

in such manner as the Lieutenant-Governor in Council may from time to time by order provide.

(2) The Lieutenant-Governor in Council may make rules and regulations fixing the fees and charges of and payments to special examiners and stenographers and others entitled to take examinations for taking examinations for discovering or cross-examinations in the High Court and County Court, and for copies of such examinations or cross-examinations.

RULES OF COURT.

(In force from April 16th, 1895.)

41. Subject to the provisions of this Act, there shall be the same powers of making general rules and orders with reference to the matters in this Act mentioned as *The Judicature Act* provides for with reference to the matters therein in that behalf mentioned. (*Judicature Act*, ss. 105 to 108.)

42. The Lieutenant-Governor in Council may appoint some competent person or persons to devise and frame such general rules as may be necessary or useful for carrying out and giving effect to the provisions of this Act, and also if he sees fit to consolidate, or to revise and consolidate, all the rules of practice of the High Court, or of the High Court and Court of Appeal, as the case may be; and the rules so prepared, if approved by the judges of the Supreme Court or by the Lieutenant-Governor in Council, or such of the said rules as may be so approved, shall go into effect at such time as the said judges or the Lieutenant-Governor in Council shall direct.

ENACTMENTS REPEALED OR AMENDED.

43. Sub sections (3) and (5) of section 62; sections 44, 63, 66, 67, 69, 70, 71 and 72 of *The Judicature Act* are repealed.

44.—(1) The following is substituted for section 41 of *The County Courts Act*:

1. Any party to an action in a county court may appeal to a divisional court of the High Court of Justice from any judgment directed by a judge of a county court to be entered at or after the trial in any case tried by him either with or without a jury.

2. Instead of appealing to a divisional court of the High Court of Justice either party may move before the county court within the first two days of its next quarterly sittings for a new trial, or to set aside the judgment and enter any other judgment upon any ground.

3. A motion for a new trial on the ground of discovery of new evidence or the like shall be made before the county court.

4. If a party moves before the county court under clause 2 in a case in which he might have appealed to the High Court he shall not be entitled to appeal from the judgment of the county court to the High Court, but the opposite party shall be entitled to appeal therefrom to the High Court.

(2) Section 42 of the said Act is amended by striking out the words "The Court of Appeal" where those words occur in said section, and by substituting therefor the words "A divisional court of the High Court of Justice."

(3) Section 43 of the said Act is amended by striking out all the words after the word "thereon" in the third line thereof.

(4) Section 44 of said Act is repealed and the following substituted:—

44. On an appeal the divisional court may set aside any judgment which may have been directed to be entered or may have been signed, and direct any other judgment to be entered or direct a new trial to be had and make any other order as to them may appear requisite and just.

(5) Section 51 of the said Act is amended by striking out the words "Upon the bond being so approved or the deposit being paid into court" in the first and second lines thereof; and by striking out the words "the Court of Appeal," in the third line and substituting therefor the words "the proper officer of the High Court."

(6) Section 52 of the said Act is amended by striking out all the words from the beginning down to and inclusive of the word "court" in the fourth line thereof, and by substituting therefor the words