William Lyon Mackenzie King and the Question of the Institutional Status of Governors-General at the Imperial Conference, 1926¹

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The paper is focused on an analysis of British-Canadian constitutional and institutional relations in connexion with the nation-building process, Mackenzie King's nationalist tendencies and Canadian efforts to be partly recognised as an independent state during the Imperial Conference of 1926, which marked a new phase in relations among the Dominions and the mother country. The circumstances strengthened Canada's Prime Minister, Mackenzie King, in his conviction that they had to break free from their obligations arising from common policies, and instead ensure that Ottawa enforce an independent, or at least autonomous, form of foreign policy. Subsequent conflicts of opinion between Canadian Prime Minister William Lyon Mackenzie King and Canadian Governor-General Viscount Byng affected the agenda of inter-Imperial relations regarding ensuring a precise definition of the institutional status of Governors-General. Mackenzie King thought that Governors-General should from then on represent the Crown, but not the London government. This change would give Dominion governments direct access to the King. Previously, Governors-General in the Dominions had been viewed more as "communication intermediaries" between Britain and local representatives rather than direct representatives of the King.

British-Canadian Relations; British Empire; Imperial Conference; Governors-General; William Lyon Mackenzie King; Viscount of Byng

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Constitutional relations between the mother country and the Dominions were one of the most important and most interesting chapters of British Imperial history in the 1920s. The establishment of the first Dominions through the coming together of previously geographically linked Self-Governing Colonies opened up the question of what the Dominions' new position was in regard to the mother country and other parts of the Empire. Canada, the oldest Dominion, had many old ties binding it to Great Britain, in contrast to the other "white" overseas settlements. The circumstances and debates around the Chanak Incident (or Chanak Crisis), the Conference of Lausanne, the Canadian-American fishing treaty (the so-called Halibut Treaty), the 1923 Imperial Conference, the Geneva Protocol and the Pact of Locarno were significantly reflected in a clearer determination of Dominions' constitutional position. These affairs might appear that Canada's position was a key factor in the subsequent development of relations between the Dominions and Great Britain. In fact, this was not the case. As a result of his dispute with the Governor-General, Julian Hedworth George Byng, 1st Viscount Byng of Vimy, Canada's Prime Minister William Lyon Mackenzie King played a large role in ensuring a precise definition of Governors-General's institutional status at the Imperial Conference of 1926 which meant a new phase in the constitutional relations between the Dominions and the mother country.

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When Mackenzie King entered politics, he wanted to be a principled and moral politician of strong character like his grandfather.² From December 1921 when he became Prime Minister, he was heavily reliant on the votes of liberal francophone Quebec voters, who gave him a solid parliamentary majority.³ In mid-1925, he came to the conclusion that it was essential a cabinet reshuffle take place to ensure support, and as such he called on the Governor-General to dissolve the House of Commons. Viscount Byng of Vimy consented. Mackenzie King thought he would win easily;⁴

² J. E. ESBEREY, Personality and Politics: A New Look at the King-Byng Dispute, in: Canadian Journal of Political Science / Revue canadienne de science politique, 6, 1, 1973, p. 41.

³ C. P. STACEY, Canada and the Age of Conflict: A History of Canadian External Policies: 1921–1948: The Mackenzie King Era, Vol. 2, Toronto 1981, p. 73.

⁴ H. B. NEATBY, William Lyon Mackenzie King: 1924–1932: The Lonely Heights, Vol. 2, London 1963, pp. 60–73.

he relied on the publicity the media surrounded him with.⁵ The electoral results, however, represented a personal loss for the Liberal leader as he had failed to defend his mandate in his home constituency of North York.

