propriation in a lump sum, in the manner referred to in the opinion of the Solicitor-General, and the schedule is clear as to the mode of appropriation. Schedule: "Annual salary of the Chief Justice of the Supreme Court, £1,700. Annual salary of four Puisne Judges of the Supreme Court, each £1,500."

Now, on reference to the Act of Settlement (12 and 13 William III., chap. 2), I find the following language in subsection (7) of clause 3: "That, after the said limitation shall take effec as aforesaid, Judges' Commissions be made *quamdiu se bene gesserint*, and their salaries ascertained and established, but upon an address of both Houses of Parliament it may be lawful to remove them." This important provision was enacted for the express purpose of establishing the independence of the Judicial Bench. Now, it is clear to me that the appointment of a Judge goes hand-in-hand with the appropriation by Parliament of his salary. No such condition appears to exist in the present case. The Supreme Court Act of 1882, upon which the Solicitor-General seems to rely for establishing the validity of the appointment, contains two clauses which appear to me to be inconsistent so far as the validity of the present appointment is concerned. Clause 5 is as follows: "The said Court shall consist of one Judge, to be appointed by His Excellency the Governor, in the name and on behalf of Her Majesty, who shall be called the Chief Justice of the said Court, and of such other Judges of the said Court as His Excellency the Governor, in the name and on behalf of Her Majesty, shall from time to time appoint." This is doing nothing more than re-enacting, almost in the same words, clause 2 of "The Supreme Court Judges Act, 1858," which Act also provided for the temporary appointment of Judges of the Supreme Court. If it could be contended that the Governor had the power, in Her Majesty's name, to appoint an unlimited number of Judges, which I am not prepared to admit, why the necessity for clause 12 of the Act, which is as follows: "It shall be lawful for the Governor in Council, in the name and behalf of Her Majesty, at any time during the illness or absence of any Judge of the Court, or for any other temporary purpose, to appoint a Judge or Judges of the Court, to hold office during His Excellency's pleasure, and every such Judge shall be paid such salary, not exceeding the amount payable by law to the Judge of the said Court other than the Chief Justice, as the Governor in Council may think fit to direct." Now, it appears clear to me that the language of clause 12 governs clause 5, and that the Supreme Court Act of 1882 must be read in conjunction with "The Civil List Act, 1873." Fortunately I have authority for this contention. I find in Hardcastle's "Statutory Law" language which must bring conviction to the mind of any person of ordinary intelligence that "The Supreme Court Act, 1882," and "The Civil List Act, 1873," being *in pari materiâ*, must be construed together. He says, "The rule as to Acts of Parliament which are *in pari materiâ* was laid down by the twelve Judges in Palmer's case (Vol. i., Leach, C.C., ed. 4, p. 355) to be that such Acts are to be taken together as forming one system, and as interpreting and enforcing each other." The same author also points out the well-established rule that, "if two enacting clauses are repugnant, the known rule," said Keating, Judge, in Wood *v.* Riley (L.R. 3, C.P., p. 27), "is that the last must prevail." The same authority lays down the well-defined principle of law as follows: "The general rules which are applicable to particular and general enactments in statutes, if they are repugnant, are very clear; the only difficulty is in their application. The rule is that whenever there is a particular enactment and a general enactment in the same statute, and the latter taken in its most comprehensive sense would overrule the former, the particular enactment must be operative, and the general enactment must be taken to affect only the other part of the statute to which it may properly apply." I am, therefore, led to the conclusion that if the Legislature intended that the Governor had the power to appoint an unlimited number of Judges, irrespective of any provision for salary, it would have expressly so stated it, and there would have been no necessity for the controlling provision of clause 12. The temporary appointment of a Judge of the Supreme Court to act during the absence of Mr. Justice Richmond, who appears at this time to have obtained leave of absence, would have met the difficulty which then arose.

With regard to the present position of Mr. Edwards, holding, as I do, that his appointment as Judge of the Supreme Court is warranted by no authority, I am in difficulty as to the action to be taken by the Executive in his regard. To obtain a resolution of both Houses of the General Assembly would assume the validity of his appointment, which, of course, I am not prepared to admit. As I said before, the case is a somewhat peculiar one, and even if the validity of his appointment was not in dispute, an address for his amotion in the matter indicated would necessitate reasons which do not exist in the present case. I believe it will be found that, although Her Majesty may, upon the address of both Houses, remove a Judge from his position, the practice has been that the Secretary of State would, before advising Her Majesty to take such a course, fortify himself with reasons which would warrant his giving such advice. However, as this course is not likely to be taken, I need not refer to it further. I have gone as exhaustively into the subject as the means at my disposal would permit, and I have come to the conclusion that, construing the Supreme Court Act of 1882 with the Civil List Act of 1873, which makes no provision for the salary of more than four Judges and that of the Chief Justice, the appointment of Mr. Edwards to the position of a Judge of the Supreme Court is not warranted by law.

You will observe that I have guardedly abstained from offering any remarks as to the fitness of Mr. Edwards for the appointment. The position taken up by him, in my opinion, assails the independence of the Supreme Court Bench, which ought to be sacred and inviolate. I would suggest, if you think it desirable to do so, that he should be invited, under the peculiar circumstances, to consent to a statement of a case being submitted for the opinion of the Judicial Committee of the Privy Council—that the Secretary of State be requested to bring under the notice of that tribunal a question affecting so largely the position and independence of the Judicial Bench in this colony—that every facility be afforded to Mr. Edwards to have his case fully represented before that tribunal, and that in the meantime he be requested to abstain from exercising any judicial functions until a decision has been obtained.