

held that the Ontario legislature had power to confer on the Master in Ordinary the powers it assumed to confer upon him by the Ontario Corporations Act, 1862, which directs that he shall—settle schedules of creditors and contributories . . . and generally shall have all the powers which might be exercised on any reference to him, under a judgment or order of the High Court.

Lastly, there is a Report of Sir John Thompson, of March 24th, 1892, upon a Quebec Act empowering the Lieutenant-Governor in Council, upon the report of the Railway Committee of the Executive Council to cancel the charter of any railway company incorporated under the laws of the province, in certain cases, in which he makes the remark that it seems clear that a legislature may invest other bodies than the Courts with powers and functions generally reposed by legislation in legal tribunals, without exceeding its jurisdiction. But he is here referring to the power of a provincial legislature to create a special tribunal for the determination of a special matter and not of the power to confer general jurisdiction.

Reference may also be made to *In re Queen's Counsel* (1896), 23 A.R. (Ont.) 792, where the question of the power of the provincial legislature to authorize a Judge of the Supreme Court to depute a Queen's Counsel to perform his judicial duties is somewhat discussed at pp. 799, 811.

In another report of 1889, besides the one already referred to (Hodgins' Provl. Legisl. 2nd ed., at p. 372), Sir John Thompson says that "the view has been taken by nearly all the Ministers of Justice since the union of the provinces, that the words of the British North America Act, referring to Judges of the Superior, District, and County Courts, include all classes of Judges like those designated, and not merely the Judges of the particular Courts which, at the time of the passage of the British North America Act happened to bear those names."

It all, therefore, seems to come back to the question whether the Master in Chambers when acting under the Alberta Rule 275, above set out, is acting as a Superior Court Judge, and exercising jurisdiction proper to a Superior Court Judge. If he is not, the decision is right; if he is, then, with all respect be it said, the decision is wrong. The further question, however, seems to arise whether a proceeding under that Rule in which the plaintiff succeeds, is not really "a trial of the action," for the Rules do not appear to contain any express definition of that phrase, as contained in Rule 541, *supra*.