

east for a distance of thirty-nine chains to the junction of the last mentioned roads, and continuing thence in a straight line due east for a distance of fifty-one chains to a point in the middle of the stream called Afon Fenni, upon the boundary which divides the said parish of Llanboidy from the said parish of Llangynin."

And whereas the said representation has been approved by His Majesty in Council:

Now therefore, His Majesty, by and with the advice of His said Council, is pleased hereby to ratify the said representation, and to order and direct that the same and every part thereof shall be effectual in law immediately from and after the time when this Order shall have been duly published in the London Gazette pursuant to the said Acts. And His Majesty, by and with the like advice, is pleased hereby to direct that this Order be forthwith registered by the Registrar of the said diocese of Saint David's.

*Almeric FitzRoy.*

At the Court at *Saint James's*, the 13th day of *October*, 1910.

PRESENT,

The KING's Most Excellent Majesty.

Lord President.

Lord Chamberlain.

Lord Pentland.

Sir W. S. Robson.

**WHEREAS** by an Act passed in a session of Parliament held in the seventh and eighth years of Her late Majesty Queen Victoria'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 Errors or 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 no rules have yet been laid down for the regulation of Appeals from the Supreme Court of Prince Edward Island to His 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 provision should be made for Appeals from the said Supreme Court 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 Rules hereunder set out shall regulate all Appeals to His Majesty in Council from the said province of Prince Edward Island.

#### RULES.

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;

"Court" means either the Full Court or a single Judge of the *Supreme Court* of Prince Edward Island according as the matter in question is one which, under the rules and practice of the *Supreme Court*, properly appertains to the Full Court or to a single Judge;

"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, 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, from any other judgment of the 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.

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 senior puisne Judge of the Court, but such judgment shall only be deemed final for purposes of an Appeal therefrom, and not for any other purpose.

4. Applications to the Court for leave to appeal shall be made by motion or petition within twenty-one days from the date of the judgment to be appealed from, and the Applicant shall give the opposite party notice of his intended application.

5. Leave to appeal under Rule 2 shall only be granted by the Court in the first instance—

(a) upon condition of the Appellant, within a period to be fixed by the Court, but not exceeding three months from the date of the hearing of the application for leave to appeal, entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding five hundred pounds, for the due prosecution of the Appeal, and the payment of all such costs as may become payable to the Respondent in the event of the Appellant's not obtaining an order granting him final leave to appeal, or of the Appeal being dismissed for non-prosecution, or of His Majesty in Council ordering the Appellant to pay the Respondent's costs of the Appeal (as the case may be); and

(b) Upon such other conditions (if any) as to the time or times within which the Appellant shall take the necessary steps for the purpose of procuring the preparation of the