

SCHEDULES

FIRST SCHEDULE REFERRED TO; U.K.

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 or 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, and the Person making Search discontinues it for Fourteen Days, the Land must be levelled and made good by the Person making the Search within the Space of Six 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; 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 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.
- 3 The Barmaster and every Deputy Barmaster shall provide a Dish or Measure which shall contain Fifteen Pints of Water, and be adjusted in the Presence of Two of the Grand Jury, for measuring the Ore, and they shall forfeit the Sum of Two Pounds every Time they are required to measure Ore of any Mine and are unprovided with such Dish or Measure, such Penalty of Two Pounds 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.
- 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 nearest Highway to the Mine, and also from the Mine to the nearest running Stream, Spring, or natural Pond of Water, such Ways to be set out in as short a Course as may be practicable and reasonable. 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

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- Use thereof is to be limited to Persons and Purposes connected with the Mine, and all Rights of Way are to cease when the Mine shall be no longer worked. The Parties entitled to use the Way may make sufficient Ways for Use, and keep the same in repair, and may also use for Mining Purposes the Water from the nearest running Stream, Spring, or natural Pond.
- 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, for the Purpose of laying Rubbish, dressing his Ore, briddling, 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 for the Protection of Cattle from any Injury which might arise from his Operations, and keep such Fences in sufficient Repair.
- 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 mentioned in the Fourteenth Section, and such Transfer, when so entered, shall be valid and effectual.
- 7 When Ore has been raised by any Miner, and he shall desire such Ore to be measured, the Miner shall give the Barmaster Twenty-four Hours 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 Lessee for the Time being of the Duties of Lot and Cope, and if there shall be no such Lessee, for the Use of Her Majesty and Her Successors.
- 8 No Person shall sell any Ore, or 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 Lessee of the Duties of Lot and Cope, or if there shall be no such Lessee, then to Her Majesty or Her Successors; 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 Lessee of the said Duties, and if there shall be no such Lessee, then to Her Majesty and Her Successors; and Possession thereof may be recovered in Manner herein-after provided.
- 9 The Duties heretofore called the Duties of Lot and Cope are and shall be payable to Her Majesty and Her Successors, or to Her or Their Lessee for the Time being. The Duty called Lot is and shall be One Thirteenth Part of all Ore raised within the Jurisdiction of the Barmote Courts as hereby declared and established, such Thirteenth Part to be set apart and taken by the Barmaster when he measures any Ore; and the Duty called Cope is and shall be the Sum of Fourpence for every Load of Ore measured at any Mine within the Jurisdiction aforesaid, the Measure of such Load being Nine Dishes of Ore, whereof each Dish shall be of Capacity sufficient to hold Fifteen Pints of Water. 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 by the Barmaster, on behalf of Her Majesty and Her Successors, or of Her or Their Lessee for the Time being, by Action of Debt in the Small Barmote Court, or by Action in the County Court.

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Modifications etc. (not altering text)

- C1** Reference to fourpence to be read as referring to equivalent amount in new currency: [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

