mence at the expiration of the first; and, inasmuch as (though it is true, by some degree of technical straining)"—I rely upon that—"the words are capable of that interpretation, and imprisonment may be said to commence, and the man may be said to be imprisoned, from the moment he is convicted of the first offence and sentenced to imprisonment under it; and also as right and justice require, when a man has been guilty of separate offences for each of which a separate term of imprisonment is a proper form of punishment, that he should not escape from the punishment due to the additional offence merely because he is already sentenced to be imprisoned for another offence; and as it would be contrary to public policy and expediency that he should so escape with but one punishment; looking at it, I say, on the whole, in the first place, with reference to what is the fairly possible construction of the 25th section of 11 and 12 Vict., c. 43; secondly, to what justice and expediency require; and then to the light which is thrown on what ought to be the construction of the statute by the long practice that has prevailed under the similar and corresponding enactment of the former statute;—looking at all the matters in all these different points of view, it appears to us that we shall be putting the right and proper construction on the section of the Act of Parliament we have to construe by holding that the Justices, in making the second sentence commence at the expiration of the first, acted within their jurisdiction; and, the jurisdiction having been properly exercised, the rule for discharging the defendant out of custody must be discharged."

I submit that that case also helps the construction that I have contended for in dealing with this Act, because it shows that the Court in looking at the statute will not confine themselves to the literal interpretation of the words. They will, as the Court of Queen's Bench said, resort to even "technical straining." There is another very old case, Regina *v.* De Bewdley, in 1 Peere Williams's Reports, p. 222.

"We are all of opinion, though this clause might have extended to causes of the Crown had the objection come earlier, yet the constant practice ever since the making of the Act having been otherwise, and all the precedents, both in the Crown Office and in the Exchequer (in cases not expressly excepted) being *de vicineto*, to make a contrary resolution in the case would be in some measure to overturn the justice of the nation for several years past; besides, we consider that it is a matter of no great consequence, since it only gives the defendant a privilege of challenge, which otherwise he would not have."

Mr. Justice Richmond: "*Communis error facit jus.*" That is the maxim.

Sir R. Stout: No doubt that is so. No doubt the common practice makes the law. Now I shall refer to how the constitutional question also helps in the interpretation of the Act. In this I shall only cite the opinion—I cannot cite a judgment—of Lord Coleridge and the late Sir George Jessel. They were called upon to interpret a New Zealand Act—"The Privileges Act, 1865." Our Privileges Act of 1865, in the 4th section, says this:—

"The Legislative Council or House of Representatives of New Zealand respectively and the Committees and members thereof respectively shall hold enjoy and exercise such and the like privileges immunities and powers as on the first day of January one thousand eight hundred and sixty-five were held enjoyed and exercised by the Commons House of Parliament of Great Britain and Ireland and by the Committees and Members thereof so far as the same are not inconsistent with or repugnant to such and so many of the sections and provisions of the said Constitution Act as at the time of the coming into operation of this Act are unrepealed whether such privileges immunities or powers were so held possessed or enjoyed by custom statute or otherwise."

And so on. They were called upon to interpret that Act. It was held by the Legislative Council of New Zealand that that Act practically gave them the power of the House of Commons in dealing with money Bills, because it was said that they held "the power of the House of Commons." That question was referred to the Law Officers of the Crown in England, and, as I have said, the opinion was given by—he was then Sir John Coleridge and Sir George Jessel. It is in Todd's "Parliamentary Government of the Colonies," p. 478, first edition. It is also in the blue-books—in the Appendix to the Journals of the House of Representatives, Vol. i., 1872, A.–1B.:—

"We are of opinion that, independently of 'The Parliamentary Privileges Act, 1865,' the Legislative Council was not constitutionally justified in amending 'The Payments to Provinces Act, 1871'"—the Court will notice, "was not constitutionally justified"—"by striking out the disputed clause 28. We think the Bill was a money Bill, and such a Bill as the House of Commons in this country would not have allowed to be amended by the House of Lords; and that the limitation proposed to be placed by the Legislative Council on Bills of aid or supply is too narrow, and would not be recognised by the House of Commons in England.

"(2.) We are of opinion that 'The Parliamentary Privileges Act, 1865,' does not confer on the Legislative Council any larger powers in this respect than it would otherwise have possessed. We think that this Act was not intended to affect, and did not affect, the legislative powers of either House of the Legislature in New Zealand.

"(3.) We think that the claims of the House of Representatives, contained in their message to the Legislative Council, are well founded, subject, of course, to the limitation that the Legislative Council have a perfect right to reject any Bill passed by the House of Representatives having for its object to vary the management or appropriation of money prescribed by an Act of the previous session."

I submit that in the interpretation there the Law Officers of the Crown in England again followed and recognised the constitutional law in aiding them in the construction of the statute. I shall cite two or three other cases dealing with how the wide words of statutes such as these are to be construed. The cases referred to are: *In re* Brocklebank, *Ex parte* Jones and Raeburn, 23 Queen's Bench Division, pages 462, 463. Lord Esher says—I am citing from his judgment,—"In this proviso the Legislature have used language of the widest kind—'in all cases'—so wide that,