

Cost to be given to the successful party, save in exceptional cases.

17. The costs of the party in whose favour judgment shall be finally pronounced in any proceeding heard and determined under this Act shall be paid and borne by the party against whom such judgment shall be so pronounced, unless in the opinion of the Judges, or a majority thereof, special circumstances are disclosed in the proceedings to warrant the application of a different rule.

Interpretation clause.

18. This Act shall (save and except as to trials at Bar) apply to all judicial proceedings which the Court of Appeal is now or shall hereafter be empowered to hear and determine, and whether of a civil, criminal, or *quasi* criminal nature, and to applications made to the summary jurisdiction of the Supreme Court or District Court, and to applications for prerogative writs to proceedings in error, as well as to proceedings by way of appeal, and to proceedings in the original jurisdiction as well as in the appellate jurisdiction of the Court of Appeal.

Act to apply to proceedings undetermined and pending.

19. This Act shall also apply to all judicial proceedings now pending in the Supreme Court, or in any District Court, in respect of which a right of appeal is given by law, although no decision has been pronounced in such proceeding.

Fees payable.

20. The fees enumerated in the Schedule hereunder written shall be payable in all cases wherein recourse is had to the remedies provided by this Act.

This Act to be read in conjunction with "The Court of Appeal Act, 1862," &c.

21. This Act shall be read in conjunction with "The Court of Appeal Act, 1862," and "The Court of Appeal Act Amendment Act, 1870," and the remedies hereby provided are to be regarded as supplementary to and cumulative upon those provided by the said two mentioned Acts.

SCHEDULE.

FEES PAYABLE UNDER THE FOREGOING ACT.

	£	s.	d.
For lodging notice of appeal with the Registrar or Clerk of Court	0	10	0
For settling a case by the Judge in case of difference between the parties	2	0	0
For stating a case for the opinion of the Court of Appeal when reserved by the Judge with the consent of the parties	2	0	0
For the judgment of the Court of Appeal in all cases heard and determined under this Act	5	0	0

No. 2.

The Hon. W. GISBORNE to His Honor Sir G. A. ARNEY.

(No. 354, L. & J., 72-1,206.)

Colonial Secretary's Office, (Judicial Branch),

SIR,—

Wellington, 8th May, 1872.

I have the honor to enclose a copy of a letter dated the 22nd ultimo, from Mr. James Macassey, and of a draft Bill to amend "The Court of Appeal Act, 1862," enclosed therein.

The Government will be glad to learn the views of your Honor on the principle of the Bill, and on the Bill itself.

I have, &c.,

His Honor Sir G. A. Arney, Chief Justice, Wellington.

W. GISBORNE.

Similar letter to the above sent to Judges Johnston, Gresson, Richmond, and Chapman.

No. 3.

The Hon. W. GISBORNE to the President of the Law Society, Wellington.

(No. 355, L. & J., 72-1,206.)

Colonial Secretary's Office, (Judicial Branch),

SIR,—

Wellington, 8th May, 1872.

I have the honor to enclose a copy of a letter dated the 22nd ultimo, from Mr. James Macassey, and of a draft Bill to amend "The Court of Appeal Act, 1862," enclosed therein.

The Government will be glad to learn the views of the Law Society on the principle of the Bill, and on the Bill itself.

I have, &c.,

The President of the Law Society, Wellington.

W. GISBORNE.

No. 4.

His Honor Sir G. A. ARNEY to the Hon. W. GISBORNE.

SIR,—

Judges' Chambers, Wellington, 17th June, 1872.

I have the honor to inform you that the Judges of the Supreme Court have conferred together during the sittings of the Court of Appeal respecting the Bill proposed by Mr. Macassey, with regard to which you had previously invited them separately to express their opinion.

I have the honor to enclose a memorandum agreed to by all the Judges, and to state that if the Government should desire any further suggestions on the subject, Mr. Justice Johnston, being acquainted with their views, will be able and happy to communicate with you during the Session of the General Assembly.

I have, &c.,

The Hon. the Colonial Secretary (Judicial Branch).

GEORGE ALFRED ARNEY, C.J.