Supreme Court for the time being; and from every judgment or order of the said Court of Appeal in an appeal brought under or by virtue of this Act a further appeal shall lie to the House of Lords, and such last-mentioned appeal shall be subject to all such provisions, conditions, and orders of the House of Lords as are applicable to appeals to the House of Lords under the Appellate Jurisdiction Act, 1876.

And after the passing of this Act no appeal shall be brought from any judgment or order of the chancellor of Durham direct to the House of Lords.

Short title.

12. This Act may be cited as the Palatine Court of Durham Act, 1889.

CHAPTER 48.

An Act to amend the County Court (Ireland) Acts.

[26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extent of Act.

1. This Act shall extend to Ireland only.

Short title.

2. This Act may be cited as the County Court Appeals (Ireland) Act, 1889.

Any party dissatisfied with any equity or probate adjudication may appeal to the judge of assize, who is hereby authorised to hear and determine the same.

3. Any party to a suit or matter dissatisfied with any decree, dismiss, direction, or order, of whatsoever nature, and whether adverse to him or in his favour, pronounced by any county court judge in the exercise by him of any jurisdiction in equity or in probate matters, may appeal therefrom to the judge of assize for the county in which such decree, dismiss, direction, or order shall have been made or pronounced, in any case in which it shall not be necessary for the purpose of the decision of such appeal that an account should be taken by such judge of assize; and such judge of assize is hereby empowered and required to hear such appeal and to make such decree or order thereon as he shall think proper, or he may remit the suit or matter to the county court judge with such declarations or directions as he shall think proper; and upon the hearing of every such appeal the judge may award all or such costs and all or such expenses of witnesses in connexion with the appeal, and also all or such costs and all or such expenses of witnesses in the civil bill court, to be paid by or to such of the parties to the suit or matter as to him shall seem just, and may order any money deposited by any such party to the credit of any such suit or matter to be applied in or towards payment of such costs or expenses, or to be returned to the party lodging the same, or to be otherwise disposed of in accordance with the decree or order made upon appeal, as to such judge shall seem just.

Any person bringing an appeal under the provisions of this section shall, on instituting such appeal, be deemed to have abandoned any other right to appeal or to have a case stated, which he may have in respect of the same matter.

Jurisdiction extended to judge of assize. 40 & 41 Vict. c. 56. 45 & 46 Vict. c. 29.

4. All jurisdiction, powers, and authorities conferred upon any civil bill court by the County Officers and Courts (Ireland) Act, 1877, and the County Court Amendment (Ireland) Act, 1882, are hereby conferred upon and may be exercised by any judge of assize engaged in hearing any appeal under this Act from any civil bill court.

Amendment of civil bill on appeal. 27 & 28 Vict. c. 99.

5. The judge of assize, on the hearing of any appeal from the decision of a county court judge in the case of an ordinary civil bill, may amend such civil bill into an equity civil bill, and may make such other amendments consequential thereon in the statement of the plaintiff's claim as the judge shall think fit; and the judge of assize, on the hearing of any appeal brought under the provisions of this Act, shall have such and the same powers of amendment as are conferred on the judge of assize on appeal by the forty-eighth section of the Civil Bill Courts Procedure Amendment Act (Ireland), 1864.

Power to require county court judge to state a case.

6. Any person dissatisfied with the decision on any question of law made by a county court judge, in the exercise by him of any jurisdiction in equity or probate matters, may require the county court judge to direct a case to be stated in the prescribed manner; and the county court judge, unless satisfied that the application is frivolous, vexatious, or unreasonable, shall direct a case to be stated, and shall sign the same, and it shall be lodged in the prescribed manner in the High Court. Cases stated in equity shall be heard and determined by the Lord Chancellor or one of the judges of the Chancery Division of the High Court amongst whom the Lord Chancellor may distribute such cases. Cases stated in probate matters shall be heard and determined by the President of the Probate and Matrimonial Division of the High Court.

A case may, if necessary, be amended either before or at the hearing by consent of the parties, or it may be referred back for amendment to the county court judge by whom the case was directed to be stated, or his successor in office.

