

PROVIDENCE MINE, THE KURSAAL AND THE 1981 DERBYSHIRE ACT

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Abstract: Disputes at Providence Mine during the building of the Kursaal (now the Pavilion and Mining Museum) at Matlock Bath in 1908-1910 led to lands mainly used for recreational purposes being exempted from the provisions of the 1852 Act in 1910 and again in 1927. These provisions have been re-enacted in the 1981 Derbyshire Act.

INTRODUCTION

On January 24th, 1909, the Derbyshire Times reported that favour was growing in Matlock Bath for the Kursaal scheme - the Pavilion, at an estimated cost of £10,000. A month later (27th February) it was pointed out that the scheme would only accommodate some 200 people and it was commented, "We must see the Council (Matlock Bath and Scarthin Urban District Council) does not make the Pavilion scheme a fiasco as it does other things. This was not a prophetic comment - the fiasco was well under way. In April (8 April) in Mr. White's annual Chairman's Address, it was claimed that the necessary sanction was practically obtained - it was hoped to see recreation rooms, a good library, a games and reading room solely for the use of inhabitants. Catering was to be let out, and all possible haste was being made with plans. During the next two years the Kursaal was built: the Grand Pavilion, site of the Peak District Mining Museum today.

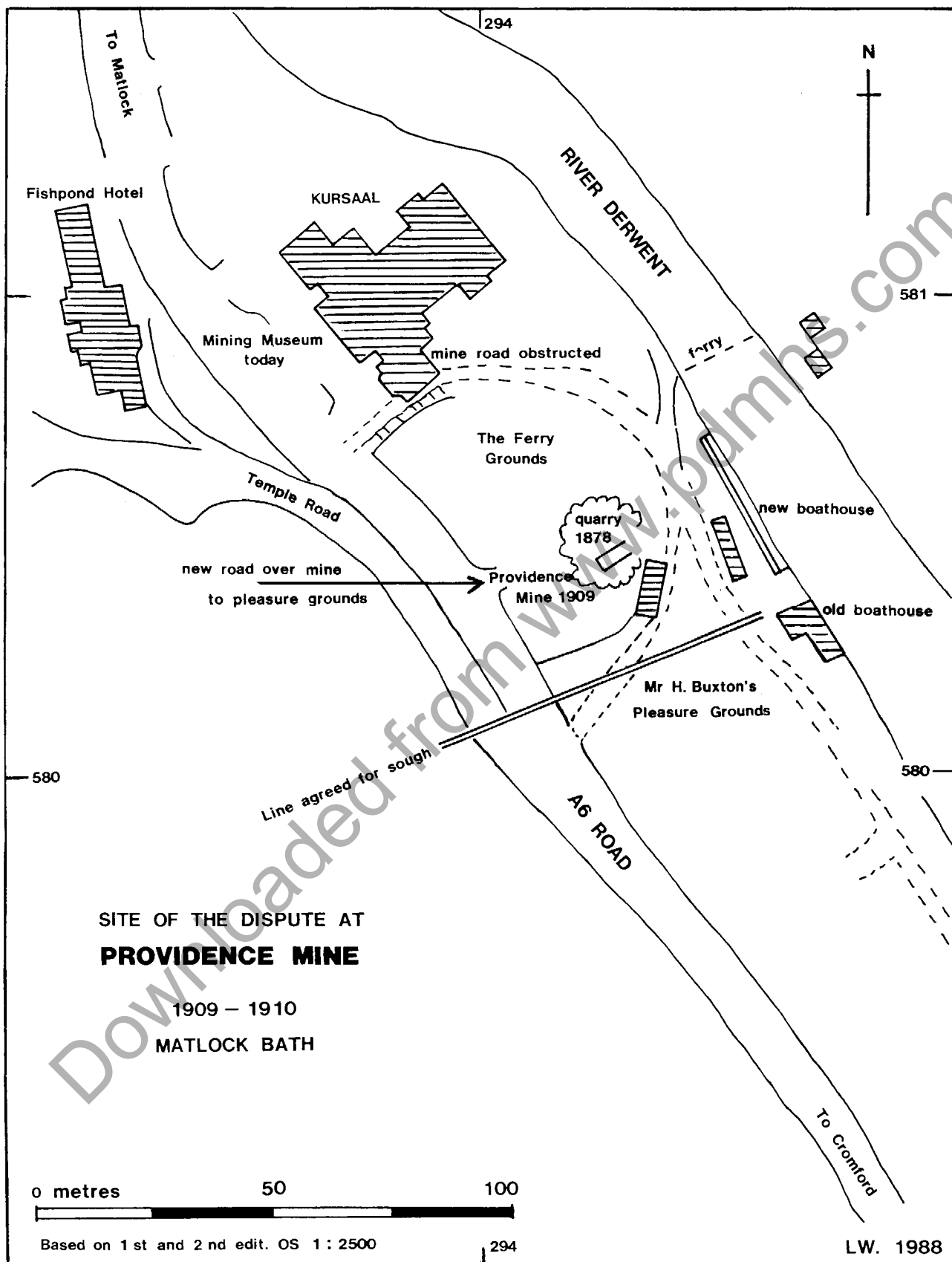
It is obviously much more spacious than originally planned, and had an upstairs Electric Lamp Theatre, and downstairs a sprung dance floor. It was flanked by two function rooms on each floor, one of which had a 'pump' or drinking fountain using local spring thermal water (moved recently from the Pump Room to the Information Centre), and all the other necessary offices in a building of an expansive time in Matlock Bath. It did rather less well than hoped, due partly to the Great War, and the subsequent depression, and though the upstairs retained its public role, the sprung floor downstairs was removed and the room became a leather-goods factory, In the Second World War it became an army billet, and after that a canteen and book store. Then in 1977-78 of course it was re-opened as the Peak District Mining Museum.

