

name the Crown as a constituent part of the new legislative authority then called into existence as the Parliament of the Dominion of Canada.

By s. 90 of the B.N.A. Act, s. 56 is altered and made applicable to the provinces, and may be read as follows: "Where the Lieutenant-Governor assents to a Bill in the Governor-General's name, he shall by the first convenient opportunity send an authentic copy of the Act to the Governor-General; and if the Governor-General-in-Council within one year after the receipt thereof by the Governor-General thinks fit to disallow the Act, such disallowance (with a certificate of the Governor-General of the day on which the Act was received by him) being signified by the Lieutenant-Governor, by speech or message [to each of the Houses of the Parliament], or by proclamation, shall annul the Act from and after the day of such signification."

This suggests the question: If the Lieutenant-Governor is a constituent part of the Provincial Legislature why should he assent to a bill "in the Governor-General's name," for in no part of the B.N.A. Act is the Governor-General made a constituent part of a Provincial Legislature? This reference to the Governor-General must obviously be read by the interpretation which the B.N.A. Act gives in s. 10: "The provisions of this Act referring to the Governor-General extend and apply to the Governor-General for the time being of Canada, or other the Chief Executive Officer or Administrator for the time being, *carrying on the Government of Canada on behalf and in the name of the Queen*, by whatever title he is designated."

Reading these two sections together it would appear that when the Lieutenant-Governor assents to a Bill he does so in the name of the Governor-General as "*carrying on the Government of Canada on behalf and in the name of the Queen*." The Governor-General by the Confederation Act has only delegated or representative functions in legislation; so that it must follow that the Lieutenant-Governor's assent to provincial legislation must, therefore, be "in the name of the Queen;" and that the legislative prerogative of the Crown in the Provincial Legislatures has not been abrogated by the B.N.A. Act.

Since the above was written we learn that a late judgment of the Supreme Court has affirmed by a majority of Judges that the Crown forms a part of the executive government of the provinces; but as we have not yet seen the text of the judgment delivered, we are unable to say how far the arguments we have advanced as to the legislative prerogative are in harmony with the opinions of the majority of the Court on the executive prerogative of the Crown in the Provinces.

Our argument may be closed by an extract from a recognized text book on Constitutional Law: "No Acts of Colonial Legislatures have force until they have received either the assent of the Governor in the Queen's name, or the Royal assent when reserved and transmitted for consideration." Cox's British Commonwealth, 525.