

## ROYAL CHARTER

### For Establishing the Supreme and Circuit Courts of Newfoundland.

*GEORGE THE FOURTH, by the Grace of GOD,  
of the United Kingdom of Great Britain and  
Ireland, King, Defender of the Faith.*

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING :

Recital of Act  
5 G. 4, c. 67.

And of authority  
to institute  
Supreme Court.

And Circuit  
Courts.

Recital of author-  
ity to make rules  
and orders, and to  
empower Supreme  
Court to make  
rules and orders.

Whereas by an Act of Parliament passed in the fifth year of our reign, intituled "An Act for the better Administration of Justice in Newfoundland, and for other purposes," it is amongst other things enacted that it shall and may be lawful for us, by our charter or letters patent under the great seal, to institute a superior Court of Judicature in Newfoundland, which shall be called "the Supreme Court of Newfoundland." And it is thereby further enacted, that the said Supreme Court shall be holden by a Chief Judge and two assistant Judges, being respectively barristers in England or Ireland of at least three years' standing, or in some of our colonies or plantations. And it is thereby further enacted, that it shall and may be lawful for us, by any such charter or letters patent as aforesaid, to institute Circuit Courts in each of the three districts into which the said colony may be so divided, as in the said Act mentioned. And it is thereby further enacted, that it shall be lawful for us, our heirs and successors, by such charter or letters patent as aforesaid, or by any order or orders to be thereafter issued, by and with the advice of our or their Privy Council, to make and prescribe, or to authorize and empower the said Supreme Court of Newfoundland, under such limitations as we shall deem proper, to make and prescribe such rules and orders, touching and concerning the forms and manner of proceeding in the said Supreme Court and Circuit Courts respectively, and the practice and pleadings upon all indictments, informations, actions, suits, and other matters to be therein brought, or touching or concerning the appointment of commissioners to take bail and examine witnesses; the taking examination of witnesses *de bene esse*, and allowing the same as evidence; the granting of probates of wills and letters of administration; the proceedings of the Sheriff and his deputies, and other ministerial officers; the summoning of assessors for the trial of crimes and misdemeanors in the

said Circuit Courts; the process of the said Courts and the mode of executing the same; the empannelling of juries, the admission of barristers, attorneys and solicitors; the fees, poundage, or perquisites to be lawfully demanded by any officer, attorney or solicitor in the said Courts respectively; and all other matters and things whatsoever, touching the practice of the said Courts, as to us, our heirs and successors, shall deem meet for the proper conduct of business in the said Courts; and such rules and orders from time to time to alter amend or revoke, as to us, our heirs and successors, shall seem requisite. And it is thereby further enacted, that it shall and may be lawful for us, by our said charter or letters patent, to allow any person or persons aggrieved by any judgment, decree, order, or sentence of the said Supreme Court to appeal therefrom to us in Council, in such manner, within such time, and under and subject to such rules, regulations and limitations, as we, by such charters and letters patent, shall appoint and direct. Now, know ye, that we, upon full consideration of the premises, and of our especial grace, certain knowledge and mere motion, have, in pursuance and by virtue of the said Act of Parliament, thought fit to grant, direct and appoint that there shall be within our said colony of Newfoundland a Court which shall be called "the Supreme Court of Newfoundland."

And we do hereby create, erect and constitute the said Supreme Court of Newfoundland to be a Court of Record, and do direct and appoint that the same shall be composed of and holden by one Chief Judge and two assistant Judges, and we do hereby give and grant to our said Chief Judge rank and precedence above and before all our subjects whatsoever within the said colony of Newfoundland aforesaid, and the islands, territories and places dependent thereupon, excepting the Governor or acting Governor for the time being of the said colony, and excepting all such persons as by law or usage take place in England before our Chief Justice of our Court of King's Bench. And we do hereby give and grant to our said assistant Judges rank and precedence within our said colony, and the islands, territories and places dependent thereupon, next after our said Chief Judge, the said assistant Judges taking precedence between themselves according to the priority of their respective appointments to the said office, or where they may be both appointed at the same time, then according to their seniority as barristers. And we do further grant, ordain, and appoint that the said Supreme Court of Newfoundland shall have and use, as occasion may require, a seal bearing a device and impression of our royal arms, with an exergue or label surrounding the same, with this inscription, "The seal of the Supreme Court of Newfoundland." And we do hereby grant,

And to permit  
appeals to His  
Majesty in  
Council.

