CAP. XXXII.

An Act to amend and extend the Jurisdiction of the Stannary Court.

[15th *June* 1855.]

'WHEREAS it is desirable to explain and amend the Acts heretofore passed for the Administration of Justice in the Stannaries, and to make the Jurisdiction and Process of the Court of the Vice-Warden more efficient, and to regulate Appeals from the Vice-Warden:' Be it 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, as follows:

Process in case of Mines of mixed Minerals.

I. Where any Mine or Sett within the Stannaries shall be worked by the same Adventurers not only for metallic Minerals within the Jurisdiction of the Court, but also for non-metallic Minerals found in the same Mine or Sett, or intermixed with metallic Minerals, the entire Mine and Works and Products thereof shall be taken to be within the Cognizance of the Vice-Warden as if the same had wholly consisted of metallic Minerals, and the Process of the Court shall extend to and be exercised over the same, and all the Machinery and Materials thereon, as in the Case of Mines of metallic Minerals, and the Mineral called Plumbago or Black Lead is hereby declared to be a metallic Mineral.

Interpretation of Terms.

II. The Words "Mine" and "Mineral" and "Miner," when used in this Act, or in any Pleadings, Process, or Proceedings in the said Court, shall, unless otherwise explained or qualified, be respectively presumed and taken to mean a metallic Mine or Mineral within the Jurisdiction of the said Court, and a Miner in some Mine, Work, or Adventure within the same Jurisdiction, and having Privilege to sue or be sued in the said Court; and the Words "County Court" shall in this Act mean any Court established under the Provisions of the Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, and also the Court held under the Provisions of "The *London* (City) Small Debts Extension Act, 1852."

As to Suits by Pursers, &c. for Contribution against non-resident Shareholders.

III. In Suits on the Equity Side of the Court of the Vice-Warden, prosecuted according to Custom by the Purser or other principal Agent of the Adventurers in a Mine in the Stannaries against an Adventurer or his personal Representatives for Contribution to Calls or to the Expenses of working such Mine or Adventure, it shall be lawful for the Vice-Warden, upon special Application in that Behalf, to order that Service of Process on the Defendant in any Part of *England* or *Wales* to compel Appearance and Answer shall be sufficient Service, although he may not then be personally within the Jurisdiction of the said Court; and upon Proof of such Service and the Default of the Defendant to appear and answer the Petition within the Time prefixed by the Summons, it shall be lawful for the Plaintiff to enter an Appearance for the Defendant, and thereupon such Proceedings shall be had in the Suit, and such Orders and Decree made, as if the Process had been duly served on the Defendant within the Jurisdiction of the Court; and if upon Sale of the Shares or Interest of the Defendant in the Mine or Adventure according to Custom the Proceeds of the Sale shall be insufficient to satisfy the Debt of the Defendant, Costs of Suit, and Expenses of Sale, it shall be lawful to levy the same or the Residue thereof in the Manner herein-after provided for enforcing Decrees and Orders on the Equity Side of the Court; and after Appearance so entered, all Notices, Orders, Summonses, Warrants, and other Process in the Suit shall be deemed to be well served if served on the Defendant wheresoever he shall then be in *England* or *Wales*.

Plaintiff may join several Adventurers in One Petition, &c.

IV. In all such Suits against Adventurers for Contribution, it shall be lawful for the Plaintiff to join several Adventurers in One Petition for Recovery of their several Contributions, and for the Court to make One Decree for Payment and One Order for Sale of Shares, and to enforce Payment by separate Process of Execution against each Defendant, if need be; and where the Defendants or any of them shall put in separate Answers, it shall be lawful for the Court to direct that all or any of the Matters in issue be heard and tried at the same Time; provided that nothing herein contained shall be construed to abridge or affect the Right of the Plaintiff in such a Suit, as now exercised, to proceed against

Adventurers residing or being out of the Jurisdiction of the Court upon a Service on the Mine itself, substituted by Order of the Vice-Warden for personal Service; but in such Case the Plaintiff shall not be entitled to any other or further Remedy for Recovery of the Arrears of Contribution in the Vice-Warden's Court from a Defendant so served than he had before the passing of this Act.

As to Suits by Creditors for Payment of Debts of Adventurers in a Mine.

V. In Suits on the Equity Side of the said Court by Creditors prosecuted according to Custom against the Purser or other Principal Agent of the Adventurers, or against one or more of the Adventurers in a Mine in the Stannaries, to enforce Payment of their Demands by Sale of the Ores, Machinery, Materials, and Effects for the Time being belonging to the Adventurers, and being upon or about the Mine or fraudulently removed therefrom, it shall be lawful for the Vice-Warden, upon special Application in that Behalf, to order that Service of Process on the Defendant in any Part of *England* or *Wales* to compel Appearance and Answer shall be sufficient Service, although he may not then be personally within the Jurisdiction of the said Court; and upon Proof of such Service and of the Default of the Defendant to appear and answer the Petition within the Time prefixed by the Court, it shall be lawful for the Plaintiff to enter an Appearance for the Defendant, and thereupon such Proceedings shall be had in the Suit, and such Decrees and Orders made, as if the Process had been duly served on the Defendant within the Jurisdiction of the said Court; and any Adventurer shall, upon Application to the Vice-Warden or Registrar, be let in to defend the Suit, either separately or jointly with the other Defendant, within Twenty Days after the filing of the Petition, or within such other Time as the Vice-Warden shall allow; and where several Creditors of the same Adventurers shall sue separately for Payment and Sale, the Vice-Warden shall have Power to consolidate the Suits in such Way as shall seem to him necessary or expedient for the convenient Trial of the Matters in issue in the said Causes and for the saving of Expense to the Suitors; and all further Notices, Orders, Summonses, Warrants, and other Process in the Cause or consolidated Causes shall be deemed to be well served if served on the Defendant in any Part of *England* or *Wales*; and if upon Sale of the Ores, Machinery, Materials, and Effects in any such Suit the Proceeds of the Sale shall be found insufficient to satisfy the Debts of the Plaintiff or Plaintiffs and of the other Creditors who shall be admitted according to Custom to prove their Debts before the Registrar of the Court and the Costs of Suit and Expenses of Sale, it shall be lawful for the Registrar, at the Instance of the Plaintiff in the Suit or of any Creditor so admitted to Proof, and by Permission of the Vice-Warden on an Application by the Plaintiff or Creditor stating the Amount of Debts remaining unsatisfied and the Number of Adventurers, whether within or out of the Jurisdiction, so far as they can be ascertained by the Applicant, to proceed to apportion the Amount of Debts, Costs, and Expenses remaining unsatisfied rateably among all the Adventurers or Persons liable to contribute to the Payment of the said Debts, whether they be within the Jurisdiction or elsewhere, according to the Number of Shares or the Interest of each in the said Mine or Adventure; and it shall be competent for the Registrar to call for, and by Summons and Attachment within the Stannaries or Subpœna under the Seal of the Court to enforce, Production before him of the Cost Book or Books, Lists of Shareholders, Accounts, Bills, Resolutions of the Adventurers or Committees thereof, and all other Books, Papers, and Documents of the Adventurers relating to the Mine or the Management thereof, and by like Summons and Attachment or Subpœna to call before him and to examine the Purser, Managers, or other principal Agents of the Adventurers, whether the several Documents above mentioned or the Persons so called before him be within the Stannaries or elsewhere in any Part of *England* or *Wales*, and to make a List of all the Persons so liable to contribute at the Time of filing the Petition or their personal Representatives, with the Amount apportioned upon each; and when the Registrar shall have made such List and Apportionment, a Copy of the List shall be sent to the Account House of the Mine, or the principal Office or Place of Business of the Adventurers, and Notice shall be served on each Person named in the List of the Sum charged upon him, and a reasonable Time, to be fixed by the Registrar according to the Circumstances of each Case, shall be allowed to him to dispute the Apportionment before the Registrar, who shall hear and determine all Objections thereto; and when the List shall have been finally settled by the Registrar, he shall report thereon generally to the Vice-Warden, and if the Report shall

