

ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. clxiii.

An Act to define and amend the Mineral Customs and to make better Provision for the Administration of Justice in the Barmote Courts within the Soke and Wapentake of *Wirksworth*, and within the Manors or Liberties of *Crich*, *Ashford*, *Stoney Middleton* and *Eyam*, *Hartington*, *Litton*, *Peak Forest*, *Tideswell*, and *Youlgreave*, in the County of *Derby*. [30th *June* 1852.]

WHEREAS the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster* is seised to Her and Her Heirs and Successors of and in the Manor and Wapentake of *Wirksworth*, and of the Lead Mines within the *King's Field*, and is entitled to the Mineral Duties within certain Parts of the Soke and Wapentake of *Wirksworth* in the County of *Derby*: And whereas all the Subjects of this Realm have claimed to have a Right to search for, sink, and dig Mines or Veins of Lead Ore within the *King's Field* in the said Soke and Wapentake of *Wirksworth*, subject to certain ancient Mineral Laws and Customs, and upon paying certain Duties

to Her Majesty and Her Predecessors, and Her and their Lessees for the Time being: And whereas *Peter Arkwright* Esquire is the Lessee of the said Duties, by Grant under the Seal of Her Majesty's Duchy of *Lancaster*: And whereas all the Subjects of this Realm have claimed to have a Right to search for, sink, and dig Mines or Veins of Lead Ore within the several Manors or Liberties herein-after mentioned; that is to say, *Ashford*, *Hartington*, *Peak Forest*, *Tideswell*, *Crich*, *Stoney Middleton* and *Eyam*, *Youlgreave*, and *Litton*, all in the County of *Derby*, subject to certain ancient Mineral Laws and Customs, and upon paying certain Duties to the Persons for the Time being respectively entitled thereto: And whereas the Most Noble *William Spencer* Duke of *Devonshire*, Knight of the Garter, is entitled to the Mineral Duties in the said Manors or Liberties of *Ashford*, *Hartington*, *Peak Forest*, and *Tideswell*: And whereas the Most Noble *William Spencer* Duke of *Devonshire*, Knight of the Garter, the Most Noble *Richard Plantagenet* Duke of *Buckingham and Chandos*, Knight of the Garter, or the Most Honourable *Richard Plantagenet Campbell Nugent Chandos Grenville Temple* commonly called Marquess of *Chandos*, the only Son and Heir Apparent of the said last-named Duke, and in his Right, Sir *Richard Tufton* Baronet, as Tenant for Life in possession under the Will of the Right Honourable *Henry* Earl of *Thanet* deceased, *Francis Hurt* Esquire, and others, are entitled as Tenants in Common to the Mineral Duties in the said Manor or Liberty of *Crich*: And whereas the Most Noble *William Spencer* Duke of *Devonshire*, Knight of the Garter, the Most Noble *Richard Plantagenet* Duke of *Buckingham and Chandos*, Knight of the Garter, or the Most Honourable *Richard Plantagenet Campbell Nugent Chandos Grenville Temple* commonly called Marquess of *Chandos*, the only Son and Heir Apparent of the said last-named Duke, and in his Right, and Sir *Richard Tufton* Baronet, as such Tenant for Life as aforesaid, are entitled as Tenants in Common to the Mineral Duties in the said Manor or Liberty of *Stoney Middleton* and *Eyam*: And whereas the Most Noble *John Henry* Duke of *Rutland*, Knight of the Garter, is entitled to the Mineral Duties in the said Manor or Liberty of *Youlgreave*: And whereas the Right Honourable *Nathaniel* Baron *Scarsdale* is entitled to the Mineral Duties in the said Manor or Liberty of *Litton*: And whereas, for the Regulation of the Mines, and for deciding Questions of Title, Trespass, and Debt relating thereto, there have existed in the *King's Field* within the said Soke and Wapentake, and within the said several Manors or Liberties respectively, certain Courts called the "Great Barmote Court" and the "Small Barmote Court": And whereas the Mineral Laws and Customs of the *King's Field* within the said Soke and Wapentake, and of the said Manors or Liberties, are uncertain and undefined, and are in many respects inapplicable to the present Mining Operations in the *King's Field* within the said Soke and

Wapentake,

Wapentake, and in the said Manors or Liberties respectively: And whereas *Charles Clarke* of *Matlock* in the County of *Derby*, Esquire, is the Barmaster for the said Soke and Wapentake of *Wirksworth*, under and by virtue of Letters Patent bearing Date the Twenty-seventh Day of *March* One thousand eight hundred and thirty-nine, granted by the Queen under the Seal of Her said Duchy of *Lancaster*: And whereas it is advisable that the said Mineral Laws and Customs should be revised, altered, and amended, and that the Jurisdiction of the said Great and Small Barmote Courts should be more clearly defined and settled: Be it therefore 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:

Short Title.

I. In citing this Act in other Acts of Parliament and in legal Instruments, and on all other Occasions, it shall be sufficient to use the Expression "The *Derbyshire* Mining Customs and Mineral Courts Act, 1852;" and the Schedules to this Act shall be considered as forming Part thereof.

Interpretation of Terms.

II. In construing this Act the following Words and Expressions shall have the Meaning hereby assigned to them, unless there be something in the Context of the Act repugnant to such Construction; that is to say,

The Word "Steward" shall include Deputy Steward, and the Word "Barmaster" shall include Deputy Barmaster, and all the Enactments herein contained with reference to the Great and Small Barmote Courts, the Steward, and the Barmaster shall apply equally and indifferently to each of the several great and small Barmote Courts, Stewards, and Barmasters by this Act established and authorized to be appointed respectively:

The Words "County Court" shall mean any County Court in the County of *Derby*:

The Word "Gift" shall mean the setting out by the Barmaster of any Ground in manner herein-after provided:

The Word "Founder" shall mean the Point at which a Vein of Ore shall be first found, and the Words "Founder Meers" shall mean the Two First Meers to be set out to the Finder under the Provisions of this Act:

The Words "Mine or Mines," "Vein or Veins," shall mean a Mine or Mines, Vein or Veins of Lead Ore, and shall include Parts of or Shares in any Mine or Vein as well as entire Mines and Veins, and all Minerals containing Lead Ore:

The Word "Ore" shall mean Lead Ore exclusively:

The

The Words "Mineral Property" shall include Mines and Veins of Lead, and Parts of or Shares in any such Mines or Veins, and the Works, Rights, and Appurtenances connected therewith, and also Lead Ore, and all Tools, Materials, Goods, Chattels, and Effects used in searching for, getting, cleansing, or preparing Lead Ore, whether such Tools, Materials, Goods, Chattels, or Effects be found upon any Mine or Works or elsewhere.

Appointment of Steward of Wirksworth Barmote Court.

III. From and after the passing of this Act it shall be lawful for the Queen and Her Successors to nominate and appoint from Time to Time, by Letters Patent under the Seal of the Duchy of *Lancaster*, a fit and proper Person, being a Barrister-at-Law of Five Years standing, or a Member of One of the Inns at Court who has practised as a Special Pleader for Ten Years, or an Attorney or Solicitor of some of the Superior Courts of Law or Equity at *Westminster* of Seven Years standing, to be and to be called the "Steward of the *Wirksworth* Barmote Courts," and such Steward shall hold his Office during the Will and Pleasure of the Queen and Her Successors.

As to Appointment of Stewards of private Liberties.

IV. From and after the passing of this Act it shall be lawful for the respective Persons for the Time being entitled to the First Estate of Freehold in the Mineral Duties respectively payable within the several Manors or Liberties of *Ashford*, *Hartington*, *Peak Forest*, *Tideswell*, *Stoney Middleton* and *Eyam*, *Youlgreave*, and *Litton*, by Writing under their respective Hands, to appoint fit and proper Persons, qualified as is therein-before provided with respect to the Steward to be appointed by he Queen, to act as Stewards for the aforesaid Manors or Liberties respectively, and each such Steward shall hold his Office during the Will and Pleasure of the Person or Persons by whom he shall have been appointed; where several Manors are united into One Liberty for the Purposes of this Act, as herein-after provided, One Steward only is to be appointed for each united Liberty.

Saving Rights of C. Clarke.

V. Nothing in this Act contained shall be construed to alter or affect any Right which *Charles Clarke*, the present Barmaster of the Soke and Wapentake of *Wirksworth*, may have to appoint the Steward of the Barmote Courts within the said Soke and Wapentake, or to alter or affect any other Right or Privilege of the said *Charles Clarke* as such Barmaster as aforesaid, so long as he shall continue to hold the said Office of Barmaster.

As to Appointment of Steward of the Manor

VI. From and after the passing of this Act it shall be lawful for the respective Persons for the Time being entitled to the First Estate of Freehold in the Mineral Duties respectively payable within the Manor

or

or Liberty of *Crich*, or any One or more of them, to give Notice, by Advertisement in some Newspaper published in the County of *Derby*, of a Meeting of the Persons so entitled as aforesaid, for the Purpose of appointing a fit and proper Person, qualified as is herein-before provided with respect to the Steward to be appointed by the Queen, to act as Steward for the said Manor or Liberty of *Crich*, and the Parties present, personally or by Proxy, at such Meeting; or a Majority in Value of such Persons, shall and may appoint a Steward, Barmaster, and any Number of Deputy Barmasters for the said Manor or Liberty accordingly, who shall hold their respective Offices during the Will and Pleasure of the Persons for the Time being entitled as aforesaid, who may, at a Meeting convened and held in manner aforesaid, displace such Officers or any of them, and appoint new ones in their Stead; and whenever any Vacancy shall arise in the Offices of Steward, Barmaster, or Deputy Barmasters for the said Manor or Liberty of *Crich*, the like Proceedings may be taken for the Appointment of fit and proper Persons to supply such Vacancies. or Liberty of Crich.

VII. It shall not be necessary that a different Person should be appointed to the Office of Steward of the said Soke and Wapentake and of each of the said several Manors or Liberties, but the same Person may hold the Office of Steward of the said Soke and Wapentake and of any One or more of the said Manors or Liberties, or of more than One of the said Manors or Liberties, at the same Time. One Person may be appointed Steward to several Courts.

VIII. If at any Time the First Estate of Freehold mentioned in the Fourth and Fifth Sections shall be vested in any Person as a Trustee or Mortgagee, such Trustee or Mortgagee shall not have the Right of appointing the Steward, or any other Rights by this Act annexed to such First Estate of Freehold, but the Person entitled to the first equitable Estate of Freehold shall have such Rights of Appointment; and if at any Time the Estate to which such Rights are annexed shall be vested in or belong to more Persons than One, then the Majority in Value of such Persons shall, in the event of any Difference of Opinion, exercise the Right of Appointment and such other Rights as aforesaid; and if at any Time the Estate to which such Rights are annexed shall be vested in or belong to more Persons than One, and any One or more of such Persons shall be an Infant, Idiot, Lunatic, or Person *non compos mentis*, then the Right of Appointment and such other Rights as aforesaid shall belong to the other or others of such Persons, to the Exclusion of such Infant, Idiot, Lunatic, or Person *non compos mentis*; and if at any Time the Person in whom the Right of Appointment shall be vested shall from any Reason whatsoever be incapable of exercising such Right, or shall for the Space of Three Calendar Months after the Office shall have been Provision for Appointment of Steward in case of Disability.

been vacant have refused or neglected to appoint a Steward, then the Right of appointing such Steward for that Vacancy shall belong to the Chancellor of the Duchy of *Lancaster* for the Time being, and shall be exercised by him by Writing under his Hand.

Steward may appoint a Deputy.

IX. It shall be lawful for the Steward, by Writing under his Hand, to appoint from Time to Time a Deputy Steward, qualified to be appointed Steward, to act for him at any Time when he shall be prevented by Illness or unavoidable Absence from acting in such Office, and to remove such Deputy at his Pleasure; and such Deputy, while acting under such Appointment, shall have the like Powers and Privileges, and be subject to the like Provisions, Duties, and Penalties for Misbehaviour, as if he were the Steward of the Court for the Time being.

Duties of Steward.

X. The Duties of the Steward shall be to receive and enter Plaints in a Book to be kept by him for that Purpose; to issue Summonses; to hold and preside at the Great and Small Barmote Courts; to issue Precepts under his Hand to the Barmaster for summoning the Attendance of the Grand Jury on Views, and at the Great Barmote Courts, and also Precepts to the Barmaster for summoning and impannelling Jurors for the Trials of Causes at the Small Barmote Courts; to administer Oaths to the Barmasters, Jurors, Witnesses, or other Persons at and out of the Great and Small Barmote Courts; to preside as Judge on the Trial of Causes at the Small Barmote Courts; to tax Costs in all Cases where, by this Act, Costs are or may be given; to attend and preside at Views; to sign and issue Subpœnas for the summoning of Witnesses, and the Process of the Courts, both mesne and final, and all Rules and Orders of the Courts, and Warrants for enforcing the Judgments of the Courts, and levying Penalties; to make Returns to Writs of Certiorari; to advise the Barmasters and Grand Juries and other Juries upon Matters of Law, and all other Matters connected with their respective Duties; to affix the Seal of the Barmote Courts to such Documents as require the same; to hear and determine Applications to the Courts which do not require the Intervention of a Jury, and to make Orders thereon upon such Terms as to the Payment of Costs by either Party, or otherwise, as may to him seem just; to keep the Verdicts, Judgments, Books, and Proceedings of the Great and Small Barmote Courts, and the Seal of the said Courts, and also all Books and Accounts herein-after provided to be kept and delivered to the Steward by the Barmaster, safe and in good Condition; and to deliver up the same to his Successor whenever required; and generally to do and perform such other Acts and Duties as are in this Act mentioned as Acts and Duties to be performed by the Steward.

XI. Two

Great and Small Barmote Courts to be held for the Soke and Wapentake of Wirksworth, and Small Barmote Courts for the Manors or Liberties.

XI. Two Great Barmote Courts shall be held every Year within the Soke and Wapentake of *Wirksworth*, One within a Month next after the Twenty-fifth Day of *March*, and the other within a Month next after the Twenty-ninth Day of *September*, and Small Barmote Courts shall be held in the said Soke and Wapentake and Manors or Liberties respectively from Time to Time as Occasion shall require, but not on the Days appointed for the holding of the Great Barmote Courts: The Great and Small Barmote Courts for the Soke and Wapentake of *Wirksworth* shall be held at *Wirksworth*, and the Great and Small Barmote Courts for the said Manors or Liberties respectively shall be held at any Place within the Jurisdiction of the said Courts respectively which may be appointed by the Steward, which Place may be varied at any Time or from Time to Time.

Great Barmote Courts to be held for the Manors or Liberties of Ashford, Tideswell, Peak Forest, Hartington, and Stoney Middleton and Eyam.

XII. The Manors or Liberties of *Ashford*, *Tideswell*, *Peak Forest*, and *Hartington* shall and are hereby declared to be united and form One Liberty of *Ashford*, *Tideswell*, *Peak Forest*, and *Hartington*, for the Purpose of holding the Great and Small Barmote Courts, and for such other Purposes as are herein mentioned; and the Manors of *Stoney Middleton* and *Eyam* shall and are hereby declared to be united and form One Liberty of *Stoney Middleton* and *Eyam* for the Purpose of holding the Great and Small Barmote Courts, and for such other Purposes as are herein mentioned; and One Great Barmote Court shall be held every Year for each of the said united Manors or Liberties; and the said Court shall be held within a Month after the Twenty-fifth Day of *March*, and at such Place within any of the said respective Manors or Liberties aforesaid as the Steward shall from Time to Time appoint.

Great Barmote Court for the Manor or Liberty of Crich.

XIII. It shall not be requisite to hold a Great Barmote Court within the Manor or Liberty of *Crich*, except at such Times and Places as the Steward of the said Manor shall by Advertisement in some Newspaper published in the County of *Derby* appoint; and the Grand Jurors and other Jurors for the Soke and Wapentake of *Wirksworth* shall have Power and be required to perform all such Duties and Acts in and for the said Manor or Liberty of *Crich* as they are authorized and empowered to do and perform within the said Soke and Wapentake.

Great Barmote Court for the Manor or Liberty of Litton.

XIV. It shall be lawful for the said *Nathaniel* Baron *Scarsdale*, his Heirs or Assigns, or the Person for the Time being entitled to the First Estate of Freehold in the Mineral Duties payable within the Manor of *Litton*, or the Husband, Guardian, or Committee of such Person, if such Person be a Feme Covert, Infant, Idiot, Lunatic, or Person *non compos mentis*, to hold at his Discretion One or more Great Barmote Courts in every Year within the said Manor or Liberty, and

and the Periods for holding the same may be within a Month after the Twenty-fifth Day of *March*, and within a Month after the Twenty-ninth Day of *September*.

Great Barmote Courts to be held for the Manor or Liberty of Youlgreave.

XV. It shall be lawful for the said *John Henry* Duke of *Rutland*, his Heirs and Assigns, or the Person for the Time being entitled to the First Estate of Freehold in the Mineral Duties payable within the Manor or Liberty of *Youlgreave*, or for the Husband, Guardian, or Committee of such Person, if such Person be a Feme Covert, Infant, Idiot, Lunatic, or Person *non compos mentis*, to hold at his Discretion One or more Great Barmote Courts in every Year within the said Manor or Liberty of *Youlgreave*; and the Periods for holding the same may be within a Month next after the Twenty-fifth Day of *March*, and within a Month next after the Twenty-ninth Day of *September* in any Year.

Business at Barmote Courts.

XVI. The Matters to be transacted at the Great Barmote Courts shall be the swearing in of the Grand Jury, and such other Matters as are in this Act mentioned as being Matters to be transacted at the Great Barmote Courts; and the Matters to be transacted at the Small Barmote Courts shall be the Trial of Actions of Title, Trespass, and Debt, and such other Matters as are in this Act mentioned as being Matters to be transacted at the Small Barmote Courts.

Seal of the Courts.

XVII. There shall be a Seal or Stamp provided by the Steward, with Words thereon to specify the particular Court of which it is the Seal, and all Proceedings in the Great and Small Barmote Courts which are required to be signed by the Steward shall be sealed or stamped therewith.

Barmaster for the Soke and Wapentake of Wirksworth.

XVIII. It shall be lawful for the Queen and Her Successors, by Letters Patent under the Seal of the Duchy of *Lancaster*, from Time to Time as a Vacancy shall happen, to appoint a fit and proper Person to serve the Office of Barmaster of the Soke and Wapentake of *Wirksworth*, and to be called the Barmaster of the Soke and Wapentake of *Wirksworth*; and such Barmaster may, by Writing under his Hand, nominate and appoint from Time to Time One or more fit and proper Persons to serve the Office of Deputy Barmaster within the said Soke and Wapentake of *Wirksworth*, and to remove such Deputy or Deputies respectively at his Will and Pleasure; and the said Barmaster for the Time being of the said Soke and Wapentake of *Wirksworth* may also, by Writing under his Hand, nominate and appoint One of such Deputy Barmasters to execute all such Summonses and Warrants, and to perform such other Acts and Duties as are in this Act mentioned to be executed and performed by the Barmaster of the said Soke and Wapentake.

XIX. It

Barmasters for the private Liberties.

XIX. It shall be lawful for the several Persons hereby authorized to appoint Stewards for the said several Manors or Liberties, by Writing signed by them respectively, to appoint during Pleasure only fit and proper Persons to act as Barmasters for the said several Manors or Liberties respectively; and every such Barmaster (excepting in the Manor or Liberty of *Crich* herein-before provided for) may (with the Consent in Writing of the Person under whom he holds his Appointment) nominate One or more fit and proper Persons to serve the Office of Deputy Barmaster within the Manor or Liberty in which such Barmaster shall act; and such Deputy Barmasters shall respectively continue in Office during the Continuance in Office of the Barmasters by whom they were respectively appointed, or until they shall be removed by the Persons hereby respectively authorized to appoint such Barmasters.

Barmaster not to be answerable for Deputy.

XX. The Barmaster shall not be answerable for the Acts of the Deputy Barmasters.

Barmasters to be sworn.

XXI. The Barmasters may act as such without being sworn, but shall, before or at the Great Barmote Court next after their respective Appointments, be respectively sworn well and truly to serve the Office to which they are appointed, or such Appointment shall be void.

Duties of Barmaster.

XXII. The Duties of the Barmaster shall be to execute all such Precepts and Warrants as shall be directed to him and signed by the Steward and sealed with the said Seal, to attend on Views with the Steward and Deputy Barmaster of the District in which the Mine to be viewed is situate, and where there is no Deputy appointed for any District to perform all the Duties of the Office of Deputy until a Deputy is appointed, and generally to do and perform such other Acts and Duties as are in this Act mentioned as being Acts or Duties to be done or performed by the Barmaster.

Duties of Deputy Barmaster.

XXIII. The Duties of the Deputy Barmaster, whether the Barmaster be absent or present, shall be to serve Summonses in Actions in the Small Barmote Courts of their respective Districts, to serve Summonses on Jurors, and to attend Views on Mines within their respective Districts, to collect the Dues payable within their respective Districts, to keep Accounts of such Dues, to keep a Book, and make therein written Entries and Particulars of all Meers of Ground which shall be measured and set out by them under the Provisions of this Act, and also of all Transfers of Mines which may be made as herein-after provided, and also of all Freeings, Gifts, and other Matters connected with the Mines within their respective Districts, to sign such Book, and to deliver the same half-yearly, together with a fair Copy of the aforesaid Accounts also signed by them

them respectively, each such Half-yearly Account to end with the Twenty-fifth of *March* or Twenty-ninth of *September*, to the Steward at the Great Barmote Court next after the Day to which such Accounts shall be made up, or with the Consent of the Steward at any Adjournment of the said Court, or at any subsequent Great Barmote Court, to produce any such Book, and to make and deliver other fair Copies of the aforesaid Accounts at any other Time upon Demand being made by the Steward for the Production of any such Book or for any such Copy, and (in all other Cases in which the Barmaster shall not be present and choose to perform such Duties in Person) to perform within their respective Districts all such Duties as are in this Act mentioned as forming Part of the Duties or Business of the Barmaster, and generally to assist the Barmaster, when required by him so to do, in any other Matters forming Part of or connected with the Duties of Barmaster, whether in their own District or elsewhere within the Jurisdiction of the Barmaster.

Courts to be Courts of Record.

XXIV. The Great Barmote Court and the Small Barmote Court shall be Courts of Record, and the Steward shall be Judge of each of them, and may out of Court do all such Acts of the Courts respectively as do not require the Presence of a Jury.

Jurisdiction and Customs.

XXV. The Jurisdiction of the Great and Small Barmote Courts for the Soke and Wapentake of *Wirksworth* shall extend over the whole of the *King's Field* within the said Soke and Wapentake, and the Jurisdiction of the Great and Small Barmote Courts of the said several Manors or Liberties respectively shall extend over such Manors or Liberties respectively, and the Mineral Laws and Customs of the said Soke and Wapentake, and Manors or Liberties, shall be such as are mentioned and comprised in this Act, and no other alleged Custom or Practice shall be valid.

Provisional Exemption of certain Lands in Eyam.

XXVI. Whereas the Owners of certain Lands and Hereditaments within the said Manor or Liberty of *Eyam*, usually called "ancient Freeholds," claim to be exempt in respect of the said Lands and Hereditaments from all Mineral Customs heretofore in force, and from the Jurisdiction of all Barmote Courts heretofore in Existence, and of any Steward thereof: Be it therefore enacted, That until it shall be found by Law that the said Lands and Hereditaments are subject to such Customs and to such Jurisdiction, nothing in this Act or the Schedule hereto contained shall extend or be construed to extend any Mineral Law or Laws, Custom or Customs, to the said Lands and Hereditaments, or any of them, nor to give any Authority to search for Mines or Veins of Lead Ore, in, under, or upon any of the said Lands or Hereditaments, nor to extend the Jurisdiction of any Great or Small Barmote Court, or the Steward thereof,

thereof, to the said Lands or Hereditaments, or any of them, nor otherwise to affect any Right or Interest whatsoever of any of the Owners of the said Lands and Hereditaments: Provided always, that until it shall be found by Law that the said Lands and Hereditaments are subject to such Customs and such Jurisdiction, the Authority of the Barmote Courts and Steward (if any), and all Customs (if any) to which such Lands and Hereditaments are now subject, shall remain in full force.

