

SIR ROBERT BORDEN AND IMPERIAL RELATIONS

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SINCE the day of Lord Durham, responsible government has been the principal theme of Canada's constitutional development. The responsibilities from which Lord Durham had supposed the colonies would always be exempt passed one by one out of the purview of Downing Street.¹ Within a generation they gained the right to settle the crown lands within their limits, to mould their own constitutions, and to control their external trade. Despite, however, the advances made under Macdonald, Mackenzie and Laurier, by the second decade of the present century a single momentous exception survived. For in so far as the regulation of foreign affairs remained vested in an executive responsible only to the people of the British Isles, the Dominions fell short of complete self-government. Though the overseas partners in the Commonwealth had won control of their foreign relations in national aspects, such as immigration, tariffs and commercial treaties, they possessed no voice in the supreme questions of high policy which decided the issues of peace and war. It was clear that further progress in Imperial relations would be directed to the removal of that restriction.

The return of the Conservative party in 1911 transferred the problem from the seclusion of academic speculation to the full light of practical politics. The overthrow of Sir Wilfrid Laurier's Government foreshadowed a departure from the doctrine of nationalism and semi-isolation, and the beginning of fuller co-operation with the Mother Country. When leader of the Opposition, Mr. Borden had defined the conditions which demanded that co-operation should be extended, and the terms upon which it should proceed. Though the British flag was the "protecting talisman" of every Canadian, its talismanic powers were due solely to the strength of the British navy, to the upkeep of which, and to the security of his own shores, the Canadian tax-payer contributed not a dollar. If Canada, he said, continued the pauper-like policy of accepting future protection without offering a just measure of assistance in defence, she would be unworthy of her position in the Empire. The Anglo-German naval race, ominous of gathering peril, made the problem doubly pressing. Permanent co-operation could succeed only by the creation of a distinct Canadian naval unit,

1. Report on the Affairs of British North America, Lucas, *Lord Durham's Report*, vol. II, p. 282. See vol. I, pp. 149-150.

which would make possible the use of domestic skill and material, and impress upon the people a sense of responsibility in international affairs. If, however, the British Navy stood in need of immediate and effective aid, that aid, he pledged, would be forthcoming. In return for lessening the burden of defence, it followed that Canada must share in the task of shaping the external relations of the Empire.¹

A subsequent session heard Mr. Borden re-affirm and explain this requisite of a *quid pro quo*:

Responsibility for the Empire's defence upon the high seas, in which is to be found the only effective guarantee of its existence and which has hitherto been assumed by the United Kingdom, has necessarily carried with it responsibility for and control of foreign policy. . . . 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 control of foreign policy which is closely, vitally and constantly associated with that defence in which the Dominions participate.²

Mr. Borden went to England in the summer of 1912 with the eyes of the Empire upon him. Observers saw in the Naval Conference of that year the breaking of a new dawn in Imperial relations. His speeches had made a deep impression in the United Kingdom. Bearing the promise of battleships, the Canadian Prime Minister was, in a modified sense, bringing the new world to redress the balance of the old. Already convinced, as the *Round Table* put it, that in defence Canada had been applauding the sermon but evading the collection, he accepted Mr. Churchill's exposition of the perils which would result if Great Britain allowed her navy to lag behind the rapidly growing German fleet. The First Lord quickly found that he was preaching to the converted. Mr. Borden agreed to an emergency contribution. That promise, however, the Canadian statesman used as a lever with which to obtain a voice in the councils of the Empire. In return for what Mr. Churchill described as "the touch of the strong hand of a friend when serious business had to be done," the British Government consented to a diminution of its exclusive control of foreign affairs. Pending a final settlement of this question, Canada received the right to appoint in London a resident minister, who would be a permanent member of the Imperial Defence Council, and without whose knowledge no important step in foreign policy would be taken. This opportunity of consultation, the Prime

1. Canada, *House of Commons Debates*, session 1909-10, cols. 1742-61, 2982.

2. Canada, *House of Commons Debates*, session 1912-13, cols. 676-77.

Minister sanguinely stated, promised an influence which the Dominion did not hitherto possess.³

