ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

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CAP. CVI.

An Act to make Provision for the better and more expeditious Administration of Justice in the Stannaries of *Cornwall*, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries.

[20th *August* 1836.]

WHEREAS there has existed throughout the Stannaries of *Cornwall* a Court in which the Vice Warden has in certain Cases, wherein Tin or Tinners or Matters connected with Tin are concerned, exercised Original Equitable Jurisdiction: And whereas there has existed a Court in each of the Stannaries of *Cornwall*, called the Steward's Court, and in which the Steward of the Stannaries has exercised a Common Law Jurisdiction in such like Cases: And whereas the Jurisdiction so exercised by the Vice Warden and the Steward respectively has been confined to Cases wherein Tin or Tinners are concerned: And whereas in late Times Lead, Copper, and other Metals and Metallic Minerals than Tin have been discovered in the County of *Cornwall*, and over the Matters connected with the working for and purifying and smelting of which Lead, Copper, and other Metals and Metallic Minerals such Jurisdiction has not been considered to extend: And whereas the various Persons in the said County working and interested in such Lead, Copper, and other Metals and Metallic Minerals are greatly inconvenienced in their Disputes in Cases where such Metals and Metallic Minerals other than Tin are concerned, and are put to great Inconvenience in obtaining Redress therein: And whereas it is expedient to unite

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the Court of Equity of the Vice Warden with the Courts of Common Law of the Steward of the said Stannaries, and to extend the Jurisdiction of the Court to and over all Metals and Metallic Minerals in the said Stannaries, and to and over all Transactions connected therewith in the said County of *Cornwall*, in manner herein-after mentioned, and also to confirm, alter, and enlarge the Powers of such Court in various Particulars, and to make other Provision than heretofore for the hearing of Appeals and Writs of Error therefrom: Be it therefore enacted by the King'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, That from and after the Death or Resignation or other Removal of the present Vice Warden it shall and may be lawful for the Duke of *Cornwall* for the Time being, if of full Age, or His Majesty and His Successors, King or Queen Regnant of *England* for the Time being, if there be no Duke of *Cornwall* or if the Duke of *Cornwall* for the Time being is under Age, to nominate and appoint from Time to Time (by Letters Patent under the Privy Seal of the Duchy of *Cornwall* or under the Great Seal of *England*, as the Case may be,) a fit Person, being a Barrister at Law of Five Years standing at the least, to be and be called the Vice Warden of the Stannaries.

Appointment of future Vice Warden.

II. And be it further enacted, That the present Vice Warden and every future Vice Warden shall be Judge of the Court herein-after mentioned, and which shall have both a Common Law and an Equity Side, and shall comprehend the Court heretofore the Court of the Vice Warden and the Court heretofore the Courts of the Stannaries, and that the Vice Warden for the Time being shall hold such Office during his good Behaviour: Provided always, that it shall and may be lawful for the Duke of *Cornwall* for the Time being, if of full Age, or His Majesty and His Successors, King or Queen Regnant of *England* for the Time being, if there is no Duke of *Cornwall* or if the Duke of *Cornwall* for the Time being be under Age, on a Requisition to him for that Purpose, stating therein at length sufficient Grounds, and signed by the Majority or Five of the Council or of the Commissioners or principal Officers of the Duchy of *Cornwall*, but not otherwise, (the Lord Warden of the Stannaries being always one of the Persons signing such Requisition,) to remove the Person for the Time being holding the said Office of Vice Warden.

Vice Warden to hold Office during good Behaviour.

Power of Removal.

III. Provided always, and be it enacted, That, notwithstanding any thing herein contained, the Appointment of Vice Warden (should any Vacancy occur during the Time the present Lord Warden of the Stannaries holds that Situation) shall be in such Lord Warden, subject nevertheless to all the Provisions as to the Qualification of the Person to be appointed Vice Warden, and his Removal, as herein-before contained.

Present Lord Warden to have the Appointment of Vice Warden in case of Vacancy.

IV. And be it further declared and enacted, That the Original Equitable Jurisdiction heretofore lawfully exercised by the Vice Warden for the Time being shall and may be henceforth exercised by the present and every future Vice Warden for the Time being, and that the present and every future Vice Warden for the Time being shall have,

Original Equitable Jurisdiction of Vice Warden confirmed, and

have, exercise, and enjoy the same Equitable Jurisdiction, and the same Power and Authority in all Matters and Things brought before him, so far as relates to the working, managing, conducting, or carrying on any Mine worked for any Lead, Copper, or other Metal or Metallic Mineral within the said County of *Cornwall*, or to the searching for, working, smelting, or purifying any Lead, Copper, or other Metal or Metallic Mineral within the said County, in as full and ample a Manner as if the same had related to any Tin or Tin Ore, or Tin Mine, or Mine worked for Tin, in the said County: Provided always, that nothing herein contained shall be deemed or taken to affect any Suit or Matter now pending in any Court of Law or Equity.

extended to Matters connected with all Metals and Metallic Minerals in the County in the same Way as heretofore over Tin.

V. Provided nevertheless, and be it enacted, That all Decrees, Orders, and Acts, as well already or hereafter to be made or done by the Vice Warden for the Time being, shall in each and every Case be subject to be re-heard and varied by the Vice Warden for the Time being according to the Practice of the Court, and that the Lord Warden for the Time being shall have full Power and Authority on any Appeal or Appeals presented to him for that Purpose, within the Time limited by the Practice of the Court, (such Appeal or Appeals being left with the Secretary of the Lord Warden at the Duchy Office,) and, with the Aid and Assistance of Three or more Members of the Judicial Committee of His Majesty's Privy Council for the Time being, to affirm, alter, or reverse any Decrees, Orders, or Acts already or hereafter made or done by the Vice Warden for the Time being, either in whole or in part, and to dismiss such Appeal or Appeals, with Costs or otherwise, as may to the Lord Warden so aided and assisted seem just: Provided, that the Judgment pronounced by the Lord Warden so aided and assisted on any Appeal or Appeals presented shall be transmitted to the Court of the Vice Warden, to be by such Court carried into effect, and shall be subject to appeal to the Lords Spiritual and Temporal in Parliament assembled.

