

majority of those sitting shall be sufficient for the decision of any cause, and an equal division of those sitting in a case has the effect of affirming the decision appealed from if there is no application for re-argument as hereinafter provided. In any case where there is an equal division or a three to two division of the Court a re-argument before the full Court of seven judges shall be granted to the losing party upon application as a matter of right.¹

² SEC. 15. The Judge who heard the cause below shall not participate in the decision; in every case an opinion, in writing, shall be filed within three months after the argument, or submission of the cause; and the judgment of the Court shall be final and conclusive; and all cases shall stand for hearing at the first term after the transmission of the Record.

SEC. 16. Provision shall be made by Law for publishing Reports of all causes, argued and determined in the Court of Appeals, which the Judges shall designate as proper for publication.

SEC. 17. There shall be a Clerk of the Court of Appeals, who shall be appointed by and shall hold his office at the pleasure of said Court of Appeals.³

⁴ SEC. 18. It shall be the duty of the Judges of the Court of Appeals to make and publish rules and regulations for the prosecution of appeals to said appellate Court, whereby they shall prescribe the periods within which appeals may be taken, what part or parts of the proceedings in the Court below shall constitute the record on appeal, and the manner in which such appeals shall be brought to hearing or determination, and shall regulate, generally, the practice of said Court of Appeals, so as to prevent delays, and promote brevity in all records and proceedings brought into said Court, and to abolish and avoid all unnecessary costs and expenses in the prosecution of appeals therein; and the said Judges shall make such reduction in the fees and expenses of the said Court as they may deem advisable. It shall also be the duty of said Judges of the Court of Appeals to devise, and promulgate by rules, or orders, forms and modes of framing and filing bills, answers, and other proceedings and pleadings in Equity; and also forms and modes of taking and obtaining evidence, to be used in

¹Thus amended by Chapter 772, Acts of 1943, ratified November 7, 1944; and by Chapter 99, Acts of 1956, adopted November 6, 1956; and by Chapter 11, Acts of 1960, ratified November 8, 1960.

² Thus amended by Chapter 99, Acts of 1956, adopted November 6, 1956.

³ Thus amended by Chapter 99, Acts of 1956, ratified November 6, 1956.

⁴ Thus amended by Chapter 99, Acts of 1956, ratified November 6, 1956.