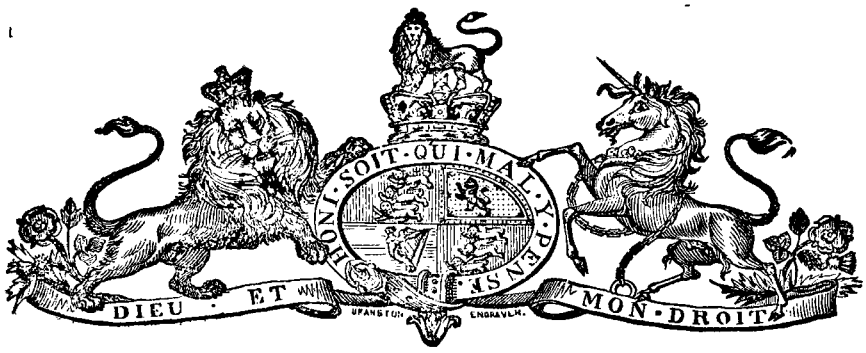


ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

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CAP. LVIII.

An Act to make further Provision for the Administration of Justice, and for improving the Practice and Proceedings, in the Courts of the Stannaries of *Cornwall*; and for the Prevention of Frauds by Workmen employed in Mines within the County of *Cornwall*. [17th *August* 1839.]

WHEREAS by an Act passed in the last Session of Parliament, for the Abolition of the Duties payable on the Coinage of Tin in the Counties of *Cornwall* and *Devon*, and for giving Compensation in lieu of such Duties, and to reduce the Duties of Customs payable on Tin, the Tinners of *Cornwall* were released from all Payment of the Duty of Coinage on Tin and Tin Ore raised within the County, and thereupon it is reasonable and just that the said Tin Ore be subject to the like Assessment as all other Metals and metallic Minerals raised in the said County are subject by virtue of an Act made and passed at a Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, to make Provision for the more expeditious Administration of Justice in the Stannaries of *Cornwall*, and for improving the Practice and Proceedings in the Courts of the said Stannaries: And whereas also it is expedient that such last-mentioned Act be amended in certain Cases: Be it therefore enacted by the Queen'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 Twenty-ninth Day of *September* One thousand eight hundred and thirty-nine there be paid and payable the Sum of One Farthing in the Pound Sterling on the Value of all Tin and Tin Ore which shall from Time

Assessment upon all Tin and Tin Ore taken from Mines in Cornwall.

Time to Time be brought to Sale in or withdrawn from any Mine or Stream Work within the said County of *Cornwall;* and that the Head Manager of every Tin Mine and Stream Work shall, in respect of such Tin and Tin Ore, and the Assessment and Payment of One Farthing in the Pound Sterling thereon, be liable to all such Obligations, Penalties, and Payments, and allowed all such Discharges, as are imposed on and allowed to the Head Manager of any other Mine in the said County, in respect of the like Assessment and Payment on other Metals and metallic Minerals imposed by virtue of the said Act passed at the Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth; and that the Monies arising by means of such Assessment on Tin and Tin Ore shall form Part of the general Fund provided by the said last-mentioned Act, and arising from the Assessment on Metals and metallic Minerals, and be recovered and applied according to the Provisions of the said Act; and that from and after the said Twenty-ninth Day of *September* One thousand eight hundred and thirty-nine there be paid to the Collector of such Assessment, in addition to his present Salary, the Sum of Ten Pounds in every Year, charged in equal Moieties on the said Fund and on the Revenues of the Duchy of *Cornwall*, and payable as his present Salary is paid.

Additional Salary to Collector.

The Jurors attending at the Stannary Courts to be exempted from attending County Sessions as Jurors for One Year.

All Fines to be paidover to the Sheriff.

