



New Forest Act 1877

1877 CHAPTER cxxi 40 and 41 Vict

Legal Proceedings

36 Appeal from decision of court of swainmote.

Any person aggrieved by a decision of a court of swainmote under this Act may appeal therefrom, subject to the conditions and regulations following:

- (1) The appeal shall be made to [^{F1}the Crown Court] not less than twenty-one days after the giving of the decision from which the appeal is made; and
- (2) The appellant shall, within ten days after the giving of the decision from which the appeal is made, give notice in manner prescribed by the verderers to the other party and to the court of swainmote of his intention to appeal, and the ground thereof; and
- (3) The appellant shall, within three days after giving such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security, by deposit of money or otherwise, as the justice may allow; and
- (4) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:
- (5) The [^{F2}Crown Court] may adjourn the appeal, and upon the hearing thereof [^{F2}the Court] may confirm, reverse, or modify the decision of the court of swainmote, or remit the matter to the court, with the opinion of [^{F2}the Crown Court] thereon, or make such other order in the matter as the court thinks just. The [^{F2}Crown Court] may also make such order as to costs to be paid by either party as the court thinks just.

Textual Amendments

- F1** Words substituted by virtue of [Courts Act 1971 \(c. 23\)](#), [Sch. 8 Pt. I para. 2](#)
- F2** Words substituted by virtue of [Courts Act 1971 \(c. 23\)](#), [Sch. 8 Pt. I para. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the New Forest Act 1877, Section 36.