Article

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JAMES BRYCE AND THE ESTABLISHMENT OF THE DEPARTMENT OF EXTERNAL AFFAIRS

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In an excellent study of the origins of Canada's Department of External Affairs, Professor James Eayrs [1] attributes the successful foundation of that office to three men, Albert Lord Grey, the Governor General, Joseph Pope, the Under-Secretary of State and James Bryce, the British Ambassador in Washington. The purpose of this paper is to develop the role of the third person of this triumvirate and to explain its importance. Bryce is not one of the better known Victorian statesmen although he is remembered by historiographers as the author of *The Holy Roman Empire* and by American historians for his classic *The American Commonwealth.* It is therefore necessary to review briefly his career, which placed him in the forefront of British statesmen, before considering his work on behalf of the proposed Canadian Department of External Affairs.

James Bryce was born of Scots-Irish parents on May 10, 1838 and was educated at Glasgow and Oxford. Although a recognized historian before he left the university, Bryce taught law at Manchester and Oxford. Entering Parliament in 1880, he sat as a Gladstonian Liberal until 1906, achieving cabinet rank in 1892 and again in 1905, as Chief Secretary for Ireland. Age and academic interests are cited as reasons for his failing to achieve the key positions in the cabinet, but there can be no question of his great importance among the British Parliamentary leaders of the day.[2] The decision of the government at this point to send Bryce to Washington as Ambassador was due to several factors: the failure of Sir Mortimer Durand, the incumbent ambassador, to win Roosevelt's confidence; the lack of success in the negotiations between Britain and the United States concerning the North Atlantic Fisheries; Bryce's immense knowledge of and reputation in America and finally the Foreign Minister, Sir Edward Grey, desired a complete rapprochement with the United

[1] James Eayrs, "The Origins of Canada's Department of External Affairs," *Canadian Journal of Economics and Political Science*, 25, May 1959, pp. 109-128. Eayrs however did not use the Bryce papers, or Sir Edward Grey's which until recently were in the Foreign Office Library but are now available in the Public Record Office, London. Neither did he consult the Colonial Office records.

[2] Cf. Herbert L. Fisher, *James Bryce*, 2 vols. New York, The Macmillan Company, 1927.

States as a part of his search for British and Imperial security. In choosing Bryce, the government had broken with the tradition of selecting ambassadors from within the ranks of the diplomatic service, but had paid the United States a very great compliment in the opinion of most Americans.

Bryce was instructed by Sir Edward Grey to solve the remaining conflicts in Canadian-American relations, and the Foreign Office correspondence reveals that he was to be given a reasonably free hand. The major problems included the perennial fisheries question, pecuniary claims, the pelagic sealing rights in the Bering Sea and the use of boundary waters. Other negotiations, for example a treaty providing for the arbitration of disputes, would arise in the course of his embassy. Arriving to take up his appointment on February 21, 1907, Bryce found an ally in his endeavors to improve Canadian-American relations in Elihu Root, the Secretary of State. The two men became firm friends and their legal backgrounds made easy the resolution of problems bearing on treaty interpretations. Perhaps Bryce's impatience with Canadian and Colonial Office responses to his negotiations was due in part to his close relationship with Root, whose incisive mind provided ready answers to profound questions, answers which Bryce found convincing.

Sixty-eight years old, Bryce had allowed himself three years to finish his mission in Washington before returning to scholarly pursuits. Thus he was always impatient with delays, although Sir Edward Grey reminded him that some were reasonable and might be considered a part of diplomatic skill. Unconvinced, Bryce continued to hustle, (an American word which he favoured) considering the present rather than the future as the right time for completing negotiations. During his first one and a half years in Washington he was impressed by the urgency of finishing before Roosevelt and Root left office. At other times, it was the need to place pending treaties before the Senate in anticipation of its adjournment for its lengthy recesses. Bombarding Ottawa and London with dispatches, letters, and cablegrams, Bryce tried to keep pressure on all concerned to achieve results. In some affairs it was a straight Washington-Ottawa exchange, but others like the Fisheries involved a pentagon of Ottawa, Washington, the Colonial Office, the Foreign Office and the government of Newfoundland at St. Johns. Months passed while draft treaties, minutes, memoranda and correspondence made the rounds and Bryce found that some of the principals, especially Wilfrid Laurier, the Canadian Prime Minister, and Robert Bond, the Newfoundland Premier, frequently forgot their original positions or proposals.

