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 RULES OF LAW AND RULES OF CONSTRUCTION—JUDICIAL APPOINTMENTS.
 

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unprofessional dealings among members of the profession which may be brought to their notice. We publish the report referred to in full in another place (p. 395 *infra*).

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THE precise difference between a rule of law, and a rule of construction was very clearly and neatly stated by Fry, L.J., in the recent case of *Re Coward, Coward v. Larkman*, 57 L. T. N. S., 285. In one sense a rule of construction may be said to be a rule of law, inasmuch as it is a rule laid down by the law for the construction of written instruments, but the terms, "rule of law," and "rule of construction," have acquired a definite technical meaning, and are intended to express two radically different ideas.

According to Fry, L.J., "rules of construction" and rules of law differ in this respect—the one being a rule which points out what a court shall do in the absence of any express or implied intention to the contrary; the other is one which takes effect when certain conditions are found, although the parties to the instrument under consideration may have indicated an intention to the contrary. It will thus be seen that a "rule of construction" is a flexible rule yielding to a contrary intention, and that a "rule of law" on the other hand is inflexible, and its application is unaffected by any intention of the parties.

■ This distinction, when clearly kept in mind, will serve as a safeguard against any confusion of thought as to the relative nature of "rules of law" and "rules of construction."

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### JUDICIAL APPOINTMENTS.

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OWING to the retirement of Sir Adam Wilson to his well earned repose, the presidency of the High Court of Justice is now transferred to the Chancellor as the senior chief, and as he is still a young man, in all probability, it is likely long to remain there; unless, indeed, he receive promotion to a higher court.

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WE heartily congratulate Mr. Justice Taylor upon his appointment to the Chief Justiceship of Manitoba. He has won the position fairly, and none will grudge him the honour, except apparently some of the race who, holding too much the balance of power politically, think that every plum should fall into their mouths. The Government has made a wise selection. The learned Chief Justice whilst in Ontario was a great success as Master in Ordinary of the Court of Chancery, and also made some valuable additions to our legal literature. He has given, we understand, great satisfaction to the profession and the public as a judge in Manitoba, and will, we are satisfied, be as useful in his new position as he has been in the more subordinate ones where he acquired his judicial training.

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It is also here in order to congratulate Mr. Justice Galt and Mr. Justice Armour upon their promotion, the former to the Chief Justiceship of the Common Pleas Division, rendered vacant by the untimely death of Chief Justice Cameron, and the latter to the seat lately resigned by Sir Adam Wilson as Chief Justice of the Queen's Bench Division. The friends of the genial Chief Justice of the Common Pleas are legion. In the natural course of things it is not unlikely that he may soon seek relief from the arduous duties which devolve upon our judges. But