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be confirmed upon Exception or otherwise there shall be a Decree for Payment in conformity with the said Report, and the several Sums so apportioned and charged upon each Contributory shall in and by the said Decree be made payable to the Registrar, who shall forthwith demand Payment thereof, and thereupon it shall be lawful for the said Plaintiff or Creditor, at whose Instance the Apportionment shall have been made and Decree obtained, after such Demand and a Refusal of Payment, to proceed to levy from each Contributory in the said List the Sum therein charged upon him in the Manner herein-after provided for enforcing Decrees and Orders on the Equity Side of the said Court, and for this Purpose the said Plaintiff or Creditor shall be deemed to be a Party entitled to the Benefit of the said Decree within the Intent and Meaning of the said Provision, and the Sums received or levied shall be forthwith paid over by him to the Registrar, who shall deduct therefrom and allow to the Party who shall have so received or levied the same his reasonable Costs and Expenses in and about the said Apportionment and obtaining the said Decree and levying the Money so payable under it, and shall distribute the Residue rateably among the several Creditors in the Proportion of the Debts remaining due to them respectively: Provided always, that all Notices and Demands required by this Act to be served on or made upon Adventurers and other Persons named in the Registrar's List as Contributories shall be deemed to be sufficiently served if sent by Post prepaid, addressed to the Party at his last known Address; unless the Registrar shall order that the same shall be served in some other Way, in which Case Service shall not be sufficient unless it be in conformity with such Order.

As to Suits for Account between Adventurers.

VI. In Suits on the Equity Side of the said Court for an Account as between Adventurers in Mines in the Stannaries, it shall be lawful for the Court, upon special Application in that Behalf, to order that Service of Process in any Part of *England* and *Wales* to compel Appearance and Answer shall be good Service on any Adventurers or their personal Representatives, or others who may be necessary Parties to such Suit, although they may not then be personally within the Jurisdiction of the said Court; and upon Proof of such Service, and of the Default of any Person so served to appear and answer the Petition within the Time prefixed by the Summons, it shall be lawful for the Plaintiff or Plaintiffs to enter Appearances for the Persons so served, and thereupon such Proceedings shall be had in the Suit, and such Orders or Decrees made, as if the Process had been duly served within the Jurisdiction of the Court, and the Orders and Decrees so made shall be binding on all Adventurers and others so served; and if the final Decree shall be for Payment of Money or Costs, Payment thereof shall be enforced in the Manner herein-after provided; and after Appearance so entered all Notices, Orders, Summonses, Warrants, and other Process in the Suit shall be deemed to be well served if served in any Part of *England* or *Wales;* and in all such Suits where any Adventurer holding a Share in a Mine or Adventure cannot be found, or is deceased and no one can be found who has administered to his Estate and Effects, then it shall be sufficient by Leave of the Court to substitute for regular Service a Service on the Mine in the usual Way, or at the principal Office or House of Business of the Adventurers, whether within the Stannaries or elsewhere in *England* or *Wales*, and Notice of such substituted Service shall be addressed by Post to the last known Address of the said Adventurer, except in case of his Decease, and thereupon Decrees or Orders of the Court in the Suit shall be binding on such Adventurer or his Representatives, and those claiming under him, as in case of regular Service.

Process in Suits against non-resident Defendants.

VII. In Suits commenced on the Equity Side of the said Court for Causes relating to Mines and Minerals in the Stannaries, or to Shares, Interests, or Adventures therein, whereof the said Court has cognizance, in which it may be necessary or expedient to sue or to join as Defendant a Person holding or claiming to hold any Share or Interest in an Adventure in Mines or Minerals worked within the Stannaries, or being an Agent of the said Adventurers, who cannot be found within the Jurisdiction of the said Court; and in all Cases where any Person who shall have commenced any Suit or entered an Appearance in any Suit in the said Court, or shall have come in as Creditor, Claimant, or Purchaser, or otherwise submitted to the Jurisdiction thereof, cannot, by reason of his Person or Goods being out of the said Jurisdiction, be made amenable to the Process of the Court; and in all Cases where any Party to such Suit shall have died or become bankrupt or insolvent,

and his personal Representatives or Assignees, or any of them, who may be necessary Parties to the Continuance of the Suit, shall be out of the said Jurisdiction, it shall be lawful for the Court, upon special Application in that Behalf, to order that Service of any Notice, Order, Summons, Warrant, or other Process shall be deemed good Service on any such Person, Representative, or Assignee respectively in any Part of *England* or *Wales*, and, if need be, to order an Appearance to be entered for the Person served; and thereupon it shall be lawful to take such Proceedings and to make such Order or Decree as if the Service had been made within the said Jurisdiction.

Service of Process out of Stannaries.

VIII. Where Service of Notices, Orders, Summonses, Warrants, or other Process in Causes pending in the Vice-Warden's Court may, under this Act or otherwise, lawfully be made in a Place out of the Jurisdiction of the said Court, it shall be lawful for the said Court, or for Parties to Suits therein, to send the same to the High Bailiff of the County Court in the District of which such Place may be, together with the lawful Fees payable in like Cases for Service of similar Process in the County Court, and thereupon the High Bailiff shall serve or cause to be served the same, as if it had been issued out of a County Court, and such Service shall or may be proved as in case of County Court Process.

With respect to the Execution of Judgments and Decrees of the Court of the Vice-Warden, be it enacted as follows:

As to Execution of Judgments and Decrees of the Court of the Vice-Warden.