Decrees, &c. of Vice Warden subject to re-hearing and Appeal.

Judgments on Appeal to be transmitted to Vice Warden's Court.

VI. And be it further enacted, That the Courts of Law of the respective Stannaries heretofore held before the Stewards or Steward thereof shall be One Court for all the Stannaries, and shall be held by and before the Vice Warden for the Time being, who as Judge thereof shall have, exercise, and enjoy the same Common Law Jurisdiction, and the same Powers, Privileges, and Authorities with reference thereto, and shall transact, do, and perform the same Duties, Matters, and Things in relation thereto, as have heretofore been lawfully transacted, done, performed, or to be exercised or enjoyed by the Steward for the Time being of any of the Stannaries.

The Courts of the Stannaries consolidated, and to be held before the Vice Warden, who is to have the same Jurisdiction as the Steward has had;

VII. And be it further enacted, That such Vice Warden for the Time being shall also have, exercise, and enjoy the same Common Law Jurisdiction and the same Power and Authority in all Matters and Things which shall be brought before him in any Way connected with the working, managing, conducting, or carrying on any Mine worked for Lead, Copper, or any other Metal or Metallic Mineral within the said County of *Cornwall*, or in any Way relating to Lead, Copper, or any other Metal or Metallic Mineral, or the searching for, working, smelting, or purifying Lead, Copper, or any other Metal or Metallic

and also similar Jurisdiction in all Cases connected with all Metals and Metallic Minerals in Cornwall.

Metallic Mineral within the said County, in as full and ample a Manner as if the same had been connected with or related to any Tin or Tin Ore, or Tin Mine, or Mine worked for Tin, in the said County:

Appeal.

Provided always, that it shall and may be lawful for either or any of the Parties, Plaintiff or Defendant, against whom any Judgment or Order or Sentence shall be given, to appeal therefrom to the Lord Warden for the Time being, and that the Lord Warden for the Time being shall have Power and Authority to receive Appeals (the same to be lodged with his Secretary at the Duchy Office as aforesaid) from such Judgments, Orders, and Sentences, and shall have Power and Authority, being aided and assisted by Three or more Members of the Judicial Committee of His Majesty's Privy Council for the Time being, to hear such Appeals, and to affirm, alter, and reverse such Judgments, Orders, or Sentences, in whole or in part, or to dismiss the said Appeals, with Costs or otherwise, as may be just: Provided always, that a Record of every Judgment, Order, or Sentence pronounced by the Lord Warden so aided and assisted as aforesaid, and signed by such Lord Warden, be remitted to the Court of the Vice Warden, to be by such Court carried into effect, according to Law:

Judgment on Appeal to be sent to the Vice Warden's Court.

Judgment not to be reversed except on Error of Law.

Provided also, that upon any Appeal from any Judgment upon the Verdict of a Jury, the Lord Warden, so aided and assisted as aforesaid, shall not reverse, alter, or inquire into the said Judgment, except only for Error of Law apparent upon the Record; and that every Judgment of the Lord Warden shall be subject to an Appeal to the Lords Spiritual and Temporal in Parliament assembled.

Vice Warden may grant a new Trial.

VIII. And be it further enacted, That any Party to any Action at Law brought in the said Court may apply for a new Trial in any such Action to the Vice Warden within Eight Days after the Trial of such Cause, if the said Vice Warden shall be then sitting, or within the first Four Days of the next Term, and the said Vice Warden may grant a new Trial upon any of the Grounds on which new Trials are now granted by the Courts at *Westminster*, and upon such Terms and Conditions as by the said Vice Warden shall be thought reasonable; and the said Vice Warden, if he shall think that an impartial Trial cannot be had in *Cornwall*, may direct that the Nisi Prius Record on any Cause shall be sent to the Judges of Assize for the County of *Devon*, who shall have Authority to try such Cause, and after the Trial to cause such Record to be transmitted to the Court of the Vice Warden, who shall proceed on the said Record as if the Cause had been tried in his own Court: Provided always, that the Orders of the said Vice Warden upon such Application for a new Trial shall be subject to such Appeal as herein-before provided as to other Decrees, Orders, and Acts of the said Vice Warden.

Service of Subpœna on Witnesses good in any Part of England or Wales.

IX. And be it enacted, That the Service of every Writ of Subpœna to attend and give Evidence hereafter to be issued out of either Side of the said Court of the Vice Warden, and served upon any Person in any Part of *England* or *Wales*, shall be as valid and effectual in Law, and shall entitle the Party suing out the same to all and the like Remedies by Action or otherwise howsoever, as if the same had been served within the Jurisdiction of the said Court of the Vice Warden; and that in case the Person so served shall not appear

according to the Exigency of such Writ, it shall be lawful for the said Court of the said Vice Warden, upon Oath or Affirmation to be taken in open Court, or Affidavit, of the personal Service of such Writ, to transmit a Certificate of such Default under the Seal of the said Court to the Court of King's Bench at *Westminster;* and the said last-mentioned Court may and shall thereupon proceed against and punish by Attachment or otherwise, according to the Course and Practice of the same Court, the Person so having made Default, in such and the like Manner as the same Court might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna issued to compel the Attendance of Witnesses out of such last-mentioned Court.

and to be enforced by Process from King's Bench;

X. Provided always, and be it further enacted, That the said Court of King's Bench shall not in any such Case as aforesaid proceed against or punish any Person, nor shall any such Person be liable to any Action, for having made Default by not appearing to give Evidence in obedience to any such Writ of Subpœna as aforesaid for that Purpose, issued under the Authority of this Act, unless it shall be made to appear to the said Court of King's Bench that a reasonable and sufficient Sum of Money to defray the Expences of coming and attending to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the Time when such Writ of Subpœna was served upon such Person.

provided Expences be tendered.

