



Duchy of Cornwall (No. 2) Act 1844

1844 CHAPTER 105 7 and 8 Vict

An Act to confirm and enfranchise the Estates of the Conventiounary Tenants of the ancient Assessionable Manors of the Duchy of Cornwall, and to quiet Titles within the County of Cornwall as against the Duchy; and for other Purposes. [9th August 1844]

Modifications etc. (not altering text)

- C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\), Sch. 2](#)
- C2 Jurisdiction of Stannaries Court transferred to County Court by S.R. & O. 1896/1106 (Rev. V, p. 162: 1896, p. 58)

I—^{F1}
XXXVIII.

Textual Amendments

- F1 Ss. 1–38, 41–52, 81–91, 93, 94, which were spent, are repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\), Sch. 1 Pt. IV](#)

XXXIX Award to be in Triplicate, and to be deposited in certain Offices, and Copies and Extracts thereof to be furnished.

The Award to be made in pursuance of this Act as aforesaid shall be signed in Triplicate by the said Commissioners, and within One Calendar Month from the Date thereof one Part thereof shall be lodged with the Keeper of the Records of the Duchy of Cornwall, another Part with the Clerk of the Peace for the County of Cornwall, and a Third Part among the Records of the Court of the Vice Warden of the Stannaries of Cornwall; and that the said Keeper of the Records, Clerk of the Peace, and the Registrar of the Court of the said Vice Warden shall furnish Copies or Extracts thereof at the Rate of Fourpence per Folio of Seventy-two Words, and a reasonable Remuneration for any Copy of or Extract from a Map, and shall for a Fee of [^{F2}25p.] permit the same to be examined and compared with the Originals at all seasonable Times; and the said Keeper of the Records, Clerk of the Peace, and the said Registrar shall also at all seasonable Times

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

permit any Person interested therein to inspect the said Award, upon Payment of a Fee of [^{F2}25p.] for each such Inspection.

Textual Amendments

F2 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

Modifications etc. (not altering text)

- C3** “The award to be made in pursuance of this Act” specified the properties in the scheduled manors which were held as conventional tenements, and mines, minerals, etc. belonging to the Duke of Cornwall
- C4** Reference to Four-pence to be read as referring to equivalent amount in new currency: [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

XL Award to be conclusive in all future Questions as to the Subject Matters thereof.

After such Award shall have been made and executed by the said Commissioners the same shall for all Purposes be binding and conclusive as to the Subject Matters thereof on the Duke of Cornwall and all other Persons whomsoever; and if at any Time afterwards any Question or Dispute shall arise between the Duke of Cornwall and any other Person as to whether any Lands or Tenements within the said Manors mentioned in the said First and Second Schedules hereunto annexed were, on the said First Day of May One thousand eight hundred and forty-four, or at any Time within One hundred Years before, held of the same Manors respectively as Conventional Tenements, or for what previous Time within such Period the same were so held, or as to the Boundaries, Identity, or Situation thereof, or as to what waste or other Lands, Mines, Minerals, Stone, Substrata, or Hereditaments lying within the same Manors respectively belong to the Duke of Cornwall, or the Boundaries, Identity, or Situation thereof, or as to the Boundaries or Extent of any of the said Manors, or as to what Lands, Mines, Minerals, Stone, Substrata, and Hereditaments within the said Manors respectively belong to the Duke of Cornwall, and the Boundaries, Identity, and Situation thereof respectively, or as to any annual Sum by the said Award directed to be payable, or the Lands, Tenements, or Hereditaments out of which the same shall be payable, or as to any other Matter or Thing which shall, in pursuance of the Directions of this Act, be distinguished, specified, or determined in or by such Award, or any Map thereto, then every such Question and Dispute shall (so far as possible) be decided exclusively and absolutely by such Award or Map; and a Copy thereof, or of so much thereof as relates to the Subject in dispute, certified to be a true Copy under the Hand of any Officer in whose Custody any Part of such Award or Map shall be in pursuance of this Act as aforesaid, shall be admitted and received in all Actions, Suits, and Proceedings in any Court of Law or Equity, or before any Justice of the Peace or other Jurisdiction, as primary Evidence of so much of the said Award as the said Copy purports to certify.

