

Power of the Judges to make rules of practice to be exercised by any ten or more of them:

LXXXVIII. The power vested in the Judges of the Superior Court, or any six or more of them, by the one hundredth section of the said Act of 1849, chapter 38, to make, amend or repeal rules of practice for the said Court and for the Circuit Court, shall remain vested in the Judges of the Superior Court, and may be exercised by any ten or more of them, in like manner; subject always, as regards the tariffs of fees, to the limitations contained in this Act or other Acts subsequent to the said Act of 1849. 5

Prothonotaries and Clerks may tax costs, subject to revision by a Judge.

LXXXIX. The Prothonotary of the Superior Court, and the Clerk of the Circuit Court at any place, shall have full power to tax costs in causes and proceedings in their respective Courts at such place; and such taxation shall be made under and in the same manner and subject to the same rules, and shall have the same effect, as if made by a Judge of the Court, except that it shall be subject to revision by any Judge of the Superior Court in the same District and at the same place in any term of the Circuit in which the judgment was rendered at any time within six months after such taxation by the Prothonotary or Clerk, and after sufficient notice (of which sufficiency the Judge shall decide) to the opposite party or his Attorney; but neither the non-expiration of the time allowed for such revision, nor any correction made by the Judge in the course of such revision, shall operate to stay execution or be a ground of any opposition, but any sum deducted by the Judge shall be deducted from the amount to be paid or levied, and if levied shall be returned to the proper party by the Sheriff or Bailiff levying it, or if paid shall be repaid by the party who shall have received it to the party who shall have paid it, and the said Judge's order for deducting such sum shall have the effect of a judgment for the same and may be enforced by execution accordingly. 15 20 25 30

Right of revision not to stay execution, &c.

Section 74 of 12 V. c. 38 repealed, and other provisions made as to matters requiring despatch.

XC. The seventy-fourth section of the said Act of 1849, chapter thirty-eight, is hereby repealed:

And any Judge of the Superior Court, at any place where the said Court or the Circuit Court might then be held, shall in the said Court or out of Court, in term or out of term, or in vacation, and any Prothonotary of the Superior Court at the place where his office is therein held, shall out of Court but in term or out of term, have and may exercise within and for the District in which such place as aforesaid shall lie, the same power and authority as shall then be vested in the Superior Court and the Judges thereof, in what respects the probate of Wills, the Election and appointment of Tutors and Curators as well under the general law as under the Insolvent Debtors Act of 1849, (chapter 42,) or any other Act, the taking of the counsel and opinion of relations and friends in cases where the same are by law required to be taken, the closing of inventories, attestation of accounts, *insinuations*, affixing and taking off seals of safe custody, the emancipation of minors, the homologation or 35 40 45