

THE GROWTH OF CANADIAN CONTROL
OVER EXTERNAL AFFAIRS, 1867-1939

by

ELIZABETH ALDON FRITH

A Thesis Submitted in Partial Fulfilment
of the Requirements for the Degree of
MASTER OF ARTS
in the Department of History

We accept this thesis as conforming to
the standard required from candidates
for the degree of Master of Arts

Members of the Department of History

.....

THE UNIVERSITY OF BRITISH COLUMBIA

September, 1955

ABSTRACT

The Growth of Canadian
Control over External Affairs, 1867 - 1939.

This thesis has two main purposes. The first is to trace those particular facets of the development of Canada from the British colony of 1867 to the modern nation-state of 1939 that have to do with the gradual growth of Canadian control over external affairs. The second is to bring together as much as possible of the vast body of writing that has appeared over the years on this part of Canadian development. All aspects of the growth of control over external affairs have been treated many times, often far more thoroughly than has been possible within the bounds of this study, but no one, within the knowledge of the writer, has attempted to make a single study of this vital portion of Canadian history.

An extensive bibliography is included. The section entitled "General Works" is not intended to be anything more than a useful list of background reading. In the sections entitled "Primary Sources" and "Secondary--Specific" as far as possible everything available in the Library of the University of British Columbia with direct bearing on the problem is listed, with comments where it has seemed these would be helpful.

Throughout the thesis it has been taken as fundamental that this development has been the result of the free urge to

growth inherent in a vital democratic society. The point of view has been taken that once Canada was conceded responsible government, the development of full Canadian control over all matters, both internal and external, was bound to follow, and that no schemes, such as Imperial Federation, for keeping Canada permanently in a position subordinate to Great Britain could have succeeded.

Throughout, those attitudes, not only in Canada and Britain, but also in the rest of the world, that have encouraged or discouraged this development, have been discussed. This is done in particular detail in the first chapter, which describes the extent of Canadian control over external affairs at Confederation, and the attitudes towards the future of the new Dominion then prevalent in Britain and Canada. The first area in which Canada achieved full control over her external relationships was in commercial matters. The second chapter covers this, from the first inclusion of a Canadian to assist a British plenipotentiary to the final achievement of the Halibut Treaty, signed by the Canadian negotiator alone. To control her external relations, it was necessary for Canada to control her own defence. This is covered in chapter three. In chapter four are discussed the developments of status and the first real international recognition of that status achieved during World War I and at the Peace Conferences. Through the part she played in the League, Canada gained further international recognition of her new status, as described

in chapter five. Chapters six and seven cover the development of machinery adequate for growing Canadian control over external affairs, both at Ottawa, in the Department of External Affairs, and in representation abroad, culminating in the right of legation. The final two chapters trace the changing position of Canada in the Empire-Commonwealth. During the period to 1922, the tendency towards centralization of foreign policy appeared dominant, but always it was faced with the growing strength of Canadian nationalism. In the period 1922-1939, full control over external affairs was achieved and it was recognized that Canada was bound by no international obligations that she had not assumed by her own act. Even the final control over war and peace was achieved. Finally, a brief attempt is made to evaluate this development in the light of the attitudes that produced it and of the place of Canada in the modern world.

TABLE OF CONTENTS

Chapter		Page
I	The Extent of Canadian Control over External Affairs at Confederation, and the Attitudes toward Extension of that Control then Prevalent in Britain and Canada	1
II	The development of Canadian Participation in and Control over Commercial and other Non-Political Treaties	24
III	The Development of Canadian Military and Naval Forces	57
IV	International Recognition of Canadian Nationhood During World War I and at the Peace Conference.....	71
V	Canada, The League of Nations, and the Post War Search for Security	97
VI	The Department of External Affairs	130
VII	The Development of Canadian Representation Abroad	141
VIII	The Changing Position of Canada in the Empire: The Trend toward Indirect Control over External Affairs through a Voice in British Foreign Policy	176
	BIBLIOGRAPHY	236

Chapter I

The Extent of Canadian Control over External Affairs at Confederation, and the Attitudes toward Extension of that Control then Prevalent in Britain and Canada

In 1867 Canada was still a British Colony. She had achieved responsible government and control over her internal affairs, but the Imperial government still had full control over Canadian external relations. No claim had yet been substantiated that the new Dominion should ever be consulted in international affairs, even in those where her interests were most vitally concerned. In the eyes of her own people, as well as in those of Great Britain and the rest of the world, she was simply a colony. Seventy-two years later, in 1939, Canada had become an autonomous political entity, with full control over her own affairs, internal and external. Her place in the Commonwealth was that of an equal partner, in no way subordinate to Great Britain.

Canada had achieved one by one the various rights of nationhood with regard to external affairs: the right to conclude treaties, the right to establish her own legations abroad, the right to independent representation on such international bodies as the League of Nations, and finally the right to declare war. Her new status was recognized not only at home and in the British Commonwealth of Nations, but in the

world at large. In the final analysis, it was that world recognition which gave her new nationhood international validity. Her status, like that of the other British Dominions, was unique in human history. It combined at once the status of a modern nation-state, with all the rights and privileges of any other, with membership as an equal partner in the Commonwealth. That membership no longer meant that the British government exercised any control over Canadian external affairs. It had become fully recognized that Canada and the other Dominions had every right to follow policies entirely different in world affairs from those of Great Britain. Where there was one Commonwealth policy, it was no longer dictated by Britain, but was the result of discussion and co-operation among Commonwealth statesmen meeting as equals.

The tremendous changes of these seventy years were not the result of any planned system of constitutional change. Rather they have been the result of a long slow period of growth, with advance in one field at one moment, then a step forward somewhere else, as specific conditions made it possible and necessary. There are two methods by which major constitutional changes may be brought about in the history of a state. The first is by changing the law or the constitution, by recognized constitutional methods. The second is by first disregarding theory and concentrating on problems as they arise, and then bringing the theory and legal position up to date to meet the new stage of development. It is by the

latter method that Canadian control over external affairs has grown. To Canadian statesmen it has seemed wiser to make minor gain followed by minor gain, as conditions made each possible, rather than to risk defeat or even strong disapproval by various sections of the Canadian public or by the British government, on a major issue involving sweeping legal changes. In this way the Canadian treaty power developed by slow stages, from the inclusion of Macdonald in the British delegation to the Washington Conference of 1871, to the empowering of Galt and Tupper to assist in the negotiation of commercial treaties, down to the final achievement of the right of Canada to negotiate and sign a treaty entirely on her own, first realized in the Halibut Treaty of 1923, and recognized and regularized by the Imperial Conference of the same year. Again and again it has been a similar process, an advance, then legal practice and theory brought into conformity with the new conditions.

The new Dominion came into being at a time when there were two main trends of thought in Great Britain in regard to the colonies. One foresaw separation as inevitable; the other was beginning to see the importance of the Empire and the possibilities of autonomy without separation.

Those who held the first point of view considered that colonies, like ripe fruit, would inevitably drop away from the Mother Country as they reached a certain stage of

development. Their attitude was strengthened by the surface facts of recent history. The loss of the American colonies and the unsuccessful rebellions in the Canadas in 1837 were thought to be the logical results of the granting of a certain amount of freedom and self-government. In addition, the end of the old Mercantile System of trade monopoly had eliminated for the moment much of the value of the colonies to Britain, and made them more of a burden than of an advantage. Thus Disraeli said in 1853, in reference to the fisheries dispute between the Canadian colonies and the United States, "These wretched colonies will be independent too in a few years, and are a millstone round our necks."¹ Such colonial pessimists were found among both Whigs and Tories, but were particularly strong among the latter. For years many of them either regretted or actively opposed every extension of self-government in the colonies as being a step further towards separation.

In Canada this attitude was not reflected so much in the desire for independence as it was in the development of the Annexationist Movement. There was almost nothing of the Canadian nationalist feeling before 1867 that would have been necessary for the immediate development of any strong independence movement. Indeed the very name "Canada" had no nationalist connotations to many of the citizens of the new Dominion.

¹ Quoted in J. S. Ewart, Kingdom Papers, Ottawa 1912, vol. 1, p. 39.

In the Maritimes it was often strongly resented -- to the people there it meant Ontario and Quebec. The Annexationist Movement, on the other hand, found many supporters in 1849 and during the next few years. It was mainly economic in its causes, because the sudden reversal of British policy with the adoption of Free Trade had caused a period of depression and great economic difficulty in Canada.

Among the most brilliant exponents of the separationist theory at this time in England was Goldwin Smith, then a professor at Oxford. Writing for the Daily News in 1862-3, he advocated the immediate granting of independence to the colonies. If this were done while they were still loyal, and before any quarrel should arise, he argued, Britain might at least be able to keep their loyalty and affection.²

Whatever other effects this attitude may have had, it doubtless helped to foster the development of an independent and self-reliant attitude in the colonies. To that extent it paved the way for the establishment of Canadian control over external affairs. With the revival of Imperialism, every scheme for the closer integration of the Empire had to take into account the growing national spirit in Canada. Even at this time, however pessimistic these statesmen were in their views with regard to the immediate future of the colonies and

² C. A. Bodelsen, Studies in Mid-Victorian Imperialism, Copenhagen, Gyldendalske Bodhandel, 1924, pp. 52-57.

their relationship to Britain, many of them were groping towards a new conception of a British group of states.³ One of these again was Goldwin Smith, who dreamt of "the moral federation of the whole English-speaking race throughout the world."⁴

Opposition to this pessimistic outlook in Britain was first expressed by the group known as the Colonial Reformers, which included men like Lord Durham, Gibbon Wakefield, and Lord Elgin. With a firm faith in both the value and the future of the colonies, they pointed out that most British statesmen had been ready to confuse frequent protests against an unsatisfactory system of government with protests against the British connection itself. These statesmen had not understood how much real loyalty there was to Britain in the colonies. For instance, Joseph Howe maintained in a letter to Lord John Russell in 1839 that the "Population of British North America are sincerely attached to the parent state; that they are proud of their origin, deeply interested in the integrity of the Empire."⁵

3 H. Duncan Hall, The British Commonwealth of Nations, London, 1920, p. 51.

4 Goldwin Smith, Canada and the Canadian Question, Toronto, 1891, pp. 265-6.

5 Joseph Howe to Lord John Russell, September 18, 1839, in H. E. Egerton and W. L. Grant, Canadian Constitutional Development, Toronto, 1907, p. 193.

Most of the colonial pessimists were men with little first-hand experience with the colonies. The Colonial Reformers had considerable personal contact, and hence had a much better understanding of true conditions. Hence too they hailed Durham's Report as a great advance, with its contention that responsible government need not mean separation. "On the contrary, the practical relief from undue interference ... would strengthen the present bond of feelings and interests; and the connection would become more durable and advantageous by having more of equality, of freedom and of local independence."⁶

However much the ideas contained in Durham's Report were to be basic in the development toward dominion autonomy, the Colonial Reformers seem to have had little conception of the long slow process of change that was to be involved in that development: the gathering of scattered colonies into great national units and the development of both internal and external autonomy. Whatever definite plans they had for the future were based on a sort of provincial status for the colonies. Thus Durham spoke of "perfect subordination" to Great Britain,⁷ and Wakefield compared colonial responsible government to "municipal government", and again, "a delegation of authority for limited purposes."⁸ When they wrote in

6 Sir C. P. Lucas, ed., Lord Durham's Report, Oxford, 1912, vol. 2, p. 310.

7 Ibid., vol. 2, p. 282.

8 Edward Gibbon Wakefield, A View of the Art of Colonization, Oxford, 1914, p. 271.

terms of the imagination they spoke of "growing nations", "equal partners" and the like, but when they got down to precise plans these ideas were contradicted. In one place in his report Durham maintained that a large and growing community such as the British North American colonies could not be kept contented in a position of inferiority to their neighbours, but in another he assumed that Canada would be willing to remain in indefinite subordination to the United Kingdom.⁹ The limitation of their understanding is well summarized by Sir Charles Lucas in his comments on the Report.

While he laid stress on self-government as creating a national existence, he did not seem fully to recognize that when once an overseas community has been endowed with national institutions, it is difficult, if not impossible, to set a limit to its growth as a nation, or permanently to withhold any subject as outside its scope.¹⁰

For the purpose of this study it is significant that two of the four subjects over which Durham recommended that Britain should retain control were foreign affairs and trade. He stated:

The matters which concern us are very few. The constitution of the form of government, the regulation of foreign relations, and of trade with the mother country, the other British colonies, and foreign nations, and the disposal of the public lands, are the only points on which the mother country requires a control. This control is now sufficiently secured by the authority of the Imperial legislature. . . . A perfect subordination

9 Lucas, op. cit., vol. 2, pp. 302-312.

10 Ibid., vol. 1, p. 285.

on the part of the Colony, on these points, is secured by the advantages which it finds in the continuance of its connection with the Empire.¹¹

The influence of the Colonial Reformers had almost disappeared by 1850. The next twenty years were the height of the period of pessimism. By 1870 belief in both the value and the possibilities of the Empire was reviving. Economically, the importance of the colonies as sources for raw materials and as markets began to be realized, particularly with the growth of protectionism on the Continent. The new attitudes were both advantageous and disadvantageous to the development of dominion autonomy. The new interest in the colonies shown by the British government helped to prepare the way for early developments like the consultation with and the appointment of Canadian statesmen to assist in commercial negotiations where Canadian interests were involved. On the other hand the revival of belief in the Empire was accompanied by a great outburst of enthusiastic planning for its future. Most of the plans, such as those for Imperial Federation, would have entirely prevented the development of Canada as a nation-state with control over her own external affairs, since they foresaw Britain and the Dominions as a great world-wide federation whose foreign affairs and defence policies would be controlled by an Imperial parliament meeting in London.

¹¹ Lucas, op. cit., vol. 2, p. 282.

In 1867, the main Canadian attitudes emphasized the importance of the British connection. The American Civil War had been widely felt as a very real threat to Canada. As a result the Annexationist Movement had just about disappeared. Appreciation of the value of their position in the British Empire and fear of American aggression had been strong motives among the Canadians responsible for the formation of the new dominion.

The achievement of Confederation made no immediate difference in the views of British or Canadian statesmen on problems of colonial autonomy and imperial control. The principle of responsible government in internal matters had already been conceded, and in 1859 the colonies had made good their desire to deal with their own tariffs.¹² Otherwise the Imperial government still had full control over foreign relations. No claim had yet been made that Canada should be consulted on any international question. The situation in 1867 was, with the exception of tariffs already noted, still that summed up almost sixty years before, in a despatch sent in 1810 from the Colonial Secretary, Lord Liverpool, to Sir James Craig, then Lieutenant Governor of Lower Canada: "All laws to regulate the Commercial Intercourse between Canada and other parts of the World may, according to the Constitution, be passed by the Imperial Parliament."¹³

¹² P. E. Corbett and H. A. Smith, Canada and World Politics, Toronto, 1928, p. 15.

¹³ Quoted in W. P. M. Kennedy, Documents of the Canadian Constitution, 1759-1915, Toronto, 1918, p. 278.

On the other hand, Britain had not retained much control over Canada except in foreign affairs, and many statesmen foresaw growing Canadian control there. Macdonald regarded Confederation as implying the final abandonment of the old theory which looked on a colony as an outlying portion of the British realm. In his view, federation would enable Canada to rise from a position of dependency to what would to all intents and purposes be the full stature of an independent state. He did not expect the severing of the British connection, both because of its value to Canada and because of the strength of the sentimental ties. His frequent references, in speeches preceding Confederation, to Canada as a "vice-royalty", a "great nation", a "friendly nation", show fairly clearly how he saw the future of Canada.¹⁴ He foresaw in the future the possibility of a group or "alliance" of equal and autonomous states linked together by a common crown. Unfortunately the still prevalent pessimism and the lack of interest in colonies then shown in Britain prevented any constructive steps in that direction being taken at the time of Confederation.

The British reaction to the confederation proposals was a reflection of the pessimistic point of view of the Colonial Office at that time. Sir F. Rogers (afterwards Lord

¹⁴ A. B. Keith, Selected Speeches and Documents on British Colonial Policy, 1763-1917, Oxford, 1948, pp. 321, 324.

Blachford), Permanent Undersecretary of State for the Colonial Office, 1860-1871, was a separatist. In his autobiographical notes he stated:

I had always believed that the destiny of our colonies is independence, and that in this point of view the function of the Colonial Office is to secure that our connexion, while it lasts, shall be as profitable to both parties, and our separation, when it comes, as amicable as possible.¹⁵

Gladstone was not a separatist, but he thought separation was probably eventually inevitable. Speaking with regard to plans for confederation and the necessity of the railway if Canada was to take on her own defence, he said:

My belief is that there would be no bounds to the efforts which this country would make for the purpose of aiding and supporting the North American provinces in their willing and energetic efforts to maintain their connection with this country.¹⁶

Sir Richard Cartwright received the impression in England in 1866 that both parties would sooner Canada had asked for independence at once.¹⁷ Galt wrote to his wife from England on January 1, 1867:

I am more than ever disappointed at the tone of feeling here as to the colonies. I cannot shut my eyes to the fact that they want to get rid of us. They have a servile fear of the United States, and would rather give us up than defend us, or incur the risk of war with that country.¹⁸

15 Bodelsen, op cit., p. 50.

16 Debate on the Railway Loan, Hansard's Parliamentary Debates, vol. 186, Third Series, March 28, 1867, co. 785.

17 Bodelsen, op. cit., p. 45.

18 O. D. Skelton, The Life and Times of Sir Alexander Galt, Toronto, 1920, p. 410.

As for the British North America Act, the only mention of external affairs is that which gives the federal government and parliament all powers necessary for "performing the obligations of Canada or of any Province thereof, as part of the British Empire, towards foreign countries, arising under treaties between the Empire and such foreign countries."¹⁹ Executive authority is specifically vested in the Crown, represented in Canada by a governor general, selected at that time entirely by the British government. He would receive instructions on foreign and Imperial policy from the British government, and would be legally in charge of external policy. Through him, by way of the British Colonial Office and the British Foreign Office, all dealings with foreign powers were to be carried out, even those involving the United States.²⁰

At Confederation, Canadian nationalism was confined largely to a few statesmen, and wherever it occurred among the people of the North American colonies, it was based rather on a fear of the United States than on a vision of the new Dominion. It found expression in several distinct groups, one of which was the Canada First Party. This had begun in 1863 with five young men, of whom W. A. Foster, a Toronto barrister, was to become most prominent. By 1874 they formed a group of some size and importance. They did not wish to break with Britain,

19 The British North America Act, 1867, paragraph 132, in Kennedy, op. cit., p. 631.

20 G. P. deT. Glazebrook, A History of Canadian External Relations, Toronto, 1950, p. 95-6.

but they did wish to achieve for Canada the status of a nation. They demanded that as quickly as possible Canada should have a voice in the making of treaties in which her interests were involved; that she should have complete control over her own military forces, which should be staffed entirely with Canadian officers; and that import duties should be adjusted to encourage the development of Canadian manufactures. For a time it was planned to become a political party under, it was hoped, the leadership of Edward Blake, then second only to Alexander Mackenzie in the Liberal Party. It did not work out. The group soon disappeared, but the influence of their thinking remained.²¹

Although Edward Blake did not take the leadership of the Canada First Party, he did throughout his long membership in the House of Commons as a member of the Liberal party, have a real influence on the development of a Canadian national spirit. In his famous Aurora speech of 1874 he emphasized the tremendous importance of the development of such a spirit, and likewise some of the unhappy implications of purely colonial status.

In your foreign affairs, your relations with other countries, whether peaceful or warlike, commercial or financial or otherwise, you may have no more voice than the people of Japan. . . . We are four millions of Britons who are not free. . . . Tomorrow, by the policy

²¹ See account of one of the original members of the group, Col. George T. Denison, The Struggle for Imperial Unity, London, 1909, pp. 10-11, 49-61.

of England, in which you have no voice or control, this country might be plunged into the horrors of a war.²²

He advocated, not independence, but some system of Imperial federation.

The idea of Imperial federation found many supporters in Canada in the period before 1890. This approach to the future of Canada will be discussed in detail in Chapter VIII. Briefly, the main idea was to achieve closer Imperial integration by the establishment of some sort of federal parliament for the whole Empire, with complete control over Imperial concerns and over the external affairs of all its members. Such a scheme would have left Canada with control over internal affairs only, with little control, and that of an indirect nature, over her foreign relations, and with no hope of orderly constitutional development of such control at a later date.

Another approach entirely was that taken by Goldwin Smith and the Commercial Unionists. Smith had emigrated to Toronto in 1871. Though it was not for some fifteen years that he reached the height of his influence, he had begun at once to spread his views that the ultimate destiny of Canada was separation from Britain and annexation to the United States. He became one of the leading spokesmen for the Commercial Unionists, who believed that the first step, commercial union, should

²² Quoted by Frank H. Underhill, "Edward Blake and Canadian Liberal Nationalism," in R. Flenley, ed., Essays in Canadian History, Toronto, 1939, pp. 147-8.

be taken at once.²³ They found considerable support, largely among the agricultural interests. Certain prominent Liberal leaders, Richard Cartwright, former minister of finance, for instance, were won to the support of commercial union. But the Liberal caucus in 1888 decided rather to support reciprocity.²⁴ As a result, as far as the major political parties were concerned, commercial union disappeared as a possible Canadian policy.

Still another approach was that taken some time later by J. S. Ewart, that Canada should become a kingdom, in all respects independent, united to Britain merely by goodwill and by the tie of the common Crown. In 1912, when his Kingdom Papers were published, there was little popular support for his ideas.

Altogether, there was a wide variety of opinion current in the years after Confederation as to what road of development the young country should follow. Developments of course were as much conditioned by British as by Canadian attitudes.

In the years just before and immediately after Confederation, the first tentative steps had already been taken towards Canadian participation in those external matters of

23 Charles C. Tansill, Canadian-American Relations, 1875-1911, New Haven, 1943, p. 381.

24 Glazebrook, op. cit., p. 171.

most pressing concern to her. The first outstanding instance had been the Reciprocity Treaty of 1854. Lord Elgin had gone to Washington to undertake the necessary negotiations. While legally he had acted purely as a British diplomat, he was nevertheless at the time governor of Canada, and he had the advice and close co-operation of his Canadian statesmen.²⁵ The result of his work was of great value to Canada in the period of severe economic difficulty caused by the new British policy of free trade.

In 1865, the British government was prepared to include Canadian representatives in negotiations for a new reciprocity arrangement to replace that of 1854, but because of American opposition, nothing came of the proposal.²⁶ Lord Lyons, the British Ambassador at Washington from 1858 to 1865, was most critical of any suggestions that Canadians should be included in such negotiations. He refused to accept any Canadian sent to give him advice on the subject. His attitude to any Canadian claim to a share in negotiating a treaty particularly involving Canada was that it should be out of the question until Canada equipped herself with an army and navy adequate for her own defence.²⁷

²⁵ A. B. Keith, Responsible Government in the Dominions, Oxford, 1928, p. 853.

²⁶ Loc. cit.

²⁷ Edward Porritt, The Fiscal and Diplomatic Freedom of the British Overseas Dominion, Oxford, 1922, p. 164.

Some discussion of Canadian participation in such negotiations took place shortly after Confederation. On March 16, 1870, Mr. Huntington moved a resolution in the Canadian House of Commons, declaring among other things, that it would be greatly advantageous to place the Canadian government in direct communication with other states that might be willing to negotiate commercial arrangements with Canada. Five days later Sir Alexander Galt moved an amendment. After much debate the amended resolution was accepted, declaring that any such attempt to negotiate a treaty with any foreign power, without the support of Great Britain as principal party, must fail.²⁸

No encouragement either was given to the suggestions by a British Royal Commission on treaty power in 1870. Inspired by Belgian neutrality in the Franco-German war, they urged that the colonies should be given the power to negotiate treaties on matters specifically concerning them, and even the right to be recognized as neutral where they were not directly concerned in a conflict in which Britain was involved.²⁹

The first inclusion of a Canadian statesman as a member of a British delegation to an international conference where matters of specific interest to Canada were involved, took place in 1871. Sir John A. Macdonald was appointed as

²⁸ R. L. Borden, Canadian Constitutional Studies, Toronto, 1923, pp. 72-3.

²⁹ A. B. Keith, Dominion Autonomy in Practice, London 1929, p. 52.

one of the British members of the joint commission meeting in Washington that year to settle all differences outstanding between Great Britain and the United States. The questions involving Canada had to do with her claims to compensation for the damages suffered in the Fenian raids, with the settlement of the fisheries dispute, and with her desire for a renewal of reciprocity arrangements with the United States. Canadian inshore fisheries had been opened to American fishermen as part of the Reciprocity Treaty of 1854. Although the United States had ended that treaty in 1866, American fishermen were still attempting to maintain their right to these fisheries. Many difficulties and much bad feeling on both sides had resulted. In 1870 the Canadian government, after consulting Great Britain, had decided to shut out all foreign fishermen from her inshore waters and to back this up with a small fleet of cruisers. Outbreaks of violence and threats of greater violence followed.³⁰

Particularly because of the threatening state of European affairs, the British government was extremely anxious to settle all matters outstanding between itself and the United States. As a result, the Canadian claims were regarded by many British statesmen as an embarrassment.³¹ To Canadians they seemed of great importance.

³⁰ Joseph Pope, Memoirs of Sir John A. Macdonald, Toronto, 1930, vol. 2, p. 82.

³¹ Glazebrook, op. cit., p. 121.

A Canadian then residing in London, Sir John Rose, was sent to Washington in January 1871 to help in preparing plans for a joint commission.³² These preparations, however, were apparently carried out without consulting the Canadian interests in the final arrangements. Macdonald had previously insisted that no steps toward the negotiation of reciprocity should be taken without consulting the Canadian government, and that the government should also be consulted in the settlement of the Fenian claims. Further, he had insisted to Rose that no fisheries arrangement should be arrived at without reference to the Canadian government.³³

It was finally agreed on in London to include a Canadian as part of the British commission. Rose, the first person suggested because of his part in the preliminary arrangements, was not suitable because he was no longer a resident of Canada. Macdonald was offered the appointment, but he was not anxious to accept. He was afraid that, as had so often happened in the past, Canadian interests would be sacrificed to British, and that, as a member of the commission, he would have to bear the blame in Canada. He finally decided it would be better to take the risk rather than to let direct representation of Canada go by default and have her interests left purely at the mercy of British and American negotiators. As a result

32 Glazebrook, op. cit., p. 122.

33 Ibid., p. 123.

he consented to serve, after obtaining from the British government assurance on Canada's exclusive right to the fisheries within the three mile limit, and a promise that the Fenian claims would be considered.³⁴

At the first session, the head of the British commission, the Marquess of Ripon, pointed out that his delegation was not a British but an Imperial one. When he made it clear later that any fishing treaty must be ratified by the Canadian parliament, the Americans were critical, one of the commissioners stating that "they thought they were dealing with the British Empire and not with Canada."³⁵ The conference thus was a first step on the long way toward international recognition of the developing status of Canada.

When Macdonald arrived at Washington he found that the Fenian claims were not to be discussed at all. Through an oversight, they had not been included by the British in the agenda formally agreed on. The American commissioners refused to agree to add them. The British government decided to withdraw them entirely, assuming responsibility itself for the losses Canadians had sustained. Further, Macdonald found that the Americans were not interested in considering reciprocity. Thus the final discussions were around the Alabama claims and

34 George R. Parkin, Sir John A. Macdonald, The Makers of Canada, Toronto, 1912, vol. 9, p. 173.

35 Quoted in Glazebrook, op. cit., p. 125.

the fisheries question. Macdonald found the whole time a constant struggle with both the British and the United States commissioners. He felt that the British commissioners did not care what the negotiations cost Canada, as long as they achieved a treaty. The British, on their side, felt Macdonald was much too unwilling to make the concessions necessary for the sake of peace.³⁶ Actually, Canada helped considerably in reaching an agreement by her concessions on the inshore fisheries and by not insisting on consideration of the Fenian claims. She had hoped in return for the former to get a renewal of reciprocity. The latter seemed as fully justified as the Alabama claims. The results were decidedly disappointing from the Canadian point of view. The only real advantage gained was the promise that the claim to the superior value of the concession made by Canada, when the inshore fisheries of Canada and the United States were opened to each other, would be examined by a special commission. The final award to Canada, made some time later, was \$5,500,000.³⁷

In spite of the grave disappointment at home, Macdonald, in a statesmanlike speech in the Canadian House of Commons on May 3, moved that the treaty be ratified.³⁸ He explained how he had been appointed to the commission and why he had accepted. After defending the various clauses of the

36 Glazebrook, op. cit., pp. 125-6.

37 Parkin, op. cit., p. 190.

38 Canada, House of Commons Debates, May 3, 1872, pp.294-345.

treaty as they affected Canada, he urged the acceptance of the treaty, in spite of the concessions it involved, as a sacrifice by Canada necessary for the maintenance of peace between Britain and the United States -- peace that was most essential for the future development of Canada.

Thus the first steps were taken in the representation of Canada where Canadian interests were involved in external affairs. At the same time, with the familiar pattern of the sacrifice of Canadian interests to gain British ends, it was increasingly evident that further development of Canadian representation and control were inevitable to satisfy the growing Canadian national feeling.

Chapter II

The Development of Canadian Participation in and Control over Commercial and other Non-Political Treaties

From the earliest years of the Dominion, foreign trade was necessary to the Canadian economy. Foreign trade in turn called for diplomatic action. The first few years after Confederation were a period of prosperity and increasing trade. With the depression of 1873, however, it became evident that Canadians themselves must take steps to broaden the scope of their commercial relations, and seek whatever power was necessary to enter into commercial negotiations with foreign countries. The experience of Macdonald at Washington had only served to emphasize the fact that Canada could not satisfactorily continue to rely on the services of British negotiators and diplomats. Not only were they as a rule poorly informed about Canadian conditions and needs, but where, as was frequently the case, there was conflict of interests, they inevitably favoured British interests at the expense of Canadian. Macdonald summed up the situation in 1879:

A necessity has thus arisen for providing separate and distinct trade conventions with all foreign powers with whom Canada has distinct trade. With the different views held by the Parliament of Canada on such subjects, from those of Her Majesty's Government, there is a manifest difficulty in asking the latter to become responsible

for the representations required to be made, and foreign governments find it difficult to understand our present system. The Canadian government therefore submit that when occasion requires such negotiations to be undertaken, Her Majesty's Government should advise Her Majesty specially to accredit the representative of Canada to the foreign court, by association for the special object with the resident minister or other Imperial negotiator.¹

Again, the first steps were taken in negotiations with the United States. The new Liberal administration of 1873, under Alexander Mackenzie, stood for a low tariff policy and wished to see the restoration of some form of reciprocity with the United States. They hoped that the compensation for Canadian fisheries, arranged under the Washington Treaty and not yet awarded, might possibly be replaced with a reciprocity agreement. After making sure that the British government had no objection to such a step, Mackenzie sent George Brown, then a Canadian senator, to Washington in February 1874, as a confidential agent to sound out the American government. Brown's report being hopeful, arrangements were made to open formal negotiations. Mackenzie asked the Imperial government to appoint two Canadians, Brown and a cabinet member, to be associated with the British ambassador at Washington in negotiations, stipulating that the Canadians must not occupy a position inferior to that Macdonald held there in 1871. Brown was forwarded full plenipotentiary powers, the proposal for a

¹ Confidential memorandum concerning the appointment of a High Commissioner for Canada in London, Macdonald, Tilley and Tupper to the Secretary of State for the Colonies, 1879, in A. B. Keith, Selected Speeches and Documents on British Colonial Policy, 1763 - 1917, Oxford, 1948, vol. 2, p. 144.

second Canadian representative having been dropped.² Mackenzie had made it clear that the British minister, without assistance from a Canadian with knowledge of Canadian conditions and wishes, could not be expected to handle satisfactorily negotiations which directly concerned Canada only. The British government, likewise preferred to leave to Canada the responsibility for any changes in the consequences of the Treaty of Washington, if the fisheries compensation were to be traded for reciprocity.

In spite of the coolness of Fish, the American Secretary of State, a draft treaty was finally completed. It provided for a renewal of the former reciprocity treaty, for reciprocity in the coasting trade, for a joint commission to look after boundary waters, and for enlargement of the Canadian canals. The treaty was rejected by the American Senate.³

However, it did mark a step forward in the Canadian negotiation of commercial treaties. The precedents established here were followed elsewhere in negotiations where Canadian interests alone were affected. A Canadian was appointed by the British government at the request of the Canadian government to be associated with the resident British minister or other British diplomat in the negotiation. The resulting treaty or convention would be signed by both, and would represent the

² John Lewis, "The Mackenzie Administration, 1873-1878," Canada and Its Provinces, Toronto, 1913, vol. 6, p. 67.

³ John W. Dafoe, Canada, An American Nation, New York, 1935, p. 66.

views of the Canadian government, but to be operative would have to be ratified by the British as well as the Canadian government.⁴

Because of the rejection of this treaty, it was necessary to revive the provisions for arbitration with regard to compensation for Canadian fisheries made by the Treaty of Washington. A board of three was provided for. The Canadian appointee was Sir Alexander Galt, the American, E. H. Kellogg, and the neutral member chosen was the Belgian Minister at Washington. The commission met at Halifax in 1877. The award of \$5,500,000 was received with satisfaction in Canada, where it was held that a Canadian had been able to reverse the long trend of experiences in diplomatic relations with the United States unfavourable to Canada.⁵ Since it was a case of arbitration, not diplomatic negotiations, the two were not strictly comparable. Nevertheless it was a step forward in Canadian conduct of affairs of Canadian interest. Although there was much dissatisfaction in the United States with the award, to which Kellogg, the American member of the commission, had dissented, it was paid.

Canada was again represented in negotiations in Washington in 1887. In 1885 the American government had

4 Dafoe, loc. cit.

5 G. P. de T. Glazebrook, A History of Canadian External Relations, Toronto, 1950, p. 158-9.

abrogated the fisheries clause of the Treaty of Washington. There followed a period of violence and confusion, seizure of American vessels and threats by the American government. Bayard, the American Secretary of State, unofficially invited either Macdonald, again Prime Minister, or Tupper, Canadian High Commissioner in Britain, to come to Washington and try to prepare some plan for a peaceful settlement. Tupper went, and was able to arrange for a conference to be held at Washington. The whole dispute was of no direct interest to the British government, but was indeed rather an embarrassment to it. Thus it was quite willing that Sir Charles Tupper be appointed a plenipotentiary along with Joseph Chamberlain and Sir Lionel Sackville-West, the British minister at Washington. Chamberlain, then leader of the Liberal Unionist Party in the British House of Commons, was sent by Lord Salisbury as a British representative. Because purely Canadian interests were involved, Tupper took the heaviest part in the negotiations. With British support, he attempted to arrange that American tariff concessions be made in return for the renewal of the former fisheries privileges, but without success.⁶ A treaty was finally drafted, both Sir Charles Tupper and Joseph Chamberlain signing it.⁷ It, too, was rejected by the American Senate. However, an arrangement reached at the same time for a system

⁶ See E. M. Saunders, The Life and Letters of the Rt. Hon. Sir Charles Tupper, London, 1916, vol. 2, pp. 96-113.

⁷ A. B. Keith, Responsible Government in the Dominions, Oxford, 1928, p. 854.

of licensing American fishermen operated successfully for the next thirty years.⁸

Again in 1890-1892, Canadians were involved in negotiations with the United States. This time the questions involved were the status of the Behring Sea and the rights of Canadian sealing vessels. In 1890, Charles H. Tupper, Minister of Marine and Fisheries and son of Sir Charles Tupper, was sent to Washington to assist the British ambassador, Sir Julian Pauncefote, in making some sort of arrangement. At first his greatest efforts were spent in preventing Pauncefote from preparing a convention unfavourable to Canadian interests.⁹ At the end of 1891, the British and United States governments agreed on an investigation by commissioners G. M. Dawson of the Canadian Geological Survey and Sir George Baden-Powell, appointed by the British. Nothing was accomplished. Finally the whole matter was referred to an international arbitration tribunal, and the resulting award was favourable to Canadian interests.¹⁰

During this period, Canadians were also involved in negotiation with European countries. As will be indicated later, various British commercial treaties, which by Canadian

⁸ Glazebrook, op. cit., p. 162.

⁹ C. H. Tupper to Macdonald, Feb. 28, Mar. 3, and Mar. 10, 1890, quoted in C. C. Tansill, Canadian-American Relations, New Haven, 1943, pp. 306-7.

¹⁰ George W. Brown, The Growth of Peaceful Settlement Between Canada and the United States, Toronto, 1948, p. 24.

assent, applied also to Canada, were of some advantage. But naturally they had not been planned to meet definite Canadian needs. Two of these problems considered of great importance at the time were the encouragement of trade with the Spanish West Indies and the sale of Canadian wooden ships to France. In negotiation towards these ends, it was necessary that a Canadian, with full knowledge of Canadian needs and conditions, be involved. In the latter part of 1878, Sir Alexander Galt was sent to Paris and Madrid to work with the British ambassadors there to secure draft conventions. The main negotiations were to be left to the ambassadors, who were to arrange to have Galt discuss details with the French and Spanish governments. Had draft conventions been secured, they would have had to have been approved by both British and Canadian governments before they were signed.

At Paris, the British ambassador was the same Lord Lyons who had in 1865 been so unwilling to have any Canadian assist him in negotiations at Washington.¹¹ At first Galt complained of Lyons' discourtesy and lack of assistance, but after appealing to the foreign office, he received much more help. When he felt he was about to succeed, complications caused by French-Austrian tariff relations caused the French to refuse to proceed any further.¹² Galt did not achieve any

11 Chapter 1, p. 17.

12 See Galt to Macdonald, Dec. 20, 1878 and Jan. 1, 1879, quoted in Glazebrook, op. cit., p. 149.

greater success at Madrid. Again he felt very keenly his position as subordinate to the British Ambassador.

Galt . . . found himself generally hampered in discharging the duties imposed on him by the government of Canada, because he stood only in the position of a commercial commissioner; and it was necessary that all his negotiations with the Government of Spain should be filtered through Her Majesty's Minister at the Court of Madrid.¹³

The next year, 1879, Galt became the first Canadian High Commissioner in London. Both he and Sir Charles Tupper, who succeeded him in 1883, continued the long, often interrupted, negotiations with France and Spain. Both maintained that Canada must be free to negotiate her own commercial treaties, and did this so successfully that "Galt was the last treaty-making commissioner of the Dominion of Canada to complain of limited opportunity, restricted powers and generally hampering conditions."¹⁴

Meanwhile, since negotiations for commercial treaties between Canada and France and Spain had not been successful, Macdonald wrote to Galt in 1882, instructing him to attempt to include a convention covering Canadian interests in suggested treaties between Britain and France and Spain.

