



Cornwall Submarine Mines Act 1858

1858 CHAPTER 109 21 and 22 Vict

An Act to declare and define the respective Rights of Her Majesty and of His Royal Highness the Prince of *Wales* and Duke of *Cornwall* to the Mines and Minerals in or under Land lying below High-water Mark, within and adjacent to the County of *Cornwall*, and for other Purposes. [2d August 1858]

Modifications etc. (not altering text)

C1 Preamble (not printed) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. IV](#)

I, II. F1

Textual Amendments

F1 [Ss. 1, 2, 7, 9](#) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. IV](#)

III Her Majesty and Her Lessees to have Liberty to work such Minerals through the Lands of the Duchy.

It shall be lawful at all Times hereafter for Her Majesty, Her Heirs and Successors, and all and every Persons and Person who may for the Time being be entitled in right of the Crown to or to the Management of any of the said Mines and Minerals lying below Low-water Mark under the open Sea, adjacent to but not being Part of the County of *Cornwall* aforesaid, and for Her and their Lessees or Tenants, when and so often and so long as may be necessary for the Purposes herein-after expressed, to take or use or to pass through, over, or under any Lands for the Time being Parcel of the Soil and territorial Possessions of the said Duchy within the said County, and which Lands shall be either in the Occupation of Tenants under Leases or Agreements made subsequently to the Date of this Act, or in the Occupation of the Duke of *Cornwall* for the Time being, in order to make or sink any Pits, Shafts, Adits, Drifts, Levels, Drains, Watercourses, Pools, or Embankments, and to make, lay, place, use, and repair any Spoil Banks, Roads, Ways, Bridges, and Banks, and to make, erect, and repair

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any Lodges, Sheds, Steam and other Engines, Buildings, Works, and Machinery in, under, upon, through, over, or along the said Lands, or any Part thereof, which may from Time to Time or at any Time hereafter be required, and to do all such other Acts as may be necessary or convenient for working, searching for, digging, raising, or carrying away, dressing, or making merchantable the same Mines and Minerals, giving to the Duke of *Cornwall* for the Time being, and to any other Person or Persons who for the Time being may be interested in the Land so required, Two Months previous Notice thereof, stating the Nature of the Facilities required, and also making Compensation and Satisfaction to the Duke of *Cornwall* for the Time being, and to other the Person or Persons, if any, for the Time being interested in the said Lands so taken or used or passed through, over, under, or along in the Manner herein mentioned: Provided always, that no Pit, Shaft, Adit, Drift, Level, Drain, Watercourse, Pool, or Embankment which shall or may weaken, damage, injure, or endanger any House or other Building, shall be sunk, driven, or made, nor shall any Tramroad, Waggon, or other Way, or any Works or Machinery, be placed, laid, made, or erected, nor shall any Minerals be dressed or made merchantable within Fifty Feet of any Dwelling House, or upon any Garden or Orchard, or so as to interfere with any Mining Works or Operations for the Time being of the Duke of *Cornwall* for the Time being, His Lessees or Tenants.

IV Compensation to be made.

Provided also, That Her Majesty, Her Heirs or Successors, or other the Person or Persons making use of the said Facilities, or any of them, shall make to the Duke of *Cornwall* for the Time being, and other the Person or Persons, if any, for the Time being interested as aforesaid, Compensation and Satisfaction for such Facilities, and for any Damage or Injury occasioned thereby or consequent thereon, to be ascertained as hereinafter provided; and further, that Her Majesty, Her Heirs or Successors, or other the Person or Persons making use of the said Facilities, or any of them, do and shall make, erect, and keep good and sufficient Gates, Rails, Bars, or Posts in all Places where the same shall be necessary or proper, to shut up or enclose any Breach, Gateway, or Opening which shall be made from Time to Time in any of the Fences of the said Lands, and shall also make all Conveniences necessary and proper for the Convenience and Safety of the Owners or Occupiers for the Time being of the said Lands and other Lands adjoining thereto, and of the Public, in order to prevent any Damage or Inconvenience and Trespasses upon the same Lands, or any of them, by Cattle or other Animals.

