REPORT

The Derbyshire Mineral Laws

The legal system governing lead-mining in the Peak District was formalized by the Derbyshire Mineral Customs and Courts Acts of Parliament, 1851 and 1852, based on Thomas Tapping's Treatise of 1854. However there are still some misconceptions and some background information is necessary.

The Derbyshire Peak District or South Pennines Mineral Field is some 40 km north-south by 15 km east-west. It contains over 2000 named mineral deposits; most are vertical fissure veins. Units of length along the veins are Meers: the square meer mentioned by Tapping is only used for the few strata-controlled deposits lying roughly parallel to the ground surface. Meers vary in length across the mineral field from 27 to 32 yards (*ie* about 25 to 30 metres) in different Liberties. A meer is said to be based on the length of vein a miner could defend by throwing his pick in either direction, from which one can deduce that the 32-yard miners had either stronger arms or lighter picks.

The mineral field is divided into 14 Liberties, most of which correspond to a Church Parish, i.e. an area of 4 or 5 square miles. Liberties may contain as many as a hundred mineral veins. Many of the Liberties were long ago grouped into the Hundred of the High Peak (the northern part of the field) and the Wapentake of Wirksworth (generally known as the Low Peak). A Hundred is a division of a County said to be based on the land that could support a hundred families; a Wapentake is also a division of a county, said to be a corruption of Weapon Take). Together the High and Low Peak are the King's Field. For some three centuries this was "farmed" (i.e. leased) by the Duke of Devonshire from the Duke of Lancaster, i.e. the King or Queen of the time (the present Queen Elizabeth II is Duke of Lancaster), but the lease has now reverted to the Duchy of Lancaster. There are also several private Liberties, some held by the Dukes of Devonshire and Rutland. Each of the private liberties operates under its own mineral laws and some hold their own Barmote Court.

Worked mineral veins on the flank of Cressbrook Dale.

The Duchy of Lancaster's Barmote Court still meets once a year, normally on the third Wednesday in April, and I have had the honour of having been a juryman for the last 30 years. There is rarely any business except that the Barmaster reports the moneys received in lieu of lead ore from the mineral operators who still produce fluorspar (fluorite), barite and calcite, as they have to separate the galena in refining their product. The only private Barmote Court that still meets regularly is that held for the Duke of Devonshire at Chatsworth House usually in October. Apart from the formalities of swearing in a jury, the courts are generally social occasions for the Duke's agents, the mineral operators and appropriate guests.

Mineral Laws of 1851 and 1852 apply only to lead ore. The veins also contain varying amounts of fluorspar, barite and calcite, which come under English Common Law, mined either by the landowner or by an operator having an agreement with him. So a mineral operator working a vein with both galena and fluorspar has to operate under two different legal systems with payments due to two different mineral rights owners. If limestone aggregate is also recovered as a by-product of working the vein, then this may belong to yet another mineral owner. Hitherto the arrangement has worked amicably.

An added factor today is that much of the mineral field is within the Peak District National Park, where the Park Authority has planning control. The Authority's current planning policies are very restrictive over most types of mineral extraction. However, the working of fluorspar deposits contained in veins and replacement flats in the limestone is still permitted under certain circumstances. In recent years, an undesirable aspect has been that mineral veins could only be worked economically by bulk mining from surface sites, the largest of which lie in sensitive landscape settings. The current minerals planning policy in the National Park requires a transition from surface to mainly underground working for any remaining fluorspar, and it no longer makes specific reference to lead ore, barite or calcite.

Price fluctuations for acid-grade fluorspar caused the principal operator (Glebe Mines Ltd., owned by Laporte Minerals) to cease mining in 1999 and close Cavendish Mill, leaving behind a legacy of unrestored mining sites. British Fluorspar Ltd. (owned by the Italian company, Fluorsid S.p.A.), has now revived the Glebe Mines' operations and has made a major capital investment in modernizing Cavendish Mill. The mill now processes ore from Tearsall and Longstone Edge (both surface sites, but with limited ore reserves), and from Milldam Mine (working a larger mineral resource underground). Small quantities of tribute ore are obtained from Hope limestone quarry and another site nearby. The modernized milling process produces much smaller quantities of tailings waste, but there is still an obligation to restore both the tailings dam at Blakedon Hollow and the large opencast workings along Longstone Edge.

(With thanks to John Hunter for help with up-dates.)

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