

NATIONAL AUTONOMY IN RELATION TO
FOREIGN AFFAIRS

A STUDY IN CANADIAN DEVELOPMENT

by

Margaret Gordon.

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By

Margaret Gordon

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W. S. Sage

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-1-

Self-Assertion and Federation

The opening of the nineteenth century marked a noteworthy change in colonial government. The preceding two hundred and fifty years had witnessed the development of what has become known as the Mercantile System. This method of colonial government was based on the supposition that the primary reason for colonies was the supplying of raw materials and markets for the nation possessing them, with due benefit to both sides. It was an attempt to make the mother-country and her colonies a "self-sufficient economic unit." (1) This end was to be reached by restrictions on shipping, trade, and manufactures, with the corresponding advantages of preference, bounties, and protective tariffs. As an integral part of this system the actual governing of the colonies was carried on by autocratic executives combined with a series of extremely popular legislative assemblies. The difficulty of harnessing together these divergent forms became apparent toward the close of the eighteenth century, and the inflexibility of one meeting the uncompromising temper of the other led to a clash of interest that was one of the most important factors making for American Independence. Naturally enough, in the light of the unsettled condition of Europe and the undemocratic character of the British Parliament, the blame was placed on the trouble-making assemblies rather than the executive officers. The British Government was not prepared, at that time, to relinquish the form of government associated with the Mercantile System; partly because they could not see that its day was done; partly because they had nothing to put in its place. It was necessary therefore, for the remaining colonies, aided by certain Englishmen interested in colonial expansion, slowly and carefully to work out a solution. In this process there were three important elements; the consolidation of the colonial governments, the development of an intelligent and trained group of men in the colonies capable of self-government, and the remarkable change in economic theory and in the resulting political practice.

When Adam Smith wrote his "Wealth of Nations" (1776) it was the beginning of a new period of statescraft. Free Trade, freedom of contract, and "laissez-faire", were to become the watchwords of British economic policy. The success of Free Trade principles was to mean the collapse of the Mercantile System. Even before American Independence there had been many bad leaks in that system, as for example, the complete disregard that was shown

(1) Beer: British Colonial Policy,
MacMillan and Co. New York, 1922,
Page 194.

in Massachusetts of the Molasses Act (1733). It was discarded in practice in the new land long before it was discarded in theory in the old. By 1825 the reforms of Mr. Huskisson pointed to its decline. They were in operation only for two years, but by opening the trade of the colonies to all friendly nations willing to grant the same privilege to Great Britain, by establishing bonded warehouses in colonial ports, and by abolishing the large port fees that had been levied, they struck at the core of the old system "for the theory of monopoly a new theory has been substituted- that of reciprocity." (1) The triumph of the Free Trade party in 1846 meant the withdrawal of both the restrictions and benefits belonging to the Mercantile System, so that by 1849 the final rescinding of the Navigation Laws marks its burial.

With the realization that the Mercantile System could no longer be considered as practicable, the reasons for holding colonies at all seemed to become painfully few. And as Responsible Government developed and the colonies showed signs of becoming able to manage their own affairs with a tolerable degree of success there appeared little point in their remaining attached to the mother-country. There were, during the first half of the century, a number of social reformers who saw in colonization the solution for poverty, unemployment, and the social ills of the old world as well as the means of building up a new type of Empire. Such men as Lord Selkirk, Gibbon Wakefield, Charles Buller, Sir William Molesworth, and Lord Durham attempted to impress their ideas upon the British Government and practically demonstrate the value of their schemes for imperial settlement. In 1830 the Colonization Society was founded and there was brief period of time in which the systematic colonization that had been advocated was tried. The value of this system did not become apparent to the average mind for some time, though many of its affects have been recognized and commended at a later date. By far the most general attitude on the part of British statesmen was a kindly and paternal interest in the colonies until such a time as they would be ready to shift for themselves. The comments of some of the leading newspapers of England on the Annexation Manifesto (1848) indicate the trend of thinking. The "London Examiner" wrote: "That the colonies of any nation will continue colonies for ever is a notion that revolts common sense, and would be seriously entertained by none but idiots." (2)

(1) Egerton: British Colonial Policy,
Matheson and Co. London, 1918,
Page 258.

(2) Allin and Jones: Annexation Preferential Trade and Reciprocity.
Mussion Book Co., New York, 1912.
Page 369.

It is expressed by the "London Morning Advertiser" from another point of view: "The result of a careful examination of the Canadian connection, in all its aspects, is that so far from England being a sufferer from the renunciation of their allegiances to the British Crown on the part of the Canadians, she would be the actual gainer." (1). In summing up the case "The Times" stated that there was no possibility of England going to war for "the sterile honour of maintaining a reluctant colony in galling subjection." (2) It is true that these quotations do not present the unanimous opinion of Great Britain, but they are a fairly honest representation of a large and influential group.

This attitude was in accord with the opinion and theory of the Manchester School, which was in the ascendant in Great Britain in the eighteen sixties. Not only did they regard any protective or preferential system as dangerous to the economic health of the country, but they were also inclined towards a corresponding foreign policy of peace, non-intervention, and arbitration. To such men as Cobden, colonies were superfluous and frequently an actual incumbrance. For the colonies they advocated self-government which, they considered, would naturally ripen into independence. In 1854 Lord Blackford, then Sir F. Rogers, said: "It is a great pity that, give as much as you will, you can't please the colonists with anything short of absolute independence, so that it is not easy to say how you are to accomplish what we are, I suppose, all looking to, the eventual parting company on good terms." (3) Many years afterwards he wrote: "I had always believed, and the belief has so confirmed and consolidated itself that I can hardly realise the possibility of any one seriously thinking the contrary - that the destiny of our Colonies is independence." (4) Lord Blackford was a disciple of the Manchester School, and when one considers that he was Under Secretary for the Colonies from 1860 to 1871 it is a sign of the manner such ideas must have permeated the Colonial Office. This period of depression over the colonial situation was to last only until another justification for Colonies could be found. Before the century closed another wave of Imperialism was to sweep over Great Britain in a scheme for a vast united Empire, with its centre in London and its component parts firmly welded together by mutual economic advantage and co-operative defence.

(1) Allin and Jones,
Page 370.

(2) Ibid:
Page 365.

(3) Egerton:
Page 361.

(4) Ibid:
Page 368.

To discuss the destiny of the colonies from London without giving sufficient attention to the state of mind of the colonies themselves was to reckon without one's host. The Canadian leaders had early seen the possibilities of self-government, and in their demands for it conceived no disloyalty to the Empire as a whole. Dealing with the actual circumstances they were less troubled by theoretical difficulties than the men in Great Britain, and were not so perturbed by an anomaly or two in the situation. The plea of the reformers was for their rights as Englishmen, not for independence. Joseph Howe, in one of his famous letters to Lord John Russell, writes: "All suspicion of disloyalty we cast aside, as the product of ignorance or cupidity, we seek for nothing more than British subjects are entitled to, but we will be contented with nothing less." (1) On the whole American Independence had had the effect of making the northern colonies increasingly loyal to the British connection. This was partly due to the fact that they now had a potential opponent at their border; and partly due to the influx of United Empire Loyalists, most of whom had lost considerable property and had been made excessively uncomfortable by their late compatriots. It is true that as time went on a party grew up anxious for annexation to the United States. It was largely the outcome of the hard times following the repeal of the Corn Laws and the cutting of Canadian preference in grain. Though at the time this party could claim the support of a number of Canadians who were later to take a leading role in political life, such as A. T. Galt, it was not to have a long existence. The manifesto issued in 1849 aroused little enthusiasm throughout the country and the whole movement petered out with the return of prosperity after the paving of the Reciprocity Treaty of 1854. By far the most general feeling was the desire to find some form of independent life within the Empire.

This desire for freedom of action was expressed in a very practical manner. In the usual form of colonial charters whether they were royal or company charters, it was customary to reserve matters of trade for the jurisdiction of the British Government. The development of Responsible Government meant that the colonial government assumed powers to contract their own internal trade, and it was shortly to be demonstrated that they also intended to take as their right the regulation of their trade with other countries. The attitude of the British Government has been expressed by Lord Grey, Colonial Secretary, when he said that though Parliament had adopted a policy of Free Trade

(1) Kennedy: Constitutional Documents,
Oxford University Press, London, 1918,
Page 512.

"it did not abdicate the duty and power of regulating the commercial policy, not only of the United Kingdom, but of the British Empire. The common interests of all parts of that extended Empire requires that its commercial policy should be the same throughout its numerous dependencies. The question, in short, was nothing less than whether the Imperial Government (using the word in its evident sense) should abandon the authority, it had always expressed of regulating the commercial policy of the whole Empire, and should allow every separate colony to legislate without restrictions on commercial subjects. We came to the conclusion that this change should not be acquiesced in." (1). Acting upon this theory Lord Grey had twice interfered in the commercial arrangements of New Brunswick, in 1849 when that province wished to grant a bounty on hemp, and in 1850 when it tried to impose a higher duty on American goods. In spite of this attitude Canada chose to act independently. The Reciprocity Treaty with the United States was concluded in 1854. It was not a treaty in the accepted sense of the word, being rather concurrent legislative Acts upon the part of Canada, and the United States, and the negotiations were carried out by Lord Grey, the Governor General. It was not therefore, a departure in form from past arrangements, but it was a change in spirit. The tariff of 1859, which increased the duty on all manufactured goods, precipitated the whole question. Protests against the tariff were made immediately in England. The manufacturers of Sheffield were indignant. They declared that such a policy of protection could not "be regarded as less than indecent and a reproach" (2) and was highly detrimental to the Empire as a whole and their own particular pockets. The Duke of Newcastle, in forwarding the protest, seized the opportunity to deliver a lecture on the benefits of Free Trade. The reply from the Canadian Minister of Finance, A. T. Galt, was emphatic, "The Government of Canada, acting for legislature and people, cannot, through those feelings of deference which they owe to the Imperial authorities, in any manner waive or diminish the right of the people of Canada to decide for themselves both as to the mode and the extent to which taxation shall be imposed. . . . Self-government would be entirely annihilated if the views of the Imperial Government were to be preferred to those of the people of Canada." (3) That there were further restrictions upon the action of the colonies is shown

(1) Skelton: Life of Sir Alexander Tillock Grant,
Oxford University Press, Toronto, 1900,
Page 327.

(2) Ibid:
Page 328.

(3) Skelton:
Page 320.

in the exception taken to the work of Baron Boileau by the British Government. Baron Boileau was the French Consul, but he extended his duties to cover a very wide range and energetically encouraged trade between Canada and his own country. As long as he was in Canada he was not interfered with, but upon his going down to New Brunswick his activities were immediately stopped. When some questions arose in the House over his position Galt stated "that no official correspondence could take place between a colonial government and the government of a foreign country." (1) This diplomatic impotency was the cause of considerable dissatisfaction in Canada. In 1857 Haliburton, addressing a meeting in Glasgow, said: "we think it not unreasonable that the people of the Provinces should have had a voice in the arrangement of the treaty (i.e. the Ashburton Treaty) or the right and power to call him to account in Parliament." (2)

Closely connected with the question of foreign policy and negotiations was the matter of defence, Great Britain claiming her sovereign right to decide the foreign policy of the Empire upon the grounds that she bore the burden of Imperial defence. In the earlier colonial period the theory had been that the colonies should provide a sufficient number of troops to act as a defensive force, while Great Britain would protect them against European attack, or in a serious emergency, as well as assuming the entire burden of naval defence. This plan was somewhat vague in its form and was not strictly adhered to; for example, British troops were constantly sent to aid the American colonies in the Indian wars. The British Government was growing weary of this heavy burden and considered that as the colonies became more independent they might well take a larger share of the expense of defence. In March 1862, the House of Commons unanimously passed a resolution "that colonies exercising the rights of self-government ought to undertake the main responsibility of providing for their own internal order and security". (3) This resolution, the colonies were, on the whole, willing to accept in theory, but the practice of the theory was to be tested in Canada in very short order. The American Civil War had placed Canada in an extremely delicate position. There was strongly hostile feeling in both the Northern states and Great Britain, and for a little while during the trouble caused by

(1) ~~Told:~~ Skelton:
Page 332.

(2) Locke: Builders of The Canadian Commonwealth,
Ryerson Press, Toronto, 1903,
Page 54.

