

CHAP. 19.

An Act for amending the law relating to Mining Partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries.

[24th June 1869.]

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: A.D. 1869.

Preliminary.

Short title. **1.** This Act may be cited as The Stannaries Act, 1869.

Interpretation of terms. **2.** In this Act—

The term "the stannaries" means the stannaries of Devon and Cornwall:

The term "the vice-warden" means the vice-warden of the stannaries:

The term "the court" means the court of the vice-warden:

The term "the registrar" means the registrar of the court:

The term "company" includes any persons or partnership body working a mine in the stannaries:

The term "purser" means the purser for the time being of a company, and if there is no purser, then the secretary for the time being, or if there is no secretary, then the principal agent for the time being of a company:

The term "cost book" includes all books and papers relating to the business of a mine, which are for the time being kept by a purser, or which, according to the custom of the stannaries, or the directions of the company, ought to be kept by him.

Extent and application of Act. **3.** This Act extends only to mines within the stannaries, and subject to the jurisdiction of the court, or within the cognizance of the vice-warden; and nothing in this Act shall extend to

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companies registered under any of the Joint Stock Companies Acts, except where such companies are expressly mentioned or necessarily implied.

Meetings and proceedings generally.

Majority in value at meeting to bind.

4. Except as otherwise provided by this Act, or by the rules or regulations of any company, a resolution passed at a meeting of the company, by the votes of a majority in value of such of the shareholders as are present in person or represented by proxy at the meeting, shall be deemed the resolution of the meeting, and shall be binding on all the shareholders in the company, whether present or absent, but nothing in this clause shall authorize any ordinary meeting to transact any business which an ordinary meeting could not transact at the time of the passing of this Act, except as is herein-after provided.

Proceedings with special notice.

5. Where anything to be done by a company is by this Act required to be done at a meeting with special notice, it shall not be valid if done otherwise than at a meeting notice whereof is served on the several shareholders not less than seven clear days before the day of the meeting, specifying the place, day, and hour of meeting, and the business to be transacted thereat, or so much thereof as is required to be done with special notice.

Definition of special resolution.

6. A resolution passed by a company shall be deemed a special resolution within this Act when it has been passed at a meeting with special notice, and has been confirmed at a subsequent meeting with special notice; the last-mentioned meeting being held not less than fourteen days and not more than one month after the meeting at which the resolution was first passed.

Regulations by special resolution.

7. A company may, by special resolution passed by not less than three fourths in value of the shareholders present in person or represented by proxy at the meeting held for the purpose of confirming the resolution to be made special, from time to time alter the rules and regulations for the time being by custom or otherwise governing the company, and make new or additional rules or regulations in that behalf; and any rules or regulations so made by special resolution shall be of the like validity and effect as if they had been made at the original formation of the company; but nothing in this Act shall authorize a company to make rules or regulations inconsistent with the provisions of this Act, or shall abrogate any special rules or regulations existing at the passing of this Act for the management of any company, or shall authorize the making of any special rule or regulation to enable a company existing at the passing of this Act to borrow money.

8. A notice to be served by a company for any purpose of this Act on a shareholder shall be served personally, or shall be served by prepaid letter sent by post addressed to him at his address as entered in the cost book, in which case the notice shall be taken as served at the time when the letter containing it was put into the post office; and in proving such service it shall be sufficient to prove that the letter was properly addressed and prepaid, and was put into the post office, and the time when it was put in. Service of notices.

As regards a company existing at the passing of this Act, the address of a shareholder as known to the purser at the passing of this Act shall be and remain entered in the cost book as his address, unless and until he gives notice in writing to the contrary.

Accounts.

