

established, constituted and erected in this Province of Lower-Canada, a superior Court of Civil Jurisdiction or Provincial Court of Appeals, to be called His Majesty's Court of Appeals for the said Province of Lower-Canada ; and the said Court hereby constituted, shall consist of His Majesty's Chief Justice of the said Province, for the time being, and of three Puisné or associate Justices, to be named and appointed in the manner herein-after mentioned, who or any three of them, shall and may take cognizance of, hear, try and determine all causes, matters and things appealed or to be appealed or removed or to be removed by writ of error from all Civil Jurisdictions and Courts wherein an appeal by Law is or may be allowed ; and to this end, the said Court of Appeals shall have, hold and exercise Jurisdiction as well in Civil as in Criminal matters, in and over the whole of the said Province of Lower-Canada, in the manner herein-after enacted.

II. And be it further enacted by the authority aforesaid, that the four Justices of the said Court of Appeals hereby constituted and any three of them, shall sit and hold Terms or Sessions of the said Court of Appeals, hereby constituted for the cognizance of all causes, matters and things appealed or to be appealed, or removed or to be removed by Writ of Error as aforesaid, and such last mentioned Terms or Sessions, shall be held at such times and places and during such periods respectively, as by Law were appointed, directed and required for the Terms and Sessions of the Provincial Court of Appeal before the passing of this Act ; and the four Justices of the Court of Appeals hereby constituted or any three of them, shall then and there proceed in the like manner, in every respect as the Justices of the said Provincial Court of Appeals by Law were authorised and empowered, directed and required then and there to proceed, before the passing of this Act, and in each and every such last mentioned Term or Session, shall have, hold and exercise the like and the same Jurisdiction, powers and authorities in every respect as the Justices of the said existing Provincial Court of Appeals or any five or more of them, in the Terms of the said existing Provincial Court of Appeals, by Law held and exercised before the passing of this Act and no more. Provided always and it is hereby declared and enacted, that in all cases of Appeal or Error in which the said Court of Appeals hereby constituted shall be equally divided upon the question, whether the Judgment of the Court below, from which the Appellant hath appealed, or the Plaintiff in Error hath sued out a Writ of Error, shall be affirmed, such Judgment shall stand and be affirmed.