Practice of Courts.

XXVII. The Steward may in any Case, and upon such Terms as to the Payment of Costs by either Party or otherwise as to him shall seem just, make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of any Action, and also may from Time to Time adjourn any Great or Small Barmote Court, or the Hearing or further Hearing of any Cause or other Proceeding in the said Courts, or either of them, or before the Steward, in such Manner as to the Steward may seem fit; and when any Court is adjourned, the Grand Jurymen and other Jurymen who shall have been summoned to such Court shall attend at the adjourned Court without any further summoning, and shall be liable to the same Penalties for not attending at an adjourned Court as for not attending upon a Summons: Provided always, that the further Hearing of any Cause, or other Proceeding of which the Hearing shall have been commenced, and in which any Evidence shall have been given, shall not be adjourned for any longer Period than until the Day next after that on which the Adjournment takes place, or if such next Day be *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, then until the Day next but One after that on which the Adjournment takes place; and at the Hearing or Trial of any Action, or on any other Proceeding under this Act, the Wives of the Parties shall be competent Witnesses, and compellable to give Evidence.

Persons giving false Evidence guilty of Perjury.

XXVIII. Every Person who, in any Examination upon Oath or solemn Affirmation before the said Steward, shall wilfully and corruptly give false Evidence shall be deemed guilty of Perjury, and shall be liable to be indicted and subject to the same Punishments as may be imposed on Persons guilty of Perjury in any of the Superior Courts of *Westminster*.

Penalty for refusing to give Evidence.

XXIX. If any Person appearing as a Witness shall refuse to give Evidence, or to answer any lawful Question, it shall be lawful for the Steward to impose upon any such Person such Penalty not exceeding Ten Pounds as the said Steward shall think fit.

XXX. If

Penalty for insulting Steward or Barmaster.

XXX. If any Person shall wilfully insult the Steward or create any Disturbance during the Sitting of any Great or Small Barmote Court, or at any View, or shall obstruct the Barmaster at any Time when in the Execution of his Office, it shall be lawful for the Steward to impose upon any such Person such Penalty, not exceeding Five Pounds, as the Steward shall think fit; and the Steward shall fix a Day on or before which, and a Person to whom, such Penalty shall be paid.

Grand Jury.

XXXI. From and after the passing of this Act the Grand Jury of the said Soke and Wapentake shall consist of Twelve Men, and the Grand Juries for the united Liberty of *Ashford*, *Tideswell*, *Peak Forest*, and *Hartington*, and for the united Liberty of *Stoney Middleton* and *Eyam*, shall also respectively consist of Twelve Men, who shall be summoned from and be competent to act for any Part of the said united Liberties respectively; and the Grand Jury for each of the remaining Manors or Liberties shall also consist of Twelve Men, and all Members of the respective Grand Juries shall be selected by the Barmaster from amongst Persons resident or working within the respective Jurisdictions of the said Great and Small Barmote Courts, and as far as conveniently can be done it shall be the Duty of the Barmaster to select Persons experienced in practical Mining, but a Want of such Experience shall be no Ground of Objection to any Person serving on the Grand Jury if summoned so to do, nor of Exemption from such Service; and at the Second Great Barmote Court which shall be held after the passing of this Act, Six of the Grand Jury to be determined by Lot shall be discharged, and Six new Grand Jurymen substituted; and at every subsequent Great Barmote Court Six of the Grand Jury, being those who have been longest in Office, shall be discharged, and Six new Grand Jurymen shall be substituted in their Stead, so that every Member of the Grand Jury shall serve for a Period extending over the holding of Two Great Barmote Courts; and as often as any of the Grand Jury shall die, or become incompetent to act, the Barmaster shall select another Person in his Place, without waiting for the holding of a Great Barmote Court; and every Member of the Grand Jury shall be sworn in by the Steward as soon as conveniently may be, either at a Great or Small Barmote Court or out of Court, as may be most convenient, but every such Member shall be competent to act immediately upon his Appointment as One of the Grand Jury without waiting for being sworn as aforesaid.

Duties of Grand Jury.

XXXII. The Duties to be performed by the Grand Jury may, in Cases where no other Provision is made by this Act, be performed by any Eight of the Body, and such Duties shall be to attend at the Great Barmote Courts, and at any other Time upon the Summons of

of the Barmaster, such Summons to be delivered to all the Members of the Grand Jury, or to be left at their respective usual or last known Places of Abode, at least Twenty-four Hours before the Time at which their Attendance is required, to go into or upon any Mine, Vein, or Mineral Works, and view the same, and give their Opinion on such Matters as are required of them in any Bill of Directions or Cross Bill delivered to them, and generally to do and perform all such Acts and Duties as are in this Act mentioned as being Acts to be done or Duties to be performed by the Grand Jury.

Small Barmote Courts.

XXXIII. The Steward shall upon the entering of any Plaint cause a Summons to be issued, and shall on a Day to be mentioned in such Summons, and within One Calendar Month after the entering of the Plaint, hold a Small Barmote Court for the Trial of the Cause, and the Plaintiff and Defendant, or their respective Attornies or Agents, shall appear at the Time and Place appointed for the Trial, and the Steward shall proceed in a summary Way to try the Cause, leaving all Matters of Fact in issue in the Cause to be determined by the Jury sworn for the Trial, and shall give Judgment, and the Judgment of the Court shall be enforced by Warrant to be issued under the Hand of the Steward and the Seal of the Barmote Courts, and the Defendant shall be allowed to give Evidence of any special Matter of Defence.

Service of Summons.

XXXIV. The Summons shall be served upon the Defendant by the Barmaster Fourteen clear Days at least before the Day appointed for the Trial, by leaving such Summons at the usual or last known Place of Abode of such Defendant, or, if the Defendant shall not reside within the Jurisdiction of the Barmote Court, by affixing a Copy thereof at the Place where the last preceding Great Barmote Court was held, and by serving another Copy of such Summons upon the Agent of the Mine, if such Agent is resident within the Jurisdiction of the Barmote Court; and upon Proof of the Service of such Summons, the Plaintiff shall be at liberty, if the Defendant do not appear, to proceed to Trial, and if the Steward shall think that he is entitled to recover he shall have Judgment: Provided always, that in Cases where there are more Defendants than One, Service on One of such Defendants, and on the Agent of the Mine (if any) resident as aforesaid, shall be deemed sufficient.

Proviso in case Plaintiff shall not proceed in the Action.

XXXV. If the Plaintiff in any Action of Title, Trespass, or Debt shall not proceed to Trial at the Time and Place appointed, the Steward shall cause Judgment as in Case of Nonsuit to be entered for the Defendant in such Action.

New Trials. XXXVI. The Steward may grant new Trials, and set aside Judgments and other Proceedings, and may stay Proceedings; and in so doing he is hereby directed to act as far as may be on the same Principles as are acted upon in similar Cases by the Superior Courts at *Westminster*.

Costs. XXXVII. The Party who has Judgment in his Favour, in whatever Way such Judgment may be obtained, shall by the same Judgment recover his Costs of Suit or Defence, as the Case may be.

Appeal. XXXVIII. It shall be lawful for the Court of Queen's Bench at *Westminster*, or for any Judge of any of the Superior Courts at *Westminster*, on the Application of either Plaintiff or Defendant in an Action in the Small Barmote Court, either before or after Trial, on Cause shown by Affidavit to the Satisfaction of such Court or Judge that an impartial or satisfactory Trial cannot be or has not been had in such Barmote Court, or for any other Cause which to such Court or Judge shall seem reasonable, to allow a Certiorari to be issued out of the said Court of Queen's Bench for removing all Proceedings which may have been had in such Action into the said Court of Queen's Bench.

Pleadings not to be repeated. XXXIX. When a Cause is so removed, the Pleadings in the Court below shall stand and need not be repeated in the Queen's Bench, 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 Queen's Bench as might have been adopted in the Court below; and the Queen's Bench 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 Queen's Bench, 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 Queen's Bench in the same Way as Judges Orders may ordinarily be enforced, set aside, or varied; and when Judgment is given in the Queen's Bench, 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.

Service of Subpœna on Witnesses. XL. Every Subpœna to attend and give Evidence upon any Trial in the Small Barmote Court, if served personally upon the Person required

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 Court of Queen's Bench at *Westminster*, 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 Court of Queen's Bench at *Westminster*, 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.

Execution may be issued.

XLI. Where a Plaintiff obtains Judgment in an Action of Title, and the Defendant shall refuse, for the Space of Three Days next after the Day on which Judgment is given, to deliver Possession to the Plaintiff, it shall be lawful for the Plaintiff to apply to the Steward, and the Steward shall thereupon issue a Warrant, and the Barmaster shall forthwith execute such Warrant and deliver Possession accordingly: Provided always, that no Entry or Seizure under any such Warrant, or under the Warrant next herein-after mentioned, shall be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or on any Day appointed for a Public Fast or Thanksgiving, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon; and where a Defendant shall, for the Space of Three Days after the Day when the Judgment is given or Order made, omit to pay any Debt or Damages recovered or awarded to be paid by any Judgment of the Small Barmote Court, or where either Plaintiff or Defendant shall, for the Space of Three Days, omit to pay any Money or Costs recovered or awarded to be paid by any such Judgment, or by any Order made by the Steward, or where any Person shall omit to pay any Penalty imposed by the Steward under the Authority of this Act within the Time appointed by the Steward

for

for Payment thereof, it shall be lawful for the Steward and he is hereby required, upon the Application of the Party in whose Favour or for whose Benefit such Judgment or Order shall have been given or made, or in the Case of a Penalty at his own Discretion, to issue a Warrant, and the Barmaster shall thereupon forthwith take possession of any Mineral Property within the Jurisdiction of the said Barmote Courts which shall belong to the Party so omitting to pay such Debt or Damages, or Money or Costs, or Penalty, and shall sell the same either by Ticket or by Public Auction, or so much thereof as may be necessary to raise the Sum mentioned in such Warrant, and the Fees allowed by this Act for executing the same, and shall return any surplus Monies arising from such Sale that may remain after paying such Debt or Damages, or Money or Costs, or Penalty and Fees as aforesaid, to the Defaulter; and if the Party against whom the Warrant issues has, before the issuing of such Warrant, in fact paid the Debt, Damages, Money, Costs, or Penalty, or any Part thereof, and the Warrant issues for too much, the Steward shall not therefore be liable to any Action, except in Cases where he issues the Warrant of his own Motion, and with Knowledge of the Payment, but the Party who sues out the Warrant, or the Steward, if he issues it of his own Motion and with such Knowledge as aforesaid, shall be alone responsible in such Cases for the improper issuing of the Warrant, and for what is done thereunder; and in case the Person against whose Mineral Property such Warrant shall have been issued shall not have any Mineral Property within the Jurisdiction of the Barmote Court out of which such Warrant shall have issued, or not sufficient to answer the Amount mentioned in such Warrant after deducting such Fees as aforesaid, it shall be lawful for the Person who shall have obtained such Judgment or Order, or in case of a Penalty for the Steward, to recover the Amount or Deficiency by Action of Debt in the County Court, if the Amount of the Debt or Deficiency shall not exceed Fifty Pounds, otherwise in any Superior Court at *Westminster*; and the Certificate of the said Steward of the Amount of the Debt or Damages, or Money or Costs, or Penalty, or of the Proportion thereof, which has not been recovered under such Warrant, shall be Evidence, but not conclusive Evidence, that the Sum therein mentioned to be not recovered was due and unpaid at the Date of such Certificate; and the Count in the Declaration in any such Action in One of the Superior Courts may be simply to the Effect that the Defendant was indebted to the Plaintiff in a Sum (naming it) by virtue of this Act, and of a Certificate thereunder granted by the Steward of the Barmote Courts, which Sum the Defendant had not paid.

Return to be made of Executions.

XLII. All Warrants issued by the Steward shall be in force for One Calendar Month from the Date thereof, and shall be returned by

by the Barmaster to the Steward within Six Weeks from the Date thereof, with a Memorandum or Return endorsed thereon, and signed by the Barmaster, stating when it was executed, or if from any Cause the Barmaster shall have been unable to execute it, then stating why it has not been executed; and in the latter Case the Warrant may be renewed, and Returns made from Time to Time until it is executed; and every renewed Warrant shall be in force for One Calendar Month from the Date thereof; and every Return to a renewed Warrant shall be made within Six Weeks after the Re-issuing of the Warrant, but the Omission to return any Warrant shall not make any one a Trespasser for having obeyed the same, nor shall it be necessary to state or prove any such Return in order to justify anything done in obedience to the same.

Jurors at Small Barmote Courts.

XLIII. The respective Barmasters shall every Year make out in Writing a List of all, if the Number shall not exceed Forty-eight, and if it shall exceed Forty-eight then of not less than Forty-eight, Miners, Owners, or Maintainers of Mines, not being Members of the Grand Jury for the Time being, but being resident within the Jurisdictions of such Barmasters respectively, and fix the same upon or near the outer Door of the Place where the respective Great Barmote Courts are usually or were last respectively held, and shall afterwards copy such List into a Book to be called the Jury Book, and to be kept by him; and Three Days before any Small Barmote Court the Barmaster shall cause to be summoned Twenty-four Persons named in the said Book, to attend at the Time and Place appointed for holding the Small Barmote Court; and every Summons shall be served either personally or by leaving the same at the usual or last known Place of Abode of the Person summoned.

Proviso for Small Barmote Courts within Stoney Middleton and Eyam, and several other Places.

XLIV. And whereas it may happen that a sufficient Number of Miners, Owners, or Maintainers of Mines, not being Members of the Grand Jury, may not be resident within the united Liberty of *Stoney Middleton* and *Eyam*, or within the said united Liberty of *Ashford*, *Tideswell*, *Peak Forest*, and *Hartington*, or within the said Manor or Liberty of *Litton*, or within the said Manor or Liberty of *Youlgreave*, from which the Barmaster may make a List of Forty-eight Persons liable to serve upon the Jury: It is therefore declared, That whenever a Small Barmote Court is held for the said united Liberty of *Stoney Middleton* and *Eyam*, or for the said united Liberty of *Ashford*, *Tideswell*, *Peak Forest*, and *Hartington*, or for the said Manor of *Litton*, or for the said Manor of *Youlgreave*, respectively, it shall be lawful for the Barmaster of the Manor or Liberty in which a Small Barmote Court is required to be held to summon either the whole Number or so many Persons as may be necessary to form a Jury of Twenty-four Persons, either from his own List or from

the Lists of the other Liberties mentioned in this Section, which last-mentioned Lists shall be produced for the Inspection of the Barmaster requiring the same.

As to Appointment of Juries, and challenging Jurors.

XLV. The Barmaster shall make a List of the Jurors so summoned, together with their Places of Abode and Conditions, and shall permit such List to be inspected by the Plaintiff and Defendant if they shall require it; and the Barmaster shall cause the Names of the Jurors to be written severally on Slips of Paper and put into a Box, and the Names shall be drawn out of the Box by the Barmaster, and each Party may, until no more than Twelve remain, object to any Person whose Name is drawn out, without assigning any Cause, but so that not more than Six such Objections be made by either Party, and if any Objection is made to the Twelve so remaining, it must be stated to, and the Validity or Invalidity thereof decided upon, by the Steward, and the Twelve First Persons to whom no Objection has been made shall be the Jury to be sworn for the Trial, and any Person against whom an Objection has been made and disallowed by the Steward shall be considered as a Person against whom no Objection has been made; and if after drawing out the Names of all the Jurors there shall not appear to be Twelve Persons against whom no Objection has been made, then the Names of all the Jurors against whom Objections have been made shall be returned to the Box and drawn again, without any further Objection being allowed to any of them, until a sufficient Number be drawn to make a Jury of Twelve, and such Jury of Twelve shall be the Jury to be sworn for the Trial to take place at such Small Barmote Court; and the Jury so drawn as aforesaid shall be sworn by the Steward, and shall hear the Evidence of the Witnesses in the Cause, and shall be required to give an unanimous Verdict upon all Matters of Fact at issue in such Trial, which Matters of Fact shall be submitted by the Steward to the Jury for their Determination.

Provision in case of more than One Cause.

XLVI. If there shall be more than One Cause to be tried at any Small Barmote Court the Jury sworn for the Trial of the First Cause may and shall, with the Consent of the Parties to the second or other subsequent Causes, be sworn for and be the Jury for the Trial of such second and subsequent Causes: Provided always, that any Party to such second or subsequent Causes, or the Steward, may require a fresh Jury to be drawn.

Penalty on Jurors for Non-attendance.

XLVII. If any Person liable to act as a Grand Juryman or Juryman shall have been duly summoned to attend on any Occasion on which the Grand Jurymen or other Jurymen are by this Act respectively required to attend, and shall not attend in pursuance of such Summons, or being called shall not answer to his Name, or if any such

such Person, being present, after having been called, shall not duly appear, or after his Appearance shall wilfully withdraw himself, or shall refuse to act or to perform the Duties required of him, it shall be lawful for the Steward to impose such Penalty, not exceeding Ten Pounds, upon every such Person so making default, as to the said Steward shall seem meet, unless some reasonable Excuse shall be given to the Satisfaction of the Steward, and the Steward shall fix a Day on or before which and a Person to whom such Penalty shall be paid; and if such Penalty shall not be paid within the Time ordered by the Steward, it shall be lawful for the Steward to issue his Warrant for the levying thereof, with all the Costs and Charges attending such levying; and such Penalty may be imposed in the Absence of the Party making default, and without calling on him to show Cause why it should not be imposed; and it shall be no Objection to the Execution of such Warrant that the Party had no Notice of such Penalty, but if any Person shall think himself aggrieved by the Imposition of such Penalty or the Execution of such Warrant, the Steward may grant him such Relief as to the Steward may seem just.

Subpœnas.

XLVIII. The Parties to the Suit, or any other Proceeding under this Act, may obtain at or from the Office of the Steward Subpœnas to compel the Attendance of Witnesses, with or without a Clause requiring the Production of Books, Deeds, Papers, and Writings in their Possession or Control; and in any such Subpœna any Number of Names may be inserted, and such Subpœnas shall be served upon the Witnesses in like Manner as Subpœnas issuing out of the Superior Courts at *Westminster*.

Execution may be superseded.

XLIX. If the Party against whom an Execution shall be issued shall, before an actual Sale of the Property seized, pay or cause to be paid or tendered unto the Barmaster the Sum or Sums of Money ordered to be levied, or such Part thereof as the Person entitled thereto shall agree to accept, in full of his Debt or Damages and Costs, together with the Fees hereby allowed, the Execution shall be superseded, and the Property of the said Party shall be discharged and set at liberty.

Barmaster not to be liable for anything done under Provisions of this Act.

L. No Barmaster, and no Person acting at the Request and in aid of any Barmaster, shall be liable to any Action for anything done or authorized by such Barmaster, in obedience or necessary for Obedience to any Writ, Precept, Warrant, or Process signed by the Steward, and sealed with the said Seal, although the same be void or irregular, or an Excess of Jurisdiction; nor shall any Act done by any such Barmaster or other Person, while acting under any such Writ, Precept, Warrant, or Process, make him a Trespasser *ab initio*, though it be

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not in obedience or not necessary for Obedience to such Writ, Precept, Warrant, or Process; but the Party committing such last-mentioned Act shall be liable to an Action for the same if it be illegal.

Steward not to be liable.

LI. The Steward shall not be liable to any Action for anything done in obedience or necessary for Obedience to any Writ, Precept, Warrant, or Process signed by him and sealed with the said Seal, if such Writ, Precept, Warrant, or Process be not an Excess of his Jurisdiction.

Register of Summonses, &c.

LII. The Steward shall carefully preserve the Books and Accounts mentioned in this Act, and shall also cause a Register of all Summonses, Subpœnas, Orders, Judgments, Warrants, Executions, and Returns thereto, and of all Penalties, and of all other Proceedings of the Great and Small Barmote Courts, and of all Bills of Directions, Cross Bills of Directions, Opinions of the Grand Jury, and other Proceedings on Views, to be fairly entered from Time to Time in a Book belonging to the Courts, which shall be kept at the Office of the Steward; and such Entries in the said Book or Copies thereof, or of any of them, and also Copies of the Entries in the Books and Accounts mentioned in this Act, or of any Part thereof, purporting to bear the Seal of the Court, and purporting to be signed and certified as a true Copy by the Steward, which Copies the Steward is hereby required to furnish to all Persons requiring the same upon Payment of the Fees herein-after specified, shall at all Times be admitted in all Courts and Places whatsoever as Evidence of such Entries, Customs, Articles, Rules, and Orders, and of the Proceedings referred to by such Entries, and of the Regularity of such Proceedings, without any further Proof.

Documents in Custody of Steward or Barmaster to be open to Inspection.

LIII. All Persons shall be at liberty, at convenient Times in the Daytime, to search and examine all Books and Documents in the Custody of the Barmaster or Steward by virtue of this Act, upon Payment of the Fees herein-after specified.

Interpleader Clause.

LIV. 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,

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 at *Westminster*, any Judge of any other of the 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 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.

Penalties.

LV. All Penalties imposed by virtue of this Act (except the Penalties imposed upon the Barmaster, and which are otherwise provided for) shall be recovered by levying the same under a Warrant of the Steward upon the Mineral Property of the Person upon whom such Penalty shall be imposed which shall be within the Jurisdiction of the Barmote Courts; and if the Barmaster shall make a Return to the Steward that there is no Mineral Property within such Jurisdiction, or not sufficient to raise the whole of the Penalty and the Fees allowed for the Execution of the Warrant, then such Penalty, or so much thereof as the Produce of the Sale of such Mineral Property shall not, after paying the Fees allowed for the Execution of the Warrant, be sufficient to satisfy, shall be recovered by Action of Debt in the County Court, such Action to be brought in the Name of the Steward, and a Certificate, signed by him, and sealed with the said Seal, certifying the Imposition of such Penalty and the Amount thereof,

thereof, or so much thereof as shall not have been satisfied by such Execution, shall be Evidence, but not conclusive Evidence, that the Sum therein mentioned not to be recovered was due and unpaid at the Date of the Certificate.

Application of Penalties.

LVI. An Account shall be kept by the Steward of all Penalties imposed upon any Person under the Authority of this Act, and such Penalties shall, except in Cases where it is by this Act otherwise provided, be received by or on account of the Steward, and shall, in the Soke and Wapentake of *Wirksworth*, be paid by the Steward when received as to One Moiety thereof to the Queen and Her Successors in right of Her Duchy of *Lancaster*, and as to the other Moiety thereof to the Lessee for the Time being of the Duties of Lot and Cope, if there shall be any such Lessee; and if there shall be no such Lessee, then the whole of such Penalties shall be paid to the Queen and Her Successors in right of Her Duchy of *Lancaster*, and such Penalties in the said several Manors or Liberties shall be paid by the Steward, when received, to Her Majesty in right of Her said Duchy; and if any Action or other Proceedings, other than an Execution under the Warrant of the said Steward, shall be necessary for the Recovery of any Penalty, such Action or other Proceedings shall be taken in the Name of the Steward.

Forms of Proceedings.

LVII. The Proceedings of the Barmote Courts shall be in the Forms given in the Second Schedule to this Act, or to the like Effect; and in any Proceeding not thereby provided for, it shall be lawful for the Steward to adopt such Form as he shall think fit and applicable to such Proceeding.

Fees.

LVIII. The Fees which shall be paid, had, and taken by the Steward, Barmaster, Grand Jury, Attornies, and other Persons shall be such as are contained in the Third and Fourth Schedules to this Act, and no other Fee, Gratuity, or Reward whatever shall be demanded, had, or taken by any of the said Persons, on any Pretence whatever.

Limitation.

LIX. For the Protection of Persons acting in the Execution of this Act, it is hereby declared, That all Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not afterwards or otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and no Plaintiff shall recover in any such

such Action if Tender of sufficient Amends shall have been made before such Action brought, or if after Action brought a sufficient Sum of Money shall have been paid into Court with Costs by or on behalf of the Defendant; and in any such Action the Defendant may not only plead the Tender or Payment into Court, as the Case may be, but may also plead any other Plea or Pleas in bar, or a general Demurrer.