Where such Judgments cannot be conveniently enforced Superior Courts may issue Process for Recovery of Amounts due on the same.

IX. In Actions commenced therein on the Common Law Side of the Court where Judgment shall have been duly recovered in a Cause whereof the said Court has cognizance, but which cannot be conveniently or effectually enforced by the ordinary Process of that Court within the Jurisdiction thereof, it shall be lawful for any One of the Superior Courts of Common Law at *Westminster*, or for any Judge thereof, upon Application of the Party entitled to the Benefit of such Judgment, and Production of a Certificate from the Registrar of the Court of the Vice-Warden under the Seal of the Court of the Judgment so recovered, and a satisfactory Affidavit of the Ground of the Application, to cause Process to issue and Proceedings to be taken for the Recovery of the Amount due on the Judgment, including the Costs of the Certificate and of the Application, in the same Manner as upon a like Judgment recovered in an Action commenced in the Superior Court; and it shall not be necessary for this Purpose, or for any other Purpose, that the Record of any Judgment in the Vice-Warden's Court shall be engrossed on Parchment or enrolled; and where the Debt or Damages recovered by Judgment of the Court of the Vice-Warden, or sought to be recovered in Actions commenced either by Writ, Plaint, or other legal Procedure, according to the Practice of the said Court, shall not exceed Fifty Pounds, and the Judgment of the Court cannot be conveniently or effectually enforced within the Jurisdiction of the said Court, it shall be lawful for the Party entitled to the Benefit of the Judgment to sue out a Writ of Execution, and to send the same to the Clerk of any County Court within the District of which the Judgment Debtor or his Goods and Chattels shall then be, or be believed to be with a Warrant thereto annexed, under the Hand of the Registrar and Seal of the Court of the Vice-Warden, requiring Execution of the same, and with the Fees lawfully payable in like Cases for Execution of such a Writ in the County Court; and thereupon the said Clerk shall cause the same to be executed by the High Bailiff of the County Court in due Course of Law, as if the same had been issued by the Court of which he is High Bailiff, and the said Bailiff shall have the same Powers and Protection as if he were executing the Process of such County Court, and shall make his Return to the Clerk of the said Court, and pay over to him the Amount levied, if any; and the Clerk shall forthwith certify the said Return, and remit the Amount so paid, less the Costs of making such Levy according to the Practice of the County Courts, to the Party prosecuting the Writ; and the Judge of the said County Court shall have and exercise the same Power and Authority over the Clerk and High Bailiff, and shall have Power to adjudicate upon Summons of Interpleader in case of adverse Claims to Goods taken in Execution, as if the Execution had been under the Warrant of his own Court.

Execution of Decrees, &c. in Equity Suits

X. All Decrees and Orders made in Causes on the Equity Side of the Court of the Vice-Warden, whereof the said Court has cognizance, for Payment of any Sum or Sums of Money,

Money, Costs, Charges, or Expenses, shall and may be enforced by a Writ or Writs of Fieri facias or Capias, within the Limits of the Jurisdiction of the said Court, which Writs shall be in the Form, as near as may be, of the like Writs issued to enforce Decrees or Orders for Payment of Money made by the High Court of Chancery, and be executed in like Manner by the Bailiffs of the Vice-Warden's Court; and where any Decrees or Orders, whether for Payment of Money or otherwise, cannot be conveniently or effectually enforced by the ordinary Process of the Court of the Vice-Warden within the Jurisdiction thereof, it shall be lawful for the High Court of Chancery, or for any Judge thereof, sitting in Court or at Chambers, upon the Application of a Party entitled to the Benefit of such Decree or Order, and Production of a Certificate from the Registrar of the Court of the Vice-Warden under the Seal of the Court of the said Decree or Order, or of such Part thereof as cannot be so enforced as aforesaid, and a satisfactory Affidavit of the Ground of the Application, to make the said Decree or Order, or so much thereof as cannot be enforced, a Decree or Order of the High Court of Chancery; and thereupon such Decree or Order, or such Part thereof as aforesaid, shall and may be enforced by such Proceedings and Writs as would or might have been taken or issued if the same had been originally made by the High Court of Chancery, and all the reasonable Costs of and consequent upon such Certificate and Application shall and may be recovered as if the same had been and were Part of such Decree or Order; and where the said Decree or Order of the Vice-Warden is for Payment of a Sum or Sums of Money not exceeding in the whole the Sum of Fifty Pounds, it shall be lawful for the Party entitled to the Benefit of the said Decree or Order to enforce Payment thereof in the Manner herein-before provided in the Case of a Judgment on the Common Law Side of the Court for Recovery of a Debt or Damages not exceeding the said Sum of Fifty Pounds: Provided that nothing in this Act contained shall affect or prejudice the Power of the Vice-Warden to enforce Decrees or Orders by Process of Attachment within the Jurisdiction of his Court where the same may be now lawfully exercised, or to order the Sale of Shares or Interests in Mines or Adventures in Cases wherein such Sale may now be made by Order of the said Court. in or out of Stannaries.

XI. When any Claim is made to or in respect of any Goods and Chattels, or the Proceeds or Value thereof, sold or intended to be sold under a customary Decree of Sale in a Mining Creditor's Suit by any Landlord for Rent or other distrainable Demand, or by any other Person not being a Party to the Suit, it shall be lawful for the Vice-Warden to call upon the Claimant by Rule or Order of the Court to appear in Person or by his Attorney or Agent in support of the same either before the Vice-Warden himself or before the Registrar, and to state the Nature and Particulars of his Claim, who shall thereupon hear the Allegations and receive the Proofs offered as well by the Claimant as by the Plaintiff in the Suit, and, if the Claimant and Plaintiff shall agree on the Facts of the Case, shall then adjudicate upon the Claim; and if the said Parties shall not so agree, then the disputed Facts shall be ascertained by an Action or Issue to be tried in the Vice-Warden's Court, in such Form as the Vice-Warden shall direct, and the Vice-Warden shall then adjudicate upon the Claim; or the Vice-Warden or Registrar shall have Power, with the Consent of the Parties so before him, their Counsel, Attornies, or Agents, to adjudicate upon and dispose of the Claim in a summary Manner: Provided that in all Cases, except in case of summary Adjudication by Consent, it shall be competent for the Registrar, at the Request of the said Parties, or either of them, to refer the Decision of the Case to the Vice-Warden; and the Vice-Warden shall in all Cases of such Interpleader make such other Rules and Orders in the Matter of the said Claim or Adjudication as between the said Parties in respect thereof, or of the Costs of the Proceedings, as to him shall seem fit and reasonable. Interpleader in Equity.

XII. The Adjudication of such Claim, either upon hearing or in default of the Appearance of the Claimant, shall be final and conclusive between the said Parties and all Persons claiming by, from, or under them; and the Adjudication, and all Rules and Orders made thereupon, shall have the Force and Effect of Judgments or Decrees of the Court, and be enforced accordingly. Adjudication to be final.