V Mode of ascertaining Compensation.

In all Cases where the said Facilities or any of them shall be used upon, through, over, under, or along Lands lying between High-water Mark and Low-water Mark Part of the Soil and territorial Possessions of the Duchy of *Cornwall*, the Compensation and Satisfaction to be made shall be a Sum equal to One Fifteenth Part of the nett Dues or Moneys to be from Time to Time received by Her Majesty, Her Heirs or Successors, from the Mines and Minerals lying below Low-water Mark as aforesaid, which shall be worked and gotten by means of the said Facilities, or any of them, in addition to Compensation and Satisfaction for or in respect of any Building, Wharf, or other artificial Structure on the said Lands which may be injuriously affected by the said Facilities being used upon, through, over, under, or along the same, such Compensation and Satisfaction to be settled in the same Manner as the Compensation and Satisfaction hereinafter provided for; and that when the said Facilities or any

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of them shall be used on, through, over, under, or along any Land other than Lands lying between High-water Mark and Low-water Mark as aforesaid, if the Amount of Compensation and Satisfaction to be made for the same shall not be determined by Agreement, then and in every such Case the Matter in difference shall be settled by Arbitration by Two Arbitrators, One Arbitrator to be named by the Officer for the Time being having the Management of the Land Revenues of the Crown in *Cornwall*, and another Arbitrator to be named by the Duke of *Cornwall* for the Time being, or by the Council of the Duchy for the Time being, or by other the Person or Persons, if any, for the Time being interested in the said Lands so to be used as aforesaid, and the Matter in difference shall be determined by the said Arbitrators, or by an Umpire to be appointed by them before they shall enter upon the Reference; and if such Arbitrators or either of them, or such Umpire, shall die or refuse or for Seven Days neglect to act, other Persons or another Person shall forthwith be named or appointed to supply the Places or Place of the Persons or Person so dying or refusing or neglecting to act, in the same Manner as such last-mentioned Persons or Person were or was named or appointed; and further, the said Arbitrators or Umpire shall determine by whom and how the Costs of the Reference and Award or Umpirage shall in each Case be paid, and they or he may call for any Documents in the Possession or Power of either of the Parties which may be deemed necessary for determining the Matter in difference, and may summon and examine upon Oath any Witness, and administer the Oath for that Purpose.

VI Her Majesty not to be liable for any Damage done by Her Lessees.

Provided always, That Her Majesty, Her Heirs or Successors, shall not be liable to the Payment of Compensation for any Damage done by any Lessee or other Person in or about any searching or working for Mines or Minerals under the Authority of this Act, but that such Compensation shall be payable and paid by the Lessee or other Person committing such Damage, his Heirs, Executors, or Administrators.

VII^{F2}

Textual Amendments

F2 Ss. 1, 2, 7, 9 repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. IV](#)

VIII Interpretation of Terms.

In this Act the following Expressions and Words shall have the several Meanings hereby assigned to them, unless there is something in the Context repugnant to such Construction; the Expressions “Duke of *Cornwall*” and “Duke of *Cornwall* for the Time being” shall comprehend the Personage for the Time being entitled to the Revenues of the Duchy of *Cornwall*, and shall include Her Majesty, Her Heirs and Successors, when there may be no Duke of *Cornwall*; the Expression “Mines and Minerals” shall comprehend all Mines and Minerals, and all Quarries, Veins, or Beds of Stone, and all Substrata of any other Nature whatsoever, and the Ground and Soil in, upon, and under which such Mines and Minerals, Quarries, Veins, or Beds of Stone, and other Substrata lie; and the Words “the County of Cornwall” shall mean the said County exclusive of any Lands added thereto or taken therefrom by the ^{M1}Counties (Detached Parts) Act 1844.

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Marginal Citations

M1 1844 c. 61.

IX **F3**

Textual Amendments

F3 Ss. 1, 2, 7, 9 repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. IV**

X Short Title.

In citing this Act in any Act of Parliament, Deed, or other legal Instrument, it shall be sufficient to refer to it as, “The *Cornwall Submarine Mines Act 1858*.”

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