Justice, Interior and Marine and Fisheries, Canada, the undersigned have the honour to make recommendations as follows with regard to the statement of proposals submitted by the United States delegation at the conclusion of the conference, a copy of which proposals is hereto attached.

Proposal No. 1

That the Canadian Customs officers along the border be instructed to furnish designated United States attorneys, United States Custom officials, Prohibition or other officers, information concerning clearance of vessels from Canadian Ports with cargoes of liquor or other goods where there is reasonable ground for belief that the goods are intended to be smuggled into the United States; and also information concerning consignments or loads of liquor or other goods being transported by land or aeroplane across the border. Reciprocally that United States Customs officers be instructed to furnish information to Canada Customs officers or other designated officials concerning shipments or loads of silk or other goods where there is a reasonable ground for belief that the goods are intended to be smuggled into Canada.

Proposal No. 2

That no clearance be granted for a port outside Canada to any vessel carrying intoxicating liquors as cargo unless the Collector is satisfied that such vessel's seaworthiness, means of propulsion, and equipment are amply sufficient to enable her to make the voyage indicated.

The undersigned are of the opinion that under the present law there is no authority to refuse clearance to vessels with cargoes of liquor merely because the port of destination is a port of the United States.

**Proposal No. 3**

That it be left to the Department of Customs and Excise to effect informally a reciprocal arrangement with the corresponding department of Government of the United States relating to return of stolen property in certain circumstances.

**Proposal No. 4**

That reciprocal arrangement be made for the exchange of information concerning the names and activities of persons known to be or suspected of being engaged in violation of the Customs, liquor or narcotic drug laws of the respective countries.

**Proposal No. 5**

That upon request from the one country, Customs and other administrative officials of the other country, be instructed to attend as witnesses and assist in every way legally possible by production of available records, documents and files or certified copies thereof, or otherwise, as may be considered necessary to the trial of civil or criminal cases instituted by the Government.

It is understood that the cost of transcripts of records, deposition, certificates and letters rogatory in civil or criminal cases, and the cost of first class transportation both ways, maintenance and other proper expenses involved in connection with the attendance of such witnesses, would be paid by the nation requesting their attendance at the time of their discharge by the court from further attendance at such trial.

Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents promptly certified by the appropriate officials, in accordance with the provisions of the laws of the respective countries.

**Proposal No. 6**

That with regard to the proposal that a treaty be concluded containing reciprocal arrangements for the extradition of persons accused of violation of the customs, liquor and narcotic laws of the respective Governments or the States or provinces thereof, the undersigned are of opinion that the adoption of this proposal would involve a departure from an underlying principle of the existing extradition Treaties between the two countries, which is, that extradition will not be permitted unless the offence charged would have been an offence against the laws of the country of refuge if committed there, and that, having in view the diversified character of the laws relating to the above subjects in the several states and provinces of the United States and Canada, it would be unwise to enter into an agreement such as is proposed.

**Proposal No. 7**

That with regard to this proposal which involves the extension of the existing Convention between the United States and Great Britain of May 18th, 1908, to the conveyance of persons accused of violating the customs, liquor and narcotic laws of the respective Governments, it is to be observed that, having in view the principle mentioned in the next preceding paragraph, it is

inadvisable to authorize the conveyance of a prisoner of one country through territory of the other except where he is charged with the commission of an act which would be an offence against the laws of both countries.

Proposal No. 8

That a Treaty be concluded permitting Canadian authorities to transport liquors across Alaska under seal and under guard.

Proposal No. 9

That this proposal be not entertained.