Bryce's appointment to Washington was not viewed with enthusiasm by Laurier and other patriotic Canadians because of his close identification with the United States. Since the Alaska Boundary negotiations of 1903, Laurier was intensely suspicious of American intentions. Yet, the British Ambassador possessed some Canadian connections and became the first of his rank to visit Canada on a regular basis. Laurier's reservations were overcome only by Bryce's determined efforts to understand and know Canada. Bryce first met Laurier in 1904 and they corresponded briefly about the Britisher's desire to overcome the shortage of Canadian news in the British press. [3] Once in office, Bryce regarded himself as the Dominion's representative bound by the decision of that government, thus reflecting the official British policy of consulting self-governing colonies in matters relating to the conduct of their foreign policy. Both before and after his arrival in Washington, Bryce was writing to Ottawa urging the advantages of a personal conference with the Governor General and Sir Wilfrid Laurier.[4] The latter was on the point of leaving for London for the second Imperial Conference, and Bryce wished to brief him on American matters before he talked to Sir Edward Grey and Lord Elgin, the Colonial Secretary. For this purpose, Bryce visited Ottawa at the end of March, and to his dismay found himself listening to an attack on British diplomacy for its failure to protect Canadian interests.[5] Obviously, his mandate to represent Canada had not yet been achieved and he would have to word hard to overcome Laurier's doubts.

A major complication in the negotiations was Canada's lack of a department responsible for handling foreign relations. Theoretically the British Foreign Office should have supplied the technical skills necessary to keep the Ambassador informed but, since Britain wished to fulfill Canada's desires in these matters the Foreign Office waited for suggestions from Canada before instructing Bryce in Washington. By dealing directly with Ottawa, Bryce hoped to reduce the delays but he found that Ottawa's system of preparing state papers was defective, depending as it did upon Sir Wilfrid Laurier's consultations with the Privy Council and with Lord Grey, the Governor General. Protocol required that foreign affairs flow through Rideau Hall but Grey had no files of past negotiations to consult and found that Laurier lacked precise information even about his own previous

[3] James Bryce to W. Laurier, August 22nd, 1904, *Laurier Papers*, P.A.C. 89178; September 29, 1904, *Ibid.*

[4] James Bryce to W. Laurier, Dec. 29, 1906, *Ibid.*, To Albert Grey, February 26, 1907, *Bryce Papers*, Public Record Office, London.

[5] James Bryce to Albert Grey, April 2, 1907, *Ibid.* The speech was given at a dinner at the Canadian Club of Ottawa, April 1, 1907, when Bryce was guest of honour. His reply to Laurier went almost unnoticed by the press.

decisions. The only men with experience in drafting state papers were Joseph Pope, who was mainly concerned with internal affairs as Under-Secretary of State, and the Governor General's secretary. Accordingly Lord Grey and Bryce were compelled to supply the deficiency and proceeded with great success. Having concluded that British policy had been conducted on a "hand to mouth" basis, Bryce had his staff prepare memoranda on the history of the fisheries dispute, which was used subsequently by London, St. Johns and Ottawa as a basis for discussion.[6] In this, Bryce was assisted by Root's carefully prepared drafts for discussion of the boundary waters question and the pelagic sealing problem. Nevertheless, although it took only five months for Bryce to obtain agreement on the principle of arbitration of the fisheries, it took almost three years to establish the terms of reference to be used by The Hague Tribunal by which the question was to be arbitrated, because Canada and Newfoundland could not agree on the same terms of reference and took a long time to approve the United States draft.

Within a year of his taking up the appointment in Washington Bryce concluded that Canada must create a department of external affairs. The delays were galling to Bryce, with his passion for getting things done, and he believed they were due to a lack of a central clearing house where past decisions were filed and present considerations were uniformly drafted. Bryce thought for this reason that Laurier and his colleagues were "inclined to stand out too much upon small points, even when in my view they are wrong and the U.S. right..."[7] But the responsibility lay ultimately with Laurier who tended to neglect previous negotiations, if he did not forget them altogether. For example, when Bryce suggested the reopening of the pelagic sealing question, as an urgent matter of conservation, Lord Grey replied that the United States should take the initiative, apparently forgetting that Bryce had made clear eight weeks previously that the United States had taken the first step three years before this time.[8] When consulted Laurier was cautious in his response, and we find Sir Edward Grey telegraphing incredulously, "Am I to understand that P.M. of Canada will not reply to S. of S.'s proposals of April 9 forwarded to him by the Colonial Office until he is aware of S. of S.'s attitude towards his own suggestions?" Bryce replied "Yes."[9]