XI. And be it further enacted, That whenever a Plaintiff or Defendant in any Action or Suit in which Judgment shall be recovered in the said Court of the Vice Warden shall remove his Person or Goods or Chattels from or out of the Jurisdiction of the said Court of the Vice Warden, it shall and may be lawful for any of the Superior Courts at *Westminster*, upon a Certificate from the Registrar, under the Seal of the said Court of the said Vice Warden, of the Amount of final Judgment obtained in any such Action, to issue a Writ of Execution thereupon, for the Amount of such Judgment and the Costs of such Writ and Certificate, to the Sheriff of any County, City, Liberty, or Place, against the Person or Goods of the Party against whom such final Judgment shall have been obtained, in such Manner as upon Judgments obtained in any of the said Superior Courts at *Westminster*.

Where Judgment obtained, and the Person and Effects cannot be found within the Jurisdiction of the Court of the Vice Warden, any of the Superior Courts may issue Execution.

XII. And be it further enacted, That in case any Rule of the said Court of the Vice Warden cannot be enforced by reason of the Non-residence of any Party or Parties within the Jurisdiction thereof, it shall be lawful, upon a Certificate of such Rule by the Registrar, under the Seal of the said Court of the said Vice Warden, and an Affidavit that by reason of such Non-residence such Rule cannot be enforced, to make such Rule a Rule of any one of the said Courts at *Westminster*, if such Superior Court shall think fit, and that thereupon such Rule shall be enforced as a Rule of such Superior Court.

Rule of the Court which cannot be otherwise enforced may be enforced by making it a Rule of a Superior Court at Westminster.

XIII. And be it further enacted, That neither the Vice Warden for the Time being, nor the Court of such Vice Warden, shall have, use,

The Vice Warden to have no

Jurisdiction except as hereby provided, and any Parties may demur to Jurisdiction of the Court, but if not, the Jurisdiction not to be questioned.

or exercise any Power or Authority save as hereby provided, and that any Person against whom Proceedings shall be instituted in the Court of the Vice Warden shall, after the Appearance entered, be at liberty to demur or plead to the Jurisdiction of the said Court; but that no Question as to the Jurisdiction of the said Court with respect to the Matters embraced in such Proceedings shall hereafter be raised unless such Person shall within Fourteen Days after Appearance entered by or on behalf of himself, or entered by the Person instituting such Proceedings in manner hereby provided, demur or plead to such Proceedings by filing a Statement of the Grounds of such Demurrer or Plea at the Registrar's Office, and serving a Copy thereof on the Person instituting such Proceedings, or his Solicitor or Attorney.

Vice Warden empowered to make Rules and Orders, touching the Practice and Proceedings of the Court.

XIV. And be it further enacted, That the Vice Warden for the Time being shall have Power and Authority from Time to Time, and as often as Circumstances shall require, to make and prescribe such Rules and Orders touching and concerning the Forms and Manner of proceeding in the Court of the Vice Warden, and the Practice and Pleadings in all Matters to be brought therein, the appointing Commissioners to examine Witnesses, the taking of Examinations *de bene esse*, and allowing the same as Evidence, the Process of the said Court and the Mode of executing the same, the Fees reasonable to be demanded by Attornies, Solicitors, and others, and by the Officers of the said Court, for Business by them transacted in the said Court, and such other Rules, Orders, and Regulations as shall from Time to Time seem necessary and proper for expediting the Business of the said Court with most Convenience and at most reasonable Expence to the Parties concerned therein, and that the Vice Warden for the Time being shall have Power to revoke, alter, and amend the Rules, Orders, and Regulations so from Time to Time made; provided that the Rules, Orders, and Regulations so at any Time made by such Vice Warden for the Time being are not inconsistent with this Act or any of the Provisions herein contained, and that such of them as shall apply to the Equity Side of the said Court be approved of by the Lord Chancellor of *England*, and that such of them as apply to the Common Law Side of the said Court be approved of by a Judge of one of the Superior Courts of Common Law at *Westminster;* provided always, that such Rules and Orders, when so approved, shall be transmitted to One of His Majesty's Principal Secretaries of State, and be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament: Provided nevertheless, that all Rules, Regulations, and Orders, and all Forms of Practice, heretofore in use, and all Fees heretofore authorized or accustomed to be taken, in the Court of the Vice Warden for the Time being, or in any of the Courts of the Stannaries, shall (except so far as the same or any of them are hereby annulled or are inconsistent herewith) be and be considered binding and valid Rules, Regulations, and Orders, and Forms of Practice, and authorized Fees, until the same be altered, amended, or revoked by virtue of the Powers hereby given.

Old Practice to continue until such Rules and Orders are made.

XV. And

Vice Warden authorized to regulate how Evidence shall be taken.

XV. And be it further enacted, That the Vice Warden for the Time being shall in all Cases in Equity brought before him, whether by Bill, Petition, or otherwise, have Power and Authority to take the Whole or any Part of the Evidence therein, either *vivâ voce* on Oath or Affirmation before himself or before the Registrar, or before Persons duly authorized by him for administering Oaths and taking Affidavits, or on Depositions taken before the Registrar or Commissioners appointed for that Purpose, or otherwise as the Vice Warden may from Time to Time direct by any general Rule to be made by virtue of this Act: Provided always, that the said Vice Warden for the Time being may, on interlocutory Matters, and in such other Cases as to him shall seem desirable, receive Evidence either in whole or in part on Affidavits, and that either with or without further Evidence *vivâ voce* or on Depositions: Provided nevertheless, that the Practice heretofore adopted as to taking Evidence in the Court of the Vice Warden and of the Steward's Courts shall nevertheless in the meanwhile continue in each and every Case until the same shall be altered by virtue hereof or of the Powers herein contained.

Old Practice to remain until otherwise ordered.

Vice Warden may direct and try an Issue of Fact arising on the Equity Side.