In perhaps the greatest speech of his career, Mr. Borden explained to parliament the fruits of his mission. The immediate urgency of the situation demanded that Canada should see at once to the construction of three superdreadnoughts, the largest which science could build or money supply. For forty-five years, as a confederation, the Dominion had enjoyed the protection of the British Navy without the expenditure of a single dollar, and in that period alone the sum disbursed by Great Britain for the defence of Canada far exceeded the amount which parliament was asked to appropriate. The Government proposed no more than an emergency contribution. While accepting the principle of a Canadian navy, Mr. Borden pointed out that the difficulties and delay attendant upon that policy rendered imperative a scheme of immediate assistance. That the ships would be placed at the disposal of the Admiralty entailed no derogation of autonomy. Instead of a separation of command, the new proposals called for a co-ordination which possessed the twin virtues of securing centralized control and giving the Dominion a voice in the great questions which involved peace or war for the Empire. Her autonomy, rather than being delimited, would then be extended.⁴

Canada's aspirations to play a part in shaping the external commitments of the Empire thus seemed on the way to success. The Naval Aid Bill stood on middle ground between the integration of the Imperialists and the separatist individualism of the Nationalists. A principle of co-operation, later to be extended to foreign relations, was invoked to provide for Canada's assistance in the problem of defence. The new programme was Mr. Borden's first bid for the participation of the Dominions in high politics. Its rejection by the Senate turned the flank of the move to co-operation. The outbreak of the World War made obsolete the conditions which were to secure continuous consultation and the removal of the last existing restriction of the Durham Report.

The readiness with which the Dominions flung themselves into the war astonished the world. Their response mocked the counsel of those prophets who had declared that in a European theatre of war the Dominions could be ignored. A generation back a great British statesman, John Morley, held it axiomatic that Australia's association with the Mother Country would never induce her to enter a war for the sake of European guarantees

3. Canada, *House of Commons Debates*, session 1912-13, cols 692-3.

4. Canada, *House of Commons Debates*, session 1912-13, cols 687 et seq.

like Belgian neutrality. *Poeta propheta!* From Mr. John Morley there was hidden much which time revealed to Lord Morley of Blackburn. Before the formal declarations of war, the British received spontaneous assurances that the Dominions stood ready to render every possible aid. In August, 1914, the Canadian minister on his own responsibility cabled to the Colonial Secretary the promise of an expeditionary force; through the Governor-General he promised that Canada would shrink from no sacrifice which the honour and integrity of the Empire demanded.⁵ Five days later the Imperial Government warmly accepted the offer, and suggested a plan of composition which immediately received the sanction of Order-in-Council. That the civil and military authorities executed without delay or confusion the new and multifarious duties suddenly thrust upon them, was due in large measure to the foresight with which the Government had prepared for the eventuality of war. Compiled under the direction of Mr. Borden, now Sir Robert, a War Book detailed plans for the activities and co-ordination of the various departments, and made possible their successful co-operation with the Imperial authorities.⁶

Parliament met on August 18th in special session. When the Address had been moved and seconded, Sir Wilfrid Laurier rose, and in a speech as patriotic as it was eloquent promised the whole-hearted support of the Opposition in all measures necessary to recruit, equip and transport a Canadian army. Partisan controversy fled like mist before the gale. Four days sufficed to ratify every proposal which was presented; to vote a war contribution of fifty million dollars; to place emergency measures on a statutory basis; and to invest the executive with wise powers of censorship, deportation, and control of transport. Sir Robert Borden stated the position of Great Britain, reviewed Sir Edward Grey's peace proposals, and pledged the resources of Canada in a contest which the Mother Country could not have refused without infidelity and humiliation. He concluded an impressive speech with these words:⁷

As to our duty, all are agreed; we stand shoulder to shoulder with Britain and the other British Dominions in this quarrel. And that duty we shall not fail to fulfil as the honour of Canada demands. Not for love of battle, not for lust of conquest, not for greed of possessions, but for the cause of honour, to maintain solemn pledges, to uphold principles of liberty, to withstand

5. Borden: *The War and the Future*, pp. 26-28.

6. Keith: *War Government in the Dominions*, pp. 17-18.

7. Canada, *House of Commons Debates*, Special session, 1914, p. 19.

forces that would convert the world into an armed camp; yea, in the very name of the peace that we sought at any cost save that of dishonour, we have entered into this war; and while gravely conscious of the tremendous issues involved and of all the issues that they may entail, we do not shrink from them, but with firm hearts we abide the event.