[6] James Bryce to Albert Grey, September 7, 1907, *Ibid.*
[7] James Bryce to Albert Grey, February 24, 1908, *Ibid.*
[8] James Bryce to Albert Grey, January 30, 1908; 24 March 1908, *Ibid.*
[9] Sir Edward Grey to James Bryce, Telegram 81, 239/08, *Foreign Office papers*, Bryce Embassy, P.R.O.: James Bryce to Sir Edward Grey, June 30, 1908, Telegram 99, *Ibid.*

Two incidents especially made him commence official requests and private pressure for the establishment of such an office. The first was an extraordinary mission in which, at Roosevelt's request, Laurier sent Mackenzie King to discuss the Japanese immigration problem with the President. The latter then tried to use King on a special mission of his own to the British Conservative opposition. Having consulted Bryce, King avoided this pitfall, but Bryce wrote to Lord Grey, "As to the President's letter to Sir Wilfrid, it shows the great inconvenience irregular negotiations may cause, and the misunderstandings possible" and he praised the tried and tested methods and channels of traditional diplomacy.[10] The second event which tried Bryce's soul concerned the pecuniary claims arbitration, in which Laurier, having previously agreed to the claim of the owners of a fishing vessel, the Fred Gerring, being included in the American list of claims, now suddenly withdrew his consent. Bryce wrote indignantly (May 11, 1908), "We could not retire with honour from the promise we have given! Has Sir Wilfrid Laurier forgotten his submissions both in writing and in person." Canada must have a Department of External Affairs, he concluded, in order to avoid such embarrassing situations. It was impossible, in his judgment, to maintain the continuity of a negotiation because of this type of delay.[11] On May 19, 1908 he repeated his plea for Albert Grey to get Laurier moving in this matter.

Australia led the Dominions in the establishment of departments of external affairs, such a measure being provided for in the Constitution of 1901. However, this department was a branch of the Prime Minister's Office until 1909 and dealt mainly with internal affairs.[12] Australia, unlike Canada, had no major problems with neighboring great powers and therefore had less need for an active foreign ministry. Its experience could not therefore be used as a guide for Canada. The subject had been broached in Canada following the Boer War and the leading Canadian advocate was the Under-Secretary of State, Joseph Pope. He had submitted a lengthy memorandum to a Royal Commission on the Civil Service, on May 25, 1907, which was greeted with official apathy. Although I have found no evidence that Bryce had read this, he discussed the problem personally with the Governor-General and Sir Wilfrid Laurier during his visit to

[10] James Bryce to Albert Grey, February 6, 1908; February 12, 1908. *Bryce Papers*, P.R.O.

[11] James Bryce to Albert Grey, May 11, 1908; *Bryce Papers*, May 19, 1908, *Grey Papers, P.A.C.*

[12] The Australian Department was absorbed into the Prime Minister's Department from 1921-1935 and had to be re-created in the latter year. Further until 1938 Australia unlike Canada had no external diplomatic representation except in London, cf. Alan Watt, *The Evolution of Australian Foreign Policy*, Cambridge: University Press, 1967.

Ottawa in mid-February, 1908. He noted that, "... personal presence and pressure got out of Laurier in five days more than I had been able to get by 11 months of correspondence."[13] On the basis of this discussion, he assured Sir Edward Grey, on February 24, 1908, that both Laurier and Albert Grey approved the plan for the establishment of the Department of External Affairs.[14]

In London, the Colonial Office was rather hesitant to approve such a scheme. The letters between Lord Elgin, the Colonial Secretary, and Sir Edward Grey reveal that the former also believed that the Foreign Office was reluctant to support the Bryce-Grey-Pope plan. As Elgin wrote,

> But anything like a "sort of Foreign Office" in the Canadian government would be a new departure – and could not be agreed to without much consideration. I can see that just now and perhaps always, there must be much business between Canada and the U.S.
>
> But if Canada had an F.O. our friend Deakin would certainly claim one – and so on and where would it stop.[15]

Either Elgin had forgotten that the Australian Prime Minister already possessed such an office or this reinforces the impression that the Australian Department of External Affairs had little to do with foreign affairs. The possibility that Elgin would provide a stumbling block to progress in this matter was overcome when he was summarily dropped from the cabinet in April 1908. His successor, the Earl of Crewe, was also inclined to be doubtful about the proceeding. The fact that he was new to the office may explain his hesitation but it must be recognized that Crewe's major concern for the years 1908-1910 was South Africa, not Canada. Once he was reassured that Canada was not taking over sovereignty in the conduct of its foreign affairs, Crewe approved in principle the establishment of a Secretariate to advise the Prime Minister in these matters.[16]

