

AN ACT to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council. [28th July, 1843.]

WHEREAS it has been found expedient to make further regulations for hearing and making report to Her Majesty in appeals and other matters referred to the Judicial Committee of the Privy Council, and for the more effectual appointment of surrogates in ecclesiastical and maritime causes of appeal, and for making orders or decrees incidental to such causes of appeal, and for the punishment of contempts, and compelling appearances and

enforcement of judgments, orders, and decrees of Her Majesty in Council, or of the said Judicial Committee or their surrogates, in such causes of appeal: . . . .

Appeals, &c.,  
may be heard  
by not less  
than three  
members of  
the Judicial  
Committee of  
the Privy  
Council under  
a special order  
of Her  
Majesty.

1. In any appeal, application for prolongation or confirmation of letters patent, or other matter referred or hereafter to be referred by Her Majesty in Council to the Judicial Committee of the Privy Council, it shall be lawful for Her Majesty, by Order in Council or special direction under her Royal Sign-Manual, having regard to the nature of the said appeal or other matter, and in respect of the same not requiring the presence of more than three members of the said Committee, to order that the same be heard, and when so ordered it shall be lawful that the same shall be accordingly heard by not less than three of the members of the said Judicial Committee, subject to such other rules as are applicable or under this Act may be applicable to the hearing and making report on appeals and other matters by four or more of the members of the said Judicial Committee.

Powers of  
the Judicial  
Committee  
and their sur-  
rogates in  
respect to  
appeals from  
Ecclesiastical  
and Admiralty  
Courts.

2. In respect of all incidents, emergents, dependents, and things adjoined to, arising out of, or connected with appeals from any Ecclesiastical Court, or from any Admiralty or Vice-Admiralty Court (save in giving a definitive sentence or any interlocutory decree having the force and effect of a definitive sentence), the said Judicial Committee and their surrogates shall have full power, subject to such rules, orders, and regulations as shall from time to time be made by the said Judicial Committee (with the approval of Her Majesty in Council), to make all such interlocutory orders and decrees, and to administer all such oaths and affirmations, and to do all such things as may be necessary, or the Judges of the Courts below appealed from or their surrogates in the cases appealed, or the Judges of the Courts appealed to or their surrogates, or the Lords Commissioners of Appeals in Prize Causes or their surrogates, and the Judges Delegate or their con-delegates under Commissions of Appeal under the Great Seal in ecclesiastical and maritime causes of appeal, would respectively have had before an Act passed in the third year of the reign of His late Majesty, intituled "An Act for transferring the Powers of the High Court of Delegates both in Ecclesiastical and Maritime Causes to His Majesty in Council," and another Act passed in the following session of Parliament, intituled "An Act for the better Administration of Justice in Her Majesty's Privy Council," were passed.

Surrogates  
and Ex-  
aminers in  
Ecclesiastical  
and Admi-  
ralty appeals.

3. The surrogates and Examiners of the Arches Court of Canterbury and the High Court of Admiralty of England, and such persons as shall from time to time be appointed surrogates or Examiners of the said Courts, shall be by virtue of this Act

surrogates and Examiners respectively of the Judicial Committee 6 & 7 Vict.,  
of the Privy Council in all causes of appeal from Ecclesiastical c. 38.  
Courts and from any Admiralty or Vice-Admiralty Court.

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5. Subject to such rules and regulations as may from time to time be made by the said Judicial Committee with the approval of Her Majesty in Council, and save and in so much as the practice thereof may be varied by the said Acts of the reign of His late Majesty or by this Act, the said causes of appeal to Her Majesty in Council shall be commenced within the same times and conducted in the same form and manner, and by the same persons and officers, as if appeals in the same causes had been made to the Queen in Chancery, the High Court of Admiralty of England, or the Lords Commissioners of Appeals in Prize Causes respectively;

Manner of conducting appeals before the Judicial Committee.

And all things otherwise lawfully done and expedited in the said causes of appeals by the Registrar of the High Court of Admiralty of England, his deputy or deputies, in consequence of the passing of the said Acts of the reign of His late Majesty, shall be deemed to be valid to all intents whatsoever.

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7. For better punishing contempts, compelling appearances, and enforcing judgments of Her Majesty in Council, and all orders and decrees of the said Judicial Committee or their surrogates in all causes of appeal from Ecclesiastical Courts and from Admiralty or Vice-Admiralty Courts, Her Majesty in Council and the said Judicial Committee and their surrogates shall have the same powers, by attachment and committal of the person to any of Her Majesty's gaols, and subsequent discharge of any person so committed, as by any Statute, custom, or usage belong to the Judge of the High Court of Admiralty of England;

Punishing contempts, compelling appearances, enforcing judgments, &c., in causes of appeal.

And the said Judicial Committee shall have the same immunities and privileges as are conferred on the Judge of the High Court of Admiralty of England under an Act passed in the fourth year of the reign of Her Majesty, intituled "An Act to improve the Practice and extend the Jurisdiction of the High Court of Admiralty of England," as fully as if the same had been thereby expressly given to the said Judicial Committee.

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9. All inhibitions, citations, monitions, and other instruments incidental to or arising out of such causes of appeal shall be issued in the name of Her Majesty, and under seal of Her Majesty in ecclesiastical and maritime causes, and shall be of full authority in all places throughout the dominions of Her Majesty.