Respectfully submitted,

R. R. FARROW (Commissioner of Customs & Excise)

W. W. CORY (Deputy Minister of the Interior)

A. JOHNSTON (Deputy Minister of Marine & Fisheries)

W. STUART EDWARDS (Assistant Deputy Minister of Justice)

GEO. W. TAYLOR (Assistant Commissioner of Customs & Excise)

CHAS. P. BLAIR (General Executive Asst.-Customs & Excise)

W. F. WILSON (Chief, Customs-Excise Preventive Service)

975.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

PARAPHRASE OF TELEGRAM 19

Washington, February 16, 1924

With reference to your despatch of the 6th instant No. 18. I am informed by the United States Government that proposal No. 8 contained in statement of proposals submitted during recent liquor conference at Ottawa by United States delegation cannot be accepted in its present wording and they suggest that this should be amended to read as under:

A treaty providing that no penalties or forfeitures should apply to liquor carried across Alaska under seal and guarded, such liquor to have the same status as that now provided by law for liquor carried through the Panama Canal.

The above wording, I understand, has been approved by Mr. Cory who was recently in Washington, and on behalf of the Government of the United States by Judge Maas. While in no hurry to publish the proposals as recommendations, the Secretary of State is prepared to do so upon being assured that the new wording of proposal No. 8 is acceptable to the Government of Canada.

An urgent reply by telegraph is requested.

CHILTON

976.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

TELEGRAM 26A

Ottawa, February 19, 1924

With reference to your telegram 16th February – liquor – suggesting that there should be a substituted provision whereby a treaty should be negotiated providing “that no penalties or forfeitures should apply to liquor carried across Alaska under seal and guarded, such liquor to have the same status as that now provided by law for liquor carried through the Panama Canal”. Canadian Government considers that such provision may be accepted as a satisfactory assurance on the part of the United States that such transport will be permitted without obstruction or interference by the officers or under the laws of the United States.

My Ministers further express the view that Canada has right secured by treaty with the United States to transport liquor for commercial purposes into the Yukon Territory by way of the Yukon River. This interpretation of the Treaty of Washington is not admitted by the authorities at Washington, and it may avoid the occasion of litigation, and would certainly provide a more convenient route if reasonable and satisfactory arrangements can be concluded for the transport via Skagway. Therefore Canadian Government considers that the United States proposal may be accepted.

It is suggested by letter received from the Deputy Minister of the Interior, who is now in Washington, that if right to transport liquor through Alaska to the Yukon Territory be conceded by the United States by treaty stipulation, it is considered by the Secretary of State of the United States expedient or necessary that the proposals of the United States delegates which were submitted at the Ottawa conference should in so far as they have been found acceptable by Canadian Government, be formulated and embodied in the treaty.

These proposals are in the main of a somewhat indefinite character looking to administrative co-operation as between the two Governments rather than to the enactment of precise legal obligations such as would be necessary under the British system for the sanction of any treaty which may be framed with the object of giving effect to them. Moreover they are in some particulars concerned with controversial questions which it may be undesirable at the present time to introduce for parliamentary discussion. Therefore it may be doubtful that Canadian Government would be willing to incorporate these provisions generally in a treaty.

There is, however, a particular provision to which Deputy Minister of the Interior says that the Secretary of State has directed special attention whereby it is in effect proposed that treaty between His Majesty's Government and the United States of the 30th June, 1908, providing reciprocal rights for the United States and Canada with relation to conveyance of prisoners should be amended by adding to the description of offences set out in the first Article a

fourth category descriptive of offences against the liquor laws of the United States or Canada, whether federal, state or provincial.

It would be necessary, of course, to obtain parliamentary sanction to implement such a treaty, but it seems not unreasonable as between two neighbouring countries situated as Canada and the United States are, and having regard to the difficulty and expense of liquor enforcement which is being encountered in the United States, that Canada should concede to the United States a right of conveyance through its territory by United States peace officers of persons charged with or convicted of liquor offences in the United States, and especially when Canada receives in consideration of this a concession of considerable convenience and value from the United States.

BYNG

977.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

PARAPHRASE OF TELEGRAM 21

Washington, February 21, 1924

SECRET. As I am not quite clear from the text of your telegram No. 26A as decoded here exactly what you wish me to communicate to the Government of the United States, after consultation with Mr. Cory it was decided in order to avoid all possibility of misunderstanding again to refer to you with special reference to the 2nd and 4th paragraphs of your telegram under reference.