The Liberal loss shifted the balance of power within Canadian politics. The Prime Minister held confidential consultations with the Governor-General on his next step, who recommended he resign. Initially, Mackenzie King saw no alternative and agreed. Subsequently, however, he decided to remain in office for the time being, even though he did not have a majority in the House of Commons. During subsequent meetings, Viscount Byng allegedly made it clear that he did not see another dissolution of parliament and another election as a solution. However, he preferred the parliamentary crisis be dealt with quickly, and as such in the end he supported the Prime Minister's proposal that the members of parliament elected convene quickly. On the one hand, Canada's Governor-General did not want to extend the "post-electoral agony" indefinitely, and on the other hand he made it clear he was ready to act if needed. §

On 4 November 1925, Mackenzie King spoke publicly, acknowledging that no party had received a majority in parliament. He stated the cabinet had made "careful consideration of the constitutional precedents and their bearing upon the situation" and all eventualities, and that therefore "[...] the Cabinet decided unanimously this afternoon that it was their constitutional duty to meet Parliament at the earliest possible moment [...]". Until the time it convened, Mackenzie King intended to govern the country along with his government even without confidence, thus postponing his resignation. In the end, in mid-January 1926 Mackenzie King acquired limited support from the Progress Party, gaining a parliamentary majority of three seats.

A controversial government decision over customs tariffs led to conflict with Progress Party members of parliament at the end of May 1926. The minority government's difficulties came to a climax on the weekend of 26 and 27 June, when Mackenzie King refused to make any concessions, instead asking the Governor-General Viscount Byng to dissolve

M. BOURRIE, The Myth of the "Gagged Clam": William Lyon Mackenzie King's Press Relations, in: Global Media Journal: Canadian Edition, 3, 2, 2010, pp. 13–30.

⁶ ESBEREY, p. 47; The National Archives (further only TNA), Dominion Office (further only DO), 117/4, [Memorandum by] A. F. Sladen, 18th January, 1926, ff. 1–4 [9–12].

⁷ TNA, DO 117/24, [Statement Issued by Mackenzie King], 4th December [sic], 1925, ff. [9–10].

⁸ NEATBY, pp. 82, 111.

the House of Commons and call a new election. He was persuaded the Conservative opposition leader Arthur Meighen would be unable to set up a government and as such the Governor-General would have to accede to his request. Byng rejected his request on the basis of similar precedents in New South Wales, without waiting to hear the stance of Britain's Secretary of State for Dominion Affairs Leopold Amery, and on 28 June Mackenzie King resigned. The Governor-General believed that if he had acceded, he would have given the Liberals unfair advantage in the election campaign, and therefore concluded that Meighen should also reciprocally get the chance to set up a government, and Meighen gratefully accepted the opportunity. On 2 July the newly formed cabinet appeared before the parliament to ask for its confidence, which in rather dramatic circumstances it did not receive. As such, Arthur Meighen was forced to ask the Governor-General that the parliament be dissolved, and the Governor-General acceded.

From the start, Mackenzie King had considered Byng a confidential advisor, close friend and political partner who held the same status as he did hierarchically; in no way did he consider him senior. ¹⁴ Since the Canadian constitution did not have a clear interpretation in this matter, Mackenzie King criticised the fact that Byng had not asked for precise instructions from London. Amery did not make any statement, because

⁹ ESBEREY, p. 49.

TNA, Colonial Office (further only CO) 886/10/4, D. 7104, Canada: The Governor General to the Secretary of State, 30th June, 1926, Doc. No. 146, f. 145 [491]; TNA, CO 886/10/4, D. 7104, Canada: The Governor General to the Secretary of State, 30th June, 1926, Doc. No. 147, f. 146 [492].

¹¹ University of Cambridge: Churchill College: Churchill Archives Centre (further only CAC), Amery Papers (further only AP), AMEL 2/4/4, Larkin to L. S. Amery, 29th June, 1926, [s. p.].

¹² Cf. R. GRAHAM (Ed.), *The King-Byng Affair, 1926: A Question of Responsible Government,* Toronto 1967, pp. 23–24; TNA, Cabinet Papers (further only CAB) 24/180/82, Mackenzie King to Byng, 3rd July, 1926, f. [79]; TNA, DO 117/24, Mackenzie King to L. S. Amery, 17th July, 1926, ff. [6–8]; TNA, CAB 24/180/64, C. P. 263 (26), Paraphrase Telegram from the Secretary of State of Dominion Affairs to the Governor General of Canada, 1st July, 1926, f. 7; TNA, CO 886/10/4, D. 7104, Canada: The Governor General to the Secretary of State, 30th June, 1926, Doc. No. 145, ff. 144–145 [491]; TNA, DO 117/20, Note, [July 1926], f. [5]; TNA, CAB 24/180/64, C. P. 263 (26), Paraphrase Telegram from the Secretary of State of Dominion Affairs to the Governor General of Canada, 1st July, 1926, f. 7.