To interpret Sir Robert's policies and convictions solely in the light of his devotion to the Empire would be to fall into grievous error. Loyalty to the Imperial connection did not deter him from asserting Canada's right to maintain and enlarge her powers of self-government. An incident of Sir Robert's visit to London in 1915 illustrated the inviolability which he attached to the principle of autonomy. A delegation asked him to use his influence with the British Government to effect the removal of the cattle embargo. "We in Canada," said the premier in declining, "are very jealous of the self-government entrusted to us. So far as your interests in the United Kingdom are concerned, they must always be matters which you must take up with your Government, and upon which I as a Canadian could not interfere." The eighteen months following saw this principle translated into action. In the autumn of 1916, the Canadian Government took a notable step by establishing in London a Ministry of Overseas Military Forces, with a resident minister. Aside from field operations, the Ministry administered the Canadian forces as an autonomous body. As their commander was responsible to a separate Government, this arrangement secured a status quite different from that of the ordinary British Army Corps. The attempt of the British Government to requisition Canadian ships provoked an even more unmistakable declaration of Dominion autonomy. The question turned upon whether the prerogative in Canada was exercised on the advice of the British or of the Canadian Government. The latter drew a sharp distinction between legal power and constitutional right. While admitting the theory of Imperial predominance, Sir Robert Borden denied that any right of predominance existed in practice. He submitted that the Crown's prerogative must be limited by the same considerations which governed the legislative powers of the British parliament. To prescribe the burdens to be borne by the Dominion rested with the parliament of Canada alone.⁸

Important as were these vindications of freedom from interference in internal affairs, their significance was overshadowed by the stand which Sir Robert Borden took on external policy. Month

8. Borden: *Canadian Constitutional Studies*, pp. 99, 123.

by month as the prospects for an early peace receded further into the future, the Canadian people grew more and more conscious that their national existence depended upon issues beyond their control. In two respects the war directed attention to the problem of foreign relations. Despite the efforts of the British Government to avoid encroaching on the autonomy of the Dominions, it became increasingly clear that Great Britain's declarations of war involved them in events of which not only the people, but the various Governments, knew nothing. In the phrase of a *Round Table* writer, the Dominions had no more voice in making war than the Borough Council of West Ham. Again, the cancellation of schemes of development showed that the direction of internal affairs rested in the last analysis on the direction of foreign policy. In speeches delivered throughout the Dominion, Sir Robert Borden repeatedly insisted that Canada must win a place in the councils which determine the issues of war and peace for the Empire. Admitting that the evolution of self-government yet fell short of its full development, he predicted late in 1914 that the war would hasten a wise solution of what was already the problem of the Commonwealth. It was impossible to believe that the existing status in inter-Imperial relations could remain unchanged in the face of the support which Canada was bearing to the Mother Country. In London in 1915, he said: "The Empire is something greater than it was a year ago. Indeed, it can never be quite the same again. The old order has in some measure passed away. Once for all it has been borne in upon us that the great policies which would control the issues of war and peace concern more than the people of these islands."

The war suggested the first step in the solution of the problem thus obtruded on the public consciousness. While the Dominions withheld their hands from the obligations correlative to the right of a voice in external policy, that abstention was a stone of stumbling in their approach to the *arcana imperii*. In words which were as true in 1914 as they were forty years before, Edward Blake had cut to the pith of the question:

Our Government should no longer present the anomaly which it now presents, a Government the freest, perhaps the most democratic in the world with reference to local and domestic issues, on which you rule yourselves as fully as any people in the world, while in your foreign affairs... you have no more voice than the people of Japan. This, however, is a state of affairs of which you have no right to complain, because so long as you do not choose to undertake the responsibilities and burdens which

attach to some share of control in these affairs, you cannot fully claim the rights and privileges of free-born Britons in such matters.⁹

The war, however, affected inter-Imperial politics with a new condition. The military assistance sent from overseas dissipated into thin air the objection that the Dominions fell short of assuming that measure of responsibility which gives the right to influence high policy. Their sacrifices on the battlefields of northern France rolled away the chief obstruction to the participation of the Dominions in foreign affairs.

