

Circuit Court in case of his neglecting or refusing to transmit to the Court of Queen's Bench, as he is bound to do, the petition in appeal, with the judgment, evidence and proceedings to which the Appeal shall relate.

LXVIII. At the first sitting of the Court of Queen's Bench, on the Appeal Side at the place where the Appeal is to be heard, after the expiration of the forty days next after the rendering of the Judgment appealed from, or at any subsequent sitting of the said Court, the appeal shall, without any further formality, be summarily heard and such Judgment rendered thereon by the said Court, as ought to have been given by the Circuit Court; and the record in the case, with such Judgment (and the Appeal Bond if filed with the Clerk of Appeals) shall be remitted to the Circuit Court at the place where the Judgment appealed from was given, in order that the Judgment of the Court of Queen's Bench may be executed by the Circuit Court, and further proceedings had therein as to law may appertain.

At what time the appeal may be heard, and what judgment shall be given.

LXIX. Provided always, That any appellant who shall neglect to cause a copy of such petition and notice in Appeal to be served and filed as aforesaid, or who having caused the same to be so served and filed, shall neglect to prosecute such Appeal effectually in the manner hereinbefore prescribed, and within such delay as the Court of Queen's Bench shall deem reasonable, shall be considered to have abandoned such Appeal, 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, and shall grant costs to the respondent and order the record (if transmitted) to be remitted to the Court below.

Appellant neglecting certain proceedings to be deemed to have abandoned his appeal.

LXX. 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 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 or whose fees shall be fixed by Tariff to be made by the Governor in Council.

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

LXXI. Whenever under any provision of this Act the Circuit Court shall cease to be held at any place, the records, 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 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

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