After Bryce's initial successes, in the first fifteen months of his embassy, in the Fisheries and Boundary waters questions and an unexpected success in negotiating a General Arbitration Treaty between Canada and the United States, the Ambassador thought he migh rest on his laurels. Apologizing for the number of his communications, Bryce had assured Albert Grey that once these treaties were settled, he would give Grey and Laurier "... a long rest from my troublings."[17] But six weeks later his impatience to get on

[13] James Bryce to Albert Grey, March 6, 1908, *Bryce Papers*, P.R.O.
[14] James Bryce to Sir Edward Grey, February 24, 1908. *Ibid.*
[15] Lord Elgin to Sir E. Grey, February 22, 1908, March 7, 1908, *Grey Papers*, P.R.O.F.O. 800/91.
[16] Crewe to Sir E. Grey, 21 July, 1909, F.O. 800/91.
[17] James Bryce to Albert Grey, March, 1908; May 2, 1908. *Bryce Papers*, P.R.O.

reasserted itself and he was goading Grey to prod Laurier and his ministers.

Perhaps typical of Bryce's pressure is the following letter to Grey :

> Considering what a brisk and go ahead country Canada has now become, I am surprised at the long delay before I get answers to my requests for expressions of the views of your ministers. Even when I ask for a reply by telegraph it doesn't come. Time is running on. With all the negotiating to be done with Root, and all the trouble that will follow thereafter with the Senate, we shall get nothing done unless things move faster. *I am practically, now handling all questions directly with Canada,* and expected in that way to get on much faster. But they don't move.[18]

His tolerance of Laurier was badly strained when, in June, 1908, Laurier officially requested Root to change the makeup of the international waters commission from the form Laurier had demanded and which had been written into a draft treaty, back to the form which Root had originally suggested. A considerable amount of Bryce's time was wasted by this and, to him, it again emphasized the need for a Department of External Affairs, because Laurier's reason for changing what had been settled was his previous failure to consult the Canadian expert in the field.[19] Laurier's comment four months later, "I don't suppose any embarrassment will arise out of this," [20] was hardly likely to convince the embarassed Bryce. Visiting London that summer, Bryce converted Sir Edward Grey to the cause of establishing the needed department and consulted the Colonial Office. The latter sent Sir Francis Hopwood, Under-Secretary of State for the Colonies, to Canada to discuss this question, as well as other pending diplomatic issues. Laurier seems to have been convinced by this visit but insisted that the question must stand over until after the next general election.

On September 9, 1908, Joseph Pope was sent for by Laurier and informed that the Cabinet had that day resolved to establish the Department of External Affairs and to place him at the head of it. In this he had anticipated Bryce, who wrote to Lord Grey on October 29, 1908, after Laurier had won the General Elections, "Now induce Sir W. L. to go ahead with establishment of External Affairs." [21] He repeated this request to Grey on January 3, 1909, and again on January 7, 1909, when he was still bewailing the lack of such a department for the delays in Ottawa and the mislaid cor-

[18] James Bryce to Albert Grey, December 14, 1907, *Ibid.*
[19] James Bryce to Albert Grey, June 20, 1908; August 10, 1908.
[20] W. L. Laurier to James Bryce, 12 October, 1908, *Laurier Papers,* P.A.C. 145812.
[21] James Bryce to Albert Grey, *Bryce Papers.*

respondence. The bill for the establishment of the department was introduced into the Commons on March 4, 1909, and received royal assent on May 16. Contrary to Joseph Pope's draft bill and Bryce's own advice, the new office was placed under the Secretary of State, who was concerned with internal matters, and not the Prime Minister who was most directly involved in foreign affairs. Ill equipped, understaffed and ill housed, it began its work about June 1, 1909, but initially it could do little more than attempt to build up records and files of correspondence concerning Canada. It was, therefore, of little help to Bryce, although he liked Pope and found him a good colleague.[22]

Having assisted in the creation of this new department, Bryce vacillated between a desire to see it function as a full fledged Foreign Office and his fear that Imperial unity would be weakened if it did so. In the former vein on July, 1910, he wrote to his superior in London, "Canada suffers badly from not having a Foreign Office," and in a similar vein to Albert Grey, September 23, 1911, "What a pity that you have not a proper permanent staff in your Department of External Affairs to carry things on."[23]

