

Military forces are under control of commander of militia. The regular troops in Br. U. & are under Gov-gen and he may determine to what extent they may be employed in time of peace for preservation of peace & also under whom they are to act.

Sec 49.

A fourth function of Gov-gen is the appointment of judges - They may hold office during good behaviour - This is determined by writs to a higher court where he may be tried, or by a request of senate & House of Commons. ^{9/11/1868} ~~do~~ this without assigning a cause for removal. ^{may refer matter to Col. Secy.} ~~to be brought before Privy Council~~

Sec 49 sub p. 269
Palliser's case

Gov has power of pardoning offenders. The question as to whether he can exercise this power without advice of ministers was then doubtful, now he is supposed to have sanction of ministers at to appointments. ^{Levy vs Petch} question as to right of appointments of 26's 11th was held that Gov had not this power as he did not represent the crown. but this ground has been swept away.