

to deal with it, were raised by two of my learned brothers during the course of the argument, for the reasons already stated I entertain no doubt upon either point.

Against the validity of the order in Council it is urged (a) that Parliament cannot delegate its major legislative functions to any other body; (b) that it has not delegated to the Governor-in-Council, the right to legislate at all so as to repeal, alter or derogate from any statutory provision enacted by it; (c) that if such power has been conferred it can validly be exercised only when Parliament is not in session. The decision of the Judicial Committee in *Powell v. Apollo Candle Company*, 10 A.C., 282, cited by Harvey, C.J., in the *Lewis Case*, puts beyond doubt the sovereign character of colonial Legislatures within the ambit of the legislative jurisdiction committed to them, and the constitutionality of limited delegations of their legislative powers. Such delegations have been so frequent that it is almost a matter of surprise that their legality should now be considered open to question. A very common instance is the provision that a statute shall come into effect in whole or in part on a day or days to be named by proclamation to be issued pursuant to an order in Council. Here the limitation upon the extent of the powers delegated is found in the words of s. 6 of the War Measures Act of 1914, "as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable." Their duration is expressly limited by s. 5. A further limitation as to sanctions is imposed by s. 11. As was said in the *Apollo case* at p. 291, "the Legislature has not parted with its perfect control over the Governor; and has the power, of course, at any moment, of withdrawing or altering the power which they have entrusted to him." In *Bank of Toronto v. Lambe*, 12 A.C. 575, at p. 588, their Lordships of the Judicial Committee said "the Federal Act exhausts the whole range of legislative power."

A complete abdication by Parliament of its legislative functions is something so inconceivable that the constitutionality of an attempt to do anything of the kind need not be considered. Short of such an abdication any limited delegation would deem to be within the ambit of a legislative jurisdiction certainly as wide as that of which it has been said by incontrovertible authority that it is "as plenary and as ample . . . as the Imperial Parliament in the plenitude of its powers possessed and could bestow." *Hodge v. The Queen*, 9 A.C. 117, 133.

I am of the opinion that it was within the legislative authority of the Parliament of Canada to delegate to the Governor-in-Council the power to enact the impugned orders in Council. To hold otherwise would be very materially to restrict the legislative powers of Parliament.

I am quite unable to appreciate the force of the argument based on the *ejusdem generis* rule. In opening, Mr. Chrysler