The main body of data presented here results from the preparation by Roger Flindall of a calendar of the Duchy of Lancaster Barmaster Papers at Chatsworth House. Extracts selected from this were used, with the permission of Roger Flindall, by the writer as illustrative material for the reasons lying behind the passing of the 1910 and 1927 Acts which exempted certain areas from provisions in the 1852 Derbyshire Mining Customs and Mineral Courts Act. This was as an expert witness for the West Derbyshire District Council in the House of Lords at the Committee stage of the 1981 Derbyshire Bill. The extracts from letters to and from the Barmaster and from mainly local newspapers tell their own tale, and are presented here in only slightly edited form. It may help to know Herbert Buxton was a past chairman or possibly vice-chairman of the Matlock Bath and Scarthin Council, and was a Conservative, and that Charles White was the current chairman and a Liberal. The Barmaster was George Eagle, and Major Palmer-Pearson was a local historian with a strong interest in lead mining - he lived in Matlock Dale, and soon after this dispute removed a few yards to the writer's present home. Some of his papers are in the Society Collection.

Providence Mine was owned at the time the dispute started by Buxton, to the annoyance of White and the UDC. After several attempts at nicking by White, Buxton eventually agreed to give up the mine. In turn however, Buxton then initiated the nicking process, making it necessary for White to work the mine, and forcing him into financial difficulties. As a result the UDC applied for an act to rid them of such nuisance actions forever. Apart from a little discontent by some ratepayers at the expense, all but the direct participants seem to have hugely enjoyed the affair, which gained considerable exposure in both local and national newspapers.

The dispute tells us a great deal about the operation of the laws and customs at a time of decline, and a considerable deal about the personalities involved. For a small local authority to be successful in obtaining such an act was no mean feat, and the case forms an important part of Matlock Bath's and Tourism's local history.

Providence Mine is not visible today, but rumours of a roller which once fell through the bowling green site are still heard. Otherwise little is known about the mine, which appears to have conveniently turned from a tufa hole some forty years earlier in response to an earlier legal threat: this would have worked either for rockery stone, or crushed stone for 'sweetening the soil'. Probably, as was found in the Museum during the sinking of the engine pit, the tufa lies on or above the Matlock Lower Lava, which would account for the mud referred to below. Had the level been driven far into the hillside, then it might have tapped the thermal waters, which rise from depth up one or other of the local faults, then descend down-dip on the lava (Edmunds 1971).



FROM THE BARMASTER'S RECORDS

Letter from Charles Frederick White of Woodside, Matlock Bath, 6 March 1908. Please serve Herbert Buxton with notice of forfeiture for Providence Mine, in the Ferry Grounds, Matlock Bath; if unworked, give the mine to me.

Reply of the Barmaster to above, 9 March 1908. Do you intend to work Providence Mine?

Letter from C.F. White in reply to above, 10 March 1908. I intend to have the mine worked. I approached S.J. Sheldon about the matter a week after A. M. Alsop's death (the previous Barmaster) so please deal with it at once.

Notice to Herbert Buxton of Matlock Bath that if he does not put Providence Mine at Matlock Bath, into workmanship within 3 weeks, it will be given away. 13 March 1908.

Letter to C.F. White, 14 March 1908. 'I have served notice re Providence Mine. The mine is said to have been worked only a week ago. I will visit the mine again within three weeks.'

Letter from H. Buxton, 19 March 1908 (re Providence Mine, Matlock Bath). 'I have looked over the Plans &c given to me by the Late Mr. Alsop Barmaster. The Council have carted the refuse round the mine in such a way that I find it difficult to put the material I bring out of the mine'...Would you take action about this.

Cutting from the 'High Peak News', 4 April 1908. Letter from 'Busy Bee' of Matlock Bath dated 30 March criticizing the local council; includes a reference to the foolishness of buying the Ferry Grounds at Matlock Bath for about £4,000 plus £560 arbitration costs when the existence of the Providence Mine and associated cart road there was well known.

Cutting from the 'High Peak News', 4 April 1908. Re a meeting of the ratepayers of Matlock Bath at which the issue of Providence Mine was considered at length. 'Mr. White, continuing, said he was glad to see Mr. Buxton present, because he wanted to tell him something about that lead mine at the Ferry. Mr. Buxton had been offered £50 and a new roadway for the position he had taken up on the Council's property. Mr. Buxton was vice-chairman of the Matlock Bath and Scarthin Council when the Improvement Bill went to Parliament, and he signed the agreement with the Royal Hotel with reference to the Baths, Pump Room and Pavilion. Mr. White said he had claimed the mine, and if Mr. Buxton wanted to retain the mine then he must work it, and if he works it then it would be assessed (for rates) in the same ratio as the money paid for the purchase of that land, for directly Mr. Buxton worked the mine it would be reported to Mr. Hawes at Bakewell for assessment. And if he failed to work it then Mr. White said he should claim it from the Barmaster.