The way thus stood open for the major constitutional development of the war. Under Sir Robert Borden's leadership the principle of co-operation, already accepted in defence, was extended to inter-Empire relations. The famous resolution which he moved in the Imperial War Conference of 1917 recognized, in the first place, that the constitutional relations of the various parts of the Empire had reached a stage which required their readjustment. To that end a special Imperial Conference would meet as soon as possible after the cessation of hostilities. The principles upon which the Conference would proceed were three in number. Readjustments "should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important portion of the same". Any such readjustment should recognize the right of the Dominions and India to an adequate voice in foreign policy, and should provide for effective consultation on all important matters of general concern. And, lastly, any such readjustment should preserve intact the unfettered control of internal affairs.

Sir Robert explained the implications of the propositions set forth in the resolution.¹⁰ Any theory of trusteeship was now an outworn creed. The Crown stood as a symbol of unity which rested ultimately on sentiment, and the King, rather than being part of a dominant Government, headed the united democracies of the Empire. Just as complete freedom in local affairs had proved the strongest of cohesive forces, so would the growth of an increasingly equal status between the Dominions and Mother Country strengthen the ties uniting the Empire; out of the advance towards equal status would come a share in external policy. "It is not proposed that in foreign affairs the Government of the United Kingdom shall act first and consult us afterwards. It has been

9. Edward Blake at Aurora, Ontario, October 3, 1874. Quoted in Dewey, *Dominions and Diplomacy*, vol. I, p. 228.

10. *Canadian Parliamentary Papers*, 1917, sessional paper 42a, p. 46 et seq.

definitely and finally laid down that in these matters the Dominions shall be consulted before the Empire is committed to any proposal . . . which might involve the issues of war and peace." The application of that principle called for full and continuous co-operation. At the same time the Dominions jealously guarded their autonomy. The problem of the Commonwealth was to reconcile unity and concentration of purpose with the inviolable rights of self-government. The meetings of the Imperial War Cabinet and the concurrent sessions of the Imperial War Conference in 1917 and 1918, attended by the overseas prime ministers and members of the British War Cabinet, were promising experiments in consultation. Only a prophet or the son of a prophet would dare conjecture, however, as to the final form which the machinery of co-operation would assume.

Whatever the ultimate solution of the problem of the Commonwealth, the meetings in London clearly showed that Federation was out of the question. Mr. Curtis's campaign met the turning point of success in the 1917 Resolution. Federalists were disappointed to find that the Imperial Cabinet differed in no essential principle from the old Imperial Conference. It had no legislative or taxing powers. The double emphasis laid upon the word "consultation" made it clear that those who moved and accepted the resolution rejected all attempts to refashion the Empire upon the plans of the "Round Table" school. Following Burke, Sir Robert Borden pinned his faith to the affection which springs from common names, from kindred blood, from similar privileges. The argument that elections and tribute to an Imperial parliament would knit the Empire close together was neither feasible nor wise. Some time later he drove another nail into the coffin of Imperial Federation, when he declared:¹¹

I do not agree with the conclusions which the Round Table group have reached, because I believe that the security and permanence of the Empire are to be found in its association of free democracies upon a basis of autonomy, liberty and co-operation rather than in parliamentary federation.

The impending collapse of the German armies in October, 1918, brought the question of peace to the fore. As early as 1915 the *Round Table* made a notable plea for Dominion representation at the Peace Conference. Sir Robert Borden's speeches gave further currency to the idea, and in the prolonged conflict the strength of this diffusive thought had time to work and spread.

11. Borden: Article, *Canadian Bar Review*, Nov. 1925, p. 513. *Journal of the Parliaments of the Empire*, 1921, p. 539.

The years from 1914 to 1918 had sent the Empire spinning dizzily "down the ringing grooves of change." Though the Imperial Government had laid the Dominions open to attack by her declarations of war, she could not compel them to assume more than passive belligerency. When they assisted actively in the war, they acquired, by their blood and treasure freely given, the right to full national status. Great Britain's acceptance in the Constitutional Resolution of 1917 of the principle of equal nationhood gave a clear title to direct and separate representation in the Peace Conference. The developments of the war thus made it natural that the Dominions should obtain part and voice in the Allied councils.