XLI— ^{F3}
LII.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

Textual Amendments

- F3** Ss. 1–38, 41–52, 81–91, 93, 94, which were spent, are repealed by [Statute Law \(Repeals\) Act 1978](#) (c. 45), [Sch. 1 Pt. IV](#)

LIII All Mines and metallic Minerals under Conventional Lands, and all Mines, Minerals, Stone, and Substrata and other Profits under and of other Lands in the unsold Manors, to belong to the Duke of Cornwall.

All Mines and metallic Minerals in and under all and singular the Tenements now or at any Time within One hundred Years before the said First Day of May One thousand eight hundred and forty-four held as Conventional Tenements of the said Manors mentioned in the said First Schedule hereunto annexed respectively, and all Mines, Minerals, Stone, Substrata, and all other Profits whatsoever in, upon, under, and of all Waste and other Demesne Lands of the same Manors respectively, and all Mines, Minerals, Stone, and Substrata in, upon, under, and of all other Lands lying within or Parcel of the same Manors respectively, and which said last-mentioned Mines, Minerals, Stones, or Substrata shall by such Award be determined to belong to the Duke of Cornwall, do and shall belong absolutely to the Duke of Cornwall as Possessions by the herein-before recited Charter granted, and thereby annexed to the Duchy of Cornwall as aforesaid, but without Prejudice to the Estates or Rights (if any) of any of the present Lessees of the Duke of Cornwall therein.

LIV Similar Provision as to the Mines and metallic Minerals within the sold Manors.

All Mines and metallic Minerals in, upon, under, and of all and singular the Tenements now, or at any Time within One hundred Years before the said First Day of May One thousand eight hundred and forty-four, held as Conventional Tenements of any of the said Manors mentioned in the said Second Schedule hereunto annexed respectively, and all Mines and metallic Minerals whatsoever in, upon, under, and of all Lands lying within the same Manors respectively, and which at the Times of the aforesaid Sales of such Manors respectively were Waste or Demesne Lands thereof respectively, and all Mines and metallic Minerals in, upon, and under all other Lands lying within or Parcel of the same Manors respectively, and which said last-mentioned Mines and metallic Minerals shall by such Award be determined to belong to the Duke of Cornwall, do and shall belong absolutely to the Duke of Cornwall as Possessions by the herein-before recited Charter granted, and thereby annexed to the Duchy of Cornwall as aforesaid, but without Prejudice to the Estates or Rights (if any) of any of the present Lessees of the Duke of Cornwall therein.

LV Right of the Duke of Cornwall and his Lessees to enter and work Mines, Minerals, Stone, and Substrata, making Compensation for Damage to the Surface, and for Use of Stone and Water.

It shall be lawful for the Duke of Cornwall, his Agents and Workmen, and his Lessees and their Agents and Workmen, and all Persons whom the Duke of Cornwall shall in that Behalf authorize, and their Agents and Workmen, to enter into and upon all Lands or Tenements of any Tenure situate or being within or held of any of the said Manors mentioned in the said First and Second Schedules hereunto annexed, all or any of the Mines, Minerals, Stone, or Substrata in, upon, under, or of which do or shall belong to the Duke of Cornwall as herein-before is declared and provided, and to search, dig

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

for, open, and work the same Mines, and get, carry away, and dispose of the same Minerals, Stone, or Substrata, and to erect all such Buildings, Steam and other Engines, and Machinery and Things, and sink and make all such Pits, Shafts, Levels, Adits, Air-holes, Tram and other Roads, and other Works, and to take from the said Lands and Tenements sufficient Stone, Lime, and Slate for such Buildings and other Works, and take and use and divert all such Water, and take and use all such Room for Ore and Rubbish and other Things, and do all such other Acts and Things upon, under, in, and about the aforesaid Lands and Tenements, as shall be necessary or convenient for working the same Mines, and getting, washing, dressing, rendering merchantable, carrying away, and disposing of the same Minerals, Stone, or Substrata, he the said Duke of Cornwall, or his Lessees, or the Persons authorized by him as aforesaid (as the Case may be), making to the Persons entitled to the Surface of such Lands or Tenements, or to such Water, adequate Compensation for the Damage which shall have been done or occasioned by the Exercise of the Rights, Privileges, and Easements aforesaid, and making to the Persons entitled to the same adequate Compensation for the Materials so taken as aforesaid: Provided nevertheless, that no Person shall be entitled to claim any Compensation for Damage to be done by the Exercise of any of the Rights, Privileges, or Easements aforesaid, unless such Claim be made in Writing before the Expiration of Six Calendar Months after such Damage shall have been done, or where the Entry or other Act by which such Damage shall be done shall be of a continuing Nature, then before the Expiration of Six Calendar Months from the Time when such Entry or other Act shall determine or cease: Provided also, that a Notice in Writing, claiming Compensation as aforesaid, given by or on behalf of the Person entitled to receive the same, to the Duke of Cornwall, or other Person by whom such Damage shall be done, or to any Agent or Workman who shall be employed by the Duke of Cornwall, or such other Person, in the Entry or other Act by which such Damage shall be done, shall be a sufficient Claim for the Purposes of this Act.