Institution of  
Supreme Court to  
be a Court of  
Record, and to  
be composed and  
holden by a Chief  
Judge and two  
assistant Judges.  
Rank and prece-  
dence of Chief  
Judge and assis-  
tant Judges.

Seal of Supreme  
Court.

ordain and appoint that the said seal shall be delivered to and kept in the custody of the said Chief Judge. And we do further grant, ordain and declare that the said Chief Judge and assistant Judges, so long as they shall hold their respective offices, shall be entitled to have and receive the following salaries, that is to say: our said Chief Judge a salary of one thousand two hundred pounds sterling money, by the year; and each of our assistant Judges a salary of seven hundred pounds, like sterling money, by the year; and our Governor or acting Governor for the time being of the said colony is hereby directed and required to cause such salary to be paid to the said Chief Judge and assistant Judges out of the revenue of the said colony by four quarterly payments, at the four most usual days of payment in the year. And we do further grant, ordain, and declare that the said salary shall commence and take place, in respect to any person who shall be resident in Great Britain or Ireland at the time of his appointment, upon and from the day on which any such person shall thereupon embark or depart from Great Britain or Ireland for Newfoundland, and to take upon him the execution of the said office; and that the salary of any such Chief Judge or assistant Judges, who shall at the time of his appointment be resident in Newfoundland aforesaid, shall commence and take place from and after his taking upon him the execution of such office, and that such salary shall be in lieu of all fees of office, perquisites, emoluments and advantages whatsoever; and that no fees of office, perquisite, emolument or advantage whatsoever, other than and except the said salary, shall be accepted, received or taken by such Chief Judge or assistant Judges, in any manner or on any account or pretence whatsoever: Provided nevertheless, that it shall be lawful for the said Chief Judge or assistant Judges to occupy and inhabit any official house or residence within the said colony of Newfoundland which hath been or may hereafter be provided for their or any of their residence and occupation, without paying to us, our heirs and successors any rent for the same, and without being obliged to repair, uphold or maintain any such house or official residence at his own cost and charges. And we do further grant, appoint and declare that no Chief Judge or assistant Judge of the said Supreme Court of Newfoundland, shall be capable of accepting, taking or performing any office or place of profit or emolument on pain that the acceptance of any such other office or places aforesaid, shall be and be deemed in law, *de facto*, an avoidance of the office of such Chief Judge or assistant Judge, as the case may be; and the salary thereof shall cease and be deemed to have ceased accordingly from the time of such acceptance of any such other office or place. And we do hereby constitute and

Salaries of Judges.

Commencement of salary.

To be in lieu of of all fees, &c.

Judges, nevertheless, may occupy official residences without payment of rent and repairs.

Acceptance of place of profit or emolument to be an avoidance of office.