(3) Skelton:
Page 343.

the Trent affair, there appeared to be an imminent danger of war. Though none of the Governments concerned acknowledged that war was possible, Canada decided that it would be well to look to her defensive forces. A commission was appointed consisting of a number of prominent Canadians, two provincial colonels, and a representative from the British War Office. The results of their report was embodied in a Militia Bill, which would have greatly increased the expenditure on military forces and radically reorganized those existing. To the chagrin of the government the Bill was defeated by a small majority. The reaction in Great Britain was violent. The Times fulminated against Canadian inaction, painting a picture of overweening ambition on the part of the United States with Canada as the not too innocent victim. The Duke of Newcastle clearly stated the position of the Government in his dispatch of August 21st, "no body of troops which England could send would be able to make Canada safe without the efficient aid of the Canadian people ... the main dependence of such a country must be upon its own people." (1) Considerable indignation was felt in Canada at what was felt to be unjust aspersions of laziness or cowardice. The official answer was, that the Canadian Government were willing to acknowledge their obligation to preserve internal peace but they refused to class the danger then threatening in that way. "The people of Canada feel that should war come it will be produced by no act of theirs, and they have no inclination to do anything that may seem to foreshadow, perhaps to provoke a state of things which would be disastrous to every interest of the province they have relied for protection in some degree upon the fact that under no conceivable circumstances will they provoke war with the United States, and if therefore, Canada should become the theatre of war resulting from Imperial policy, while it would cheerfully put forth its strength in the defence of its soil, it would nevertheless be obliged to rely for its protection mainly upon Imperial resources." (2) The whole tone of the reply shows the tendency to disassociate Canadian policy from Imperial policy. It was not so much a refusal to assume the burden that her claims of self-government might appear to warrant, as a differentiation between her own business and Great Britain's, and a refusal to become involved in what was not her concern. * The idea that a colony could consider the possibility of becoming a "nation" within the Empire was new and in many quarters startling. Federation gave a body to this idea and

(1) Skelton:
Page 346.

(2) Thid:
Page 349.

the semblance of reality. In the minds of many Canadians there was an increasing perception of the future possibility of the transformation of the erstwhile "colony" into a Dominion. The Confederation Debates show the goal that many of the leaders hoped for, though they saw that goal as a future possibility rather than an immediate attainment. John A. MacDonald expressed his belief in the new country when he said: "Gradually a different colonial system is being developed and it will become year by year less a case of dependence on our part and overruling protection on the part of the mother-country, and more a case of healthy and cordial alliance. Instead of looking upon us as a purely dependent colony England will have in us a friendly nation - a subordinate but still powerful people - to stand by her in America in peace or war." (1) It is possible to quote phrase after phrase from the speeches of that time to show how many men regarded such a conception with enthusiasm: "The sentiment of nationality, the national feeling that gains the people strong interest in their country's welfare." (2) - "Devote ourselves to the development of a new nationality." (3) - "National development in connection with Great Britain." (4) - "to form a nation or kingdom." (5) "founding a great British monarchy in connection with the British Empire and under the British Queen." (6) It is significant that the drafters of the British North America Act first wished to use the term "The Kingdom of Canada". Thus it was written in the third and fourth drafts and was only altered through a delicate regard for the susceptibilities of the United States on the part of Lord Knutsford. It is interesting to note that the dignity of the word "Kingdom" is hankered after at such times as when national pride is in the ascendant. John S. Ewart used it in his collection of articles on Canadian position called the "Kingdom Papers" and in the autumn of 1926 certain groups in the Maritime Provinces again suggested the adoption of the term. This new nationality was not to be merely a matter of the already established and settled provinces, even

- (1) Pope: Confederation Debates,
Cassell and Co, Toronto, 1895,
Page 43.
- (2) Thid:
Page 396.
- (3) Thid:
Page 433
- (4) Skelton: D'Arcy McGee,
Garden City Press, 1925,
Page 408.
- (5) Pope:
Page 527.
- (6) Kennedy:
Page 587.

before Federation was a certainty there were those who were turning their eyes westward. In 1862, the prophet of nationalism, D'Arcy McGee, spoke of the Intercolonial Railway as "an essential link in the chain of an unbroken highway from Atlantic to Pacific" (1) Naturally, there were those who dissented from this view that the Dominion could be a nation or that it was desirable even if possible. That macabre figure, Goldwin Smith, lamented the total lack of any really Canadian sentiment, and though eager to see it, failed to discover its traces. While Mr. Dunkin expressed the opinion of a number in the House when he opposed Federation on the grounds: "That this step now proposed is one directly and inevitably tending to that other step (i.e. separation), and for that reasonbecause I am an Englishman and hold to the connection with England I must be against this scheme." (2) The fact that this new idea of nationhood was outside of any previous experience in Empire-building and was more a matter of enthusiastic foresight than technical definition blinded many to its reality.

This embryonic nationality was naturally somewhat vague in its expression, and the question of how the new role that Canada was assuming in the Empire was to be realized was left to the not very distant future. In relation to foreign countries the hope was expressed that Federation would give more weight to the expression of Canadian opinion. Morris explained the position desired by pointing to the cancellation of the Reciprocity Treaty (1866) as a sign of colonial weakness, and forecasted a time when the "politicians of the United States would negotiate with the combined interests of North America." (3) At the same time he added that the Dominion would confer with foreign nations "through the Mother Country". Canada was eager to gain a hearing in Imperial councils, but she was not desirous of losing the valuable aid of Great Britain, nor damaging her connection. The British North America Act did nothing to clear the situation as far as Canada's relation with Great Britain or foreign countries were concerned. The Act was not a change in the theory of Imperial Government, it was a remodeling of the internal government of certain colonies. In no sense was it an agreement between the colonies and the Mother Country. Therefore no attempt was made to set down limits to the rights or privileges of either or to define the duties required of them.

- (1) Skelton: D'Arcy McGee,
Page 403.
- (2) Pope:
Page 527.
- (3) Pope: Confederation Debates.
Page 19.

Certain restrictions were accepted by the Dominion, certain responsibilities were assumed by Great Britain, but the Act did not deal with them specifically. It was assumed that the Colonial Office would function as previously and that it would be in the same relation to the Dominion as to the separate colonies, which meant that foreign nations would be approached through it and the Foreign Office, and that there was no diplomatic plurality. Canada had gained no new autonomous powers. But she had gained added prestige, considerable strength, and a strong sense of her own rights, with the power to make herself heard. Circumstances, not theory, were shortly to force her to use her power and demonstrate her desire for fuller autonomy.

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^k Selton, O. D.: Life of Sir Alexander Tilloch Galt,
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Garden City Press, Gardenvale, 1925.

Chapter 2

Development of Commercial Autonomy

Before Federation Canada had asserted her right to fix her own tariffs and to follow the economic policy that her Parliament considered most advantageous. She now desired to take the further step of negotiating with foreign countries on commercial agreements. As such agreements do not come under the category of treaties they have no direct effect on the question of national status. But they were to prove the first step towards the greater freedom that lay in the treaty making power. Having once made concrete gains it was easier to establish the claim for an abstract right, though the process was a slow one. There were two points at which Canada felt herself subordinated to the economic policy of Great Britain. One was that Canada was without any machinery, or the privilege of establishing the machinery, to negotiate with foreign countries except by way of the Governor General and the Colonial Office. The other was the presence of certain commercial treaties between Great Britain and foreign nations possessing "most favored nation" clauses. As these treaties were binding upon the whole Empire they prevented Canada from regulating her own tariff as she willed.

It was felt in Canada that her interests on the continent would be more carefully forwarded by a Canadian representative than by the British officials. Accordingly in 1878 A. T. Galt was sent on a special mission first to Madrid and later to Paris. Galt has always been keenly interested in foreign affairs. He had served on the Halifax Commission (1877) with considerable credit to himself and gain to his country. He had been convinced for some time that Canada suffered from insufficient representation in foreign affairs and had advocated that Canada should have "direct negotiations with other British possessions and foreign states to effect commercial agreements subject to ratification from the Crown." (1) The appointment of Galt to such a mission insured that Canadian interests would have the fullest attention, and that every advantage would be taken to improve her diplomatic, as well as her commercial position. The machinery of his appointment showed the difficulties that lay in Canada's path towards freedom of action. The recommendation was submitted by the Canadian Government, through the Governor-General, to the Colonial Office, who forwarded it to the Foreign Office, who communicated with the British Ambassador at the particular foreign capital in question, whereupon arrangements

(1) Skelton: Sir A. T. Galt:

Page 456.

were made whereby Galt was enabled to co-operate with that Minister. Such procedure meant that the Dominion's position was not officially altered and the exact nature of Galt's status would have been hard to define. Though the negotiations yielded little, the precedent had been established that Canadian affairs should be negotiated with the assistance of a Canadian in close touch with the Canadian Government.

Another advance was made the following year (1879) when Galt was appointed to the newly devised position of High Commissioner. His duties were originally of a purely consultative nature, his capacity being advisory, not diplomatic. On that last point there was considerable difference of opinion on the part of the Canadian and the British Governments. MacDonald welcomed the establishing of the position as a matter of considerable significance: "Canada has ceased to occupy the position of an ordinary possession of the Crown." and he asked that the British Government "accredit the representative of Canada to the foreign courts for special objects." (1). The British Government were not prepared to see such a radical change made. They stated that Galt held "only a quasi-diplomatic position" (2) and that "Canada cannot as an integral part of the Empire maintain relations of a strictly diplomatic character, His Majesty's Government representing the United Kingdom, *per se* and the Dominions." (2) Nevertheless the Canadian Government did not give up hope of establishing the point. With the succession of Dr. (later Sir) Charles Tupper, to the High Commissionership there were further developments of its sphere. In 1883 Dr. Tupper represented Canada at the Cable Conference, the British self-governing colonies having been invited for the first time to an international conference. In 1884 negotiations were again opened up with Spain and this time carried to a more successful conclusion. The point of interest upon this occasion was the position of Sir Charles Tupper. The conditions of negotiation were laid down by Lord Granville: "If the Spanish Government are favourably disposed, a full power for these negotiations will be given to Sir Robert Morier and Sir Charles Tupper jointly. The actual negotiations would probably be conducted by Sir Charles Tupper but the connection, if concluded, must be signed by both plenipotentiaries." (3) This was regarded as a distinct

- (1) Keith: Selected Speeches,
Clarendon Press, Oxford, 1918,
Page 149.
- (2) Skelton:
Page 526,
- (3) Saunders: Life of Sir Charles Tupper,
Carswell and Co, London, 1916,
Page 37.

gain for Canada by MacDonald, who wrote to Sir Charles, "You certainly have scored a great point in securing your being united with the British Ambassador, not only in negotiations but by the completion of the Treaty." (1) Though Tupper had been appointed and received his powers from the British Government, he was felt to be a Canadian representative. Canada's enlarged activity in negotiations was watched with a careful eye by the British Government. In 1895 the Marquis of Ripon sent a dispatch to Canada setting forth the conditions necessary for foreign negotiations. "A foreign Power can only be approached through Her Majesty's Representative and any agreement entered into with it, affecting any part of Her Majesty's Dominions, is an agreement between Her Majesty and the Sovereign of the Foreign state, and it is to Her Majesty's Government that the Foreign state would apply in case of any question arising under it.

To give the Colonies the power of negotiating treaties for themselves without reference to Her Majesty's Government would be to give them an international status as separate and sovereign states, and would be equivalent to breaking up the Empire into a number of independent states; a result which Her Majesty's Government are satisfied would be injurious equally to the Colonies and to the Mother Country, and would be desired by neither." (2) The dispatch continued that for the sake of further information Her Majesty's Representative could have associated with him "as a second plenipotentiary or in a subordinate capacity, as Her Majesty's Government think the circumstances require a delegate appointed by the Colonial Government." All arrangements were to be approved by "Her Majesty's Government" by the Colonial Government, and, where necessary, by the Colonial legislature.

Canada's attempts to improve her trade relations were hampered by "the most favoured nation" clause in certain British treaties, notably those with Germany and Belgium. In 1890 Tupper protested: "No commercial treaty should be binding upon the colonies without their assent, but that every such treaty should contain a clause enabling the colonies to participate in its provisions or not as they may desire." (3)

(1) Pope: Sir John A. MacDonald,
E. Arnold, London, 1894.
Page 21.

(2) Keith: Selected Documents,
Page 156.

(3) Pope:
Page

Two years later the Canadian Parliament presented a memorial to the Queen requesting that the objectionable treaties be withdrawn. Various motions were introduced into the Canadian Commons during this period with the intention of gaining for Canada the right to negotiate commercial treaties, but they were defeated.