Removal of Proceedings.

LX. No Proceedings in the said Courts, or either of them, or before the Steward or Barmaster, shall be removed into any other Court by Certiorari or otherwise, except in the Cases herein provided for.

Costs.

LXI. In any Action brought under the Provisions of this Act, in the County Court, or in any of the Superior Courts, the Plaintiff and Defendant shall respectively be entitled to recover Costs in the same Cases and to the same Extent as they would be entitled if the Action were a common Action of Debt on simple Contract in the County Court, or in any of the Superior Courts respectively.

Proceedings pending.

LXII. Nothing in this Act contained shall affect any Action, Suit, or other Proceeding now pending in any Court of Law or Equity, but such Action, Suit, or other Proceeding shall be dealt with and determined as if this Act had not been passed.

Parties may proceed in any other Court than Small Barmote Court.

LXIII. Nothing in this Act contained shall preclude any Person from proceeding in any other Court having Jurisdiction therein in respect of any Matter hereby made triable in the Small Barmote Court.

Expenses of Act.

LXIV. The Clerk of the Peace for the County of *Derby* shall, as soon as conveniently can be done after the passing of this Act, ascertain and settle the Amount of the Costs, Charges, and Expenses of and incident to the applying for and obtaining the passing of this Act, and the Amount so ascertained and settled shall be distributed between the said Soke and Wapentake and the said Manors or Liberties, in proportion to the Amount of Lot and Cope collected in the *King's Field* within the said Soke and Wapentake and in the said Manors or Liberties respectively, during the Period of Seven Years immediately preceding the passing of this Act; and the Amount declared to be payable by the said Soke and Wapentake and Manors or Liberties respectively shall be certified by the said Clerk of the Peace by Writing signed by him to the Stewards of the said Soke and Wapentake and Manors or Liberties respectively; and the Amount so certified shall be paid accordingly by the Duchy of *Lancaster* for the said Soke and Wapentake, and by the several Persons entitled to the

the Mineral Duties within the said respective Manors or Liberties to the said Stewards respectively, to be applied by them in the Discharge of such Costs, Charges, and Expenses: Provided always, that the Amount so certified to be paid by the said Duchy of *Lancaster* for the said Soke and Wapentake shall not exceed the Sum of Seven hundred Pounds; and the Amount to be paid in respect of the Interest of the said Sir *Richard Tufton* in the said Manors or Liberties of *Eyam* and *Stoney Middleton* and *Crich* shall be paid by the Trustees of the said Will of the said *Henry* Earl of *Thanet*, and the Amount to be paid in respect of the Interest of other Persons in the said last-mentioned Manors or Liberties shall be retained and paid by the Barmasters for those Manors or Liberties respectively out of the Duties of Lot and Cope received by them respectively after the passing of this Act.

Not to extend Customs to Lands not now subject to them.

LXV. Provided always, That nothing in this Act contained shall extend the Mineral Laws, Usages, and Customs herein-before mentioned, and by this Act defined and amended, over any Lands or Hereditaments within any of the Manors or Liberties herein-before mentioned which are not now subject to Mining Customs, nor be held to subject or make liable any Lands or Hereditaments to the said Customs which are now exempt therefrom, nor to give Authority to search for Mines and Veins of Lead Ore in or upon any Lands or Hereditaments over which the Mineral Customs of the said *King's Field*, or of the said Manors or Liberties, or some of them respectively, have not heretofore extended.

Rights of Proprietors of Spar and Limestone within the Manor of Crich not to be prejudiced.

LXVI. And whereas Sir *Richard Tufton* Baronet, *Francis Hurt* Esquire, *Samuel Travis* Esquire, and several other Persons, are Proprietors of and entitled to the Spar lying under certain Lands within the Manor of *Crich* aforesaid, and the said Sir *Richard Tufton*, *Francis Hurt*, *Samuel Travis*, and several other Persons, are Proprietors of and entitled to the Limestone in and under certain Lands lying within the said Manor: It is hereby declared, That nothing contained in this Act shall prejudice or take away the Rights of the said Proprietors to the Spar and Limestone respectively lying in or under the Lands now subject to such Rights, situate within the Manor of *Crich* aforesaid.

Rights of Tithe Owners not to be prejudiced.

LXVII. That nothing in this Act contained shall in any way affect, alter, lessen, or abridge the Rights of any Person or Persons whomsoever to any Tithes which may be due or payable or liable to be rendered for or in respect of the Lead Ore to be gotten and raised within the said Soke and Wapentake, and Manors or Liberties respectively, or any of them, or any Part or Parts thereof respectively.

LXVIII. Except

Saving Rights of the Crown.

LXVIII. Except as is herein provided, nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen, Her Heirs and Successors, either in right of Her Crown or in right of Her Duchy of *Lancaster*.

The FIRST SCHEDULE referred to,

BEING A

SCHEDULE OF ARTICLES AND CUSTOMS BY THIS ACT ESTABLISHED.

1. It is lawful for all the Subjects of this Realm to search for, sink, and dig Mines or Veins of Lead Ore upon, in, or under all manner of Lands, of whose Inheritance soever they may be (Churches, Churchyards, Places for Public Worship, Burial Grounds, Dwelling Houses, Orchards, Gardens, Pleasure Grounds, and Highways excepted); but if no Vein of Ore be found, or if the Founder Meers be not freed as provided by the Eleventh Article, and the Person making Search abandon it for Fourteen Days, the Land must be levelled and made good by the Person making the Search within the Space of Twelve clear Days after the Expiration of the said Fourteen Days, or the Owner of such Land may level and make good the same, and recover the Expenses thereof from the Miner in an Action of Debt in the Small Barmote Court or in the County Court: Provided always, that nothing herein contained shall prevent or hinder the Miner from following and working his Vein, and searching for and getting Lead Ore under such excepted Places as aforesaid at a lower Depth than Fifteen Yards from the Surface; but in case by so doing he shall damage or injure any such excepted Places, or the Surface thereof, the Owner or reputed Owner and Occupier may recover from such Miner Compensation for such Damage or Injury, by Action in the County Court if the Damage shall not exceed Fifty Pounds, or otherwise by Action in the Superior Courts; but in case the Owner or reputed Owner or Occupier of such excepted Place as aforesaid apprehends that such Working is carried on at a less Depth than Fifteen Yards from the Surface, or will endanger the Security of such excepted Places, the Steward and Grand Jury shall have Power to suspend the Working of such Vein, or to direct the Working thereof, so as to prevent such Damage.

2. In all Cases the Landowner shall have Power to sell and dispose of the Calk, Feagh, Spar, and other Minerals, and Rubbish (except Lead Ore), and to remove the same from his Land so soon as the Lead Ore has been extracted from it, when and as often as he thinks proper, and when not required for the Use of the Mine, but not so as to destroy or injure any Mineral Property, without the Consent of the Barmaster and any Two Members of the Grand Jury: Provided always, that the Landowners shall have the Power of removing such Calk, Feagh, Spar, and other Minerals and Rubbish at the Expiration of Eighteen Months after the same shall have been raised, notwithstanding all the Lead Ore may not have been extracted therefrom; provided also, that the Calk, Feagh, Spar, and other Minerals and Rubbish now raised, and from which the Lead Ore has not been extracted, shall not be removed until after the Expiration of Eighteen Months from the passing of this Act.

3. The

3. The Barmaster and every Deputy Barmaster shall provide a Dish or Measure for measuring the Ore, to be adjusted as herein-after mentioned, and they shall forfeit a Sum not exceeding Two Pounds every Time they are required to measure Ore at any Mine and are unprovided with such Dish or Measure, such Penalty to be recovered and received for his own Use by the Person who shall have required the Ore to be measured, by an Action in the County Court. The Dishes or Measures for the Wapentake of Wirksworth and Manor of Crich respectively are to be adjusted in the Presence of Two of the Grand Jury, according to the Standard Brazen Dish deposited in the Moot Hall at Wirksworth, and if such Standard Brazen Dish be at any Time hereafter lost or destroyed, or become unfit for Use, then the Dishes or Measures for the said Wapentake and Manor respectively shall be adjusted in like Manner as the Dishes or Measures for the other Manors or Liberties mentioned in this Act; the Dishes or Measures for the said other Manors or Liberties shall be adjusted in the Presence of Two of the Grand Jury, and shall contain Fifteen Pints of Water.

4. The Barmaster, together with Two of the Grand Jury, shall provide the Miners a Way, either for Foot Passengers or Carts as may be required, from the Highway lying most convenient to the Mine, and also from the Mine to the nearest running Stream of Water, not being ornamental Water or a private Fishery, such Ways to be set out in as short a Course as may be practicable and reasonable, but not to enter any such excepted Places aforesaid. No Compensation is to be claimed by the Occupier or Landowner for such Ways, but such Ways are not to be considered public, and the Use thereof is to be limited to Persons and Purposes connected with the Mine. The Parties entitled to use the Way may make sufficient Ways for Use, and shall keep the same in repair; and if any such Way shall pass over any inclosed Lands, the Owner or Owners of the said Mine shall, previously to using the same, set up and make good and proper Gates or Stiles, as the Case may require, and keep such Gates or Stiles, with all proper Fastenings, in a good State of Repair, to the Satisfaction of the Barmaster; and may also use for mining Purposes the Water from the nearest running Stream, but so as not to defile the Waters of such running Stream, or to lessen the same so as to deprive Cattle of a Sufficiency of Water therefrom. If the Owner or Occupier of any Land is dissatisfied with the Mode in which any Way is set out by the Barmaster, or with the Mode in which any such Way is used by the Miner, such Owner or Occupier may apply to the Steward, and the Steward shall thereupon inquire into the Matter, and shall in a summary Way make such Orders respecting the setting out or User of the said Way as to him shall seem just, and such Way shall thereafter be set out and used in such Manner only as the said Steward shall direct.

5. Every Miner shall, so long as his Mine shall be worked, be entitled, without making any Payment for the same, to the exclusive Use of so much Surface Land as shall be thought necessary by the Barmaster and Two of the Grand Jury, and be set out by them from Time to Time for the Purpose of laying Rubbish, dressing his Ore, buddling, making Meers or Ponds, and conveying Water thereto, and any other Mining Purposes. The Miner shall in all Cases before he commences any Search or uses any Land make Fences

sufficient

sufficient for the Protection of Cattle from any Injury which might arise from his Operations, and keep the Fences so from Time to Time to be set up in sufficient Repair, if required by the Landowner or Occupier so to do: Provided always, that nothing herein contained shall entitle any Person to use any Lands for the Purpose of buddling old Hillocks which at the Time of such buddling shall be grassed over or otherwise cultivated (notwithstanding a Mine may be in workmanship), without rendering and paying to the Owner of such Lands One Thirtieth Part in Value of all such Lead Ore as shall be found and gotten in and from such old Hillocks, as and when such Lead Ore shall have been made merchantable and fit for smelting, and shall have been measured by the Barmaster, and (if required by such Landowner) before the same Lead Ore shall be removed and taken away.

6. Any Person may transfer his Interest in any Mine or Vein to any other Person by causing an Entry of such Transfer to be made by the Barmaster in the Book to be kept by him as herein-before mentioned in this Act, and such Transfer, when so entered, and not till then, shall be valid and effectual; and any Person may require the Barmaster to enter any Grant, Conveyance, Probate of Will, or other Assurance hereafter to be made relating to any Mine, in the Book to be kept by him, which Entry shall contain the Date, Names, and Descriptions of Parties, and Consideration of the Grant or other Assurance, and if a Will, the Dates and Name of the Testator, and Devisee, and Date of Probate, and Name of Court where proved, and the Name and Description of the Mine or Mineral Property described or referred to in such Document; and the Barmaster shall be required to make such Entry accordingly on having the original Document produced to him for that Purpose, and shall endorse on such Document a Certificate of the Date of such Entry, and the Page of his Book in which it is made, and sign the said Certificate, which Certificate so endorsed shall be taken and allowed as Evidence of such Entry in all Courts of Law and Equity whatsoever; and every Document so entered shall in all Questions of Title have Priority over all other Documents hereafter made or executed which are not entered in the Barmaster's Book, and such Documents as are so entered shall have Precedence over each other according to their respective Dates of Entry.

7. When Ore has been raised by any Miner, and he shall desire such Ore to be measured, the Miner shall give the Barmaster Three Days Notice of the Time he intends to measure; and if the Barmaster neglect or refuse to attend, then the Miner may employ any Two Persons, One of them being on the Grand Jury, who shall measure such Ore, and lay the Duties aside for the Use of the Persons entitled thereto.

8. No Person shall remove any Ore from the Mine unless and until the same shall have been measured by the Barmaster, or by such Two Persons as aforesaid in the event of the Non-attendance of the Barmaster, upon pain of forfeiting the full Value thereof to the Person for the Time being entitled to the Duties of Lot and Cope; and in case of Nonpayment of such Value, after Six clear Days Notice requiring the same shall have been given by the Barmaster to the Miner, or affixed in or upon some Part of the Mine or the Works thereof, the Mine at which such Ore was got shall be forfeited to the Person for

for the Time being entitled to the said Duties; and Possession thereof may be recovered by Action of Title in manner herein-after provided.

9. The Duties heretofore called the Duties of Lot and Cope are and shall be payable in the said Soke and Wapentake to the Queen and Her Successors, or to Her or their Lessee for the Time being, and in the said several Manors or Liberties, to the several Persons in this Act mentioned to be respectively entitled to the mineral Duties, and to their respective Heirs or Assigns, or the Parties entitled in remainder or reversion, or after or subject to the Estates or Interests of such Persons. The Duty called Lot is and shall be such as is herein-after mentioned; that is to say, in the said Soke and Wapentake One Thirteenth Part of all Ore raised; in the Manor or Liberty of Crich, One Ninth Part of all Ore raised; in the Manors or Liberties of Ashford, Hartington, Peak Forest, Tideswell, Stoney Middleton and Eyam, Youlgreave and Litton, One Thirteenth Part of all Ore raised. The Duty called Lot is to be set apart and taken by the Barmaster when he measures any Ore. The Duty called Cope is and shall be such as is herein-after mentioned; that is to say, in the said Soke and Wapentake the Duty called Cope is and shall be the Sum of Sixpence for every Load of Ore measured; in the Manors or Liberties of Crich and Ashford, the Duty called Cope is and shall be the Sum of Sixpence for every Load of Ore measured; in the Manors or Liberties of Hartington, Peak Forest, and Tideswell, Stoney Middleton and Eyam, Youlgreave and Litton, the Duty called Cope is and shall be Fourpence for every Load of Ore measured. Every such Load as aforesaid is to contain Nine Dishes, whereof each Dish in the said Soke and Wapentake, and in the said Manors or Liberties respectively, is to be of the Capacity provided by the Third Article with respect to the said Soke and Wapentake, and the said Manors or Liberties. The said Duties of Lot and Cope are and shall be payable in addition to the Payments mentioned in any other Article comprised in this Schedule. And if any Person shall neglect or refuse to pay the said Duty of Cope, the same may be recovered in the said Soke and Wapentake by the Barmaster, on behalf of the Queen and Her Successors, or of Her or Their Lessee for the Time being, and in the said several Manors or Liberties by the several Persons for the Time being entitled thereto, by Action of Debt in the Small Barmote Court, or by Action in the County Court.

10. If any new Vein be found by any Miner or any other Person whatsoever, the First Finder shall be entitled to Two Meers in Length of the said Vein, One Meer on each Side of the Founder to be measured and set out by the Barmaster, in the Presence of Two of the Grand Jury, on the Surface of the Ground within Six Days after Notice given to him by the Finder, and the Third Meer shall in the said Soke and Wapentake belong to the Lessee for the Time being of the Duties of Lot and Cope; and if there shall be no such Lessee, then to the Queen and Her Successors; and in the said several Manors or Liberties such Third Meer shall belong to the Person for the Time being entitled to the Mineral Duties; such Third Meer shall be measured and set out in manner aforesaid, One Half at each Extremity of the said Two Meers, and the Finder shall be entitled to each subsequent Meer, not exceeding Fifty Meers in such Vein, to the Extent he shall claim or require at the Time of setting out the First Two Meers, and such subsequent Meers shall be set out either

either wholly in One Direction in the said Vein, or partly in One Direction and partly in the other Direction in such Vein, as the Miner shall choose at the Time of setting out the said last-mentioned Meers, and the Barmaster shall enter the Particulars of the Gift in his Book; and if the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee, then, if the Queen or Her Successors, or if any of the other Persons entitled to such Third Meer, neglect or refuse duly and reasonably to work such Third Meer, the Finder shall have the Right to purchase the said Meer at such Price as the Barmaster and any Two or more of the Grand Jury may fix and determine, or the Finder may continue and maintain his Workings through the said Meer, upon laying aside all the Ore that may be gotten therein, after deducting the Expenses of getting the same.

11. The Barmaster shall not set out any Ground under the Tenth Article until Ore shall have been raised from the Mine for which such Ground shall be required, nor until there shall have been paid to the Barmaster in the said Soke and Wapentake, and to the Person for the Time being entitled to the Mineral Duties in the said Manors or Liberties respectively, a Dish of Ore to be called the Freeing Dish, such Dish in the said Soke and Wapentake, and in the said Manors or Liberties respectively, to be of the Capacity provided by the Third Article; and the Miner shall in like Manner deliver a similar Dish of Ore for every subsequent Meer which he shall reach of the Vein in which he is working.

12. If any Miner shall remove any Ore from any Mine or Vein without having duly freed the same, as provided by the Eleventh Article, or shall commit any Trespass in the Third Meer mentioned in the Tenth Article, the Mine or Vein from which the Ore shall have been so removed, or of which the Meer in which such Trespass shall have been committed shall form a Part, shall be forfeited to the Person for the Time being entitled to the Mineral Duties, and Possession thereof may be recovered, as regards the Queen and Her Successors, or Her or their Lessees, by Action of Title in the Small Barmote Court in the Name of the Barmaster, and so far as regards any other Person, by the like Action in his own Name.

13. If any Vein shall cross another Vein, the Miner who comes to the Pee or Intersection first shall have such Pee or Intersection, and may work therein as far as he can reach with a Pick or Hack, such Pick or Hack having a Helve or Shaft Three Quarters of a Yard long, so that he stands wholly within the Cheeks of his own Vein, when he works such Pee or Intersection.

14. When Two Veins approach each other, but are parted with a Rither, and such Veins continue asunder for One Meer or further in Length without any Joint of Ore or other Mineral crossing the same (such Joint of Ore or other Mineral not being a new Vein), and the Rither during that Distance in all Parts exceeds Six Feet in Thickness, then they are to be considered and treated as Two distinct Veins so long as they so continue asunder, but whenever they meet the elder or prior Title shall take the Vein.

15. In any Dispute where the Priority of Title shall come in question, the longest continued Ownership shall prevail; but all Gifts from the Barmaster shall be considered as the Origin and Commencement of the Title, and Workmanship

manship prior to such Gift (if any) shall not avail; and in all Cases the Jury on the Trial shall decide the Fact of such Priority.

16. If any Person shall claim Title to any Mine, the Claimant may commence an Action in the Small Barmote Court, by causing a Plaint to be entered in the Book herein-before mentioned; and if any Miner shall commit a Trespass in the Mine or Vein of any other Person, the Person aggrieved may commence an Action in the Small Barmote Court, by causing a Plaint to be entered in an Action of Trespass, and may proceed to Trial in the Small Barmote Court, and shall there recover Possession of the said Mine in the Action of Title or Damages, to be assessed by the Jury, for the said Trespass; and any Person claiming a Debt against a Miner for Articles furnished to a Mine, or for Mining Purposes, or for Work or Labour in, upon, or in respect of any Mineral Property, may cause a Plaint to be entered in an Action of Debt, and shall annex the Particulars of his Debt to the Summons, and proceed to Trial in the Small Barmote Court, and shall there recover such Amount (if any) as upon Proof shall appear to be due to him; but no Evidence shall be admitted of any Items in an Action of Debt not mentioned in the Particulars annexed to the Summons.

17. No Miner or other Person shall, except as herein-after mentioned, bring more than One Action of Title to recover the same Mine: Provided always, that the Steward shall in any Case whatever, whether of Title, Trespass, or Debt, have the Power, if he shall think fit, to order a new Trial to be had, upon such Terms as he shall think reasonable, and in the meantime to stay the Proceedings.

18. Every Meer of Ground shall contain the Quantity herein-after mentioned; that is to say, in the said Soke and Wapentake, Twenty-nine Yards; in the Manor or Liberty of Ashford, Twenty-nine Yards; in the Manors or Liberties of Peak Forest, Hartington, Stoney Middleton and Eyam, Litton and Tideswell, Thirty-two Yards; in the Manor or Liberty of Crich, Twenty-nine Yards; and in the Manor or Liberty of Youlgreave, Twenty-eight Yards; and the Miner shall be entitled to take and have set out for him any Proportion of a Meer, by Payment of an Amount of Ore proportionate to the Amount payable upon freeing a whole Meer.

19. The Barmaster, if he finds any Mine neglected and not wrought, shall, if required so to do by any Person or Persons, give to the Owner or reputed Owner and the Agent, if any shall be known to him, Notice in Writing that such Mine will at the Expiration of Three Weeks from the Time of serving such Notice, if not duly and reasonably worked, be forfeited; and if at the Expiration of the said Three Weeks the Mine is not so worked, the Barmaster, in the Presence of Two or more of the Grand Jury, may give such Mine to any Person or Persons willing to work the same; provided that nothing herein contained shall authorize the Barmaster to give away such Mine if the Owner thereof be unable to work the same by being hindered by Water, or for want of Air, so long as the Owner thereof is using efficient and diligent Means to the Satisfaction of the Barmaster and Two or more of the Grand Jury to relieve such Mine.

20. The

20. The Notice required to be given by the preceding Article shall, where the Owner or reputed Owner and Agent, if any, of such Mine be known to the Barmaster, and be resident within the Jurisdiction of the Barmaster, be served personally or left at the usual or last known Place of Abode of such Owner or reputed Owner and Agent; but if such Owner or reputed Owner or Agent be not residing within the Jurisdiction of the Barmaster, it shall be sufficient to send such Notice by Post, and to prove the Delivery thereof in the same Manner as is required by the Act of Sixth and Seventh of Victoria, Chapter Eighteen, with respect to Notices of Objection therein referred to, and also to affix such Notice in manner next herein-after mentioned; and when neither the Owner nor reputed Owner nor the Agent of such Mine is known to the Barmaster, then it shall be sufficient to affix such Notice at the Place where the last preceding Great Barmote Court was held, and also upon some conspicuous Place upon or near such Mine.

21. If any Person has Shares in a Mine and refuses to join his Partners or the Owners of the other Shares in working the same, or to pay his Proportion of the Expenses of working the same for the Space of Twenty-one Days after the same has been demanded by the Party complaining or his Agent, he shall forfeit his Part and Share to his Partners, who shall be entitled to recover the same against such defaulting Owner in an Action of Title in the Small Barmote Court, and the only Evidence necessary in such Action to enable the Plaintiff to obtain Judgment shall be Proof that the Plaintiff has worked the said Mine, and the Amount of the Expenses incurred, and a Demand of Payment of Defendant's Share thereof as aforesaid (such Demand to be in Writing, and to be left at the Defendant's last known Place of Abode, if within the Jurisdiction of the Barmote Court, but if not, then by affixing the same at the Place where the last preceding Great Barmote Court was held, and also on some conspicuous Place upon or near such Mine), and the Neglect or Refusal of Defendant to pay it for the Space of Twenty-one Days after the Demand; and it shall be no Defence to such Action that the Plaintiff is Partner or Joint Owner with the Defendant in the Mine or Shares sought to be recovered.

22. If any Person be possessed of any Mine and be working the same, and any other Person claims Title thereto, such Claimant shall within the Space of Three Calendar Months next after he shall have had Notice of the same being in open Workmanship, and at all events within Six Calendar Months after the same shall have been in open Workmanship, whether he shall have had Notice or not, assert his Claim by an Action of Title in the Small Barmote Court, or else such Claim shall be barred.

