

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.

Changes to legislation:

There are currently no known outstanding effects for the Derbyshire Mining Customs and Mineral Courts Act 1852, Paragraph 1.