appoint our trusty and well-beloved RICHARD ALEXANDER TUCKER, Esq., to be the first Chief Judge of the said Supreme Court of Newfoundland, the said RICHARD ALEXANDER TUCKER being a barrister in England of three years' standing and upwards. And we do hereby constitute and appoint our trusty and well-beloved AUGUSTUS WALLET DESBARRES and JOHN WILLIAM MOLLOY, Esquires, to be first assistant Judges of the said Supreme Court, the said AUGUSTUS WALLET DESBARRES and JOHN WILLIAM MOLLOY being respectively barristers of three years' standing and upwards. And we do hereby grant, direct and appoint that there shall be within our said colony of Newfoundland three Circuit Courts, to be held in each of the three districts into which the said colony may be divided in pursuance of the said Act of Parliament. And we do hereby erect, create and constitute the said Circuit Courts respectively to be Courts of Record; and do direct and appoint that each of the said Circuit Courts shall be holden by the Chief Judge or one of the assistant Judges of the Supreme Court of Newfoundland aforesaid. And we do direct and appoint that the Chief Judge of the said Supreme Court shall be always at liberty to decide which of the three Circuit Courts shall be holden by him, and that the senior assistant Judge shall be always at liberty to decide which of the two remaining Circuit Courts shall be holden by him. And we do hereby ordain, appoint and declare that there shall be and belong to the said Supreme Court and Circuit Courts respectively, such and so many officers as to the Chief Judge of the said Supreme Court for the time being shall, from time to time, be deemed necessary for the administration of justice and the due execution of all the powers and authorities which are granted and committed to the said Supreme Court and Circuit Courts respectively by the said Act of Parliament, or by these our letters patent: Provided nevertheless, that no office shall be created in the said Courts, or any of them, unless the Governor or acting Governor, for the time being, of our said colony, shall first signify his approbation thereof to our said Chief Judge for the time being, in writing under the hand of such Governor or acting Governor as aforesaid. And we do further ordain and direct, that all persons who shall and may be appointed to the several offices of master, registrar, accountant-general, or prothonotary of the said Supreme Court or Circuit Courts of Newfoundland, or to any office in the said Courts, or any of them, whereof the duties shall correspond to those performed by the master, registrar, accountant-general, or prothonotary of any or either of our Courts of Record at Westminster, shall be so appointed by us, our heirs and successors, by warrant under our or their royal sign manual,

First Chief Judge  
and assistant  
Judges.

Circuit Courts.

Chief Judge and  
senior assistant  
to choose circuits.

Supreme and Cir-  
cuit Courts to have  
so many officers  
as Chief Judge  
shall deem neces-  
sary.

But no office to be  
created without  
the Governor's  
approbation.

Appointment to  
offices of master,  
registrar, &c., to  
be by warrant  
under royal sign  
manual; other  
officers by the  
Chief Judge.

Supreme Court empowered to admit barristers or advocates of Great Britain and Ireland, and attorneys, solicitors and writers of Courts at Westminster, Dublin or Edinburgh; also proctors in English ecclesiastical Courts, to act both as barristers, &c., of Supreme Court of Newfoundland.

Also persons serving clerkship of five years to any such barrister or attorney. No other person to appear and plead.

Proviso in case of insufficient number of such barristers, attorneys, &c.

Court to make rules and orders as to admission of barristers, attorneys, &c.

to hold such their offices during our or their pleasure; and that all persons who shall and may be appointed to any other office within the said Supreme Court of Newfoundland, or within the said Circuit Courts of Newfoundland, shall be so appointed by the Chief Judge, for the time being, of the said Supreme Court, and shall be subject and liable to be removed from such their offices by the said Chief Judge upon reasonable and sufficient cause. And we do hereby authorize and empower the said Supreme Court of Newfoundland to approve, admit and enrol such and so many persons, having been admitted barristers-at-law or advocates in Great Britain and Ireland, or having been admitted writers, attorneys or solicitors in one of our Courts at Westminster, Dublin or Edinburgh, or having been admitted as proctors in any ecclesiastical Court in England, to act as well in the character of barristers and advocates as of proctors, attorneys and solicitors in the Supreme Court of Newfoundland, and which persons so approved, admitted and enrolled as aforesaid, shall be and are hereby authorized to appear and plead and act for the suitors of the said Supreme Court, subject always to be removed by the said Supreme Court from their station therein upon reasonable cause. And we do further authorize the said Supreme Court of Newfoundland to admit and enrol as barristers, advocates, attorneys, proctors, or solicitors therein such and so many persons as may have served a clerkship, under articles in writing, for the term of five years at the least, to any barrister, advocate, proctor, attorney or solicitor of the Supreme Court aforesaid. And we do declare that no person or persons, other than the persons aforesaid, shall be allowed to appear, plead, or act in the Supreme Court of Newfoundland for and on behalf of the suitors of the said Court, or any of them: Provided always, and we do ordain and declare, that in case there shall not be a sufficient number of such barristers-at-law, advocates, solicitors, writers, attorneys, solicitors and proctors, or of persons so admitted and enrolled as aforesaid, to act as such within the said colony, competent and willing to appear and act for the suitors of the said Supreme Court, then and in that case the said Supreme Court of Newfoundland shall and is hereby authorized to admit so many other fit and proper persons to appear and act as barristers, advocates, proctors, attorneys and solicitors as may be necessary according to such general rules and qualifications as the said Supreme Court shall for that purpose make and establish. And we do hereby authorize the said Supreme Court to make and prescribe such rules and orders as to them may seem expedient and necessary with regard to the admission of persons to practice the law, and appear and act in the character