23. If the Barmaster shall, in any Matter connected with the Duties of his Office, require a View to be made by the Grand Jury, or if the Plaintiff or Defendant in any Action of Title or Trespass in the Small Barmote Court, or if any Miner or other Person shall, for any Purpose, require a View to be made of the Mine or Works of any Person whomsoever, then and in each and every of such Cases a View shall be made, and the Person so requiring a View shall, when the Grand Jury are assembled, deliver to the Steward a Bill of Directions describing the Mine or particular Part or Parts of a Mine, or Ground, or Works, or other Matters or Things, which the Grand Jury are required

required to view, and stating the Question upon which their Opinion is required, but such Bill of Directions shall contain no Argument or Comment whatever, and thereupon the Steward shall openly read the said Bill of Directions to the Grand Jury, and if the same is, in the Opinion of the Steward, properly framed, deliver it to One of the Grand Jury, who shall take the same with him for the Guidance of himself and the rest of the Grand Jury in making their View; but if any Person affected by the said Proceeding object to the said Bill of Directions or to any Cross Bill delivered as herein-after mentioned as containing Matter of Argument, Assertion, or Comment, not being a Description of the Mine, Ground, or Works, or other Matters or Things to be viewed, or a Statement of the Question necessary for the Guidance of the Grand Jury in making their View, the Steward, before delivering the Bill or Cross Bill to the Grand Jury, shall in all Cases decide upon the Validity of such Objections, and if he thinks the same well founded, shall cause the Bill or Cross Bill to be altered and corrected in such Manner as the Steward shall think right, and after making such View, such of the Grand Jury as shall concur in Opinion shall in answer to such Bill and Cross Bill, if any, write their Opinion and sign it, and such of the Grand Jury as shall not concur in Opinion with any of their Fellow Jurymen shall write separate Opinions, and sign them, so that the Signature of each of the Grand Jury shall be affixed either to his own separate Opinion or to that of himself and some other or others of the said Grand Jury; and the said Bill and Cross Bill, if any, with the Opinions, shall be delivered to the Steward, who shall thereupon openly read the same in the Presence of the Grand Jury and of the Person or Persons who shall have preferred such Bill or Cross Bill; and such Bill and Cross Bill, if any, and the Opinions thereon, shall be kept by the Steward with the Documents of the Barmote Courts; but the Steward shall, if required by the Plaintiff or Defendant in the Action in which the View shall have been had, permit such Bill and Cross Bill, if any, and the Opinions thereon, or either of them, to be used by such Plaintiff or Defendant for the Purpose of Evidence on the Trial of the Action; provided always, that no Plaintiff or Defendant in any Action shall be entitled to require a View unless he shall have given Notice thereof in Writing to the Barmaster Ten Days before the Day appointed for the Trial; and the Expenses of Views shall be paid in manner herein-after mentioned; that is to say, in Cases where the Barmaster shall require such View, the Expense shall be borne by the Owner of the Mine or other Matter to be viewed, provided the Steward shall consider that such View was properly required by the Barmaster, and shall allow such Expenses; and in Cases where the View shall be required by a Plaintiff or Defendant in any Action, the Expenses of such View shall be Costs in the Cause, and abide the Event of the Action; and in all other Cases the Expenses shall be paid by the Person requiring the View, if no Cross Bill is presented, and if a Cross Bill is presented, then in equal Proportions by the Person requiring the View and the Person presenting the Cross Bill; any Person who may be affected by the Proceedings at any View may appoint a Shower to accompany the Grand Jury, and to show on his Behalf the Place to be viewed.

24. Any Person who may be affected by the Opinion of the Grand Jury on any View may, if he thinks fit, at the same View deliver a Bill of Directions

to the said Grand Jury, which Second Bill shall be called a Cross Bill of Directions, in similar Form to the Original Bill, stating the Question on which their Opinion is requested, and the Steward shall in like Manner, immediately after reading the Original Bill, read over such Cross Bill, and deliver the same to One of the Grand Jury, for the Guidance of himself and the rest of the Grand Jury.

25. When a Bill of Directions, and also a Cross Bill, shall be delivered to the Grand Jury at the same View, it shall not be requisite for them to write their Opinions until they have completed the View on the Cross Bill, unless they think proper to do so, and in no Case shall it be competent for the Grand Jury to examine any Evidence produced by either Party.

26. If any Person shall obstruct the Grand Jury in any View, the Grand Jury shall state such Fact in Writing, and return such Writing, signed by a Majority of them, together with the Bill of Directions, and Cross Bill, if any, to the Steward; and the Person so obstructing shall forfeit by way of Penalty such Sum not exceeding Twenty Pounds as the Steward shall think fit to impose; and the Steward shall have Power to impose a fresh Penalty every Day on which such Obstruction is repeated; and if any such Penalty be not paid within Seven Days after the same shall be imposed, the Steward shall issue his Warrant for levying the same. Before imposing any such Penalty, the Steward shall give to the Offender Ten clear Days Notice to show Cause, at a Time and Place to be named in such Notice, why a Penalty should not be imposed.

27. If any Person shall, by virtue of any Sough Engine or other Means, unwater or give Relief to any Mine which may be under Water, and the further working thereof thereby hindered, the Owner of any such Mine so relieved shall from Time to Time, so long as such Relief be continued, deliver to the Person giving such Relief as aforesaid such Portion of all the Ore which at any Time thereafter shall be got and raised in such Mine under the Level at which such Relief was given, as the Barmaster and Grand Jury may from Time to Time fix and determine, such Portion of the said Ore to be delivered and dressed and made merchantable by the Owner of such Mine, without any fraudulent Concealment or wilful Diminution, and to be discharged and free from all Charges in getting and dressing; and the Value of such Ore, if it shall not exceed Fifty Pounds, may be recovered in the County Court, or, if such Value shall exceed Fifty Pounds, in One of the Superior Courts at Westminster.

28. Any Person having Two or more Mines or Veins lying contiguous to each other, or connected by any Shafts, Gaits, or Ways, may, with the Consent in Writing of the Barmaster and Grand Jury, consolidate the Titles to such Veins, and an Entry shall be made in the Barmaster's Book to the Effect that the Titles to such Mines or Veins are thenceforth consolidated, and the said Mines or Veins shall from the Time of such Entry in the said Book be considered and treated as held under One and the new Title of the said Consolidated Veins; and nothing herein contained shall prejudice or affect the Right or Title of any Person to any Mine or Vein which may have been

been heretofore united to or consolidated with any other Mine or Vein; and the Possession or working of any of the Mines or Veins in such Consolidated Titles respectively shall be considered as the working of the whole thereof, and so long as any Part thereof be so worked the same shall not be liable to be operated upon by the Barmaster in pursuance of the Nineteenth Article.

29. If the Grand Jury shall be summoned to any View by any Person, not being Plaintiff or Defendant in any Action in the Small Barmote Court, for the Purpose of delivering their Opinion as to whether any other Person is working in any Mineral Ground belonging to the Person so summoning the Grand Jury, and the Majority of the Grand Jury assembled at any such View shall give it as their Opinion that such is in all probability the Case, but that for Want of Workmanship the Fact does not yet clearly appear, it shall be lawful for the Steward to require such other Person to give to the Steward Security for the Value of all Ore which may be gotten in his Workings thenceforth, until such Time as sufficient Working shall have been done to make the Truth appear; and unless Security shall be given unto and to the Satisfaction of the Steward it shall be lawful for him to direct and authorize the Barmaster to retain all Ore gotten in the Workings of such other Person so failing to give Security, until such Security shall be given, or until sufficient further Working shall have been done to enable the Grand Jury at any adjourned View to form a satisfactory Opinion; and if the Grand Jury assembled at any such adjourned View, or the Majority of those so assembled, shall state their Opinion to be that the Workings of the Person originally summoning the Grand Jury, and of such other Person, form One and the same Title, the Steward shall thereupon order the Barmaster to deliver to the Person who shall have originally summoned the Grand Jury the Ore which shall have been so retained as aforesaid, or if Security shall have been given as aforesaid, then the Person who shall have originally summoned the Grand Jury shall be entitled to the Benefit of such Security, to the Extent of the Value of the Ore which shall have been gotten by such other Person as aforesaid since the original View, and shall be entitled to use the Name of the Steward, if necessary, for enforcing such Security, and if either Party feels himself aggrieved, such Party may prosecute his Claim in the Small Barmote Court.

SECOND SCHEDULE,

CONTAINING

FORMS OF PROCEEDINGS.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Form of Plaint.

Plaintiff's Name.	Plaintiff's Place of Abode and Calling.	Defendant's Name.	Defendant's Place of Abode and Calling.	Nature of Action.
John Smith -	*Wirksworth* -	*Richard Davis* -	*Cromford* - -	Action of Title, Trespass, *or* Debt, *as the Case may be.*

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Summons in Title.

To *C.D.* (the Defendant).

You are hereby summoned to appear at a Small Barmote Court to be held at on the Day of at the Suit of *A.B.*, Plaintiff in an Action of Title in the said Small Barmote Court, respecting, *&c.* [*describe the Mine claimed*].

Given under the Seal of the Court, this Day of .

By the Court,

E.F., Steward.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Summons in Trespass or Debt.

To *C.D.* (the Defendant).

You are hereby summoned to appear at a Small Barmote Court to be held at on the Day of in an Action of Trespass in the said Small Barmote Court, at the Suit of *A.B.* for £ Damages for a Trespass committed by you at , [*if in Debt, say,* " in an Action of Debt in the said Small Barmote Court, for the Sum of " £ (*the Sum claimed*) for Goods sold and delivered," "for Wages," *or as the Case may be*, the Particulars whereof are hereto annexed].

Given under the Seal of the Court, this Day of .

By the Court,

E.F., Steward.

Form

Form of Particulars in an Action of Debt to be annexed to the Summons, or written at the Foot thereof.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of .]

A.B., Plaintiff,
and
C.D., Defendant.

Particulars of the Debt for which this Action is commenced.

1850.		£	s.	d.
January 3.	To One Barrel of Powder, 50 lbs. at 6*d.* per lb. -	1	5	0
	[*Add all other Items making up Debt.*]			
	[*If for Wages or Work done :*]			
	To driving Seven Fathoms in West Forefield [*describe Work*], at 1*l.* 5*s.* per Fathom -	8	15	0
„ 5th to 15th.	To working Nine Shifts, at 2*s.* 3*d.* per Shift -	1	0	3
„ 30th.	To Four Weeks Wages, at 12*s.* per Week -	2	8	0
„ „	To Six Days Work, Man and Horse [*or* Cart] grinding [*or* leading] *describing Work*, at 5*s.* 6*d.* per Day - - - - - -	1	13	0
	£			

Above are the Particulars of Debt in this Action.

As witness my Hand.
A.B., *or*
A.B., by *E.F.* his Attorney *or* Agent.

Judgment against Defendant for Payment of Debt or Damages.

In the Small Barmote Court held at within the Soke and Wapentake of Wirksworth [*or* Liberty of] in the County of Derby, the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

After hearing this Cause it is on the Day of [*insert Day when Judgment is given*], adjudged that the said Plaintiff do recover against the said Defendant the Sum of £ for his Debt [*or* Damages by him sustained], together with the Costs of the Suit, amounting to the Sum of £

Given under the Seal of the Court, this Day of

By the Court,
E.F., Steward.

Judgment against Plaintiff.

In the Small Barmote Court held at within the Soke and Wapentake of Wirksworth [*or* Liberty of] in the County of Derby, the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is on the Day of adjudged, That Judgment do pass against the said Plaintiff, and that the said Defendant do recover against the said Plaintiff £ for the Costs incurred by the said Defendant in his Defence of this Action.

Given under the Seal of the Court, this Day of

By the Court,
E.F., Steward.

Judgment in case of Nonsuit.

In the Small Barmote Court held at within the Soke and Wapentake of Wirksworth [*or* Liberty of] in the County of Derby, the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is on the Day of adjudged, That Judgment by way of Nonsuit do pass against the said Plaintiff, and that the said Defendant do recover against the Plaintiff the Sum of £ for the Costs incurred by the said Defendant in his Defence of this Action.

Given under the Seal of the Court, this Day of

By the Court,
E.F., Steward.

Judgment for Recovery of Possession.

In the Small Barmote Court held at within the Soke and Wapentake of Wirksworth [*or* Liberty of] in the County of Derby.

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

After the Hearing of this Cause, it is, on the Day of adjudged, That the said Plaintiff do recover against the said Defendant Possession of a certain Mine at together with the Costs of the Suit, amounting to the Sum of £

Given under the Seal of the Court, this Day of

By the Court,
E.F., Steward.

Execution

Execution against the Goods of Defendant.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas at a Small Barmote Court duly holden at within the Jurisdiction of the said Court, before the Steward of the said Court, the said Plaintiff, by the Judgment of the said Court, on the Day of recovered against the said Defendant the Sum of £ for a certain Debt before that Time due and owing to the said Plaintiff [*or* for certain Damages by him sustained, *or* Possession of a certain Mine situate, *&c.*], together with the Sum of £ for Costs of the Suit by the said Plaintiff in that Behalf expended: And whereas Three Days have elapsed since the Day on which such Judgment was given: And whereas the Sum of £ *or* the Sum of £ being Part of the said Sum of £ has not been paid to the said Plaintiff: These are therefore to require and order you forthwith to make and levy the said Sum of £ together with the lawful Fees and Expenses allowed by the "Derbyshire Mining Customs and Mineral Courts Act, 1852," by Distress and Sale of the Mineral Property of the said Defendant, wheresoever it may be found within the Jurisdiction of this Court.

Given under the Seal of the Court, this Day of

To the Barmaster of the Soke and Wapentake of Wirksworth [*or* Liberty of].

By the Court,
E.F., Steward.

Execution against the Goods of Plaintiff.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas at a Small Barmote Court duly holden at within the Jurisdiction of the said Court, the said Defendant on the Day of by the Judgment of the said Court, recovered against the said Plaintiff £ for his Costs of Defence of an Action of Title, Trespass, *or* Debt: And whereas Three Days have elapsed since the Day on which such Judgment was given: And whereas the said Sum of £ has not been paid to the said Defendant: You are therefore required to make and levy the said Sum of £ , together with the lawful Fees and Expenses allowed by the "Derbyshire Mining Customs and Mineral Courts Act, 1852," by Distress and Sale of the Mineral Property of the said Plaintiff,

Plaintiff, wheresoever it may be found within the Jurisdiction of this Court.

Given under the Seal of the Court, this Day of .

To the Barmaster of the Soke and Wapentake of Wirksworth [*or* Liberty of].

By the Court,
E.F., Steward.

Warrant for Recovery of Possession.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas after the Hearing of this Cause it was, on the Day of at a Court holden at within the Jurisdiction of this Court, adjudged that the said Plaintiff should recover against the said Defendant Possession of a certain Mine at : And whereas the said Defendant has not delivered up Possession of the said Mine, and Three Days have elapsed since such Judgment was recovered: You are therefore required to give Possession of the said Mine to the said Plaintiff.

Given under the Seal of the Court, this Day of .

To the Barmaster of the Soke and Wapentake of Wirksworth [*or* Liberty of].

By the Court,
E.F., Steward.

Summons to Grand Jurors to attend the Great Barmote Court or on a View.

You are hereby required to attend the Great Barmote Court to be held at within the Soke and Wapentake of Wirksworth [*or* Liberty of] in the County of Derby, *or* to attend the Barmaster on a View, to be held at on the Day of .

Dated this Day of 185 .

A.B., Barmaster, *or* Deputy Barmaster.

To *C.D.*

Summons to Jurors to attend Small Barmote Court.

You are hereby required to attend the Small Barmote Court at within the Soke and Wapentake of Wirksworth [*or* Liberty of] at o'Clock in the Forenoon, to serve as a Juror on the Trial of Causes at the said Court; and if you fail herein you will be liable to a Penalty not exceeding £10, to be levied on your Mineral Property.

Dated this Day of 185 .

A.B., Barmaster, *or* Deputy Barmaster.

To *C.D.* [*add Residence.*]

Bill of Directions on a View.

To the Grand Jury for the Barmote Courts, met at within the Soke and Wapentake of Wirksworth [*or* Liberty of] in the County of Derby on the Day of 185 .

You are desired by *C.D.* [*Party calling the Jury*] to view, *&c.* [*describing the Mine, or particular Parts of the Mine, or the Works, or other Matters or Things, which the Jury are required to view*], and then give your Opinion whether, *&c.*, *clearly stating the Question upon which the Opinions of the Grand Jury are required.*

If the Grand Jury are required to dial the Mine, add "and you are requested to dial the said Mine, commencing, *&c.* [*describing the Limits within which such dialling is to be made*], and to lay out your dialling on the Surface, and to deliver your Dial Card, with your Opinion, to the Steward."

Return of Grand Jury to a Bill or Cross Bill of Directions.

We, the Grand Jury, [*where all agree in Opinion, or* We [*or* I] the undersigned Members [*or* Member] of the Grand Jury [*where there is Difference of Opinion*] for the Soke and Wapentake of Wirksworth [*or* Liberty of]; assembled this Day of to view, *&c.* having had a Bill [*or* Cross Bill] of Directions given to us, do declare, That we have proceeded to view, *&c.*, as directed by the said Bill [*or* Cross Bill], and do declare our [*or* my] Opinion to be that, *&c.*, *giving their* [*or his Opinion clearly on the Question proposed*]. As witness our [*or* my] Hands [*or* Hand].

Signatures.

Memorandum to be added after the Signatures of the Majority, where One or more of the Grand Jury do not concur in the Return.

We [*or* I] the undersigned do not concur in the above Return, and are [*or* am] of opinion that, *&c.*, *stating their* [*or his*] *Opinion clearly on the Question proposed.*

As witness our [*or* my] Hands [*or* Hand].

Signatures.

Form of Notice in pursuance of the Twenty-sixth Article of the Customs.

You are hereby required to attend at on the Day of before the Steward of the Soke and Wapentake of Wirksworth [*or* Liberty of] to show Cause why a Penalty should not be imposed upon you for obstructing the Grand Jury on the Day of

Given under the Seal of the Court, this Day of 185 .

E.F., Steward.

Form for imposing any Penalty which may be imposed under the Act.

I, Steward of the Barmote Courts for the Soke and Wapentake of Wirksworth [*or* Liberty of], do hereby, by virtue of the "Derbyshire Mining Customs and Mineral Courts Act, 1852," impose on *C.D.* the Sum of £ as a Penalty for an Offence by him committed against the said Act, and I order him to pay the said Sum to on or before the Day of in the Year of our Lord 185 .

Given under the Seal of the Court, this Day of 185 .

E.F., Steward.

Warrant to levy any Penalty or Sum of Money that may be imposed or ordered to be paid under the Act.

Whereas on the Day of a certain Sum of £ was ordered to be paid by *A.B.* to *C.D.* by the Steward of the Barmote Courts for the Soke and Wapentake of Wirksworth [*or* Liberty of] *or* a certain Penalty of £ was imposed upon *A.B.* by the Steward of the Barmote Courts for the Soke and Wapentake of Wirksworth [*or* Liberty of], for an Offence against the "Derbyshire Mining Customs and Mineral Courts Act, 1852," and such Sum of £ *or* Penalty was ordered to be paid to on or before the Day of and the same has not been paid.

You are therefore required to levy on the Mineral Property of the said *A.B.* within the Jurisdiction of the said Barmote Court the said Sum of £ *or* Penalty of £ together with the lawful Fees and Expenses allowed by the "Derbyshire Mining Customs and Mineral Courts Act, 1852."

Given under the Seal of the Court, this Day of in the Year 185 .

To the Barmaster of the Soke and Wapentake of Wirksworth [*or* Liberty of].

E.F., Steward.

Barmaster's Return of Execution of any Warrant.

I *A.B.*, Barmaster of the Soke and Wapentake of Wirksworth [*or* Liberty of], in obedience to the within-written Warrant, and by Authority of the same, did on the Day of 185 execute the same [by delivering to the Plaintiff within named Possession of, *&c.*] *or* [by levying the Sum of £ within mentioned, together with £ the Fees and Expenses allowed for the Execution thereof, by Sale of, *&c.*], and the said Sum of £ has been applied by me in discharging the Fees and Expenses of the said Levy, and the said Sum of £ has been paid by me to

As witness my Hand, this Day of 185 .

Return that Barmaster has been unable to execute any Warrant.

I *A.B.*, Barmaster of the Soke and Wapentake of Wirksworth [*or* Liberty of], do make this Return to the Steward of the Soke and Wapentake of Wirksworth [*or* Liberty of] Barmote Court within mentioned, and declare, that I have not yet been able to execute the within Warrant by reason that the within-named Defendant hath no Mineral Property within the Jurisdiction of this Court, *or, if Part only has been levied,* that I have levied the Sum of £ and no more, by Sale of the Mineral Property of the within-named Plaintiff *or* Defendant, and he hath no Mineral Property within the Jurisdiction whereof I can levy any Part of the Residue.
As witness my Hand, this Day of 185 .

Subpœna.

A.B., Steward of the Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of], to greeting. You and every of you are hereby required personally to attend at the Small Barmote Court to be holden at on the Day of next by of the Clock in the Forenoon of the same Day [*if the Witness is required to bring with him any Documents, describe them here,*] to testify the Truth according to your Knowledge in a certain Action in the Barmote Court now depending between Plaintiff and Defendant in an Action of [Title, Trespass, *or* Debt, *as the Case may be,*] at the said Court to be tried. Should you fail herein you will be liable to be proceeded against in like Manner as for Disobedience to a Subpœna issuing out of the Court of Queen's Bench at Westminster.

Given under the Seal of the Court, this Day of in the Year 185 .

E.F., Steward.

Order to adjourn Proceedings either in the Great or Small Barmote Court, or before the Steward.

It is ordered, that the Proceedings in this Matter [*whatever it may be, stating it*] be adjourned until [*add, if necessary,* and that do pay to Costs, *or other the Terms, if any, upon which the Adjournment is made*].

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
E.F., Steward.

Order

The Derbyshire Mining Customs and Mineral Courts Act, 1852.

Order to stay Proceedings.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is ordered, that all further Proceedings in this Action be stayed.

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
E.F., Steward.

Order for a New Trial.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of] held at the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is ordered, That the Judgment in this Case, and all subsequent Proceedings thereon, be set aside, and a new Trial had between the Parties [*here state the Terms and Conditions, if any, of such new Trial*].

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
E.F., Steward.

Summons on Interpleader.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas *E.F.* of hath made a Claim to certain Mineral Property which has been seized and taken in execution under and by virtue of Process issuing out of this Court in this Action: You are therefore hereby summoned and required to be and appear before the Steward of the said Court at on the Day of at the Hour of when the said Claim will be adjudicated upon, and such Order made thereupon as to the Steward shall seem fit.

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
G.H., Steward.

Note.—This Summons is to be served upon the Party claiming the Property seized, and upon the Plaintiff or Defendant in the Action, according as the Execution may have been issued on behalf of Plaintiff or Defendant. If the Execution has been issued to levy a Penalty, this Form must be altered to suit the Circumstances, and the Summons must in that Case be served upon the Party owing the Penalty and the Claimant.

THIRD SCHEDULE,

BEING

LIST OF FEES TO BE ALLOWED ON TAXATION UNDER THIS ACT.

To the Steward.

	£	s.	d.
For attending View by Grand Jury - - -	1	1	0
For entering every Plaint, issuing every Summons or Subpœna -	0	2	6
For swearing every Witness in a Cause - - -	0	1	0
For every Warrant to deliver Possession, or to levy any Debt or Damages, or Money or Costs, or Penalty - - -	0	2	6
For a certified Copy of any Proceeding in the Great or Small Barmote Court - - - - -	0	5	0
For Copy of any Entry or Accounts - - - -	0	0	6
For any Search amongst or Examination of the Documents in the Custody of the Steward - - - -	0	1	0
Mileage 1s. a Mile from his Place of Residence to the Place where the Court is held, such Mileage in no Case to exceed 1*l.*			

To Attornies.

