No one could ever doubt—in fact, it would be absurd to hold in any of the English colonies that that part was not applicable to the colony. But the part relating to Judges is not applicable to the colony. In a note in Bacon's "Abridgment," Vol. ii., page 387, it says, "Our distant colonies are not considered as within the compass of this statute, which is understood to be limited to the Courts of Westminster Hall"—then he draws a deduction—"therefore, the Commissions of the King's Judges in the East Indies are still during pleasure." Very well; the first Commissions to Judges in New Zealand were during pleasure. My learned friend Mr. Vogel contended that this statute became in force in New Zealand when the circumstances of the colony became suitable to it; but I do not propose to say anything on this, because that is not the construction of the English Acts Act which has been put upon it by this or by any other Courts. Though a portion of the statute is in force in New Zealand the other portion is not. There is no objection to one portion of a statute being in force in a colony; that is the case with many—for instance, the Abolition of Fines and Recoveries Act. It is perfectly clear that the parts of that Act which relate to ancient demesne and to copyhold land have no application to the circumstances of the colony; and, again, a disentailing deed has to be enrolled in Chancery, and we have no Chancery to enrol it in.

Mr. Justice Richmond: You suggest that we have entails without the means of disentailing. Perhaps you will say the statute *de donis conditionalibus* is not in force?

Mr. Chapman: It is rather a debating-society's point; but I do not imagine that this Court, or any other Court, will say it was necessary to levy a fine or suffer a recovery in New Zealand.

Mr. Justice Richmond: No; because recoveries were abolished before the colony was founded.

Mr. Chapman: It might be sufficient for any disentailing deed to be filed in this Court, that being the nearest approach we have to filing in Chancery.

Mr. Justice Denniston: You will find a Victorian decision on the point, which shows that a difference in the machinery does not prevent an Act from applying.

Mr. Chapman: The difference was relied on in the Attorney-General *v.* Stewart to show that the Mortmain Act was not in force in New Granada.

Mr. Justice Richmond: I have always thought that the so-called Mortmain Act ought to be held applicable to the circumstances of the colony; and the time may come when we may very much regret it is not.

Mr. Chapman: I merely mention parts of the Act which are inapplicable to New Zealand to show that part of a statute may be applicable to the circumstances of a colony and the rest not.

Mr. Justice Richmond: I quite agree with that.

Mr. Chapman: My submission being that the constitutional principle which my learned friend invokes derives its origin, its whole force, from a succession of statutes, and nothing else. I next wish to point out that these statutes are not in force in New Zealand. None of these statutes which my friend has invoked are in force in New Zealand. We must therefore, in order to find what the constitutional law of this colony is—we must not go to these statutes except so far as we wish to use them by way of illustration—almost, one may say, from a literary point of view, to assist in the construction of our statutes. Except for the purpose of illustration, we must look within the four corners of our own statutes in order to find what the law is in New Zealand; and I venture to submit to your Honours that your Honours will be unable—taking the statutes as they run from the beginning of the colony to the present time—to say that this principle underlies the whole of the New Zealand statutes—viz., that salaries must be ascertained and established by statute, so that by looking at the statute we can always tell how many Judges there may be sitting on the Supreme Court bench, and what the salary of each Judge should be. That I understand to be what my learned friend argues is ascertaining and establishing salaries; and I venture to say that no one looking at our statutes can say this could always be done—viz., that by looking at the statutes in force we could say what the salaries of the Judges are, and how many Judges there are sitting on the bench. In order to ascertain these things it is necessary to inquire how many Judges there were, and to ascertain what their contract with the Government or the Executive was as to salaries. My learned friend has treated this subject at some length, and I feel some diffidence myself in going into it; but I feel very strongly on the subject. I may be, of course, entirely wrong, but I feel bound to say that I feel very strongly on the subject, and it appears to me that the argument cannot be refuted. The Chief Justice, when my learned friend argued about the appointment of Justice Johnston, suggested that the Constitution Act fixed his salary. The Constitution Act, in its schedule, fixes the salaries of the Chief Justice and one Puisne Judge.

Mr. Justice Richmond: Justice Gresson only had a temporary Commission; though I understood the meaning of the observation of the Chief Justice to be that there was room for a Puisne Judge on the Civil List when Judge Gresson was appointed.

Mr. Chapman: Yes, your Honour, that was what I understood him to say; but I did not understand him to extend to anything beyond that. But there was this difficulty in this case: Mr. Justice Johnston was receiving a salary not ascertained by any statute in force. He was receiving £1,000 a year.

Sir R. Stout: We have no evidence of that.

Mr. Harper: We can get evidence of it.

Mr. Chapman: It was ascertained to the extent only of £800. I submit that is not sufficient.

Sir R. Stout: My impression is that it was only £800 that he got.

Mr. Chapman: However, we get into surer ground when we come to the later statutes. At the time of the passing of the Act of 1862 by Parliament there were a Chief Justice and two Judges. That was the actual state of affairs at the time of the passing through Parliament of the Civil List Amendment Act of 1862. The position was that there were a Chief Justice and two Puisne Judges. Now, assuming the next Judges were appointed after that Act was passed—they were undoubtedly appointed after the Act passed the two Houses of Parliament—how could we ascertain the salaries of those Judges from that Act? There was an appropriation of £6,200, and that is the whole