Printed electioneering pamphlet on behalf of Buckman, Dickenson, Reeds, and Wheatcroft, candidates for seats on Matlock Bath UDC. Includes a photograph of the entrance of Providence Mine at Matlock Bath (man with wheelbarrow in the foreground); refers to the

Ferry Ground as the 'Mud Heap'.

Cutting from the 'High Peak News', 2 May 1908. Re the Ferry Grounds (at Matlock Bath) 'commonly called the Mud Heap'; acknowledges the legality of the existence of Providence Mine (referred to as 'a wild goose chase after lead ore') but states that the Council Chairman should carry out his election promise to have the mine and its surrounds rated.

Letter from Charles F. White of Matlock Bath, 5 May 1908. Pays expenses of serving notices on Providence Mine, Matlock Bath. 'Mr. Buxton occasionally works the mine at present; I pass it four times a day and will keep a check on it and have instructed a surveyor to report daily on the work done in the mine because it is on Council property'.

Cutting from the 'High Peak News', 9 May 1908. Re the promise to rate Providence Mine at Matlock Bath: 'A boy was looking at the Providence Mine last Monday. He said 'If I began boring on the top side, wouldn't it let the water into th' mine?'... However, that need not be done, seeing that the Council are going to rate the mine ... at over £1,000.'

Letter from C.F. White, on note-paper headed 'West Derbyshire Liberal...' (of which White was secretary), 28 May 1908. Please serve notice of forfeiture on Providence Mine. I visit it every day and nothing has been done there since May 6.

Notice of foreiture of Providence Mine, Matlock Bath, drawn up by C.F. White. 28 May 1908.

Letter from C.F. White 29 May 1908. I inspected Providence Mine this morning and found that a man had brought two barrow loads of dirt out.

Notice to Herbert Buxton of Matlock Bath that unless his mine called Providence, situated at Matlock Bath, is put into workmanship within 3 weeks, it will be given away. 28 May 1908.

Letter to C.F. White. 3 June 1908. 'Last Saturday I served notice of forfeiture on Herbert Buxton at Providence Mine but there was a man at work: pay the fee of 2s. unless you want to press the matter further'.

Newscutting. n.d. Re the attempts to rate Providence Mine at Matlock Bath and to take possession of it. Details of a special meeting of the Urban District Council concerning its owner, Herbert Buxton, with whom there are three separate disputes re (a) Providence Mine; (b) boating rights on the river; (c) his right of way across the Ferry Grounds to the river. Council decided to have (c) settled by arbitration and offer an alternative route.

Cutting from the 'High Peak News', 10 Oct. 1908. Re the successful arbitration as to the course of the road to the ferry at Matlock Bath: the new road will be on the North side of Providence Mine and the ferry will be moved higher up the river so as to make Buxton's Derwent Gardens less competitive with the Ferry Grounds.

Letter from C.F. White at the Crown Buildings, Matlock, 25 March 1909. It is close on 6 months since Buxton worked Providence Mine (at Matlock

Bath); post notice of forfeiture on it.

Letter to C.F. White, in reply to above, 31 March 1909. 'In making a new road the land necessary for working the mine has been covered.

Until the new road is finished and Mr. Buxton has had time to make new arrangements for working his mine I do not consider a notice could be justly served on him.'

Cutting from the 'High Peak News', 1 May 1909. Re the increased rates payable on Mr. Buxton's Derwent Gardens at Matlock Bath.

Letter from C.F. White of Woodside, Matlock Bath. 4 May 1909. No work has been done at Providence Mine (Matlock Bath) since last Autumn and then it was only an hour or two; Buxton clearly showed his hand 2 weeks ago when he offered to sell the mine to the Council. I request you to post notice of forfeiture on the mine.

Cutting from the 'Matlock Guardian', 8 May 1909. Re providence Mine at Matlock Bath: Buxton offered to sell it to the Council for £100.

Letter to C. F. White. I will post notices on Providence Mine. 8 May 1909.

Cutting from the 'High Peak News', 8 May 1909. 'Providence Mine: no ore present and is troubled with water; should be given away. Notice served on Mr. Buxton that unless his mine called Providence, situated at Matlock Bath, is put into workmanship within 3 weeks, it will be given away.

Letter to C.F. White re the expenses of transferring Providence Mine. 22 May 1909.

Reply of C.F. White. 24 May 1909. Suggests that Alfred Axe of Bonsall (the Agent for Col. Hubbersty) be one of the jurymen present when Providence Mine (Matlock Bath) is given away.

Summons to jurymen to attend at Providence Mine on 1 June. Dated 26 May 1909.

Letter from Mr. Buxton of Matlock Bath, 29 May 1909. I have kept Providence Mine in working order: this is the 2nd or 3rd notice which I have had and each time I have spent about £50 working the mine. It should not be given to White because (a) it has been freed and I have a good title to it; (b) he is not a miner; (c) others have taken the surface land granted to me by the Barmaster and it is impossible to work the mine until other arrangements have been made; (d) I offered to sell it to the Council; (e) 'Mr. White had publicly stated the mine is only a salted mine which is a lie'; it is uneconomic to mine the ore because of the low price of lead.

