

5th. A Court to be called the COURT OF APPEAL, which shall have sovereign jurisdiction in matters civil and criminal in any writ of error or appeal from judgments or decisions rendered by the District Court, the High Criminal Court, the Court of Assize, the Court of Oyer and Terminer and General Gaol Delivery, and also in appeal from all judgments, decisions, and proceedings whatsoever, from which recourse may be had thereto, or in relation to which a recourse or appeal to the said Court shall be admissible, but when the judgment appealed from in any civil matter is based upon the verdict of a jury, the law only, and not the facts shall be called in question.

Court of Appeal.

34 Geo. 3, cap. 6, sec. 27 and 28.

20. The District Court shall be composed of eighteen Judges; that is to say, of one Chief Justice and of seventeen Puisné Judges, four of whom shall reside at the city of Montreal, three at the city of Quebec, one at the city of Three Rivers, one at the town of Sherbrooke, one at the village of Aylmer, or in the immediate neighborhood of the said places respectively; two in the District of Gaspé, and one in the District of Saguenay, at such places as shall be appointed by the Governor; and the others at such places as the Governor shall appoint in any of the other districts, who may also from time to time direct them to remove to such places as he may deem suitable for the exercise of their judicial functions.

Composition of District Court.

20 Vic. cap. 44, s. 8, 9 and 11.

21. The District Court shall be held by one of the said District Judges.

Quorum.

22. The Circuit Court shall be held by one of the District Judges.

23. The Court of Appeal shall be composed of five Judges, viz.: one Chief Justice and four Puisné Judges, who shall reside respectively either at Montreal or Quebec, and two at least of them shall reside at each of the said places.

Composition of Court of Appeals.

24. The Court of Appeal shall, as far as possible, be held by all the Judges thereof, but any four of the Judges of the Court shall form a quorum thereof in Appeal and Error, and may hold the Court and exercise all the powers and authority thereof; and any judgment or order in appeal and error concurred in by any three Judges of the Court at any sitting thereof, shall have the same force and effect as if concurred in by all the Judges so present; and no judgment appealed from shall be reversed, altered, or confirmed, unless by the concurrence of three Judges of the said Court.

Quorum.

25. Whenever a cause in appeal or error shall have been heard by four Judges only of the said Court, and taken by them *en délibéré*, and that three of the said Judges shall not hold the same opinion with respect to the judgment which ought to be rendered in such cause, the Court may discharge the *[délibéré]*, and order that the cause should be heard anew.

Delibéré.

26. The Court of Assize shall be presided over by one only of the District Judges.

Court of Assize.