

service is by the said section to be made at the office of the said Prothonotary, it may under this section be made at the office of the said Clerk.

Provision
when the
Judge holding
the Circuit
Court shall be
recused, or in-
competent.

Recusation
how tried.

If maintained.

If dismissed.

Removal of the
suit, &c.

LXVII. And be it enacted, That whenever any Judge holding the Circuit Court at any place, shall be lawfully recused in any suit or action, or shall be disqualified or rendered incompetent either by reason of interest, relationship or otherwise, from taking cognizance of the same, such Judge shall immediately upon such recusation being made, cause an entry thereof, or of the reasons of such disqualification or incompetence to be made on the record, and shall thereupon order that the record and proceedings in such suit or action be removed to the Superior Court in the District in which the said suit or action shall have been brought, there to be heard, tried, and finally determined, in the case of such disqualification or incompetence as above mentioned, at any Term or Sitting of the said Court, but according to the course and practice of the Circuit Court; but in the case of a recusation, the Superior Court shall at any such Term or Sitting, first proceed in a summary manner to determine whether such recusation be well founded, and if it should maintain the said recusation and adjudge the same to be well founded, proceedings shall thereupon be had to trial, judgment and execution, according to the course and practice of the Circuit Court; and if the Superior Court should dismiss the said recusation, the said suit or action shall be remitted to the Circuit Court in the Circuit in which it shall have been originally brought; and when, in any case of recusation, disqualification, or incompetence as aforesaid, an order shall have been made for the removal of the suit or action, as above required, the Clerk of the Circuit Court shall make an entry of such order in the Register thereof, and thereupon it shall be his duty forthwith to certify under his hand and the seal of the Court to the Superior