



Derbyshire Mining Customs and Mineral Courts Act 1852

1852 CHAPTER clxiii 16 and 17 Vict

VIII Provision for Appointment of Steward in case of Disability.

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, [^{F1}person of unsound mind], 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, [^{F1}person of unsound mind], or Person *non compos mentis*; and if 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 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.

Textual Amendments

F1 Words substituted by virtue of [Mental Treatment Act 1930 \(c. 23\), s. 20\(5\)](#)

Changes to legislation:

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