The Lord Chancellor may, by general or special order, provide for the distribution amongst the judges of the Chancery Division of the High Court of the cases stated in equity lodged in court under this section. Until other provision is made by such general or special order for the distribution of the said cases stated in equity the same shall be distributed in the manner provided by the orders in force at the passing of this Act for the distribution of equity appeals from county courts, under section forty-five of the County Officers and Courts (Ireland) Act, 1877.

Any person requiring a case to be stated under the provisions of this section shall, on such case being stated, be deemed to have abandoned any other right he may have to have a case stated, or to appeal in respect of the same matter.

Consolidation of appeals.

7. Where two or more of the parties to a suit or matter require a case to be stated in reference to the same decision of a county court judge, a single case only shall be stated, which shall be stated in the prescribed manner; and where two or more of such parties

proceed to question such decision, unless all of such parties shall agree to proceed in the same manner, the manner of questioning such decision shall be by a single appeal to the judge of assize, in such manner and subject to such conditions as may be prescribed.

Decisions to be final.

8. The decision of the judge of assize upon any appeal brought under the provisions of this Act shall be final and conclusive except in such case as is herein-after provided, and the decision of the Lord Chancellor, judge of the Chancery Division of the High Court, or president of the Probate and Matrimonial Division of the High Court, as the case may be, upon any case stated under the provisions of this Act, shall be final and conclusive in all cases.

The judge of assize, on the hearing of any appeal brought under the provisions of this Act, or the Lord Chancellor, or other judge, on the hearing of an appeal under the provisions of the County Officers and Courts (Ireland) Act, 1877, notwithstanding the forty-third section of the said Act, may give special leave to appeal to the court of appeal on a question of law, in which case an appeal may be brought in the prescribed manner to the court of appeal on such question, which may make such order in respect of the matter of the appeal and as to costs, as to the said court shall seem just, and whose decision shall be final and conclusive.

40 & 41 Vict. c. 56.

Appeal not a stay without security for costs.

9. The statement of a case, or the pendency of an appeal, under this Act shall not operate as a stay of execution unless and until full security by lodgment, or otherwise, shall have been given for costs to the extent and in the manner prescribed by rules under this Act.

Mode of appeal.

10. Every appeal under this Act shall be taken in such manner and form, and subject to such security for costs and otherwise, as shall be prescribed, or until rules and orders shall be made under this Act in the manner and form as nearly as may be, and subject to the conditions specified in the County Court Amendment (Ireland) Act, 1882.

45 & 46 Vict. c. 29.

Appeals from Court of Recorder of Dublin.

11. In the application of this Act to the courts held by the Recorder of Dublin, a judge of the High Court shall be substituted instead of a judge of assize, according to the practice heretofore used in appeals from the Recorder.

Act not to interfere with existing rights of appeal.

12. The provisions of this Act shall be in addition to, and not in substitution for, any right to appeal from or have a case stated by a county court judge existing at the time of the passing of this Act.

Appeal in certain cases after time has expired.

13.—(1.) Any defendant in any ordinary civil bill decree, pronounced by a county court judge, who did not appear personally or by solicitor or counsel at the hearing of such civil bill, and who did not appeal from such decree within the period prescribed by the County Court Amendment (Ireland) Act, 1882, may, within one month after he shall first have had notice of such decree having been pronounced against him, if he thinks himself aggrieved thereby, deposit the amount of such decree and costs in the hands of the

clerk of the peace, and thereupon all further proceedings pending the result of an appeal against such decree shall be stayed.

(2.) On the amount of said decree and costs being deposited with the clerk of the peace as aforesaid, the said defendant may, within four days from the date of such deposit, appeal to the next going judge of assize from the said decree in manner provided by the said Act, in like manner as if the time prescribed by the said Act for appealing had not expired, provided he shall first enter into a recognisance in the prescribed form in the sum of five pounds (with sufficient sureties), conditioned to perform and abide by the result of such appeal.