For attending every Witness examined in Court, and taking down his Evidence - - - - -	0	6	8
Drawing Brief, 6s. 8*d.* per Sheet.			
Making fair Copy thereof. (Half Charge allowed for Drawing.)			
For attending Court on the Trial, and conducting same - -	2	2	0
And also Mileage, 1s. per Mile from his Place of Residence to the Place where the Court is held, such Mileage in no Case to exceed 1*l.*			
For every Copy of Subpœna - - - - -	0	1	0
If duces tecum, 6*d.* additional.			
For attending to serve every Witness with Subpœna - -	0	2	6
And 1s. per Mile from Attorney's Residence, if Witness resides within the County of Derby, such Mileage in no Case to exceed 1*l.*; if in any other Place, the Sum paid to any Agent employed to serve same, provided such Sum be approved and allowed by the Steward.			
Such Fees to Counsel as the Steward shall think reasonable, and allow on Taxation.			

To the Barmaster, whether the Duties be performed by him or by his Deputy.

	£	s.	d.
Threepence per Load upon all Ore measured in the Soke and Wapentake of Wirksworth, exclusive of Lot, Cope, and Tithe; Brown Ore in the same District, when weighed, Sixpence per Ton.			
One Penny per Dish for measuring Offal and Hillock Ore in the Liberty of Crich.			
For summoning a Jury to attend Small Barmote Court, 1*l.* 1*s.*; for each Cause appointed to be heard at the Court for which the Jury is summoned; such Sum to be paid by the Plaintiff if the Cause does not proceed to the Taxation of Costs.			
For attending Small Barmote Court, 10*s.* 6*d.*; for each Cause appointed to be heard thereat, to be paid by the Plaintiff, if the Cause does not proceed to the Taxation of Costs.			
For summoning Jury to a View	0	5	0
For attending a View, except when required by himself	1	1	0
For transferring a Mine	0	5	0
Entry or Register of every Transfer or other Document, under the 6th Article	0	1	0
Copy of same	0	1	0
Entering each Freeing	0	1	0
Copy of same	0	1	0
Entry of Gifts for each View	0	1	0
For summoning and attending the Jury on the Sale of the Lord's Meer	0	10	0
Service of every Notice, Summons, or Order not before provided for	0	2	0
Making out List of Jurors for the Small Barmote Court	1	1	0
For every Search amongst or Examination of the Documents in the Custody of the Barmaster or Deputy Barmaster	0	1	0
For giving Possession of a Mine under the Steward's Warrant	0	5	0
For executing any Warrant issued by the Steward:			
1st. Where the Amount to be levied shall be less than 20*l.*:			
Seizing the Property	0	3	0
Each Man in possession, per Day	0	2	6
All Expenses of Advertisements, if any	0	10	0
Catalogues, Sale, and Commission, and Delivery of Goods, 1*s.* in the Pound on the Produce of the Sale.			
2d. Where the Amount to be levied shall exceed 20*l.*:			
Seizing the Property	0	10	0
Each Man in possession, per Day	0	2	6
All Expenses of Advertisements, if any	1	1	0
Catalogues, Sale, and Commission, and Delivery of Goods, 1*s.* in the Pound on the Produce of the Sale.			

Deputy

The Derbyshire Mining Customs and Mineral Courts Act, 1852.

Deputy Barmasters.

	£	s.	d.
For attending on a View by the Grand Jury, except where required by himself	0	10	0

To Grand Jury.

Each Man, when called to act within his own Liberty, except at a Great Barmote Court	0	3	0
When called to act out of his own Liberty	0	5	0

FOURTH SCHEDULE.

FEES allowed to the BARMASTER and DEPUTY BARMASTERS; such Fees to be a Debt due from the Person on whose Behalf the Duties shall be performed, and to be paid either to the Barmaster or his Deputy, according as the Duty shall be actually performed by him or his Deputy.

	£	s.	d.
Setting out any Way under the 4th Article	0	5	0
Setting out Land under the 5th Article	0	5	0
Setting out Meers, for each Meer subsequent to the Third Meer under the 10th Article	0	0	4

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Printers to the Queen's most Excellent Majesty. 1852.



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

***

to Her Majesty and Her Predecessors, and Her and their Lessees for the Time being: And whereas *Peter Arkwright* Esquire is the Lessee of the said Duties, by Grant under the Seal of Her Majesty's Duchy of *Lancaster*: And whereas all the Subjects of this Realm have claimed to have a Right to search for, sink, and dig Mines or Veins of Lead Ore within the several Manors or Liberties herein-after mentioned; that is to say, *Ashford*, *Hartington*, *Peak Forest*, *Tideswell*, *Crich*, *Stoney Middleton* and *Eyam*, *Youlgreave*, and *Litton*, all in the County of *Derby*, subject to certain ancient Mineral Laws and Customs, and upon paying certain Duties to the Persons for the Time being respectively entitled thereto: And whereas the Most Noble *William Spencer* Duke of *Devonshire*, Knight of the Garter, is entitled to the Mineral Duties in the said Manors or Liberties of *Ashford*, *Hartington*, *Peak Forest*, and *Tideswell*: And whereas the Most Noble *William Spencer* Duke of *Devonshire*, Knight of the Garter, the Most Noble *Richard Plantagenet* Duke of *Buckingham and Chandos*, Knight of the Garter, or the Most Honourable *Richard Plantagenet Campbell Nugent Chandos Grenville Temple* commonly called Marquess of *Chandos*, the only Son and Heir Apparent of the said last-named Duke, and in his Right, Sir *Richard Tufton* Baronet, as Tenant for Life in possession under the Will of the Right Honourable *Henry* Earl of *Thanet* deceased, *Francis Hurt* Esquire, and others, are entitled as Tenants in Common to the Mineral Duties in the said Manor or Liberty of *Crich*: And whereas the Most Noble *William Spencer* Duke of *Devonshire*, Knight of the Garter, the Most Noble *Richard Plantagenet* Duke of *Buckingham and Chandos*, Knight of the Garter, or the Most Honourable *Richard Plantagenet Campbell Nugent Chandos Grenville Temple* commonly called Marquess of *Chandos*, the only Son and Heir Apparent of the said last-named Duke, and in his Right, and Sir *Richard Tufton* Baronet, as such Tenant for Life as aforesaid, are entitled as Tenants in Common to the Mineral Duties in the said Manor or Liberty of *Stoney Middleton* and *Eyam*: And whereas the Most Noble *John Henry* Duke of *Rutland*, Knight of the Garter, is entitled to the Mineral Duties in the said Manor or Liberty of *Youlgreave*: And whereas the Right Honourable *Nathaniel* Baron *Scarsdale* is entitled to the Mineral Duties in the said Manor or Liberty of *Litton*: And whereas, for the Regulation of the Mines, and for deciding Questions of Title, Trespass, and Debt relating thereto, there have existed in the *King's Field* within the said Soke and Wapentake, and within the said several Manors or Liberties respectively, certain Courts called the "Great Barmote Court" and the "Small Barmote Court": And whereas the Mineral Laws and Customs of the *King's Field* within the said Soke and Wapentake, and of the said Manors or Liberties, are uncertain and undefined, and are in many respects inapplicable to the present Mining Operations in the *King's Field* within the said Soke and

Wapentake, and in the said Manors or Liberties respectively: And whereas *Charles Clarke* of *Matlock* in the County of *Derby*, Esquire, is the Barmaster for the said Soke and Wapentake of *Wirksworth*, under and by virtue of Letters Patent bearing Date the Twenty-seventh Day of *March* One thousand eight hundred and thirty-nine, granted by the Queen under the Seal of Her said Duchy of *Lancaster*: And whereas it is advisable that the said Mineral Laws and Customs should be revised, altered, and amended, and that the Jurisdiction of the said Great and Small Barmote Courts should be more clearly defined and settled: Be it therefore 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:

Short Title.

I. In citing this Act in other Acts of Parliament and in legal Instruments, and on all other Occasions, it shall be sufficient to use the Expression "The *Derbyshire* Mining Customs and Mineral Courts Act, 1852;" and the Schedules to this Act shall be considered as forming Part thereof.

Interpretation of Terms.

II. In construing this Act the following Words and Expressions shall have the Meaning hereby assigned to them, unless there be something in the Context of the Act repugnant to such Construction; that is to say,

The Word "Steward" shall include Deputy Steward, and the Word "Barmaster" shall include Deputy Barmaster, and all the Enactments herein contained with reference to the Great and Small Barmote Courts, the Steward, and the Barmaster shall apply equally and indifferently to each of the several great and small Barmote Courts, Stewards, and Barmasters by this Act established and authorized to be appointed respectively;

The Words "County Court" shall mean any County Court in the County of *Derby*:

The Word "Gift" shall mean the setting out by the Barmaster of any Ground in manner herein-after provided:

The Word "Founder" shall mean the Point at which a Vein of Ore shall be first found, and the Words "Founder Meers" shall mean the Two First Meers to be set out to the Finder under the Provisions of this Act:

The Words "Mine or Mines," "Vein or Veins," shall mean a Mine or Mines, Vein or Veins of Lead Ore, and shall include Parts of or Shares in any Mine or Vein as well as entire Mines and Veins, and all Minerals containing Lead Ore:

The Word "Ore" shall mean Lead Ore exclusively:

The

The Words "Mineral Property" shall include Mines and Veins of Lead, and Parts of or Shares in any such Mines or Veins, and the Works, Rights, and Appurtenances connected therewith, and also Lead Ore, and all Tools, Materials, Goods, Chattels, and Effects used in searching for, getting, cleansing, or preparing Lead Ore, whether such Tools, Materials, Goods, Chattels, or Effects be found upon any Mine or Works or elsewhere.

Appointment of Steward of Wirksworth Barmote Court.

III. From and after the passing of this Act it shall be lawful for the Queen and Her Successors to nominate and appoint from Time to Time, by Letters Patent under the Seal of the Duchy of *Lancaster*, a fit and proper Person, being a Barrister-at-Law of Five Years standing, or a Member of One of the Inns at Court who has practised as a Special Pleader for Ten Years, or an Attorney or Solicitor of some of the Superior Courts of Law or Equity at *Westminster* of Seven Years standing, to be and to be called the "Steward of the *Wirksworth* Barmote Courts," and such Steward shall hold his Office during the Will and Pleasure of the Queen and Her Successors.

As to Appointment of Stewards of private Liberties.

IV. From and after the passing of this Act it shall be lawful for the respective Persons for the Time being entitled to the First Estate of Freehold in the Mineral Duties respectively payable within the several Manors or Liberties of *Ashford*, *Hartington*, *Peak Forest*, *Tideswell*, *Stoney Middleton* and *Eyam*, *Youlgreave*, and *Litton*, by Writing under their respective Hands, to appoint fit and proper Persons, qualified as is therein-before provided with respect to the Steward to be appointed by he Queen, to act as Stewards for the aforesaid Manors or Liberties respectively, and each such Steward shall hold his Office during the Will and Pleasure of the Person or Persons by whom he shall have been appointed; where several Manors are united into One Liberty for the Purposes of this Act, as herein-after provided, One Steward only is to be appointed for each united Liberty.

Saving Rights of C. Clarke.

V. Nothing in this Act contained shall be construed to alter or affect any Right which *Charles Clarke*, the present Barmaster of the Soke and Wapentake of *Wirksworth*, may have to appoint the Steward of the Barmote Courts within the said Soke and Wapentake, or to alter or affect any other Right or Privilege of the said *Charles Clarke* as such Barmaster as aforesaid, so long as he shall continue to hold the said Office of Barmaster.

As to Appointment of Steward of the Manor

VI. From and after the passing of this Act it shall be lawful for the respective Persons for the Time being entitled to the First Estate of Freehold in the Mineral Duties respectively payable within the Manor

or

or Liberty of *Crich*, or any One or more of them, to give Notice, by Advertisement in some Newspaper published in the County of *Derby*, of a Meeting of the Persons so entitled as aforesaid, for the Purpose of appointing a fit and proper Person, qualified as is herein-before provided with respect to the Steward to be appointed by the Queen, to act as Steward for the said Manor or Liberty of *Crich*, and the Parties present, personally or by Proxy, at such Meeting, or a Majority in Value of such Persons, shall and may appoint a Steward, Barmaster, and any Number of Deputy Barmasters for the said Manor or Liberty accordingly, who shall hold their respective Offices during the Will and Pleasure of the Persons for the Time being entitled as aforesaid, who may, at a Meeting convened and held in manner aforesaid, displace such Officers or any of them, and appoint new ones in their Stead; and whenever any Vacancy shall arise in the Offices of Steward, Barmaster, or Deputy Barmasters for the said Manor or Liberty of *Crich*, the like Proceedings may be taken for the Appointment of fit and proper Persons to supply such Vacancies. or Liberty of Crich.

VII. It shall not be necessary that a different Person should be appointed to the Office of Steward of the said Soke and Wapentake and of each of the said several Manors or Liberties, but the same Person may hold the Office of Steward of the said Soke and Wapentake and of any One or more of the said Manors or Liberties, or of more than One of the said Manors or Liberties, at the same Time. One Person may be appointed Steward to several Courts.

VIII. If at any Time the First Estate of Freehold mentioned in the Fourth and Fifth Sections shall be vested in any Person as a Trustee or Mortgagee, such Trustee or Mortgagee shall not have the Right of appointing the Steward, or any other Rights by this Act annexed to such First Estate of Freehold, but the Person entitled to the first equitable Estate of Freehold shall have such Rights of Appointment; and if at any Time the Estate to which such Rights are annexed shall be vested in or belong to more Persons than One, then the Majority in Value of such Persons shall, in the event of any Difference of Opinion, exercise the Right of Appointment and such other Rights as aforesaid; and if at any Time the Estate to which such Rights are annexed shall be vested in or belong to more Persons than One, and any One or more of such Persons shall be an Infant, Idiot, Lunatic, or Person *non compos mentis*, then the Right of Appointment and such other Rights as aforesaid shall belong to the other or others of such Persons, to the Exclusion of such Infant, Idiot, Lunatic, or Person *non compos mentis*; and if at any Time the Person in whom the Right of Appointment shall be vested shall from any Reason whatsoever be incapable of exercising such Right, or shall for the Space of Three Calendar Months after the Office shall have been Provision for Appointment of Steward in case of Disability.

been vacant have refused or neglected to appoint a Steward, then the Right of appointing such Steward for that Vacancy shall belong to the Chancellor of the Duchy of *Lancaster* for the Time being, and shall be exercised by him by Writing under his Hand.

Steward may appoint a Deputy.

IX. It shall be lawful for the Steward, by Writing under his Hand, to appoint from Time to Time a Deputy Steward, qualified to be appointed Steward, to act for him at any Time when he shall be prevented by Illness or unavoidable Absence from acting in such Office, and to remove such Deputy at his Pleasure; and such Deputy, while acting under such Appointment, shall have the like Powers and Privileges, and be subject to the like Provisions, Duties, and Penalties for Misbehaviour, as if he were the Steward of the Court for the Time being.

Duties of Steward.

X. The Duties of the Steward shall be to receive and enter Plaints in a Book to be kept by him for that Purpose; to issue Summonses; to hold and preside at the Great and Small Barmote Courts; to issue Precepts under his Hand to the Barmaster for summoning the Attendance of the Grand Jury on Views, and at the Great Barmote Courts, and also Precepts to the Barmaster for summoning and impannelling Jurors for the Trials of Causes at the Small Barmote Courts; to administer Oaths to the Barmasters, Jurors, Witnesses, or other Persons at and out of the Great and Small Barmote Courts; to preside as Judge on the Trial of Causes at the Small Barmote Courts; to tax Costs in all Cases where, by this Act, Costs are or may be given; to attend and preside at Views; to sign and issue Subpœnas for the summoning of Witnesses, and the Process of the Courts, both mesne and final, and all Rules and Orders of the Courts, and Warrants for enforcing the Judgments of the Courts, and levying Penalties; to make Returns to Writs of Certiorari; to advise the Barmasters and Grand Juries and other Juries upon Matters of Law, and all other Matters connected with their respective Duties; to affix the Seal of the Barmote Courts to such Documents as require the same; to hear and determine Applications to the Courts which do not require the Intervention of a Jury, and to make Orders thereon upon such Terms as to the Payment of Costs by either Party, or otherwise, as may to him seem just; to keep the Verdicts, Judgments, Books, and Proceedings of the Great and Small Barmote Courts, and the Seal of the said Courts, and also all Books and Accounts herein-after provided to be kept and delivered to the Steward by the Barmaster, safe and in good Condition; and to deliver up the same to his Successor whenever required; and generally to do and perform such other Acts and Duties as are in this Act mentioned as Acts and Duties to be performed by the Steward.

XI. Two

Great and Small Barmote Courts to be held for the Soke and Wapentake of Wirksworth, and Small Barmote Courts for the Manors or Liberties.

XI. Two Great Barmote Courts shall be held every Year within the Soke and Wapentake of *Wirksworth*, One within a Month next after the Twenty-fifth Day of *March*, and the other within a Month next after the Twenty-ninth Day of *September*, and Small Barmote Courts shall be held in the said Soke and Wapentake and Manors or Liberties respectively from Time to Time as Occasion shall require, but not on the Days appointed for the holding of the Great Barmote Courts: The Great and Small Barmote Courts for the Soke and Wapentake of *Wirksworth* shall be held at *Wirksworth*, and the Great and Small Barmote Courts for the said Manors or Liberties respectively shall be held at any Place within the Jurisdiction of the said Courts respectively which may be appointed by the Steward, which Place may be varied at any Time or from Time to Time.

Great Barmote Courts to be held for the Manors or Liberties of Ashford, Tideswell, Peak Forest, Hartington, and Stoney Middleton and Eyam.

XII. The Manors or Liberties of *Ashford*, *Tideswell*, *Peak Forest*, and *Hartington* shall and are hereby declared to be united and form One Liberty of *Ashford*, *Tideswell*, *Peak Forest*, and *Hartington*, for the Purpose of holding the Great and Small Barmote Courts, and for such other Purposes as are herein mentioned; and the Manors of *Stoney Middleton* and *Eyam* shall and are hereby declared to be united and form One Liberty of *Stoney Middleton* and *Eyam* for the Purpose of holding the Great and Small Barmote Courts, and for such other Purposes as are herein mentioned; and One Great Barmote Court shall be held every Year for each of the said united Manors or Liberties; and the said Court shall be held within a Month after the Twenty-fifth Day of *March*, and at such Place within any of the said respective Manors or Liberties aforesaid as the Steward shall from Time to Time appoint.

Great Barmote Court for the Manor or Liberty of Crich.

XIII. It shall not be requisite to hold a Great Barmote Court within the Manor or Liberty of *Crich*, except at such Times and Places as the Steward of the said Manor shall by Advertisement in some Newspaper published in the County of *Derby* appoint; and the Grand Jurors and other Jurors for the Soke and Wapentake of *Wirksworth* shall have Power and be required to perform all such Duties and Acts in and for the said Manor or Liberty of *Crich* as they are authorized and empowered to do and perform within the said Soke and Wapentake.

Great Barmote Court for the Manor or Liberty of Litton.

XIV. It shall be lawful for the said *Nathaniel* Baron *Scarsdale*, his Heirs or Assigns, or the Person for the Time being entitled to the First Estate of Freehold in the Mineral Duties payable within the Manor of *Litton*, or the Husband, Guardian, or Committee of such Person, if such Person be a Feme Covert, Infant, Idiot, Lunatic, or Person *non compos mentis*, to hold at his Discretion One or more Great Barmote Courts in every Year within the said Manor or Liberty, and

and the Periods for holding the same may be within a Month after the Twenty-fifth Day of *March*, and within a Month after the Twenty-ninth Day of *September*.

Great Barmote Courts to be held for the Manor or Liberty of Youlgreave.

XV. It shall be lawful for the said *John Henry* Duke of *Rutland*, his Heirs and Assigns, or the Person for the Time being entitled to the First Estate of Freehold in the Mineral Duties payable within the Manor or Liberty of *Youlgreave*, or for the Husband, Guardian, or Committee of such Person, if such Person be a Feme Covert, Infant, Idiot, Lunatic, or Person *non compos mentis*, to hold at his Discretion One or more Great Barmote Courts in every Year within the said Manor or Liberty of *Youlgreave*; and the Periods for holding the same may be within a Month next after the Twenty-fifth Day of *March*, and within a Month next after the Twenty-ninth Day of *September* in any Year.

Business at Barmote Courts.

XVI. The Matters to be transacted at the Great Barmote Courts shall be the swearing in of the Grand Jury, and such other Matters as are in this Act mentioned as being Matters to be transacted at the Great Barmote Courts; and the Matters to be transacted at the Small Barmote Courts shall be the Trial of Actions of Title, Trespass, and Debt, and such other Matters as are in this Act mentioned as being Matters to be transacted at the Small Barmote Courts.

Seal of the Courts.

XVII. There shall be a Seal or Stamp provided by the Steward, with Words thereon to specify the particular Court of which it is the Seal, and all Proceedings in the Great and Small Barmote Courts which are required to be signed by the Steward shall be sealed or stamped therewith.

Barmaster for the Soke and Wapentake of Wirksworth.

XVIII. It shall be lawful for the Queen and Her Successors, by Letters Patent under the Seal of the Duchy of *Lancaster*, from Time to Time as a Vacancy shall happen, to appoint a fit and proper Person to serve the Office of Barmaster of the Soke and Wapentake of *Wirksworth*, and to be called the Barmaster of the Soke and Wapentake of *Wirksworth*; and such Barmaster may, by Writing under his Hand, nominate and appoint from Time to Time One or more fit and proper Persons to serve the Office of Deputy Barmaster within the said Soke and Wapentake of *Wirksworth*, and to remove such Deputy or Deputies respectively at his Will and Pleasure; and the said Barmaster for the Time being of the said Soke and Wapentake of *Wirksworth* may also, by Writing under his Hand, nominate and appoint One of such Deputy Barmasters to execute all such Summonses and Warrants, and to perform such other Acts and Duties as are in this Act mentioned to be executed and performed by the Barmaster of the said Soke and Wapentake.

XIX. It

Barmasters for the private Liberties.

XIX. It shall be lawful for the several Persons hereby authorized to appoint Stewards for the said several Manors or Liberties, by Writing signed by them respectively, to appoint during Pleasure only fit and proper Persons to act as Barmasters for the said several Manors or Liberties respectively; and every such Barmaster (excepting in the Manor or Liberty of *Crich* herein-before provided for) may (with the Consent in Writing of the Person under whom he holds his Appointment) nominate One or more fit and proper Persons to serve the Office of Deputy Barmaster within the Manor or Liberty in which such Barmaster shall act; and such Deputy Barmasters shall respectively continue in Office during the Continuance in Office of the Barmasters by whom they were respectively appointed, or until they shall be removed by the Persons hereby respectively authorized to appoint such Barmasters.

Barmaster not to be answerable for Deputy.

XX. The Barmaster shall not be answerable for the Acts of the Deputy Barmasters.

Barmasters to be sworn.

XXI. The Barmasters may act as such without being sworn, but shall, before or at the Great Barmote Court next after their respective Appointments, be respectively sworn well and truly to serve the Office to which they are appointed, or such Appointment shall be void.

Duties of Barmaster.

XXII. The Duties of the Barmaster shall be to execute all such Precepts and Warrants as shall be directed to him and signed by the Steward and sealed with the said Seal, to attend on Views with the Steward and Deputy Barmaster of the District in which the Mine to be viewed is situate, and where there is no Deputy appointed for any District to perform all the Duties of the Office of Deputy until a Deputy is appointed, and generally to do and perform such other Acts and Duties as are in this Act mentioned as being Acts or Duties to be done or performed by the Barmaster.

Duties of Deputy Barmaster.

