



# Derbyshire Mining Customs and Mineral Courts Act 1852

1852 CHAPTER clxiii 16 and 17 Vict

## **XL Service of Subpœna on Witnesses.**

Every Subpœna to attend and give Evidence upon any Trial in the Small Barmote Court, if served personally upon the Person required to give Evidence in any Part of England or Wales, shall be as valid and effectual in Law, and shall entitle the Party suing out such Subpœna to all and the like Remedies by Action as if the same had been issued out of the [<sup>F1</sup>High Court], in any Cause depending in that Court; and in case the Person served shall not appear as required by the said Subpœna it shall be lawful for the said Steward, upon Oath or Affirmation taken in open Court of the personal Service of such Subpœna and of the Tender to the Person so served at the Time of such Service of a reasonable and sufficient Sum of Money to defray the Expenses of coming and attending to give Evidence, and of returning from giving such Evidence, to give to the Party complaining of such Default a Certificate of such Default, under the Hand of the Steward and Seal of the Court; and the Party complaining of such Default having obtained such Certificate may apply to the [<sup>F1</sup>High Court], and the said last-mentioned Court shall thereupon (if it seems to them just to do so) proceed by Attachment or otherwise, according to the Course and Practice of the same Court, against the Person so having made default, in like Manner as the same Court might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna issued to compel the Attendance of Witnesses out of such last-mentioned Court, but such Certificate shall not be conclusive either of the due Service of the Subpœna or of the same having been disobeyed, or of any other Matter.

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### **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 XL.