

presently, seems to ignore the application of the principle of our leading proposition to the legislative powers comprised in No. 14 of s. 92 of the British North America Act, respecting the administration of justice in the Province.

To return to the case of *Regina v. Horner*,* above referred to, the question before the Quebec Court of Queen's Bench there was whether provincial executives had the right to appoint district magistrates under the provisions of the then existing Acts of the legislature of Quebec respecting district magistrates and magistrates' courts in that Province. It was contended that the Quebec legislature had no authority to legislate on these matters, and that, even if it had, the Lieutenant-Governor had no right to appoint a district magistrate, for he is a district judge, and that, under the British North America Act, s. 96, the Governor-General has alone the power to appoint such officers. Ramsay, J., however, held that the district magistrate was not a district judge under that section, and that, on the authority of *Regina v. Coote*, above cited, and in accordance with the general principle of our leading proposition, the provincial executive has power to appoint the district magistrates in question.

In *Hodge v. The Queen*,† again, the Privy Council held that, within the limits of s. 92, local legislatures are supreme, and can confide to a municipal institution or body of its own creation authority to make by-laws or resolutions as to subjects specified in the enactment, and with the object of carrying the enactment into operation and effect, saying: "It is obvious that such an object is ancillary to legislation, and without it an attempt to provide for varying details and machinery to carry them out might become oppressive, or absolutely fail." And, in the Court of Appeal of Ontario, in that case,‡ Strong, J., observes: "The British North America Act confers a constitution distributively as to powers of legislation, and, with those powers, necessarily all that was needful to make those powers effectual"; and Burton, J.A., speaks much to the same effect, Paterson and Morrison, J.J.A., concurring.

And that the executive power is co-extensive with the legislative has been very clearly affirmed in the recent decision of

* 2 Steph. Dig. 450, 2 Cart. 317 (1876).

† 9 App. Cas., at p. 132, 3 Cart., at p. 162 (1883).

‡ 7 A.R., at p. 252, 3 Cart., at p. 168 (1882).