II. And whereas the Attendance of Jurors at the Court of the Vice Warden of the said Stannaries is long and laborious; be it therefore enacted, That all Persons who shall duly attend the said Court as Jurors shall be exempted from Attendance as Jurors at the Sessions for the said County of *Cornwall* for One Year from the Time of their Attendance as Jurors at the said Court, and the Vice Warden of the said Stannaries shall at the Close of each of his Sittings cause to be made and sent to the Clerk of the Peace of the said County a List of those Jurors who shall have duly attended at his said Court: Provided always, that all Fines imposed on any Juryman for Non-attendance, or on any other Person, by the said Vice Warden, be, when received, paid by the Registrar of the said Court to the Sheriff of the said County, and be by the said Sheriff received and accounted for in like Manner as all other Fines for Non-attendance of Jurors are by him now by Law accounted for.

No Appeal where Damages do not exceed 20*l.*

No Appeal from Court of Common Law of the Stannaries to operate as a Stay of Proceedings unless Security given.

III. And be it enacted, That no Appeal, by reason of the Vice Warden granting or refusing a new Trial, be allowed on behalf of the Defendant, where the Damages found by the Jury shall not exceed Twenty Pounds; and that no Appeal against any Judgment, Order, or Sentence given in the Court of Common Law of the said Vice Warden shall at any Time operate therein as a Stay of Proceedings, unless the Party appealing shall, in the Opinion of the said Vice Warden or of the Registrar of the said Court (if the Matter be referred to him), give previously to his said Appeal good Security for the Satisfaction and due Performance of the Judgment, Order, or Sentence so appealed against, if the same be affirmed, and for Payment of such Costs incurred by or relating to his said Appeal as he may be ordered to pay.

No Appeal from a Decree of the Court of

IV. And be it enacted, That no Appeal against any Decree, Order, or Act of the said Vice Warden, made or done in the Court of Equity of the said Vice Warden, shall at any Time operate as a Stay of

Proceedings in such Court, or be allowed, unless the Party appealing shall, previously to his said Appeal, give good Security, in the Opinion of the said Vice Warden or Registrar as aforesaid, for Payment of such Costs incurred by or relating to his said Appeal as he may be ordered to pay. Equity of the Stannaries unless Security given.

V. And be it enacted, That so much of the said Act passed at the Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty as regulates the Time within which any Motion must be made for a new Trial shall be and the same is hereby repealed; and that the said Vice Warden may make such Rules and Orders in his said Court relating to the Time for moving for new Trials and Rehearings of Causes, and to all Matters relating to the Taxation of Costs, and to Practice, as to him may from Time to Time seem fit, any thing in such Act to the contrary notwithstanding. The Vice Warden of the Stannaries may make Rules relating to Times of new Trials, and Matters of Practice in his Court.

VI. And be it enacted, That the Registrar of the said Court of the said Vice Warden may, in all Causes pending therein, administer Oaths, take Affidavits and Affirmations, and receive Depositions relating thereto; and that any Commissioner of the Superior Courts of Common Law at *Westminster*, having by Commission from such Courts or any of them Authority to take Affidavits in Matters relating to such Courts or any of them, may, without Fee or Reward, apply for and have, by Commission of the said Vice Warden, under his Seal of the Stannaries, Authority to take Affidavits and Affirmations in all Suits and Matters in the Court of Common Law of the said Vice Warden; and that the said Vice Warden may, without Fee or Reward, by Commission under his said Seal, give Authority to any Solicitor of the Superior Court of Equity, or to any Attorney of any of the said Superior Courts of Common Law resident or practising in or near *Westminster*, to take Affidavits and Affirmations in all Suits and Matters in the Court of the said Vice Warden. The Registrar of the Court of the Stannaries may administer Oaths and take Affidavits; and others, by Commission, may take Affidavits.