¹³ STACEY, p. 76.

¹⁴ ESBEREY, pp. 44, 48; TNA, DO 117/20, The Times, 1st July, 1926, f. [37].

he thought, "[...] that in my view it would not be proper for the Secretary of State to issue instructions with regard to the exercise of his constitutional duties to a Governor". Byng's position on dissolving the House of Commons at once confirmed to the Liberals that the Governor-General favoured the Conservatives, and as such they ran the election campaign as a battle for Canadian autonomy. On 14 September 1926, the Liberal Party won and Mackenzie King was happy to consider this proof that his request for dissolution of parliament had been justified. In contrast, Viscount Byng perceived it as a personal disappointment. To

Byng's decision really did seem to be mistaken rather than constructive and was more attune to the acts of Colonial Governors during the Victorian era than during the 1920s. He had thought the Governor-General had the absolute right to dissolve parliament or choose not to. Britain's Secretary of State for Dominion Affairs Amery had been critical for some time of Canada's Governor-General. Viscount Byng sent less reports to London, for example, than other Governors-General, and as such Amery had to prompt him to send him more detailed information from time to time on the situation in Canada which were, a matter of general Imperial interest. In contrast, former Canadian Prime Minister Sir Robert Laird Borden said that during the autumn 1925 and summer 1926 crises Byng had kept a cool head and despite the complexity of both situations was shown to have acted, "not only by perfect constitutional propriety, but by rare good judgment". 21

As a result of the parliamentary crisis, Canada's Prime Minister officially opened the issue of the royal prerogative and the status of the Governor-General. He perceived the dispute with Viscount Byng as clear evidence of

¹⁵ TNA, DO 117/20, Telegram from the Secretary of State of Dominion Affairs to the Governor General of Canada, 1st July, 1926, f. [30].

¹⁶ STACEY, pp. 76-77.

¹⁷ CAC, AP, AMEL 2/4/4, Byng to L. S. Amery, 18th September, 1926, ff. [1]–3.

¹⁸ Cf. CAC, AP, AMEL 2/4/4, Byng to L. S. Amery, 17th July, 1926, ff. [1]-2; TNA, CAB 24/180/64, C. P. 263 (26), Paraphrase Telegram from the Governor General of Canada to the Secretary of State of Dominion Affairs, 30th June, 1926, f. 2; TNA, DO 121/60, Canada: Private Letters Addressed to Lord Byng of Vimy, Governor-General, June – July 1926, ff. 1–15.

¹⁹ TNA, DO 117/4, C. P. D. to L. S. Amery, 2nd January, 1926, f. [4].

²⁰ TNA, DO 117/4, L. S. Amery to Byng, 12th February, 1926, ff. [13–14].

²¹ CAC, AP, AMEL 2/1/11, Borden to Byng, Ottawa, 6th July, 1926, [ff. 1–2]; CAC, AP, AMEL 2/1/11, Borden to L. S. Amery, Ottawa, 18th September, 1926, [ff. 1–4]; CAC, AP, AMEL 2/1/11, L. S. Amery to Borden, 4th October, 1926, [s. f.].

the subordination and unequal status of the Dominions considering that in Britain no request for dissolution of parliament had been rejected for centuries. Mackenzie King held a different opinion and interpretation of the Governor-General's status as an institutional tool of Crown power. For this reason, it was decided to ask the participants of the planned Imperial Conference to state their opinion on Governors-General's position in Dominions and the request to dissolve the lower parliament in June 1926. The nub of the problem was in the ambiguous "technical status" of the Governor-General during government crises. It was shown that in these situations, a rigidly determined procedure would be better than an approach based on "trust" in the Governor-General's ambiguously defined constitutional role. As such, during 1926 the Canadian Prime Minister clearly supported the demand for the equal status of Dominions. ²³

