

### General Powers of Appeal Court.

21. The Appeal Court may, when it is in possession of the whole suit or matter, from time to time make any order necessary for determining the real question in controversy in the Appeal, and may amend any defect or error in the Record of the Appeal; and may direct the Court below to inquire into and certify its finding on any question which the Appeal Court thinks fit to determine before final judgment in the Appeal, and generally shall have as full jurisdiction over the whole suit or matter as if the same had been instituted and prosecuted in the Appeal Court as a Court of First Instance, and may re-hear the whole case, or may remit it to the Court below to be re-heard, or to be otherwise dealt with as the Appeal Court directs.

### Judgment in Appeal.

22. The Appeal Court shall have power to draw inferences of fact and to give any judgment, and make any order which ought to have been made, and to make such further or other order as the case may require. These powers may be exercised by the Court, notwithstanding that the Appellant may have asked that part only of the decision may be reversed or varied, and may also be exercised in favour of all or any of the Respondents or parties, although such Respondents or parties may not have appealed from or complained of the decision.

### Transmission of Decrees.

23. All decrees and orders made by the Appeal Court shall be embodied in a certificate under Seal of the Appeal Court and the hand of the presiding Judge, and such certificate shall be transmitted by the Registrar of the Appeal Court to the Registrar of the Court below, who shall forthwith acknowledge its receipt, and thereupon every such decree or order shall be carried out and enforced by the Court below in like manner as original decrees and orders of that Court are carried out and enforced.

### Point Reserved or Special Case.

24. The Court below may, without the consent of parties, direct judgment to be entered provisionally for the Plaintiff or Defendant, subject to any point of law which it may reserve for further argument or consideration, or subject to a special case for the opinion of the Appeal Court.

### Special Case.

25. Every such special case shall be jointly agreed upon by the parties whenever practicable, and settled by the Court below. Every such special case shall state concisely such facts and documents as shall be necessary to enable the Appeal Court to decide the questions raised thereby. The Appeal Court shall be at liberty to draw any inference, whether of fact or law, which might have been drawn on the trial. The Appeal Court may send back such case for amendment, if necessary, with any instruction it may deem requisite, and may require the Court below to certify its finding upon any question of fact arising in the suit or

matter, and to receive further evidence, if necessary, and may make such order as it shall deem fit, and judgment in such suit or matter shall be entered in terms of such order. But such judgment shall not, unless the parties shall so agree, preclude any of the parties to a suit or matter from bringing any Appeal which he might otherwise under these rules have brought from such judgment.

26. It shall not be necessary for the Appeal Court to hear any argument upon the special case; but if any of the parties so desire he may be heard thereon. If at or before the special case being settled in the Court below any party to the suit or matter shall intimate to the Court his desire to be heard thereon in the Appeal Court, the Court below shall inform the Registrar of the Appeal Court, and the Registrar of the Appeal Court shall in such case cause notice to be given to the parties through the Court below, or otherwise, as may seem most convenient, of the time and place at which they may be heard, and shall hear any of the parties who may then and there appear, and thereafter shall give judgment upon such special case, whether all or any of the parties shall have appeared or been heard or otherwise.

### Fees.

27. The fees specified in the Schedule B shall be paid by the party prosecuting the cause of proceeding, and may be afterwards recovered as costs of cause if the Court shall so order.

### Costs of Improper Appeals.

28. If in any Appeal it shall appear to the Appeal Court that such Appeal has been made improperly or without any reasonable cause, the Appeal Court may call on the Solicitor of the Appellant to show cause why all costs occasioned by the Appeal should not be disallowed as between the Solicitor and the Appellant, and also (if the circumstances of the case require) why the Solicitor should not repay to the Appellant any costs which the Appellant may have been ordered to pay to any other person, and thereupon may make such order as the justice of the case may require. Such notice (if any) of the proceedings shall be given to the Appellant in such manner as the Appeal Court may direct.

### Practitioners.

29. Every person admitted to practise as a barrister or solicitor in the Court below shall upon proof of his admission as aforesaid, be entitled to practise before the Appeal Court so far as relates to Appeals in that Court from the Court below, but not further or otherwise.

### Publication of Rules, Decrees, &c., of Appeal Court by the Court below.

30. The Court below shall publish in like manner as its own notifications are published all Notices, Rules, Decrees, Orders, and such other matters as shall be transmitted to it by the Appeal Court for that purpose.

## SCHEDULE A.

Bond (for costs of Appeal)

19 . (*Here put letter and number.*)