

or a receiver, or for payment of money into Court, or for giving security for damages and costs, or otherwise as the Court thinks fit.

As to Appeals.

When appeal may
be made to District
Court.

1898, No. 38, sec. 281
1904, No. 33, sec. 10

334. (1.) Except where otherwise expressly provided, it is hereby declared that, from any final order, judgment, or other decision of the Warden under sections thirty-four, forty-nine, fifty, and fifty-seven of Part III., or under Parts IV., V., VI., VII., or VIII. of this Act, or of the Court or the Warden under Part IX. of this Act, an appeal at the instance of any party aggrieved shall lie to the appellate Court, being the District Court having jurisdiction within the place where the Warden's final order, judgment, or other decision was given; or, if there is no District Court sitting therein, or if by memorandum filed in the Warden's Court both parties to the appeal consent, then the Supreme Court sitting within the Supreme Court district wherein such decision was given :

Provided that there shall be no appeal in any case where, at or before the hearing, the parties by memorandum in writing lodged in the Court or the Warden's Office agree that the decision of the Court or the Warden shall be final.

1900, No. 64, sec. 16

(2.) The right of appeal conferred by this section shall not be in any way limited or affected merely by the fact that the decision forming the subject-matter of the appeal is one which by this Act is declared to be in the discretion of the Warden or the Court.

Result of appeal to
be communicated.

1901, No. 60, sec. 4

(3.) The result of every appeal under this section shall be forthwith communicated to the Clerk of the Court from which the appeal was made, or to the Commissioner whose decision is appealed against, by certificate under the hand of the Registrar or Clerk of the appellate Court and the seal of his Court.

Appeal on fact or
law.

1898, No. 38, sec. 282

335. Every such appeal may, as the appellant thinks fit, be on matter of fact alone, or of law alone, or of both fact and law :

Provided that there shall be no appeal on matter of fact from any summary conviction imposing a penalty, unless the amount of the penalty imposed, exclusive of costs, exceeds five pounds.

Notice and grounds
of appeal.

Ibid, sec. 283

336. With respect to every appeal, the following provisions shall apply :—

(a.) Within ten days after the decision to be appealed from has been given, the appellant shall file in the Court and serve on the other party notice of intention to appeal, and also lodge with the Clerk or Registrar of the appellate Court, as deposit by way of security for the costs of appeal, the sum of ten pounds if the appeal is on matter of law only, and twenty pounds if it is on matter of fact alone or of both fact and law.

(b.) Such notice of appeal shall specify whether the appeal is on matter of fact alone, or of law alone, or of both fact and law, and shall also state briefly the matters of law (if any) forming the grounds of appeal :

Provided that on the hearing of the appeal the appellant shall not be limited to the grounds of appeal stated in such notice.