XIII. In Cases of Interpleader either on the Common Law or Equity Side of the Court, upon Application by the Registrar, Bailiff, or other Officer of the Court, or of the Plaintiff in the original Suit, and Certificate by the Registrar of the Proceedings in the Upon Application by Registrar, &c. Action may be stayed.

the Court of the Vice-Warden, and Proof of the Service on such Claimant of the Rule or Order calling upon him to appear in support of his Claim, any Action that shall have been or shall be brought in any Superior or Inferior Court in respect of such Claim against any Officer of the Court or Person acting under his Direction, or against the Plaintiff in the original Suit, may be stayed by the said Court, or any Judge thereof, who shall have Power to make such Rules and Orders touching the Costs of the Action so stayed as shall seem fit and reasonable.

Freehold, &c. not to be adjudicated upon without Consent.

XIV. Provided that nothing herein contained shall authorize the Vice-Warden or Registrar to adjudicate upon any Claim, either on the Common Law or Equity Side of the Court, touching the Freehold or Inheritance of any Person, except by Consent of the Parties before the Court, and as between and against themselves and those claiming under them.

Ejectment in the Stannaries.

XV. It shall be lawful for the Vice-Warden to entertain Jurisdiction in Suits for Recovery of the Possession of Mines within the Stannaries, and of Buildings, Machinery, Works, and Waters annexed thereto and occupied therewith, on the Ground of Breach of Condition, Determination of the Sett or Lease, or other lawful or customary Cause of Forfeiture, and also to prohibit the working of any Mine in a Manner contrary to Custom or Covenant by Injunction in Cases and under Circumstances in which the High Court of Chancery or the Courts of Common Law at *Westminster* may now by Law enjoin; and the Suit for Recovery of Possession shall be by Action of Ejectment on the Common Law Side of the Court, according to the Forms and Procedure established by the Common Law Procedure Act, 1852, so far as they are or can be made applicable to the Vice-Warden's Court; and it shall be lawful for the Vice-Warden to cause all necessary Writs to be served on the Persons in possession or entitled to defend, wheresoever they may then be in *England* or *Wales*, and to adopt any of the General Rules and Orders of the said Superior Courts promulgated from Time to Time and applicable to the Action of Ejectment with such Variations as the Nature and Constitution of the Court shall render necessary; and all Constables and Peace Officers within their several Jurisdictions shall be aiding the Bailiffs of the Court in the Execution of the Writ or Writs awarded for Recovery of the Possession and Costs, and in enforcing Process of Attachment in the Case of Breach of Injunction; provided that nothing herein contained shall authorize the Vice-Warden to entertain any Question touching the Freehold or Inheritance of any Person except by such Consent and as between and against such Parties as aforesaid.

Summary Suits for small Debts extended to Torts.

XVI. 'Whereas Actions for Debts not exceeding Fifty Pounds are now prosecuted summarily, and tried by Five Jurors only on the Common Law Side of the said Court, and it is expedient that the like Process and Trial be extended to other Actions, whether for Debt or Damages:' Be it therefore enacted, That all or any Actions for Debts or Damages not exceeding Fifty Pounds, whether founded on Tort or Contract, for Causes within the Jurisdiction and Cognizance of the said Court, shall be prosecuted in a summary Way by Plaint, and tried by a Jury of Five Jurors, as is now used in Actions for small Debts in the said Court, except in Cases where the Vice-Warden shall permit or direct such Action to be by Writ of Summons; and for the Purpose of improving the Procedure in such Actions by Plaint, it shall be lawful for the Vice-Warden to make and enforce Rules and Forms for Procedure, Practice, Pleading, and Taxation of Costs, and to adopt all or any of the Rules and Forms now or hereafter legally in force and use in the County Courts, with such Alterations as may be necessary to adapt them to the Jurisdiction of the Vice-Warden's Court.

Removal of certain Causes from the County Courts.

XVII. Where any Cause touching the Usage or Customs of Mining or of Miners, or the Principles and Incidents of Cost Book Partnership or of Cost Book Mines, or the Privileges and Franchises of Tinners or Miners, or the Effect and Operation of Setts or Licences to mine or Contracts for the Sale or Transfer of Shares in Mines, or the Custom of Tin Bounds or the Nature and Incidents thereof, shall be pending before One of the Judges of the County Courts within the Stannaries, the said Judge shall, at the Request of either Party, have Power to remit the said Cause for Trial or Hearing before the Court of the Vice-Warden, who shall thereupon have all the same Powers and Jurisdiction with respect to the Cause as if it had been commenced by Plaint in the Court of the Vice-Warden, subject to the like Appeal as in other Causes so commenced.

XVIII. Demurrers

Pleading to Jurisdiction.

XVIII. Demurrers for Matter of Form only shall not be permitted in the Court of the Vice-Warden, and on the Equity Side of the said Court no Demurrers or Pleas shall be permitted except Demurrers for that the Suit or Subject thereof is not within the Cognizance or Jurisdiction of the said Court; and if the Objection of Want of Jurisdiction shall not be raised by Demurrer or Plea within Ten Days after Appearance in a Suit on the Equity Side, or within Ten Days after Notice of Declaration or Service of a Copy of Plaint on the Common Law Side, no Question as to the Jurisdiction of the Court shall thereafter be raised, except in Cases where the Want of Jurisdiction will disable the Court from doing full and substantial Justice between the Parties to the Suit; and the mode of filing or serving Demurrers or Pleas to the Jurisdiction shall be regulated by General Rules and Orders made as herein-after provided, and so much of Section Thirteen of the Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of *William* the Fourth, Chapter One hundred and six, as relates to Pleas and Demurrers to the Jurisdiction, and so much of the Act passed in the Sixteenth Year of the Reign of *Charles* the First, Chapter Fifteen, as relates to the Form and Manner of objecting to the Jurisdiction of the Stannary Courts, or is at variance with this Act, shall be and is hereby repealed, except as to Suits commenced before the passing of this Act.

Power of Registrar on interlocutory Applications.

XIX. The Registrar of the Court of the Vice-Warden shall have Power at all Times before Hearing or Trial, either on the Common Law or Equity Side of the said Court, to make Orders for amending the Proceedings or Pleadings upon Terms or unconditionally, to hear and determine Applications for further Time, Objections for Defect of Form, or on the Ground of Uncertainty, Obscurity, Prolixity, or Multifariousness, and to make Rules and Orders in all such other interlocutory Matters as shall be submitted or referred to him by Consent of Parties, or which he may be directed or empowered to hear and determine or deal with, by any General Rules or Orders made under the Authority of this Act; and the said several Matters shall be heard and determined *ore tenus* in a summary Way, subject however to Appeal by Motion to the Vice-Warden, either *ore tenus* or on a written Statement agreed upon by the Parties or drawn up by the Registrar and submitted to the Vice-Warden.

