

**Appeal to the Privy Council.**—An interesting sequel to the enactment of the Statute of Westminster occurred when a petition for special leave to appeal to the King in Council from a judgment of the Court of King's Bench (Appeal Side) of the Province of Quebec in a criminal matter was dismissed by the Judicial Committee of the Privy Council. The Court of King's Bench had held that the petition for special leave to appeal was incompetent by reason of the prohibition of appeals to His Majesty in criminal matters by the Canadian Statute 23 and 24 Geo. V, c. 53, s. 17.

It was held by the Judicial Committee that:—

“ . . . the petition was incompetent. Before the Statute of Westminster, 1931 (22 Geo. V, c. 4), the Canadian Legislature was subject to the limitations imposed by the Colonial Laws Validity Act, 1865 (28 & 29 Vict., c. 63), by which legislation repugnant to an Act of the Imperial Parliament was declared void, by s. 129 of the British North America Act, 1867 (30 & 31 Vict., c. 3), and also by the doctrine forbidding extra-territorial legislation. These limitations were abrogated by the Statute of Westminster. The extent of the legislative competence conferred on the Canadian Legislature in regard to appeals to the King in Council in criminal matters must now be ascertained from its constituent Act, the British North America Act, 1867. The right of appeal to the King in Council is a prerogative right, and the prerogative cannot be restricted or qualified save by express words or necessary intendment. Sect. 91 of the Act read with the rest of the Act, not by express words, but by necessary intendment, does invest the Canadian Legislature with power to regulate or prohibit appeals to the King in Council in criminal matters. Appeal to the King in Council is prohibited in precise words by s. 17 of the Canadian Statute, 23 & 24 Geo. V, c. 53.

BRITISH COAL CORPORATION *et al* v. THE KING (1935) A.C. 500.  
Judgment rendered June 6th, 1935.”

It is commonly agreed that the Statute of Westminster has capped the arch on which now firmly rests Canada's nationhood. To the assertion and establishment of complete self-government on a basis of equality within the British Commonwealth of Nations successive Canadian Governments of whatever political complexion have consistently contributed. This national status is now fully recognized at home and abroad with the many implications and the numerous responsibilities inherent therein.

## PART II.—LEGISLATIVE AND EXECUTIVE AUTHORITIES

### Section 1.—Dominion Parliament and Ministry

The Dominion Parliament is composed of the King (represented by the Governor General), the Senate and the House of Commons. As a result of the working out of the democratic principle, the part played by the King's Representative and the Upper Chamber of Parliament in the country's legislation has been, in Canada as in the United Kingdom, a steadily decreasing one, the chief responsibilities involved in legislation being assumed by the House of Commons.

#### Subsection 1.—The Governor General of Canada

The Governor General is appointed by the King as his representative in Canada, usually for a term of five years, with a salary fixed at £10,000 sterling per annum, which is a charge against the consolidated revenue of the country. The Governor General is bound by the terms of his commission and instructions (which he must communicate to the King's Privy Council for Canada) and can exercise only such authority as is expressly entrusted to him. He acts under the advice of his Ministry, which is responsible to Parliament, and, as the acting head of the Executive, sum-