

the statutes of the Quebec Legislature, 31 Vict., c. 32, 32 Vict., c. 29, appointing officers named fire marshals, with power to examine witnesses under oath, and to enquire into the cause and origin of fires, and to arrest and commit for trial in the same manner as a justice of peace, was within the competence of the provincial legislature. Their lordships' reasons, however, for thus holding are not given in their judgment.

It has not been without dispute and some divergence of judicial opinion that the proper application of the principle in question under the constitution conferred upon the Dominion by the British North America Act has been determined. Thus in the *Thrasher* case,* Begbie, C.J., says: "The first thing to be observed upon s. 92 of the British North America Act is that its object and intention, as well as expressed phraseology, is to confer a legislative power on a legislative body. The words of s-s. 13 and the first part of s-s. 14 are extremely comprehensive. If they stood alone, if 'civil rights and the administration of justice' were handed over to be dealt with by any one department of the Provincial Government, the grant would cover everything that can be done by any of the three branches of civil government—the legislative, the judiciary, and the executive. But the subsections do not stand alone, nor do they contain any words of grant. They are entirely governed and controlled by the operative words in the body of the section, and merely enumerate the topics upon which the grant is to be exercised. And the grant is to a purely legislative body of purely legislative functions, viz., a grant of power 'to make laws' in relation to civil rights and the administration of justice; and there is no grant here to the local legislature, enabling them to exercise either judicial or executive powers or functions in respect of any of the enumerated topics. In defining, asserting, ascertaining, and protecting civil rights, in administering justice, the share of the legislature is probably the most important. But the legislature has only a share in the work. A very important share in all this business belongs to the judiciary; a very important share to the executive alone: and it could not have been intended to give to the legislature power to perform both judicial and executive functions; and, at all events, it has not been expressly given. No part of the administration of

* 1 B.C. (Irving), at p. 170-1 (1882).