

Inscription for
adduction of
evidence and
hearing in ap-
pealable cases:
and hearing,
&c. thereof.

LVII. In appealable cases in the Circuit Court, the evidence shall be taken in the manner hereinafter provided in such cases and in cases in the Superior Court; and such appealable cases shall be inscribed for the adduction of evidence and for final hearing on the merits at the same time, and shall be heard as soon as the evidence is closed, unless the Court shall, after the witnesses present have been heard and notes of their evidence taken, deem it conducive to justice to adjourn the case on account of the absence of any material witness or other evidence; but nothing in this section shall be construed to prevent the evidence from being taken orally as in non-appealable cases, by consent of all the parties.

Issues of law
to be argued
with the me-
rits if so in-
scribed.

LVIII. In such appealable cases, if the party against whom any issue of law is raised by any pleading, or answer or replication inscribes the cause for *enquête* and hearing, then such issue of law raised upon the pleadings, shall be reserved and argued at the final hearing on the merits, after the evidence in the case has been taken, and shall then be decided.

Certain sec-
tions of 12 V.
c. 38, as to
Appeals, re-
pealed.

LIX. The fifty-third, fifty-fourth, fifty-fifth and fifty-sixth sections of the said Act of 1849, chapter thirty-eight, are hereby repealed, except as to appealable cases in the Circuit Court in which judgment shall have been rendered before this section shall come into effect, to which cases the said sections shall continue to apply.

Appeal to lie
to Appeal side
of Q. B. in
certain cases.

LX. From any judgment rendered by the Circuit Court in any suit or action in which the sum of money or value of the thing demanded shall be twenty-five pounds currency or upwards, or shall relate to any titles to lands or tenements, or to any sum of money payable to Her Majesty, fee of office, duty or rent, revenue, annual rent or such like matters and things, where the rights in future may be bound, an appeal shall lie to the Court of Queen's Bench (on its Appeal Side) sitting at the place where under this Act it is to hear and determine Appeals from the Superior Court in the District including the Circuit in which such suit or action shall have been originally instituted; and the said Court of Queen's Bench shall hear and adjudge on such Appeal as to law may appertain, subject to the provisions hereinafter made.

Security in
Appeal to be
given, and to
what amount,
&c.

LXI. The party appealing from any judgment rendered as aforesaid by the Circuit Court, shall, within fifteen days after the rendering thereof, (but without being bound to give previous notice thereof to the adverse party,) give good and sufficient security by sureties who shall justify their sufficiency to the satisfaction of the person before whom it shall be given, as hereinafter provided, that he will effectually prosecute the said appeal and answer the condemnation, and also pay such costs as shall be awarded by the Court of Queen's Bench if the judgment appealed from should be affirmed.