

ORDER XLIV.

APPEALS.

1. In this Order, unless the context otherwise requires :—
 - “ Appeal ” means “ Appeal to His Majesty in Council.”
 - “ Judgment ” includes decree, order, or decision.
 - “ Record ” means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence, and judgment) proper to be laid before His Majesty in Council on the hearing of the appeal.
2. Applications to the Court for the admission of an appeal as of right, or for leave to appeal, shall, if not made at the time that the judgment appealed from is delivered by the Court, be made by motion within seven days from the date of such judgment, and the applicant shall give to the opposite party notice of his intended application.
3. An appeal shall only be admitted, or leave to appeal granted, by the Court—
 - (a.) Upon the appellant, within a period to be fixed by the Court, entering into sufficient security to the satisfaction of the Court, if so required, for the due prosecution of the appeal and the payment of all such costs as may become payable to the respondent in the event of the appeal being dismissed for non-prosecution or of His Majesty in Council ordering the appellant to pay the respondent's costs of the appeal; and
 - (b.) Upon such conditions, if any, as to the time or times within which the appellant shall take the necessary steps for the purpose of procuring the preparation of the record and the despatch thereof to the Privy Council as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.
4. The Court shall have power, when admitting the appeal or granting leave to appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the appeal, and, in case the Court shall direct the said judgment to be carried into execution, the person in whose favour it was given shall, before the execution thereof, enter into sufficient security, to the satisfaction of the Court, for the due performance of such order as His Majesty in Council shall think fit to make thereon.
5. As soon as an appeal has been admitted, whether by an order of the Court or by an order of His Majesty in Council granting special leave to appeal, the appellant shall without delay take all necessary steps to have the record prepared forthwith.
6. The preparation of the record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the Court.
7. The Registrar as well as the parties shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the appeal, and generally to reduce the bulk of the record as far as practicable.
8. Records in appeals to His Majesty in Council shall be printed in the form known as demy quarto, and may be printed either in or out of England. The number of lines in each page shall be forty-seven or thereabouts, and every tenth line shall be numbered in the margin.

Where the record is printed out of England, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council forty printed copies of such record, one of which copies he shall certify to be correct by affixing thereto the seal of the Court.

Where the record relates to an appeal from a Court out of England and is to be printed in England, or where the record relates to an appeal from the High Court in England, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council one certified copy of such record, together with an index of all the papers and exhibits in the case.
9. Where there are two or more appeals arising out of the same matter the Court may direct the appeals to be consolidated.
10. An appellant may, at any time before the record is transmitted to the Privy Council, withdraw his appeal on such terms as to costs and otherwise as the Court may direct.
11. Where an appellant fails to show due diligence in the prosecution of his appeal before the transmission of the record to the Privy Council, the Court may, on an application made by the respondent,