

Declaration of Rights is to be taken, upon this reasoning, as having reference only to those three orthodox parts of the Government and is, therefore, not applicable to other subordinate agencies.[31] It may be noted in passing, as a commentary upon the vagaries of nomenclature, that this line of thought invokes the so-called strict interpretation of the Constitution to attain a so-called liberal result."

Oppenheimer, supra, at 189. Thus, Mr. Justice White, concurring in part and dissenting in part in Buckley v. Valeo, 424 U.S. 1, 280-281 (1976), observed:

"There is no doubt that the development of the administrative agency in response to modern legislative and administrative need has placed severe strain on the separation-of-powers principle in its pristine formulation. See Kilbourn v. Thompson, 203 U.S. 168, 191, 26 L.Ed. 377 (1881). Any notion that the Constitution bans any admixture of powers that might have been deemed legislative, executive, and judicial has had to give way. The independent agency has survived attack from various directions: that it exercises invalidly delegated legislative power; Sunshine Coal Co. v. Adkins, 310 U.S. 381, 60 S.Ct. 907, 84 L.Ed. 1263 (1940); that it invalidly exercises judicial power, ibid; and that its functions are so executive in nature that its members must be subject to Presidential control, Humphrey's Executor v. United States, 295 U.S. 602, 55 S.Ct. 869, 79 L.Ed. 2d 1611 (1935)."

See also, Mr. Justice Jackson in F.T.C. v. Ruberoid Co., 343 U.S. 470, 487-488 (1952),³² Davis, Administrative Law Treatise, §1.09; Niles, Maryland Constitutional Law, 21-22 (1915);³³ Cohen, supra.

Thus, the separation of powers mandated by Article 8 should invalidate the legislative veto no more than it does the initial delegation of rule-making authority to the administrative agency. Schwartz, supra, at 1043 (1955). If Article 8 is not offended by the delegation of the rule-making authority, surely it is not offended by the qualification of that delegation. Opinion of the Justices, 66 A.2d 823, 826 (N.H. 1970).³⁴ See also, Opinions of the Attorney General (So. Dakota), Official Opinion No. 75-35;³⁵ Opinion of the Attorney General (Tenn.) supra.³⁶ Indeed, essential to the constitutional validity of that delegated rule-making authority is the concurrent obligation that it be employed solely within the boundaries of that statutory policy which the Legislature has endorsed. Comptroller of the Treasury v. Rochill, Inc., supra, 205 Md. at 233. Thus,