The question of commercial autonomy and trade relations proved a fruitful source of discussion at the Colonial Conferences during the next twenty years. At the first session (1887) it became obvious, that on the whole, the other self-governing colonies were not prepared to follow the steps Canada had taken ~~as yet~~. Canada's treaty with the United States was regarded as a dangerous precedent, which, if followed, might lead to the dissolution of the Empire. A resolution was brought in by Sir Dillon Bell, of New Zealand: "The principle may be stated that the Colonial Governments should be allowed to negotiate commercial treaties with Foreign Powers under the direction and supervision of Her Majesty's ambassador at Foreign Courts." (1) In its original form the proposal had been that the same privilege be granted to the governments of Australia "which has been repeatedly granted to Canada." (2) This resolution was defeated on the grounds that "to propose to allow any Colony to make a treaty ~~which~~ would have the effect of favouring foreigners at the expense of the rest of the British nation seems to be tending in the very opposite direction to that of unity." (2) By the next session of the Conference (1894) the situation had altered to the extent that the protest was now caused by the difficulties that lay in the way of preferential trade between Australia and Canada. Accordingly two resolutions were passed by the Conference. "That provision should be made by Imperial legislation enabling the dependencies of the Empire to enter into agreements of commercial reciprocity including the power of making differential tariffs with Great Britain or one another." And: "That this conference is of the opinion that any provisions in existing treaties between Great Britain and any foreign power, which prevent the self-governing dependencies of the Empire from entering into agreements of commercial reciprocity with each other or with Great Britain be removed." (3) No action was taken by the British Government, but the next session of the Conference (1897) was to find the situation more favourable. The Imperialistic enthusiasm of the Jubilee celebrations, the development of a scheme for commercial union leading towards *federation* and Canada's preferential tariff of 1896 all played their part in the attitude taken at that time. The request for the with-

(1) Jebb: The Imperial Conference,
Longmans and Green & Co. 1911,
Page 78.

(2) Thid:
Page 81.

(3) Jebb:
Page 171.

drawal of the treaties was repeated and this time met with success. The British Government cancelled the Belgian and German treaties the following year and it declared that in the future the colonies would not be bound by Great Britain's commercial treaties, except upon their own request. In this way the move which was intended to clear the way for closer commercial union assisted the colonies in gaining commercial autonomy.

The cancellation of the German treaty upon the part of Great Britain led to a lengthy tariff war that was to test Canada's claims to economic autonomy in a practical fashion. In 1899 Germany put into operation the general rates on Canadian goods, instead of the conventional, or minimum rates, as heretofore. Canada retaliated by charging a surtax of one-third on German imports in 1903. On the whole it was Germany, not Canada, that suffered, as most of the products Canada exported were on Germany's free list, and therefore unaffected, while Germany's exports were of a highly specialized variety. It was not till 1910 that an agreement was reached when Canada granted to Germany her general rates while in return Canadian goods were admitted to Germany on that country's minimum rates.

Canada continued to send her representatives to negotiate commercial agreements with foreign countries. Mr. W. G. Fielding and Mr. L. P. Brodeur crossed to Paris in 1907 and successfully arranged a commercial convention. Upon this occasion Sir Edward Grey, the Secretary for Foreign Affairs, sent a dispatch to the British Minister at Paris in which he mentioned the Marquis of Ripon's regulations (1895) and then continued, "I do not, however, think it necessary to adhere in the present case to the strict letter of this regulation.... The selection of the negotiator is principally a matter of convenience, and, in the present circumstances, it will be obviously more practical that the negotiations should be left to Sir W. Laurier and to the Canadian Minister of Finance who will doubtless keep you informed of their progress. If the negotiations are brought to a conclusion at Paris, you should sign the Agreement jointly with the Canadian negotiator, who would be given full powers for the purpose." (1) This dispatch reveals the actual situation, in that the regulations as laid down by Lord Ripon were more often disregarded than obeyed. The visits of Mr. Lemieux to Japan, and that of Mr. MacKenzie King to India a few years later do not strictly speaking, belong to the subject matter of this chapter, being concerned with immigration not commerce. The extension of Canada's powers over this field is worth noting as well as the

(1) Potter: Canada as a Political Entity,
Longmans Green and Co., Toronto, 1923.
Page 103, foot-note.

enlarging circle of her diplomatic interests. In 1911 the Liberal party attempted to ~~revive~~ the limited reciprocity of 1854 with the United States in response to an offer from that country. An agreement was reached whereby concurrent legislation upon the part of Canada and the United States would bring certain reciprocal arrangements into effect; in this way avoiding the technicalities of a treaty while having the complete freedom of independent negotiations. The Liberals, however, were defeated and in the election the Conservatives persuaded the country to retain the high tariff in the hope that it would protect not only her manufactures, but also her devotion to the British Empire. In 1921 Sir George Foster negotiated a new commercial agreement with France. The agreement was signed by both the British Minister at Paris and Sir George, the former receiving his powers from the British Government, while the latter was authorized to sign by the Canadian Government.

The final step was taken in the Halibut Treaty["] (1923) when Mr. Lapointe signed, authorized to do so by the Canadian Government, without the signature of the British Ambassador also being required. The Imperial Conferences of 1923 and 1926 definitely stated the freedom of the Dominions and their autonomous powers.

(1) See following chapter for further discussion.

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Chapter 3

Diplomatic Relations with the United States

The relationship between Canada and the United States has been remarkably peaceful, though not always amiable. There have been numerous causes of dispute and ill-feeling which happily have always been settled by arbitration. It was in the settlement of these disputes that Canada served her apprenticeship in diplomacy.

The Fisheries on the Atlantic Coast were for long years an ever-present cause of friction. By the Peace of Paris (1783) the United States ~~was~~ granted fishing privileges along the coast, or, according to their point of view, their right to these privileges was recognized. After 1814 Great Britain declared that these privileges had lapsed. No agreement was reached till 1818 when the London Convention gave limited rights to the United States. The Reciprocity Treaty (1854) opened the Canadian fisheries to the Americans, until that treaty was abrogated in 1866. A period of poaching and violence was begun and the difficulty of the situation was increased by the hostility existing between Great Britain and the United States as an outcome of the Civil War. The "Alabama Claims" were still unsettled and there were several minor matters to be arranged. Canada, for her part, felt considerable annoyance over the Fenian Raids, and was anxious for indemnity. Immediate steps were necessary if a settlement was to be reached and more serious dangers averted. In 1871 a joint High Commission was appointed to inquire into the claims of both parties. As much of the matter to be discussed touched Canadian interests very vitally, it was thought advisable that a Canadian be present. Sir John Rose, a Canadian who had been resident in London for some time, assisted in the preliminary arrangements, but it was felt that he was too far removed from the actual situation in Canada to be the most acceptable representative. It was decided that the appointment of Canada's Prime Minister, Sir John A. MacDonald, would be suitable and in accord with the wishes of Canada. After consulting with his Cabinet MacDonald accepted the appointment, in spite of the critical state of the political situation. There were serious difficulties facing MacDonald. Owing to the wording of the preliminary communications it was found necessary to shelve the "Fenian Raid claims. Also, instead of there being three representatives from both of the negotiating governments, including one Canadian, as had at first been planned, it was now arranged that there should be five representatives from both, though Canada's representation was not

increased. Further, the questions for negotiations were to be treated as a unit and settled as a whole. Upon learning of the arrangements, MacDonald considered withdrawing. He felt that Canadian rights had already been slighted, that he had very little chance of affecting the final decision, and that he would be forced into the awkward position of having to choose between signing a treaty objectionable to his country or of wrecking the entire proceedings. From the point of view of his own political prestige he could not afford to take part in the making of an unfavourable treaty, and at an earlier period he had declared himself content to leave Canadian foreign affairs in the hands of British diplomatists. However, upon meeting the actual situation, he decided that Canada's position would be materially weakened if such an opportunity for representation were missed and that it was necessary to remain and make the attempt to give adequate expression to her demands.

MacDonald stated what he considered his position on the Commission. Although appointed by the Foreign Office and therefore a British delegate he held himself responsible to the Canadian Parliament for his actions. In writing to Lord Grey he stated that "although my commission was from Her Majesty yet I know I was appointed in consequence of my connection with the Canadian Government and as representing Canadian interests, and therefore, I shall feel it my duty to make a report on the subject to Lord Lisgar, as Governor General." (1)

This interpretation of MacDonald's status was not shared by the British Government. At one point in the proceedings a deadlock occurred, owing to the inadequate compensation offered to Canada for the grant of full fishing privileges to the Americans. MacDonald again considered withdrawing when he found that he was alone in opposing what he considered to be a totally unsuitable arrangement. Upon inquiring he was assured that it was not a joint commission of the British and Canadian Governments, but a mixed commission and so the withdrawal on his part would bring the negotiations to a close. He was informed that he was acting as an officer "of the Imperial Government over which commission of course, the Canadian Government has no control." (2) Officially

(1) Pope:

Page 122.

(2) Thid:

Page 131.

an exact statement, in actual practice it was not a fact. For as long as MacDonald was held responsible by the Canadian Government, as long as the treaty had to be ratified by that Government, and as long as MacDonald was chosen because of his position in it, it could not be said to be without some measure of "control". The moment was a critical one but as MacDonald felt he could not jeopardize all the countries concerned by causing the failure of the Commission he agreed to remain. Happily, more favourable terms for Canada were reached and he was able to justify his continued presence.

The attitude of both the British and American commissioners towards Canadian claims throws some light on the difficulties facing Canada in her assertion of national rights. MacDonald was thoroughly exasperated many times during the negotiations. He frequently expostulated with the British for their luke-warm attitude towards Canada's interest. He bitterly wrote to Dr. Tupper: "I must say that I am greatly disappointed at the course taken by the British Commissioners. They seem to have only one thing on their minds - that is to go home to England with a treaty in their pockets, settling everything, no matter at what cost to Canada." (1) The attitude of the Americans he found even more trying and in his letters does not mince his words. It is remarkable the lack of understanding of Canada there was on the part of some prominent Americans. Sumner, Chairman of the Senate Committee on Foreign Relations wrote, previous to the meeting of the Commission: "The greatest trouble, if not peril... is the proximity of the British flag in Canada. Therefore the withdrawal of the British flag cannot be abandoned as a condition or a preliminary of such a settlement as is now proposed - the withdrawal should be from this hemisphere including provinces and islands." (2) Such an opinion was, of course, extreme and carried little, if any, weight in diplomatic circles. It is also true that Sumner was misled by his admiration for Bright and had not grasped the position of the Dominion in the Empire. That a statement of such absurdity could be made had, nevertheless, a certain significance not complimentary to Canada's new dignity.

In what diplomatic position was Canada at the close of the lengthy and tortuous negotiations of the Washington Treaty?

(1) Pope: MacDonald p. 135

(2) Foster: Century of American Diplomacy. *Longton, Mifflin and Co.*
Page 428. *Boston, 1902.*

MacDonald had been an accredited commissioner of the Imperial Government; appointed by exactly the same method as the other British commissioners and technically his position did not differ from theirs in any degree. He signed as a British Commissioner deriving his powers from the British not from the Canadian Government. Technically Canada's status had not altered, actually a great deal had been gained. MacDonald was appointed because of his knowledge of Canadian affairs, because of his connection with the Canadian Government, because he was acceptable as a Commissioner to the Canadian people. To quote an impartial student: "The appointment of MacDonald signified the formal recognition by Westminster that the British American Commonwealth was entitled to share through its government, in the imperial diplomacy affecting it." (1) At the least, one can say that the precedent had been established that Canada should have a direct voice in negotiations affecting her interests.

Upon MacDonald's return to Ottawa, the treaty was ratified by the Canadian Parliament, not without some severe criticism by the Liberal Party. Great Britain assumed responsibility for the Fenian Raid claims, as it was due to the oversight of her ministers that they were omitted from the negotiations, and on the whole Canada did not suffer from the treaty and its results. Tranquillity appeared to have settled over the affairs of the Eastern fisheries, until the United States again ended the treaty (1885) and the situation reverted to the unfortunate one of 1812 and 1866. A Fishery Commission was held in 1887, at which Sir Charles Tupper represented Canadian interests. His official position corresponded to Sir John A. MacDonald's on the previous occasion. Sir Charles was also anxious that Canada's position and authority should be recognized. He informed Mr. Bayard, the American Chairman of the Commission that before the treaty could go into effect that "the approval of the Canadian Parliament and the legislature of Newfoundland would be necessary." (2) Unfortunately, the refusal of the American Congress to ratify the treaty prevented any final settlement.