(3.) The party appealing shall make affidavit in the prescribed form that such appeal is not for the purpose of delay, and that he believes that there is probable cause for reversing the said decree, and that such deposit was made as aforesaid within one month after he first had notice of said decree, and on such affidavit being lodged with the clerk of the peace and the other preliminaries in the said Act and this section provided being carried out, the clerk of the peace shall enter such appeal for hearing.

(4.) The clerk of the peace shall hold the amount so deposited with him as aforesaid, to abide the result of said appeal or any order which may be made on the hearing of such appeal.

Attendance of clerks of peace.

14. The clerk of the peace is hereby required to attend in court on the hearing of every appeal under this Act, and to record in the prescribed manner the proceedings on such hearing, and to prepare the order to be signed by the judge of assize in accordance with his decision upon the appeal.

County court judge may direct clerk of peace or registrar to conduct inquiries and take accounts.

15. From and after the passing of this Act it shall be lawful for a county court judge to direct the clerk of the peace, or the registrar of the Civil Bill Court, to attend at any place or places within his jurisdiction during such days as he shall think right for the purpose of conducting such inquiries and taking such accounts as shall be referred to him, and every clerk of the peace, where that office has not been united with the office of clerk of the Crown as herein-after mentioned, shall be paid, out of moneys to be provided by Parliament, for such extra days service such sum as may be approved of by the Lord Chancellor, with the consent of the Treasury.

Allowances to clerks of peace and registrars.

16. There shall also be paid, out of moneys to be provided by Parliament, to clerks of the peace or registrars sums at the usual rate for subsistence allowances and travelling expenses while employed in the discharge of any additional duties imposed upon them by or under this Act.

Interpretation of terms.

17. The terms and expressions used in this Act shall have the same meanings respectively as they have in the County Officers and Courts (Ireland) Act, 1877, and rules thereunder, unless there is something in the context repugnant thereto; and in this Act "Court of Appeal" means Her Majesty's Court of Appeal in Ireland, and "High Court" means Her Majesty's High Court of Justice in Ireland.

Rules of court, procedure, forms, scale of fees.

18.—(1.) In this Act, the expression "prescribed" means prescribed by rules and orders under this Act.

(2.) In this Act, unless the context otherwise requires, the expression "clerk of the peace" includes clerk of the Crown and peace where the offices of clerk of the Crown and clerk of the peace have been united under the provisions of the County Officers and Courts (Ireland) Act, 1877.

40 & 41 Vict. c. 56.

(3.) Rules and orders may be made for the purposes of this Act, and for prescribing forms, and for prescribing the notices required to be given to the parties to any proceeding to which this Act applies, and for directing which of such parties are entitled to be served with such notices, and for prescribing scales of fees and costs.

(4.) Service of all notices and legal documents whatever may be effected, either according to the existing rules, orders, or statutory enactments applicable thereto, or in the prescribed manner.

(5.) Save as herein-after prescribed, the power of prescribing anything authorised by this Act to be prescribed shall be exercised by the authority, and subject to the conditions, by and subject to which Rules of Court are made under the Supreme Court of Judicature Act (Ireland), 1877, as amended by any other Act, and Rules as to practice, procedure, and costs, in reference to all appeals under this Act, may be made by the like Rules of Court.

40 & 41 Vict. c. 57.

(6.) In the case of proceedings in the county court under section six of this Act up to and including the signature of a case stated, the aforesaid powers shall be exercised by the authority and subject to the conditions by and subject to which they are exercised under the County Officers and Courts (Ireland) Act, 1877, as amended by any other Act.

40 & 41 Vict. c. 56.

(7.) All rules and orders, and scales of fees, costs, and charges, prescribed by rules made by the authorities mentioned in the said Acts respectively shall be and continue in full force and effect until altered according to law.

CHAPTER 49.

An Act for amending and consolidating the Enactments relating to Arbitration. [26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

References by Consent out of Court.

Submission to be irrevocable, and to have effect as an order of court.

1. A submission, unless a contrary intention is expressed therein, shall be irrevocable, except by leave of the Court or a judge, and shall have the same effect in all respects as if it had been made an order of Court.

Provisions implied in submissions,

2. A submission, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in the First