

I may add that this practice—intentionally or unintentionally, probably the latter—has encouragement in the forms contained in the appendix to the present Rules of Court—form 75; that form having been taken word for word from form 123 of the Rules of 1897, but which has probably greater effect now under the present Rule 772.

It has been my practice, in cases which seemed to me suited to it, to direct the finding of the proper amount by the proper officer before the entry of final judgment. The distressful difficulties which sometimes arose in appealing against a judgment in which there had been a reference, by reason of the judgment of reference being sometimes considered an interlocutory judgment only, was a strong incentive to invent some method to overcome such difficulties and the uneven-handed justice that they caused; difficulties which are, I trust, now removed by legislation.

Perhaps the time may come when the quicker, simpler, and less expensive method adopted in England can be applied to this Province; for if, by anticipation, the trial Judge can give effect to a referee's finding, without any further hearing, what reason can there be for preventing the doing of the same thing without putting into operation any such expedient?

In the case of *Murphy v. Corry* (1906), 12 O.L.R. 120, referred to by Mr. MacBrayne, the form of the order must have been quite different from that in question here; there could not have been any anticipatory judgment for payment in accordance with the referee's findings.

Nor order will be made; these reasons will ensure the enforcement of the combined judgment and report by the ordinary methods. The sum which, the plaintiff admits, should be deducted from the amount payable under the judgment and report, can be credited to the defendant in the directions to the Sheriff on any writ that may be issued, or in any payment or settlement of the judgment, between the parties.