

New s. 46.
Court of
Appeal.
Jurisdiction.

"46. The Court of Appeal of British Columbia is hereby constituted a court of appeal for the Territory.

"2. An appeal shall lie from any final judgment of the Territorial Court to the judges of the said Court of Appeal sitting together as a full court where the matter in controversy amounts to the sum or value of five hundred dollars or upwards, or where the title to real estate or some interest therein is in question, or the validity of a patent is affected, or the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a public or general nature affecting future rights, or in cases of proceedings for or upon mandamus, prohibition or injunction.

Powers.

"3. The said Court of Appeal and the judges thereof shall have the same powers, jurisdiction and authority with reference to any such appeal and the proceedings thereon as if it were an appeal duly authorized from a like judgment, order or decree made by the Supreme Court of British Columbia, or a judge thereof, in the exercise of its ordinary jurisdiction.

Notice of
Appeal.

"4. Notice of any such appeal shall be given within twenty days from the day upon which the judgment appealed from is pronounced or given, or within such further time as the Territorial Court may allow.

Execution.

"5. Execution of the judgment appealed from shall not be stayed except upon application to the Territorial Court or to the said Court of Appeal or a judge thereof, and upon such terms as may be just.

Quorum.

"6. Three judges of the said Court of Appeal shall constitute a quorum for the hearing of appeals from the Territorial Court.

Procedure.

"7. The procedure upon such appeals shall be regulated by the ordinary practice and procedure upon similar appeals coming before the said Court of Appeal, so far as such practice and procedure are applicable and are not inconsistent with anything in this Act, and except in so far as is otherwise provided by general rules made in pursuance of this Act.

Rules.

"8. The judges of the said Court of Appeal, or any three of them, may make general rules not inconsistent with this Act for regulating the practice and procedure upon appeals from the Territorial Court.

Appeal to
Supreme
Court of
Canada.

"9. An appeal shall lie to the Supreme Court of Canada from the judgment upon any appeal authorized by this Act of the Court of Appeal of British Columbia, wherever such an appeal to the Supreme Court of Canada would have been authorized had the judgment appealed from been delivered by the Court of Appeal of British Columbia in a like case in the exercise of its ordinary jurisdiction upon appeal in respect of cases originating in the courts of the said province."