Cutting from the 'Daily Mail', 2 June 1909. Re the gift of Providence Mine at Matlock Bath: the 2 jurors and the Barmaster took off their jackets and searched the mine for lead ore. 'Finally a few specks of ore were extracted from the wall of the mine, and later a man came from the present owner's service and dug out of the puddle a handful of ore. This proved it was a lead mine and could be given away.

Cutting from the 'High Peak News', 5 June 1909. Re the gift of Providence Mine at Matlock Bath and the ensuing argument between C.F. White and Mr. Buxton; describes how the Barmaster and jurors first searched the straight adit for ore. 'Then the drive was entered to the right, which passed in the direction of the main road above...'

Letter from C.F. White, 14 June 1909. I have engaged 2 men who will start work at Providence Mine when I have the insurance papers.

Cutting from the 'High Peak News', 19 June 1909. Account of the Matlock Bath UDC. meeting: discussion re White's ownership of Providence Mine; White said that personally, he did not think the Council had any right to obstruct his mining by a road that would prevent taking lead, etc., from the mine when it had been staked out by the Barmaster.

Newcutting. 21 Aug. 1909. Re the collapse of Providence Mine at Matlock Bath.

Letter from Harold and Edgar Buxton of Matlock. 1 Sept. 1909. Please give notice of forfeiture for Providence Mine (at Matlock Bath), lately transferred from Herbert Buxton to F.C. White of Chapel Hill, Scarthin. White has not worked it and now has two men filling it up.

Notice to C.F. White that unless his mine called 'Providence', situated at Matlock Bath, is put into workmanship within 3 weeks, it will be given away. 9 May 1909.

Cutting from the 'High Peak News', re Providence Mine at Matlock Bath. 11 Sept. 1909. C.F. White states 'The main shaft of the Providence Mine has fallen in, and the men have to be extremely careful in every part of the mine ... when the main shaft fell in we stopped operations on that quarter altogether. Then to see if there was any lead in the other part of the land I have had a shaft sunk, but none was discovered there. Today we are engaged in another shaft, which is near the Derwent Gardens roadway. The first shaft was abandoned, not only because of the lack of a vein of ore, but because it was too near the main Parade to be safe; predicts that the new shaft will cause the roadway to the Derwent Gardens to collapse. Letter from C.F. White, 9 Sept. 1909. Reply to the notice of forfeiture on Providence Mine.

Cutting from the 'High Peak News', 18 Sept. 1909. Account of a meeting of Matlock Bath UDC. discussing the Providence Mine deadlock.

Letter to C.F. White, 21 Sept. 1909. On the 9th I visited Providence Mine; as men were at work there, the notice is of no consequence.

Letter from F.W. Gill, Clerk of Matlock Bath and Scarthin Nick UDC., 24 Sept. 1909. Quotes a resolution passed at a meeting of the Council held on 15 Sept. protesting against the working of Providence Mine and requesting the Barmaster to close the mine.

Reply of the Barmaster. I have no authority to close Providence Mine. 28 Sept. 1909.

Cutting from the 'High Peak News', 23 Oct. 1909.

Account of a meeting of Matlock Bath UDC. Wages were paid to Messrs. Tommisson and Bunting of Bonsal for mining purposes at Providence Mine during 30 July - 30 September 1909 by Charles White using the ratepayers' money; however, they also worked in the gardens for some time in this period. On 1 June C. F. White was given Providence Mine - 'he was a man with no money of his own'. He took the mine and kept possession by working it because this was in the best interests of the Council. He paid the workmen until he ran out of money and was then granted £10 by the Council. It was decided 'when the Pavilion was built it would not be safe with this land undermined, so they sank a shaft to fill it in. But early in September Mr. Buxton again claimed the mine. The Bill in Parliament would have been threatened if he had obtained possession. The work done on credit totalled £18. 0s. 11d. which White intended to repay - 'he was paying for one of the miners who got rather seriously hurt there, and he would pay that until he was better'.

Letter from the Duchy Office, London. 21 Oct. 1909. What is your opinion as to the proposed exemption of lands by the Matlock Bath and Scarthin UDC. Act?

Copy of letter from Messrs. Roberts & Co. of Westminster, Parliamentary Agents (representing Matlock Bath UDC. to the Duchy Office, 19 Oct. 1909. Points out that Matlock Bath UDC. obtained special powers for their pump room and baths scheme in 1905 and that to protect their interests it was hoped to obtain exemption for the land involved from the 1852 Mining Customs Act.

Printed handbill offering £1 reward for information leading to the conviction of those who pulled down two notice boards at Providence Mine, Matlock Bath, on the night of 16 October, the reward to be paid by C.F. White J.P. 18 Oct. 1909.

Mounted photograph showing the new road across the Ferry Grounds at Matlock Bath.

Mounted photograph showing a noticeboard warning of the danger of subsidence at Derwent Gardens, Matlock Bath, - signed by C.F. White, Proprietor of the Providence Mine.

Extracts from 'A Bill to confer further powers on the UDC. of Matlock Bath and Scarthin Nick in relation to their Gasworks Undertaking and for other purposes. Letter from the Duchy Office, London. 3 Nov. 1909. I enclose a print of the Bill and a draft letter to Messrs. Roberts for your comments.

