

DIARY FOR OCTOBER.

1. Thur.....Wm. D. Powell, 5th C.J. of Q.B., 1816. Meredith, J., Ch. Div., 1890.
4. Sun.....19th Sunday after Trinity.
5. Mon.....Civil Assizes at Toronto. County Ct. Sittings for Motions, except in York. Surrogate Court sits.
6. Tues.....County Ct. Non-Jury Sitgs., except in York.
7. Wed.....Henry Alcock, 3rd C.J. of Q.B., 1802.
8. Thur.....Sir W. B. Richards, C.J. Supreme Court, 1875. R. A. Harrison, 11th C.J. of Q.B., 1875.
9. Fri.....De la Barre, Governor, 1682.
11. Sun.....20th Sunday after Trinity. Guy Carleton, Governor, 1774.
12. Mon.....County Court Sittings for Motions in York. Surrogate Ct. Sittings. America discovered, 1492. Battle of Queenston Heights, 1812.
15. Thur.....English Law introduced into Upper Canada, 1791.
18. Sun.....21st Sunday after Trinity. St. Luke.
19. Mon.....County Court Non-Jury Sittings in York. Last day for Call notice.
21. Wed.....Battle of Trafalgar, 1805.
23. Fri.....Lord Lansdowne, Governor-General, 1883.
24. Sat.....Sir J. H. Craig, Governor-General, 1807.
25. Sun.....22nd Sunday after Trinity.
27. Tues.....Supreme Court sits. C. S. Paterson, J. of Supreme Court, 1888. James Maclean, J., Court of Appeal, 1888.
29. Thur.....Battle of Fort Erie, 1813.
31. Sat.....All Hallows Eve.

Reports.

ONTARIO.

CHANCERY DIVISION.

THE LADIES' TAILORING ASSOCIATION v.
CLARKSON.

(Reported for THE CANADA LAW JOURNAL.)

Practice—Consent judgment—Master in Chambers, jurisdiction of.

The Master in Chambers has jurisdiction to pronounce judgment by consent in any case. [BOYD, C., Oct. 10.

W. R. Smyth, for plaintiff, obtained on consent an order from the Master in Chambers directing judgment to be entered declaring that the plaintiffs are entitled to rank upon the estate of the Colonial Umbrella Manufacturing Co., in the hands of the defendant as assignee thereof for the benefit of creditors, for \$222.96 and interest, and to be paid their proportionate part as such creditors of the said estate and for payment of the same in due course of administration of the said estate; and also for payment by defendant to the plaintiffs of their disbursements and half their solicitors' fees; and also for payment to the defendant's solicitors of their fees, both sums to be charged by the defendant against the estate on passing his accounts.

On the order being brought to the Registrar of the Chancery Division, that officer doubted

whether he was justified in entering judgment upon the order, and before doing so he brought the matter to the attention of the Chancellor.

BOYD, C., expressed himself as averse to putting parties to the expense of a motion in court where they were agreed as to the judgment to be pronounced. All former practice is abolished by the Con. Rules, and the practice now to be followed is to be regulated as far as possible by analogy to those Rules. Under Rule 756 he thought the Master in Chambers had jurisdiction to pronounce judgment upon any admissions of fact in the pleadings; and in the present case if the parties had put their consent on the pleadings, the Master in Chambers would clearly have had jurisdiction to pronounce the judgment under Rule 576. The parties ought not to be put to this circumlocutory procedure. In any case, therefore, where all parties are *sui juris*, there seems no good reason why a judgment by consent should not be pronounced by the Master in Chambers, and the analogy furnished by Rule 756 favors that view. It will be, of course, necessary for the officers exercising the jurisdiction in chambers to be careful to see that no improper clauses are inserted in such judgments. In the present case the direction to the defendant to pay his own costs and charge them against the estate does not seem to be proper unless the defendant represents all the creditors of the estate, which is not apparent from the order.

As to the form of the order, the Chancellor was of opinion that it should not be in the shape of an order to enter judgment, but that the judgment should be drawn up in chambers and should be entered, not as an order in chambers, but as a judgment by the proper officer, and should be based on a written consent duly signed and filed.

Early Notes of Canadian Cases.

SUPREME COURT OF CANADA.

Ontario.]

[June 22.

MCRAE v. MARSHALL.

Master and servant—Agreement for service—Arbitrary right of dismissal—Exercise of—Forfeiture of property.

By an agreement under seal between M., the inventor of a certain machine, and McR., pro-