

Now, while the effect of these provisions is that until the issue of a proclamation by the Lieutenant-Governor, which he can only issue upon the happening of a certain event, the coming into force and taking effect of part II. is suspended, there is nothing in them or in any other provision of the Act that we can discover to suspend the operation of the rest of the Act or to render its coming into force conditional upon any future act or event. Except as provided in sec. 104, there is no later date for the commencement of the Act or any part of it, and as regards part I. the provision of the Interpretation Act, sec. 6 (2), that the date of the assent shall be the date of the commencement, governs. All the provisions of part I. have, therefore, been in force since 17th March, 1902, and, as regards it, the aid of a vote of the electors or the issue of a proclamation was not required to bring it into force. All the provisions for the submission of the question and the ascertainment of the result of the voting, upon which depended the question whether the other part of the Act should come into force, became operative upon assent to the Act. The assent given applies to every part of the Act, but the taking effect of a part is made conditional upon the happening of some subsequent event.

Legislation which provides a law but leaves the time and manner of its taking effect to be determined by the vote of the electors, is not a delegation of legislative power to them. The subject-matter being, as before pointed out, within the competence of the Legislature, it has provided the whole legislation, and what remains partakes in no sense of the nature of legislation. It is only necessary to quote the language of Sir Montague E. Smith, in delivering the opinion of the Judicial Committee in *Russell v. The Queen*, 7 App. Cas. 829, at p. 835. . . .

There is no substantial distinction between these cases and the present. By the legislation which was under discussion in *The Queen v. Burah*, 3 App. Cas. 889, much larger powers were left to be exercised by the Governor and much wider discretion was vested in him than are here conferred upon the electors. But their Lordships rejected the argument that there was a delegation of legislative functions, observing (p. 906): "Where plenary powers of legislation exist as to particular subjects, whether in an Imperial or in a Provincial Legislature, they may (in their Lordships' judgment) be well exercised either absolutely or conditionally. Legislation conditional on the use of particular powers or on the exercise of a limited discretion intrusted by the Legislature to persons in whom it places confidence, is no