



Derbyshire Mining Customs and Mineral Courts Act 1852

1852 CHAPTER clxiii 16 and 17 Vict

XXXIX Pleadings not to be repeated.

When a Cause is so removed, the Pleadings in the Court below shall stand and need not be repeated in the [^{F1}High Court], and shall be of the same Effect there as in the Court below; and if the Pleadings are not complete in the Court below, the same Pleadings shall be adopted, and with the like Effect, in the [^{F1}High Court] as might have been adopted in the Court below; and the [^{F1}High Court] shall give the same Judgment as it shall to the said Court appear ought to have been given if the Cause had been determined in the Court below; and the [^{F1}High Court], or any Judge of One of the Superior Courts, may otherwise deal with the said Cause, when removed, and make such Rules and Orders in or relating to the same, as to them or him may seem just; and all Rules or Orders made by any such Judge shall be liable to be enforced, set aside, or varied by the [^{F1}High Court] in the same Way as Judges Orders may ordinarily be enforced, set aside, or varied; and when Judgment is given in the [^{F1}High Court], a Copy of such Judgment, signed by One of the Masters of the Court, shall be lodged with the Steward, and shall thereupon become a Record of the Court below from which the Cause was removed, and shall be enforced by the last-mentioned Court in the same Way as if the Judgment had been given by such Court and the Cause had never been removed.

Textual Amendments

F1 Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), ss. **18(2)**, **224(1)**

Changes to legislation:

There are currently no known outstanding effects for the Derbyshire Mining Customs and Mineral Courts Act 1852, Section XXXIX.