9. The purser of every company shall, once at least in every four months, truly enter in the cost book of the company accounts showing the actual financial position of the company at the end of the financial month of the company last preceding the time of entry, including a statement of all credits, debts, and liabilities, and distinguishing in such accounts the amount of calls paid and calls not paid, with accurate lists of all the shareholders for the time being in the company, with their respective addresses, corrected from time to time as occasion requires, and all other accounts, documents, and things which the purser is for the time being required to enter therein by the custom of the stannaries, or by the directions of the company; and after the passing of this Act all existing or future companies having any rules or regulations touching the management of the company or conduct of the business of any mine, shall file a true copy of them at the office of the registrar without payment of any fee; and such rules or regulations shall be subject to the inspection of all applicants at reasonable times; and if any company shall neglect to file such rules or regulations as above required, then any shareholder in or creditor of any such company may apply for an order of the court to file such rules or regulations forthwith, which order shall be enforced by the process of the court. Entry of accounts.

Calls.

10. At any meeting of a company with special notice the accounts of the company may be audited, and a call may be made. Audit and call.

11. A call may be made by a company for the purpose of defraying the whole or any portion of the estimated expenses to be incurred at any time within three months after the date of the meeting at which the call is made. Call for prospective expenses.

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Discount or interest on calls.

12. At the time of making a call, a company may direct that discount not exceeding five per cent. shall be allowed to every shareholder on payment of the call, at or within the time appointed for payment thereof, and may direct that interest at the rate of five pounds per centum per annum shall be charged on all amounts due on account of a call, and remaining unpaid after one month from the time appointed for the payment thereof.

Recovery of calls, &c.

13. The amount for the time being unpaid of any call made after the passing of this Act on any share in a company shall be deemed to be a debt due from the holder of such share to the company, and if at the time appointed by the company for the payment of any such call any shareholder shall fail to pay the amount thereof, it shall be lawful for the company to sue such shareholder for the amount of such call, in any court of law having competent jurisdiction, in the name of the purser for the time being of the company, whether such purser is a shareholder in the company or not, as the nominal plaintiff for the company, and to recover the amount of such call, together with interest for the same and costs of suit; and in any action to be brought by the company to recover the amount of such call it shall be sufficient in the declaration or other proceeding in the said action to state that the defendant or (in case of such action being brought against the legal personal representative of a deceased shareholder) that the deceased shareholder was at the time of such call being made the holder of one share or more in the company (stating the number of shares), and that the defendant, or (in case of the death of a shareholder as aforesaid) that the defendant or defendants, as executor or administrator or executors or administrators of such deceased shareholder, is or are indebted to the company in the sum of money to which the calls in arrear and interest shall amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls), and that the plaintiff is the purser of the company and sues in the action as nominal plaintiff for the company, and on the trial or hearing of such action it shall be sufficient to prove, as a primâ facie case on the part of the plaintiff, that the defendant or such deceased shareholder, at the time of making such call, was a holder of such one share or more as may be in the company, and that such call was duly made, and that the plaintiff at the commencement of the action was acting as the purser of the company; and it shall not be necessary to prove the appointment or authority of the persons who made such call, or the appointment of such purser; provided, that in case of a change of purser pending the proceedings, the name of the purser for the

time being may, by leave of the court in which the proceedings are pending, or of a judge or proper officer thereof, be substituted for that of a person ceasing to be purser by death, resignation, or otherwise; but no county court in the stannaries shall have any jurisdiction under this present clause in any case in which the sum sought to be recovered shall exceed fifty pounds, unless it shall be by law otherwise expressly provided. A.D. 1869.

Transfer of shares.

14. A company shall not be bound to recognize a transfer of a share until all calls made in respect of such share, with interest and expenses, have been paid. Calls due at transfer.

15. A company shall not be bound to recognize the transfer of a fractional part of a share. Transfer of fractional parts of shares.

Forfeiture of shares.

16. If a shareholder fails to pay a call on the day appointed for payment thereof, the company may at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, with or without interest and any expenses that may have accrued by reason of such nonpayment, and stating to the effect that in the event of nonpayment in accordance with the notice the share in respect of which such call was made will be liable to be forfeited. Notice on failure to pay call.