Within the next ten years a number of disputed questions arose between the United States and Canada. A High Commission was appointed consisting on the British side of Lord Herschell, Sir Wilfred Laurier, Mr. Louis Davies, Mr. John Charlton, Sir Richard Cartwright, and Sir James Winter of Newfoundland. It is a sign of the change that was taking place

(1) Dunning: The British Empire and the United States.
Scribners and Sons, New York, 1914.
Page 265.

(2) Pope: MacDonald. *Page 178.*

the only representative from Great Britain was Lord Herschell, all the others were from either Canada or Newfoundland. The Commission met in two sessions, lasting from August 1898 to February 1899. The matters under consideration were the Alaskan Boundary, trade relations, Pacific sealing, and the Atlantic fisheries, as well as some minor and less controversial points. Fairly satisfactory arrangements were reached on all the questions, with the one important exception of the Alaskan boundary, upon which the Commission could come to no agreement. The method of appointment of the Commission was the same as on former occasions, they were given their powers by the Imperial Government. The great difference lay in the number of Canadians and Newfoundlanders included, and in the zeal displayed by Lord Herschell to further Canadian interests. Every care was taken to consult Canadian opinion and forward Canada's demands. To the American commissioners this appeared both tedious and unnecessary. The comment made by Mr. Hay upon the negotiations showed how far he was from appreciating the methods of the British colonial system and Canada's part therein. "You are by this time probably aware of the great difficulties that surround the arrangement of any controversy in which Canada is concerned. The Dominion politicians care little for English interest... while the habit of referring everything from the Foreign Office to the Colonial, followed by a consultation of the Canadian authorities by the Minister of the Colonies produces interminable friction and delay." (1) Such a statement also pointed to the real need for Canada to ~~make~~^{have} some less cumbersome and more direct system of controlling her own foreign policy.

The Alaskan boundary was submitted to arbitration after considerable delay and prolonged negotiations. It was to be decided by a tribunal of six "impartial jurists" three chosen by each government. They were to consider the doubtful boundary treaty judicially, not diplomatically. When the arbitrators were appointed Canada became alarmed, as she regarded the Americans appointed as biased. The Canadian Government protested to London and hinted at withdrawing but with no effect. The decision finally reached was regarded in Canada as most unsatisfactory and considerable heat was generated throughout the country. Just or unjust, the decision was certainly not judicial, as Lord Alverstone, Chief Justice of England, had worked for a compromise, and it was felt in Canada that he had departed from his instructions. Sir Wilfred Laurier telegraphed to London: "If we are thrown over by the Chief Justice, he will give the last blow to British diplomacy in Canada." (2)

(1) Skelton: Sir Wilfred Laurier (2)
The Century Co. New York, 1922
Page 129.

(2) Skelton: (2)
Page 156.

Speaking in the House at a later date he said, "I have often regretted that we have not in our own hands the treaty-making powers, which would enable us to dispose of our own affairs... It is important that we should ask the British Parliament for more extensive powers so that if we ever have to deal with matters of a similar nature again, we shall deal with them in our own way, in our own fashion, according to the best light we have." (1) It was the practical need, not theory, that was forcing Canada towards wider autonomy. In spite of Canada's protests the British Government formally ratified the treaty, declaring it was bound by the Speech from the Throne which had been made a day before an inquiry had been sent to the Canadian Government for their opinion, an act obviously regarded as a mere matter of form. Quite justifiably the Canadian Government considered that the inquiry should have been seriously meant and that they had the right to a voice in a matter so vitally to their interests. An added bitterness was that Canada's case would have been stronger if a protest that Sir John A. MacDonald has sent in 1889 against the encroachments of the Americans on the head of the Lynn Canal had been treated with greater care by Sir Lionel Sackville-West. "Owing to the fact that the Foreign Office disapproves of communications from Ottawa to Washington direct, he had asked Tupper to ask Salisbury to instruct the British Minister to convey the protest to the State Department." (2) After which the matter had slipped into oblivion. Although the feeling caused by the Alaskan boundary settlement in time died down and once the emergency was over the demand for the treaty-making power was consigned to the background, the lesson was not forgotten.

At the negotiations for regulating the use of the waterways on the International boundary between Canada and the United States, Canada was represented by Sir George Gibbons. In the Speech from the Throne (1909) it was stated that "the advice of the Dominion Government was sought and followed." (3) Further negotiations in which Canada was represented were the agreement in 1909 that the North Atlantic Fisheries question should be referred to the Hague Court and the Behring Sea International Convention of 1911. Mention has already been made of the approach made by the Government of the United States to Canada for limited reciprocity and of the fate of the agreement reached.

- (1) Skelton: (2)
Page 156.
- (2) Skelton: (2)
Page 136.
- (3) Skelton: (2)
Page 105.

After considerable research and negotiation a treaty to arrange for a closed season in halibut fishing was presented to Canada by the United States in December 1922. The first title given to this treaty was "A convention between the United States of America and Great Britain concerning Halibut Fisheries." The Canadian (1) Government immediately telegraphed to Washington that they wished that the "Dominion of Canada" be substituted for "Great Britain" in the title, and forwarded the same request to the Secretary of State for the Colonies. It was pointed out by the Colonial Secretary that the title did not appear in the treaty as signed, and as the opening paragraph used the words "the nationals and inhabitants of the United States and Canada respectively." (2) Canada's objection was not important. Nevertheless the title was finally changed to read "A convention for the regulation of Halibut Fisheries on the Pacific Coast of Canada and the United States." (3)

Upon the request of the Canadian Government full powers to sign were sent to Mr. Lapointe, the Canadian representative. Sir Auckland Geddes, the British Ambassador at Washington, thereupon asked for information as to whether Mr. Lapointe was to sign with him or not. The Canadian Government had evidently considered that when Mr. Lapointe received full powers to sign that it precluded the necessity of any other signature, and as it was a treaty affecting Canadian interest alone, the signature of the British Ambassador would be superfluous. After some delay word was sent to Sir Auckland Geddes that "my ministers are of the opinion that as respects Canada, the signature of the treaty by Mr. Lapointe alone will be sufficient and that it will not be necessary for you to sign as well." After another week of telegraphing Sir Auckland Geddes was reassured by the Foreign Office and on March 2nd, 1923, the treaty was signed by Mr. Lapointe alone.

A new difficulty arose when the treaty was discussed in the American Congress, who agreed to ratify it only upon the acceptance of a rider to the effect that the treaty would be equally binding upon the nationals or inhabitants "of any other part of Great Britain" (4) As,

(1) Lowell: Canada's treaty making powers,
Foreign Affairs, Sept. 15th, 1923.

(2) 2 Bid

(3) 9 Bid

(4) 9 Bid

correctly speaking, the treaty had nothing to do with any inhabitant of Great Britain the error is obvious. More serious than the slip in terminology, however, was the fact that if the treaty was to be binding upon any other portion of the Empire Mr. Lapointe's signature would not be sufficient and the point just gained by the Canadian Government would be lost. Believing that Congress was not so much concerned with Canada's status and her treaty-making powers as it was with the guarding of the treaty against any loophole, they asked Congress to waive the rider and accept instead the amendment that Canadian ports, the only ^{ones} available for Halibut fishing, would not be used for purposes contrary to the treaty "by any nationality" (1) This amendment was accepted by Congress. Speaking in the Canadian House, Mr. Lapointe declared: "Now I claim that by signing and accepting the signature of Canada in that treaty the United States have recognized the international status of Canada."

Canada's position as negotiator and signatory of the treaty did not go unquestioned. In the Canadian House of Commons there was some discussion of her action on the grounds of unnecessary discourtesy to the British Ambassador rather than any objection to the theory underlying her exercise of the treaty-making powers. At the Imperial Conference of October, 1923 the whole question was brought forward and one of the results was a new definition of the scope of the Dominions in negotiations and a re-emphasis on the need of mutual information and co-operation. It was declared that the action of the American Congress had changed the nature of the treaty so that Canada's excuse that it was purely a local treaty no longer was valid. Accordingly the treaty was in time ratified by the governments of the other Dominions.

One more step was necessary in Canada's relationship to the United States, the establishment of some more effective and direct method of communication between the two countries than had existed in the past. Conferences, had of course, been held from time to time as the need arose, but with the vast increase of business brought about by the War some more satisfactory system became imperative. Towards the close of the War a Canadian War Mission was established at Washington by an Order-in-Council. Its object was to provide direct communication between the two countries, and to lift the burden of

(1) Lowell: Canada's treaty making powers. Foreign Affairs. Sept. 1923

Canadian affairs from the overworked British Ambassador. The Mission was without diplomatic standing and was created to deal with commercial and business questions, but it frequently handled diplomatic matters. As the War Mission ceased after the close of the War, the Canadian Government decided that something more permanent should be put in its place. Having discussed the question with both the British and American Governments the Canadian Government created the post of Canadian Minister at Washington in 1920. "It has been agreed that His Majesty, on advice of his Canadian Ministers shall appoint a Minister Plenipotentiary who will have charge of Canadian affairs and will at all times be the ordinary channel of communication with the United States Government in matters of purely Canadian concern, acting upon instructions from and reporting direct to, the Canadian Government. In the absence of the Ambassador the Canadian Minister will take charge of the whole embassy and of the representation of the Imperial as well as Canadian Interests. He will be accredited by His Majesty for the purpose." This new arrangement will not denote any departure either on the part of the British Government or of the Canadian Government from the principle of the diplomatic unity of the British Empire." (1) This memorandum was read in both the British and the Canadian House of Commons.

No action was taken for some time, though the Irish Free State established a minister at Washington in 1924. In 1926 the Hon. M. Vincent Massey was appointed to the position. In spite of the statement that the Canadian Minister would take charge of the embassy in the absence of the British Ambassador the Canadian Government is loathe to allow such a practice for fear of entanglements, and at the moment there is little likelihood of it occurring. There is every reason to believe that Mr. Massey's presence in Washington will make for a better understanding and good feeling between the two countries.

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Chapter 4

Imperial Defence

Linked closely with the question of foreign policy is the question of military and naval power. Whatever may come of the present move towards partial disarmament and arbitration, it has been true in the past that with the development of nationalism came the growth of large armies and navies. The expense of acquiring and defending the British Empire was heavy and with the growth of the self-governing colonies it was felt by Great Britain that they ought to assume their fair share of the burden. At the time of Federation it had been decided that the Dominion should take care of its own internal defence, in accord with the policy announced by the British Government a few years before, while Great Britain would provide the necessary naval defence. Accordingly, with the exception of the Esquimaux and Halifax garrisons, all British troops left Canada in 1870. There was no indication, however, that Canada intended to carry any share of the load of Imperial defence. In fact Canada adopted an attitude of aloofness at that time, which she has, on the whole, preserved ever since. This attitude was partly the result of her peculiar position and her isolation from both European and Asiatic affairs. War with the United States was to her unthinkable, in light of the long undefended boundary and the superior man power of her neighbour. There being no prospect of immediate danger and the more disturbed centres of Imperial activities being remote, Canada did not see why she should assist in the paying for quarrels in the making of which she had had no hand. Moreover the need of internal development was great and Canada was spending large sums on railways and other improvements, that in case of war, would be Imperial assets. Over and above these reasons was Canada's objection to becoming entangled in policies over which she had no control and limiting her self-government. In this objection two parties met, the French-Canadian group who were perfectly content to remain under Great Britain's protecting wing and were essentially conservative, and the growing number of Canadian nationalists who were not willing to compromise their freedom of action in any way.