Power for Vice-Warden, with Consent of Parties, to refer Cases to Arbitration.

XX. The Vice-Warden shall have Power, with the Consent of the Parties to any Suit, their Counsel, Attornies, or Solicitors at Law or in Equity, to order the same, with or without other Matters in dispute, to be referred to Arbitration, or to act as such Arbitrator himself, at the Request of the said Parties, in such Manner and on such Terms and Conditions as he shall think fit, with all the usual Powers of Arbitrators, under References by Order of the Superior Courts; and such Reference shall not be revocable by either Party except by Consent of the Court; and the Vice-Warden shall have Power to set aside the Award for Cause shown, or to refer the Case back again to the Arbitrator, and the final Award made in pursuance of such Reference shall, on the Motion of either Party, be entered as the Decree or Order of the Court, or Judgment shall be entered in pursuance of such Award, as the Case may be, and the Decree, Order, or Judgment so entered shall thereupon be enforced as if the same had been made or entered in the ordinary Course of Procedure at Law or in Equity, as the Case may be.

Power of Vice-Warden to hold his Court at any Place within the Stannaries for certain Purposes.

XXI. It shall be lawful for the Vice-Warden, at the Request of one or some of the Parties to a Suit, and subject to such Terms as to Costs or otherwise as he may think fit and reasonable, to adjourn or hold his Court to or at any Place within the Stannaries for the Purpose of hearing Witnesses or taking Evidence; and in such Cases it shall not be necessary for the Registrar or Secretary of the Vice-Warden or Prothonotary of the Court to be in attendance at the Sittings of the Vice-Warden at such Place.

Production of Lists of Shareholders in Mines.

XXII. In all Cases of Mines in the Stannaries worked by Partnerships or Companies of Adventurers professing to adopt or to be constituted on the Cost Book System or Principle, it shall be lawful for the Vice-Warden, upon Application of any Adventurer or Shareholder in the Mine or Creditor of the Adventurers, founded on sufficient Grounds verified by Affidavit, although no Suit be pending touching the said Mine or Adventurers, to compel Production by Rule or Order of a List or Lists of all Adventurers or Shareholders for the Time being by the Purser or other principal Agent or Manager, Clerk, or Secretary of the Mine, and whether such Person be then within the Jurisdiction of the Court or elsewhere,

where, for Inspection of the Applicant; and if such List shall not be produced, showing truly the Name, Address, and Number of Shares of each and every Adventurer or Shareholder, and the Time when each became an Adventurer or Shareholder, so far as the same are known or can be ascertained, then it shall be lawful for the Vice-Warden at his Discretion, after Fourteen Days previous Notice of his Intention served on the Person so ordered to produce, and also affixed to the Account House of the Mine, or left at the principal Office or House of Business of the Adventurers within the Stannaries or elsewhere, to declare that the Partnership or Company is not carried on or constituted on the Cost Book System or Principle; and the said Partnership or Company shall thereupon no longer be deemed or taken to be for any Purpose a Partnership, Association, or Company within the Exemption of Mining Partnerships contained in the Act passed in the present Reign, entitled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*, or within the conditional Exemption contained in the Joint Stock Companies Winding-up Amendment Act, 1849; and in all Cases of like Mines and Partnerships, it shall be lawful for the Vice-Warden, upon Application of any Adventurer or Shareholder founded on sufficient Grounds and Affidavit, and although no Suit be then pending, to make a Rule or Order for Production of the Cost Books of the Mine, List of Adventurers, and such other Books and Documents relating to the Mine and Management thereof as the Vice-Warden shall think proper, for Inspection of such Applicant, and to enforce such Rule or Order by Attachment within the Stannaries, or by causing the same to be made a Rule or Order of one of the Superior Courts at *Westminster* under the Statute in such Case made and provided.

7 & 8 Vict. c. 110.

Power to make or adopt Rules, Orders, and Practice of Superior Courts of Law or Equity.

XXIII. 'Whereas the Power of the Vice-Warden to make General Rules or Orders of 'Court is insufficient, and it is doubtful whether it extends to the Adoption of Improvements 'in the Procedure of the Superior Courts recently made by Parliament, or of Rules and Orders 'made from Time to Time by the Superior Courts by the Authority of Parliament:' Be it therefore enacted, That it shall be lawful for the Vice-Warden to make from Time to Time new Rules and Orders touching the Procedure, Practice, Pleadings, Regulation of Court Fees, and Taxation of Costs, both on the Common Law and Equity Side of the said Court, and all other Business of the said Court, and to prescribe Forms for carrying into effect such new Rules and Orders, and also existing Rules and Orders not varied or repealed, and also to adopt all or any of the Provisions contained in the Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Eighty-six, and in the Common Law Procedure Act, 1852, and in the Common Law Procedure Act, 1854, and all or any of the Rules and Orders from Time to Time made and promulgated by the Superior Courts by and under the Authority of the said Acts or otherwise, with such Modifications as may be necessary to adapt them to the Jurisdiction of the Vice-Warden's Court; provided that no such Rules, Orders, Forms, or Provisions shall be made, prescribed, or adopted without the Consent and Approval of One of the Judges of the Superior Courts of Common Law at *Westminster* in the Case of Rules, Forms, and Provisions applicable to the Common Law Side of the said Court, or of the Lord Chancellor or One of the Judges of the High Court of Chancery in the Case of Orders, Forms, and Provisions applicable to the Equity Side of the said Court; provided also, that nothing herein contained shall be construed to abridge or restrain any existing Power of the Vice-Warden to make Rules or Orders in Cases not requiring the Consent or Approval of any Judge of the Superior Courts.

Provision for Illness or accidental Absence of Vice-Warden.

XXIV. When the Vice-Warden shall be prevented by Illness or Accident from attending and sitting on the Day appointed for such Sitting, it shall not be necessary to send any Statement to the Lord Warden of the Cause of his Non-attendance or of the Adjournment of the Court, unless the Vice-Warden shall be, or it shall appear to him probable that he will be, thereby prevented from sitting within the Period required by Law; and if, for the Reason aforesaid, it shall be necessary to appoint a Deputy, it shall be lawful for the Vice-Warden to appoint such Deputy, qualified as now required by Law, for the then next Sittings only, provided the Cause alleged in such Statement be allowed by the Lord Warden to be sufficient and the Person so named as Deputy be approved by him; and whenever it may be desirable to alter the Time fixed for holding the Court, it shall be lawful for the Vice-Warden to accelerate or postpone the holding thereof, provided that such Alteration be duly notified

notified and published in the usual Way, and the holding be not postponed beyond the Third Calendar Month next after the Calendar Month in which the last preceding Sittings were held, and no Irregularity in the Time of holding any Court or Sitting shall vitiate or avoid the Proceedings at such Court or Sitting.

