

"Provisional execution takes place notwithstanding the appeal, saving the right of the Court to which the cause is taken in appeal to summarily suspend such execution.

"Two judges of the Court seized of the appeal may also give such order for suspension after notice to the adverse party."

3. Article 2272 of the said Code is amended by substituting the figures "47" for the figures "57" in the second line of paragraph 5.

AMENDMENTS TO THE CODE OF CIVIL PROCEDURE.

4. Article 1 of the Code of Civil Procedure, as amended by the Acts 37 Victoria, chapter 8, section 6, and 47 Victoria, chapter 8, section 3, is further amended by adding the following paragraph :

"Notwithstanding the preceding provisions, the proceedings under Articles 645, 663, 678, 679, 680, 712, 720, 730, and 763 to 780 of this Code inclusively, may be had upon any juridical day."

5. Article 92 of the said Code is amended by striking out the last paragraph thereof.

6. The following articles are added to the said Code after Article 343 :

343a. Except in actions to annul a marriage, for separation of property, or from bed and board, to obtain the dissolution of a corporation or the annulling of letters patent or in which the parties are minors or legally incapable, and in all cases of public interest, the Superior Court or the Circuit Court, on the written demand of the parties and of their attorneys *ad litem*, may refer all or any of the issues, either of fact or of law, to the decision of one or more practising advocates, appointed according to the manner determined by the consent.

"343b. The referees appointed who do not accept the office shall be replaced by others, and the majority shall be a quorum.

"343c. Before proceeding they shall be sworn to well and faithfully perform their duties, either before the judge, the prothonotary, or a commissioner of the Superior Court, or the clerk of the Circuit Court, as the case may be.

"343d. The trial before such referees is conducted as in cases without a jury before the court; and the referees shall, for such purpose, have all the powers of such court or judge.

"The referees shall have power to appoint a clerk to assist them.

"343e. All the proceedings in the case are filed in the office of the prothonotary or clerk, as the case may be, of the court of the district in which they are had.

In case they are had in a district other than that in which the case was brought, the record upon the order of the referees shall be transmitted in the manner prescribed by Articles 241 and 242 of this Code.

"343f. The report of the referees shall be in writing and be filed within sixty days after the final hearing of the parties, in the office of the prothonotary or clerk of the court of the place in which the case was pending at the time of the appointment of the referees, in default of which, either party may cause a notice to be served upon the attorney of the adverse party that he intends to end the reference.

"Upon the filing of such notice in the office of the prothonotary or clerk, as the case may be, the case is continued as if it had not been referred.

"However, the proceedings had and proof adduced before the referees form part of the record as if they had been had and taken before the court.

The court may also, upon demand of either of the parties, cancel the appointment of the said referees if they do not proceed with diligence to the hearing of the case.

"343g. On the statement of facts and propositions of law which may be submitted by the parties to the referees, it shall be the duty of the latter to decide what are pertinent to the issue and to note in the report their findings on each.

"The omission to note the same shall not however invalidate the report.

"343h. The referees shall further, in their report, set out the text of the judgment to be drawn up.

"343i. On the application to homologate the report, the court or judge may examine into the grounds of any nullity which may affect the report, but cannot enquire into the merits of the contestation.

"If no ground of nullity be found in the report, the court or judge orders that judgment be entered up by the prothonotary or