Late in October, 1918, Sir Robert Borden cabled the British Government that Canada took it for granted that she would be heard in the peace negotiations. In response to an urgent message from Mr. Lloyd George, he left for England on November 8th to assist in formulating the views of the British delegation in the approaching settlement. The Home Government proposed that the Empire group of five members should be drawn daily from a panel made up of British and overseas delegates. The Dominions and India would then have one seat in the delegation. Sir Robert, however, opposed this proposal. Pointing out that the Commonwealth consisted of a group of free nations under one sovereign, he defended their right to additional representation. The position of a lesser Ally was equally inadequate. The most acceptable compromise would be to secure both. With the war services of the Dominions compelling deference to his voice, Sir Robert persuaded the British Government to adopt the solution of dual representation for the Dominions. They were to have the same rights and standing as Belgium; Canada, Australia and South Africa received two delegates each; New Zealand, one. When the British Empire delegates removed to Paris, they preserved this arrangement, however, only by firm resistance to the objections of President Wilson and certain continental diplomats who were distinctly hostile to this accession to Great Britain's voting strength. "The path upon which the Dominions advanced to complete representation at the Peace Conference was at times rough and thorny. Progress could be achieved only by unfaltering persistence and unceasing effort."

At Paris the constitutional theory of the Empire advanced by three great leaps. When the Conference met, the Dominions, classed as powers with special interests, sat with the leaders of the world around the horseshoe shaped table in the Quai d'Orsay.

When the Peace Treaty was signed, it carried the signatures of plenipotentiaries representing the King for the Dominions. When its text was examined, the Dominions appeared as full fledged members of the League of Nations. In each of these departures Canada led the movement which gave the Dominions an international personality.

Canada played at the Peace Conference a part out of all proportion to her place in the family of states.¹² The panel system secured a "peculiarly effective position". Sir Robert appeared several times before the Council of Four. As a member of the Empire delegation, he twice attended the Council of Ten, an honour not vouchsafed to the representatives of any other small nations. He held the vice-presidency of the Committee on Greece, a body which became recognized as one of the most efficient in the Conference. An American correspondent described him as one of the great leaders in Paris. Towards the end of the year the Canadian premier, in the frequent absences of Mr. Lloyd George and Mr. Balfour, presided at the meetings of the British Empire delegation.

As the negotiations drew to a close, it became necessary that in the signing and ratification of the Treaty the Dominions should retain the status which they had gained by their independent representation at the Conference. Calling his overseas colleagues into consultation, Sir Robert enunciated the doctrine that the Crown may act on the advice of different executives in different constitutional areas. The Dominions thus had access to the powers of the Crown which had not devolved upon the Governor-General. It followed that the Canadian Government had authority to advise the King to issue the necessary full powers to plenipotentiaries who would sign on behalf of Canada. By order-in-council from Ottawa, the Governor-General formally prayed His Majesty to invest Sir Robert Borden and those Ministers who were in Paris with letters patent "for and in respect of the Dominion of Canada". Sir Robert took pains that a certified copy of the order-in-council should be linked up with the related documents in the Foreign Office, "in order that it might formally appear in the records that these full powers were issued on the responsibility of the Canadian Government."¹³ The principle quickly took root that no Government has the right to advise the issuing of a full power in respect of territory subject to another member of the Commonwealth. Thus at Washington in 1921 Lord Balfour

12. Hall: *British Commonwealth of Nations*, p. 188.

13. Canada, *Sessional Papers*, 41j, A.1919, 7-8.

represented both Great Britain and South Africa. Of this Sir Robert Borden wrote:

He had received full powers as plenipotentiary for the United Kingdom which might legally have justified him in signing for South Africa. But constitutionally this was insufficient, and accordingly separate and distinctive full powers were issued to Lord Balfour as plenipotentiary for South Africa.