XVI. And be it further enacted, That it shall and may be lawful for the Vice Warden to direct an Issue of any Fact arising before him in any Suit instituted by Bill, Petition, or otherwise on the Equity Side of the said Court, to be tried by a Jury, and to issue Process to compel the Attendance of Jurors and Witnesses for that Purpose, and that the Vice Warden shall have all necessary Powers for trying the same and carrying the Verdict thereof into execution; and that after any such Issue shall be tried a new Trial may be moved before the Vice Warden for the Time being, who shall have Power to grant or refuse such new Trial according to the Rules of the Common Law and Practice of the Courts of *Westminster* in granting or refusing new Trials.

Motion for new Trial.

Power to Vice Warden to make Orders though Court adjourned or not sitting

XVII. And be it further enacted, That it shall and may be lawful for the Vice Warden for the Time being, whether he be at the Time in the County of *Cornwall* or otherwise, in all Cases which may be brought before him, whether in the said County of *Cornwall* or otherwise, over which Cases he has Jurisdiction, to make such Order by way of Injunction or otherwise, as the Nature of the Case may require, notwithstanding he may have adjourned his Court to some future Time or some other Place; and that for the Entry of Pleadings, Orders, Proclamations, and other Matters touching the Practice of the Court in Process and Execution the said Court shall be considered and be at all Times open; provided that nothing be therein done on any *Sunday*, *Christmas Day*, *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving.

Vice Warden ordering a Person having a Share in a Mine to pay Money may order a Sale of his Share.

XVIII. And be it further enacted, That in case the Vice Warden shall in any Proceedings instituted for that Purpose make any Decree or Decretal Order against any Person for the Payment of any Money due or payable in respect of the working or Management of or the providing Goods for any Mine worked for any Metal or Metallic Mineral, and the Person against whom such Order or Decretal Order shall be made, or any Person in Trust for him, shall have any Share or

or Interest in such Mine, and shall not pay the Sum so decreed to be paid, it shall and may be lawful for the Vice Warden, under such Regulations and in such Way as to him shall seem fit, to cause a Sale of such Share or Interest, or of so much thereof as shall be necessary to raise such Sum and the Costs attending such Sale.

The Vice Warden's Seal to be the Seal of his Court.

XIX. And be it further enacted, That the Seal of the Stannaries heretofore used by and considered as the Seal of the Vice Warden for the Time being shall be and be deemed and taken to be the Seal of the Court of the Vice Warden, and that every Process issuing from either the Equity or Common Law Side of the said Court shall issue under such Seal; and that all Orders, Proceedings, Documents, and Copies by the Laws of the Stannaries as now existing, or by the Act or by any Rule or Order of either Side of the said Court, or of the Vice Warden as Judge of the said Court, as shall be required to be sealed, shall be sealed therewith.

All Barristers and Solicitors may practise in Vice Warden's Court.

If others than Solicitors or Attornies practise, to be deemed a Contempt of Court.

XX. And be it further enacted, That all Barristers at Law and all Attornies and Solicitors of any of the Superior Courts of Law or Equity at *Westminster* may appear and plead in any Proceedings in the said Court of the Vice Warden; and in case any Person, not being an Attorney or Solicitor of such Superior Courts, shall practise in the said Court of the Vice Warden as Attorney or Solicitor, he shall be deemed guilty of a Contempt of the said Court, and be liable to all the Penalties incident thereto, on Complaint thereof made to the said Court; and that all the Laws and Statutes now in force concerning Attornies or Solicitors shall, so far as the same are applicable, extend to Attornies or Solicitors practising in the said Court of the said Vice Warden.

Court to have Jurisdiction throughout the County of Cornwall, to be a Court of Record, and to be held at Truro.

XXI. And be it further enacted, That the Court of the Vice Warden shall have Jurisdiction throughout the County of *Cornwall*, and be held at *Truro* in the said County, and shall be a Court of Record, and shall have within the Limits of its Jurisdiction all the Powers, Rights, Privileges, and Incidents of a Court of Record as fully and amply to all Intents and Purposes as the same are used or exercised or enjoyed by any of His Majesty's Courts of Law at *Westminster*; and that the Vice Warden for the Time being shall have, use, exercise, and enjoy all the Powers, Rights, Privileges, and Exemptions of a Court of Record; and that the Sitting of the said Court shall be held as often as shall be found necessary, and at least once in every Three Calendar Months, on such Days as the Vice Warden shall from Time to Time appoint.

Appointment of Registrar.

XXII. And be it further enacted, That it shall and may be lawful for the Duke of *Cornwall* for the Time being, or for His Majesty, His Heirs and Successors, King or Queen Regnant of *England* for the Time being, in case there shall be no Duke of *Cornwall* or the Duke of *Cornwall* for the Time being shall be under Age, by Letters Patent under the Privy Seal of the Duchy of *Cornwall* or under the Great Seal of *England*, as the Case may be, from Time to Time to appoint a fit and proper Person, being a Barrister at Law or a Solicitor or Attorney of one of the Superior Courts at *Westminster*, to be and

act as the Registrar of the said Court of the Vice Warden, and to attend upon and assist the said Vice Warden in his said Court, whether sitting as a Court of Law or Equity, and to enter and draw up all Orders, Decrees, Sentences, and Judgments of all Kinds made and pronounced by him, and to take such Accounts and to execute such References as the said Vice Warden shall direct, and that the Person so appointed as Registrar shall hold his Office during his good Behaviour: Provided always, that it shall and may be lawful for the Duke of *Cornwall* for the Time being, if of full Age, or His Majesty, His Heirs and Successors, King or Queen Regnant of *England* for the Time being, if there be no Duke of *Cornwall* or if the Duke of *Cornwall* for the Time being be under Age, on a Requisition to him for that Purpose, stating therein sufficient Grounds, and signed by the Vice Warden for the Time being and by Five or more of the Council or of the Commissioners or of the principal Officers of the Duchy, but not otherwise, to remove the Person for the Time being holding the said Office of Registrar.