There will, I presume, be a temporary (French) treaty with England. In such case the High Commissioner should go to Paris, with the consent of the Foreign Office, to act with Lord Lyons and make a special convention as to trade between Canada and France

13 C. H. Tupper, "Treaty-making Powers of the Dominion", The Journal of the Society of Comparative Legislation, New Series, no. 37, Jan. 1917, pp. 7-8.

14 Edward Porritt, The Fiscal and Diplomatic Freedom of the British Overseas Dominions, Oxford, 1922, p. 191.

Should the treaty with France break down, as is most likely, negotiations will be opened with Spain, and the High Commissioner must be on hand to deal with Canadian trade.¹⁵

In 1884, when negotiations were re-opened with Madrid, Tupper received a far more satisfactory status than that accorded Galt in 1879.

If the Spanish government are favourably disposed, the full power for these negotiations will be given to Sir Robert Morier (the British ambassador) and Sir Charles Tupper jointly. The actual negotiations would probably be conducted by Sir Charles Tupper, but the convention, if concluded, must be signed by both plenipotentiaries.¹⁶

Thus two decided steps forward were taken -- it was recognized that negotiations would be conducted by the Canadian plenipotentiary, thus giving him the dominant role, and that his signature, as well as that of the British ambassador, would be necessary.

Again, no results were achieved. No further attempts were made. Canada did gain some advantages from a British agreement with Spain in 1894, in which, since Canada did not request to be left out, she was included. One interesting sidelight here rather prematurely foreshadowed the position in world affairs Canada would achieve during the next twenty-five years. The customs officials in Havana, until instructed otherwise by Madrid, refused to include Canada, as a separate nation, under the terms of the British treaty.¹⁷

¹⁵ Macdonald to Galt, February 26, 1882, Pope, Correspondence of Sir John Macdonald, Toronto, 1921, p. 286.

¹⁶ Foreign Office to Sir Charles Tupper, July 26, 1884, in Sir Charles Tupper, Recollections of Sixty Years in Canada, Toronto, 1914, p. 175.

¹⁷ Glazebrook, op. cit., p. 157.

After many difficulties, negotiations with France finally led to a treaty in 1893. In 1892 Tupper, the High Commissioner, had been sent as plenipotentiary to Paris. After much discussion and many proposals and counter-proposals, an "Agreement regulating the commercial relations between Canada and France in respect of customs tariff" was finally reached. Tupper was associated with the British ambassador, Lord Dufferin, but he carried out the major part of the negotiations himself. For the first time such a treaty was signed by a Canadian -- on February 6, 1893, Tupper signed along with Lord Dufferin.¹⁸ The treaty was to be ratified by the French and Canadian governments only. As it turned out, the Canadian government was rather hesitant to ratify it. In his eagerness to achieve success for Canada in the negotiations, Tupper had gone somewhat beyond his instructions from Ottawa.¹⁹

To achieve the right to negotiate her own commercial treaties, it was necessary for Canada to gain not only British consent but also acceptance abroad of her new role. In most cases, because of the association of her representative with the British ambassador at the foreign capital concerned, the Canadian was accepted without hesitation. The chief recorded objection during this early period of development was in connection with the need to re-open fisheries negotiations with the

¹⁸ A. Gordon Dewey, The Dominions and Diplomacy, London, 1929, vol. 1, p. 157.

¹⁹ Porritt, op. cit., p. 193.

United States in 1887, mentioned above. The American ambassador in London informed the British government that his government would not deal directly with the Canadian government.

Still less can the United States Government consent to be drawn, at any time, into a discussion of the subject with the Colonial Government of Canada. The treaty in question, and all the international relations arising out of it, exist only as between the governments of the United States and Great Britain, and between those governments only can they be dealt with.²⁰

Fortunately Canadians had already been too frequently associated with British diplomats in negotiations abroad for this protest to be acceptable to the British government. Hence the American contention that Canada, as having still a purely colonial status, could not deal with any matter involving treaty rights, was repudiated immediately.²¹ Fortunately, too, Bayard, the American Secretary of State, did not share these views. Later, as has been mentioned, he engaged with Sir Charles Tupper in discussions leading to the Washington Conference of 1888.

As Canadian control over external affairs was the result of a slow process of development, so was international realization of growing Canadian control. Canadian rights in

20 E. J. Phelps to Lord Salisbury, January 26, 1887, Canadian Sessional Papers, 1888, no. 36c.

21 W. P. M. Kennedy, The Constitution of Canada, 1534-1937, Second Edition, Oxford, 1938, p. 351.

such negotiations received definite international recognition some twenty years later, again in a dispute involving the fisheries question and the United States. In 1910 the Hague Tribunal provided for, not British, but Canadian legislation, to carry out its decisions in this dispute.²²

In addition to gaining the right to be chiefly responsible for the negotiation of commercial treaties and arrangements in her own interests, it was also necessary for Canada to gain some control over whether or not she would be included in the various such British treaties. British interests and British free trade policy were so different from Canadian interests, that Canada might find such treaties greatly to her disadvantage as often as to her advantage.

In early British treaties it was customary to include the colonies in their application. This was done, for instance, in treaties with Russia in 1859, with Belgium in 1862, with the North German Confederation in 1865, and with Austria-Hungary in 1868 and 1878.²³ As Canada began to participate in the negotiation of her own commercial treaties, this was replaced in 1877 with an agreement that henceforward the colonies would no longer be automatically included in British commercial treaties, but should have the right to adhere by act of their own

22 Kennedy, op. cit., p. 351.

23 Keith, Responsible Government, p. 848.

parliament within a specified time. Thus in 1881 the Colonial Secretary wrote to the governor asking whether Canada wished to be included in the British treaty with Egypt then being negotiated.

The colonial article referred to in the enclosed letter is the clause now adopted, exempting the colony under your government, and others of the more important colonies, from the operation of the treaty, but providing that its stipulations may be applied to any such colonies on notice to that effect being given within one year from the date of the exchange of the ratifications of the treaty.²⁴

The Canadian government did not ask to be included, nor did it in a British treaty with Ecuador the same year, but it did ask to be included in the one made with Morocco, also in 1881. Further, it objected when Canada was included by mistake in a treaty with Serbia the previous year. As a result the British government asked the Serbian government to have Canada excluded.²⁵

The right of separate Canadian withdrawal was also recognized in 1899 and 1900, when British treaties with Uruguay and Honduras permitted Canada, or any of the self-governing colonies, to withdraw separately, after giving specific notice.²⁶

There remained certain earlier British treaties, particularly those mentioned above with Belgium and the North German Confederation, in which Canada had been included and

24 Canadian Sessional Papers, 1883, no. 89.

25 Glazebrook, op. cit., pp. 147-8.

26 Keith, Responsible Government, p. 848.

from which she wished to withdraw. Plans were being made to arrange a scheme of preferential trade with Britain, but by the terms of these two treaties, Belgium and Germany would have had to be included. At the Ottawa Conference in 1894 the Canadian government requested the British government to have these treaties abrogated. The British government refused, because it was not particularly interested in Imperial preference, certainly not to the extent of denouncing these treaties, and because it felt that Canadian trade with Germany would suffer. At the Colonial Conference of 1897, the request was again made. The Canadian wish to arrange Imperial preference was so strong that in 1898 the British Government finally had the treaties abrogated.²⁷

During the first period of growth, then, Canada had achieved the right of separate adherence to and separate withdrawal from British commercial treaties. In this period likewise, after considerable experience in assisting with commercial negotiations, a Canadian, Sir Charles Tupper, had signed a Canadian commercial treaty. Thus Canada had achieved the right to make her own commercial arrangements.

Growing Canadian control over external affairs had been discussed at length in parliament, in the Commons in 1882,

²⁷ Richard Jebb, The Imperial Conference, London, 1911, vol. 1, pp. 174, 334.

in both Houses in 1891, and in the Commons again in 1889 and 1892.²⁸ In all these debates two points had been emphasized: the need for further extension of Canadian control because of the inadequacy of British diplomacy to meet Canadian needs and because of growing Canadian national feeling; and the difficulty of further extension caused by the Canadian position as a British dependency.

During Lord Rosebery's Liberal administration, further development appeared to receive a check. In 1895 a despatch was sent to the governor general of Canada and the governors of the other principal British colonies, from the Colonial Secretary, the Marquess of Ripon, laying down the principles to be followed in such negotiations. It was stated that to give the colonies the power to negotiate commercial treaties for themselves without reference to the British government would be to give them separate international status. Therefore all such negotiations would have to result in a treaty between the British Crown and the head of the foreign power concerned, and should consequently be conducted by the British representative to that power. To handle the colonial interests adequately he should have the assistance, either as a second plenipotentiary, or in a subordinate capacity, of a delegate appointed by the government of the colony concerned.

²⁸ See Canada, House of Commons Debates, 1882, cols. 1068-1078 and 1080-1094; 1889, cols. 172-193; 1892, cols. 1103-1151. Senate Debates, 1891, pp. 610-650.

Such a treaty would have to be signed by both the British and the colonial representatives. It would have to be ratified by the Crown on the advice of the Imperial government, acting on the request of the colonial government, and, if any legislation to implement it were necessary, after action by the colonial parliament. No such treaty could be sanctioned unless any concessions made were granted to all the rest of the Empire as well as to all nations entitled to most favoured nation treatment, and no concessions could be accepted that were prejudicial to any part of the Empire.²⁹

These regulations were never too strictly adhered to in practice. They were interpreted in 1907 by the Foreign Secretary, Sir Edward Grey, to be intended principally to protect British interests and to prevent Canadian negotiations from being unknown to the British government. When the Canadian government wished to open negotiations with France that year, Grey sent a despatch to the British Charge d'Affaires at Paris informing him that the negotiations would be undertaken by the Canadian representatives, Mr. W. S. Fielding and Mr. L. P. Brodeur, but that he should expect to be kept informed and that he should sign any resulting agreement along with the two Canadians, who would be given full powers for the purpose.³⁰

²⁹ Marquess of Ripon to the Governor General of Canada, June 28, 1895, in Keith, Speeches and Documents, pp. 159-160.

³⁰ A. O. Potter, Canada as a Political Entity, Toronto, 1923, p. 103.

It worked well. The Imperial government was kept fully informed, and ratified the resulting treaty after careful consideration. The same procedure was followed that year in negotiations resulting in a commercial treaty with Italy.³¹

During this period, various less formal trade agreements were made with different countries through their consular representatives in Ottawa. These were not treaties, so did not require ratification. Since they were usually put into effect by means of orders in council, any Imperial objections could have been registered through the governor general. For instance, the Canadian government discussed with the German consul-general the tariff war that had resulted between his country and Canada as a result of the British denunciation in 1898, at the request of the Canadian government, of the British - German commercial treaty. In 1910 the minister of finance reached an agreement for a settlement with the German consul. In the same year an agreement on tariff concessions was signed with the Italian consul.³²

During this second period of development, from 1895 to 1914, certain Canadian advances received recognition at the Imperial Conferences. In 1902, the right of separate withdrawal from British commercial treaties was recognized.³³

31 Potter, Loc. cit.

32 Canadian Annual Review, 1910, p. 619.

33 Jebb, op. cit., vol. 2, p. 376.

In 1911, the whole question of international agreements of not only a commercial, but also a semi-political nature, was thoroughly discussed. Australia had protested because in the Declaration of London resulting from the Hague Conference of 1907, matters of real importance to the dominions had been dealt with without consulting their governments. This Declaration was an attempt to lay down the code of law to be applied by the Prize Court agreed on by the Conference. It was agreed that in future the dominions should be consulted where their interests were involved, and that when agreements were reached which might affect the dominions, they would not be signed without giving the dominion governments the chance to consider them.³⁴ As will be seen in the next chapter, Sir Wilfred Laurier was unwilling to involve Canada in the responsibilities that fuller consultation in international affairs would bring.

In this period, too, various advances were made in negotiations with the United States. The period began with a set-back for Canadian interests in the form of the Alaska Boundary Award, a set-back which, as was so often the case, served to spur the Canadian demand for greater control over external affairs.

The Alaskan boundary had been established in the treaty of 1825 between Britain and Russia, before there was any

34 Keith, Responsible Government, pp. 873-4.

accurate geographical information on the region. With the purchase of Alaska by the United States and with the promise of valuable gold discoveries in the north, it became necessary that a specific line be agreed on. The British Columbia legislature had frequently requested the Canadian government to act, and the latter had begun negotiations through British channels. In the conference at Washington in 1892, already mentioned, the Canadian delegates had suggested that the dispute be submitted for arbitration to some suitable impartial body. Attempts were made to arrange such a body by the Joint High Commission of 1898. At that time the British commission was headed by Lord Herschel, representing the British government. The other three members were Canadians: Sir Wilfred Laurier, Sir Richard Cartwright, and Sir Louis Davis. It is noteworthy that this was the first commission on which Canadian delegates outnumbered the British. The Canadian proposal for a tribunal of three was not acceptable to the United States; the United States' proposal for a tribunal of six, half British and half American, was not acceptable to Canada. The British plan for such a tribunal of six, containing two neutral members, was rejected by the United States. Though he had promised not to yield to any pressure that might be brought to bear on him when he went to the Colonial Conference of 1902, Laurier agreed while he was in London to the American proposal.³⁶

³⁶ Glazebrook, op. cit., p. 243.

Unfortunately the American members of the resulting commission were in no sense the "impartial jurists of repute" called for in the treaty providing for the tribunal. Elihu Root was a member of the government, the Secretary for War; Senator Lodge and Senator Turner had both spoken strongly against the Canadian position.

The British delegates were Lord Alverstone, Chief Justice of Britain, and the two Canadians, Sir Louis Jette, Lieutenant Governor of Quebec, and A. B. Aylesworth, a Canadian lawyer.³⁷ It would be outside the purposes of this study to discuss the arguments brought forward. The final award, which fairly well accorded with the American claims, was signed by Lord Alverstone and the three Americans. The two Canadian commissioners refused to sign on the grounds that the award was not judicial, as had been agreed on, but political, and ignored the just rights of Canada. However necessary its acceptance may have been in the interests of peaceful relations between Britain and the United States, as always essential to Canadian development, the award caused a great outburst of popular indignation in Canada. With regard to both the circumstances surrounding the Commission, and the proceedings and award itself, Canadians all across the country reacted against the way the Canadian case had apparently been rejected, not by a truly judicial board, but by a commission acting under political

³⁷ O. D. Skelton, The Life and Letters of Sir Wilfred Laurier, Toronto, 1921, vol. 2, pp. 144-148.

pressure from Washington. Again there was the strong feeling that British diplomacy had let Canada down.³⁸

The award, and the resulting demand that means be found to safeguard Canadian interests in the future, marked a definite step in the development of Canada from a colony to a nation-state with control over her own external relations. Many of the statements made in both parliament and the press were of course exaggerated by the state of popular feeling, but in general they marked the road for future development. Typical of the nationalist reaction was the statement made in the House of Commons by Laurier. After discussing the way Canada had been made the victim of power politics on both sides of the Atlantic, he went on to say:

I have often regretted also that we have not in our hands the treaty-making power which would enable us to dispose of our own affairs. . . . The difficulty as I conceive it to be, is that so long as Canada remains a dependency of the British crown the present powers that we have are not sufficient for the maintenance of our rights. It is important that we should ask the British parliament for more extensive powers so that if ever we 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.³⁹

Happily, subsequent Canadian experience in dealings with the United States was more fortunate. The International Waterways Commission and the International Joint Commission

38 Dafoe, op. cit., pp. 69-70.

39 Quoted in D. G. Creighton, Dominion of the North, Boston, 1944, pp. 409-10.

are considered at length in Chapter VII.⁴⁰ In the preparation of the Boundary Waters Treaty of 1909, setting up the latter, several Canadians were involved. Laurier, as Prime Minister, was closely associated with the work, but most of the preliminary and final negotiations were conducted for Canada by George C. Gibbons, Canadian representative on the International Waterways Commission.⁴¹

Tariff and reciprocity discussions were likewise carried on with the United States during this second period of development, 1895-1914. In Canada a time of prosperity combined with growing economic and political nationalism had greatly lessened popular enthusiasm for reciprocity. By 1910 many Americans were questioning the value of the high tariff policy of their country. In the usual round-about way the American Secretary of State informed the Canadian government through Lord Bryce, the British ambassador at Washington, of the American wish for a conference on tariff rates, particularly on the Payne - Aldrich tariff as it applied to Canada. A series of discussions followed at Ottawa, both on the problems caused by this particular tariff, because the Canadian agreement with France was interpreted as a technical discrimination against the United States, and on proposals for broader tariff arrangements between the United States and Canada. Successful agreements were made in getting minimum rates for Canada, and

40 Chapter VII, pp. 163-5.

41 Glazebrook, op. cit., p. 239.

the way was opened for the reciprocity negotiations of 1911.

These negotiations were conducted entirely by the two Canadian ministers sent to Washington, Mr. Fielding and Mr. William Paterson, Minister of Customs. Lord Bryce, the British ambassador, took no part except to introduce the Canadians to the United States government. Terms decidedly favourable to Canada were agreed on. The limitations of the Ripon despatch of 1895 were not strictly adhered to: the favourable treatment given to certain products of the United States by Canada would also be extended to the rest of the Empire and to countries entitled to such terms by treaty, but the United States would not accord the rest of the Empire the same favourable treatment it was giving Canada. The agreement was to be put into effect by concurrent legislation in both Canada and the United States.⁴² It was accepted by the American Congress. In Canada, when Laurier found he could not count on having the necessary legislation passed by parliament, he appealed to the country. The Conservatives fought the election mainly on the cry of nationalism and the danger to Canada of such close relations with the United States. Their victory meant the defeat of the reciprocity proposals.⁴³

A number of agreements were signed between Canada and the United States during this period. Lord Bryce, during

⁴² L. E. Ellis, Reciprocity, 1911, New Haven, 1939, pp. 164-185.

⁴³ Ibid., p. 185-6.

his term as British ambassador, made a point of being well informed on Canadian interests, and was of great assistance to various Canadians in negotiations at Washington. Treaties not already mentioned included: Arbitration Treaties in 1908 and 1911; Fisheries Arbitration Treaty of 1909; Passamaquoddy Bay Treaty of 1910; and the Pelagic Sealing Treaty of 1911.⁴⁴ In the latter, which included Russia and Japan, the Canadian negotiator was Sir Joseph Pope, the Under Secretary of State for External Affairs.

In 1919 a treaty was signed between Britain and the United States providing for a permanent International Commission to investigate disputes that might arise between the two powers. Where the dispute involved one of the dominions, the British member might be chosen from that dominion. In 1918, in fisheries disputes between Canada and the United States, this was done. Sir Douglas Hazen, a former Minister of Marine and Fisheries, was appointed commissioner and signed a resulting treaty for the preservation of Pacific Coast fisheries.⁴⁵

In summary, the stage of development reached in 1914 included the gains and also the remnants of colonial status in the following: Canada was no longer bound by any treaty to which Canadian assent had not been given; Canada would be

44 Keith, Responsible Government, vol. 2, p. 866.

45 Borden, op. cit., p. 87.

consulted whenever an Imperial treaty involving her interests was being considered; if the Canadian government wished to undertake negotiations with a foreign power, the Imperial government would appoint Canadian plenipotentiaries, who would sign any resulting treaty jointly with an Imperial representative; the interests of the rest of the Empire were to be considered, Canada being required to extend to the rest of the empire all concessions made to a foreign power, any such treaty concluded by Canadian representatives would be ratified by the Crown on the advice of the Imperial government, acting on request of the Canadian government.

During this pre-war period, certain advances had likewise been made at various technical and other non-political conferences. At the International Congress for the Protection of Submarine Cables held at Paris in 1883, Sir Charles Tupper, the Canadian High Commissioner, was the Canadian representative. He did not have formal powers, being there in an advisory capacity only. Consequently he did not sign the resulting convention, which was signed for the whole empire by the British delegate, Lord Lyons.⁴⁶ At one point, Tupper took a stand contrary to that of Lord Lyons, and won his point, acting as he later stated, in a very independent fashion.⁴⁷ The convention resulting from the Congress was significant because it was

⁴⁶ P. E. Corbett and H. A. Smith, Canada and World Politics, Toronto, 1928, p. 57.

⁴⁷ Tupper, Recollections, p. 175.

one of the first to provide that it should not apply to the dominions unless and until notification of their desire to be included should be made on their behalf by the Crown.⁴⁸

At the Postal Union Convention of 1904, the dominion delegates were no longer there purely as advisors. They signed the resulting convention for the dominions as such, not as part of an Imperial delegation. They had been provided with powers to sign by the Secretary of State for the Colonies, but these were not full powers in the form used for diplomatic plenipotentiaries.⁴⁹ In 1911 the United States government invited Canada to be present at the International Conference on Industrial Property. Canadian delegates were sent, but as they did not agree to the proposals of the conference, the question of their signing did not come up. At the Radio-Telegraphic Conference of 1912 the Canadian representatives, like those of the other dominions, had equal status with the British representatives, the only difference being that the full powers issued to them were qualified by the insertion of the words "on behalf of Canada". The same procedure was followed at the Conference on the Safety of Life at Sea in 1914.⁵⁰ This development was significant in two ways. The right of Canada to sign an international agreement was recognized, and the way was paved for Canada to follow a purely

48 Corbett and Smith, op. cit., p. 57.

49 Ibid., p. 58.

50 Keith, Responsible Government, 1927 ed., vol. 2, p. 860.

Canadian policy, possibly in conflict with that of Britain, in future international conferences. The granting of separate full powers meant that the only control Britain had over Canadian participation in such conferences would be to refuse ratification of a resulting treaty.

The next major step forward was taken in the signature of the Halibut Treaty with the United States by the Canadian negotiator alone in 1923. In December 1922 negotiations were begun by the Canadian and American governments regarding the halibut fisheries in the North Pacific Ocean. The Canadian representative, the Hon. Ernest Lapointe, Minister of Marine and Fisheries, was appointed in the way already customary, receiving his powers from the King on the advice of the British cabinet, acting on request of the Canadian government.⁵¹ The same procedure had been followed in 1922 and early 1923 in Canadian treaties with France and Italy, and these treaties, as previous treaties mentioned above, had been signed by both the Canadian negotiator and the British ambassador, or, in the latter case, the foreign secretary.⁵² But when the halibut negotiations had almost reached the final stage, the Canadian government made two suggestions. The first had to do with the title of the proposed treaty. The United States draft read, "Convention between the United States and Great Britain

⁵¹ R. M. Dawson, The Development of Dominion Status, London, 1937, p. 69.

⁵² Canadian Annual Review, 1922, p. 37; 1923, pp. 67-8.

concerning Halibut Fishery". The Canadian government proposed to the British ambassador at Washington, to the Colonial Secretary, and to the United States government that the words "Dominion of Canada" be substituted for "Great Britain". This was not acceptable to the British government, which suggested the compromise title, "Convention for the Regulation of Halibut Fisheries on the Pacific Coast of Canada and the United States".⁵³ Although this solution obviated the mention of Great Britain, it did not clearly recognize the Canadian government as having the power to conclude a treaty in its own right. However, it was accepted.

The second suggestion had to do with the signature of the treaty. Since it concerned no other part of the empire, but Canada alone, the Canadian government proposed that Mr. Lapointe should sign it alone, without the customary accompanying signature of the British ambassador. Such a procedure had been followed previously in informal agreements such as the reciprocity agreements with the United States in 1911,⁵⁴ but never in a treaty. On February 21, 1923, the Canadian government informed the British ambassador at Washington, Sir Auckland Geddes, 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". He replied: "I have

53 Dewey, op. cit., vol. 2, p. 138.

54 Dawson, op. cit., p. 6.

been instructed by His Majesty's government to sign treaty in association with Mr. Lapointe".⁵⁵

On February 28 the Canadian government telegraphed to both Geddes and the Duke of Devonshire, the Colonial Secretary: "The Treaty, being one of concern solely to Canada and the United States, and not affecting, in any particular, any Imperial interest, the signature of the Canadian minister should be sufficient."⁵⁶ The Colonial Office finally agreed, and on March 2 Mr. Lapointe signed the treaty alone. The Canadian government had successfully asserted the right to negotiate and sign a commercial treaty with a foreign government without the participation of Great Britain.

Certain authorities, such as Professor Keith, maintained that no constitutional change had been involved, since the British government had assumed responsibility for the treaty when the King had issued full powers to Mr. Lapointe.⁵⁷ A similar position was taken by Arthur Meighen, leader of the opposition.⁵⁸ The Canadian government viewpoint was that the British government had acted merely as an intermediary between the King and the Canadian government. It had been the latter who had really advised the King, and thus who were responsible

55 Dewey, op. cit., vol. 2, p. 138

56 Loc. cit.

57 Keith, Responsible Government, 1927 ed., vol. 2, pp 881-2.

58 Canada, House of Commons Debates, March 24, 1924, p. 551.

for his act. This point of view was expressed in the Canadian House of Commons by the Prime Minister, Mr. Mackenzie King. In the debate on March 21, 1924, on the treaty powers of the dominion governments, he stated that in case of treaties affecting one dominion only, "I take it that the view of the British government is that . . . the responsibility shall rest with that particular government, and not with the British government."⁵⁹ He had this understanding as the result of full discussions on the subject at a subsidiary conference on the treaty powers of the dominions at the Imperial Conference of 1923. Both British authorities and the dominion Prime Ministers had agreed.

Recognition of the same position was implicit in the statement of the Balfour Report of the following Imperial Conference. It stated that Britain and the Dominions are "Autonomous Communities . . . in no way subordinate to one another in any aspect of their domestic or external affairs."⁶⁰ Further recognition to this point of view was given by the announcement made by the government of the Irish Free State on March 28, 1931. During a visit of the Irish Minister of External Affairs in England, it had been agreed that the government of a dominion had the right to advise the King directly,

59 Canada, House of Commons Debates, March 24, 1924, p. 551.

60 Dawson, op. cit., p. 331.

and not through the British government as an intermediary, on the issuance of full powers to negotiate and sign such treaties.⁶¹ No British interference, even as an intermediary was any longer necessary.

In the process of ratification, the American government proposed to change the terms of the Halibut Treaty to make it apply also to "nationals and inhabitants of any other part of Great Britain."⁶² Thus it would have become simply another Imperial Treaty, which Britain would have had to arrange to sign and ratify. The United States ratified the Treaty on March 4, 1923, as a "Convention between the United States and Great Britain", with the reservation that it should apply to the "nationals" mentioned above. Secretary of State Hughes expressed his government's hope to Geddes that the reservation would be acceptable. Geddes asked for the Canadian government's view, and also sent the note from Hughes to the Foreign Secretary, since, the Treaty thus being widened in scope, it would require British assent.⁶³

The Mackenzie King government wished to keep it a purely Canadian treaty. In asking parliament to ratify it, Mr. King and Mr. Lapointe expressed the hope that the American

61 Dawson, op. cit., pp. 421-2.

62 A. L. Lowell, "The Treaty-Making Power of Canada," Foreign Affairs, vol. 2, no. 1, September 15, 1923, p. 19.

63 Loc. cit.

Senate would withdraw the reservation and accept the Treaty in its original form. This they did the next year.⁶⁴

With regard to the Canadian ratification, the distinctly Canadian nature of the Treaty was made evident in the form used: "His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows".⁶⁵ There was some disagreement in parliament with the omission of the British signature, mostly among the Conservative opposition. Mr. Meighen considered it an affront to the British ambassador, without any adequate justification as a constitutional advance. The Minister of Finance, W. S. Fielding, did not approve either. He had negotiated the Canadian-Italian treaty of 1923, and had previously said in regard to the signature, in addition to his own, of the British foreign secretary on that treaty, that it "rather added weight to the document, and I was glad to have it there."⁶⁶

The whole question of the treaty power of the dominions was thoroughly discussed at the Imperial Conference of 1923, in an attempt to regularize the foreign affairs of the Dominions and Britain. A resolution was drawn up stating the principles henceforward to govern the process of negotiation, signature and ratification of treaties affecting either single

64 Dewey, op. cit., vol. 2, p. 143.

65 Statutes of Canada, 1923, p. 405.

66 Canada, House of Commons Debates, May 2, 1923, pp. 2403-4.

parts or several parts of the Empire. In any treaty to be negotiated, the interests of the rest of the Empire must be considered; other dominion governments interested were to be given the chance to share in the negotiations; those governments not participating were to be kept fully informed with regard to any points of special interest to them. All the governments that would be obligated by the resulting treaty would have to sign it.⁶⁷ The right of Canada to enter into commercial negotiations with any foreign country, and to conclude, sign, and ratify a commercial treaty dealing with matters of specific concern to Canada, thus received official recognition.

67 Dewey, op. cit., vol. 2, pp. 169-170.

Chapter III

The Development of Canadian Military and Naval Forces

One of the essential early steps in the growth of Canadian control over external affairs was the development of a purely Canadian army and navy. Lord Lyons, in his criticism of the Canadian wish to have Canadian representatives included in the reciprocity negotiations with the United States in 1865, had made the point that before Canadian control over such external negotiations could grow to any extent, Canada should develop military and naval forces adequate for her own defence.¹ One was as necessary as the other for complete national development.

At Confederation it was recognized that the defence of Canadian soil was primarily a Canadian responsibility, with assistance to be rendered by Britain if the need should arise. There were at first some Imperial troops in Canada. These had been almost entirely withdrawn by 1871, leaving a garrison

1 Edward Porritt, The Fiscal and Diplomatic Freedom of the British Overseas Dominions, Oxford, 1922, p. 164.

only at Halifax, and later at Esquimalt.² The Red River Rebellion of 1870 was put down with the aid of Imperial forces, that of 1885, by Canadian forces entirely.

For a good many years there was no interest whatsoever in the development of adequate Canadian forces. There were a number of reasons. Fortunately for Canadian development, in spite of occasional periods of difficulty with the United States, the threat of force has played only a small part in the story of Canadian foreign relationships. Protected by the oceans and by the British and American navies, Canada seemed to have little need for armed forces and less for a navy. With the growth of Canadian national feeling, it was recognized that neither self-respect nor self-interest would permit total dependence on position and on British and American defence.

There were few developments in the first thirty years. The permanent force had been organized in 1871 and the Royal Military College opened in 1876.³ Commanding officers came from England, and Canadian officers were frequently trained there. With the Venezuela scare of 1895 and the South African War, the permanent force was enlarged and reorganized. By the Militia Act of 1904 it was ruled that the commanding officer

2 C. F. Hamilton, "The Canadian Militia; The Dead Period," The Canadian Defence Quarterly, vol. 7, 1929-30, p. 83.

3 George F. Stanley, Canada's Soldiers, 1604-1954, Toronto, 1954, p. 243.

need not be British. The Canadian Minister of Militia became the chief authority.⁴ It was suggested in the Colonial Conference of 1902 that Canadian troops garrison Halifax and Esquimalt, and the offer was repeated in 1905.⁵ It was accepted then, and by the next year the last of Imperial troops had left Canada. In 1907 the Canadian government took over the Halifax dockyard, and received formal transfer of the property there in 1910, and of the Esquimalt dockyard in 1911. By 1914, then, there were no longer any Imperial troops stationed in Canada, nor were Canadian troops commanded in Canada by British officers, though such officers might be invited to inspect the Canadian forces. In general, Canadian practice, whether in weapons, organization, mobilization plans, or administration, was a close copy of British practice.

As regards the participation of Canadian troops in wars abroad before 1914, there was for many years no occasion to call for their assistance. In 1885, Sir Charles Tupper, then Canadian High Commissioner in London, cabled to Macdonald to suggest that a Canadian contingent be sent to assist the British in the difficulties they were facing in the Sudan. Macdonald was not at all in favour. He replied: "The Suez Canal is nothing to us, and we do not ask England to quarrel

4 Stanley, Ibid., p. 300.

5 Canadian Sessional Papers, 1905, no. 128.

with France or Germany for our sakes. . . . Our men and money would be sacrificed to get Gladstone and Company out of the hole they have got themselves into by their own imbecility."⁶

In the South African War two contingents of troops were sent shortly after the outbreak of hostilities. The first step in Canadian participation was the resolution moved in the House of Commons by Laurier himself on July 31, 1899, to the effect that: "This House . . . desires to express its sympathy with the efforts of Her Majesty's Imperial authorities to obtain for the subjects of Her Majesty who have taken up their abode in the Transvaal such measures of justice and political recognition as may be found necessary to secure them in full possession of their rights and liberties."⁷ With the outbreak of war and the public demand in Canada for assistance to Britain, the first Canadian contingent, 1061 strong, embarked for South Africa on October 30, 1899.⁸ Parliament was not in session at the time. Certain nationalists, such as Henri Bourassa of Quebec, maintained that it would have to be summoned to sanction the sending of troops outside of Canada. Pressed by widespread demands for immediate action, the

⁶ Quoted in R. A. Mackay, "Canada and the Empire," Canada: The Empire and the League, Toronto, 1936, p. 74.

⁷ Quoted in T. G. Marquis, "The South African War," Canada and the Great War, Toronto, 1918, vol. 1, p. 286.

⁸ Ibid., p. 293.

Canadian government authorized the contingent by order in council. Much was involved constitutionally, for this was the first participation of a Canadian contingent as such in a war of the Empire not directly involving Canada. By the order in council, the Canadian government assumed responsibility for the cost of the equipment and the transportation of the troops, though it was stated this action was in no way to be considered a precedent.⁹ On the advice of the British government it was agreed that the men would serve in Her Majesty's regular force, receiving the rate of pay prevalent there from the British government. The Canadian government later agreed to make up the difference between the rate of pay in the Imperial army and that in the Permanent Corps of Canada.¹⁰ A second contingent was offered in November, but not accepted until the next month.

When parliament opened in February 1900, the government faced attack from two sides. One argued that support of the British had been slow and half-hearted; the other, that by participation in an Imperial war without parliamentary sanction a dangerous precedent had been set. The former represented largely the voters of Ontario and of the Maritimes; the latter, the voters of Quebec. Laurier had to take this second group

9 Stanley, op. cit., p. 280.

10 Marquis, op. cit., p. 290.

into careful consideration, because he depended to a great extent upon the support of the French Canadians, and most of them had no sympathy for the new imperialism.¹¹ There were two main debates on the subject. In the first, Sir Charles Tupper attacked the government not only for the lack of vigour in their attitude toward Canadian participation, but also for not assuming the whole cost of the Canadian contingent.¹² In so doing he expressed the opinions of great numbers of English speaking Canadians.

The second debate was on an amendment moved by Bourassa which called for a specific declaration that the action of the Canadian government must not be considered as a precedent, and that any changes in the military or political relations of Canada and Britain must be the result of the action of the Canadian parliament and people.¹³ In both debates the question was confined solely to Canadian participation in Imperial wars. The suggestion was scarcely discussed that such participation should in future mean a share in the making of the foreign policy that might involve Canada with the rest of the Empire in such wars. Laurier stated:

If we were compelled to take part in all the wars of Great Britain, I have no hesitation in saying

11 Stanley, op. cit., p. 279.

12 Canada, House of Commons Debates, February 5, 1900, col. 48.

13 Ibid., March 13, 1900, cols. 1793-1876.

. . . that, sharing the burden, we would also share the responsibility. Under that condition of things, which does not exist, we should have the right to say to Great Britain: If you want us to help, call us to your councils But there is no occasion to examine this contingency today.¹⁴

Canadian participation in the South African War, then, was in response to the need of the British government and to the demand of the Canadian people. Its extent was controlled entirely by the Canadian government. Parliament was not called to authorize it, but in the next regular session approved the policy of the government. In the debates already mentioned, Laurier set out clearly what was to be the continuing policy of his government:

I claim for Canada this, that in future Canada shall be at liberty to act, or not to act, to interfere or not to interfere, to do just as she pleases, and that she shall reserve to herself the right to judge whether or not there is cause for her to act.¹⁵

Thus in the preparations for the Colonial Conference of 1902, Laurier opposed the inclusion of defence on the agenda. His government would be willing to discuss the defence of Canada, but was not willing to be involved in discussions by which Canada might be brought into "the vortex of militarism which is the curse and the blight of Europe."¹⁶ During the

¹⁴ Canada, House of Commons Debates, March 13, 1900, cols. 1846, 1847.

¹⁵ Ibid., February 5, 1900, col. 72.

¹⁶ Julien Amery, The Life of Joseph Chamberlain, London, 1951, vol. 4, p. 426.

Conference, the Secretary of State for War Mr. Broderick advocated that a small highly trained force be kept in each colony in readiness for Imperial service. Laurier objected that such a proposal "would entail an important departure from the principal of colonial self-government."¹⁷ He followed the same policy at the Conference in 1907: no commitments, and no outside control over Canadian forces. The idea of colonial forces in readiness for Imperial use was replaced by proposals for an Imperial General Staff. It was definitely stated by the British government that no promise was involved by which the dominions would be obliged to send contingents in the event of war, nor was any military authority being set above the Canadian government.¹⁸ Plans were carried further by the subsidiary conference of 1909. An Imperial general staff was set up, and plans made for uniformity of training and equipment. Mr. Asquith summarized the result: "A plan for so organizing the forces of the Crown wherever they are that, while preserving the complete autonomy of each Dominion, should the Dominions desire to assist in the defence of the Empire in a real emergency, their forces could be rapidly combined into one homogeneous Imperial army."¹⁹

17 Quoted in G. P. deT. Glazebrook, A History of Canadian External Relations, Toronto, 1950, p. 270.

18 Ibid., p. 272.

19 Quoted in Stanley, op. cit., pp. 303-4.

The development of a Canadian navy was a more difficult task. So long as Britain maintained unquestioned naval supremacy, there was no suggestion for any distinctly Canadian naval policy. Canadians took British protection for granted. With the growing German threat to the British position, various suggestions were raised in both Britain and Canada as to ways in which Canada might contribute to her own naval defence. A great part of the discussions at the Colonial Conference of 1877 were taken up with the problem of naval defence on the Pacific, particularly as it involved the Australian colonies. Canadians took little part in this discussion. Sir Alexander Campbell did deny that the British navy was larger or more expensive because of its responsibility for the defence of Canada.²⁰

At the Conferences held in 1897 and 1902, Joseph Chamberlain claimed that the great military and naval forces of Britain were made necessary by her empire, and those colonies which had grown so largely both in self-government and in economic status should help to bear the burden. In discussing naval defence at the latter conference, the first Lord of the Admiralty, Lord Selborne, stated that all the dominions except Canada had offered money grants to the British navy.²¹ Again during the Conference of 1907, Canada refused

²⁰ Richard Jebb, The Imperial Conference, London, 1911, vol. 1, pp. 275-6.

²¹ Canadian Annual Review, 1902, pp. 110, 146.

any contribution.

