

ed to act for
another una-
voidably ab-
sent, &c.

Assistant
Judges.

Case of recu-
sation of the
sole Judge in
a District pro-
vided for.

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

Writ of Ap-
peal need not
be allowed by
Judge of Court
below.

How *enquête*
days shall be
appointed in
Districts of
Quebec and
Montreal.

shall, from sickness or otherwise, be unable to perform his duties, the Chief Justice of the Superior Court being informed thereof shall direct some one of the Puisné Judges resident in the District of Quebec or of Montreal to supply the place of such sole Judge and perform his duties, which such Puisné Judge shall 5 accordingly do; 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.

XL. If the sole Judge resident in any District or assigned to hold the Superior Court in any District be a party to any 10 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 15 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 recu- 20 sation 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.

XLI. If in any civil case tried by a jury, any portion of 25 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 30 by the Judge, shall become part of the record in the case.

XLII. 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 35 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, 40 any one of whom may, if he think proper, exercise the same as heretofore.

XLIII. A majority of the Judges of the Superior Court residing in Quebec or in Montreal respectively, may in term exercise the power given by the fifth section of the Act of 1853, 45 chapter 194, to the Judges in any District touching *enquête* days, or the days on which evidence may be adduced in the said Court in such District, and any rule of practice to be made in