ment cannot do so where it is limited by the terms of the British North America Act. A gentleman whose opinions on constitutional questions were quoted very freely in this parliament in 1905 in connection with the Autonomy Bill, and who has since been appointed to be a judge of the highest court of one of the provinces of Canada, speaks on the very subject we are now discussing—I am quoting from Clements' work on the Canadian Constitution at page 253. He is dealing with the prerogatives of the Crown and section 9 of the British North America Act quoted by the Prime Minister, and he says:

> The power (1) to disallow colonial legislation; (2) to appoint the Governor General; (3) to appoint a commander over the military and naval forces of Canada; (4) to make international arrangements which will bind Canada; and (5) to hear appeals from Canadian courts in her Privy Council (j); would seem to be about all the common law prerogatives of the Crown in connection with colonial affairs, over which colonial legislatures have no legislative power.

Nothing could be much more explicit or definite than that. He classes interference with the command of the militia and naval forces in the same category as the power to appoint a Governor General of Canada or the power to disallow colonial legislation, or the power for His Majesty to hear appeals from Canadian courts before the Judicial Committee of his Privy Council. These are all placed in the same category. I do not know by what pretense we can undertake to practically amend section 15 of the British North America Act.

The prerogatives of the Crown have been very tersely described by Professor Dicey in a passage quoted in the late work of Mr. Lowell, president of Harvard University on the Government of England.

> The authority of the Crown may be traced to two different sources. One of them is statutory, and comprises the various powers conferred upon the Crown by Acts of parliament. The other source gives rise to what is more properly called the prerogative. This has been described by Professor Dicey as the original discretionary authority left at any moment in the hands of the King; in other words, what remains of the ancient customary or common law powers inherent in the Crown.

He points out that the distinction is not always easy to draw because the prerogative of the Crown has sometimes been amplified by statute, and in some of the statutes which do modify it additional prerogatives have been conferred on the Crown itself. He points out, however, that these are not what are commonly known as the prerogatives of the Crown, but special statutory powers created by parliament, and conferred upon the Crown. The prerogatives in regard to the army and navy are very well understood. I realize that a constitutional writer in a work published only a few years ago declares that in Great Britain the army and navy are the creatures of parliament. So they are the creatures of parliament in one sense that they could not exist at all except for the annual appropriations voted by parliament, and so far as the army is concerned, it could not exist except by virtue of the annual enactment of the Army Act which provides for discipline within the army. That is not the case with regard to the navy. So they are the creatures of parliament in that sense, but the old common law prerogative of the Crown to hold the command of the army and navy has not been taken away. Indeed, the prerogatives of the Crown in Great Britain are somewhat more extensive to-day than many people suppose. There is a well known passage in this work of Lowell, cited from Bagot:

> 'It would very much surprise people,' as Bagehot remarked in his incisive way, 'if they were only told how many things the Queen could do without consulting parliament.' . . . Not to mention other things, she could disband the army (by law she cannot engage more than a certain number of men, but she is not obliged to engage any men); she could dismiss all the officers, from the general commanding in chief downwards; she could dismiss all the sailors, too; she could sell off all our ships of war and all our naval stores; she could make a peace by the sacrifice of Cornwall, and begin a war for the conquest of Brittany. She could make every citizen in the United Kingdom, male or female, a peer; she could make every parish in the United Kingdom a 'university'; she could dismiss most of the civil servants; she could pardon all offenders.

And all of us remember that the beginning of Civil Service reform in Great Britain was through the prerogative of the Crown, and not through any Act of parliament. The measure could not be put through parliament in Great Britain as parliament at that time was opposed to it, and the real beginning of civil service reform in Great Britain was effected by the exercise of the prerogative of the Crown:

> In a word, the Queen could, by prerogative, upset all the action of civil government within the government. We might add that the Crown could appoint bishops, and in many places clergymen, whose doctrines were repulsive to their flocks; could cause every dog to be muzzled, every pauper to eat leeks, every child in the public elementary schools to study Welsh; and could make all local improvements, such as tramways and electric light, well-nigh impossible.

He sums it all up so far as the army and navy are concerned, at page 22 by saying this: On page 22 we read: 'As head of the army and navy it (that is the Crown) raises and controls the armed forces of the nation and makes regulations for their government, subject of course to the statutes,