

affairs, and I agree that if it is decided to establish a new procedure, the matter should be submitted to His Majesty for approval.

A request for such approval would in effect be a request for the delegation of the royal prerogative in a matter pertaining to foreign affairs. I can see no legal objection to this procedure, but consideration might be given to the ultimate amendment of the Letters Patent constituting the office of the Governor General. (1)

Meanwhile, on February 20, Mr. F.L.C. Pereira, Assistant Secretary to the Governor General, had replied to Mr. Robertson that:

I am desired to inform you that the Governor General approves of the Government's proposal to establish a Consulate General in New York and to appoint Mr. H.D. Scully as Consul General there.

The filed correspondence does not reveal what reply was received from London. Apparently, however, the Canadian procedural proposal was agreed to, for in the Order-in-Council it was stated that the appointment was to be made by Commission under the Great Seal of Canada.

Order-in-Council P.C. 2900 of the Committee of the Privy Council, dated April 8, 1943, recommended (a) the establishment of a Canadian Consulate General in the City of New York; (b) stipulated its jurisdiction throughout the States of New York, Connecticut and New Jersey, with certain counties excepted; (c) designated Hugh Day Scully as Consul General, Douglas S. Cole and K. Agnes McCloskey as Consuls, and Leland B. Ausman as Vice-Consul, "such appointments to be made by commission under the Great Seal of Canada"; and (d) stated that the above officers thus appointed "shall report to and be subject to the instructions of the Secretary of State for External Affairs." (1)

(1) Ibid.