

Any other judge of the High Court may sit in the place of one of the Presidents by arrangement between such other judge and the President whose duty it is to sit as aforesaid. (In force from April 16th, 1895.)

5. Where a judge of the High Court is selected under section 11 or section 12 of *The Judicature Act*, or is appointed by or under this Act, to sit in the Court of Appeal, the business of the Court of Appeal shall thenceforward have precedence of all other judicial duty of such judge. (In force from April 16th, 1895.)

6. In the case of appeals from a single judge, sitting in court or otherwise, to the Court of Appeal, three judges of the Court of Appeal shall be sufficient to hear and dispose of the case, if the court thinks fit to proceed therewith without the presence or assistance of a fourth judge. (In force from April 16th, 1895.)

7. Judges of the High Court to whom at any time shall fall the duty of sitting in the Court of Appeal, or in a divisional court thereof, shall continue to be the judges to perform such duty until a selection, or new selection (as the case may be), shall be made by a majority of the judges of the supreme Court. (In force from April 16th, 1895.)

PROCEDURE OF COURT OF APPEAL.

8.—(1) An appeal to the Court of Appeal shall be by notice of motion, setting forth the grounds of the appeal, and such notice shall be given, and the appeal shall be set down for the first day of the sitting of the Court of Appeal commencing after the expiration of one month from the date on which judgment has been signed, or for such later day in any case as the Court of Appeal or a judge thereof may allow. The notice shall be served within one month after the judgment complained of, or within such further time as the Court of Appeal or a judge thereof may allow. *Jud. Act*, s. 91.

(2) In cases of such notice of appeal being so given and the appeal set down as aforesaid, and notice thereof, signed by the Registrar of the Court of Appeal, being given to the Sheriff, where a writ of execution is in his hands, the execution of the judgment or order appealed from

shall be stayed pending the appeal, unless otherwise ordered by the court or judge appealed from or by the court to which the appeal is made or a judge thereof; and the order may be on such terms as the court or judge applied to thinks fit. *Judicature Act*, sec. 71; Consolidated Order 204.

(3) Printed appeal books shall not be necessary: but the court appealed from or a judge thereof, or the Court of Appeal or a judge thereof, may for special reasons order the printing of any documents, proceedings or other papers in any case for the use of the court; or the same may be printed by consent of the parties interested in the appeal.

(4) In the case of the same being printed without any order or consent, the party printing shall in any event bear the costs thereof, so far as the same exceed the cost of necessary type-written copies.

EFFECT OF JUDICIAL DECISIONS.

9.—(1) The decision of a Divisional Court of the Court of Appeal on a question of law or practice shall, unless overruled or otherwise impugned by a higher court, be binding on the Court of Appeal and all divisional courts thereof, as well as on all other courts and judges, and shall not be departed from in subsequent cases without the concurrence of the judges who gave the decision, unless and until so overruled or impugned.

(2) It shall not be competent for the High Court or any judge thereof in any case arising before such court or judge to disregard or depart from a prior known decision of any court or judge of coordinate authority on any question of law or practice without the concurrence of the judges or judge who gave the decision; but if a court or judge deems the decision previously given to be wrong and of sufficient importance to be considered in a higher court, such court or judge may refer the question to such higher court.

DIVISIONS OF THE HIGH COURT.

10. The Queen's Bench, Chancery, and Common Pleas Divisions of the High Court shall not sit or give judgments as such divisions, (except for the purposes of the Criminal Code, 1892, and there