Means had next to be found to indicate the participation of the Dominions in seal and ink on the face of the formal instrument. A memorandum which Sir Robert Borden circulated in the Conference proposed that the recital in the preamble should include the names of those appointed by Great Britain.¹⁴ Under the general heading "British Empire", the United Kingdom and the various Dominions appeared as sub-headings. Designed to make Great Britain and the Dominions separate parties to the treaty, this device broke too sharply from convention for the traditional conservatism of European diplomats. The suggestion was not followed. The final draft of the treaty omitted the sub-heading "United Kingdom", with the result that the British delegates signed for the Empire as a whole, while the overseas delegates signed for their individual Governments. The Dominions thus had "the doubtful advantage of a double signature." The Balfour Committee corrected in 1926 the anomaly of a special and general designation by approving the form which Sir Robert had devised.

The ratification of the Peace Treaty was effected by procedure more radical than any which had marked its negotiation. In the representation of the Dominions at the Conference, in the issuing of full powers, and in the mode of signature new situations had to be faced, and their solution perforce set new precedents for future action. The existing political machinery, however, offered an easy and customary method of ratification, for according to English constitutional law the final act of approval and recognition of treaties is an executive function which the Crown performs on the motion of its ministers. Lord Milner, the Colonial Secretary, therefore felt no hesitation in asking the Dominion Governments to tender as speedily as possible notes requesting the King to ratify on their behalf.¹⁵ Sir Robert Borden countered with a principle which he had advocated throughout twenty years of public life:

14. *Canada, ibid.*, 6-7.

15. *ibid.*, 10-13. Dewey: *The Dominions and Diplomacy*, vol. II, 35f.

It seems to us that there is considerable doubt whether under modern constitutional practice the King should ratify without first obtaining the approval of parliament. We think that such approval should be obtained in the case of treaties imposing any burden on the people, or involving any change in the law of the land, or requiring legislative action to make them effective, or affecting the full exercise of the legislative power, or affecting territorial rights.

Only after a special session was hastily summoned, and the treaty approved, did the Canadian Government advise the King to ratify on behalf of Canada. Sir Robert was thus able to invest with the sanction of usage a theory which Canadian politics heard him develop for the first time in the debates on the Alaskan Boundary Dispute of 1903 and the International Boundary Waters Treaty of 1909. These events embody two of his specific achievements. The first is the birth of the understanding that the ratification of treaties signed on behalf of a Dominion requires the active assent of that Dominion. The second is the beginning of the practice that such assent shall be preceded by parliamentary approval. Whoever denies that these acts mark a great constitutional epoch must indeed be living in a very dark cave. "The Treaty of Versailles," one commentator hopefully maintained, "did everything that the signing of documents could do to make Canada the equal of Great Britain in status before the world."¹⁶

The Covenant of the League of Nations clearly recognized the new standing of the Dominions. In January, 1919, Sir Robert informed the Conference that the Dominions, as national entities, confidently looked forward to their admission to the League. On the Canadian premier's initiative, the first draft of the Covenant, certain articles of which were obscure, was amended to provide for their membership and representation in the Assembly on the same terms as other signatory members. From the Council of Four he elicited the declaration that the Dominions are eligible for a seat on the Council. Canada thus moved to her place in the family of nations. Finally, the prime minister won for Canada a position on the governing body of the International Labour Organization, the original convention of which definitely excluded the Dominions. Sir Robert carried his case to the Council of Four, where he pressed it with the "most resolute insistence." That body peremptorily ordered the amendment of the offending clauses.

A fitting conclusion to Sir Robert Borden's achievements in securing Canada an international status was the legislation which

16. G. M. Wrong: Article, Canada's Foreign Relations, *Canadian Historical Review*, March 1925. p. 12.

he brought down in May, 1920, for the establishment of a Canadian legation in Washington. On the advice of the Canadian Government the King would appoint a minister plenipotentiary who would act in all Canadian matters on instructions from Ottawa. In the absence of the British ambassador, he would be the temporary guardian of Imperial interests. A few weeks after this proposal was laid before the House, Sir Robert, wearied from his labours, surrendered the premiership to younger hands.¹⁷

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To attempt to fix Sir Robert Borden's place in history is to encroach on a question which the children of this generation will decide. That his will rank high among the proudest names in overseas annals, there is little doubt. Not a few would place his work in the field of Imperial relations above that of Macdonald and Laurier. If it be true that Canada is the constitutional workshop of the Empire, here is one of its most original and influential artificers. His contribution to the problem of the Commonwealth lies, firstly, in the permanence of the reforms which he initiated; and secondly, in certain fundamental principles of which the events sketched above were the visible manifestation.