of barristers and advocates, proctors, attorneys and solicitors in the said Circuit Courts respectively. And we do hereby ordain and declare that the Governor or acting Governor for the time being of the said colony of Newfoundland shall yearly, and on the Monday next following the first day of January in each year, by warrant under his hand and seal, nominate and appoint some fit and proper person to act as and be the Sheriff for our said colony of Newfoundland and its dependencies, other than except the coast of Labrador, <sup>Appointment of Sheriff.</sup> for the year ensuing; which Sheriff, when appointed shall, as soon as conveniently may be, and before he shall enter upon his said office take, before the Governor or acting Governor of our said colony, an oath faithfully and impartially to execute the duties of such his office; and such Sheriff shall continue in such his office during the space of one whole <sup>To continue in office for one year.</sup> year, to be computed from the said Monday next following the first day of January in each year, and until another Sheriff shall be appointed and sworn into the said office. And in case any such Sheriff should die in his said office, or depart from our said colony of Newfoundland and its dependencies, then and in such case another person shall, as soon as conveniently may be after the death or departure of such Sheriff, be in like manner appointed and sworn in as aforesaid, and shall continue in his office for the remainder of the year, and until another Sheriff shall be duly appointed and sworn into the said office. And we do further direct and <sup>Provision in case of death, &c., of Sheriff.</sup> appoint that it shall and may be lawful for the Governor or acting Governor of the said colony to renew from year to year the appointment of the same person as Sheriff for our said colony and its dependencies; and that in selecting the person to be appointed to the execution and discharge of the said office, the said Governor or acting Governor shall conform to such written instructions or commands as may from time to time be signified by us, our heirs or successors, to him through one of our or their principal secretaries of state. And we do further direct that, before entering upon the execution of <sup>Duties of Sheriff and deputies.</sup> the duties of his said office, the said Sheriff shall enter into a recognizance to us in the said Supreme Court of Newfoundland, in the sum of five thousand pounds, with two good and sufficient sureties, in the sum of two thousand pounds each, for the due and faithful performance of the duties of such his office, and for the due and punctual payment of all such sums of money as may by him or his lawful deputies be levied or received by virtue of any process, rule or order of the said Supreme Court or Circuit Courts, or any of them. And we do further direct that the said Sheriff shall, on the first Monday of each calendar month, <sup>To exhibit monthly accounts.</sup> produce before the Chief Judge or one of the assistant Judges aforesaid, a written account of all the money by him or by

To execute  
process.

To have custody  
of prisoners.

How process to  
be directed, &c.,  
where Sheriff is  
interested.

