

1. *As to the constitutional position of His Majesty while in the Dominion, with respect to all matters of State:*

Sections 2 and 9 of the British North America Act, 1867, are the foundation of the constitutional law on this subject. By sec. 9 (as modified by the provisions of sec. 2) the executive government and authority of and over Canada is declared to continue and be vested in the Sovereign, for the time being, of the United Kingdom of Great Britain and Ireland. The King's status as the supreme executive authority in Canada is, in consequence, exactly the same as it is, in virtue of the prerogative, in the United Kingdom; and none the less so, because many of his royal powers as executive head of the Government of Canada have been delegated to the Governor General by his Commission and Instructions, the latter being merely a delegate holding office under the terms of his Commission "during our pleasure": i.e., the Sovereign's pleasure, and carrying on the Government of Canada, as sec. 10 of the British North America Act, 1867, in terms declares "on behalf and in the name of the Queen" and her heirs and successors, that is, the Sovereign for the time being.

It follows, therefore, that the King, while in Canada, can do any act in respect of the Executive Government of Canada that is now done by the Governor General, other than acts prescribed by statute to be performed by the latter as *persona designata*. There are royal functions, the exercise of which in respect of Canada, have not been delegated to the Governor General by his Commission or Instructions, and which are normally performed by the King in England. These include the issue of full powers and instruments of ratification, exequaturs to Consuls, the appointment and recall of Governor Generals of Canada, and the issue of letters of credence. It is apprehended that such royal acts, in respect of the Government of Canada, could be performed by the King in Canada, except in so far as difficulty may arise from the legal requirements governing the use of the Great Seal and of the Signet. Documents under the Sign Manual could be executed in Canada; but there would be legal difficulty in regard to documents issued under the Signet and Great Seal. If it be likely that the King will be called upon, while in Canada, to do some act requiring the use of the Signet, immediate steps should be taken to provide for the handing over by the King to the Secretary of State for External Affairs or to the Secretary of State of Canada of the Signet, to remain in his custody and to be returned to the Governor General on his leaving office. No legislation will be necessary for this purpose. On the other hand, if it be likely that the King will be called upon to do some act, such as the issuing of a full power or of an instrument of ratification in respect of a Canadian treaty which would normally require the use of the Great Seal of the United Kingdom, it would seem to be necessary to secure the enactment of the Parliament of Canada of appropriate legislation to authorize the use of the Great Seal of Canada for such purposes. It is expressly provided by the Union of Scotland Act, 1706 (6 Ann. c.11; 5 Ann c.8, Ruff.) Article 24, that the Great Seal of the