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BRITISH NORTH AMERICA ACT.

BY PETER MCEACHREN B.D., TORONTO.

V.—PROVINCIAL CONSTITUTIONS.

Executive power.

58. For each Province there shall be an Officer, styled the Lieutenant-Governor, appointed by the Governor-General in Council by Instrument under the Great Seal of Canada.

NOTES :

S. 13 of this Act states that "The Provisions of this Act referring to the *Governor-General in Council*, shall be construed as referring to the Governor-General acting by and with the advice of the Queen's Privy Council for Canada." Hence this office is a part of the patronage of the Dominion Government.

"Under the Great Seal of Canada:" The Great Seal is in the keeping of a Member of the Cabinet. A Lieutenant-Governor cannot, therefore, be appointed without the knowledge of the Cabinet.

Duties of Lieutenant Governors :

"The only safe principle that (the Lieutenant-Governor) can adopt for his general guidance, is that pointed out to him by the experience of the working of parliamentary institutions : to give his confidence to his constitutional advisers (Cabinet) while they enjoy the support of the majority of the legislature"—Bourinot.

Powers of Lieutenant-Governors :

The Lieutenant Governor "is fully authorized to exercise all the powers lawfully belonging to the sovereign in respect of assembling or proroguing, and of dissolving the legislative assemblies in the provinces"—Todd.

59 A Lieutenant-Governor shall hold Office during the Pleasure of the Governor-General ; but any Lieutenant-Governor appointed after the Commencement of the First Session of the Parliament of Canada shall not be removable within Five Years from his Appointment, except for Cause assigned, which shall be communicated to him in Writing within One Month after the Order for his Removal is made, and shall be communicated by Message to the Senate and to the House of Commons within One Week thereafter if the Parliament is then sitting, and if not then within One Week after the Commencement of the next Session of the Parliament.

NOTES :

Sec. 58 states very clearly that the Governor-General must take the advice of the Cabinet in appointing a Lieutenant-Governor.

Sec. 59 does not expressly state in whom the power of dismissing a Lieutenant-Governor is vested. In