has not altered the law as it stood before. (*e*) And this view was adopted by Lord Cairns: "The act appears to have left the quesquestion of pressure as it stood under the old law, and indeed the use of the word 'preference,' implying an act of free will, would, of itself, make it necessary to consider whether pressure had or had not been used." (*f*) In another case Mellish, L.J., was inclined to think that, if all the authorities were examined, "voluntarily," in the technical sense which it had under the old law meant practically the same thing as "with the view of," &c. (*g*)

But in the important case of *Ex parte Griffith*, (*h*) the Court of Appeal declared its dissatisfaction with the method of exposition previously adopted, and while not denying that, under appropriate circumstances, the doctrine of pressure was applicable after, as before, the passage of the statute, strongly deprecated "the metaphysical exploration of the motives of people" upon which the courts had embarked, and declared that it was, as Sir George Jessel expressed it, the duty of judges to "look to the intention of the Act, and not entangle themselves 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 the law was before the statute." The learned judge said that, sitting as a jury, he was of opinion that the mind of the employé was "influenced, not by the demand of Griffith for a preference, but by the desire to accede to the demand and to give him a preference." The words of Lindley, L.J., are even stronger: "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 our duty is to construe that language."

The language of the judges in this case left it very uncertain how far they considered the law to have been altered by the statute but this uncertainty was to a great extent removed by another

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(*e*) *Ex parte Craven* (1870) L.R. 10 Eq. 648.

(*f*) *Butcher* v. *Stead* (1875) L.R. 7 H.L. 839, p. 849. A like construction has been placed on the corresponding provision of the Irish Act: *In re Boyd* (1885) 15 L.R. Ir. 521. Porter M.R. also considered that the word "prefer" denoted "to place in a position of relative advantage," and in no way involves a consideration of motive. But quœre, see sec. 35 post.

(*g*) *Ex parte Bolland* (1871) L.R. 7 Ch. App. 24.

(*h*) (1883) 23 Ch. D. (C.A.) 69. (The facts are stated in sec. 4 ante.)