17. If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest, and expenses due in respect thereof has been made, be forfeited by a resolution of the company to that effect passed at a meeting with special notice. Forfeiture on failure to pay.

18. Any share so forfeited shall be carried to an account to be called "The Account of Forfeited Shares," and shall be deemed to be the property of the company, and may be disposed of in such manner as the company thinks fit; and any shareholder may purchase any such share if sold. Sale of forfeited shares.

19. A statutory declaration in writing by the purser of a company that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by resolution of the company to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share, and such Evidence of forfeiture, &c.

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declaration, and the receipt of the purser for the price of such share if sold, shall constitute a good title to such share, and the purchaser shall be entered in the cost book as a shareholder in respect of the share, and thereupon he shall be deemed the holder of such share, discharged as against the company from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to the share be affected by any irregularity in the proceedings in reference to such sale.

Payment notwithstanding forfeiture.

20. Any shareholder whose share has been forfeited shall nevertheless be liable to pay all calls, interest, and expenses payable on or in respect of the same at the time of forfeiture.

Relinquishment of shares.

Disposal of relinquished shares.

21. Where a share in a company is relinquished, it shall be carried to an account to be called "The Account of Relinquished Shares," and shall be deemed to be the property of the company, and may be disposed of as the company thinks fit, and any shareholder may purchase any such share if sold.

Relinquishment to be in writing.

22. Every relinquishment of a share shall be by notice in writing delivered to the purser, but a company shall not be bound to recognize the relinquishment of a fractional part of a share.

Evidence of relinquishment, &c.

23. A statutory declaration in writing by the purser of a company that a share has been relinquished shall be sufficient evidence of the facts therein stated as against all persons interested in the share, and that declaration, and the receipt of the purser to a purchaser of the share for the price thereof if sold, shall constitute a good title thereto, and the purchaser shall be entered in the cost book as a shareholder in respect of the share, and thereupon he shall be deemed the holder thereof, discharged as against the company from all unpaid calls, interest, and expenses due to the company in respect thereof accrued before his purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to the share be affected by any irregularity in the proceedings in reference to such sale.

Sale of mine.

Power of sale of mine &c., as going concern.

24. Without prejudice to the landlords, lessors, or others having any estate, charge on, or interest in the land in which the mine is situate, or to the creditors, and their customary lien on the saleable machinery and materials belonging to the company, a company shall have power, by a special resolution to which three fourths in value of the shareholders shall consent, either in writing or at a meeting, to sell and dispose of the machinery and materials

belonging to the company with or without the legal or equitable interest of the company in the leases or sett on which any mine belonging to the company is worked, as a going concern, provided that every such sale shall be by public auction, and that due notice of the intended sale be given by public advertisement in some local newspaper, and in some public journal or newspaper specially relating to mining companies, for two successive weeks before the sale.

Winding up.

Limitation of liability of past shareholders.

25. On a company being wound up in the court of the vice-warden or any other court, a former shareholder, notwithstanding the provisions contained in the Companies Act, 1862, Part 8, section 200, shall not be liable to contribute to the assets of the company if he has ceased to be a shareholder for a period of two years or upwards before the mine has ceased to be worked or before the date of the winding-up order.

Wages of Miners.

Wages of miners, &c.

26. On a company formed for or engaged in working a mine (including a company registered under any of the Joint Stock Companies Acts) being wound up in the court of the vice-warden or any other court or otherwise, the date of the winding-up order having been not earlier than two months after the passing of this Act, then and in every such case the amount (if any) due at the date of the winding-up order to miners, artizans, and labourers employed, wholly or in part, in or about the mine, in respect of their wages or other earnings in relation to the mine, not exceeding three months wages or earnings to each such person, shall be paid in priority to all other debts of the company.

Procedure of the Court.

Affidavits used in the court.