In my note to the United States (?) I presume that you wish me to explain that while willing to make arrangements for the transportation of liquor via Skagway the Canadian Government retain their right to make use of the Yukon River route nevertheless. Should the substance of Paragraph No. 4 be communicated to the Government of the United States? It occurred to me, with regard to the possible amendments of the Treaty of 1908, that while there would seem to be but small possibility of any objection on the part of His Majesty's Government, negotiations with the Government of the United States would be facilitated considerably if I were able to inform them that the proposal had already been agreed to by His Majesty's Government. His Majesty's Government has been consulted on this point I presume. The position will be elucidated by Mr. Cory who left yesterday for Canada after interviewing officials here.

CHILTON

978.

*Le Gouverneur général au chargé d'affaires aux États-Unis*  
*Governor General to Chargé d'Affaires in United States*

TELEGRAM 27A

Ottawa, February 22, 1924

Referring to your telegram of the 21st February. My Ministers represent that Mr. Cory has not returned to Ottawa and may not return until some time

next week. In the circumstances my Ministers ask that no action be taken by you on my telegram 19th February, 26A, until an opportunity has been had of discussing matter with Mr. Cory in Ottawa.

BYNG

979.

*Le chargé d'affaires aux États-Unis au secrétaire d'État des États-Unis*  
*Chargé d'Affaires in United States to Secretary of State of United States*

No. 155

Washington, February 22, 1924

Sir,

I have the honour to refer to a conversation which took place on the 16th instant between Mr. Castle, of the Department of State, and Mr. Thompson, Second Secretary of His Majesty's Embassy, during which the former stated, in connection with the conference held at Ottawa at the end of November last between representatives of the United States and Canadian Governments regarding the prevention of liquor smuggling across the Canadian border, that the wording of proposal No. 8 submitted by the United States Delegation on the subject of the proposed treaty authorizing the Canadian authorities to transport liquor across Alaska under seal was unacceptable to the United States Government, and suggested that it should be amended to read as follows:

A treaty providing that no penalties or forfeitures should apply to liquor carried across Alaska under seal and guarded such liquor to have the same status as that now provided by law for liquor carried through the Panama Canal.

I now have the honour to inform you that the Government of Canada agree to accept the wording as suggested by Mr. Castle as a satisfactory assurance on the part of the United States Government that the transport of such liquor will be permitted without obstruction or interference by officers of or under the laws of the United States.

I have etc.

H. G. CHILTON

980.

*Le secrétaire d'État des États-Unis à l'ambassadeur aux États-Unis*  
*Secretary of State of United States to Ambassador in United States*

Washington, April 2, 1924

Excellency,

I have the honor to acknowledge the receipt of your note No. 285, dated March 29, 1924, in which you state that the Canadian Government is proposing to lay before Parliament "the Agreement signed at Ottawa between the Canadian and United States customs authorities" which is embodied in the minutes of the Council which Mr. Chilton transmitted to me in his note No. 139 of February 12, 1924. You inquire whether the proposed action is acceptable to this Government.



I have the honor to state that no "Agreement" on the subject has been signed by representatives of the two Governments.

With respect to the publication of the proposals exchanged and forwarded with Mr. Chilton's note I may state that I forwarded copies of the note and of its enclosures to the appropriate authorities of this Government for consideration. They have expressed the opinion that it would not be advisable to publish the correspondence at this time. It is believed that a treaty should be concluded dealing with the matter and that therefore until the terms of the treaty are definitely agreed upon it would be inadvisable to give publicity to the preliminary discussions respecting it. Furthermore, it is believed that the Canadian authorities may be disposed to agree with this view, as the correspondence deals with the subject of extradition.

Accept etc.

CHARLES E. HUGHES

981.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 23, 1924

With reference to despatches of to-day respecting the conclusion of a Treaty between His Majesty the King in respect of the Dominion of Canada, and the United States, for the suppression of smuggling operations along the international boundary and to assist in the arrest and prosecution of persons violating the narcotic laws of either Government, my Ministers desire to draw the attention of His Majesty's Government to the circumstance that Article 6 of the proposed draft Treaty is in the nature of an amendment to a Treaty between Great Britain and the United States respecting the reciprocal conveyance of Canadian and American prisoners through American and Canadian territories respectively; that such amendment will affect such treaty only in so far as the matters concerned relate to the Dominion of Canada and will not therefore affect the interests of the British Government in the matter.

