



# Duchy of Cornwall (No. 2) Act 1844

1844 CHAPTER 105 7 and 8 Vict

## **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 [<sup>F1</sup>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.

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### **Textual Amendments**

**F1** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#)

**Changes to legislation:**

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