27. Whereas since the passing of the Act eighteen Victoria, chapter thirty-two, for amending and extending the jurisdiction of the court of the vice-warden, and of the Companies' Act, 1862, the experience of the court, has suggested the expediency of some amendment of the provisions of those Acts, so far as they relate to the stannaries and the jurisdiction of the court: Be it enacted, that all affidavits, affirmations, and declarations shall be available in suits, causes, and matters in the court, although not sworn, made, and taken by or before a commissioner of the court; provided the same shall have been sworn. made, or taken by or before any commissioner authorized to administer oaths in the superior courts of equity or of common law in England or Ireland, or in the Isle

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of Man or the Channel Islands, or by the officers exercising like powers to administer oaths in Scotland, or by any of the courts, judges, or other persons having like authority in the dominions of the crown beyond seas, or in foreign parts, specified or described in the Act fifteen and sixteen Victoria, chapter eighty-six, section twenty-two, and the Act sixteen and seventeen Victoria, chapter seventy-eight; and the vice-warden or registrar shall, on the production before him of such affidavits, affirmations, or declarations, purporting to be duly and regularly sworn, made, or taken by any of the courts or persons herein-before referred to, presume the same to have been so sworn, made, or taken, unless the contrary be proved to his satisfaction; and in case of wilful and corrupt false swearing, affirming, or declaring in such document so produced, or of the production or use by any party of such document, knowing the same to be a forged or spurious one, the offender shall be liable to all the penalties, punishments, and consequences specified in sections twenty-three and twenty-four of the Act fifteen and sixteen Victoria, chapter eighty-six: Provided also, that all lawful fees due and demandable upon swearing, making, or taking such affidavits, affirmations, or declarations, by or before any of the courts or persons above referred to, shall be paid or tendered to such court or person by the party applying for such document.

No demand necessary before enforcing order to pay, produce, or deliver.

28. Whenever a decree or order of the court for payment of money, or production or filing or delivery up of any books, papers, deeds, or accounts, or the delivery up of property, real or personal, shall have been made in a suit or matter whereof the said court has cognizance, no formal demand shall be necessary, but the person or party who shall have been so decreed or ordered to pay such money, or produce or file or deliver up such documents or property, on being duly served with such decree or order, shall be bound to obey the same, and process shall thereupon issue to enforce performance, without further special application to the court.

Enforcing process through the registrar of a county court.

29. In enforcing execution of any judgment, decree, or order of the court by writ sent to the registrar of any county court under sections nine and ten of the Act eighteen Victoria, chapter thirty-two, the person or party entitled to recover any monies awarded to him by such judgment, decree, or order may issue such process to the county court, although the sum sought to be recovered may exceed the sum of fifty pounds, provided the sum do not exceed two hundred and fifty pounds, including the costs of applying to the court for leave to issue such execution, where such

leave shall be necessary by the rules of the court; and such process shall hereafter be available to any party entitled to levy such money, not exceeding the said sum of two hundred and fifty pounds, by a like writ of execution sent to the registrar of any county court within the stannaries, as well as beyond the stannaries, subject to the payment of all lawful fees for execution in such county court, and subject in other respects to the provisions of sections nine and ten of the Act last above mentioned, except that the judge of a county court within the stannaries may, if he thinks fit, remit any claim of interpleader arising on the execution of such writ for determination by the court.

Execution of process of attachment within the stannaries.

30. If any person residing or being within the stannaries shall be in contempt for disobedience of any order of the court other than for the payment of money leviable by the ordinary civil process of the court, and be thereupon attached by the bailiffs of the court, or by a messenger or messengers of the court specially named or appointed by the court for execution of the writ of attachment issued by the court, such bailiffs or messengers shall forthwith take into their custody the person so attached, and bring him with all convenient speed to Truro, there to be examined by or before the vice-warden, if he shall then be sitting at Truro, or before the registrar there, touching the matter of his alleged contempt; and upon such examination the vice-warden or registrar shall, if the offender shall have sufficiently cleared himself of the contempt, discharge him out of custody, or if he shall not have so cleared himself, shall commit him to the common gaol at Bodmin, or, in case of contempt within the stannaries of Devon, to the borough gaol at Plymouth, there to remain until he shall have submitted to the order of the court, or shall be otherwise discharged in due course of law; and such writ of attachment, and any commitment thereon, shall issue in the name of the lord warden of the stannaries, with the seal of the court attached.