Inhibitions, &c., to be in Her Majesty's name, and of force throughout her dominions.

Monitions for  
payment into  
the registry of  
the Admiralty  
Court under  
orders, &c.

All appeals  
from Eccle-  
siastical and  
Admiralty  
Courts may  
be referred to  
the Judicial  
Committee by  
an Order in  
Council.

Costs may be  
awarded by  
the Judicial  
Committee,  
and taxed.

Appointment  
of Registrar  
and Assistant  
Registrar in  
ecclesiastical  
and maritime  
causes.

10. In all appeals in ecclesiastical and maritime causes to Her Majesty in Council, it shall be lawful for Her Majesty in Council and the said Judicial Committee or their surrogates, at the petition of any person interested in the same, to decree monitions for the transmission of any sum or sums of money respecting which any order or decree may be made or any questions may be depending arising out of such causes, and the proceeds of all ships or vessels, goods, and cargoes respecting which any appeals may be depending, into the registry of the High Court of Admiralty and Appeals, for the benefit of the person or persons who may be ultimately entitled thereto, or for payment thereof to the person to whom the same may be lawfully due.

11. It shall be lawful for Her Majesty, by Order in Council, to direct that all causes of appeal from Ecclesiastical Courts, . . . . in which the appeal and petition of reference to Her Majesty shall have been lodged in the registry of the High Court of Admiralty and Appeals within twelve calendar months from the giving or pronouncing of any order, decree, or sentence appealed from, . . . . shall be referred to the Judicial Committee of the Privy Council, and the said Judicial Committee and their surrogates shall have full power forthwith to proceed in the said appeals, and the usual inhibition and citation shall be decreed and issued, and all usual proceedings taken, as if the same had been referred to the said Judicial Committee by a special Order of Her Majesty in Council in each cause respectively.

12. As well the costs of defending any decree or sentence appealed from as of prosecuting any appeal, or in any manner intervening in any cause of appeal, and the costs on either side or of any party in the Court below, and the costs of opposing any matter which shall be referred to the said Judicial Committee, and the costs of all such issues as shall be tried by direction of the said Judicial Committee respecting any such appeal or matter, shall be paid by such party or parties, person or persons, as the said Judicial Committee shall order ;

And such costs shall be taxed as in and by the said Act "for the better Administration of Justice in the Privy Council" is directed respecting the costs of prosecuting any appeal or matter referred by Her Majesty under the authority of the said Act, save the costs arising out of any ecclesiastical or maritime cause of appeal, which shall be taxed by the Registrar hereinafter named, or his Assistant Registrar.

13. The Registrar of the High Court of Admiralty of England for the time being may be appointed by Her Majesty to be Registrar of Her Majesty in ecclesiastical and maritime causes, and shall have power to appoint an Assistant Registrar as provided

by an Act passed in the fourth year of the reign of Her Majesty, intituled "An Act to make provision for the Judge, Registrar, and Marshall of the High Court of Admiralty of England," and shall during his good behaviour, and while he shall be Registrar of the said High Court of Admiralty, hold his office of Registrar of Her Majesty in ecclesiastical and maritime causes, and shall do all such things and shall have the same powers and privileges in respect to the same as belong to his predecessors in the office of Registrar of His Majesty in ecclesiastical and maritime causes.

14. All records, muniments, books, papers, wills, and other documents remaining in the registry of the High Court of Admiralty and Appeals, appertaining to the late High Court of Delegates and Appeals for Prizes, shall be and remain in the custody and possession of the said Registrar of Her Majesty in ecclesiastical and maritime causes.

Custody of records, &c., of the Court of Delegates and Appeals.

15. It shall be lawful for the said Judicial Committee from time to time to make such rules, orders, and regulations respecting the practice and mode of proceeding in all appeals from Ecclesiastical and Admiralty and Vice-Admiralty Courts, and the conduct and duties of the officers and practitioners therein, and to appoint such officer or officers as may be necessary for the execution of processes under the said seal of Her Majesty, and in respect to all appeals and other matters referred to them, as to them shall seem fit, and from time to time to repeal or alter such rules, orders, or regulations :

Judicial Committee may make rules, &c., respecting practice and mode of proceeding in appeals, &c.

Provided always that no such rules, orders, or regulations shall be of any force or effect until the same shall have been approved by Her Majesty in Council.

Proviso.

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17. In this Act—

Definition of terms.

All words denoting a male person shall be taken to include a female also ; and

All words denoting one person or thing shall be taken to include also several persons or things, unless a contrary sense shall clearly appear from the context ; and

The words "Arches Court of Canterbury" used in this Act shall be construed to extend to such Court as shall exercise the jurisdiction of the said Court, or be substituted for the same ; and

Wherever the words "Ecclesiastical Court" have been used in this Act the same shall be construed to extend to such Court as shall exercise the jurisdiction or any part of the jurisdiction exercised by any Ecclesiastical Court, or be substituted for the same ; and

6 & 7 Vict.,  
c. 38.

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The words “ecclesiastical and maritime cause of appeal” shall be construed to extend to causes appealed from Ecclesiastical Courts, and such Court as shall exercise the jurisdiction or any part of the jurisdiction exercised by any Ecclesiastical Court, or be substituted for the same.

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