visions, so far as the First Schedule of the Act of 1873 is concerned, referring to the same subject-matter. They are *in pari materiâ*, and, as one of the books lays down, are not *similis*. They are dealing with the same matter; the identity of the matter is the same. They are dealing with the tenure of office of the Supreme Court Judges, and in dealing with that I submit that "The Civil List Act, 1873," that part of it referring to the Supreme Court Judges, ought to be read as if it had been re-enacted as a clause in the Act of 1882, and as if, therefore, the whole of the laws dealing with the Supreme Court had been in one statute. There are text-books that I may refer to as dealing with this. There is "Hardcastle's Statutory Law." At page 57, first edition, there is a note which says,—

"The question has frequently been raised as to when statutes are to be considered as being *in pari materiâ* and when not. There are several dicta in the books on the point, but (in England) the question has never been very clearly answered. Thus, in Crossley *v.* Arkwright (2 T.R., 609), Buller, J., said that all Acts relating to such a subject as stamps must be construed *in pari materiâ*. In R. *v.* Loxdale (1 Burr, 447), Lord Mansfield said that the laws concerning church leases, and those concerning bankrupts, also all the statutes providing for the poor, are to be considered as one system. See also Tennyson *v.* Lord Yarborough (1 Bingle, 24), Bayley *v.* Murin (1 Vent., 246). In Duck *v.* Addington (4 T.R., 447), it was admitted, without argument on the point, that all statutes regulating hackney coaches and their drivers were *in pari materiâ*. In Davis *v.* Edmonson (3 B. and P., 382), it was held that all statutes making provisions as to the certificate to be taken out by solicitors were *in pari materiâ*. In Redpath *v.* Allen (L.R., 4, P.C., 518), it was held that certain Canadian statutes relating to pilotage were *in pari materiâ*. But in Bazing *v.* Skelton (5 T.R., 16) it was held that certain statutes which only incidentally affected toll-gate keepers were not to be considered *in pari materiâ;* and in Moore's case (Ld. Raym., 1028), it was held that a statute which prohibited a warrant from being executed on a Sunday was not *in pari materiâ* with a subsequent statute which regulated the arrest of escaped prisoners. I submit, however, that this fulfils all the requirements of what has been laid down in these various cases as being *in pari materiâ*. It is dealing with the same identical subject—with the power of the Judges—and I submit that in construing (whether it is *in pari materiâ* or not) the Court will look at what has been the constitutional usage, and look also at the English statutes dealing with Judges."

Now, in this colony, and in most other colonies—for I have looked through the statutes of almost all the other colonies—it is provided by statute what the salary shall be; and I submit that that is some guide, because the general rule laid down in drafting statutes is that a statute shall deal with one subject-matter—that a statute shall not include different subject-matters. If, then, we find that in the English and colonial statutes, and in the American statutes as well, that the same Act which provides for the tenure of Judges also provides for their salaries, the Court will assume, surely, that it is one subject-matter; and I submit, therefore, that in dealing with the Civil List Act the Court will assume it is one subject-matter. There is one bit of evidence—I do not say it is of much importance, but I know that in one of the affidavits that appear in this case it is set out that a Bill was introduced into Parliament in 1890 dealing with the question of the Judges.

The Chief Justice: It was not introduced.

Sir R. Stout: It was sent down by message, and in that Bill sent down by His Excellency the Governor to Parliament for consideration I notice that they have put "The Supreme Court Act, 1882," and the Civil List Act into one Bill. Of course I do not say that is an argument; I only wish to point out what is considered the practice in dealing with the matter. I refer rather to the Acts; but that is something to be noticed in considering this question. Then, your Honours, if the Court holds that these two statutes are to be read together, this question will arise, What is to be the rule in their construction? I submit the rule for their construction is laid down in Hardcastle at the bottom of page 57 and the top of page 58. Hardcastle says: "The rule as to Acts of Parliament which are *in pari materiâ* was laid down by the twelve Judges in Palmer's case (1 Leach's C.C., ed. 3, 339), to be that such Acts are to be taken together as forming one system, and as interpreting and enforcing each other; and, as Knight Bruce, L.J., said in *Ex parte* Copeland (22 L. J., Bank 21), upon a question of construction arising "upon a subsequent statute on the same branch of law, it is perfectly legitimate to use the former Act, though repealed. For this," continued he, "I have the authority of Lord Mansfield, who in R. *v.* Loxdale (1 Burr 447), thus lays down the rule: 'Where there are different status *in pari materiâ*, though made at different times, or even expired and not referring to each other, they shall be taken and construed together as one system, and as explanatory of each other.' If it had been necessary I should myself have acted on this rule in the present case." Then follow in Hardcastle two or three pages of illustrations and examples of the rule, and I submit that, looking at the examples given in Hardcastle, the things that are said to be *pari materiâ*, and aid each other in the interpretation of the law, are more diverse than can be said to be the Civil List Act of 1873 and the Supreme Court Act of 1882.

The Chief Justice: The Act of 1873, I suppose, was not reserved?

Sir R. Stout: It did not require reservation.

The Chief Justice: Or was that restriction removed?

Mr. Justice Richmond: I do not think it was ever removed.

Sir R. Stout: Of course this was not lessening the salaries of the Judges, and so far as the Judges were concerned it never needed any reservation. It did not deal with the Governor, and therefore did not need reservation. It is only when it deals with the Governor that it needs reservation.

Mr. Justice Richmond: Or for Native purposes.

The Chief Justice: The Act of 1873 did deal with the Governor, did it not?

Sir R. Stout: No; only with the Judges and the members of the Ministry; so that reservation was not necessary. There are other authorities on the rule; for example, Maxwell, another text-book dealing with this same question, says, on page 36, for example, that on looking at an