Limits of his  
jurisdiction to  
be fixed.

his lawful deputies received during the calendar month last preceding, and stating the application thereof, so far as the same by him or them have been applied, and also stating the exact balance of such moneys then remaining in the possession of himself or his said deputies, so far as the returns received from such deputies enable him to make out the said accounts. And we do further order that the said Chief Judge or assistant Judges, as the case may be, shall cause the said account to be publicly exhibited in the office of the prothonotary or registrar of the said Supreme Court for the space of one calendar month next after the same shall have been so rendered, and shall then cause the same to be enrolled among the records of the said Court. And we do further order, direct and appoint that the said Sheriff and his successors shall, by themselves or their sufficient deputies, to be by them appointed and duly authorized under their respective hands and seals, and for whom he and they shall be responsible during his or their continuance in such office, execute, and the said Sheriff, by himself or his lawful deputies, is hereby authorized to execute the writs, summonses, rules, orders, warrants, commands, and process of the said Supreme Court and the said Circuit Courts, and to make return of the same, together with the manner of the execution thereof, to the said Supreme Court and Circuit Courts respectively, and to receive and detain in prison all such persons as shall be committed to the custody of such Sheriff by the said Supreme Court and Circuit Courts respectively, or by the Chief Judge or assistant Judges, or either of them. And we do further direct, ordain and appoint that whenever the said Supreme Court or any of the said Circuit Courts shall direct or award any process against the said Sheriff, or shall award any process in any cause, matter or thing wherein the said Sheriff on account of his being related to the parties or any of them, or by reason of any good cause of challenge which would be allowed against any Sheriff in England, cannot or ought not by law to execute the same, then, and in every such case, the said Supreme Court or the said Circuit Courts, as the case may be, shall name and appoint some other fit person to execute and return the same. And the said process shall be directed to the person so to be named for that purpose; and the cause of such special processes shall be suggested and entered on the records of the Court issuing the same: Provided always, and we do hereby ordain and declare that the said Supreme Court and the said Circuit Courts shall respectively fix certain limits beyond which the said Sheriff shall not be compelled or compellable to go, in person or by his officers or deputies, for the execution of any process of the said Courts respectively; and upon occasion, when

the process of any of the said Courts shall be to be executed in any place or places beyond the limits so to be fixed, we grant, ordain and direct that the said Supreme Court or Circuit Courts respectively, as the case may be, shall, upon motion, direct by what person or persons and in what manner such process shall be executed, and the terms and conditions which the party at whose instance the same shall be issued shall enter into in order to prevent any improper use or abuse of the process of the said Courts. And the said Sheriff shall, and he is hereby required to grant his special warrant or deputation to such person or persons as the Court making any such order shall direct for the execution of such process; and in that case we direct and declare that the said Sheriff, his heirs, executors or administrators, shall not be responsible or liable for any act to be done in or any way respecting the execution of such process under and by virtue of such special warrant; and that any person or persons being aggrieved under or by virtue of such special warrant, shall and may seek their remedy under any security which may have been directed to be taken upon the occasion, and which the Court issuing such process is hereby authorized to direct to be taken. And it is our further will and pleasure, and we do hereby for us, our heirs and successors, grant and ordain, establish and appoint, that the said Supreme Court shall grant probates under the seal of the said Court of the last wills and testaments of all or any of the inhabitants of the said colony and its dependencies, and of all other persons who shall die and have personal effects within the said colony and its dependencies, and to commit letters of administration, under the seal of the said Supreme Court, of the goods, chattels, credits and all other effects whatsoever of the persons aforesaid who shall die intestate or who shall not have named an executor resident within the said colony and its dependencies, or where the executor being duly cited shall not appear and sue forth such probate, annexing the will to the said letters of administration, when such persons shall have left a will, and to sequester the goods, chattels, credits and other effects whatsoever, of such persons so dying, in cases allowed by the law, as the same is and may be now used in the diocese of London; and to demand, require, take, hear, examine and allow, and, if occasion require, to disallow and reject the accounts of them, in such manner and form as is now used or may be used in the said diocese of London, and to do all other things whatsoever needful and necessary in that behalf: Provided always, and we do hereby authorize and require the said Supreme Court, in such cases as aforesaid, where letters of administration shall be committed with the will annexed for want of an executor appearing in due time to sue forth the probate, to reserve in such letters of

How process to be executed beyond limits.

