provided for, are to be read as limiting the number of Judges to be appointed. It will be necessary to examine these Acts in detail.

The earliest in date is "The Supreme Court Judges Act, 1858," by which, for the first time, it is provided that the commissions of the Judges shall be during good behaviour; there being nevertheless reserved to the Governor by a separate section power to provide for temporary exigencies by the appointment of Judges holding office during pleasure only. By section 2 it is enacted as follows: "The Supreme Court of New Zealand shall consist of one Judge, to be appointed in the name and on behalf of Her Majesty, who shall be called the Chief Justice, and of such other Judges as His Excellency, in the name and on behalf of Her Majesty, shall from time to time appoint." The language is identically the same, so far as concerns the present question, with that of clause 10 of the ordinance of 1844, which section 2 replaces. It is observable that the Legislature has had distinctly in view the question of number. There is to be only one Chief Justice. This seems to make the absence of limitation in the case of the Puisne Judges significant of an actual purpose that their number should be left to the discretion of the Executive, subject, of course, to the same practical control as is exercised by the Legislature, through the power of the purse, with respect to other services. Section 6, however, is relied upon by the informant as controlling the plain language of section 2. The words are, "A salary equal at least in amount to that which at the time of the appointment of any Judge shall be then payable by law shall be paid to such Judge so long as his patent or commission shall continue and remain in force." Clearly this language indicates that the framers of the Act, knowing the general purpose of the Legislature to make permanent provision for all Judges, took it for granted that a legally-fixed salary would *at the time* of his appointment, or (what for the purpose of the section would be the same thing) *as from the time* of his appointment, be payable to every permanent Judge. No one can suppose that it was ever contemplated that a Judge should remain without title to such a salary. The direct purpose of the section, however, is to secure the Judge from reduction of salary; and it is unduly straining an incidental expression to interpret the reference to a salary "payable by law at the time of the appointment" as wholly altering the effect of section 2 and the previous law of the colony. Surely, if it had been intended to require the prior consent of the Legislature to every increase in the number of Puisne Judges (for that is what it comes to), so important a purpose would have been expressed in the principal clause, and not have been left to be inferred from language used primarily with another object. In any case the argument raised on section 6 cannot be of much weight, as the section is repealed by "The Supreme Court Act, 1882," and the substituted provision (which, as regards the protection of the Judges, is an improvement on the former one) affords no similar ground of argument.

In the same session of Parliament (1858) a Civil List Bill passed both Houses, and was reserved for Her Majesty's assent, providing, amongst other things, for the increase of the salary of the Chief Justice, and for the salaries of two Puisne Judges. It briefly enacts that there shall be payable to Her Majesty the several sums mentioned in the schedule, in lieu of the sums mentioned in the schedule to the Constitution Act. Amongst the services and sums specified are—"Chief Justice, £1,400; first Puisne Judge, £1,000; second Puisne Judge, £1,000." Hereupon first arises the contention that by the grant of these sums the number of the Judges is limited to the three provided for. Sir Robert Stout argues that the Civil List Acts, so far as they relate to the Judges' salaries, are *in pari materie* with the Act just examined and with "The Supreme Court Act, 1882." This I cannot concede. The Civil List Acts are money Bills, and do not affect the constitution of the Court. That they are pure money Bills may be tested by a familiar parliamentary criterion, of which this Court may take notice. For I think it may be stated without doubt that under "The Privileges Act, 1865," as interpreted by the Law Officers of the Crown in England, in an opinion cited to us for another purpose by Sir Robert Stout, the House of Representatives might have treated any amendment of those Acts by the Legislative Council as a breach of privilege. The House of Representatives by such Acts says in effect to the Executive Government, "We will pay so many Judges, and so much to each." It is not in accordance with proper principles of construction to give that the additional meaning, "And you shall appoint no more than we have provided for." No one would suppose that a grant for the salaries of twenty Resident Magistrates, or twenty Collectors of Customs, precluded the appointment of a greater number. The payment of salaries to the additional officers would require authorisation, but that necessity would not affect the validity of the appointments. The case of a Judge of the Supreme Court is not, in principle, different. The appointment