Removal of Registrar.

XXIII. Provided always, and be it enacted, That, notwithstanding any thing herein contained, the Appointment to the Office of such Registrar shall, during the Time the present Lord Warden of the Stannaries holds such Situation of Lord Warden, be in such Lord Warden, subject nevertheless to all the Provisions as to the Qualification of the Person appointed, and his Removal, as herein-before contained.

Present Lord Warden to have the Appointment of Registrar.

XXIV. And be it further enacted, That it shall and may be lawful for the Vice Warden for the Time being to appoint by Writing under the Seal of his Court a fit and proper Person to be and act as his Secretary, and also in like Manner to appoint one other fit and proper Person to be and act as Prothonotary or Assistant Registrar in the said Court, and also in like Manner to appoint one other fit and proper Person (who shall enter into such Security as the Vice Warden for the Time being shall think fit) as Collector for the said Court.

Vice Warden may appoint Secretary, Prothonotary, and Collector.

XXV. And whereas it is expedient that the Vice Warden for the Time being, and the Registrar, and the other before-mentioned Officers of his Court, should be paid by fixed Salaries, and that all Fees received by such Registrar and the other Officers aforesaid for Business done in the Court should be accounted for in manner herein-after mentioned: And whereas His Majesty has been graciously pleased to direct that one Moiety or Half Part of the Salaries of the Vice Warden and of the before-mentioned Officers of his Court should be paid out of and be a Charge upon the Revenues of the Duchy, subject nevertheless to be in part indemnified by Contribution of Part of such Fees so to be accounted for as aforesaid: And whereas it is expedient that for the Purpose of raising Money sufficient, with the remaining Portion of such Court Fees, to pay the other Moiety or Half Part of the aforesaid Salaries of the said Vice Warden and the aforesaid Officers of his Court, a small Assessment should be made on all Metals and Metallic Minerals (except Tin Ore) over all Matters connected with which the Jurisdiction of such Court is hereby extended as aforesaid, and which shall be from Time to Time brought to Sale in

The Salary of the Vice Warden and other Officers.

or withdrawn from any Mine in the said County of *Cornwall*; be it therefore enacted, That there shall be paid and payable, in the Manner herein-after mentioned, the yearly Sums following as and for the Salaries to the Vice Warden and the before-mentioned Officers of his said Court for the Time being; (*videlicet,*) to the Vice Warden the Sum of One thousand five hundred Pounds, to the Registrar the Sum of Five hundred Pounds, to the Person who shall be so appointed the Secretary to the Vice Warden the Sum of One hundred Pounds, to the Prothonotary or Assistant Registrar the Sum of Two hundred Pounds, and to the Collector the Sum of Thirty Pounds; which said several Sums shall be paid from Time to Time half-yearly, in manner hereby provided, free and clear from all Taxes and Deductions whatsoever, on the Twenty-fifth Day of *March* and on the Twenty-ninth Day of *September* in each Year, by equal Portions, the first of such respective Portions to be paid on the Twenty-fifth Day of *March* next; and that if any Person at any Time holding any of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to have such proportionate Part of his Salary as shall have accrued during the Time that such Person shall have held his Office since the last Payment; and that the Successor of any such Person so dying, resigning, or being removed as aforesaid, shall be entitled to receive such Portion of his Salary as shall be accruing or shall accrue from the Day of such Death, Resignation, or Removal.

Apportionment of Salary on Death, &c.

The Revenues of the Duchy charged with Half the Salaries.

XXVI. And be it further enacted, That a Moiety or Half Part of the aforesaid Salaries to the Vice Warden for the Time being and to the aforesaid Officers of his said Court shall be a Charge on the Revenues of the Duchy of *Cornwall*, and that the same shall be paid by the Receiver General for the Time being of the said Duchy, under Debentures for that Purpose from the Auditor for the Time being of the said Duchy, in which the said Auditor is hereby authorized to issue; and that the said Receiver General shall, on the Twenty-fifth of *March* and the Twenty-ninth of *September* in each Year, under the Debentures so issued, pay, free from all Deductions, the Sums following; (*videlicet,*) to the Vice Warden for the Time being the Sum of Three hundred and seventy-five Pounds, to the Registrar the Sum of One hundred and twenty-five Pounds, to the Person so appointed Secretary to the Vice Warden the Sum of Twenty-five Pounds, to the Prothonotary or Assistant Registrar the Sum of Fifty Pounds, and to the Collector the Sum of Seven Pounds Ten Shillings.

Secretary, &c. to account for all Fees half-yearly.

XXVII. And be it further enacted, That the Person so as aforesaid appointed Secretary to the Vice Warden, and the said Prothonotary or Deputy Registrar, and the said Collector, shall once in every Half Year account for and pay over to the Registrar for the Time being of such Court all Fees received by them by virtue of their respective Appointments during the previous Half Year; and that the Registrar for the Time being shall forthwith make out a full and true Account of all Fees received by him during such preceding Half Year, and of all Fees received by the aforesaid Officers of the said Court, and accounted for and paid to him as aforesaid, for the same Period; and that

that such Registrar shall have such Account audited by the said Vice Warden for the Time being, in which Account and Audit there may and shall be charged and allowed such small Sums of Money as to the Vice Warden shall seem reasonable for the keeping Order in, and the lighting, airing, and cleansing the Place in which such Court shall be held, and shall transmit a Copy of such Account so audited to the Auditor for the Time being of the said Duchy, and shall pay or cause to be paid to the said Receiver or his Deputy One Third Part of the total Amount of Fees so appearing to have come to the Hands of such Registrar, for which Sum so paid the Receiver shall on passing his Accounts give Credit to the Duchy in part Discharge of the Moiety of the Salaries so as aforesaid charged on the Revenues of the said Duchy.

Account to be audited by Vice Warden, and One Third of Fees to be paid in aid of Moiety of the Salaries charged on the Duchy Revenues.

