

*Primé facie* the giving of judgment in any case must be the act of the Court; but there are exceptions to the rule which the Court creates, *e.g.*, where on a certain state of facts the judgment goes as of course, the Court by its Rules delegates the duty to one of its officers; it also in certain simple cases, which are not of course, but involve the exercise of a judicial discretion, also delegates to judicial officers a right to decide the case and give judgment; but unless this right is very plainly and explicitly conferred on an officer of the Court he can have no inherent right by virtue of his office to exercise judicial functions.

Rule 62 contains no statement in itself as to what forum the motion is to be made *primé facie*, therefore it must be to the Court. But the learned Judge says that "Rule 207 (7) which assigns motions for judgments under Rules 57 to 62" to Chambers includes motions under Rule 62, and that they are not included in the matters excluded by Rule 208 from the jurisdiction of the Master in Chambers. And this no doubt is probably what the learned Judge may have intended when he framed the Rules. But it may be well to point out that another Judge having to construe the Rules merely by what they actually say, might be driven to a different conclusion—because whatever Mr. Justice Middleton may have meant by the expression "Rules 57 to 62" in Rule 207 (8), he has himself in another Rule used a like expression, in which it is perfectly clear that the word "to" is not inclusive but exclusive. For example in Rule (j) the expression occurs "Rules 11 to 31" and when you come to refer to Rule 31 it is quite plain to see that Rule 31 is not intended to be included—and another Judge might say that the expression Rules "57 to 62" must be construed in like manner.

We venture, therefore, respectfully to think that the matter may need further consideration before it is concluded that anyone but a Judge in Court has jurisdiction to pronounce a judgment under Rule 62.