Extracts from 'A Bill to confer further powers on the UDC. of Matlock Bath...' Draft of a letter from the Duchy Office to Messrs. Roberts. n.d. Various suggested alterations to the Bill, including a proviso for a drainage level.

Reply of the Barmaster: agrees with the drafts. 4 Nov. 1909.

Letter to H. A. Saunders of Davies, Saunders, Swanwick of Chesterfield, 4 Nov. 1909. Quotes extract from letter from the Duchy Offices, London. 1 Nov. 1909. Encloses a copy of a

letter from Roberts & Co. and the accompanying print of the amended Schedule. Also a memo to the Clerk of Council re the Matlock Bath Bill and our letter in reply to Roberts & Co.

Letter from Roberts & Co. to the Duchy Office, 9 Nov. 1909. Re getting all land owned by Matlock Bath U.D.C. exempt from the Mining Customs Act.

Memo to the Clerk of Council. 10 Nov. 1909. Re new exemptions proposed in the Matlock Bath Bill and altered statements re exemptions already mentioned.

Letter from the Duchy Office to Messrs. Roberts & Co. 11 Nov. 1909. Re the difficulty of identifying the plots referred to.

Cutting from the 'High Peak News', 13 Nov. 1909. Account of a meeting of Matlock Bath UDC. Herbert Buxton's solicitor complained of the subsidence affecting his new road across the Ferry Grounds and said it must be put right. 'The Clerk said that until the new road was complete they had to give Buxton a right of way over other ground which would become part of the Kursaal grounds when the Pavilion is built: 'the terms of the arbitration award said that the road must be steam-rolled but that would be 'absurd and a very risky thing to do' because of the subsidence into the mine workings'.

Cutting from the 'Derbyshire Times' (Peak Edition), 20 Nov. 1909. Re the objection to the Matlock Bath Bill because of Providence Mine. 'In an interview with an old resident of Matlock the other day, our representative learned that it is more than forty years since the late Mr. Joseph Dakin claimed the mine as a lead mine. 'Before that', our informant said, 'it was a marl hole'. Some little rivalry arose between Mr. Dakin and the late Mr. Wm. Smedley, and Mr. Smedley started to take the marl hole over Mr. Dakin's head. While the disagreement was going on, Mr. Dakin claimed that he had struck lead, and he successfully claimed the mine. It was said that the lead was found in the tufa, which is very unusual thing. It had never been known to be found in the tufa before, and it has never been worked for lead from that day to this.'

Cutting from the 'High Peak News', 20 Nov. 1909. Re the precedent set by the Matlock Bath Bill.

Cutting from the 'High Peak News', 20 Nov. 1909. Re Matlock Bath UDC. meeting and the Matlock Bath Bill; claimed it would virtually repeal the 1852 Derbyshire Mining Customs Act.

Cutting from the 'High Peak News', 20 Nov. 1909. Re the precedent set by the Matlock Bath Bill; mentions the Liberal policies of C.F. White (Council chairman); cites the example of the Earl of Rutland in 1649 appealing to Parliament against the miners' activities; also the claim made by Rev. John Chappel, Rector of Matlock, in 1672 for tithe on lead ore; also in 1666 the Lords of the Manor of Matlock summoned one Edmund Pearson to appear before them for mining within their liberty, and he refused to attend their court, and thus beat off the Lords.

Letter from the Duchy Office, London, 19 Nov. 1909. Encloses a copy of a letter from Roberts & Co. and a draft of the Schedule for your

opinion.

Copy of a letter from Roberts & Co. to the Duchy Office, London, 19 Nov. 1909. Re the new plots to be exempted from mining customs at Matlock Bath and a plan showing their location.

Plan of Matlock Bath, showing areas to be exempted from mining customs (coloured, no scale).

Cutting from the 'High Peak News', 27 Nov. 1909. Re opposition by those interested in mining to the Matlock Bath Act.

Cutting from the 'High Peak News'. 27 Nov. 1909. Suggests that C.F. White should go to Parliament and get his own Bill to close his own mine.

Copy of letter to Roberts & Co. from the Duchy Office, 24 Nov. 1909. Re altering the draft of the bill.

Letter from John F. Doxey of Chestnut House, Middleton, 4 Dec. 1909. Is it advisable to call the Barmoot Court Grand Jury together so as to petition the King against the Matlock Bath Bill?

Letter to the Clerk of Council, Duchy Office, London, 8 Dec. 1909. Would it be advisable to convene the Grand Jury and obtain their opinion about the Matlock Bath Bill?

Cutting from the 'High Peak News', 11 Dec. 1909. Criticizes Matlock Bath Council finances; too much spent on law suits and now opposition to their Bill from mining interests could prove expensive.

Cutting from the 'High Peak News', 11 Dec. 1909. Cites the case of Edmund Pearson, miner in 1665-6 opposing the Lords of the Manor of Matlock and now a descendant of his, D.P. Pearson, carries on the fight; clauses of the Bill were discussed at a meeting of Matlock Bath Council; D.P. Pearson queries the inclusion of the mines on the Lovers Walks. Details re tenders for building the Kursaal at the Pavilion.

Letter to the Duchy Offices, London, 13 Dec. 1909. Re the article in the High Peak News about the opposition of the mining interests to the Matlock Bath Bill.