In the previous years there had been various suggestions that rather than make a contribution to the British navy, Canada might establish a navy of her own. Laurier had suggested this in reply to Lord Selborne's enquiry about the possibility of a Canadian contribution to the British navy before the Conference of 1902.²² By 1909, with the obvious German threat to British naval supremacy, Canadian public opinion was largely in favour of action of some sort.²³ In March of that year, G. E. Foster spoke in the House of Commons advocating that Canada defend her own coasts, establish a Canadian navy, and possibly, conditions being as they were at this time, make an emergency gift to the British navy. Laurier's motion for a "Canadian naval service in co-operation with and in close relation to the Imperial navy" was passed without division.²⁴ Borden and the Conservatives offered no opposition beyond suggesting certain verbal changes.

Convinced of the impossibility of the policy of dominion contributions to a single navy because of the strength of dominion nationalism, the admiralty, at the subsidiary conference held in 1909 in London, recommended a system of distinct

22 Glazebrook, op. cit., p. 269.

23 Canadian Annual Review, 1909, pp. 49-55.

24 Canada, House of Commons Debates, March 29, 1909, col. 3564.

fleet units in those dominions that so wished. There should be uniformity in equipment, training and discipline, and it should be understood that in time of war such local naval forces should come under the control of the Admiralty.²⁵

Laurier rejected the latter part of the proposal. He maintained that the Canadian government must be free to decide the extent of Canadian participation in any war in which she might be involved.

The admiralty prepared plans for a naval force within the size of the annual expenditure suggested by the Canadian government. Until this could be built, it was suggested that two cruisers be lent by the British navy, to be maintained by Canada, largely for training purposes. On January 12, 1910, Laurier introduced a naval service measure based on these admiralty plans, and it became law on May 4.²⁶ In the debates on the bill the Conservatives strongly opposed plans for establishing a Canadian navy at that time. They called for a direct emergency contribution to the British navy, with the development postponed to a later date of a Canadian navy that should automatically be part of the British navy in time of war.²⁷ Laurier and most of the Liberals argued for the establishment of a Canadian navy as planned, as at once Canada's duty to the Empire and a necessary step in the further

²⁵ Memorandum of the British Admiralty, in Dewey, op. cit., vol. 1, pp. 253-4.

²⁶ G. N. Tucker, The Naval Service of Canada, Ottawa, 1952, p. 140.

²⁷ R. L. Borden, Canada, House of Commons Debates, Jan. 12, 1910, col. 1748.

development of Canadian self-government.²⁸ Certain of the extreme nationalists, such as Henri Bourassa and J. S. Ewart, supported the idea of a Canadian navy, but objected strenuously that it would be Canadian only in time of peace, that Canada would have no control over it in an Imperial war.²⁹

During the Imperial Conference of 1911, naval defence was again discussed. Canadian plans were approved, and detailed provisions were made for the training and discipline of the dominion fleets and for their relation to the Imperial fleet. It was agreed that the Canadian naval service would be exclusively under the control of the Canadian government, but it would be uniform in training and discipline with the British navy. In time of war, once it had been put at the disposal of the Imperial government by the Canadian government, the Canadian fleet would become an integral part of the British fleet for the duration of the war.³⁰

Before the Liberal policy could be put into effect, Laurier's government was defeated at the polls in October 1911, and the Conservatives under R. L. Borden came into power. They still did not agree with the immediate construction of a Canadian navy. In June 1912 Borden went to England to confer

²⁸ Sir Wilfrid Laurier, Canada, House of Commons Debates, February 3, 1910, cols. 2953-2968.

²⁹ For this point of view, see J. S. Ewart, Kingdom Papers, Ottawa, 1912, nos. 6, 9, 11, 15.

³⁰ Tucker, op. cit., pp. 166-7.

with the Admiralty and attend sessions of the Committee of Imperial Defence. He returned with a specific naval programme prepared, which he introduced into the House of Commons on December 5, 1912, as the Naval Aid Bill. Its essential feature was an emergency contribution of the cost of three Dreadnoughts to the British navy. This was not to be a regular contribution; the eventual establishment of a Canadian navy would be a good thing, but would be unwise, the Conservatives claimed, in the current emergency. The three ships would be maintained and controlled as part of the British navy, but in the case of the development at some future date of a Canadian navy, could be recalled by the Canadian government.³¹ There followed a long and bitter debate, in which the various parties argued from very much the same ground as in 1910. Since the measure was killed by the Senate, 1914 found Canada with no navy beyond the two old cruisers mentioned above.

At the outbreak of war, then, Canada had a small army completely under her own control, and no navy to speak of. The fundamental principle of her defence policy was that she assumed full responsibility for local defence, and reserved complete freedom of action with respect to defence of other interests. She had the power to negotiate commercial treaties, but not to participate in external affairs of a strictly

³¹ Canada, House of Commons Debates, December 5, 1919, cols. 676-694.

political nature. The whole question of the dominions being consulted or participating in any way in British foreign policy in both the pre-war years and during the war will be discussed at length in Chapter VIII.

Until the idea that different Dominions might have different foreign policies won general acceptance, it was only through achieving a voice in British foreign policy that Canada could influence the larger issues of her external affairs. Borden hoped that co-operation in Imperial naval defence would help to obtain that voice for Canada.³² He had expressed his basic conviction in the Canadian House of Commons on November 17, 1910:

When Canada, with the other great Dominions within the Empire, embarks upon a policy of permanent co-operation in the naval defence of the empire, it ought, from every constitutional standpoint, from every reasonable standpoint as well, to have some voice as to the issues of peace and war within the empire.³³

32 Tucker, op. cit., p. 176.

33 Canada, House of Commons Debates, Nov. 17, 1910, p. 34.

Chapter IV

International Recognition of Canadian Nationhood During World War I and at the Peace Conferences.

Prior to World War I, Canada had gained almost complete control over her participation in commercial and technical negotiations. She had achieved recognition of her right to sign, accompanied by a British representative, any treaty of such a nature involving specifically Canadian interests, and of her right to have such a treaty ratified by the Crown on the advice of the Canadian parliament. She controlled her own military forces in Canada and it had been recognized that whenever a Canadian navy was established it would likewise be Canadian-controlled, although it might, by act of the Canadian government, become part of the British navy for the duration of any war.

Control over external affairs of a political nature, however, had scarcely begun to develop. The government of Great Britain maintained sole authority over, and responsibility in, all matters relating to the conduct of foreign policy, the maintenance of peace, and the declaration of war. Prime Minister Asquith had declared at the Imperial Conference of 1911 that that authority by its very nature could not be shared by Canada and the other dominions, without destroying the unity of

the Empire. Yet at the close of the war, Canada and the other dominions were given separate representation at the Peace Conference. Canada, through her representatives, signed the Peace Treaties separately with full powers granted in respect of Canada, and ratified them by act of the Canadian parliament.¹ During the war years and at the peace negotiations, Canada had made rapid advances in both control over external affairs and in the international recognition of the growing national status of which that control was one vital aspect. In the present chapter only those developments of the war, and peace conference years that concern the growth of direct Canadian control, and international recognition of that control, will be discussed.

For many years Laurier's thesis had been that when Britain was at war, Canada was at war, but that the extent of Canadian participation depended entirely on the decisions of the Canadian government. The British declaration of war legally bound Canada and the rest of the Empire. Even before the outbreak of war, the British government had been assured of full Canadian support. On August 1, 1914, Borden had sent a telegram stating that his government hoped to see a peaceful solution of international difficulties, but that "if war should ensue, the Canadian people will be united in a common resolve to put forth every effort and to make every sacrifice necessary

1 R. B. Stewart, "Treaty-Making Procedure in the British Dominions," The American Journal of International Law, vol. 32, no. 3, July 1938, p. 467.

to insure the integrity and maintain the honour of our Empire."²

With the outbreak of war the Imperial government fully respected Canadian autonomy. No demands were made for either men or financial assistance; the different legislation, proclamations and statutes made necessary by the war were drafted so as to exclude the Dominions whenever possible. Canadians resident in Britain were not subject to British draft laws; British laws against aliens and trading with the enemy were not binding on Canada; there was no Imperial connection with the raising of Canadian troops, and British ships registered in Canada were not under Imperial shipping laws. On one occasion, in 1916, the Imperial government did attempt to requisition Canadian ships. The Canadian government protested at once, pointing out that the British government might have the legal power for such an action, but certainly did not have the constitutional right, and that its actions conflicted with the "constitutional autonomy of Canada in its present stage of development."³

As far as the powers of the Canadian government were concerned, the chief constitutional question at the outbreak of war involved the sufficiency of Canadian legislation for the control of Canadian forces overseas. It was questioned

² Henry Borden, ed., Robert Laird Borden, His Memoirs, Toronto, 1938, vol. 1, p. 452.

³ Report of the Canadian Privy Council on the Requisitioning of Canadian Ships, printed in R. M. Dawson, The Development of Dominion Status, 1900-1936, London, 1937, pp. 169-170.

whether a Dominion had the power at that time to enact legislation effective beyond its territorial limits. Section 69 of the Militia Act gave the Governor General in Council the power to place the militia on active service beyond Canada where it was considered necessary for the defence of Canada, and Section 4 of the same Act stated that the King's Regulations and other British laws not inconsistent with Canadian regulations, applied to the Canadian militia. Section 177 of the Army Act, thus effective, provided for control by a colony of a force of militia raised there, whether the said militia should be stationed inside or outside the colony.⁴

At first most of the duties involved in the supervision and administration of Canadian military forces in Britain and on the continent were undertaken by the acting-High Commissioner, Sir George Perley. In October 1916 the Canadian government established by order in council a Ministry of Overseas Military Forces in London, with a resident minister who had responsibility for the administration of all Canadian forces overseas, and who was directly responsible to the Canadian government. Perley held this office in addition to his other duties until November 1917, when Sir Edward Kemp was appointed resident minister and he remained in charge until the return of all Canadian troops in 1919.⁵

From the time the First Division reached England in the autumn of 1914, the Canadian forces were a distinctly

4 Sir Robert L. Borden, Canadian Constitutional Studies, Toronto, 1923, p. 98. See also George F. G. Stanley, Canada's Soldiers, 1604-1954, Toronto, 1954, pp. 314-5.

5 H. G. Skilling, Canadian Representation Abroad, Toronto, 1945, p. 112.

separate part of the British army. After the establishment of the Overseas Ministry and the promotion of General Byng to Army Command, the Canadian Corps was under the command of a Canadian general, Sir Arthur Currie, responsible to the Canadian government. There was a special Canadian section at the British General Headquarters in France to maintain an effective relationship with the British army. Military operations in the field, of course, were under the final direction of the British General Headquarters.⁶

The question of the development of consultation during the war between Britain and the Dominions will be examined in Chapter VIII. Borden did not make his first wartime visit to London until 1915. It was nearly two years later before more continuous consultation was made possible by the Imperial War Cabinet. The part the Canadian members played in that body was continued after the war in the British Empire Delegation to the Peace Conference. But by the end of the war a number of Canadians, from cabinet ministers to journalists were demanding for their country more of a share in the making of peace than just membership in the British Empire delegation. By the part she had played, both on the fighting front and in industrial production, Canada had proved her ability to take her place among the nations of the world. At the Peace

6 Stanley, op. cit., p. 312.

Conference she achieved the first international recognition of her long development from a British colony to a nation-state with control over her own external affairs. In the process of gaining recognition, she continued to grow in national stature, as the first steps were taken in working out the new idea of the Commonwealth as a partnership of equal nations. J. W. Dafoe, who attended the Peace Conference as the representative of the Canadian Department of Public Information, has stated:

The Peace Conference . . . was a catalytic agent which broke up the traditional Empire and replaced it with a brotherhood of nations. . . . The record of Canada's approach to the Conference, the nature and extent of its participation in Conference activities and decisions, and the subsequent validation of these innovations, constitute the most important chapter in the history of Canadian constitutional development.⁷

The great change in Canadian status during the war years was due in no small part to her contribution, both in terms of men and of money and materials, to the war effort of the Allies. Among Borden's strongest arguments in getting for Canada representation at the Peace Conference and all the other rights and privileges of a nation state there and in the League, were the size of the Canadian Corps and the brilliant fighting record, and the successful Canadian assertion⁸ of military autonomy during the war years.

⁷ J. W. Dafoe, "Canada and the Peace Conference of 1919," The Canadian Historical Review, vol. 24, no. 3, September 1943, p. 235.

⁸ Stanley, op. cit., p. 315.

For a country whose population in the 1911 census was only 7,204,838, the Canadian contribution was really impressive. In the army 628,462 men were enrolled, of whom 424,589 went overseas; more than 5,000 men joined the navy and more than 24,000, the British Air Service.⁹ Total casualties were over 210,000 of which over 60,000 were killed.¹⁰ The number of battles in which Canadian troops had distinguished themselves is too long to number here, but it included Ypres, the Somme, Vimy Ridge, Passchendaele and Mons. Just as impressive was the Canadian record in supplying the materials of war. Nearly 1,000 vessels of different kinds were turned out for the various allied governments; munitions and war materials to the value of over one billion dollars were exported from Canada during the four war years; great quantities of food were shipped to the Allies, and huge credits made available to the Imperial government to finance the purchase of these munitions and foodstuffs.¹¹

Early in the war it had been announced that Canada and the other dominions would be fully consulted concerning the peace terms. On January 21, 1915, in a telegram to the dominion governments with regard to the postponement of the Imperial Conference, Mr. Harcourt, the Colonial Secretary, stated clearly the purpose of the British Government to discuss

9 Stanley, op. cit., p. 313.

10 Information Branch, Department of External Affairs, Canada's Part in the Great War, Ottawa, 1921, p. 3.

11 Ibid., pp. 17-27.

possible peace terms with the dominion prime ministers.¹²

This was reiterated in the British House of Commons on April 14 the same year. On January 31, 1917, Borden assured the Canadian House of Commons of the British intention to consult the dominions on peace terms and to begin such discussions at the Imperial Conference soon to meet.¹³

There was no attempt on the part of the Canadian government to establish committees or otherwise arrange for the study and discussion of possible peace plans. As members of the British Empire Delegation, Canadians had access to the vast collections of material provided by British experts. The advantages that Canada wished to get from the conference were those of recognition rather than those of a material type for which the preparation of briefs and such would have been necessary. Leading Canadians insisted that the development of Canadian national status achieved during the war years somehow receive recognition at the Peace Conferences.

The terms of the armistice with Germany were agreed on at a meeting of the Supreme War Council of the Allies.¹⁴ Canada and the other dominions were not consulted. When the Armistice was signed, Borden was already on his way to England, summoned by a cable from Lloyd George: "It is, I think, very

12 G. P. deT. Glazebrook, Canada at the Paris Peace Conference, Toronto, 1942, p. 26.

13 Canada, House of Commons Debates, January 31, 1917, p.300.

14 See David Lloyd George, The Truth about the Peace Treaties, London, 1938, vol. 1, pp. 74-82.

important that you should be here in order to participate in the deliberations which will determine the line to be taken at these conferences by the British delegates."¹⁵

In replying, Borden made it perfectly clear that not only the Canadian government, but also the press and the people, expected Canada to be represented at the conferences. Borden was accompanied overseas by Sir George Foster, Minister of Trade and Commerce,¹⁶ A. L. Sifton, Minister of Customs, Loring Christie, legal expert in the Department of External Affairs, and various members of bodies such as the Canada food board and the new Canadian trade mission in London. Mr. C. J. Doherty, Minister of Justice, was to follow.¹⁷

Borden was displeased when the Canadians were not invited to conferences held in London early in December with the French and Italian ministers. Nor was he pleased with Lloyd George's first suggestion for Canadian representation at Paris. It had been agreed that the major powers might have five representatives at the Peace Conferences. The day Borden arrived in Britain, Lloyd George proposed that he, Balfour, Bonar Law, Barnes and Borden should be the British delegates, with Borden specifically representing the Dominions.¹⁸ Borden objected to the suggestion that his position should be different

15 Canadian Sessional Papers, 1919, Special Session no. 41J.

16 Foster had been one of four British representatives at the Allied Economic Conference held in Paris in the summer of 1916.

17 Glazebrook, Peace Conference, p. 36.

18 Borden, Memoirs, vol. 2, p. 866.

from the others, but did not express his views at that time as to whether he considered the proposal adequate representation for Canada.

In the discussions referred to above with the French and Italian delegates it had been agreed that the Conference would consist of five representatives each from the five major powers. The small powers would be present at discussions only when matters affecting them were under consideration. Canada and the other dominions would likewise be represented in such cases. Further, it was intended that one of the five British delegates should be a representative of the Dominions and India.¹⁹

This was not enough to satisfy either Borden and the other Canadian ministers in Britain at the time, or Canadian public opinion at home. Since Canada had contributed more to the war effort than any of the smaller nations, since her casualties were higher than those of the United States, and since the other Dominions had played a similar part, Borden felt justified in demanding direct representation at the Conference. To get this, it was necessary that all the small powers should be represented. The whole subject was thoroughly discussed by the Imperial War Cabinet during the final two weeks before they left on January 11, 1919 for the Conference. On December 31, 1918, a proposal drawn up by Borden was accepted.

19 Lloyd George, op. cit., vol. 1, p. 206.

Canada and each of the other Dominions should have the same representation at the Conference as the other smaller nations. In addition the representatives of the British Empire at the Conference would be drawn from a panel on which each Dominion Prime Minister would have a place.²⁰

When the British delegates put this proposal before the meeting of the leaders of the four great powers on January 12, there was considerable opposition. To those who had not yet become aware of the great change that had taken place in the status of Canada and the other Dominions over the war years, the sudden demand for ten additional delegates for the British Empire naturally aroused surprise, if nothing more. Clemenceau was inclined to oppose the Dominion demand until Lloyd George pointed out how great had been the dominion contribution to the war effort. Wilson and Lansing were both against it.²¹ If it had not been for the arrangements worked out for the representation of the small powers, direct Canadian representation would not have been possible. After it had been agreed that the small powers would have two delegates each at the plenary sessions of the Conference, it was decided that the Dominions might be represented by one delegate each. When this proposal was reported the same day to Borden, he was not pleased. At a meeting of the Dominion ministers the next

20 Borden, Memoirs, vol. 2, p. 895.

21 Glazebrook, Peace Conference, p. 50.

morning, he got the others to agree that they would insist on the same representation as other small powers. It was natural that Borden, as Prime Minister of Canada, the senior dominion and the one with the most experience in external affairs, should take the lead in securing representation for the British Dominions. In the meeting of the British Empire delegation that followed, they were forced to accept the compromise proposal of one delegate each. Borden especially was not satisfied. At lunch he pressed Lloyd George to see that Canada was not given only half the representation granted the small powers, some of which had made little or no contribution to the war effort. That afternoon Lloyd George got Wilson to propose an amendment giving Canada, Australia, South Africa and India, two representatives each, New Zealand, one, and Newfoundland, none. The Great Powers agreed.²²

Equal Canadian representation received a setback on January 17, the day before the first plenary session of the Conference. That evening the council decided to give Belgium and Serbia three representatives each. Lloyd George protested strongly, but was unable to carry his point.²³ Borden and the other Canadians were annoyed. They had not been consulted on the change, and they felt that Canadian public opinion would not approve, especially since the press had already announced that Canada was to have representation equal to the other small powers.

²² H. W. V. Temperley, ed., A History of the Peace Conference of Paris, London, 1924, vol. 6, p. 344.

²³ Loc. cit.

Foster and Sifton attended the first plenary session as Canadian delegates. Borden was to have been included in the British Empire delegation through the panel system, but was forced to give his place to the Prime Minister of Newfoundland, since that dominion had not been granted separate representation. At the meeting, various rules for the conference were adopted, including one providing for five representatives each from the Great Powers, three from Belgium, Serbia and Brazil, and two or one for the smaller powers, including the dominions as previously agreed. It was recognized that each delegation might set up a panel from which the representatives would be chosen, and that the British panel might include dominion representatives.²⁴

The Canadian delegates continued to protest against the change in representation, and also against the way decisions were being made at meetings of the Great Powers. With so much in Canada demanding their presence at home, Borden and Sifton debated whether they should remain in Paris at all.²⁵ It seemed at the time as if the two seats Canada had gained would be of little value beyond providing international recognition of her developing status. On January 21st, Borden wrote two letters to Lloyd George urging that the conference get on with its work, which should be carried on through committees

24 Canadian Sessional Papers, 1919, Special Session, no. 41J.

25 Borden, Memoirs, vol. 2, p. 903.

yet to be appointed.²⁶ So far Canada was not represented at all in the work of the conference, because the one full session held had been largely a formality and because the panel system of choosing British delegates worked only at plenary sessions, not at the meetings between the Great Powers, where only two representatives from each attended.

At the second plenary session on January 25, 1919, Borden and Foster were present for Canada, and Doherty for the British Empire. The first business was the appointment of five commissions to handle the main questions before the Conference: the League of Nations, reparations, labour, international transit, and responsibility for the war. There were objections from many countries on the way decisions as to how the committees were to be made up had already been reached by the small meetings of the major powers. Borden spoke along this line. Clemenceau, as chairman, made it clear that the conference had been called by the Great Powers, and the small powers were there by invitation only.²⁷ A meeting of the small powers was held to choose which should send delegates to the different commissions, most of which were to be made up of two delegates from each of the Great Powers and five chosen from all the small powers combined.

26 Glazebrook, Peace Conference, pp. 51-2.

27 Dafoe, op. cit., p. 242.

Canada and the other dominions were not included among the small powers, but were represented at different times on the commissions by being included in the British Empire delegation.²⁸

The setup was not satisfactory to the Canadian delegates, nor to any of the small powers, but in many ways it was a decided step forward for Canada. Separate representation gave her the first formal international recognition of the development of a Canadian nation-state. Because of their position in the British Empire delegation the Canadian representatives were kept closely informed of all that was going on, and on occasion could use British means to carry a Canadian point. If they were not able to take part in the meetings of the Great Powers, they certainly could influence the views of their British colleagues in the continual informal gatherings of the British Empire delegation. Finally, through the close contact with both British and foreign leaders, they gained experience invaluable to the statesmen of a country so new in international affairs. While the recognition that Canada had achieved at Paris was appreciated both by her delegates there and by the government and people of Canada, it was not forgotten that in the final analysis it was the power of Great Britain

28 Glazebrook, Peace Conference, pp. 54-5.

behind them that had permitted her delegates to gain the position they did at Paris.²⁹

The matters of greatest interest to Canada discussed at the Conference involved the League of Nations and the International Labour Organization. These will be discussed in the next chapter. Few other matters involved either the recognition or the development of Canadian status. The representation of Russia at the Conference and the presence of the Allied Expeditionary Force in Russia were both problems. Borden had stated that public opinion would not allow Canadian troops to be left in Russia much longer, that since the Bolsheviks were in power it was necessary to negotiate with them, and that the Peace Conference could scarcely be ended leaving several governments fighting against each other in Russia.³⁰ Because the policy decided on towards Russia was very much what he had been urging, Borden was proposed by Lloyd George as chief British delegate to the conference with the Russian delegates planned for February 15, 1919, on Princess Island in the Sea of Marmora. Although he received telegrams from two of his ministers in Canada, White and Calder, urging him not to go, he accepted the difficult task. However, the conference never took place.³¹

29 Canadian Annual Review, 1919, p. 71.

30 Borden, Memoirs, vol. 2, p. 890.

31 R. L. Borden, Canada in the Commonwealth, Oxford, 1929, p. 107.

With regard to the question of mandates, the Canadian delegates accepted the British policy that the conquests the other dominions so much wished to keep should not be taken from them. Throughout the Conference, one of the principal concerns of the Canadian delegates was to build up a strong Anglo-American accord. To do this, in the mandates question as in other questions, they were willing to advocate a compromise policy if this seemed necessary.³²

In matters involving economics and international communication and transportation, Canada was represented through the British Empire delegation. For instance, A. L. Sifton was senior British member on the commission on the international control of ports, waterways and railways. He acted for a time as chairman of the Kiel Canal Commission, and occasionally of the whole commission.³³

Certain developments with regard to a proposed convention to govern the international aspects of civil aviation were significant. In a letter written to Borden in December 1918 about these proposals, Doherty had claimed that the convention should not apply to Canada without separate Canadian adherence.

At the present stage of the development of the constitutional relations between the United Kingdom and the Dominions, words have their importance. In

32 Glazebrook, Peace Conference, pp. 90-94.

33 Ibid., p. 97.

conventions with outside States, it seems to me but right that His Majesty's Government should convey to them what is the position of the self-governing Dominions, and let them understand that in matters such as that now in question, those Dominions are entitled to decide for themselves. Such action may be a step toward placing the new nations of the Commonwealth in a position where for their national status -- though they may not be sovereign states within that Commonwealth -- they may receive recognition in the family of nations.³⁴

Canada was represented on the commission dealing with air navigation only as a member of the British Empire delegation. The final report of the commission gave Canada equality of status and the right of separate adherence. The Canadian delegates were not completely satisfied, and had the British enter a reservation for them, in which they expressed themselves as willing to sign on the understanding that certain objections that they had made still stood. These had largely to do with the possibility of special arrangements between Canada and the United States. They insisted that the final decision on these objections must rest with the Canadian government.³⁵

Representation at the Peace Conference brought Canada only a part of the desired recognition. Her delegates and those of the other dominions, again under the leadership of Sir Robert Borden, insisted that they must also sign the Peace Treaties. Borden made the first move. Breakfasting

34 Quoted in Glazebrook, Peace Conference, pp. 101.

35 Ibid., pp. 102-3.

with Lloyd George on February 5, 1919, he suggested that the dominion plenipotentiaries be given the power to sign the treaties for their respective dominions. Lloyd George offered no objections.³⁶ Later that day Borden discussed the proposal with the ministers from the other dominions. All agreed. On March 12, Borden's original proposals were incorporated into a memorandum on behalf of all the Dominion Prime Ministers. This memorandum was accepted in principle by the British Empire delegation and by the Peace Conference as a whole. It stated in part:

1. The Dominion Prime Ministers, after careful consideration, 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 suitable recognition to the part played at the Peace Table by the British Commonwealth as a whole, and will at the same time record the status attained there by the Dominions.

2. The 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 the advice of different Ministers within different constitutional units; and under Resolution IX of the Imperial War Conference, 1917, the organization of the Empire is to be based upon equality of status.

* * *

4. On the constitutional point, it is assumed that each treaty or convention will include clauses providing for ratification similar to those in the Hague Convention of 1907. Such clauses will, under the procedure proposed, have the effect of reserving to the Dominion Governments and Legislatures the same power of review as is provided in the case of the other contracting parties.

³⁶ Sir Robert Borden's Diary (unpublished), referred to Glazebrook, Peace Conference, p. 198.

5. It is conceived that this proposal can be carried out with but a slight alteration of previous treaty forms. Thus:

a. The usual recital of Heads of States in the Preamble needs no alteration whatever, since the Dominions are adequately included in the present formal description of the King, namely, His Majesty the King of the British Dominions beyond the seas, Emperor of India.

b. The recital in the Preamble of the names of the Plenipotentiaries appointed by the High Contracting parties for the purpose of concluding the treaty would include the names of the Dominion Plenipotentiaries, immediately after the names of the Plenipotentiaries appointed by the United Kingdom. Under the general heading 'The British Empire' the sub-headings 'The United Kingdom', 'The Dominion of Canada', 'The Commonwealth of Australia', 'The Union of South Africa', etc. would be used as headings to distinguish the various plenipotentiaries.

c. It would then follow that the Dominion Plenipotentiaries would sign according to the same scheme.

The Dominion Prime Ministers consider, therefore, that it should be made an instruction to the British member of the Drafting Commission of the Peace Conference that all treaties should be drawn according to the above proposal.³⁷

Essentially, if "Equality of nationhood" had developed among the Dominions and Great Britain, then it was necessary that the treaty should not be signed for Canada by British delegates appointed by the Crown to act on the advice and responsibility of the government of the United Kingdom, but by delegates appointed by the Crown on the advice and responsibility of the Canadian government.

Borden then arranged to have the Canadian delegates issued with full powers to sign. On April 9 he telegraphed

³⁷ Canadian Sessional Papers, 1919, Special Session, no. 41J, pp. 6-7.

instructions to Acting Prime Minister Sir Thomas White to have the necessary formal action taken by the Canadian government. An order in council was passed requesting the issuance of credentials to Sir George E. Foster, Hon. Arthur L. Sifton, Hon. C. J. Doherty and Sir Robert Borden, to sign the peace treaties in the name of His Majesty the King in respect of the Dominion of Canada.³⁸ He sent a copy of this telegram to Lloyd George and suggested:

When it [the Order in Council] reaches the Foreign Office some appropriate step should be taken to link it up with the Full Powers issued by the King to the Canadian plenipotentiaries, and with the papers connected therewith, in order that it may formally appear in the records that these full powers were issued on the responsibility of the Canadian government.³⁹

Because such Full Powers are by custom signed by the King as head of the state, without any counter-signature, Borden felt this step did not involve any constitutional complications. It was purely a transaction between the King and his Canadian advisers. The British government was involved only in handing the Canadian instructions on to the King.⁴⁰

Unfortunately, when the draft Treaty was ready, the Canadian representatives found that the method suggested in Borden's memorandum had not been strictly followed. The United Kingdom representatives would be signing on behalf of "The United Kingdom of Great Britain and Ireland and the

³⁸ Canadian Sessional Papers, 1919, Special Session, no. 41J, p. 9.

³⁹ Ibid., p. 8.

⁴⁰ Borden, Canadian Constitutional Studies, p. 160.

British Dominions beyond the Seas", and then the Dominion representatives would sign, each for his own country. Sir A. L. Sifton wrote to Borden, who was about to leave for Canada, urging the necessity of having the treaty changed to the previously proposed form. He stated that in the present form there was no longer any necessity for Canada to sign at all. If she did, she would in effect be signing twice.⁴¹

The form was not changed. The Treaty of Versailles, the Protocol, the Rhine Occupation Agreement, and the Allied Treaty with Poland were all signed on June 28, 1919, by the five British plenipotentiaries for "His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India", and immediately below by the Hon. Charles J. Doherty, Minister of Justice, and the Hon. A. L. Sifton, Minister of Customs, "for the Dominion of Canada."⁴²

The form proposed by Borden would have made clearer the new Canadian position in international affairs. The final form led to some questioning in the debates in the Canadian House of Commons on the approval of the treaties. For instance, Mr. Ernest Lapointe discussed the way this form of signing showed lack of equality with the representatives of Great Britain.⁴³ The Hon. W. S. Fielding argued that the

⁴¹ Sifton to Borden, May 12, 1919, quoted in Glazebrook, Peace Conference, p. 111.

⁴² Canadian Sessional Papers, 1919, Special Session, no. 41J, pp. 5-6.

⁴³ Canada, House of Commons Debates, Sept. 9, 1919. p. 111.

Preamble, the way it was written, did not give Canada national status. He considered that the attempt to make Canada a party to the Treaty was "another attempt to get a shoddy status where no real status exists."⁴⁴

Borden had previously promised that the German treaty would be submitted to the Canadian parliament for approval. If this were to be more than a mere formality, it had to be done before the treaty was ratified. He protested strongly when the British government proposed to rush the ratification of the treaty before the end of July, pointing out that it would be absolutely impossible to keep his pledge to the Canadian parliament within such a time limit.⁴⁵ He refused to accept the suggestion of Lord Milner, the Secretary of State for the Colonies:

Inasmuch as the Dominion Ministries participated in peace negotiations, and side by side with the Ministers of the United Kingdom signed preliminaries of treaty, we hold that His Majesty, if he now ratified the Treaty for the whole Empire would have the same constitutional justification in so doing in respect of Dominions as he has in respect of the United Kingdom.⁴⁶

Essentially, Milner was suggesting that, considering the urgency of immediate ratification, the Canadian government should follow the British precedent by which the consent of parliament is not necessary before a treaty is ratified. At

44 Canada, House of Commons Debates, Sept. 9, 1919. p. 111.

45 Canadian Sessional Papers, 1919, Special Session, no. 41J, pp. 10-11.

46 Milner to the Governor General of Canada, July 23, 1919, in ibid., p. 11.

Borden's insistence, Lord Milner promised to attempt to hold back ratification until the approval of the Canadian parliament, summoned for the 1st of September, could be obtained.⁴⁷ This was done, and after approval by both Houses, the Canadian Order in Council requesting the King to ratify the treaty on behalf of Canada was forwarded to the British government on September 12, 1919.⁴⁸

In the debates on approval, a wide variety of views on Canada's position in the Empire and in the world at large were put forward. A considerable amount of time was spent on the question of Canadian membership in the League, as mentioned in Chapter IV of this study, and on the wisdom of and necessity for parliamentary approval. For instance, the Hon. D. D. McKenzie, leader of the Opposition, argued that parliamentary approval was totally unnecessary;⁴⁹ but the Hon. A. L. Sifton, Minister of Customs, and one of the signatories of the treaty, stated that the government considered parliamentary approval sufficiently important to make it a question of confidence.⁵⁰ Incidentally, there was some doubt among the members as to the difference between ratification and approval. This was clearly explained by the Hon. N. W. Rowell, the President of the Privy Council.⁵¹

47 See exchange of telegrams in Canadian Sessional Papers, 1919, Special Session, no. 41J, pp. 11, 12.

48 Ibid., p. 13.

49 Canada, House of Commons Debates, Special Session, Sept. 8, 1919, p. 75.

50 Ibid., pp. 82-84.

51 Ibid., pp. 119-120.

Apart from these questions, the main theme throughout the debates was the effect of the Conference and the Treaty on Canadian national status. One of the most extreme views was that taken by the Hon. W. S. Fielding, who denied that there had been any great change in the constitutional status of Canada. In his judgment, both Canadian representation at Paris, and also Canadian approval of the treaty, were entirely unnecessary.⁵² He would be among the "foremost to insist on the maintenance of autonomy of Canada",⁵³ but in matters of not directly Canadian interest, "we have in the representatives of the British government in London statesmen who would take due account of the interests of the Empire at large."⁵⁴ He insisted, "By their demand for separate recognition apart from the British Empire they are beginning -- they may not have meant to do so -- to break up the British Empire."⁵⁵ The Hon. D. D. McKenzie, likewise a Liberal, and Leader of the Opposition, denied that the Canadian representatives were actually representatives of Canada at all. "They were all in the high and honourable position of representing the Empire, . . . and as such they signed the Treaty."⁵⁶ And again, "We are not a nation in the true sense of the term. . . . I maintain it is

52 Canada, House of Commons Debates, Special Session, 1919, September 11, 1919, p. 180.

53 Loc. cit.

54 Ibid., p. 181.

55 Loc. cit.

56 Ibid., September 8, p. 80.

not a strength but a weakness for us to . . . separate ourselves from the rest of the Empire and attempt to become a separate nation . . . as far as these (treaty) obligations are concerned."⁵⁷

Various government speakers, on the other hand, maintained that Canada had achieved a genuine advance in status. This point of view was aptly summarized by the Hon. C. J. Doherty, Minister of Justice and also one of the signatories of the Treaty: "We have grown up to nationhood, and it is our own. What came over there was a recognition of our nationhood."⁵⁸

⁵⁷ Canada, House of Commons Debates, Special Session, 1919, Sept. 8, 1919, p. 80.

⁵⁸ Ibid., September 11, 1919, p. 197.

Chapter V

Canada, The League of Nations, and the Post-War Search for Security.

"Canada got nothing out of the War but recognition," Sir Robert Borden wrote in his diary at the beginning of the Peace Conference.¹ As a full member of the League of Nations, Canada gained further recognition of that international status she first attained at Versailles. In League affairs, in Assembly and Council, in the International Labour Organization and in League conferences, she continued to prove her nationhood, her existence as an international entity, and her control over her own external policy.

As Borden had insisted that Canada be given her rightful place at the Peace Conference, so he had likewise to insist that as one of the British Dominions she receive the full rights of a member of the League. In England in December 1918, when preparations were being made for the Peace Conference, he got for Canada representation on the special committee, under the chairmanship of Lord Robert Cecil, set up to formulate and put forward the views of the British Empire with regard to the establishment of a League of Nations.² At Paris he

1 Henry Borden, ed., Robert Laird Borden: His Memoirs, Toronto, 1938, vol. 2, p. 899.

2 Ibid., vol 2, p. 877.

spoke for the smaller nations -- and Canada -- in protest against a suggested change in the regulations established to set up certain commissions on the League. Further, he set out his own and his Canadian colleagues' views on the League in a careful memorandum which he circulated among the members of the British Empire Delegation, and also sent to President Wilson. But as regards the new Canadian international status, his most important work was his successful struggle to have Article VII of the proposed Labour Convention and Article IV of the proposed League Covenant amended to give Canada her full rights.

By the draft Convention presented by the Commission on International Labour Legislation to the Plenary Session of April 11, 1919, the Dominions could send delegates to the proposed General Conference, but as far as the governing body was concerned, Article VII stated that: "No member, together with its Dominions and Colonies, whether self-governing or not, shall be entitled to nominate more than one member."³ Discussing this limitation with Mr. Robinson, Chief American Expert on Labour Conditions, Borden was able to get only the answer that public opinion in the United States would prevent his agreeing with Borden's proposal to make the Dominions eligible for membership. In two strongly-worded letters to Lloyd George, Borden pointed out that there was no reason why Canada

3 Borden, op. cit., vol. 2, p. 946.

should be denied the position in the I.L. O. that she had been conceded in the Assembly of the League itself. He mentioned six so-called independent states, such as Liberia and Cuba, over whose policy the United States "can exercise a more effective control than can be exercised by the British Government over Canada."⁴

For a nation which had sacrificed more during the war years than any nation outside Europe, and which was probably the seventh industrial nation of the world, to be denied a privilege open to Liberia or Cuba in the I. L. O., would be, Borden argued, a state so humiliating that the Canadian Parliament would likely insist it be ended by withdrawing from the League altogether. As the result of another strong statement at a meeting of the British Delegation a few days later, Borden was informed that the obnoxious clause would be struck out. President Wilson was persuaded to over-ride the objections of his labour advisors, the principle obstacle to Canadian inclusion. A memorandum establishing the right of Canadian membership in the Governing Body of the I. L. O. was signed by Wilson, Clemenceau and Lloyd George.⁵

With regard to Article IV of the League Covenant, it was rather a matter of terminology than of amendment to give Canada her due. As a fully self-governing dominion and as

⁴ Borden to Lloyd George, April 29, 1919, op. cit., vol. 2, p. 951.