VII. And be it enacted, That if, in consequence of Accident or Illness, the said Vice Warden shall be prevented from attending at *Truro* on the Day appointed for him to hold his Sittings there, or any Adjournment thereof, the Registrar of the said Court of the said Vice Warden shall have Power from Time to Time to open and adjourn such Court, and thereupon all Persons summoned or bound or having Occasion to attend thereat shall attend according to such Adjournment as if the Vice Warden had been present and adjourned the Court; and the Vice Warden, when he shall be present at such Court so adjourned, shall proceed thereat as if the Day of Adjournment had been the Day originally appointed for the holding thereof; and the said Vice Warden shall, without Delay, send a Statement in Writing for the Lord Warden, to be delivered to the Secretary of the Lord Warden, of the Cause whereby he was prevented from attending as aforesaid; and the said Lord Warden shall, without Delay, produce such Statement to the Council or Commissioners or principal Officers of the said Duchy, who have Authority to require the Removal of the Vice Warden from his Office: Provided also, that in case of sufficient Cause being at any Time shown to such Council or Commissioners or principal Officers, a Majority of Five of them the said Council or Commissioners or principal Officers as aforesaid, of whom the For adjourning and holding the Court in case of Illness of the Vice-Warden or other good Cause. Vice-Warden to state the Cause thereof. A Person may be appointed to execute the Duties for a Time.

the said Lord Warden, if he be present, shall be One, may appoint a fit Person, being a Barrister of Ten Years standing at the least, to execute the Duties of the Vice Warden for a Time not exceeding Four Calendar Months together.

Vice Warden or Registrar of the Court of the Stannaries may in certain Cases commit or discharge any Person in Contempt.

VIII. And be it enacted, That if any Person be in Custody for Contempt, or be alleged to be in Contempt of any Order or Decree of the said Vice Warden, or be in Custody for any Cause relating to his said Court, when the same Court is not sitting, such Person shall, by Order of the Court, be brought before the Vice Warden or Registrar, who shall hear the Defence or Allegations of such Person, and thereupon the said Vice Warden may commit, or the said Vice Warden or Registrar may, in their Discretion, respectively discharge such Person altogether, or may otherwise discharge such Person until the next Sittings or for some shorter Period, on such Person so discharged giving good Security for his Appearance at the next Sittings or the Expiration of such shorter Period, and on such other Terms as the Nature of the Case may require: Provided always, that if such Security be forfeited the Vice Warden may thereupon order what shall appear to be just, and give Relief accordingly.

The Registrar may make Orders relating to formal Errors and Amendments.

IX. And be it enacted, That the said Registrar may make Orders respecting Errors and Amendments in Petitions or other Pleadings at Law as well as in Equity before any Defendant shall have pleaded or answered; and in like Manner may at any Time make Orders respecting formal Amendments or Misnomers, or the adding or striking out Names of Parties, and may, by Consent of all Parties, Plaintiffs and Defendants, make Orders respecting any other Amendments after a Defendant shall have pleaded, and may from Time to Time require from any Officer of the said Court who shall collect or receive Money, either by Assessment on Ores or by Fees of Court, or in Course of a Suit or otherwise, an Account and Payment of such Money to be made to him at such Time as he shall think fit.

Workmen in Mines removing or concealing Ore to defraud the Adventurers or other Miners to be guilty of Simple Larceny.

X. And for the Prosecution and Punishment of Frauds in Mines by idle and dishonest Workmen removing or concealing Ore for the Purpose of obtaining more Wages than are of Right due to them, and thereby defrauding the Adventurers in or Proprietors of such Mines, or the honest and industrious Workmen therein, be it enacted, That if any Person or Persons employed in or about any Mine within the County of *Cornwall* shall take, remove, or conceal the Ore of any Metal, or any Lapis Calaminaris, Manganese, Mundick, or other Mineral found or being in such Mine, with Intent to defraud the Proprietor or Proprietors of or Adventurer or Adventurers in such Mine, or any One or more of them respectively, or any Workman or Miner employed therein, then and in every such Case respectively such Person or Persons so offending shall be deemed and taken to be guilty of Felony, and being convicted thereof shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

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