

THE FIRST INTERNATIONAL MINING LAW HISTORY CONFERENCE

MATLOCK BATH- 28/29 MAY 1988

OPENING ADDRESS BY THE CHAIRMAN - DR. J.H. RIEUWERTS

May I welcome all of you to this truly historic occasion. We particularly extend a warm welcome to our guests from overseas. They have travelled from as far as the United States and Germany and we shall be hearing from some of them during the course of the day. We also welcome guests from other mining districts of Great Britain.

The programme is slightly incorrect. I am listed to talk about the Derbyshire Law and Customs. Hopefully, most of you will have purchased copies of the Commemorative Booklet - shame on you if you haven't! - and I see little point in repetition. I would like to spend ten or fifteen minutes in setting the scene for the next couple of days.

Firstly, I would like to say a few words on how this celebration has been organised. Way back in October 1984 I suggested to the Barmote Court that we ought to celebrate this occasion. As a result a sub-committee was established which was originally confined to officers and members of the Great Barmote Court, but after one initial meeting it was expanded to include other interested organisations such as P.D.M.H.S., Derbyshire Museum Service, Peak Park Planning Board and Wirksworth Civic Trust. Amazingly, no fewer than 28 people have been associated with this committee and attended meetings at some time, the usual attendance being about 12 to 14.

The Barmote Court was held at Wirksworth on April 20th 1988 and was very successful, the principal guest being Mr. Gavin Moncrieff, President of the Institute of Mining and Metallurgy. The body of the Moot Hall was very crowded, people were standing in the aisles and indeed some on the steps outside. One sad facet was that our foreman, Harold Buckley, could not attend due to ill-health, the first Court he had missed for many, many years.

Earlier in the day there had been a traditional mine 'nicking' at Gorseysdale Mine on Bonsall Moor. Again there was a particularly large attendance including press and local radio.

The whole week saw great festivities in Wirksworth culminating in a parade through the town on the Saturday after the Court. Talks on mining had been given and a 'resident lead miner', Brian Woodall, had been in attendance throughout the week, much interest being shown in his demonstrations.

On the 20th May the Society was honoured by a visit to the Mining Museum by Her Royal Highness, the Princess Royal. Her visit was very successful and she spent about 40 minutes talking to various senior members of the Society and Museum staff, as well as meeting the Steward of the Barmote Court, the Barmaster and some Jurymen.

It would be unfair to single out individuals for praise, but the efforts of all those who have contributed to the celebrations on April 20th, to the Royal Visit and to the Mining Law History Symposium should be acknowledged. Some individuals and also groups have devoted a great deal of time and energy to these events.

A few words about Derbyshire Lead Mining are desirable before introducing the first speaker. We do not know when the Barmote Courts were established. The Court of the Bargmaster can be traced back to 1288 - 700 years ago - even at that date they were of such antiquity that "memory of man runneth not to the contrary". If we think along these lines for the moment, - what are we saying? We are saying that in 1288 no one then alive had any knowledge of when the customs and court were originally established. That must take us further back 100 years - maybe 200 years, we are therefore back to the Normans. Personally I cannot conceive that words such as Barmaster (Bargmeister), Barmoot, grove, meer and others originated in the Norman Conquest of this country, and they must surely be Anglo-Saxon in origin.

What I am saying is that today we are celebrating a specific occasion 700 years ago, but the circumstances making it possible, i.e. the court and its customs, were probably established over 1,000 years ago.

Mr. Sherwood from the U.S.A. who will be speaking to us later in the day, has raised some interesting points in correspondence relating to the Apex Law and Extra Lateral Rights and

their possible connections with Derbyshire. Without pre-empting his lecture maybe I can summarise his questions and discuss them in short form.

Apparently the principle of the system is the basic concept that the finder of a vein acquired from the U.S. Government a surface area of ground equalling 1500 feet along the strike and 300 feet each side of the vein, but the vein could be followed down dip to an unspecified depth even if such subsequent working at depth lay outside the surface boundary. The vein could not be followed more than 1500 feet along the strike.

Mr. Sherwood has asked, how does this concept equate to Derbyshire?

1. The finder of a new vein in Derbyshire was given two founder meers in the vein, a distance varying from 34 feet to 96 feet. This was a linear measurement only; it did not limit the width of working, and the miner could work to any depth his resources would allow. The next following meer belonged to the Lord, the owner or lessee of the mineral duties; thereafter it was expected that miners or groups of miners would each take a meer of ground as "takers" beyond the founders and Lord's meers.

2. The early laws and customs do not differentiate between rake or vein neither do they differentiate between vertical and hading veins. (Most veins are close to vertical anyway). In fact only in 1665 do the laws and customs make distinction between linear measurements along a vein and pipe, and square measurement in a flat work (14 yds x 14 yds).

3. I have never seen a 14yd grant in a flat work in a Barmaster's Book. (When asked, Lynn Willies had not seen such a grant either). There are peculiarities: for example, the surface range of a portion of Lathkilldale Vein runs along the boundary between Upper Haddon in the Kingsfield, but the hade of the vein takes it beneath the river into Hartington and the Granges Liberty. This necessitated two runs of possession stows being set in 1829, one in each liberty.

4. Another peculiarity occurred about 1705 at Sticking or Stitching Vein, situated in Middleton Wood on the South Side of the Via Gellia Valley. The course of a vein, in passing through lava or toadstone was usually found to be offset beneath the toadstone bed due to differing fracture patterns in that rock and the limestone. This led to disputes whether the vein beneath the toadstone was the same as that above. To prevent disputes, at Sticking Vein two separate runs of stows were set for two veins, but which were in reality only one vein.

Most of the foregoing, in my view, equates to the Apex Law of the United States. The laws and customs do not make reference to the hade or inclination of vein, certainly the Quarter Cord 7 1/2 yards in width granted on each side of a vein related only to the deposition of rubbish, and had no relevance to possession of the vein or any of its branches.

I hope, ladies and gentlemen, that you enjoy your stay with us here in Derbyshire and that the next three days will prove interesting and useful. At this stage I would prefer not to answer questions as time is already pressing, but obviously there will be ample time during the days ahead to talk about and hopefully answer questions.