⁵ Borden, Report to the Canadian Government, May 10, 1919, ibid., vol. 2, p. 952.

a signatory, she would be a full member of the League, and so entitled to separate representation in the Assembly. What was under discussion was the possibility of her being at some future date, an elected member of the Council. The terminology of the proposed Covenant provided for the election of "states" to the Council, rather than of "members of the League." This was being interpreted in some quarters, by Colonel House and President Wilson, for instance, as meant to debar Canada, or any other dominion, from election.⁶

In a secret memorandum to Lloyd George, Borden stated that some delegates, including two of his Canadian colleagues, Mr. Sifton and Mr. Doherty, were disagreeing with the view held by himself, as well as by Lord Robert Cecil and General Smuts, that Canada was eligible for election. In conversation, he had gotten President Wilson to agree with him, but he wanted it officially confirmed by Wilson and the delegates of the other Great Powers. He pointed out that none of the other smaller states of the world were similarly handicapped:

Canada is asked to make way for all these states except where effort and sacrifice are demanded; then, but not till then, she is accorded full and even prior representation. She is to be in the first line of battle but not even in the back seat of the Council.⁷

Four days later, the Council of Three agreed. A memorandum stating their "entire concurrence" in the view that Article IV

⁶ D. H. Miller, The Drafting of the Covenant, New York, 1928, vol. 1, p. 481.

⁷ Borden to Lloyd George, May 2, 1919, Borden, op. cit., vol. II, p. 947.

was to be interpreted to leave the Dominions fully eligible to be elected as members of the Council was signed by Wilson, Clemenceau and Lloyd George, after the offending word "state" had been changed to "member of the League."⁸

Thus Borden was successful in overcoming all opposition that threatened in any way to limit the recognition of Canada as having exactly the same rights and obligations as any sovereign state in the Assembly, Council and Secretariat of the League and in the I. L. O. At the same time, the method of signing the Peace Treaty finally used recognized her position as a member of the British Empire group of nations. As a result Canada was left in a more favourable position with regard to the League Council than other small nations. She had the common right to be elected and to have a representative sit as a member at any meeting at which matters specifically affecting her were to be discussed. In addition there was nothing to prevent a Canadian appearing on the Council as a British Empire delegate. Borden himself had set a precedent at the Paris Peace Conference, where he on occasion even acted as head of the British delegation. Further, whenever Canadian interests were similar to those of Britain, they were permanently represented on the Council by the British member.

⁸ Canada, House of Commons Debates, Special Session, 1919, p. 89.

Borden, then, was successful in having the new Canadian national status recognized in the Covenant of the League. There were two other changes, one in the Covenant and one in the Labour Convention, which he wished to make to protect Canadian interests. The former was in Article X which neither he nor later Canadian delegates to the League were successful in amending, however much they aided in watering it down. To the anxious, security-seeking nations of Europe, its guarantees were the cornerstone of the League.

The latter involved the nine points respecting labour conditions which were to be included in the International Labour Convention. In agreeing to certain of these, British delegates had seemed unaware of the differences in labour conditions in Canada. The clause that the Canadian delegates foresaw would conflict with provincial legislation, and might easily lead to trouble on the Pacific coast was this:

In all matters concerning their status as workers and social insurance, foreign workmen lawfully admitted to any country and their families should be ensured the same treatment as the nationals of that country.⁹

After much discussion with the representatives from Britain, Belgium, Japan, the United States, and other nations most concerned in the Labour Convention, Borden prepared an

⁹ Text proposed by International Labour Commission, Borden, op. cit., vol. 2, p. 958.

entirely new draft of the nine points. The eighth now read:

The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.¹⁰

This he brought before the plenary Conference as an amendment, and it was passed without any dissenting voice. In this way, by the action of a Canadian statesman, a treaty which Canada was to sign as one of the nations of the world, was modified to suit Canadian conditions.

Article X of the League Covenant was to prove a different matter. At Paris, Borden had foreseen that it would be an obstacle when the Canadian parliament was asked to approve the Peace Treaty. Most of the opposition did centre round this Article. Parliament was not willing to see Canada become involved in anything that had any resemblance to an automatic guarantee, even against obvious aggression. Canadian control over her own participation in wars abroad had finally been achieved after a long and often difficult period of growth. Members of parliament and the public were not willing to risk losing any of their lately won autonomy to a new master, even if that new master be a League of Nations aiming to prevent all war.

This opposition was expressed in the amendment moved by Mr. Fielding, leading Nova Scotia Liberal, to the government

¹⁰ Amended text to be moved by Sir Robert Borden, ibid., vol. 2, p. 959.

motion to approve the Treaty:

That in giving such approval this House in no way assents to any impairment of the existing autonomous authority of the Dominions, but declares that the question of what part, if any, the forces of Canada shall take in any war, actual or threatened, is one to be determined at all times as occasion may require by the people of Canada through their representatives in Parliament.

11

In addition to the fear of losing certain control over participation in foreign wars, Canadian opposition to this Article was increased by the strong feeling of isolationism taking form in various quarters. Many felt that Canadian development would be best forwarded by remaining true to Laurier's old phrase, "freedom from the vortex of European militarism."

Government speakers assured the Opposition that the League Council would have only the power to advise, not to order, Canadian participation in any war, and also made it clear that Canada could always work through the League for the amendment of the objectionable article. The Treaty, including Article X, was approved.

12

Amendment of Article X then became an important aspect of Canadian policy in the League for the next few years. Previously, as has been mentioned, Borden had worked at Paris for a change in it. Even before the Article had been attacked

11 Canada, House of Commons Debates, Special Session 1919, p. 191.

12 F. H. Soward, "Canada and the League of Nations," International Conciliation, October 1932, number 283, p. 365.

in the United States and elsewhere, he had submitted a secret memorandum pointing out that the Article inferred that all present boundaries were just and would continue to be so. Even were that true at the time, there was every likelihood that there would arise "national aspirations to which the provisions of the peace treaty will not do justice, and which cannot be permanently repressed."¹³ To prevent the signatories from finding themselves responsible for the maintenance of a no longer just status quo in such a situation, he urged that the Article be amended or deleted. As has been mentioned, he was not able to effect any change.

The attack was carried into the First Assembly, held at Paris in November 1920. In a long memorandum, prepared the preceding year, the Hon. C. J. Doherty, principal Canadian delegate, moved that Article X be deleted entirely. Much of his case was rather weak, including his argument that Canada and the other small nations had had no say in the fixing of the territorial arrangements at Paris, that were thus being guaranteed. Essentially, the obligations under Article X were too "direct and absolute", while the general obligations under the other articles were "exceedingly remote" and subject to conditions which rendered their ever becoming operative improbable.¹⁴ Canada, consequently, as an expression of a

13 Miller, op. cit., vol. 1, p. 358.

14 S. Mack Eastman, Canada at Geneva, Toronto, 1946, p. 65.

foreign policy based on the views of many of her statesmen and large groups of her people, found herself one of a group of relatively secure nations who wished the obligations of the Covenant minimized as far as possible. They had not the desperate need for security that France, China, and many other nations had.

Mr. Doherty's amendment was referred to the Committee on Amendments, which reported on it at the Second Assembly, making it plain that the Article was a statement of principle vital to the whole League system. Mr. Doherty again pointed out its "unfairness" to Canada.¹⁵

By the time the Third Assembly met, the Liberals had come into power in Canada. They disliked the implications of Article X as much as did the Conservatives. The Rt. Hon. Ernest Lapointe was now the leading delegate. If the Article could not be deleted, he determined to try to have it amended. He moved that the phrase be added, "taking into account the political and geographical circumstances of each state," and also a further sentence making it clear that any action of the Council could only be to advise, "but no member shall be under the obligation to engage in any act of war without the consent of its Parliament, Legislature, or other representative body."¹⁶

¹⁵ R. A. MacKay and E. B. Rogers, Canada Looks Abroad, London, 1938, p. 96.

¹⁶ Report of the Canadian Delegates to the Assembly, 1922, p. 4.

Again the opposition of the security-conscious nations was so great that the amendment was not passed.

In the Fourth Assembly, Sir Lomer Gouin, the Canadian delegate, recognizing the impossibility of amendment or deletion, submitted an Interpretative Resolution, containing the same ideas as the former amendment. France and many of the other nations which had been so strong in their opposition before, saw that further resistance might be dangerous, not only with regard to Canada, but even more directly in affecting American opinion. When the Resolution was put to vote, therefore, twenty-nine states voted in favour, twenty-three showed their opposition in a passive way by refraining from voting, and one, Persia, maintained her former position and voted against it. As a unanimous vote was necessary, the Resolution was technically defeated. However, since the President of the Assembly did not declare it rejected, it in effect modified the disputed Article.¹⁷ Canada would have only those military obligations decided on by her own parliament.

The whole struggle made it clear that there were a number of nations who felt as Canada did. Canada had acted as a spokesman for these, in following an independent policy of opposing a part of the Covenant generally felt to be against her interests. Throughout the history of the League, Canada

¹⁷ C. A. W. Manning, Policies of the British Dominions in the League of Nations, London, 1932, p. 31.

was to stand for the development of machinery for conciliation and arbitration and the peaceful settlement of disputes, rather than for sanctions and rigid guarantees of force against the aggressor in such disputes.

In her attempts to amend Article X, Canada was affected by her relationship to the United States. Article X was exceedingly objectionable particularly to the growing isolationist point of view there. The imposition of sanctions was made almost impossible for Canada as long as the United States remained out of the League, because it would be impossible for her to carry out the obligations involved and not violate the neutrality of the United States. Further, as Canadian appreciation of the value of the League grew, the desire for the entry of the United States likewise grew. In her old role of interpreting the United States to Great Britain, now extended to Geneva, Canada had had an additional incentive to work for the modification of Article X, in order to make the League more attractive to the United States.

Besides her role as a leader in the demand for the modification of Article X, and as an interested party in the various schemes advanced in or outside the League in the search for security described below, Canada through her representatives played an important and an independent part from year to year in the Assembly. In the First Assembly, the Hon. N. W. Rowell

was classed by the diplomatic correspondent of the Daily Telegraph among the outstanding figures of the whole Assembly.¹⁸ Other Canadian representatives were Sir George Foster and the Rt. Hon. Charles Doherty, who had represented Canada at the Peace Conference. At that Assembly the Canadian delegates succeeded in getting the right to make nominations separate from those of Great Britain for the panel of judges on which balloting was to take place for the World Court. After the Assembly had adopted the Statute for the Permanent Court of International Justice, the Protocol was signed separately and at different times by Britain and the Dominions. Canada did not sign until March 1921, and her signature was solely on instructions from the Canadian government.¹⁹

In the Third Assembly, because of the new Liberal government in power in Canada, the delegates were W. S. Fielding, Ernest Lapointe, and Peter C. Larkin. In order that Canada might be represented on all six of the major committees of the League, each representative served on two. Mr. Fielding was chosen chairman of the Fifth Committee, which position carried with it a seat on the General Committee of the Assembly.²⁰ At the Sixth Assembly, 1925, Senator Raoul

¹⁸ Soward, op. cit., p. 364.

¹⁹ P. E. Corbett and H. A. Smith, Canada and World Politics, Toronto, 1928, p. 117.

²⁰ Report of the Canadian Delegates to the Third Assembly, 1922, p. 3.

Dandurand, first delegate of Canada, was elected president of the Assembly. Two years later he served as chairman of the Second Committee (Technical Organizations). In 1928, the Canadian Prime Minister and first delegate, the Rt. Hon. W. L. Mackenzie King, was one of the vice-presidents of the Assembly; in 1930, Sir Robert Borden was chosen chairman of the Sixth Committee (Political Questions); in 1938 the Rt. Hon. Ernest Lapointe, of the Third Committee (Limitation and Reduction of Armaments); and in 1939, Mr. Hume Wrong was²¹ vice-president of the Assembly.

Throughout the years, then, Canadian delegates played a full part in the affairs of the Assembly, in the offices they held, as committee members, and in general debate. The policies that they maintained were strictly Canadian. While discussions frequently took place between British and Canadian delegates, particularly on matters of outstanding importance, Britain never attempted any control over Canadian policy. There was no longer any way by which she could have constitutionally exercised any such control, had she wished to do so. Canada acted in the League Assembly as an independent international entity.

Indeed Canadian policy was often closer to the American than to the British approach. Canada was, unlike

²¹ See Report of the Canadian Delegates, 1925, 1927, 1928, 1930, 1938, and 1939.

Britain, strongly against every effort to extend League powers, even only of enquiry, into immigration, natural resources, and similar topics. Unlike Great Britain, she did not sign the Imports and Exports Prohibition Convention, preventing embargoes. Canada opposed the Labour government of Great Britain in its efforts in 1929 to work out a tariff truce to prevent the increase of protectionist duties. She tended rather to follow the American tradition of protectionism, in spite of work for freer international trade by both Britain and the Economic section of the League.

In the appointment of Canadian delegates to the League, there was not even the formality of British interference. Canadian delegates were appointed solely by the Governor General in Council, on the advice of the Canadian Cabinet. They did not bear full powers under the Great Seal of Great Britain, and thus it was not necessary for the British government to be involved even in form in their appointment. Even the seating arrangements of the League pointed to Canadian nationhood. Although Canada signed the Peace Treaty in the list of the British Dominions, indented under the signature of the British Empire, Canadian delegates were seated in the Assembly, not as a group with the delegates of Britain and the other dominions, but alphabetically, as were the delegates of all other member nations.

But the question still remained whether Canada had

exactly the same rights and obligations as other members of the League, or whether her continuing membership in the Commonwealth affected her position in the League. It could be questioned whether, should a breach of the Covenant have been committed by the British government without the concurrence of the Dominions, Canada might not have been called on to apply sanctions under Article XVI, cutting off trade and personal intercourse with Great Britain. The injured state might have insisted that Canada was subject, as were all other members of the League, to the provisions of Article XX, by which member nations accepted the Covenant as abrogating all previous obligations or understandings among themselves which were inconsistent with the terms of the Covenant. This is where the method of signing the Peace Treaty was most significant. It showed that in entering the League, Canada and the other Dominions reserved their position in the Empire, and undertook no obligation that would mean its break-up. The Covenant nowhere gave any state the right to demand action of any dominion incompatible with its membership in the British Commonwealth.²²

The national status of Canada received further international affirmation in her election, in 1927, to the League Council. In insisting at Versailles on the Canadian right to stand for election, Borden had been more interested in obtaining

22 This is the view expressed in Corbett and Smith, op. cit., pp. 114-116. Compare H. Duncan Hall, The British Commonwealth of Nations, London, 1920, pp. 195, 342, where the view is expressed that the dominions have identical rights and obligations with all other members of the League, in spite of their membership in the Commonwealth.

for Canada the full recognition of her new status, than in the possibility that she might at some time actually become a member of the Council. When the Council was re-organized after the admission of Germany in 1926, the number of temporary seats was increased to nine. It was generally admitted that one third of the seats should go to Latin America, one seat to an Asiatic member, and the rest to European members. Canadian delegate Sir George Foster objected, not making any immediate claim to a seat for Canada, but pointing out that Canada had as much right to representation on the Council as had any other League member.²³ In the ensuing election, Canada, though not a candidate, received two votes. The Canadian delegation recommended to the Cabinet that Canada seek election in 1927.

There was no particular interest in Canada in the proposal. Not even the most ardent nationalist urged it as a step to demonstrate the increasing importance of Canada in international affairs. Only after Senator Dandurand and the other delegates had arrived in Geneva was permission given for them to seek the seat. No attempt was made to lobby for votes, although Britain and the other dominions gave their approval. Speaking before the election, Dandurand summed up his own personal qualifications as the Canadian representative. He

23 Report of the Canadian Delegates, 1927, p. 6.

was French by race and culture; as a French Canadian he was specially interested in minorities; he was a native of North America, detached from European questions; and he was the representative of a British dominion.²⁴ He further strengthened the Canadian position by his speech on September 12, during the annual discussion of the work of the League, pointing out Canadian interest in the development of arbitration and the judicial settlement of disputes, and in the rights of minorities.²⁵

When Canada was elected, satisfaction was widespread at home. As the London Times stated, "There could have been no more emphatic international affirmation of that historical definition of British Imperial Relations which was given at the last Imperial Conference."²⁶ Although it became customary for one seat to be reserved for a British dominion, and although Dandurand had claimed as one of his own qualifications before the election that he represented at once a member of the Commonwealth, a North American nation, and a minority, the Canadian delegate on the Council was in no way a representative of the Commonwealth or of any other country. He was responsible solely to the government and people of Canada, and received his instructions solely from the Canadian government.

24 Alfred Zimmern, The League of Nations and the Rule of Law, 1918-1935, London, 1936, p. 449.

25 Soward, op. cit., p. 377.

26 Referring to the Balfour Report and the Imperial Conference of 1926. Quoted in ibid., p. 449.

Much of the work of the Council, while Canada was a member, had to do with the Pact of Paris and the Optional Clause of the Statute of the Permanent Court of International Justice, both to be discussed later. Dandurand did his most important work in the discussions of the problem of minorities. Some of his suggestions led to very real improvements in the handling of this difficult problem. Canada made further contributions in this respect during 1930, her last year on the Council. In that year her first delegate in the Assembly, as has been mentioned, was Sir Robert Borden, who was chosen president of the Sixth Committee, covering among other things, the minorities problem.

In summary, then, the main contributions of the Canadian delegates to the League in Assembly and Council were fourfold: their insistence that the League should be world-wide, not solely dominated by European affairs and interests; their sympathy to minorities; their presentation of the American point of view; and their emphasis on the development of machinery for arbitration and the peaceful settlement of disputes rather than on the use of the threat of force, either economic or military, for the prevention of aggression. In all of these they followed a strictly Canadian policy.

During the 1920's, Canada played her role in the various schemes, inside and outside the League, that were part of the international search for security. From the point of

view of this study, the significant parts of that role were the developments with regard to Canadian representation and a Canadian-controlled policy.

At the beginning of preparations for the Washington Conference on the Limitation of Armaments in 1921-2, the new Canadian status received a set-back. The President of the United States sent an invitation to the British Empire only, neglecting the new position of the Dominions. It may be questioned whether this was from lack of realization of the development that had actually taken place, or because of the opposition many Americans, especially Republicans, had shown to the standing given the Dominion at Paris. The New York Tribune of October 8, 1921, made an interesting comment:

The United States couldn't properly invite the Dominions to sit in the Conference of their own right. Their status with regard to other nations is still somewhat indeterminate, in spite of Mr. Lloyd George's statements at the opening of the recent Imperial Conference in London. The British Government hasn't yet notified the world that so far as international relations are concerned they are independent states.²⁷

Because of the importance of the Conference, it was decided to overlook the omission, and plans for a British Empire Delegation were worked out. Canada did not have the double representation she had had at Paris, where she had

27 Quoted in Canadian Annual Review, 1921, p. 80.

had both her own delegates and representation in the British delegation. However, as at Paris, Canadian delegates represented the British Empire Delegation on various sub-committees, and in the signing, separate "full powers" were given to the Dominion representatives, who each signed for their own dominion. Sir Robert Borden was well satisfied, stating: "The status and distinctive consideration that the Dominions had received at Paris were accorded to them at Washington."²⁸

The Washington Conference marked the end of a phase in Commonwealth external relations. Since 1911 when the Dominions had first begun to be informed at all on foreign affairs, it had been considered necessary that the Commonwealth, whatever the differences among its members, speak with one voice to the world at large. It was held that the Crown could not have one policy in a given affair on the advice of the Canadian ministers, a different policy on the advice of the British ministers, and possibly still a different policy on the advice of the ministers of some other dominion. The ideal and the current situation was expressed by Borden, speaking to the Lawyers Club of New York, just before the Washington Conference:

The voice of the British Commonwealth in world affairs must not be the voice of the United Kingdom, but the voice of all the British self-governing nations.

²⁸ R. L. Borden, "The British Commonwealth of Nations," Yale Review, vol. 12, no. 4, July 1923, p. 783.

This principle has been wholly accepted both in the United Kingdom and the Dominions. The precise method by which it shall be worked out in actual practice has not yet been fully determined, and is surrounded by difficulties of undoubted gravity, but not incapable of solution.²⁹

The Chanak Incident and the Lausanne Conference marked a change. The Liberals, under W. L. Mackenzie King, had come into power in Canada in 1922. There was no sudden reversal of policy back to that of the days of Laurier -- no commitments and no consultation -- but neither was there the interest in taking part in Imperial policy that the Conservative Government under Borden's leadership had shown. At the same time Great Britain neglected to consult the dominions fully, as would have been necessary if the ideal expressed above by Borden were to have been worked out. The British government had failed to inform the Canadian government of the situation developing in the Near East, where the British at Chanak were left alone to guard the Straits against the advancing Turkish Nationalists. Lloyd George's telegram to Mackenzie King, asking if Canada would stand with the British and send a contingent if necessary, did not reach the Canadian Prime Minister until after he had seen its contents in a press release. In a public statement Mackenzie King took the stand he was to hold down to 1939 -- parliament would have to authorize the despatch of any

29 Canadian Annual Review, 1921, p. 81.

contingent.³⁰ This was not a straight refusal, but as matters worked out, no further action was necessary.

No greater effort at consultation was made by the British government in arranging for the Lausanne Conference. On October 27, 1922, the Canadian government was informed that the Imperial government was sending two plenipotentiaries who were "fully acquainted with the Imperial aspect of the problems and with the keen interest taken by the Dominion governments in its solution."³¹ There was no keen interest in Canada. Even the explanation that Canada and the other dominions could not be invited, or the French would insist on representation for their African colonies, was not challenged. The Canadian government took no action to secure representation, but made it perfectly clear that Canada would not be involved in any resulting treaty she had not taken part in making. It did not ratify the Treaty of Lausanne.

In the League schemes in the search for security, Canada likewise played an independent part. The Draft Treaty of Mutual Guarantee tried to combine disarmament and regional guarantees. Following the lead of the Norwegian delegates, the Canadian delegate said that for geographic reasons Canada

300 Canadian Annual Review, 1922, p. 181.

31 Telegram printed in R. M. Dawson, The Development of Dominion Status, 1900-1936, London, 1937, p. 258. See correspondence and Mackenzie King's statement in the House of Commons, pp. 258-272.

should not be forced to adhere. She needed no guarantee for herself, and was not willing to give guarantees for the security of another country, particularly under a treaty European in its conception. Again the doctrine that parliament must decide in any such case was brought forward.³² The same attitude was taken in 1924 to the Draft Treaty of Mutual Assistance, which would have made arbitration a test of aggression, and aggression an international crime. Here Canada followed the example of the new Labour government in Britain, but for her own reasons. Again Canada objected to the European limitations of the proposed treaty.

The next plan put forward was the Protocol of Geneva for the Pacific Settlement of International Disputes. This too was European in both conception and outlook, though it could have been extended to other continents as well. It tried to combine compulsory arbitration, security from aggression, and disarmament. Arguing from the point of view of Canadian security on the North American continent and from the doubtful proposition that when Canada entered the League she had not expected "that she would have the sole burden of representing North America when appeals would come to our continent for assistance in maintaining peace in Europe."³³ Dandurand spoke

³² W. E. Armstrong, Canada and the League of Nations, Geneva, 1930, p. 177.

³³ S. Mack Eastman, Canada at Geneva, Toronto, 1946, p. 76.

against the proposal at Geneva. The British government suggested an Imperial conference so that the members of the Commonwealth might adopt a "similar attitude", but this proved impossible to arrange. Canada rejected the Protocol, but not till after Britain had done so, though Sir Austen Chamberlain was later to state that the Dominions had determined the rejection of the Protocol.³⁴

The next step involved a difference in British and Canadian policies. Since the wider proposals for security had not been adopted, strictly regional agreements were made between France, Germany, and Great Britain, in the Locarno Treaties. The Canadian government was kept informed of the progress of negotiations, but took no part whatsoever. The Dominions were specifically exempt unless they should desire otherwise; Canada did not adhere. There was no desire to accept responsibility in what was considered a purely European matter, and the formula that "parliament must decide" had become fundamental in Canadian policy.

Though the Canadian government turned down all these proposals, Canadian support for methods of conciliation and arbitration remained strong. In 1930 Canada was one of the members of the Commonwealth who accepted the General Act, a

34 Glazebrook, op. cit., p. 376.

combination of three Conventions on conciliation and investigation of disputes and difficulties, arranged by the Assembly of 1929. Likewise two years earlier, in 1928, she had signed the Briand-Kellogg Pact, by which the signatories renounced war as an "instrument of national policy", except, it was understood, in self-defence. Because there were no provisions for automatic sanctions, and because the United States was both a leader in the formation of the Pact and a signatory, the Pact had been acceptable.

Canada took a more positive stand with regard to the Permanent Court of International Justice. In 1921, Mr. Doherty referred to it as "the soul of the League of Nations."³⁵ In 1926, Sir George Foster represented Canada at a conference called at Geneva to discuss the proposed entry of the United States into the Court, with certain reservations, one of which would have made it impossible for the Court to discuss without American consent any matter where the United States might be involved. Foster spoke strongly for equality of rights among members of the Court.³⁶ His stand so influenced the Conference that this particular reservation was not accepted. The United States never did enter the Court.

³⁵ Eastman, op. cit., p. 79.

³⁶ Report of the Canadian Delegates, 1926, pp. 11-14.

In 1925, the Canadian government had stated, in refusing the Geneva Protocol, that it was ready to adhere to the Optional Clause of the Statute of the Court providing for compulsory judicial settlement. Because of the Canadian situation, this did not have any real implications for Canada, as it did have for Britain and other European nations. At the Imperial Conference of 1926, the members of the Commonwealth decided not to sign until all were ready to accept the Clause. In 1928, Dandurand brought the matter up at Geneva,³⁷ and again the next year the Canadian government urged the rest of the Commonwealth to sign. The Conservative government in Britain had been opposed, but with the coming into office of the Labour government in 1929, the members of the Commonwealth signed with certain reservations, principally regarding disputes where another part of the Empire might be involved.³⁸

As a member of the International Labour Organization, Canada was impeded by the form of her constitution. Because most of the Draft Conventions dealt with matters involving provincial rights, Canada was unable to ratify many of them. By 1939, out of sixty-seven Draft Conventions, Canada had

37 Report of Canadian Delegates, 1928, p. 15.

38 Manning, op. cit., p. 39.

ratified only nine.³⁹ The constitution of the I. L. O. had made provision for federal states to treat the Conventions as recommendations only. As Hume Wrong pointed out in a speech describing the Canadian difficulty, this did not prove satisfactory.⁴⁰ In order to refute the idea that lack of ratification meant that social and labour conditions in Canada were backward, Canadian delegates at the I. L. O. frequently drew attention to the true reason. In 1925 and again in 1935 Dr. W. A. Riddell (Canadian Advisory Officer at Geneva, 1924 - 1937) explained how Canada had unsuccessfully attempted to get provincial co-operation to ratify certain conventions, and W. M. Dickson again reviewed the situation in 1936, as did Gerald Brown in 1938.⁴¹

Though she could not ratify many of the Conventions, Canada played the part of an autonomous member of the I. L. O. As has been mentioned, Borden obtained for her full privileges, including the right to membership in the Governing Body. Opposing an attempt to reduce the Governing Body to the six great powers in 1922, Mr. Lapointe insisted that Canada came to the I. L. O. Conference as one among equals. According to the standards used, Canada was among the eight nations of chief industrial importance at that time. In 1934, when the

³⁹ Hume Wrong, speaking at I.L.O. Conference, Geneva, 1939, quoted in Eastman, op. cit., p. 15.

⁴⁰ Loc. cit.

⁴¹ Ibid., p. 16-18.

United States and Russia both entered the I. L. O., it was proposed to draw up a new list of the eight members entitled to permanent seats, leaving the former seventh and eighth, Canada and Belgium, as deputy members until the triennial election in 1937. Belgium accepted this; Canada objected. At the I. L. O. Conference that year, Mr. Riddell stated the viewpoint of the Canadian government. Only the Conference, or the Council of the League on appeal, had the power to revise the list and then only at the "triennial reconstitution." It was unjust to eliminate two members immediately after the reconstitution of 1934. However, as international affairs evolved, Canada soon returned to the governing body, when Germany withdrew from the League and the I. L. O.⁴²

Canadian representatives, with other non-European delegates, insisted throughout I. L. O. history, for a fair proportion of representation on the staff of the I. L. O., in committees and in the preparation of draft conventions, and also on the staff of the International Labour Office. In 1925, Dr. Riddell maintained that there should be "equal representation for emigration and for immigration countries."⁴³ In 1931 he again insisted that overseas countries should be on the same

42 Eastman, op. cit., pp. 19-21.

43 Proceedings of the Seventh Annual Meeting of the International Labour Conference, 1925, p. 168.

basis as European nations.⁴⁴ Thus, though she was constitutionally unable to ratify many Draft Conventions, Canada did continuously uphold her rights to her position as a recognized full-scale member of the I. L. O.

In the period of the breakdown of international security, Canada likewise fully controlled the part she played. Just previous to and after the beginning of Japanese aggression in Manchuria, in 1931, Canadian delegates, particularly Sir Robert Borden and Sir George Perley, had been working for disarmament through the Assembly, through the Preparatory Commission for the Disarmament Conference, and in the Disarmament Conference itself. On March 8, 1932, Sir George Perley addressed the Special Assembly of the League, calling for an effective armistice, relying, not on sanctions, but on the force of public opinion, to achieve it.⁴⁵ In the Special Assembly held the same year, on December 8, the Canadian delegate, The Hon. C. H. Cahan, feeling that no member of the League was prepared to accept active intervention in the Far East, spoke against any consideration of sanctions and stated the case for both sides, pleading only briefly for the Chinese. The policy advocated by both these delegates was that actually followed by the League. In announcing in the Canadian House of Commons Canadian acceptance of the report of the Committee of Nineteen (on which Canada

44 Proceedings, 1931, p. 406.

45 MacKay and Rogers, op. cit., App. B V.

had not been represented) on the Sino-Japanese conflict, Prime Minister, the Rt. Hon. R. B. Bennett, again expressed the view that public opinion was the most effective form of sanctions.⁴⁶

Canadian policy was decidedly different at the start of the Italo-Ethiopian crisis. The first representative in Geneva then was the Hon. G. H. Ferguson, High Commissioner in London. The Ethiopian government had appealed to the League in January, 1935. The Committee of Eighteen had been set up to handle the crisis. At its first meeting, on October 11, 1935, Ferguson called for firm and immediate action, with the imposition of whatever sanctions all could agree on against the aggressor.⁴⁷ Two weeks later the Conservative government was defeated in a general election; Mr. Ferguson left Geneva; and the Canadian Advisory Officer, Mr. Riddell, was left as the Canadian delegate, with no instructions from the new Liberal government. The first statement from the new government was that made by the Prime Minister, the Rt. Hon. W. L. Mackenzie King, in a press dispatch on October 29. He stated that the Canadian government would apply the proposed sanctions, but that the present economic sanctions were not to be considered a precedent.⁴⁸

46 Canada, House of Commons Debates, Feb. 24, 1933, p. 2430.

47 G. M. Carter, "Canada and Sanctions in the Italo-Ethiopian Conflict," Canadian Historical Association Annual Report, 1940, p. 76.

48 Ibid., p. 78.

Meanwhile Dr. Riddell had become Canadian representative on the Council of Eighteen. He had never been a believer in sanctions but now that they had been imposed, he thought that they should be made effective. Although he still had not received instructions from Ottawa, he proposed on November 2 that the list of sanctions be increased to include oil, coal, and iron. In doing so he went further than the Canadian government could approve. On December 2, the Hon. Ernest Lapointe, acting Prime Minister, in a press release, stated that Riddell's proposal embodied only his personal views, not the views of the Canadian government. His action was not immediately repudiated only because it was not wished to worsen the situation in Europe. Four days later Mackenzie King stated his government would not oppose the suggested sanctions, but would not be responsible for taking the initiative.⁴⁹ Again the Canadian government had reverted to its policy of unwillingness to take responsibility for intervention in affairs in Europe, and again it had insisted on complete control of its policy, -- "parliament will decide."

In the Spanish Civil War, Canada was not represented on the committee on non-intervention, but forbade assistance by men or materials to either side. In the Munich settlement Canada was not consulted, but both government and people approved.

49 Carter, op. cit., p. 81.

In the period of the breakdown of collective security, then, Canada played the part of an independent member of the League. In the years since the peace Settlement, she had achieved world recognition of her new position among the nations of the world, as a modern nation state, still a member of the British Commonwealth, and yet in complete control of her own external affairs.

Chapter VI

The Department of External Affairs

During the first decade of the twentieth century it became evident that a separate department of the government would have to be set up and developed to handle the growing volume of business created by increasing Canadian participation in external affairs. Since Confederation, any part of Canada's foreign relations not administered directly from London, had been officially under the care of the Canadian Secretary of State. In practice, any department of the government involved in some matter with external ramifications could approach the governor general and recommend a communication to the government concerned. Unless the matter were of major importance, this would be done without question. With different departments acting without any necessary consultation, the result was often confusion. Difficulties were common even in important matters dealt with by the whole cabinet. One department would present some matter; the decision on it would be made without necessarily any special reference being made to other departments that might be involved. Occasionally such a decision would differ radically from some previous decision. It was almost impossible to refer back to such previous decisions, because all correspondence was filed separately by the various

departments concerned. There was no single file of all correspondence having to do with external matters. More than once a foreign power brought to the attention of the Canadian government two such differing decisions, both of which had been communicated to its government.¹ The need for a single department to act as a clearing-house was evident.

There was trouble too with incoming despatches. These were referred by the governor general's secretary either to the department he thought best fitted to answer or to otherwise deal with the contents, or directly to the cabinet. This made it quite possible for other departments which might be concerned never to hear of the matter. Further, there was no one responsible for following up such despatches to make sure they had been adequately dealt with. The Colonial Office on a number of occasions complained about despatches that had remained unanswered.

The first official reference to the need for better machinery was made in May 1907, by Joseph Pope, then Under-Secretary of State, to a Royal Commission on the Civil Service. Referring to the need for establishing a more systematic method of dealing with what he termed the external affairs of the dominion, he said:

In the early days of Confederation, when these questions were few, the Prime Minister of the day kept

¹ H. L. Keenleyside, "The Department of External Affairs," Queen's Quarterly, vol. 44, no. 4 (Winter 1937-8), p. 485.

them pretty much in his own hands, but with the growth of the Dominion, this is no longer possible.

The practical result of the system in vogue is that . . . there is no approach to continuity in any of the departmental files. Such knowledge concerning them as is available is for the most part lodged in the memories of a few officials....

My suggestion is, that all despatches relating to external affairs should be referred by the Privy Council to one department whose staff should contain men trained in the study of these questions and in diplomatic correspondence.²

Pope was careful to point out that the change he proposed was one of method only: no constitutional change was intended.³ All communications abroad would continue to be sent and received through the governor general.

Two years later, on March 4, 1909, a bill to create the Department of External Affairs was introduced in the House of Commons by the Hon. Charles Murphy, the Secretary of State. The name "External Affairs" was chosen because the work of the new department was to cover both foreign relations and inter-Imperial affairs. There would not for many years be enough work for two separate departments. More important, foreign relations were still conducted through the Colonial Office, so that to have called the department "Foreign Affairs" would not have been even technically correct.

The debate was brief; there was little opposition.

² Joseph Pope, Memorandum for the Consideration of the Civil Service Commissioners, Sessional Papers of the Dominion of Canada, 1907-8, vol. 15, no. 29a, p. 49.

³ cf. Sir Joseph Pope, "The Federal Government," Canada and its Provinces, vol. VI, p. 324.

Both parties realized the need for this new machinery. Government speakers emphasized the growing volume of business and the confusion following from the lack of a central department and central files. They made it very clear that the new department was a change only in organization, not in the constitutional methods of the conduct of external affairs. Speakers from the Conservative party, the Opposition, raised as their main point the additional cost of the new department. It was not yet realized, even in parliament, that external affairs needed expert administration just as much as did internal affairs. Laurier summed up the debate: "The conclusion we have arrived at is that the foreign affairs with which Canada has to deal, are becoming of such absorbing moment as to necessitate special machinery."⁴

The Order in Council creating the new department stated in part:

The Committee of the Privy Council, who have had under consideration the question of the constitution of the Department of External Affairs, are of the opinion that it would further the purposes for which the Department was established, if all Despatches at present communicated by Your Excellency to the Privy Council, or direct to individual ministers, should be, in the first instance, referred to the Prime Minister, and also to the Secretary of State as head of the Department of External Affairs, which Department shall then distribute them among the several departments to which they relate.

The Committee further advise that in the case of such despatches so referred that call for communication with the Secretary of State for the Colonies, or with His Majesty's representatives abroad, or with the

4 Canada, House of Commons Debates, 1909, p. 1978.

government of any British possession, in respect of any matter forming the subject of diplomatic negotiation in which Canada is interested, or any private claim on the part of any Canadian subject of His Majesty against any government, whether foreign or otherwise, external to the Dominion, the department or departments to which such Despatch was referred, shall furnish the Department of External Affairs with all available information bearing on the matter to which it relates, and the Secretary of State having informed himself by this means, shall thereupon make a report in the premises to the Governor in Council.⁵

As it has developed, the work of the Department of External Affairs has been of six types. It has been responsible for the promotion of Canadian interests abroad. It has charge of the collection and weighing of information likely to affect Canadian international relationships. It handles all Canadian correspondence with foreign governments or foreign representatives in Canada. It is responsible for the negotiation and conclusion of treaties and other international agreements. It is in charge of the representation of Canada at foreign capitals and at special international gatherings. Lastly, it co-operates with the Department of Trade and Commerce in the gathering of information likely to affect Canadian trade abroad.

The head of the department is the Secretary of State for External Affairs. It had been Joseph Pope's idea that the department should be placed directly under the Prime Minister. When the Bill was under discussion, this was changed to put it under the Secretary for State, then the Hon. Charles Murphy.

⁵ Quoted in Keenleyside, op. cit., pp. 487-8.

In 1912, Borden had become Prime Minister and wished to keep external affairs, about which he was deeply concerned, more directly under his own control. He took charge of the new department himself.⁶ Until 1946 the Prime Minister continued to hold the additional portfolio of the Secretary of State for External affairs. By that time the work of the department had become extensive enough to warrant the full attention of one minister in the Cabinet.

The duties of the head of the department were set out in the Bill creating it:

The Secretary of State, as head of the department, shall have the conduct of all official communication between the government of Canada and the government of any other country in connection with the external affairs of Canada, and shall be charged with such other duties as may, from time to time, be assigned to the department by order of the Governor in Council in relation to such external affairs, or to the conduct and management of international or intercolonial negotiations so far as they may appertain to the Government of Canada.⁷

Also under his jurisdiction are foreign consular services in Canada and the issuance of Canadian passports. There was some discussion outside parliament at the time that, considering the continuing role of the governor general in external affairs, the word "conduct" in the above was scarcely accurate. At the time, "care", it was suggested, would have fitted the situation more closely. No change was made.

⁶ Canadian Annual Review, 1909, p. 200.

⁷ Statutes of Canada, 1909, ch. 13, p. 125.

