

By section 30, the Governor or Lieutenant Governor is:

"Ordered to assent to the Bills in His Majesty's name."

The same Act provides for the establishment of the Courts by the Canadian Legislature. The 3rd and 4th Vict. (1840), chapter 35, section 3, again prescribes:

"That the laws of the United Canadas shall be assented to in Her Majesty's name by the Governor. Section 40 provides that the Lieutenant-Governor may receive the same powers as the Governor General."

The same Act declares that all the existing laws shall remain in force, specially as to the administration of affairs by the Executive Council, it gives power to create courts, etc. Section 61 is very explicit. It reads as follows:—

"And be it enacted, that in this Act, unless otherwise expressed therein, the words, 'Act of the Legislature of the Province of Canada,' are to be understood to mean, 'Act of Her Majesty, her heirs or successors, enacted by Her Majesty, or by the Governor on behalf of Her Majesty, with the advice and consent of the Legislative Council and Assembly of the Province of Canada;' and the words, 'Governor of the Province of Canada,' are to be understood as comprehending the Governor, Lieutenant-Governor, or person authorised to execute the office or the functions of Governor of the said Province."

Such was the law when the Confederation Act was passed. Not only was the Governor or Lieutenant-Governor allowed, but he was bound to act in the name of the English Sovereign. Nothing has been changed by the British North America Act in that respect. Section 129 says:—

"Except as otherwise provided by this Act, all laws in force in Canada, Nova Scotia and New Brunswick at the union, and all courts of civil and criminal jurisdiction, and all legal commissions, powers and authorities, and all affairs, judicial, administrative and ministerial, existing therein at the union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick, respectively, as if the union had not been made."

So the duty of the Governors or Lieutenant-Governors, the obligation by them to assent to the Bills, to act in the name of the Queen, remained in force, for such was then the law of the land. Now, let us see for the executive or administrative power. Section 69:—

"All powers, authorities and functions which, under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada,

Lower Canada, or Canada, were, or are, before or at the union vested in or exercisable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice or with the advice and consent of the respective Executive Councils thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same are capable of being exercised after the union in relation to the Government of Ontario and Quebec, respectively, be vested in and shall or may be exercised by the Lieutenant-Governor of Ontario and Quebec, respectively, with the advice or with the advice and consent of, or in conjunction with the respective Executive Councils or any members thereof, or by the Lieutenant-Governor individually, as the case requires * * *

Section 88 applies virtually the same principles to Nova Scotia and New Brunswick. Section 12 applies the same rule to the Governor-General. So it is clear, obvious, undeniable that the right and obligation of the Governor and Lieutenant-Governors to act in the name of the Sovereign remained, by the British North America Act, the same as they were before. Let us now see more closely the mechanism of government introduced by the Confederation Act. Each Province had, at the dawn of Confederation, its rights of self-government confirmed by the British Parliament. Each Province kept some parts of those rights, and consented to some other parts being delegated and transferred to a general Parliament and an executive responsible to the people of the new Dominion. A Parliament and Executive for the whole Dominion were created; the two Canadas were separated *de novo*, forming each a separate Province, and each Province of the Dominion was provided with a Parliament and Executive of its own. So as to avoid confusion, different names were given to each. By section 17, the legislative body for the Dominion is called the Parliament, and it consists of the Queen, the Senate and the House of Commons. This differs from the appellation of the Government of the United Kingdom, wherein the corresponding branches of the Parliament are called "The Queen's Most Excellent Majesty, the Lords Spiritual and Temporal, and the Commons." For the Executive body the words chosen (sec. 11) were "Queen's Privy Council for Canada." Section 9 provides that the executive government and authority of and over Canada shall continue to be vested in the Queen, but section 10 provides that the chief of the Execu-