

make general rules and orders for certain purposes therein mentioned, and among others for empowering the Registrar to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same, as by virtue of any statute or custom, or by the practice of the Court, was at the time of the last mentioned act, or might be thereafter, done, transacted, or exercised by a Judge of the Court sitting in Chambers, and as might be specified in such rule or order. It is therefore ordered:

1. That the Registrar of the Supreme Court of Canada be and is hereby empowered and required to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same, as by virtue of any statute or custom, or by the practice of the Court, was at the time of the passing of the said last mentioned Act, and is now, or may be hereafter, done, transacted, or exercised by a Judge of the said Court sitting in Chambers, except in matters relating to:—

(a.) Granting writs of *habeas corpus* and adjudicating upon the return thereof.

(b.) Granting writs of *certiorari*.

2. In case any matter shall appear to the said Registrar to be proper for the decision of a Judge, the Registrar may refer the same to a judge, and the Judge may either dispose of the matter, or refer the same back to the Registrar with such directions as he may think fit.
3. Every order or decision made or given by the said Registrar sitting in Chambers, shall be as valid and binding on all parties concerned, as if the same had been made or given by a Judge sitting in Chambers.
4. All orders made by the Registrar sitting in Chambers, are to be signed by the Registrar.
5. Any person affected by any order or decision of the Registrar may appeal therefrom to a Judge of the Supreme Court in Chambers.

(c.) Such appeal shall be by motion, on

notice setting forth the grounds of objection and served within four days after the decision complained of, and two clear days before the day fixed for hearing the same, or served within such other time as may be allowed by a Judge of the said Court or the Registrar.

(b.) The motion shall be made on the Monday appointed by the notice of motion, which shall be the first Monday after the expiry of the delays provided for by the foregoing sub-section, or so soon thereafter as the same can be heard by a Judge, and shall be set down not later than the preceding Saturday in a book kept for that purpose in the Registrar's office.

6. For the transaction of business under these rules, the Registrar, unless absent from the city, or prevented by illness or other necessary cause, shall sit every juridical day, except during the vacations of the Court, at 11 a.m., or such other hour as he may specify from time to time by notice posted in his office.

October 17th, 1887.

SUPERIOR COURT.

SWEETSBURGH, September 30, 1887.

Coram TAIT, J.

HON. H. MERCIER ES QUAL V. THE WATERLOO & MAGOG RAILWAY COMPANY.

Recusation—Procedure—C. C. P. Arts. 178-181, 183 & 184.

- HELD:—1. *That the delay provided by Art. 181 applies only to the proceeding of the party making recusation, and not to the case where the judge recuses himself or the grounds of recusation are notorious.*
2. *That whilst the parties must be heard, the truth of the grounds of recusation is the only subject for adjudication.*
3. *That no notice is necessary previous to communication to the judge recused, of the petition in recusation.*
4. *That inscription and not motion is the proper proceeding to have a petition in recusation brought up for trial.*

PER CURLAM.—On the 15th June last, the plaintiff in his quality of Attorney General