

for the purpose of any Dominion election in the territory comprised in such provincial electoral district or division or the parts thereof for use in which they were prepared, if such lists have been prepared not more than one year before the date of the writ for such Dominion election; otherwise new voters' lists shall be prepared, and for the purpose of preparing and giving effect to such voters' lists the Governor in council may appoint all necessary officers and confer upon them all necessary powers, and in the preparation and revision and bringing into force of such new voters' lists the provisions of the laws of the province regulating the preparation and revision and bringing into force of the provincial voters' lists in such cases shall, as far as possible, be observed and followed: Provided that, if in any such case voters' lists have been prepared under this section not more than one year before the date of the writ for such election, new lists shall not be prepared, but the lists so prepared shall be used unless there are lists of a later date prepared under the provincial laws."

For the district in question there are in existence no lists prepared at any regular intervals, but there are lists in course of preparation under a provincial enactment which requires their preparation at regular intervals.

The purpose of the section is to ensure reasonably recent lists for parliamentary elections: it can, therefore, hardly mean that when a provincial enactment requires the lists to be prepared at regular intervals those lists only shall be used no matter how long it may be necessary to wait until they are prepared; it means rather that when such lists exist—"are prepared" in fact—they shall be used, but when they do not exist the mode of preparing them provided in the section may be adopted. It was, therefore, on the facts of this case, within the power of the Governor in council to appoint all necessary officers for the preparation of the lists, thus making them officers of a Federal Court, just as the revising barristers were under the repealed enactment; but they are expressly required by the enactment to observe and follow as far as possible the provisions of the laws of the province regulating the preparation and revision and bringing into force of the provincial lists.

But it is said that the order in council appointing the respondents presumes to give directions to them in conflict with the latter statutory requirement. The answer to that is, if it be so, the order, to that extent, has no effect; the statute, not the order in council, is to be obeyed.