XXVIII. And be it further enacted, That there shall be paid and payable the Sum of One Farthing in the Pound Sterling on the Value of all Metals and Metallic Minerals (except Tin and Tin Ore) which shall be from Time to Time brought to Sale in or withdrawn from any Mine within the said County of *Cornwall*; and that the Head Manager of every Mine in the said County of *Cornwall* shall, within Ten Days after each quarterly Account of the Mine over which he is Head Manager shall have been or ought to have been made up, transmit to the Registrar for the Time being of the Vice Warden's Courts a full, true, and particular Account and Return of all Metals and Metallic Minerals (except Tin and Tin Ore) which shall have been brought to Sale in or shall have been withdrawn from the Mine of which he is such Head Manager during the preceding Quarter, and shall in such Return state the Value in Money of the respective Quantities of the Metals and Metallic Minerals specified therein at the Time the same were respectively brought to Sale or withdrawn, as the Case may be; and that the Head Manager of every such Mine shall on Application from the Collector of the Vice Warden's Court pay or cause to be paid to such Collector the Sum of One Farthing in the Pound Sterling on the aggregate Value of all Metals and Metallic Minerals (except Tin and Tin Ore) which shall have been brought to Sale or withdrawn from such Mine during the preceding Quarter; and that every such Payment by such Head Manager shall be considered as Costs, and shall on passing his Account with respect to the Mine of which he is such Head Manager be allowed to him accordingly.

Assessment of One Farthing in the Pound Sterling on all Metals, &c. except Tin; and Head Manager of every Mine to make a Return quarterly of the Quantity and Value.

XXIX. And be it further enacted, That the Registrar for the Time being shall, out of the Monies which shall from Time to Time be in his Hands by means of such Assessments as aforesaid, and by means of the remaining of the Court Fees as aforesaid, pay to the said Vice Warden and to himself and the other Officers aforesaid of the said Court the Sums following, being other Moiety of the said Salaries, in manner following; (that is to say,) shall pay on the Twenty-fifth Day of *March* and on the Twenty-ninth Day of *September* in each Year, free from all Deductions, to the said Vice Warden the Sum of Three hundred and seventy-five Pounds, to himself the Registrar the Sum of One hundred and twenty-five Pounds,

Registrar, out of the Assessment and the remaining Fees, to pay the other Moiety of the Salaries.

Pounds, to the Person filling the Situation of Secretary to the Vice Warden the Sum of Twenty-five Pounds, to the Prothonotary the Sum of Fifty Pounds, and to the Collector the Sum of Seven Pounds Ten Shillings.

The Registrar to have his Accounts of Receipts from the Assessment and the Fees, and his Payments thereout, audited by the Vice Warden half-yearly.

XXX. And be it further enacted, That the said Registrar for the Time being shall at the End of every Half Year lay before the Vice Warden for the Time being a full, true, and particular Account of the Balance remaining in his Hands at the Commencement of such preceding Half Year, and of all Monies received by him during such last Half Year in respect of such Assessment as aforesaid, and when and from whom and from what Mine received, and also shall in such Account give Credit for the remaining Portion of the said Court Fees so in his Hands after such Payment to the Auditor of the Duchy as aforesaid, and shall also in like Manner lay before the Vice Warden a full, true, and particular Account of all Salaries and other Expences paid by such Registrar during the same Period; and that a Balance shall be thereby struck, showing the Balance remaining in the Hands of such Registrar at the End of the then last Half Year; and that thereupon the Vice Warden for the Time being shall and is hereby required to audit the said Account, and also the said Account for Court Fees herein-before mentioned, and if the same shall be found correct to allow the same respectively, by putting his Signature thereto; and that such Accounts when so allowed shall be filed amongst the Records of the said Court, and be open for the Inspection of all Persons in the usual Way: Provided always, that if it shall at any Time appear to the Vice Warden for the Time being, on auditing such Account of the Registrar, that there remains a general Balance in his Hands sufficient to meet all Payments hereby authorized to be made thereout for the next Half Year, then and in such Case the Vice Warden shall have Power and is hereby required to give Notice thereof by Advertisement in the County Papers, or in such Way as he shall think fit; and that thereupon no Assessment shall be made or become payable in respect of the said One Farthing in the Pound Sterling on the Value of all Metals and Metallic Minerals as aforesaid during such succeeding Half Year: Provided nevertheless, that, although no such Assessment shall in such Case be made during such Period, the said Manager of every Mine is required to and shall make such Return as aforesaid to the said Registrar of all Metals and Metallic Minerals (except Tin and Tin Ore) brought to Sale or withdrawn from the Mine over which he is such Head Manager, precisely as if such Assessments were or would be payable in respect of the Ore specified in such Return.

If at the End of any Half Year a Balance appears sufficient for the next Half Year, no Assessment to be made until the Expiration of such Half Year;

but nevertheless the Head Manager to make the Returns.

Penalty on Head Manager omitting to make any Return, or making a false Return.

XXXI. And be it further enacted, That if the Head Manager of any Mine shall omit to make such full, true, and particular Return as hereby required of the Quantities of Metals and Metallic Minerals (except Tin and Tin Ore) brought to Sale or withdrawn as aforesaid in the Mine of which he is such Head Manager, or of the Value thereof, as is hereby required, or shall, on Demand made, omit to pay or cause to be paid such Assessment as aforesaid, or shall wilfully

make any false or incorrect Return, then and in every such Case such Head Manager shall be subject for every such Offence to a Penalty not exceeding Fifty Pounds.

Jurors.

XXXII. And be it enacted, That the Vice Warden for the Time being may and shall in the present and every succeeding Year order the Clerk of the Peace of the County of *Cornwall* to make out a Duplicate of the Jurors Book at the Time in use, or about to be brought into use, or of such Part of the said Book as such Vice Warden may think fit to specify in such Order; and the Clerk of the Peace, upon the Receipt of such Order, shall with all convenient Speed make out such Duplicate, and deliver the same to the Registrar of the Court of such Vice Warden; and that every such Duplicate shall be the Book of Jurors qualified and liable to serve as Jurymen in all Cases before the Vice Warden for the Time being, and that every such Duplicate shall be kept by the Registrar, and shall be by him used as the Jurors Book for the Time being.