In every Imperialistic system planned defence had been one of the major considerations. With the recrudescence of Imperialism towards the close of the nineteenth century Imperial defence came to the fore. The aggressive policy of France and Germany in the South Pacific islands, the danger of war with Russia in 1885, the enlarging naval programme

of European powers, and the Nile Expedition drew the attention of both British and colonial authorities to the needs and possibilities of further co-operation in military and naval defence. In 1885 the Colonial Defence Committee was formed. Its object was to inquire into ways and means of enlisting the co-operation of the colonies in their own defence and providing any help of a technical or advisory nature that was needed. In 1886 Mr. Edward Stanhope despatched an invitation to the self-governing colonies to appoint a representative or representatives to meet in conference; "with a view to full consideration of matters of common interest." (1) The real purpose of the conference appears more clearly in a later sentence in the despatch; "In the opinion of Her Majesty's Government the question which is at once urgent and capable of useful consideration is that of organization for military defence." (2) In the opening speech of the conference Lord Salisbury outlined the various methods by which a greater unity would be gained for the Empire, by federation, by a Zollverein, or by a Kriegsverein. The first two he dismissed with a brief comment, but the third he dwelt upon as "the real and most important business upon which you will be engaged." (3)

The greatest difficulty arose, not from any disinclination on the colonies part to assisting in defence, but from the impossibility of drawing a clear line between Colonial and Imperial interests, and of discovering a basis of contribution. The Australian colonies were in need of expensive fortifications possessing strategic importance and considered that an exact statement of what was expected from them was imperative. Their position was especially awkward because of their disunited condition. Though willing to contribute to a squadron to be placed in Australasian waters they felt that any such contribution entitled them to the control of it. Sir Henry Halland was forced to admit that the authority to move the squadron "must be the Admiral in command of the Australian Squadron." (4) This insistence on the necessity of a unity of command showed the colonies that there was no possibility of their gaining any real authority over a squadron. Canada's attitude at this time was in direct contrast with Australia's, and there was an essential difference in their

(1) Jebb: Imperial Conference I (3)
Page 8

(2) Ibid:
Page 9

(3) Jebb: (1)
Page 18

(4) Ibid:
Page 44

positions that could not be overcome. Owing to the necessity of accepting whatever aid was offered the British Government could not wait until some general decision was reached. The conference of 1897 saw the question again discussed, but little headway was made. The Admiralty were firmly convinced of the impossibility of there being any division in the control of the Navy, and the colonies, on the whole, were not willing to sink their contributions into the British Navy without some corresponding rights of command. The Australian squadron was commenced but no other colony appeared ready to follow their example.

Within the next few years the solidarity of the Empire was tested. In 1899 the Boer War broke out. Canada was quite unprepared and had formulated no policy in case of such an emergency. The information she possessed about the causes of the conflict were of the scantiest. In July an agent for the South African League had visited Canada and had presented the cause of the Uitlanders as he saw it. As a result the House of Commons had gone on record as expressing sympathy to the Uitlanders. Laurier declared that the purpose of this formal extension of sympathy was "to assure the imperial authorities.... might cause wiser and more humane counsels to prevail in the Transvaal and possibly avert the awful arbitrament of war." (1) It was really a note of confidence in the British Government. The War Office had been trying ever since the spring to find out just how much Canada was at one with them in any practical sense. They inquired if they were justified in "reckoning officially upon the availability of Canadian troops outside the Dominion in case of war with a European power." (2)

Lord Minto, the Governor-General, was anxious that the imperial ties should be strengthened and that the Canadian Government should see its way to embarking on a definite policy of accepting some responsibility for imperial defence. Accordingly he suggested that Canada might offer material assistance if needed, stating his reason: "In this particular crisis the demonstration of such strength would be invaluable; but its effects would, I think, reach far beyond the difficulty of to-day. It would signify the acceptance of a principle which I believe would tend not only to strengthen enormously the Empire generally, but which would consolidate the individual strength, credit and security of each of the off-spring of the Mother-Country. Of course, I am quite aware that questions of imperial emergency may arise in which a colony, deeply interested

(1) Skelton: (2)
Page 82

(2) Skelton: (2)
Page 91

in its own development may very justly not see its way to assist, but a proof of a possible imperial unity, once exhibited before the eyes of the world, would, I believe, do much for the future history of the Mother country and we colonies"(1) But it was that "acceptance of a principle" that the Canadian Government were determined to avoid.

On October 3rd, "The Canadian Military Gazette" further complicated matters by announcing that troops would be offered in case of war by the Government. Though not the official magazine it was sufficiently in touch with the military authorities to give the appearance of authenticity in its statement. Laurier denied the report instantly and defined Canada's position as he understood it. The Militia Act allowed troops to be sent to foreign lands for Canada's defence, but as a South African campaign could not be interpreted in that way the Government had no power to offer troops for it, without first consulting Parliament. Such a statement clearly showed that Canada accepted no responsibility for general imperial defence and that the final authority over Canadian troops lay with the Canadian Parliament.

When war was declared on October the 11th, Laurier was in Chicago and upon his return he found the country in a ferment. Division of opinion was already running on racial lines. The Conservatives in Ontario took up the cause of imperialism with enthusiasm. They were strongly in favour of participation in the war and the hesitancy of the French-Canadians was given a sinister interpretation. Laurier re-affirmed his stand: "They are Canadian troops to be used to fight for Canada's defence.... there is no doubt as to the attitude of the Government on all questions that mean menace to British interests but in the present case our limitations are clearly defined." (2) But the Conservatives were not to be satisfied by any careful and constitutional statement and their bitterness rapidly increased. For their part the French-Canadians were extremely anxious that Canada should not establish any undesired precedent or lose her constitutional liberty. Inaction was only increasing the furore. "Recklessly to sacrifice the harmony of this country would be criminal folly, the people were reckless." (3) The necessity of some immediate action was evident, and an Order-in-Council was issued authorizing the sending and equipment of volunteers up to a thousand men "as such an

(1) Buchan: Lord Minto,
Thomas Nelson and Sons, Ltd. London, 1924,
Page 134

(2) Skelton (2)
Page 95.

(3) Evans: The Canadian Contingent,
Publishers Syndicate, Toronto, 1901

expenditure under such circumstances cannot be regarded as a departure from the well-known principles of constitutional government and colonial practice, nor construed as a precedent for future action." (1) Laurier justified this step on the grounds that public opinion had clearly expressed itself in favour of participation in the war. On the whole the results were pacifying. The opposition took up the double charge of niggardly expenditure and of commitment to imperial wars in the future. While the group supporting Bourassa and Tarte railed against the taint of imperialism and unconstitutional proceedings. In answer Laurier again declared that he had safeguarded Canada against any future demands. "I claim for Canada this, that in future, she shall be at liberty to act or not act, to interfere or not interfere, to do just as she pleases." (2) Though taking care not to become entangled for the future, Canada made no attempt to exercise any control over the troops she had sent. She took no part in either the policy nor prosecution of the war, nor in the negotiations afterwards.

The Coronation of Edward VII (1902) was the occasion of another Colonial Conference, all the Premiers of the self-governing colonies being present for the coronation ceremonies. The hopes of the imperialists and of the Admiralty and War Office were high. The Boer War had called forth not only expressions of firmest loyalty but also material assistance for the Mother Country, and there were those who hoped to make permanent the aid rendered in an emergency. In the invitation to the Conference a request was made for subjects for discussion. A comparison of the answer received from New Zealand with that from Canada shows the wide divergence there was within the Empire on the subject of Imperial defence. New Zealand submitted resolutions in favour of an Imperial reserve, created from colonial forces and partly financed by the colonies for use in emergencies, and the enlarging of the Australian squadron. Canada merely made the negative remark that a discussion of political relations for defence would serve no useful purpose and that her interest lay in the direction of preferential trade. Laurier stated Canada's attitude more fully, "If it be intended simply to discuss what part Canada is prepared to take in her own defence....we are always prepared to discuss that subject. Nor do I believe that we need any prompting on that subject....there is a school which wants to fling Canada into the vortex of militarism which is the curse and blight of Europe. I am not prepared to endorse any such policy." (3)

(1) Evans: (2)

Page 97

(2) Skelton: (2)

Page 105

(3) Skelton: (2)

Page 293.

Out of the war had come, not the unlimited imperialistic enthusiasm that had been expected, but a strengthened national pride and an increased sense of power among the larger self-governing colonies. "Canada's mood was one of reaction from the heady imperialism of the Boer War and Laurier was guarding and interpreting its new mood." (1)

In his opening speech Chamberlain pointed to the relationship between the responsibility for defence and the direction of policy. "Whenever you make the request of us, be very sure that we shall hasten gladly to call you to our councils. If you are prepared at any time to take any share, any proportional share, in the burdens of the Empire, we are prepared to meet you with a proposal for giving to you a corresponding voice in the policy of the Empire." (2) No suggestions were made as to how such a sharing of policy-making would be practiced and the matter dropped for the time. The Colonies were, on the whole, doubtful of the efficacy of any plan in which their opinion would necessarily have but little weight while they would be forced to shoulder the responsibility. As long as Great Britain was so much more powerful than they, the unreality of any attempt to give them an effective place in her councils was evident. The question of naval defence was presented to the colonies by Lord Selborne, the First Lord of the Admiralty. He made quite clear that the Admiralty considered it an absolute necessity that the navy act as a unit under one central authority and could never be counted a purely local service. The smaller colonies responded in a fairly enthusiastic manner, but Australia, while giving a new agreement acknowledging the "necessity of a single navy under one authority." (3) showed marked hesitation. The unfavourable reaction in Australia, upon the agreement being made known, fully justified all the hesitation of her representatives. Canada, for her part, refused to make any offer, vaguely referring to the possibility of a local navy in Canadian waters. The War Office also outlined its wishes, all of which pointed to a unified fighting force with an Imperial Reserve. Australia, unhampered by precedent in military matters was in thorough accord with Canada in objecting to any suggestion of an Imperial Reserve: "To establish a special force, set apart for Imperial service and practically under

(1) Skelton: (2)
Page 302

(2) Report Proceedings of Imperial Conference, 1902
Page 3.

(3) Report Proceedings of Imperial Conference, 1902
Page 36.

the absolute control of the Imperial Government was objectionable in principle as derogating from the powers of self-government." (1) Canada came to an ^{arrangement} ~~argument~~ with the War Office on one point, and assumed the defence of Esquimaux and Halifax, which had been left with British troops. Accordingly the last of the Imperial troops were withdrawn from Canada in 1905.

An important change was made in the Militia Act in 1904. Previously it had been provided in the act, with a view to the more efficient training of the Canadian forces and the possibility of co-ordinating them with the Imperial forces, that the Commander-in-chief should be a British Army officer. There were causes for frequent disagreements between this officer, who was usually a determined advocate of some definite scheme for imperial defence, and the Canadian Government, which could only be persuaded to regard the Militia seriously in emergencies. These difficulties became particularly apparent after the appointment of General Hutton in 1898. Hutton was an enthusiast and a reformer, and his energetic attempts to rouse public feeling on the subject of defence and to rid the Militia of its political flavour inconvenienced the Government. The crisis came in 1900 when the Minister of Militia, Dr. (later Sir) Frederick Borden, appointed a man to report to him on the buying of some horses although Hutton had already made an official appointment. The correspondence that followed showed the impossibility of any understanding being reached and the Cabinet asked for Hutton's resignation on the grounds that he had made several injudicious speeches and was tactless in his relation with some of the Ministers. Lord Minto strongly opposed any such move and did his best to persuade Sir Wilfred Laurier that Hutton had been within his rights. His resistance was without effect and he finally signed the necessary Order-in-Council sending a protest to the British Government at the same time. It was not long before Hutton's successor, Lord Dundonald, found himself in difficulty. In 1904 the Minister of Militia, Mr. Sydney Fisher, struck out the name of a Conservative politician on a proposed list of officers submitted to the Governor-General. Dundonald made no comment at the time, but at a speech in Montreal, shortly afterward, he castigated the Government for the political wire-pulling of the Militia. Such an action was a serious breach of constitutional practice and necessitated his dismissal, the Order-in-Council for which was signed by Lord Minto without any question. After this the Militia Act was changed to read that, if desired, a Canadian could be appointed Commander-in-Chief and a Military Council was formed. In this way the entire control of Canadian forces was placed in the hands of the Canadian Government.

At the Colonial Conference of 1907 the Naval Agreement of 1902 was again discussed at the special request of Australia. Once again the marked difference of opinion between the Admiralty and the colonies, and between the colonies themselves was in

evidence. This conference may be said to have been the burial of the hopes of the War Office and Admiralty for a unified Imperial Army and Navy. Forced to relinquish their plans for a centralized control, they now began to map out a system of co-ordinating the Dominion Units.. At the Conference two resolutions were passed; one advocated closer co-operation between the Colonies and Committee of Imperial Defence; the other suggested the establishment of an Imperial General staff. The subsidiary Naval and Military Conference in 1909 expanded these suggestions. The Imperial General staff was to work in conjunction with the Dominion General staffs in arranging the training, equipment, and war organization of the Dominion forces. It was to collect military information and send it out to the Dominion General Staffs. The Dominion General Staffs remained under the control of the Dominion Government. When war broke out in 1914 it was discovered that little had been done in the way of organizing concerted action.

