

*Judgment of the Lords of the Judicial Committee of the Privy Council, on the Petition of the Rev. William Aron Woods for Special Leave to Appeal in the matter of a cause intituled Evans v. Woods, from the Consistory Court of the Diocese of Worcester; delivered 28th March 1900.*

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Present:

The Lord Chancellor (LORD HALSBURY).

LORD HOBHOUSE.

LORD MACNAGHTEN.

LORD DAVEY.

LORD ROBERTSON.

SIR FRANCIS A. JEUNE.

*Ecclesiastical Assessors:*

THE BISHOP OF LONDON.

THE BISHOP OF WINCHESTER.

THE BISHOP OF ROCHESTER.

*(Delivered by the Lord Chancellor.)*

THEIR LORDSHIPS are of opinion that no leave to appeal ought to be given in this case, and indeed they are of opinion that the application is itself a somewhat idle and frivolous one. The language of the statute which gives a right to appeal is as follows (Clergy Discipline Act, 1892, section 4, sub-section 2):—" If a defendant " desires to appeal against any judgment of a " Consistory Court, under this Act, in respect of " the facts, he may petition for leave to appeal, " and if he satisfies the Appellate Court that there " is a *primâ facie* case leave shall be given, and he " may appeal." Under the circumstances it is impossible to suggest that any *primâ facie* case has been made out. Ample evidence was before the Chancellor of the Consistory Court to justify the decision at which he arrived. It is idle to suggest that there is any ground for appeal

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on anything that has yet been seen or heard, and indeed, even upon the present application, it is only suggested that some evidence might, or peradventure might, be forthcoming which might to some extent qualify the evidence given before. No definite proposition has been put before their Lordships, and no definite evidence suggested, in face of the fact that this gentleman himself, being a competent witness, did not tender himself for examination or deny the facts alleged against him. No new fact is now alleged that ought to reopen the inquiry. Their Lordships are of opinion that leave to appeal ought to be refused.