My Ministers desire further to state that as the Congress of the United States will in all probability adjourn about the 7th June, they would be obliged if the full powers requested for the Honourable Ernest Lapointe with respect to the conclusion and signature of said treaty could be forwarded immediately, so that the treaty may be signed in time to submit to the United States Senate before the conclusion of its present session.

982.

*Le Gouverneur général au secrétaire aux Colonies*

*Governor General to Colonial Secretary*

DESPATCH 226

Ottawa, May 26, 1924

Sir,

I have the honour to transmit, herewith, certified copies of a Minute of the Privy Council regarding the proposed Treaty with the United States

for the purpose of suppressing smuggling operations along the international boundary, and of assisting in the arrest and prosecution of persons violating the narcotic laws of either Government.

It was upon this Minute that my telegram of the 23rd instant was based.

I have etc.

BYNG OF VIMY

[PIÈCE JOINTE / ENCLOSURE]

*Décret du Conseil*

*Order in Council*

P.C. 871

May 23, 1924

The Committee of the Privy Council, having reference to a Minute approved by the Governor General on the 4th February, 1924, submitting a report upon the proceedings of a Conference between representatives of Canada and of the United States for the purpose of discussing ways and means of preventing the smuggling of liquor between Canada and the United States, herewith submit, for His Excellency's approval, draft<sup>1</sup> of a proposed Treaty with the United States of America for the purpose of suppressing smuggling operations along the international boundary, and of assisting in the arrest and prosecution of persons violating the narcotic laws of either Government, which draft of proposed treaty is based upon said report and subsequent communications between the two Governments with respect thereto.

...

The Committee advise that the text of the draft Treaty be telegraphed to the Secretary of State for the Colonies, for the information of His Majesty's Government, in accordance with the principles governing the relations of the various parts of the Empire and the procedure to be observed in the negotiation, signature and ratification of international agreements as recommended at the Imperial Conference, 1923, and further advise that the Governor General may be pleased to telegraph the text of the above draft Treaty to His Majesty's Ambassador at Washington, for immediate communication to the United States Government.

983.

*Le Gouverneur général à l'ambassadeur aux États-Unis*

*Governor General to Ambassador in United States*

TELEGRAM 69A

Ottawa, May 26, 1924

My telegram 23rd May, No. 66A, embodying and my despatch 26th May forwarding Minute of Council submitting draft proposed Treaty regarding smuggling operations along Canadian-American boundary. Begins. Canadian Government desires to alter the phrase "in behalf of the Dominion of Canada"

<sup>1</sup>Non reproduit.

<sup>1</sup>Not printed.

in the preamble so as to read "in respect of the Dominion of Canada" in order that the phrasing may conform with wording of resolutions adopted at Imperial Conference, 1923, also to insert after the words of the said preamble "violating the narcotic laws of either government" the following words: "and of permitting the transportation of alcoholic liquors through Alaska into the Yukon territory". The purpose of this addition is as expressed in the resolutions adopted at the Imperial Conference, 1923, to make clear in its preamble the full scope of the proposed treaty. Ends.

BYNG

984.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, May 28, 1924

With reference to my telegram May 23rd, submitting draft of proposed Liquor Treaty with United States of America, Minute of Council approved to-day submitting draft of proposed Treaty re extradition for narcotics offences, of which the following is the text.<sup>1</sup>

...

Above has been telegraphed to His Majesty's Ambassador at Washington for communication to the United States Government, and is communicated for your information in accordance with principles governing relations of various parts of the Empire and the procedure to be observed in negotiation, signature and ratification of international agreements as recommended at Imperial Conference of 1923.

