

exercise the same powers in all respects as if he alone were sitting at such place.

One Judge may act for another unavoidably absent, &c.

Assistant Judges.

XL. If the sole Judge in any District shall be unavoidably absent therefrom, or absent with leave of the Governor, or shall, from sickness or otherwise, be unable to perform his duties, the Chief Justice of the Superior Court being informed thereof shall communicate the information so received by him, to the Puisné Judges resident in the District of Quebec or of Montreal, and it shall be the duty of one of the said Judges (including the Chief Justice) resident in the said Districts, according to such arrangement as they shall have made among themselves, to supply the place of such sole Judge and perform his duties; and in any case of urgent necessity, an Assistant Judge of the said Court may be appointed under the Act of 1852, chapter 13, providing for such appointment.

Case of recusation of the sole Judge in a District provided for.

XLI. If the sole Judge resident in any District or assigned to hold the Superior Court in any District be a party to any suit brought therein, or be liable to be recused therein, the same may be brought in any adjoining District, upon allegation of the fact, the proof of which, if disputed, shall lie upon the party alleging it; and if any such Judge be recused during the course of any suit or proceeding, it shall be forthwith removed to that one of the adjoining Districts which the Judge shall appoint, to the Court in which the record shall be forthwith transmitted by the Prothonotary; and if in either case the recusation shall be undisputed or shall be maintained, the suit or proceeding shall be determined in such adjoining District, and if the recusation be disputed, it shall be tried summarily by the Judge of such adjoining District, and if set aside, the record shall be sent to the District in which the suit or proceeding was or ought to have been brought, and it shall be determined there.

Any part of Judge's charge to Jury in a civil case to be put in writing if objected to.

XLII. If in any civil case tried by a jury, any portion of the Judge's charge be objected to by either party, the Judge shall, at the request of such party, put such portion of his charge in writing, either at the time of the trial or as soon after as conveniently may be, mentioning that it was so objected to, and then such portion of the charge so put in writing, being signed by the Judge, shall become part of the record in the case.

Writ of Appeal need not be allowed by Judge of Court below.

XLIII. It shall not be necessary that the Writ of Appeal from any Judgment of the Superior Court, be allowed by any Judge of the Court last mentioned; and the Prothonotary of the Superior Court at the place where the Judgment appealed from shall have been rendered, shall have power to receive the Appeal Bond or Security in Appeal, and to administer the requisite oaths and put the necessary questions to persons offered as sureties, and such powers shall be exercised by any such Prothonotary concurrently with the Judges of the said Court, any one of whom may, if he think proper, exercise the same as heretofore.

XLIV.