justice probably is more important than the safe custody of alleged criminals, and the punishment of persons convicted. For these purposes the legislature has authority to legislate — to provide that prisons shall be built, and constables appointed. But they cannot carry out their own commands; they cannot contract for the building of a lock-up, or appoint a constable, or determine whether an accused person is guilty, or whether a constable does his duty. These matters are clearly left to the executive and to the courts. The gift of power to legislate in relation to the administration of justice, therefore, does not give to a legislature power to interfere in every particular involved in that subject; but only in those particulars which are the proper subjects of legislation. . . . There might be somewhat to be said against this view if it reduced s. 92 to a barren grant; if there were nothing left upon which the grant could operate. But this is by no means the case. The argument leaves to the local legislature, fully and unimpaired, all essentially legislative functions in respect to all the matters enumerated in s. 92; all matters of substantive law; all, surely, that could have been intended to be given to the legislature of the Province. The management of public lands and works, a large part of taxation, the whole law of inheritance to the real and personal property, the rights of creditors against the person and property of their debtors, of husband and wife, the law of juries and attorneys, and numberless other matters are left to the local legislature; executive and judicial functions, however, are not given, and, therefore, are expressly forbidden to them in regard to these topics."

And in accordance with the views thus expressed, Begbie, C.J., held, with his fellow judges, Crease and Gray, JJ., that s. 28 of the British Columbia Local Administration of Justice Act, 1881, 44 Vict., c. 1, by which it was provided that the judges of the Supreme Court of the Province should sit as a full court only once a year, at such time as might be by rules of court appointed, was *ultra vires* on the ground that,* "Whatever may be said of some topics, this, at all events, is pure procedure, and essentially of judicial cognizance. It is not a legislative function at all, any more than the adjournment of a partly heard case. It, consequently, is not included in any general gift of legislative power.

* At p. 174.