

Attorney-General of Canada v. Attorney-General of Ontario,* in the judgments in which and in the arguments of counsel the subject is dealt with at length. The verbatim report of the argument of Mr. Edward Blake in the Court of Appeal has been published by the press of the *Budget*,† under the title of the "Executive Power Case," and there could be no more exhaustive argument in support of the proposition now under discussion, and also of the wider contention as to prerogative powers in relation to the internal affairs of Canada which is advanced in the despatch of the Lieutenant-Governor of Ontario to the Secretary of State, dated January 22nd, 1886.‡ The contention in that despatch§ is that all government and all executive authority are matters of prerogative, and that: "The Lieutenant-Governor is entitled *virtute officii*, and without express statutory enactment, to exercise all prerogatives incident to executive authority in matters over which provincial legislatures have jurisdiction, as the Governor-General is entitled, *virtute officii*, and without any statutory enactment, to exercise all prerogatives incident to executive authority in matters within the jurisdiction of the Federal Parliament; a Lieutenant-Governor has the administration of the royal prerogatives as far as they are capable of being exercised in relation to the government of the Province; as the Governor-General has the administration of them, so far as they are capable of being exercised in relation to the government assigned to the Dominion."

In the case of *Attorney-General of Canada v. Attorney-General of Ontario*,|| the provincial Act, 51 Vict., c. 5, the constitutionality of which was under discussion, and which was held to be *intra vires*, purported to vest in the Lieutenant-Governor of Ontario for the time being all powers, authorities, and functions which any of the ante-confederation Governors or Lieutenant-Governors in Canada exercised at or before the passing of the Act, under commissions, instructions, or otherwise, in matters within the jurisdiction of the legislature of the Province, subject always to the royal prerogative as heretofore; and it specially provided that

* 20 O.R. 322; 19 O.A.R. 31 (1890-2).

† 27 Melinda Street, Toronto, 1892.

‡ Ont. Sess. papers, 1888, No. 37, at pp. 20-22.

§ Ont. Sess. papers, *ib.*, at p. 20.

|| 20 O.R. 222; 19 O.A.R. 31 (1890-2).