

THE SUPREME COURT OF CANADA.

of Law or Equity, or of the Court of Vice Admiralty, in any Province in Canada, for periods amounting together to fifteen years or upwards, or becomes afflicted with some permanent infirmity disabling him from the due execution of his office, then if such Judge resigns his office, Her Majesty may by Letters Patent under the Great Seal of Canada, reciting such fact, grant him an annuity equal to two-thirds of the salary attached to the office he held at the time of his resignation, and to commence from the date thereof, and to be paid out of the Consolidated Revenue Fund of Canada, and payable *pro ratâ* for any less period than a year.]

9. Every Judge to be appointed in pursuance of this Act, shall, previously to his executing the duties of his office, take the following Oath:

"I, _____, do solemnly and sincerely promise, and swear, that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me, as Chief Justice (or as one of the Judges) of the Supreme Court of Canada."

10. The Oath shall be administered to the Chief Justice by the Governor in Council, and to the Puisne Judges in open Court by the Chief Justice.

11. No Judge to be appointed under this Act shall hold any other Office either under the Government of Canada, or under the Government of any Province of Canada.

APPELLATE JURISDICTION.

12. The Supreme Court shall have, hold, and exercise, an appellate civil and criminal jurisdiction within and throughout Canada.

13. Unless it is otherwise provided, or the context manifestly requires another construction, the following words and expressions, when used in this Act, shall have the meaning hereby assigned to them respectively:—The word, "Judgment," when used with reference to the Court appealed from, includes any judgment, rule, order, decree, decretal order, or sentence; and when used with reference to the Supreme Court it includes any judgment or order of that Court: The word "Appeal" includes any appeal or proceeding in error to set aside or alter any judgment of the Court appealed from on a point of law, as well as an Appeal founded on the facts, or on the facts and law of any case: The expression "the Court appealed from," means the Court from which the appeal has been brought directly to the Supreme Court, whether such Court be a Court of original jurisdiction, or a Court of Error and Appeal.

14. Subject to the limitations hereinafter made,—an Appeal shall lie to the Supreme Court from all final judgments of the Court of Error and Appeal in the Province of Ontario, of the Court of Queen's Bench in the Province of Quebec, of the Supreme Court in either of the Provinces of Nova Scotia and New Brunswick, and of any other Superior Court of last

resort, now or hereafter established in any Province of Canada,—and from any preliminary or interlocutory judgment which would carry execution by ordering something to be done which could not be remedied by the final Judgment, or whereby the matter in contestation may be in part decided, or whereby the final hearing and judgment would be unnecessarily delayed.

15. An appeal shall also lie directly to the Supreme Court from all judgments in civil matters of any of the courts of superior jurisdiction in any of the Provinces, by consent of parties.

16. Five Judges of the Supreme Court shall constitute a quorum for the purpose of hearing and determining cases in Appeal: Provided that no judgment of the Court appealed from shall be affirmed or reversed without the concurrence of at least four Judges of the Supreme Court; except that where the number of Judges concurring is less than four, and either party desires to appeal to Her Majesty in Council, the judgment of the majority of the judges present at its delivery may, by consent of parties, be considered the judgment of the Court for the purpose of allowing such appeal, but for no other purpose whatever.

17. The Supreme Court, for the purpose of hearing and determining appeals and of exercising such original jurisdiction as is hereinafter directed to be exercised by the Court sitting in Term, shall hold two terms in each year, at the City of Ottawa, one of such terms beginning on the third Monday in January, and the other beginning on the third Monday in June, in each year, and each of such terms shall continue for the space of twenty days, subject to the provision in the next following section.

18. The Supreme Court may continue the said terms beyond the said twenty days, or adjourn the same from time to time, and meet again at the time appointed, for the transaction of business; and any sittings held in pursuance of such continuance or adjournment shall be deemed part of the term, and the Court may then do whatever it could do during the said twenty days.

19. The Supreme Court shall have power to quash proceedings in cases brought before it, in which an appeal does not lie, or where such proceedings are taken against good faith, or in which proceedings in Error may be quashed according to the law and practice of the Court of Exchequer Chamber in England.

20. The Supreme Court shall have power to dismiss an appeal, or to give the judgment, and to award the process or other proceedings, which the Court whose judgment is appealed from ought to have given or awarded; and the Court, in its discretion, may make any order with respect to the payment of costs in the Court appealed from, or in the Court below it (if any) in which the cause originated,