

Court of Appeal Amendment.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Power to award costs in all cases not criminal.
3. Costs in cases where no jurisdiction on appeal.
4. Costs in cases where no jurisdiction in error.

A BILL INTITULED

AN ACT to amend "The Court of Appeal Act 1862." Title.

WHEREAS doubts have been entertained whether the Court of Appeal constituted under "The Court of Appeal Act 1862" hereinafter called "the said Act" has power to award costs in certain cases And whereas it is expedient to remove such doubts Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Court of Appeal Act Amendment Act 1869." Short Title.

2. The Court of Appeal shall have power in all cases within the jurisdiction of the Court not arising out of any indictment inquisition or criminal information to adjudge payment of costs if in its discretion it shall think fit. Power to award costs in all cases not criminal.

3. Where any case stated under the provisions of the said Act by way of appeal from a decision of the Supreme Court shall be discharged by the Court of Appeal on the ground that the Court of Appeal has no jurisdiction over the questions raised by such case or any of them it shall be lawful for the Court of Appeal to order that the respondent shall be entitled to recover as part of his costs in the Supreme Court in the action or proceedings giving rise to such appeal all or any part of the costs and expenses necessarily incurred by him in preparing for and attending the hearing of such case in the Court of Appeal such costs to be taxed by the taxing officer of the Supreme Court in like manner as other costs in the action or proceedings giving rise to such appeal. Costs in cases where no jurisdiction on appeal.

4. Where any proceedings in error under the provisions of the said Act upon any judgment of the Supreme Court not being a judgment on an indictment inquisition or criminal information shall be discharged by the Court of Appeal on the ground that the said Court of Appeal has no jurisdiction therein it shall be lawful for the said Court of Appeal to order that the defendant in error shall be entitled to recover as part of his costs in the Supreme Court under the judgment therein which is impeached by such proceedings in error all or any part of the costs and expenses necessarily incurred by him in defending such proceedings in error such costs to be taxed by the taxing officer of the Supreme Court in like manner as other Costs in cases where no jurisdiction in error.