

persons as respondents as the Court below directs.

221. A respondent may, within fourteen days after service, file in the Court below an answer to the petition, including petition of cross appeal.

The answer shall contain an exposition of his case as supported by the evidence already before the Court and by the record as it stands.

It may contain any matter by way of argument against the appeal, or in support of the cross appeal.

Copies of the answer shall be furnished by the Court below to such persons as the Court of Appeal thinks fit.

222. An objection to an appeal as being out of time, or on any ground other than on the merits, shall be substantially raised by the party desiring to rely thereon in and by his answer.

Where an answer is not filed, or such an objection is not raised in the answer, no such objection shall be admitted at the hearing of the appeal.

But the absence of an answer shall not preclude any person interested in supporting the order from supporting it on the merits at the hearing of the appeal.

223. On the expiration of the time for answering, the Court below shall, without receiving any further pleading in appeal, and without the application of any party, make up the record of appeal, which shall consist of the petition, answer, orders, and proceedings, a certified copy of all written and documentary evidence admitted or tendered, and the notes of the oral evidence, the petition of appeal, and the answer.

The several pieces shall be fastened together, consecutively numbered, and the whole shall be secured by the seal of the Court below, and be forthwith forwarded by that Court to the Consul-General.

The Court below shall not, except for some special cause, take on itself the responsibility of the charge or of the transmission to the Consul-General of original letters or documents produced in evidence. They shall be returned to the parties producing them, and they shall produce the originals if required by the Consul-General, at or before the hearing of the appeal.

224. After the record of appeal is transmitted, until the appeal is disposed of, the Consul-General shall be in possession of the whole suit as between the parties to the appeal.

Every application in the suit shall be made to the Consul-General, and not to the Court below, but any application may be made through the Court below.

225. The Consul-General shall, after receiving the record of appeal, fix a day for the hearing thereof, and shall give notice thereof through the Court below to the parties to the appeal, such a day being fixed as will allow of the parties attending in person, or by counsel or attorney, if they so desire.

But if all the several parties to an appeal appear in person, or appoint persons there to represent them as their counsel or attorneys in the appeal, and cause the appearance or appointment to be notified to the Consul-General, the Court shall dispose of the appeal without giving notice through the Court below of the day fixed for the hearing thereof.

226. The Consul-General may, if he thinks fit, require a party to an appeal to appear personally on the hearing of the appeal, or on any occasion pending the appeal.

227. It is not open, as of right, to a party to an appeal to adduce new evidence in support of

his original case, but a party may allege any facts essential to the issue that have come to his knowledge after the decision of the Court below, and may adduce evidence in support of his allegations.

The Consul-General may allow or require new evidence to be adduced.

228. The Consul-General may, from time to time, make any order necessary for determining the real question in controversy in the appeal, and for that purpose may amend any defect or error in the record of appeal.

The Consul-General may direct the Court below to inquire into and certify its finding on any question which he thinks fit to determine before final judgment in the appeal.

Generally, the Consul-General shall have as full jurisdiction over the whole suit as if it had been originally instituted and prosecuted before him, 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 he directs.

3.—APPEALS BY MOTION.

229. In case of an appeal by motion, the appellant shall file his appeal motion-paper in the Court below within seven days after leave to appeal is given.

He may at the same time file any argument which he desires to submit to the Consul-General in support of the appeal.

The motion-paper and the argument (if any) shall be served on such persons as respondents as the Court below directs.

A respondent may, within seven days after service, file in the Court below such argument as he desires to submit to the Consul-General against the appeal.

Copies thereof shall be furnished by the Court below to such persons as the Consul-General directs.

On the expiration of the time for the respondent filing his argument, the Court below shall make up the record of appeal as nearly as may be as on an appeal by petition.

Where a party to the appeal notifies his desire to attend in person, or by counsel or attorney, when the motion is being disposed of, he shall be at liberty to do so, and the Court shall hear him, or his counsel or attorney, before disposing of the motion.

X.—APPEAL TO HER MAJESTY IN COUNCIL.

230. Where in a civil suit or proceeding a final order of the Consul-General, or a rule or order having the effect of a final or definitive judgment decree or sentence—

(i.) Is made or given in respect of a sum of £500 or upwards; or

(ii.) Determines, directly or indirectly a claim or question respecting money, goods, or other property, or any civil right or other matter at issue, of the amount or value of £500 or upwards; any party aggrieved thereby may, within fifteen days after the same is made or given, apply by motion to the Consul-General for leave to appeal to Her Majesty the Queen in Council.

The applicant shall give security to the satisfaction of the Consul-General to an amount not exceeding £500 for the prosecution of the appeal, and for payment of all such costs as may be awarded to any respondent by Her Majesty in Council, or by the Lords of the Judicial Committee of Her Majesty's Privy Council.

He shall also pay a sum estimated to be the amount of the expense of the making-up and transmission to England of the transcript of the record.