



Derbyshire Mining Customs and Mineral Courts Act 1852

CHAPTER clxiii

DERBYSHIRE MINING CUSTOMS AND MINERAL COURTS ACT 1852

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The FIRST — being a SCHEDULE OF ARTICLES AND CUSTOMS BY THIS
SCHEDULE referred ACT ESTABLISHED

to,

- 1 It is lawful for all the Subjects of this Realm...
- 2 In all Cases the Landowner shall have Power to sell...
- 3 The Barmaster and every Deputy Barmaster shall provide a Dish...
- 4 The Barmaster, together with Two of the Grand Jury, shall...
- 5 Every Miner shall, so long as his Mine shall be...
- 6 Any Person may transfer his Interest in any Mine or...
- 7 When Ore has been raised by any Miner, and he...
- 8 No Person shall remove any Ore from the Mine unless...
- 9 The Duties heretofore called the Duties of Lot and Cope...
- 10 If any new Vein be found by any Miner or...
- 11 The Barmaster shall not set out any Ground under the...
- 12 If any Miner shall remove any Ore from any Mine...
- 13 If any Vein shall cross another Vein, the Miner who...
- 14 When Two Veins approach each other, but are parted with...
- 15 In any Dispute where the Priority of Title shall come...
- 16 If any Person shall claim Title to any Mine, the...
- 17 No Miner or other Person shall, except as herein-after mentioned,...
- 18 Every Meer of Ground shall contain the Quantity herein-after
mentioned:...
- 19 The Barmaster, if he finds any Mine neglected and not...
- 20 The Notice required to be given by the preceding Article...
- 21 If any Person has Shares in a Mine and refuses...
- 22 If any Person be possessed of any Mine and be...
- 23 If the Barmaster shall, in any Matter connected with the...
- 24 Any Person who may be affected by the Opinion of...
- 25 When a Bill of Directions, and also a Cross Bill,...
- 26 If any Person shall obstruct the Grand Jury in any...
- 27 If any Person shall, by virtue of any Sough Engine...
- 28 Any person having Two or more Mines or Veins lying...
- 29 If the Grand Jury shall be summoned to any View...

SECOND — containing FORMS OF PROCEEDINGS
SCHEDULE,

In the Small Barmote Court for the Soke and Wapentake...

Form of Plaint.

In the Small Barmote Court for the Soke and Wapentake...

Summons in Title.

To C.D. (the Defendant).

You are hereby summoned to appear at a Small Barmote...

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...

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Summons in Trespass or Debt.

To C.D. (the Defendant).
 You are hereby summoned to appear at a Small Barmote...
 Given under the Seal of the Court, this Day of...
 By the Court,
 E.F., Steward.

*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...
 A.B., Plaintiff,
 and
 C.D., Defendant.
 Particulars of the Debt for which this Action is commenced...
 Above are the Particulars of Debt in this Action.
 As witness my Hand.
 A.B., or
 A.B., by E.F. his solicitor
 or Agent.

Judgment against Defendant for Payment of Debt or Damages.

In the Small Barmote Court held at within the Soke...
 Between A.B., Plaintiff,
 and
 C.D., Defendant.
 After hearing this Cause it is on the Day 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...
 Between A.B., Plaintiff,
 and
 C.D., Defendant.
 It is on the Day of adjudged, That Judgment do...
 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...
 Between A.B., Plaintiff,
 and
 C.D., Defendant.
 It is on the Day of adjudged, That Judgment by...
 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...
Between A.B., Plaintiff,
and
C.D., Defendant.
After the Hearing of this Cause, it is, on the...
Given under the Seal of the Court, this Day of...
By the Court,
E.F., Steward.

Execution against the Goods of Defendant.

In the Small Barmote Court for the Soke and Wapentake...
Between A.B., Plaintiff,
and
C.D., Defendant.
Whereas at a Small Barmote Court duly holden at within...
Given under the Seal of the Court, this Day of...
To the Barmaster of the Soke and Wapentake of Wirksworth...

Execution against the Goods of Plaintiff.

In the Small Barmote Court for the Soke and Wapentake...
Between A.B., Plaintiff,
and
C.D., Defendant.
Whereas at a Small Barmote Court duly holden at within...
Given under the Seal of the Court, this Day of...
To the Barmaster of the Soke and Wapentake of Wirksworth...

Warrant for Recovery of Possession.

In the Small Barmote Court for the Soke and Wapentake...
Between A.B., Plaintiff,
and
C.D., Defendant.
Whereas after the Hearing of this Cause it was, on...
Given under the Seal of the Court, this Day of...
To the Barmaster of the Soke and Wapentake of Wirksworth...

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

You are hereby required to attend the Great Barmote Court...
Dated this Day of 185 .
A.B., Barmaster, or
To C.D. Deputy Barmaster.

Summons to Jurors to attend Small Barmote Court.

You are hereby required to attend the Small Barmote Court...
Dated this Day of 185 .
A.B. Barmaster, or
To C.D., [add Residence] Deputy Barmaster.

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Bill of Directions on a View.

To the Grand Jury for the Barmote Courts, met at...
 You are desired by C.D. [Party calling the Jury] to view,...
 If the Grand Jury are required to dial the Mine,...

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

We, the Grand Jury, [where all agree in Opinion, or We...
 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...
 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...
 Given under the Seal of the Court, this Day of...
 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...
 Given under the Seal of the Court, this Day of...
 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...
 You are therefore required to levy on the Mineral Property...
 Given under the Seal of the Court, this Day of...
 To the Barmaster of the Soke and Wapentake of Wirksworth...

Barmaster's Return of Execution of any Warrant.

IA.B., Barmaster of the Soke and Wapentake of Wirksworth [or Liberty
 of...
 As witness my Hand, this Day of 185 .

Return that Barmaster has been unable to execute any Warrant.

IA.B., Barmaster of the Soke and Wapentake of Wirksworth [or Liberty
 of...
 As witness my Hand, this Day of 185 ,

Subpoena.

A.B., Steward of the Barmote Court for the Soke and Wapentake...
 Given under the Seal of the Court, this Day of...
 E.F., Steward.

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

It is ordered, that the Proceedings in this Matter [whatever...
Given under the Seal of the Court, this Day of...
By the Court,
E.F.,Steward.

Order to stay Proceedings.

In the Small Barmote Court for the Soke and Wapentake...
BetweenA.B.,Plaintiff,
and
C.D.,Defendant.
It is ordered, that all further Proceedings in this Action...
Given under the Seal of the Court, this Day of...
By the Court,
E.F.,Steward.

Order for a New Trial.

In the Small Barmote Court for the Soke and Wapentake...
BetweenA.B.,Plaintiff,
and
C.D.,Defendant.
It is ordered, That the Judgment in this Case, and...
Given under the Seal of the Court, this Day of...
By the Court,
E.F.,Steward.

Summons on Interpleader.

In the Small Barmote Court for the Soke and Wapentake...
BetweenA.B.,Plaintiff,
and
C.D.,Defendant.
WhereasE.F. of hath made a Claim to certain Mineral Property...
Given under the Seal of the Court, this Day of...
By the Court,
G.H.,Steward.
Note.—This Summons is to be served upon the Party claiming...

THIRD SCHEDULE, — being LIST OF FEES TO BE ALLOWED ON TAXATION UNDER THIS ACT

To the Steward.

To

Solicitors

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

Deputy Barmasters.

To Grand Jury.

FOURTH SCHEDULE —

Fees allowed to the Barmaster and Deputy Barmasters; such Fees to be a Debt...

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