

## GOVERNOR GENERAL'S AUTHORITIES

**NEW LETTERS PATENT:** The Prime Minister, Mr. Mackenzie King, announced Oct. 1 that new Letters Patent governing the office and appointment of the Governor General of Canada had been signed by His Majesty the King on September 8, 1947, and countersigned by the Prime Minister of Canada. The new Letters Patent (the principal document relating to the office of Governor General) came into force October 1, 1947, and superseded on that date the existing Letters Patent of 1931 (as amended in 1935) and the Royal Instructions of 1931.

2. The Royal documents relating to the office of Governor General had not undergone a careful revision since 1931. The Canadian Government accordingly recommended to His Majesty the issuance of new Letters Patent consolidating the former documents and bringing them up to date.

3. Apart from textual alterations designed to bring the new Letters Patent into line with constitutional developments and practices in Canada and within the Commonwealth, the principal alterations may be summarized as follows:

(a) By the introductory words of Clause 2 of the new Letters Patent, the Governor General is authorized to exercise, on the advice of Canadian Ministers, all of His Majesty's powers and authorities in respect of Canada. This does not limit the King's prerogatives. Nor does it necessitate any change in the present practice under which certain matters are submitted by the Canadian Government to the King personally. However, when the new Letters Patent come into force, it will be legally possible for the Governor General, on the advice of Canadian Ministers, to exercise any of the powers and authorities of the Crown in respect of Canada, without the necessity of a submission being made to His Majesty. (The new powers and authorities conferred by this general clause include, among others, Royal Full Powers for the signing of treaties, Ratifications of treaties, and the issuance of Letters of Credence for Ambassadors). There will be no legal necessity to alter existing practices. However, the Government of Canada will be in a position to determine, in any prerogative matter affecting Canada, whether the submission should go to His Majesty or to the Governor General.

(b) The new Letters Patent revoke and supersede the existing Letters Patent and the existing Royal Instructions. The Royal Instructions have been incorporated in the new Letters Patent which have been issued under the Great Seal of Canada.

4. No new Commission of Appointment will be issued to Viscount Alexander, the former Letters Patent having been revoked "without pre-

judice to anything having been done lawfully thereunder". Moreover, Viscount Alexander's present Commission is a continuing one expressed to be subject to the existing Letters Patent "or any other substituted for the same".

5. An appropriate Proclamation will, as required by Clause XVI of the new Letters Patent, be published to-day in the Canadian Gazette.

Text of the new Letters Patent follows:

### LETTERS PATENT CONSTITUTING THE OFFICE OF GOVERNOR GENERAL OF CANADA

Effective Oct. 1, 1947

"GEORGE R."

#### CANADA

George The Sixth, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith.

(Seal)

To All To Whom these Presents shall come,

Greeting:

Whereas by certain Letters Patent under the Great Seal bearing date at Westminster the Twenty-third day of March, 1931, His late Majesty King George the Fifth did constitute, order, and declare that there should be a Governor General and Commander-in-Chief in and over Canada, and that the person filling the office of Governor General and Commander-in-Chief should be from time to time appointed by Commission under the Royal Sign Manual and Signet:

And Whereas at St. James's on the Twenty-third day of March, 1931, His late Majesty King George the Fifth did cause certain Instructions under the Royal Sign Manual and Signet to be given to the Governor General and Commander-in-Chief:

And Whereas it is Our Will and pleasure to revoke the Letters Patent and Instructions and to substitute other provisions in place thereof:

Now Therefore We do by these presents revoke and determine the said Letters Patent, and everything therein contained, and all amendments thereto, and the said Instructions, but without prejudice to anything lawfully done thereunder:

#### OFFICE CONSTITUTED

And We do declare Our Will and pleasure as follows:

1. We do hereby constitute, order, and declare that there shall be a Governor General and Commander-in-Chief in and over Canada, and appointments to the Office of Governor General and Commander-in-Chief in and over

Canada shall be made by Commission under Our Great Seal of Canada.