My Ministers desire that His Majesty the King may be humbly moved to issue necessary full powers to the Honourable Ernest Lapointe, K.C. B.A. LL.B., Member of His Majesty's Privy Council for Canada and Minister of Justice of the Dominion, authorizing him to conclude with the duly empowered plenipotentiary or plenipotentiaries of the United States of America and to sign such Treaty, in respect of Canada. Despatch follows by mail.

985.

*Le Gouverneur général au secrétaire aux Colonies*  
*Governor General to Colonial Secretary*

TELEGRAM

Ottawa, June 2, 1924

URGENT. Referring to your telegram 28th May. Proposed Treaty with United States respecting extradition for offences in connection with traffic in narcotics. My Ministers desire to express their high appreciation of your courtesy in securing so promptly full powers for Honourable Ernest Lapointe in connection with Treaty with United States for suppression of smuggling

<sup>1</sup>Non reproduit.

<sup>1</sup>Not printed.

operations along the International boundary and arranging for telegraphing such full powers.

My Ministers ask that you be informed, owing to expected adjournment of United States Congress on June 7th and desirability of both treaties being dealt with at the same time, it is of the utmost importance that like full powers should be issued to Mr. Lapointe to make possible the conclusion of the Treaty respecting extradition above referred to before Congress rises, and that if actual document itself cannot arrive in time, Canadian Government would be much obliged if telegraphic authorization could be given him for the purpose.

986.

*Le secrétaire aux Colonies au Gouverneur général*  
*Colonial Secretary to Governor General*

TELEGRAM

London, June 3, 1924

URGENT. Your telegram of May 26th, your telegram of May 28th, your telegram of June 2nd. Treaties with the United States of America. As regards the wording of the preamble, Secretary of State for Foreign Affairs points out that the full title of His Majesty is "His Majesty The King of the United Kingdom of Great Britain and Ireland and of the British Dominions etc.". Full Powers forwarded in my despatch of May 27th No. 219 authorize Lapointe to conclude any Treaty, Convention or Agreement that may tend to the suppression of smuggling operations along the boundaries, and prosecution of persons violating the Narcotic Laws of the United States and Canada, and would thus appear sufficient to authorize the signature of proposed Extradition Treaty without the issue of special Full Powers to that end.

987.

*L'ambassadeur aux États-Unis au Premier ministre*  
*Ambassador in United States to Prime Minister*

TELEGRAM

Washington, June 5, 1924

Following from Mr. Lapointe. [Begins.] Liquor Treaty.<sup>1</sup> Changes suggested and accepted by me are as follows: In Section five, provision requiring advances to be made at time requisite struck out owing to difficulties in American law [garbled], but all expenses to be paid at time of discharge of witnesses. This is in accord with what was agreed by our representatives

<sup>1</sup>La Convention, visant à supprimer la contrebande des boissons alcooliques et le trafic des stupéfiants mais assurant le transit des boissons alcooliques au Territoire du Yukon via Skagway, se trouve dans, *Treaties and Agreements affecting Canada* . . . , pp. 511-513.

<sup>1</sup>The Convention, providing for the suppression of liquor smuggling and narcotics traffic, as well as for the conveyance of liquor into the Yukon Territory via Skagway, is printed in, *Treaties and Agreements affecting Canada* . . . , pp. 511-513.

Conference January last. Other change is in Section eight, provides that a notice of thirty days shall be given by party wishing to terminate Treaty. We have decided not to proceed with other Treaty owing to possible difficulties in Senate because offences concerning liquor traffic are not included with narcotics, which would also endanger ratification of the Liquor Treaty. As this second Treaty was asked for by the United States Government, and not by ourselves, I do not see any objection to it being postponed. Expect everything ready for signature tomorrow noon, and will wire you immediately after signing. With reference to Halibut Treaty, Mr. Hughes has instructed officers to inquire whether my Powers of last year included power of exchanging ratifications, and if so exchange will be made by me tomorrow. [Ends.]

HOWARD

988.