Summoning of Jurors.

XXXIII. And be it enacted, That the Registrar of the said Court shall cause to be summoned, One Week before the First Day of each Sitting of such Vice Warden, Forty-eight Persons named in the Jurors Book by him kept as aforesaid to attend at the Time and Place appointed for holding such Sitting; and every such Summons shall be according to the Form given in the Schedule hereto annexed, and shall be served either personally on each such Person or by leaving it at his Dwelling House; and that in summoning such Persons Regard shall always be had as far as may be to the Convenience of the Individuals so summoned; and no Person shall be summoned oftener than once in a Year.

Ballot and Challenge of Jurors.

XXXIV. And be it enacted, That the Registrar of the said Court shall make a List of the Jurors so summoned, together with the Places of Abode and Additions, and shall cause their Names to be written severally on Slips of Paper and put into a Box, and the Names of the Jurors for the Trial of Causes shall be drawn out of the Box by the Registrar; and each Party may, until no more than Twelve remain, object to any Person whose Name is drawn out, without assigning any Cause; and if any Objection is made to the Twelve so remaining, it must be stated to and decided on by the Vice Warden for the Time being; and if any such Objection be allowed, the Names of the Jurors rejected without Cause assigned shall be returned to the Box, and drawn again until a sufficient Number be found to make a Jury of Twelve; and such Jury of Twelve shall be the Jury sworn for the Trial: Provided always, that if there shall not be Twelve Persons attending, or against whom no Objection shall have been allowed, it shall be lawful for the said Vice Warden to order the requisite Number of Persons from among the By-standers to be summoned by the Registrar, and sit on the Jury, subject to any Objections which may be made for Causes assigned, except for Want of Qualification or Want of Summons: Provided also, that the said Vice Warden may, if he sees fit, direct the Registrar to divide the List of Forty-eight Jurors into Two Lists, and to require the Persons in the one List to attend and

Jury to consist of 12.

Jury de Circumstantibus.

serve for so many Days at the Beginning of the Sittings as the said Vice Warden shall order, and those in the other List to attend and serve for the Residue of the Sittings, according as the said Vice Warden shall think fittest for the Convenience of the said Persons; and then and in that Case the Registrar shall divide the said List of Forty-eight Jurors into Two Lists, and cause the Persons named in each of such Lists to be summoned to attend on different Days accordingly.

Penalty on Jurors for Nonattendance.

XXXV. And be it enacted, That if any Person having been duly summoned to attend as a Juror in the Court of the Vice Warden shall not attend in pursuance of such Summons, or being thrice called in Court shall not answer to his Name, or if any such Person being present in Court, or any such By-stander in Court, after having been called shall not duly appear, or after his Appearance shall wilfully withdraw himself from the Presence of the said Court, it shall be lawful for the said Vice Warden to impose such Fine upon every such Person or By-stander so making Default (unless some reasonable Excuse shall be given to the Satisfaction of the said Vice Warden) as to the said Vice Warden shall seem meet; and if such Fine shall not be paid at the Time ordered by the said Vice Warden, the same shall and may be levied by Writ of Fieri facias to be issued out of the Common Law Side of the said Court of the Vice Warden.

Appointment of Crier and Usher.

XXXVI. And be it further enacted, That the Vice Warden for the Time being shall and may appoint a fit and proper Person to be Crier and Usher of his said Court, who shall hold his Office during the Pleasure of the Vice Warden for the Time being, and may be removed in a summary Manner, and may and shall receive such Fees for acting as Crier and Usher of the said Court as the said Vice Warden shall from Time to Time by virtue of the Provisions herein contained authorize.

Vice Warden and Registrar not to practise.

XXXVII. And be it further enacted, That the Vice Warden for the Time being shall not during his Continuance in such Office practise as a Barrister, and that the Registrar for the Time being of the said Court shall not during his Continuance in such Office practise as a Barrister or Solicitor or Attorney in such Court, or in any other Court of Law or Equity in the United Kingdom of *England* and *Ireland*.

Vice Warden, Registrar, and other Officers to take no Fees, &c. except as hereby provided, &c.

Penalty.

XXXVIII. And be it further enacted, That the Vice Warden for the Time being shall not demand or take, upon any Pretence, any Fee, Gratuity, or Reward whatever; and that such Registrar and other aforesaid Officers of the said Court appointed under this Act shall not demand or take, upon any Pretence whatever, any Fee, Gratuity, or Reward other than and except such as are hereby authorized, or as shall be from Time to Time settled and allowed by the Vice Warden for the Time being by virtue hereof or of the Provisions herein contained; and that if any such Person shall offend in that Behalf he shall be removed from the Office he shall then hold, and be disabled from again holding the same or any other Office under this Act.

XXXIX. And

A List of Fees to be hung up.

XXXIX. And be it further enacted, That a Table of all Fees for the Time being authorized by the Vice Warden to be taken by any Solicitor or Attorney practising in his said Court, or by any Officer of his said Court, for Business done therein, shall be hung up in some conspicuous Place in such Court.

The County Prison at Bodmin to be the Prison of the Vice Warden's Court.

