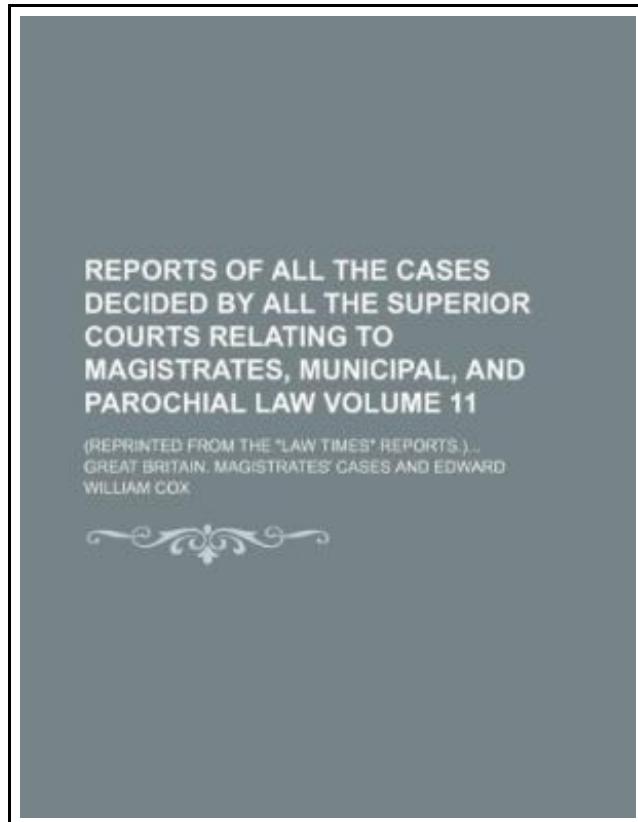


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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1880 Excerpt: .subject to a special case for the opinion of the Queen s Bench Division. The case having been removed into the High Court of Justice by certiorari, the Queen s Bench Division gave judgment affirming the order of sessions, and the overseers and mayor of Walsall appealed. Feb. 5.--Herschell, Q.C., and Anstie, for the appellants.--An appeal lies to this court by the express words of sect. 19 of the Judicature Act 1873, by which the court has jurisdiction to hear and determine appeals from any judgment or order of the High Court of Justice, except in certain cases mentioned in the Act. Sect. 45 does not affect the right of appeal here, for special leave to appeal has been obtained. The way in which the case came before the Queen s Bench Division is practically an appeal; the certiorari is mere machinery to bring the case before the court. M. v. Overseers of Sutton Coldfield (29 L. T. Rep. N. S. 840; L. Rep. 9 Q. B. 153; 43 L. J. 57, Q. B.) illustrates the course of procedure. The jurisdiction of the Queen s Bench is an ancient jurisdiction, not governed by statute. Formerly the quarter sessions used to consult the judge of assize, but when this practice was found to be inconvenient the proceeding by certiorari to bring the case before the Court of Queen s Bench was adopted. The decision of the Queen s Bench fa) BeDnrted hv P. 8. HnrcHtss, Eaa., Itarrister-at-Law....



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