

of the rulings upon questions of law which he desires the Referee to make, and the Referee shall note in his report his disposition of such proposed findings of fact and questions of law.

On an appeal from a judgment entered on the report of a Referee, or founded thereupon, in order to raise an objection to the report by reason of the neglect or omission of the Referee to pass upon any particular question of fact or of law, he must be specifically requested to do so by the party so objecting, and an exception must be entered in his report of his refusal to do.

The trial shall be conducted as nearly as circumstances will admit in the same manner and on the like notices, and with the observance of the same rules of evidence and procedure as in the case of a trial by the Court. But all objections made by the admission of any evidence must be made at the time it is offered, and point out explicitly the grounds for its exclusion.

The Referee shall have the same power as the Court to administer oaths or affirmations to witnesses, and may in the name of the Court issue subpoenas for their attendance; and any of the parties may apply to the Court or a judge for such order as may be necessary for the compulsory attendance and examination of witnesses, and for the production of documentary evidence, and for such other order as may be necessary to insure the regular prosecution of the Reference and its expeditious termination.

When the whole action is referred for trial on the filing of the Report of the Referee, any of the parties may apply to the Court or a Judge for the homologation of the Report, and for judgment in conformity therewith, and such report shall be homologated and judgment directed to be entered in conformity therewith, without regard to the correctness of the determination of the questions or issues involved, which can only be reviewed by an appeal from the judgment entered upon the report. If the report appear to be defective by reason of the failure or omission of the referee to discharge his judicial duties, it shall be sent back by the judge for amendment. When such judgment shall be entered it shall stand as, and be deemed a judgment of the Superior Court, and the judgment and report of the referee may then be reviewed and an appeal taken therefrom, as from a judgment of a single judge of the Superior Court. When some of the issues only

are referred for trial, the court or judge shall on the coming in of the report, on his own motion or on that of any of the parties, if the report be not defective, adopt the report of the referee without questioning the correctness of his determination of the issues or questions referred to him, and proceed to the determination of the whole case and render judgment therein consistent with such report.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

QUEBEC, February 6, 1883.

DORION, C. J., MONK, RAMSAY, CROSS & BABY, JJ.

BOURGET, Appellant, and BLANCHARD,
Respondent.

Appeal from Q. B. to the Supreme Court—Review of order in chambers refusing leave to appeal.

The Court of Queen's Bench, or a judge thereof, has a right to grant or refuse leave to appeal to the Supreme Court from a judgment of the Q. B., and the decision of the one or the other is final.

An appeal to the Supreme Court will not be allowed where the interest of the appellant is less than \$2,000.

RAMSAY, J. (dissenting). The appellant applied in chambers to Mr. Justice Tessier to be allowed to put in security in appeal to the Supreme Court. This application was refused on the ground that the case was not appealable, and the application is now renewed before the Court. In the meantime the appellant applied to the Supreme Court for leave to appeal, but that Court refused the application on the ground that they had not jurisdiction; I presume, to order up a record without a security bond.

Two questions arise in this case, the first as to our jurisdiction, after the refusal of Mr. Justice Tessier to grant leave to appeal,—the second as to the nature of the judgment sought to be appealed, and whether the same be appealable or not.

The former of these questions has been argued as though the question was as to whether the Court could grant leave to appeal after it had been refused by a judge in chambers. It seems to me that the question thus nakedly put admits of no difficulty. But the real question is