



Cornwall Submarine Mines Act 1858

1858 CHAPTER 109

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 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,

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and may summon and examine upon Oath any Witness, and administer the Oath for that Purpose.