

in which such matters, causes and pleas would have been proceeded upon, and such execution granted in the Court from which such causes shall be so removed: Provided that nothing herein contained shall extend, or be construed to extend, to prevent the Judges of the said several District Courts, from ordering and directing that the *Enquête*, hearing or other proceeding in any cause to be removed as aforesaid, be had, held or made in any Terms of the District Court of and for any Circuit hereinbefore established within the Jurisdiction of such District Court, and in which Circuit the Parties in any such cause or their Witnesses may reside.

In case of recusation of any action by any Justice of any District Court such action shall be removed to the Court of King's Bench to be there tried and determined &c.

XLVII. And be it further enacted, that in every Action which shall be pending in any District Court hereby constituted, or in any Term or Session thereof, in which any recusation for legal cause shall be made of the Judge or Judges before whom such Action shall be pending, by either or any of the Parties in such Action, such recusation shall be entered of Record, and the *Process ad Respondendum*, and all other proceedings in such Action, and all things thereto relating, shall be removed and transmitted in and into the Division of the Court of King's Bench of and for the District in which such Action shall be pending; and such Division of the Court of King's Bench shall proceed to hear and determine, in a summary manner, whether the said recusation be or be not well founded, and if such Division of the said Court of King's Bench shall sustain such recusation, the Justices thereof shall proceed to hear, try and determine such Action in due course of Law, and as if the *Process ad Respondendum* thereon issued had been originally returnable before such Court of King's Bench, and if they shall dismiss such recusation, the *Process ad Respondendum* and the proceedings in such Action and all things thereto relating, shall be returned and remitted to the said District Court for such further proceedings thereon, as Law and Justice may require,

In case of death or sickness of any of the Justices of the District Courts the puisne Justices of the Court of King's Bench may hold the terms of the said Courts &c.

XLVIII. And to obviate, as far as possible, any failure of Justice in the said District Courts hereby established; Be it further enacted, that in case of the demise or sickness of either of the Judges of the said District Courts respectively, and that by reason thereof, the Terms or Sessions of any one of the said District Courts cannot be held by such District Judges at the times and places mentioned and prescribed by this Act, in all and every of such cases, it shall and may be lawful for the Puisne Justices of the Division of the said Court of King's Bench for