

An Act to amend the Laws in Upper Canada, respecting Appeals, and to alter the Constitution of the Court of Error and Appeal.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

- I. The thirty-ninth section of an Act of the Parliament of Canada, passed in the twelfth year of Her Majesty's Reign, intitled, *An Act to make further provision for the administration of Justice, by the establishment of an additional Superior Court of Common Law, and also a Court of Error and Appeal, and for other purposes*, is hereby repealed. Sect. 39 of 12 V. c. 63, repealed.
- 10 II. The Court of Error and Appeal shall be composed henceforth of the Judges of the several Courts of Queen's Bench, Chancery and Common Pleas in Upper Canada, who shall be *ex officio* members thereof, and of such other persons being Barristers of the Upper Canada Bar, of not less than twenty years' standing on the books of the Law Society, as the Governor of this Province shall, by Commission under the Great Seal thereof, appoint to be a Judge of and in the said Court of Error and Appeal, and every person to be so appointed shall take such rank and precedence, after the Chief Justice of the Court of Queen's Bench, the Chancellor of Upper Canada, and the Chief Justice of the Court of Common Pleas, in that Court, as shall be designated in his Commission. How the Court of Error and Appeal shall hereafter be composed.
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- III. The Court of Error and Appeal so composed shall have, possess, exercise and enjoy the same powers and authorities as are contained and conferred in and by the above mentioned Act passed in the twelfth year of Her Majesty's Reign. Powers of the Court.
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- IV. The Court of Error and Appeal shall hold its sittings at the city of Toronto, on the second Thursday next after the several Terms of Hilary, Easter and Michaelmas, and shall have power to adjourn from time to time, and to meet again at the time fixed by such adjournment, for the transaction of business ; and the Chief Justice of the Court of Queen's Bench, for the time being, and in his absence, the Judge of the said Court entitled to precedence over all the Judges actually present, shall preside therein, and members of the Court shall be necessary to constitute a quorum. Sittings of the Court. Who shall preside.
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- V. All appeals which shall be depending in the said Court at the time this Act shall come into force, shall be carried on How the Act shall apply to pending cases.