Service of process, &c. beyond the stannaries.

31. Whereas the service of process on the common law side of the court in any part of England, without the special order of the vice-warden, has been found inconvenient, and in some cases liable to abuse: Be it enacted, that no such service of process out of the limits of the stannaries, in suits or plaints on the common law side of the court, shall hereafter be effected without the special order of the vice-warden, made on a statement of the nature and object of such suit or plaint; except in the case of actions of ejectment brought under the authority of section fifteen of the Act eighteen Victoria, chapter thirty-two.

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On appeals to the lord warden, a deposit to be made.

32. In all cases of appeals against any judgment, decree, or order of the court, besides the bond to the registrar required by the Act eighteen Victoria, chapter thirty-two, section twenty-six, a deposit of twenty pounds shall be made in the hands of the registrar, to be paid to the opposite party when the judgment, decree, or order is not reversed, unless the court shall otherwise direct; and if the appeal against any decree or order be prosecuted in the name or on the behalf of any registered company with limited liability, or in the name or on behalf of any person who has recently become bankrupt, or has executed any unsatisfied deed of arrangement, composition, or inspectorship under any Bankruptcy Act, the registrar of the court may require that a sufficient surety be joined as co-obligor in the bond which the appellant is bound to give in such case, who shall be personally liable to pay the taxed costs of the appeal to the extent of fifty pounds, if the judgment, decree, or order be not reversed; and the appellant shall also deposit in the hands of the registrar the sum of twenty pounds, payable as hereinabove directed in the case of ordinary appeals.

Duties of registrar in liquidation of a company.

33. Where an order is made for the winding up a company in the court, whether the same be a registered or an unregistered company, and no official liquidator is appointed, the registrar shall have authority, with the sanction of the vice-warden, to perform all the ordinary duties of an official liquidator, and to exercise all the powers assigned by the Companies Act, 1862, to such liquidator, so far as such duties or powers are not incompatible with his official duties as registrar.

Provided always, that the registrar shall not in such case be called upon to give any such security as may be required of an official liquidator under section ninety-two of the last-mentioned Act, unless the lord warden of the stannaries or the vice-warden by some general rule of the court shall otherwise order, nor shall he be entitled to any remuneration for the performance of the said duties, other than the salary now received by or that may hereafter be assigned to him in his official character of registrar; nor shall it be necessary for him to use the name or style of official liquidator, nor any other style than that of registrar, unless it shall become necessary for him to take out letters of administration to any deceased contributory; and in proving a debt due from any contributory who shall have become a bankrupt within the intent and meaning of section eighty-seven of the Companies Act, 1862, a certificate of the debt signed by the registrar, with the seal of the court attached, shall be accepted in the Court of Bankruptcy

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as sufficient proof of such debt as against the estate of the bankrupt, without requiring the oath or affidavit of the registrar.

Provided also, that the registrar in the performance of such duties and exercise of such powers shall not be liable to any penalty prescribed by the said Companies Act, 1862, and imposed on official liquidators as such, or become personally liable in respect of any act done or proceeding taken by him by the order or authority or with the sanction of the vice-warden acting in his judicial character.

Attachment of debt due to a contributory on winding up.

34. In cases where several companies are in course of liquidation by or under the superintendence of the court, if it shall appear to the vice-warden that a person who is a contributory of one of the said companies is also a creditor claiming a debt against one of the other companies, the vice-warden may, in his discretion, and after due inquiry into the facts, direct that the said debt, when allowed, shall be attached, and payment thereof to the creditor suspended for a time certain, as a security for payment of all or any calls that are or may in course of liquidation become due from him to the company of which he is a contributory; and the amount thereof shall be applicable and applied to such payment in due course; provided that no such order of attachment shall prejudice any claim which the company so indebted to him as creditor may have against him by way of set-off, counterclaim, or otherwise, or any lawful claim of lien or specific charge on the said debt in favour of any third person.