To the Secretary of State for External Affairs belong the primary responsibilities for the initiative in decisions on External Affairs and in the formulation of policy. He must keep his colleagues in the cabinet informed and win their support for his policies. The conventions of cabinet government make the whole cabinet responsible for the external policy of the government. He defends or explains his policy in parliament. Through him all advice to the governor general in matters pertaining to external affairs is formally given. The conduct of foreign affairs remains the function of the representative of the Crown; that is, the governor general, on the advice of the minister. Finally, he is responsible for the administration of the department and for the actions of its officials at home and abroad.⁸

The permanent head of the department under him is the Under-Secretary of State for External Affairs. He is responsible to the Secretary of State for External Affairs for the work of the department and is the channel by which matters reach this minister. Joseph Pope (afterwards Sir Joseph) was the first to hold this position, and the real architect of the department. On his retirement in 1925, he was replaced by O. D. Skelton, then Dean of Arts and Head of the Department of Political Science at Queen's University. Under him, the

⁸ G. E. H. Palmer, Consultation and Co-operation in the British Commonwealth, London, 1934, p. 34.

department made its greatest growth.⁹

In its early years, the department was very small. At the end of World War I there was only one officer from it included in the delegation to the Peace Conference, the legal adviser, Loring Christie. The department lacked the flow of information from abroad which diplomatic missions would later give it. Thus it was not in a position to supply background material or experts to help the Canadian delegates. The need for the further development of the department was evident.

In 1920, the department had a staff of three, not including the clerical ranks. This was still the total staff in 1927. In 1928 there were five, and by 1929 the number at Ottawa had grown only to seven.¹⁰ During these earlier years some attempt had been made to organize the work of the various members of the department. However, the smallness of the staff made it necessary for work often to be assigned to various members outside their special fields, and, since the different fields overlapped considerably, frequent contact and discussion between members was necessary.

The work of the permanent staff at Ottawa is not the determination of policy, but rather the collection and organization of information on which policy will be based, the preparation

9 H. L. Keenleyside, "Canada's Department of External Affairs," International Journal, vol. 1, no. 3, 1946, p. 201.

10 G. P. deT. Glazebrook, A History of Canadian External Relations, London, 1950, p. 383.

of memoranda on alternative courses of action open and the probable results of each, and the tendering of expert advice whenever required. Likewise, though the external policy of the government is put into effect in many ways, the Department of External Affairs takes charge of all correspondence or negotiations with other governments, whether through ordinary channels or through special conferences.

In the early 1930's there was just beginning to be received information from the new legations abroad, to be added to that received from the High Commissioner in London. There was still needed a body of experts of sufficient size and adequate background to digest what had been received and relate it to other relevant material. Even the techniques of international relations were so far from being understood that frequent inquiries on procedure had to be made in London.¹¹ For instance, a few years earlier, during the correspondence in 1920 about proposals for permanent Canadian diplomatic representation at Washington, no one in Ottawa knew what "letters of credence" were, or involved.¹²

By 1939 the department had grown considerably, though still only slowly. By this time there were fifty-eight permanent employees stationed at Ottawa¹³, and twenty officers

11 Glazebrook, op. cit., p. 335.

12 Ibid., p. 368.

13 Canada, Dominion Bureau of Statistics, Statistics of the Civil Service of Canada, for the fiscal years ending March 31, 1937, 1938, and 1939, p. 24.

abroad,¹⁴ as High Commissioners in Britain and the other Dominions, and in the legations. There was likewise a considerable increase in expenditures. In the fiscal years 1929-1930, the annual estimates gave the Department \$748,000; in 1939-40, \$1,296,000.¹⁵

Nearly all of these appointments, with the exception of some early ones and certain representatives abroad, had been assigned to the department with rank of third secretary on the basis of open competitive examination, publicly announced and held under the Civil Service Commission.¹⁶

With the growing complexity of Canadian involvement in external affairs, and the growing volume of information being received from abroad, better organization of the department had to be worked out. In 1941 this was done, with a four-fold division of the staff under the Under-Secretary. An Assistant Under-Secretary, Laurent Beaudry, was in charge of the Diplomatic and Commercial Divisions; the legal adviser, J. E. Read, of the Legal Division; an Assistant Under-Secretary L. B. Pearson, of the British Commonwealth and European Division; and an Assistant Under-Secretary, H. L. Keenleyside, of the American and Far-Eastern Division. In addition there was the Administrative Branch, under the Chief Administrative Officer,

14 Report of the Secretary of State for External Affairs, 1939, pp. 19, 20.

15 Keenleyside, International Journal, p. 204.

16 H. G. Skilling, Canadian Representation Abroad, Toronto, 1945, p. 263.

responsible for finance, personnel, supplies, and salaries. More or less dependent on this Branch were various other units -- Records, Code and Cypher, the Library, and the Translator's Office.¹⁷

The work of the department outside of Canada is carried on by the legations and other representatives abroad, which are an integral part of the organization and are under its direction both as to policy and as to administration. In the following chapter the development of this other half of the department will be discussed.

17 Skilling, Canadian Representation Abroad, p. 273-4.

Chapter VII

The Development of Canadian Representation Abroad

At the same time as the need for a single department of the government responsible for control over Canadian external affairs was becoming pressing, the need for direct and permanent Canadian representation in the world abroad was growing increasingly evident. As David Mills, a prominent Liberal and an early advocate of the development of something resembling a Canadian diplomatic service, pointed out before the House of Commons in 1882: "If we wish the Agents and Ambassadors residing at foreign ports to take a special interest in the commercial well-being of this country, we must have men whose positions are more or less affected by the attention they give to the people of this country."¹ That was the sore point. Canadian commercial interests, particularly after the adoption of a policy of protection, were frequently at a variance with those of Great Britain. British diplomacy had frequently been, not a bulwark for the growing Canadian economy, but a "history of error, blunder, worry and concession."² British agents and consuls knew little of Canadian problems or potentialities, they

1 Canada, House of Commons Debates, April 21, 1882, p. 1081.

2 Edward Blake, quoted in G. P. deT. Glazebrook, A History of Canadian External Relations, Toronto, 1950, p. 156.

were under no obligation to the Canadian government to work for the extension of Canadian trade or the promotion of Canadian interests, and where there was a conflict of interests, they invariably placed the British interests first.

As long as Canada retained a purely colonial status, Canadian diplomatic representation abroad, or even a Canadian consular service, were out of the question. Even with growing Canadian nationhood there were three reasons why this dependence on British representation abroad continued. The British government was reluctant to give Canada greater freedom of action. Canadian governments remained unwilling to assume the greater responsibilities that went with greater freedom in world affairs. Some Canadians were critical of growing Canadian autonomy in this as in other spheres.

The earliest Canadian representation abroad had two origins. First, there was the need for continual, responsible presentation of Canadian interests in London. This led, in 1880, to the appointment of the first Canadian High Commissioner. Second, there was the need to promote Canadian commercial interests and to secure immigration into Canada. There had been emigration agents abroad even before Confederation, but in the 1880's these were increased in number and commercial agents were appointed.

As a representative of the Canadian government in London, the High Commissioner had two predecessors. One

evolved from the emigration and commercial agents, to be discussed later. In 1874, Edward Jenkins, a member of the British House of Commons, was appointed as "General Resident Agent for the Dominion and Superintendent of Emigration", changed at his own request to "Agent General for Canada in the United Kingdom". As emigration agent, he was under the Minister of Agriculture; for his other work, involving assistance to Canadians in London, and looking after business of a confidential or political nature in Britain, as he should be requested by the Canadian government, he was under the Canadian Secretary of State.³ Thus, while Jenkins had in no sense ambassadorial powers, he was much more than an emigration agent.

The other was Sir John Rose, a former Canadian minister of finance. Upon moving to Britain in 1869 to become a member of a London banking firm, he was requested by an Order in Council to act there for the Canadian government in a long list of matters specified, and in others that should from time to time be referred to him. At the same time it was recommended that he "be accredited to her Majesty's Government as a gentleman possessing the confidence of the Canadian government with whom Her Majesty's Government may properly communicate on Canadian Affairs."⁴ Rose urged that the appointment be kept

3 H. Gordon Skilling, Canadian Representation Abroad, Toronto, 1945, p. 86.

4 Morden H. Long, "Sir John Rose and the Informal Beginnings of the Canadian High Commissionership," The Canadian Historical Review, vol. 12, no. 1, March 1931, p. 27.

informal in character. To this Macdonald agreed, though Rose's status was actually little different from that granted when the first High Commissioner was appointed. During the next ten years he handled a wide variety of matters, though after the Liberal government took office in 1873, his work tended to be largely financial. He was involved in negotiations concerning the handing over to the Canadian government of territories held by the Hudson's Bay Company in the North West, and he helped arrange joint action by the British and Canadian governments in the Riel Rebellion in 1869. He helped make arrangements for the Washington Conference of 1871. In addition he sent to the Canadian Prime Minister much valuable information on developments in Britain.⁵ His close friendship with Macdonald made him most valuable to the Canadian government. He was always in close touch with them, and was expected to act in any matter of importance only on their specific instructions.

It was evident that this informal type of representation was not sufficient to handle growing Canadian needs in London. Macdonald had sent Sir Alexander Galt to Europe in 1878, to assist in the discussion of trade treaties between Canada and France and Spain. Only four months later, Galt was back in London again, with other Canadian ministers, to discuss

⁵ David M. Farr, "Sir John Rose and Imperial Relations," Canadian Historical Review, vol. 33, no. 1, March 1952, p. 24.

the railway situation. The need for a permanent Canadian representative in England was obvious. Canadian development required constant and personal communication that neither an informal part-time representative nor official despatches through the governor general were adequate to give. It had become a serious inconvenience for Canadian ministers to have to travel to London so frequently. As a result, while they were in England in the summer of 1879, Macdonald, Tupper and Tilley presented a memorandum to the Colonial Secretary, Sir Michael Hicks-Beach, setting forth the proposal for a resident minister, the reasons the appointment seemed necessary, and the functions such a minister would be expected to perform.⁶ The functions suggested were four: promotion of emigration, representation of commercial interests, care of financial interests, and representation of the general interests of Canada in Britain, as Canadian spokesman to the British government.

The memorandum was critically received. The Colonial Secretary disapproved of the suggested semi-diplomatic character of the office, and argued that the nature and functions of the proposed office would have to be decided upon by the Imperial Foreign Secretary. In the Canadian reply to this criticism, it was pointed out that the Canadian government had as much right to advise the Crown as the Imperial government,

⁶ Canadian Sessional Papers, 1880, no. 105.

in fact more so on the many matters on which complete control had been handed over to Canada.⁷ Finally the British government agreed to the appointment of a "High Commissioner of Canada in London." In April 1880 Macdonald appointed Sir Alexander Galt, who held the office for the next three years.

Galt was appointed under the great seal of Canada and received his instructions from the Canadian Secretary of State.⁸ On general matters he was to correspond with the Secretary of State; on financial questions, with the Minister of Finance; and on emigration matters, with the Minister of Agriculture. As chief emigration agent, he was instructed to make the encouragement of emigration to the Canadian West his first responsibility. At his suggestion the various emigration agents abroad were put under the control of the High Commissioner's Office. Both Galt and his successor, Sir Charles Tupper, spent much time and effort on this part of their work. The need was great to reduce the burden of the West on the Canadian taxpayer.⁹

The financial responsibilities of the Office involved the handling of matters involving the Canadian public debt in Britain and of other financial correspondence between the Canadian and the British governments. At various times in

7 Canadian Sessional Papers, 1880, no. 105.

8 The Dominion Annual Register for 1880-1881, Montreal, 1882, p. 71.

9 See O.D.Skelton, The Life and Times of Sir Alexander Galt, Toronto, 1920, pp. 540-4, and E.M.Saunders, The Life and Letters of the Rt. Hon. Sir Charles Tupper, Bart., K.C.M.G., London, 1916, vol. 2, pp. 15, 16.

the next few years High Commissioners were charged with carrying out negotiations with regard to the Esquimalt graving dock, assisting the Canadian cattle trade, and sounding out the British government on further assistance to the Canadian Pacific Railway and on the possibility of a British Zollverein. With regard to foreign affairs, the High Commissioner was responsible for handling the fisheries question arising out of the Treaty of Washington. Finally, he was given careful instructions with regard to commercial treaties. Galt wished this part of his duties to receive the most importance in public attention. He suggested that some important commercial negotiations be begun at the same time as he was sent to England, and that there be a delay of some months in putting him in charge of financial and emigration matters. Whenever special arrangements in a treaty were desired in Canadian interests, the British government would be asked to accredit the High Commissioner to the foreign power concerned to act in concert with the Imperial representative.¹⁰ Galt was succeeded as High Commissioner by Sir Charles Tupper, who held the office until 1896. Already the office was growing in dignity and importance. Tupper was criticized for holding both the office of High Commissioner and of Minister of Railways, and for taking part in the election of 1891, on the grounds that a diplomat should remain outside party politics. Sir John

10 Glazebrook, op. cit., p. 153.

Thompson, expressing one point of view, stated in the House of Commons that the High Commissioner "is nothing but the agent of the government living in London . . . he does not occupy either at home or abroad such a position as an ambassador in the diplomatic service of the British government holds."¹¹ Macdonald felt differently, expressing his views in a private letter to Lord Stanley, "By degrees the Colonial Ministers have begun to treat the colonial representatives as diplomatic agents rather than as subordinate executive agents and to consult them as such. Canada has found it advantageous on several occasions to have Sir Charles Tupper dealt with as a quasi-member of the corps diplomatique."¹²

Tupper was succeeded in 1896 by Lord Strathcona and Mount Royal. Following his death in 1914, Sir George Perley, a Minister without Portfolio in the Borden Cabinet, had gone to London to replace him until a new appointment could be made, and to consider the status of the High Commissioner and possible changes. With the outbreak of war, he continued as both a resident Canadian minister and acting High Commissioner until 1917, when he left the Cabinet and was appointed High Commissioner.¹³ The war emergency greatly increased the semi-diplomatic duties of the office in relation to the British

11 Canada, House of Commons Debates, May 29, 1891, p. 575.

12 Macdonald to Governor General the Lord Stanley of Preston, August 15, 1890. In Sir Joseph Pope, Correspondence of Sir John Macdonald, Toronto, 1921, p. 472.

13 Skilling, op. cit., pp. 110, 111.

government.¹⁴

The growing number of Canadian troops in England and on the continent led to further Canadian representation in Britain. At first most of the duties involved in the supervision and administration of the Canadian military forces were undertaken by the acting High Commissioner, though there was also a resident representative of the Minister of Militia. In October 1916, the Department of Overseas Military Forces, with a resident minister in London, was created as a more effective means of administration. At first Perley held the office, in addition to his duties as Resident Minister and acting High Commissioner. In November 1917, when Perley became High Commissioner, Sir Edward Kemp was put in charge, and remained until the Department was closed with the return of Canadian troops in 1919.¹⁵

Also during and after the war there was a great increase in the number of representatives of other Canadian government departments in London, with consequent overlapping and lack of co-ordination. To clarify matters, two steps were taken. The High Commissioner's Office was, by Order in Council in March 1921, placed under the jurisdiction of the Department of External Affairs.¹⁶ When the next High Commissioner, the

14 Skilling, op. cit., p. 111.

15 Ibid., p. 112.

16 Canadian Sessional Papers, 1921, no. 102.

Hon. Peter Larkin, was appointed in 1922, the opportunity was taken to re-define the duties of the office, and to return to the original policy of making the High Commissioner responsible for the supervision of all Canadian interests in Britain and of all other Canadian agencies there.¹⁷ To make this more easily possible, Canada House was purchased and opened in London in 1924. Under the Bennett government, this policy was strictly followed, but under the following Liberal regime it was somewhat relaxed, though the authority of the High Commissioner to supervise the activities of all other agents was stated again in the statute of 1938 concerning the High Commissioner.¹⁸

Mr. Larkin was succeeded in 1930 by the Hon. Vincent Massey, who retired almost at once when the Conservatives under Bennett came into power. He was replaced by the Hon. G. H. Ferguson, former Conservative premier of Ontario. With the return of the Liberal government in 1935, Ferguson was replaced by Massey.¹⁹ This was a change from the earlier policy, when appointees like Tupper and Strathcona remained in office for years, despite changes of government in Canada.

Through the years the scope and activities of the office increased. More and more consultation and communication

17 Skilling, op. cit., 122.

18 Statutes of Canada, 1938, 2 Geo. VI, chap. 30, p. 93.

19 Report of the Secretary of State for External Affairs, (hereafter referred to as External Affairs), 1935, p. 8.

on matters of minor importance took place through the High Commissioner directly. An increasing part of his time was taken up with the exercise of what are really diplomatic functions. He was given the right of direct access to the members of the British government, though most of his dealings were with the Colonial Office, later with the Secretary of State for Dominion Affairs.

The question of the status of the High Commissioners was thoroughly discussed at the Imperial Conference of 1923. As a result it was announced in a statement made by the Dominions office on July 28, 1924, that the High Commissioners for Canada and the other Dominions should take precedence immediately after British or Dominion ministers if present, otherwise immediately after that accorded by the Table of Precedence to Secretaries of State. In 1925 they were granted exception from payment of United Kingdom customs and income taxes. They do not, however, possess diplomatic immunity. In 1931, after further discussion at the Imperial Conference in 1930, it was announced that the Dominion High Commissioners should on all ceremonial occasions, except when ministers of the Crown from the respective Dominions are present, rank immediately after the Secretaries of State.²⁰

A further advance in the importance of the High Commissioner's office had followed the Imperial Conference of

²⁰ G. E. H. Palmer, Consultation and Co-operation in the British Commonwealth, Oxford, 1934, p. 242.

1926. In the Summary of Proceedings it was stated:

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 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 was thought that the recognized official channel of communication should be, in future, between Government and Government direct.²¹

Thus was removed what had been an obstacle to the development of the Office since the time of Galt and Tupper, the insistence by various governors general on their own prerogative as the official channel of communication between the Canadian and the British governments. Tupper had complained that he was not informed of Cabinet minutes sent to the Colonial Secretary through the governor general, and several governors general had complained that Tupper sometimes communicated directly with the Colonial Office, without waiting for those communications to be initiated by the Canadian government through the governor general. Both Lord Landsdowne and Lord Stanley made this complaint.²²

With the new position of the governor general in 1926, as solely the representative of the Crown in Canada, the High Commissioner became the official channel of communication between the Canadian and the British governments, though the

²¹ Quoted in H. L. Keenleyside, "The Department of External Affairs," Queen's Quarterly, vol. 44, no. 4, Winter 1937-8, p. 491.

²² Skilling, op. cit., p. 100.

practice of direct correspondence between the two Prime Ministers has also developed. A further development was involved in the change in status of the governor general. To replace his function as a channel of communication between the British and Canadian governments, it was necessary to appoint a British government representative at Ottawa. Sir William Clark was appointed the first British High Commissioner to Canada in 1928.²³

At this time, various points of view were still held as to the extent the office was diplomatic in nature. Mackenzie King stated in 1927, "The position of High Commissioner has become increasingly significant as a diplomatic post, and within the empire between Canada and Great Britain his position does correspond to the position an ambassador would hold between nations."²⁴ Some months later, he spoke of the High Commissionership as the highest post in the diplomatic service of Canada, because of the greater importance of Canadian contacts with Britain than with any other nation.²⁵ On the other hand, R. B. Bennett and the Conservatives held a different view. Bennett believed it necessary that the High Commissioner should enjoy the fullest confidence of the Canadian government, should be practically a member of the government. Thus when

23 External Affairs, 1928, p. 7.

24 Canada, House of Commons Debates, April 13, 1927, p. 2465.

25 Ibid., January 31, 1928, pp. 58-9.

he took office as Prime Minister in 1930, he had replaced the recent Liberal appointee, Mr. Massey, with a Conservative, Mr. Ferguson. He also pointed out that the High Commissioner is a civil servant, an appointee of the government, while an ambassador is not, but is appointed by the Crown on the advice of the government.

Whatever the legal status of the High Commissioner, by 1939 the post was in all but name a diplomatic one, and the highest in the Canadian diplomatic service. Briefly the work of the High Commissioner's Office included: acting as the channel of communication between the governments of Canada and Great Britain; supplying information on Canada to British enquirers; providing assistance to Canadian business men and other Canadians in Britain; acting as agent for the Canadian government in negotiations with other countries; supplying delegates to international and inter-commonwealth conferences; and keeping the Department of External Affairs in Ottawa informed as to relevant conditions in Britain.

In addition to the High Commissioner's Office, there have at different times been various other Canadian representatives of a more or less permanent nature in Great Britain. Emigration agents and trade commissioners are mentioned below. Various provinces had had Agents General from early times, the earliest being Nova Scotia (1761). The separate agencies were replaced in 1833 by the Joint Crown Agents Department, appointed

by the British Colonial Secretary to represent both North American and other colonies. After 1880 separate agencies were again established by various provinces. Under Tupper these worked closely with the High Commissioner, but under Lord Strathcona they were denied official recognition, it being insisted that the High Commissioner was the sole representative of the Dominion, including all the provinces. After World War I, in spite of the attempt of different provincial agents to get recognition and access to the Colonial Secretary, the supervision of the High Commissioner's Office over all other Canadian agencies was, as has been mentioned, tightened. During the 1930's all the provincial agencies, except that of British Columbia, were discontinued.²⁶

In 1939 there was one other Canadian office in London. In 1923 the Office of the Royal Canadian Air Force Liaison Officer was established to maintain close contact between the Royal Air Force and the Royal Canadian Air Force. The Officer in charge held a commission in the R. C. A. F., and on routine matters and those involving organization, he communicated directly with the Senior Air Officer in the R. C. A. F. at Ottawa, but on matters involving policy and finance he communicated through the High Commissioner and the Department of External Affairs.²⁷

²⁶ Skilling, op. cit., pp. 107-110, 119-121.

²⁷ Palmer, op. cit., p. 41.

The need for closer communication between the governments of the dominions as well as with Great Britain had become apparent in the period before 1939. It was urged in the unofficial British Commonwealth Relations Conference in 1933 that some system of representation in the dominion capitals similar to the High Commissioner in London be worked out.²⁸ South Africa did send a representative to Canada in 1938, and Ireland, a High Commissioner in 1939. The Canadian government announced in 1938 that it was considering sending representatives to the other Dominions, but nothing was done until after the outbreak of war in 1939. On September 11 it was announced that High Commissioners would be sent to Australia, New Zealand, South Africa, and Ireland. On November 3, Mr. C. J. Burchell was appointed to the office in Australia. It was announced that Dr. W. A. Riddell would be sent to New Zealand, Mr. J. H. Kelly, to Ireland, and Dr. Henry Laureys to South Africa.²⁹

As regards the second of the origins of Canadian representation abroad, the need to secure immigration into Canada and to promote Canadian commercial interests abroad, the first developments go back even further than the origins of the High Commissionership, further back even than Confederation. In 1866, Mr. William Dixon had been appointed by the Province

²⁸ A. J. Toynbee, ed., British Commonwealth Relations, Proceedings of the First Unofficial Conference, 1933, London, 1934, p. 74, 75.

²⁹ External Affairs, 1939, p. 15.

of Canada to serve as Canadian Agent for Immigration at Liverpool. After the formation of the Dominion, Dixon moved to London as head of a Dominion Agency of Immigration. Under him there were soon appointed subordinate agents in various British cities, such as Liverpool, Bristol, Glasgow, Belfast, Dublin, and others, and also on the Continent, at Antwerp and Paris, and from time to time in Switzerland, Germany and Denmark as conditions permitted.³⁰ These were followed in 1873 and 1874 by agents in the United States, appointed particularly to encourage the return of Canadians, especially those of French origin. The numbers of these different agents varied from time to time, affected by economic conditions and government policy as well as by the hostility of certain European governments, such as that of Germany, to emigration. On the whole, they increased until World War I. In 1903 there were ten in the British Isles, two on the Continent, and twenty-two in the United States. Many more were added in the next decade, the period of the greatest immigration in Canadian history. After some temporary interruptions during the war, most of the offices so established remained in operation until the outbreak of World War II. Those in the United States were closed during the depression years, and all the others, except the Commissioner of European Emigration for Canada in London and one inspectional post in Lisbon, fell victims to the war.³¹

³⁰ H. G. Skilling, "The Development of Canada's Permanent External Representation," The Canadian Historical Association Annual Report, 1943, p. 82.

³¹ Skilling, Canadian Representation Abroad, pp. 4, 5.

These early agents were the forerunners of the High Commissioners and of the legations abroad, even though they were in no sense diplomatic in status or function. They were not representatives of the head of their own state, nor were they accredited to the head of the state where they were stationed, nor did they have any official relationship with the government involved, similar to that a consul has. As a result any quasi-diplomatic immunities or status they held in various places were simply the result of informal arrangements with the countries involved, and not a part of the nature of the post. In practice, they did perform many of the functions of consuls.³² Actually they did not even represent the whole Canadian government, but only the particular department responsible for immigration: the Department of Agriculture to 1892, the Department of the Interior until 1917, the Department of Immigration and Colonization to 1936, and after that the Department of Mines and Resources.³³

They were brought into being, as were most new developments in Canadian nationhood, not as part of a process of planned constitutional growth, but simply as the most effective way to meet a specific need. Although the British diplomatic and consular services were available to the Canadian government, these officials had little interest in encouraging

32 Skilling, Canadian Representation Abroad, p. 6.

33 Ibid., p. 7.

emigration, particularly from those countries opposed to it. Representation was needed especially in Britain itself, considered the most desirable source of settlers, to sell the attractions of Canada and reach prospective emigrants.

The development of commercial agents too was the result of a specific need. The development of export markets was necessary both as a source of income to Canadians and as a method of interesting and attracting emigrants from abroad. As has been pointed out, British agents and ambassadors were not satisfactory. They had neither sufficient interest nor adequate information, nor any responsibility to the Canadian government. At first the emigration agents took much of the responsibility for commercial promotion, and many, such as John Dyke in Liverpool, were extremely active in promoting Canadian trade and in sending back extensive reports on trade opportunities.³⁴ The High Commissioner's Office too spent considerable time and effort on commercial functions. But by the mid-1880's it was apparent that some distinct form of permanent commercial representation was necessary. In 1885 \$10,000 was voted by the government for "Commercial agencies." In 1887 and just after, agents were sent to the West Indies, Australia, the Sandwich Islands, Japan, Cuba, Puerto Rico, Brazil and Argentina, but not as permanent residents.³⁵ By

34 Skilling, Canadian Representation Abroad, p. 47.

35 Canada, House of Commons Debates, June 17, 1887, p. 1112.

1892 the Minister of Finance, Mr. Foster, had eight permanent agencies established, one in Paris, two (also emigration agents) in Great Britain, and five in the West Indies. He looked toward the day when there would be a Canadian commercial representative "at every important trade centre in countries with which we have large business relations."³⁶ Two years later the number had almost doubled, and one agent in Europe, in Norway, was included. All these agents, however, were merely businessmen serving on a part-time basis. The first full-time agent was Mr. J. S. Larke, sent to Australia in 1895.³⁷ By 1907, when the term "commercial agent" was discarded except for part-time representatives and replaced with the name "trade commissioners," the service had grown considerably. In 1914 there were three commercial agents and sixteen trade commissioners.³⁸ In 1893 these agents had been placed under the new Department of Trade and Commerce, under the supervision of a special branch that finally (1921) became the Commercial Intelligence Service. After World War I the service was considerably expanded, until in 1939 there were 34 offices abroad, with 61 trade commissioners of full or assistant rank.³⁹

The trade commissioners were even closer than the emigration agents to the status and function of a consul. But

36 Canada, House of Commons Debates, June 30, 1892, pp. 4427-8.

37 Skilling, Canadian Representation Abroad, p. 51.

38 Loc. cit.

39 Canada Year Book, 1939, pp. 471-2.

they too were actually neither diplomatic nor consular, however many of the duties of a consul they might perform. Any privileges granted similar to those of a consul were unofficial only, not by right of office. Again they were not representatives abroad of the Canadian government, but only of the Department of Trade and Commerce. No Canadian consuls abroad were appointed until after 1939. Foreign countries, however, had had consuls in Canada since those appointed by Belgium, Portugal and Denmark in 1850. By 1910 there were consular agents from 32 countries in Canada.⁴⁰ Both Laurier and Borden had found it convenient to carry on diplomatic or commercial negotiations with these representatives, because of the lack of Canadian diplomatic service.⁴¹ By 1939, no fewer than 47 countries had consulates in Canada, with a total of 291 officers, of which 121 were full-time career officers, citizens of the countries represented.⁴²

The right of Canada to truly diplomatic representation abroad, the right of legation, took longer to achieve. Among the reasons were the unwillingness of the British government and also of many Canadians, including many leading Conservative statesmen, to concede the step; the slow development of adequate staff in the Department of External Affairs; and the long-held doctrine of the diplomatic unity of the Empire-

40 External Affairs, 1910, p. 13-17.

41 Glazebrook, Canadian Representation Abroad, pp. 233, 4.

42 External Affairs, 1939, pp. 24-28.

Commonwealth. The right was achieved with the establishment in 1927 of the Canadian Legation in Washington. A long process of development of less formal representation there took place before this final step.

Canadian dissatisfaction with the services of British diplomacy was felt more keenly in Canadian-American relations than elsewhere, because of the volume of the business involved, because of the lack of interest in and information about Canadian conditions shown by various British representatives, and because of the cumbersome way the system forced matters to be handled. There was no provision for direct contact between Ottawa and Washington; everything had to go through London, travelling by way of the Governor General in Ottawa, the Colonial and then the Foreign Office in London, and the British Ambassador in Washington.⁴³

Among early proposals for Canadian representation in Washington were those made in 1888 by Sir Richard Cartwright, later Liberal Minister of Finance,⁴⁴ and by the High Commissioner Sir Charles Tupper. Tupper wrote, "As the duties devolving upon the British Minister at Washington are almost altogether in connection with Canada, and the United States complain so bitterly of the circumlocution and time lost in sending to

⁴³ See complaint re the awkwardness of this situation in the fisheries question made by T. F. Bayard, American Secretary of State, to Sir Charles Tupper, May 31, 1887, in Sir Charles Tupper, Recollections of Sixty Years in Canada, Toronto, 1914, pp. 177-80.

⁴⁴ Canada, House of Commons Debates, February 18, 1889, p.174.

England -- back to Canada -- back to England, and then back to Washington and so on ad infinitum, I would meet their objection by sending a Canadian statesman to Washington."⁴⁵ His own opinion was that Macdonald should be offered a peerage and the position of British Minister in Washington.

The matter was further brought into public discussion by the debates in parliament during the next few years on the right of Canadian representation in commercial negotiations. One proposal was that made in 1892 by the independent Conservative D'Alton McCarthy, that a representative should be appointed by the Canadian government and attached to the staff of the British Ambassador in Washington, to guard and represent Canadian interests.⁴⁶ Tupper agreed, as long as the relationship between Canada and the Empire were not changed. He proposed discussions be undertaken with the British government on the subject.⁴⁷ The Liberals agreed that the idea of a Canadian attache to the British Embassy was the best solution at that time. Because the British government saw a serious threat in any such proposal to the diplomatic unity of the Empire, discussions ceased for several years.

The first real step in Canadian representation in Washington was the creation of the International Joint

45 Tupper to Macdonald, December 1, 1888, in Pope, op. cit., pp. 431-2.

46 Canada, House of Commons Debates, May 2, 1892, pp. 1950-1.

47 Ibid., May 11, 1892, pp. 2463, 2467.

Commission. This body was the successor of the International Waterways Commission, a Canadian-American body that had evolved in 1905 from the Irrigation Congresses of 1894 and 1895. Its functions were limited to investigation into boundary waters problems.⁴⁸ A body with wider powers was really needed, as the members of the Commission themselves agreed. The result was the International Joint Commission, set up under the Boundary Waters Treaty of 1909. It was given four main functions: to pass on applications for the use or diversion of boundary waters; to see to the distribution of certain boundary waters for irrigation; to investigate and report on such matters concerning the common frontier as should be submitted to it by the two governments; and to act as arbitrator on any question submitted to it by both governments.⁴⁹ As regards the first two, its decisions are binding; in the third, it has the power of recommendation only; and in the fourth, the only one in 1939 never yet used, it would act as a voluntary court of arbitration. In the first three it has achieved a notable record of successes.⁵⁰

48 H. L. Keenleyside, Canada and the United States, revised edition, New York, 1952, pp. 397, 8.

49 1909, Treaty Between His Majesty and the United States of America Relating to Boundary Waters and Questions Arising along the Boundary between Canada and the United States, in Treaties and Agreements Affecting Canada in Force between His Majesty and the United States of America, 1814-1925, Ottawa, 1927, Articles 6, 8, 9, and 10, pp. 315-7.

50 See for earlier cases R. A. MacKay, "The International Joint Commission between the United States and Canada," The American Journal of International Law, vol. 22, no. 2, April 1928, pp. 293-311. For cases 1936-9, see L. J. Burpee, "The International Joint Commission," Canada in World Affairs, The Pre-War Years, Toronto, 1941, pp. 227-235.

The Commission meets twice a year, in April in Washington and in October in Ottawa, and may be specially called at any time. It is composed of six members, three from each country, each division choosing its own chairman, who acts in all meetings on his own side of the boundary.⁵¹ Canadian appointments are made by the King on the advice of the Canadian government, but after 1928 there was no longer even the formality of any participation by the British government. As Mackenzie King announced then, members thereafter would have their commissions signed, not by the British Foreign Secretary, but by the Canadian Secretary of State for External Affairs.⁵²

The work of the Commission has been much more that of a judicial than of a diplomatic nature. Nevertheless, it marked a big step forward in Canadian control over external affairs. It removed a large part of Canadian foreign relations from British to direct Canadian control.

The next big step was brought about by the entry of the United States into the war in 1917. Some better form of machinery was necessary to make easier the necessary co-operation and co-ordination between the two governments. In

⁵¹ MacKay, op. cit., p. 314.

⁵² Canada, House of Commons Debates, March 15, 1928, pp. 1347-8.

October 1917, Borden telegraphed to the High Commissioner the government's decision to set up some sort of direct channel of communication, proposing that the Minister of Marine and Fisheries, J. D. Hazen, be appointed with some suitable title. In everything involving Britain or the rest of the Empire, he would consult with the British Embassy, but in matters concerning Canada only, he would deal directly with the United States government. Sir George Perley, the High Commissioner, reported the Colonial Secretary's reactions -- he would approve if the appointment were for the duration of the war only, and if Hazen should be attached to the British Embassy.⁵³ The first condition was acceptable to Borden, the second was not. His reply is interesting.

For many years questions of great importance arising between the United States and Canada, respecting disputes as to delimitation and use of boundary waters, the management of international fishery waters and many other subjects have been disposed of by commissioners appointed by the two governments or by conference between United States and Canadian officials and with excellent results. . . . To these methods of procedure I am not aware that any constitutional objections have been or can be urged. They have developed naturally by ignoring old forms which have lost their meaning and adopting direct and business-like methods of communication. It is vitally important that such development should continue. . . . My proposal involves a suitable and dignified status for Canada's representative, but there is no desire to create anything in the nature of a separate Embassy.⁵⁴

Further action was postponed for a time because of the November election, and because Hazen had accepted a

⁵³ Glazebrook, op. cit., p. 366.

⁵⁴ Ibid., pp. 366, 7.

judicial appointment. On February 2, 1918, however, an Order in Council was signed constituting the Canadian War Mission at Washington, with Lloyd Harris, representative of the Imperial Munitions Board in Washington, appointed chairman.⁵⁵ The status of the War Mission was somewhat peculiar.

Borden stated that in effect if not in form it was "a diplomatic mission," its duties including those usually considered diplomatic.⁵⁶ But because of the fear that separate diplomatic representation would be entirely incompatible with the diplomatic unity of the Empire, diplomatic standing was refused the Mission.

After the war, while discussions as to arrangements for permanent Canadian representation in Washington were being carried on, the War Mission was continued for a time. Even after the other members had returned home, Merchant Mahoney, the secretary, remained until the closing of the Mission in 1921. After that he stayed in Washington as Agent of the Department of External Affairs, in an office in the British Embassy. He had no diplomatic status, and was involved almost entirely in commercial work, that of a diplomatic nature still being handled by the British Embassy. Until the opening of the Canadian legation in 1927, he was the only Canadian representative in the United States, except for a trade commissioner and later a customs officer in New York.

⁵⁵ Henry Borden, ed., Robert Laird Borden: His Memoirs, Toronto, 1938, vol. 2, p. 678.

⁵⁶ R. L. Borden, Canada in the Commonwealth, Oxford, 1929, p. 96.

Late in 1918 the question of permanent representation was again raised. The case for the Canadian government was stated by Borden in a despatch sent on October 3, 1918, to Lord Milner, the Colonial Secretary. After pointing out the need and the strong feeling in Canada in favour of better representation, he recommended the appointment of a Canadian minister in Washington, to be appointed by the Canadian government and to receive his instructions through the Canadian Department of External Affairs, but to form a part of the British Embassy.⁵⁷ Until this time the British Foreign Office had been strongly opposed to separate Canadian representation abroad, but Lord Milner was more favourable, as long as the diplomatic unity of the Empire could be maintained. After considerable further discussion and correspondence between the British and Canadian governments, an agreement was reached and announced simultaneously in both parliaments.

As a result of recent discussions, an arrangement has been concluded between the British and Canadian governments to provide more complete representation at Washington of Canadian interests than has hitherto existed. Accordingly it has been agreed that His Majesty, on the 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 on 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 representation of Imperial, as well as Canadian, interests. He will be accredited by His Majesty to the President with necessary powers for the purpose.

57 Borden, Memoirs, vol. 2, pp. 1002,3.

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.⁵⁸

In spite of this, no appointment was made for six years, even though funds were voted annually in parliament for the establishment of a mission. There were several difficulties. It was hard to find a suitable man for the post. The Canadian Department of External Affairs was still very small, lacking both adequate staff and knowledge for the proposed change. The Borden government was defeated in 1921, and while the new Prime Minister, Mackenzie King, supported the idea of representation in Washington, he strongly disapproved of the way it had been arranged, associated there with the British Embassy. Further, the Minister of Finance, W. S. Fielding, was strongly opposed to the whole idea, and certain other Liberal leaders were certainly not too favourable.

Finally on November 5, 1926, the King was requested by the Canadian government to appoint the Hon. Vincent Massey as "Envoy Extraordinary and Minister Plenipotentiary to the United States, to have charge of Canadian affairs and to serve as the ordinary channel of communication with the United States government in matters of Canadian concern, acting upon

⁵⁸ Announcement in the British House of Commons, May 10, 1920, in R. M. Dawson, The Development of Dominion Status, 1900-1936, London, 1937, p. 202.

instructions from the Canadian government and reporting to it."⁵⁹ The British government was informed that Canada no longer wished her representative to be part of the British Embassy nor to be responsible for Imperial as well as Canadian affairs in the absence of the Ambassador.

