

and upon the application of the respondent the Court of Queen's Bench shall declare all right and claim founded on such appeal to be forfeited, even if such Appeal have been heard by the Court, and shall grant costs to the respondent and order the 5 record (if transmitted) to be remitted to the Court below.

LXIX. The said Court of Queen's Bench may, if it shall deem it expedient for the purposes of justice, order a *factum* or case to be prepared and filed in any such Appeal as aforesaid, and may grant such delay and make such rules of practice 10 touching such Appeals, or any class or classes of them, or such rules and orders in each particular case, as the said Court may deem just and right; and the said Court may also make Tariffs of Fees in such cases for the attornies and others employed therein not being officers paid by salaries whose fees shall 15 be fixed by Tariff to be made by the Governor in Council, in like manner as those of other officers so paid by salaries, and shall be paid to the Receiver General as part of the Fee Fund.

Court of Q. B. may order a *factum*, make Rules of practice and a Tariff, &c.

LXX. Whenever under any provision of this Act the Circuit Court shall cease to be held at any place, the records, 20 registers, muniments, and judicial and other proceedings in the said Court at such place, shall be transmitted to and make part of the records, registers, muniments, and judicial and other proceedings in the Circuit Court at that place where the Superior 25 Court shall be held for the District including the place where the Circuit Court shall so cease to be held; and no judgment, order, rule or act of the Circuit Court at such place, legally pronounced, given, had or done, shall be avoided by the Court ceasing to be held at such place or by such transmission, but shall remain in 30 full force and virtue; nor shall any action, information, suit, cause or proceeding be thereby abated, discontinued or annulled, but the same shall be transferred, in their then present condition, respectively, to and shall subsist and depend in the Circuit Court at the place to which the records therein are so to be 35 transmitted, and as if they had there been respectively brought or recorded, and other and further proceedings shall be therein had to judgment and execution, or subsequent thereto, as they might have been at the place where the Circuit Court shall so cease to be held; and any person who shall have been therein 40 ordered to appear or do any other thing at any time at such place, shall appear or do such thing at the same time at the place to which such records are to be transmitted, and under the like penalties in case of default, unless the Judge shall in any case substitute another time, as he is hereby empowered to 45 do.

Provision when the Circuit Court shall cease to be held at any place.

Actions, &c., not to abate.

As to appearances, &c., previously ordered.

PROCEDURE IN CIVIL CASES, IN SUPERIOR AND CIRCUIT COURT.

LXXI. Whenever the Defendant in any case shall file any *exception à la forme*, *exception déclinatoire* or *exception dilatoire*, 5 or other preliminary plea, the Plaintiff may, before answering When any preliminary plea is filed by