that the jurisdiction of the Referee was restricted to the jurisdiction exercised by a Judge in Chambers at the time that order was passed, and that where subsequent to the passing of that order any statute or order was passed giving additional powers to a Judge in Chambers, the additional powers so conferred could not be exercised by the Referee in Chambers unless he was expressly named. Thus, the power of setting aside fraudulent conveyances subsequently conferred by the Administration of Justice Act 1873 on a Judge in Chambers was held not to be exercised by the Referee, *Queen* v. *Smith*, 7 P. R. 429; and see *Re Nolan*, 6 P. R. 115; *Re Arnott*, 8 P. R. 39; but see *Collver* v. *Swazie*, 8 P. R. 421; 15 C. L. J. 137. If the principle laid down in those cases be correct, then it seems to follow that any additional power conferred upon a judge in Chambers by the Judicature, Act and Rules, cannot now be exercised by the Master in Chambers.

The power conferred by Rule S. C. 80 on "the Court or a judge" seems to us to be a power not formerly within the jurisdiction of a judge in Chambers, and therefore clearly an additional power, and therefore, upon the principle of construction adopted in *Queen* v. *Smith* and the other cases we have referred to, this is not a power conferred upon the Master in Chambers. In the same way, assuming that Rule S. C. 322 is intended to confer upon a Judge in Chambers power to award judgment upon admissions of fact contained in the pleadings, or in the examination of a party, etc. (a construction of the Rule, by the way entirely opposed to the practice of the Court of Chancery under General Order 270, from which that Rule is adapted), it is nevertheless an additional power, and therefore on the same principle excluded from the jurisdiction of the Master in Chambers, and yet under both of these Rules the Master in Chambers has been accustomed to act, and if he is right in so doing, then all the judges of the County Courts, and all the Local Masters throughout the country, have a similar right to act. If they are assuming to exercise a jurisdiction they do not rightfully possess, very serious questions may arise, and the sooner the doubts which have arisen are definitely settled the better.

CHIEF JUSTICE SPRAGGE.

Hon. John Godfrey Spragge, Chief Justice of Ontario, died on the 20th ultimo in the 78th year of his age, after a period of useful service to his country which seldom fall to the lot of the journalist to chronicle. The country will lament his loss as one who has in a long judicial career borne (as have all our judges) an unstained reputation, as well as one who has exhibited high ability as a jurist, combined with an industry worthy of all praise. We may on a future occasion refer more at length to the life and labours of this eminent judge, the last of the old regime, we can now merely copy the resolution passed at a meeting of the Bar, held after the announcement of his death, and that part of the address of Chief Justice Hagarty to the Grand Jury of York, in allusion to that event.

The resolution was in these words:—

"The members of the Bar now assembled, on behalf of themselves and their brethren throughout the Province, express their profound sorrow at the death of Chief Justice Spragge. He was permitted by a merciful Providence to continue the work of a laborious life to a ripe old age, with his physical and mental powers but little impaired, and he has passed away full of years and honours. He was a great judge and a good man, and in his public and private character was an example worthy of imitation. He occupied the judicial bench for the long period of thirty-three years successively, as vice-chancellor, chancellor and chief justice, and he discharged his high duties from first to last with a degree of zeal, uprightness, learning and ability which has rarely been surpassed in any country.