Allowances to be made on auditing the Registrar's Accounts.

XXV. And, because Doubts may arise as to the Allowance of certain Disbursements and Payment of Arrears of Salaries on the auditing of the Registrar's Accounts, be it enacted, That upon such Audit there shall be allowed annually, in respect of the Expenses of advertising and holding Courts in *Cornwall*, summoning Jurors, enforcing Payment of Assessments, lighting, warming, cleaning, watching, and keeping the Court and Offices there, providing Furniture, Books, Stationery, and Printing, and such additional Accommodation or occasional Assistance in the Office as the Vice-Warden shall consider reasonable or necessary, a Sum not exceeding the Sum of One hundred and twenty Pounds; provided that if hereafter the Expenses of the Sittings and Court shall become larger by reason of increased Business, more frequent Sittings, or other Causes, it shall be competent for the Council of the Prince of *Wales*, or special Commissioners for managing the Affairs of the Duchy for the Time being, to authorize a larger Allowance, not exceeding in the whole Two Third Parts of the Fees of Court that shall come into the Hands of the Registrar during each Year: And whereas it has happened, and may again happen, that the Monies arising from Fees and Assessments, and available for the Payment of the official Salaries charged on them, have been or may be insufficient to pay the current Salaries when the same become due: Therefore, when the Registrar shall account to the Vice-Warden for such Monies, there shall be allowed to him thereout not only the Portion of Salaries due in respect of the Half Year then last past, but also all or any Arrears of Salaries remaining unpaid on preceding Accounts.

Regulation of Appeals.

XXVI. The Provisions contained in the Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter One hundred and six, and in the Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, Chapter Fifty-eight, touching Appeals to the Lord Warden, shall be repealed, and henceforth from all Decrees and Orders of the Vice-Warden on the Equity Side of his Court, and from all Judgments of the Vice-Warden on the Common Law Side thereof, there shall lie an Appeal to the Lord Warden, who shall have Power to affirm, vary, or reverse the Decree, Order, or Judgment wholly or in part, or to dismiss the Appeal, or to direct a Re-hearing or a new Trial in the Court below, and to make such Order or Orders touching the Costs in the Cause as to him shall seem fit, and the Decree, Order, or Judgment of the Lord Warden on such Appeals shall be remitted to the Vice-Warden, to be by him carried into effect and enforced, if need be, according to the Course and Practice of the Court; and upon hearing such Appeal it shall not be competent for the Parties to produce fresh Evidence in the Cause, or to call upon the Lord Warden to hear any Witnesses in the Cause, unless he shall in his Discretion think fit to do so; but the Decree, Order, or Judgment of the Lord Warden may proceed on the State of Facts appearing on the Notes of the Trial below certified by the Vice-Warden or agreed upon by the Parties; and the Vice-Warden shall certify such Notes accordingly, and transmit to the Lord Warden a Record of the Proceedings in his Court, and all Documents and Papers in the Cause in the Custody of the Court; and the Parties before the Lord Warden shall produce all the Documents and Papers produced on the Trial below: On the Hearing and Decision of the Appeal the Lord Warden shall be assisted by Two or more Assessors, who shall be Members of the Judicial Committee of the Privy Council or Judges of the High Court of Chancery or Courts of Common Law at *Westminster*; and the Decree, Order, or Judgment of the Lord Warden in the Court of Appeal so constituted shall be subject to a final Appeal to the Judicial Committee of the Privy Council, who shall have Power to hear and determine the same: And it shall be lawful for the Lord Warden to remit a Cause pending before him on Appeal at once for the Determination of the said Judicial Committee, without pronouncing any previous Judgment thereon: Provided that no Appeal shall be allowed in any Case where the Debt or Damages sought to be recovered shall not exceed Twenty Pounds, and where no Question of Jurisdiction or of the Custom of Mining or Miners shall have arisen in the Court below, nor shall any Appeal operate to

stay

stay Proceeding or be allowed, unless the Party appellant shall notify in Writing to the Registrar, within Thirty Days after Notice of the Decree, Order, or Judgment appealed against, his Intention to prosecute an Appeal, and shall then give or offer to give Security by Bond to the Registrar to prosecute the same within a Time prefixed by the Court, and to abide by and perform the final Order and Award of the Court of Appeal, which Bond shall not require to be stamped; and it shall be lawful for the Lord Warden, with the Approval of Two or more Members of the Judicial Committee of the Privy Council or Judges of the High Court of Chancery or of the Superior Courts of Common Law, from Time to Time, to make any General Rules and Orders for regulating the Practice, Fees, and Costs on Appeals pending before him, not inconsistent with the Provisions of this Act.

As to levying and Application of Fines.

XXVII. The Penalties incurred by the Head Manager of any Mine by reason of his Omission to make such Returns of Metals and Minerals, or the Value thereof, or such Payments in respect thereof as he is now required by Law to make, shall be assessed and imposed by the Vice-Warden; and such Penalties and all Fines and Penalties lawfully imposed and levied by Authority of the Vice-Warden for any Default or Non-attendance of Jurors, Misdemeanor of Bailiffs or other Officers, Contempt of Court, or other Cause whatsoever, shall be paid to the Registrar of the Court, and form Part of the Fund for Payment of Expenses and Salaries, and such Fines and Penalties shall be levied within the Stannaries by Fieri facias issued by Order of the Vice-Warden, on Complaint of the Registrar, and Summons, and Hearing in a summary Way; and if the Offender be not found within the Stannaries, shall be levied on like Summons and Hearing, or Default of Appearance, in the Manner herein-before provided for enforcing Execution of Judgments on the Common Law Side of the Court.

Punishment of Frauds by Miners in Devonshire.

XXVIII. 'And whereas by the Tenth Section of an Act passed in the Parliament holden 'in the Second and Third Years of the Reign of Her present Majesty, Chapter Fifty-eight, 'it was enacted, that certain Frauds committed by Workmen in Mines in the County of '*Cornwall* should be deemed Felonies, and should be punished as in Cases of Simple Larceny: 'And whereas it is desirable that that Enactment should be extended to the County of '*Devon*:' Be it therefore enacted, That 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, if any Person or Persons employed in or about any Mine within the County of *Devon* 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.

Vice-Warden to be qualified to act as a Justice of the Peace in the County.

XXIX. The Vice-Warden of the Stannaries for the Time being whose Name shall or may be inserted in any Commission of the Peace for the County of *Cornwall* shall be qualified to act in the Execution of the Office of Justice of the Peace for the said County, although he may not have such Qualification by Estate or Interest in Lands, Tenements, or Hereditaments as is now enjoined by Law in the Case of other like Justices; provided that he be not disqualified to act for any other Cause or upon any other Occasion than in respect of the Want of such Estate or Interest.

