

tion (*moyens et contestation*) shall be subject to the delay of two days above prescribed.

In appeals from judgments of Circuit Courts, delays for hearing, &c.

XXV. On appeals from judgments of the Circuit Court to the Superior Court, the hearing of the case upon the merits, as well as upon the incidents raised by the appeal, shall be fixed for the next juridical day after the production of the demand to appeal, unless the Court shall think proper to hear and try the incidents before the merits of the appeal; and in such case the hearing shall be fixed for the next juridical day after the production of the demand; if the Court, by its judgment upon the incident, shall throw it out and order the hearing upon the merits, such hearing shall *pleno jure* be fixed for the next juridical day after the rendering of such judgment: Provided always, that a case so fixed for hearing upon the incidents or the merits of the appeal shall not be continued from one day to another, but such case shall be subject to the rules and restrictions above established with respect to the hearing of actions in chief, and the same practice shall be followed as regards the hearing on the contestation of judgments of distribution.

Proviso.

Distinct *role de droit* to be kept for commercial cases.

XXVI. In order to give effect to the provisions of this Act which give to the hearing of Commercial cases precedence over ordinary matters, the Clerk of each Court shall keep a distinct roll *de droit*, on which such cases shall be inscribed, and such roll shall be gone through first on each day of the sitting of the Court, that is to say, that rules and default or *ex parte* cases inscribed on the commercial roll shall be called before the rules and default and *ex parte* cases inscribed on the ordinary roll; and the contested cases inscribed on the first roll shall be called and heard before those inscribed on the latter: Provided always, that the Judges shall have power to hear the cases inscribed on the commercial roll, including rules and default and *ex parte* cases as well as contested cases before taking up the ordinary roll; and with respect to the putting into execution of this section they shall have power to give such order as they shall deem expedient for maintaining the good discipline of their respective Courts while giving every possible effect to the provisions of this section.

Endorsement for commercial cases.

XXVII. The Clerk of each Court shall inscribe on the back of each case, in legible letters, the words: *Commercial case*, and the *fiat* for summons shall contain the same words in similar legible letters on the back thereof.

What shall be deemed a commercial case.

XXVIII. Each case in which the *fiat* shall contain the said words, shall, for the purposes of this Act, be considered as a commercial case, and be proceeded with accordingly: Provided, however, that if at the time of the final hearing or of the *delibéré* thereupon the Judges are of opinion that such case is not a commercial one, the *demande* shall be dismissed with costs *sauf à se pourvoir*, whether the adverse parties may have made their reservations or exceptions, or not; Provided further that nothing in this section shall deprive the Defendants from the benefit of the peremptory exception to the form.

Proviso.

Pleadings in law, not to delay proceedings on the merits.

XXIX. In simple actions for the recovery of debts, no plea in law or answer in law to any pleading shall have the effect of preventing the going into the action on the merits, but issue may be joined on the merits before judgment rendered; and the benefit of such plea or answer in law shall be reserved to the party who shall have produced the same, except in