

United Kingdom is to be used for sealing writs to elect and summon the Parliament of Great Britain and for sealing treaties with foreign princes and States, and all public acts, instruments and Orders of State which concern the whole of the United Kingdom (now including Great Britain and Northern Ireland: Royal and Parliamentary Titles Act, 1927 (17 Geo.V. cap.4) sec.2 (2)), and in all other matters relating to England as the Great Seal of England was used prior to the date of the Union. This enactment would, at present, stand in the way of the use of the Great Seal of Canada in respect of instruments of the class aforementioned; but it would, I apprehend, be competent to the Parliament of Canada by appropriate legislation to displace the operation of that enactment in respect of Canadian documents for the validation of which the Great Seal of the United Kingdom is now required.

It should not, in this connection, be overlooked that in the United Kingdom, at this time, the royal functions will be performed by Counsellors of State in virtue of delegation by letters patent under the authority of sec. 6 of The Regency Act, 1937 (Imp. Stat., 1937 cap. 16); and that, as this Act does not profess to make provision for the exercise of the royal functions in any of the events mentioned therein in respect of the government of any of the Dominions, the Counsellors of State will have no legal authority to execute any document pertaining to the Government of Canada, such as a full power or an instrument of ratification in respect of a Canadian treaty.

*2. As to the constitutional position of His Excellency the Governor General while the Sovereign is in this country:*

I am of the opinion that the King's presence in Canada will not have effect, by reason of his legal power to perform the royal functions in respect of the Government of Canada, to impair or to supersede the authority of His Representative, the Governor General, to perform the various royal functions which have been delegated to him by his Commission and Instructions. Presumably the Governor General will continue, during His Majesty's visit, to exercise the royal functions in the same manner and substantially to the same extent as if the King were in the United Kingdom. His authority will be curtailed only to the extent that the King may, while in Canada, actually be called upon to perform specific royal functions.

*3. As to the relationship of the Prime Minister to His Majesty, and to His Excellency the Governor General, while the Sovereign is in Canada:*

I am disposed to think that the relationship of the Prime Minister to His Majesty, while he is in Canada, will be precisely the same as that which obtains between the Prime Minister of the United Kingdom and His Majesty while he is in the United Kingdom, to the extent, at any rate, that His Majesty may be called upon to perform royal functions in respect of the Government of Canada. For instance, in the United Kingdom, the Prime Minister acts as the formal medium of communication between the Cabinet and the Sovereign. Though the Sovereign takes no part in the formal delibera-