- 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 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 Her Majesty and Her Successors, to be set out in like Manner at either Extremity of the said Two Meers at the Option of the Barmaster; and the Finder shall be entitled to each subsequent Meer in such Vein, each Way, to the Extent he shall claim or require at the Time of freeing. The Founder, 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 Her Majesty or Her Successors, neglect or refuse duly and reasonably to work the Meer so set out to such Lessee or Her Majesty or Her Successors as aforesaid, the Finder shall have the Right to purchase the said Meer at such Price as the Steward and Grand Jury may fix and determine, or the Finder may continue and maintain his Workings through the said Meer, upon laying aside for the Use of the Lessee or Her Majesty, as the Case may be, 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 Lessee for the Time being of the Duties of Lot and Cope, or if there shall be no such Lessee, to Her Majesty and Her Successors, the first customary Payment due to him, her, or them, such first customary Payment being so much Ore as shall be sufficient to fill the Dish or Measure mentioned in the Third Article, and being called the Freeing Dish; and the Miner shall pay to the Lessee for the Time being of the said Duties, and if there be no such Lessee, to Her Majesty and Her Successors, a similar Dish of Ore for every third and subsequent Meer which he shall reach of the Vein in which he is working.
- 12 If any Miner shall work any Mine or Vein without having duly freed the same as provided by the Eleventh Article, or shall commit any Trespass in any Meer belonging to the Lessee of the Duties of Lot and Cope, or to Her Majesty and Her Successors, the Mine or Vein which shall have been so worked without having been freed, or the Mine or Vein of which the Meer in which such Trespass shall have been committed shall form a Part, shall be forfeited to the Lessee of the Duties of Lot and Cope, and if there shall be no such Lessee, then to Her Majesty and Her Successors, and Possession thereof may be recovered on behalf of such Lessee or of Her Majesty and Her Successors, as the Case may be, by Action of Title in the Small Barmote Court in the Name of the Barmaster.
- 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.

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- 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 Three 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 again 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 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 mentioned in the Fifth Section; 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, and a Nonsuit shall be deemed of the same Effect as a Judgment for the Defendant; but in Actions of Trespass or Debt the Plaintiff, if nonsuited, shall be allowed to commence a fresh Action: 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 Thirty-two Yards in Length; and the Miner shall be entitled to take and have set out for him any Proportion of a Meer, upon freeing the same, 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 or Vein neglected and not wrought, and not hindered by Water or for Want of Air, shall, if required so to do by any Person or Persons, send to the Owner or reputed Owner, where known to him, and if not known to him, then put up in some conspicuous Place within the Liberty in which the Mine or Vein is situate, a Notice that such Mine or Vein will, at the Expiration of Three Weeks, if not duly and reasonably worked to the Satisfaction of the Barmaster and Grand Jury, and no other sufficient Reason assigned to them, be forfeited; and if at the Expiration of the said Three Weeks the Mine or Vein is not so worked, the Barmaster, in the Presence of Two of the Grand Jury, may give such Mine or Vein to any Person or Persons willing to work the same; provided that nothing herein contained shall authorize the Barmaster to give away such Mine or Vein if the Owner thereof be unable to work the same by reason of such Mine or Vein being under Water, or for Want of Air, so long as the Owner thereof is using efficient and

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diligent Means to the Satisfaction of the Barmaster and Grand Jury to relieve such Mine or Vein.

- 20 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 Six 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, and the Neglect or Refusal of Defendant to pay it for the Space of Six 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.
- 21 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.
- 22 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 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

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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 Six clear Days at the least 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.

- 23 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 to take to the Mine or Ground for the Guidance of himself and the rest of the Grand Jury.
- 24 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.
- 25 If any Person shall obstruct the Grand Jury in viewing any Mine or Works, the Grand Jury shall state such Fact in Writing, and return such Writing signed by any One or more 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 Three 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 Seven clear Days Notice to show Cause, at a Time and Place situate within the Hundred of the High Peak, to be named in such Notice, why a Penalty should not be imposed.
- 26 If any Person shall, by virtue of any Sough Engine or other Means, unwater or give Relief to any Mine or Vein which may be under Water and the further working thereof be 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 Part and Portion of all the Ore which at any Time thereafter shall be got and raised in such Mine or Vein under the Level at which such Relief was given, as the Barmaster and Grand Jury may from Time to Time fix and determine; such Part and Portion of the said Ore to be delivered and dressed and made

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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, shall be recoverable in the County Court, or, if such Value shall exceed Fifty Pounds, in One of the Superior Courts [^{F1}at the Royal Courts of Justice].

Textual Amendments

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

- 27 Any Person having Two or more Veins lying contiguous to each other, or connected by any Shafts, Gaits, or Ways, may, with the Consent in Writing of the Barmaster or 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 Veins are thenceforth consolidated, and the said 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 heretofore united to or consolidated with any other Mine or Vein, and that 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.
- 28 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 Persons 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.

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