

that national interests would be better served by their remaining in other employment.

S. 2 of the Act declared, in effect, that no one should be liable to be called out who came within the exceptions set out in the schedule to the Act and the first exception in the schedule was, "men who hold a certificate granted under this Act and in force, other than a certificate of exemption from combatant service only."

By s. 12 the Governor in Council was given power to make regulations to secure the full, effective and expeditious operation and enforcement of the Act; all such regulations were to be published in the "Canada Gazette;" were to be laid before parliament at the earliest possible date, and were to have the same force and effect as if they formed part of the Act.

By s. 13 it was enacted that the Militia Act, the Army Act (of the United Kingdom) and the King's Regulations and Orders for the Army should, so far as not inconsistent, apply to and form part of the Act, and also (sub.-s. 5) that nothing in the Act contained should be held to limit or affect . . . the powers of the Governor in Council under the War Measures Act, 1914.

The applicant in this case applied to the proper local tribunal for, and was granted, a certificate of exemption in the form prescribed by the regulations, wherein it was certified that he was exempted from being called up for duty as a soldier while engaged in the occupation of farming. It then stated, as in the form prescribed, "This certificate may be varied, renewed or withdrawn at any time during its currency by the local or appeal tribunal under whose direction it was issued. It expires on the dates above mentioned, if any. If none is mentioned it expires thirty days after the circumstances referred to have altered."

On April 20, 1918, His Excellency the Governor-General in Council passed an order-in-council which stated that it was passed "under and in virtue of the powers conferred on the Governor in Council by the War Measures Act and otherwise," and which declared that it should come into force "as soon as approved by resolution of both Houses of Parliament." This order-in-council gave, in its recital, reasons for urgency for its passing and it added to classes 1 and 2 certain men not placed in those classes by the Military Service Act. It then purported to give to the Governor

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Stuart, J.