

affidavit or deposition, together with copies of all judgments, decrees, rules, orders, writs, informations, or other proceedings necessary for the purpose of such appeal. And such case shall also state the judgment or decision from which the appeal shall be brought, together with the reasons (if any) assigned therefor, and shall also contain a concise statement of the grounds of appeal; and it shall be competent for the party appellant to state, within the limits of five folios of seventy-two words, the reasons and authorities relied upon in support of such appeal, and for the party respondent, within the same limit, to state the reasons and authorities relied upon in answer to such appeal.

Case to be approved by respondent, or settled by the Judge in case of difference.

7. Such case shall, within ten days after the receipt thereof by the party respondent, his solicitor or agent, be returned approved or disapproved to the party appellant, his solicitor or agent; and in event of the case not being returned approved within the said period of ten days, the same shall, without any unnecessary delay, be settled by the Judge by whom the decision appealed against has been pronounced.

A copy of the case, when approved or settled, to be forwarded to each Judge.

8. When the case on appeal shall have been approved on behalf of the respondent, or settled, in the event of any difference between the parties, by the Judge, copies thereof, for the Judges of the Supreme Court, shall be delivered to the Registrar or Deputy Registrar of the Supreme Court, or the Clerk of the District Court for the District wherein the appeal shall have arisen, and one of such copies shall immediately thereafter be forwarded for each of the said Judges of the Supreme Court, to the Registrar of the Judicial District to which such Judge shall have been assigned.

Opinion to be given on case within two months by Judges, and returned to the Registrar, &c.

9. Within the period of two calendar months after the receipt of the case on appeal, the Judge by whom the same shall have been received shall, in writing under his hand, certify his opinion upon the case, and state his reasons at large therefor; and such opinion shall, within the said period of two calendar months, be forwarded to the Registrar or Deputy Registrar of the Supreme Court, or the Clerk of the District Court for the district wherein the appeal shall have arisen.

Delay not to affect appeal or decision.

10. The non-receipt by the said Registrar, Deputy Registrar, or the said Clerk, of the opinion of any of the said Judges, within the time hereinbefore prescribed, shall not affect the validity of the appeal or decision thereof.

Decision of appeal to be in accordance with the opinions of a majority of the Judges.

11. As soon as the opinions of all the Judges of the Supreme Court acting in and for the said Colony, shall have been returned to and received by the Registrar, or Deputy Registrar, of the Supreme Court, or the Clerk of the District Court as aforesaid, the same shall be publicly read in open Court, and, in accordance with the opinion of the majority of the said Judges, the decision appealed from shall be affirmed, reversed, or varied, as the case may be.

Judgment as affirmed, reversed, or varied, to be enforced.

12. Such proceedings shall be thereafter had and taken upon the decision when so affirmed, reversed, or varied, as if the same had been so originally pronounced by the Court or Judge from whose decision the appeal shall have been brought and prosecuted.

Judge empowered, in frivolous or vexatious appeals, to require that appeals shall be prosecuted under this Act.

13. And in order to prevent and discourage vexatious and frivolous appeals, and the denial of justice which is thereby occasioned, be it enacted that whenever any appeal shall be brought or prosecuted not under the provisions of this Act, it shall be lawful for the Supreme Court, or the District Court, or the Judge who shall have pronounced the decision from which the appeal shall be so brought or prosecuted as aforesaid, by an order made upon hearing the parties, and proof to the satisfaction of the Court or Judge that such appeal has been brought frivolously or vexatiously, to stay the proceedings upon such appeal, and to require the party appellant to prosecute his appeal under the provisions of this Act.

When Judge shall require appeal to be prosecuted under this Act, the time for giving notice of appeal shall be reckoned from date of order.

14. Whenever an order shall be made under or by virtue of the provisions contained in the last preceding section of this Act, the time for giving notice of appeal shall be calculated, and shall commence to run, from the date and making of such order, and all subsequent proceedings in connection with the appeal shall be had and completed within a time or times reckoned from the date and making of the said order, corresponding to the time or times calculated from the service of notice of appeal as is hereinbefore provided in regard to appeals voluntarily prosecuted under the provisions of this Act.

Judge empowered to dismiss appeals for want of prosecution.

15. In the event of any appeal being brought, whether voluntarily or compulsorily, under the provisions of this Act, or under "The Court of Appeal Act, 1862," or any amending Act thereof, and such appeal shall not be duly prosecuted, it shall be lawful for the Court or any Judge from whose decision such appeal shall be so brought, to order and direct (if necessary) that execution shall issue, or that such decision shall be enforced in due course of law.

Case may be stated in manner hereinbefore provided where the original jurisdiction of the Court of Appeal is invoked.

16. And be it further enacted, that in all cases, save and except in trials at bar, where the Court of Appeal has now or shall hereafter have an original jurisdiction to hear and determine questions in controversy in pending judicial proceedings, the judgment of the Court of Appeal may, at the option of any of the parties litigant, with the consent (by order made) of a Judge of the Supreme Court, or of the District Court, wherein the proceedings shall be depending be obtained upon a case to be prepared and stated in writing in manner herein provided in regard to appellate proceedings, and so far as the provisions hereinbefore contained can or may be applicable thereto.