diminish or authorize the taking away or diminishing of a royal prerogative unless the intention to do so appears by "express words or necessary implication," or by terms that make the "inference irresistible." But the strictness of construction required must depend largely on the nature and importance of the prerogative affected, and as to the appointment of Magistrates of this class, I think it sufficient that on reading the statute, and comparing the sections *in pari materia* together in the light of the manifest scope and policy of the whole, the intention should be clear to the judicial mind, as a reasonable and common sense deduction. Subsection 14 of sect. 92 of the B. N. A. Act assigns to the Provincial Legislatures not only the constitution but the 'organization" of Courts ; and section 96 prescribes what judges are to be appointed by the Governor General. "Organization" is defined by Webster as "the act of distributing into suitable divisions and *appointing* the proper officers, as of an army or a government." The language of sub-section 14, if this definition be correct is therefore fully as strong as that of sub.-sec. 4, by which the local legislature is enabled to legislate in relation to the "appointment" of Provincial officers, which it must not be forgotten is equally a branch of the royal prerogative. See Blackstone's Com. p. 272. But sec. 96 limits and curtails what would otherwise be the "sweeping" effect of sub.-sec. 14, by defining what judges shall, nevertheless, be appointed by the Governor General, naming only those of certain Courts of peculiar dignity and jurisdiction; and as a qualifying clause controlling the general terms of sub.-sec. 14 of sec. 92 it would be a gratuitous violation of a sound principle of construction not to apply to it the maxim "*expressio unius est exclusio alterius.*" This is said in Broom's Legal Maxims to be a "general principle of law," which applies "where in an instrument there are general words first, and an express exception afterwards," p. 507. "A statute, it has been said, is to be so construed, if possible, as to give sense and meaning to every part; and the maxim was never more applicable than when applied to a statute that *expressio unius est exclusio alterius.* "The sages of the law, according to Plowden, have ever been guided in the construction of statutes by the intention of the legislature, which they have always taken according to the necessity of the matter, and according to that which is consonant to reason and sound discretion:" Broom, p. 515. Here then we have the Provincial Legislature in express terms authorized generally to make laws in relation to the "organization of the Courts," language which includes one of the prerogatives of the Crown, viz.: the appointing of judges, as the greater includes the less; and further on we have what operates as an exception or prohibition to this power of legislation so far as it affects the appointing of a certain class of judges specially mentioned and not including those under consideration. If the term "organization" does not include the appointment of the judges, it is difficult to see what "sense" or "meaning" it can have after the word "constitution"; and that the framers of the Act must at all events have so understood it, is evident from their having found section 96 necessary; and if section 96 were intented to embrace such Courts as these, its language would have been "all the judges," instead of "the Superior District and County Judges"; for one cannot imagine a Court that is not territorially or in some sense a "District Court." I think therefore that the local legislatures may establish a local and inferior Court, and provide for the appointment of its judges otherwise than by the Crown ; a privilege which if sought to be abused, or exercised to an anomalous degree or in a manner inconsistent with British principles, can be checked by the veto power residing in the Dominion Executive. I think that while the judges mentioned in sec. 96 must be appointed by the Queen's representative, all others may be appointed as the proper legislative authority prescribes ; and in the absence of legislation on the point then by the Queen's representative, as I decided in the case of Justices of the Peace."

FLOTSAM AND JETSAM.

Sir Richard Malins, formerly Vice-Chancellor of England, died on the 15th ult. He was born in 1805 and called to the Bar in 1830.

We learn from the Halifax papers, that a meeting of the Barrister's Society was held recently, at which the salary of the Equity Judge was considered. It was orininally $5,000, but an Act was passed several years ago that upon the death or resignation of the present incumbent it should be reduced to $4,000. A resolution was unanimously adopted by the meeting asking the Dominion Government to allow the salary to remain the same as at present. It was also resolved to request the Government to make a considerable increase in the salary of Judge Johnston, of the Halifax County Court, in consideration of the large amount of labor devolving upon him.

"Without prejudice," is a phrase often used, and has a good legal ring about it. We all remember Mr. Guppy, the lawyer's clerk in Bleak House, who expressed his admiration for Miss Summerson, and was careful to ask that his suit was to be "without prejudice." A decision of Mr. Justice Fry, *Law Times*, Dec. 10, gives a rather restricted meaning to these oft-used words. He held that, when added to letters they only mean that in the event of the negotiations carried on by those letters not resulting in any agreement, nothing is to be taken as an admission. Where letters written "without prejudice" contained an undertaking upon certain terms which were agreed to by the other side, and afterwards the parties giving the undertaking wished to introduce a fresh condition the original undertaking was enforced.—*Law Times.*