LVI Compensation in case of Dispute to be settled by Two Justices or by the Vice Warden, at the Option of the Party liable. Justices or Vice Warden to take the Assistance of Surveyor, &c. No Compensation to become payable for 12 Calendar Months after Entry, except under certain Circumstances.

If any Dispute shall arise between the Duke of Cornwall or his Lessees, or any Persons authorized by him to enter upon any Lands or Tenements as aforesaid, and any Person claiming Compensation for Damage done to such Lands or Tenements, or to such Water as aforesaid, by the Exercise of any of the Rights, Privileges, or Easements aforesaid, or claiming Compensation for Materials so taken as aforesaid, either touching the Matters in respect of which Compensation ought to be made in pursuance of this Act, or the Amount of such Compensation, such Dispute shall be decided either by Two Justices of the Peace for the County of Cornwall, or (at the Option of the Person from whom such Compensation is claimed) by the Vice Warden of the Stannaries of Cornwall, upon the Petition of any or either of the Parties so disputing or otherwise; and it shall be lawful for the said Justices or Vice Warden, at the Expence of the Parties disputing, or any or either one of them, in their or his Discretion, to require the Aid, and take the Opinion or Advice of any Surveyor, Mining Agent, or other Person, and to adopt such other Measures, and give such Directions, as shall appear to the said Justices or Vice Warden expedient for enabling them or him to determine concerning the Matters in dispute as aforesaid: Provided always nevertheless, that no Application, except by Consent, shall be made to the said Justices or to the said Vice Warden to award Compensation for Damage done upon any Entry, under the Authority of this Act, for the Purpose of searching for or working Mines and Minerals, until the End of Twelve Calendar Months next after such Entry, unless

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

such Search or Working shall have been sooner abandoned or discontinued, or unless the Persons entitled to such Compensation shall prove, to the Satisfaction of the said Justices or of the said Vice Warden, that the Amount of Compensation for Damage theretofore done is larger than the Sum or Sums of Money theretofore deposited or secured as a Security for such Compensation as herein-after provided.

LVII Compensation to be paid to the Person in possession or receipt of the Rents and Profits;

For the Purposes of this Act the Person entitled to claim and receive and agree upon the Amount of all Compensation for Damage done to such Lands or Tenements or Water as aforesaid, shall be the Person for the Time being in possession or in the receipt of the Rents and Profits of the Lands or Tenements or Water in or to which such Damage shall be done; and all such Compensation shall be received and held by such Person for the Benefit of himself and of the other Person (if any) having any Estates or Interests in the said Lands or Tenements or Water, according to their respective Estates and Interests therein; and the Receipt of such Person shall be a sufficient Discharge for the Compensation aforesaid, and shall exonerate the Person paying the same from being bound to see to the Title of the Person receiving the same, or to the Application thereof: Provided always nevertheless, that where the Lands or Tenements or Water to which Damage shall be done as aforesaid shall be in the Possession of any Lessee or Occupier at Rack Rent, or of any Lessee or Occupier not having a greater Estate or Interest therein than a Term of Twenty-one Years, such Lessee or Occupier shall not be deemed to be the Person in possession of such Lands or Tenements or Water, for the Purpose of receiving all Compensation as aforesaid, but shall be entitled to claim and receive Compensation for the Damage done to his Interest in such Lands or Tenements or Water, separately from the Compensation to be paid as herein-before is provided to the Person for the Time being in the Receipt of the Rents and Profits of the same Lands and Tenements or Water; and the Person who shall be in receipt of such Rack Rent or the other Rent payable by such Lessee or Occupier, or (if there be no Rent, then) the Person entitled to such Lands and Tenements in reversion or remainder immediately expectant on the Determination of the Term or Interest of such Lessee or Occupier, shall be deemed the Person for the Time being in possession or in receipt of the Rents and Profits for the Purposes of this Act.