XXIII. The Duties of the Deputy Barmaster, whether the Barmaster be absent or present, shall be to serve Summonses in Actions in the Small Barmote Courts of their respective Districts, to serve Summonses on Jurors, and to attend Views on Mines within their respective Districts, to collect the Dues payable within their respective Districts, to keep Accounts of such Dues, to keep a Book, and make therein written Entries and Particulars of all Meers of Ground which shall be measured and set out by them under the Provisions of this Act, and also of all Transfers of Mines which may be made as herein-after provided, and also of all Freeings, Gifts, and other Matters connected with the Mines within their respective Districts, to sign such Book, and to deliver the same half-yearly, together with a fair Copy of the aforesaid Accounts also signed by

them respectively, each such Half-yearly Account to end with the Twenty-fifth of *March* or Twenty-ninth of *September*, to the Steward at the Great Barmote Court next after the Day to which such Accounts shall be made up, or with the Consent of the Steward at any Adjournment of the said Court, or at any subsequent Great Barmote Court, to produce any such Book, and to make and deliver other fair Copies of the aforesaid Accounts at any other Time upon Demand being made by the Steward for the Production of any such Book or for any such Copy, and (in all other Cases in which the Barmaster shall not be present and choose to perform such Duties in Person) to perform within their respective Districts all such Duties as are in this Act mentioned as forming Part of the Duties or Business of the Barmaster, and generally to assist the Barmaster, when required by him so to do, in any other Matters forming Part of or connected with the Duties of Barmaster, whether in their own District or elsewhere within the Jurisdiction of the Barmaster.

Courts to be Courts of Record.

XXIV. The Great Barmote Court and the Small Barmote Court shall be Courts of Record, and the Steward shall be Judge of each of them, and may out of Court do all such Acts of the Courts respectively as do not require the Presence of a Jury.

Jurisdiction and Customs.

XXV. The Jurisdiction of the Great and Small Barmote Courts for the Soke and Wapentake of *Wirksworth* shall extend over the whole of the *King's Field* within the said Soke and Wapentake, and the Jurisdiction of the Great and Small Barmote Courts of the said several Manors or Liberties respectively shall extend over such Manors or Liberties respectively, and the Mineral Laws and Customs of the said Soke and Wapentake, and Manors or Liberties, shall be such as are mentioned and comprised in this Act, and no other alleged Custom or Practice shall be valid.

Provisional Exemption of certain Lands in Eyam.

XXVI. Whereas the Owners of certain Lands and Hereditaments within the said Manor or Liberty of *Eyam*, usually called "ancient Freeholds," claim to be exempt in respect of the said Lands and Hereditaments from all Mineral Customs heretofore in force, and from the Jurisdiction of all Barmote Courts heretofore in Existence, and of any Steward thereof: Be it therefore enacted, That until it shall be found by Law that the said Lands and Hereditaments are subject to such Customs and to such Jurisdiction, nothing in this Act or the Schedule hereto contained shall extend or be construed to extend any Mineral Law or Laws, Custom or Customs, to the said Lands and Hereditaments, or any of them, nor to give any Authority to search for Mines or Veins of Lead Ore, in, under, or upon any of the said Lands or Hereditaments, nor to extend the Jurisdiction of any Great or Small Barmote Court, or the Steward thereof,

thereof, to the said Lands or Hereditaments, or any of them, nor otherwise to affect any Right or Interest whatsoever of any of the Owners of the said Lands and Hereditaments: Provided always, that until it shall be found by Law that the said Lands and Hereditaments are subject to such Customs and such Jurisdiction, the Authority of the Barmote Courts and Steward (if any), and all Customs (if any) to which such Lands and Hereditaments are now subject, shall remain in full force.

Practice of Courts.

XXVII. The Steward may in any Case, and upon such Terms as to the Payment of Costs by either Party or otherwise as to him shall seem just, make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of any Action, and also may from Time to Time adjourn any Great or Small Barmote Court, or the Hearing or further Hearing of any Cause or other Proceeding in the said Courts, or either of them, or before the Steward, in such Manner as to the Steward may seem fit; and when any Court is adjourned, the Grand Jurymen and other Jurymen who shall have been summoned to such Court shall attend at the adjourned Court without any further summoning, and shall be liable to the same Penalties for not attending at an adjourned Court as for not attending upon a Summons: Provided always, that the further Hearing of any Cause, or other Proceeding of which the Hearing shall have been commenced, and in which any Evidence shall have been given, shall not be adjourned for any longer Period than until the Day next after that on which the Adjournment takes place, or if such next Day be *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, then until the Day next but One after that on which the Adjournment takes place; and at the Hearing or Trial of any Action, or on any other Proceeding under this Act, the Wives of the Parties shall be competent Witnesses, and compellable to give Evidence.

Persons giving false Evidence guilty of Perjury.

XXVIII. Every Person who, in any Examination upon Oath or solemn Affirmation before the said Steward, shall wilfully and corruptly give false Evidence shall be deemed guilty of Perjury, and shall be liable to be indicted and subject to the same Punishments as may be imposed on Persons guilty of Perjury in any of the Superior Courts of *Westminster*.

Penalty for refusing to give Evidence.

XXIX. If any Person appearing as a Witness shall refuse to give Evidence, or to answer any lawful Question, it shall be lawful for the Steward to impose upon any such Person such Penalty not exceeding Ten Pounds as the said Steward shall think fit.

XXX. If

Penalty for insulting Steward or Barmaster.

XXX. If any Person shall wilfully insult the Steward or create any Disturbance during the Sitting of any Great or Small Barmote Court, or at any View, or shall obstruct the Barmaster at any Time when in the Execution of his Office, it shall be lawful for the Steward to impose upon any such Person such Penalty, not exceeding Five Pounds, as the Steward shall think fit; and the Steward shall fix a Day on or before which, and a Person to whom, such Penalty shall be paid.

Grand Jury.

XXXI. From and after the passing of this Act the Grand Jury of the said Soke and Wapentake shall consist of Twelve Men, and the Grand Juries for the united Liberty of *Ashford*, *Tideswell*, *Peak Forest*, and *Hartington*, and for the united Liberty of *Stoney Middleton* and *Eyam*, shall also respectively consist of Twelve Men, who shall be summoned from and be competent to act for any Part of the said united Liberties respectively; and the Grand Jury for each of the remaining Manors or Liberties shall also consist of Twelve Men, and all Members of the respective Grand Juries shall be selected by the Barmaster from amongst Persons resident or working within the respective Jurisdictions of the said Great and Small Barmote Courts, and as far as conveniently can be done it shall be the Duty of the Barmaster to select Persons experienced in practical Mining, but a Want of such Experience shall be no Ground of Objection to any Person serving on the Grand Jury if summoned so to do, nor of Exemption from such Service; and at the Second Great Barmote Court which shall be held after the passing of this Act, Six of the Grand Jury to be determined by Lot shall be discharged, and Six new Grand Jurymen substituted; and at every subsequent Great Barmote Court Six of the Grand Jury, being those who have been longest in Office, shall be discharged, and Six new Grand Jurymen shall be substituted in their Stead, so that every Member of the Grand Jury shall serve for a Period extending over the holding of Two Great Barmote Courts; and as often as any of the Grand Jury shall die, or become incompetent to act, the Barmaster shall select another Person in his Place, without waiting for the holding of a Great Barmote Court; and every Member of the Grand Jury shall be sworn in by the Steward as soon as conveniently may be, either at a Great or Small Barmote Court or out of Court, as may be most convenient, but every such Member shall be competent to act immediately upon his Appointment as One of the Grand Jury without waiting for being sworn as aforesaid.

Duties of Grand Jury.

XXXII. The Duties to be performed by the Grand Jury may, in Cases where no other Provision is made by this Act, be performed by any Eight of the Body, and such Duties shall be to attend at the Great Barmote Courts, and at any other Time upon the Summons of

of the Barmaster, such Summons to be delivered to all the Members of the Grand Jury, or to be left at their respective usual or last known Places of Abode, at least Twenty-four Hours before the Time at which their Attendance is required, to go into or upon any Mine, Vein, or Mineral Works, and view the same, and give their Opinion on such Matters as are required of them in any Bill of Directions or Cross Bill delivered to them, and generally to do and perform all such Acts and Duties as are in this Act mentioned as being Acts to be done or Duties to be performed by the Grand Jury.

Small Barmote Courts.

XXXIII. The Steward shall upon the entering of any Plaint cause a Summons to be issued, and shall on a Day to be mentioned in such Summons, and within One Calendar Month after the entering of the Plaint, hold a Small Barmote Court for the Trial of the Cause, and the Plaintiff and Defendant, or their respective Attornies or Agents, shall appear at the Time and Place appointed for the Trial, and the Steward shall proceed in a summary Way to try the Cause, leaving all Matters of Fact in issue in the Cause to be determined by the Jury sworn for the Trial, and shall give Judgment, and the Judgment of the Court shall be enforced by Warrant to be issued under the Hand of the Steward and the Seal of the Barmote Courts, and the Defendant shall be allowed to give Evidence of any special Matter of Defence.

Service of Summons.

XXXIV. The Summons shall be served upon the Defendant by the Barmaster Fourteen clear Days at least before the Day appointed for the Trial, by leaving such Summons at the usual or last known Place of Abode of such Defendant, or, if the Defendant shall not reside within the Jurisdiction of the Barmote Court, by affixing a Copy thereof at the Place where the last preceding Great Barmote Court was held, and by serving another Copy of such Summons upon the Agent of the Mine, if such Agent is resident within the Jurisdiction of the Barmote Court; and upon Proof of the Service of such Summons, the Plaintiff shall be at liberty, if the Defendant do not appear, to proceed to Trial, and if the Steward shall think that he is entitled to recover he shall have Judgment: Provided always, that in Cases where there are more Defendants than One, Service on One of such Defendants, and on the Agent of the Mine (if any) resident as aforesaid, shall be deemed sufficient.

Proviso in case Plaintiff shall not proceed in the Action.

XXXV. If the Plaintiff in any Action of Title, Trespass, or Debt shall not proceed to Trial at the Time and Place appointed, the Steward shall cause Judgment as in Case of Nonsuit to be entered for the Defendant in such Action.

New Trials. XXXVI. The Steward may grant new Trials, and set aside Judgments and other Proceedings, and may stay Proceedings; and in so doing he is hereby directed to act as far as may be on the same Principles as are acted upon in similar Cases by the Superior Courts at *Westminster*.

Costs. XXXVII. The Party who has Judgment in his Favour, in whatever Way such Judgment may be obtained, shall by the same Judgment recover his Costs of Suit or Defence, as the Case may be.

Appeal. XXXVIII. It shall be lawful for the Court of Queen's Bench at *Westminster*, or for any Judge of any of the Superior Courts at *Westminster*, on the Application of either Plaintiff or Defendant in an Action in the Small Barmote Court, either before or after Trial, on Cause shown by Affidavit to the Satisfaction of such Court or Judge that an impartial or satisfactory Trial cannot be or has not been had in such Barmote Court, or for any other Cause which to such Court or Judge shall seem reasonable, to allow a Certiorari to be issued out of the said Court of Queen's Bench for removing all Proceedings which may have been had in such Action into the said Court of Queen's Bench.

Pleadings not to be repeated. XXXIX. When a Cause is so removed, the Pleadings in the Court below shall stand and need not be repeated in the Queen's Bench, 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 Queen's Bench as might have been adopted in the Court below; and the Queen's Bench 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 Queen's Bench, 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 Queen's Bench in the same Way as Judges Orders may ordinarily be enforced, set aside, or varied; and when Judgment is given in the Queen's Bench, 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.

Service of Subpœna on Witnesses. XL. Every Subpœna to attend and give Evidence upon any Trial in the Small Barmote Court, if served personally upon the Person required

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 Court of Queen's Bench at *Westminster*, 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 Court of Queen's Bench at *Westminster*, 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.

Execution may be issued.

XLI. Where a Plaintiff obtains Judgment in an Action of Title, and the Defendant shall refuse, for the Space of Three Days next after the Day on which Judgment is given, to deliver Possession to the Plaintiff, it shall be lawful for the Plaintiff to apply to the Steward, and the Steward shall thereupon issue a Warrant, and the Barmaster shall forthwith execute such Warrant and deliver Possession accordingly: Provided always, that no Entry or Seizure under any such Warrant, or under the Warrant next herein-after mentioned, shall be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or on any Day appointed for a Public Fast or Thanksgiving, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon; and where a Defendant shall, for the Space of Three Days after the Day when the Judgment is given or Order made, omit to pay any Debt or Damages recovered or awarded to be paid by any Judgment of the Small Barmote Court, or where either Plaintiff or Defendant shall, for the Space of Three Days, omit to pay any Money or Costs recovered or awarded to be paid by any such Judgment, or by any Order made by the Steward, or where any Person shall omit to pay any Penalty imposed by the Steward under the Authority of this Act within the Time appointed by the Steward for

for Payment thereof, it shall be lawful for the Steward and he is hereby required, upon the Application of the Party in whose Favour or for whose Benefit such Judgment or Order shall have been given or made, or in the Case of a Penalty at his own Discretion, to issue a Warrant, and the Barmaster shall thereupon forthwith take possession of any Mineral Property within the Jurisdiction of the said Barmote Courts which shall belong to the Party so omitting to pay such Debt or Damages, or Money or Costs, or Penalty, and shall sell the same either by Ticket or by Public Auction, or so much thereof as may be necessary to raise the Sum mentioned in such Warrant, and the Fees allowed by this Act for executing the same, and shall return any surplus Monies arising from such Sale that may remain after paying such Debt or Damages, or Money or Costs, or Penalty and Fees as aforesaid, to the Defaulter; and if the Party against whom the Warrant issues has, before the issuing of such Warrant, in fact paid the Debt, Damages, Money, Costs, or Penalty, or any Part thereof, and the Warrant issues for too much, the Steward shall not therefore be liable to any Action, except in Cases where he issues the Warrant of his own Motion, and with Knowledge of the Payment, but the Party who sues out the Warrant, or the Steward, if he issues it of his own Motion and with such Knowledge as aforesaid, shall be alone responsible in such Cases for the improper issuing of the Warrant, and for what is done thereunder; and in case the Person against whose Mineral Property such Warrant shall have been issued shall not have any Mineral Property within the Jurisdiction of the Barmote Court out of which such Warrant shall have issued, or not sufficient to answer the Amount mentioned in such Warrant after deducting such Fees as aforesaid, it shall be lawful for the Person who shall have obtained such Judgment or Order, or in case of a Penalty for the Steward, to recover the Amount or Deficiency by Action of Debt in the County Court, if the Amount of the Debt or Deficiency shall not exceed Fifty Pounds, otherwise in any Superior Court at *Westminster*; and the Certificate of the said Steward of the Amount of the Debt or Damages, or Money or Costs, or Penalty, or of the Proportion thereof, which has not been recovered under such Warrant, shall be Evidence, but not conclusive Evidence, that the Sum therein mentioned to be not recovered was due and unpaid at the Date of such Certificate; and the Count in the Declaration in any such Action in One of the Superior Courts may be simply to the Effect that the Defendant was indebted to the Plaintiff in a Sum (naming it) by virtue of this Act, and of a Certificate thereunder granted by the Steward of the Barmote Courts, which Sum the Defendant had not paid.

Return to be made of Executions.

XLII. All Warrants issued by the Steward shall be in force for One Calendar Month from the Date thereof, and shall be returned by

by the Barmaster to the Steward within Six Weeks from the Date thereof, with a Memorandum or Return endorsed thereon, and signed by the Barmaster, stating when it was executed, or if from any Cause the Barmaster shall have been unable to execute it, then stating why it has not been executed; and in the latter Case the Warrant may be renewed, and Returns made from Time to Time until it is executed; and every renewed Warrant shall be in force for One Calendar Month from the Date thereof; and every Return to a renewed Warrant shall be made within Six Weeks after the Re-issuing of the Warrant, but the Omission to return any Warrant shall not make any one a Trespasser for having obeyed the same, nor shall it be necessary to state or prove any such Return in order to justify anything done in obedience to the same.

Jurors at Small Barmote Courts.

XLIII. The respective Barmasters shall every Year make out in Writing a List of all, if the Number shall not exceed Forty-eight, and if it shall exceed Forty-eight then of not less than Forty-eight, Miners, Owners, or Maintainers of Mines, not being Members of the Grand Jury for the Time being, but being resident within the Jurisdictions of such Barmasters respectively, and fix the same upon or near the outer Door of the Place where the respective Great Barmote Courts are usually or were last respectively held, and shall afterwards copy such List into a Book to be called the Jury Book, and to be kept by him; and Three Days before any Small Barmote Court the Barmaster shall cause to be summoned Twenty-four Persons named in the said Book, to attend at the Time and Place appointed for holding the Small Barmote Court; and every Summons shall be served either personally or by leaving the same at the usual or last known Place of Abode of the Person summoned.

Proviso for Small Barmote Courts within Stoney Middleton and Eyam, and several other Places.

XLIV. And whereas it may happen that a sufficient Number of Miners, Owners, or Maintainers of Mines, not being Members of the Grand Jury, may not be resident within the united Liberty of *Stoney Middleton* and *Eyam*, or within the said united Liberty of *Ashford*, *Tideswell*, *Peak Forest*, and *Hartington*, or within the said Manor or Liberty of *Litton*, or within the said Manor or Liberty of *Youlgreave*, from which the Barmaster may make a List of Forty-eight Persons liable to serve upon the Jury: It is therefore declared, That whenever a Small Barmote Court is held for the said united Liberty of *Stoney Middleton* and *Eyam*, or for the said united Liberty of *Ashford*, *Tideswell*, *Peak Forest*, and *Hartington*, or for the said Manor of *Litton*, or for the said Manor of *Youlgreave*, respectively, it shall be lawful for the Barmaster of the Manor or Liberty in which a Small Barmote Court is required to be held to summon either the whole Number or so many Persons as may be necessary to form a Jury of Twenty-four Persons, either from his own List or from

the Lists of the other Liberties mentioned in this Section, which last-mentioned Lists shall be produced for the Inspection of the Barmaster requiring the same.

As to Appointment of Juries, and challenging Jurors.

XLV. The Barmaster shall make a List of the Jurors so summoned, together with their Places of Abode and Conditions, and shall permit such List to be inspected by the Plaintiff and Defendant if they shall require it; and the Barmaster shall cause the Names of the Jurors to be written severally on Slips of Paper and put into a Box, and the Names shall be drawn out of the Box by the Barmaster, and each Party may, until no more than Twelve remain, object to any Person whose Name is drawn out, without assigning any Cause, but so that not more than Six such Objections be made by either Party, and if any Objection is made to the Twelve so remaining, it must be stated to, and the Validity or Invalidity thereof decided upon, by the Steward, and the Twelve First Persons to whom no Objection has been made shall be the Jury to be sworn for the Trial, and any Person against whom an Objection has been made and disallowed by the Steward shall be considered as a Person against whom no Objection has been made; and if after drawing out the Names of all the Jurors there shall not appear to be Twelve Persons against whom no Objection has been made, then the Names of all the Jurors against whom Objections have been made shall be returned to the Box and drawn again, without any further Objection being allowed to any of them, until a sufficient Number be drawn to make a Jury of Twelve, and such Jury of Twelve shall be the Jury to be sworn for the Trial to take place at such Small Barmote Court; and the Jury so drawn as aforesaid shall be sworn by the Steward, and shall hear the Evidence of the Witnesses in the Cause, and shall be required to give an unanimous Verdict upon all Matters of Fact at issue in such Trial, which Matters of Fact shall be submitted by the Steward to the Jury for their Determination.

Provision in case of more than One Cause.

XLVI. If there shall be more than One Cause to be tried at any Small Barmote Court the Jury sworn for the Trial of the First Cause may and shall, with the Consent of the Parties to the second or other subsequent Causes, be sworn for and be the Jury for the Trial of such second and subsequent Causes: Provided always, that any Party to such second or subsequent Causes, or the Steward, may require a fresh Jury to be drawn.

Penalty on Jurors for Non-attendance.

XLVII. If any Person liable to act as a Grand Juryman or Juryman shall have been duly summoned to attend on any Occasion on which the Grand Jurymen or other Jurymen are by this Act respectively required to attend, and shall not attend in pursuance of such Summons, or being called shall not answer to his Name, or if any such

such Person, being present, after having been called, shall not duly appear, or after his Appearance shall wilfully withdraw himself, or shall refuse to act or to perform the Duties required of him, it shall be lawful for the Steward to impose such Penalty, not exceeding Ten Pounds, upon every such Person so making default, as to the said Steward shall seem meet, unless some reasonable Excuse shall be given to the Satisfaction of the Steward, and the Steward shall fix a Day on or before which and a Person to whom such Penalty shall be paid; and if such Penalty shall not be paid within the Time ordered by the Steward, it shall be lawful for the Steward to issue his Warrant for the levying thereof, with all the Costs and Charges attending such levying; and such Penalty may be imposed in the Absence of the Party making default, and without calling on him to show Cause why it should not be imposed; and it shall be no Objection to the Execution of such Warrant that the Party had no Notice of such Penalty, but if any Person shall think himself aggrieved by the Imposition of such Penalty or the Execution of such Warrant, the Steward may grant him such Relief as to the Steward may seem just.

Subpœnas.

XLVIII. The Parties to the Suit, or any other Proceeding under this Act, may obtain at or from the Office of the Steward Subpœnas to compel the Attendance of Witnesses, with or without a Clause requiring the Production of Books, Deeds, Papers, and Writings in their Possession or Control; and in any such Subpœna any Number of Names may be inserted, and such Subpœnas shall be served upon the Witnesses in like Manner as Subpœnas issuing out of the Superior Courts at *Westminster*.

Execution may be superseded.

XLIX. If the Party against whom an Execution shall be issued shall, before an actual Sale of the Property seized, pay or cause to be paid or tendered unto the Barmaster the Sum or Sums of Money ordered to be levied, or such Part thereof as the Person entitled thereto shall agree to accept, in full of his Debt or Damages and Costs, together with the Fees hereby allowed, the Execution shall be superseded, and the Property of the said Party shall be discharged and set at liberty.

Barmaster not to be liable for anything done under Provisions of this Act.

L. No Barmaster, and no Person acting at the Request and in aid of any Barmaster, shall be liable to any Action for anything done or authorized by such Barmaster, in obedience or necessary for Obedience to any Writ, Precept, Warrant, or Process signed by the Steward, and sealed with the said Seal, although the same be void or irregular, or an Excess of Jurisdiction; nor shall any Act done by any such Barmaster or other Person, while acting under any such Writ, Precept, Warrant, or Process, make him a Trespasser *ab initio*, though it be not

not in obedience or not necessary for Obedience to such Writ, Precept, Warrant, or Process; but the Party committing such last-mentioned Act shall be liable to an Action for the same if it be illegal.

Steward not to be liable.

LI. The Steward shall not be liable to any Action for anything done in obedience or necessary for Obedience to any Writ, Precept, Warrant, or Process signed by him and sealed with the said Seal, if such Writ, Precept, Warrant, or Process be not an Excess of his Jurisdiction.

Register of Summonses, &c.

LII. The Steward shall carefully preserve the Books and Accounts mentioned in this Act, and shall also cause a Register of all Summonses, Subpœnas, Orders, Judgments, Warrants, Executions, and Returns thereto, and of all Penalties, and of all other Proceedings of the Great and Small Barmote Courts, and of all Bills of Directions, Cross Bills of Directions, Opinions of the Grand Jury, and other Proceedings on Views, to be fairly entered from Time to Time in a Book belonging to the Courts, which shall be kept at the Office of the Steward; and such Entries in the said Book or Copies thereof, or of any of them, and also Copies of the Entries in the Books and Accounts mentioned in this Act, or of any Part thereof, purporting to bear the Seal of the Court, and purporting to be signed and certified as a true Copy by the Steward, which Copies the Steward is hereby required to furnish to all Persons requiring the same upon Payment of the Fees herein-after specified, shall at all Times be admitted in all Courts and Places whatsoever as Evidence of such Entries, Customs, Articles, Rules, and Orders, and of the Proceedings referred to by such Entries, and of the Regularity of such Proceedings, without any further Proof.

Documents in Custody of Steward or Barmaster to be open to *Inspection*.

LIII. All Persons shall be at liberty, at convenient Times in the Daytime, to search and examine all Books and Documents in the Custody of the Barmaster or Steward by virtue of this Act, upon Payment of the Fees herein-after specified.

Interpleader Clause.

LIV. 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,

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 at *Westminster*, any Judge of any other of the 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 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.

Penalties.