The difficulty lay partly in Pope's belief that he could not function properly in External Affairs until he had collected the necessary documents, a process which took many years. It was also a byproduct of Pope's refusal to follow Lord Grey's advice and move into the East block of the government buildings in Ottawa. The location of the office on Bank Street placed it too far away to be of much service in both Grey's and Bryce's opinion, although Laurier seemed indifferent.[24] On the more important question of where final power lay in decisions affecting foreign affairs, Bryce agreed with Grey that all important correspondence should pass through the hands of the Governor-General. Canada's advice was to be accepted and her wishes respected but even advocates of Imperial federalism like Bryce and Grey could not accept a real limitation of Britain's sovereignty over her empire. The Colonial Office discussions of the application of The Hague Treaty on disarmament during these years reveal that Britain would control the international relations of the

22 There is no mention, in Bryce's correspondence, of Pope's role in the establishment of the department. On the other hand, a letter from Louis Mallet, the British under-Secretary of State for Foreign Affairs, referred to a member of Bryce's staff in a discussion of the establishment of the Canadian department: "I should like very much to have been able to mark our appreciation of Young's labours in the Newfoundland Fisheries Question by agreeing at once to a proposal of this kind." Apparently Mallet was unaware of the bill before the Canadian House. Louis Mallet to James Bryce, April 8, 1909, *Ibid.*

23 James Bryce to Albert Grey, September 23, 1911, *Ibid.*

24 Lord Grey to Sir W. Laurier, December 22, 1909, *Grey Papers*, P.A.C.

Empire during these years. The Foreign Office also reminded Ottawa that it must not overlook the British Ambassador in Washington in carrying on negotiations with the United States. [25]

With the establishment of the Department of External Affairs, Canadian statesmen also considered the question of Canada acquiring diplomatic representation outside England. It is significant of Bryce's attitude toward the whole question that he objected to the suggestion that a member of his staff be appointed "... as a specifically appointed representative of Canada..." although he would not have objected to London sending him "... a young Canadian of talent and industry as a regular member of the diplomatic service." [26] Obviously, Bryce had no intention of assisting in the creation at Ottawa of any institution other than a purely administrative office for providing accurate information on Canada's diplomatic needs. Similarly, Laurier, while anxious that Canada be given a free hand in the conduct of her external affairs, was not willing to claim more for Canada's Department of External Affairs than an advisory capacity which would leave the control of foreign policy in his hands. He was quite contented with Bryce's role as Canada's representative in Washington. [27] However, since Britain had allowed Canada to conduct bilateral relations with Japan in 1906 and France in 1907 on questions concerning immigration and commerce, Ottawa broached the idea of appointing a Canadian trade commissioner to Washington. Bryce received it unenthusiastically, as did London, because he foresaw conflicts of responsibility with the British ambassador in fields such as immigration. [28] Lord Grey and Bryce were not prepared to see any lessening of their respective powers as a result of their work on behalf of the new Department of External Affairs.

The subject drops out of Bryce's correspondence after 1911. By that year the major questions affecting Canadian-American relations were settled for the time being and Bryce's remaining years in Washington were devoted to other issues. Once Grey had left Ottawa and Bryce Washington, it became possible for Canada to assert itself more strongly in the field of foreign affairs. Bryce's role in creating the Department may seem small in retrospect were it not for his position as a former cabinet colleague of Sir Edward Grey and the Earl of Crewe. It was certain also that he would return to England

[25] Albert Grey to James Bryce, June 2, 1909; James Bryce to Albert Grey, June 10, 1909. *Bryce Papers*, P.R.O.

[26] James Bryce to Albert Grey, December 13, 1909 March 27, 1911, *Ibid.*

[27] Laurier paid Bryce a handsome tribute in the House of Commons December 15, 1909.

[28] James Bryce to Albert Grey, January 26, 1911, *Bryce Papers;* to Sir Edward Grey, January 27, 1911, *Grey Papers.*

to the House of Lords and would reenter the government again. Therefore, his mission to London in the summer of 1908, although not well documented, probably carried great weight in convincing London of the necessity of permitting Ottawa to create such a department. It was then up to Albert Grey, with Bryce's support, to persuade Laurier to take the necessary legislative steps. Although Pope had conceived a similar idea, the correspondence, particularly over the Bank Street site of the Department indicated that he was incapable of fighting for this idea or of putting pressure on Laurier. As for Grey, his actions seem to have followed pressure from Bryce, whose stature as the leading political scientist of the day must have lent authority to his proposals. Undeniably Canada had been moving towards autonomy in its foreign affairs. Bryce added momentum to the movement.[29]

[29] It should not be forgotten that Bryce was also a champion of arbitration of disputes. The General Arbitration Treaty between Canada and the United States which he negotiated effectively removed many issues from the control of the British Foreign Office. His role in the creation of the Joint Commission on Boundary Waters had a similar effect.