LVIII for the Benefit of himself and others (if any) interested.

Provided always nevertheless, every Person receiving any such Compensation as aforesaid, who may not be entitled to an absolute and unqualified Estate of Inheritance in Fee Simple or Fee Tail, or be enabled to appoint or dispose of an absolute or unqualified Estate of Inheritance in Fee Simple in the Lands or Tenements or Water in respect of which such Compensation may have become payable shall, as between himself and the other Persons having Estates or Interests in the same Lands or Tenements or Water, have and be entitled only to such Estate or Interest in the same Compensation as will correspond with his Estate or Interest in the same Lands or Tenements or Water; and the Rights, Estates, and Interests of all or any of the Persons interested in such Compensation shall and may be established at the Suit of all or any of such Persons in the Court of the Vice Warden of the Stannaries of Cornwall, or in any other Court of Equity: Provided always nevertheless, that if in any Case the Amount of such Compensation shall not exceed in the whole the Sum of Twenty Pounds, the same shall be retained wholly for his own Benefit by the Person entitled to receive the same aforesaid, although he may have only a limited or qualified Estate or Interest in

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

the Lands or Tenements or Water in respect of which such Compensation may have become payable; but no Person having such limited or qualified Interest shall, under any Circumstances, be entitled so to retain any Compensation, if the Sums paid for such Compensation shall exceed in the whole the Sum of Twenty Pounds.

LIX When the Person in possession, &c. is under Disability or unknown, Compensation to be paid into the Court of the Vice Warden of the Stannaries.

Provided always nevertheless, when the Person for the Time being in possession or in the receipt of the Rents and Profits of the Lands and Tenements or Water to which Damage shall be done as aforesaid shall be a married Woman, or an Infant, or a [^{F4}person of unsound mind] or Idiot, or shall be under any other Disability, or shall be unknown or uncertain, or where Notice shall be given in Writing by or on behalf of any Person claiming any Estate or Interest in such Lands or Tenements or Water to the Person liable to pay any Money for Compensation for Damages done to such Lands or Tenements or Water, requiring that such Money be not paid to the Person in possession or in the receipt of the Rents and Profits of the same Lands or Tenements or Water, then and in any of such Cases, or in any other Case in which the same shall seem expedient, it shall be lawful for the Person liable to pay such Compensation to pay the same into the Hands of the Registrar of the Court of the Vice Warden of the Stannaries, for the Benefit of the Persons interested therein, according to their several Estates and Interests, as the said Vice Warden shall direct; and the Receipt of the said Registrar shall be a sufficient Discharge for the Compensation aforesaid, and shall exonerate the Person paying the same from being bound to see to the Application thereof; and the Rights, Estates, and Interests of all or any the Persons interested in such Compensation shall be determined by the said Vice Warden upon the Application of such Persons, or any of them, by Petition or otherwise.

Textual Amendments

F4 Words substituted by virtue of [Mental Treatment Act 1930 \(c. 23\), s. 20\(5\)](#)

LX Notice to be given before Entry to search or work Mines except in Waste Lands;

Before the Duke of Cornwall, or any Lessee of the Duke of Cornwall, or any other Person, shall, under the Authority of this Act, enter upon any Lands or Tenements (other than Waste Lands), to search, dig for, open, work, or get any Mines or Minerals, he shall give One Calendar Month's previous Notice in Writing of such intended Entry to the Occupier of the Surface of such Lands or Tenements, or (if such Occupier, or the Place of Abode of such Occupier, be unknown or uncertain) affix such Notice in or upon some conspicuous Part of such Lands or Tenements; and such Notice shall specify and describe the Lands and Tenements upon which such Entry is intended to be made, and shall state the Name and Place of Abode of the Lessee or other Person by whom or on whose Behalf such Entry is intended to be made.

LXI and Security for Damage.

