

## SESSIONAL PAPER No. 18

above his Vote already given by Virtue of which such Equality has been formed shall have one other Vote or Casting Voice by which the Event of the Appeal shall finally be determined.

And It is further Enacted and ordained by the Authority aforesaid that as well the Original Writ for removing the Record out of the Court below as all other process shall be and issue in the Name of the King Tested by the Governor Lieutenant Governor or President of the Court only and by no other and such Original Writ may issue at any time upon Application of the Party and bear date as well out of Session as in returnable if out of session on the first or some other day of the next Session and if in Session on some day in the same or the first day of the next Session as the Governor Lieutenant Governor or President of the Court shall think proper. And that the Court may proceed to try the real Merits of every Appeal and not be confined solely to the Examination of Errors upon the face of the Record it shall be lawful for, and by the Authority aforesaid Power is hereby given to the said Court of Appeals to issue process to bring up not only the Original Record but all Papers and written Evidence of every kind produced by either party in the Court below and the Judges of the Court below shall also send up a List of the Witnesses who have been Examined in the Cause *vivâ voce* in order that the Court may reexamine them if they think proper and finally determine upon the true Merits of the Case.

And if the Court shall be of Opinion that the Judges of the Court from whence the Appeal is prosecuted have mistaken either the Law or the fact and have given Judgment for the Defendant in Error when in Truth it ought to have been given for the Plaintiff, in such Case it shall be lawfull for the Court, and they are hereby Authorized and impowered not only to reverse such Judgment of the Court below, but also to give such other Judgment and award such Costs as upon the whole face of the Proceedings and Examination of the Witnesses it shall appear to them ought to have been given and awarded by the Court below.

And it is further Enacted and Ordained that Judgment in this Court upon every Appeal where the Matter in dispute shall not exceed the Sum of five hundred pounds Sterling Money of Great Britain shall be final and conclusive to all Parties without further Examination Revision or Appeal whatsoever (reserving to the Parties an Appeal to His Majesty himself in Council in all Cases where the Matter in dispute shall exceed the Sum of five hundred pounds as aforesaid) and Execution shall issue thereupon to enforce the same out of this Court