

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Derbyshire Mining Customs and Mineral Courts Act 1852, SECOND SCHEDULE.. (See end of Document for details)

SECOND SCHEDULE,

CONTAINING FORMS OF PROCEEDINGS

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

Form of Complaint.

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

Summons in Title.

ToC.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 ofA.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.

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

Modifications etc. (not altering text)

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

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

A.B.,Plaintiff,

and

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C.D.,Defendant.

Particulars of the Debt for which this Action is commenced.

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

Above are the Particulars of Debt in this Action.

As witness my Hand.

A.B., *or*A.B.,by.E .F. his [^{F1}solicitor]**Textual Amendments**F1 Word substituted by virtue of [Solicitors Act 1974 \(c. 47\), s. 89\(6\)](#)*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 .

BetweenA.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£ .

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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.

Status: Point in time view as at 01/02/1991.

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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 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*By the Court, Liberty of]. *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, wheresoever it may be found within the Jurisdiction of this Court.

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

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

To *C.D.* Deputy Barmaster.

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*

To *C.D.*, [*add Residence*] Deputy Barmaster.

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 .

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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] 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] 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.

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*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 E.F., Steward Liberty of*].

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 ,

Subpoena.

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 Subpoena issuing out of the [^{F2}High Court].

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Textual Amendments

F2 Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), ss. 18\(2\), 224\(1\)](#)

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 of 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 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 .

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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.

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