Every Lessee or other Person (other than the Duke of Cornwall) who shall intend under the Authority of this Act to enter upon any Lands or Tenements (other than Waste Lands), to search, dig for, open, work, or get any Mines or Minerals, shall before making such Entry, if required so to do by any Person interested in the Surface

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

of such Lands or Tenements, deposit the Sum of Twenty Pounds, or any larger Sum which the Lessee or Person so entering shall think fit, with the Registrar of the Court of the Vice Warden of the Stannaries of Cornwall, or give to such Registrar a joint and several Bond, under the Hands and Seals of such Lessee or other Person, and of One or Two sufficient Sureties, (such Surety or Sureties, in case of Dispute, to be approved of by the said Registrar, or by any Two Justices of the Peace for the County of Cornwall,) conditioned for securing the Payment to such Registrar, or to the Registrar for the Time being of the said County, on Demand by him, of the Sum of Twenty Pounds, or any larger Sum which the said Lessee or other Person making such Entry shall think fit; and the Sum so to be deposited or secured by such Bond, as the Case may be, shall be held by the said Registrar as a Security for the Payment of the Compensation to become payable for the Damage to be caused by such Entry as aforesaid, and of the Costs to be incurred in any Proceeding for determining the Amount of such Compensation, or otherwise in relation thereto; and such Deposit, or the Money to be recovered upon such Bond, shall be paid and applied by such Registrar accordingly, either upon satisfactory Proof being made to him of the same having become payable, and of the Person entitled under the Provisions of this Act to receive the same, or any Part thereof, or according to the Direction of the said Vice Warden; and if in the Prosecution of such Search the Amount of Damage (to be decided as herein-before is provided), and of such Costs, if any, shall be equal to or exceed the Sum so deposited or secured as aforesaid, then and in such Case, and so often as the same shall happen, it shall be lawful for the said Vice Warden and he is hereby required, upon the Application of any Person interested in such Lands or Tenements, to issue his Injunction to stop the further Prosecution of such Search until the Amount of such previous Damage, and such Costs (if any), shall have been paid by the Person liable to pay the same, or until a further Deposit of not less than Twenty Pounds, or a further Bond for not less than Twenty Pounds, and with One or Two Sureties to be approved of as aforesaid, shall have been made with or given to the said Registrar as a Security for the Payment of the Compensation to become payable for the further Damage to be caused by such Search as aforesaid, and to be paid and applied by such Registrar as herein-before is provided.

LXII After Determination of Entry, and in other Events, Security to be given up.

Upon the Determination of the Possession upon such Entry as aforesaid, and after Compensation shall have been made for all Damage done, or during the Continuance of such Possession, if Compensation shall have been made for all Damage theretofore done, and the Mines shall either be in due and regular Course of working, or shall have ceased to be worked, any Monies which may remain in the Hands of the said Registrar out of the Deposit or Deposits which may have been made with him as aforesaid, or out of any Monies which may be recovered upon any such Bond as aforesaid, shall be repaid by him to the Person by whom the same shall have been deposited or paid, or his lawful Representatives; and any Bond which may have been given to the said Registrar as a Security as aforesaid, and which shall remain in force, shall be given up by him to the Obligors, or any of the Obligors thereof, to be cancelled; and if any Difference shall arise between the Parties whether the Possession upon any such Entry as aforesaid has determined, or whether Compensation has been made for all Damage done, or whether any Mines shall be in due and regular Course of working or shall have ceased to be worked, the same shall be determined by the Vice Warden of the Stannaries of Cornwall, upon the Application of any of the Parties by Petition or otherwise.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

LXIII Provision in case of the Change of the Registrar of the Court of the Vice Warden.

When any Registrar shall resign or be removed from his Office, or die, he, his Executors or Administrators, shall pay over all Monies, if any, which shall for the Time being be in their or his Hands on account of such Deposits or Bonds as aforesaid to the succeeding Registrar; and all Bonds which shall be given to any Registrar in obedience to the Provision herein-before contained may be sued upon by the Registrar for the Time being in his own Name, as if the same had been given to him; and the Registrar for the Time being shall hold all such Monies and Bonds for the Intents and Purposes herein-before mentioned.

LXIV Vice Warden to make Orders as to Monies for the Time being in the Hands of the Registrar.

