



Stannaries Act 1855

1855 CHAPTER 32

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

XXVI Regulation of Appeals.

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and Third Years of the Reign of Her present Majesty, Chapter Fifty-eight, touching Appeals to the Lord Warden, shall be repealed, and henceforth from all Decrees and Orders of the Vice-Warden on the Equity Side of his Court, and from all Judgments of the Vice-Warden on the Common Law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 Appeal 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

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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 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.