II. And We do hereby authorize and empower our Governor General, with the advice of Our Privy Council for Canada or of any members thereof or individually, as the case requires, to exercise all powers and authorities lawfully belonging to Us in respect of Canada, and for greater certainty but not so as to restrict the generality of the foregoing to do and execute, in the manner afore-said, all things that may belong to his office and to the trust We have reposed in him according to the several powers and authorities granted or appointed him by virtue of The British North America Acts, 1867 to 1946 and the powers and authorities hereinafter conferred in these Letters Patent and in such Commission as may be issued to him under Our Great Seal of Canada and under such laws as are or may hereinafter be in force in Canada.

III. And We do hereby authorize and empower Our Governor General to keep and use Our Great Seal of Canada for sealing all things whatsoever that may be passed under Our Great Seal of Canada.

IV. And We do further authorize and empower Our Governor General to constitute and appoint, in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary Officers (including diplomatic and consular officers) and Ministers of Canada, as may be lawfully constituted or appointed by Us.

V. And We do further authorize and empower Our Governor General, so far as We lawfully may, upon sufficient cause to him appearing, to remove from his office, or to suspend from the exercise of the same, any person exercising any office within Canada, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us in Our name or under Our authority.

VI. And We do further authorize and empower Our Governor General to exercise all powers lawfully belonging to Us in respect of summoning, proroguing or dissolving the Parliament of Canada.

#### APPOINTMENT OF DEPUTY

VII. And whereas by The British North America Acts, 1867 to 1946, it is amongst other things enacted that it shall be lawful for Us, if We think fit, to authorize Our Governor General to appoint any person or persons, jointly or severally, to be his Deputy or Deputies within any part or parts of Canada, and in that capacity to exercise, during the absence of Our Governor General, such of the powers, authorities, and functions of Our Governor General as he may deem it necessary or expedient to assign to such Deputy or Deputies, subject to any limitations or directions from time to time expressed or given by Us: Now We do hereby authorize and empower Our Governor General, subject to such limitations and directions, to appoint any person or persons, jointly or severally, to be his

Deputy or Deputies within any part or parts of Canada, and in that capacity to exercise, during his pleasure, such of his powers, functions, and authorities as he may deem it necessary or expedient to assign to him or them: Provided always, that the appointment of such a Deputy or Deputies shall not affect the exercise of any such power, authority or function by Our Governor General in person.

VIII. And We do hereby declare Our pleasure to be that, in the event of the death, incapacity, removal, or absence of Our Governor General out of Canada, all and every, the powers and authorities herein granted to him shall until Our further pleasure is signified therein, be vested in Our Chief Justice for the time being of Canada, (hereinafter called Our Chief Justice) or, in the case of the death, incapacity, removal or absence out of Canada of Our Chief Justice, then in the Senior Judge for the time being of the Supreme Court of Canada, then residing in Canada and not being under incapacity; such Chief Justice or Senior Judge of the Supreme Court of Canada, while the said powers and authorities are vested in him, to be known as Our Administrator:

Provided always, that the said Senior Judge shall act in the administration of the Government only if and when Our Chief Justice shall not be present within Canada and capable of administering the Government.

Provided further that no such powers or authorities shall vest in such Chief Justice, or other judge of the Supreme Court of Canada, until he shall have taken the Oaths appointed to be taken by Our Governor General.

Provided further that whenever and so often as Our Governor General shall be temporarily absent from Canada with Our permission, for a period not exceeding one month, then and in every such case Our Governor General may continue to exercise all and every the powers vested in him as fully as if he were residing within Canada, including the power to appoint a Deputy or Deputies as provided in the Eighth Clause of these Our Letters Patent.

IX. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all the other inhabitants of Canada, to be obedient, aiding, and assisting unto Our Governor General, or, in the event of his death, incapacity, or absence, to such person as may, from time to time, under the provisions of these Our Letters Patent administer the Government of Canada.

#### GREAT SEAL OF CANADA

X. And We hereby declare Our Pleasure to be that Our Governor General for the time being shall with all due solemnity, cause Our Commission under Our Great Seal of Canada, appointing Our Governor General for the time being, to be read and published in the presence of Our Chief Justice, or other Judge of the Supreme Court of Canada, and of members of Our Privy Council for Canada, and that Our Governor General shall take the Oath of Alle-