Fraudulent transfers of shares.

35. A transfer of shares made for the purpose of getting rid of the further liability of a shareholder, as such, for a nominal or no consideration, or to a person without any apparent pecuniary ability to pay the reasonable expenses of working a mine, or to a person in the menial or domestic service of the transferror, shall be presumed to be a fraudulent transfer, and need not be recognised by the company, or by the court on the winding-up of the company, whether the company be a registered or unregistered company.

Jurisdiction to restrain sales of setts.

36. The jurisdiction of the court to grant injunctions restraining sales of machinery and other effects on mines is hereby extended so as to authorize the granting of injunctions restraining sales of setts where equity so requires, and the jurisdiction conferred by this section may be exercised in creditors' suits, or on the application of a shareholder in a company.

Issuing injunction orders by the registrar in certain cases.

37. It shall be competent for the registrar, on the application of either a creditor or a shareholder, to issue injunction orders in customary creditors' suits pending in the court, and to

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forbid the sale of setts, leases, machinery, or other effects on or belonging to the mine on the usual allegation of urgency, or to issue such orders in other cases of like urgency or imminent waste or damage to property; and in such cases the party or parties so enjoined may appear and show cause before the registrar, and apply to him to suspend or dissolve the order; but such application to the registrar shall not be exclusive of the existing power of the vice-warden to issue such orders, though he may not then be sitting within the stannaries, nor prevent him from reconsidering the order of the registrar, on the motion or complaint of any of the parties interested in it.

Hearing of petition for winding-up.

38. The provision of section eighty-three of the Companies Act, 1862, contained in second paragraph thereof, shall be amended and read as follows; namely, that the vice-warden may direct that petitions to wind up a company shall be heard by him at such time or place as he may think fit within the stannaries, or within or near to the place where the registered or other chief office of the company is situate, or if such office be distant one hundred and fifty miles or more from Truro (measured by the public railways), then in London or Westminster; or with the consent of the party or parties petitioning, and of the company represented by its secretary, purser, or other proper officer, the hearing may be in any part of England; and all orders made by the vice-warden on such hearing in any of the above cases shall be as valid and effectual as if they had been made at Truro.

Adjournment of sittings and appointment of deputy vice-warden.

39. Sections seven and eight of the Act two and three Victoria, chapter fifty-eight, and the section twenty-four of the Act eighteen and nineteen Victoria, chapter thirty-two, are hereby repealed; and in lieu thereof be it enacted, That if in consequence of illness, or accident, or other disability, the vice-warden shall not attend at Truro on the day and time appointed for his sittings there, the registrar shall have power to open the court, and adjourn the sittings to some other day, on which adjournment day all persons summoned or bound to attend the sittings shall be in attendance, as if the vice-warden himself had adjourned them; and if, by reason of such illness, accident, or other disability, or for any other cause deemed by the lord warden to be a reasonable cause, the vice-warden shall desire to appoint a deputy for a time certain, not exceeding six months, he may, with the approval of the lord warden, appoint such deputy, being a barrister of five years' standing and not less, with all the powers and judicial functions of the vice-warden himself; and if the vice-warden shall, by reason

of such illness, accident, or disability, be unable or shall neglect to make such appointment, it shall be competent for the lord warden of the stannaries to nominate such temporary deputy, with the qualification, powers, and functions aforesaid, with such directions touching the remuneration of such deputy as he may think fit.

Provision for a temporary registrar on a future vacancy.