The Vice Warden of the Stannaries of Cornwall, with the Approbation of the Lord Chancellor or Keeper of the Great Seal of England for the Time being, shall from Time to Time make and give such Orders and Directions for the Custody, Investment, Payment, and Application of the Monies which shall come to the Hands of the Registrar of the said Court, under any of the Provisions of this Act or otherwise, or which now are in the Hands of the said Registrar, as to the said Vice Warden, with such Approbation as aforesaid, shall seem meet; and that the Costs of all Applications, Suits, or Proceedings under or by virtue of this Act shall be in the Discretion of the said Vice Warden, and shall, if he shall so think fit, be taxed by the Registrar of his said Court, and shall be paid by such Person or out of such Fund, and to such Person and in such Manner, as the said Vice Warden shall direct.

LXV Remedies for the Recovery of Compensation by Action and otherwise.

Every Person who shall become entitled, either by Agreement or voluntary Arbitration, or by the Decision of the said Justices or Vice Warden, as is herein-before provided, to any Compensation for Damage done to the Surface of any Lands or Tenements or Water, under the Authority of this Act, or to any Costs as aforesaid, and who shall not receive the same from the Registrar aforesaid, out of the Monies herein-before directed to be deposited or secured for that Purpose, or otherwise, may recover such Compensation or Costs from the Person liable to pay the same by Action in [^{F5}the High Court] , or in the Court of the Vice Warden of the Stannaries of Cornwall; and every Person who shall so become entitled to any Compensation or Costs as aforesaid shall also, in respect thereof, be deemed to be a Mining Creditor, in respect of the Mines in the searching for or working whereof such Damage shall have been done, and shall have the same Rights of Lien or Hypothecation upon the Buildings, Machinery, Plant, and Materials belonging to such Mines, and the same Remedies, upon Petition or otherwise, by Injunction, Sale, and otherwise, in the Court of the Vice Warden of the Stannaries of Cornwall, upon and in respect of the Buildings, Machinery, Plant, and Materials belonging to such Mines, and the Ores gotten therefrom, as any other Mining Creditor has or may have: Provided nevertheless, that no Person shall be entitled to bring any Action or Suit, or take any Proceeding for the Recovery of or obtaining any Compensation for Damage to be done under the Authority of this Act, or for any Costs other than such Compensation or Costs as shall be agreed upon between the Parties or shall be ordered by the said Vice Warden.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

Textual Amendments

F5 Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), s. 224(1)

LXVI Compensation may be made by a periodical Sum, and for continuing Damage.

Any Compensation to become payable under this Act, whether by Agreement or otherwise, may, by the Agreement of the Parties, or at the Discretion of the said Justices or Vice Warden respectively, be made by the Payment of an annual or other periodical Sum, to continue payable during the Continuance of the Possession under such Entry as aforesaid, or for any less Period, and to be determinable either upon the Restoration of the Land entered upon to a State fit for Cultivation, or at any earlier Period, and may be made to cover and include as well past as continuing Damage.

LXVII The Duke not liable for Damage done by his Lessees or others.

The Duke of Cornwall shall not be liable to the Payment of Compensation for Damage to be done by any Lessee or other Person in or about any such searching or working for Mines or Minerals under the Authority of this Act as aforesaid.

LXVIII No Compensation to be made for Damage to Waste or Demesne Land.

Provided always nevertheless, the Provisions herein-before contained with respect to the Duke of Cornwall and his Lessees, and other Persons authorized by him, making Compensation for the Damage done to the Surface of Lands and Tenements, shall not apply to any Lands or Tenements which by the said Award shall be determined to be Waste or Demesne Lands of the Manors mentioned in the said First Schedule hereunto annexed respectively, or to any Lands or Tenements which at the respective Dates of the Conveyances of the Manors mentioned in the said Second Schedule hereunto annexed were Waste or Demesne Lands of the same Manors respectively.

LXIX Right of the Duke of Cornwall and his Lessees to remove Buildings and Works, or to allow the same to remain.