Special deputation to be granted by Sheriff.

Supreme Court to grant probates and letters of administration, according to the usage in the diocese of London.



administration full power and authority to revoke the same, and to grant probate of the said will to such executor whenever he shall duly appear and sue forth the same. And we do hereby further authorize and require the said Supreme Court of Newfoundland to grant and commit such letters of administration to any one or more of the lawful next of kin of such persons so dying, as aforesaid, being then resident within the jurisdiction of the said Supreme Court, and being of the age of twenty-one years: Provided always, that probates of wills and letters of administration to be granted by the said Supreme Court shall be limited to such moneys, goods, chattels, and effects as the deceased person shall be entitled to within the said colony and its dependencies. And we do hereby further enjoin and require that every person to whom such letters of administration shall be committed, shall, before the granting thereof, give sufficient security by bond to be entered into, to us, our heirs and successors, for the payment of a competent sum of money, with one, two, or more able sureties, respect being had in the sum therein to be contained, and the ability of the sureties, to the value of the estate, credits, and effects of the deceased, which bond shall be deposited in the said Supreme Court, among the records thereof, and there safely kept; and a copy thereof shall be also recorded among the proceedings of the said Supreme Court; and the condition of the said bond shall be to the following effect: "That if the above bounden administrator of the goods, chattels, and effects of the deceased, do make or cause to be made a true and perfect inventory of all and singular the goods, credits, and effects of the said deceased which have or shall come to the hands, possession or knowledge of him the said administrator, or to the hands or possession of any other person or persons for him, and the same so made do exhibit, or cause to be exhibited, in the said Supreme Court of Newfoundland, at or before a day therein to be specified; and the same goods, chattels, credits, and effects, and all other the goods, chattels, credits, and effects of the deceased at the time of his death, or which at any time afterwards shall come to the hands or possession of any such administrator, or to the hands or possession of any such other person or persons for him, shall well and truly administer according to law; and further to make, or cause to be made a true and just account of his said administration at or before a time therein to be specified, and afterwards, from time to time, as he, she, or they shall be lawfully required; and all the rest and residue of the said goods, chattels, credits, and effects which shall be found, from time to time, remaining upon the said administration accounts, the same being first examined and allowed of by the said Supreme Court of Newfoundland, shall and do pay and dispose of in a due course of administra-

Administration to be granted to next of kin.

Probates and administrations only to affect property within the colony.

Administration bond.

Form of it.

tion or in such manner as the said Court shall direct, then this obligation to be void and of none effect, or else to be and remain in full force and virtue" And in case it shall be necessary to put the said bond in suit for the sake of obtaining the effect thereof, for the benefit of such person or persons as shall appear to the said Court to be interested therein, such person or persons from time to time giving satisfactory security for paying all such costs as shall arise from the said suit or any part thereof, such person or persons shall, by order of the said Supreme Court, be allowed to sue the same in the name of the Attorney General for the time being of the said colony, and the said bond shall not be sued in any other manner. And we do hereby authorize and empower the said Supreme Court to order that the said bond shall be put in suit in the name of the said Attorney General. And we do further will, order, and require, that the said Supreme Court shall fix certain periods when all persons to whom probates of wills and letters of administration shall be granted by the said Supreme Court, shall from time to time, until the effects of the deceased shall be fully administered, pass their accounts relating thereto before the said Court; and in case the effects of the deceased shall not be fully administered within the time for that purpose to be fixed by the said Court, then, or at any earlier time, if the said Supreme Court shall see fit so to direct, the person or persons to whom such probate or administration shall be granted shall deposit and dispose of the balance of money belonging to the estate of the deceased, then in his, her or their hands, and all money which shall afterwards come into his, her or their hands, and also all precious stones, jewels, bonds, bills and securities, belonging to the estate of the deceased, in such manner, and unto such persons, as the said Supreme Court shall direct, for safe custody. And we require that the said Supreme Court shall from time to time make such order as shall be just for the due administration of such assets, and for the payment or remittance thereof as occasion shall require, to or for the use of any person or persons whether resident or not resident in the said colony and its dependencies, who may be entitled thereto or any part thereof as creditors, legatees or next of kin, or by any other right or title whatsoever. And we do hereby, in exercise and in pursuance of the power in us by the said Act of Parliament in that behalf vested, authorize and empower the said Supreme Court of Newfoundland, under such limitations as hereinafter mentioned, to make and prescribe such rules and orders as may be expedient touching and concerning the forms and manner of proceeding in the said Supreme Court and Circuit Courts respectively, and the practice and pleadings upon all indictments, informations, actions, suits, and other matters to be therein