The increasing naval programme of Germany was watched with growing uneasiness by Great Britain, until in 1909 the Government was thoroughly alarmed and appealed to the Dominions for assistance. Accordingly the subsidiary conference was assembled. Naturally the chief item for discussion was Imperial Naval Defence, and under the circumstances the Admiralty were able to come to some agreement with the Dominions that they should establish their own navies. There were legal difficulties in the way but these were finally removed, and in 1910 the Liberals brought in the Naval Service Bill to establish a Canadian Navy. The Conservative victory of 1911 caused a reversal of policy, and although the Act of 1910 was not repealed no steps were taken to put it into force. In 1911 Sir Robert Borden declared an emergency and introduced in the House a measure to grant a subsidy to Great Britain for the building of battleships, the ship to revert to Canada upon the establishment of her own navy. *This measure was defeated.* The Canadian navy never materialized, however, beyond two out-of-date battleships that were used for training purposes.

Great Britain's declaration of War on Germany on August 4th, 1914, brought the whole Empire into a state of war. At the same time the autonomy of the Dominions was carefully respected and no demands were made for assistance of any kind. The Dominions responded on their own initiative and offered contingents for overseas service. The Canadian Expeditionary Force were completely under the control of the Canadian Government while in Canada, and an Imperial Army Act extended their control overseas to England. After the resignation of Sir Sam Hughes in 1916, the Ministry of Militia was reorganized and divided in two parts, a Minister for Militia Overseas was established in London, as well as the Minister of Militia in Ottawa. This enabled the Canadian Government to bring the

Canadian forces in England under their own administration. In April, 1918 an Overseas Military Council was created under Sir Edward Kemp, the Minister for Militia Overseas; which greatly increased his power. Negotiations were opened to arrange for a larger control of the Canadian Forces in France. At the beginning of the War the Canadian Army Corps had been under the command of a British Army Officer, but, in accordance with the wishes of Canada, in 1917 Sir Arthur Currie, a Canadian, was given command. When Sir Robert Borden crossed to England for the Imperial War Cabinet in 1918 he pressed the question of the command of the Canadian Army Corps in France and it was arranged that the organization of the Canadian Army was to be quite independent of the British and only subject in management to the Supreme Allied Command. It was also agreed that a separate Canadian Air Force should be formed, but this was not completed before the war ended.

Naval Defence was not formally considered at the Imperial War Conference in 1918, but consultations were held between some of the Dominion representatives and the Admiralty. In a memorandum the Admiralty reaffirmed their desire of a single navy under the control of a central authority, but at a special meeting the Dominion Prime Ministers rejected any such proposal. They stated that a Dominion navy could co-operate with the British Navy if it were placed under a united command after the outbreak of war. Further they suggested that arrangements might be made at a later date for a supreme naval authority upon which the Dominions would be adequately represented. They suggested that some member of the Admiralty should visit the Dominions and advise them on naval matters. Accordingly Lord Jellicoe toured the Dominions a year later. His recommendations, however were not acted upon with alacrity by the Canadian Government on the ground that the Naval Policy of Great Britain was still unsettled. In general the Government decided to follow the Naval plan of 1910, considerably reduced. Lord Jellicoe, also proposed a scheme for closer co-operation between the Imperial Defence Committee and the Dominion Defence Committees, wherein the Dominion Committees would be responsible to their own governments for all questions of disposition or expenditure while relying on the Imperial Committee for technical knowledge and direction. Lord Jellicoe's proposal was not acted upon, but the Imperial Conference of 1926 reviewed the possibilities of co-ordinating the various Dominions' forces by the exchange of officers, and their training at the Imperial Defence College in London and reaffirmed the resolution of the Imperial Conference of 1911 whereby the Dominions had representation on the Committee of Imperial Defence.

Canada has shown no inclination up-to-date either to proceed with plans for a national navy or pay a subsidy to the

British Navy. This attitude towards naval defence exists quite apart from political groupings, in spite of occasional speeches from Sir Robert Borden and Mr. George Foster. As a general policy Canada holds herself aloof from naval matters. This is not due to any shirking of responsibility or refusal to assume her fair share of a common burden. It is due to the fact that Canada needs to fear an attack from the sea only from one nation, due to the impossibility of carrying on an effective campaign at any great distance. The one nation who effectively could attack her, the United States, could not be hindered by the British Navy owing to a superior strategic position. Furthermore the fact that the United States would oppose any attempt of any nation to seize Canada due to the resultant danger to herself, is a very real safeguard for Canada. The Monroe doctrine cannot be made to cover Canada in theory, but in practical politics, it does protect her. Canada, then does not need naval defence, and whether part of the British Empire or an independent nation would pursue the same course.

In the light of the fact that both the Imperial Conference of 1923 and of 1926 laid considerable stress on Air Defence, Canada's position is interesting. Canada is fast developing an effective Air Force due to the many peaceful means for which it can be used, such as forest protection. As this air force is completely under her own control and as it is growing in strength, it will be a noteworthy contribution to her defensive forces.

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Chapter 5

Consultation and Co-operation

In considering the development of Canada's autonomous powers, it is necessary to note their relation to intercolonial affairs and Imperial policy, as well as to what may be more strictly termed foreign affairs. The distinction between foreign and Imperial affairs was obvious enough from the beginning, but the distinction between Imperial and internal affairs only arose with the development of self-consciousness within the Dominions. During the early colonial period the latter distinction would have been impossible, as at that time the colony was supposed to have no concern in foreign affairs apart from the general policy of the Mother Country. At the time of Federation this attitude was officially maintained. As has already been noted all negotiations with other countries had to be carried on through the Colonial and Foreign Offices, all plenipotentiaries received their powers from the British Government while the only means a colony had of communicating with the Home Government was through the Governor-General and the Colonial Office. The new Dominion did not consider this a satisfactory arrangement. The Colonial Office was inadequate, in that a permanent secretariat were not in a position to pass judgment on the problems of distant colonies, that the procedure for accomplishing anything was slow and cumbersome, and that the only point of view represented was inevitably Imperialistic. In order to have more direct and energetic representation of their wishes and an official over whom they could have some control, the Canadian Government created the position of High Commissioner at London and appointed A. T. Galt to the post in 1879, Sir Charles Tupper succeeding him in 1883. The difference of opinion as to the status of the High Commissioner between the British and Canadian Governments has already been noted. Though foregoing the title "Resident Minister" which had been suggested at first, and apparently acquiescing in the statement that "his position would necessarily be more analagous to that of an officer in the home service than to that of a Minister at a foreign court," (1) Canada did not intend that the High Commissioner's post should be minimised. The scope of his duties was steadily enlarged and his position became more assured. In 1910 Lord Strathcona, then holding the position, represented Canada at the funeral of Edward VII and at the opening of Parliament, and the next year he again represented her at the Coronation. The fact that he was officially invited to represent Canada may be taken as a recognition of his position.

(1) Keith: Selected Speeches (2)
Clarendon Press, Oxford, 1918,
Page 144.

In 1922 the Liberal Government increased the duties of the High Commissioner. He was given charge of all Canadian departments, such as immigration, trade commissions, Soldier's Civil Reestablishment, and so on. He became directly responsible to the Canadian Government and is Canada's official representative. The evolution of this office has been in complete accord with the wishes of its founders.

As the depression over the possible fate of the Empire began to lift in Great Britain there were those who saw the need of some new agency to bind together its various parts. In 1884 the Imperial Federation League was formed by Lord Roseberry and Mr. Forster with the object of disseminating information, collecting opinions, and carrying on a general educational campaign in Imperial affairs in order to pave the way for some form of federal bond within the Empire. Although time was to prove the impracticability of their central aim, they did do much to bring a better understanding and a more co-operative spirit into colonial affairs. It was in accord with the growing sense of the necessity of establishing some closer relationship with the colonies that the first Colonial Conference was assembled. It was a conference of representatives from all the self-governing colonies, purely for purposes of consultation without any powers or sanctions. The representatives were to be appointed by the colonial governments but they did not need to be Ministers of them. They attended the Conference to present the opinions of their respective governments upon matters that the British Government considered of importance to them. The Conference met in London in 1887 with the Colonial Secretary in the chair. The place of meeting and the choice of chairman point to the light in which the British Government regarded this first conference, it was to supplement, not to supersede the usual work of the Colonial Office, it was an improved method of providing information for that Department not a body that would detract from its powers. In spite of the fact that the Colonial Office wished to have defence discussed, the Colonies preferred to talk of trade, and in that difference lies the point to much of the difficulty that has existed in the dealings between the colonies and Great Britain. At this conference the possibility of a Pacific Cable was considered, and as Canada had a particular interest in the laying of the Cable this led to the second Colonial Conference being assembled at Ottawa.

This Conference was unique in several respects. It was called by the invitation of the Canadian Government and it is the only conference that has ever met outside of London. The opening speech was made by Canada's Governor-General, Lord Aberdeen, and the Honourable MacKenzie Bowell, Canadian Minister

of Trade and Commerce was elected chairman. At this time no tradition for the colonial conference had been built up and so this radical change from the first conference was not seen in its full significance. It gave to a self-governing colony a position of priority that none of them have occupied since at any conference, and it removed the whole conference from the guiding hand of the Colonial Office. It was to prove an aberration, however, rather than a point of departure, for the conference of 1897 was to meet in London again. The possibility of the Imperial Conference meeting in one of the Colonial Capitals with all such a move would imply was discussed in the London Spectator before the (1) opening of the Imperial Conference of 1926. As yet there seems no likelihood of any departure from the time honoured custom of meeting in London, which remains the centre of the Empire.

The Diamond Jubilee of the Queen Victoria was made the occasion for a fervent outburst of Imperial display and with due ~~gorgery~~ the Empire was given tangible expression. All the Prime Ministers of the self-governing colonies were present and there was every reason to regard it as an excellent time for calling another Colonial Conference. The fact that the representatives assembled were the colonial Prime Ministers changed the nature of the Conference; it took on more responsible colouring and became less a consultation between the Colonial Secretary and representatives of the colonies and more an official conference with their governments. The Prime Ministers were again present in London at the Coronation of Edward VII and were again invited to a Colonial Conference which followed the nature of its predecessor.

One of the chief concerns of the Conference that met in 1907 was its own constitution and powers. The self-governing colonies appeared to be growing more strongly national in spirit and less pliable to Imperial ends. They were no longer content under the supervision of the Colonial Office and the agencies which had held them to the Empire were fast losing their efficacy. On the other hand the heavy load of Imperial administration was putting a tremendous strain on Great Britain. It was thought by many that the British Government was no longer capable of handling the immense volume of Imperial business and at the same time of doing justice to the pressing needs of Great Britain herself. There were those who saw in some scheme of Imperial federation the solution for both these difficulties. The idea was conceived of a highly centralized Empire of federated nations, unified and expressing itself through the means of an Imperial Parliament. This party saw in the Colonial Conference an agency that might be used in

the forwarding of such a plan. As a preliminary to the next meeting of the Colonial Conference a committee was formed under Sir Frederick Pollock with the aim of discovering the possibility of changing the Colonial Conference into an Advisory Council. As an outcome of their work a dispatch from Mr. Lyttleton, who was Colonial Secretary, made two important suggestions. The first was that "In the opinion of His Majesty's Government it might be well to discard the title of "Colonial Conference" which imperfectly expresses the facts and to speak of these meetings in future as meetings of the Imperial Council." (1) The other was that "His Majesty's Government desire to submit for consideration the proposal that His Majesty should be advised to appoint a Commission of a more permanent kind to discharge the same function (i.e. to inquire into the subject and suggest solutions) in regard to questions of joint concern." (2) These proposals were favorably received in all the colonies with the exception of Canada and Newfoundland. Newfoundland's objection was based on the sense of their own inability to assume any further burdens. For while they were willing to grant the principle that the colonies ought to have a voice in the policy of the Empire and felt that such a Council would be the means of attaining it, they felt that for them the corresponding burden would be the great. The hostile attitude of the Canadian Government to these proposals had a completely different source. They were extremely suspicious as to what would be the trend of an "Imperial Council" and explicitly expressed their disapproval. "The term "Council" indicates, in the view of Your Excellency's Ministers, a more formal assembly possessing an advisory and deliberative character, and in conjunction with the word "Imperial" suggesting a permanent institution which endowed with a continuous life, might eventually come to be regarded as an encroachment upon the full measure of autonomous legislation and administrative powers now enjoyed by all the self-governing colonies. (3) As for the establishment of a permanent Commission, they acknowledged it would greatly "facilitate the work of the Conference and at the same time enhance the dignity and importance of that assembly." They continued to express some hesitation. "They cannot, however, wholly divest themselves of the idea that such a Commission might conceivably interfere with the workings of responsible government." (4) Canada's deflection from the general opinion of the other self-governing colonies was not so

(1) DISPATCH OF SECRETARY OF STATE FOR THE COLONIES. PAGE 3.