XL. And whereas the Gaol belonging to the Courts heretofore the Courts of the Vice Warden and of the Stannaries is situate at *Lostwithiel* in the said County of *Cornwall*: And whereas it would tend more to the Public Convenience that the Court of the Vice Warden should use as its Gaol or Prison for all Purposes the Prison belonging to the County of *Cornwall*, and situate at *Bodmin*, in lieu or place of the said Gaol at *Lostwithiel*; be it therefore enacted, That every Person hereafter arrested or taken Prisoner or detained by virtue of any Writ, Process, Order, Decree, or Proceeding issuing out of or from or by either Side of the said Court of the Vice Warden of the Stannaries, or committed for Contempt of the said Court, shall be taken to the County Prison at *Bodmin* in the said County of *Cornwall*, or to other the Prison for the Time being of the said County, in the same Manner, and subject to the same Provisions and Regulations in every respect, as if such Person were arrested and conveyed to the Prison by virtue of any Writ, Process, Order, Decree, or Proceeding issuing out of any of the Superior Courts of Law or Equity at *Westminster*, or committed for Contempt by any of the said last-mentioned Courts; and the Gaoler or Keeper for the Time being of such County Prison as aforesaid is hereby authorized and required to receive into such County Prison every Person so arrested and conveyed to Prison by virtue of any Writ, Process, Order, Decree, or Proceeding issuing out of or from or by either Side of the said Court of the Vice Warden, or so committed for Contempt of the said Court as aforesaid, and to maintain, support, and provide for every such Person in the same Manner as if he had been arrested and brought to the said County Prison by virtue of any Writ, Process, Order, Decree, or Proceeding issued out of any of the Superior Courts of Law or Equity at *Westminster*, or were committed for Contempt of any of the said last-mentioned Courts; and that all and singular the Charges and Expences of maintaining, supporting, and providing for every Person so arrested or committed to the said County Prison as aforesaid shall be paid and defrayed out of such Portion of County Rate of the said County of *Cornwall* as for the Time being shall be applicable to the Support of the Debtors confined in the said County Prison.

The Powers heretofore vested in the Vice Warden or Steward or Court of the Stannaries to be exercised by the Vice Warden.

XLI. And be it enacted, That all Jurisdictions, Powers, and Authorities heretofore lawfully exercised by the Vice Warden or Steward or any Judge of any of the Stannaries shall be hereafter exercised by the Vice Warden for the Time being; and that all Penalties heretofore authorized to be recovered, and all Oaths heretofore required or authorized to be taken, and all Acts, Matters, and Things heretofore required or authorized to be had or done in any of the Courts of the Stannaries, or before the Vice Warden or the Steward of any of the Stannaries, shall be and are hereby required and authorized to be recovered, taken, had, and done before the Vice Warden or in the Court

Court of the Vice Warden, as the Case may be; and that all Proclamations, Returns, Certificates, Exhibits, Matters, and Things heretofore required to be made, transmitted, or given to or deposited with any of the Courts of the Stannaries, or the Vice Warden or Steward of any of the Stannaries, shall be and are hereby required to be made, transmitted, and given to and deposited with the Court of the Vice Warden; and all Bonds and Recognizances heretofore required to be entered into before the Steward or any of the Courts of the Stannaries shall be entered into before the Registrar of the said Court.

Removal of Causes in certain Cases to the Court of King's Bench.

XLII. And be it further enacted, That it shall be lawful for the Court of King's Bench at *Westminster*, on the Application of any Party to any Action or Suit on the Common Law Side of the said Court of the Vice Warden, on special and sufficient Cause shown by Affidavit to the Satisfaction of such Court of King's Bench, that an impartial or sufficient Trial cannot be had in such Court of the Vice Warden, to remove, by Writ of Certiorari, all Proceedings which may have been had in such Action or Suit, and to deal therewith, and to make such Orders respecting the same and the future Trial of and Proceedings in such Action or Suit as to the said Court of King's Bench shall seem meet.

All existing Laws, Customs, &c. not inconsistent with this Act or the Law of the Realm preserved.

XLIII. And be it further enacted, That all Acts, Statutes, Laws, Liberties, Privileges, Customs, Rights, Usages, and Freedoms at the Time of passing this Act in force in any of the Stannaries of the said County of *Cornwall* shall, notwithstanding any thing herein contained, continue and be and have the same Force and Effect as if this Act had not passed, save and except so far as the same or any of them are contrary or repugnant to the Laws of this Realm or inconsistent with the Provisions herein contained, or are annulled, repealed, or altered hereby or by means of any of the Powers and Authorities hereby given.

Interpretation of this Act.

XLIV. And be it further enacted, That wherever this Act, in describing or referring to any Person or Matter or Thing, uses the Words importing the Singular Number or the Masculine Gender only, the same shall be understood to include and shall be applied to several Persons as well as one Person, and to Females as well as Males, and Bodies Corporate as well as Individuals, and several Matters or Things respectively as well as one Matter or Thing respectively, unless there be something in the Subject or Context repugnant to such Construction; and that wherever the Word "Plaintiff" or "Defendant" is used, it shall mean the Person instituting the Proceedings, or the Person against whom Proceedings are instituted respectively, in whatever Way such Proceedings are commenced; and wherever the Word "Mine" is used, it shall mean any Mine, Work, or Adventure wherein or connected with which any Metals or Metallic Minerals are worked; and that wherever the Words "Head Manager of any Mine" is used, it shall mean the Captain, Purser, or other Person who for the Time being shall have the principal Superintendence over such Mine; and that the Powers hereby given to the Lord Chancellor of *England* shall and may be used by the Lords Commissioners for the

Custody of or the Lord Keeper of the Great Seal for the Time being: Provided always, that nothing herein contained shall apply to or affect or extend or be considered as extending to the County of *Devon*, or the Stannaries within the said County, except as to the Service in the said County of *Devon* of any Writ of Subpœna issuing out of such Vice Warden's Court as herein-before provided.

Commencement of Act.

XLV. And be it further enacted, That this Act shall commence and take effect on the Twenty-ninth Day of *September* One thousand eight hundred and thirty-six.

Act may be altered this Session.

XLVI. And be it further enacted, That this Act may be amended, altered, or repealed during the present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

Form of Summons to Jurors.

You are hereby required to attend and serve as a Juror at the Sitting to be holden before Vice Warden of the Stannaries, at his Court, on the Day of next.

Registrar of
Day of 183 .

To *A.B.*

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1836.