*Le Gouverneur général à l'ambassadeur aux États-Unis*  
*Governor General to Ambassador in United States*

DESPATCH 166

Ottawa, November 20, 1924

Sir,

With reference to Your Excellency's despatch No. 412 of the 8th instant, regarding the signature of the proposed treaty between Canada and the United States for the mutual extradition of persons charged with crimes and offences against the laws for the suppression of the traffic in drugs and narcotics, I have the honour to inform Your Excellency that it is proposed that the Honourable Ernest Lapointe, Minister of Justice of the Dominion, shall sign the Treaty on behalf of His Majesty the King and that a date convenient for such signature will be shortly suggested by the Canadian Government.

It is desired by my Government that a slight modification should be made in Article 3, paragraph 2, of the draft treaty, providing that "it shall be ratified, and that the ratifications shall be exchanged either at Washington or London as soon as possible". As the Treaty is one which relates only to Canada and the United States, my Government are of the opinion that the clause should read "The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or at Ottawa as soon as possible".

My Government will be grateful if Your Excellency will communicate the information set forth above to the United States Government, and have the goodness to discuss with the Secretary of State the desired modification in the text of the Treaty.

I have etc.

BYNG OF VIMY

989.

*Le ministre de la Justice au Premier ministre*  
*Minister of Justice to Prime Minister*

TELEGRAM

Washington, January 8, 1925

Secretary of State Hughes and myself signed today Convention<sup>1</sup> under which offences against Narcotic Laws are within Extradition Treaty. Am guest at British Embassy and will attend diplomatic reception at White House this evening.

ERNEST LAPOINTE

990.

*Le chargé d'affaires aux États-Unis au Gouverneur général*  
*Chargé d'Affaires in United States to Governor General*

DESPATCH 511

Washington, October 6, 1925

My Lord,

With reference to previous correspondence respecting the agreements now in force between Canada and the United States for the prevention of liquor and drug smuggling across the international border and the extradition of persons charged with offences in connection therewith, I have the honour to transmit to Your Excellency herewith copy of a note with enclosures from the United States Government suggesting (1) that clearance be refused by the Dominion Authorities to vessels carrying cargoes of liquor destined for the United States, (2) that a Convention be concluded for the extradition between the United States and Canada of persons guilty of offences against the Customs laws of either Government, and (3) that a convention supplementary to that signed on June 6th, 1924, be negotiated providing for the transportation of liquor to Telegraph Creek, B.C. via the Stickine River through Alaska.

Your Excellency will doubtless inform me in due course of the views of the Dominion Government upon the enclosed note.

A copy of this despatch has been communicated to His Majesty's Government.

I have etc.

H. G. CHILTON

<sup>1</sup>La Convention complémentaire se trouve dans, *Treaties and Agreements affecting Canada . . .*, pp. 514-515.

<sup>1</sup>The Supplementary Convention is to be found in, *Treaties and Agreements affecting Canada . . .*, pp. 514-515.

## [PIÈCE JOINTE / ENCLOSURE]

*Le secrétaire d'État des États-Unis au chargé d'affaires aux États-Unis*  
*Secretary of State of United States to Chargé d'Affaires in United States*

Washington, October 1, 1925

Sir,

As you are doubtless aware, the authorities of this Government have been giving considerable attention to means whereby the unlawful importation into the United States of narcotic drugs, alcoholic beverages and merchandise subject to duties through smuggling operations might be prevented and persons engaged in the illicit traffic prosecuted and punished. The first conference with this end in view was held at Ottawa in November, 1923, and it has resulted in the ratification of two conventions between the United States and Great Britain in respect of Canada, one of which was signed on June 6, 1924, and provides for the suppression of smuggling operations, and the other, signed on January 8, 1925, provides for the extradition of persons charged with crimes and offences against the narcotic laws of the respective Governments.

A similar conference was held between representatives of the United States and of Mexico at El Paso, Texas, during May, 1925. The delegates at that conference recommended that the United States and Mexico conclude conventions containing, among others, provisions similar to those contained in the conventions above mentioned.

