

THE SUPREME COURT OF CANADA.

and also of the appeal, and as well when the judgment appealed from is reversed, as when it is affirmed.

21. Proceedings in the Supreme Court in Appeal shall, when not otherwise provided for by this Act, or by the general rules and orders to be made in pursuance hereof, be as nearly as possible in conformity with the present practice of the Judicial Committee of Her Majesty's Privy Council in England.

22. An appellant may discontinue his proceedings by giving to the respondent, and filing in the office of the Registrar, a notice entitled in the Court and cause and signed by the appellant, his attorney or solicitor, stating that he discontinues such proceedings, and thereupon any Judge of the Court in chambers may direct judgment to be entered, as of course, dismissing the appeal, with costs, and the respondent shall be at once entitled to the costs of, and occasioned by, the proceedings in appeal.

23. A respondent may consent to the reversal of the judgment appealed from, by giving to the appellant a notice entitled in the Court and cause, and signed by the respondent, his attorney or solicitor, stating that he consents to the reversal of the judgment, and thereupon the Court shall pronounce judgment of reversal, as of course.

24. The judgment of the Supreme Court in Appeal, shall be certified by the Registrar, to the proper officer of the Court appealed from, and all subsequent proceedings may be taken thereupon as if the judgment had been given or pronounced in the Court last mentioned.

25. In case an appellant unduly delays to prosecute his appeal, or fails to bring on the appeal to be heard at the first term of the Supreme Court, after the appeal is ripe for hearing, the respondent may, on notice to the appellant move the Court, or a Judge thereof in Chambers, for the dismissal of the appeal, and such order shall thereupon be made as to the Court or Judge seems just.

26. An appeal shall lie to the Supreme Court from a judgment upon a special case, unless the parties agree to the contrary; and the proceeding for bringing a special case before the Court shall, as nearly as possible, be the same as in the case of a special verdict, and the Court shall draw any inferences of fact from the facts stated in the special case which the Court appealed from ought to have drawn.

27. No appeal shall be allowed in any case, unless notice thereof be given in writing to the opposite party, or his attorney or solicitor, within twenty days after the judgment complained of, or within such further time as the Court appealed from, or a Judge thereof may allow.

28. No appeal shall be allowed, unless within twenty days after such notice shall have been given, or within such further time as the Court appealed from, or a Judge thereof may allow, the appellant files with the proper

officer of the said Court, a memorandum or statement in writing of the grounds of appeal.

29. Provided always, that the Supreme Court, or any Judge thereof, may allow an appeal under special circumstances, notwithstanding that the notice of appeal may not have been given, or the memorandum or statement of the grounds of appeal filed, within the time or in the manner hereinbefore provided; but in such case, the Court or Judge shall impose such terms as to security or otherwise, as may seem proper.

30. No appeal shall be allowed until the appellant has given proper security to the extent of five hundred dollars to the satisfaction of the Court from whose judgment he is about to appeal, or a Judge thereof, that he will effectually prosecute his appeal and pay such costs and damages as may be awarded, in case the judgment appealed from be affirmed.

31. Upon the perfecting of such security, execution shall be stayed in the original cause, except in the following cases:—

1. If the judgment appealed from directs an assignment, or delivery of documents, or personal property, the execution of the judgment shall not be stayed until the things directed to be assigned or delivered have been brought into the Court appealed from, or placed in the custody of such officer or receiver as the said Court may appoint, nor until security has been given to the satisfaction of the said Court, or of a Judge thereof, in such sum as the said Court or Judge may direct, that the Appellant will obey the judgment of the Supreme Court:—

2. If the judgment appealed from directs the execution of a conveyance or any other instrument, the execution of the judgment shall not be stayed until the instrument has been executed and deposited with the proper officer of the Court appealed from, to abide the judgment of the Supreme Court.

3. Provided that, if the Court appealed from be itself a Court of Appeal, and such assignment or conveyance, document, instrument, or property, or thing, has been deposited in the custody of the proper officer of the Court in which the cause originated, the appellant's consent that it shall so remain to abide the judgment of the Supreme Court, or of any appeal from it to the Queen in Council, shall be binding on him, and be deemed a compliance with the foregoing requirements of this section.

4. If the judgment appealed from directs the sale or delivery of possession of real or immoveable property or chattels real or immoveable, the execution of the judgment shall not be stayed until security has been entered into, to the satisfaction of the Court appealed from, or a Judge thereof, and in such sum as last mentioned Court or Judge may direct, that during the possession of the property by the appellant, he will not commit, or suffer to be committed, any waste on the property, and that if the judgment appealed from be affirmed,