The approval of the United States was secured through the British government. On February 18, 1927, Mr. Massey formally presented his credentials to the President. Thus with the final achievement of the right of legation, a long step forward was taken in the development and international recognition of Canada's new international status, and in Canadian control over external affairs. It was made perfectly clear in the correspondence prior to the appointment that the new Canadian minister would in no way be subject to the control of the British Ambassador in Washington. The concept of diplomatic unity was satisfied by the fact that full powers and letters of credence were issued to the Canadian minister by the King under the Great Seal of the Realm and thus with the co-operation of the Imperial government. The arrangements made were subsequently approved at the Imperial Conference, and the way opened to the establishment of other Canadian legations.

The original staff at Washington was very small, consisting only of the Minister, a First Secretary, a Commercial

⁵⁹ Canadian Sessional Papers, 1927, no. 131, not printed, quoted in Skilling, Canadian Representation Abroad, p. 212.

Secretary (Merchant Mahoney), and a Third Secretary.⁶⁰ By 1933 there was still only a staff of five, and by 1938, only of six.

Massey was replaced as Minister in 1930 by the Hon. W. D. Herridge, who held the office until 1935. The Hon. Sir Herbert Marler was Minister from 1936 to 1939.⁶¹

At first the American government had not been anxious to reciprocate. President Coolidge apparently was not in favour. However, in February 1927 it was decided to open a legation in Ottawa. William Phillips, then American Ambassador to Belgium, was appointed and presented his credentials to the Governor General in Ottawa on June 1, 1927.⁶²

Before the final establishment of the legation at Washington, one permanent representative abroad had already been appointed, the Advisory Officer at Geneva. The distance of Canada from the League of Nations and the consequent difficulty and expense of arranging representation, not only at the regular Assembly meetings, but in all League affairs and in the increasing number of League Conferences to which Canada was being invited, made it desirable to have a Canadian stationed at Geneva. Particularly difficult to achieve had been representation on the Governing Body of the International Labour Organization, since the Minister of Labour, nominally the

60 Skilling, Canadian Representation Abroad, p. 216.

61 Ibid., Appendix, p. 346.

62 Ibid., p. 232, note 105.

Canadian representative, found it impossible to be absent so much from Ottawa. At times a British representative had been used, but this was not desirable. Consequently on December 17, 1924, the position of Canadian Advisory Officer, League of Nations, was created, and Dr. W. A. Riddell, an official of the I. L. O. since 1920, appointed.⁶³

This can be described as the first appointment of a Canadian to represent Canada permanently in an international capacity abroad.⁶⁴ While the Canadian government did not consider the post diplomatic in status, and though the post was different from the ordinary diplomatic one, in that the Advisory Officer was not accredited to the head of a state, Riddell found the work involved was largely diplomatic in character.

I soon found my diplomatic functions were legion. Apart from a High Commissioner in London and an Agent General in Paris, two countries racially linked with Canada, I was the first Canadian representative to be accredited to the outside world, although in my case it was to an institution instead of to a government or to the head of a state.

My new duties, I soon discovered, consisted primarily of representing my Government at Conferences and Commissions. There were years when I sat in League and International Labour Organization meetings more than two hundred days.⁶⁵

It at once became customary to appoint Dr. Riddell as representative to the Governing Body of the I. L. O. and to

63 Skilling, Canadian Representation Abroad, pp. 165-6.

64 F. H. Soward, "Canada and the League of Nations," International Conciliation, no. 283, October 1932, p. 373.

65 W. A. Riddell, World Security by Conference, Toronto, 1947, p. 28.

the annual Labour Conferences. In addition he served from year to year as alternate delegate to the Assembly, and at times as a full Canadian delegate. Dr. Riddell was succeeded in 1937 by Mr. H. Hume Wrong. His title was changed in 1938 to "Permanent Delegate of Canada to the League of Nations," as being more descriptive of the true nature of the office.

The opening of the first Canadian legation in Washington was followed by others. The logical second was in Paris, because of both racial and commercial ties. Canada had been represented in France ever since the Hon. Hector Fabre was appointed Commissioner General in 1882. He had been specifically charged with the promotion of emigration to Canada and of trade. In this he was later assisted by an emigration agent and a trade commissioner. Certainly valuable was the contact he provided between Canada and France, especially for French Canadians. Actually he had originally been an agent for Quebec, and continued to represent both Province and Dominion until his retirement in 1911. He was replaced by the Hon. Philippe Roy, During the war M. Roy began to perform duties of a partly diplomatic nature, communicating in certain minor matters directly with the French and also foreign governments.⁶⁶ Mac-
kenzie King considered his position to have been close to that of a minister.⁶⁷

⁶⁶ Skilling, Canadian Representation Abroad, p. 240.

⁶⁷ W. L. Mackenzie King, "Canada's Legations Abroad," The Canadian Nation, March-April 1929, p. 25.

In 1928 it was decided to open a legation in Paris, which, though it would perform very much the same functions the Commissioner General had, yet would give the Canadian representative the prestige of full diplomatic status and make it easier for him to maintain direct contact with the French government and to take part in international negotiations. M. Roy was appointed minister and remained for ten years. In 1938 Lt. Col. G. P. Vanier took the office. In 1928 likewise a French minister, M. Jean Knight, was sent to Ottawa.⁶⁸

The next legation opened was in Tokyo. The main reasons here were to encourage Canadian trade with the Orient and to assist Canadian financial interests in Japan. In 1928 the Hon. Herbert Marler was sent to Tokyo as Canadian minister, and Mr. Shuh Tomii received in Ottawa as Japanese Charge d'Affaires, pending the appointment of a minister.⁶⁹

During the Bennett regime (1930-1935) no further advance was made. The Conservatives had been opposed to the opening of legations, criticizing them as useless, extravagant, dangerous gestures of the new Dominion autonomy, and a direct threat to Imperial unity. However, those already opened were maintained. No new legations were opened either upon the return of the Mackenzie King government in 1935. The next were

⁶⁸ External Affairs, 1928, p. 7.

⁶⁹ Loc. cit.

in Brussels and the Hague, when in the early part of 1939 Mr. Jean Desy was appointed Canadian Minister to both Belgium and Holland, to divide his time equally between the two capitals.⁷⁰ Legations were opened in Ottawa the same year by both countries.

Although by 1939 Canada had only a small diplomatic service with a very brief history, her right to send and receive legations had become firmly established. Until she had achieved that right, her conduct and control of external affairs had been handicapped. The recognition of the right had not come as a sudden major constitutional change, but as the culminating point of a long slow period of growth, of making adaptations to fit changing conditions and growing needs. Development had often been held back by Canadian opinion, British opposition, and foreign misunderstanding of the new Canadian position in world affairs. Nevertheless the right of legation had finally been firmly achieved, and with it Canada had gained one more of the characteristics of an autonomous nation of the world with full power over her own affairs.

70 External Affairs, 1939, p. 12.

Chapter VIII

The Changing Position of Canada in the Empire: the Trend toward Indirect Control over External Affairs through a Voice in British Foreign Policy.

The first six chapters of this study have been an attempt to trace the development of Canadian control over external affairs in their various phases: trade relations, international activities, and representation abroad. During the years involved (1867-1939), Canadian relations with Britain were always among the most important "Canadian external affairs". At the same time that Canadian control was being extended elsewhere, these relationships too were in a constant state of change. In the final two chapters of this study it is proposed to trace that change from the "colonial status" of 1867 to the "autonomous communities" of 1926 and subsequent years. Two main tendencies will be found to stand out: the tendency to centralization and the tendency to decentralization. The former led towards some form of Imperial organization with a common foreign policy in which the Dominions should have a voice. That is, except in minor matters, Dominion control over external affairs would be indirect only, through Dominion influence on whatever body was responsible for the final decisions on Imperial foreign policy. Although it was constantly threatened by the strength of Dominion nationalism,

this tendency to centralization showed the greatest promise during the period 1867-1921. In this chapter the development of this indirect control over external affairs will be studied, from its first signs in the Imperial Federation Movement, through the early Colonial and Imperial Conferences and the Imperial War Cabinet and War Conferences, to its virtual disappearance in the immediate post-World War I years. In the final chapter the tendency to the decentralization of control in the Commonwealth in the years 1922-1939 will be examined. It will be seen that by 1939 Canada and the other Dominions had developed complete control over external affairs, even to the right to declare war.

As discussed in Chapter I, the Dominion of Canada was formed during the ascendancy of "colonial pessimism" in the Colonial Office and in Britain generally.¹ Shortly afterwards keen interest in and appreciation of the value of the British colonies became widespread. There was little actual change in the constitutional relationship between Canada and Britain during the first three decades in the history of the new Dominion. There was, however, widespread realization that development in one way or another was bound to take place. At the beginning of these three decades, the idea of the inevitability of eventual separation from Britain was disappearing;

1 Chapter I, pp.3-5.

in the latter half of the period there was a powerful movement for closer integration of the Empire.

An interesting discussion of the value, present position, and suggested future of the colonies took place in Britain not long after Confederation. The ministry in power during this concluding period of anti-Imperial sentiment was the first Gladstone administration of 1868-1874. Its colonial policies included the extension of colonial autonomy, the promotion of freer trade, the reduction of expenditure on colonial defence, no acquisition of new territories, and possibly no great opposition to colonial secession. Gladstone himself was not a strong separatist, but some of his ministers were. In April 1870, in the British House of Commons, R. R. Torrens, later first premier of South Australia, moved that a select committee be appointed to deal with existing methods of communication between the colonies and Great Britain, and to report what modifications were necessary to maintain a "common nationality cemented by cordial good understanding."²

The Colonial Office, anxious to get colonial opinion, asked Sir John Rose, then the quasi-official agent of Canada in London,³ to write a memorandum setting out his views on the questions thus raised. In letters to The Times earlier in the same year, Rose had summed up British attitudes to the colonies.

² David M. L. Farr, "Sir John Rose and Imperial Relations," The Canadian Historical Review, vol. 33, no. 1, March 1912, p.21.

³ See chapter VII, p. 143.

These were in the main three: one favoured separation; the second, consolidation of the Empire through reducing colonial autonomy; the third, to which Rose himself belonged, considered that, all things taken into account, the present system of relations was fairly adequate.⁴ Rose tried to prove that Canada had not been an embarrassment and an unnecessary expense to Britain. Any disputes between Britain and the United States during the Civil War years had not been Canadian in origin. Rather the continued possession of Canada was necessary to British sea-power in both the North Atlantic and the Pacific.

In his memorandum Rose claimed a greater control for Canada in recent commercial negotiations than had actually been achieved, stating among other things that the Imperial government had sanctioned direct negotiations between Canada and the United States over reciprocity.⁵ This was denied by the Colonial Office. Otherwise his memorandum was largely used in the debate following Torrens' motion by Viscount Bury, by this time an avowed imperialist. He pointed out the value to Britain of the colonies, and the uselessness of any such committee as that suggested in the motion. Gladstone himself spoke at the end of the debate. He admitted the uneasiness that had existed in the colonies for thirty years past, and

4 Farr, op. cit., p. 22.

5 Ibid., pp. 25-6.

claimed his government was not following any new policies, but simply applying what had come to be the admitted principle of colonial autonomy. He did not see what changes could be proposed in the Imperial connection that would not cut down on colonial freedom. He claimed that his policy had not tended "to weaken the relations between the mother country and the colonies, but on the contrary, while securing the greatest likelihood of a perfectly peaceful separation, whenever separation may arrive, gives the best chance of an indefinitely long continuance of free and voluntary connection."⁶

Such was the best hope of the colonial pessimists. A growing section of public opinion reacted strongly against this view; the new imperialists saw the future in quite a different light. But they too had to take into account the growing autonomy and national spirit of Canada and the other principal colonies. Many thought they found the solution in some form of Imperial federation, by which these colonies would retain their autonomy in domestic affairs, and would at the same time be given some voice in the common policy of the Empire in foreign affairs, through representation in some sort of Imperial parliament.

One of the first results of this new imperialism was the founding of the Royal Colonial Society in 1868. At first this

6 Farr, op. cit., pp. 37-8.

group was intended simply for the study of colonial problems, but soon it became a propaganda centre for "United Empire" ideas.⁷ Among the first to bring the idea of Imperial federation before the public was Edward Jenkins, formerly agent-general for Canada, in his article in the Contemporary Review for January and April 1871.⁸ The idea was supported by many important statesmen and writers, both in Britain and in the colonies. Both Disraeli and Lord Russell gave their approval in the early 1870's, as did Edward Blake in Canada.⁹ Very influential was the publication in 1885 of Seeley's The Expansion of England.

The idea of imperial federation covered only one group of suggestions for the closer union of the Empire. Within this one idea there were various approaches to the solution of the problem of reconciling dominion autonomy and a united empire. Some proposed the colonies should send representatives to the British parliament, others, that the colonies should appoint secretaries of state to sit in the British Cabinet.¹⁰ Neither of these schemes would have given the colonies any real control. Their representatives would have been such insignificant minorities that they would have had very little influence in London.

7 J. E. Tyler, The Struggle for Imperial Unity (1868-1895), London, 1938, p. 1.

8 S. C. Cheng, Schemes for the Federation of the British Empire, New York, 1931, p. 34.

9 Ibid., p. 35.

10 Tyler, op. cit., pp. 96, 7.

Other suggestions called for the establishment of some sort of truly Imperial body, varying from a Council of Advice, perhaps drawn from a panel of former colonial governors, to a true Imperial Parliament, representative of Britain and the colonies, and having full control over their external relations.¹¹

Typical of the latter was the scheme put forward in 1872 by the Canadian, Jehu Mathews, in his work A Colonist on the Colonial Question. He advocated Britain and the colonies be left in possession of their local self-government. The federal government should have five chief powers: it must control diplomacy; it must raise, equip and control the military and naval forces of the Empire; it must be enabled to raise the necessary revenue by taxation of some form; it must regulate trade; and it should probably control the monetary system and the post office.¹²

All these various proposals found supporters among the members of the Imperial Federation League. The first meeting of the League had been held in August 1884, under the chairmanship of W. E. Forster, a former under-secretary for the colonies. It was attended by many men prominent in the political life of Britain, Canada, and the other colonies, among them Lord Rosebery,

11 C. A. Bodelsen, Studies in Mid-Victorian Imperialism, Copenhagen, 1924, p. 124.

12 Jehu Mathews, A Colonist on the Colonial Question, London, 1872, pp. 65 ff.

Sir Charles Tupper (then Canadian High Commissioner, and a Conservative), and Oliver Mowat (then Liberal Premier of Ontario).¹³ The Imperial Federation League in Canada was founded in Montreal in 1885. During the next two years four other branches were started, in Ingersoll, Peterborough, Halifax, and Toronto.¹⁴ In Canada the movement gained its greatest support as an alternative to the proposals for Commercial Union with the United States. As in Britain, the members of the League held widely varying views of what Imperial Federation should mean. Public opinion in Canada, as reflected in the leading newspapers, was divided. The majority strongly opposed the idea of federation. In the words of the Manitoba Free Press: "When there is a change it will be in a direction opposite to that sought by the Imperial Federationists".¹⁵ In Canada, as in the other colonies, the proposals were felt to be too great a threat to both the present and the future powers of dominion self-government.

In Britain the League in its earlier years was largely a discussion group whose members held a variety of more or less vague schemes for Imperial Federation. It broke up in 1893 when the first real attempt was made to work out one definite

13 Tyler, op. cit., p. 107.

14 G. P. deT. Glazebrook, A History of Canadian External Relations, Toronto, 1950, p. 176.

15 Ibid., p. 178.

scheme that all might support.¹⁶ The idea of Imperial Federation, however, still found supporters until after World War I.

One tangible result of the movement was the decision of the British government to call the first Colonial Conference at the time of Queen Victoria's Golden Jubilee in 1887. Such a conference was suggested to the British Prime Minister in August 1886 by a delegation from the League.¹⁷ In spite of this origin of the idea of the conference, the British government did not propose that Imperial Federation be discussed; there was not enough support in any of the colonies.¹⁸

The Conference was called without any particular concern that in it might be a precedent for the future that would help solve the problem of the relationships of Britain and her colonies. Rather, with the presence of so many colonial statesmen in England for the Jubilee celebrations, it seemed a wise move to call such a gathering where the views of the colonies on such questions as defence, closer economic ties, and better communication, might be available to the British government. In the despatch sent by Lord Stanhope, the Colonial Secretary, proposing the Conference, it was emphasized that it would be

¹⁶ David M. L. Farr, The Colonial Office and Canada, 1867-1887, Toronto, 1955, p. 297.

¹⁷ Richard Jebb, The Imperial Conference, London, 1911, vol. 1, p. 7.

¹⁸ Farr, Colonial Office and Canada, p. 296.

"purely consultative" in nature.¹⁹

From the point of view of this study, it was the precedent set by the calling of this Conference, rather than anything that happened during its sessions, that is most significant in the development of Canadian relationship with Britain. Except for the discussion of Imperial preference, and the fact that it was summoned by the Canadian, rather than the British, government, the second Conference, held in Ottawa in 1894, likewise had little significance from this point of view.

The precedent, however, was extremely important. Consultation and co-operation between Britain and the dominions was the chief alternative to Imperial Federation if a unified Imperial foreign policy were to be maintained, and if the dominions were to continue their growth toward national status. There were two chief methods by which such consultation and co-operation might take place: through intermediaries, or by direct meetings of responsible members of the governments involved. The former was the chief method of contact with foreign governments, through diplomatic representation. It had already been developed to some extent in the relations of Canada and Britain, in the earlier days through the Colonial Agents-General in London, and after 1879 through the Canadian High Commissioner. The new

19 Tyler, op. cit., p. 10.

Colonial Conferences provided the precedent for the latter, the regular meeting of the heads of the British and dominion governments.

In the third Conference, held in London in 1897, in connection with the Diamond Jubilee celebrations, an attempt was made to review the existing relations between the colonies and the Mother Country, and to take some steps towards closer integration. In his opening speech, Mr. Chamberlain, the Colonial Secretary, suggested that "It might be feasible to create a great council of the Empire to which the Colonies would send representative plenipotentiaries."²⁰ He felt that such a council "might slowly grow to that federal council to which we must look forward as our ultimate ideal."²¹

The colonial representatives were not prepared to see this happen. They adopted resolutions stating that in their opinion the relations then existing between the United Kingdom and the colonies were generally satisfactory. They felt that it would be desirable to continue to hold "periodical conferences of representatives of the Colonies and Great Britain for the discussion of matters of common interest."²²

The Report continued:

There was a strong feeling among some of them, that with the rapid growth of population in the Colonies,

20 Jebb, op. cit., vol. 1, p. 322.

21 Ibid., vol. 1, p. 323.

22 Report of Proceedings, quoted in A. G. Dewey, The Dominions and Diplomacy, London, 1929, vol. 1, p. 94.

the present relations could not continue indefinitely, and some means would have to be devised for giving the Colonies more voice in the control and direction of those questions of Imperial interest in which they are concerned equally with the Mother Country.

It was recognized at the same time that such a share in the direction of Imperial policy would involve a proportionate contribution, in aid of Imperial expenditure, for which at present, at any rate, the Colonies are not prepared.²³

This was certainly true of Canada, and continued to be the policy of Laurier and his government -- "no commitments".

In the Conference of 1902, Chamberlain again proposed an Imperial Council. At once encouraged by the assistance given by the colonies during the Boer war, and alarmed by the growing threat of war in Europe, he made the Dominions a clear offer of a voice in the policies of the Empire.

Gentlemen, we do want your aid. We do want your assistance in the administration of the vast Empire which is yours as well as ours. The weary Titan staggers under the too vast orb of his fate. . . . If you are prepared at any time to take any share, any proportionate share, in the burdens of the Empire, we are prepared to meet you with any proposal for giving you a corresponding voice in the policy of the Empire.²⁴

No steps were taken towards the formation of any such Imperial council during the Conference. The only advance was the resolution that similar meetings should be held every four years.²⁵ Anything further would have met the strenuous

23 Report of Proceedings, op. cit., p. 24.

24 Summary of Proceedings of the Colonial Conference, 1902, Canadian Sessional Papers, no. 29a, 1903, p. 4.

25 Ibid., p. 35.

opposition to Laurier. He insisted growing Canadian control over her external affairs must continue to develop directly, not indirectly through a voice in British councils, and further, that Canada must be kept out of the "vortex of European militarism." He had expressed his continuing position in the Canadian House of Commons that same year:

The basis upon which the British Empire rests, the basis upon which it has grown, has been the local autonomy of all its constituent parts.

26

As yet, none of the statesmen of Britain, Canada, or the other dominions, could foresee any possible autonomy for the various parts of the Empire in foreign affairs. The idea that the Crown could have one policy as regards Britain on the advice of its British ministers, another as regards Canada on the advice of Canadian ministers, and possibly others as regards other dominions on the advice of its ministers there, seemed impossible. Thinking was still based entirely on the concept of the necessity of the diplomatic unity of the Empire. But with the extent to which the dominions had developed, it seemed essential to evolve some better scheme, providing more continuous consultation than that so far provided by the Colonial Conferences. Two plans were put forward: one for an Imperial Council; the other for a permanent secretariat for the Colonial Conference.

26 Canada, House of Commons Debates, April 15, 1902, col. 2740.

The former was embodied in the plan brought before the Royal Colonial Institute on April 11, 1905, by Sir Frederick Pollock. He suggested an Imperial Council which should be a Committee of the Privy Council, should be advisory in function, and should have a permanent secretariat and a standing Imperial advisory commission of experts.²⁷

Similar proposals were contained in the circular despatch issued to the dominions on April 20 the same year, by Mr. Alfred Lyttelton, the Colonial Secretary. After reviewing the history of the previous conferences and suggesting that in future these be known as meetings of the "Imperial Council", he suggested a permanent Imperial Commission, with a secretariat, whose expenses the British Government would pay.²⁸

In his reply Laurier again opposed the idea of a council, particularly an "Imperial Council" which suggested a permanent institution which "might eventually come to be regarded as an encroachment upon the full measure of autonomous legislative and administrative power now enjoyed by all the self-governing Colonies." Even the suggested commission he felt should be left over for the careful discussion of the next Conference. While it would "greatly facilitate the work

²⁷ Royal Colonial Institute, Report of Proceedings, 1904-5, vol. 34, pp. 294-5.

²⁸ Quoted in Dewey, op. cit., vol. 1, p. 102.

of the Conference", he and his ministers feared it might "interfere with the working of responsible government."²⁹

At the 1907 Conference these proposals were thoroughly discussed. While they were not implemented, at least the discussion then and during the previous few years led to the passing of the Constitutional Resolution, setting out the structure and the scope of the Imperial Conference, as it had come to be the means of co-operation between Britain and the Dominions. It is significant that the resolution recognized the Conferences as being between governments, -- a step towards that equality of status that was to be recognized in the Conference of 1926. Former Conferences had been between the Secretary of State for the Colonies and the Prime Ministers of the self-governing Colonies; future ones would be between His Majesty's Government in Great Britain and his Governments of the self-governing Dominions. In future the chairman would be the Prime Minister of Great Britain.³⁰

The organization of a permanent secretariat was discussed. Laurier and others saw again too great a threat to dominion autonomy and rejected the proposals for a separate and distinct secretariat. Essential functions of such a secretariat between conferences were instead to be performed

29 Quoted in Dewey, ibid., vol. 1, p. 105.

30 Minutes of Proceedings, Colonial Conference, 1907, Canadian Sessional Papers no. 58, 1908, p. 105.

by certain of the staff of the Colonial Department.³¹

One beneficial result was a change in the organization of the Colonial Office, with the creation of a new "Dominions Division" to handle dominion affairs.

Thus the basis for the future was fixed. There was to be no closely integrated Imperial organization under which further dominion development would be checked, but rather free co-operation leading towards greater equality and finally full development of direct control by the dominions over their own affairs.

The Conference of 1911 is particularly significant because for the first time the Dominion Prime Ministers were given a careful exposition of British foreign policy. While the Conference was in session, they were summoned to a meeting of the Committee of Imperial Defence for this purpose and addressed by Sir Edward Grey, the Secretary of State for Foreign Affairs. This was but a small beginning. At the same Conference Mr. Asquith warned them that there were certain matters on which authority could not be shared:

. . . in such grave matters as the conduct of foreign policy, the conclusion of treaties, the declaration of maintenance of peace or the declaration of war, and indeed all those relations with Foreign powers, necessarily of the most delicate character, which are now in the hands of the Imperial government, subject to its responsibility to the Imperial Parliament.³²

31 Minutes of Proceedings, ibid., p. v.

32 Ibid., no. 208, 1911, p. 76.

Laurier again was not anxious to participate in such matters. He preferred to see Canada without a voice in British policies, rather than to see her pay the cost of such a voice. His own policy continued to be "no commitments". Canada should not be pledged ahead of time to any course of action, but must be kept free in a war to act or not as her parliament saw fit.

The other side of this question -- the participation of Canada and the other Dominions in Imperial Defence -- is discussed in Chapter III.³³ With the defeat of the Laurier government in 1911, there was a decided change in attitude. Borden, the new Prime Minister, was anxious that Canada should take part in both the defence and the foreign policy of the Empire. Mr. Asquith gave further encouragement. He expressed a greater willingness than he had shown the previous year to give the Dominions more voice in foreign affairs:

Side by side with this growing participation in the active burdens of the Empire on the part of our Dominions there rests with us, undoubtedly the duty of making such response as we can to their obviously reasonable appeal that they should be entitled to be heard in the determination of policy and in the direction of Imperial Affairs.³⁴

Borden wished to see the growth of an Imperial partnership. He foresaw the development of Canada as a nation and at

³³ See pp. 65-69.

³⁴ Great Britain, House of Commons Debates, July 22, 1912. p. 872.

the same time a partner in a collective Empire in whose policies she should have a real voice. In introducing the Naval Aid Bill in the Canadian House of Commons on December 5 1912, he said:

When Great Britain no longer assumes sole responsibility for defence upon the high seas, she can no longer undertake to assume sole responsibility for and sole control of foreign policy which is closely, vitally and constantly associated in that defence in which the Dominions participate.

35

He considered it necessary for the Empire to be a diplomatic unit as far as the primary issues of foreign policy were concerned. That common foreign policy should be worked out, not by an all-powerful Imperial government nor by some new form of federal government, but by consultation and co-operation between the autonomous governments of the various parts. Such development, he thought, would not reduce Canadian autonomy, but rather increase it as Canada grew as a member of a partnership of equal nations.

In 1912 he suggested that as an immediate step in that direction the Dominion representatives on the Committee of Imperial Defence should be given permanent seats. This would serve two purposes: they could be consulted by the Committee on questions of defence involving their own countries; and they could serve as a channel of information on Imperial foreign policy for their governments. After the Committee of Imperial

35 Canada, House of Commons Debates, December 5, 1912, cols. 676-7.

Defence was first used in 1911 as a means of giving the Dominion Prime Ministers confidential information on foreign affairs, it had been resolved that in future Dominion ministers appointed by their own governments should be invited to attend the meetings whenever defence questions specifically affecting them were under consideration.³⁶ The Colonial Secretary was agreeable to Borden's idea of giving these representatives permanent seats, but he did point out that the Committee was purely an advisory body. The other Dominions did not approve of the proposal. However, Canadian representatives did attend some of the sessions of the Committee in 1912, 1913 and 1914.³⁷ At least the principle of consultation was thus established.

To summarize the developments by the outbreak of World War I, then: the relation of Canada to Britain was still essentially that of colony to mother country. But the colony had reached such a stage of development that it was essential that some way be found for her to influence the major issues of Imperial foreign policy. The idea of Imperial Federation had been largely discarded. Whatever progress made had been through the beginning of consultation and co-operation. This trend was to continue through the War, as long as a single foreign policy was deemed essential. When Great Britain

³⁶ R. M. Dawson, The Development of Dominion Status, London, 1937, p. 12.

³⁷ Ibid., p. 13.

declared war in 1914, Canada was automatically at war. The British government, however, had no control over the extent of Canadian participation in the war. Canadian statesmen had insisted for years that only the Canadian government had the right to decide to what extent Canada would participate in any war in which she should become involved as a result of her membership in the British Empire. Thanks to Laurier's policy of "no commitments", Canada, unlike Britain, entered World War I with no pledges to other countries. While Canada, then, had had no share in the diplomacy leading up to the war, and had been automatically involved by the British declaration, her immediate offers of aid and her full participation throughout the four years, were solely her own responsibility.

During the early years of the war, formal co-operation between the governments of Britain and of Canada and the other dominions did not work too well. There is no evidence that Borden had made any real effort to secure consultation on foreign affairs in the time between his proposal that Canada be permanently represented on the Committee for Imperial Defence and the outbreak of war. He was not satisfied with things as they stood during the first year of the war. Making his first wartime visit to Britain in the summer of 1915, he insisted that Canada and the other Dominions should have a voice in the conduct of the foreign policy of the Empire. In his record of a conversation with Lord Bryce, Borden wrote, "I told him they would either have such a voice or each of them would have

a foreign policy of its own."³⁸

Borden was dissatisfied with the way the war was going; he was even more dissatisfied with the difficulty he had in getting information about various essential phases of war organization.³⁹ Things were no better on his return to Canada. During the next four months he received no direct information on war policy from the Colonial Secretary, Bonar Law. He had to depend upon what the Resident Canadian Minister and Acting High Commissioner Sir George Perley could send him, and also upon Sir Max Aitken, later Lord Beaverbrook.⁴⁰ Finally Perley complained to Bonar Law, insisting that the Canadian government had a right to be kept fully informed on events and policies, and should be consulted "respecting general policy in War operations".⁴¹ Bonar Law returned a vague answer, pointing out the difficulty of keeping in touch with Borden when he was in Canada, and the lack of any practical scheme of consultation.⁴² Borden protested vigorously; the only result was that five weeks later a number of documents were forwarded to him from the War Cabinet. Consultation was not mentioned.

³⁸ Henry Borden, ed. Robert Laird Borden: His Memoirs, Toronto, 1938, vol. 1, p. 506.

³⁹ Ibid., p. 509.

⁴⁰ F. H. Soward, "Sir Robert Borden and Canada's External Policy, 1911-1920," Canadian Historical Association Annual Report, 1941, p. 69.

⁴¹ Borden to Perley, Nov. 1915, Memoirs, vol. 2, p. 621.

⁴² Bonar Law to Perley, Nov. 3, 1915, loc. cit.

There was an immediate change with the formation of the Lloyd George ministry in December 1916. To the new Prime Minister it seemed only logical that Canada and the other dominions, who had made such sacrifices, should be consulted on policies. The first result was an invitation to all Dominion Prime Ministers to attend a special War Conference, and also a series of meetings of the War Cabinet. Borden went to London determined that out of the Conference would be established "a new conception of the status of the Dominions in their relation to their governance of the Empire".⁴³

The Imperial War Conference of 1917 was composed of the Colonial Secretary, a number of other British ministers, the Prime Ministers of the Dominions, and representatives from India. It dealt with the less important war problems and with questions not connected with the war. From the point of view of this study, the most important result was Resolution IX, which was largely the work of Borden and Smuts. After suggesting that the readjustment of the constitutional relations within the Empire should be left to be dealt with by a special Imperial Conference after the war, it stated:

They (the Imperial War Conference) deem it their duty, however, to place on record their view that any such re-adjustment, while thoroughly preserving all existing powers of self-government and complete control of domestic affairs, should be based upon a full

43 Borden, Memoirs, vol. 2, p. 667.

recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important part of the same, should recognize the right of the Dominions and India to an adequate voice in foreign policy and 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 decide.⁴⁴

Although the working out of the implications of this resolution was left for the suggested post-war conference, recognition was given of the great advance that had already taken place in the development of national status in Canada and the other Dominions. In the words of John W. Dafoe, writing in the Manitoba Free Press:

It excluded the idea of formal federation. . . . Equally, it excluded the idea of separation. And it repudiated, at the same time, the idea of the continued subordination of the Dominions in external affairs.⁴⁵

Immediate opportunity for consultation and co-operation was being given at the same time the Conference was held, in the meetings of the Imperial War Cabinet, held on alternate days with those of the Conference. The Imperial War Cabinet was scarcely accurately named, even as explained by Borden as a "Cabinet of Governments".⁴⁶ It was composed of the five members of the British War Cabinet, the Dominion Prime Ministers

44 Report of the Imperial War Conference, 1917, printed in Dawson, op. cit., p. 175.

45 Quoted in Dawson, op. cit., p. 25.

46 Quoted in Soward, op. cit., p. 72.

or their representatives, a representative of India, and the Colonial Secretary, who represented the Crown Colonies and Protectorates.⁴⁷ As Borden saw it, "In that Cabinet, Great Britain presided, but the Dominions met her on equal terms."⁴⁸

The Imperial War Cabinet had as its main object the making of decisions on the conduct of the war and on the larger questions of foreign policy -- the very subject which Asquith had insisted in 1911 must remain the sole responsibility of the British government. The decisions of this group were only recommendations. They were put into effect by the action of the various Dominion governments concerned.

Speaking before the Canadian House of Commons on his return, Borden said that "The principle has been finally and definitely laid down that in these matters (foreign affairs) the Dominions shall be consulted before the Empire is committed to any important policy which might involve the issues of peace or war."⁴⁹

The precedent set by the Imperial War Cabinet provided one possible method by which such consultation might develop. In the British House of Commons on May 17, 1917, Lloyd George said:

The Imperial War Cabinet was unanimous that the new procedure had been of such service not only to all its members but to the Empire, that it ought not to be

47 Dawson, op. cit., p. 75.

48 Borden, Memoirs, vol. 2, p. 666.

49 Canada, House of Commons Debates, May 18, 1917, p. 1528.

allowed to fall into desuetude. We hope that the holding of an annual Imperial Cabinet to discuss foreign affairs and other aspects of Imperial policy will become an accepted convention of the British Constitution.⁵⁰

The War Cabinet opened its second session on June 11, 1918. In the published report it was stated:

The deliberations of the Imperial War Cabinet are necessarily secret, but it is well known that they were not confined to the all-absorbing military problems, but covered the whole field of Imperial policy, including many aspects of foreign policy.⁵¹

Further improvements were made in the means of communication between the governments of Britain and of Canada and the other dominions by providing that the Prime Ministers of the Dominions should correspond directly with the Prime Minister of the United Kingdom on important matters. Further, since Dominion voice in British policies could only make itself directly felt during the very short time of the year that the Prime Ministers could be in London to attend the War Cabinet, and since many important questions necessarily arose and had to be decided between these times, it was agreed: "The natural remedy for this defect lay in giving the Imperial War Cabinet continuity by the presence in London of Overseas Cabinet Ministers definitely nominated to represent the Prime Ministers in their absence."⁵²

⁵⁰ Great Britain, House of Commons Debates, May 17, 1917, p. 1791.

⁵¹ Quoted in G. E. H. Palmer, Consultation and Co-operation in the British Commonwealth, London, 1934, p. 224.

⁵² Ibid., p. 225.

As it worked out, no Canadian minister took advantage of this privilege because the third session of the War Cabinet was held later that same year, on November 20, 1918, to discuss the problems of peace-making.

So far the trend of developing Dominion status had been towards a voice in the control of a common foreign policy for all the Empire. At the Peace Conference, as has been discussed in Chapter IV, Canada and the other Dominions first took their place in the eyes of the world as modern nation-states, with the rights and privileges inherent in such standing. Except for a brief period in 1920-1922, when it seemed as if the old ideas about a common Imperial foreign policy might actually be the trend of the future, development during the period between the two wars followed the new direction towards separate, self-controlled foreign policies for Canada and the other Dominions.

At the Peace Conference the Dominions had separate representatives responsible solely to the government of the Dominion concerned, and Dominion representatives signed the Peace Treaties separately. Their signatures, however, were indented under those specifically for "The United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas". Thus the form of signature included both the old and the newer relationship.

The two years after the war held no new developments and little interest in the constitutional problems facing the

Empire. The dominions were not anxious either to hold the constitutional conference proposed in 1917, or to take advantage of the opportunity to have one of their ministers sit in on British Cabinet meetings, as proposed in 1918.⁵³ Even the holding of the Conference of Prime Ministers in 1921 was largely the result of the need for an immediate decision on the question of the Japanese alliance, to which Canada and some of the other dominions were known to be strongly opposed. The suggested agenda was to include, in addition to this, a discussion of the proposed constitutional conference, a general review of foreign relations, and other questions of common interest.⁵⁴

Except in British Columbia there was little real opposition to the renewal of the Japanese treaty in Canada. The new Prime Minister, Arthur Meighen, opposed it largely because of the strong feeling against it in the United States.⁵⁵ Ernest Lapointe, a member of the Liberal opposition, insisted that should it be renewed, there must be a clause in it excluding Canada from its provisions. He felt that Canada had no right to advise Britain as to whether or not she should renew such a treaty with Japan.⁵⁶ If Britain did renew the treaty with such a clause, then the Canadian parliament might decide whether or

53 Keith, op. cit., p. 1201.

54 Canada, House of Commons Debates, April 25, 1921, pp. 2504-2505.

55 J. B. Brebner, "Canada, the Anglo-Japanese Alliance and the Washington Conference," Political Science Quarterly, vol. 50 no. 1, March 1935, p. 49.

56 Canada, House of Commons Debates, April 27, 1921, p. 2668.

not it should be binding on Canada. Lapointe represented at once the growing isolationism in Canada and the view so long typified by Laurier, that the price of a voice in the Imperial foreign policy -- responsibility for all that policy might involve -- was too great. The effect of the Dominion opposition was to postpone the question of the Alliance till the Washington Conference. There it was replaced with the "Four Power Treaty" for the maintenance of the status quo in the Pacific.⁵⁸ It is significant that the opposition of Meighen and the other Canadians at this time was able to effect for the first time a change of policy in a matter of fundamental importance in Imperial foreign affairs.