Parts of Acts repealed.

XXX. The following Parts and Provisions of the Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter One hundred and six, shall be and the same are hereby repealed; that is to say, Sections Five, Eleven, and Fourteen, and so much of Section Seven as relates to Appeals, and the Words "Nisi prius" shall be considered as struck and omitted out of Section Eight: The following Parts and Provisions of the Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, Chapter Fifty-eight, shall also be and the same are hereby repealed; that is to say, Sections Three, Four, and Nine, and

and the Proviso in Section Two; but no Acts done or Rules or Orders made by Authority of the Provisions so repealed shall be thereby affected or made void.

Law Clerk of the Duchy of Cornwall to act as Attorney or Solicitor in all Courts.

XXXI. 'Whereas it will be convenient that the Office of the Duchy of *Cornwall* should 'be put on the same Footing as certain Public Offices in the Transaction of Law Business:' Be it enacted, That whenever any Person shall be appointed by His Royal Highness the Prince of *Wales*, or other the Personage for the Time being entitled to the Possessions of the Duchy of *Cornwall*, to act as Attorney or Solicitor in the Affairs of the said Duchy, it shall be lawful for such Person to act and practise as such Attorney or Solicitor in such Affairs in all and every Court, Jurisdiction, and Place in any and every Part of the United Kingdom, any Statute, Order, Rule, Usage, or Custom relating to Attornies or Solicitors, or the Admission, Inrolment, or Practice of Attornies or Solicitors, to the contrary notwithstanding.

Stannaries of Cornwall and Devon to be united as to Jurisdiction.

XXXII. 'And whereas it has been represented that the Adventurers, Miners, and others 'interested in Mines in the County of *Devon* would be benefited by the Extension of the 'Stannary Court Jurisdiction into that County, and are willing to be contributory to the 'Expenses of such Extension, in the Manner herein-after provided:' Be it therefore enacted as follows:—The Jurisdiction of the Court of the Vice-Warden shall henceforth be extended and exercised over the County of *Devon*, and over the Mines and Miners therein, and the Process of the said Court, both at Common Law and in Equity, shall run in and be executory throughout the Counties of *Devon* and *Cornwall*, and the Forms and Customs of Procedure as now lawfully used and exercised in the Stannaries of *Cornwall* (subject nevertheless to such Amendments or Provisions as are contained in or may be authorized by this Act, and to all other lawful Rules and Orders of the Court,) shall henceforth be adopted, used, and enforced in and throughout the Stannaries and County of *Devon*, and the Stannaries of the said Two Counties shall be and become, for the Purposes of Stannary Jurisdiction, One entire District, and the present and all future Vice-Wardens of the Stannaries shall be Vice-Wardens of the Stannaries of and for both Counties, and shall have therein all the like Powers, Privileges, Authority, and Jurisdiction over and in respect of Mines and Miners, and Causes touching the same, in *Devon* as in *Cornwall*, and all Miners and others interested in Mines in *Devon* shall have the Privilege to sue and be sued at Law and in Equity in the Court of the Vice-Warden, and be amenable to the said Court and Vice-Warden, as well by reason of the Person as of the Cause, in like Cases and for like Causes in and for which the Miners and others interested in Mines in *Cornwall* now have such Privilege or are amenable to the said Court and Vice-Warden: Provided always, that the Common Law Jurisdiction of the Vice-Warden in respect of Causes of Action arising in *Devon* shall not extend to or be exercised in the County of *Devon* or to or over Miners therein, except in Causes and in respect of Matters relating to Mines or the Products thereof or Work connected therewith, or to the Working or Management thereof, or the Supply of Materials, Money, or Necessaries, or Performance of Work and Labour to, for, or in respect of such Mines or Works, or relating to the Customs of Mining or Miners, or to Shares or Interests in any Mine or Adventure in Mines.

The Vice-Warden to sit in Devonshire when sufficient Funds shall be provided for such Sitting.

XXXIII. 'And whereas it will be convenient that Provision should be made for periodical 'Sittings of the Court in *Devonshire* as well as in *Cornwall*:' Be it enacted, That if and when it shall appear to the Council of His Royal Highness the Prince of *Wales*, or the special Commissioners for managing the Affairs of the Duchy for the Time being, that the Revenue annually arising from the Assessment herein-after authorized on Mines in *Devonshire* will amount to the Sum of Three hundred and Twenty Pounds at the least, over and above the Expense of Collection, the said Council or Commissioners shall have Power to direct that Sittings be held by the Vice-Warden in *Devonshire*, and thereupon the Vice-Warden shall so sit, either by Adjournment from *Truro* or otherwise, at least Four Times in each Year, as he has heretofore been accustomed to do in *Cornwall*, and he shall hold his Sittings either at *Plymouth*, *Devonport*, or *Stonehouse*, in the said County, as to him shall seem fit, subject to the Power of Adjournment in certain Cases, as herein-before provided, and for that Purpose shall have Authority to use and occupy the Public Halls of the said Boroughs, or some other convenient Building provided for such Sittings, at such convenient Times and in such Way as may not interfere with other necessary public Business usually transacted therein, and in that event the said Council or Commissioners shall direct in what Manner,

and on what Conditions, Terms, and Tenure, Monies arising from such Assessment, or any Part thereof, shall be appropriated, either among the present Officers of the Court and their Successors, or to the Deputies who (with the Assent and Approval of the Vice-Warden) may be employed by such Officers to execute their Duties or any Part of their Duties, when the Court shall be sitting in *Devonshire*, or to new or additional Officers and Clerks, or towards the General Expenses of the Court, so as best to secure the due Performance of the additional Duties and increased Business occasioned by the Extension of the Jurisdiction, and to indemnify the present Officers of the Court for any Expenses to which they may be put by Attendance elsewhere than at *Truro*, and Payment shall be made according to such Appropriation, and it shall be competent for the Council or Commissioners, at the Recommendation of the Vice-Warden, to vary such Appropriation, having due Regard to the Exigencies of Business in the said Court, and the Amount of Funds applicable to the Expenses thereof.

Collector in Devonshire.

XXXIV. There shall be a Collector of the Assessments in the County of *Devon*, to be appointed by the Vice-Warden, with like Duties and Liabilities as in *Cornwall*, who shall receive for such Collection, out of the Monies so collected, an annual Sum not exceeding Thirty Pounds, and shall hold his Office at Will, and it shall be lawful for the Vice-Warden to appoint the same Person to be Collector in both Counties, and to appoint Bailiffs for Service and Execution of Process throughout the whole District of both Stannaries.

Jurors to be qualified as at Assizes.

