

case at the rendering of final judgment, or, if the appeal be brought before final judgment from some interlocutory judgment, then unless he shall have sat in the case at the rendering of such interlocutory judgment.

XII. And be it enacted, That there shall be appointed from time to time a Clerk of the said Court, who shall be the Clerk thereof for all matters depending upon its jurisdiction as a Court of Appeal and Error, and shall be known as the "Clerk of Appeals;" and the said Clerk shall reside either in the City of Quebec or in the City of Montreal, and shall by an Instrument under his hand and seal appoint a Deputy who shall reside in that one of the said Cities in which the said Clerk shall not himself reside: and such Deputy is hereby empowered to perform any duty of the Clerk of Appeals, and shall continue to perform all the duties of that office, in case of the death, dismissal, suspension from office or resignation of the said Clerk, until the appointment of his successor in the said office; and the Instrument by which such Deputy Clerk shall have been appointed shall be entered at full length in the Register of the Court; but it shall be at all times lawful for the said Clerk to remove such Deputy and appoint another.

Clerk of Appeals to be appointed.

Where to reside.

May appoint a Deputy.

Powers and duties of such Deputy, &c.

XIII. And be it enacted, That no Clerk or Deputy Clerk of Appeals shall, while he remains such, practise as an Advocate, Proctor, Solicitor, Attorney or Counsel in Lower-Canada.

Clerk or Deputy not to practise as attorney, &c.

XIV. And be it enacted, That all Writs and Process to be issued from and out of the said Court in the exercise of its jurisdiction as a Court of Appeal and Error, shall be distinguished as being so issued, and shall run in the name of Her Majesty, Her Heirs or Successors, and shall be sealed with the

Form of Writs and Process.