On 19 October 1926, British Prime Minister Stanley Baldwin officially opened the Imperial Conference with a speech which on the one hand summarised the successes of the previous meeting between British and overseas representatives, and on the other hand outlined the future direction of the Empire. Thus the need had arisen to clarify the current ambiguous legal and constitutional status of the Dominions. Although the institutional reorganisation of Britain's Colonial Office and the establishment of the Dominion Office in 1925 had brought the principle of equality into relations between the Dominions and the mother country, in the summer of 1926 these changes seemed to be more "cosmetic" administrative measures with little impact on the constitutional situation within the Empire. As such, Britain anticipated that the Prime Ministers of the Union of South Africa, Canada, and the Irish Free State would demand constitutional reforms at the Conference. The summary of the Conference.

²² TNA, DO 117/20, The Times, 2nd July, 1926, ff. [40–41].

N. MANSERGH, The Commonwealth Experience: From British to Multiracial Commonwealth, Vol. 2, London 1982, pp. 22–23; J. A. STEVENSON, The Byng-King Controversy, in: New Statesman, 28, 724, 12th March, 1927, pp. 659–660.

²⁴ Cmd. 2769, Imperial Conference, 1926: Appendices to the Summary of Proceedings, London 1927, pp. 5–14; I. M. CUMPSTON (Ed.), The Growth of the British Commonwealth 1880–1932, London 1973, p. 57; TNA, CAB 32/46, E. (1926), Imperial Conference, 1926: Stenographic Notes of the First Meeting, Downing Street, 19th October, 1926, ff. [2–6].

P. C. OLIVER, The Constitution of Independence: The Development of Constitutional Theory in Australia, Canada, and New Zealand, Oxford 2005, pp. 45–47; United Kingdom, Parliamentary Debates, House of Lords 5th Series, Vol. 65, 27th July, 1926, cc. 285–287; TNA, CO 886/10/4, D. 7185/26, Irish Free State: Extract from Dail Eireann Debates,

The prime ministers agreed that issues related to relations within the Empire, would be the responsibility of a committee comprised of Prime Ministers and other important Dominion and British delegates. This committee would have the task of investigating all contentious issues and aspects of relations within the Empire, and subsequently present an extensive report to the Conference which would become an underlying instrument for the further development of the British Empire. The former British Prime Minister Arthur James Balfour, 1st Earl of Balfour, was appointed chair of the Committee on Inter-Imperial Relations.²⁶

There remain today several stories told about the adoption of the Balfour Declaration of 1926. For example, while Balfour was listening to the discussions of his Dominion colleagues, it is alleged he spontaneously wrote down the main phrases on the back of an envelope, and these then became known as the definition of the position of the Empire's autonomous parts.²⁷ There is another legend based on a claim by Balfour's niece Blanche, that the "famous text" which later included the final report was written on a piece of paper torn out of a notebook during a meeting. The truth is somewhat different from the myth of the Balfour Declaration's adoption. Most of the text was written during official and unofficial discussions and during informal meetings over the course of the Conference's large additional programme. The Declaration's final form represents a compromise between the proposals discussed at the meetings of the Committee on Inter-Imperial Relations, or which had already been suggested during confidential discussions between Dominion Prime Ministers and British representatives.²⁸

^{2&}lt;sup>nd</sup> June, 1926, Doc. No. 132, ff. 105–106 [471–472]; TNA, CO 886/10/4, D. 7185/26, Irish Free State: Extract from Dail Eireann Debates, 3rd June, 1926, Doc. No. 133, ff. 106–107 [472]; TNA, CO 886/10/4, D. 7213/26, Canada: Extract from Canadian Debates, 21st June, 1926, Doc. No. 134, ff. 107–109 [472–473].

²⁶ The British Library, Balfour Papers, Add MS 49704, Hankey to Balfour, 12th October, 1926, f. [110]; Cmd. 2768, *Imperial Conference, 1926: Summary of Proceedings*, London 1926, p. 12; P. MARSHALL, *The Balfour Formula and the Evolution of the Commonwealth*, in: The Round Table: The Commonwealth Journal of International Affairs, 90, 361, 2001, p. 543; TNA, CAB 32/46, E. (1926), Imperial Conference, 1926: Stenographic Notes of the Eight Meeting, Downing Street, 25th October, 1926, ff. [84–85].