(2) *Ibid* page 4.

(3) *Je b b II* pg. 102.

(4) *Je b b II* pg. 105.

much due to a difference of aim, as to a difference of opinion as to how her aim could be best achieved. The situation prior to the Conference was nationalistic in tone. There was general dissatisfaction in the existing methods of communication and a strong desire to gain some method of expression and communication that would be more befitting the increased importance of the Dominions. This desire is shown in the Australian suggestion that there was need for "a scheme which will create opportunities for members of the permanent staff of the Colonial Office to acquire more intimate knowledge of the circumstances and connections of the colonies with whose business they have to deal." (1) While the other self-governing colonies considered that the best method would be the consolidation and increased authority of the one body in which they had a decided voice, the Canadian Government feared that an Imperial Council would prove not the instrument whereby the colonies might achieve some measure of control of Imperial policy, but rather a means of exercising Imperial compulsion over the Colonies. Canada was not eager to exchange the apparent, but actually light, British control over their affairs for a more exacting Imperial authority.

Before the Conference met (6th April 1907) there were Governmental changes in Great Britain, and the Liberal Government which came into power were not in agreement with the tone of Mr. Lyttleton's dispatch. One of the first matters to engage the attention of the Conference was the nature of its own constitution. It was significant of the development of the Conference that the opening address was made by Sir Henry Campbell-Bannerman, the British Prime Minister. The change may be expressed in his own words: "This is not a conference between the Premiers and the Colonial Secretary, but between the Premiers and members of the Imperial Government, under the presidency of the Secretary of State for the Colonies, which is a very different matter." (2) This interpretation was repeated by Sir Wilfred Laurier, who said: "It is a Conference between the Imperial Government and the Governments of the self-governing dependencies of England." (3) Mr. Deakin expressed an even more advanced opinion when he said: "This is a conference between governments and governments, due recognition of course, being had to the seniority and scope of those governments." (4) This statement seemed to

- (1) Dispatch from Secretary of State for the Colonies with enclosures. Page 7 CD3337
- (2) Report Imperial Conference 1907
CD3527 Page 5
- (3) Report Imperial Conference 1907
Page 7
- (4) Ibid: Page 69

imply that the status of the self-governing colonies was the same as that of the United Kingdom, a state nearer to their desire than reality.

The discussion of the suggested "Imperial Council" and "Commission" centred, not on any plan for federation, but on the important question of whether or not such bodies would interfere with self-government in the colonies. Sir Wilfred Laurier was the chief antagonist of the scheme, supported by General Botha of the Transvaal. Laurier refused to be turned aside from his contention or allow the proposal to be camouflaged as merely a change of name. The fact that Canada was the senior Dominion and Laurier's personal prestige gave emphasis to his remark, and it was largely due to his tactics that the resolutions were finally given the form in which they were cast. The name adopted was "Imperial Conference" and the secretariat established for the purpose of giving continuity to the Conference, was placed under the control of the Colonial Secretary. In his motion Mr. Daakin had said: "The secretariat would be merely an agency for carrying out the instructions of one conference and for acting as an intermediary at the suggestion of any Prime Minister or any Government or Governments in order to prepare for the next Conference or between its meetings." (1) But he went on to speak of "matters of foreign policy upon which information might be desired and which might concern the interests of the colonies, in such cases a secretariat would be useful to communicate with the other self-governing colonies in order that they may consider whether in the interests of their own people they too should not communicate with the Government of this country, in whom the whole control of foreign affairs and defence rests." (2) Interpreted in this way the secretariat would not only give continuity but considerable power to the Conference, which as a permanent institution might seriously encroach on self-government. It was the irresponsible tendency that Laurier feared. It would be necessary to acknowledge that the Conference had changed so basically that it was no longer a purely consultative gathering but had become an authoritative and formal body to which the secretariat could be responsible, or to leave the secretariat without real control or responsibility.

In the resolutions as finally drafted important developments appear. The Imperial Conferences were to meet every four years, "at which questions of common interest may be discussed and considered as between His Majesty's Government and His Governments of the self-governing Dominions beyond the Seas." (3)

(1) Thid:

Page 63

(2) Report Imperial Conference 1907,
Page 73.

(3) Thid:

Page V.

This was an acknowledgement that they were all equally His Majesty's Governments and that in the new status of Dominion they had passed beyond the period of colonial dependency. The British Prime Minister was to be the ex-officio President, which gave a superiority of position to Great Britain while confirming the opinion expressed earlier in the conference as to it being a consultation of governments. The equality of status is shown in the fact that each government had one vote only. The Colonial Secretary retained an important position, being an ex-officio member, the vice-chairman, and having the secretariat under his department. The Conference was not divorced from the Colonial Office and the secretariat was solely for the purpose of attending to the affairs of the Conference. The Colonial Conference of the past had been strengthened, stabilized, and given form in the new Imperial Conference, but its essential nature had not been altered. Tendencies that might have led to an Imperial Parliament and Federation had been successfully blocked.

An Imperial Conference was held in 1911. A resolution of Sir Joseph Ward's suggesting that the High Commissioner of the Dominions should meet with the Committee of Imperial Defence when naval and military matters affecting the Dominions were under consideration, led to interesting results. The Conference agreed that instead of the High Commissioners, Ministers of the Dominions should be allowed to meet with the Committee. With the change of Government in Canada Sir Robert Borden was questioned as to his opinion on that plan and in response he asked that not only should the Ministers meet with the Committee of Imperial Defence, but when there, should be informed of the policy of the British Government in foreign affairs. The answer was a despatch from Mr. Marcourt to all the Dominions. It stated that "any Dominion's Minister resident here would at all times have free and full access to the Prime Minister, the Foreign Secretary, and the Colonial Secretary for information on all questions of Imperial policy." (1) Upon the death of Lord Strathcona in 1914, Sir George Perley, who was a minister in the Canadian Government, was appointed High Commissioner. It might be questioned how much there is to be gained by information about a foreign policy in which one has had no hand in making, there is a danger of becoming an "accessory before the fact."

The Conference which under ordinary circumstances, ^{would have met} in 1915 was postponed. In its place an arrangement which was an entirely new departure in Imperial affairs was made. The

Coalition Government formed in England in 1916 created a special War Cabinet, reduced in number and more efficient in system. On December 14th the Prime Ministers of the Dominions were invited "to attend a series of special and continuous meetings of the War Cabinet in order to consider urgent questions affecting the prosecution of the War, the possible conditions on which in agreement with our Allies we could agree to its termination, and the problems which will then immediately arise." (1) The Dominion Prime Ministers were to be members of this Imperial War Cabinet on equality with the members of the British War Cabinet. In this invitation India was included. Mr. Lloyd George, the British Prime Minister presided and they discussed the conduct of the War and the questions of Imperial policy connected with it. It was the first occasion upon which the Dominion Governments were directly represented at an Imperial gathering that was not purely consultative. At the closing session of the War Cabinet it was agreed that it should meet annually, or at intermediary times when there was pressing need for Imperial consultation. The nature of the War Cabinet was described in the British House by Mr. Lloyd George as a meeting "at regular intervals to confer about foreign policy and matters connected therewith, and come to decisions in regard to them which, subject to the control of their own Parliaments, they will then severally execute." (2) The Imperial War Cabinet met again in June 1918 and continued in session till the end of July. They discussed, not only problems of the prosecution of the war, but also questions of foreign policy, and assisted in forming British policy at the meeting of the Allied Supreme War Council at Versailles. The Imperial War Cabinet decided two important points in Imperial affairs. The first was that the Dominion Prime Ministers had the right to communicate directly with the British Prime Minister on matters of Cabinet importance. And secondly, the Dominions could appoint Cabinet Ministers to represent them at meetings of the War Cabinet between the regular sessions of the Imperial Cabinet.

Contrary to what appears to have been the original intention Imperial War Conferences were held at the same time as the sessions of the Imperial War Cabinet, the meetings usually being alternated. At the War Conference of 1917 an important resolution was passed: "The Imperial War Conference are of the opinion that the readjustment of the constitutional arrangements of the component parts of the Empire is too important and intricate a subject to be dealt with during the War,

(1) Keith: War Government
Page 27.

(2) Ibid: page Page 35

and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of hostilities.

"They deem it their duty, however, to place on record their view that any such readjustment while thoroughly preserving all existing powers of self-government and complete control of domestic affairs, should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important portion of the same, should recognize the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations, and should provide effective arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action, founded on consultation as the several governments may determine." (1)

At the Imperial Conference of 1921 it was decided that "no advantage is to be gained by holding a constitutional Conference." (2) A resolution, however, was passed stating: "That the existing practice of direct communication between the Prime Ministers of the United Kingdom and Dominions as well as the right of the latter to nominate Cabinet Ministers to represent them in consultation with the Prime Minister be maintained." (3)

This constitutional Conference was never called, though the last conference (1926) may be said to have dealt with the more important points of the Constitution of the Commonwealth. This reluctance to deal with important questions of Imperial policy was due in part to the difficult situation in Europe, and the preoccupation of British statesmen and to the local politics of the Dominions. Mr. Meighen of Canada, was not anxious to disturb the equilibrium of political life by any controversial discussion that might serve no useful party purpose, and the situation throughout the Commonwealth was not favourable to any discussion on a broad scale.

Interest in Imperial affairs was to be resuscitated shortly. Ireland was desirous of knowing her exact position. The "Flag Issue" of South Africa was a sign of deep stirrings in her political life, While in Canada, the "Constitutional Issue" was one of the important factors of the Liberal campaign of 1926.

The Imperial Conferences of 1923 and 1926 were deeply concerned with the conduct of foreign affairs and the Dominions

(1) Keith: War Government of the Dominions.
Page 36

(2) Potter: page 42

(3) ibid: page 42

part therein. Part of that question is how the Dominions can communicate most effectively with the British Government. At the Conference of 1926 a special committee was appointed to inquire into Inter-Imperial Relations. In the report of this Committee they advocated the development of "a system of personal contact" (1) to be worked out in detail by the Governments of Great Britain and the Dominions, supplementary to the system that had been in practice ever since 1918 of direct communication between the Governments. This resolution was necessitated by the definition already made by the committee as the Governor-General's status. It read "In our opinion it is an essential consequence of the equality of status existing among the members of the British Commonwealth of Nations that the Governor-General of a Dominion is the representative of the Crown holding in all essential respects the same position as is held by His Majesty the King in Great Britain, and that he is not the representative or agent of His Majesty's Government in Great Britain, or any department of that Government.

It seemed to us to follow that the practice whereby the Governor-General of a Dominion is the formal channel of communication between His Majesty's Government in Great Britain and His Governments in the Dominions might be regarded as no longer wholly in accordance with the constitutional position of the Governor-General. It is thought that the recognized official channel of communication should be, in future, between Government and Government direct." (2)

(1) Report Imperial Conference, 1926
Page 27 (~~Page 16~~)

(2) *Ibid*: page 16

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Chapter 6

Canada as a Treaty-Making Power

Before the close of the War the Dominions were convinced that they were entitled to some share in the peace deliberations, both by right of their service in the war and by the repeated assurances of the Imperial Government to that effect. On October, 27th, 1918, Lloyd George cabled to Sir Robert Borden that as the end of the war was in sight he must come to Europe at once in order to take part in the deliberations. Borden cabled in answer: "There is need of serious consideration as to representation of the Dominions in the peace negotiations. The press and the people of this country take it for granted that Canada will be represented at the Peace Conference." (1) After Borden's departure for Europe the Acting Prime Minister continued to urge Canada's claims largely on the grounds of her war efforts. Borden suggested that Canada should have the same representation as Belgium as well as representation on a panel consisting of the Dominion Ministers and the British representatives. As it was finally arranged, Canada was given two representatives to be present at sessions in which questions concerning her were discussed. Also Canada was included in the British delegation which was arranged on a panel system with the Dominion ministers represented. Naturally enough this double representation was not regarded with favour by the other members of the Conference, and it was arranged that in formal vote that Dominions would not have voting powers apart from the British Empire. In theory this restriction was a distinct handicap to the Dominions, but owing to their representation on the British Empire delegation their influence was not markedly decreased. As a conference of seventy delegates would obviously be unable to negotiate peace effectively, the Supreme War Council, now known as the Council of Ten, took over the actual arrangements. Business was prepared by a series of Commissions upon which the Dominions were represented. Even the Council of Ten proved too unwieldy and the Council of Four made the real decisions. It was now that the value of the double representation of the Dominions appeared. They had established their right to representation on their own behalf, and at the same time they had a greater advantage than other small nations by their influence through the British Empire delegation. Upon several occasions Sir Robert Borden was associated with Mr. Balfour on the Council of Ten and during the absence of Mr. Lloyd George he was appointed chairman of the British Empire delegation.

