

may be made by the Legislature of any Colony concerned whereby Appeals from any Court in that Colony are to be made in the first instance to the said Court of Appeal, nothing in the said Act shall prejudice or affect the right of any person to appeal to His Majesty in Council:

And whereas by virtue of the Judicial Committee Act, 1844, it is competent to His Majesty by any Order or Orders to be from time to time for that purpose made with the advice of His Privy Council to provide for the admission of an Appeal or Appeals to His 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 shall not be a Court of Error or a Court of Appeal within such Colony or Possession, and it is also competent to His Majesty by any such Order or Orders as aforesaid to make all such provisions as to His Majesty in Council shall seem meet for the instituting and prosecuting any such Appeals and for carrying into effect any such decisions or sentences as His Majesty in Council shall pronounce thereon:

And whereas it is expedient with a view to equalizing as far as may be the conditions under which His Majesty's subjects in His 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 the instituting and prosecuting of Appeals from the West Indian Court of Appeal to His Majesty in Council and for carrying into effect such decisions or sentences as His Majesty in Council shall pronounce therein in accordance with the Rules and Regulations hereinafter contained:

His Majesty doth, by and with the advice of His Privy Council, hereby order that all Appeals to His Majesty in Council from the said West Indian Court of Appeal be made in accordance with the several rules hereunto annexed.

And it is hereby further ordered that this Order in Council shall take effect in each of the Colonies concerned on such day as shall be named for that purpose by any Proclamation issued by the Officer Administering the Government of the Colony.

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 the West Indian Court of Appeal;

“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 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 (£300) three 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 (£300) three hundred pounds sterling or upwards.

3. Applications to admit an appeal shall be made by motion or petition within 21 days from the date of the judgment to be appealed from, and the Applicant shall give the opposite party notice of his intended application.

4. An Appeal under Rule 2 shall only be admitted 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, entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding (£500) 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 not obtaining an Order, finally admitting the 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 Record and the despatch thereof to England as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

5. Where the judgment appealed from requires the Appellant to pay money or perform a duty, the Court shall have power, when admitting an Appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the Appeal, as to the Court shall seem just and in case the Court shall direct the said judgment to be carried into execution the person in whose favour it was given shall, before the execution thereof, enter into good and sufficient security, to the satisfaction of the Court, for the due performance of such Order as His Majesty in Council shall think fit to make thereon.

6. The preparation of the Record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

7. The Registrar, as well as the parties and their legal agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the Appeal, and generally to reduce the bulk of the Record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the Record.

8. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party neverthe-