

Appendix
(Z.)

5th July.

The Schedule to the foregoing Order:—

In the Court of Error and Appeal;

Between Appellant, and
Respondent.

To the Honourable the Judges of the said Court:

The humble petition of the said (Appellant)

SHEWETH:

That (a Decree—or an Order) was lately and on pronounced by Her Majesty's High Court of Chancery for Upper Canada, in a certain cause depending in the said Court, wherein your petitioner was and the above-named was which said (Decree—Order) has since been duly entered and enrolled.

That your petitioner feels himself aggrieved by the said (Decree—Order) and he hereby appeals therefrom, and humbly prays that the same may be reversed or varied, or that your Lordships will make such other Order or Decree in the premises as to your Lordships shall seem meet.

And your petitioner will ever pray, &c.

(Certificate of Counsel.)

XXX. That the printed cases shall be and are hereby abolished; but copies of the pleadings and evidence shall be printed as is at present done in the appendix to the case to which the reasons of appeal and for supporting the decree or order shall be appended; and the same rules shall apply to such printed copies and reasons as now apply to such printed cases, and the same shall, for all purposes, be considered the printed cases of the appellant and respondent, respectively: Provided always, that nothing herein contained shall prevent the parties from joining in printing such copies, as they now do in printing the appendix, if they shall be so disposed; such printed cases must be deposited with the Clerk of the Court for the use of the Judges, at least four days before the hearing of the appeal.

XXXI. That when it shall be intended to appeal to Her Majesty in Her Privy Council, the securities required by the Statute 12 Vic., cap. 63, sec. 46, shall be personal, and by bond to the respondent or respondents; such bond to be executed by the appellant or appellants or one of them, and two sufficient sureties, (or if the appellant or appellants be absent from, or do not reside in Upper Canada, then by three sufficient sureties,) in the penal sum of Five hundred pounds, in cases coming within the first part of the said sec. 46, the condition of which bond shall be to the effect that the appellant (or appellants) shall and will effectually prosecute his (or their) appeal, and pay such costs and damages as shall be awarded, in case the judgment (or decree) appealed from shall be affirmed or in part affirmed. And that execution shall not be stayed in the original cause until security shall further be given by bond, in conformity to the 6th, 7th and 8th rules, when from the nature of the case such further security shall be requisite; and in cases from Chancery, application to the Court of Appeal to stay proceedings shall be by motion on notice, which motion, if granted, shall be upon such terms as to security under the statute or otherwise, as the circumstances and nature of the case require.

XXXII. That the bond or security referred to in the last rule, shall be in the following form:—

Know all men by these presents, that we, A.B., of C.D., of E.F., of are jointly and severally held and firmly bound unto G.H., of in the penal sum of of lawful money of Canada, for which payment, well and truly to be made, we bind ourselves and each of us by himself, our and each of our heirs, executors, and administrators, respectively, firmly by these presents.

Witness our hands and seals, respectively, the day of in the year of our Lord

Whereas (the appellant) alleges and complains that in the giving of judgment in a certain suit in Her Majesty's Court of Error and Appeal in Upper Canada, between (the respondent) and (the appellant) manifest error hath intervened; therefore the said (appellant) desires to appeal from the said judgment to Her Majesty in Her Majesty's Privy Council. Now the condition of this obligation is such, that if the said (appellant) do and shall effectually prosecute such appeal, and pay such costs and damages as shall be awarded, in case the judgment aforesaid to be appealed from shall be affirmed, or in part affirmed, then this obligation shall be void otherwise shall remain in full force.

XXXIII. That in every case of appeal to Her Majesty in Council, the obligors, parties to any bond as sureties, shall justify their sufficiency by affidavit in the manner, and to the same effect, as is required by rule number IX of this Court.

XXXIV. In cases appealed from either of the Courts of Common Law or from the Court of Chancery, the same fees and allowances shall be taxed in appeal by the Clerk of the Court of Error and Appeal for Attornies and Solicitors, or any Officer of the said Court as are allowed for similar services in the Court from which the appeal shall have been brought; and that Counsel's fees shall be taxed in the discretion of the Clerk; provided that no fee to Counsel exceeding £10 shall be taxed without an order of the Judge who presided on the argument, or in his absence, of the next senior Judge.

XXXV. That the regular and appointed days or times of sitting of this Court shall be the second Thursday after the several terms of Hilary, Easter, and Michaelmas, as appointed by the Statute 12 Vic., cap. 63, sec. 13, at eleven o'clock in the forenoon: Provided, however, that the said Court may adjourn from time to time, and meet at such other periods as shall be appointed, for the hearing and disposing of any business brought before it.

J. B. ROBINSON, C.J.B.R.

Wm. HUME BLAKE, C.

J. W. MACAULAY, C.J.C.P.

A. McLEAN, J.C.P.

ROBERT S. JAMESON, V.C.

W. H. DRAPER.

R. B. SULLIVAN, J.

J. C. P. ESTEN, V.C.

ROBERT E. BURNS, J.

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