(1) Potter, Canada as a Political Entity,
Page 106.

The next question was the manner of the signing of the treaty. In March a memorandum was drawn up stating: "1. The Dominion Prime Ministers, after careful considerations, have reached the conclusion that all the treaties and conventions resulting from the Peace Conference should be so drafted as to enable the Dominions to become Parties and Signatories thereto. This procedure will give veritable recognition to the part played at the Peace Table by the British Commonwealth as a whole and at the same time record the status maintained by the Dominions.

2. This procedure is in consonance with the principles of constitutional government that obtain throughout the Empire. The Crown is the supreme executive in the United Kingdom and in all the Dominions, but it acts on advice of different Ministers within different Constitutional units." (1) It continued that, "the usual mode of inserting a clause of reservation for the Dominions was not desirable as unanimity was necessary, though the Dominion Governments were to have the same powers to renew the treaty as the other contracting parties. It then suggested a treaty form that would be acceptable, the various Dominions and the United Kingdom being specified in subheadings in the signatures. This form was adopted, with the exception that the British delegates signatures were not preceded by any subheading but appeared immediately after the main heading. In connection with the signing of the treaty the Dominions were careful to insure that their representatives derived their powers from the Dominion Governments. On April 10th, 1919, the Canadian Cabinet authorized the issuing of full powers to the Canadian plenipotentiaries "to sign for and in the name of His Majesty the King in respect of the Dominion of Canada." (2) Sir Robert Borden then asked Mr. Lloyd George that "some appropriate step should be taken to link it up with the Full Powers issued by the King to the Canadian Plenipotentiaries with the papers connected therewith, in order that it may formally appear in the records that their Full Powers were issued on the responsibility of the Canadian Government." (3) The King issued the Full Powers to the Canadian delegates, and it was on this point alone that the form followed by the Dominions in the signing and ratification of the treaty differed from that of independent nations.

(1) Potter:
Page 109

(2) Potter:
Page 111

(3) Ibid:
Page 111

There was one more occasion when the Dominions had to assert their claims at the ratification of the treaty. The British Government was anxious that the treaty should be finally ratified by the Powers within a short period of time and accordingly suggested that it should be done without reference to the Dominion Governments. The response of the Canadian Prime Minister, through the Governor-General, was touched with sarcasm: "I am under pledge to submit the Treaty to Parliament before ratification on behalf of Canada. No copy of Treaty has arrived and Parliament has been prorogued. Kindly advise how you expect to accomplish ratification on behalf of whole Empire before end July." (1) In spite of a difference of opinion between Sir Robert Borden and the British Government, as to the necessity of Canadian ratification, and the constitutional aspect of the case, the ratification of the treaty was delayed until the Canadian Parliament was summoned and had ratified the treaty. Later Canada ratified the Austrian Treaty, the Czecho-Slovak Minorities Treaty, Serb-Croat-Slovent Minorities Treaty and the Bulgarian Treaty.

Canada's new status was evident, not only in the fact that she signed and ratified the Treaty, but also in her position as a member of the League of Nations. In article one of the Covenant of the League of Nations it is provided that the nations signing were to be original members, and in the list appended Canada is included. It is true that the grouping of the names might appear to imply a subordinate position for the Dominions, but the practice respecting them and their activities in the League would seem to deny this. In order to insure Canada's position Sir Robert Borden acquired a statement from Premier Clemenceaux, Premier Lloyd George and President Wilson that "representatives of the self-governing Dominions of the British Empire may be selected as members of the Council." (2) There are certain technical difficulties arising out of the double nature of the Dominions as units in the League and also parts of the British Empire. These difficulties have not, as yet, hindered the free use of Canada's rights as a member of the League nor does the British Empire appear to be giving way under their strain. For instance, it was South Africa seconded by Canada, who proposed the entrance of Albania into the League in the face of France's and Great Britain's opposition. There was considerable discussion in the Canadian

(1) *Thid: Potter:*
Page 113

(2) *Potter:*
Page 131.

House of Commons over Canada's entry into the League. The Liberals choose to criticize what they considered a dangerous and unnecessary policy of European entanglements and unforeseen responsibilities. They declared that Canada would be bound by treaty and so lose her autonomous rights, and harked back to the days of Sir John A. MacDonald and Sir Wilfred Laurier as a time of content and freedom. A certain modification of their attitude may be seen in the rejection later of the Geneva Protocol.

In 1921 the Canadian Parliament ratified the protocol for establishing the Permanent Court of International Justice as provided in Article Fourteen of League of Nations Covenant. In the signing of this protocol the form suggested by Sir Robert Borden for the Versailles Treaty was used. That is, it was signed on behalf of Great Britain by Mr. A. J. Balfour, but there was no signature for the whole Empire; the Dominions signing for themselves as before.

In the same year the Washington Disarmament Conference was called by the President of the United States. A formal invitation was sent to Great Britain which was accepted. The Dominions considered themselves slighted as no invitation had been sent to them, but the American State Department explained that the personnel of the British representation was not their affair. The Canadian Government were willing to abide by the agreement made at the Imperial Conference (1921) that the British delegation should represent the Empire and nominated Sir Robert Borden to be appointed by the British Government. General Smuts of South Africa was not ready to take the matter so quietly. In cabling to Mr. Meighen he protested against the attitude already shown by the United States towards the Dominions and stated: "This is the first great international conference after Paris, and if the Dominions concerned are uninvited, and yet attend, a bad precedent will be set and the Dominions status will suffer." (1) The same message was forwarded to Mr. Lloyd George, who, in turn, cabled to Mr. Meighen that he agreed with General Smuts that the Dominions should have the same status as in the peace negotiations. It was too late to arrange for separate invitations to the Conference, but the Dominion representatives were given full power to sign for their respective Dominions as at Paris. The treaties concluded at Washington to which the British Empire was party were signed by the Dominion representatives in the same manner as the Versailles Treaty.

(1) Potter:

In 1922 the situation in the near East became unusually disturbed and for a time it seemed as if Great Britain might find herself involved in a War. On September the 15th, Mr. Lloyd George cabled to the Canadian Government, but Mr. MacKenzie King replied that he could take no action without consulting Parliament, it being contended that had not been kept completely informed as to the situation. The crisis passed without the necessity of employing armed force but there was considerable controversy in Canada as to Mr. King's policy of inaction. The "Chanak telegram" incident was regarded as a distinct break in the diplomatic unity of the Commonwealth.

The Halibut Treaty (1923) (1) was questioned by some of the other Dominions as a further sign of dissolution, especially as they considered that Canada had not kept the British Government or themselves sufficiently well informed as to the negotiations. Accordingly, the Imperial Conference went thoroughly into the question of the Dominion's treaty-making powers, and passed a series of important resolutions on the negotiation, signature and ratification of treaties. They dealt with the necessity of close co-operation between the Governments of the Commonwealth when one or more were concerned with negotiations. They made clear that the Government concerned in a treaty had the right to sign for itself and only for itself. They endorsed the existing practice of ratification by the Dominion Parliaments. In these resolutions there is seen the formal expression of what was quickly becoming the practice of all the Dominions.

When the Lausanne Conference met in 1924, the Dominions were not directly represented by their own representatives. France having raised some difficulties the Dominions had agreed to forego the separate representation they had enjoyed at important conferences since Versailles. In 1922 the British Government had informed the Dominions that in agreement with the French and Italian Governments each Government would have two plenipotentiaries, the British Government being represented by the Foreign Secretary and the High Commissioner at Constantinople. This representation was evidently regarded by the British Government as being for the whole Empire. The Canadian Government immediately stated that it was for the Canadian Parliament to decide to what extent Canada would be bound by the treaty, and a month later declared that it could not regard the Lausanne Treaty as being on the same footing as the Versailles and Washington Treaties. The British Government appeared to overlook these statements and negotiated the treaty for the Empire. Canada based her objections on the fact that she was not directly represented at the Conference which was a definite departure from the procedure decided upon at Paris.

(1) See Page 23.

Further difficulties in representation arose at the Conference in London of the Powers for the consideration of the Dawes report. The Dominions had been informed that the British Empire would have three representatives, all three members of the British Government. Canada protested against this suggestion and the British Empire delegation was revised. One of the three plenipotentiaries at the plenary conferences was to be from the Dominion representing the whole Commonwealth, the others were to attend the full sessions of the Conference as observers. The objection to this scheme, which was not to be considered as a precedent, is that it again marked a distinction between the status of the British Government and that of the Dominions.

In 1925 the Locarno Conference was held which resulted in the Locarno Pact. From the point of view of the Dominions the important departure made was contained in Article Nine: "That the present Treaty shall impose no obligation upon any of the British Dominions or India unless the Government of such Dominion or India signify its acceptance thereof." (1) This article was not new in spirit but it was a distinct departure in international agreements of that kind. There were many, and among them General Smuts, who were ready to say that the pact would be a blow at the British Empire that might prove fatal. There is no reason to suppose that the Dominions were not well-informed and in accord with Article Nine. The situation arising out of the German note of February 9th had been discussed informally by the British delegations at the Assembly of the League, and there had been considerable correspondence on the subject between the British Foreign Office and the Dominions. The articles is a recognition in an international treaty of what has been a fact for some time in Imperial practice. That is, the British Government may declare war and legally involve the Empire, but at the same time it rests with the Dominion Governments whether or no they will actively participate in that war. By the Locarno Pact France, Germany, and Italy recognized that no obligation ^{rested} on the Dominions because of the signature of the representative of the British Government. Locarno marked the development of the inevitable, but anomalous theory in the foreign policy of the British Commonwealth. While preserving the diplomatic unity of the Commonwealth by having the British representatives sign for the whole, it allowed the autonomy of the Dominions by declaring that they are not bound except by their own Parliaments. It is the result of the autonomy of the Dominions, the wide distances separating them,

- (1) Stevenson: Canada and Locarno, The New Republic,
March 10th, 1926

and the peculiar spheres of interest of the various Governments. The eventual conclusion of such a theory remains to be seen.

The Imperial Conference of 1926 appointed a Committee on Inter-Imperial Relations. In its report the Treaty Resolutions (1923) were re-affirmed and the theory underlying them applied to a slightly larger field. The rule laid down in 1923 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" (1) was expanded to cover all negotiations. The report continued to state that a Government upon receiving no adverse response to the information given, may proceed upon the assumption that its policy is acceptable. "It must, however, before taking any step which might involve the other Governments in any active obligations obtain their definite consent." (2) Where the Governments had made no adverse criticism in the case of a treaty that should be ratified for the whole Empire their concurrence would be taken for granted. Those wishing to send their own plenipotentiary could do so. An important change was made in the form of the Treaties. All treaties negotiated under the auspices of the League had followed the form in the Annex to the Covenant in which the term "British Empire" occurs, followed by the enumeration of the Dominions. "This practice, while suggesting that the Dominions and India are not on the footing of equality with Great Britain as participants in the Treaties in question, tend to obscurity and misunderstanding and is generally unsatisfactory." (3) Accordingly it was suggested that all treaties be made in the Name of Heads of States, "and if the treaty is signed on behalf of any or all of the Governments of the Empire, the treaty should be made in the name of the King as the symbol of the special relationship between the different parts of the Empire." (4) This decision may be taken to be the final of the autonomous character of the Dominions, in that they and the United Kingdom all stand in the same relationship to the King and each other. In the general conduct of foreign affairs the report continued: "It was frankly recognized that in this sphere, as in the sphere of defence, the major share of

- (1) }
- (2) } Report Imperial Conference, 1926
Page 22
- (3) Thid: Page 22.
- (4) Thid: Page 22.

responsibility rests now, and must for some time continue to rest with His Majesty's Government in Great Britain... We felt that the governing consideration underlying all discussions of this problem must be that neither Great Britain nor the Dominions could be committed to the acceptance of active obligations except with the definite assent of their own Governments." (1)

The position to which Canada has attained may be described in the words of the report on Inter-Imperial Relations. "There is, however, one most important element in it which from a strictly constitutional point of view, has now, as regards all vital matters, reached its full development - we refer to the group of self-governing Committees composed of Great Britain and the Dominions. Their position and mutual relation may be readily defined. They are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as the British Commonwealth of Nations." (2)

(1) Report Imperial Conference 1926
Page 25

(2) Ibid:
Page 14.

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