With regard to the future constitutional relations between Britain and the Dominions, the British government suggested the precedent set by the Imperial War Cabinet be followed. Before the meeting of the Conference, Lloyd George had said, "I have been anxious for some time past to renew as soon as possible that personal consultation between Prime Ministers which produced such good results in the last two years of the War and at Paris."⁵⁹ Some statesmen, such as the Colonial Secretary, Winston Churchill, saw the Conference as "the first peace meeting of the Imperial Cabinet".⁶⁰ Various

58 P. E. Corbett and H. A. Smith, Canada and World Politics, Toronto, 1928, p. 88.

59 Great Britain, House of Commons Debates, November 11, 1920, p. 1361.

60 Dawson, op. cit., p. 41.

Dominion Prime Ministers did not approve. Mr. Meighen was careful to explain to the Canadian House of Commons before he left for London that the proposed meeting was purely a conference.⁶¹ Actually the meetings followed precedents set by both the former Imperial Conferences and by the War Cabinet. The Conference met in full session as a group of Prime Ministers, as had the older Conferences; but it also "sat with members of the British Cabinet to determine British policy on 'Imperial and foreign questions of immediate urgency which arose in the course of the settings' . . . and in that joint or collective capacity it has recommended action to the Sovereign like any ordinary Cabinet."⁶²

The delegates revealed "a deep conviction that the whole weight of the Empire should be concentrated behind a united understanding and common action in foreign affairs."⁶³ It seemed that such a common policy was to be the work of an Imperial Cabinet. On the question of a constitutional conference, they reached these conclusions:

(a) Continuous consultation, to which the Prime Ministers attach no less importance than the Imperial War Cabinet of 1917, can only be secured by a substantial improvement in the communication between the component parts of the Empire. Having regard to the constitutional developments since 1917, no advantage is to be gained by holding a constitutional conference.

(b) The Prime Ministers of the United Kingdom and

61 Canada, House of Commons Debates, April 27, 1921, p. 2641.

62 "The Imperial Conference," The Round Table, vol. 9, September 1921, pp. 73-6.

63 Summary of Proceedings of the Conference of Prime Ministers, 1921, printed in ibid., p. 747.

the Dominions, and the representatives of India should aim at meeting annually, or at such longer intervals as may prove feasible.

(c) The existing practice of direct communication between the Prime Ministers of the United Kingdom and the Dominions, as well as the right of the latter to nominate Cabinet Ministers to represent them in consultation with the Prime Minister of the United Kingdom are maintained.⁶⁴

For the time being, then, there was to continue a common foreign policy, determined periodically by a body similar to the War Cabinet. Between meetings the Dominions were to be kept informed, but administration of foreign affairs and the working out of the policy was left in the hands of the British government. It was anything but an ideal arrangement for Canada and the other dominions. Their voice in the control of foreign affairs was far from continuous, no really effective means of consultation had been worked out, yet they were far more deeply committed to the support of the Imperial policy than they had been before the war.

Circumstances compelled the Empire to be represented at the Washington Conference by a single delegation. The United States government, either unaware of the extent of the change in Dominion status, or unwilling to admit that change, did not send separate invitations to the Dominions. The Imperial delegation was made up of representatives from both Britain and

⁶⁴ Summary of Proceedings of the Conference of Prime Ministers, 1921, printed in ibid., pp. 752-3.

the Dominions, and, however they may have disagreed among themselves on the question of the renewal of the Japanese Alliance, at the Conference they spoke with a single voice.⁶⁵ Dominion acceptance of the Washington Agreements was absolutely essential to Britain's acceptance of the naval quota for the Empire. At the same time the autonomy of the Dominions was strictly recognized and they received the full standing they had had at Paris, except that they were represented only as a part of the British Empire Delegation.

At the end of 1921, then, the Empire seemed to be undergoing a period of centralization, with the promise of the development, under British initiative, of a central body to determine foreign policy. The appearance of Empire unity was even at that time somewhat of an illusion. Canada and the other dominions had been decidedly upset when they felt they were not to receive at Washington the full national standing they had had at Paris. The importance of the Conference of 1921, as being a revival of the War Cabinet and a precedent for the future, was seen far more clearly in Britain than in the dominions. Dominion public opinion did not recognize how deeply dominion governments would be committed to responsibility for policies so decided on.⁶⁶ This tendency to centralization,

⁶⁵ Glazebrook, op. cit., p. 356.

⁶⁶ Dawson, op. cit., p. 53.

never genuinely strong, broke down at the first test, and the rest of the between-war period shows a growing tendency to decentralization in the relations of Britain and the dominions.

Chapter IX

Canada in the Commonwealth: the Growth of Full Control over External Affairs.

In the last chapter the tendency to centralization in the foreign affairs of the Empire was examined from its appearance in the last quarter of the nineteenth century to its break-down after World War I. Indirect control over external affairs was not enough to suit Canadian national feeling, nor were Canadian and British interests similar enough to make such centralization really practical. For instance, throughout the years between the wars, Britain was deeply concerned with European problems. The strong isolationist section of Canadian public opinion refused to see that Canada should take any interest in such matters. To most Canadians, indeed, these problems at that time seemed far away and far from being of direct concern to Canada. Thus Canada did not wish to be involved in agreements such as the Locarno Treaties, and opposed, as has been mentioned, certain League schemes such as the Draft Treaty of Mutual Guarantee, because they were too "continental in conception".¹

¹ S. Mack Eastman, Canada at Geneva, Toronto, The Ryerson Press, 1946, p. 73.

It must be remembered that even during the period when the future seemed to promise the development of a common Imperial policy, this tendency to decentralization remained strong, showing itself in many ways, from Laurier's policy of "no commitments" to Borden's insistence on separate Canadian representation at the Peace Conference. In the first half of the 1920's it began to appear that the tendency towards separate Dominion foreign policies under the direct control of the Dominion governments concerned had quite superseded the old ideal of a common Imperial policy.

In the period before the Imperial Conference of 1923, this tendency was shown in the strong reaction in Canada to the handling by the British government of the Chanak Incident; and in the independent policy followed by Canadian delegates to the League of Nations, particularly as regards Article X. It found expression also in the signing of the Halibut Treaty by the Canadian representative alone without the accompanying signature of the British ambassador; and in the decision of the Canadian government not to be bound, except by action of the Canadian parliament, by any treaty arising out of the Lausanne Conference.

Actually the attitudes of the Canadian government on the Treaty of Lausanne and on the Halibut Treaty represented two sides of this attitude that was to make a single Imperial foreign policy impossible. In the former, Canada was not

directly concerned, and so did not desire to be involved. In the latter, Canada alone was concerned, and insisted that Canadian action alone was sufficient. The attitude was growing in Canada and some of the other dominions, particularly in Eire and South Africa, that each should be concerned chiefly with its own external affairs. The only justification for a common policy, from this point of view, was some common problem.

British plans for the Conference of 1923 were for a meeting similar in purpose to the previous one. The agenda provided for a report on foreign affairs since 1921, and for discussions on foreign policy and Imperial defence.² But the events of the two intervening years had made impossible the attitude favourable to a single Imperial policy in foreign affairs found in 1921. Dominion nationalism had grown considerably, as had the spirit of isolationism. In Canada particularly there was considerable interest, especially in the Liberal party, in the idea of direct Dominion control over external affairs. Mackenzie King, who had just become Prime Minister, was more nationalistic than Meighen had been. He was further influenced by distrust of the way the British government had handled the Chanak Incident,³ and by satisfaction in the achievement of the separate signature of the Halibut Treaty.

2 Canada, House of Commons Debates, June 5, 1923, p. 3452.

3 R. M. Dawson, The Development of Dominion Status, London 1937, pp. 81-2.

In contrast to previous ones, the published report of the Conference did not make any mention of future conferences nor of means of consultation between such conferences. By implication, the idea of a common foreign policy was dropped, because of the increasing divergence of interests between Britain and the Dominions, and because such a policy was impossible without frequent top-level conferences and provision for adequate consultation at all times. Further, it is made clear in the report that the Conference made no claim to be binding -- "its views and conclusions on Foreign Policy . . . are necessarily subject to the action of the Governments and Parliaments of the various portions of the Empire."⁴

The greatest achievement of this Conference was the recognition of the right of the Dominions to negotiate and sign, without even nominal British control, all bilateral political, commercial and technical treaties, with the provision only that other parts of the Empire must be kept informed and allowed to participate if they so desired.⁵ Thus an advance essential to direct Dominion control over separate Dominion foreign policies was recognized.

An attempt was made by the new Labour government in Britain to call a small, informal Imperial Conference the next year, which might be more successful in improving consultation

4 Canadian Sessional Papers, 1924, no. 37, p. 12.

5 Ibid., 12-14.

and co-operation within the Empire. In response to the invitation received from the Colonial Secretary, the Canadian Government did not show itself anxious for further discussions. Its reply was critical of any suggestion that might interfere with the supremacy of the Canadian parliament.⁶ Proposals for such a conference were dropped with the defeat of the Macdonald government in October 1924.

One useful change was made by the British Government in the period before the next Conference. In 1925 a new Secretaryship of State for the Dominions was created, although the same minister continued to hold both this and the Secretaryship of State for the Colonies. The work in relation to the Dominions had become of so different a nature as to make such a division almost necessary, since with the development of dominion status, it had become no longer administrative, but rather consultative and semi-diplomatic in nature.⁷

The developments of these years culminated in the Imperial Conference of 1926. At the same time, in the words of Professor Glazebrook, "By laying the ghost of Imperial control the conference left the way open for freedom of action in foreign policy."⁸

The British Prime Minister suggested that the Conference,

⁶ The Governor General of Canada to the Secretary of State for the Colonies, Aug. 7, 1924, printed in Dawson, op. cit., p. 313.

⁷ G. E. H. Palmer, Consultation and Co-operation in the British Commonwealth, London, 1934, p. 23.

⁸ G. P. deT. Glazebrook, A History of Canadian Foreign Relations, Toronto, 1950, p. 379.

as in the past, should involve a general review of foreign policy and defence, and a discussion of better methods of communication and consultation within the Empire. Canada, moved by the King - Byng dispute of June 1926, wanted a more exact statement of the constitutional status of the dominions. In this she was joined by South Africa and Eire. The task facing the Conference was stated in The Round Table for September, 1926:

The practical problem of the Empire today is how to reconcile these two fundamentals, unity and responsibility, in foreign affairs.

The difficulty of the present-day solution is largely due to the fact that the assumption which has governed the conduct of foreign affairs since the appearance of the Imperial War Cabinet in 1917 -- namely, that it was possible for the six self-governing nations of the Empire to consult together continuously and sufficiently effectively to formulate a common policy for dealing with foreign affairs, and to make themselves jointly responsible for such a common policy -- has broken down.⁹

The Conference of 1926 was concerned not with future plans for the Empire, but with bringing up to date the constitutional theory of the Empire. The most important work done was that of the Inter-Imperial Relations Committee, under the chairmanship of Lord Balfour. This committee was made up of the Dominion Prime Ministers, the Secretary of State for India, the Secretary of State for Foreign Affairs, and the Secretary of State for Dominion Affairs.¹⁰ Its recommendations,

⁹ "The Imperial Complex," The Round Table, September 1926, p. 674.

¹⁰ See personal account by the Dominion Secretary, L. S. Amery, in his My Political Life, London, 1953, vol. 2, pp. 384-392.

embodied in what has come to be known as the Balfour Report, were unanimously accepted by the whole Conference. To this group were submitted all questions affecting Inter-Imperial Relations. Discussions were long and involved:

We found, on examination, that they (these questions) involved consideration of fundamental principles affecting the relations of the various parts of the British Empire inter se, as well as the relations of each part to foreign countries. For such examination the time at our disposal has been all too short. Yet we hope that we may have laid a foundation on which subsequent Conferences may build.¹¹

The most famous words of the Report were at once a statement of the stage of development of the relationships between Britain and the self-governing Dominions at that time and the foundation for all future thinking about Commonwealth relations.

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 members of the British Commonwealth of Nations.

. . . The tendency towards equality of status was both right and inevitable. Geographical and other conditions made this impossible of attainment by the way of federation. The only alternative was by the way of autonomy; and along this road it has been steadily sought. Every self-governing member of the Empire is now the master of its own destiny. In fact, if not always in form, it is subject to no compulsion whatever.

. . . Equality of status, so far as Britain and the Dominions are concerned, is thus the root principle governing our Inter-Imperial Relations. But the principles of equality and similarity, appropriate to status, do not universally extend to function. Here we require something more than immutable dogmas. For example, to

¹¹ Summary of Proceedings of the Imperial Conference, 1926, printed in Dawson, op. cit., p. 331.

deal with questions of diplomacy and questions of defence, we require also flexible machinery -- machinery which can, from time to time, be adapted to the changing circumstances of the world.¹²

In the rest of the Report are considered the changes in the relationships between the parts of the Commonwealth and the adjustments of their external relations which this clearly recognized equality of status had made necessary. The first point significant for the purpose of this study had to do with the position of the governor general. If equality of status between Britain and the Dominions were a fact, he could no longer be "the representative or agent of His Majesty's Government in Great Britain or of any Department of that Government." Rather, he must be only "the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs as is held by His Majesty the King in Great Britain."¹³

In order to make this possible, the British government began in 1928 the practice of having a High Commissioner stationed at Ottawa to act as the channel of communication between the British and the Canadian governments.¹⁴

In the section on the operation of Dominion Legislation one point only needs mention here, that to do with the fact that

12 Proceedings, pp. 331-2.

13 Ibid., p. 333.

14 See chapter VII, p. .

Dominion legislation generally operated only within the boundaries of the Dominion concerned. It was recommended that a committee be set up to consider these limitations. Its function should be to inquire into and make recommendations on:

(a) The present position as to the competence of Dominion Parliaments to give their legislation extra-territorial operation.

(b) The practicability and most convenient method of giving effect to the principle that each Dominion should have power to give extra-territorial operation to its legislation in all cases where such operation is ancillary to provision for the peace, order, and good government of the Dominion.¹⁵

As regards relations with foreign countries, a number of significant points were studied. The working of the Resolution of the Imperial Conference of 1923 on the negotiation, signature and ratification of treaties was reviewed and elaborated on. A special sub-committee, under the chairmanship of the Hon. Ernest Lapointe, Minister of Justice of Canada, was appointed to study this subject. Changes were suggested in the usual form of treaty. The wording then used to describe the contracting party, that given in the Annex to the Covenant of the League of Nations, was misleading as it suggested an inequality of status between Britain and the Dominions. The term "British Empire" had been used, followed by a list of the Dominions concerned. It was recommended that in future treaties should be made in the name of Heads of States,

¹⁵ Proceedings, pp. 335-6.

and where one or more parts of the Empire were involved, the treaty should be made in the name of the King in respect of that part or those parts. In the specimen form of treaty attached to the Report as an appendix, the following form of signature is suggested:

His Majesty the King (full title)

for Great Britain and Northern Ireland
and all parts of the British Empire which
are not separate members of the League
of nations,

for the Dominion of Canada,	AB	
	CD	
for the Commonwealth of Australia	EF	etc. ¹⁶

Thus it would be clear that the British signature did not involve the Dominions. There likewise would be no longer the double signature that had troubled Borden and the other Canadian delegates at Paris, and made the Canadian signature scarcely necessary.

In addition it was recommended that full powers should be issued to plenipotentiaries from each British unit by the King only on the advice of the particular government represented. If for the sake of convenience, one plenipotentiary were to sign a treaty for other units as well as his own, he should be issued full powers in respect of those units only on the advice of their governments.¹⁷ Thus it was made perfectly clear

¹⁶ Proceedings, p. 345.

¹⁷ Ibid., p. 339.

that no signature of a treaty by a British diplomat could obligate Canada unless that diplomat had been given special full powers in respect of Canada on the advice of the Canadian government.

Where a multilateral treaty contained a clause that it should come into effect only on the deposit of a certain number of ratifications, it had in the past sometimes been questioned whether the separate ratifications on behalf of different Dominions should be counted. In order to avoid this confusion it was suggested that in future any clause of this character should provide that the treaty come into effect when it had been ratified on behalf of so many separate members of the League.¹⁸ This would make considerably clearer to the rest of the world the status of Canada and the other Dominions.

Certain conclusions were reached with regard to the future representation of the different parts of the Commonwealth at international conferences. No difficulty was involved where such conferences were held under the auspices of the League of Nations. Then each Dominion, as a separate member of the League, would automatically have separate representation. In conferences called by foreign governments, representation would have to depend in part at least upon the form of invitation received. Basically, when more than one part of the Empire

¹⁸ Proceedings, p. 340.

desires to be represented, there are three possible forms:

(i) By means of a common plenipotentiary or plenipotentiaries, the issue of full powers to whom should be on the advice of all parts of the Empire participating.

(ii) By a single British Empire delegation composed of separate representatives of such parts of the Empire as are participating in the conference. This was the form of representation employed at the Washington Disarmament Conference of 1921.

(iii) By separate delegations representing each part of the Empire participating in the conference. If, as a result of consultation, this third method is desired, an effort must be made to ensure that the form of invitation from the convening Government will make this method of representation possible.¹⁹

As regards the conduct of foreign affairs generally, it was realized that this was one area in which equality of status did not extend to equality of function:

It was frankly recognized that in this sphere, as in the sphere of defence, the major share of the 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.²⁰

As at previous Conferences, the need for closer personal contact between the governments of the Commonwealth was emphasized. With the suggested change in the position of the governor general, one former channel of communication was eliminated. It was recommended that new means be developed to ensure close and frequent personal contact between the governments of Britain and the Dominions. Such new arrangements

¹⁹ Proceedings, p. 341.

²⁰ Ibid., p. 342.

"should be supplementary to and not in replacement of, the system of direct communication from Government to Government and the special arrangements which have been in force since 1918 for communication between Prime Ministers."²¹

The Balfour Report was so important in the development of the Commonwealth that it has tended to overshadow all the other work of the Conference. However, there was, as at previous Conferences, a review of foreign relations given by the Secretary of State for Foreign Affairs, Sir Austen Chamberlain, and a general discussion on the subject. There was also considerable attention given to the subject of defence. No definite commitments were made on foreign policy, and the resolutions on it were only general.

While the Balfour Report clearly recognized the equality of status of the Dominions and their right to assume full responsibility in all matters which were their sole and direct concern, some authorities still questioned whether any real changes had taken place. Mr. A. B. Keith maintained that "Outside the actual sphere of League operations the Dominions remain essentially in their former status regarding foreign affairs."²² Others, such as P. J. Noel Baker, argued that the Report marked a real advance, that it so "codified and confirmed the previously evolving practice of the Commonwealth as to

²¹ Proceedings, p. 344.

²² Responsible Government in the Dominions, Oxford, 1928, vol. 1, p. 893.

establish a firm body of Dominion rights in international affairs."²³

In the following Imperial Conference, held in 1930, the principles to be followed by the Dominions in conducting relations with other countries were again summarized. Again it was emphasized that other parts of the Commonwealth must be given an opportunity to express their views, and again the principle of direct and complete Dominion control over all obligations assumed was clearly stated: "None of His Majesty's Governments can take any steps which might involve the other Governments of His Majesty in any active obligations without their definite assent."²⁴

In 1929, in preparation for this Conference, arrangements were made for the Conference on Dominion Legislation and Merchant Shipping Legislation recommended in 1926. As suggested then, this body was to discuss certain questions involved in the operation of Dominion legislation, and report to the Conference of 1930. This was not the group of experts planned in 1926, but rather a mixture of civil servants and political leaders. With regard to the question of the extra-territorial operation of Dominion legislation, they first pointed out both the practical difficulties and the legal confusion surrounding the problem and also the fact that it was not possible to come

23 The Present Juridical Status of the British Dominions in International Law, London, 1929, p. 204.

24 Summary of Proceedings, Imperial Conference, 1930, in A. B. Keith, ed., Speeches and Documents on the British Dominions, 1918-1931, London, 1932, p. 427.

to any definite conclusion as to the competence of the Dominion parliaments to give their own legislation extra-territorial operation. They recommended:

We are agreed that the most suitable method of placing the matter beyond possibility of a doubt would be by means of an enactment in the terms set out below, with the consent of all the Dominions, by the Parliament of the United Kingdom. . . . 'It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.'²⁵

It was also recommended that hence forward it be recognized that each Dominion had full legislative authority over all ships of its own registry both inter-territorially and extra-territorially.²⁶

These recommendations were embodied in the Statute of Westminster, passed by the British parliament in 1931. This statute, which was subtitled "An Act to give effect to certain resolutions passed by the Imperial Conferences held in the years 1926 and 1930.",²⁷ also stated that "it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion."²⁸

²⁵ Report of the Conference on the Operation of Dominion Legislation and Merchant Shipping Legislation, 1929, in Dawson, op. cit., p. 380

²⁶ Report, p. 390.

²⁷ K. C. Wheare, The Statute of Westminster and Dominion Status, Oxford, 1938, Appendix II, p. 308.

²⁸ Loc. cit.

Canada in 1931, then, had almost all the rights of a nation-state with regard to the control of external affairs. She could open negotiations on any subject, commercial, technical or political, with any foreign nation; she could conclude and sign any treaty resulting from such negotiations, and have that treaty ratified by the Crown on the advice of the Canadian government. She had achieved the right of legation to foreign powers, the right to receive diplomatic missions from such powers, and the right to establish her own consular services and to decide whether foreign consuls would be received in Canada. She had gained international recognition of her right to be represented in international conferences, whether League or otherwise, by separate Canadian delegations. Most important, it was recognized both in the Commonwealth and abroad, that Canada would be bound by no international obligation of any sort to which she had not specifically agreed.

There still remained that most fundamental right, the right to declare war or the maintenance of peace. Even before 1914 the constitutional right of Canada to control by action of her own parliament the extent of her participation in any Imperial war was recognized. In 1914, however, there was no question whatever but that when Britain was at war, Canada was also at war. In 1939 the picture was different. Canada declared war separately after action by her parliament, a full week after Britain had done so. But the government had clouded the Canadian position by invoking the War Measures Act

and other emergency legislation immediately on the outbreak of war. As a result the actual legal significance of the separate declaration of war was left somewhat in doubt.²⁹

Thus it could be argued that the problem of the right of Canada or any other Dominion to remain neutral in a war in which Britain was involved, a problem that caused considerable discussion during the later 1930's, was not finally settled by the Canadian declaration of war on September 10, 1939.

It is ironical to note that the First Unofficial British Commonwealth Relations Conference, held at Toronto in September 1933, decided to shelve the discussion of the question of neutrality, because the League of Nations and the Pact of Paris had made it clear that "old conceptions as to the declaration of war and as to neutrality can have little if any place in the policies of the law-abiding nations."³⁰

But with the rise of Hitler and with the Ethiopian crisis and the Spanish Civil War, neutrality soon again became a very practical question. The legal implications were wide and serious. If, as in 1914, Canada were automatically at war whenever Britain were, yet she certainly had the right to decide for herself to what extent she should participate. But if she decided on passive belligerency, her territory would be legally open to attack; the enemy would be entitled to seize

²⁹ N. A. M. MacKenzie, "International Law and Diplomacy," in F. H. Soward and others, Canada in World Affairs, the Pre-War Years, Toronto, 1941, p. 256.

³⁰ A. J. Toynbee, ed., British Commonwealth Relations, London, 1934, p. 180.

her ships and cargoes as prize of war; and her citizens abroad would be liable to treatment as enemy aliens, and their property to seizure as enemy property. Should she decide on passive belligerency, Canada would still be obliged to prevent trade with the enemy and use of Canadian ports or territory by the enemy.

As long as the legal unity of the Empire was insisted on -- as long as the Empire was regarded in international law as a single unit in the issues of war, peace, and neutrality, this had to be the position of Canada if she did not want to participate fully in an Imperial war. Her choice was only between active and passive belligerency. On the other hand, many arguments were raised to show that Canada could control, not only the extent of her participation in such a war, but also the question as to whether she would be at war at all.

One approach was that since Canada had already been given recognition as a nation-state by being granted full membership in the League of Nations, it followed that she had the right of neutrality. This hardly held true -- because Canada had some of the rights of a nation-state did not necessarily mean that she had achieved all of these rights, and further, the League Covenant provided that "any fully self-governing State, Dominion, or Colony" could become a member.³¹

31 Article I.

A more promising line of argument was the one which held that, just as the King already acted on the advice of his Canadian ministers in such matters as the negotiation and ratification of treaties and the appointment of diplomatic representatives on behalf of Canada, so he might act on their advice in the matters of war, peace, and neutrality. In such a case the principle of the unity of the Crown would no longer hold.³²

Neither the Balfour Report nor the Statute of Westminster specifically solved the question. The former, it must be remembered, said that the principle of equality of status did not necessarily extend to function. Further, as a report of an Imperial Conference, it could not legally change the law. That could only be done by the parliament with the appropriate power, as was done in the Statute of Westminster. This statute perhaps cleared the way for neutrality in the cases of Eire and South Africa, because it apparently leaves the parliaments of those Dominions completely free to draft new constitutions or to change their relationships with Great Britain.³³ Such was not the case with Canada. At Canadian request the Canadian parliament was limited in action to those fields entrusted to it by the British North America Act and its amendments. These certainly do not suggest anywhere in their provisions that the

32 The best contemporary discussion of the problem is in R. A. MacKay and E. B. Rogers, Canada Looks Abroad, Toronto, 1938, chapter 15, "The Problem of Neutrality," pp. 233-240.

33 H. McD. Clokie, "The British Dominions and Neutrality," The American Political Science Review, vol. 34, no. 4, August 1940, p. 740.

Canadian parliament has the power to change the existing legal relationships between Canada and Britain, as would have to be done if Canada were to remain neutral in a major British war.³⁴

Moreover, wherever it was realized during the late 1930's just what neutrality in an Imperial war would have to involve, the question, to the great majority of Canadians, could not help but be largely a theoretical one. In most English-speaking parts of Canada the ties with Britain were so strong that these necessary actions would have been unthinkable. To maintain strict neutrality, Canada would have had to request the British government to pass legislation to the effect that the King acted on all matters on behalf of Canada only on the advice of his Canadian ministers. The Seals Act of 1939 removed what might have been one difficulty here.³⁵ If Canadian neutrality were to be respected, it would have to be recognized by both friends and enemies among the nations. To gain this recognition, Canada would have to fulfil the obligations of neutrality as strictly towards Britain as towards Britain's enemies. Neutrality by definition is "the legal status arising from the abstention of a state from all participation in a war between other states, the maintenance by it of an attitude of impartiality in its dealings with the belligerent states, and the recognition by the latter of this abstention and impartiality."³⁶ Such strict

34 MacKay and Rogers, op. cit., p. 238.

35 MacKenzie, op. cit., p. 257.

36 "Neutrality," The Encyclopaedia Britannica, 1953, vol. 16, p. 264.

impartiality of treatment towards Great Britain and Nazi Germany would have been impossible. Nevertheless it was still desirable that the legal position of Canada be defined with regard to the right of neutrality, which might or might not be exercised at some future time.

Unfortunately the actions of the Canadian government at the outbreak of World War II did not leave the situation entirely clear. Yet their action at that time, together with the recognized fact that Canada is subject to no obligations in the field of external affairs except those undertaken by her own free will, and with the successful maintenance of neutrality by Eire throughout the war, makes it obvious that Canada and the other Dominions would not in the future necessarily be involved in a war engaged in by British or other parts of the Commonwealth. In effect, in 1939 the Canadian right of neutrality was recognized.

In the immediate pre-war period, Mackenzie King gave a rather confusing picture of the Canadian government policy and position with regard to neutrality. On May 24, 1938, he stated in the Canadian House of Commons, "The policy of the Government in respect to participation and neutrality is that Parliament will decide what is to be done."³⁷ But the next January he quoted Laurier's old position as his own,

³⁷ Canada, House of Commons Debates, May 24, 1938, p. 3183.

"If England is at war we are at war," and added, as Laurier had likewise done, that the extent of Canadian participation would be determined by the Canadian government.³⁸ On March 30, 1939, he explained that he had taken this position simply to show that in case of an Imperial war, an enemy of Britain might force participation upon Canada. He maintained that it would be up to Canada alone to choose which policy she would follow -- neutrality, active belligerency or passive belligerency.³⁹

In an effort to clarify the situation, J.T. Thorson, a Liberal, introduced into the House of Commons on February 2, 1939, a private bill stating: "Canada shall not assume the status of belligerent otherwise than by a declaration of war made by His Majesty with specific reference to Canada and only on the advice of His Majesty's government in Canada."⁴⁰ In speaking in support of the bill, Thorson declared:

The purpose of this bill is to make clear and declare to the other nations of the world the status of Canada in the event of war. . . . Canada has complete autonomy over every aspect of her affairs, whether internal or external. This autonomy extends to the declaration of war.⁴¹

He stressed the difference between the right to neutrality and the exercise of that right. It was the former he wanted recognized -- the latter would be left of course for parliament to

³⁸ Canada, House of Commons Debates, Jan. 16, 1939, p. 52.

³⁹ R.M. Dawson, Canada in World Affairs, Two Years of War, 1939-1941, Toronto, 1943, p. 7.

⁴⁰ Canada, House of Commons Debates, Feb. 2, 1939, p. 639.

⁴¹ Loc. cit.

decide as conditions should warrant. The bill was talked out.⁴²

When Germany invaded Poland on September 1, 1939, Mackenzie King summoned parliament and had it proclaimed that an "apprehended state of war" existed and had existed since August 25. The War Measures Act of 1914 provided for such a state as well as for actual war.⁴³ Between that time and the meeting of parliament on September 7, the Defence of Canada Regulations were put into effect, the armed forces were placed on a war basis, the Wartime Prices and Trade Board was set up, trading with the "enemy" was prohibited, and "enemy" aliens were interned⁴⁴ -- although if Canada were not at war until her government proclaimed her so, German nationals could surely only be "apprehended enemies".

When parliament gathered, the Speech from the Throne did not make clear the Government's intentions with regard to a Canadian declaration of war and to the extent of Canadian participation in that war. The reason was probably that, as always in Canadian history, it was necessary for the Prime Minister to preserve a united Canada, and he was unwilling to make his position clear until he was sure how far popular support, including of course French Canadian support, would enable him

42 Soward, op. cit., p. 133.

43 Dawson, World Affairs, p. 8.

44 Loc. cit.

to go.⁴⁵ On September 9, however, he announced that if the Address to the Throne were approved, his government would take steps at once to formally declare a state of war with Germany. On September 10 the Canadian declaration of war was proclaimed by the King.⁴⁶

It would seem obvious that the intention of Mackenzie King and his Cabinet was to make it clear that Canada had both the right and the power to make a separate declaration of war. The measures of the preceding week had been taken, not because the British declaration of war involved Canada, but because for Canada a state of "apprehended war" did actually exist, and it seemed wise and expedient to make all possible preparations for Canadian involvement in that war immediately. This seems to have been the point of view taken by both Germany and the United States. The German Consul-General did not leave the country until after September 10, nor did the United States apply the arms embargo against Canada until then, though it had been previously applied against the rest of the Commonwealth.⁴⁷ Also, when the United States proclaimed its neutrality with respect to the war between "Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand", Canada was not mentioned.⁴⁸ It is apparent that in 1939 Canada did achieve for

⁴⁵ Mason Wade, The French Canadians, 1760-1945, Toronto, 1955, p. 918.

⁴⁶ The text is printed in Dawson, World Affairs, pp. 285-6.

⁴⁷ MacKenzie, op. cit., p. 256.

⁴⁸ F. R. Scott, "How Canada Entered the War," The Canadian Forum, vol. 19, no. 229 (February 1940), p. 345.

the future recognition of that fundamental right of a modern nation-state, the control over her own involvement in war and peace.

To summarize, then, during the years 1867-1939 Canada achieved by a slow process of development full control over her external affairs. This growth was in response to the inter-action of the challenges offered by the international events of those years, by the development of a Canadian national feeling, and by a variety of attitudes towards the ideal future of Canada and the Empire, held not only in Canada and Britain, but also in the rest of the world.

Canadian public opinion, by the very nature of the Canadian public, has always been widely divided on these issues. It has ranged from the extreme Tory, found most often in Ontario, to whom any proposed change in the British connection is almost a blasphemy, to the extreme nationalist found most often in French Canada, to whom, if the British connection has any value at all, it has been only in the way it has preserved for his race the liberties guaranteed in the Quebec Act. The middle ground of Canadian opinion was typified early in the history of the Dominion by Sir John A. Macdonald, in two of his election platforms, "National Policy" and "A British subject I was born; a British subject I will die" -- the continuance of the British connection, but development within that connection towards national status. In Canada

all these attitudes, and a variety of others, two of which see the future of Canada as independent or as a part of the United States, have existed in varying strengths during all this time.

In Britain the course of events tended to be affected rather by a series of dominant attitudes: first "colonial pessimism", then the great revival of Imperial sentiment, with its plans for a united Empire. As that became obviously impossible in the face of Dominion nationalism, British statesmen showed a growing willingness to share with the Dominions the control of foreign affairs. Finally, in the period between the wars, Britain recognized freely and fully the extent of the development of dominion autonomy, and accepted a new role in the Commonwealth, as no longer ruler, but as one among equals.

Attitudes in foreign countries were in the main two: willingness and unwillingness to accept both the fact and the implications of Canadian development. Both were typified at various times by the United States: desire to improve the means of communication between the two countries, and unwillingness to negotiate with Canadian rather than with British plenipotentiaries, or, later, to accept a treaty with Canada alone.

All of these attitudes had their influence on the direction and extent of the growth of Canadian control over external affairs. The most significant thing is that it was

a process of free growth, not the result of a single plan laid down in Canada or elsewhere in accordance with certain of the above attitudes. Only a totalitarian society can make detailed plans for the future of its parts, and even then such plans frequently produce a Procrustean bed into which the parts can be fitted only by force.

In this study, no attempt has been made to evaluate either the steps taken in the process of growth, or the direction of that growth. There were only two ways by which Canada could have gained the full stature of a modern nation-state. She could have broken away from Britain entirely -- and there was a time early in her history as a Dominion when this, as has been shown, would have been quite acceptable to many in the British government. Such a course would likely have led to eventual union with the United States. If it had not, Canada would have had to make her place in the world as a small and weak nation with no experience in the conduct of international affairs. The other alternative was to grow to national stature under the protection of Great Britain. In this way Canadian statesmen were able to gain the knowledge and experience necessary through association with British diplomats, and Canada has been able to take her place step by step in world affairs as she has grown and as conditions have made it possible. As a result Canadian diplomats have played an increasingly useful and respected part on the world stage.

It can now be seen that there was no possible successful outcome for the plans for Imperial Federation, which found strong support among many British and Canadian statesmen at the turn of the century, nor indeed for any plans for a common foreign policy for the whole Empire. Once responsible government was conceded in Canada, the extension of Canadian control to include all matters, internal and external, had to follow. The natural urge to grow can no more be stopped or controlled in a vital democratic society than it can in a child. Moreover, the interests of the world today can be far better served by a Commonwealth of sovereign states in free and willing association than by a united Empire. If within the Commonwealth Canada and the other members can give an effective example of international co-operation, then the best interests of world peace, as well as of the Canadian people, will have been served by the growth of Canadian control over external affairs.

BIBLIOGRAPHY

An important part of the purpose of this study has been to compile an extensive list of the almost innumerable books and articles available with either a general or a specific bearing on the various aspects of the development of Canadian control over external affairs. The section Primary Sources contains such a variety of material that considerable subdivision was necessary, particularly as regards contemporary writings. In this section have been gathered memoirs, correspondence and speeches by those vitally involved in the growth of the Dominion. Because various government attitudes and public opinion generally in both Britain and Canada fundamentally affected the course of development, a section entitled "Other Works" has been used to include various contemporary arguments influential in affecting public opinion as regards certain specific forms of development such as Imperial Federation.

Three subdivisions are used for the Secondary Sources: General, Specific and Articles. Distinction between the first two was frequently difficult to make, and is often quite arbitrary, depending on whether the writer found the work in question useful chiefly as background reading or for specific information on one or more points in the study. Such a distinction was considered wise because of the vast body of writing involved. The first section, "General", has been made quite extensive, but no attempt has been made to include everything available with

any reference to the problem. Here are listed general histories of Canada, the Empire-Commonwealth, and world affairs, all biographies used, and discussions of Canadian external relations where the question of the growth of control is not specially considered. In the section entitled "Specific" is included, as far as possible, everything available in the Library of the University of British Columbia that has considerable specific bearing, either on some important aspect of or on the whole problem of the growth of Canadian control over external affairs.

BIBLIOGRAPHY

I. PRIMARY SOURCES

A. Government Publications

Canada, Correspondence and Documents Relative to the Representation of the Dominions at the Peace Conference, Canadian Sessional Papers, Special Session, 1919, 41J.

Canada Gazette (The) 1909, Ottawa, King's Printer, 1909.

Canada, Parliament, House of Commons, Journals of the House of Commons (1880, 1889), Ottawa, Queen's Printer.

Canada, Parliament, House of Commons, Official Reports of Debates, House of Commons, 1875-1939, Ottawa, 1875-1939.

Canada, Parliament, Senate, Debates of the Senate of the Dominion of Canada, 1870-1939, Ottawa, 1871-1939.

Canada, Parliament, Sessional Papers, 1868-1925, Ottawa.

Canada, Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd session, 8th Provincial Parliament of Canada, Quebec, Parliamentary Printers, 1865.

Canada Year Books (Various years, including 1909, 1931, 1934-5, 1939, 1943-4, 1945, and 1952-3). Ottawa, King's Printer.

Department of External Affairs, Documents Relating to the Italo-Ethiopian Conflict, Ottawa, King's Printer, 1936.

Department of External Affairs, Documents Relating to the Outbreak of War, September, 1939, Ottawa, King's Printer, 1939.

International Labour Conference, Record of Proceedings, 1919-1939, Geneva, International Labour Office, 1932.

Ollivier, Maurice, compiler and editor, The Colonial and Imperial Conferences, from 1887 to 1937, Ottawa, Queen's Printer, 1954.

Proceedings of the Colonial Conference, 1894. Ottawa, Queen's Printer, 1894.

Proceedings of the Imperial Conference, 1909, 1911, Canadian Sessional Papers No. 29a, 1909, No. 208, 1911

Report of the Canadian Delegates to the Assembly of the League of Nations, First to Twentieth Assemblies, Ottawa, King's Printer, 1921 to 1940.

Report of the Secretary of State for External Affairs, 1909-1940, Ottawa, King's Printer.

Statutes of Canada, 1894, 1909, 1923 and 1938, Ottawa, King's Printer.

Summary of Proceedings of the Colonial Conferences, 1902, 1907. Canadian Sessional Papers No. 29a, 1903; No. 58, 1908.

Treaties and Agreements Affecting Canada in force between His Majesty and the United States of America, with subsidiary documents, 1814-1925, Ottawa, King's Printer, 1927.

Tucker, Gilbert Norman, The Naval Service of Canada, Its Official History, Ottawa, King's Printer, 1952, 2 vol. (Especially vol. 1, on origins and part in Canadian - British relations).

United Kingdom of Great Britain and Ireland, The Parliamentary Debates of the House of Commons.

B. Semi-official Sources

Frost, Richard, ed., The British Commonwealth and World Society, Proceedings of the third unofficial conference on British Commonwealth relations, London, 1945, London, Oxford University Press, 1947.

Hopkins, J. Castell, The Canadian Annual Review of Public Affairs, Toronto, The Annual Review Publishing Company, 1902 to 1940. (Carried on after Hopkins' death in 1923 by the Annual Review Publishing Company.)

Lucas, Sir C. P. ed., Lord Durham's Report on the Affairs of British North America, Oxford, Clarendon Press, 1912, 3 vols.

