

His Majesty the King, signed by the Governor General, with the counter-signatures of the Secretary of State for External Affairs and the Secretary of State of Canada.

The basic lines that will be followed in these matters will of course be embodied in the Royal Instructions upon the next occasion upon which they are revised. Meanwhile, it is thought that we should be able to deal with the New York consulate general upon an ad hoc basis.

77.

DEA/9323-40

*Mémorandum du secrétaire du Gouverneur général*  
*Memorandum by Secretary to Governor General*

Ottawa, March 2, 1943

1. The establishment of a Consulate General in New York and the appointment of Mr. H. D. Scully as Consul General raises a question of procedure.

2. On February 17th the Under-Secretary of State for External Affairs wrote to the Secretary to the Governor General<sup>†</sup> informing him of the proposal and asking for the Governor General's approval which was given on February 20th.<sup>†</sup>

3. On February 22nd the attached memorandum was sent by the Under-Secretary of State for External Affairs to the secretary to the Governor General.

4. My comments are as follows:

(i) In so far as the Governor General is The King's representative, approval by the Governor General is tantamount to approval by The King.

(ii) As the Governor General has already approved the proposal, reference to The King is unnecessary as His Majesty could not very well be asked to approve something which his representative has already approved in His Majesty's name.

(iii) Whether this or, in fact, any other matter has to be referred to The King for approval or whether the Governor General can give approval on His Majesty's behalf is, I suggest, a matter for The King to decide. The practice in other Dominions is not irrelevant because The King might not, for instance, wish to delegate certain powers to the Governor General of Canada without delegating similar powers to the Governor General of Australia, South Africa or New Zealand. In any case it is a matter of arrangement between The King and the Governor General which matters have to be referred to His Majesty personally and which have to be dealt with by the Governor General on The King's behalf. So far as the Canadian Government is concerned it may be assumed that once a matter has been referred to the Governor General, it has ipso facto been referred to The King.

If, however, the Canadian Government requests that any matter should be brought before The King personally, it would be the duty of the Governor General to comply with such a request.