LV. All Penalties imposed by virtue of this Act (except the Penalties imposed upon the Barmaster, and which are otherwise provided for) shall be recovered by levying the same under a Warrant of the Steward upon the Mineral Property of the Person upon whom such Penalty shall be imposed which shall be within the Jurisdiction of the Barmote Courts; and if the Barmaster shall make a Return to the Steward that there is no Mineral Property within such Jurisdiction, or not sufficient to raise the whole of the Penalty and the Fees allowed for the Execution of the Warrant, then such Penalty, or so much thereof as the Produce of the Sale of such Mineral Property shall not, after paying the Fees allowed for the Execution of the Warrant, be sufficient to satisfy, shall be recovered by Action of Debt in the County Court, such Action to be brought in the Name of the Steward, and a Certificate, signed by him, and sealed with the said Seal, certifying the Imposition of such Penalty and the Amount thereof,

thereof, or so much thereof as shall not have been satisfied by such Execution, shall be Evidence, but not conclusive Evidence, that the Sum therein mentioned not to be recovered was due and unpaid at the Date of the Certificate.

Application of Penalties.

LVI. An Account shall be kept by the Steward of all Penalties imposed upon any Person under the Authority of this Act, and such Penalties shall, except in Cases where it is by this Act otherwise provided, be received by or on account of the Steward, and shall, in the Soke and Wapentake of *Wirksworth*, be paid by the Steward when received as to One Moiety thereof to the Queen and Her Successors in right of Her Duchy of *Lancaster*, and as to the other Moiety thereof to the Lessee for the Time being of the Duties of Lot and Cope, if there shall be any such Lessee; and if there shall be no such Lessee, then the whole of such Penalties shall be paid to the Queen and Her Successors in right of Her Duchy of *Lancaster*, and such Penalties in the said several Manors or Liberties shall be paid by the Steward, when received, to Her Majesty in right of Her said Duchy; and if any Action or other Proceedings, other than an Execution under the Warrant of the said Steward, shall be necessary for the Recovery of any Penalty, such Action or other Proceedings shall be taken in the Name of the Steward.

Forms of Proceedings.

LVII. The Proceedings of the Barmote Courts shall be in the Forms given in the Second Schedule to this Act, or to the like Effect; and in any Proceeding not thereby provided for, it shall be lawful for the Steward to adopt such Form as he shall think fit and applicable to such Proceeding.

Fees.

LVIII. The Fees which shall be paid, had, and taken by the Steward, Barmaster, Grand Jury, Attornies, and other Persons shall be such as are contained in the Third and Fourth Schedules to this Act, and no other Fee, Gratuity, or Reward whatever shall be demanded, had, or taken by any of the said Persons, on any Pretence whatever.

Limitation.

LIX. For the Protection of Persons acting in the Execution of this Act, it is hereby declared, That all Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not afterwards or otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and no Plaintiff shall recover in any such

such Action if Tender of sufficient Amends shall have been made before such Action brought, or if after Action brought a sufficient Sum of Money shall have been paid into Court with Costs by or on behalf of the Defendant; and in any such Action the Defendant may not only plead the Tender or Payment into Court, as the Case may be, but may also plead any other Plea or Pleas in bar, or a general Demurrer.

Removal of Proceedings.

LX. No Proceedings in the said Courts, or either of them, or before the Steward or Barmaster, shall be removed into any other Court by Certiorari or otherwise, except in the Cases herein provided for.

Costs.

LXI. In any Action brought under the Provisions of this Act, in the County Court, or in any of the Superior Courts, the Plaintiff and Defendant shall respectively be entitled to recover Costs in the same Cases and to the same Extent as they would be entitled if the Action were a common Action of Debt on simple Contract in the County Court, or in any of the Superior Courts respectively.

Proceedings pending.

LXII. Nothing in this Act contained shall affect any Action, Suit, or other Proceeding now pending in any Court of Law or Equity, but such Action, Suit, or other Proceeding shall be dealt with and determined as if this Act had not been passed.

Parties may proceed in any other Court than Small Barmote Court.

LXIII. Nothing in this Act contained shall preclude any Person from proceeding in any other Court having Jurisdiction therein in respect of any Matter hereby made triable in the Small Barmote Court.

Expenses of Act.

LXIV. The Clerk of the Peace for the County of *Derby* shall, as soon as conveniently can be done after the passing of this Act, ascertain and settle the Amount of the Costs, Charges, and Expenses of and incident to the applying for and obtaining the passing of this Act, and the Amount so ascertained and settled shall be distributed between the said Soke and Wapentake and the said Manors or Liberties, in proportion to the Amount of Lot and Cope collected in the *King's Field* within the said Soke and Wapentake and in the said Manors or Liberties respectively, during the Period of Seven Years immediately preceding the passing of this Act; and the Amount declared to be payable by the said Soke and Wapentake and Manors or Liberties respectively shall be certified by the said Clerk of the Peace by Writing signed by him to the Stewards of the said Soke and Wapentake and Manors or Liberties respectively; and the Amount so certified shall be paid accordingly by the Duchy of *Lancaster* for the said Soke and Wapentake, and by the several Persons entitled to the

the Mineral Duties within the said respective Manors or Liberties to the said Stewards respectively, to be applied by them in the Discharge of such Costs, Charges, and Expenses: Provided always, that the Amount so certified to be paid by the said Duchy of *Lancaster* for the said Soke and Wapentake shall not exceed the Sum of Seven hundred Pounds; and the Amount to be paid in respect of the Interest of the said Sir *Richard Tufton* in the said Manors or Liberties of *Eyam* and *Stoney Middleton* and *Crich* shall be paid by the Trustees of the said Will of the said *Henry* Earl of *Thanet*, and the Amount to be paid in respect of the Interest of other Persons in the said last-mentioned Manors or Liberties shall be retained and paid by the Barmasters for those Manors or Liberties respectively out of the Duties of Lot and Cope received by them respectively after the passing of this Act.

Not to extend Customs to Lands not now subject to them.

LXV. Provided always, That nothing in this Act contained shall extend the Mineral Laws, Usages, and Customs herein-before mentioned, and by this Act defined and amended, over any Lands or Hereditaments within any of the Manors or Liberties herein-before mentioned which are not now subject to Mining Customs, nor be held to subject or make liable any Lands or Hereditaments to the said Customs which are now exempt therefrom, nor to give Authority to search for Mines and Veins of Lead Ore in or upon any Lands or Hereditaments over which the Mineral Customs of the said *King's Field*, or of the said Manors or Liberties, or some of them respectively, have not heretofore extended.

Rights of Proprietors of Spar and Limestone within the Manor of Crich not to be prejudiced.

LXVI. And whereas Sir *Richard Tufton* Baronet, *Francis Hurt* Esquire, *Samuel Travis* Esquire, and several other Persons, are Proprietors of and entitled to the Spar lying under certain Lands within the Manor of *Crich* aforesaid, and the said Sir *Richard Tufton*, *Francis Hurt*, *Samuel Travis*, and several other Persons, are Proprietors of and entitled to the Limestone in and under certain Lands lying within the said Manor: It is hereby declared, That nothing contained in this Act shall prejudice or take away the Rights of the said Proprietors to the Spar and Limestone respectively lying in or under the Lands now subject to such Rights, situate within the Manor of *Crich* aforesaid.

Rights of Tithe Owners not to be prejudiced.

LXVII. That nothing in this Act contained shall in any way affect, alter, lessen, or abridge the Rights of any Person or Persons whomsoever to any Tithes which may be due or payable or liable to be rendered for or in respect of the Lead Ore to be gotten and raised within the said Soke and Wapentake, and Manors or Liberties respectively, or any of them, or any Part or Parts thereof respectively.

LXVIII. Except

Saving Rights of the Crown.

LXVIII. Except as is herein provided, nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen, Her Heirs and Successors, either in right of Her Crown or in right of Her Duchy of *Lancaster*.

The FIRST SCHEDULE referred to,

BEING A

SCHEDULE OF ARTICLES AND CUSTOMS BY THIS ACT ESTABLISHED.

1. It is lawful for all the Subjects of this Realm to search for, sink, and dig Mines or Veins of Lead Ore upon, in, or under all manner of Lands, of whose Inheritance soever they may be (Churches, Churchyards, Places for Public Worship, Burial Grounds, Dwelling Houses, Orchards, Gardens, Pleasure Grounds, and Highways excepted); but if no Vein of Ore be found, or if the Founder Meers be not freed as provided by the Eleventh Article, and the Person making Search abandon it for Fourteen Days, the Land must be levelled and made good by the Person making the Search within the Space of Twelve clear Days after the Expiration of the said Fourteen Days, or the Owner of such Land may level and make good the same, and recover the Expenses thereof from the Miner in an Action of Debt in the Small Barmote Court or in the County Court: Provided always, that nothing herein contained shall prevent or hinder the Miner from following and working his Vein, and searching for and getting Lead Ore under such excepted Places as aforesaid at a lower Depth than Fifteen Yards from the Surface; but in case by so doing he shall damage or injure any such excepted Places, or the Surface thereof, the Owner or reputed Owner and Occupier may recover from such Miner Compensation for such Damage or Injury, by Action in the County Court if the Damage shall not exceed Fifty Pounds, or otherwise by Action in the Superior Courts; but in case the Owner or reputed Owner or Occupier of such excepted Place as aforesaid apprehends that such Working is carried on at a less Depth than Fifteen Yards from the Surface, or will endanger the Security of such excepted Places, the Steward and Grand Jury shall have Power to suspend the Working of such Vein, or to direct the Working thereof, so as to prevent such Damage.

2. In all Cases the Landowner shall have Power to sell and dispose of the Calk, Feagh, Spar, and other Minerals, and Rubbish (except Lead Ore), and to remove the same from his Land so soon as the Lead Ore has been extracted from it, when and as often as he thinks proper, and when not required for the Use of the Mine, but not so as to destroy or injure any Mineral Property, without the Consent of the Barmaster and any Two Members of the Grand Jury: Provided always, that the Landowners shall have the Power of removing such Calk, Feagh, Spar, and other Minerals and Rubbish at the Expiration of Eighteen Months after the same shall have been raised, notwithstanding all the Lead Ore may not have been extracted therefrom; provided also, that the Calk, Feagh, Spar, and other Minerals and Rubbish now raised, and from which the Lead Ore has not been extracted, shall not be removed until after the Expiration of Eighteen Months from the passing of this Act.

3. The

3. The Barmaster and every Deputy Barmaster shall provide a Dish or Measure for measuring the Ore, to be adjusted as herein-after mentioned, and they shall forfeit a Sum not exceeding Two Pounds every Time they are required to measure Ore at any Mine and are unprovided with such Dish or Measure, such Penalty to be recovered and received for his own Use by the Person who shall have required the Ore to be measured, by an Action in the County Court. The Dishes or Measures for the Wapentake of Wirksworth and Manor of Crich respectively are to be adjusted in the Presence of Two of the Grand Jury, according to the Standard Brazen Dish deposited in the Moot Hall at Wirksworth, and if such Standard Brazen Dish be at any Time hereafter lost or destroyed, or become unfit for Use, then the Dishes or Measures for the said Wapentake and Manor respectively shall be adjusted in like Manner as the Dishes or Measures for the other Manors or Liberties mentioned in this Act; the Dishes or Measures for the said other Manors or Liberties shall be adjusted in the Presence of Two of the Grand Jury, and shall contain Fifteen Pints of Water.

4. The Barmaster, together with Two of the Grand Jury, shall provide the Miners a Way, either for Foot Passengers or Carts as may be required, from the Highway lying most convenient to the Mine, and also from the Mine to the nearest running Stream of Water, not being ornamental Water or a private Fishery, such Ways to be set out in as short a Course as may be practicable and reasonable, but not to enter any such excepted Places aforesaid. No Compensation is to be claimed by the Occupier or Landowner for such Ways, but such Ways are not to be considered public, and the Use thereof is to be limited to Persons and Purposes connected with the Mine. The Parties entitled to use the Way may make sufficient Ways for Use, and shall keep the same in repair; and if any such Way shall pass over any inclosed Lands, the Owner or Owners of the said Mine shall, previously to using the same, set up and make good and proper Gates or Stiles, as the Case may require, and keep such Gates or Stiles, with all proper Fastenings, in a good State of Repair, to the Satisfaction of the Barmaster; and may also use for mining Purposes the Water from the nearest running Stream, but so as not to defile the Waters of such running Stream, or to lessen the same so as to deprive Cattle of a Sufficiency of Water therefrom. If the Owner or Occupier of any Land is dissatisfied with the Mode in which any Way is set out by the Barmaster, or with the Mode in which any such Way is used by the Miner, such Owner or Occupier may apply to the Steward, and the Steward shall thereupon inquire into the Matter, and shall in a summary Way make such Orders respecting the setting out or User of the said Way as to him shall seem just, and such Way shall thereafter be set out and used in such Manner only as the said Steward shall direct.

5. Every Miner shall, so long as his Mine shall be worked, be entitled, without making any Payment for the same, to the exclusive Use of so much Surface Land as shall be thought necessary by the Barmaster and Two of the Grand Jury, and be set out by them from Time to Time for the Purpose of laying Rubbish, dressing his Ore, buddling, making Meers or Ponds, and conveying Water thereto, and any other Mining Purposes. The Miner shall in all Cases before he commences any Search or uses any Land make Fences

sufficient

sufficient for the Protection of Cattle from any Injury which might arise from his Operations, and keep the Fences so from Time to Time to be set up in sufficient Repair, if required by the Landowner or Occupier so to do: Provided always, that nothing herein contained shall entitle any Person to use any Lands for the Purpose of buddling old Hillocks which at the Time of such buddling shall be grassed over or otherwise cultivated (notwithstanding a Mine may be in workmanship), without rendering and paying to the Owner of such Lands One Thirtieth Part in Value of all such Lead Ore as shall be found and gotten in and from such old Hillocks, as and when such Lead Ore shall have been made merchantable and fit for smelting, and shall have been measured by the Barmaster, and (if required by such Landowner) before the same Lead Ore shall be removed and taken away.

6. Any Person may transfer his Interest in any Mine or Vein to any other Person by causing an Entry of such Transfer to be made by the Barmaster in the Book to be kept by him as herein-before mentioned in this Act, and such Transfer, when so entered, and not till then, shall be valid and effectual; and any Person may require the Barmaster to enter any Grant, Conveyance, Probate of Will, or other Assurance hereafter to be made relating to any Mine, in the Book to be kept by him, which Entry shall contain the Date, Names, and Descriptions of Parties, and Consideration of the Grant or other Assurance, and if a Will, the Dates and Name of the Testator, and Devisee, and Date of Probate, and Name of Court where proved, and the Name and Description of the Mine or Mineral Property described or referred to in such Document; and the Barmaster shall be required to make such Entry accordingly on having the original Document produced to him for that Purpose, and shall endorse on such Document a Certificate of the Date of such Entry, and the Page of his Book in which it is made, and sign the said Certificate, which Certificate so endorsed shall be taken and allowed as Evidence of such Entry in all Courts of Law and Equity whatsoever; and every Document so entered shall in all Questions of Title have Priority over all other Documents hereafter made or executed which are not entered in the Barmaster's Book, and such Documents as are so entered shall have Precedence over each other according to their respective Dates of Entry.

7. When Ore has been raised by any Miner, and he shall desire such Ore to be measured, the Miner shall give the Barmaster Three Days Notice of the Time he intends to measure; and if the Barmaster neglect or refuse to attend, then the Miner may employ any Two Persons, One of them being on the Grand Jury, who shall measure such Ore, and lay the Duties aside for the Use of the Persons entitled thereto.

8. No Person shall remove any Ore from the Mine unless and until the same shall have been measured by the Barmaster, or by such Two Persons as aforesaid in the event of the Non-attendance of the Barmaster, upon pain of forfeiting the full Value thereof to the Person for the Time being entitled to the Duties of Lot and Cope; and in case of Nonpayment of such Value, after Six clear Days Notice requiring the same shall have been given by the Barmaster to the Miner, or affixed in or upon some Part of the Mine or the Works thereof, the Mine at which such Ore was got shall be forfeited to the Person for

for the Time being entitled to the said Duties; and Possession thereof may be recovered by Action of Title in manner herein-after provided.

9. The Duties heretofore called the Duties of Lot and Cope are and shall be payable in the said Soke and Wapentake to the Queen and Her Successors, or to Her or their Lessee for the Time being, and in the said several Manors or Liberties, to the several Persons in this Act mentioned to be respectively entitled to the mineral Duties, and to their respective Heirs or Assigns, or the Parties entitled in remainder or reversion, or after or subject to the Estates or Interests of such Persons. The Duty called Lot is and shall be such as is herein-after mentioned; that is to say, in the said Soke and Wapentake One Thirteenth Part of all Ore raised; in the Manor or Liberty of Crich, One Ninth Part of all Ore raised; in the Manors or Liberties of Ashford, Hartington, Peak Forest, Tideswell, Stoney Middleton and Eyam, Youlgreave and Litton, One Thirteenth Part of all Ore raised. The Duty called Lot is to be set apart and taken by the Barmaster when he measures any Ore. The Duty called Cope is and shall be such as is herein-after mentioned; that is to say, in the said Soke and Wapentake the Duty called Cope is and shall be the Sum of Sixpence for every Load of Ore measured; in the Manors or Liberties of Crich and Ashford, the Duty called Cope is and shall be the Sum of Sixpence for every Load of Ore measured; in the Manors or Liberties of Hartington, Peak Forest, and Tideswell, Stoney Middleton and Eyam, Youlgreave and Litton, the Duty called Cope is and shall be Fourpence for every Load of Ore measured. Every such Load as aforesaid is to contain Nine Dishes, whereof each Dish in the said Soke and Wapentake, and in the said Manors or Liberties respectively, is to be of the Capacity provided by the Third Article with respect to the said Soke and Wapentake, and the said Manors or Liberties. The said Duties of Lot and Cope are and shall be payable in addition to the Payments mentioned in any other Article comprised in this Schedule. And if any Person shall neglect or refuse to pay the said Duty of Cope, the same may be recovered in the said Soke and Wapentake by the Barmaster, on behalf of the Queen and Her Successors, or of Her or Their Lessee for the Time being, and in the said several Manors or Liberties by the several Persons for the Time being entitled thereto, by Action of Debt in the Small Barmote Court, or by Action in the County Court.

10. If any new Vein be found by any Miner or any other Person whatsoever, the First Finder shall be entitled to Two Meers in Length of the said Vein, One Meer on each Side of the Founder to be measured and set out by the Barmaster, in the Presence of Two of the Grand Jury, on the Surface of the Ground within Six Days after Notice given to him by the Finder, and the Third Meer shall in the said Soke and Wapentake belong to the Lessee for the Time being of the Duties of Lot and Cope; and if there shall be no such Lessee, then to the Queen and Her Successors; and in the said several Manors or Liberties such Third Meer shall belong to the Person for the Time being entitled to the Mineral Duties; such Third Meer shall be measured and set out in manner aforesaid, One Half at each Extremity of the said Two Meers, and the Finder shall be entitled to each subsequent Meer, not exceeding Fifty Meers in such Vein, to the Extent he shall claim or require at the Time of setting out the First Two Meers, and such subsequent Meers shall be set out either

either wholly in One Direction in the said Vein, or partly in One Direction and partly in the other Direction in such Vein, as the Miner shall choose at the Time of setting out the said last-mentioned Meers, and the Barmaster shall enter the Particulars of the Gift in his Book; and if the Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee, then, if the Queen or Her Successors, or if any of the other Persons entitled to such Third Meer, neglect or refuse duly and reasonably to work such Third Meer, the Finder shall have the Right to purchase the said Meer at such Price as the Barmaster and any Two or more of the Grand Jury may fix and determine, or the Finder may continue and maintain his Workings through the said Meer, upon laying aside all the Ore that may be gotten therein, after deducting the Expenses of getting the same.

11. The Barmaster shall not set out any Ground under the Tenth Article until Ore shall have been raised from the Mine for which such Ground shall be required, nor until there shall have been paid to the Barmaster in the said Soke and Wapentake, and to the Person for the Time being entitled to the Mineral Duties in the said Manors or Liberties respectively, a Dish of Ore to be called the Freeing Dish, such Dish in the said Soke and Wapentake, and in the said Manors or Liberties respectively, to be of the Capacity provided by the Third Article; and the Miner shall in like Manner deliver a similar Dish of Ore for every subsequent Meer which he shall reach of the Vein in which he is working.

12. If any Miner shall remove any Ore from any Mine or Vein without having duly freed the same, as provided by the Eleventh Article, or shall commit any Trespass in the Third Meer mentioned in the Tenth Article, the Mine or Vein from which the Ore shall have been so removed, or of which the Meer in which such Trespass shall have been committed shall form a Part, shall be forfeited to the Person for the Time being entitled to the Mineral Duties, and Possession thereof may be recovered, as regards the Queen and Her Successors, or Her or their Lessees, by Action of Title in the Small Barmote Court in the Name of the Barmaster, and so far as regards any other Person, by the like Action in his own Name.

13. If any Vein shall cross another Vein, the Miner who comes to the Pee or Intersection first shall have such Pee or Intersection, and may work therein as far as he can reach with a Pick or Hack, such Pick or Hack having a Helve or Shaft Three Quarters of a Yard long, so that he stands wholly within the Cheeks of his own Vein, when he works such Pee or Intersection.

14. When Two Veins approach each other, but are parted with a Rither, and such Veins continue asunder for One Meer or further in Length without any Joint of Ore or other Mineral crossing the same (such Joint of Ore or other Mineral not being a new Vein), and the Rither during that Distance in all Parts exceeds Six Feet in Thickness, then they are to be considered and treated as Two distinct Veins so long as they so continue asunder, but whenever they meet the elder or prior Title shall take the Vein.

15. In any Dispute where the Priority of Title shall come in question, the longest continued Ownership shall prevail; but all Gifts from the Barmaster shall be considered as the Origin and Commencement of the Title, and Workmanship

manship prior to such Gift (if any) shall not avail; and in all Cases the Jury on the Trial shall decide the Fact of such Priority.

16. If any Person shall claim Title to any Mine, the Claimant may commence an Action in the Small Barmote Court, by causing a Plaint to be entered in the Book herein-before mentioned; and if any Miner shall commit a Trespass in the Mine or Vein of any other Person, the Person aggrieved may commence an Action in the Small Barmote Court, by causing a Plaint to be entered in an Action of Trespass, and may proceed to Trial in the Small Barmote Court, and shall there recover Possession of the said Mine in the Action of Title or Damages, to be assessed by the Jury, for the said Trespass; and any Person claiming a Debt against a Miner for Articles furnished to a Mine, or for Mining Purposes, or for Work or Labour in, upon, or in respect of any Mineral Property, may cause a Plaint to be entered in an Action of Debt, and shall annex the Particulars of his Debt to the Summons, and proceed to Trial in the Small Barmote Court, and shall there recover such Amount (if any) as upon Proof shall appear to be due to him; but no Evidence shall be admitted of any Items in an Action of Debt not mentioned in the Particulars annexed to the Summons.

17. No Miner or other Person shall, except as herein-after mentioned, bring more than One Action of Title to recover the same Mine: Provided always, that the Steward shall in any Case whatever, whether of Title, Trespass, or Debt, have the Power, if he shall think fit, to order a new Trial to be had, upon such Terms as he shall think reasonable, and in the meantime to stay the Proceedings.

18. Every Meer of Ground shall contain the Quantity herein-after mentioned; that is to say, in the said Soke and Wapentake, Twenty-nine Yards; in the Manor or Liberty of Ashford, Twenty-nine Yards; in the Manors or Liberties of Peak Forest, Hartington, Stoney Middleton and Eyam, Litton and Tideswell, Thirty-two Yards; in the Manor or Liberty of Crich, Twenty-nine Yards; and in the Manor or Liberty of Youlgreave, Twenty-eight Yards; and the Miner shall be entitled to take and have set out for him any Proportion of a Meer, by Payment of an Amount of Ore proportionate to the Amount payable upon freeing a whole Meer.