Normandin, Major A. L., The Canadian Parliamentary Guide, 1929, Ottawa, The Mortimer Co. Ltd., 1929.

Royal Empire Society, London, Proceedings of the Royal Colonial Institute, 1904-5, vol. 36, London, 1905.

Royal Society of Canada, Proceedings and Transaction, 1941, Ottawa, 1941. (Skelton obituary - his place in the development of the Department of External Affairs.)

Soward, F. H., The Changing Commonwealth, Toronto, Oxford University Press, 1950. (Proceedings of the Fourth Unofficial Commonwealth Relation Conference Held at Bigwin Inn, Ontario, Canada, September 8-18, 1949.)

Toynbee, Arnold J., British Commonwealth Relations, Proceedings of the First Unofficial Conference at Toronto, 11 - 21 September, 1933, London, Oxford University Press, 1934.

C. Collections of Documents

Dawson, Robert MacGregor, The Development of Dominion Status, 1900-1936, London, Oxford University Press, 1937. (An excellent introduction on the development of Dominion status, and a large collection of formal and informal documents.)

Egerton, H. E., and Grant, W. L., Canadian Constitutional Development, shown by selected speeches and despatches, with Introduction and Explanatory Notes, Toronto, The Musson Book Co. Ltd., 1907.

Keith, Arthur Berriedale, ed., Selected Speeches and Documents on British Colonial Policy, 1763-1917. London, Oxford University Press, 1948.

Keith, Arthur Berriedale, ed., Speeches and Documents on the British Dominions, 1918-1931, from Self-government to National Sovereignty, London, Oxford University Press, 1932.

Keith, Arthur Berriedale, ed., Speeches and Documents on International Affairs, London, Oxford University Press, 1938.

Madden, Frederick, Imperial Constitutional Documents, 1765-1952, A Supplement, Oxford, Basil Blackwell, 1953.

Kennedy, W. P. M., Documents of the Canadian Constitution, 1759-1915, Toronto, Oxford University Press, 1918.

Mansergh, Nicholas, ed., Documents and Speeches on British Commonwealth Affairs, 1931-1952, London, Oxford University Press, 1953, 2 vol.

D. Contemporary Writings

1. Memoirs

Amery, L. S., My Political Life, London, Hutchinson, 1955,
2 vol.

Borden, Henry, ed., Robert Laird Borden: His Memoirs, Toronto,
The MacMillan Company of Canada Ltd., 1938.

House, E. M. and Seymour, Charles, ed., What Really Happened
at Paris, The Story of the Peace Conference, 1918-1919,
by American Delegates, New York, Charles Scribner's Sons,
1921.

Denison, Col. George T., The Struggle for Imperial Unity,
London, The MacMillan Co. Ltd., 1909. (First hand account
of the work towards Imperial Federation in Canada.)

Findlay, Sir John G., The Imperial Conference of 1911 from
Within, London, Constable and Co. Ltd., 1912.

Lloyd George, David, The Truth about the Peace Treaties,
London, Victor Gallancy Ltd., 1938, 2 vol.

Riddell, W. A., World Security by Conference, Toronto, The
Ryerson Press, 1947. (An account of the League and
Canada's role in it. The author held a post in the
I.L.O. 1920-1924, and was permanent Canadian representa-
tive at Geneva, 1924-1937.)

Tupper, Rt. Hon. Sir Charles, Recollections of Sixty Years in
Canada, Toronto, Cassell and Company Ltd., 1914.
(On his work as High Commissioner and as Canadian repres-
entative in negotiation of various commercial treaties,
also viewpoints on Imperial Federation.)

2. Correspondence and Speeches

Borden, Rt. Hon. Sir Robert Laird, Speeches on Canada and the
War. Speeches given in Canada, United States of America
and Britain, 1914-1919 (several separate pamphlets
collected and bound by the University of British Columbia
Library).

Foster, Hon. George E., Canadian Addresses, Toronto, Bell and
Cockburn, 1914. (Strong case for Imperial co-operation
-- especially addresses on Imperial preferences and naval
defence.)

Pope, Sir Joseph, Correspondence of Sir John Macdonald, Toronto, Oxford University Press, 1921. (Especially letters to Galt on position and functions of Canadian High Commissioners in London.)

Rowell, N. M., Canada a Nation, Toronto, University of Toronto Press, 1923. (An address delivered at the American Bar Association Meeting, Minneapolis, 1923.)

St. Laurent, Louis, The Foundations of Canadian Policy in World Affairs (Duncan and John Gray Memorial Lecture, Toronto, 1947), Toronto, University of Toronto Press, 1947.

3. Other Works

Curtis, Lionel, The Problem of the Commonwealth, Toronto, The MacMillan Co. of Canada, 1916. (Best detailed statement of one viewpoint on the trend Commonwealth development should take - toward Imperial Federation.)

Cushing, Caleb, The Treaty of Washington: Its Negotiation, Execution, and the Discussions Relating Thereto, New York, Harper and Brothers, 1873. (Decidedly anti-British, sees Canada's future as a part of the United States.)

Davidson, George, The Alaska Boundary, San Francisco, Alaska Packers Association, 1903. (Strongly pro-American account.)

Dilke, Sir Charles Wentworth, Problems of Greater Britain, London, MacMillan and Co., 1890. (One of the "new imperialists" - interesting on proposals such as Imperial Federation for the strengthening of the Empire.)

Ewart, J. S., The Independence Papers, 1925-1930, published in Ottawa, no publisher or date given. (Comments on a wide variety of topics, all used to argue the case for Canadian independence.)

Ewart, J. S., The Kingdom of Canada and other Essays, Toronto Morang and Co., 1908.

Ewart, J. S., The Kingdom Papers, Ottawa, no publisher given, 1912.

Lorne, The Marquis of, Imperial Federation, London, Swan Sonnenschein and Co., 1885.

Mathews, Jehu, A Colonist on the Colonial Question, London, Longmans, Green & Co., 1872. (An early proposal for a form of Imperial Federation.)

Smith, Goldwin, Canada and the Canadian Question, Toronto, Hunter, Rose and Company, 1891. (Strong, early case for growing Canadian autonomy and for commercial union with the United States.)

Wakefield, Edward Gibbon, A View of the Art of Colonization, Oxford, Clarendon Press, 1914.

II SECONDARY SOURCES

A. General

Amery, Julian, The Life of Joseph Chamberlain, vol. 4., 1901-1903, At the Height of His Power, London, Macmillan & Co. Ltd., 1951.

Angus, H. F., Canada and the Far East, 1940-1953, Toronto, University of Toronto Press, 1953.

Angus, H. F., ed., Memorandum on Canada and the Doctrine of Peaceful Change, Paris, International Institute of Intellectual Co-operation, League of Nations, 1937. (Memorandum for the International Studies Conference, Tenth Session, Paris, 1937.)

Angus, H. F., Brebner, J. B., and others, Twenty-five Years of Canadian Foreign Policy, Toronto, C. B. C. Publications Branch, 1953. (Collection of addresses given on C.B.C. and of articles specially written for this booklet by outstanding authorities.)

Brady, Alexander, Canada, London, Ernest Benn Ltd., 1932. (Part IV "Imperial and External Relations," an excellent summary.)

Brady, Alexander, and Scott F. R., Canada after the War, Toronto, The MacMillan Company of Canada Ltd., 1943. (Ch. 5, F. H. Soward, "Canada and the World".)

Brebner, John Bartlett, North Atlantic Triangle, Toronto, The Ryerson Press, 1945. (Subtitle: "The Interplay of Canada, the United States and Great Britain.")

Brosseau, Vincent, Ottawa Regarde vers Washington, Montreal, Ducharme, 1942.

- Brown, George W., Building the Canadian Nation, Toronto, J. M. Dent and Sons (Canada) Ltd., 1942. (Part Six, a good but not detailed survey of 20th century development.)
- Brown, George W., ed., Canada, Berkeley and Los Angeles, University of California Press, 1950 (Part 6, "External Relations," chapters by G. P. deT. Glazebrook, J. B. Brebner, F. A. Knox, and F. H. Soward).
- Brown, George W., The Growth of Peaceful Settlement Between Canada and the United States, Toronto, The Ryerson Press, 1948. (Contemporary Affairs pamphlet.)
- Callahan, James Morton, American Foreign Policy in Canadian Relations, New York, The MacMillan Company, 1937.
- Canada and the Organization of Peace, Toronto, Canadian Institute of International Affairs, 1935. (Mimeographed draft report -- interesting collection of views on Canada, the League, and security.)
- Canada in the Great World War, an authentic account of the military history of Canada from the earliest days to the close of the war of nations, by various authorities, Toronto, United Publishers of Canada, Ltd., 1918-1921, 6 vol.
- Chacko, Chirakaikoran Joseph, The International Joint Commission between the United States of America and the Dominion of Canada, New York, Columbia University Press, 1932.
- Corbett, P. E., The Settlement of Canadian-American Disputes, Toronto, The Ryerson Press, 1937. (Good on boundary and fisheries questions to 1910.)
- Coupland R., The Empire in These Days, London, MacMillan and Co. Ltd., 1935.
- Creighton, Donald Grant, Dominion of the North, Boston, Houghton Mifflin Co., 1944. (An excellent history of Canada, but not much detail on external affairs.)
- Creighton, Donald, John A. Macdonald, The Young Politician, Toronto, The MacMillan Co. of Canada Ltd., 1952.
- Dafoe, John W., Canada, an American Nation, New York, Columbia University Press, 1935. (Especially on Alaska Boundary Commission and Canadian reactions.)
- Dafoe, J. W., Laurier, a Study in Canadian Politics, Toronto, T. Allen, 1922.

- Davies, Raymond Arthur, Canada and Russia, Toronto, Progress Books, 1944. (Commercial and diplomatic relations.)
- Dawson, R. MacGregor, ed., Problems of Modern Government, Toronto, University of Toronto Press, 1941. (Article by R. A. MacKay, "Canada and the Balance of World Power,")
- Dexter, Grant, Canada and the Building of Peace, Toronto, The Canadian Institute of International Affairs, 1944. (Canada's position in the post-war world, and the problems she will have to face.)
- Egerton, H. E., The Origin and Growth of Greater Britain, Oxford, The Clarendon Press, 1924.
- Elliott, W. Y., The New British Empire, New York, Whittlesey House, 1932. (An interesting survey of the pre-World War II Empire.)
- Ewart, T. S., The British Commonwealth of Nations, Ottawa, 1942 -- mimeographed. (A collection of short quotes on "opinion regarding the composition, objects. etc.")
- Ferguson, G. V., John W. Dafoe, Toronto, The Ryerson Press, 1948.
- Gathorne-Hardy, G. M., A Short History of International Affairs, 1920 to 1934, London, Oxford University Press, 1934.
- Grigg, Sir Edward, The British Commonwealth, New York, Live-right Publishing Corporation, 1944. (Good on "Its place in the service of the world" - subtitle.)
- Hutchison, Bruce, The Incredible Canadian, Toronto, Longmans, Green and Company, 1952.
- Keenleyside, Canada and the United States, revised edition, New York, Alfred A. Knopf, Inc., 1952. (On boundary question, fisheries disputes, and commercial relations.)
- Keith, A. Berriedale, The Constitution, Administration and Laws of the Empire, London, W. Collins Sons and Co. Ltd., 1924 (Vol. 3 in The British Empire, a survey in Twelve Volumes, ed. Hugh Gunn).
- Keith, A. Berriedale, The King and the Imperial Crown, London Longmans, Green and Co., 1936.
- Keith, Arthur Berriedale, Letters on Imperial Relations, Indian Reform, Constitutional and International Law, 1916-1935, Oxford, University Press, 1935. (A collection of letters written to various British papers. Many pertinent comments)

Kennedy, W. P. M., The Constitution of Canada, 1534-1937, London, Oxford University Press, 1938.

Knapland, Paul, The British Empire, 1815-1939, New York, Harper and Brothers, 1941.

Langer, W. L., and Gleason, S. E., The Challenge to Isolation, 1937-1940, New York, Harper, 1952.

Langsam, W. C., The World Since 1914, New York, The MacMillan Company, 1943.

Liberal Way (The), a Record of Opinion on Canadian Problems as Expressed and Discussed at the First Liberal Summer Conference, Port Hope, September, 1933, Toronto, J. M. Dent and Sons Ltd., 1933. (Part II, "Canada and the Outside World," gives the attitude and policy of the Liberal party on foreign affairs.)

Lingard, C. Cecil, and Trotter, Reginald G., Canada in World Affairs, September 1941 to May 1944, Toronto, Oxford University Press, 1950.

Lower, A. R. M., Canada and the Far East, 1940, New York, Institute of Pacific Relations, 1940.

Lower, A. R. M., Canada, Nation and Neighbour, Toronto, Ryerson, 1952.

Lower, A. R. M., Colony to Nation, a History of Canada, Toronto, Longmans, Green and Company, 1946.

MacCormac, John, Canada: America's Problem, New York, The Viking Press, 1940. (Relations of Canada, the United States and Britain, and some of the complications involved.)

Mansergh, Nicholas, Survey of British Commonwealth Affairs; problems of External Policy, 1931-1939, London, Oxford University Press, 1952.

Martin, Chester, Foundations of Canadian Nationhood, Toronto, University of Toronto Press, 1955.

Miller, David Hunter, The Drafting of the Covenant, New York, G. P. Putnam's Sons, 1928, 2 vol. (Necessary background, but only brief mention of the Canadian contributions.)

Morton, W. L., ed., The Voice of Dafoe, a selection of editorials on collective security, 1931-1944, by John W. Dafoe, Toronto, The Macmillan Company of Canada Ltd., 1945.

Parkin, George R. Sir John A. Macdonald, Toronto, Morang and Co. Ltd., 1912. (The Makers of Canada, vol. 9.)

- Pope, Sir Joseph, Memoirs of the Right Honourable Sir John Alexander Macdonald, G.C.B., First Prime Minister of the Dominion of Canada, Toronto, Oxford University Press, 1930.
- Preston, W. F. R., The Life and Times of Lord Strathcona, London, Eveleigh Nash, 1914. (His work as High Commissioner.)
- Robinson, Howard, The Development of the British Empire, Boston, Houghton Mifflin Company, 1936.
- Rowell, The Hon. Newton W., The British Empire and World Peace, Toronto, Victoria College Press, 1922. (Part III, useful on Canadian-American relations, and Canada in the League.)
- Saunders, E. M., The Life and Letters of the Rt. Hon. Sir Charles Tupper, Bart., K.C.M.G., London, Cassell and Co. Ltd., 1916, 2 vol. (His role as High Commissioner.)
- Scott, F. R., Canada Today, Toronto, Oxford University Press, 1939. (A clear statement of Canada's Commonwealth and world relationships on the eve of World War II.)
- Shippee, Lester Burrell, Canadian-American Relations, 1849-1874, Toronto, The Ryerson Press, 1939. (Reciprocity, fisheries disputes and the Washington Conference.)
- Shortt, Adam, and Doughty, Arthur G., general editors, Canada and Its Provinces, A History of the Canadian People and their Institutions by One Hundred Associates, Toronto, The Publishers' Association of Canada Ltd., 1913-1917, 23 vol. (Vols. 5, 6, 7 and 8.)
- Siegfried, Andre, Canada, London, Jonathan Cope, 1937. (Canadian development as seen by a French historian.)
- Skelton, O. D., Life and Letters of Sir Wilfred Laurier, Toronto, Oxford University Press, 1921. (Invaluable on Laurier's attitudes and influences.)
- Skelton, O. D., The Life and Times of Sir Alexander Galt, Toronto, Oxford University Press, 1920. (His work as High Commissioner and in negotiations abroad.)
- Soward, F. H., Canada and the Americas, Toronto, University of Toronto Press, 1937. (Report of a Round Table of the Fourth Annual Conference of the Canadian Institute of International Affairs, Hamilton, Ontario, May 1937)

- Soward, F. H., and Macaulay, A. M., Canada and the Pan-American System, The Ryerson Press, Toronto, 1948. (Attitude in Canada; reasons Canada has not joined.)
- Strange, William, Canada, the Pacific and War, Toronto, Thomas Nelson and Sons, Ltd., 1937. (Good on Canada's opposition to the Anglo-Japanese Treaty.)
- Stoker, Robert, New Imperial Ideas, A Plea for the Association of the Dominions in the Government of the Dependent Empire, London, John Murray, 1930. (Book I, "The Dominions: A Dissolving Empire," a gloomy picture of the situation in 1930.)
- Tansill, Charles Callan, Canadian-American Relations, 1875-1911, Toronto, The Ryerson Press, 1943. (Fisheries question, Alaska Boundary dispute, the International Joint Commission, and proposed reciprocity.)
- Temperley, H. W. V., ed., A History of the Peace Conference of Paris, London, Henry Frowde and Hodder and Stoughton, 1920-1924, 6 vol.
- Wade, Mason, The French Canadian, 1760-1945, Toronto, The Macmillan Company of Canada, Ltd., 1955.
- Walker, Eric A., The British Empire, Its Structure and Spirit, London, Oxford University Press, 1947.
- Wallace, W. Stewart, The Memoirs of the Rt. Hon. Sir George Foster, Toronto, The Macmillan Co. of Canada Ltd., 1933. (Particularly at the Peace Conference and in the League.)
- Wilson, Beckles, The Life of Lord Strathcona and Mount Royal, G.C.M.G., G.C.V.O., London, Cassell and Co. Ltd., 1915. (His work as High Commissioner.)
- Wrong, George M., The Canadians, The Story of A People, Toronto, The Macmillan Co. Ltd., 1939.
- Zimmern, Alfred, The League of Nations and the Rule of Law, 1918-1935, London, MacMillan and Co. Ltd., 1936. (Not much mention of the Canadian part.)

B. Specific

- Armstrong, William Earl, Canada and the League of Nations, the Problem of Peace, Geneva, The University of Geneva, 1930.

- Bennett, George, ed., The Concept of Empire; Burke to Atlee, 1774-1947, London, A. and C. Black, 1953.
- Bodelsen, C. A., Studies in Mid-Victorian Imperialism, Copenhagen, Gyldendalske Boghandel, 1924.
- Borden, Sir Robert, Canada in the Commonwealth from Conflict to Co-operation, Oxford, The Clarendon Press, 1929.
- Borden, The Right Hon. Sir Robert Laird, Canadian Constitutional Studies, Toronto, The University of Toronto Press, 1923.
- Canada: The Empire and the League, Toronto, Thomas Nelson and Sons, Ltd., 1936. (Especially Part II, Chap. 6, "Canada and the Empire," and Chap. 7, "Canada and the League of Nations," both by R. A. MacKay.)
- Carter, Gwendolen M., The British Commonwealth and International Security, The Role of the Dominions, 1919-1939, Toronto, The Ryerson Press, 1947.
- Chambers, Captain Ernest J., The Canadian Militia, Montreal, L. M. Fresco, 1907. (Particularly Chap. 9, "Recent Developments," much detail on handing over of Halifax and Esquimalt bases.)
- Cheng, Seymour Ching-Yuan, Schemes for the Federation of the British Empire, New York, Columbia University Press, 1931.
- Corbett, P. E., and Smith, H.A., Canada and World Politics, A Study of the Constitutional and International Relations of the British Empire, Toronto, The Macmillan Company of Canada, Ltd., 1928. (Somewhat reluctant to admit how far development had actually gone.)
- Currey, C. H., British Colonial Policy, 1783-1915, London, Oxford University Press, 1916. (Early developments of Dominion control, also useful on the relation of that development to the idea of Imperial Federation.)
- Dafoe, J. W., Great Britain and the Dominions, Norman Wait Harris Memorial Foundation Lecture, The University of Chicago, 1927.
- Dawson, Robert MacGregor, Canada in World Affairs, Two Years of War, 1939-1941, Toronto, Oxford University Press, 1943.
- Dewey, A. Gordon, The Dominions and Diplomacy, London, Longmans, Green and Co., 1929, 2 vols. (The development of Dominion status seen as a "Britannic controversy," but throughout shown against its international background and implications.)

- Eastman, S. Mack, Canada at Geneva, Toronto, The Ryerson Press, 1946. (Complete and somewhat critical account of Canada's part in the League.)
- Eckles, Robert B., and Hale, Richard W., Jr., Britain, Her Peoples and the Commonwealth, New York, McGraw-Hill Book Company, Inc., 1954.
- Egerton, Hugh Edward, British Colonial Policy in the Twentieth Century, London, Methuen and Co., Ltd., 1922. (A sequel to his earlier Short History of British Colonial Policy, Part I, "The Dominions" is useful.)
- Egerton, Hugh Edward, A Short History of British Colonial Policy, 1606-1909, London, Methuen and Co., 1920. (Good on British policy towards Canada in the nineteenth century.)
- Ellis, L. Ethan, Reciprocity, 1911, A Study in Canadian-American Relations, New Haven, Yale University Press, 1939.
- Farr, David M. L., The Colonial Office and Canada, 1867-1887, Toronto, University of Toronto Press, 1955. (Attitudes towards Canada in the first two decades.)
- Fiddes, Sir George, The Dominion and Colonial Offices, London, G. P. Putnam's Sons, Ltd., 1926. (Useful on the Colonial and early Imperial Conferences.)
- Flenley, R., Essays in Canadian History, Toronto, The Macmillan Co. Ltd., 1939. (Especially chapters by F. H. Underhill on "Edward Blake and Canadian Liberal Nationalism," and by G.P. deT. Glazebrook on "Permanent Factors in Canadian External Relations.")
- Fuller, J. F. C., Empire Unity and Defence, Bristol, Arrowsmith, 1934.
- Glazebrook, G. P. deT., Canada at the Paris Peace Conference, Toronto, Oxford University Press, 1942.
- Glazebrook, G. P. deT., A History of Canadian External Relations Toronto, Oxford University Press, 1950. (The earlier section, to 1914, is most useful; the later section is less concerned with the development of control.)
- Gough, John, Canada and the Imperial Conferences, 1887-1926, submitted for the Native Sons of Canada Scholarship, 1927-1928 (typewritten).
- Hall, H. Duncan, The British Commonwealth of Nations, London, Methuen and Co. Ltd., 1920. (Good on the growth of Canadian nationhood, the early Imperial Conference, and Imperial co-operation during the war.)

- Hancock, W. K., Survey of British Commonwealth Affairs, London, Oxford University Press, 1937.
- Harvey, Heather J., Consultation and Co-operation in the Commonwealth, A Handbook on Methods and Practice, London, Oxford University Press, 1952. (Detailed on machinery for inter-Commonwealth relations, defence, and international relations. First prepared in co-operation with E. M. Meade as background material for the British Commonwealth Relations Conference of 1949.)
- Hughes, Hector, National Sovereignty and Judicial Autonomy in the British Commonwealth of Nations, London, P. S. King and Son, Ltd., 1931. (The Privy Council and dominion autonomy.)
- Jebb, Richard, The Britannic Question, London, Longmans, Green and Co., 1913. (Pre-World War I alternatives in the development of the Commonwealth.)
- Jebb, Richard, The Imperial Conference, A History and Study, London, Longmans, Green and Co., 1911, 2 vol. (Invaluable on the early conferences.)
- Jebb, Richard, Studies in Colonial Nationalism, London, E. Arnold, 1905.
- Keith, A. Berriedale, Dominion Autonomy in Practice, London, Oxford University Press, 1929.
- Keith, A. Berriedale, The Dominions as Sovereign States, London, MacMillan and Co. Ltd., 1938. (Especially complete on Canada's position in the empire and on the growth of control over non-commercial matters.)
- Keith A. Berriedale, Responsible Government in the Dominions, Oxford, Clarendon Press, 1928, 2 vol. (Information full, clear and straightforward, re relationships with Empire, and growth of commercial autonomy.)
- Keith, A. Berriedale, The King, The Constitution, The Empire and Foreign Affairs, Letters and Essays, 1936-7, London, Oxford University Press, 1938.
- Keith, A. Berriedale, The Sovereignty of the British Dominions, London, MacMillan and Co. Ltd., 1929.
- Lowell, A. Lawrence, and Hall, H. Duncan, The British Commonwealth of Nations, Boston, World Peace Foundation Pamphlets, 1927.

- Lucas, Sir Charles, ed., The Empire at War, London, Humphrey Milford, 1923, 2 vol. (Vol. II, Part I "Canada", sections 1 and 3 by Lucas, section 2, by F. H. Underhill.)
- MacKay, R. A., and Rogers, E. B., Canada Looks Abroad, London, Oxford University Press, 1938. (Good on the organization of the Department of External Affairs, also on the development and possibilities of a distinctly Canadian foreign policy.)
- MacKenzie, Norman, and Laing, Lionel H., editors, Canada and the Law of Nations, Toronto, The Ryerson Press, 1938. (Subtitle: A Selection of Cases in International Law Affecting Canada or Canadians. . . . Useful in the question of provincial powers in their relation to Canadian treaty-making power, also in various boundary water and fisheries treaties with the United States of America.)
- Manning, C. A. W., The Policies of the British Dominions in the League of Nations, London, Oxford University Press, 1932.
- Mansergh, Nicholas, The Commonwealth and the Nations; Studies in British Commonwealth Relations, London, Royal Institute of International Affairs, 1948.
- Neuendorff, Gwen, Studies in the Evolution of Dominion Status, London, George Allen and Unwin Ltd., 1942. (Studies of the changing role of the Governor-general, and of the development of Canadian nationalism.)
- Palmer, Gerald E. H., Consultation and Co-operation in the British Commonwealth, London, Humphrey Milford, 1934. (Useful throughout, especially on the High Commissioner, diplomatic representation and Empire Conferences.)
- Porritt, Edward, The Fiscal and Diplomatic Freedom of the British Overseas Dominions, Oxford, The Clarendon Press, 1922. (Extensive detail -- particularly useful on early developments in the power to negotiate commercial treaties.)
- Potter, Alexander O., Canada as a Political Entity, Toronto, Longmans, Green and Co., 1923. (Concise but detailed, on external relations to 1923.)
- Skilling, H. Gordon, Canadian Representation Abroad, From Agency to Embassy, Toronto, The Ryerson Press, 1945. (Indispensable on this aspect.)
- Soward, F. H., Parkinson, J. F., MacKenzie, N.A.M., and MacDermot, T.W.L., Canada in World Affairs, The Pre-War Years, London, Oxford University Press, 1941. (Part I, "Politics", by Soward, a comprehensive study of Canadian

foreign policy to 1939, and Part 3, ch. 17, "Neutrality", by MacKenzie.)

Stacey, C. P., The Military Problems of Canada, Toronto, The Ryerson Press, 1940.

Stanley, George F. G., in collaboration with Harold M. Jackson, Canada's Soldiers 1604-1954, The Military History of an Unmilitary People, Toronto, The Macmillan Company of Canada, Ltd., 1954.

Toynbee, Arnold J., The Conduct of British Empire Foreign Relations Since the Peace Settlement, London, Humphrey Milford, 1928. (On the League, inter-Commonwealth relations, and representation abroad.)

Trotter, R. G., The British Empire-Commonwealth, A Study in Political Evolution, New York, Henry Holt and Company, 1932.

Tyler, J. E., The Struggle for Imperial Unity, 1868-1895, London, Longmans, Green and Co., 1938. (The case for Imperial Federation and the reactions to it in Britain, Canada, and the various colonies.)

Wheare, K. C., The Statute of Westminster and Dominion Status, Oxford, The Clarendon Press, 1938.

C. Articles

Ames, Sir Herbert, "Canada and the Council," The Bulletin of the League of Nations Society in Canada, July 1928.

Bennett, R. B., "Canada's Naval Policy," Canadian Defence Quarterly, vol. 14, no. 4 (July 1937) pp. 388-400. (From the House of Commons Debates, March 25, 1937.)

Birchenough, Henry, "England's Opportunity - Germany or Canada?" The Nineteenth Century, vol. 22, no. 245 (July 1897), pp. 1-8. (Influence of Canadian policy and wishes on British policy re Belgian and German trade treaties.)

Borden, Sir Robert Laird, "The British Commonwealth of Nations," Yale Review, vol. 12, no. 4 (July 1923), pp. 774-789.

Brebner, J. B., "Canada, The Anglo-Japanese Alliance and the Washington Conference," Political Science Quarterly, vol. 50, no. 1 (March 1935), pp. 45-58.

Brown, George W., "Canadian Nationalism, An Historical Approach," International Affairs, vol. 30, no. 2 (April 1954), pp. 166-174.

- "Canada and the British Navy," The Round Table, vol. 16, no. 4, (September 1926), p. 748-756.
- "Canada and Imperial Defence," Canadian Defence Quarterly, vol. 12, no. 1 (October 1934), pp. 40-46; vol. 12, no. 2 (January 1935), pp. 183-188.
- "Canada and the International Crisis," The Round Table, vol. 26, no. 102 (March 1936), pp. 376-384.
- "Canada and the Next War," The Round Table, London, vol. 27, no. 106 (March 1937), pp. 412-425.
- "Canada and World Affairs," The Round Table, vol. 26, no. 103 (June 1936), pp. 599-602.
- Carter, Gwendolen, "Canada and Sanctions in the Italo-Ethiopian Conflict," Canadian Historical Association Annual Report, 1940, pp. 74-84.
- Chamberlain, N. H., "Canada and Ourselves," The Atlantic Monthly, vol. 169, no. 4 (April 1942), pp. 494-502.
- Clokier, H. McD., "The British Dominions and Neutrality," The American Political Science Review, vol. 34, no. 4 (August 1940), pp. 737-749.
- Dafoe, J. W., "Canada and the Peace Conference of 1919," The Canadian Historical Review, vol. 24, no. 3 (September 1943) pp. 233-248.
- Eastman, S. Mack, "Canada and World Police," The Canadian Forum, vol. 23, no. 268 (January 1943), pp. 32, 33.
- Ewart, J. S., "Canada's Political Status," Canadian Historical Review, vol. 9, no. 3 (September 1928), pp. 194-205.
(A reply to an article the previous month by Keith. Ewart argues no interference from the Imperial government is necessary in treaty-making.)
- Ewart, John S., "Canadian Independence," The Canadian Magazine, vol. 37, no. 1 (May 1911), pp. 33-40.
- Ewart, T. S., "Neutrality and the Cabinet," The Canadian Forum, vol. 18, no. 210 (March 1938), pp. 102, 103.
- Farr, David M. L., "Sir John Rose and Imperial Relations: An Episode in Gladstone's First Administration," The Canadian Historical Review, vol. 33, no. 1 (March 1952) pp. 19-38.
- Foster, Joan M. V., "Reciprocity and the Joint High Commission of 1898-9," Canadian Historical Association Annual Report, 1939, p. 87-98.

- Gates, Paul W., "Official Encouragement to Immigration by the Province of Canada," Canadian Historical Review, vol. 15, no. 1 (March 1934), pp. 24-38.
- Galbraith, J. S., "The Imperial Conference of 1921 and the Washington Conference," The Canadian Historical Review, vol. 29, no. 2 (June 1948), pp. 143-152.
- Gibson, F. W., "The Alaskan Boundary Dispute," Canadian Historical Association Annual Report, 1945, pp. 25-41. (Emphasizes the importance of the strong Canadian reaction.)
- Gibson, James A., "Mr. Mackenzie King and Canadian Autonomy, 1921-46," The Canadian Historical Association Annual Report, 1951, pp. 12-21.
- Glazebrook, G. P. deT. "Canadian Foreign Policy in the Twentieth Century," Bibliographical Article, The Journal of Modern History, Chicago, vol. 21, no. 1 (March 1949), pp. 44-55.
- Glazebrook, G. P. deT. "The External Relations of the Province of Canada," Canadian Historical Association Annual Report, 1938, pp. 103-110. (Situation in the half-century before Confederation.)
- Grattan, C. Hartley, "Coming, A New British Empire?" Asia, vol. 40, no. 7 (July 1940), pp. 343-346.
- Hall, H. Duncan, "British Commonwealth of Nations," American Political Science Review, vol. 47, no. (December 1953), pp. 997-1015.
- Hamilton, Col. C. F., "The Canadian Militia," Canadian Defence Quarterly, VII, "The Dead Period," vol. 7, no. 1 (October 1929), pp. 78-89; IX, "The Beginning of Reform," vol. 7, no. 3 (April 1930), pp. 383-389; X, "The South African War," vol. 7, no. 4 (July 1930), pp. 537-542.
- "The Imperial Complex," The Round Table, vol. 16 (September 1926), pp. 673-689.
- "The Imperial Conference," The Round Table, vol. 11 (September 1921), pp. 735-758.
- Keenleyside, H. L., "Canada's Department of External Affairs," International Journal, vol. 1, no. 3 (July 1946), pp. 189-214.
- Keenleyside, H. L., "The Department of External Affairs," Queen's Quarterly, vol. 44, no. 4 (Winter 1937-38), pp. 483-495.

- Keith, A. B., "Recent Changes in Canada's Constitutional Status," Canadian Historical Review, vol. 9, no. 2 (June 1928), pp. 102-116. (Keith insisted on the need for the assent of the Imperial government in Canadian treaty-making.)
- Knapland, Paul, "Intra-Imperial Aspects of Britain's Defence Question, 1870-1900," Canadian Historical Review, vol. 3, no. 2 (June 1922), pp. 120-142.
- Lang, Morden H., "Sir John Rose and the Imperial Beginnings of the Canadian High Commissionership," Canadian Historical Review, vol. 12, no. 1 (March 1931), p. 23-43.
- "Locarno and the British Commonwealth," The Round Table, vol. 15, no. 4 (September 1926), pp. 704-720.
- Low, Sidney, "The Coming of the Empire Cabinet," The Nineteenth Century and After, vol. 79, no. 470 (April 1916), pp. 725-739.
- Lowell, A. Lawrence, "The Treaty Making Power of Canada," Foreign Affairs, vol. 2, no. 1 (September 15, 1923), pp. 12-22.
- MacKay, Robert A., "The International Joint Commission between the United States and Canada," The American Journal of International Law, vol. 22, no. 2 (April, 1928), pp. 292-318.
- Mackenzie King, W. L., "Canada's Defence Policy," Canadian Defence Quarterly, vol. 15, no. 2 (January 1938), pp. 128-150. (Speech in House of Commons, February 19, 1937, giving situation at that time. Taken from House of Commons Debates.)
- Mackenzie King, W. L., "Canada's Legations Abroad," The Canadian Nation, March-April 1929, p. 26.
- O'Leary, M. Grattan, "A Political Empire Disappears," The Commonwealth, vol. 15, no. 26 (April 27, 1932), pp. 713,4.
- Piggott, F. F., "The Reorganization of the Empire," The Nineteenth Century and After, vol. 79, no. 469 (March 1916), pp. 493-515.
- Reid, Escott, "Canada and League Sanctions," The Canadian Forum, vol. 16, no. 183 (April 1936), pp. 10-12.
- Reid, Escott, "Mr. Mackenzie King's Foreign Policy," The Canadian Journal of Economics and Political Science, vol. 3, no. 1 (February, 1937), pp. 86-97.

- Rogers, Norman McL., "Imperialism in Transition," The Canadian Forum, vol. 10, no. 118 (July 1930), pp. 355-6.
- Rogers, Norman McL., "Notes on the Treaty-Making Power", Canadian Historical Review, vol. 7, no. 1 (March 1926), pp. 27-33. (Claims in the 1850's to the right of participation in a vital treaty.)
- Scott, F. R., "How Canada Entered the War," The Canadian Forum, vol. 19, no. 229 (February 1940), pp. 344-346.
- Scott, F. R., "The Constitution and the War," The Canadian Forum, vol. 19, no. 226 (November 1939), pp. 243-244.
- Sifton, Clifford, "Some Canadian Constitutional Problems," The Canadian Historical Review, vol. 3, no. 1 (March 1922), pp. 3-23. (A careful consideration of the contradictory views on Canadian control over her external affairs and the need for clarification at that time.)
- Skelton, O. D., "Canada and the Most Favored Nation Treaties," Bulletin of the Departments of History and Economic Science in the Queen's University, no. 2 (January 1912), pp. 1-24.
- Skilling, H. G., "The Development of Canada's Permanent External Representation," Canadian Historical Association Annual Report, 1943, pp. 82-93.
- Soward, Frederic H., "Canada and the League of Nations," International Conciliation, Documents for the year 1932, no. 283 (October 1932), pp. 355-395.
- Soward, F. H., "The Election of Canada to the League of Nations Council in 1927," Canadian Historical Association Annual Report, 1929, pp. 31-40.
- Soward, F. H., "Sir Robert Borden and Canada's External Policy, 1911-1920," Canadian Historical Association Annual Report, 1941, pp. 65-82.
- Stacey, C. P. "Canadian Defence Policy," The Canadian Journal of Economics and Political Science, vol. 4, no. 4 (November 1938), pp. 490-504.
- Stevenson, J. A., "Canada and Downing Street," Foreign Affairs, vol. 3, no. 1 (September 15, 1924), pp. 135-146.
- Stewart, Robert B., "Treaty-Making Procedure in the British Dominions," The American Journal of International Law, vol. 32, no. 3 (July 1938), pp. 467-487.

- Tucker, G. N., "The Naval Policy of Sir Robert Borden, 1912-1914," The Canadian Historical Review, vol. 28, no. 1 (March 1947), pp. 1-30.
- Tupper, C. H., "Treaty-making Powers of the Dominion," The Journal of the Society of Comparative Legislation, New Series, no. 37 (January 1917), pp. 5-18.
- Underhay, F. C., "Sir Robert Borden and Imperial Relations," The Dalhousie Review, vol. 10, no. 4 (January 1931), pp. 503-517.
- Underhill, Frank H., "Canada and Post-League Europe," The Canadian Forum, vol. 16, no. 189 (October 1936), pp. 11-12.
- Wallace, Elizabeth, "Goldwin Smith on England and America," The American Historical Review, vol. 59, no. 4 (July 1954) pp. 884-894.
- Wallace, W. S., "The Growth of Canadian National Feeling," The Canadian Historical Review, vol. 1, no. 2 (June 1920), pp. 136-165. (Forces working for that feeling and its expression -- Canada First Party and growing autonomy.
- Waugh, W. F., "The Development of Imperial Relations," Canadian Historical Association Annual Report, 1927, pp. 82-88. (How the developments of fifty years have affected Canada's position in the Empire.)
- Worsfold, W. Basil, "What the Imperial War Conference has left us," Nineteenth Century and After, vol. 82, no. 489 (November 1917), pp. 1075-1087.
- Wrong, George M., "Canada and the Imperial War Cabinet," Canadian Historical Review, vol. 1, no. 1 (March 1920), pp. 3-25.
- Wrong, George M., "The Evolution of the Foreign Relations of Canada," Canadian Historical Review, vol. 6, no. 1 (March 1925), pp. 4-14. (Only incidental mention of growing control.)
-