

would appellant have the right to a stay and if that question is answered in the affirmative, would the court at that point have the right to appoint a referee?

Mr. BLOCH. I see what your question is. That is whether that decree which had judged a pattern of practice was a final decree.

Mr. POFF. Exactly.

Mr. BLOCH. Which had to be appealed from then or not at all.

Mr. POFF. Exactly.

Mr. BLOCH. I would say it was not such a final decree.

I changed the statement I made a while ago because I had not thought of it in terms of whether it was an interlocutory decree or a final decree.

I think it is such a decree that could be appealed from under two provisions of the judicial code, title 28, that it could be appealed from but that first in that it granted an injunction which made it subject to immediate appeal and secondly, that it might come under the interlocutory, recent interlocutory appeals act.

Mr. POFF. Let's assume that an appeal was filed under either of those alternatives; during the pendency of the appeal, the perfection of the appeal, would the judge have the right to appoint a referee—

Mr. BLOCH. I think he would unless somebody granted a super-seedeas.

Mr. POFF. Now secondly, assuming that is not a final decree at that stage when would the decree become final to which a general appeal would lie?

Mr. BLOCH. I am sort of shooting from the hip and I don't like to shoot from the hip on something that is going to be printed and perhaps come back at me at some future date.

But answering as best I can I would say that there was a final decree, of such a finality to the decree as compelled an appeal when that supplemental decree was signed, that the time ran from then; the supplementary decree I think you would call it and not until then would an appeal be compulsory.

We have had that question come up once or twice in these school cases and it is a question that you just can't say red or blue on.

Mr. POFF. Thank you. No further questions.

The CHAIRMAN. Are there any other questions?

There appear to be none.

Well, thank you very much, Mr. Bloch.

I just want to comment that you have been very patient in answering our questions. You have been most helpful in your testimony.

I might add that the opponents of this measure can find no better spokesman than your good self.

Mr. BLOCH. Thank you, sir.

The CHAIRMAN. With that, we will adjourn the hearing and the record will remain open for any statements by opponents or proponents of the bill.

You might have the opportunity within the designated period to file additional data.

Thank you again.

Mr. BLOCH. I suppose if you gentlemen want me to do that, that you will let me have Mr. McCulloch's amendments.

The CHAIRMAN. The committee is adjourned.

(Whereupon, at 4:15 p.m., the committee adjourned subject to the call of the Chair.)