Cutting. n.d. One major local landowner states that if the Matlock Bath Council Bill is passed, he would put through a Bill to close all the mines on his land; if unopposed, this Bill would cost only about £500 and could close hundreds of mines.

Letter to the Duchy Office, London, 14 Dec. 1909. Points out that the Clerk of the UDC. had stated that the sough was 'to go within ten feet of the boundary between Mr. Buxton's land and the Council's land': this is too narrow to be practical and it is customary to set out ground 8 yards wide on each side of the vein. The Clerk also said that mines on the land could not be taken by other people once the owner stopped working them (instead of 'once the Council had purchased the mine').

Cutting from the 'High Peak News', 18 Dec. 1909. Public notices of the Matlock Bath Bill.

Cutting from the 'High Peak News'. 18 Dec. 1909. Article re opposition to the Matlock Bath Bill by the mining interests.

Cutting from the 'High Peak News'. 18 Dec. 1909. Letter from a 'Mill Close Miner', opposing the Matlock Bath Bill.

Letter from the Duchy Office, London, 17 Dec. 1909. Encloses above two cuttings.

Reply of the Barmaster, 20 Dec. 1909. At least 16 yards width from the south boundary of the land must be allowed for any possible sough.

Cutting from the 'Daily Dispatch', 21 Dec. 1909. Re the collapse of Providence Mine in the middle of the new road across the Ferry Grounds; makes the Parliamentary Bill unnecessary.

Letter to the Duchy Office, 21 Dec. 1909. Re ensuring that any land acquired in the future by Matlock Bath UDC. is not peremptorily exempt from the mining customs.

Letter to the Duchy Office, 22 Dec. 1909. Impassioned plea by the Barmaster on behalf of the miners against the Matlock Bath Bill; mentions F.C. Arkwright (being the sole landowner in Cromford and owing nearly all the mines there) might obtain exemption for his lands.

Letter to Herbert Buxton of Matlock Bath. 23 Dec. 1909. Please get a copy of the Bill from the Matlock Council offices.

Two cuttings from the 'High Peak News', 25 Dec. 1909. (a) Letter from S.J. Sheldon of Middleton-by-Wirksworth, 21 Dec. 1909: '23 years ago an attempt was made to 'stop' mining operations on this Ferry Ground (Matlock Bath) when it was all 'open fields', and this mine was owned by a Major Whelan, who was largely interested in the Royal Hotel' and he bought Providence Mine from Joseph Dakin because he thought it might interfere with the springs supplying the Royal Hotel. But he need not have worried because, by the 1852 Mining Customs Act, mining beneath exempted places must be at least 15 yards deep whereas the entrance to Providence Mine is by a level not more than 6 feet above the river surface normally. The late Frank Ogden of Matlock Bath (agent for a Mr. Thomas of London who owned the land) sent notice to A. M. Alsop, Barmaster, that it was not being worked properly. I viewed it with the jury men 'and found the miners had 'cut' through some bed rock with lead ore in it, and returned the mine in true and lawful workmanship'. The Council should take the same attitude as the Ilkeston and Heanor Water Board did for the Meerbrook Sough and leave the mining rights alone. (b) Item re the collapse of Providence Mine on Sunday.

Letter from the Duchy Office, London, 23 Dec. 1909. Encloses the plan sent by Roberts & Co.

Plan of the Ferry Grounds, Matlock Bath, showing Providence Mine and the reserved line of the sough. Scale: 1 inch to 20 feet.

Reply of the Barmaster, 28 Dec. 1909. If Matlock Bath Council buy a mine, will they register ownership in the Barmasters Books or become an owner under the provisions of their own Act? Charles White was given the mine on condition that he would work it but now he says he is going to give it to the Council. 'The former registered owner gave over £100 for the mine and allowed the mine to be forfeited rather than work against the Council of whom he was one time Chairman.' The Duchy should receive about 1/4 the price paid by the Council for any mine in lieu of the lot and cope which would be lost. The reserved line of the sough should be straight; not workmanlike to have it bent.

Plan showing the reserved line of the sough through the Ferry Grounds at Matlock Bath. Coloured. No scale.

Handbill issued by C.F. White entitled 'The Providence Mine, Matlock Bath', being a reprint of an article which appeared in the Derbyshire Times, 11 Dec. 1909. Gives his side of the argument. Letter from the Duchy of Lancaster Law Department, London, 7 Jan. 1910. In reply to Eagle's letter of 28 Dec. Discusses the Matlock Bath and Scarthin Nick UDC. Act, particularly the provisions for the driving of a sough westwards from near Matlock Bath Ferry: 'Clerk of the Council does not at present see any sufficient advantage in carrying the line of sough drawn on the tracing which accompanied your letter, right under the building at its westerly end, as you suggest, merely to preserve a straight line. I agree with you that the power to make the sough carries with it the right to enter the land for that purpose, but it appears to the Clerk of the Council that we are demanding too large a limit of deviation when suggesting 16 yards from the southern boundary, more particularly as this would apparently involve passing under the Boat House. Would it not suffice to fix on the plan a much narrower line?'

Cutting from the 'High Peak News', 8 Jan. 1910. Re a council meeting at which was discussed the Matlock Bath proposed Act; states that the Barmoot Court Grand Jury is to meet to consider the precedent this would set in weakening the mineral laws.

