

Who shall  
preside.

Quorum.

How the Act  
shall apply to  
pending cases.

Court may  
quash proceed-  
ings in certain  
cases.

May give the  
judgment the  
Court below  
ought to have  
given : and  
award restitu-  
tion and costs.

Judgment to  
be executed as  
if given by the  
Court below.

Appellant  
may always  
discontinue  
proceedings.

Consequence  
of such dis-  
continuance.

Respondent  
may consent  
to reversal.

Judgment  
thereon.

Appeal not to  
abate by death

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 seven members of the Court shall be necessary to constitute a quorum.

V. All appeals which shall be depending in the said Court at the time this Act shall come into force, shall be carried on under the provisions of this Act, but where any such appeals shall be standing for Judgment, Judgment may be given as if this Act had not been passed.

VI. The Court of Error and Appeal shall have power to quash proceedings in all cases brought before it, in which Error or Appeal does not lie, or where such proceedings are taken against good faith, or in any case in which proceedings might heretofore have been quashed in the said Court, according to the law and practice in England.

VII. The Court of Error and Appeal shall in all cases have power to dismiss the Appeal, or to give such Judgment or Decree, and to award such process or other proceeding as the Court whose decision is appealed against ought to have given, without regard to the party alleging Error, and may also award restitution and payment of costs ; and the Judgment, Decree or Award shall be certified by the Clerk of the Court of Error and Appeal to the proper Officer of the Court below, who shall thereupon make all proper and necessary entries thereof, and all subsequent proceedings may be taken thereupon, as if the Judgment, Decree or Award had been originally given in and by the Court below.

VIII. The appellant shall in all cases be at liberty to discontinue his proceedings by giving to the respondent a notice headed in the Court and cause, and signed by the appellant or his Attorney, stating that he discontinues such proceedings ; and thereupon the respondent shall be at once entitled to the costs of and occasioned by the proceedings in Appeal, and may either sign judgment for such costs, or obtain an Order for their payment in the Court below, and may take all further proceedings in the Court below as if no appeal had been brought.

IX. The respondent shall in all cases be at liberty to consent to the reversal of the Judgment, decree or proceeding appealed against, by giving to the appellant a notice headed in the Court and cause, and signed by the respondent or his Attorney, stating that he consents to the reversal of such Judgment, decree or other proceeding, and thereupon the Court shall pronounce Judgment of reversal as of course.

X. The death of the appellant after the security required by law to be given by him shall have been perfected, and have been,