to file and inscribe an appeal for hearing, notwithstanding that the case had not been certified and transmitted by the clerk of the Supreme Court; or for an order directing a writ of *certiorari* to issue to the clerk of that Court to compel him to send to the Supreme Court of Canada the record and all papers filed in the case.

On the 22nd of June last the Supreme Court of Canada made an order allowing appellants until the 15th of September following to file the case and their *factums*. In default the appeal to stand dismissed without further order. Before the 15th of September the appellants moved before the Chief Justice for leave to proceed with their appeal on a printed case submitted, although such printed case was not duly certified and transmitted by the clerk of the Court below.

The Chief Justice referred the motion to the Court.

Christie, for appellants, contended that it was through no fault of the appellants if the printed case had not been certified, that it had been settled by the Chief Justice of the Supreme Court of British Columbia, and that the appellants had been already obliged to pay a sum of $1,000 to the respondents by order of the Court below, and that the excuse given by the clerk of the Court was that the case as printed was not a *correct* case. If there was any part of the record omitted appellants were willing to have the same added.

McIntyre showed cause, and contended that the *case* had not been finally settled, and that an important part of the evidence, which formed part of the judge's notes at the trial, had been omitted from the case, and that it was now too late for appellants to file their case.

Held, that the appellants should have a further extension of time, viz., till January 1st next, to complete and file their printed case. Respondents to pay $50 costs of the present motion, and $20 costs of the previous motion in Chambers. The Chief Justice stated that if any further obstacles were placed in the way of appellants, this Court would take the necessary means in order to have a speedy hearing of the appeal.

F. X. MAJOR v. CORPORATION OF THE CITY OF THREE RIVERS.

Appeal—Circuit Court (P.Q.,) being a Court of original jurisdiction, judgment from Court of Queen's Bench (P.Q.,) in such a case not appealable to the Supreme Court of Canada.

This was an appeal from a judgment of the Court of Queen's Bench (P.Q.,) whereby the judgment of the Circuit Court at Three Rivers was reversed. The case was settled and agreed to by both parties, and no objection taken to the jurisdiction.

Held, that an appeal will not lie to the Supreme Court of Canada from a final judgment of the Court of Queen's Bench (P.Q.,) in cases in which the Court of original jurisdiction is the Circuit Court for the Province of Quebec.

MacLaren, for appellant.

Denoncourt, for respondents.

Appeal quashed without costs.

BICKFORD v. HOWARD.

Trial by judge without a jury—Plea of set-off to an action on a contract—Verdict for plaintiff—Affirmed by two Courts—Weight of evidence, appeal on.

The appellant appealed from two judgments of the Court of Appeal for Ontario, affirming judgments recovered against him by the respondent in two several actions brought on alleged contracts, to which actions appellant pleaded *inter alia* a plea of set-off. The cases were tried before a judge without a jury, and the respondent obtained two verdicts. These verdicts having been moved against, were sustained by the Courts of Queen's Bench and Common Pleas respectively, and both by the Court of Appeal for Ontario. On appeal to the Supreme Court against the judgment of the Court of Appeal affirming those judgments and verdicts,

Held, that before reversing the verdict of a judge who has tried a case without a jury, and whose verdict has been affirmed by two Courts, this Court, sitting in appeal, will not reverse the conclusion arrived at by the lower Courts on the weight of the evidence, unless convinced beyond all reasonable doubt that all the judges before whom the case has come have clearly erred and that in this case there was no error, and the