As a result of the consideration that has been given to these subjects since the conventions were signed on June 6, 1924, and January 8, 1925, it has been deemed desirable to make further provision for restricting and suppressing illicit smuggling operations. My attention has been particularly called to the fact that ships with cargoes of liquor on board are cleared from Canadian ports for places in the United States, although it is well known that the importation of such cargoes into the United States is prohibited by its laws. I hope that it will be found possible to take measures whereby clearances of ships with cargoes of liquor destined for the United States may be refused by the Canadian authorities, since it is evident when such clearances are requested that the object of the expedition is unlawful.

I am also of the opinion that it would be helpful if provision might be made for extradition between the United States and Canada of persons guilty of violating the customs laws of either Government and seeking refuge within the territory of the other. Violations of these laws are becoming more frequent and it is therefore of importance that the guilty parties should be punished.

During the conference between representatives of Canada and of the United States, held at Washington from August 19, to August 22, 1925, the representatives of the United States explained to the Canadian representatives the desirability of providing by treaty for these additional measures to aid in the suppression of illicit smuggling operations. The representatives of the Government of Canada, while expressing informally their appreciation of the

advantages to be gained from such measures, were of the opinion that they could not properly be made the subject of discussions during the conference but should be submitted formally to the Canadian Government for consideration. The representatives of Canada also referred to the provisions of Chapter 39 of the laws of Canada, which is the Act to amend the Customs Act passed by the Canadian Parliament and assented to on June 27, 1925, which enacts penalties for violations of Canadian custom laws. Reference was also made to the provisions of Section 7 of the Act entitled "An Act to Amend the Criminal Code", passed by the Canadian Parliament and assented to on June 27, 1925, providing penalties for persons guilty of knowingly falsifying documents relating to shipments or assisting in such falsification.

I am informed that in the course of the Conference the Canadian representatives stated that the Government of Canada desired to transport intoxicating liquor for beverage purposes upon the Stickine River, through Alaska, to British Columbia for sale at Telegraph Creek, where mining interests have recently been developed. Consideration of the provisions of Article VII of the Convention of June 6, 1924, made it evident that the proposed transportation across Alaska could not legally be carried on under the provisions of this Article and it seemed advisable to make provision that no penalties or forfeiture would attach to such transportation when the cargo was under guard and under seal, as provided in Article VII with respect to transit of alcoholic liquors through the territorial waters of the United States to Skagway, Alaska, and thence by the shortest route, via the White Pass and Yukon Railway, to Canadian territory.

In the circumstances I suggest that a convention, supplementary to the convention dated June 6, 1924, be concluded between the United States and Canada, containing two articles, the first of which shall provide for refusal of clearances to ships and read in substance as follows:

The High Contracting Parties agree that clearance of shipments of merchandise by water, air or land from any of the ports of either country to a port of entrance of the other country shall be denied if such shipment comprises articles the introduction of which is prohibited or restricted for whatever cause in the country to which such shipment is destined, provided, however, that such clearance shall not be denied on shipments of restricted merchandise when there has been complete compliance with the conditions of the laws of both countries.

The second of the articles in the convention, supplementary to the convention of June 6, 1924, would deal with the transportation of liquor across Alaska and it is suggested that this article might read as follows:

No penalty or forfeiture under the laws of the United States shall be applicable or attached to alcoholic liquors or to vessels, vehicles or persons by reason of the carriage of such liquors when they are in transit under guard by Canadian authorities through the territorial waters of the United States and through the Stickine River by the shortest route to Canadian territory, and such transit shall be as now provided by law with respect to the transit of alcoholic liquors through the Panama Canal or on the Panama Railroad, provided that such liquors shall be kept under seal continuously while the vessel or vehicle on which they are carried remains within the United States, its territories or possessions, and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.



In order to provide for extradition in cases of persons charged with violations of the customs laws of the respective governments, I suggest that a convention, supplementary to the extradition convention signed on July 12, 1889, should be agreed upon, and I enclose a draft<sup>1</sup> for such a Convention.

I shall be grateful if you will be so good as to bring these proposed supplementary articles and the draft for a supplementary extradition convention to the attention of the Canadian Government and express the hope of this Government that it will be found possible to give favorable consideration to them.