²⁷ N. MANSERGH, Survey of British Commonwealth Affairs: Problems of External Policy 1931–1939, London 1952, p. 11.

²⁸ Cf. R. J. Q. ADAMS, *Balfour: The Last Grandee*, London 2008, p. 372; CAC, AP, AMEL 5/39, Birmingham Post: Dominions Prime Ministers at Rugby Wireless Station, 8th November, 1926, f. [1]; CAC, Hankey Papers (further only HNKY) 24/5, M. Hankey,

On 27 October 1926, the Committee had its first meeting, which was opened by Chairman Lord Balfour, with a statement containing the ideas and phrases which Balfour subsequently used as a basis for several passages in his Declaration. In response to this, Canadian Prime Minister Mackenzie King recommended also focusing on the status of Governors-General.²⁹

In mid-November 1926, the Committee for Inter-Imperial Relations submitted its final report. Right it the beginning, this states, that, "our discussions on these questions have been long and intricate", but that nevertheless they had found, "[...] fundamental principles affecting the relations of the various parts of the British Empire interse" and their relations to external countries. 30 The Balfour Declaration defined the status of the autonomous overseas territories and relations between the Dominions and the mother country as follows: "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 equal status of Great Britain and the Dominions was highlighted by the fact that the mother country was one of seven "self-governing communities" which were part of the Empire. 31 The importance of the Balfour Declaration was often compared to the importance of the Magna Carta or the Declaration of Rights.³²

The system of communication and method of consultation between the Dominions and the mother country and the position of the Governors-General was another important issue alongside defining the position of the autonomous overseas territories which was discussed at the Imperial Conference. As early as in 1921, General Smuts and Amery had considered it essential to further clarify the institutional role of Governors, or Governors-General in the Dominions; the new demand was made in par-

Inter-Imperial Relations: The Balfour Formula, 1926, [October 1951], f. 7; B. E. C. DUGDALE, *Arthur James Balfour*: 1906–1930, Vol. 2, London 1939, pp. 379–380.

²⁹ TNA, CAB 32/56, E. (I. R.-26), Imperial Conference, 1926: Committee of Inter-Imperial Relations: Minutes of the First Meeting of the Committee, 27th October, 1926, ff. 2-11 [8-13].

³⁰ TNA, CAB 32/56, Doc. E 129, Imperial Conference, 1926: Inter-Imperial Relations Committee: Report, 18th November, 1926, ff. 1–2 [2].

³¹ TNA, CAB 32/46, E. (1926), Imperial Conference, 1926: Committee of Inter-Imperial Relations: Minutes of the First Meeting of the Committee, 27th October, 1926, f. 2 [8].

³² L. S. AMERY, The Forward View, London 1935, p. 179.

ticular by Canadian Prime Minister Mackenzie King. He was persuaded that Governors-General should from now on represent the Crown, but not the London government. This change would give Dominion governments direct access to the King. Previously, Governors-General in the Dominions had been viewed more as "communication intermediators" between Britain and local representatives rather than direct representatives of the King. The Committee on Inter-Imperial Relations therefore thoroughly discussed the role of Governors-General, their position in official communication and other matters.³³

The final report included two articles focused on communication and the method of consultation within the Empire, entitled System of Communication and Consultation, and Position of Governors-General. Committee members came to the conclusion that, "[...] the Governor-General is no longer the representative of His Majesty's Government in Great Britain; there is no one therefore in the Dominion capitals in a position to represent with authority the views of His Majesty's Government in Great Britain". This was a wider consensual concept which Dominion statesmen agreed to. ³⁵

According to the report, this state was, "[...] 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, [...] and that he is not representative or agent of His Majesty's Government in Great Britain or of any Department of that Government". As such, Committee members were of the opinion that although Governors-General had previously formally represented a mediator between London and Dominion

³³ Cf. H. D. HALL, Commonwealth: A History of the British Commonwealth of Nations, London 1971, pp. 575–576; J. D. B. MILLER, Britain and the Old Dominions, London 1966, pp. 105–107; W. H. TROOP, The Political and Constitutional Implications of the 1926 Imperial Conference, MA Thesis, McGill University, Montreal 1929, pp. 35–43.

