

Conference were signed by the British plenipotentiaries for the Empire as a whole, while Canadian plenipotentiaries signed for "Canada" only. Canada would thus appear to have been doubly bound. On the other hand, the Canadian Government insisted that the Treaty be ratified on behalf of Canada only after it had been approved by the Canadian Parliament. A further step occurred when the Pacific Halibut Treaty with the United States was negotiated with the United States by the Honourable Ernest Lapointe and signed by him alone. Since then the constitutional right of Canada to negotiate, sign, and have treaties ratified on her own responsibility has been unquestioned. While formal treaties still require action by the King personally, both in the appointment of plenipotentiaries and ratification of treaties, the King acts on the advice of his Canadian Ministers with respect to treaties applying to Canada.

The Development of Equality of Dominion Status.—In 1923, an Imperial Conference took place, at which the new status of the Dominions was recognized in the decision that thenceforth each Dominion was to be free to negotiate, sign and ratify treaties with foreign powers, whether on political or commercial subjects. When in 1925 the Locarno Treaty was negotiated, a clause was inserted excluding the Dominions from its application unless and until their respective Governments formally brought themselves within its scope. Thus, Canada's contentions with respect to both the Halibut Treaty and the Treaty of Lausanne bore fruit.

The next Imperial Conference was held in 1926, soon after the controversy in Canada resultant from the rejection by Lord Byng, then Governor General, of Prime Minister King's recommendation of dissolution of Parliament, followed a few days later by His Excellency's acceptance of a similar recommendation from Mr. Arthur Meighen who had been called upon to form a government when Mr. King resigned, his advice having been rejected. In the ensuing general election Mr. King was given a decisive vote of approval by the electorate. The incident, which was the subject of wide-spread comment, undoubtedly loomed large in the minds of the delegates to the Conference. Accordingly, it is not surprising to find in the Report of that Conference the principle enunciated that:—

"It is an essential consequence of the equality of status existing among the members of the British Commonwealth of Nations that the Governor General of a Dominion is the representative of the Crown holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain, and that he is not the representative or agent of His Majesty's Government in Great Britain or of any department of that Government."

The Imperial Conference of 1930 took the further logical step of agreeing on the following propositions:—

- "1. The parties interested in the appointment of a Governor General of a Dominion are His Majesty the King, whose representative he is, and the Dominion concerned.
- "2. The constitutional practice that His Majesty acts on the advice of responsible ministers applies also in this case.
- "3. The ministers who tender and are responsible for such advice are His Majesty's Ministers in the Dominion concerned.
- "4. The ministers concerned tender their formal advice after informal consultation with His Majesty.
- "5. The channel of communication between His Majesty and the Government of any Dominion is a matter solely concerning His Majesty and such Government. His Majesty's Government in the United Kingdom have expressed their willingness to continue to act in relation to any of His Majesty's Governments in any manner in which that Government may desire.
- "6. The manner in which the instrument containing the Governor-General's appointment should reflect the principles set forth above is a matter in regard to which His Majesty is advised by His Ministers in the Dominion concerned."