

14 days notice of application for allowance of security.

X. That fourteen days' notice shall be given of the time and place at which application will be made to the court from whose judgment it is intended to appeal, or to a judge thereof in vacation, for the allowance of such security; which notice shall contain the names and additions of the obligors.

How allowance to be opposed.

XI. That the allowance of such security may be opposed by affidavit; but that in the absence of any such opposition, the affidavit above mentioned shall be sufficient, in the discretion of the judge, to warrant the allowance thereof.

When allowed.

XII. That, if allowed, the officer of the court shall endorse on such bond the word "allowed," prefixing the date and signing his name thereto; upon which, such security shall be deemed perfected.

Security in cases under 12 Vic., ch. 63, § 40.

XIII. That cases coming within the Twelfth Victoria, chapter sixty-three, section forty, numbers two and four, shall be disposed of by special order, as the occasion may require; except that the security thereunder shall be personal and by bond as aforesaid.

When judgment appealed from is given on a point of law not appearing on the record.

XIV. *It is ordered,* That if in any case judgment shall be hereafter given in any of the said courts upon a question of law not appearing upon the record, but which judgment would be subject to be reviewed in error, if the question thereby determined were presented to the court on a special verdict, or by bill of exceptions, or demurrer to evidence, then in every such case the judgment so given may be appealed from, notwithstanding the question shall not appear upon the record.

Provided, 1st.—That before the expiration of three calendar months from the day on which the decision shall be pronounced, the party intending to appeal shall, by his attorney, file in the office of the clerk of the court in which the cause shall be or shall have