³⁴ TNA, CAB 32/56, Doc. E 129, Imperial Conference, 1926: Inter-Imperial Relations Committee: Report, 18th November, 1926, f. 10.

³⁵ R. L. BORDEN, Canada in the Commonwealth: From Conflict to Co-operation, Oxford 1929, pp. 125–126; R. BORDEN, The Imperial Conference, in: Journal of the Royal Institute of International Affairs, 6, 4, 1927, pp. 204–205; CAC, AP, AMEL 2/4/2, Bruce to L. S. Amery, 11th November, 1926, ff. [1]–4; CAC, AP, AMEL 2/4/2, Bruce to L. S. Amery, 23rd November, 1926, ff. [1]–4; CAC, AP, AMEL 2/4/7, Athlone to L. S. Amery, Pretoria, 9th November, 1926, ff. 3–4; R. M. DAWSON, The Government of Canada, 5th Ed., Toronto 1970, pp. 144–145; TNA, CO 886/10/4, D. 53845, New Zealand: House of Representatives: Dominions' Status in Foreign Policy of Empire, 1st September, 1925, Doc. No. 128, f. 92 [465]; TNA, CO 886/10/4, D. 430/27, Extracts from a Speech Made by the Right Honourable W. L. Mackenzie King, 13th December, 1926, Doc. No. 140, ff. 113–117 [475–477].

statesmen, this did not correspond to their constitutional position, and as such in future direct communication should take place between British and Dominion representatives.³⁶ In practice, Governors-General continued to represent the Crown where the sovereign was not present in the country in person, and corresponded directly with him.

The compact system of communication and method of consultation via High Commissioners represented a new challenge in the period in between Imperial Conferences not just for the Dominions, but also the mother country. The 1926 idea of the system of High Commissioners was based on every Dominion having one British High Commissioner in its capital city, who would fulfil a quasi-diplomatic role, and consult on current issues at a bilateral level.³⁷ The system of communication through High Commissioners who represented their government and not the King began to develop fully from the end of the 1920s, and it was expected that it would be more effective than the previous method of delivering messages through Governors-General.³⁸

Conclusion

The 1926 Imperial Conference "resolved" the definition of Dominion status, and various longstanding anomalies and inequalities from the period when Dominions were perceived as subordinate territories. In some regards, the Balfour Declaration rectified these aspects of institutional and constitutional relations within the Empire, even though in fact it merely formally acknowledged current practice. In place of the original idea of a general declaration of Dominion constitutional rights and equalities, a series of partial definitions were adopted in response to the diverse demands of the Dominion governments. It might appear superficially that the whole process of Dominion autonomy was highly revolutionary in nature, but this was not the case because a constructive "spirit" dominated in discussions. Nevertheless, the Conference both covertly and overtly marked the beginning of a long road to extensive

³⁶ TNA, CAB 32/56, Doc. E 129, Imperial Conference, 1926: Inter-Imperial Relations Committee: Report, 18th November, 1926, f. 3.

³⁷ M. BELOFF, Imperial Sunset: Dream of Commonwealth, Vol. 2, London 1989, p. 95; HALL, pp. 589–590, 596–597; H. G. SKILLING, Canadian Representation Abroad: From Agency to Embassy, Toronto 1945, pp. 115–116.

³⁸ N. HILLMER, *A British High Commissioner for Canada, 1927–1928*, in: The Journal of Imperial and Commonwealth History, 1, 3, 1973, pp. 339–356.

revisions and evaluations of the forms, measures, and procedures within the Commonwealth. However, the Balfour Declaration did not come into force immediately. It took another five years for the legislative process, agreed at the 1930 Imperial Conference, to conclude in the form of the Statute of Westminster.³⁹

³⁹ R. M. HYAM, Britain's Declining Empire: The Road to Decolonisation 1918–1968, London 2006, p. 70; TNA, CO 886/10/4, D. 12913/26/S, Mr. E. J. Harding (Dominions Office) to Sir Maurice Hankey (Cabinet Office), 4th December, 1926, Doc. No. 151, ff. 148–149 [492].