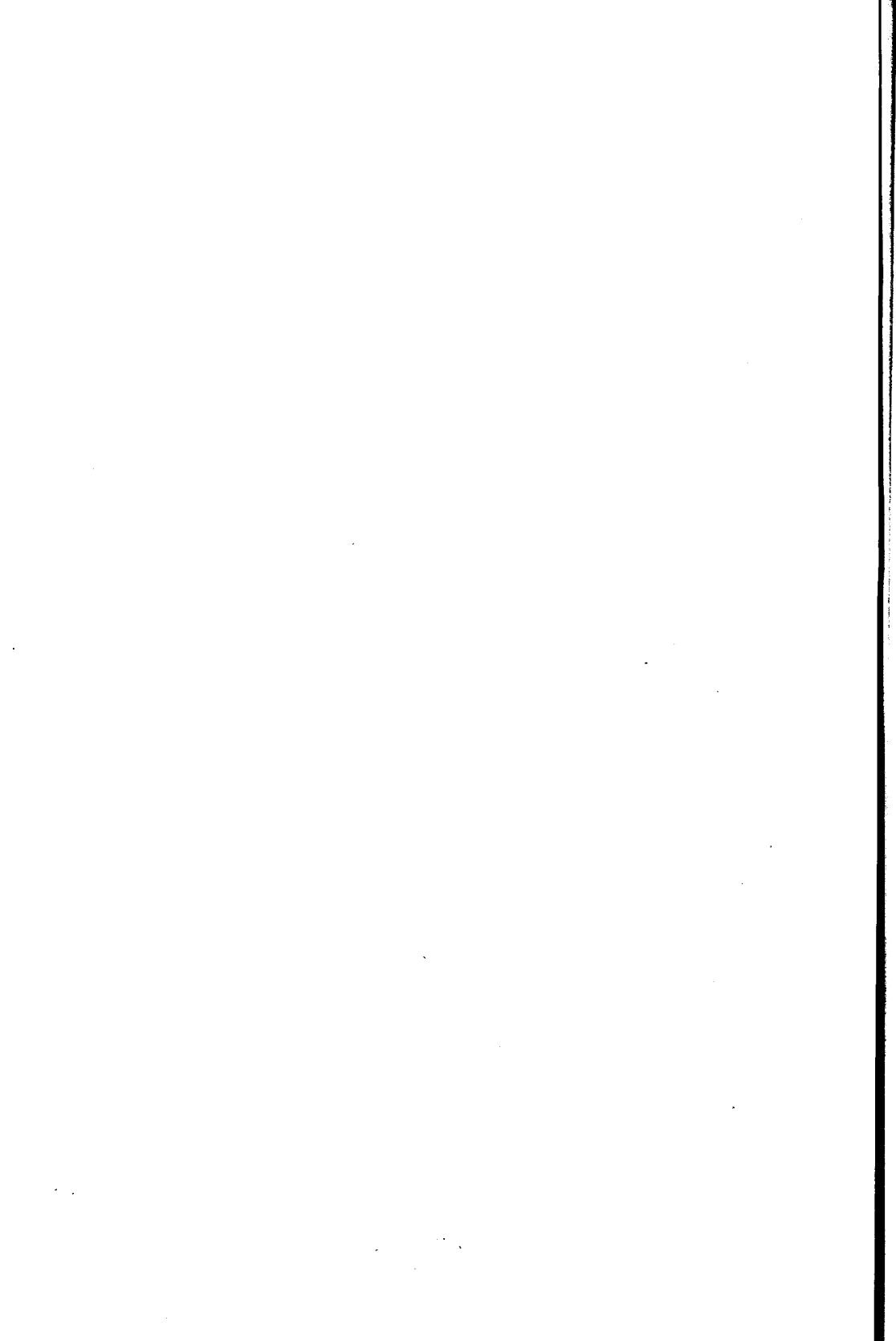
Accept etc.

FRANK B. KELLOGG

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<sup>1</sup>Non reproduct.

<sup>1</sup>Not printed.



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