XXXV. All Jury Trials, whether in Actions, Suits, or Plaints, on the Common Law Side of the Court, arising in the County of *Devon*, or in Issues from the Equity Side, shall be by Persons qualified to serve as Jurors before the Justices of Assize and Nisi Prius in the said County; and for making out Lists of such Jurors, and summoning them, the Vice-Warden shall have and execute the like Powers as in *Cornwall*; and the Persons so qualified to serve shall be liable to challenge, and amenable to the Process of the said Court, and enjoy the same Exemptions in respect of their Attendance and Service as in the Stannaries of *Cornwall*: Provided nevertheless, that until the Vice-Warden shall receive the Directions of the said Council or Commissioners, as above provided, to hold Sittings in the County of *Devon*, it shall not be obligatory on him to hold any Sittings there, nor shall it be obligatory on Persons qualified to serve as Jurors in the Vice-Warden's Court in *Devonshire* to give their Attendance as such at any Court held by him in that County or elsewhere, nor shall any Cause arising in *Devonshire*, and pending before any County Court Judge there, be remitted for Trial or Hearing before the Vice-Warden, as herein-before provided; and in the meantime the said Council or Commissioners shall direct in what Manner and in what Proportions the Revenue arising from Fees and Assessments in respect of Causes and Mines in the County of *Devon* shall be applied towards Court or Office Expenses, or Payment of the present or additional Official Salaries.

No Sittings in Devon till Duchy Council or Commissioners shall direct.

Assessment of Mines and Minerals in Devon.

XXXVI. And for the Purpose of providing for the Expenses attendant upon the Extension of the Jurisdiction of the Court into *Devon*, there shall be an Assessment of a Farthing in the Pound on the Value of all Metals and Minerals in that County, as in *Cornwall*, and all the Enactments contained in this and any other Act of Parliament for obtaining and enforcing Returns, and levying and collecting the said Assessment, in *Cornwall*, shall be taken to apply to the like Assessment in *Devon*, and the Collector thereof shall account for all Monies received by him as in *Cornwall*, and such Assessment shall begin at the passing of this Act, and be collected for the First Time at the End of Three Calendar Months next after the passing of this Act; provided, that whenever it shall appear to the Vice-Warden, on auditing the Registrar's Accounts, that there is a Balance in hand sufficient to meet all authorized Payments for the next Half Year, the like Notice thereof and Suspension of Assessment shall take place as in the Assessment in *Cornwall*; and the Registrar of the Court shall keep a separate Account of all Fees and Monies coming into his Hands in respect of Causes and Matters arising in the County of *Devon*, and in respect of the Assessment of Metals and Minerals in that County, and shall render Accounts to the Vice-Warden as in *Cornwall*, and shall be allowed in his half-yearly Account, as well the additional Salaries and Sums lawfully chargeable thereon, as herein-before provided, as the reasonable and needful Expenses of advertising and holding Courts and summoning Jurors in the County of *Devon* (if any be held), and of lighting, warming, cleaning, watching, and keeping the Court, and an Office there (if any), and other like petty Expenses, as allowed in

in the County of *Cornwall*, and the Amounts so audited shall be filed, and be open for Inspection, as is now used in the said Court.

Commitment of Prisoners in Devonshire.

XXXVII. Persons committed to Prison by the Vice-Warden in respect of Causes or Contempts in the County of *Devon* shall be committed and taken either to the County Gaol at *Exeter* or the Borough Gaol of *Plymouth* or *Devonport*, as shall appear to the Vice-Warden most expedient in each Case, and shall be received, dealt with, maintained, supported, and provided for as if they had been committed to those Prisons by like Process out of the Superior Courts of Law or Equity at *Westminster*, or by any Court of Civil Jurisdiction held in or for the Borough of *Plymouth* or *Devonport*.

Provision for the eventual Establishment of a separate Court in Devonshire.

XXXVIII. Whenever it shall hereafter appear that a sufficient Fund shall be provided in the Stannaries of *Devon* for the Establishment of a permanent separate Court and a separate Office and Officers in and for a Vice-Warden's Court in the County of *Devon*, it shall be lawful for Her Majesty, by Order in Council, issued at the Instance of the said Council of His Royal Highness, or the Special Commissioners, as aforesaid, to direct that such Court and Office shall be erected and established on the Model of the Vice-Warden's Court as now constituted in *Cornwall*, and to declare that all Provisions of the present Act, and of the several Acts for the Establishment of the said Court in *Cornwall*, so far as they shall be applicable to such new Court in the County of *Devon*, shall be deemed and taken to be in force in the last-mentioned County, and to assign Salaries to the several Officers of the said Court, not exceeding the Salaries appointed before or at the passing of this Act for the like Officers in the County of *Cornwall*, and to declare what Proportion of the Salary now payable to the Vice-Warden of the Stannaries shall thenceforth be contributed out of the Revenue arising in the County of *Devon* if the same Vice-Warden shall be appointed for both Courts, and to make such other Regulations as shall be necessary or expedient for effectually establishing and providing for such separate Court and Office; and thereupon, on the Promulgation of the said Order in Council, the said separate Court and Office shall be and become permanently established in the County of *Devon*, as fully and effectually as if the same had been established and confirmed by Act of Parliament; and all Provisions made by this Act, or by the Council of His Royal Highness, or the said Special Commissioners, under the Authority of this Act, for the Extension of the Jurisdiction of the present Court into the County of *Devon*, shall cease, save only that the Process of the Court in each County in Causes arising in that County shall be executory and executed in and throughout both Counties.

CAP. XXXIII.

An Act to prevent Doubts as to the Validity of certain Proceedings in the House of Commons. [15th *June* 1855.]

'WHEREAS the House of Commons on the Fourth Day of *August* One thousand eight hundred and fifty-three, Her Majesty having previously signified Her Consent that the House might do therein as they should think fit, resolved as follows: "That whenever the House should be informed of the unavoidable Absence of Mr. Speaker, "the Chairman of the Committee of Ways and Means do take the Chair for that Day "only, and in the event of Mr. Speaker's Absence continuing for more than One Day do, "if the House shall think fit and shall so order it, take the Chair in like Manner on any "subsequent Day during such Absence:" And whereas on the Fourth Day of this present Month of *June*, Mr. Speaker being unavoidably absent by reason of Indisposition, the Right Honourable *Henry FitzRoy*, being the Chairman of the Committee of Ways and Means, took the Chair in pursuance of the said Resolutions: And whereas the House on the same Day further resolved as follows; *viz.*: "That in the event of Mr. Speaker's Absence "continuing for more than this Day, Mr. *FitzRoy* do take the Chair on each subsequent "Day during the present week:" And whereas the said Right Honourable *Henry FitzRoy* did, in consequence of the continued Absence of Mr. Speaker, on each subsequent Day during the said Week take the Chair, and perform therein certain Duties appertaining to the