Cutting from the 'High Peak News', 8 Jan. 1910. Account of a Council meeting at which was discussed the Matlock Bath proposed Act; power to be reserved to work for lead under the gasworks and water works; account of a meeting of electors at which the chairman (C.F. White) said, 'The Providence was a bugbear, and wanted closing, and as the council could not work it, he had done so until it was given to the Council. Mr. Buxton wanted £100 to close it, and the Council could not see their way to pay it'. (A Voice: "It would have paid you to have paid it")...He was £12 out of pocket over the mine, and would forfeit every penny of it... J. H. Cardin queried why it was necessary to take in addition the mining rights from Matlock Bath Station Bridge to Lovers Walks, and also Artist's Corner which was the entrance to Seven Rakes and was best omitted. Mr. White stated that Mr. Buxton was vice-chairman and 'he signed the Bill and then left the Council and re-opened

the mine for the purpose of extracting money from the ratepayers. Harold Buxton jnr. warned White not to make allegations about his father's activities. It was emphasised the Council would be empowered by the Act to exempt any lands that they might acquire in the future (e.g. the Heights of Abraham) from the restrictions on mining.

Reply of the Barmaster, 10 Jan. 1910. The 16 yards mentioned was intended not as a limit of deviation but as a limit to which the surface might be entered upon and may be left undefined. 16 yards wide will be required if the sough is ever made. The Boat House is an unimportant building and is now being replaced by a new one nearer the river and a little further from the southern boundary of the Ferry Grounds.

Letter from the Duchy Law Department, London, 8 Jan. 1910. Encloses (unofficially) a memo, from the Clerk of Council summarizing the issue of the Matlock Bath Bill.

Memo. 6 Jan. 1910. I have pleased no-one but have tried to conform with the oath I took as Barmaster and to see that justice is done between miner and miner and between miner and the Lord of the Field.

Letter from the Barmaster to the Duchy Law Department, 11 Jan. 1910. The precedent of the Matlock Bath Act might enable present large landowners to also obtain exemption from the mining customs: in a letter dated 13 Dec. I enclosed a newspaper cutting and on 22 Dec. I wrote saying that F.C. Arkwright was the landowner referred to but Captain H.A. Chandos-Pole-Gell of Hopton Hall has also been freely mentioned in local gossip. I suggest that mining companies should be empowered to purchase land (at a price fixed by arbitration) from landowners. This would not be practical for small mines but these do not bring any profit to the Duchy anyway because of administration costs.

Letter from Mr. H. Buxton of South Parade, Matlock Bath, 7 Jan. 1910. On what dates were notices served by Mr. White for Providence Mine (at Matlock Bath)?

List of dates compiled in reply to above - 6 March, 28 May and 29 Sept. 1908; 25 March 1909.

Letter from the Duchy Law Department, 11 Jan. 1910. Encloses draft amendments to Clause 10 of the Matlock Bath Act.

Telegram from the Duchy Law Department requesting the return of the draft clause. 12 Jan. 1910.

Letters from the Duchy Law Department re the return of the draft. 12 and 13 Jan. 1910.

Letter from the Barmaster to the Duchy Law Department, 15 Jan. 1910. "I suggest that such words be added to Clause 10 as to permit the intended sough to be maintained through the Ferry Grounds plot. Colonel Albert Cantrell, one of the largest landowners in Matlock Bath, purchased the mines at Northwood (sic should be 'Upperwood') in 1907, commenced to drive a tunnel to them from near the Heights of Jacob

Cavern about 2 years ago and found ore about April last. I was at the Heights of Jacob yesterday making the first measure of ore. Being the owner of the land Col. Hubbersty is owner of the fluorspar which has proved of very good quality and is being sent away. As the workings extend to greater depths it will be necessary to enter lower down the hill and ultimately the intended sough under the Ferry Grounds may become of great importance. I suggest that my policy of mining companies paying compensation for land used be adopted". Points out the disadvantage of the Bill to the Duchy.

Letter from the Duchy Law Department, London, 4 Feb. 1910. The agents promoting the Matlock Bath Bill wish to reserve the right to follow a vein under not only the Gas Works but also under (c) the Fishpond and Ferry Lands because of the danger to the thermal springs, preserving of course the right to make a sough through those lands. Is there any lead ore there?

Reply of the Barmaster to above, 7 Feb. 1910. The veins near the fishpond would be impractical to work because of water problems.

Letter from the Duchy Law Office, 10 Feb. 1910. Requests account of expenses incurred by the Barmaster re the Matlock Bath Act.

Cutting from the 'High Peak News', 12 Feb. 1910. Re a meeting of Matlock UDC. to consider if they should oppose the Matlock Bath Act.

Letter from the Duchy Law Department, 18 Jan. 1910. The Duchy feel unable to insert the clause you propose re compensation for land: it

would have to be proposed by a third party.

Cutting from the 'High Peak News', 16 April 1910. The Matlock Bath Act has been passed. David Palmer Pearson went on the Council to remove the £10,000 gasworks removal clause and will not seek re-election when the time comes. Letter from D.P. Pearson of Matlock Bath, 21 July 1910. 'On what terms did you grant Providence Mine (at Matlock Bath) to C.F. White? Was it only under the condition that he worked it according to the 1852 Act? When you visited it, was he working it according to the Act? When did you last see it being worked as a lead mine? The Council Surveyor, Mr. Carter, made an affidavit to the Local Government Auditor 'that the mine had not been worked as a mine but that the work done there was solely and exclusively shoring up the road above'.