Bond to be sued in  
name of Attorney  
General.

Passing of ac-  
counts.

Depositing  
balances.

Distribution.

Supreme Court to  
prescribe rules and  
orders as to form  
and manner of  
proceeding, and  
the practice of the  
Supreme and Cir-  
cuit Courts.

brought, and touching and concerning the appointment of commissioners to take bail and examine witnesses; the taking examination of witnesses *de bene esse*, and allowing the same as evidence; the granting of probates of wills and letters of administration; the proceedings of the Sheriff and his deputies, and other ministerial officers; the summoning of assessors for the trial of crimes and misdemeanours in the said Circuit Courts; the process of the said Courts and the mode of executing the same; the empannelling of juries; the admission of barristers, attorneys, and solicitors; the fees, poundage or perquisites to be lawfully demanded by any officer, attorney or solicitor in the said Courts respectively; and all other matters and things whatsoever touching the practice of the said Courts, as may be necessary for the proper conduct of business therein; and such rules and orders from time to time to alter, amend or revoke, as may be requisite: Provided always, that no such rules or orders be in anywise repugnant to the said Act of Parliament or this our charter: Provided further, that all such rules and orders be promulgated in the most public and authentic manner in our said colony for three calendar months, at least, before the same shall operate and take effect, and that the same be, by the first convenient opportunity, transmitted through the Governor or acting Governor of our said colony, to us, our heirs and successors, for the signification of our or their pleasure, respecting the allowance or disallowance thereof. And we do hereby direct, ordain and appoint that any person or persons feeling aggrieved by any judgment, decree, order, or sentence of the said Supreme Court may appeal to us, our heirs and successors, in our or their Privy Council, in such manner and within such time and under and subject to such rules, regulations and limitations as are hereinafter mentioned, that is to say: in case any such judgment, decree, order or sentence of the said Supreme Court shall be given or pronounced for or in respect of any sum or matter at issue above the amount or value of five hundred pounds sterling, or in case such judgment, decree, order or sentence shall involve directly or indirectly any claim, demand or question of or respecting property, or any civil right amounting to or of the value of five hundred pounds sterling, the person or persons feeling aggrieved by any such judgment, decree, order or sentence of the said Supreme Court, may within fourteen days next after the same shall have been pronounced, made or given, apply to the said Supreme Court by petition for leave to appeal therefrom to us, our heirs and successors, in our or their Privy Council; and in case such leave to appeal shall be prayed by the party or parties who is or are directed to pay any sum of money or perform any duty, the said Supreme Court shall and is hereby em-

Proviso.

To be promulgated three months before taking effect;

And to be subject to royal allowances.

Appeal to His Majesty in Council, how regulated.

Sum or matter at issue to be £500, or involve value to that amount.

To petition fourteen days after decree, &c.

