spect, it is questionable how far they would be binding upon a court or judge should the point arise again in the ordinary way.

In the recent Local Option case which was submitted, under this Act, to the Court of Appeal, the Chief Justice, in giving judgment, said:—"I cannot but regret that it should be thought proper to submit such a question to the Court. . . . It is in effect the same as asking a definition of the powers of assignees in insolvency, or of sheriffs, registrars, or of railroads or other companies chartered by the Province." Mr. Justice Osler most emphatically declined to answer the questions submitted, remarking that when they would arise in a proper way he would deal with them. We trust that the Attorney-General will note the words of the Chief Justice and the refractory action of Mr. Justice Osler, and refrain from continuing a practice which threatens to work great injustice to litigants and become an intolerable nuisance to the judiciary.

## *JUDGMENTS BY CONSENT.*

In another column we have reported an important ruling of the Chancellor upon a point of practice relative to the jurisdiction of the Master in Chambers and also that of the various Local Masters throughout the province. It will be seen that his Lordship has determined that these officers have now unlimited power under the Consolidated Rules to pronounce judgments by consent in all cases. Hitherto we believe it has been pretty generally considered by a good many members of the profession (especially among those familiar with the traditions of the former Court of Chancery) that the right of the Master in Chambers and Local Masters to pronounce judgments was strictly limited by the Rules to the classes of cases in which that power appears to be explicitly conferred, *e.g.*, to administration and partition actions commenced by notice of motion, mortgage actions for foreclosure, sale, or redemption, where infants were concerned, and to actions on specially endorsed writs in which they were empowered not to pronounce judgment, but to order judgment to be entered for the amount indorsed, notwithstanding an appearance by the defendant.

The Master in Chambers, however, has been accustomed to make orders—but whether they have been treated or entered as judgments, we are not able to state—under the provisions of Rule 756, which enables the order to be made by "the court or a judge"—see *Taylor* v. *Cook*, 11 P.R. 60. This jurisdiction, it will be seen, the Chancellor now affirms to be rightly exercised by the Master in Chambers, and by analogy to the power conferred by that Rule, he holds the still larger power of granting judgments in all cases on consent is implicitly vested in the Master in Chambers and Local Masters.

Formerly a decree in chambers, even by consent, was never granted in the old Court of Chancery except in the cases explicitly provided for in the former Chancery orders, and it has for a long time past been customary to move in court in the Chancery Division (and, we believe, in the other Divisions also) for judgments upon consents. This branch of business will be now shifted from court