were getting into an inextricable state of confusion in endeavouring to arrive at something really definite from the conflicting statutes and the conflicting decisions. At last Sir George Jessell cut the Gordian knot, and was supported by Lord Justice Lindley and Lord Justice Bowen. On page 75 Sir George Jessell says,—

"I think it is far better that we should in all these cases look to the intention of the Act, and not entangle ourselves in an inquiry as to the precise views and intentions of the parties, in order to see what was the motive of the transaction and what was the law before the statute. The law has now been put in a definite shape and form, and our duty is to construe the words of the Act."

Lord Justice Lindley says,—

"What we have to consider is the true construction of section 92. I emphatically protest against being led away from the words of the section by any argument that the standard which the Legislature has laid down is equivalent to the standard of the old law. It may be so, but the language is different, and it is our duty to construe the language."

So I protest against Sir R. Stout's arguments being substituted for the plain words of the Act of 1882. Lord Justice Bowen says,—

"The first thing which the Courts did was to discuss the question whether the Act had altered the old law and introduced an entirely new law, and they came to the conclusion that it had not altered the old law. Then began, what I may call the old metaphysical exploration of the motives of people. The Courts first adopted a supposed verbal equivalent for the words of the statute, and then pursued the old inquiries as to what were the deductions which followed from the adoption of this verbal equivalent. And so we have been drawn into questions of pressure and volition, and at length, in the present case, we have got into a discussion as to what is the motive of a motive, whatever that may mean. I think it is a wiser policy to go back, as I do, in a humble spirit to the words of the statute."

I submit that is the true mode of construction. I do not for one moment submit that your Honours are not entitled to examine other statutes which have preceded, or statutes for which the later statute is a substitution, but I submit that this Court ought to do as Lord Justice Bowen says, it ought to go back "in a humble spirit to the words of the statute." Coming back to the statute, I submit that the Act of 1882 expressly and clearly reserves to Her Majesty the right, through the Governor, to appoint the Judges of the Supreme Court, and that that right is unlimited by any words which could restrict the number which the Governor might have power to appoint. The words of section 5 are: "And such other Judges of the said Court as His Excellency, in the name and on behalf of Her Majesty, shall from time to time appoint." Of course, the power must be exercised in a reasonable manner, and is subject to the safeguard that the Governor will only act on the advice of his responsible advisers, who are themselves answerable to the country for the proper performance of their duties.

In passing, I venture to suggest that no constitutional law or rule can entirely tie the hands of the governing body, whether the governing body be a despotic king or the power that rules our Empire now, consisting of King, Lords, and Commons. It is impossible to absolutely tie their hands. As his Honour Mr. Justice Richmond has pointed out, Parliament is supreme. It is omnipotent, and no doubt in a sense there may be great wrongs perpetrated by high constitutional power. If a weak—a constitutionally weak—Governor is supported by a corrupt Ministry, no doubt grave errors may be committed by them, and there may be grave wrong done to the country and to the Bench by the appointment of Judges. But so there may be in reference to the highest Court of Appeal in the United Kingdom. In the House of Lords, though the assistance of the law Lords is necessary to determine cases of appeal, yet each member of the House is entitled to go and give his vote on the question of law which may be submitted to that tribunal for ultimate decision. And we might suggest—it has a greater force than the suggestion made by Sir Robert Stout—that, because the Queen has by her prerogative the power of appointing Peers, and because these Peers are entitled to vote and decide as an ultimate Court of Appeal, the House of Lords could be packed for the purpose of obtaining judicial influence in favour of the Government of the day. There may be a possibility of it, but it is a possibility upon a possibility, and the very fact that the power exists, but would be so extreme a power to exercise, is the protection of the State. I will not refer in detail to the Acts between 1844 and 1882, but will make a few observations in reference to the Act of 1882, because I submit to your Honours that this is the question which the Court has to decide: What is the meaning of section 5. Now, the section states that "The Court shall consist of one Judge to be called the Chief Justice, and of such other Judges as His Excellency the Governor, in the name and on behalf of Her Majesty, shall from time to time appoint." There is no limit there—no limit of number, no limit in time of appointment. I submit that the first portion of section 5 is the substantive enactment, and that the Governor has the power to make as many appointments as he may think fit, the protection being that he will not be advised by his Responsible Advisers to make appointments unless it is in the interest of the country that he should do so. That is the real constitutional safeguard. If that section stood alone without any other section I submit there could be no doubt whatever. The proviso which my learned friend calls to his aid in limiting the words really strengthens our position. Paraphrasing that paragraph, it does nothing more than recognise the Judges previously in office. It is not a validation, but a recognition of the original validity of the appointment of the Judges to the Court reconstituted under that Act. Supposing that proviso contained the names of your Honours, even that would not limit the power of the Governor in the matter of appointing other Judges. It simply provides that the Judges in office at the time the previous Court was in existence should be the first members of the Court, and in no sense controls the power of the Governor to appoint other Judges if he chooses so to do. It is, in fact, the appointment of the Chief Justice and other