Terms of leave to appeal.

powered either to direct that the judgment, decree, order, or sentence appealed from shall be carried into execution, or that the execution thereof shall be suspended pending the said appeal, as to the said Court may appear to be most consistent with real and substantial justice. And in case the said Supreme Court shall direct such judgment, decree, order or sentence to be carried into execution, the person or persons in whose favor the same shall be given shall, before the execution thereof, enter into good and sufficient security, to be approved by the said Supreme Court, for the due performance of such judgment or order as we, our heirs or successors, shall think fit to make thereupon; or in case the said Supreme Court shall direct the execution of any such judgment, decree, order or sentence to be suspended, pending the appeal, the person or persons against whom the same shall have been given, shall in like manner, and before any order for the suspension of any such execution is made, enter into good and sufficient security to the said Supreme Court for the due performance of such judgment or order as we, our heirs and successors, shall think fit to make thereupon. And in all cases we will and require that security shall be given by the party or parties appellant, to the satisfaction of the said Supreme Court, for the prosecution of the appeal and for the payment of all such costs as may be awarded by us, our heirs and successors to the parties or party respondent; and if the last-mentioned security shall be entered into within three months from the date of such petition for leave to appeal, then and not otherwise the said Supreme Court shall allow the appeal, and the party or parties appellant shall be at liberty to prefer and prosecute his, her or their appeal to us, our heirs and successors, in our or their Privy Council, in such manner and form and under such rules as are observed in appeals made to us from our plantations or colonies. And we do hereby reserve to ourself, our heirs and successors, in our or their Privy Council, full power and authority upon the humble petition at any time of any person or persons feeling aggrieved by judgment, decree, order or sentence of the said Supreme Court, to refuse or admit his, her or their appeal therefrom, upon such terms and upon such limitations, restrictions and regulations as we or they shall think fit, and to reform, correct, or vary such judgment, decree, order or sentence as to us or them shall seem meet. And it is our further will and pleasure that in all cases of appeal allowed by the said Supreme Court or by us, our heirs and successors, the said Supreme Court shall certify and transmit to us, our heirs or successors, in our or their Privy Council, a true and exact copy of all evidence, proceedings, judgments, decrees, sentences, and orders, had or made in such cases appealed, so far as the same have relation to the matter of appeal, such

Judgment to be stayed on security.

Security to be given to prosecute appeal, &c., within three months from date of petition.

Reservation in case of refusal of leave by Supreme Court.

Copies of proceedings to be certified under seal of Court.

Governors, &c., to  
aid in execution  
of the charter.

Proviso that  
nothing herein  
contained shall  
prevent the  
making of further  
provision for the  
administration of  
justice.

copies being under the seal of the said Court. And we do further direct and ordain, that the said Supreme Court of Newfoundland shall, in all cases of appeal to us, our heirs and successors, conform to and execute or cause to be executed, such judgments and orders as we our heirs and successors, shall think fit to make in the premises, in such manner as any original judgment, sentence, decree or decretal order, or other order or rule of the said Supreme Court of Newfoundland, could or might have been executed. And we do hereby strictly charge and command all Governors, commanders, magistrates, ministers, civil and military, and all our liege subjects within and belonging to the said colony, that in the execution of the several powers, jurisdictions and authorities hereby granted, made, given or created, they be aiding or assisting and obedient in all things, as they will answer the contrary at their peril: Provided always that nothing in these presents contained, or any act which shall be done under the authority hereof, shall extend or be construed to extend to prevent us, our heirs and successors, as far as we lawfully may, from repealing these presents, or any part thereof, or from making such further or other provision, by letters patent, for the administration of justice, civil and criminal, within the said colony, and the places now or at any time hereafter annexed thereto, as to us, our heirs and successors, shall seem fit, in as full and ample manner as if these presents had not been made, these presents or anything herein contained to the contrary notwithstanding. In witness whereof we have caused these our letters to be made patent. Witness ourself at Westminster, the 19th day of September, in the sixth year of our reign.

*By writ of privy seal.*

BATHURST.

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