

until such time as they would benefit by receiving full pay under the revised scale without the allowance.

"(10) An allowance of sixpence a day to be paid to any person or persons (not being Naval Schoolmasters) when actually employed in conducting classes in harbour or shore establishments, the number to be paid in each establishment being fixed by the Admiralty."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

*Almeric FitzRoy.*

At the Court at *Buckingham Palace*, the 10th day of *January*, 1910.

PRESENT,

The KING's Most Excellent Majesty.

Lord President.  
Lord Privy Seal.  
Lord Chamberlain.  
Lord Pentland.  
Sir Walter Hely-Hutchinson.

WHEREAS by an Act passed in a session of Parliament held in the seventh and eighth years of Her late Majesty's reign (shortly entitled "The Judicial Committee Act, 1844"), it was enacted that it should be competent to Her Majesty, by any Order or Orders in Council, to provide for the admission of Appeals to Her Majesty in Council from any judgments, sentences, decrees, or orders of any Court of Justice within any British Colony or Possession abroad, although such Court should not be a Court of Error or a Court of Appeal within such Colony or possession, and to make provision for the instituting and prosecuting of such Appeals, and for carrying into effect any such decisions or sentences as Her Majesty in Council should pronounce thereon.

And whereas by an Order in Council, dated the tenth day of May, one thousand eight hundred and sixty, provision was made for direct Appeals from the Supreme Court of New Zealand to Her Majesty in Council.

And whereas by an Order in Council, dated the sixteenth day of May, one thousand eight hundred and seventy-one, provision was made for Appeals from the Court of Appeal of New Zealand to Her Majesty in Council.

And whereas it is expedient, with a view to equalizing as far as may be, the conditions under which His Majesty's subjects in the British Dominions beyond the Seas shall have a right of Appeal to His Majesty in Council and to promoting uniformity in the practice and procedure in all such Appeals, that the said Orders in Council, dated the tenth day of May, one thousand eight hundred and sixty, and the sixteenth day of May, one thousand eight hundred and seventy-one, should be revoked, and new provision made for Appeals from the said Supreme Court and the said Court of Appeal to His Majesty in Council.

It is hereby ordered by the King's Most Excellent Majesty, by and with the advice of His Privy Council, that the said Orders in Council be and the same are hereby revoked, and that instead thereof the Rules hereunder set out shall regulate all Appeals to His Majesty in Council from the Dominion of New Zealand.

1. In these Rules, unless the context otherwise requires:—

"Appeal" means Appeal to His Majesty in Council;

"His Majesty" includes His Majesty's heirs and successors;

"Judgment" includes decree, order, sentence, or decision whether in the exercise of the appellate or original jurisdiction of the Court and whether in a proceeding removed into the Court from any other Court, or on a case stated for the opinion of the Court or otherwise howsoever;

"Court" means Court appealed from being either the Court of Appeal of New Zealand or the Supreme Court of New Zealand, as the case may be;

"Court of Appeal" means the Court of Appeal of New Zealand;

"Supreme Court" means the Supreme Court of New Zealand;

"Record" means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before His Majesty in Council on the hearing of the Appeal;

"Registrar" means the Registrar or other proper officer having the custody of the Records in the Court appealed from;

"Month" means calendar month;

Words in the singular include the plural, and words in the plural include the singular.

2. Subject to the provisions of these Rules, an Appeal shall lie:—

(a) as of right, from any final judgment of the Court of Appeal, where the matter in dispute on the Appeal amounts to or is of the value of five hundred pounds sterling or upwards, or where the Appeal involves, directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of five hundred pounds sterling or upwards; and

(b) at the discretion of the Court of Appeal, from any other judgment of that Court, whether final or interlocutory, if, in the opinion of the Court, the question involved in the Appeal is one which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council for decision;

(c) at the discretion of the Supreme Court from any final judgment of that Court, if, in the opinion of that Court the question involved in the Appeal is one which, by reason of its great general or public importance, or of the magnitude of the interests affected, or for any other reason, ought to be submitted to His Majesty in Council for decision.

3. Where in any action or other proceeding no final judgment can be duly given in consequence of a difference of opinion between the Judges the final judgment may be entered pro forma on the application of any party to such action or other proceeding, according to the opinion of the Chief Justice, or, in his absence, of the