



High Peak Mining Customs and Mineral Courts Act 1851

1851 CHAPTER 94 14 and 15 Vict

XLVI Interpleader Clause.

If any Claim shall be made to or in respect of any Mineral Property taken in Execution under the Process of any Great or Small Barmote Court, or in respect of the Proceeds or Value thereof, by any Person not being the Party against whom such Process has issued, it shall be lawful for the Steward, upon the Application of the Officer charged with the Execution of such Process, as well before as after any Action brought against such Officer, to appoint and hold a Small Barmote Court, and to issue a Summons calling before the said Court as well the Party issuing such Process as the Party making such Claim; and upon the issuing of such Summons any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or any Local or Inferior Court, in respect of such Claim, shall be stayed, and the Court in which such Action shall have been brought, or any Judge thereof, or, if the Action be in any Superior Court [^{F1}at the Royal Courts of Justice], any Judge of any of the other Superior Courts, on Proof of the Issue of such Summons, and that such Mineral Property was so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons by the Steward; and if either of the Parties so summoned appear, the Steward shall, whether the other Party appear or not, adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings before him, and of the Proceedings in the Action prior to such Summons, and of the Payment of Compensation to any Party by any other Party, as to him shall seem fit; and such Order, so far as the same may be for Payment of Money or Costs, shall be enforced in like Manner as any Order made in any Suit brought in the Small Barmote Court, and, so far as such Order be not for the Payment of Money or Costs, Disobedience to the same may be punished in manner following; that is to say, any Person considering himself aggrieved by such Disobedience may complain to the Steward, who may thereupon summon the disobedient Party before him, and may, if he thinks the Complaint proved, and whether the Party complained of shall appear or not, order the Party complained of to pay to the complaining Party such Sum of Money as he may think a sufficient Compensation, with or without the Costs of the Application, at his Discretion, and if he thinks the Complaint not proved he may make an Order dismissing the same

Changes to legislation: There are currently no known outstanding effects for the High Peak Mining Customs and Mineral Courts Act 1851, Section XLVI. (See end of Document for details)

Complaint, with or without Costs, at his Discretion, and the Order which the Steward shall make in the Premises may also be enforced in like Manner as any Order made in the Small Barmote Court.

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Textual Amendments

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

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