(Subject and without Prejudice to the Liens, Rights, and Remedies herein-before given to the Persons who may become entitled to Compensation for Damage as aforesaid) it shall be lawful for the Duke of Cornwall and his Lessees, and other the Persons authorized by him as aforesaid, and his and their Agents and Workmen, either to pull down, remove, and take away or fill up all Buildings, Steam and other Engines, Machinery, and Things, Pits, Mines, Dams, Sluices, and Works which may be erected or fixed or opened or worked upon any Lands and Tenements in pursuance of the Provisions herein-before contained, and which shall be no longer used for the Purposes aforesaid, or to allow the same to remain for any Time which the Duke of Cornwall or his Lessees, or other the Persons authorized by him, shall think fit, after the same shall have ceased to be used for the Purposes aforesaid; and no Buildings, Mines, Pits, Works, or other Things shall, by Non-user or otherwise, be deemed to be abandoned, so as to vest any Right or Title therein in the Owner of the Land, or to give any fresh Right of Compensation, on the same being resumed or again entered upon and used.

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

LXX No Damage to be done to any House, Building, Park, Garden, or Pleasure Ground.

Provided also, nothing in this Act contained shall authorize or empower the Duke of Cornwall or any Lessee or other Person claiming under him, to erect any Building, or Steam or other Engine, Machinery, or Thing, or sink or make any Pit, Shaft, Air-hole, Tram or other Road, or lay any Ore, Rubbish, or other Thing, or to enter into or upon the Surface of any Land which the said Commissioners by their Award shall certify to have been on the First Day of May One thousand eight hundred and forty-four appropriated as a Garden, Park, or Pleasure Ground, or as a Dwelling House, or a Yard or Curtilage to any Dwelling House (and which they are hereby authorized and required in and by such Award to certify accordingly), and which shall afterwards continue to be so appropriated, or in or upon any Land which may at any Time hereafter at the Time of Entry be actually and *bona fide* appropriated and used as a Dwelling House, or as a Yard, Curtilage, or Garden attached to a Dwelling House, so long as the same shall continue to be so appropriated and used, and so as no such Yard, Curtilage, or Garden shall extend more than Fifty Feet from such Dwelling House.

LXXI F6

LXXX.

Textual Amendments
F6 Ss. 71–80 repealed by [Limitation Act 1939 \(c. 21\)](#), [Sch.](#) and also expressed to be repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. IV](#)

LXXXI F7

XCI.

Textual Amendments
F7 Ss. 1–38, 41–52, 81–91, 93, 94, which were spent, are repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. IV](#)

XCII Interpretation of Act.

In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, over and above their several ordinary Meanings, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word “Person” shall include a Body Politic or Corporate:

..... F8

The Expression “the Duke of Cornwall” shall include as well His Royal Highness Albert Edward now Duke of Cornwall as His Predecessors and Successors Dukes

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

of Cornwall, and also the Queen’s most Excellent Majesty, and Her Predecessors and Successors Kings and Queens of England, for the Time being, entitled to the Manors, Lands, and Possessions of the Duchy of Cornwall, or the Revenues thereof, during a Vacancy of the Duchy of Cornwall:

The Expression “Conventiary Tenement” shall mean and include all Lands, Tenements, and Hereditaments now, or at any Time within One hundred Years before the said First Day of May One thousand eight hundred and forty-four, held as Conventiary Tenements of the Manors mentioned in the First and Second Schedules hereunto annexed, whether the Tenure thereof has been changed before or shall be changed after the passing of this Act or not, and shall include undivided Parts and Shares, and divided Parts and Shares, of and in such Conventiary Tenements:

..... F8

Textual Amendments

F8 Definitions, which were spent, are repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. IV](#)

XCIII, F9
XCIV.

Textual Amendments

F9 Ss. 1–38, 41–52, 81–91, 93, 94, which were spent, are repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. IV](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844. (See end of Document for details)

SCHEDULES TO WHICH THE FOREGOING ACT REFERS

FIRST SCHEDULE REFERRED TO BY THE ABOVE ACT

Helston-in-Trigg.	Talskedy.
Penmayne.	Liskeard.
Tintagel.	Rillaton.
Restormel.	Stoke Climsland.
Penlyne.	Trematon.
Penkneth.	

SECOND SCHEDULE REFERRED TO BY THE ABOVE ACT

Tewington.	Tywarnhaile.
Tybesta.	Helston-in-Kerrier.
Moresk.	Calstock.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Duchy of Cornwall (No. 2) Act 1844.