23 July 1910. Reply. C.F. White promised to work it; when I visited the mine roads were being cleaned up and preparations made for working it. 'I did not find any new digging.' 'The mine was in work when I made my last visit on 16 Sept. 1910 (sic; 1909). I hereby return the old paper of 1802.

Letter from F. W. Gill, solicitor, Clerk of Matlock Bath UDC, 16 Set, 1910. Encloses a copy of the Matlock Bath & Scarthin Nick U.D.C. Act of 1910. Please advise on the transfer of Providence Mine to UDC. so that it can be closed.

Reply of the Barmaster. 17 Sept. 1910. It would help further duties of the Barmaster in Matlock Bath if I were to be supplied with a map showing the land owned by UDC. which is exempt.

DISCUSSION

Whether Herbert Buxton was quite so naive as to believe he might work a lead mine in the tufa (a porous, crumbly lime deposit from the outpouring of the local thermal waters), or was just playing local politics to discomfort a rival party leader, we shall never certainly know. But it had very considerable dangers for the mining interests. Tapping in his commentary on the 1852 Act (1854 pviii) believed the Act to be so full of the seeds for dissolution, that a repeal of its provisions was likely as an effect of legal dispute. In the event it was not so drastic an outcome, but it is obvious the barmaster feared a considerable extension of the exemptions from the Act, and the possible repeal. One thing is certain - it was a "baptism of fire" for George Eagle, who was only appointed Barmaster in 1908.

The Act of 1910 was succeeded by another in 1927, after the Matlock Bath and Scarthin Council lost its independence and merged with the Matlock UDC. As a result several other and larger areas were exempted, which, without further change, were incorporated in the 1981 Act, Section 66 and Schedule 2. These are

- (1) The area of the present Pavilion, car park, landing stage, bowling green and amusement area together with Lovers Walks (1910).
- (2) The Memorial Gardens near the Midland Hotel (1910).
- (3) An area, until recent years, a gasworks on the north and east side of Matlock Bath Station (1910).
- (4) Land at Upperwood, used as a reservoir site (1910).
- (5) The War Memorial and Promenade at Scarthin (1910).
- (6) Land at Temple Walk, including the entrance to Temple Mine and the bank above (1981).

- (7) High Tor Recreation Ground, Matlock (1927).
- (8) Pic Tor Pleasure Ground, Matlock (1927).
- (9) Knowleston Place Pleasure Grounds, Matlock (1927).
- (10) Hall Leys Pleasure Grounds, Matlock (1927).
- (11) Artists Corner including the entrance section to Ringing Rake Sough (Youd's Level) (1927).

These Acts make it unlawful to exercise the miners' rights under the 1852 Act except as specifically stated. Thus it remains possible to continue following a vein at a depth greater than 15 yards (14 metres) under the surface, and to also make headings, airways or water levels if necessary to continue mining at depth, or mining which is adjacent. Always, of course, so long as this doesn't affect the surface or other uses of the land. In particular the right to drive a sough to the mines on the west side of Matlock Bath i.e. Temple and Owlet Mines, Speedwell and Hopping Pipe, was reserved to the miners, from a point on the Derwent and west along the boundary of Derwent Gardens and the area east of the Pavilion. Fourteen days notice to the West Derbyshire District Council would be required for this work. Similarly it is possible to maintain any drainage tunnels under the Artist's Corner area, i.e. Ringing Rake Sough and if necessary, to drive a new tunnel under the Gasworks site, i.e. into Riber Mine, now rather unlikely to be required.

The Act also does not apply to persons or companies which have ownership of mines which extend back to before the Acts came into effect. That is, it does apply where transfers have been made by forfeiture under the 'nicking' process, and subsequent gift. Thus the consolidated Temple and Owlet Mines are affected, since they were 'nicked', and a subsequent freeing dish paid. Breach of the Act has penalties of £20, and £20 further for each day after the first sum has been adjudged. It is of interest to note that Abraham's Heights were not included in either the 1910 or 1927 Acts, perhaps since they were considered protected adequately as gardens.

The 1981 Act of course only applies to mining for lead, and the purpose of the Council in 1981 in applying for renewal of the provisions of the 1927 Act was to protect its title to what are largely pleasure grounds. It was considered whether the provisions of the previous Act should be amended, but on balance it was thought that none of the features was unreasonable or onerous on either the landowners or mine owners in present and foreseeable circumstances. Work which might be permitted under Section 66 would of course still be subject to normal planning legislation unless covered by existing use rights.

The Bill was heard before Lord Aberdare, Lord Aylestone and Lord Murton on the 15th July 1981, in the House of Lords. No comments were made on the provisions in Section 66.

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The writer is grateful to the Chatsworth Settlement Trustees for permission to examine documents in the Duchy of Lancaster Barmasters' Collection held at Chatsworth House, and for permission from Roger Flindall to quote so extensively from his calendar. The calendar is in typescript, and about to be indexed, and, eventually published. West Derbyshire District Council are thanked for the opportunity to act as their expert witness, thus giving the writer the opportunity to see the process by which a Parliamentary Bill is prepared and becomes an Act - albeit for only a small part of the whole.

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