

There has not been a case in England since the reign of Queen Anne where assent to such a bill has been withheld contrary to the advice of the Privy Council. Therefore, pursuant to that principle, the discretion of the Governor General under the B. N. A. Act is exercised in accordance with the advice of his Privy Council, but it was not until 1877 that the principle was fully established.

*Governor General.*—By sec. 9 of the B. N. A. Act the executive Government and authority of and over Canada is declared to be vested in the Sovereign. It is of course impracticable that the King should exercise that authority in person, as he exercises it in the United Kingdom, therefore as part of the Royal prerogative he appoints the Governor General to act for him, and in making that appointment the King can in theory, by the Commission or by instructions accompanying it, impose upon the Governor such limitations respecting his powers, or give him such instructions respecting the exercise of them, as the King may think expedient. In doing this he would, of course, act under the advice of the Imperial Privy Council. Now it is evident that by the terms of the Commission, or by the instructions (which the Governor would have to obey) the constitutional position of the Governor with respect to his Ministers might be made very different from the constitutional position of the King with respect to his Ministers, and the constitution of Canada might, in this way, be made or become not similar in principle to that of the United Kingdom. This is exactly what happened on the appointment of Canada's first Governor General.

*Governor's Commission.*—It is probable that the forms of commission and instructions issued to our Governors General from 1867 to Lord Dufferin's appointment in 1872, were taken from forms long in use in connection with the appointment of Colonial Gover-