40. Whereas inconvenience may hereafter be occasioned by the death of the registrar and the delay in appointing a successor, be it enacted, that the vice-warden for the time being shall in such case have power to employ the assistant registrar, if there be one, or any other competent person, being a clerk or officer of the court, to execute, under the direction of the vice-warden, all or any of the necessary duties of registrar, until such time as the successor of the deceased registrar shall have been duly appointed, and such temporary registrar may, if the lord warden shall think fit, be remunerated for such extra duty out of the salary accruing between the decease of the last registrar and the appointment of his successor, who shall be entitled to receive the balance (if any) of the salary so accruing during that interval.

Provision as to half-yearly remissions.

41. From and after the passing of this Act, the whole of the several provisoes contained in section thirty of the Act six and seven William the Fourth, chapter one hundred and six, and in section thirty-six of the Act eighteen and nineteen Victoria, chapter thirty-two, respectively, which in any way relate to, or empower, or require half-yearly remissions of the assessment, in such provisoes respectively mentioned or referred to, shall be and the same are hereby repealed, and thereupon the monies accruing by reason of such remission shall be applicable and be applied to such of the several purposes specified in the one hundred and seventy-second section of "The Companies Act, 1862," touching the application of the fees arising under proceedings taken for winding up mining companies, as the lord warden of the stannaries shall from time to time, on the application of the vice-warden or otherwise, think fit to direct, sanction, or assign, and meanwhile shall accumulate by investment, as to the whole or part of the accruing monies, in the manner directed in and by the provisions of that section.

Vacations in the court.

42. Whereas by the Act six and seven Victoria, chapter one hundred and six, section seventeen, the court is, for the purpose of the entry of pleadings, orders, proclamations, and other matters touching practice, process, or execution, to be at all times open,

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except on Sunday, Christmas day, Good Friday, and days of public fast or thanksgiving, and no other days or times are specified wherein the court or its offices may be lawfully closed, nor is any period of vacation for the court or its officers and clerks provided: Be it enacted, that the court and offices may hereafter be closed on Christmas day and the six following days, on Good Friday and the six following days, and that the space of six consecutive weeks, beginning on the first day of September in every year, shall be deemed to be the vacation of the said court, during which the attendance of the officers of the court will be dispensed with; so nevertheless that during the continuance of those days and times, and the above vacation, provision shall be made for the receipt and payment or payments of money by or to the proper officer of the court, whereof due notice shall be from time to time given; Provided also, that during such times and vacation applications may be made for injunction orders, either to the vice-warden or to the registrar, in any part of England, whether within or beyond the stannaries.

Power to make general rules and orders.

43. The powers contained in the Act eighteen Victoria, chapter thirty-two, sections twenty-three and twenty-six, for making general rules and orders of the court touching the procedure, practice, pleading, court fees, taxation of costs, and forms on the equity and common law side of the said court, and other business of the said court, and also touching the regulation of the practice, fees, and costs of appeals pending before the lord warden of the stannaries, whether heard by and before himself, or remitted by him for the determination of the Judicial Committee of the Privy Council, or to the Court of Appeal in Chancery, shall be deemed and taken to extend and apply to this Act, and to the several provisions contained herein. Rules and orders made in pursuance of the powers contained in the said Act or in this Act with respect to fees shall be made only with the sanction of the Commissioners of Her Majesty's Treasury.

Officer not entitled to compensation in case of alteration of duties or abolition of office.

44. A person shall not be entitled to any compensation in respect of any emoluments received by him for duties performed in pursuance of the provisions of this Act, or in respect of the emoluments of any office in or connected with the court, or with the lord warden of the stannaries or vice-warden, to which such person is appointed after the passing of this Act, in case any alteration is made in such duties or in the duties of such office, or in case such duties or such office are abolished.

Savings.

45. Nothing in this Act shall take away or abridge any right or remedy of any creditor of a company existing at the passing of this Act. Saving for existing creditors.

46. Nothing in this Act contained shall exclude the right of any shareholder of a company, miner, creditor, or other customary suitor of the court to resort to all or any of the remedies heretofore used and enjoyed, and still subsisting by custom or statute in the said court as now constituted by law unless such right is expressly abrogated by this Act. Saving for customs of stannaries, &c.

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