19. The Barmaster, if he finds any Mine neglected and not wrought, shall, if required so to do by any Person or Persons, give to the Owner or reputed Owner and the Agent, if any shall be known to him, Notice in Writing that such Mine will at the Expiration of Three Weeks from the Time of serving such Notice, if not duly and reasonably worked, be forfeited; and if at the Expiration of the said Three Weeks the Mine is not so worked, the Barmaster, in the Presence of Two or more of the Grand Jury, may give such Mine to any Person or Persons willing to work the same; provided that nothing herein contained shall authorize the Barmaster to give away such Mine if the Owner thereof be unable to work the same by being hindered by Water, or for want of Air, so long as the Owner thereof is using efficient and diligent Means to the Satisfaction of the Barmaster and Two or more of the Grand Jury to relieve such Mine.

20. The

20. The Notice required to be given by the preceding Article shall, where the Owner or reputed Owner and Agent, if any, of such Mine be known to the Barmaster, and be resident within the Jurisdiction of the Barmaster, be served personally or left at the usual or last known Place of Abode of such Owner or reputed Owner and Agent; but if such Owner or reputed Owner or Agent be not residing within the Jurisdiction of the Barmaster, it shall be sufficient to send such Notice by Post, and to prove the Delivery thereof in the same Manner as is required by the Act of Sixth and Seventh of Victoria, Chapter Eighteen, with respect to Notices of Objection therein referred to, and also to affix such Notice in manner next herein-after mentioned; and when neither the Owner nor reputed Owner nor the Agent of such Mine is known to the Barmaster, then it shall be sufficient to affix such Notice at the Place where the last preceding Great Barmote Court was held, and also upon some conspicuous Place upon or near such Mine.

21. If any Person has Shares in a Mine and refuses to join his Partners or the Owners of the other Shares in working the same, or to pay his Proportion of the Expenses of working the same for the Space of Twenty-one Days after the same has been demanded by the Party complaining or his Agent, he shall forfeit his Part and Share to his Partners, who shall be entitled to recover the same against such defaulting Owner in an Action of Title in the Small Barmote Court, and the only Evidence necessary in such Action to enable the Plaintiff to obtain Judgment shall be Proof that the Plaintiff has worked the said Mine, and the Amount of the Expenses incurred, and a Demand of Payment of Defendant's Share thereof as aforesaid (such Demand to be in Writing, and to be left at the Defendant's last known Place of Abode, if within the Jurisdiction of the Barmote Court, but if not, then by affixing the same at the Place where the last preceding Great Barmote Court was held, and also on some conspicuous Place upon or near such Mine), and the Neglect or Refusal of Defendant to pay it for the Space of Twenty-one Days after the Demand; and it shall be no Defence to such Action that the Plaintiff is Partner or Joint Owner with the Defendant in the Mine or Shares sought to be recovered.

22. If any Person be possessed of any Mine and be working the same, and any other Person claims Title thereto, such Claimant shall within the Space of Three Calendar Months next after he shall have had Notice of the same being in open Workmanship, and at all events within Six Calendar Months after the same shall have been in open Workmanship, whether he shall have had Notice or not, assert his Claim by an Action of Title in the Small Barmote Court, or else such Claim shall be barred.

23. If the Barmaster shall, in any Matter connected with the Duties of his Office, require a View to be made by the Grand Jury, or if the Plaintiff or Defendant in any Action of Title or Trespass in the Small Barmote Court, or if any Miner or other Person shall, for any Purpose, require a View to be made of the Mine or Works of any Person whomsoever, then and in each and every of such Cases a View shall be made, and the Person so requiring a View shall, when the Grand Jury are assembled, deliver to the Steward a Bill of Directions describing the Mine or particular Part or Parts of a Mine, or Ground, or Works, or other Matters or Things, which the Grand Jury are required

required to view, and stating the Question upon which their Opinion is required, but such Bill of Directions shall contain no Argument or Comment whatever, and thereupon the Steward shall openly read the said Bill of Directions to the Grand Jury, and if the same is, in the Opinion of the Steward, properly framed, deliver it to One of the Grand Jury, who shall take the same with him for the Guidance of himself and the rest of the Grand Jury in making their View; but if any Person affected by the said Proceeding object to the said Bill of Directions or to any Cross Bill delivered as herein-after mentioned as containing Matter of Argument, Assertion, or Comment, not being a Description of the Mine, Ground, or Works, or other Matters or Things to be viewed, or a Statement of the Question necessary for the Guidance of the Grand Jury in making their View, the Steward, before delivering the Bill or Cross Bill to the Grand Jury, shall in all Cases decide upon the Validity of such Objections, and if he thinks the same well founded, shall cause the Bill or Cross Bill to be altered and corrected in such Manner as the Steward shall think right; and after making such View, such of the Grand Jury as shall concur in Opinion shall in answer to such Bill and Cross Bill, if any, write their Opinion and sign it, and such of the Grand Jury as shall not concur in Opinion with any of their Fellow Jurymen shall write separate Opinions, and sign them, so that the Signature of each of the Grand Jury shall be affixed either to his own separate Opinion or to that of himself and some other or others of the said Grand Jury; and the said Bill and Cross Bill, if any, with the Opinions, shall be delivered to the Steward, who shall thereupon openly read the same in the Presence of the Grand Jury and of the Person or Persons who shall have preferred such Bill or Cross Bill; and such Bill and Cross Bill, if any, and the Opinions thereon, shall be kept by the Steward with the Documents of the Barmote Courts; but the Steward shall, if required by the Plaintiff or Defendant in the Action in which the View shall have been had, permit such Bill and Cross Bill, if any, and the Opinions thereon, or either of them, to be used by such Plaintiff or Defendant for the Purpose of Evidence on the Trial of the Action; provided always, that no Plaintiff or Defendant in any Action shall be entitled to require a View unless he shall have given Notice thereof in Writing to the Barmaster Ten Days before the Day appointed for the Trial; and the Expenses of Views shall be paid in manner herein-after mentioned; that is to say, in Cases where the Barmaster shall require such View, the Expense shall be borne by the Owner of the Mine or other Matter to be viewed, provided the Steward shall consider that such View was properly required by the Barmaster, and shall allow such Expenses; and in Cases where the View shall be required by a Plaintiff or Defendant in any Action, the Expenses of such View shall be Costs in the Cause, and abide the Event of the Action; and in all other Cases the Expenses shall be paid by the Person requiring the View, if no Cross Bill is presented, and if a Cross Bill is presented, then in equal Proportions by the Person requiring the View and the Person presenting the Cross Bill; any Person who may be affected by the Proceedings at any View may appoint a Shower to accompany the Grand Jury, and to show on his Behalf the Place to be viewed.

24. Any Person who may be affected by the Opinion of the Grand Jury on any View may, if he thinks fit, at the same View deliver a Bill of Directions

to the said Grand Jury, which Second Bill shall be called a Cross Bill of Directions, in similar Form to the Original Bill, stating the Question on which their Opinion is requested, and the Steward shall in like Manner, immediately after reading the Original Bill, read over such Cross Bill, and deliver the same to One of the Grand Jury, for the Guidance of himself and the rest of the Grand Jury.

25. When a Bill of Directions, and also a Cross Bill, shall be delivered to the Grand Jury at the same View, it shall not be requisite for them to write their Opinions until they have completed the View on the Cross Bill, unless they think proper to do so, and in no Case shall it be competent for the Grand Jury to examine any Evidence produced by either Party.

26. If any Person shall obstruct the Grand Jury in any View, the Grand Jury shall state such Fact in Writing, and return such Writing, signed by a Majority of them, together with the Bill of Directions, and Cross Bill, if any, to the Steward; and the Person so obstructing shall forfeit by way of Penalty such Sum not exceeding Twenty Pounds as the Steward shall think fit to impose; and the Steward shall have Power to impose a fresh Penalty every Day on which such Obstruction is repeated; and if any such Penalty be not paid within Seven Days after the same shall be imposed, the Steward shall issue his Warrant for levying the same. Before imposing any such Penalty, the Steward shall give to the Offender Ten clear Days Notice to show Cause, at a Time and Place to be named in such Notice, why a Penalty should not be imposed.

27. If any Person shall, by virtue of any Sough Engine or other Means, unwater or give Relief to any Mine which may be under Water, and the further working thereof thereby hindered, the Owner of any such Mine so relieved shall from Time to Time, so long as such Relief be continued, deliver to the Person giving such Relief as aforesaid such Portion of all the Ore which at any Time thereafter shall be got and raised in such Mine under the Level at which such Relief was given, as the Barmaster and Grand Jury may from Time to Time fix and determine, such Portion of the said Ore to be delivered and dressed and made merchantable by the Owner of such Mine, without any fraudulent Concealment or wilful Diminution, and to be discharged and free from all Charges in getting and dressing; and the Value of such Ore, if it shall not exceed Fifty Pounds, may be recovered in the County Court, or, if such Value shall exceed Fifty Pounds, in One of the Superior Courts at Westminster.

28. Any Person having Two or more Mines or Veins lying contiguous to each other, or connected by any Shafts, Gaits, or Ways, may, with the Consent in Writing of the Barmaster and Grand Jury, consolidate the Titles to such Veins, and an Entry shall be made in the Barmaster's Book to the Effect that the Titles to such Mines or Veins are thenceforth consolidated, and the said Mines or Veins shall from the Time of such Entry in the said Book be considered and treated as held under One and the new Title of the said Consolidated Veins; and nothing herein contained shall prejudice or affect the Right or Title of any Person to any Mine or Vein which may have been

been heretofore united to or consolidated with any other Mine or Vein; and the Possession or working of any of the Mines or Veins in such Consolidated Titles respectively shall be considered as the working of the whole thereof, and so long as any Part thereof be so worked the same shall not be liable to be operated upon by the Barmaster in pursuance of the Nineteenth Article.

29. If the Grand Jury shall be summoned to any View by any Person, not being Plaintiff or Defendant in any Action in the Small Barmote Court, for the Purpose of delivering their Opinion as to whether any other Person is working in any Mineral Ground belonging to the Person so summoning the Grand Jury, and the Majority of the Grand Jury assembled at any such View shall give it as their Opinion that such is in all probability the Case, but that for Want of Workmanship the Fact does not yet clearly appear, it shall be lawful for the Steward to require such other Person to give to the Steward Security for the Value of all Ore which may be gotten in his Workings thenceforth, until such Time as sufficient Working shall have been done to make the Truth appear; and unless Security shall be given unto and to the Satisfaction of the Steward it shall be lawful for him to direct and authorize the Barmaster to retain all Ore gotten in the Workings of such other Person so failing to give Security, until such Security shall be given, or until sufficient further Working shall have been done to enable the Grand Jury at any adjourned View to form a satisfactory Opinion; and if the Grand Jury assembled at any such adjourned View, or the Majority of those so assembled, shall state their Opinion to be that the Workings of the Person originally summoning the Grand Jury, and of such other Person, form One and the same Title, the Steward shall thereupon order the Barmaster to deliver to the Person who shall have originally summoned the Grand Jury the Ore which shall have been so retained as aforesaid, or if Security shall have been given as aforesaid, then the Person who shall have originally summoned the Grand Jury shall be entitled to the Benefit of such Security, to the Extent of the Value of the Ore which shall have been gotten by such other Person as aforesaid since the original View, and shall be entitled to use the Name of the Steward, if necessary, for enforcing such Security, and if either Party feels himself aggrieved, such Party may prosecute his Claim in the Small Barmote Court.

SECOND

The Derbyshire Mining Customs and Mineral Courts Act, 1852.

SECOND SCHEDULE,

CONTAINING

FORMS OF PROCEEDINGS.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Form of Plaint.

Plaintiff's Name.	Plaintiff's Place of Abode and Calling.	Defendant's Name.	Defendant's Place of Abode and Calling.	Nature of Action.
John Smith -	*Wirksworth* -	*Richard Davis* -	*Cromford* - -	Action of Title, Trespass, *or* Debt, *as the Case may be.*

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Summons in Title.

To *C.D.* (the Defendant).

You are hereby summoned to appear at a Small Barmote Court to be held at on the Day of at the Suit of *A.B.*, Plaintiff in an Action of Title in the said Small Barmote Court, respecting, *&c.* [*describe the Mine claimed*].

Given under the Seal of the Court, this Day of

By the Court,

E.F., Steward.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Summons in Trespass or Debt.

To *C.D.* (the Defendant).

You are hereby summoned to appear at a Small Barmote Court to be held at on the Day of in an Action of Trespass in the said Small Barmote Court, at the Suit of *A.B.* for £ Damages for a Trespass committed by you at , [*if in Debt, say,* " in an Action of Debt in the said Small Barmote Court, for the Sum of " £ (*the Sum claimed*) for Goods sold and delivered," " for Wages," *or as the Case may be*, the Particulars whereof are hereto annexed].

Given under the Seal of the Court, this Day of

By the Court,

E.F., Steward.

Form

Form of Particulars in an Action of Debt to be annexed to the Summons, or written at the Foot thereof.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of .]

A.B., Plaintiff,
and
C.D., Defendant.

Particulars of the Debt for which this Action is commenced.

1850.		£	s.	d.
January 3.	To One Barrel of Powder, 50 lbs. at 6*d.* per lb. -	1	5	0
	[*Add all other Items making up Debt.*]			
	[*If for Wages or Work done :*]			
	To driving Seven Fathoms in West Forefield [*describe Work*], at 1*l.* 5*s.* per Fathom -	8	15	0
„ 5th to 15th.	To working Nine Shifts, at 2*s.* 3*d.* per Shift -	1	0	3
„ 30th.	To Four Weeks Wages, at 12*s.* per Week -	2	8	0
„ „	To Six Days Work, Man and Horse [*or* Cart] grinding [*or* leading] *describing Work*, at 5*s.* 6*d.* per Day - - - - -	1	13	0
	£			

Above are the Particulars of Debt in this Action.

As witness my Hand.
A.B., *or*
A.B., by *E.F.* his Attorney *or* Agent.

Judgment against Defendant for Payment of Debt or Damages.

In the Small Barmote Court held at within the Soke and Wapentake of Wirksworth [*or* Liberty of] in the County of Derby, the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

After hearing this Cause it is on the Day of [*insert Day when Judgment is given*], adjudged that the said Plaintiff do recover against the said Defendant the Sum of £ for his Debt [*or* Damages by him sustained], together with the Costs of the Suit, amounting to the Sum of £

Given under the Seal of the Court, this Day of

By the Court,
E.F., Steward.

Judgment against Plaintiff.

In the Small Barmote Court held at within the Soke and Wapentake of Wirksworth [*or* Liberty of] in the County of Derby, the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is on the Day of adjudged, That Judgment do pass against the said Plaintiff, and that the said Defendant do recover against the said Plaintiff £ for the Costs incurred by the said Defendant in his Defence of this Action.

Given under the Seal of the Court, this Day of

By the Court,
E.F., Steward.

Judgment in case of Nonsuit.

In the Small Barmote Court held at within the Soke and Wapentake of Wirksworth [*or* Liberty of] in the County of Derby, the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is on the Day of adjudged, That Judgment by way of Nonsuit do pass against the said Plaintiff, and that the said Defendant do recover against the Plaintiff the Sum of £ for the Costs incurred by the said Defendant in his Defence of this Action.

Given under the Seal of the Court, this Day of

By the Court,
E.F., Steward.

Judgment for Recovery of Possession.

In the Small Barmote Court held at within the Soke and Wapentake of Wirksworth [*or* Liberty of] in the County of Derby.

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

After the Hearing of this Cause, it is, on the Day of adjudged, That the said Plaintiff do recover against the said Defendant Possession of a certain Mine at together with the Costs of the Suit, amounting to the Sum of £

Given under the Seal of the Court, this Day of

By the Court,
E.F., Steward.

Execution

Execution against the Goods of Defendant.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas at a Small Barmote Court duly holden at within the Jurisdiction of the said Court, before the Steward of the said Court, the said Plaintiff, by the Judgment of the said Court, on the Day of recovered against the said Defendant the Sum of £ for a certain Debt before that Time due and owing to the said Plaintiff [*or* for certain Damages by him sustained, *or* Possession of a certain Mine situate, *&c.*], together with the Sum of £ for Costs of the Suit by the said Plaintiff in that Behalf expended: And whereas Three Days have elapsed since the Day on which such Judgment was given: And whereas the Sum of £ *or* the Sum of £ being Part of the said Sum of £ has not been paid to the said Plaintiff: These are therefore to require and order you forthwith to make and levy the said Sum of £ together with the lawful Fees and Expenses allowed by the "Derbyshire Mining Customs and Mineral Courts Act, 1852," by Distress and Sale of the Mineral Property of the said Defendant, wheresoever it may be found within the Jurisdiction of this Court.

Given under the Seal of the Court, this Day of .

To the Barmaster of the Soke and Wapentake of Wirksworth [*or* Liberty of].

By the Court,
E.F., Steward.

Execution against the Goods of Plaintiff.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas at a Small Barmote Court duly holden at within the Jurisdiction of the said Court, the said Defendant on the Day of by the Judgment of the said Court, recovered against the said Plaintiff £ for his Costs of Defence of an Action of Title, Trespass, *or* Debt: And whereas Three Days have elapsed since the Day on which such Judgment was given: And whereas the said Sum of £ has not been paid to the said Defendant: You are therefore required to make and levy the said Sum of £ , together with the lawful Fees and Expenses allowed by the "Derbyshire Mining Customs and Mineral Courts Act, 1852," by Distress and Sale of the Mineral Property of the said Plaintiff,

Form for imposing any Penalty which may be imposed under the Act.

I, Steward of the Barmote Courts for the Soke and Wapentake of Wirksworth [*or* Liberty of], do hereby, by virtue of the "Derbyshire Mining Customs and Mineral Courts Act, 1852," impose on *C.D.* the Sum of £ as a Penalty for an Offence by him committed against the said Act, and I order him to pay the said Sum to on or before the Day of in the Year of our Lord 185 .

Given under the Seal of the Court, this Day of 185 .

E.F., Steward.

Warrant to levy any Penalty or Sum of Money that may be imposed or ordered to be paid under the Act.

Whereas on the Day of a certain Sum of £ was ordered to be paid by *A.B.* to *C.D.* by the Steward of the Barmote Courts for the Soke and Wapentake of Wirksworth [*or* Liberty of] *or* a certain Penalty of £ was imposed upon *A.B.* by the Steward of the Barmote Courts for the Soke and Wapentake of Wirksworth [*or* Liberty of], for an Offence against the "Derbyshire Mining Customs and Mineral Courts Act, 1852," and such Sum of £ *or* Penalty was ordered to be paid to on or before the Day of and the same has not been paid.

You are therefore required to levy on the Mineral Property of the said *A.B.* within the Jurisdiction of the said Barmote Court the said Sum of £ *or* Penalty of £ together with the lawful Fees and Expenses allowed by the "Derbyshire Mining Customs and Mineral Courts Act, 1852."

Given under the Seal of the Court, this Day of in the Year 185 .

To the Barmaster of the Soke and Wapentake of Wirksworth [*or* Liberty of].

E.F., Steward.

Barmaster's Return of Execution of any Warrant.

I *A.B.*, Barmaster of the Soke and Wapentake of Wirksworth [*or* Liberty of], in obedience to the within-written Warrant, and by Authority of the same, did on the Day of 185 execute the same [by delivering to the Plaintiff within named Possession of, *&c.*] *or* [by levying the Sum of £ within mentioned, together with £ the Fees and Expenses allowed for the Execution thereof, by Sale of, *&c.*], and the said Sum of £ has been applied by me in discharging the Fees and Expenses of the said Levy, and the said Sum of £ has been paid by me to

As witness my Hand, this Day of 185 .

Return

Return that Barmaster has been unable to execute any Warrant.

I *A.B.*, Barmaster of the Soke and Wapentake of Wirksworth [*or* Liberty of], do make this Return to the Steward of the Soke and Wapentake of Wirksworth [*or* Liberty of] Barmote Court within mentioned, and declare, that I have not yet been able to execute the within Warrant by reason that the within-named Defendant hath no Mineral Property within the Jurisdiction of this Court, *or, if Part only has been levied,* that I have levied the Sum of £ and no more, by Sale of the Mineral Property of the within-named Plaintiff *or* Defendant, and he hath no Mineral Property within the Jurisdiction whereof I can levy any Part of the Residue.
As witness my Hand, this Day of 185 .

Subpœna.

A.B., Steward of the Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of], to greeting. You and every of you are hereby required personally to attend at the Small Barmote Court to be holden at on the Day of next by of the Clock in the Forenoon of the same Day [*if the Witness is required to bring with him any Documents, describe them here,*] to testify the Truth according to your Knowledge in a certain Action in the Barmote Court now depending between Plaintiff and Defendant in an Action of [Title, Trespass, *or* Debt, *as the Case may be,*] at the said Court to be tried. Should you fail herein you will be liable to be proceeded against in like Manner as for Disobedience to a Subpœna issuing out of the Court of Queen's Bench at Westminster.

Given under the Seal of the Court, this Day of in the Year 185 .

E.F., Steward.

Order to adjourn Proceedings either in the Great or Small Barmote Court, or before the Steward.

It is ordered, that the Proceedings in this Matter [*whatever it may be, stating it*] be adjourned until [*add, if necessary,* and that do pay to Costs, *or other the Terms, if any, upon which the Adjournment is made*].

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
E.F., Steward.

Order

Order to stay Proceedings.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is ordered, that all further Proceedings in this Action be stayed.

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
E.F., Steward.

Order for a New Trial.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of] held at the Day of

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

It is ordered, That the Judgment in this Case, and all subsequent Proceedings thereon, be set aside, and a new Trial had between the Parties [*here state the Terms and Conditions, if any, of such new Trial*].

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
E.F., Steward.

Summons on Interpleader.

In the Small Barmote Court for the Soke and Wapentake of Wirksworth [*or* Liberty of].

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas *E.F.* of hath made a Claim to certain Mineral Property which has been seized and taken in execution under and by virtue of Process issuing out of this Court in this Action: You are therefore hereby summoned and required to be and appear before the Steward of the said Court at on the Day of at the Hour of when the said Claim will be adjudicated upon, and such Order made thereupon as to the Steward shall seem fit.

Given under the Seal of the Court, this Day of in the Year 185 .

By the Court,
G.H., Steward.

Note.—This Summons is to be served upon the Party claiming the Property seized, and upon the Plaintiff or Defendant in the Action, according as the Execution may have been issued on behalf of Plaintiff or Defendant. If the Execution has been issued to levy a Penalty, this Form must be altered to suit the Circumstances, and the Summons must in that Case be served upon the Party owing the Penalty and the Claimant.

THIRD SCHEDULE,

BEING

LIST OF FEES TO BE ALLOWED ON TAXATION UNDER THIS ACT.

To the Steward.

	£	s.	d.
For attending View by Grand Jury - - -	1	1	0
For entering every Plaint, issuing every Summons or Subpœna -	0	2	6
For swearing every Witness in a Cause - - -	0	1	0
For every Warrant to deliver Possession, or to levy any Debt or Damages, or Money or Costs, or Penalty - - -	0	2	6
For a certified Copy of any Proceeding in the Great or Small Barmote Court - - - - -	0	5	0
For Copy of any Entry or Accounts - - - -	0	0	6
For any Search amongst or Examination of the Documents in the Custody of the Steward - - - -	0	1	0
Mileage 1*s.* a Mile from his Place of Residence to the Place where the Court is held, such Mileage in no Case to exceed 1*l.*			

To Attornies.

For attending every Witness examined in Court, and taking down his Evidence - - - - - -	0	6	8
Drawing Brief, 6*s.* 8*d.* per Sheet.			
Making fair Copy thereof. (Half Charge allowed for Drawing.)			
For attending Court on the Trial, and conducting same - -	2	2	0
And also Mileage, 1*s.* per Mile from his Place of Residence to the Place where the Court is held, such Mileage in no Case to exceed 1*l.*			
For every Copy of Subpœna - - - - -	0	1	0
If duces tecum, 6*d.* additional.			
For attending to serve every Witness with Subpœna - -	0	2	6
And 1*s.* per Mile from Attorney's Residence, if Witness resides within the County of Derby, such Mileage in no Case to exceed 1*l.*; if in any other Place, the Sum paid to any Agent employed to serve same, provided such Sum be approved and allowed by the Steward.			
Such Fees to Counsel as the Steward shall think reasonable, and allow on Taxation.			