The perdurance of the changes which were launched at Versailles established the significance of the Borden period. In separate membership in the League of Nations and in the International Labour Organization, in the declaration of eligibility for election to the League Council, and in the right of legation, he secured for Canada four proofs of the lasting recognition of her individuality. While the Dominions thus disported in the full sunshine of world politics, their constitutional relations responded with unwonted growth to the quickening atmosphere of Versailles. The principles and methods which Sir Robert Borden evolved were given form and habitation in the Balfour Report, and marked with the imprimatur of an Imperial Conference. The position of the Crown in the Dominions, as set forth in the Resolution of 1917 and in the Borden Memorandum of 1919, was reiterated and confirmed. The Governor-General ceased to be the representative or agent of the British Government, a conception which Sir Robert had entertained during the nine years of his premiership. Again, the machinery of treaty-making was retained as it had been set in motion at Paris, and adopted at the Imperial Conference of 1923.¹⁸ The effect of the Report of 1926, therefore, was to sum up existing

17. Canada, *House of Commons Debates*, Session 1921, cols. 2451-54, 4538.

18. It may be objected that the Halibut Treaty of 1923 marked a distinct advance over the position set up at Paris. Of this Sir Robert writes: "It had already been decided at Paris in 1919 that Full Powers should be issued to such persons as the several Dominion Governments recommended. Thus the contention that this incident created a constitutional landmark seems quite unfounded." Borden: *Canada in the Commonwealth*, pp. 123-24.

conventions, and, in the words of Duncan Hall, to declare, like Magna Carta, the "ancient custom" of the last few years. That the Balfour committee could draft one of the two greatest state-papers in the history of the Commonwealth is due in large measure to the fact that Sir Robert Borden's efforts made possible the now famous declaration that the Dominions 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."

It is not enough to take for granted the *indicia* of constitutional progress, without uncovering the ideas of which they are the tangible expression. Not the least striking feature of Sir Robert's work is the early crystallization of his theory of Imperial relations. Before he came to office the process was complete. During the naval controversy of 1912-13, the programme of autonomy, consultation, and co-operation sprang into fully developed existence. The conscious purpose with which these principles were applied to all questions affecting external affairs proved that they proceeded from conviction and not from expediency.

That free institutions are the life blood of the Commonwealth, is no new discovery. Safeguarding the complete control of internal affairs has long been an axiom in overseas statecraft. To preserve and extend Canadian autonomy has been the especial care of every prime minister since Confederation. Sir Robert Borden was no less firm in this faith than his predecessors. He could say of Sir Wilfrid Laurier:¹⁹

"I am as strong as he is in the assertion of the right of self-government which Canada enjoys. I believe that we enjoy our privileges not of grace but by right, and we enjoy them in the carrying out of the wisest statesmanship on the part of the Mother Country."

In asserting Dominion autonomy he laboured, however, in a field in which many had gleaned before him. The policy of co-operation, which he formulated and made an active political force, is therefore his most valuable contribution to inter-Empire relations. Certain features of that policy require separate recognition. Firstly, it called for the maintenance of the Imperial connection, with the Crown as the point of unity in an association of free nations organized on a confederate basis. Secondly, joint consultation among the Governments of the Commonwealth followed logically from the Resolution of 1917. Sir Robert Borden contemplated active and continuous exchange of ideas with the Mother

19. Canada, *House of Commons Debates*, session 1909, cols. 3519-20.

Country on every important question that could arise. Co-ordinated action by the members of the Commonwealth was the natural result of group determination of policy. Thirdly, foreign affairs were to be emancipated from the sole direction of the Home Government. The Dominions were to have a voice in those external relations which involve the issues of war and peace. Finally, wearing the dignities of equal status meant acquiescing in reciprocal burdens. Sir Robert wrote:

The Dominions, having sought and gained the status of nationhood, cannot recede from the assumption of its responsibilities. . . . They must be mindful that real, as distinguished from nominal, nationhood cannot be founded upon the phraseology of resolutions alone; it must be measured by the acceptance of responsibility, and based upon achievement.²⁰

20. Borden: *Canada in the Commonwealth*, p. 128.