

give security to the satisfaction of the Court for performance of any order to be made on appeal.

(3.) If the Court directs the execution of the decision to be suspended, the person against whom it is given shall, before an order for suspension is made, give security to the satisfaction of the Court for performance of such order as shall be made on appeal.

72.—(1.) The appellant shall file an appeal motion-paper in Court.

(2.) He may at the same time file any argument which he desires to submit to the Supreme Court in support of the appeal.

(3.) The motion-paper and the argument (if any) shall be served on such persons as respondents as the Court directs.

73.—(1.) A respondent may, within seven days after service, file in the Court a motion-paper of cross appeal (if any), and such argument as he desires to submit to the Supreme Court on the appeal and cross appeal (if any).

(2.) Copies thereof shall be furnished by the Court to such persons as the Court thinks fit.

74.—(1.) On the expiration of such seven days, the Court shall, without the application of any party, make up the record of appeal, which shall consist of the writ of summons, statements of claim and defence (if any), orders, and proceedings, all written and documentary evidence admitted or tendered, or a certified copy thereof, and the notes of the oral evidence, the appeal and cross appeal motion-paper, and the arguments (if any).

(2.) The several pieces shall be fastened together, consecutively numbered, and the whole shall be secured by the seal of the Judge, and be forthwith forwarded by him to the Supreme Court.

(3.) The Judge shall not, except for some special cause, take on himself the responsibility of the charge, or of the transmission to the Supreme Court, of original letters or documents produced in evidence. They shall be returned to the parties producing them; and they shall produce the originals, if required by the Supreme Court, at or before the hearing of the appeal.

75.—(1.) After the record of appeal is transmitted, until the appeal is disposed of, the Supreme Court shall be in exclusive possession of the whole action, as between the parties to the appeal.

(2.) Every application in the action, as between the parties to the appeal, shall be made to the Supreme Court, and not to the Court; but any application may be made through the Court.

76.—(1.) The Supreme Court shall, after receiving the record of appeal, fix a day for the hearing of the appeal, and shall give notice thereof through the Court to the parties to the appeal, such a day being fixed as will allow of the parties attending in person, or by counsel or solicitor if they so desire.

(2.) But if all the separate parties to an appeal appear in person at Singapore, or appoint persons there to represent them, as their counsel or solicitors in the appeal and cause the appearance or appointment to be notified to the Supreme Court, the Supreme Court may dispose of the appeal, without being required to give notice through the Court to the parties of the day fixed for the hearing thereof.

77. The Supreme Court may, if it thinks fit, require a party to an appeal to appear personally before it on the hearing of the appeal, or on any occasion pending the appeal.

78.—(1.) The Supreme Court may, from time

to time, make any order necessary for determining the real question in controversy in the action, as among the parties to the appeal, and for that purpose may amend any defect or error in the record of appeal, and may enlarge the time for any proceeding except as otherwise by this Order expressly provided.

(2.) The Supreme Court may direct the Court to inquire into and certify its finding on any question, as between the parties to the appeal, or any of them, which the Supreme Court thinks fit to determine before final judgment is given in the appeal.

(3.) The powers of the Supreme Court under this Order may be exercised by the Supreme Court, notwithstanding that the appeal is brought against part only of the decision of the Court; and those powers may be exercised in favour of all or any of the parties to the action, although they have not appealed from, or complained of, the decision.

(4.) Generally, the Supreme Court shall, as among the parties to the appeal, have as full jurisdiction over the whole action as if it had been originally instituted and prosecuted in the Supreme Court by parties subject to the original jurisdiction of the Supreme Court.

(5.) The Supreme Court, may, if it thinks fit, remit the action to the Court to be reheard, or to be otherwise dealt with as the Supreme Court directs.

(6.) The appeal shall be determined by the Supreme Court according to the law to be administered under this Order by the Court.

79.—(1.) Notwithstanding anything in this Order, an appeal to the Supreme Court shall not lie from an order of the Court, made on the application of one party without notice to the other party.

(2.) But, if any person thinks himself aggrieved by such an order, he may, on notice to the other party, apply to the Court to vary or discharge the Order, and an appeal shall lie from the decision on that application.

80. For purposes of appeal in civil cases to His Majesty the King in Council, a decision of the Supreme Court on appeal under this Order shall have the effect of a decision of that Court under its ordinary primary jurisdiction.

#### PART V.—EVIDENCE.

81.—(1.) In any case, criminal or civil, and at any stage thereof, the Court, either of its own motion, or on the application of any party, may summon a British subject to attend to give evidence, or to produce documents, or to be examined.

(2.) If the person summoned, having reasonable notice of the time and place at which he is required to attend, fails to attend and be sworn, and give evidence, or produce documents, or submit to examination accordingly, and does not excuse his failure to the satisfaction of the Court, he shall be guilty of an offence against this Order.

(3.) A person punished under this Article shall not be liable to an action in respect of the same matter; and any such action, if begun, shall be stayed by the Court in such manner and on such terms as the Court thinks fit.

(4.) In a criminal case, where it is proved that a British subject is likely to give material evidence either for the prosecution or for the defence, and that he will not voluntarily attend to give evidence the Court may issue a summons for his attendance.

(5.) If he does not obey the summons, and does not excuse his failure to the satisfaction of